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## THE ELECTORAL FUNCTION OF POLITICAL PARTIES

DOI: <http://dx.doi.org/10.12775/TSP-W.2016.009>

### **Riassunto. La competizione dei partiti politici nell'arena elettorale in Polonia.**

Lo studio cerca di evidenziare quanto sia importante nel funzionamento di uno Stato democratico la competizione di partiti politici nell'arena elettorale. Vengono analizzate alcune questioni concernenti il sistema elettorale polacco come l'elaborazione di programma elettorale o la scelta dei candidati da inserire nelle liste elettorali, nonché alcune problematiche della stessa campagna elettorale. Infatti, in Polonia i partiti partecipano alle elezioni tra l'altro attraverso la creazione di "comitati elettorali", la presentazione delle liste dei candidati, la conduzione della propaganda elettorale, la proposizione di candidati a membri delle commissioni locali per le elezioni e la selezione dei loro rappresentanti che osservano il lavoro delle commissioni. Partiti politici che partecipano alla competizione elettorale realizzano in tal modo il loro scopo fondamentale che, conformemente alla Costituzione polacca, sia quello di contribuire con metodi democratici alla formazione della politica statale.

**Parola chiave:** partiti politici; la competizione di partiti politici nell'arena elettorale; *programma elettorale*; campagna elettorale.

**Streszczenie. Partie polityczne a wybory.** W niniejszym opracowaniu Autorka wskazuje jak istotne znaczenie dla funkcjonowania demokratycznego państwa ma realizacja funkcji wyborczej przez partie polityczne. Szczególna uwaga poświęcona jest takim elementom funkcji wyborczej, jak przygotowanie programu politycznego, wybór kandydatów na listy wyborcze, ale również wybranym elementom samej kampanii wyborczej. Partie polityczne uczestniczą bowiem w wyborach m.in. poprzez tworzenie komitetów wyborczych, układanie i zgłaszanie list kandydatów, prowadzenie agitacji

wyborczej, przedstawianie kandydatów do obwodowych komisji wyborczych, jak też wyznaczanie mężów zaufania. Uczestnicząc w wyborach, partie polityczne urzeczywistniają bowiem podstawowy cel swojej działalności, którym – zgodnie z polską konstytucją – jest wpływanie metodami demokratycznymi na kształtowanie polityki państwa.

**Słowa kluczowe:** partie polityczne; funkcja wyborcza; program wyborczy partii politycznej; kampania wyborcza.

According to article 11 of the Polish Constitution, political parties as a special type of social organizations shall be founded on the principles of voluntariness and the equality of Polish citizens. Their purpose shall be to influence the formulation of the policy of the State by democratic means. The Republic of Poland shall ensure freedom for the creation and functioning of such organisations. Among main principles established in the Polish Constitution there is a principle of supreme authority of the people specified in article 4. The people shall exercise such power directly or through their representatives. The people exercising the power through their representatives, entrusted with the execution of possessed authority in the electoral act. The principle of representation, formulated in this way in the Constitution requires the election. In the act of election the representatives are chosen from among all candidates identified by name by certain political forces<sup>1</sup>.

The purpose of political parties is to get influence on shaping the political will of society and, as a consequence, long-term political objectives<sup>2</sup>. The functioning of these organizations is based on the work of their members who are able to achieve these goals. The position of political parties is defined by their autonomy and independence on one hand, and on the other, by the ability to express the political will and readiness to participate in elections and to take responsibility for the policy of the state. It is important to note that in the process of shaping political opinions of society, there are involved various types of entities such as: media, associations, civil society organizations, religious communities etc. However, political parties are still the most important intermediaries between citizens and the state. Their activity has an impact on the determination of the political identity of the members of the community<sup>3</sup>.

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<sup>1</sup> S. Bożyk, *Prawo do opozycji w świetle konstytucyjnych zasad ustroju politycznego Rzeczypospolitej Polskiej*, in: *Prawo naszych sąsiadów, tom I, Konstytucyjne podstawy budowania i rozwoju społeczeństwa obywatelskiego w Polsce i na Ukrainie – dobre praktyki*, red. W. Skrzydło, W. Szapował, K. Eckardt, P. Steciuk Rzeszów–Przemyśl 2013, p. 41.

<sup>2</sup> M. Chamaj, W. Sokół, M. Śmigrodzki, *Teoria partii politycznych*, Lublin 1997, p. 15.

<sup>3</sup> M. Safjan, L. Bosek (red.), *Uwaga 4 do art. 11*, in: *Konstytucja RP. Tom I. Komentarz do art. 1–86*, Warszawa 2016, Legalis.

As it was said, political parties stand out from other social organizations by participation in the elections and taking over the state posts<sup>4</sup>. According to professor Bogusław Banaszak, political parties play an important role in the functioning of democracy because they mobilize the society not only before and during the elections, but also they stimulate public participation in various forms of direct democracy and act as opinion-forming bodies<sup>5</sup>. Therefore, we can distinguish various functions of political parties. In Poland there is no universally accepted classification of them. The most frequently mentioned functions are: election function and governing function. However, it should be emphasized that political parties play also a supervisory role over the state authorities, as well as the role of coordinating the activities of various state bodies. Party members who fill different functions in these bodies are able to ensure the coordination of their activities<sup>6</sup>. It should be noted that only after electoral success members or sympathizers of political parties are able to occupy state posts and make decisions in order to solve social problems. It would not be possible without electoral success. That is why the role of political parties in elections is so important<sup>7</sup>.

The election function of political parties is carried out in a permanent manner. However, it is intensified especially in the short period before and during elections. It covers a wide range of activities aimed at achieving electoral success and achieving the goal of reaching impact on the shape of state policy. Among these activities we should mention for example the preparation of political program, designing and carrying out the campaign and proposing candidates for specific positions<sup>8</sup>.

The political programs' aim is to unite as many people as possible around them. That is why it is so important to present strong and consistent base of ideological level of such program. It should constitute the theoretical basis of the whole program. It should also refer to certain economic or sociological theories and include assumptions of consistent state policy. Before composing the political program a political party has to define, disclose, express and give appropriate importance to the preferences of specific groups of the electorate. Only then it is ready to prepare a coherent program which takes account of these preferences.

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<sup>4</sup> Ibidem.

<sup>5</sup> B. Banaszak, *Komentarz do art. 11*, in: *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warszawa 2012, źródło: Legalis.

<sup>6</sup> Ibidem.

<sup>7</sup> E. K. Nowak, *Funkcja wyborcza partii i ugrupowań politycznych w Polsce*, „Państwo i Prawo” 1992, nr 5, p. 37; R. Herbut, *Teoria i praktyka funkcjonowania partii politycznych*, Wrocław 2002, s. 16 i n.

<sup>8</sup> M. Safjan, op. cit.

In the course of elections the political program of the party is the axis around which the party is trying to gather as many supporters as possible. The program is necessary to verify the degree of support given by society to specific ideas of development of the state<sup>9</sup>.

After election success political parties obtain the right to possess and exercise the power. They start to fill the best and most influential posts. That is why during election campaign the leaders of political party selects candidates to be entered on the electoral list. This is particularly evident in the elections to both Chambers of the Parliament and in local election. Although the final decision belongs to the sovereign in the final election act, in practice only these candidates have chances of winning a mandate who are supported by the leaders of a political party<sup>10</sup>. The voters choose a particular person, but their choice is limited to the list of candidates presented and previously verified by the political party. The leaders of a party can also indicate the position on the electoral list, from which the candidate starts. In Polish electoral practice it determinate the candidates' chances for success. It should be also noted that candidates are bound by the policy designated by the political party<sup>11</sup>. In practice, a deputy becomes independent from his voters but still remains in an actual relationship with the party which he represents<sup>12</sup>.

In different parties the process of selecting candidates has different, more or less formal, character. The candidates are selected in accordance with different criteria. In group of these criteria are for example: the position in the leadership of the central and local structure of the party (central and local leadership), functions performed in different bodies of the party, party member's popularity in his/her environment, personal predispositions, education, profession, knowledge of specific issues like economy, sociology, politics, culture etc., personal relationship with leaders and activists, mediality, and other factors including family or social relationships<sup>13</sup>.

Another element of the electoral function of political parties is their participation in the electoral process or designing and conducting the election campaign. Election campaign is preceded by detailed analysis made by political parties. It is so important because on the basis of the results of these analysis the parties are able to offer election program and candidates who are in the highest

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<sup>9</sup> P. Uziębło, *Systemy partyjne, 1997–2002*, s. 2, [http://pedrou.w.interiowo.pl/systemy\\_partyjne.pdf](http://pedrou.w.interiowo.pl/systemy_partyjne.pdf) (on-line access: 19.9.2016).

<sup>10</sup> W. Skrzydło, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, wyd. IV, p. 23.

<sup>11</sup> J. Muszyński, *Polskie państwo partyjne*, Warszawa 2002, pp. 28–29.

<sup>12</sup> Ibidem.

<sup>13</sup> Ibidem, p. 116.

degree an adequate response to society's expectations. Only so carefully selected candidates can achieve good result in election. Parties also make efforts to increase their attractiveness and their image. Election campaign is a good time to fold election promises. During the election campaign, the activity of a political party is greatly intensified. They organize debates and demonstrations, which are a good chance to present various programs. They create conditions to exchange views and experience, to discuss current problems faced by the state and its society. In media, there are presented popular politicians, whose personalities and views could encourage to vote for lists of candidates supported by a particular political party. Political parties, which have not yet participated in elections before start their campaign. This campaign is partly different from the campaign of parties which have existed for a long time. New parties look for these part of electorate which has not been represented so far. They also have a chance to avoid the mistakes made by their political opponents and win elector's confident. It is the best way to take votes of other parties electorate away<sup>14</sup>.

The basic legal act that regulates the principles of election in Poland is the Election Code. It sets the boundaries of time and space for electoral campaign as well as the rules for preparing and conducting the electoral procedure<sup>15</sup>. The Election Code sets specific deadlines in which certain election actions take place, such as: data of commencement of particular stages of the campaign, the election date, the date of announcement of the election results etc. According to art. 104 of the Election Code, the election campaign starts from the date of publication of the announcement of the competent authority ordering the election and ends 24 hours before a day of voting. In this time the so called „election silence” starts. That means that it is prohibited to campaign on voting day and 24 hours before voting day, including the convening of meetings, organizing marches and demonstrations, giving speeches and distributing materials. From 24 hours before the vote until the end of voting, it is also prohibited to disseminate to the public the results of pre-election surveys, public opinion polls concerning the expected voting behavior and election results and the results of polling conducted on the Election Day.

During election campaign the efforts of political parties are aimed at gaining voters support by using different psychological and political effects, for example by using banners, posters, leaflets. All details like background color, shape of letters, the content of the poster and its graphic layout are carefully analyzed. One of the most important aim of the campaign is public inducement or encour-

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<sup>14</sup> J. Muszyński, op. cit., p. 80.

<sup>15</sup> Ibidem, p. 79.

agement to vote in a certain way or to vote for a particular candidate. Each voter can campaign for election candidates, including collecting signatures in support of candidates, based on prior written permission of the legal representative. The Election Code contains a number of restrictions on the freedom of agitation for example there is a ban on pressuring aimed to force support, promising anything what is value in exchange for the granting of support, organizing raffles and other similar games or competitions in which the value of the prize exceeds the prize of usual advertising materials. The ban also applies to the place where the campaign is conducted, for example it is prohibited to campaign in the polling stations, in offices of government administration and local government administration and the courts, military units, schools etc.

The Election Code contains also detailed regulations related to electoral materials. Electoral material is defined as any message issued by the election committee which is made public and connected with information related to the election. These requirements relate to the content of this material because it should contain a clear indication of the election committee, from which it derives. Election materials are protected by law. They also relate to the places where the materials, for example election posters and slogans, could be placed, as well as the obligation to remove them after the elections. Committees are distinguished from each other by the specific, individual name and by characteristic pattern of graphic symbol. The Electoral Code also determines the detailed rules for the financing of election campaign.

The concept of the campaign consists of all defined by the Electoral Code acts of electoral committees. Its aim is to appoint candidates for representative bodies and lead election campaign for candidates who are registered on the electoral lists. The elements of the campaign are: collecting signatures for letters of support and then notifying the lists of candidates to election commissions. Election committees play significant role in campaign. Political parties and coalition of political parties are able to create election committees in all Polish general elections. There is only one exception. In presidential election only electors are able to create election committees. This regulation is caused by the idea of depoliticizing the candidates for president office. In practice, in spite of this regulation the candidates for president office are supported by political parties and it significantly increases the chances of these candidates.

In 2002 during local elections in Poland one of the biggest Polish party Prawo i Sprawiedliwość (PiS) decided to resign of one election committee created by this party. It created a lot of election committees of voters but supported by the party. The aim of this experiment was to facilitate the financial settlements of the election campaign related to the local centers. This experience has not

produced the intended result. The election result of this party has turned out to be weaker than expected in the opinion pool. This situation was possible because in Poland, as a rule, electors give their vote on political party. The name of a candidate is on the further place. Therefore, at the stage of completing electoral lists there is a struggle for the first place on these lists. In fact, by giving a vote for a political party, voters often support the first candidate from the list of this party.

For the purpose of elections, the political parties are able to forge alliances or establish committees of the coalition of political parties. They together propose candidates in the elections. It is considered as one of the most important election strategies because it increases the chances of getting better election results than expected for each of the parties forming the coalition apart. However, a coalition creates a risk of the loss of the identity by the party of the coalition.

Election committees fulfill an organizational and technical role. To carry out many various actions of essential meaning for the campaign there are created election campaign staffs. These institutions are not legally institutionalized. They are appointed usually by the leaders of political parties, who also determines their structure. The purpose of the campaign staffs is to develop a specific program of the campaign. They are also responsible for managing the implementation of these program and the coordination of activities in different electoral constituencies. They also search for funds for the campaign and plan their spending. Campaign staffs maintain constant contact with the media. Staffs operate on the basis of previously conducted studies and public opinion pools to identify social needs and electoral preferences. They take up specific actions like marketing activities to achieve a good result in election. Campaign staffs are supposed to support the efforts of election committees made during the election campaign.

Political parties have also influence on the candidates for members of the ward electoral commissions. They are elected from among the voters nominated by electoral plenipotentiaries or persons authorized by them. They are able to submit only one candidate for each electoral commission in the area of the constituency in which their electoral list of candidates was registered. Ward electoral commissions are responsible for conducting the vote in the smallest units of territorial division in the elections. They watch if the electoral law is respected on the election day in the place and time of voting. They also count the votes, establish the voting results in the area and announce the partial voting results to the public. At the end, they send the voting results to the appropriate higher election commission.

In addition, electoral plenipotentiary appointed by electoral committee or another person authorized by him may appoint a person in a position of trust. This is a person appointed to the electoral commission who represents the in-

terests of his committee which means the interests of his party in the time of elections. If the election committee has not registered candidates or lists of candidates in all constituencies, the person in position of trust could be appointed to the election commission only in those districts in which they registered the candidate or list of candidates. The person in position of trust is empowered by the Election Code to make comments to the protocol, specifying precise complaints. These comments shall be included in the final protocol.

The function of the electoral committee of a political party perform an organ of this party authorized to represent it. Electoral committee notifies the competent electoral body (National Elections Commission) of its forming and of the intention to self-nomination of candidates. It also appoints the plenipotentiaries required by law (an electoral plenipotentiary and a financial plenipotentiary). The electoral committee operates within time defined in the Election Code. It begins to perform election actions only after the acceptance of its creation by the National Electoral Commission. Dissolution of the committee takes place in the events provided for by the Electoral Code. As a rule, this occurs after the final, financial settlement provided by the electoral committee but in the case of lodging the election protests, after the final court decision. Parties are responsible for the financial obligations of their committees. All campaign financing come from an election fund specially created for this purpose. In the Election Code, there are many rules according to which electoral committees can spend money on election campaigns. They contain, for example, the allowed limits of expenses for campaign.

Electoral committees, whose candidates were registered shall, within 15 days before the election until the end of the election campaign, have the right to disseminate, free of charge, broadcasts in the programs of state radio and television broadcasters. Regardless of this, each electoral committee may distribute paid electoral broadcasts in different programs of public and private radio and television. In addition, Polish Television SA has a duty to conduct debates between those representatives of electoral committees in elections to the Sejm or to the European Parliament, who have registered their candidates in all constituencies, and between candidates in the case of elections for the post of the President of the Republic.

In conclusion, the electoral success of the political party depends of several elements. First of all, the political party has to formulate good electoral program. It should be formulated in accordance with the expectations of the voters and express specific ideology, doctrine, belief or conviction defining the vision of a political party. Another thing is the need of collecting competent people around the political party, who are able to exercise authority and who are able to implement



presented electoral program<sup>16</sup>. As the entities participating in the free political competition, political parties are obligated to present competitive solutions and strategies and serve as centers of debate and public discussion about the political, social and economic reforms<sup>17</sup>. It should be noticed, that electoral activities of political parties could not be realized without additional constitutional guarantees such as freedom of media, freedom of assembly. They are important to the electors because of their right to information and integration around specific programs and political views, making election decisions which embodies the principle of political pluralism and the principle of equality before law<sup>18</sup>.

#### BIBLIOGRAFIA:

- Banaszak B., *Komentarz do art. 11*, in: *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warszawa 2012.
- Bożyk S., *Prawo do opozycji w świetle konstytucyjnych zasad ustroju politycznego Rzeczypospolitej Polskiej*, in: *Prawo naszych sąsiadów, tom I, Konstytucyjne podstawy budowania i rozwoju społeczeństwa obywatelskiego w Polsce i na Ukrainie – dobre praktyki*, red. W. Skrzydło, W. Szapował, K. Eckardt, P. Steciuk, Rzeszów–Przemysł 2013.
- Chamaj M., Sokół W., Śmigrodzki M., *Teoria partii politycznych*, Lublin 1997.
- Herbut R., *Teoria i praktyka funkcjonowania partii politycznych*, Wrocław 2002.
- Muszyński J., *Polskie państwo partyjne*, Warszawa 2002.
- Nowak E. K., *Funkcja wyborcza partii i ugrupowań politycznych w Polsce*, „Państwo i Prawo” 1992, nr 5.
- Safjan M., Bosek L., *Uwaga 4 do art. 11*, in: *Konstytucja RP. Tom I. Komentarz do art. 1–86*, Warszawa 2016.
- Skrzydło W., *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, wyd. IV, Warszawa 2004.
- Uziębło P., *Systemy partyjne, 1997–2002*, [http://pedrou.w.interiowo.pl/systemy\\_partyjne.pdf](http://pedrou.w.interiowo.pl/systemy_partyjne.pdf)
- Żukowski A., *Systemy wyborcze*, Olsztyn 1999.

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<sup>16</sup> J. Muszyński, op. cit. pp. 81–82.

<sup>17</sup> M. Safjan, op. cit.

<sup>18</sup> A. Żukowski, *Systemy wyborcze*, Olsztyn 1999, pp. 16 i n.

