

# The dynamics of the principle of universal suffrage

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**Abstract**— The dynamics of the principle of universal suffrage are manifested in changes in the electorate and the catalogue of guarantees for exercising the right to vote. In the first case, there has been a gradual move away from censuses based on gender, education, wealth, race, religion, and profession. Today, this applies to citizenship, which does not apply in the case of elections to local government bodies, age, the automatic deprivation of voting rights of incapacitated persons, and full political rights. At the same time, the author points to the problem of the active right to vote in local elections for people who have more than one place of residence and who should be able to vote in each of them. In the second case, new guarantees of universal suffrage are constantly emerging. Today, it is no longer just a matter of the day or days of voting, but also a significantly larger number of polling stations (including special ones, e.g., in hospitals), assistance for voters with disabilities, and the possibility of voting abroad or on ships. Nowadays, it is also possible to vote by proxy and by post, and online voting (i-voting) is also becoming increasingly popular, although this is unlikely to be introduced in Poland any time soon.

**Keywords**— principle of universal suffrage, electoral censuses, active voting rights, guarantees of exercising active voting rights, elections

## I. THE PRINCIPLE OF UNIVERSAL SUFFRAGE AND ITS SIGNIFICANCE

In a modern democratic state governed by the rule of law, it is a truism that electoral law is at the heart of its political system and that it is undoubtedly the most dynamic part of constitutional law. Its structures influence not only the political and personal composition of elected bodies (parliament, president, local authorities), but also the party system. It is therefore not surprising that there are ongoing discussions about its shape and individual institutions, resulting both from the

revelation of existing flaws and inconsistencies in legal regulations, as well as the search for solutions that will better serve civil society and the efficiency of the state apparatus.

The general shape of electoral law is determined by its principles, which are understood as fundamental decisions (rules), most often contained in the constitution, which determine the general content of electoral regulations. Their origins date back to the turn of the 18th and 19th centuries, and since then not only has their catalogue expanded, but each of them has also undergone dynamic evolution. The most frequently mentioned principles are: universality, directness, equality, secrecy of voting and proportionality, while nowadays the principles of freedom, fairness and justice are increasingly emphasised. It should also be remembered that most of them are ambiguous.

In the catalogue of electoral law principles, but also in constitutional regulations, the principle of universal suffrage is usually mentioned first. This is hardly coincidental, as it refers to a fundamental political right of every human being. It is debatable whether it refers only to active suffrage (i.e. the right to vote) or also to passive suffrage (i.e. the right to be elected), or even to participation in all stages of the electoral process, which I wrote about in more detail years ago (Skotnicki, 2000, pp. 11-22). I am one of those authors who associate the principle of universal suffrage exclusively with the active right to vote, because universal suffrage only exists when there is a wide range of voters, not candidates (for example, presidential elections in Poland are undoubtedly universal, although a presidential candidate must be at least 35 years old on the day of the election; if the opposite were true, no one would consider such elections to be universal).

The aim of this study is to show the dynamics of the principle



of universal suffrage. I deliberately use the word 'dynamics' rather than, for example, 'evolution', because I want to emphasise the intensity of the changes that have taken place in relation to this principle, particularly in recent years. The discussion will focus on two areas. First, I will present the changes that have taken place over the years in the group of people with active voting rights. In doing so, I will emphasise not only the gradual departure from the requirements (census) that applied in the past, but I will also focus largely on contemporary problems and present issues that are particularly evident in the case of local government elections. Secondly, I will show the gradual increase in the number of guarantees of the principle of universal suffrage, also focusing largely on the current search for solutions to ensure voter participation in elections. My considerations will be based both on an analysis of past and present legal regulations and on the views of representatives of the doctrine and ongoing debates.

The term 'universal suffrage' was introduced into political vocabulary during the French Revolution (M. Prélot, J. Boulouis, 1980, p. 374). However, elections at that time can hardly be considered universal, as the electorate was very narrow and limited exclusively to men who were at least 21 years of age (and often much older – even 30 years of age) and were able to prove that they possessed a certain amount of wealth (e.g. land ownership or payment of a direct tax of a specified minimum amount). Other censuses (requirements) were also often in force, such as: education (completion of a minimum number of school years or demonstration of reading, writing and arithmetic skills – France, Germany, Italy, Portugal, USA) (T. Cieślak, 1953, pp. 162 and 167), belonging to a specific race (white – USA, South Africa) (J. Makowski, 1918, p. 12; W. Szyszkowski, 1967, p. 122; J. Jaskiernia, 1993, pp. 80-89), belonging to a specific social class (Great Britain, some socialist countries) (J. Makowski, 1918, p. 12; T. Szymczak 1988, p. 56 and pp. 217-218), religion (exclusion of followers of certain religions, clergy – Great Britain, Spain, Belgium, Luxembourg, Italy, Hungary, Mexico) (J. Makowski, 1918, p. 12 and p. 17; R. Chruściak, 1990, pp. 93-94; K. Complak 1994, p. 45), the pursuit of certain professions (civil servants, military personnel, police officers – France, Germany, Austria, the Netherlands, the USA, Czechoslovakia, Finland, Poland) (J. Makowski, 1918, pp. 13-14; A. Esmein, 1921, p. 279). The path towards universal suffrage in the 19th century, but also for many years of the 20th century, was a departure from these censuses.

## II. THE ABANDONMENT OF ELECTORAL CENSUSES IN THE PAST

The struggle to grant women many rights, including in particular the right to vote, began in the mid-19th century and was supported by suffragette movements. It should be remembered that this right was obtained separately for local elections (which usually took place earlier) and parliamentary elections. Women in the United States gained the right to vote in the same century. In Europe, women obtained this right earliest in Finland (1906) and Norway (1907), and relatively

early in Poland (1918), which was due to the active role of women in the struggle for independence (A. Piłsudska, 1989, p. 248). However, it should be remembered that in Switzerland, for example, this did not happen until 1972 in the case of parliamentary elections (B. Banaszak. A. Preisner, 1992, p. 158). This problem is still particularly evident in Islamic countries (in Saudi Arabia, women were only allowed to vote and stand for parliamentary elections for the first time in 2015).

Leaving aside the dispute as to whether age is a natural limit for obtaining voting rights or one of the electoral censuses, it should be remembered that for a long time it was an excellent instrument for depriving adults of their active voting rights. It was believed that participation in public life required greater experience (A. Esmein, 1921, p. 278), and youth was associated with greater radicalism. Hence, a distinction was even made between private legal (civil) adulthood and political (public legal) adulthood, which was obtained later. Different age limits were also adopted for active and passive voting rights, and even in the case of the right to vote, it sometimes differed depending on the elections to the first and second chambers (lower and upper). In the 20th century, however, the difference in age for obtaining civil and political rights began to be considered unfair and pointless (K. Kulczycki, 1929, p. 154), which is why the voting age began to be gradually and with difficulty lowered. The lowering of the age limit for obtaining the right to vote to 18 years of age did not take place until after the Second World War in socialist countries, which forced Western European countries to adopt the same solutions (K. Skotnicki, 2000, p. 105 et seq.).

At the end of the 20th century, the age limit of 18 became the norm worldwide, but at the same time, a discussion began about further lowering it or even abolishing it altogether. The arguments cited include the rapid maturation of young people, the ease and ubiquity of access to information (the Internet), the strengthening of civic education, and the development of the habit of voting (A. Żukowski, 2023, pp. 346-347). The political debate has led to changes in electoral law in many countries and the granting of voting rights to 17-year-olds and even 16-year-olds. Examples in Europe include Austria (since 2014) and Greece (since 2016), and on other continents, Argentina, Cuba, Ecuador, Nicaragua, Indonesia and East Timor (A. Żukowski, 2023, pp. 347-348); It is also common for this age limit to be lowered during municipal elections or elections to local parliaments in federal states (this is the case in 11 out of 16 German states) (A. Żukowski, 2023, p. 349). Such proposals have also been put forward by many Polish politicians from parties such as the Democratic Left Alliance, Palikot's Movement, Freedom Union, Together Party, and Szymon Hołownia's Polska 2050. Interestingly, as research conducted in the first decade of this century has shown, young people themselves are sceptical about this proposal (M. Waszak, J. Zbieranek, 2010, p. 9; J. Zbieranek (ed.), 2014, pp. 67 and 79). However, it seems that the existence of such a trend in the world will have to lead to changes in our country as well, especially in the case of local elections, which will, however, require an amendment to the Constitution.

The education requirement was abandoned worldwide at the

beginning of the 20th century, with Latin American countries remaining an exception for a long time (K. Complak, 1993, p. 203 et seq.). Nowadays, however, the requirement in many countries to know the official (national) language in order to obtain citizenship (e.g. Estonia or Latvia) seems to be a problem, as it limits the ability of many people who have lived there for years to vote. The question of the right to vote for illiterate people (especially in Africa) or secondary illiterates also remains open, but this is more a matter of creating guarantees for them to be able to vote (K. Skotnicki, 2000, pp. 54-57).

Similarly, at the beginning of the 20th century, there was a move away from property qualifications. This was particularly evident in the curial system in force in the Austro-Hungarian Empire, which meant that the vote of a wealthy landowner or industrialist was equivalent to the votes of thousands of workers. This system was abolished following a coordinated strike on 28 November 1905 in all major cities (e.g. in Prague, some sources say that as many as 100,000 strikers took part) and the almost complete paralysis of strategic railway lines. The reform establishing universal, equal, direct and secret suffrage for men was passed on 1 December 1906.

Racial (skin colour) and class (political) censuses are also a thing of the past, although in the latter case there are sometimes calls to deprive political opponents, religious groups or certain professions of their voting rights. Even in the latter case, however, military personnel and police officers are still sometimes deprived of their active and passive voting rights (in some South American countries, during work on the current Polish Constitution, such an idea was proposed to the Constitutional Committee of the National Assembly on 30 April 1993 by members of the Confederation of Independent Poland - Article 96(8) ([https://www.earchiwumkpn.pl/dokumenty\\_kpn/projekt\\_konst\\_ytucji\\_1993.pdf](https://www.earchiwumkpn.pl/dokumenty_kpn/projekt_konst_ytucji_1993.pdf)).

### III. PROBLEMS WITH CONTEMPORARY ELECTORAL CENSUSES

However, attention should be focused on the current constitutional censuses and the problems associated with them, specifically the changes that are taking place or need to be implemented quickly.

According to Article 62 of the Constitution, the right to elect the President of the Republic of Poland, members of the Sejm and Senate, and representatives to local government bodies is vested in Polish citizens who are at least 18 years of age on the day of the election (paragraph 1) and are not legally incapacitated or deprived of public rights or electoral rights by a final court ruling (paragraph 2). I have already written about the issue of the age requirement, so I will focus on the other three.

Citizenship is a legal and factual bond between a person and a state. The citizenship requirement in the case of elections for the President of the Republic of Poland and for the Sejm and Senate is understandable, as these are the state bodies through which the principle of national sovereignty is implemented.

However, firstly, there is the problem of people who have more than one citizenship, e.g. due to their place of birth (*ius soli* – right of the soil) and the citizenship of their parents (*ius sanguinis* – right of blood) or the acquisition of a second (additional) citizenship at a later date. Secondly, many people have not lived in the country of which they are citizens for years. Finally, thirdly, virtually every country has people living in it who do not have the citizenship of that country. The first question is therefore whether a person with more than one citizenship should have the right to vote in each of them, or only in the one in which they reside, i.e. of which they are a resident? (D. Paris, 2025, p. 681 et seq.) The Polish legislator does not deprive persons who also have citizenship other than Polish citizenship of their active voting rights, but is this right? Should matters concerning Poland be decided by people who have not lived there for years? Perhaps the right to vote should be lost, for example, after ten years of living abroad? And there are many more questions. There are, for example, people who constantly move between the countries of which they are citizens and *de facto* reside in both.

A completely new and growing problem is the fact that an increasing number of people who do not have citizenship of a given country are living there, and who will either never apply for citizenship or will only do so in the future. These are people who work in that country, pay taxes, contribute to the national income, etc. A very good example in this case is that of Ukrainians living in Poland, whose numbers have increased significantly since the Russian Federation's aggression against Ukraine. Their representatives believe that Ukrainians should have their own parliamentary representation to represent their interests. They also point out that in the near future, after obtaining citizenship (estimated to be 400-500 thousand people), they will have enough power to influence the results of elections, especially in constituencies where there are large cities (<https://wiadomosci.wp.pl/> Ukrainians-would-like-to-have-MPs-in-the-Sejm-much-depends-on-President-Karol-Nawrocki-7207977941683072a; accessed on 6 October 2025). I am very cautious about granting such persons voting rights too quickly.

The citizenship requirement is different in the case of elections to the European Parliament, where it is important to have EU citizenship rather than national citizenship. Therefore, EU citizens can vote in any EU country, regardless of whether they are citizens of that country.

Finally, the citizenship requirement is completely different in the case of local elections, as in this case we are dealing with bodies representing residents rather than citizens. This is due to the Constitution, which in Article 16 states that a local government community is formed by law by all residents of the basic territorial units, and not only by Polish citizens living in them. It should also be remembered that, pursuant to Article 19 of the so-called Accession Treaty, every citizen of the Union residing in a Member State of which they are not a national has the right to vote and stand as a candidate in local elections in the Member State of residence on the same terms as nationals of that State. The Constitutional Tribunal confirmed the Treaty's compliance with the 1997 Constitution (case K 18/04).

Therefore, citizens of other EU countries residing in Poland who do not have Polish citizenship have been able to vote in local elections in Poland since 2004. After Brexit, an agreement was concluded between the Republic of Poland and the United Kingdom of Great Britain and Northern Ireland on the participation of citizens of one country residing in the territory of the other country in certain elections, signed in Warsaw on 29 May 2020. This has created a rather paradoxical situation, as some people living in Poland who do not have Polish citizenship can vote in local elections in municipalities, while others cannot, including stateless persons. This should undoubtedly not be the case. In my opinion, however, it should be considered whether this right should only be granted after a certain period of residence in Poland, or even in a given municipality.

Another criterion is full legal capacity. Incapacitation, even partial, automatically deprives a person of their active voting rights. While this was not questioned when the Constitution was adopted in 1997, there has now been a change in the approach to incapacitated persons, and it is believed that they should not be isolated but should be included in all areas of life. It is also emphasised that their understanding of public affairs may often be better than that of other people (K. Kurowski, 2011, p. 33). The deprivation of voting rights of incapacitated persons should be done on an individual basis, taking into account the specific situation and circumstances. It should also be remembered that the current automatic deprivation is incompatible with Article 3 of Protocol No. 1 to the European Convention on Human Rights (A. Bodnar, 2010, p. 38 et seq.; R. Rybski, 2015, p. 135 et seq.), as has long been pointed out by the European Court of Human Rights, most notably in its most famous judgment of 20 May 2010 in the case of *Alajos Kiss v. Hungary*.

The situation is different in the case of deprivation of public rights or suffrage, i.e. the qualification for full public rights. Its existence is not in doubt, as voters should be morally worthy of participating in public life. In this case, there is also no automatic deprivation of these rights, but they must be adjudicated on an individual basis. However, one may wonder whether the way in which this qualification is regulated is appropriate, as the penalty of deprivation of public rights can only be imposed for an offence committed for reasons deserving of particular condemnation, provided that it is punishable by imprisonment for a term of not less than three years; This means that it cannot be imposed even for certain offences against elections, which are punishable by imprisonment for up to two years (e.g. Article 248 of the Criminal Code – specified abuses in the course of elections, Article 251 of the Criminal Code – violation of the secrecy of voting). (D. Wąsik, 2014, p. 232). At the same time, the great restraint shown by the courts in imposing penalties of deprivation of public rights should be viewed very critically.

In presenting the dynamics of the principle of universal suffrage, I would like to draw attention to one more area of issues which, in my opinion, will require changes in the near future with regard to the group of people who have active and perhaps also passive voting rights. I am referring to local elections. I would like to remind you that, according to Article

16(1) of the Constitution, a local government community is, by law, constituted by all residents of the basic territorial units. Membership of this community does not therefore depend on the will of the individual, but is a consequence of residing in its territory (P. Tuleja, 2019, p. 75). The problem is how to understand the word 'residence' and, therefore, how to answer the question of who is a "resident"? For years, 'residence' has been understood linguistically as living somewhere permanently (Polish Language Dictionary). The Electoral Code requires 'permanent residence' (in Poland or a local government unit, respectively) for elections to the European Parliament, local government bodies and village administrators (mayors, city presidents). At the same time, Article 5(9) defines permanent residence as 'residing in a specific locality at a specified address with the intention of permanent residence'. This is therefore a clear civil law interpretation, as it takes into account both physical presence in a specific location (corpus) and the intention to settle permanently in a certain place (animus domiciendi).

The problem is that establishing a permanent place of residence is becoming increasingly difficult, if not impossible. More and more people own two or more flats or houses in different municipalities, districts or provinces. It is assumed that permanent residence in one of them is 'indicated by the concentration of life activities related to, for example, work or family' (A. Kisielewicz, 2006, pp. 37-38). However, can this always be determined unequivocally? Many people spend the autumn and winter in a flat (house) in the city, while in the spring and summer they go to a flat (house) in a smaller town, often in the countryside. And this does not only apply to pensioners. If the distances between these towns are not great, many people in this situation commute to work, and it is also not uncommon for one child to attend school in one of these towns and the other in the other town. People in this situation pay property taxes in both towns, pay for water and sewage, rubbish (municipal waste) and other local charges, and use commercial, sports, health, transport and cultural facilities, etc. For these people, it is often also important who will be their councillor and who will be the mayor (mayor, city president) in each of these local government units. Should such persons not have active and passive voting rights in each of these localities? Introducing such a change requires careful consideration. The problem presented does not relate exclusively to electoral rights, as it should be remembered that the Act of 1 October 2024 on the revenues of local government units made personal income tax (PIT) revenues from taxpayers residing in their territory one of the most important sources of local government units.

The question also arises as to whether only persons permanently residing in the area are members of the local community. In my opinion, this also includes persons who live elsewhere but for whom the locality in question is the centre of their professional activity. This applies in particular to entrepreneurs and craftsmen, but also to doctors, pharmacists, veterinarians, teachers and even local government officials who live in a different municipality from their place of work. In the past, they often even lived in that locality, but, for example,

built a house in another municipality or moved to another municipality due to marriage. They can run for mayor, but they cannot run for councillor or vote. It should therefore be considered whether persons who are connected with the municipality due to their place of work or business activity should be granted active voting rights, and perhaps also passive voting rights in the case of elections to the municipal decision-making body (J. Kielin-Maziarz, K. Skotnicki, 2022, pp. 155-156). I would like to point out that, pursuant to Article 158 § 1(4) of the Act of 27 July 2001 – Law on the System of Common Courts, in the case of candidates for lay judges in district and regional courts, an alternative to residing in the place of candidacy is employment or business activity in that place.

#### IV. EXPANDING THE CATALOGUE OF GUARANTEES OF UNIVERSAL SUFFRAGE

The dynamics of the principle of universal suffrage are evident not only in changes relating to the definition of the electorate, but also in guarantees that ensure that the granting of the right to vote is not an empty, meaningless declaration; for what good is it for a person to have the right to vote if they are unable to exercise it? Therefore, parallel to the systematic expansion of the electorate, the catalogue of guarantees of the principle of universal suffrage is also being expanded. In this case, I will point to the changes that have taken place gradually since the turn of the 18th and 19th centuries, focusing mainly on contemporary searches for solutions to facilitate participation in voting.

When the idea of universal suffrage was born, most voters lived in rural areas and worked in agriculture. It was therefore understandable that elections and voting should not take place during periods of intensive field work, i.e. in spring and summer. Due to possible problems with reaching polling stations, they could not take place in winter either. The best time therefore seemed to be the end of summer or autumn. This explains why general elections are held, for example, in the United States on the Tuesday after the first Monday in November, or in Norway, where they take place on the second Monday in September.

It is also extremely important to set the date or dates for voting, as this can significantly affect the participation of various social groups in this act. In Catholic and Orthodox countries, it has become the norm to vote on Sundays, as this is when the vast majority of voters do not work. However, it should be remembered that the third commandment of the Decalogue is 'Remember to keep holy the Sabbath day', which requires dedicating this day to prayer, going to church or spending time with family. Therefore, especially among Evangelicals, but also in other religions, the holy day is so special that it cannot be associated with any non-religious events. Therefore, in countries with a dominant or significant number of followers of such religions, elections are held on a different day of the week, which was also the reason for holding a two-day vote, e.g. on Saturday and Sunday or on Sunday and

Monday. In Poland, as is well known, voting in general elections traditionally takes place on Sunday, and the optional possibility of voting on Saturday and Sunday, established in the Electoral Code, was recognised by the Constitutional Tribunal in the case of elections to the Sejm, the Senate and the President as incompatible with Article 98(2) and (5) and Article 128 of the Constitution, respectively (Constitutional Tribunal judgment of 20 July 2011, K 9/11, point 3). However, it should be remembered that three dissenting opinions were submitted to this judgment (by Sławomira Wronkowska-Jaśkiewicz, Andrzej Rzepliński and Marek Kotlinowski) (M. Borski, 2012, pp. 69-71), while local elections or national referendums may last two days. I therefore believe that we are dealing with a problem that we will return to, although public distrust and suspicions of fraud during the night between voting days are not conducive to the adoption of this solution.

Undoubtedly, the primary method of voting is to do so at polling stations, as the main purpose of establishing them is to make it easier for voters to do so. This is no different in Poland. It is undoubtedly positive that polling stations are now permanent rather than created on an ad hoc basis. However, current regulations do not specify the maximum distance that a voter may have to travel from their place of residence (stay) to the polling station; for example, the 1922 Sejm election law stipulated that this distance was 6 km (Article 12(2)(2)), and one may wonder whether this should not be reinstated. The rule is to specify the number of people who can vote in a single polling station. However, it is difficult to speak of a crystallised position of the legislator on the concept of the size of polling stations in this case, as both the minimum and maximum number of residents of a permanent polling station have changed. According to Article 12(3) of the Electoral Code, a permanent polling station covers between 200 and 4,000 residents. While lowering the lower limit should be viewed positively, in the case of the upper limit, one may wonder whether it is not too high. In general, however, there is a clear trend towards increasing the number of polling stations. For comparison, during the 1991 elections to the Sejm and Senate, 22,340 polling stations were created, while in 2023 there will be as many as 31,073 such stations.

Polish electoral law also provides for the creation of separate polling stations in medical facilities, social welfare homes, prisons and remand centres, as well as in external branches of such facilities and centres, if at least 15 voters will be present there on election day. A polling station may also be established in a student residence or complex of student residences if at least 50 persons eligible to vote inform the rector of the university of their intention to be in the student residence on election day. However, one may wonder whether the creation of such a polling station should not be mandatory, and whether the expected number of voters in it should not be lower.

When discussing polling stations, it is also worth mentioning those set up on sea vessels that are at sea on the day of the election. This solution has been in force in Poland since 1954 (J. Buczkowski, 1998, p. 119; for more details, see: R. Zych 2024). According to Article 15(2) of the Electoral Code, 'a Polish sea vessel is a vessel flying the Polish flag and

commanded by a Polish captain', which clearly means that a vessel owned by a foreign shipowner will not be considered a Polish vessel, even if all crew members have Polish citizenship (B. Banaszak, 1996, p. 28)

Finally, polling stations abroad are particularly important in ensuring that voters are able to participate in the election. Initially, they were established on the basis of Resolution No. 2/56 of the State Electoral Commission of 21 November 1956, while the statutory basis appeared in the Act of 22 December 1960 on the supplementation and amendment of certain provisions of electoral law. The number of such constituencies is constantly increasing. For example, during the elections to the Sejm and Senate: in 1993, 117 were created, while during the 2023 elections – 460; in turn, during the presidential elections: in 1990 – 117, and in 2025 – 511. This undoubtedly makes voting easier for many voters, and today it is no longer tens of thousands of people who participate in elections in this way, but several hundred thousand. For example, in 2025, over 695,000 voters were registered, and over 211,000 of them voted.

The dynamics of changes facilitating participation in voting by persons with disabilities deserve separate emphasis. The mayor (mayor, city president) is now required to ensure that at least half of the polling stations in the municipality are adapted to the needs of such persons. This involves removing architectural barriers and equipping polling stations with ramps or other devices enabling persons with disabilities to reach them independently, as well as providing at least one place enabling them to vote in secret. There is also an obligation to provide voters with a certified severe or moderate degree of disability, at their request, with free transport from their place of residence or stay to the polling station and back. At the request of such a person, another person (excluding members of the electoral commission, scrutineers and social or international observers) may then assist them at the polling station. Such voters may also vote using Braille overlays.

The guarantee of universal suffrage also includes the opening and closing times of polling stations. The Electoral Code has standardised these times, which are now from 7 a.m. to 9 p.m., eliminating the impossible variation in these times during elections for different bodies from Polish electoral law.

Due to the high mobility of voters, Polish electoral law has for years allowed voting on the basis of a certificate of voting rights, which enables voters to cast their ballots at any local electoral commission. During the second round of the presidential elections in 2025 alone, 531,446 voters cast their votes in this way, including 17,635 abroad (<https://prezydent2025.pkw.gov.pl/prezydent2025/pl/2/wynik/pl>).

When universal suffrage was introduced, the burden of proving eligibility to vote initially rested with the voter. This gave rise to many problems, hence the idea of creating a register of voters, also referred to as a 'voter register' or 'voter list'. Entry in such a document guarantees universal suffrage, but is also a condition for exercising this right (J. Buczkowski, 1998, p. 94). It is assumed that this took place for the first time in France before the 1791 elections (K. Skotnicki, 2000, p. 214).

Two solutions developed in this case. The first was that there was a permanent register, which was revised once a year. The second was that the register was compiled ad hoc before specific elections. The latter solution was in force for many years in Poland, with the only change being that machine compilation was replaced by computer compilation. The dynamics of change with regard to registers is that in the early 1990s, with some difficulties, a separately updated register of voters was created in Poland for each municipality, which forms the basis for compiling the electoral register before specific elections. Technological progress and computerisation then led to the establishment of the Central Voter Register, administered by the minister responsible for computerisation, which has been in operation since 4 August 2023.

However, all these guarantees of universal suffrage do not mean that the world is not looking for new additional solutions that will enable voters to actually exercise their right to vote. These are collectively referred to as 'alternative voting methods (ways)', which emphasises that votes are cast in a different way than at a polling station. This includes voting by proxy (representative), postal voting and internet voting (e-voting, and in particular i-voting). The first two are already in use in Poland.

The possibility of voting by proxy was introduced in Poland in 2009 and was subsequently retained in the Electoral Code of 2011. It consists in a voter authorising another voter to vote on their behalf. However, this institution is highly controversial, and it is difficult to say that it refers to the power of attorney known in civil law. The literature on the subject rightly emphasises that 'while in civil law the institution of proxy is constructed in such a way that it gives primacy to the will of the principal and protects it from actions of the proxy that are inconsistent with it, in electoral law the will of the person granting the proxy is not protected in any way and thus loses all meaning' (A. Rakowska, 2007, p. 74). However, the constitutionality of this solution was confirmed in the aforementioned judgment of the Constitutional Tribunal in case K 9/11 (point 5). A power of attorney may be granted by a voter with a significant or moderate degree of disability within the meaning of the Act of 27 August 1997 on vocational and social rehabilitation and employment of persons with disabilities, as well as by a voter who is at least 60 years of age on the day of the vote. Originally, this age limit was 75, but it was lowered during the pandemic and rightly so, and this has been maintained. There are also restrictions on who can become a proxy (e.g. a scrutineer) and the number of proxies that can be obtained (a maximum of two).

The situation is different in the case of postal voting. It is extremely popular around the world. In Poland, attempts were made to establish it as early as 2003, but it was not finally included in the Electoral Code until 2007, and even then it was reserved exclusively for voters residing abroad who are included in the electoral roll drawn up by the consulate with territorial jurisdiction, and of course it was optional. This solution was criticised for violating the secrecy of the vote, entrusting the delivery of ballot papers to a postal operator in another country over which the Polish authorities have no supervision, and finally, violating the principle of holding the

vote on a single day. The Constitutional Tribunal, in its judgment K 9/11, did not share these objections (point 6). It should also be recalled that before the Electoral Code came into force, it was amended and the possibility of voting in this way was extended to persons with significant or moderate disabilities voting in Poland. Since then, there have been frequent changes regarding the group of persons eligible to vote by post, including the granting of this option to all voters in 2014, and during the pandemic, a law was even passed that provided for all-postal voting only. However, the issue of the group of voters eligible to vote by post continues to resurface, and changes are being made to the Electoral Code in this regard (W. Hermeliński, 2025, p. 67-74).

According to the current legal status, the following persons may vote by post in elections to the Sejm: 1) voters with a significant or moderate degree of disability within the meaning of the Act of 27 August 1997 on vocational and social rehabilitation and employment of persons with disabilities, 2) voters subject to mandatory quarantine, isolation or home isolation on the day of voting, 3) voters who turn 60 on the day of voting at the latest (Article 53a §1 and § 1a of the Electoral Code). It should also be recalled that the Act of 17 October 2025 amending the Electoral Code extended this possibility to voters abroad, which was vetoed by the President. It is regrettable that this happened, as it deprives a significant part of this group of voters of the opportunity to participate in the elections. It should also be remembered that this voting option is supported primarily by voters residing abroad (M. Musiał-Karg, 2024, pp. 135-136). However, I fully maintain my reservations about the possibility of postal voting in local elections, as I see a danger of unlawful behaviour on the part of local government officials and postmen, and in particular the emergence of the phenomenon of buying and selling ballot papers, which may be a cheaper guarantee of winning a seat than running an expensive election campaign (K. Skotnicki, 2010, pp. 119-120).

The last issue I would like to draw attention to in this study is the problem of i-voting. This stems from the rapid development of modern technologies, which have also entered the world of politics. That is why we are now talking about cyberdemocracy, digital democracy or technodemocracy, while recognising the dangers associated with it. This is also the case with the electoral process (D. Skoczylas, 2025, pp. 125-138; B. Wilk, 2025, pp. 139-149; K. Stępnik, 2025, pp. 151-161). Undoubtedly, computerisation facilitates, for example, the creation of the Central Voter Register, the voter roll and the efficient transmission of voting results. However, it also facilitates voter participation in voting. The first attempts at online voting took place in the United States at the end of the 20th century. Today, it is possible to vote in this way in several countries, the most famous example being Estonia. Despite doubts about this solution, I believe that voting in this way is the future. However, I do not think that this will happen quickly in Poland. This is due to the great distrust of a significant part of our society towards the use of various technological achievements (e.g. the use of the m-Obywatel application). Therefore, the introduction of online voting will give rise to suspicions of manipulation and falsification of election results,

which stems from a general lack of trust in political elites and even in the entire political system (K. Skotnicki, 2010, p. 123), but also in most institutions (including independent ones) and experts. This solution will be introduced last, when the use of new technologies in other areas of life has increased.

## V. COMCLUSION

To sum up, I would like to emphasise once again that the dynamics of changes in the principle of universal suffrage are clearly visible both in terms of the constantly expanding circle of voters and the emergence of new guarantees ensuring that the right to vote is not a fiction. This process has undoubtedly intensified in the 21st century and, in my opinion, will lead in the near future to changes both in terms of who will be able to vote and how they will be able to do so. However, this may vary depending on whether it relates to elections to the Sejm, Senate, President of the Republic of Poland and European Parliament, or elections to municipal councils, county councils and provincial assemblies, as well as village administrators, mayors and city presidents.

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