



SENAT RP

## NOTES ON THE SENATE

**SENATE  
OF THE REPUBLIC  
OF POLAND**

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## How are Senators Elected?

The Senate election procedure is governed by the Polish Constitution of April 2, 1997 and the Electoral Law of the Polish Sejm and Senate of April 12, 2001. Senators are elected for a four-year term, which under statutorily specified circumstances can be shortened by a presidential or Sejm decision.

Pursuant to the above regulations, the senatorial election is universal, direct and by a secret ballot.

Senatorial mandates are handed to candidates who have collected the largest number of valid votes cast – in accordance with the majority principle.

The universality of Senate elections is twofold. Every Polish citizen aged 18 or older has the right to vote regardless of his or her sex, ethnic background, race, religion or time of residence in Poland. Whereas to be elected to the Senate, the candidate must be a Polish citizen aged 30 or older and have the right to vote.

The election directness principle refers to the manner in which senators are elected. It guarantees to electors the freedom of deciding to vote for a specific candidate. Electors cast their vote in an unencumbered manner knowing that they will not be held to account for their decision.

One hundred senators are elected in accordance with the majority principle. Electoral districts coincide with provinces or parts thereof. From two to four senators are elected from each district. Candidates who receive the largest number of valid votes cast are deemed elected to the Senate.

The election is called by the President of the Republic of Poland not later than 90 days prior to the expiry of the four-year period since the beginning of the current Sejm or Senate term. The President sets the election day on a work-free day falling within 30 days prior to the expiry of the four-year period since the beginning of the current Sejm or Senate term. Senate and Sejm elections are held on the same day. The Head of State announces the decision to call elections by publishing it in *Dziennik Ustaw* (Legislative Journal). At the same time, the President sets the days on which all operations associated with the organisation of the elections must take place. The schedule of procedures leading to elections is called the “election calendar”.

The right to nominate candidates to the Senate is reserved for electoral committees acting on behalf of political parties or elector groups. Every candidature must be supported by at least 3000 signatures. Candidates can run for election in only one electoral district. They must not run in the Sejm and Senate election concurrently.

Senatorial candidates born before 1 August 1972 must file a declaration regarding their work or service in state security organs, or collaboration therewith, between 22 July 1944 and 31 July 1999 (“vetting declaration”). Senators who file a false vetting declaration lose their mandate by virtue of the law.

The validity of a Senate election is decided by the Supreme Court. That court also has the authority to decide on the validity of contested victo-

ries. Should a senatorial mandate expire, a by-election is called (only among electors residing in Poland). By-elections are not called when less than nine months remain to the end of the Senate term. A senatorial mandate must not be combined with certain other functions, such as those of the President of the National Bank of Poland, President of the Supreme Chamber of Control, President of the Institute of National Remembrance, the Commissioner for Citizens' Right Protection, the Ombudsman for Children or of their deputies, member of the Monetary Policy Council, member of the National Radio and Television Council, ambassador, employee of the Sejm, Senate or Presidential Chancellery, or employee of the government administration (except for members of the Ministers' Council and secretaries of state). The election to the Senate is also closed to councillors and officials of all levels of the territorial self-government, judges, public prosecutors, civil servants, soldiers in active service, police officers and personnel of state security services.

The first Senate election took place on June 4, 1989, second on October 27, 1991, third on September 19, 1993, fourth on September 21, 1997, fifth on September 23, 2001, sixth on September 25, 2005 and the latest on October 21, 2007. Consequently, one can speak of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> or 7<sup>th</sup> term Senate.

*Mirosław Granat, 1997  
with later amendments, October 2007*