

KRAJOWE BIURO WYBORCZE
NATIONAL ELECTORAL OFFICE
OF THE REPUBLIC OF POLAND

THE A C T
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on nation-wide referendum

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CONTENTS

	<i>Articles No</i>	<i>Page</i>
Chapter 1		
General principles	1 – 9	2
Chapter 2		
The organs of a referendum	10 – 19	5
Chapter 3		
Ballot paper, manner of voting and conditions of validity of the vote	20 – 21	9
Chapter 4		
Establishment of the results of voting and of referendum	22 – 32	10
Chapter 5		
Validity of a referendum	33 – 36	14
Chapter 6		
Referendum campaign and its financing	37 – 58	16
Chapter 7		
Financing of a referendum by the State budget	59	24
Chapter 8		
Referendum on questions of special significance to the State	60 – 67	24
Chapter 9		
Referendum on granting of consent to ratification of an international agreement	68 – 75	27
Chapter 10		
Referendum confirming amendment of the Constitutional Act of the Republic of Poland	76 – 79	28
Chapter 11		
Punitive provisions	80 – 88	29
Chapter 12		
Special provisions	89 – 90	31
Chapter 13		
Amendments to the provisions in force, transitional and final provisions	91 – 96	32

Chapter 1

General principles

Article 1. The Act establishes the rules and methods of conducting a nation-wide referendum, mentioned in Article 125 and in Article 90, paragraph 3 and in Article 235, paragraph 6 of the Constitutional Act of the Republic of Poland.

Article 2. 1. The citizens of the Republic of Poland, by their vote, shall express their will as to the way of resolving a question submitted for referendum decision.

2. The referendum is done by giving of a positive or negative answer on an official ballot paper to the given question or questions, or by making selection between different solutions proposed.

Article 3. 1. Citizens of the Republic of Poland have the right to take part in a referendum if they are 18 years old no later than on the referendum day.

2. The following persons shall not have the right to take part in a referendum:

- 1) those deprived of public rights by a final ruling of a 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 4. 1. The day of referendum shall be a day, which is not a working day.

2. The voting in a referendum is held in one or two days.

3. If voting in a referendum is held during two days then the day of voting shall be a day, which is not a working day, and the day preceding it.

Article 5. 1. Votes shall be cast in person only.

2. Voting shall be held in the referendum polling station during one day or two successive days.

3. If voting in a referendum is held within one day only then it is conducted without a break between 6:00 a.m. and 10:00 p.m.

4. If voting in a referendum is held within two days then it is held without a break between 6 a.m. and 8 p.m. and the break starts at 8 p.m. the first day of voting till 6 a.m. the following day.

5. The provisions of 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 (*Dziennik Ustaw Rzeczypospolitej Polskiej (Journal of Laws of the Republic of Poland)* No. 46, item 499, No. 74, item 786 and No. 154, item 1802 and of 2002: No. 14, item 984, No. 127, item 1089 and No. 153, item 1271). - shall be applicable respectably to the methods of conducting the vote.

Article 6. 1. Voting in a referendum shall be held:

1) in the premises of permanent electoral wards created on the basis of the Act of 16th July 1998 – on elections to the commune councils, district councils and voivodeship councils (*Dziennik Ustaw Rzeczypospolitej Polskiej (Journal of Laws of the Republic of Poland)* No.95, item 602 and No. 160, item 1060, with amendments);

2) in electoral wards created in hospitals and social welfare establishments;

3) in electoral wards created in penal institutions and houses of detention as well as external departments of such institutions;

4) in electoral wards created for citizens of Poland staying abroad;

5) in electoral wards created for citizens of Poland aboard Polish sea-ships.

2. The provisions of 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 shall be applied accordingly to the electoral wards created in hospitals and social welfare establishments as well as to the penal institutions and houses of detention.

3. The provisions of 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 shall be applied accordingly to the electoral wards created for citizens of Poland staying abroad and to the electoral wards created for citizens of Poland aboard Polish sea-ships.

4. Any changes of the area of electoral wards may be realized, if justified, according to the manners described in the Act of law - on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland.

5. Information on the consecutive numbers and on the boundaries of the electoral wards, as well as on the location of the ward referendum commissions, referred to in paragraphs 1 and 2 and in Article 7, paragraph 2 shall be published by the head of the commune (mayor, president of town) in a form of an announcement, no later, than on 40th day before the referendum day.

6. The obligation described by paragraph 5, concerning electoral wards created abroad, shall lie with consul. Realization of such task shall be executed no later than on 21st day before the referendum day.

7. The captain of a ship shall inform legitimate voters on the board on creation of an electoral ward.

Article 7. 1. Electoral wards may be established in student hostels and complex of hostels administered by higher schools or other subjects acting per agreement entered with higher schools, if they are dwelled by at least 50 persons which shall inform, in writing, the president of the school which administered a hostel, or with whom another institution signed an agreement on administering a hostel, on their

intention to stay in the hostel during the referendum day.

2. The council of a commune shall establish, on a motion of a head of the commune (mayor, president of town) electoral wards mentioned in paragraph 1, and shall establish the consecutive numbers and the boundaries of the electoral wards, as well as the location of the ward referendum commissions. The establishment of those wards shall be done no later, than on 45th day before the referendum day.

Article 8. 1. The persons who have the right to take part in a referendum shall be entered in the roll of voters.

2. The person may be entered in one roll of voters only.

Article 9. 1. The roll of persons entitled to take part in a referendum shall be prepared and actualised by a commune as a commissioned task, with reservation to the paragraph 2. The roll shall be drawn on the basis of the permanent register of voters in a commune, maintained pursuant to the rules prescribed in the Act of law – on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland.

2. The roll of persons having right to participate in referendum, which are aboard Polish sea-ships or staying abroad shall be created by the captain of the ship or by territorially competent consul, respectively.

3. The persons who shall be 18 years old on the second day of voting shall be inserted in a supplementary roll.

4. Roll of persons that have right to participate in a referendum, and which are staying in a hostel, shall be prepared on the basis of a list of persons that shall stay in such a house during the referendum day.

5. The presidents of higher schools shall submit list of persons, referred to in paragraph 4 above, to the office of a commune, no later than on the 10th day before the referendum day.

6. The office of the commune of the last registration of a person as a permanent resident shall be immediately notified of the decision on including or adding to the roll, the persons entitled to participate in a referendum, referred to in paragraph 4 above.

7. The provisions of 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 shall be applied respectively to the roll of persons entitled to participate in a referendum.

8. The minister responsible for public administration, in agreement with the National Electoral Commission, shall, by directive, specify the methods of maintaining and rendering accessible the roll of persons entitled to participate in a referendum, a specimen of the roll, the method of its updating and availability for public inspection, and a specimen of an application by a person to view the roll of voters, and a specimen of an application by a person to have his/her name entered

on the roll, specimens of rolls of persons in hospitals, welfare homes, prisons or those under arrest as well in students houses where electoral wards are created, and a specimen of a notification informing that a person has been entered or added to the roll of persons entitled to participate in a referendum of another electoral ward, and a specimen and methods of issue of a certificate confirming the right to vote in a referendum.

9. The minister responsible for marine economy, in agreement with the National Electoral Commission, shall issue a directive specifying the procedure for creating and updating the roll of persons that have right to participate in a referendum, 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, and the method of issuing certificates confirming their right to vote.

10. 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 persons staying abroad and possessing valid Polish passports, which are entitled to participate in a referendum, 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.

Chapter 2.

The organs of a referendum

Article 10. A referendum shall be conducted by:

- 1) The National Electoral Commission – established pursuant to 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;
- 2) Electoral commissioners – established pursuant to the Act of 16 July 1998 on elections to commune councils, district councils and voivodeship councils;
- 3) Referendum ward commissions later called “ward commissions”.

Article 11. 1. The National Electoral Commission shall ensure organisation and administration of the referendum.

2. The duties of the National Electoral Commission shall include, in particular:

- 1) the supervision of preparation of a referendum and observance of provisions that establish rules and methods of conducting a referendum;
- 2) the explanation of the method of voting in a referendum;
- 3) the investigation of complaints against the actions of electoral commissioners;

- 4) the dissolution of ward commissions upon the conclusion of their statutory duties;
- 5) the creation of regulations for ward commissions as well as specimens of their seals and official forms and printed materials;
- 6) the preparation of a protocol on results of a referendum and a report on the course of referendum;
- 7) the publication and announcement in the *Dziennik Ustaw (Journal of Laws of the Republic of Poland)* of results of a referendum.

3. The National Electoral Commission may establish, in a resolution, the rules and procedure for exploitation by electoral commissioners and by ward commissions of electronic systems to establish the results of the vote and the result of a referendum, as well as transmitting and processing the data from election protocols through electronic network.

Article 12. The duties of the electoral commissioner acting on an area of the respective territory shall include especially:

- 1) the assurance, in co-operation with the appropriate organs of local government, of the proper preparation and conduct of a referendum;
- 2) the supervision of observance of the above act of law by the ward commissions;
- 3) the consideration of complaints put against ward commissions;
- 4) the delivery of the ballot papers to the ward commissions, according to the procedure established by the National Electoral Commission;
- 5) the establishment of aggregate results of the vote and the submission of the above results to the National Electoral Commission.

Article 13. 1. Ward commission shall be appointed by the head of a commune (mayor, president of town) from amongst persons residing permanently on the territory of the respective commune, without prejudice to Article 14, no later the 21st day before the referendum day.

2. The ward commission shall consist of:

- 1) 4 to 8 persons, and if the data of the vote shall be performed in two subsequent days – 6 to 10 persons from amongst candidates submitted by subjects so entitled, referred to in Article 48, or by persons empowered by them;
- 2) one person designated by the head of a commune (mayor, president of town), to be a member of a commission in:

- a) permanent electoral wards; this shall be a person designated from amongst the local-government employees of the commune or their subordinate units;
- b) electoral wards established in hospitals and social welfare institutions; this shall be a person designated from amongst employees of those hospitals or institutions;
- c) electoral wards established in penal institutions and arrests; this shall be a person designated from amongst employees of those institutions or arrests,
- d) electoral wards in hostels – from amongst personnel of those hostels.

3. The subject referred to in paragraph 2, subparagraph 1 may submit to each of the electoral ward commission's only one candidate, referred to in paragraph 1. The submission shall be realised no later than on 30th day before the referendum day, together with a certificate, referred to in Article 49, paragraph 3.

4. Should the number submitted exceed 8 or – where the date of the vote in referendum has been assigned for two subsequent days – more than 10, the composition of the commission will be decided by drawing lots, executed publicly by the head of a commune, mayor (president of town).

5. Should the number submitted pursuant provisions of paragraph 3 be lower than 4, or - where the date of the vote in a referendum has been assigned for two subsequent days – lower than 6, the vacancy in the ward commission will be filled up to the lowest level, referred to in paragraph 2, subparagraph 1, by the head of a commune, mayor (president of town) from amongst persons permanently resided on the territory of a commune.

6. Submission to the panel of a ward commission, referred to in paragraph 2, subparagraph 2 and 5, shall be executed if a consent of a person concerned has been got.

7. The head of a commune, mayor (president of town) shall convene the first meeting of a commission.

8. On the first meeting, the commission shall elect its chairman and his/her deputy from amongst its own members. The composition of a commission shall be made public in a customary manner.

9. The minister responsible for public administration shall, on a motion of the National Electoral Commission establish, by ordinance, the procedure of submission of candidates to the ward commissions, a specimen of the submission paper, and the time limit of creation of ward commissions as well as the method of drawing lots.

Article 14. 1. The ward electoral commission existing in wards created on the board of Polish maritime vessels and those abroad, shall be appointed from

amongst voters by captains of those ships and territorially competent consuls respectively. The rules, procedure and the time limits for setting up such commissions referred to in paragraph 1 above shall be laid down in a resolution, by the National Electoral Commission

2. One person designated by the captain of a ship or a consul respectively, shall be a member of the ward commission referred to in paragraph 1 above.

Article 15. The duties of the ward electoral commission shall include, in particular:

- 1) the conduct of voting in the referendum ward;
- 2) the supervision of the observance of electoral law at the time and place of voting;
- 3) the establishment of voting returns in the wards and their announcement;
- 4) the delivery of voting records to the appropriate territorially electoral commissioner.

Article 16. 1. The provisions of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland concerning the ward electoral commissions shall apply respectively to the referendum ward commissions.

2. The minister responsible for public administration shall, in agreement with the National Electoral Commission establish, by ordinance, the amount and specify the principles of establishing the entitlement of ward commission members to a per diem allowance and lump sum allowance as well as compensation for travel and accommodation expenses, and also the manner of granting the leave from work.

Article 17. The provisions of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland shall apply respectively to the activities of ward commissions.

Article 18. 1. Services and technical and material maintenance of work connected with administration of the referendum by the National Electoral Commission shall be ensured, respectively, by the National Electoral Office and electoral commissioners, acting on the basis of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland.

2. Services and technical and material maintenance of work of a ward commission shall be ensured, as a duty ascribed to the commune, by the head of a commune or the mayor (president of town).

3. Duties, specified in paragraph 2, in respect to ward commissions created aboard Polish ships and abroad, shall be performed, respectively, by a captain of ships and a consul, competent territorially.

Article 19. 1. The competent subjects, referred to in Article 48, or persons acting as plenipotentiaries, may nominate one poll observer and his/her deputy to each of the ward commissions to observe the vote and establishment of voting results in the electoral ward. The provisions of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland shall apply respectively to the activities of poll observers. The provisions concerning the poll observer shall apply respectively to the deputy poll observer.

2. Poll observer or his/her deputy may attend the activities of the ward commission.

3. The provisions of paragraphs 1 and 2 shall apply respectively to poll observers nominated to observe establishment of the results of the vote and the result of the referendum by electoral commissioners and the National Electoral Commission.

Chapter 3

Ballot paper, manner of voting and conditions of validity of the vote.

Article 20. 1. The official ballot paper shall specify:

- 1) the description of the type of referendum and of the body which ordered it, as well as the date of holding a referendum;
- 2) the question or variants of solution to the issue being subject to referendum;
- 3) the information on the manner of voting.

2. The ballot paper may bear an explanation of the subject of referendum. The content of the explanation shall be established by the body, which ordered the referendum.

3. If the aim of a referendum is to obtain answer to a given question, the ballot paper shall include words “yes” and “No” and, if referendum’s aim is to choose an option between proposed variants of solutions, a successive number is put on the left side of each variant.

4. When a referendum deals with more than one issue, the ballot paper shall bear, successively, all given questions or variants of solution.

5. The ballot paper shall be printed on one side only. The ballot paper shall be printed with an imprint of the seal of the National Electoral Commission and there shall be marked a place for the seal of the ward commission.

6. The National Electoral Commission shall specify, in a resolution, the design of the ballot paper and procedure of their delivery to the ward commissions.

Article 21. 1. A voter shall answer to the given question by putting an “x” mark in the box adjacent to the positive answer “Yes”, or to the negative answer “No”, respectively, or shall make a choice between proposed variants of solution by putting on the ballot paper an “x” mark in a box adjacent to the number of the variant, indicating his/her support.

2. If, on the ballot paper had been put an “x” mark in both the boxes adjacent to the given question or when no “x” mark has been put in any of the boxes adjacent to the given question, the vote shall be deemed invalid.

3. If, on the ballot paper has been put an “x” mark in two or more boxes adjacent to different variants of a solution of a given question, or an “x” mark has not been put in any of the boxes adjacent to the number of a variant, the vote shall be deemed invalid.

4. The validity of the vote shall not be affected by writing in of any questions or variants of solution, or writing in any inscriptions behind the boxes of the ballot paper.

Chapter 4

Establishment of the results of voting and of referendum

Article 22. 1. The ward commission shall establish, immediately after the voting has been concluded, the number of unused ballot papers and shall place them in into sealed packages.

2. The ward commission shall establish, on the basis of the roll of voters, the number of persons entitled to vote and the number of persons to whom ballot papers were delivered.

3. The chairman of the commission, assisted by members of the commission, shall open the ballot box, and then the commission shall count the ballot papers taken from the ballot box.

4. The ward commission shall establish the number of persons, who has taken part in the referendum, on the basis of valid ballot papers taken from the ballot box.

5. The ballot papers torn completely shall not be taken into consideration in the counting, referred to in paragraph 4 above.

6. If, the number of ballot papers in the ballot box is smaller or exceeds the number of ballot papers delivered, the ward commission shall indicate the probable cause of such discrepancy in the record of the vote in the ward.

Article 23. Invalid shall be ballot papers other than those officially provided, or those not stamped with the stamp of the ward commission.

Article 24. 1. After establishing the number of valid ballot papers, the ward commission shall establish the result of the vote in the ward, referred to in Article 25, paragraph 2, subparagraphs 5-7.

2. If, in a referendum deals with more than one issue, formulated in a question or variants of solution, the ward commission shall establish the result of the vote for every question and for each choice of variant, separately.

Article 25. 1. The ward commission shall draw up, in three copies, the record of the vote in the ward.

2. In the record of the vote in a ward shall specify the numbers of:

- 1) persons entitled to vote;
- 2) persons to whom ballot papers were delivered;
- 3) invalid ballot papers, referred to in Article 23;
- 4) valid ballot papers (the number of persons who took part in the poll);
- 5) invalid votes, referred to in Article 21, paragraph 2 or 3;
- 6) valid votes;
- 7) valid votes – separately: positive “Yes” and negative “No” given as an answer to the question or to the chosen variant of solution.

3. The provision of Article 24, paragraph 2, shall apply respectively.

4. All members of the ward commission present at making of the record shall sign it. The record shall be stamped with a seal of the commission.

5. Members of the commission shall have the right to enter comments upon the record, specifying precise complaints, but this shall not exempt members from the duty to sign the record.

6. Poll observers shall have the right to enter comments upon the record, specifying precise complaints. Annotation on the complaints entered shall be inserted into the record.

7. The ward commission shall, after drawing up the record, immediately announce the result of the vote, by affixing one copy of the record inside premises of the commission, in the place open to the public.

Article 26. 1. The chairman of the ward electoral commission shall immediately deliver to the proper territorial electoral commission, in a sealed envelope, one copy of the record of voting in the ward, as well as explanations, made up by commission, of the complaints lodged according to the provisions of the Article 25, paragraphs 5 and 6.

2. The results of the vote from ward electoral commissions established abroad shall be delivered to the electoral commissioner for the commune Warszawa-Centrum and from electoral wards on Polish maritime vessels - to the electoral commissioner appropriate for the seat of the ship owner.

3. The rules and method of delivery of the results of the vote and records, referred to in paragraphs 1 and 2, to the electoral commissioner, shall be determined, in a resolution, by the National Electoral Commission

Article 27. After concluding the actions, referred to in Article 26, paragraphs 1 and 2, the chairperson of the ward commission shall immediately transfer the documents concerning the voting and the seal of the commission to the head of

the commune, mayor (president of town), consul or ship's captain respectively.

Article 28. 1. After having received the record of voting in the ward, the electoral commissioner shall immediately examine the accuracy of the results of voting in all the wards. If there are inaccuracies in the results established, then the commissioner shall order the ward commission to recalculate them and shall notify the National Electoral Commission of that fact.

2. The electoral commissioner shall, on the basis of the records in the wards, shall establish the results of voting on the territory within his/her competency and shall prepare, in three copies, the record of the results of the vote. The record shall specify the aggregated data, referred to I Article 25, paragraph 2. The provisions of Article 24, paragraph 2, and Article 25, paragraphs 4, 6 and 7, shall apply respectively.

3. The electoral commissioner shall immediately deliver the record, referred to in paragraph 2 above, to the National Electoral Commission, pursuant to the procedure established in a resolution by the Commission. The remaining documents concerning the referendum held shall be submitted by electoral commissioner to the Director of a Branch Office of the National Electoral Office, territorially competent for the seat of the electoral commissioner.

Article 29. 1. After having received the records from electoral commissioners, the National Electoral Commission shall examine the accuracy of the results of the vote, established by them.

2. In the event of any inaccuracy in establishing results of the vote, referred to in paragraph 1 above, the National Electoral Commission, in a resolution, shall order the electoral commissioner to repeat establishment of those results.

3. The National Electoral Commission shall:

- 1) establish results of the vote and of the referendum;
- 2) draw up the record of results of the referendum; the provisions of Article 24, paragraph 2, and Article 25, paragraphs 2 and 4, as well as 6 and 7, shall be applied respectively;
- 3) submit the record of results of the referendum, along with a report on the course of the referendum to: the President of the Republic of Poland, the Marshal of the Sejm, the Marshal of the Senate, the Chairman of the Council of Ministers and to the Supreme Court.
- 4) announce immediately the results of the referendum and shall publish them, in an announcement, in the *Dziennik Ustaw Rzeczypospolitej Polskiej (Journal of Laws of the Republic of Poland)*.

Article 30. The National Electoral Commission shall specify specimens of the records, referred to in Article 25, paragraph 1, and Article 28, paragraph 2, and Article 29, paragraphs 3, subparagraph 2, in a resolution.

Article 31. The minister responsible for culture and national heritage shall establish, on a motion of the National Electoral Commission made in consultation with the Director General of State Archives, in an order, the manner of delivery, retention and insight into documents pertaining to referendum.

Article 32. 1. If, the date of the referendum has been assigned for two successive days, the establishment of results of the vote by ward commission shall be realised in the second day of the referendum.

2. In the event, referred to in paragraph 1, the ward commission after conclusion of the voting in the first day, shall:

- 1) seal the aperture of the ballot box;
- 2) establish in a record:¹
 - a) the number of unused ballot papers;
 - b) number of persons entitled to vote, i.e. number of persons entered in the roll of persons entitled to participate in a referendum;
 - c) the number of ballot papers delivered to voters – on the basis of signatures in the roll of persons entitled to vote in a referendum.

3. After realisation of activities, referred to in paragraph 2, the commission shall insert in sealed packages the unused ballot papers and roll of persons entitled to vote in a referendum, which, together with the ballot box shall remain in the premises of the commission.

4. After conclusion of the voting in the first day of referendum, when the activities, referred to in paragraphs 2 and 3 has been realised, the chairman of the commission shall lock the door of the commission's premises and seals the entrance to the premises with a seal of the commission. The head of a commune, mayor (president of town) shall assure the protection of premises of the commission during the break in voting.

4a.² After realisation of activities referred to in paragraph 4, the ward commission shall immediately publish the data, referred to in paragraph 2, subparagraph 2, by affixing a copy of the record in a place open to the public, inside a building where commission premises are located; the provisions of Article 25, paragraph 4 shall apply respectively. The National Electoral Commission shall establish a specimen of the record.

5. The commission shall, before resumption of voting in the second day of referendum, confirm in a report, if the seals on the entrance of the premises of the commission, and also on the packages of ballot papers and roll of persons entitled to vote have remained intact.

¹ Amended by Act of 10 May, 2003

² Amended by Act of 10 May, 2003

6. The minister responsible for public administration, in agreement with the National Electoral Commission shall, by directive, specify the special conditions as to the protection of premises of the commission during a break in voting, as well as principles of the aid giving by the Police to the head of communes, mayors (presidents of towns) to ensure the proper protection of those premises

7. Detailed methods of realisation, by the electoral commissioners, of the activities referred to in paragraphs 2-5 shall specify, in a resolution, the National Electoral Commission, by ensuring the principles of administration of a referendum as well as protection of ballot boxes, packages and documents of referendum.

8. The provisions of paragraphs 2-7 shall apply to the polling wards, created on the Polish sea-ships an abroad, whereas:

- 1) the duty of ensuring protection of the premises of a commission, referred to in paragraph 4, shall lie on captains of a ship and a consul respectively;
- 2) the minister responsible for public administration, in agreement with the National Electoral Commission shall, by directive, specify any special conditions as well as duties of a captain of a sea- ship in the protection of premises of the commission during a break in voting;
- 3) the minister responsible for foreign affairs, in agreement with the National Electoral Commission shall, by directive, specify any special conditions as well as duties of a consul in the protection of premises of the commission during a break in voting.

Chapter 5

Validity of a referendum

Article 33. 1. A protest against the validity of referendum may be lodged on the basis of allegations of an offence committed against the referendum, or violation of this Act regarding the conduct of the poll or establishment of the results of the referendum.

2. If, the basis of lodging a protest is determined by an offence committed against the referendum or a violation by the National Electoral Commission of the provisions of this Act regarding voting, establishing the results of voting or results of referendum, the protest may be lodged by any person, having right to take part in a referendum.

3. A protest against validity of a referendum on the basis of allegations of an offence committed against the referendum, or violation of this Act regarding the conduct of the poll or establishment of the results of the referendum in a polling ward or by an electoral commissioner, may be lodged by a person

whose name occurred on the list of voters of the respective polling ward or on the territory within competence of the electoral commissioner.

4. The right to lodge a protest shall be also vested in a chairperson of the respective ward commission and to the subject so entitled, referred to in Article 48, or in a person authorized by it.

Article 34. 1. A protest shall be lodged with the Supreme Court in writing no later than the 7th day after the date of the announcement in the Dziennik Ustaw (Journal of Laws of the Republic of Poland) of the results of the referendum by the National Electoral Commission.

2. The provisions of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland concerning terms and the mode of lodging a protest as well as methods of its examination and also the mode of decision taken up by the Supreme Court - shall apply respectively.

Article 35. The Supreme Court shall, by a bench of the whole Chamber of Administration, Labour and Social Insurance, determine the validity of the referendum and shall take the decision in a resolution, adopted no later than the 60th day following announcement of results of a referendum. The resolution of the Supreme Court on validity of the referendum shall be immediately submitted to the President of the Republic, to the Marshal of the Sejm, to the Marshal of the Senate and to the Chairman of the Council of Ministers, and shall be published in Dziennik Ustaw of the Republic of Poland and also delivered to the National Electoral Commission.

Article 36. 1. In the case of the adoption by the Supreme Court of a resolution on the invalidity of voting in a ward or wards, if such invalidity of voting has not a bearing on results of the referendum, the National Electoral Commission, in a resolution, shall correct the results of the voting. While establishing of the results of a referendum, the number of persons eligible to vote and also the results of voting in that ward or wards shall not be taken into consideration. The National Electoral Commission in an announcement in the Dziennik Ustaw of the Republic of Poland shall immediately publish the corrected result.

2. If, the invalidation of voting in a ward or wards has a bearing on results of a referendum, The Supreme Court, in a resolution shall decide on repeat voting in that ward or wards or prescribe activity, following which the proceedings should be repeated.

3. On the basis of the resolution of the Supreme Court, referred to in paragraph 2, the National Electoral Commission shall immediately order to hold a repeat voting in a ward or wards, on a non-working day, no later than 20 days following the resolution of the Supreme Court, or shall order to perform prescribed activities, specify with which activities the proceedings should be repeated. The resolution of the National Electoral Commission shall be published and announced in the Dziennik Ustaw of the Republic of Poland.

4. The repeat voting in a ward or wards shall be conducted, using this same rolls of persons entitled to participate in a referendum and by this same ward commissions, if no inaccuracies in the rolls of persons entitled nor allegations put against ward commissions were the basis of invalidation. In such a case the new commissions shall be created and new rolls of persons entitled shall be drawn up.

5. The results of repeat voting in the ward or wards being established, the electoral commissioner shall correct the results of voting conducted on the territory within his/her competence, after that, the National Electoral Commission, in a resolution, shall establish the results of the vote and of the referendum. The resolution of the National Electoral Commission shall be published and announced in the Dziennik Ustaw of the Republic of Poland.

6. The President of the Republic of Poland, the Marshal of the Sejm, the Marshal of the Senate, the Chairman of the Council of Ministers and the Supreme Court shall be informed on results of a referendum, referred to in paragraphs 1 and 5.

Chapter 6.

Referendum campaign and its financing

Article 37. The referendum campaign consists in presenting the opinion of citizens, political parties, associations, foundations as well as other subjects about the problem put to referendum.

Article 38. The referendum campaign start on the day of proclamation of a resolution of the Sejm, or of a decision of the President of the Republic, or a decision of the Marshal of the Sejm respectively, and shall end 24 hours before the polling day.

Article 39. 1. From the end of referendum campaign until the conclusion of voting it shall be forbidden to organise assemblies, marches and demonstrations, to make speeches, distribute leaflets or to carry out any other forms of referendum campaigning.

2. It shall be forbidden to carry out any form of referendum campaigning on the premises of a ward commission and inside the building where such premises have been located.

Article 40. 1. It shall be forbidden to carry out referendum campaigning in work places in a way and by methods disturbing their ordinary functioning.

2. It shall be forbidden to carry out referendum campaigning within the areas of

- 1) offices of government administration, self-government administration as well as courts;
- 2) military units and other units subordinated to the minister of national defence, and in civil defence units;

3) quartered units subordinated to the minister of internal affairs.

3. There shall be forbidden in referendum campaigns any raffles, lotteries, gambling or contests rewarded in money or goods if their value is higher than the value of articles used normally in advertising or promotion.

4. It shall be forbidden in referendum campaigns to serve or supply alcoholic beverages free of charge or at their prevailing net prices, no higher than the normal purchase price or the cost of production.

Article 41. 1. From the end of the referendum campaign up until the conclusion of voting it shall be forbidden to publish the results of public opinion polls (pre-election surveys) on probable voting behaviour and referendum results, as well as to publish the results of public opinion polls made on the referendum day.

2.³ The prohibition, referred to in paragraph 1, does not affect the act of publishing of the data of ward commissions, referred to in Article 32, paragraph 4a.

Article 42. Protected by law shall be all referendum materials: posters, slogans, leaflets and other, bearing clear indication of their origin.

Article 43.1. Referendum posters and slogans may be affixed to the walls of buildings, fences, lanterns, and energy and telecommunication devices only with the consent of the owner or administrator of the property.

2. It shall be forbidden to affix referendum posters to the interior and exterior walls of government buildings or those of local administration and courts or on the territory of army and civil defence units as well as quartered units subject to the minister of internal affairs.

3. The council of a commune may prohibit affixing referendum posters and slogans on certain public buildings as well as on specified parts of public places on the grounds of protection of historic heritage or the environment.

4. While constructing private announcements related to referendum campaigning, the rules in force shall be observed. The provisions of Article 42 shall be applied respectively.

5. Referendum posters and slogans shall be affixed in a manner enabling their removal without causing damage.

6. The police (city guard) shall be obliged to remove posters and slogans affixed in such a way as to risk danger to life or health or may be dangerous to the security of property or to road traffic – at the cost of the relevant referendum subject, engaged in referendum campaigning.

³ Amended by Act of 10 May, 2003

7. The appropriate referendum subjects, engaged in referendum campaigning, shall remove referendum posters, slogans and other instruments of publicity installed for the purpose of the election campaign within 30 days following referendum day.

8. The head of a commune, mayor (president of town) shall order the removal of referendum posters and slogans as well as other instruments of publicity placed in contravention to the provisions of paragraphs 1 – 5 or have not been removed by the appropriate election committees within the time limit referred to in paragraph 7. The expenses entailed in such removal shall be borne by the subjects concerned.

Article 44. 1. If distributed, also by the press in the meaning of Press Law, referendum materials, especially posters, slogans leaflets, announcements, speeches or other forms of referendum propaganda and agitation shall contain inaccurate information, each, whose law, referred to in paragraph 2, has been infringed shall have the right to petition the district court to issue a ruling for:

- 1) prohibition of publication of such details and information;
- 2) confiscation of such materials;
- 3) rectifying such information;
- 4) publication of a reply in the case of infringement of an individual's rights,
- 5) apologising to the person libelled.

1. The district court, by a bench of one judge, shall examine a petition referred to in paragraph 1 within 24 hours in non-litigious proceedings. The court may examine 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, referred to in paragraph 1, and any person duly obliged to observe the court's ruling.

2. Within 24 hours any such ruling of a district court may be subject to appeal to the court of appeal, which shall be obliged to examine it within 24 hours following its proclamation. There shall be no legal recourse against the ruling of a court of appeal and it shall be subject to immediate execution.

4. Submission to publication, by so obliged, text of a rectification, answer or apologise shall be done within 24 hours, following the delivery of court's ruling at the expense of the person so obliged. The court shall indicate the daily newspaper, within the meaning of the Press Act, in which the rectification must be published. The publication shall be done immediately.

5. In the event of refusal or failure to publish such rectification, answer or apologise by a person so obliged in a manner described by a court ruling, the

court, on the motion of a person, referred to in paragraph 1, shall order publication of rectification by a writ of execution, at the expense of the person obliged so to do.

Article 45. The exercise of rights under this Act shall not prevent any wronged or injured person from asserting his/her rights under other statutes.

Article 46. Any information, communicates, appeals and slogans on referendum, published in press and television or by radio at the expense of subjects, engaged in referendum campaigning, shall bear indication is the payer and who is the donor. The responsibility for above mentioned indication shall belong to the editor, in the meaning of the Press Law.

Article 47. 1. The subjects engaged in referendum campaigning shall cover expenses out of their own sources and in accordance with provisions on their financial activities.

2. The provisions of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland - shall not apply to the financing of referendum campaigning.

Article 48. 1. The subjects entitled to participate in referendum campaigning in radio and television, referred to in Articles 49 – 55, later called: “entitled subjects” are:

- 1) a political party, which in the latest elections to the Sejm , held before referendum:
 - a) has formed its own election committee and has gained (on a national scale) at least three percent of valid votes cast for its constituency lists of candidates;
 - b) has been a member of an election coalition and such committee has gained (on a national scale) at least six percent of valid votes cast;
- 2) deputies club, senators club and a parliamentary club, which on a year before the day of proclamation of a resolution or decision on ordering of a referendum has gathered deputies or senators respectably, elected from amongst candidates submitted by the election committee of voters, and those deputies or senators have made up more than a half of members of those clubs;
- 3) an association or other social organisation which fulfils following conditions:
 - a) has been registered or notified, in accordance to the binding rules, no later than on a year before the day of proclamation of a resolution or decision on ordering of a referendum;
 - b) the area of is activities covers territory of the whole country;
 - c) conducts activities connected with the subject of referendum, and such activity has been inserted in its statutory objectives;
- 4) a foundation, which fulfils conditions referred to in paragraph 3, subparagraphs a and c;

- 5) a plenipotentiary, referred to in Article 63, paragraph 3.
2. Subjects, referred to in paragraph 1, no later than on the 40 day before the referendum day shall notify the National Electoral Commission on their intention to use their authority, referred to in paragraph 1, submitting along with the notification, respectively:
 - 1) a political party – the final decision of the Constituency Court in Warsaw on inserting of a party in the register of political parties;
 - 2) deputies club, senators club and a parliamentary club, referred to in paragraph 1, subparagraph 2 – a document indicating the subject entitled to represent such club and an information given by the Marshal of the Sejm or the Marshal of the Senate respectively – on formation of a club;
 - 3) an association or other social organisation or foundation – certified copy of the charter and an excerpt from the National Register of the Court on insertion of an association, organisation or foundation in the register, or a regulation of activities of a common association, testified by the respective supervised body.
 - 4) a plenipotentiary, referred to in paragraph 1, subparagraph 5 – a declaration, referred to in Article 65, paragraph 3.
 3. The National Electoral Commission, on the basis of documents, referred to in paragraph 2, shall give the subjects so entitled a certificate confirming their power, referred to in paragraph 1.
 4. Where notification, referred to in paragraph 2, does not meet terms of that provision, the National Electoral Commission, in 3 days following submission of the notification, shall refuse the certificate.
 5. The resolution of the National Electoral Commission on refusal of a certificate shall be immediately delivered, along with justification, to the subject that has supplied notification.
 6. The subject, referred to in paragraph 5, shall have the right to appeal to the Supreme Court against the decision of the National Electoral Commission refusing the certificate. The appeal shall be made in 3 days of the date of the refusal the certificate.
 7. The Supreme Court, sitting with a bench of three judges, shall examine the petition and issue it's 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 subject, referred to in paragraph 5, and to the National Electoral Commission. If the Supreme Court grants the petition, the National Electoral Commission shall immediately issue the certificate, referred to in paragraph 3.

Article 49. 1. Entitled subjects shall have the right to referendum campaigning in radio and television programmes of public broadcasters pursuant to the provisions of this Act in the form of referendum announcements.

2. A referendum broadcast, it is a part of a radio or television programme, not provided by the broadcaster, that is broadcast free of charge and constituting a separate entity in content or form, which enables the entitled subject to exercise the right to broadcasting time referred to in Article 50 or 51 for conducting their referendum campaign.

3. The act of broadcasting an referendum programme shall be realised by a public broadcaster by registration embracing the emission of an referendum programme prepared by an entitled subject – or by free access to a studio operated by professional personnel that shall record a referendum programme of an entitled subject and shall ensure its broadcast.

Article 50. 1. In the period of time beginning from the 16th day before referendum day up to the day ending the referendum campaign the Polish Television Joint-stock Company and the Polish Radio Joint-stock Company as well as regional radio and television companies, hereinafter called “Polish Television” and “Polish Radio” shall broadcast, without payment, on nationwide and regional channels the referendum programmes prepared by entitled subjects.

2. The total time of broadcast shall amount to:

1) on nationwide channels – 15 hours on Polish Television, including up to three hours for TV Polonia, and 30 hours on Polish Radio, including up to five hours broadcast for listeners abroad;

2) on regional channels - 10 hours on Polish Television and 15 hours on Polish Radio.

3. An entitled subject shall have the right to broadcast its referendum materials on both nationwide and regional channels.

4. The length of broadcasting time assigned to a referendum committee shall not be transferred to another committee.

Article 51. 1. If a referendum deals with an assent to ratification of international agreement, the Polish Television and Polish Radio shall broadcast, without payment, on nationwide and regional channels the referendum programmes prepared by entitled subjects, beginning from 21st day before the referendum day up to the end of referendum campaigning.

2. The total time of broadcast shall amount to:

2) on nationwide channels – 25 hours on Polish Television, including up to 5 hours for TV Polonia, and 45 hours on Polish Radio, including up to 8 hours broadcast for listeners abroad;

2) on regional channels - 15 hours on Polish Television and 20 hours on Polish Radio.

3. The provisions of Article 50, paragraphs 3 and 4 shall apply accordingly.

Article 52. 1. The length of time devoted to broadcasting referendum material shall be divided into equal parts amongst the subjects so entitled on the basis of information submitted by the National Electoral Commission, specifying the subjects so entitled.

2. The length of time devoted to broadcasting referendum material:

- 1) in nationwide channels – shall be established by the boards of Polish Television and Polish Radio respectively,
- 2) in regional channels – shall be established by directors of branch offices of Polish Television and presidents of board of subsidiary companies of Polish Radio.

3. A decision on the allocation of broadcasting time referred to in paragraph 2, may be subject to complaint by the entitled subject 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 examine the complaint and shall issue a decision. There shall be no legal recourse against the decision of the National Electoral Commission.

Article 53. 1. No later than the 18th day before referendum day polling day the editors-in-chief of the national television channels including Television Polonia, and regional channels, as well as the editors-in-chief of Polish Radio, in the presence of the representatives of entitled subjects, shall determine by lot the sequence of referendum programmes to be broadcast each day.

2. If a referendum deals with an assent to ratification of international agreement, drawing of lots shall be realised no later than the 23rd day before the referendum day.

Article 54. 1. The referendum programmes of an entitled subject shall be delivered to Polish Television or Polish Radio no later than 24 hours before the day of broadcast

2. The length of time of the programme delivered shall not exceed the time limit determined pursuant to the provisions of Article 52.

3. In the event, that Polish Television or the Polish Radio shall ascertain that the referendum programmes delivered by an entitled subject exceeds the allotted time limit for such broadcasts, they shall immediately require the respective subject to shorten the programmes.

4. If, after 8 hours time the summons, referred to in paragraph 3 has no effect, Polish Television or Polish Radio shall terminate the broadcast of that election programme at the moment when the time limit allocated to the respective election committee expires.

Article 55. 1. The National Council of Radio and Television shall, in an agreement with the National Electoral Commission, determine in a decision, the principles of procedure for allocating broadcasting time for referendum programmes, the scope of their registration, their method of preparation and broadcast, as well as the methods of publishing information on the timetable for broadcasting such programmes.

2. The National Council of Radio and Television shall, after seeking the opinion of the boards of the companies referred to in Article 50, paragraph 1, as well as the competent programme council, determine in order:

- 1) the total length of time of broadcasting of referendum programmes on each of the national and regional channels;
- 2) the schedule of time of referendum programmes on each of the national and regional channels;

Article 56. 1. Each entitled subject may broadcast, from the day beginning the referendum campaign, paid referendum advertisements emitted by radio and television broadcasters.

2. An referendum announcement constitutes an advertisement in the meaning of Article 4, paragraph 6 of the Act of 29 December 1992 on radio and television (Journal of Laws of 2001, No. 101, item 114 and of 2002 No 25, item 253 and No. 56, item 517), prepared and delivered by an entitled subject, referred to in paragraph 1 and delivered to be emitted as an element of its referendum campaigning.

3. Rates charged for the broadcast time of referendum advertisements referred to in paragraph 1 above shall be fixed on equal terms for all participants in accordance with the price list in force on the day of the proclamation of.

4. The rules concerning advertising on television and radio shall apply to referendum programmes, but the time assigned for the broadcasting of paid referendum advertisements shall not be subject to the time limits for commercials established by other regulations.

Article 57. 1. The broadcasters shall not be responsible for the content of referendum programmes and referendum announcements broadcasted.

2. The broadcasters cannot refuse the broadcasting the referendum programmes and announcements.

Article 58. Transmitting by organs of the State authority, including a body that administers referendum, of information, explanation and communications connected with the content of questions put or variants proposed, as well as answering to the questions of citizens – shall not constitute referendum campaigning.

Chapter 7

Financing of a referendum by the State budget

1. **Article 59.** 1. Expenditures related to the organisation and preparation and conduct of referendum shall be covered by the State Budget's section on Intentional reserves.
2. The State Budget shall cover expenditures related to:
 - 1) duties of the National Electoral Commission and the National Electoral Office prescribed in this Act;
 - 2) duties of electoral commissioners and ward commissions as well as tasks connected with ensuring services to them by assigned organs and organisational units;
 - 3) duties ascribed to the organs of government administration and their organisational units as well as other organs of the State;
 - 4) duties ascribed to the units of territorial self-government.
3. The financial resources for expenses ascribed to the units of territorial self-government shall be transferred in sufficient time to enable realisation of the expenditures.
4. The information concerning expenditures referred to in paragraph 2 above shall be published by the Head of the National Electoral Office no later, than within five months following polling day.
5. Provisions of public financing rules shall apply to the financial planning and realisation of the expenditures referred to in paragraphs 2 and 3 and to financial statistics.
6. The Head of the National Electoral Office shall administer the financial resources referred to in paragraph 1 above.

Chapter 8

Referendum on questions of special significance to the State

Article 60. The referendum on question of a special significance to the State may be ordered by:

- 1) The Sejm of the Republic of Poland in its own resolution, adopted by majority of deputies in the presence of at least half of statutory number of deputies, or
- 2) The President of the Republic, with the consent of the Senate, adopted by absolute majority of senators in the presence of at least half of statutory number of senators.

Article 61. 1. The Sejm may decide to submit a particular issue for referendum on its own initiative or on the motion of the Senate, of the Council of Ministers or a group of citizens. In the event, that the Sejm shall not accept a motion on organising a referendum, the Marshal of the Sejm shall inform the mover of such decision.

2. A motion on holding a referendum shall include proposals of questions or variants of solutions of the matters submitted to referendum.

Article 62. 1. The Sejm in its resolution on holding a referendum shall specify questions or variants of solutions of the issue submitted to referendum.

2. The specific method of a resolution of the Sejm on holding a referendum and hearing motions, referred to in Article 61, paragraph 1, shall be determined by the Regulations of the Sejm.

Article 63. 1. The Sejm may take a decision on holding a referendum in a specific case on a motion of a group of citizens, if they shall gain support in such a matter of at least 500 000 persons eligible to vote in a referendum.

2. A referendum held as a result of an initiative of citizens cannot deal with:

- 1) spending and revenue, especially taxes and other public tributes;
- 2) the State defence;
- 3) amnesty.

3. The submission of a motion, referred to in paragraph 1, shall be done in writing by a plenipotentiary. A plenipotentiary is a person shown in writing by the first 15 persons who support the motion.

3. A roll of citizens supporting a motion should be enclosed with a submission of a motion, specifying legibly the surname and forenames, date of birth, place of residence, number of PESEL identification as well as signatures of citizens, done with their own hands. The specimen of the roll shall be established, in a resolution, by the National Electoral Commission.

5. If, there are justifiable doubts concerning the correctness of the required number of signatures pursuant to the procedure specified in paragraph 3, the Marshal of the Sejm shall ask the National Electoral Commission to declare, whether the necessary number of signatures has been submitted.

6. If, as the result of legal proceedings, referred to in paragraph 4 above, the validly recorded number of signatures supporting a motion is fewer than required by law, the Marshal of the Sejm shall appoint a 14 days time limit to complete the number of signatures. The above decision, along with justification, shall be immediately delivered to a plenipotentiary.

7. If, the signatures have not been completed in a given time limit, the Marshal of the Sejm shall refuse to accept a motion. The above decision, along with justification, shall be immediately delivered to a plenipotentiary.

8. The decision, referred to in paragraphs 6 and 7, may be appealed by a plenipotentiary to the Supreme Court in 14 days of the date of delivery. The Supreme Court shall examine the complaint in 30 days, by bench of 3 judges, in non-litigious proceedings. There shall be no legal recourse against the decision of the Supreme Court.

Article 64. 1. The President of the Republic shall submit to the Senate the proposition of the order on holding a referendum, concerning the content of questions or variants of solutions of the issue put to referendum, as well as the date of its execution.

2. The Senate, within 14 days from the date of submission of the projected order of the President of the Republic, referred to in paragraph 1, shall, in a resolution, agree to order a referendum.

3. The specific mode of expressing the Senate's agreement, referred to in paragraph 2, is described by Regulations of the Senate.

Article 65. 1. The resolution of the Sejm or an order of the President of the Republic on holding a referendum shall describe:

- 1) the legal basis of executing the referendum;
- 2) the content of questions or variants of solutions of the issue being subject of the referendum;
- 3) the date of the referendum;
- 4) the time limits for performance of activities provided to execute the referendum.

2. If the voting in a referendum is held within two days, the resolution of the Sejm or decision of the President of the Republic, referred to in paragraph 1, shall describe the time limits for conducting the poll.

3. The resolution of the Sejm or the decision of the President of the Republic, referred to in paragraph 1, shall be published in the *Dziennik Ustaw (Journal of Laws)* of the Republic of Poland.

4. A referendum is held no later than the 90th day after proclamation of a resolution or order, referred to in paragraph 1.

Article 66. 1. The result of a referendum shall be valid if more than half of those eligible to vote cast their vote.

2. A referendum is decisive if:

- 1) majority of valid votes cast in reply to specified questions were positive or negative;
- 2) one of the variants of solutions of the issue proposed has got the majority of valid votes cast.

3. Respective State organs shall immediately undertake actions to execute the results of a decisive referendum, in conformity with the result obtained, by issuing legal acts or initiating other decisions, no later than 60 days from the day of publications, by the Supreme Court, of the resolution on the validity of a referendum in the Dziennik Ustaw (Journal of Laws) of the Republic of Poland.

Chapter 9

Referendum on granting of consent to ratification of an international agreement

Article 68. Referendum, referred to in Article 90, paragraph 3 of the Constitutional Act, shall be conducted according to the methods and rules established in this Act, with respect to the provisions of this Chapter.

Article 69. The Chairman of the Council of Ministers shall notify the Marshal of the Sejm on the agreement being signed, the ratification of which shall require the granting of a consent done according to the Article 90th, paragraphs 2 – 4 of the Constitutional Act, and shall simultaneously submit to the Sejm the text of the agreement, along with enclosures.

Article 70. 1. The Sejm shall decide, in a resolution adopted by majority of deputies in the presence of at least half of statutory number of deputies, on the methods selected to ratification an international agreement.

2. The Marshal of the Sejm shall notify the President of the Republic, the Marshal of the Senate and the Chairman of the Council of Ministers on adoption of a resolution, referred to in paragraph 1.

Article 71. 1. Referendum on granting of consent to ratification of an international agreement may be ordered by the Sejm or by the President of the Republic, after obtaining consent of the Senate, according to the rules and by methods referred to in Article 60.

2. The Sejm may adopt a resolution on ordering a referendum on its own initiative. The provisions of Article 65, paragraph 1 shall apply respectively to the resolution of the Sejm on ordering a referendum. The specific method of adoption of a resolution is determined by the Regulations of the Sejm.

3. The provisions of Articles 64 and 65, paragraph 1 shall apply respectively to the order of the President of the Republic.

Article 72. A specimen of the ballot paper shall be established by the National Electoral Commission.

Article 73. 1. The result of a referendum on granting of consent to ratification of an international agreement, referred to in Article 69, shall be valid if more than half of those eligible to vote have cast their vote

2. If, the result of a referendum is decisive and the positive answer gains majority of valid votes cast, the President of the Republic shall have the consent to ratification of an agreement, referred to in paragraph 1.

4. If the result of a referendum is decisive and the negative answer gains majority of valid votes cast, the President of the Republic shall have no consent to ratification of an agreement, referred to in Article 69.

Article 75. If the result of a referendum on granting of consent to ratification of an international agreement is not decisive, the Sejm may adopt anew a resolution on the method of granting consent to ratification of that agreement. The provisions of Article 70 shall apply respectively.

Chapter 10

Referendum confirming amendment of the Constitutional Act of the Republic of Poland

Article 76. A referendum, referred to in Article 235, paragraph 6 of the Constitutional Act shall be conducted with the manner and rules described in this Act of Law, excluding provisions of Chapter 9, with respect to the provisions of this Chapter.

Article 77. 1. A motion on holding a referendum, referred to in Article 235, paragraph 6 of the Constitutional Act shall be submitted to the Marshal of the Sejm by:

- 1) the 1/5 of the statutory members of the Sejm;
- 2) the Senate;
- 3) the President of the Republic.

2. The motion, referred to in paragraph 1, shall be submitted in 45 days time following the adoption by the Senate of the resolution on amendments of the Constitutional Act.

3. The Marshal of the Sejm shall immediately adopt an ordinance on ordering a referendum, referred to in paragraph 1. The provisions of Article 65, paragraphs 1-3 shall apply respectively.

4. The Marshal of the Sejm shall establish the day of holding a referendum, referred to in paragraph 1, on a day, which is not a day of work, within 60 days after the submission of a motion.

Article 78. 1. The question in the referendum shall begin with words:

“Are you ready to accept amendment of the Constitutional Act of 2nd April 1997, realised by the Act of Law of the day...(the title of the Act of Law)?”

2. A specimen of the ballot paper shall be established by the National Electoral Commission.

Article 79. 1. The amendment of the Constitutional Act in a referendum shall be accepted if it is supported by majority of persons which have taken part in a referendum.

2. The Marshal of the Sejm shall submit to the President of the Republic, for signature, the Act on amendment of the Constitution immediately after publication in the Dziennik Ustaw (Journal of Laws) of the Republic of Poland of a resolution of the Supreme Court on the validity of the referendum.

Chapter 11

Punitive provisions

Article 80. Any person who conducts referendum campaigning:

- 1) in the premises of the ward commission or inside a building where such premises have been located;
- 2) in the offices of government administration, self-government administration as well as courts;
- 3) military units and other units subordinated to the minister of national defence, and in civil defence units and also quartered units subordinated to the minister of internal affairs –
 - shall be punished by a fine.

Article 81. 1. Any person who with respect of a referendum:

- 1) shall affix referendum 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) shall violate existing provisions on maintenance of public order by installation his/her private announcement devices devoted to referendum campaign;
- 3) shall affix posters and slogans making it impossible to remove without causing damage –
 - shall be punished by a fine.

2. The similar punishment shall apply accordingly to:

- 1) a person obliged to remove referendum posters and slogans as well as other instruments of publicity, installed for the purpose of the election campaign who, within 30 days following referendum day fails to remove all posters, slogans and announcing devices;
- 2) a person, who acts as a editor in the meaning of the Press Law, who does not allow, against the law, to insert a clause indicated who is the payer and who is the donor of information, communicates, appeals and referendum slogans published in press and television or by radio at the expense of subjects taking part in referendum campaigning.

Article 82. Any person, who in connection with a referendum, shall not insert a clause indicated the origin of a referendum material -
- shall be punished by a fine

Article 83. 1. Any person, who shall collect signatures of support for a motion of a group of citizens being submitted to the Sejm on a referendum with the use of threat, deceit or pressure brought to obtain such signatures -
- shall be punished by a fine of between 1,000 to 10,000 Zl.

2. Similar punishment shall apply to a person, who collects signatures of support referred to in paragraph 1, 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 subordinated to the minister responsible for internal affairs.

3. A person, who grants salary for collecting or signing a list supporting a motion, referred in paragraph 1 -
- shall be punished by a fine of between 10,000 to 50,000 Zl

Article 84. Any person, who shall organise meetings, marches and demonstrations, deliver speeches, distribution of leaflets or any other forms of referendum agitation within the period beginning from the end of referendum campaign up to conclusion of voting-
- shall be punished by a fine

Article 85. Any person, conducting referendum campaigning, which from the end of the referendum campaign until the conclusion of voting, publishes the results of opinion polls on the probable behaviour of voters and referendum results, as well as opinion polls held on the polling day -
- shall be punished by a fine of between 500,000 to 1,000,000 Zl

Article 86. Any person, conducting referendum campaigning, who shall organise 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 –
- shall be punished by a fine of between 5,000 to 50,000 Zl

Article 87. Any person, conducting referendum campaigning, who

shall serve or supply alcoholic beverages free of charge or at their prevailing net prices, no higher than the normal purchase price or the cost of production -
- shall be punished by a fine of between 5,000 to 50,000 Zł

Article 88. The provisions on procedure in cases of misdemeanour shall be applicable to proceedings in matters referred to in Articles 80 – 82 and Article 84.

Chapter 12

Special provisions

Article 89. In event, the respective organs of a commune shall not realise in due time and in accordance with binding law their duties on creation of electoral wards, or creation of ward commissions, – then the proper territorially electoral commissioner shall summon such organs to execute those duties pursuant to the law in a due time – and if such time elapses with no result – the commissioner shall immediately realise those duties and shall notify the National Electoral Commission of this fact.

Article 90. 1. In the event, when referendum would be conducted on the very day on which the elections is held to the Sejm and to the Senate, as well as the elections of the President of the Republic:

- 1) the polling shall be conducted in electoral wards created to conduct the respective elections and on the basis of these same electoral rolls, prepared to those elections;
- 2) the duties of electoral commissioners and ward commissions shall be realised, respectively, by constituency and ward commissions created to conduct respective elections;
- 3) the provisions of Chapter 6 shall be applied to the referendum campaigning.

2. The National Council of Radio and Television shall, after seeking an opinion of the National Electoral Commission, determine in the decision, the specific principles and methods of joint conduct of referendum campaigning and also the election campaigning in radio and television programmes, with respect to:

- 1) the procedure in the case of division of the length of time devoted to broadcasting referendum material and election material in the Polish Television and Polish Radio programmes;
- 2) the method of preparation and broadcasting of referendum and also election programmes;
- 3) the methods of publishing information on the timetable for broadcasting of referendum and election programmes;
- 4) the timetable resulted from the calendar of activities, connected with the conduct of a referendum and of elections.

Article 91. 1. In the event, when more than one nationwide referendum would be conducted on the very day, the polling shall be conducted by this same ward commissions and on the basis of these same rolls of persons entitled to participate in a referendum.

2. In the event, referred to in paragraph 1, there shall be separate records of the vote and of the result of referendum drawn up for each referendum.

Article 92. 1. The provisions of the Act on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland shall be applied respectively to the cases not regulated by this Act.

2. In the event, when referendum would be conducted on the very day on which the elections of the President of the Republic is held, the provisions of the Act of 27 September 1990 on elections of the President of the Republic (Dziennik Ustaw of 2000, No. 47, item 544 and of 2002, No. 113, item 984 and No. 153, item 1271) shall be applied respectively to the cases not regulated by this Act.

Chapter 13

Amendments to the provisions in force, transitional and final provisions

(Articles 93 – 95 cover amendments to the Acts on election of the President of the Republic, to the Act on political parties and to the Act on elections of the Sejm and Senate of the Republic)

Article 96. In the first nationwide referendum, conducted after this Act become valid, the following time limits shall be shortened:

- 1) those referred to in Article 6, paragraph 2, on creation of electoral wards, as well as changes of electoral wards or location of ward referendum commissions – up to 40th day before referendum day;
- 2) those referred to in Article 6, paragraph 5, – up to 35th day before referendum day;
- 3) those referred to in Article 7, paragraph 2, – up to 40th day before referendum day;
- 4) those referred to in Article 13, paragraph 1, – up to 16th day before referendum day;
- 5) those referred to in Article 13, paragraph 3, – up to 25th day before referendum day;
- 6) those referred to in Article 48, paragraph 6, – up to 2nd day before referendum day;
- 7) those referred to in Article 48, paragraph 7, – up to 3rd day before referendum day;

Article 97. The Act of 29 June 1995 on referendum (Dziennik Ustaw No. 99, item 488; of 2000, No. 43, item 488 and of 2002, No.113, item 984 shall expire.

Article 98. This Act shall enter into force 14 days after its promulgation.

The President of the Republic of Poland

*Translated by Henryk Bielski
for Krajowe Biuro Wyborcze*

