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Polska bibliografia wyborczo-referendalna za 2012 r. 145

WYNIKI WYBORÓW I REFERENDÓW NA ŚWIECIE

MARCIN RULKA, PATRYCJA WROCŁAWSKA

Wyniki wyborów parlamentarnych, prezydenckich i referendów na świecie w okresie od kwietnia do września 2013 roku 163

Jarosław Czerw

WYBORY DO RADY POWIATU NA PODSTAWIE PRZEPISÓW KODEKSU WYBORCZEGO

Słowa kluczowe: kodeks wyborczy, ordynacja wyborcza, rada powiatu, głosowanie.

ELECTIONS TO THE DISTRICT COUNCIL UNDER THE REGULATIONS OF ELECTION CODE (summary)

Upcoming local elections (including elections to the district councils) will be held in accordance with the provisions of the new law dated January 5, 2011, the Election Code, which repealed and replaced the previously applicable law of 16 July 1998 – Elections to municipal councils, county councils and regional councils. The Election Code provisions relating to elections to the district councils do not constitute a significant change compared to the same regulations of the Electoral Law. In most cases they are a repetition of the relevant provisions of the Electoral Law. In some areas, however, the legislator has introduced new solutions which need to be addressed and analyzed.

Marcin Rulka

REGULACJA WYBORÓW DO PARLAMENTU EUROPEJSKIEGO W PRAWIE UNII EUROPEJSKIEJ

Słowa kluczowe: wybory, Parlament Europejski, prawo Unii Europejskiej.

LAW REGULATION ELECTIONS TO THE EUROPEAN PARLIAMENT IN THE EUROPEAN UNION LAW (summary)

In European Union there are three levels of law governing elections to the European Parliament. First of all, European Union election law is regulated by the primary law and directive 93/109/WE as well as by the jurisprudence of the European Court of Justice. The second level is that of the Council of Europe – set out in the European Convention of Human Rights and interpreted by the European Court of Human Rights – to guarantee basic election principles. The third level of election law is national law. This, naturally, must conform to the wording of the Convention and decisions of the ECtHR in all member states of the Council of Europe and to the European Union election rules in 27 EU member states.

The author of the article presents European Union law regulations concerning to the all stages of the electoral process and proposals of changes in this area. Stages of electoral process regulated in the European Union law are: ordering the elections, nomination of elections, setting roster of persons which have right to elected and right to be elected, electoral campaign, voting, establishing of the voting results and announcing of them, establishing of the elections results, affirmation of the validity of the elections, expirations of the mandate and by-elections.

The author presents the opinion, that there are two ways of evolution of European Union regulation concerning to the elections to the European Parliament. First is gradual widening regulations of Act concerning the election of the members of the European Parliament by direct universal suffrage, and second is establishing the all-European constituency, in which right to present candidates would have only European political parties.

Anna Materska-Sosnowska
Sylwia Danielak

FRANCUSKIE WYBORY PREZYDENCKIE 2012 – SPOJRZENIE POLITOLOGICZNE

Słowa kluczowe: Francja, wybory, prezydent, partie polityczne.

THE FRENCH PRESIDENTIAL ELECTIONS 2012 – POLITICAL PERSPECTIVE (summary)

Elections in France, the presidential elections in particular, are always interesting. Being one of the main events on the French political scene they focus the attention of numerous political observers. The final result of the vote is influenced by many political, economic and social, factors, which are inseparable from the functioning of the state. The presidential elections of 2012 were particularly interesting: according to some commentators, it was the economic crisis which deprived the incumbent president of the possibility of reelection. Other analysts point out that this was also a defeat of a political celebrity which discouraged people just with his attitude. It is worth noticing, that for the past 10 years, the choice for the position of head of state was for the candidate of a party equivalent with the winning of that party in the parliamentary elections. As a result, the position of president has been strengthened, because at the time of the political uniformity of the head of state, the head of government and the parliamentary majority, it is president who exercises de facto the control of the executive.

Ladislav Orosz
Konrad Walczuk

SĄDOWA KONTROLA WYBORÓW W REPUBLICE SŁOWACKIEJ I JEJ LEGISLACYJNE PERSPEKTYWY

Słowa kluczowe: Sąd Konstytucyjny, kontrola wyborów, skargi wyborcze, Republika Słowacka.

JUDICIAL CONTROL OF ELECTIONS IN THE SLOVAK REPUBLIC AND ITS LEGISLATIVE PERSPECTIVE (summary)

In the modern constitutional state the mechanism of elections to the representative bodies serves a unique function. That is why the electoral judiciary is such important institution. In Slovakia the most important part of that kind of judiciary has been assigned to the Constitutional Court (CC), which has the power to rule on the constitutionality and legality of all (5) present in Slovakia types of elections. In terms of the number of judgments of the CC those of election complaints occupy the second position. The most numerous complaints are those against the municipal elections to the local government bodies, and their number is continuously growing. The concentration of electoral judiciary in the hands of the body which has a specific, guaranteed by the Slovak Constitution position in the judicial system has numerous advantages. However, this concentration has its weaknesses, related primarily to the question of whether CC is able to guarantee the settlement of those cases within a reasonable period of time. The answer to this question must take into account not only the overall (growing) number of constitutional complaints brought before the CC with the specific dispute about them, but also the quantitative and qualitative parameters of the rest of his judicial functions. Establishing a deadline for resolving electoral complaints by the CC we consider as only formal way to solve it, not having a systemic nature and not related to the significance of the problem of “timeliness”. A balanced solution could continually leave all current powers of CC in election complaints, but with the difference that predicating on elections to the bodies of local self-government would be entrusted to the CC adjudicating panels/formation (not plenum) and only the matters relating to other elections would still be the responsibility of the plenum of the CC. In this way, the largest settlement of electoral matters would be left to 4 “adjudicating bodies” (there are now four triple panels in the CC), which with no doubt would lead to the acceleration of proceeding and adjudicating on complaints of election.

Grzegorz Kryszewski

INSTYTUCJA REFERENDUM W NOWEJ ZELANDII

Słowa kluczowe: wybory, referendum, Nowa Zelandia.

THE INSTITUTION OF THE REFERENDUM IN NEW ZEALAND (summary)

New Zealand is known as one of the most democratic countries of the world, especially thanks to the adopted institutional model of direct democracy. This model primarily consists of three types of national referendums: a constitutional referendum, a referendum initiated by the Government and since 1993 citizens initiated referendum (CIR). Among the five referendums on the constitutional nature which were carried out previously, two of them were related to the length of the term of office of the Parliament (1967 and 1990), and three of them electoral reform (1992, 1993 and 2011). A very large group in the second listed category of referendums, managed at the initiative of the Government, in the years 1911-1987 were to vote on alcohol licensing, which accompanied almost all then parliamentary elections. There had also been in the Government's initiative ordered five other referendums (three in 1949 and one in 1967 and 1997). The practice of using CIR is not so common. So far, four such referendums were held (one in 1995 and 2009, two – in 1999). We should seek causes of this fairly modest practice in imperfection of CIR regulation, as well as non-legislative factors. The institution of the referendum, despite not often used, seems to be, however, a permanent part of the constitutional law in New Zealand, with the strong support of the vast majority of citizens.

Damian Wąsik*

PRAWNOKARNA OCHRONA WYBORÓW I REFERENDÓW W USTAWODAWSTWACH NIEKTÓRYCH PAŃSTW OBSZARU POSTSOWIECKIEGO

Słowa kluczowe: wybory, referendum, kodeks karny, partia polityczna, ochrona, opozycja, państwa postsowieckie.

CRIMINAL LAW PROTECTION OF ELECTIONS AND REFERENDUM IN SELECTED POST SOVIET COUNTRIES LEGISLATION (summary)

The aim of this publication is to highlight the different models of criminal law protection of elections and referendum in selected post-soviet countries. The author points out sources of legislation, especially by typing electoral abuses and their criminal sanctions. Legislation analyzed in this publication focuses on Lithuania, Latvia, Estonia, Russia, Ukraine and Belarus. The basis of main conclusions are also results of the Organization for Security and Co-operation in Europe (OSCE) – Office for Democratic Institutions and Human Rights (ODIHR) election reports. In support of these contained in the study, the author recalls specific cases of electoral abuses that took place in countries mentioned above.