

Electoral Laws for the Chambers of the Polish Parliament in the 20th Century

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ABSTRACT

This article explores the right to vote and to stand for election in parliamentary elections in Poland throughout the 20th century, against the backdrop of evolving constitutions and electoral laws. Each constitution, together with its associated electoral ordinances, not only determined the framework governing the election of parliamentary representatives but also served as a reflection of broader political, ideological and social transformations. The purpose of this contribution is to analyse the requirements set forth by electoral laws, which played a decisive role in shaping the representation of citizens within parliament.

KEYWORDS

Electoral systems, right to vote, right to be elected, age censuses, elites in society, political party affiliation.

Legile electorale pentru camerele parlamentului polonez în secolul al 20-lea

REZUMAT

Acest articol examinează dreptul de a vota și de a fi ales în alegerile pentru camerele parlamentului din Polonia în secolul al 20-lea, în contextul schimbărilor constituționale și al legilor electorale. Fiecare constituție și ordonanțele electorale aferente nu doar că au reglementat regulile de alegere a reprezentanților în parlament, ci au reflectat și schimbări politice, ideologice și sociale mai ample. Scopul acestei contribuții este de a analiza cerințele legislației electorale, care au avut un impact semnificativ asupra reprezentării cetățenilor în parlament.

CUVINTE CHEIE

Sisteme electorale, dreptul de vot, dreptul de a fi ales, cenzul electoral de vârstă, elite în societate, apartenența la partide politice.

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I. INTRODUCTION

Poland's history in the 20th century is inextricably linked to a series of dynamic and tumultuous events, including the First and Second World Wars, the German and Soviet occupations, and the period of Soviet-type dictatorship. These pivotal moments profoundly influenced the development of the political system, shaping both the constitutional provisions adopted and the electoral mechanisms that determined the selection of parliamentary representatives. Such transformations were particularly evident throughout the various stages of the evolution of the Polish state, from the restoration of independence in 1918 to the systemic transformation of 1989.

This article focuses on the electoral systems in operation in Poland between 1918 and 1989, with a particular focus on the methods employed to shape the composition of parliament. Among the aspects under scrutiny are the electoral requirements related to age, education, and occupation, the nature of the electoral system itself, the role of political party affiliation, and the restrictions imposed on the right to vote, both in terms of active and passive electoral rights. The study will also consider the broader political transformations that influenced the electoral process, as well as the constitutional provisions that governed elections at various stages of Poland's 20th-century history. Through this analysis, a clearer understanding will emerge of how the evolution of electoral systems shaped the composition of parliament during this period.

II. AN OVERVIEW OF THE HISTORY OF CONSTITUTIONS AND ELECTORAL LAW IN POLAND IN THE 20TH CENTURY

In the aftermath of the First World War, efforts commenced to establish the legal foundations of a state reborn after 123 years of subjugation. A pivotal moment in shaping the newly restored democratic Polish state was the adoption of its constitution. On 22 November 1918, the Chief of State, Józef Piłsudski, issued the Decree on the Supreme Representative Authority of the Republic of Poland.² According to Article 1 of this decree, Piłsudski was to serve as Interim Chief of State until the Legislative Sejm was convened. Shortly thereafter, on 28 November 1918, he issued two further decrees concerning the elections to the Legislative Sejm: the Decree on the Electoral Law to the Legislative Assembly³ and the Decree on the Elections to the Legislative Assembly.⁴

2 Dz.U. 1918 Nr 17 poz. 41, Dekret Naczelnika Państwa o najwyższej władzy reprezentacyjnej Republiki Polskiej z dnia 22 listopada 1918 r. (Decree of the Head of State on the Supreme Representative Authority of the Republic of Poland of 22 November 1918); Marek Dobrowolski, Dorota Lis-Staranowicz (2022): (Im)permanence of Polish Constitutionalism: in Search of an Optimal Vision of the State, in Lóránt Csink, László Trócsányi (ed.): *Comparative Constitutionalism in Central Europe*, CEA Publishing, Miskolc–Budapest, p. 92.

3 Dz.U. 1918 Nr 18 poz. 46, Dekret o ordynacji wyborczej do Sejmu Ustawodawczego z dnia 28 listopada 1918 r. (Decree on the Electoral Ordinance for the Legislative Assembly of 28 November 1918).

4 Dz.U. 1918 Nr 18 poz. 47, Dekret o wyborach do Sejmu Ustawodawczego z dnia 28 listopada 1918 r. (Decree on elections to the Legislative Assembly of 28 November 1918).

These decrees set the date for the elections, which were to take place on 26 January 1919.

The principal task of the newly established Legislative Assembly was to draft and adopt a constitution. After fifteen months of constitutional work,⁵ the Constitution of 1921, commonly known as the March Constitution, was enacted.⁶ This document laid the foundation for a democratic state governed by a parliamentary system. Sovereignty resided with the people, who exercised their authority through their elected representatives in a bicameral parliament, consisting of the Sejm and the Senate.⁷ The March Constitution remained in force without modification until 1926, when it was amended following Józef Piłsudski's *coup d'état*. Adopted on 2 August 1926, the Act Amending and Supplementing the March Constitution⁸ significantly reinforced the powers of the President, while curtailing the authority of both the Sejm and the Senate.⁹

A defining moment in Poland's constitutional history came with the introduction of the Constitution of 1935,¹⁰ commonly referred to as the April Constitution. This new framework marked a decisive shift from a parliamentary to a presidential system, establishing the President as the supreme authority in the state. While the Sejm's powers were further diminished, the role of the Senate was considerably strengthened.¹¹ As A. Ajnenkiel observed, the April Constitution:

*"brought the person of the President to the fore. This was a clear borrowing from the fascist doctrine placing at the head of the state an unaccountable leader before anyone, to whom the entire state apparatus was subordinated."*¹²

During the Second World War, Poland fell under the occupation of both Germany and the Union of Soviet Socialist Republics, rendering the proper functioning of the state impossible. In the aftermath of the war, Poland came under the influence of the USSR, leading to the establishment of a Soviet-type dictatorship.¹³ Two years after the end of the war, in 1947, elections to the Legislative Assembly were held under the

5 Andrzej Ajnenkiel (1968): *Sejmy i konstytucje w Polsce 1918–1939*, Państwowe Zakłady Wydawnictw Szkolnych, Warszawa, p. 45.

6 Dz.U. 1921 Nr 44 poz. 267, Ustawa z dnia 17 marca 1921 r. – Konstytucja Rzeczypospolitej Polskiej (Act of 17 March 1921. – Constitution of the Republic of Poland).

7 Zbigniew Łakowski (1975): *Sejm PRL*, Krajowa Agencja Wydawnicza, Warszawa, p. 8.

8 Dz.U. 1926 Nr 78 poz. 442, Ustawa z dnia 2 sierpnia 1926 r. zmieniająca i uzupełniająca Konstytucję Rzeczypospolitej z dnia 17 marca 1921 r. (Act of 2 August 1926. amending and supplementing the Constitution of the Republic of 17 March 1921).

9 Grzegorz M. Kowalski: The Amendment of August 1926 to the first Polish Constitution of the Second Republic, *Krakowskie Studia z Historii Państwa i Prawa*, 2/2014, p. 318.

10 Dz.U. 1935 Nr 30 poz. 227, Ustawa Konstytucyjna z dnia 23 kwietnia 1935 r. (Constitutional Act of 23 April 1935).

11 Ajnenkiel (1968): pp. 116–119.

12 Ajnenkiel (1968): p. 116.

13 Marek Borucki (2002): *Konstytucje polskie 1791–1997*, Wydawnictwo MADA, Warszawa, p. 159.

provisions of the electoral law of 22 September 1946.¹⁴ The newly elected Sejm swiftly passed a constitutional law on the System and Scope of Action of the Supreme Organs of the Republic of Poland,¹⁵ which was intended to serve as a temporary constitutional framework until the final constitution of the so-called “people’s state” was introduced. This law nominally adhered to the fundamental principles of the March Constitution, retaining certain provisions and maintaining, at least in theory, democracy, the tripartite division of power, and the parliamentary system of government.¹⁶

However, the process of drafting a new constitution continued until 22 July 1952, when the Legislative Assembly adopted the Constitution of the Polish People’s Republic.¹⁷ This document encapsulated the political transformations that had taken place between 1949 and 1952 and served as a direct reflection of socialist political ideology.¹⁸ The Montesquieu-inspired principle of the tripartite separation of powers was formally abandoned in favour of the doctrine of the unity of state power, with the Sejm of the People’s Republic of Poland designated as the supreme governing authority. As a consequence, the Constitution of the Polish People’s Republic brought about the definitive transformation of parliament into a unicameral legislative body.¹⁹

The Polish constitutions of the 20th century, briefly discussed above, all contained provisions governing the procedure for electing representatives to the legislature. However, they were not the sole legal instruments addressing this matter. Throughout this period, numerous electoral laws were enacted to elaborate upon and refine the constitutional norms. The following table presents a summary of the most significant constitutions and electoral laws that shaped Poland’s political landscape in the 20th century and will serve as the foundation for this study. On the basis of the electoral systems outlined therein, an analysis will be conducted to examine the requirements that influenced the composition of parliament.

Constitution	Electoral Law
	1918 Decree on the Electoral Law for the Legislative Assembly
1921 Constitution (March Constitution)	1922 Electoral Law to the Sejm 1922 Electoral Law to the Senate

14 Dz.U. 1946 Nr 48 poz. 274, Ustawa z dnia 22 września 1946 r. – Ordynacja wyborcza do Sejmu Ustawodawczego (Act of 22 September 1946. – Electoral Ordinance for the Legislative Assembly).

15 Dz.U. 1947 Nr 18 poz. 71, Ustawa Konstytucyjna z dnia 19 lutego 1947 r. o ustroju i zakresie działania najwyższych organów Rzeczypospolitej Polskiej (Constitutional Act of 19 February 1947 on the organisation and scope of action of the supreme authorities of the Republic of Poland).

16 Stanisław Bożyk (2020): *Etapy rozwoju współczesnego polskiego konstytucjonalizmu*, in Stanisław Bożyk (ed.): *Prawo konstytucyjne. Wydanie czwarte uaktualnione*, Wydawnictwo Temida 2, Białystok, p. 58.

17 Dz.U. 1952 Nr 33 poz. 232, Konstytucja Polskiej Rzeczypospolitej Ludowej uchwalona przez Sejm Ustawodawczy w dniu 22 lipca 1952 r. (Constitution of the People’s Republic of Poland adopted by the Legislative Assembly on 22 July 1952).

18 Łakomski (1975): p. 15.

19 Bożyk (2020): pp. 58–59.

Constitution	Electoral Law
1935 Constitution (April Constitution)	1935 Electoral Law to the Sejm 1935 Electoral Law to the Senate
	1946 Electoral Law to the Legislative Assembly
1952 Constitution (Constitution of the Polish People's Republic)	1952 Electoral Law to the Sejm 1956 Electoral Law to the Sejm 1976 Electoral Law to the Sejm and National Councils 1985 Electoral Law to the Sejm

Table 1: Selected Electoral Laws of Poland in the 20th century

III. EVOLUTION OF ELECTORAL RIGHTS IN THE SECOND REPUBLIC OF POLAND

1. Electoral law for the Legislative Assembly of 1918

The 1918 Electoral Law established the principles governing the election of a unicameral Legislative Assembly. Under its provisions, the right to elect members to the Legislative Assembly was granted by the ordinance to every citizen, regardless of gender, who had reached the age of 21 by the date the election was announced. As a result, for the first time in the history of Poland, women were granted the formal right to participate in elections to the Sejm.²⁰ To exercise this right, a citizen was required to be a resident of the district in which they intended to vote, with residency being a prerequisite from at least the day prior to the election's proclamation. The Ordinance imposed restrictions on suffrage, excluding two groups from the right to vote: active-duty military personnel and those who had been judicially disenfranchised.²¹

Eligibility for election to the Legislative Sejm extended to all male and female citizens who held the right to vote, regardless of their place of residence, as well as to members of the military (Article 7 of the Electoral Law of 1918). However, as K. Kacperski observed, this provision raises certain ambiguities. The Electoral Law provided that the right to stand as a candidate was contingent upon possessing the active electoral right, which itself was subject to the requirement of permanent residence. This, in effect, barred individuals without a fixed residence prior to the election's announcement from candidacy. Furthermore, Poles residing beyond the territorial boundaries defined by law were likewise ineligible to stand for election.²² Additional restrictions applied to those seeking election, particularly in relation to professional roles. Officials serving in state administrative, fiscal, and judicial bodies were prohibited from standing as candidates in the district in which they performed

20 Kamil Kacperski: Prawo wyborcze do Sejmu Ustawodawczego, *Przegląd Sejmowy*, 6/2018, p. 62.

21 Kacperski (2018): p. 83.

22 Kacperski (2018): p. 83.

their duties. However, this limitation did not extend to officials and military central authorities.

The Electoral Law further delineated the rules governing electoral committees, the nomination of parliamentary candidates, the voting process, and the determination of election results. Notably, it introduced multi-mandate constituencies, from which several to a dozen members of parliament were elected, employing the d'Hondt method for the allocation of seats among competing individual lists. These lists could be proposed by citizens residing within a given electoral district, provided they had secured at least fifty supporting signatures.²³ It is particularly worth noting that the law did not specify either a minimum or maximum number of candidates that could be proposed on such lists. The absence of such a provision could have given rise to a situation in which a list contained no more candidates than there were seats available in a given constituency, or, in extreme cases, even fewer.²⁴ This regulatory gap posed a potential risk: political parties might have chosen to nominate only as many candidates as there were seats to be filled, thereby eliminating any real electoral competition.

2. The March Constitution of 1921 and related electoral laws

With the adoption of the March Constitution, a bicameral parliament was established, comprising the Sejm and the Senate as the organs of legislative power. Although both chambers were formally equal, the constitutional provisions clearly conferred broader powers upon the Sejm, positioning it as the dominant legislative body.²⁵ The method of election of deputies and senators was pre-defined in the provisions of this constitution; however, the specific regulations clarifying these constitutional provisions were set forth in two electoral ordinances passed by the Legislative Assembly in 1922—the Electoral Ordinance for the Sejm²⁶ and the Electoral Ordinance for the Senate.²⁷

The March Constitution did not introduce significant changes with regard to the eligibility criteria for participating in elections to the Sejm compared to the Decree on Elections to the Legislative Assembly.²⁸ Thus, the right to be elected remained granted to every citizen who had reached the age of 21 by the date of the election announcement and had resided in the relevant electoral district for at least one day prior to that announcement. Furthermore, the 1922 Electoral Ordinance for the Sejm, in Article 3,

23 Wojciech Sokół (2007): *Geneza i ewolucja systemów wyborczych w państwach Europy Środkowej i Wschodniej*, Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, Lublin, pp. 268–269.

24 Kamil Kacperski (2007): *System wyborczy do Sejmu i Senatu u progu Drugiej Rzeczypospolitej*, Wydawnictwo Sejmowe, Warszawa, p. 95.

25 Anna Hadała, Damian Wicherek: Evolution of the Senate institutions based on the Constitutional Act of March 17th 1921 and the Constitutional Act of April 23rd 1935, *Przegląd Prawa Konstytucyjnego*, 6/2018, p. 119.

26 Dz.U. 1922 Nr 66 poz. 590, Ustawa z dnia 28 lipca 1922 r. – Ordynacja wyborcza do Sejmu (Act of 28 July 1922. – Electoral Ordinance for the Sejm).

27 Dz.U. 1922 Nr 66 poz. 591, Ustawa z dnia 28 lipca 1922 r. – Ordynacja wyborcza do Senatu (Act of 28 July 1922. – Electoral Ordinance for the Senate).

28 Piotr Chrobak: Systemy wyborcze na ziemiach polskich od II do III Rzeczypospolitej, *Zeszyty Naukowe Uniwersytetu Szczecińskiego Acta Politica*, 2012, p. 104.

introduced additional categories of individuals who were disenfranchised, including those deemed wholly or partially of unsound mind, bankrupt debtors, and those who had been judicially stripped of paternal authority. On the other hand, the age requirement for the right to stand for election to the Sejm was raised. Prospective deputies now had to be at least 25 years old. A further restriction was imposed on civil servants, who were barred from standing for election in the districts where they were professionally active. This measure was implemented to prevent officials from unduly influencing voters, thereby safeguarding the integrity and freedom of the electoral process.²⁹

Under Article 36 of the March Constitution, the right to vote for the Senate was granted to any Sejm voter who had reached the age of 30 on the day the election was announced and had resided in the relevant constituency for at least a year prior to that date. However, this rule did not apply to three groups: newly settled colonists, workers who had changed both their place of work and consequently their place of residence, and civil servants who had been transferred on official business.³⁰ In contrast, the passive suffrage was granted to all citizens who met the requirements for eligibility to vote for the Senate and had reached the age of 40. Notably, candidates could stand for election irrespective of their place of residence, whether at home or abroad. The age requirement for Senate candidates was slightly higher than that for Sejm candidates, a rule which was designed to ensure that the second chamber would represent voters with strongly held conservative views. This assumption was confirmed by practice.³¹

Both Sejm and the Senate elections were based on fundamental democratic principles, such as universality, directness, equality, secrecy and proportionality, which were explicitly outlined in Articles 11 and 36 of the March Constitution. Similar to the 1918 Electoral Ordinance, lists of candidates were proposed by citizens, which aimed to give the public a real influence on the composition of representative bodies. However, the 1922 Electoral Ordinance introduced a significant innovation: the addition of so-called state lists. This mechanism introduced a new structure for the allocation of seats, based on a two-tier system. In the first stage, seats were allocated in individual constituencies according to the principles of proportional representation. Then, in the second stage, seats from the state list were allocated to political parties that had obtained the highest number of seats nationwide.³²

3. The April Constitution of 1935 and related electoral laws

The Constitution of 23 April 1935, together with the newly enacted Electoral Laws—the Electoral Ordinance for the Sejm³³ and the Electoral Ordinance for the Senate³⁴—su-

29 Andrzej Ajnenkiel (2001): *Konstytucje Polski w rozwoju dziejowym 1791–1997*, Oficyna Wydawnicza RYTM, Warszawa, p. 177.

30 Kacperski (2007): p. 146.

31 Ajnenkiel (2001): p. 178.

32 Sokół (2007): p. 269.

33 Dz.U. 1935 Nr 47 poz. 319, Ustawa z dnia 8 lipca 1935 r. – Ordynacja wyborcza do Sejmu (Act of 8 July 1935. – Electoral Ordinance for the Sejm).

34 Dz.U. 1935 Nr 47 poz. 320, Ustawa z dnia 8 lipca 1935 r. – Ordynacja wyborcza do Senatu (Act of 8 July 1935. – Electoral Ordinance for the Senate).

perseded those of 1922. While the April Constitution upheld the bicameral structure of parliament, its standing within the state underwent a profound transformation. In a decisive departure from the tripartite separation of powers, authority was transferred to the President, thereby significantly diminishing the role of the legislature.³⁵ The Constitution introduced a series of modifications to the state system, while both Electoral Ordinances brought substantial changes to the process of electing legislative representatives.³⁶

Under the revised Electoral Law, the age census for both active and passive voting rights was markedly increased. Every citizen above the age of 24 was granted the right to vote in elections to the Sejm.³⁷ As one scholar has noted, raising the voting age from 21 to 24 resulted in the disenfranchisement of approximately 10% of those previously eligible.³⁸ Furthermore, the active right to vote could be curtailed in certain circumstances listed in Article 3 of the Ordinance. These included, *inter alia*, restriction or revocation of legal capacity, the loss of parental or guardianship rights, judicial placement in a medical institution, a house of compulsory labour, an institution for the incorrigible, or a closed asylum for the mentally ill, as well as subsistence through prostitution.³⁹ Similarly, the minimum age for candidacy in elections was raised from 25 to 30.⁴⁰ Moreover, certain individuals were explicitly barred from standing for election to the Sejm under Article 5 of the Electoral Ordinance. These included voivodes, prosecutors of general courts, superintendents of school districts, directors of treasury chambers, as well as officers and privates of the State Police within the districts where they exercised their duties.

The regulations governing the nomination of parliamentary candidates also underwent significant alterations. Under the 1935 Electoral Law, the authority to nominate candidates was vested in pre-election assemblies, composed of representatives from various sectors of society, including trade unions, social organisations, and both local and economic self-governments. However, it must be noted that these assemblies operated under the influence of the ruling power, as the administration exerted control over the composition of candidate lists. Another major change concerned the number of lists—whereas multiple lists had previously been in use, a single list system was introduced. Consequently, the electorate's role in the voting process was reduced to selecting two candidates from among those pre-approved by the pre-election assemblies.⁴¹

Even more profound changes were introduced regarding the Senate, particularly in comparison to the regulations of 1922. The active electoral right to the Senate was vested in individuals who had reached the age of 30 and belonged to one of the several

35 Dariusz Górecki: Sejm w ustawie konstytucyjnej 23 kwietnia 1935 roku, *Przegląd Sejmowy*, 2/2005, p. 79.

36 Marek Woźnicki: Wybory do Sejmu i Senatu w świetle ordynacji wyborczych z 1935 r., *Studia Iuridica Lublinensia*, 2014, p. 393.

37 Maciej Starzewski (1938): *O ordynacji wyborczej do Sejmu 1935 roku*, Kraków, p. 4.

38 Ajnenkiel (2001): p. 226.

39 Woźnicki (2014): pp. 395–396.

40 Starzewski (1938): p. 4.

41 Ajnenkiel (1968): p. 120.

designated groups: those who had been honoured with an order or state decoration for personal merit; individuals who had completed higher education at a pedagogical high school, cadet school or held an officer's rank; and those deemed to possess the confidence of society, such as councillors.⁴² The right to vote was thus restricted to what was termed the "privileged social classes."⁴³ Due to the stringent limitations imposed, fewer than 2% of the population held the right to participate in the election of senators.⁴⁴ As for passive electoral rights, eligibility for candidacy in the Senate was reserved for those who met the criteria for active electoral rights and had reached the age of 40 by the day preceding the official announcement of the election (Article 4 of the Electoral Ordinance to the Senate).

Senate elections were conducted through an indirect, two-stage process. Citizens possessing the active right to vote for the Senate elected delegates to the provincial electoral colleges, which in turn elected the senators representing each province. It is important to highlight that voting only took place if the number of candidates exceeded the available seats. Otherwise, the nominees were automatically declared elected without the need for a vote.⁴⁵

IV. ELECTORAL LAW FOR THE LEGISLATIVE ASSEMBLY OF 1946

The departure from the provisions of the 1935 regulation was set in motion by the Electoral Ordinance to the Legislative Assembly of 1946. The solutions adopted therein closely mirrored those of 1922, with the notable distinction that the parliament was now structured as a unicameral body.⁴⁶ The right to vote was granted to all citizens who had reached the age of 21, provided they had not been disqualified by the restrictions imposed under the Electoral Ordinance. Certain categories of individuals were explicitly excluded from suffrage. These included citizens who had been deprived of their legal capacity or public rights under a final court judgement issued after 22 July 1944; those who had declared their affiliation with the German nationality during the Second World War and had not subsequently rehabilitated themselves; as well as individuals who had profited from collaboration with the occupying forces or had been involved with underground fascist organisations (Article 2 of the 1946 Electoral Law).

Similarly, in the case of passive electoral rights, the Ordinance reinstated the lower age threshold of 25 years, as had been the case under the 1922 regulations. Any citizen wishing to stand for election to parliament was required to meet this age requirement and possess the active right to vote. However, the Ordinance also allowed for

42 Marcin Zakrzewski, Alicja Woźniak (2015): *Naruszenia prawa wyborczego w świetle wyborów parlamentarnych w 1935 roku*, in Aldona Rita Jurewicz, Tomasz Kuczur, Monika Piekarska, Damian Wąsik (ed.): *Wybory i nieprawidłowości wyborcze wczoraj i dziś. Wybrane zagadnienia*, Materiały z Ogólnopolskiej Konferencji Naukowej, Olsztyn 12 maja 2015 r., p. 102.

43 Ajnenkiel (1968): p. 120.

44 Ajnenkiel (2001): p. 226.

45 Dariusz Górecki: *Wybory parlamentarne w Polsce w 1935 i 1938 roku*, *Acta Universitatis Lodzensis Folia Iuridica*, 2023, p. 42.

46 Michał Siedziako (2018): *Bez wyboru. Głosowania do Sejmu PRL (1952–1989)*, Warszawa, p. 92.

exceptions, granting passive electoral rights to individuals below the required age in recognition of special merit in the struggle against the occupying forces or contributions to the nation's post-war reconstruction. Conversely, those who had occupied leadership positions, either within the country or in exile, and had sought to obstruct resistance against the occupation during the war, could be stripped of this right. The authority to grant or revoke passive electoral rights rested with the State Electoral Commission.⁴⁷

The elections were to be conducted according to the principles of universality, equality, directness, secrecy and proportionality. Voting took place in multi-member constituencies, and the electoral law reintroduced the system of two lists—district and state. Candidates could be nominated by groups of citizens, with a minimum of 100 signatories required for a district list and 500 for a state list.⁴⁸

V. ELECTORAL RIGHTS IN THE PEOPLE'S REPUBLIC OF POLAND

The provisions of the Constitution of the People's Republic of Poland established the unicameral Sejm of the People's Republic of Poland as the supreme organ of state power, embodying the will of the working people of both towns and villages (Article 15 of the Constitution). The rules governing elections were set forth in Chapter 8 of the Constitution and further elaborated in the Electoral Ordinance, adopted on 1 August 1952.⁴⁹

The 1952 Constitution lowered the minimum age requirement for the active right to vote to 18 years. Suffrage was granted to all citizens above this age, regardless of sex, nationality, race, religion, education, duration of residence within the voting precinct, social background, occupation, or financial standing. The only exceptions were individuals diagnosed with mental illness, those deprived of legal capacity, or those stripped of their public rights. Meanwhile, the passive electoral right was conferred upon all citizens who met the criteria for suffrage and had reached the age of 21, thereby qualifying them to stand as candidates for the Sejm.⁵⁰ The reduction of the age thresholds to 18 and 21, respectively, was a reflection of the principle of universal suffrage and did not impose any restrictions upon the electoral right.⁵¹

The 1952 Electoral Law was founded upon the principles of universality, equality, directness, secrecy and the majority system, which replaced the previously employed

47 Siedziako (2018): pp. 92–93.

48 Wojciech Sokół (2014): *Systemy wyborcze w Polsce Ludowej – uwarunkowania, mechanizmy i konsekwencje polityczne*, in Sebastian Ligarski, Michał Siedziako (ed.): *Wybory i referenda w PRL*, Szczecin, pp. 31–32.

49 Dz.U. 1952 Nr 35 poz. 246, Ustawa z dnia 1 sierpnia 1952 r. – Ordynacja wyborcza do Sejmu Polskiej Rzeczypospolitej Ludowej (Act of 1 August 1952. – Electoral Ordinance to the Sejm of the People's Republic of Poland).

50 Janusz Kolczyński, Stanisław Bednarski (1969): *Demokracja, Rady Narodowe, Sejm PRL*, Wydawnictwo ISKRY, Warszawa, pp. 79–81.

51 Zdzisław Jarosz (1969): *System wyborczy PRL*, Państwowe Wydawnictwo Naukowe, Warszawa, p. 183.

system of proportional representation. Elections were conducted in multi-member constituencies, and the right to propose candidates was vested in political, professional and cooperative organisations, as well as in mass social bodies such as the Union of Peasant Self-Help and the Union of Polish Youth. In addition, the number of candidates on any given list could not exceed the number of parliamentary seats allocated to the constituency. Although the Electoral Law technically permitted the submission of multiple lists, in practice, citizens could only cast their votes for candidates affiliated with the National Front.⁵² It is noteworthy that this Front was subordinate to the ideological directives of the communist party, the Polish United Workers' Party (*Polska Zjednoczona Partia Robotnicza*).⁵³ As S. Rozmaryn observed, the elections took on a plebiscitary character, whereby voters were effectively limited to expressing support "for" or "against" candidates from the list of the National Front.⁵⁴

In 1956, a new electoral law was passed for the Sejm of the People's Republic of Poland.⁵⁵ While it did not introduce fundamental alterations to the electoral system, two significant changes were made. Firstly, the number of candidates permitted on an electoral list was increased, though it could not exceed two-thirds of the total number of parliamentary seats allocated to a given district. This adjustment afforded voters a somewhat broader selection of candidates.⁵⁶ Secondly, the positioning of candidates' names on the ballot paper, previously inconsequential under the 1952 law, became a matter of greater importance. Under the revised system, voters indicated their choices by crossing out the names of those they did not wish to elect. If a voter left more names unmarked than the number of seats available in the constituency, the vote was deemed to have been cast in favour of the candidates listed in the top positions.⁵⁷

52 "The National Front was a formalised, structured mass organisation, created and functioning with the political consent of the Communist Party. Operating within the framework of the system of 'people's democracy' (people's leadership), it comprehensively supported the political programme of the Communist Party in consolidating socialist ideology. Being a mass organisation, it grouped together co-participants: satellite political parties, social organisations, trade unions, societies and, in some socialist countries, individual citizens, on the basis of universal and declarative recognition of the Communist Party as the leading political force. Given the limited (by the will of the Communist Party) scope of political activity, the National Front was also involved in initiating socio-cultural activities in the country." – This comprehensive definition was proposed by Paweł Skorut (2015): *Front Jedności Narodu. Od narodzin idei do upadku politycznego pozoru*, Wydawnictwo Attyka, Kraków, p. 38; Sokół (2014): pp. 32–33.

53 Lech Mażewski: *Polska Zjednoczona Partia Robotnicza a lud pracujący miast i wsi w Konstytucji Polskiej Rzeczypospolitej Ludowej i prawie wyborczym (1952–1989)*, *Przegląd Prawa Konstytucyjnego*, 1/2020, p. 252.

54 Stefan Rozmaryn: *O zmianach w prawie wyborczym Polskiej Rzeczypospolitej Ludowej, Państwo i Prawo*, 1956, p. 968.

55 Dz.U. 1956 Nr 47 poz. 210, Ustawa z dnia 24 października 1956 r. Ordynacja wyborcza do Sejmu Polskiej Rzeczypospolitej Ludowej (Act of 24 October 1956. Electoral Ordinance to the Sejm of the Polish People's Republic).

56 Rozmaryn (1956): p. 968.

57 Lech Mażewski (2011): *System rządów w PRL (1952–1989)*, Wydawnictwo Capital, Warszawa–Biała Podlaska, pp. 70–71.

The 1976 Electoral Ordinance for the Sejm and National Councils,⁵⁸ along with the 1985 Electoral Ordinance for the Sejm,⁵⁹ mandated that elections be conducted under a single programme dictated by the Unity Front of the Nation.⁶⁰ Officially, the principle of voting for a single list was enshrined within the Ordinance, further providing that candidates for parliamentary office could only be nominated by those who adhered to the Unity Front's common programme. Consequently, all individuals featured on the electoral list represented the same platform and were members of the same political party.⁶¹

Thus, it is evident that during elections to the Sejm of the People's Republic of Poland, citizens were limited to selecting candidates from a list submitted and controlled by the Front for Unity of the Nation, and thereby, in practice, by the ruling Polish United Workers' Party.⁶² This effectively meant that eligibility for candidacy in the Sejm was contingent upon affiliation with the aforementioned party. Although the Polish United Workers' Party maintained direct control over the lists of candidates and the electoral process itself, additional mechanisms of oversight were employed to safeguard its dominance within the Sejm. From the outset, party authorities ensured that only carefully chosen individuals were appointed to sit on election committees. These members of the election commissions played a crucial role, overseeing the registration of the district lists of candidates, supervising the voting process, and ultimately counting the ballots.⁶³ Moreover, the authorities resorted to various forms of manipulation and coercion to compel citizens to participate in the elections. Beyond this, they issued explicit directives on the expected conduct at polling stations:

"[c]lear instructions on how one should behave at the ballot box, i.e. a 'true' citizen, i.e. a Pole who is a patriot and loves the Homeland, etc..., votes without deletion and openly, and thus does not use the place (curtains, booths) for secret voting."⁶⁴

Such conditions exemplify the realities of how the Sejm was composed under the Soviet-type dictatorship in Poland.

58 Dz.U. 1976 Nr 2 poz. 15, Ustawa z dnia 17 stycznia 1976 r. Ordynacja wyborcza do Sejmu Polskiej Rzeczypospolitej Ludowej i rad narodowych (Act of 17 January 1976. Electoral Ordinance to the Sejm of the Polish People's Republic and National Councils).

59 Dz.U. 1985 Nr 26 poz. 112, Ustawa z dnia 29 maja 1985 r. Ordynacja wyborcza do Sejmu Polskiej Rzeczypospolitej Ludowej (Act of 29 May 1985. Electoral Ordinance to the Sejm of the Polish People's Republic).

60 Renamed National Front since 1957 – Siedziako (2018): p. 348.

61 Mażewski (2011): pp. 76–77.

62 Siedziako (2018): p. 244.

63 Siedziako (2018): p. 169.

64 Andrzej Zaćmiński, Michał Zaćmiński: Zasada tajności głosowania w wyborach do Sejmu PRL I kadencji z 26 października 1952 r., *Przegląd Sejmowy*, 4/2023, pp. 191–192.

VI. CONCLUDING REMARKS

Throughout 20th-century Polish history, the evolving nature of the state's political system played a pivotal role in enacting a particular form of electoral system, which, in turn, significantly influenced the structure of the legislature. From the democratic March Constitution to the authoritarian regime imposed after the May coup, and then to the socialist framework of the Constitution of the Polish People's Republic, electoral law in Poland adapted in response to broader political shifts.

A key factor that profoundly impacted both the right to vote and the right to stand for election was the age census. As observed during the interwar period, there was a notable upward trend in the lower age limit, effectively limiting the participation of certain segments of the population in elections. In contrast, under the Polish People's Republic the age limit was significantly lowered, broadening electoral participation. The table below provides a summary of the changes that took place in relation to this issue, based on the examined legal acts:

Period	Constitution/ Electoral law	The right to elect	The right to be elected
Interwar period	Decree on the Electoral Law for the Legislative Assembly of 1918	Legislative Assembly – 21 years	Legislative Assembly – 21 years
	March Constitution of 1921	Sejm – 21 years	Sejm – 25 years
		Senate – 30 years	Senate – 40 years
	April Constitution of 1935	Sejm – 24 years	Sejm – 30 years
		Senate – 30 years	Senate – 40 years
After the Second World War and during the Soviet-type dictatorship	Electoral Law for the Legislative Assembly of 1946	Legislative Assembly – 21 years	Legislative Assembly – 25 years
	Constitution of the People's Republic of Poland of 1952	Sejm – 18 years	Sejm – 21 years

Table 2: Required age to elect and to stand for election to parliament

During the period in which the April Constitution and the Electoral Ordinances enacted alongside it were in effect, eligibility to elect or stand for election to the position of senator was largely determined by one's membership in the social elite. This elite comprised a select group of citizens who possessed the requisite education, were recognised for their state service, or enjoyed public trust. This system significantly narrowed the segment of society with influence over the formation of one of the chambers of parliament.

The method of candidate nomination and the nature of the elections played a decisive role in shaping the composition of parliament under Soviet-type dictatorship. The candidates were aligned with the single electoral programme of the Unity Front of the

Nation, which was controlled by the Polish United Workers' Party. Furthermore, the elections had a plebiscitary character, whereby voters were merely given the option to express their support or opposition to candidates who had, in effect, already been selected by the ruling party. This system served to curtail political pluralism.

"The shape of the electoral system is to a serious extent the result of the game of political party interests. The party arrangement in the parliament may cause the legislator, guided by the anticipated political gains in the elections, to introduce instrumentally favourable regulations of the electoral law. The introduction of new regulations in the electoral law is caused by calculations and predictions of party leaders that the system will work in favour of their party."⁶⁵

This perspective aptly encapsulates the preceding discussion. As evidenced by the subsequent political developments in 20th-century Poland, the rules governing parliamentary formation reflected the state of the Polish political landscape at the time, which was characterised by dynamic and often turbulent changes.

65 Andrzej Krasnowolski (2010): *Koncepcje systemów wyborczych*, Biuro Analiz i Dokumentacji Kancelarii Senatu, Warszawa, pp. 4–5.