

INTERIM REPORT
4 September – 25 September 2023

29 September 2023

I. EXECUTIVE SUMMARY

Parliamentary elections will be held on 15 October to elect 100 members of the upper chamber (*Senat*) and 460 members of the lower chamber (*Sejm*). Elections will take place in a highly polarized environment, with several contentious political and economic issues dominating public discourse. In addition, a referendum will be held concurrently, at the initiative of the government.

The legal framework for parliamentary elections was amended substantially in 2023. The most notable changes included the introduction of a central voter register, revised membership criteria for the election Constituency Election Commissions (CECs), mandated free transportation arrangements of voters in some areas on election day, and the reduction of the minimum number of voters per polling station. The timing of this electoral reform was criticized by many ODIHR LEOM interlocutors, who noted that the process lacked meaningful consultation.

Elections are administered on the national, regional and local levels under supervision of the National Election Commission (NEC) and its executive body, the National Election Office, which also includes a separate three-level structure. Following recent amendments, the number of polling stations increased by 3,842, mainly in rural areas. Rural municipalities will also provide free transportation to and from the polling station where no public transport is available on election day.

Voter registration is passive and a Central Register of Voters will be used for the first time. Recent amendments increased the role of the Ministry of Digitalization in overseeing the maintenance of the voter register. Some ODIHR LEOM interlocutors contend that introducing the centralization of the voter's register in an election year may negatively affect its operability and accuracy.

A total of 6,663 candidates (on 320 candidate lists nominated by 13 electoral committees) for the *Sejm* and 361 candidates (nominated by 49 committees) for the *Senat* were registered. Some lists were rejected, predominantly due to insufficient numbers of support signatures. In line with a legal requirement for at least 35 per cent of each sex on *Sejm* lists, 44 per cent of the *Sejm* candidates are women. Women are at the top of 83 out of 320 *Sejm* lists, while only 19 per cent of the Senatorial candidates are women.

The campaign is visible, especially on television as well as on online platforms. Many ODIHR LEOM interlocutors contend that there had been intensive pre-campaigning in the months leading to the official start of the campaign, including with the possible use of state resources. Migration, relations with the European Union, the war in Ukraine and agricultural imports from Ukraine, inflation and perceptions of corruption and the rule of law, as well as personal freedoms are among central themes in the campaign. The tone of the campaign has been highly confrontational and personal attacks against the leaders of the main parties dominate the campaign, often with inflammatory language.

All campaigns are financed through electoral committees, which can be established by political parties, coalitions or voters. They can fund their campaigns from public and private sources. Anonymous donations as well as contributions from foreign sources and legal entities are prohibited. Third-party campaigning is legally prohibited but there are no sanctions for such campaigning. There are no reporting requirements to the NEC before election day. Several ODIHR LEOM interlocutors cited the need for greater and more effective transparency of campaign finances.

While the media landscape is pluralistic and diverse, it is visibly polarized. The Constitution guarantees freedom of expression and access to official information and prohibits censorship; however, defamation remains criminalized. Many ODIHR LEOM interlocutors highlighted a perceived marked bias in favor of the ruling party and its policies on public media, especially public television.

The available election dispute resolution mechanisms include judicial and administrative avenues for voters and electoral contestants. The NEC considered 24 cases and the Supreme Court has so far dealt with 31 election-related cases, the majority of which were dismissed on procedural grounds or merits. Most notably, the Supreme Court overturned a NEC instruction, which would have limited party agents and citizen observers to observing CEC activities only on election day. Many ODIHR LEOM interlocutors voiced concern about judicial reforms enacted since 2016, noting their negative impact on trust in the judiciary.

International and citizen election observation is regulated. Recent amendments expanded the rights of electoral committees' and citizen observers to record voting procedures, while requiring that such recordings be transmitted to the Ministry of Digitalization and deleted from the original devices. Several civil society organizations plan to observe the election day and some organizations have also started monitoring the campaign coverage in the media, campaign finance and the use of public resources.

II. INTRODUCTION

Following an invitation from Polish authorities, though the Permanent Mission of the Republic of Poland to the Organization for Security and Cooperation in Europe and based on the recommendation of a Needs Assessment Mission (NAM) conducted from 18 to 24 May 2023, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 4 September. The ODIHR LEOM, headed by Douglas Wake, consists of 11 experts based in Warsaw and 20 long-term observers deployed across Poland on 9 September. Observers are drawn from 18 OSCE participating States, and 45 per cent of mission members are women. In line with ODIHR's methodology, the LEOM will not carry out a comprehensive or systematic observation of election day proceedings but intends to visit a limited number of polling stations on election day.

III. BACKGROUND AND POLITICAL CONTEXT

Poland is a semi-presidential republic. The government is led by the prime minister, confirmed by the parliament. The president is directly elected and serves as the head of state. Legislative power is vested in the parliament, comprised of the lower chamber (*Sejm*) and the upper chamber (*Senat*). On 8 August, President Andrzej Duda called parliamentary elections for 15 October. On 15 August, Prime Minister Morawiecki submitted four referendum questions to the *Sejm* on accepting immigrants from the Middle East and Africa, removing a fence on the Belarus border, selling state assets, and raising the retirement age.¹ On 17 August, the *Sejm* decided to hold the referendum together with the parliamentary elections on 15 October.²

¹ The ODIHR LEOM is following the referendum only to the extent that it may have an impact on the parliamentary elections.

² Many ODIHR LEOM interlocutors suggested that the referendum is intended to mobilize voters sympathetic to the ruling party and to amplify ruling party election messages through resources allocated to the referendum campaign. Others opined that whether a voter accepts a referendum ballot could be an indication of political views, undermining secrecy of the vote. Several opposition leaders, including Donald Tusk of Civic Coalition (*Koalicja Obywatelska*, KO), called for a boycott of the referendum.

In a highly polarized political environment, the Law and Justice Party (*Prawo i Sprawiedliwość*, PiS) has held a majority in the *Sejm* since 2015.³ Women are underrepresented in public life. In the outgoing parliament, women make up 28.5 per cent in the *Sejm*, and 24 per cent in the *Senat* and of the 28 ministers, only 5 are women. Since the 2019 elections, Poland has faced a number of challenges including the COVID pandemic, a crisis involving third-country migrants on its border with Belarus, and the ramifications of the war caused by the Russian Federation's invasion of neighboring Ukraine, including the influx of several million Ukrainian refugees since February 2022. After coming to power, PiS implemented legislative changes limiting abortion rights and regulating the judiciary and public media, which led to infringement procedures by the European Commission (EC).⁴ Most recently, on 8 June 2023, the EC launched an infringement procedure for violating European Union (EU) law after the Polish government established a special commission to investigate Russian influence in Poland.⁵ Despite concerns of the Council of Europe's Commission for Democracy through Law (Venice Commission), the commission was set up on 30 August.⁶ Notably, the law was amended to remove criticized provisions, including one which would have authorized the new Commission to disqualify electoral contestants. In the months leading up to the elections, public discourse has been dominated by contentious political and economic issues, including the war in Ukraine, migration, relations with the EU, and debates about the resilience of democratic institutions, social values, and the role of the Catholic Church. In March, prosecutors launched an investigation into possible corruption connected to issuing Polish visas for foreign workers by the Ministry of Foreign Affairs (MFA), resulting in dismissal of a deputy foreign minister and charges against seven individuals.⁷

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Poland is party to major international and regional instruments related to the holding of democratic elections.⁸ At the national level, elections are primarily regulated by the 1997 Constitution, the 2011 Election Code, the 1990 Law on Assemblies and the 1997 Political Parties Act. The National Election Commission (NEC) issues resolutions and binding guidelines for lower election commissions, as well as explanations for state and local administration, electoral committees and media outlets.

In March 2023, the Election Code was substantially amended.⁹ The changes introduced a central register of voters; decreased the minimum number of voters in polling stations, thus increasing the number of polling stations; expanded the qualifying requirements for the Constituency Election Commissions (CECs); introduced provisions for organized public transportation for voters in rural areas without public transportation; modified deadlines for the Supreme Court to rule on certain cases;

³ In 2019, PiS gained 235 seats; KO 134; Democratic Left Alliance (*Sojusz Lewicy Demokratycznej*, SLD) 49; the Polish People's Party (*Polskie Stronnictwo Ludowe*, PSL) 30; Confederation (*Konfederacja Wolność i Niepodległość*) 11, and the German minority 1 seat. In the *Senat*, PiS secured 48 seats, KO 43, PSL 3, SLD 2, independent 3 and one candidate from a committee of voters.

⁴ Infringement procedures resulted in EUR 1 million (reduced to EUR 500,000 in April 2023) penalty, as well as the blocking of EUR 35.4 billion in EU COVID-19 recovery funds.

⁵ The Law on the State Committee for the Examination of Russian influence on the internal security of Poland between 2007 and 2022 came into force on 31 May 2023.

⁶ On 26 July, the Venice Commission issued an [urgent opinion](#) concluding that the law should be repealed in its entirety. Please see also [the EC Infringement procedure](#).

⁷ Anti-corruption agency personnel searched the MFA on 31 August and a deputy foreign minister was reportedly dismissed the same day. On 15 September, the MFA issued a [statement](#) in this connection.

⁸ Including the 1966 International Covenant on Civil and Political Rights ([ICCPR](#)), 1979 Convention for the Elimination of All Forms of Discrimination against Women ([CEDAW](#)), 1965 Convention on the Elimination of All Forms of Racial Discrimination ([CERD](#)), the 2003 Convention Against Corruption ([CAC](#)), and the 2006 Convention on the Rights of Persons with Disabilities ([CRPD](#)). Poland is a party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1995 Framework Convention for the Protection of National Minorities.

⁹ Amendments also affected the 1997 Political Parties Act, the 1997 Law on Restriction Business Activity by Persons Performing Public Functions, the 2000 Act on the National Criminal Register, the 2006 Disclosure Act on Information on Documents of State Security Organs, the 2009 Finance Act and the 2010 Act on the Population Register.

and expanded the rights of party and citizen observers to record voting procedures, while requiring that such recordings be transmitted to the Ministry of Digitalization and deleted from the original devices. These amendments incorporated some previous ODIHR recommendations related to central voter register and the participation of persons with disabilities. However, other ODIHR recommendations remain unaddressed, including safeguarding electoral rights for persons with mental disabilities, abolishing criminal liability for defamation, as well as or further regulating campaign finance. The timing of this electoral reform was criticized by many ODIHR LEOM interlocutors, who cited concerns with the lack of meaningful consultation.¹⁰

Parliament has a four-year term. One hundred members of the *Senat* are elected through a first-past-the-post system in 100 single-mandate constituencies. All 460 members of the *Sejm* are elected through a proportional open list system from 41 multi-member constituencies. Candidate lists that receive at least five per cent of valid votes nationwide (eight per cent for coalitions) participate in the distribution of seats for the *Sejm*. Electoral lists registered by national minorities are exempt from this threshold requirement. Electoral constituencies are created within the boundaries of administrative regions. *Sejm* mandates are allocated proportionately to constituencies based on the population size. The legislation foresees a periodic review of boundary delimitations to accommodate population shifts. In November 2022, the NEC proposed several adjustments affecting ten constituencies to the *Sejm*, but these were not approved. Several ODIHR LEOM interlocutors noted that the current outdated boundary delimitation and distribution of mandates has a negative impact on equality of the vote.¹¹

V. ELECTION ADMINISTRATION

Elections are managed by the NEC, the National Election Office (NEO) and its 49 delegate offices, 41 CECs, and 31,073 Precinct Election Commissions (PECs).¹² For these elections, the MFA has established 402 PECs in diplomatic representations in 92 countries. The NEC is a permanent body tasked with overseeing the implementation of election legislation, registering electoral committees, overseeing campaign finance and announcing final election results, among other functions. Following amendments of to the Electoral Code in 2018, these are the first parliamentary elections in which the NEC is composed of two judges appointed for nine years (nominated by the Constitutional Tribunal and the Supreme Administrative Court) and seven members appointed for a four-year term by political parties in proportion to their representation in the *Sejm*.¹³ All NEC members are men. The NEC has held sessions when it has deemed them necessary and adopted and promptly published all resolutions and explanations. Resolutions require a simple majority approval for adoption with a two-thirds quorum in an open procedure. The NEC also appointed 100 Election Commissioners from among candidates with a higher legal education preselected by the Minister of Interior and Administration (MoI) for a five-year term to act as NEC's plenipotentiaries in Voivodeships. Thirty-one of these are women. Their primary responsibilities are to ensure the observance of the election legislation in their assigned constituency, chair the CECs, propose CEC candidates, and establish PECs.

The NEO is the permanent executive branch of the NEC responsible for the administrative, financial and logistical organization of the elections. The head of the NEO is appointed by the NEC for a seven-year term from among three candidates proposed by the MoI and serves also as the secretary of the NEC. The head of the NEO, currently a woman, bears the overall responsibility for the management of those election-related expenditures which are funded from the state budget. The NEO is made up of seven operational teams and maintains 49 permanent delegate offices around the country supporting

¹⁰ See [ODIHR Legal Opinion](#) on the draft act amending the Election Code and certain other legal acts.

¹¹ All votes from abroad are added to the votes of single *Sejm* and *Senat* constituencies of central Warsaw. Some ODIHR LEOM interlocutors noted that adding these votes to a single constituency also undermines the equality of the vote.

¹² This includes 1,781 special PECs created in hospitals (892), social welfare homes (705), student compounds (15) and different types of prisons and detention centres (169).

¹³ The political appointees have to be qualified for the office of a judge or have a professional or academic legal background. No parliamentary group can appoint more than three members.

the CECs and PECs. In addition, in 2018 and 2019, the NEO appointed some 2,600 election officers for a six-year term from among state and municipal civil servants to oversee the overall conduct of PECs, train their members, and coordinate the election day logistics at the municipal level.

CECs were established by the NEC on 28 August as temporary bodies mandated with registering candidate lists, printing ballots, supervising the work of PECs, handling complaints related to decisions of PECs, and tabulating constituency results. The most recent amendments repealed the requirement that the CEC members be serving or retired judges; all their members must now hold a university degree in law and present “a guarantee of due execution of this function.” CECs have between 4 and 10 members of which over 60 per cent are currently judges and 37 per cent are women. CECs are chaired by election commissioners and the directors of NEO delegate offices act as their secretaries.

PECs are responsible for the overall conduct of election procedures in a polling station (PS). Depending on the number of voters assigned, regular PECs are comprised of 7 to 13 members. The Election Code regulates the distribution of PEC members among electoral committees, allotting two-thirds of the statutory number of members to those with elected members in the *Sejm* or the *Sejmik* of the respective voivodeship. Additional PEC members are assigned to the remaining electoral committees, using a lottery whenever necessary.¹⁴ The 2023 amendments lowered the minimum number of voters per PS from 500 to 200, which resulted in the creation of an additional 3,842 PSs, mainly in rural areas.

The Election Code contains provisions facilitating voting by persons with physical disabilities or limited mobility (possessing a disability certificate) and those over 60 years of age. These include proxy and postal voting. By law, at least half of all PSs within a municipality must be suitable for independent access by persons with disabilities, who can request to be assigned to such a PS. The NEC will provide Braille ballot overlays. Following the 2023 amendments, free transportation to and from the polling station should be provided wherever there is no public transport available on election day.¹⁵

VI. VOTER RIGHTS AND REGISTRATION

Citizens who are at least 18 years of age on election day have the right to vote, unless this right has been revoked by a decision of a court or State Tribunal, including based on mental disability which is

contrary to international standards.¹⁶ The 2023 amendments provide a legal basis for the creation of a Central Register of Voters (CRV). The overall responsibility for the integration and maintenance of the CRV is vested with the Ministry for Digitalization that also hosts the electronic civil registry in which all residents are assigned a unique 11-digit identification number (*PESEL*). On 14 August, the NEC published the preliminary number of eligible voters: 29,097,503 (as of 30 June), a notable decrease from the preliminary figure published before the last national election in 2020 (29,857,988). Some ODIHR LEOM interlocutors were concerned that the late introduction of the central registry may impact its operability and accuracy.

Municipalities update the information on their residents and extract the final voter lists two days before election day. Following the 2023 amendments, voter lists are not available for public scrutiny; only individual inquiries about one’s own entry can be submitted at the corresponding municipality or via the government portal (*mObywatel*). Voters may file complaints with the competent mayor in case of

¹⁴ The vacancies could be filled by citizen applicants if there are less than five appointed members.

¹⁵ The same amendment introduced the provision of free transportation for everyone in the rural areas where the distance between the nearest serviced bus stop and the polling station is more than 1.5 km.

¹⁶ Article 29 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD) requires States Parties to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. See also Paragraph 48 of General Comment No. 1 to Article 12 of the CRPD. Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that OSCE participating States will “guarantee universal and equal suffrage to adult citizens”. ODIHR EOM interlocutors noted that in practice, very few voters are disenfranchised due to mental, intellectual or psychosocial disability.

irregularities or non-inclusion in the CRV. Voters may request to be included in the voter list at a place of temporary residence, either in writing or electronically. Alternatively, an Absentee Voter Certificate's (AVC) can be requested and collected in person at the municipality of permanent residency, permitting the person to cast the vote in any PS in Poland. To avoid fraud, AVCs bear a hologram sticker. Voter lists in special precincts are prepared by the respective institutions. Citizens residing or planning to be abroad on election day have to actively apply in-person, via email or using the online portal of the MFA for their inclusion on the voter list abroad, no later than 10 October.

VII. CANDIDATE REGISTRATION

Citizens with the right to vote who have reached 21 and 30 years of age by election day have the right to stand in *Sejm* and *Senat* elections respectively. Those who have been sentenced for an intentional offence or fiscal crime or incapacitated by a final court decision based on mental disability forfeit this right.¹⁷

Candidacies can only be submitted by electoral committees formed by political parties, coalitions or by groups of over 15 voters, the latter having to present at least 1,000 supporting signatures. By the 28 August deadline, 85 electoral committees registered with the NEC.¹⁸ These committees could then submit candidates or lists of candidates for the *Senat* and the *Sejm* to the respective CECs, each backed with 2,000 and 5,000 support signatures of voters registered within the respective constituencies.¹⁹ The CEC registered 6,663 candidates on 320 list for the *Sejm* presented by 13 electoral committees and 361 candidates for the *Senat* (from 49 committees). In total, 42 *Sejm* lists and 27 senatorial candidates were rejected, after the required number of signatures could not be verified. The position of candidate lists on the ballot, for the 10 electoral committees running in more than one constituency, was determined by public lottery held at the NEC on 15 September, with the first positions given to the six committees contesting all constituencies. Candidates for the *Senat* will be ordered alphabetically.

Sejm lists must include at least 35 per cent of candidates of each sex, but there are no requirements on their ordering on the lists. In total, 44 per cent of the *Sejm* candidates are women and women lead 83 out of the 320 lists. The share of women candidates in the first fifth of the positions on committee lists ranges from 11 to 52 per cent.²⁰ Only 19 per cent of the Senatorial candidates are women.

VIII. CAMPAIGN ENVIRONMENT

The official campaign period commenced on 8 August, the day elections were called. Many ODIHR LEOM interlocutors contend that there had been intensive pre-campaigning in the months leading to the official start of the campaign. Campaign activities are prohibited in premises where the polling stations are located and a campaign silence period, including the prohibition of publishing opinion polls, takes effect 24 hours before election day.

During the first few weeks of the campaign, contestants used a variety of traditional methods to campaign, including rallies and door-to-door campaigning. The ODIHR LEOM has been following the campaign activities of electoral contestants on social networks, on which contestants have also

¹⁷ In addition, the right to stand may be revoked by a court decision based on a lustration law related to the activities of security services between 1944 and 1990.

¹⁸ Of these, 40 were presented by political parties, 2 by coalitions and 43 by electoral committees of voters. Eight applications of electoral committees of voters were rejected for insufficient number of signatures or other unresolved irregularities or omissions. One application was withdrawn.

¹⁹ Seven electoral committees registered their *Sejm* lists in more than half of constituencies by which they were exempt from submitting any further signatures in the rest of constituencies. There is no analogous rule for the *Senat*.

²⁰ Confederation has the lowest and KO the highest share of women in the top five positions.

been campaigning actively.²¹ Migration, Poland's position in the EU, the war in Ukraine and the decision to ban grain imports from Ukraine, as well as personal freedoms, including access to abortion, are central themes in the public discourse. Debates have focused considerable attention on differences over social values, foreign policy, and the resilience of democratic institutions. The ruling party's campaign highlights the government's past achievements and its recent social policy programs, and focuses on traditional values, and national security. Criticism against the government's handling of the COVID-19 pandemic and controversies regarding alleged corruption, including the issuance of visas by the MFA, are prominent topics in the campaign of most opposition groups. The KO made promises to improve relations with the EU and secure the release of EU COVID-19 recovery funds, implement health care and education reform, and reverse judicial changes. Confederation's main messages revolve around the restructuring of the tax system, while the Third Way and the New Left focused on social welfare issues and women's rights. Reflecting the polarized environment, the campaign tone has been highly confrontational and dominated by personal attacks against the main party leaders, often with inflammatory language.²² Some parties used xenophobic language about migrants.²³ Several ODIHR LEOM interlocutors raised concerns regarding the active role of the Church in the campaign.

The Election Code does not explicitly regulate campaigning by public officials; however, other legal acts oblige them to maintain impartiality when performing official duties. The NEC further clarified that "public figures engaging in agitation for electoral committees, are obliged to strictly separate such activities."²⁴ There were notable instances of high-ranking public officials campaigning in favour of the ruling party while attending publicly funded events.²⁵ The government has recently announced a number of social policy decisions, including a raise in child benefits, minimum wage, and the introduction of extraordinary pension benefits to be paid out in September.²⁶ Many ODIHR LEOM interlocutors raised concerns regarding the use of state resources in the campaign, as well as the alleged overlap in the referendum campaigns of foundations of state-controlled entities and the ruling party.

Most political parties emphasize the importance of women as voters and candidates. Issues targeting women vary distinctly in their focus on reproductive rights on the one hand, and the traditional role of women in the family, and promises to increase childcare support on the other. Some ODIHR LEOM interlocutors raised concerns about the possible use of misogynistic rhetoric against women candidates.²⁷

²¹ To date, the ODIHR LEOM has observed 14 campaign events, of which 10 featured women speakers. 12 of these events were accessible to persons with disabilities and 1 included sign-language interpretation. Since 4 September, the ODIHR LEOM has been following the campaign activities of contestants on X and Facebook.

²² On 2 September at a campaign event in Katowice, the prime minister [called](#) Donald Tusk "the leader of the party of crooks." On 4 September, the PO shared a [post](#) on X: "Kaczyński is a threat! A danger to your children. A threat to your family."

²³ On 17 September, Krzysztof Bosak of Confederation posted an interview in which he [stated](#): "guard the borders and if someone is meant to drown they will just drown, and he won't be fed, petted or transported to the North of Europe". On 14 September, the prime minister stated in a video on X: "invasion of thousands of young men, migrants from Africa, is the price of the disastrous immigration policy of Donald Tusk's friends: Merkel and Weber... Fear, chaos, riots, demolition."

²⁴ On 18 August, the NEC published [guidelines](#) calling for the separation of election activities from their ordinary duties of public officials, among others. See also Article 84(1), Election Code, and Article 78, Public Service Act.

²⁵ Notably, on 14 August, deputy prime minister [spoke](#) at an event, organized by the ministry of defense, about the leader of PO: "Tusk is the personification of evil in Poland, pure evil". On 14 September, the prime minister [participated](#) in a conference organized by the Ministry of Family and Social Policy, where he campaigned in favor of PiS, claiming that the opposition would bring back the "law of the jungle".

²⁶ On 7 August, the president signed legislation to increase the child benefits from PLN 500 to PLN 800. On 8 August, the prime minister [signed](#) regulations to allow for the 14th month pensions as of September. On 14 September, the prime minister announced a raise in the minimum wage to PLN 4,242 from January 2024 and to PLN 4,300 from July 1, 2024.

²⁷ On 17 September, inaccurate social media posts employing racist tropes, appeared [attacking](#) a woman KO candidate for the *Sejm*. According to a 22 September media [report](#), graphic violent threats were targeted at another woman KO candidate for the *Sejm*.

IX. CAMPAIGN FINANCE

Financing of political parties and electoral campaigns are primarily regulated by the Election Code and the Political Parties Act. Amendments to the Political Parties Act, enacted in 2021, require political parties to publish searchable registers with information on donations received and contracts entered on their own websites within 14 days of receipt. Amendments to the Election Code enacted in 2021 and 2023 impose penalties for failure to comply with the amendments to the Political Parties Act noted above and introduce the possibility for electronic reporting, respectively. Still, several ODIHR LEOM interlocutors cited the need for greater and more effective transparency of campaign finances.

Political parties can receive public and private funding and may apply for loans. Parties must establish separate bank accounts for their day-to-day operations as well as for their permanent Election Funds from which they transfer financial resources to their electoral committees. Political parties that receive at least three per cent (or coalitions that receive at least six per cent) of the valid votes for the *Sejm* obtain annual state allocations during the term of the *Sejm*.²⁸ These parties must submit audited financial information to the NEC in March of every year.

If an electoral committee gains at least one seat in the previous *Sejm* or *Senat*, the parties of which it is composed are eligible to receive a one-time state subsidy for their electoral campaign expenses after the elections. The subsidy is based on the total expenditure declared in the committee's financial reports and in proportion to the number of mandates obtained. Citizens who are permanently resident in Poland are permitted, up to prescribed limits, to donate to political parties which can then be allocated to the party's Election Funds.²⁹ Anonymous and cash donations, as well as contributions from foreign sources and legal entities, are prohibited. All parties also must submit financial information on donations and loans, as well as expenditures from their Election Funds to the NEC in March of each year.

Campaigning can only be funded through electoral committees. Electoral committees formed by political parties and coalitions can only be financed through the designated Election Funds of the political parties. Only electoral committees established by groups of voters may be financed directly from private donations and loans.³⁰ Electoral committees may accept certain types of in-kind contributions.³¹ Specific spending limits are determined for each electoral committee, based on the number of contested seats for the *Sejm* and the *Senat*.³² There are no contribution or expenditure limits or reporting requirements for the campaign finances of the referendum campaigns. Third-party campaigning is legally prohibited but there are no sanctions for such campaigning.

The NEC exercises oversight over party and campaign finance. In addition to the requirements for political parties to disclose donations discussed above, electoral committees established by groups of voters are required to publicly disclose loans and private donations, exceeding one minimum monthly salary, on their websites within seven days of their receipt. There are no other reporting requirements

²⁸ Each allocation is determined in inverse proportion to the number of valid votes cast for the constituency lists. The current annual subvention for PiS is PLN 23,499,528 and for KO - PLN 19,800,329.

²⁹ Individuals can make monetary donations up to 15 times the minimum monthly salary (PLN 54,000) to parties and Electoral Funds.

³⁰ Candidates from electoral committees of voters can contribute to their committee up to 45 times the minimum monthly salary (PLN 162,000). Individuals can make monetary donations up to 15 times the minimum monthly salary (PLN 54,000) to parties and their Electoral Funds, as well as electoral committees of voters.

³¹ In-kind contributions may come from individuals in the form of volunteers to distribute election posters and leaflets; office support; use of objects, devices, and vehicles free of charge; and access to private space to display campaign materials. Electoral committees of parties and coalitions may use political party office space and equipment free of charge.

³² The highest limit for an electoral committee in these elections is PLN 38,781,152 and the lowest limit (for committees fielding one *Senat* candidate) is PLN 69,834.

before election day. All electoral committees only submit audited financial reports with supporting financial documentation on campaign incomes and expenditures within three months after election day. The NEC is legally obligated to publish all electoral committee reports within 30 days of their submission. For certain minor violations, the NEC can accept the reports in a way that acknowledges shortcomings without imposing major sanctions.³³ Rejections may be appealed to the Supreme Court.

X. MEDIA

The Constitution guarantees freedom of expression and prohibits censorship. Defamation and public insult remain punishable under the Criminal Code with up to one or up to three years of imprisonment respectively. Strategic Lawsuits Against Public Participation (SLAPP) intended to intimidate and silence journalists, have become commonplace resulting in costly legal defences, particularly for smaller outlets, and potentially resulting in self-censorship.³⁴

The media landscape is pluralistic and diverse, but openly polarized. While there is a steady shift towards online media and social networks that are consulted by a growing audience, television remains the primary source of political news. Public television *Telewizja Polska* (TVP) attracts the largest number of viewers, followed by the private TVN and *Polsat*. TVP operates 14 national channels (including main channels TVP1, TVP2, and the news channel *TVP Info*), and 16 regional channels. The public radio (*Polskie Radio*) operates 8 national and some 24 regional and local radio stations.

The majority of ODIHR LEOM interlocutors have been of the opinion that the public media, particularly public television, demonstrates a strong bias in favour of the ruling party and its policies.³⁵ Most ODIHR LEOM interlocutors describe TVN as highly critical of the ruling party and *Polsat* to be relatively neutral while rarely criticizing the government or ruling party.³⁶

In 2021, the state-controlled fuel company *PKN Orlen* finalized the purchase of the *Polska Press*, a media company that operates 20 out of 24 regional daily newspapers, some 120 regional weekly and many online portals. The change in ownership was followed by a major overhaul of senior newsroom personnel. Many ODIHR NAM interlocutors perceived the takeover as entrenching political control by the governing party over local media.

The National Broadcasting Council (NBC) is a media regulatory body that consists of five members, appointed for six-year terms: two by the president, two by the *Sejm*, and one by the *Senat*. The Constitution mandates the NBC with safeguarding freedom of speech, the right to information as well as the public interest in broadcast media. During the campaign period, NBC will not conduct its own media monitoring and will only act upon the complaints received. On 13 September, NBC updated its 2011 Regulation, which establishes the framework for free airtime allocation that, by law, will start 15 days prior to election day.³⁷ On 26 September, TVP will allot the free airtime on national public broadcasters to seven electoral committees registered in at least half of the constituencies for the *Sejm*, and to the *Senate*, respectively. Regional channels of TVP are obliged to allocate free airtime to electoral committees that compete in at least one of the constituencies.

³³ If a political party report on allocation expenses is rejected, it loses its allocation for one year. Should a political party's financial report be rejected, it loses its allocation for three years. Upon rejection of an electoral committee report, the committee must forfeit the amount rejected and pay a fine of three times that amount. Rejections may be appealed to the Supreme Court within seven days for parties and 14 days for electoral committees.

³⁴ According to [the 2023 report by the Coalition against SLAPPs in Europe](#), Poland has the highest number of such lawsuits in Europe between 2010 and 2022, with most of them initiated since 2018.

³⁵ According to Article 21 of the Broadcasting Law, Public media have a legal obligation to be impartial.

³⁶ In 2021, the ruling party proposed, and the *Sejm* adopted a law on foreign media ownership in 2021 that was widely criticized, including by the OSCE Representative on Freedom of the Media, who [warned](#) that "it would affect Poland's largest private television news channel, TVN24, known for its critical coverage, thus harming media pluralism in the country." The President vetoed the bill in December 2021.

³⁷ The [NBC regulation](#) concerning the free airtime allocation from 12 July 2011 and [its 2023 update](#).

On 13 September, the ODIHR LEOM commenced its quantitative and qualitative assessment of political and election-related coverage by various major media outlets.³⁸

XI. ELECTORAL DISPUTE RESOLUTION

Available dispute resolution mechanisms include judicial and administrative avenues both for voters and electoral contestants. NEC resolutions refusing the registration of an electoral committee may be appealed to the Supreme Court. CEC decisions to reject candidate registration may be appealed to the NEC and further to the Supreme Court, as the last instance. Electoral Committees can file complaints related to the distribution of free public airtime to the NEC, which is also competent for reviewing objections on political party and campaign finance reporting. Candidates or electoral committee representatives may seek legal redress for dissemination of false information or offensive messages and such cases are decided by district courts within 24 hours. Election results can be challenged within 7 days from their announcement with the Chamber of Extraordinary Review and Public Affairs of the Supreme Court, which is also mandated to validate the election results within 90 days from the elections; these are reviewed by three-judge panels in a closed session. Many ODIHR LEOM interlocutors voiced concerns about the diminished trust in the judiciary following reforms to the appointment mechanisms of the judiciary as part of 2016 judicial reforms that resulted in the replacement of many judges.

The NEC considered 24 appeals during the candidate registration period. All of these were related to CEC decisions denying registration to candidate lists and candidates, mostly for not meeting the signature requirements. Twelve appeals were not considered on procedural grounds, eleven were dismissed on the merits and one was upheld.³⁹ The Supreme Court has so far dealt with 31 election-related cases. Most notably, two appeals on the registration refusal for electoral committees were dismissed. The Supreme Court upheld all NEC resolutions which denied the registration of candidates.⁴⁰ In addition, on 7 September, in a decision which many ODIHR interlocutors viewed positively, the Supreme Court overturned the NEC instruction issued on 30 August, which had limited citizen observation to election day only.⁴¹ Both the NEC and Supreme Court published all decisions on their respective websites.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

Associations and foundations registered in Poland and active in democracy, civic rights, and civil society development, in addition to electoral committees, can appoint observers and proxies, respectively, to CECs and PECs. No accreditation is needed; however, they have to present a certificate from their nominating organizations. Citizen observers have the same rights as the proxies of electoral committees, except that they may not enter comments in protocols or follow the transport and handover of protocols to CECs. Recent amendments expanded the rights of electoral committees' and citizen observers to record voting procedures, however they also require that such recordings be transmitted to the Ministry of Digitalization and deleted from the original devices. A number of civil society organizations plan to observe the election day and some organizations have also started monitoring the campaign coverage in the media, campaign finance and use of public resources.⁴²

³⁸ This includes public television TVP1, TVP2 channels and radio *Jedynka* stations; private television channels *Polsat*, *TVN* and radio station *RMF FM*; newspapers *Gazeta Wyborcza*, *Fakt*, *Rzeczpospolita*, *SuperExpress* and online news websites [Interia.pl](https://www.interia.pl), [Onet.pl](https://www.onet.pl) and [WP.pl](https://www.wp.pl).

³⁹ CEC decisions concerned 11 electoral committees with 10 appeals filed by *Polska Liberalna*.

⁴⁰ The vast majority of appeals on both levels was filed by *Polska Liberalna* and related to insufficient signatures for candidate lists or candidates.

⁴¹ See the [NEC Instruction No. ZPOW.713.6.2023](#), of 30 August 2023. Despite a legal requirement, the said instruction had not been repealed or amended on the NEC website at the time of this reporting.

⁴² These include the Accountability Foundation, Electoral Observatory and the Citizen Election Control.

XIII. ODIHR LEOM ACTIVITIES

The ODIHR LEOM commenced its work on 4 September. The Head of Mission met with the Ministry of Foreign Affairs, the NEC and NEO, other high-level state officials, candidates and other representatives of political parties and movements, media, civil society, and members of the diplomatic and international community. Twenty long-term observers were briefed and deployed across the country on 9 September. They established contacts with electoral stakeholders at the regional level. The OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) will deploy observer delegations for election-day observation. Ms. Pia Kauma, President of the OSCE PA (Finland) has been appointed as Special Co-ordinator, and Mr. Pere Joan Pons (Spain) as Head of the OSCE PA delegation. Ms. Mireille Clapot (France) will act as PACE Head of Delegation.

*The English version of this report is the only official document.
An unofficial translation is available in Polish.*