

**THE NATIONAL
ELECTORAL COMMISSION**

Warsaw, 1 March 2004

**INFORMATION
ON ELECTORAL RIGHTS
IN ELECTIONS TO THE EUROPEAN PARLIAMENT
CONDUCTED IN THE REPUBLIC OF POLAND
AND THE CONDITIONS FOR VOTING IN SUCH ELECTIONS**

The National Electoral Commission hereby wishes to inform that the rules for electing deputies to the European Parliament in the Republic of Poland are set out in the Act on Elections to the European Parliament of 23rd January 2004 (Journal of Laws, No. 25, item 219).

The Act provides the rules of participation in such elections for Polish citizens as well as citizens of the European Union who are not Polish citizens.

The term "European Union citizen" pertains to both citizens of Member States of the European Union under the wording of Act until 30 April 2004, as well citizens of countries that will become members of the European Union as of 1 May 2004.

Whenever the term "voter" is used, without any further elaboration, it shall be construed to include voters, who are Polish citizens, as well as voters, who are European Union citizens but not Polish citizens.

I. The right to elect (eligibility to vote)

The right to elect deputies to the European Parliament in the Republic of Poland shall be conferred on:

- every Polish citizen at least 18 years old on Election Day, provided that he or she has not been deprived of public rights or legal capacity by a final ruling of a court, or deprived of the right to vote by a final ruling of the Tribunal of State;
- every European Union citizen but not a Polish citizen, who is at least 18 years old on Election Day, and is legally a permanent resident of Poland and registered in the permanent register of voters, provided that he or she has not been deprived of the right to vote in elections to the European Parliament in the Member State of which he or she is a citizen.

II. The right to be elected (eligibility to stand for elections)

The right to be elected to the European Parliament in the Republic of Poland shall be conferred on every person who:

- has the right to elect deputies to the European Parliament in the Republic of Poland;
- is at least 21 years old on Election Day;
- has not been punished for a crime committed intentionally, prosecuted by indictment;
- has been residing in Poland or another Member State for at least 5 years.

III. Participation in voting

Voting shall be conducted in electoral wards established:

- on the territory of the Republic of Poland, including electoral wards established in hospitals, social welfare establishments, penal institutions and remands;
- abroad;
- aboard Polish maritime vessels.

1. Voting of Polish citizens at their permanent place of residence in Poland

Voters being Polish citizens, with a registered permanent place of residence on the territory of a commune, and who have not applied for registration in a permanent register of voters elsewhere as well as voters being Polish citizens, who have been entered in the register of voters upon application by the concerned person, shall be entered, *ex officio*, on a roll of voters prepared for individual electoral wards on the basis of a permanent register of voters.

Voters, with a registered temporary place of residence shall be entered on a roll of voters for those with a registered permanent place of residence.

2. Voting of European Union citizens who are not Polish citizens

Citizens of the European Union with the right to vote, who are not Polish citizens, but permanently reside on the territory of a given commune, may participate in elections provided that they file an application with the commune office for registration in a permanent register of voters no later than on the 30th after elections being ordered.

The said application must include:

- a photocopy of a valid personal identity document of the applicant;
- a written declaration in which the applicant specifies his or her citizenship and permanent place of residence in Poland, the name of the electoral ward or the location thereof in the country of the applicant's origin, where he or she is registered in a register of voters, along with a statement that the applicant wishes to exercise his or her active electoral right only in Poland, as well as a statement that the applicant has not been deprived of his or her active electoral right in the applicant's country of origin.

European Union citizens not being Polish citizens, who are not registered in a permanent register of voters under these rules, will be barred from participating in elections.

Citizens of the European Union not being Polish citizens, who are registered in a permanent register of voters, will be, *ex officio*, entered on a roll of voters at the permanent place of their residence in Poland. The inclusion of these voters on a roll of voters outside their permanent place of residence, will follow the same rules as those for the inclusion of Polish citizens on a roll of voters, provided that they have been registered in a register of voters at the place of their permanent residence.

3. Voting outside the place of permanent residence

Voting in hospitals, social welfare establishments, penal institutions and remands

Voters, who are staying in hospitals, social welfare establishments, penal institutions and remands, shall be entered on a roll of voters prepared for electoral wards established on the premises of these facilities and will have the right to vote at these electoral wards. The director of a given facility will inform those staying at a given facility of the fact that they have been entered on a roll of voters.

A European Union citizen who is not a Polish citizen, may be entered on a roll of voters in the said facility provided that he or she has been registered in a permanent register of voters at his or her permanent place of residence prior to this.

A voter, who is entered on a roll of voters in the said facility, will be, *ex officio*, crossed out from the roll of voters at his or her permanent place of residence.

Individuals who are admitted to the said facilities on Election Day, will have the right to vote at the electoral wards established for these facilities, solely on the basis of certificates confirming their right to vote.

Voting in places of temporary stay, following inclusion on the roll of voters upon application of the person concerned

Individuals temporarily staying outside their registered permanent place of residence (including voters with a registered temporary place of residence) as well as voters who do not have any place of residence but wish to vote at their place of temporary stay, must file an application to be included in a given roll of voters.

The said application shall be made in a commune office, on the territory of the voter's place of temporary stay, on the 10th day before Election Day at the latest.

Soldiers engaged in basic or temporary military service; those serving as candidates for professional military service or those undertaking military training and exercises, as well as lifeguards engaged in military service in civil defence units outside their place of

residence; police serving in quartered units; functionaries of the Bureau of Government Security; border guards; State fire brigades, as well as prison guards put up in barracks, who wish to vote at the place of their service must file an application to be included on a roll of voters in the electoral ward of their choice in a given commune.

The said application must be filed between the 21st and 14th day before Election Day. Individuals who have been admitted to service after this term may file the application on the 2nd before Election Day at the latest.

Disabled voters may vote in the electoral ward of their choice, which is able to accommodate disabled individuals, on the territory of the commune in which they permanently reside. For this purpose, they must file an application to be included on a roll of voters for the electoral ward of their choice. The said application shall be made in the commune office on the 10th day before Election Day at the latest.

A European Union citizen who is not a Polish citizen may be included on a roll of voters at the place of his or her temporary stay, provided that he or she has been registered in a permanent register of voters at his or her permanent place of residence.

A voter included on a roll of voters upon application of the individual concerned, shall be, *ex officio*, crossed out from the roll of voters at his or her permanent place of residence.

Voting on the basis of certificates confirming the right to vote

A voter who intends to change his or her place of stay prior to Election Day may be eligible to receive a certificate confirming his or her right to vote. The said certificate confers on the individual concerned, the right to vote in any given electoral ward in the country, abroad or aboard a Polish maritime vessel.

The application for the certificate confirming the right to vote must be filed with the commune office, where the applicant will be registered in a register of voters, on the 2nd day before Election Day at the latest.

The voter who has been issued the certificate confirming his or her right to vote will be, *ex officio*, crossed out from the roll of voters.

Polish citizens voting in Poland, with a permanent place of residence abroad

Polish citizens with a permanent place of residence abroad, who are staying in Poland on Election Day, may vote in any electoral ward, provided that they present an electoral ward commission with a valid Polish passport as well as a document confirming that they permanently reside abroad. Documents that may be presented as confirmation of this include a permanent residence card, a document confirming employment abroad or a document confirming entitlement to receive social security premiums. On the basis of this, the electoral ward commission will include such person to the roll of voters,

indicating this in the person's passport by affixing the seal of the commission as well as the date on the last page thereof designated for visa annotations. Polish citizens permanently residing abroad may also vote on the basis of a certificate confirming their right to vote issued by a consul, provided that they were entered, upon application of the individual concerned, on the roll of voters in an electoral ward established abroad.

4. Voting in electoral wards established abroad

In order to vote, Polish citizens permanently residing abroad should file an application, with the consul having jurisdiction, to be entered on the roll of voters in an electoral ward abroad.

A Polish citizen, as well as European Union citizen who is not a Polish citizen, permanently residing in Poland, and temporarily staying abroad, may be entered on a roll of voters in an electoral ward established abroad provided that he or she was registered in a register of voters at his or her place of residence in Poland.

This application shall be made by the concerned person either orally, in writing, by phone, telegraph or fax. Such application shall specify the voter's name, forenames, father's name, date of birth and the place of permanent residence, the number of his or her valid Polish passport, and the date and place of issue thereof. European Union citizens who are not citizens of Poland may provide the number of another valid identity document as well as the location of registration of the voter in the register of voters.

Applications to be entered on a roll of voters in an electoral ward may be made on the 5th day before Election Day at the latest.

The Minister of foreign affairs will issue a regulation listing electoral wards established abroad, which will be published in the Official Journal of Law of the Republic of Poland. A listing of these electoral wards will be available at all Polish consular offices, units of the National Electoral Office and on the website of the National Electoral Commission (www.pkw.gov.pl)

5. Voting in electoral wards established on Polish maritime vessels

Voters aboard Polish maritime vessels on Election Day wishing to vote must file an application, with the captain of the ship, to be entered on the roll of voters at the electoral ward aboard the vessel, unless they can present a certificate confirming their right to vote.

The application for entry on the roll of voters at the electoral ward aboard the vessel must be made on the 5th day before Election Day at the latest.

The Minister of infrastructure shall issue a regulation listing electoral wards established aboard Polish maritime vessels, which will be published in the Official Journal of Laws of the Republic of Poland. A listing of these electoral wards will also be available at all

Polish consular offices, units of the National Electoral Office and on the website of the National Electoral Commission (www.pkw.gov.pl)

6. The inclusion of voters on the roll of voters on Election Day

Electoral ward commissions shall supplement the roll of voters on Election Day only with those voters who:

- present a certificate confirming their right to vote;
- were omitted in the roll, provided that they present documents confirming their permanent place of residence on the territory of a given electoral ward, and the commune office confirms that it has not received any notification of the persons concerned having been deprived of the right to vote, or entered on a roll of voters elsewhere;
- were crossed out from the roll of voters having been entered on a roll of voters in a hospital or social welfare establishment, provided that they present documents showing that they were released from the hospital or left the social welfare establishment on the day preceding Election Day;
- are Polish citizens permanently residing abroad, voting on the basis of a valid Polish passport;
- were admitted to the hospital or social welfare establishment on the day preceding Election Day.

The terms for undertaking individual electoral actions will be set out in an order issued by the President of the Republic of Poland ordering elections to the European Parliament. These terms will also be published on the website of the National Electoral Commission (www.pkw.gov.pl), in units of the National Electoral Office and at all Polish consular offices.

NOTICE:

Pursuant to the Article 168 of the Act of 23rd January 2004 on Elections to the European Parliament: “Any documentation, required under this Act, written in a language other than Polish, shall be submitted together with a Polish translation thereof”.