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Evolution of the System of Elections to the Polish Sejm – the Matter of Election Formula¹

Abstract: The subject matter of this article is evolution of the system of elections to the Polish Sejm within period between 1991 and 2015. The conducted research paid particular attention to the election formula, which is the principle for converting votes into mandates (we can distinguish three types of election formulas: proportional, majority and mixed).

The research leads to a conclusion that the election formula has been a vital aspect of the political discourse between 1991 and 2015. Considerable support among the citizens of the Republic of Poland for the idea of adopting the majority formula in elections to the Sejm (in place of the proportional representation formula which has been applied since 1991) should be a stimulus for a thorough constitutional debate within the subject concerned because the principles of elections need to enjoy a broad social acceptance. Supporters of the single-mandate constituencies rise an argument that e.g. the said election formula draws the nation and political authorities closer together because position of the parliament members in the constituency becomes more important than his/her position within the managerial circles of the political party (the electoral committee) that develops the electoral registers.

Key words: Sejm, electoral system, proportional representation, majority rule, single-mandate constituencies

Preliminary considerations

Contemporary democratic states are actually of representative nature. This means that the sovereign does not constantly participate in the decision-making process and particular functions are fulfilled by the political elite. The role of citizens is to select the representatives and control them through cyclical and contested elections (Rachwał, 2013, pp. 69–82). In connection with the above, elections constitute the central procedure commonly used in the contemporary democratic states. This seems to justify the need for scientific research in this subject.

Taking into account the subject matter of this draft, the key importance is played by the notion of “electoral system” which can be defined as the “set of rules that specify the nature and course of the process, in which individual preferences of the citizens are being converted into votes, and then processed into decisions about ultimate selection of representatives – i.e. the participants of state decision-making process who hold functions in the authorities with elected membership. Hence, the process that allows voicing electoral

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preferences through voting and the subsequent transformation of votes cast on individual parties into the mandates are the essence of the electoral system” (Herbut, 2002, p. 441). As R. Herbut has pointed out, we can distinguish five elements of the electoral system: the election formula, the size of a constituency, the characteristics of social and economic structure of the electorate, average cost of achieving one mandate, voters’ entitlements during the voting (Herbut, 2002, pp. 441–444). The scope of this article has been limited to one of the elements of the electoral system in elections to the Sejm, namely to the election formula. This methodological assumption was driven by the complexity of the problems connected with the electoral system as well as the limited framework of the draft. Here, it is worth mentioning that the electoral formula is itself a complex matter and a detailed analysis of this element of the electoral system is not possible through a scientific article like the current one. Thus, the below considerations do not pretend to be a comprehensive elaboration, but rather a contribution to start a more detailed research. This work covers the time frame between 1991 and 2015. The starting point are the first free elections to the Sejm of the Republic of Poland after World War II, while the final considerations refer to the willingness to present the most current state within the concerned subject.

For the purposes of this article it was assumed that the election formula is the principle of converting votes into mandates (Polarczyk, 2003, p. 42). “In general and direct elections, the two primary election formulas are applied: the majority formula and the proportional representation formula. However, the selection of members to given chamber of the parliament can be done pursuant to both formulas, which means that part of the parliamentary mandates is filled according to the majority formula, and the other part according to the proportional formula. Such a formula is defines and the mixed formula” (Polarczyk, 2003, p. 42). Hence, we may distinguish three election formulas, i.e. the majority formula, the proportional formula and the mixed formula.

Application of the majority formula means that the mandate is given to a candidate who received most of the votes. However, an absolute or relative majority may also be required. The majority elections are often conducted in single-mandate constituencies, but majority elections in multi-mandate constituencies are also possible (see more: Antoszewski, 1997, pp. 230–239). On the other hand, “the proportional formulas assume mandate distribution between the parties proportionally to the number of votes they receive, sometimes with consideration of the «electoral thresholds». As a result, they require that voters cast their votes for party lists and that greater number of parliament members are selected from a single constituency” (Haman, 2003, p. 74).

The current article aims at presenting evolution of the system of elections to the Polish Sejm between 1991 and 2015. As it has already been mentioned, the main focus was placed on the subject of election formula. This research assumes a hypothesis that issues contained within this work constitute an important aspect of the public discourse because of a great influence which election formula has on the mandate distribution in the respective authority.

The first part of the draft illustrates the issue of a formula of election to the Polish Sejm within the concerned time frame. In this way, the current legislation has been cited and described mainly with the use of institutional and legal method. Further part of the article is a reconstruction of selected elements of the public discourse within the scope of generating the composition of the Sejm. The discussion is concluded with a summary,

which refers to the research hypothesis and contains a synthetic description of the formulated arguments with the aim to substantiate the change of election formula.

System of elections to the Sejm of the Republic of Poland

The elections to Sejm that took place between 1991 and 2015 proceeded according to the proportional representation formula. However, the method for converting votes into mandates as well as the size of constituencies were changing. The elections of 1991 has taken place pursuant to the provisions of the act of 28 June 1991 on the electoral code for elections to the Sejm of the Republic of Poland (Journal of Laws of 1991, No. 59, item 252). Pursuant to the act, the total number of 460 members of parliament were being selected according to the proportional formula, with the provision that 391 representatives came from the candidate lists of multi-mandate constituencies, while 69 members of parliament were selected from the national candidate lists (Ustawa z dnia 28 czerwca..., Article 2). "The conversion of votes into 391 mandates from the constituencies proceeded pursuant to the proportional method of Hare-Niemeyer. [...] The remaining 69 mandates came from national candidate lists, which could be submitted after prior registration in at least five constituencies. The condition to participate in the mandate distribution was a 5% threshold of votes received in the whole country or the fact of winning mandates in at least 5 constituencies [...]. In this case, the method of Sainte-Laguë has been adopted, which is the revised proportionality of converting votes into mandates" (Godlewski, 2005, pp. 53–54).

Hence, the elections to the Sejm of 1991 have been held pursuant to the new act, which was developed to make the composition of the representative body reflect the voting results. In the case of candidate lists from local constituencies, the electoral thresholds have not been stipulated. On the other hand, the method of converting votes into mandates was strongly proportionate. Some reservations have been adopted in relation to national candidate lists, however, only 15% of the mandates were assigned in this way. As a consequence, "29 electoral committees took part in the distribution of mandates, while 11 received only single mandates" (Godlewski, 2005, p. 54).

The experiences from elections of 1991 caused that the founders of next electoral law to the Sejm have agreed on quite extensive modifications of the election system. As it was already mentioned, the proportional representation formula was still effective. However, the method for converting votes into mandates has been changed and electoral thresholds have been established. The introduced changes aimed at preventing fragmentation of Sejm, which in turn served for constructing a stable majority to support the Council of Ministers.

According to provisions of the Act of 28 May 1993 on the electoral law for elections to the Sejm of the Republic of Poland (pursuant to which the elections of 1993 and 1997 were held), the parliament members were still selected from local lists of candidates (391 of them) as well as the national lists of candidates (69) (Ustawa z dnia 28 maja..., Article 2). However, only those election committees which enjoyed an appropriate level of support could be given the mandates. The electoral thresholds were set as follows: at least 5% in case of election committees, at least 8% in case of election committees forming an alliance, and at least 7% were needed to allow an election committee to participate in distribution of mandates allocated for the national candidates lists (see more: Ustawa

z dnia 28 maja..., Articles 3–7). Furthermore, it is worth mentioning that the legislator adopted the d'Hondt method for distributing mandates among the eligible local and national candidate lists (Ustawa z dnia 28 maja..., Articles 110 and 118).

Adoption of the above legal regulations has significantly influenced the distribution of mandates in Sejm elected in 1993 and 1997. As far as the results of elections in 1993 are concerned, it should be noted that the then result ended up in the highest over-representation of two election committees of all the elections held in the 1990s. Over 16.5% mandates won the Democratic Left Alliance (abbreviated in Polish as “SLD”) and over 13% were given to the Polish People’s Party (PSL) (Godlewski, 2005, p. 57). What’s particularly important, “the problem turned out to be more serious than initially expected because the right-wing parties, which at that time were politically and organizationally dispersed, have lost about 35% of votes. They were wasted since they were not converted into mandates. The new rules of political game (more small-sized constituencies, conversion of votes into mandates with the d’Hondt method, electoral thresholds and other provisions of the new election system that favoured large groups and political parties) applied within the circumstances of a breakdown in many parties, have considerably strengthened the deformation of political shift to the left wing” (Godlewski, 2005, p. 58).

This situation led to many accusations that the Sejm cannot be considered as representative because it lacks representatives of a great number of voters. The problem was even more important because the parliament of 1993 was working on a new constitution, which should be adopted by a widely accepted and recognized composition of the Constituent Assembly. In connection with the demands to withdraw from adopting the basic law due to the current situation, it was decided to amend the constitutional act of 23 April 1992 on the procedure for preparing and enacting the Constitution of the Republic of Poland (Journal of Laws of 1992, No. 67, item 336). Its text was supplemented with several solutions which aimed at including the people in the process of adopting the new basic law and, at the same time, developing a solution in which voters who do not have their representatives in Sejm are able to influence on the final shape of the Constitution. Apart from the obligatory ratification referendum, which was assumed in the initial version of the basic law, two additional forms of direct democracy (semi-direct) have been added: the people’s petition within the scope of submitting to the National Assembly a draft of new constitution as well as optional and introductory constitutional referendum (see more: Ustawa z dnia 22 kwietnia...). In this way, the mechanisms of direct democracy (semi-direct) were supposed to strengthen the legitimacy of the works on the new basic law.

Most of participants of the constitutional debate supported adoption of the proportional representation formula in elections to the Sejm. However, demands to introduce majority rule formula have also been announced. The proposal to introduce the proportional representation formula has been included in the projects of the President² (Article 18), the Democratic Left Alliance (Article 69), the Polish People’s Party and the Labour Union (Article 61), the Confederation of Independent Poland (Article 96). The proposal of the Constitutional Committee in the Senate of the first term, similarly to the draft

² The analysis take into account seven draft projects of the Constitution which have been considered at the first reading in the National Assembly (*Projekty konstytucji 1993–1997*, cz. 1, Warszawa 1997).

prepared by the Democratic Alliance party, did not assumed any form of proportionality. On the other hand, the civil project included a proposal to choose majority of the Sejm members through the majority rule formula. Thus, the proponents suggested the mixed formula.

The presidential project assumed proportionality of elections to the Sejm. However, the project proponents aimed at developing such a structure of the electoral system, which would allow greater concentration of the party system (that was highly fragmented at that time). The President of the Republic of Poland has suggested the following passage to be included in the Constitution: "372 members of the Sejm are selected in constituencies, which have at most five mandates to allocate. On the other hand, 72 members of Sejm are chosen from the national-level candidate list, proportionally to the number of votes cast on a given list in the whole country" (as cited in: *Projekty...*, pp. 46). According to arguments of the proponent's representative, "if the five-mandate constituencies are the largest, we will end up in a situation when the political formations need to tightly cluster at the ballot box. It is an attempt to force [...] a certain interest in fragmenting the political life. Inevitably, the possibility to get at most 5 mandates in a constituency has to force [...] a concentration of the political life (as cited in: Chruściak, 2002, pp. 53–54).

The civil project included a proposal to start selecting most of the Sejm members according to the majority rule. "At least two-thirds of the total number of members to the Sejm are elected in majority elections, with a provision that in the first round of voting the winner is a person who gets the absolute majority of all eligible votes" (as cited in: *Projekty...*, p. 306). As a consequence, if the solution was adopted, the majority of members to the Sejm would be selected according to majority rule in majority voting system (a mixed formula). However, the suggested construction of the legislation would make it possible to select all representatives according to the majority rule formula. M. Krzaklewski, the representative of the civic committee, emphasized that majority elections bring "Sejm members closer to the people (the voters know and evaluate particular persons) and in a longer perspective strengthens the parties because they are more dependent on social foundations" (as cited in: Chruściak, 2002, p. 54).

As the commission was working on the new basic law, a representative of the civic committee spoke against the proportional representation formula by arguing that such a solution will maintain the "fragmentation of political parties and their withdrawal from social background. He added that the majority elections are conducive to a healthy political system" (as cited in: Chruściak, 2002, p. 51). During a later stage of the works, senator Z. Romaszewski stated that proportional formulas "disallow the voters to directly influence on the composition of the parliament. [...] Actually, members to the Sejm are nominated by leaders of their parties, not the voters. In those circumstances, a member to the Sejm has to consider the opinion of voters. On the other hand, the party leaders can no longer take into account the opinion of the Sejm members, who are nominated according to the party's interests" (as cited in: Chruściak, 2002, p. 53). What is more, senator Romaszewski supported the solution of the civic project by stating that the proposed mixed system "implies realistic elections and improves political activity of the whole society, not only the narrow political elite" (as cited in: Chruściak, 2002, p. 53). Finally, through a great majority of votes, the National Assembly opted for maintaining the proportional representation formula during elections to the Sejm.

By pointing out the disadvantages of proportional representation, Senator Romaszewski emphasized that this solution leads to a situation when the citizens play a minor role in the election system. In this context it is worth to cite the words of G. Mosca, an Italian sociologist, who emphasized that “in all social organizations, majorities have been and will always be passive, while the organized minorities exercise political power. This results [...] mainly from the fact that during elections (even if they are based on the general election law) voters vote always for candidates, who had been selected much earlier. Those candidates are appointed by groups (election committees) of minority character, which impose their candidates on the non-organized majority of voters. Hence, not the voters choose the deputy, but rather the deputy allows himself to be chosen by the voters” (as cited in: Żyromski, 1996, pp. 32–33).

References to works on the Constitution of 1997 should take into account that majority of those who participated in the constitutional debate have supported adoption of the proportional representation formula despite numerous advocates of the mixed formula (which was supported mostly by the circles that submitted the civic project of the constitution – the “Solidarity”). As a result, the Constitution was supplemented with a provision that “the elections to the Sejm are general, equal, direct, proportional and proceed in a secret voting” (*Konstytucja...*, Article 96, paragraph 2).

In 2001 the new election law has been adopted. Pursuant to the Constitution of the Republic of Poland of 1997, it assumed use of the proportional representation formula during elections to the Sejm. However, the method of converting votes into mandates has been modified. In spite of the d’Hondt method, which favours the largest election committees, the modified method of Sainte-Laguë has been adopted.³ It assumed that the Sainte-Laguë method leads to lower over-representation of the strongest committees. Thus, the division of mandates in a representation organ more aptly reflects the support, which individual committees received during the elections. What is more, pursuant to the election system of 2001, the national candidate lists to the Sejm have been abolished. “That was an answer to social expectations. It was commonly believed that national electoral registers constitute a ‘back door’ which allows winning a mandate to the Sejm by persons who did not receive social support, but were favoured by leaders of the party. In practice, they warranted a mandate to less popular or even unknown in broader contexts persons” (Stelmach, 2013, p. 59). In this way, all of the Sejm members were being selected “from the local candidate lists in multi-mandate constituencies” (*Ustawa z dnia 12 kwietnia...*, Article 132). In 2002, the d’Hondt method has been revived⁴ and it is also applied by the election code adopted in 2011 (*Ustawa z dnia 5 stycznia...*, Article 232).

³ “Upon receiving a notification [...], the local election committee divides the mandates between eligible lists of candidates in the following way: 1) the number of eligible votes cast on each of the candidate lists within a constituency is divided sequentially: 1.4 (one and four-tenths); 3; 5; 7 and the next odd numbers until the respectively obtained quotients allow prioritizing the largest numbers according to the number of available mandates; 2) each of the candidate lists is granted such a number of mandates, which corresponds to the abovementioned series of quotients”; *Ustawa z dnia 12 kwietnia 2001 roku Ordynacja wyborcza do Sejmu Rzeczypospolitej Polskiej i do Senatu Rzeczypospolitej Polskiej*, Journal of Laws of 2001, No. 46, item 499, as amended, Article 166, paragraph 1.

⁴ The change of method for converting votes into mandates was introduced pursuant to the Act of 26 July 2002 on the amendment of the electoral law on elections to Municipal and County Councils and Voivodeship Sejmiks and the amendment of other acts, Journal of Laws of 2002, No. 127, item 1089, Article 3.

To summarize the above considerations it should be noted that the elections to the Sejm that took place between 1991 and 2015 proceeded according to the proportional representation formula. However, changes concerned the method for converting votes into mandates, the size of constituencies and introduction of electoral thresholds (in 1993) or abolishment of the national candidate lists in 2001. It is worth to mention that three different methods of converting votes into mandates have been used in the period concerned: the Hare-Niemeyer method (in 1991), the Sainte-Laguë method (in 2001) and d'Hondt method (in the rest of elections to the Sejm). The adopted method of converting votes into mandates and its considerable impact on the composition of a representation organ can be illustrated e.g. by the elections to the Sejm that took place in 2001. The then adopted method of Sainte-Laguë has led to a situation, in which the winning coalition of SLD and UP did not have the absolute majority in the Sejm. This made it necessary to form a coalition.

Initiatives for changing the election formula – selected examples

Between 1991 and 2015 a great number of initiatives to change the election formula to the Sejm of the Republic of Poland have emerged. The most often addressed demand was the establishment of single-mandate constituencies, thus elections with the majority rule formula. In this fragment of the work, the current author presents selected initiatives and discusses results of the opinion surveys conducted within the considered scope.

The willingness to change the electoral system has led to emergence of the Civic Movement for the Single-mandate Constituencies, which “unites people, circles and organizations that support the change of Polish voting system” (*Ruch...*). The mentioned Civic Movement advocates introduction of 460 single-mandate constituencies in elections to the Sejm, and considers the current proportional representation formula as one of the largest disadvantages of the system. “It hinders creation of a stable and efficient government, moves the Poles away from the position that allows influencing the state activities and successfully prevents development of civil society in Poland. It also causes the responsibility in Polish politics be completely forgotten, and the political parties unlawfully gain a privileged position in relation to the citizens” (*Ruch...*).

The Jerzy Przystawa “Single-mandate Constituencies” Association for Changing the Electoral System as well as the Jerzy Przystawa “Single-mandate Constituencies” Foundation operate as part of the Civic Movement. Hence, the demand to change the election formula led to emergence of the Civic Movement which has been acting in support of changing the way of calculating composition of the Sejm since the second half of 1990s. Jerzy Przystawa “already in 1992 has noticed that the electoral law is a defect of the political system which distorts Polish democracy [...]. The movement, which he created, was unique globally. Although societies very willingly involve into activities concerning economic and political demands, the struggle to change the way of electing political elite turns out to be intrinsically unique” (*Jerzy...*).

Activities towards change of the election formula were also undertaken by various political formations. On 26 June 2004, the National Council of the Civic Platform has taken the decision to conduct a campaign in favour of the constitutional referendum

“4xYes” (Platforma..., p. 42). As a result, the initiative to start collecting signatures under an application to organize national referendum on particularly important issues have been launched. Authors of the initiative suggested that the citizens should answer the following questions (*Wniosek...*):

- 1) Are you in favour of decreasing the number of Sejm members by a half?
- 2) Are you in favour of dissolving the Senate?
- 3) Are you in favour of selecting members of the Sejm in single-mandate constituencies being a part of the majority voting system?
- 4) Are you in favour of abolishing the parliamentary immunity?

The referendum was widely supported by the citizens. Hence, its organizers managed to collect 750 thousand of signatures within 4 months (*Wniosek...*). The referendum was eventually not held (the Sejm refused to consider the application) because there were doubts about possibility to conduct the voting in the period specified in the application. As P. Wiczorek emphasized, on account that “amendment of the Constitution through national referendum [...] is impossible, its organization on the grounds of Sejm resolution is not permissible. Thus, an application in this matter should not be considered in the Sejm.”⁵ Besides, it is worth to mention that Andrzej Olechowski, the then member of the Civic Platform, in an interview of 2015 has described the “4xYes” initiative as “a training for the party activists in order to make them go onto the streets and do something, not just sit at home doing nothing [...]. Those were things organized by political craftsmen as a method for training soldiers, who will then become a weapon” (*PO...*).

Thus, the Civic Platform considered the problem of election formula as one of the most important. “In Poland, the formula of proportional representation applies. [...] By casting a vote on a given list of candidates, we actually accept the candidates selected by the party. As a rule, it means that those who have been placed by their party’s authorities on top of the candidate lists are actually chosen. Hence, as the proponents pointed out in the substantiation of the ‘4xYes’ initiative, we select those whom the political parties want us to select” (Platforma..., pp. 19–20). In this way, politicians from the Civic Platform presented arguments similar to the previously cited senator Z. Romaszewski and the Italian sociologist G. Mosca. In the proportional representation formula, the groups which develop electoral registers play a significant role in the process of recruiting the political elite.⁶ It was confirmed by the further part of the substantiation for “4xYes” initiative. “Not the citizens, but rather the management boards of political formations decide who will represent them best” (Platforma..., p. 20). In the eyes of initiators of the referendum, the change of election formula into the majority rule in single-mandate

⁵ It is worth adding that opinions whereby the referendum was legally possible and held pursuant to the Polish Constitution have also been developed; More: W. Sokolewicz, P. Wiczorek, K. Skotnicki, P. Sarnecki, P. Radziejewicz, B. Banaszak, *Opinie dotyczące wniosku obywatelskiego o podjęcie przez Sejm uchwały przeprowadzenia referendum ogólnokrajowego w sprawie zmian w ustroju Rzeczypospolitej Polskiej*, „Przegląd Sejmowy” 2005, nr 3, pp. 107–130.

⁶ To learn more about the relation between the position of a candidate in the electoral register and the probability to win the mandate, refer to: M. Rachwał, *Women’s participation in the process of selecting the political elite in Poland on the example of the parliamentary elections 2005–2015*, in: *Women’s role and their participation in public life of the Visegrad Countries*, eds. M. Musiał-Karg, E. Lesiewicz, Poznań–Ústí nad Labem 2016, pp. 85–90.

constituencies during elections to the Sejm was a chance to improve the contemporary situation. The justification suggests that the system of absolute majority should be applied. "In each constituency, the person who receives support from over half of the voters will become member of Sejm" (Platforma..., pp. 22–23).

"The system of single-mandate constituencies makes [...] the position of candidates within the constituency more important than their position within the party apparatus. The role of arrangements between the parties will be weakened and the politics will return to where it should originate from – to the voters. [...] The majority voting system will force [...] political parties to seek honest and lawful candidates who know how to speak with the voters. [...] It is a good way to clean Polish politics off unreliable and compromised persons. It is also the only way to guarantee that the Sejm is composed of the men with principles, knowledgeable persons who take care of our country, not of interests of the party. It also warrants appointment of a government, which would conform to the choice of the majority" (Platforma..., pp. 23–25).

During the presidential campaign of 2015, the problem of election formula was one of the most important subjects. The demand to introduce single-mandate constituencies was a very significant part of the Paweł Kukiz' party programme. Later on, it contributed to his large success as he quite unexpectedly gained the third place in the first round of voting by winning 20.80% (3,099,079) votes (Obwieszczenie PKW z dnia 11 maja...). As a result, the issue of election formula has gained even greater importance before the second round of elections. In that time, Bronisław Komorowski took advantage of entitlements available to the Polish president and submitted two draft acts on the election formula. He presented a draft project for amending the Constitution and filed an application to organize national referendum on particularly important issues.

On 12 May 2015, the then President of the Republic of Poland submitted to the Sejm a draft act on amending the Polish Constitution (Druk nr 3424...). The essence of this proposal consisted in removing from the basic law the obligation to apply the proportional representation formula in elections to the Sejm. In a short substantiation of the draft act it was emphasized that its adoption will allow "introduction of a majority, mixed or proportional voting system in an amendment form" (Druk nr 3424...). Moreover, on 13 May 2015 the President submitted to the Marshal of Sejm a draft decision on organization of national referendum (Druk nr 899...). According to provisions of the Article 125 of the Polish Constitution of 1997, the President is entitled to organize national referendum "upon consent of the Senate expressed by absolute majority of votes in the presence of at least half of the statutory number of senators" (*Konstytucja...*, Article 125, paragraph 2). On 21 May 2015, the Senate voiced necessary approval and the initiative of the President led to a referendum.

Pursuant to the decision of the President, questions in the referendum had the following wording (*Postanowienie...*):

- 1) Are you in favour of introducing the single-mandate constituencies in elections to the Sejm of the Republic of Poland?
- 2) Are you in favour of keeping the current principle for financing political parties from the national budget?
- 3) Are you in favour of introducing the general principle of settling uncertainties with regard to interpretation of the tax law to the benefit of the taxpayer?

The President's application to organize the national referendum underlined that "proposed introduction of the single-mandate constituencies in elections to the Sejm would be another step to transform the proportional representation into majority rule. When the election code has been adopted in 2011, the single-mandate constituencies in elections to the Senate and commune councils in non-municipal communes without powiat rights have been introduced. Those changes aimed at tightening relations between the voters and the representatives of political authorities. It is assumed that the consequences of the changed election law will be noticeable after 3 or 4 parliamentary cycles, hence after a dozen or so years" (Druk nr 899...). In the cited passage of substantiation, the proponent drew attention to three problems of the Polish electoral system. First of all, the visible tendency to adopt single-mandate constituencies as part of the election formula was shown.⁷ Secondly, it was shown, with reference to advantages of the majority rule formula, that its adoption improves relationship between the sovereign and its representatives. Thirdly, the proponent drew attention to the evolutionary character of the changes as well as the possibility to analyse consequences of introducing the single-mandate constituencies not sooner than after several terms.

The further part of the President's application substantiating organization of the national referendum emphasized that "to be efficient, the election law has to be understandable, acknowledged by the society and respectful to subjectivity of voters" (Druk nr 899...). In the cited passage, the applicant paid attention to effectiveness of the election law, which depends e.g. on its social acceptance. In this context, it is worth recalling the multi-dimensional concept of legitimacy of the governing law developed by D. Beetham. According to the current subject, "the legitimacy manifests itself simultaneously at three levels: rules, beliefs and conduct" (Sobkowiak, 1998, p. 157). In case of the first level of legitimacy "it is all about affirming the coherence between acts of gaining and exercising political power and the informal principles; if such a coherence actually exists, then the government is lawful" (Sobkowiak, 1998, p. 157). In relation to democracy, this means that the political authority is gained through free elections. The second level of legitimacy suggests that "conscience of the governing and the governed should take into consideration the beliefs that acknowledge the said principles (supported by their positive impact on the political practice)" (Sobkowiak, 1998, p. 157). Hence, the principles of gaining and exercising political authority need to be acknowledged and, with regard to the election procedures, have to consider support of the sovereign for the abiding electoral system. The third level of legitimacy (i.e. the conduct) means that "the governing authorities have to manifest their approval for power relations through active conduct" (Sobkowiak, 1998, p. 157). General participation in elections or referenda will be the way to manifest opinions about the government.

⁷ Before adoption of the election code in 2011, elections to the Senate were also conducted pursuant to the majority rule formula. However, they were taking place in several-mandate constituencies (see more: M. Rachwał, *Ewolucja prawa wyborczego do Senatu w III RP*, „Białostockie Studia Prawnicze” 2016, z. 20/A, pp. 261–272). On the other hand, in case of the elections to local self-governments the majority rule formula was applied only to communes with population below 20 thousand, while in the other communes the elections proceeded according to the proportional representation formula (see more: Ustawa z dnia 16 lipca 1998 roku *Ordynacja wyborcza do rad gmin, rad powiatów i sejmików województw*, Journal of Laws of 2010, No. 176, item 1190, as amended, Articles 85–128).

Here, it is worth to cast more light on the issue of the acceptance among Polish citizens in relation to one of the elements of electoral system, namely the election formula. In referendum of 2015, as many as 78.75% of voters were in favour of introducing single-mandate constituencies in elections to the Sejm. However, due to a very low turnout (7.80%), we should be highly careful at generalizing the results over the whole population (Obwieszczenie PKW z dnia 7 września...).

In a research conducted by the Public Opinion Research Centre (CBOS) and entitled *Poles on the proposals to reform the parliament and the electoral system*, which took place on 1–4 October 2004, great majority of the surveyed have opted for introduction of the single-mandate constituencies – the solution was supported by 72%, 8% were against the solution, while 20% could not take a stance in this matter or declared indifference (CBOS...). Similar results were obtained in the research conducted in December 2013 by the Homo Homini Institute – 71.3% respondent accepted the proposal of introducing single-mandate elections to the Sejm, while 13.4% voiced the opposite opinion (15.3% chose the “I have no opinion” option) (ABC...).

To summarize the initiatives for changing the election formula, it is worth adding that in 2014 an application from 34 local self-governments on starting a legislative initiative on introduction of single-mandate constituencies in elections to the Sejm has been submitted to the Senate. According to the authors of the petition, a member to the Sejm, who was elected pursuant to the majority rule formula, will be “obliged to meet the demands of his/her voters, not the demands of the leaders of political formations” (*Kancelaria...*). Furthermore, according to the petitioners, “the introduction of single-mandate constituencies will allow smaller self-governing centres (currently dominated by large municipal centres) to introduce a member to the Sejm who actually represents the region of his/her origin” (*Kancelaria...*).

Summary

It seems that the conducted research entitles to arrive with a conclusion that the matter of election formula has been a vital aspect of the political discourse between 1991 and 2015. This is also confirmed by the words of J. Haman, who emphasized in the article of 2015 that “the demands to reform the electoral system through introduction of majority elections have been present in the political discourse from many years” (Haman, 2005, p. 5). A broad support for the idea of adopting the majority rule formula, which is manifested e.g. by the public opinion surveys (as well as in the referendum of 2015), should be a stimulus for a thorough debate on the way of generating composition of the Sejm. It is worth remembering that the principles of gaining political power need to be socially accepted. Hence, the public debate should result in the attempt to settle on such an election formula, which would be supported by majority of the voters.

The proponents of adopting the majority rule formula substantiate their opinions referring to an argument that such a manner of generating composition of the representation organ brings parliament members closer to the nation (a candidate’s position in the constituency is more important than his/her position in the managerial bodies of the party). On the other hand, the proportional representation formula disallows the voters

to directly influence on the composition of the parliament because the dominant role in the process of recruiting the political elite is played by electoral committees that make the final decisions about composition of the electoral registers. As it was emphasized in the substantiation for the "4xYes" initiative, the proportional representation formula is "the selection of those, whom party's authorities placed on top of the candidate lists." As a result, the proportional representation formula separates political parties from its social background. There was also an argument that election of the Sejm members in single-mandate constituencies is a chance for smaller local governments to have their representative in the Sejm.

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Wniosek o podjęcie przez Sejm Rzeczypospolitej Polskiej uchwały zarządzającej poddanie pod referendum ogólnokrajowe propozycji zmian w ustroju politycznym Rzeczypospolitej Polskiej (Materiał powielony w Kancelarii Sejmu RP – w posiadaniu autora niniejszego szkicu).

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Ewolucja systemu wyborczego do Sejmu RP – kwestia formuły wyborczej

Streszczenie

Przedmiotem artykułu jest kwestia ewolucji systemu wyborczego do Sejmu RP w latach 1991–2015. Szczególnie miejsce w podjętych badaniach stanowiła kwestia formuły wyborczej, która oznacza zasadę przekształcania głosów wyborców na mandaty (można wyróżnić trzy formuły wyborcze: proporcjonalną, większościową, mieszaną).

Przeprowadzone badania skłaniają do wniosku, iż kwestia formuły wyborczej stanowiła istotny aspekt prowadzonego w latach 1991–2015 dyskursu publicznego. Znaczne poparcie obywateli RP dla idei ustanowienia w wyborach do Sejmu formuły większościowej (w miejsce obowiązującej od 1991 roku formuły proporcjonalnej) powinno być impulsem do podjęcia pogłębionej debaty konstytucyjnej w zasygnalizowanym zakresie przedmiotowym, gdyż same zasady przeprowadzania wyborów powinny cieszyć się szerokim poparciem społecznym. Zwolennicy jednomandatowych okręgów wyborczych przywołują m.in. argument, iż wskazana formuła wyborcza zbliża przedstawicieli do narodu, gdyż ważniejsza staje się pozycja posła w okręgu wyborczym niż w gremiach kierowniczych partii politycznych (komitetów wyborczych) ustalających kształt list wyborczych.

Słowa kluczowe: Sejm, system wyborczy, formuła proporcjonalna, formuła większościowa, jednomandatowe okręgi wyborcze