



Office for Democratic Institutions and Human Rights

REPUBLIC OF LITHUANIA

PRESIDENTIAL ELECTION

11 MAY 2014

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

11-13 February 2014



Warsaw
12 March 2014

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY.....	1
III.	FINDINGS	3
A.	BACKGROUND.....	3
B.	ELECTORAL SYSTEM AND LEGAL FRAMEWORK.....	4
C.	ELECTION ADMINISTRATION.....	4
D.	ALTERNATIVE VOTING MECHANISMS	6
E.	VOTER REGISTRATION	6
F.	CANDIDATE REGISTRATION	7
G.	ELECTION CAMPAIGN	8
H.	CAMPAIGN FINANCE	8
I.	MEDIA.....	9
J.	COMPLAINTS AND APPEALS	10
K.	ELECTION OBSERVATION	11
IV.	CONCLUSIONS AND RECOMMENDATION	11
	ANNEX: LIST OF MEETINGS	12

**REPUBLIC OF LITHUANIA
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

On 7 January 2014, the Ministry of Foreign Affairs of Lithuania invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 11 May presidential election. In accordance with its mandate, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Vilnius from 11 to 13 February. The NAM included Richard Lappin, OSCE/ODIHR Senior Election Adviser, and Alexey Gromov, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the election. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and co-operation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM.

II. EXECUTIVE SUMMARY

Lithuania is a parliamentary republic, with specific executive powers vested in the office of the president, including foreign policy and national defence. On 11 May 2014, voters will elect the president for a five-year term, with a possible second round of voting on 25 May.

Presidential elections are primarily regulated by the Constitution and the Law on Presidential Elections. Amendments made in 2013 to electoral legislation are mainly of a technical nature. The legal framework governing the presidential election appears to provide a sound basis for the conduct of democratic elections. Nevertheless, several interlocutors noted that a number of prior OSCE/ODIHR recommendations remain unaddressed in the law, particularly in respect of candidate rights, national minorities, and complaints and appeals. A working group has been established to prepare a consolidated Electoral Code, to be considered after this election.

The election is administered by the Central Election Commission (CEC), 60 Municipal Election Commissions and 2,017 Precinct Election Commissions (PECs). The CEC has extensive responsibilities and powers, as well as a wide supervisory role. All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration, although some noted that the PECs would benefit from additional training, including the handling of electronic voter lists.

The law provides voters with a wide range of possibilities for exercising their suffrage, including early, postal, homebound, and out-of-country voting. Alternative voting mechanisms enjoy a high level of trust. While challenges to the verification of voter eligibility and the secrecy of the vote were acknowledged by some interlocutors, no fundamental objections were raised about their use in the upcoming election.

All citizens over 18 years of age have the right to vote, except for those recognized as incapable by a court decision. Voter registration is passive and the CEC maintains a nationwide electronic voter list. According to the CEC, there are currently some 2.6 million registered voters. This will be the first presidential election when all voters will be marked off in the nationwide electronic voter list upon receiving their ballot at the polling station. While none of the OSCE/ODIHR NAM interlocutors expressed concerns regarding the accuracy of the voter lists, the continued development and implementation of electronic voter lists could benefit from further attention.

Any citizen by birth, over the age of 40, who has lived in Lithuania for at least the last three years, and is eligible to be elected to the parliament, may stand for president. The same person may not be elected president for more than two consecutive terms. Citizens who are bound by an allegiance to a foreign state cannot stand as candidates. Candidates may be nominated by political parties or through self-nomination and are obliged to pay an electoral deposit and provide at least 20,000 valid supporting signatures no later than 27 March. OSCE/ODIHR NAM interlocutors noted a pluralistic political landscape and expected a wide range of candidates to register.

The law provides that a person who has been removed from office in accordance with impeachment proceedings may not be elected president. In 2011, the European Court on Human Rights ruled that this lifetime ban on standing for elected office was a disproportionate punishment. Despite ongoing parliamentary initiatives to amend this provision, the restriction has not yet been remedied in the law. This requirement may affect former president Rolandas Paksas, impeached in 2004, who has announced his intention to stand.

The media environment is diverse and coverage of the campaign is thoroughly regulated. Candidates are provided with free air time on an equal basis on the public broadcaster and media are obliged to provide equal conditions for paid advertising. Several OSCE/ODIHR NAM interlocutors stated that incumbent officials enjoy greater media coverage, but that this would not impact the level playing field among candidates. The campaign is expected to be active and no concerns about the ability to campaign freely were raised, although some concerns were expressed about possible vote-buying and the continued criminalization of defamation.

Decisions and actions of election commissions can be challenged at the higher commission only by parties that have nominated candidates and by candidate proxies. Decisions and actions of the CEC, except on election results, can be appealed to the Supreme Administrative Court, which is the first and final instance. The law does not provide clear deadlines for filing complaints.

Only the parliament can challenge the final election results to the Constitutional Court. The Court's conclusions in this case are not a ruling, but a basis for the final decision of the parliament. The OSCE/ODIHR has previously recommended that the timelines for

considering such complaints should be extended and that the final decision be taken by a court.

Electoral contestants can appoint their observers to all election commissions, but the PEL does not provide for non-partisan citizen observation, which is not fully in line with the OSCE commitments. Several parties informed the OSCE/ODIHR NAM that they will deploy observers on election day.

All OSCE/ODIHR NAM interlocutors expressed confidence in the impartiality and professionalism of the election administration, noting that the diverse political and media landscape enhance transparency and accountability. As such, there would likely be limited value in deploying a significant OSCE/ODIHR presence on election day. Nevertheless, most interlocutors indicated that they would welcome a potential OSCE/ODIHR observation activity for this election, recognizing that an external assessment and recommendations offered by the OSCE/ODIHR could contribute to ongoing reform of the electoral legal framework.

In this context, some aspects of the electoral process may benefit from further scrutiny, including issues related to candidate registration, the administration of electronic voter lists, alternative voting mechanisms, and complaints and appeals. Based on these considerations, the OSCE/ODIHR NAM would have recommended the deployment of an Election Assessment Mission for the upcoming 11 May presidential election. However, given the current budgetary constraints due to the lack of adoption of the 2014 OSCE Unified Budget, the OSCE/ODIHR is not able to deploy such a mission on this occasion.

III. FINDINGS

A. BACKGROUND

Lithuania is a parliamentary republic with a 141-member unicameral parliament (*Seimas*). Executive powers are primarily vested in the government, with some specific powers vested in the office of the president, including foreign policy, national defence, and the appointment of the government.

The political landscape is pluralistic. The last parliamentary elections were held on 14 October 2012 and resulted in a government led by Prime Minister Algirdas Butkevičius, leader of the centre left Social-Democratic Party (SDP) with 39 seats in the parliament, in coalition with the Labour Party (LP) - 29 seats, “Order and Justice” party - 12 seats, and the Lithuanian Poles’ Electoral Action (LPEA) party - 8 seats. The parliamentary opposition comprises the Homeland Union – Christian Democrats (HU/CD) - 33 seats, the Liberals Movement (LM) - 10 seats and, “The Way of Courage” party - 7 seats. Some 24 per cent of members of parliament (MPs) are women.

Incumbent President Dalia Grybauskaitė was elected in 2009 as an independent candidate in the first round with some 69 per cent of the vote. On 3 February Ms. Grybauskaitė announced that she would run for re-election. HU/CD and LM have declared their support for the incumbent, although they will not formally nominate her as a candidate. All four political parties in the governing coalition, the SDP, LP, “Order and Justice”, and LPEA, announced their intention to nominate candidates.

The OSCE/ODIHR has observed three elections in Lithuania since 1996.¹ For the 2009 presidential election, the OSCE/ODIHR NAM did not recommend an election-related activity as it would not add significant value to the electoral process. For the 2012 parliamentary elections, the OSCE/ODIHR deployed an Election Assessment Mission, which found that “a high level of confidence in the functioning of the democratic process was expressed by most of the interlocutors”. However, a number of political parties appealed the results, alleging cases of vote-buying and other violations, which led to the cancellation of results and repeat voting in two majoritarian races.

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected by popular vote for a five-year term. A candidate can be elected during the first round of voting in two circumstances: (1) if more than half of the registered voters participated in the election, the candidate who obtained more than half of the votes cast is elected, or (2) if less than half of the voters participated in the election, the candidate who received the greatest number of votes, but not less than one-third of votes of all registered voters, is elected. If no candidate is elected during the first round, a second round is held between the two candidates who received the highest number of votes. The candidate who receives the highest number of votes in the second round is then elected.

Presidential elections are primarily regulated by the Constitution, adopted in 1992 and last amended in 2006, as well as the 1992 Law on Presidential Elections (PEL), the 2002 Law on the Central Election Commission, and the 2004 Law on Funding of Political Campaigns and Control of Funding. In 2013, amendments were made to each of these laws, mainly of a technical nature.

All OSCE/ODIHR NAM interlocutors expressed their overall confidence in the legal framework as providing a sound basis for the conduct of democratic elections, despite some gaps and ambiguities. Nevertheless, several interlocutors noted that a number of prior OSCE/ODIHR recommendations remain unaddressed in the law, particularly in respect of candidate rights, national minorities, and complaints and appeals.

In February 2013, a parliamentary working group was established to prepare a draft Electoral Code that would consolidate relevant electoral legislation and judicial decisions. The working group comprises representatives of the authorities, political parties, media and civil society. Several interlocutors noted that possible recommendations from an OSCE/ODIHR election observation activity would contribute to this reform process. The ongoing preparation of a draft Electoral Code will not impact the current election.

C. ELECTION ADMINISTRATION

Presidential elections are administered by a three-tiered system, comprising the Central Election Commission (CEC), 60 Municipal Election Commissions (MECs) and 2,017 Precinct Election Commissions (PECs).² Additional polling stations will be

¹ All previous OSCE/ODIHR reports on Lithuania are available at: www.osce.org/odihr/elections/lithuania.

² Each election precinct has a maximum of 5,000 voters. According to preliminary CEC data, 178 precincts have more than 3,000 voters, including 44 with more than 4,000 voters.

established in Lithuania's diplomatic and consular offices and on ships-at-sea to facilitate out-of-country voting.

The CEC is the only permanent election administration body. The current CEC was appointed by the parliament in June 2012 for a four-year term.³ The CEC consists of 16 members combining professional and party representation: the Ministry of Justice and Lithuanian Bar Association each have four members, while all seven parties that received proportional seats in the previous parliamentary elections each have one member.⁴ The CEC chairperson is nominated by the speaker of the parliament. Although there are no gender requirements for nomination, half of the CEC members are women.

The CEC has extensive powers and responsibilities in all aspects related to the organization and conduct of the election, including the monitoring of campaign finance and media coverage of the campaign. The CEC also has the right to initiate legislation. All CEC sessions are public, and can be observed by representatives of the parties, candidates, media, and international observers, as well as via the CEC website.

The MECs were appointed by the CEC by 26 February. Their members consist of one nominee from each of the Ministry of Justice, the Lithuanian Bar Association, and the local administration, as well as from all parliamentary parties that won a proportional seat in that district at the last parliamentary elections. The chairpersons of the MECs are nominated by the CEC chairperson.

The MECs are responsible for overseeing election preparations in each municipality, including: registering election observers; organising early and postal voting; tabulating and transferring the voting results of the municipality to the CEC; considering complaints against PEC decisions and actions; and monitoring the campaign within the municipality.

The PECs and their chairpersons are to be appointed by the MECs by 27 March. PEC members are nominated by political parties represented in either the parliament or the corresponding local council that received proportional seats in the previous elections. Any vacancies are to be filled by citizens nominated by the heads of local administrations.

PECs facilitate access to the voter lists and consider complaints on errors in the lists; supervise postal voting and provide homebound voting within the precinct; organise voting, counting and transfer of results to the MECs; and consider election day complaints from voters and observers.

All OSCE/ODIHR NAM interlocutors expressed full confidence in the CEC's professionalism and impartiality, as well as overall trust in the election administration. Some OSCE/ODIHR NAM interlocutors stated that PECs would benefit from additional training on organizational aspects of election day procedures, including the handling of electronic voter lists and the transfer of results protocols to the higher-level commissions.

³ In November 2012, following the cancellation of two parliamentary contests, the parliament initially terminated the mandate of the CEC but then repealed this decision one month later.

⁴ The non-party CEC members must have a law degree and are chosen by drawing of lots from a pool of nominations provided by each of the two institutions.

D. ALTERNATIVE VOTING MECHANISMS

The law provides voters with a wide range of alternative voting methods, including early, postal, home-bound and out-of-country voting.

Voters who cannot come to their polling station on election day can vote in advance at official municipality premises from 7 to 8 May. Postal voting is allowed for voters in health and social care institutions, prisons and detention centres, and those undergoing military service, and will be conducted via specially designated post offices from 7 to 9 May. Voters with disabilities and those aged over 70 have the right to request homebound voting to vote from 8 to 10 May. Voters who register for out-of-country voting can vote by post or in diplomatic and consular offices during a 10-day period, prior to the election, which is decided separately by each diplomatic mission.

Alternative voting mechanisms enjoy a high level of trust in Lithuania. While challenges to the verification of voter eligibility and the secrecy of the vote were acknowledged by some interlocutors, no fundamental objections were raised about their use in the upcoming election.

For several years, a debate on the possible introduction of Internet voting has been ongoing, but there is currently no decision to implement new voting technologies.

E. VOTER REGISTRATION

All citizens who are at least 18 years by election day have the right to vote, except those declared incapable by a court decision. Voter registration is passive and the CEC maintains a nationwide electronic voter register based on data from the population register. According to the CEC, there are currently some 2.6 million registered voters.

The CEC compiles two types of voter lists: an electronic national voter list and separate municipality voter lists that are provided to MECs in electronic format. Preliminary voter list are delivered by the MECs to PECs no later than 26 days before election day for public familiarization and possible amendments. MECs compile lists of voters whose place of residence is unknown. Lists of voters residing abroad are compiled by the CEC on the basis of information provided by diplomatic and consular representations.

Voters can check their data in voter lists at PECs or diplomatic representations, as well as by telephone or via the Internet. When necessary, a voters' record may be transferred between precinct lists within one municipality by the respective MEC, or between different municipalities by the CEC. Final voter lists are approved no later than seven days before election day. After this date and until 18:00 on election day, voters can be added to supplementary voter lists by PECs based on proof of residence and after checking whether the voter was already marked off in the nationwide electronic voter list.

The CEC informed the OSCE/ODIHR NAM that this will be the first presidential election when all voters will be marked off in the nationwide electronic voter list upon receiving their ballot at the polling station, as well in case of early and homebound voting. While voters and election commissioners still have to sign the paper voter lists, the electronic mark-off is an additional mechanism for checks against possible multiple voting. For this

purpose the CEC required municipalities to equip all polling stations with necessary hardware and communication facilities. While none of the OSCE/ODIHR NAM interlocutors expressed concerns regarding the accuracy of the voter lists, the continued development and implementation of electronic voter lists could benefit from further attention.

F. CANDIDATE REGISTRATION

Any citizen by birth over the age of 40, who has lived in Lithuania for at least the last three years, and is eligible to be elected a MP, may be elected president. The Constitution limits the right to be elected as a MP, and by extension president, to citizens who are not bound by an allegiance to a foreign state. Also, people who have not finished serving a prison sentence 65 days prior to elections, as well as judges, active military personnel and policemen who have not retired from duty at least 65 days prior to elections cannot stand. The same person may not be elected president for more than two consecutive terms.

In addition, the PEL provides that a person who has been removed from office in accordance with impeachment proceedings may not be elected president. This limitation was added following the 2004 impeachment of former president Rolandas Paksas. In 2011, the European Court of Human Rights (ECtHR) ruled that this lifetime ban on standing for elected office was a disproportionate punishment that violates the right to free elections.⁵ Despite ongoing parliamentary initiatives to amend this provision, this restriction has not yet been remedied in the law. Mr. Paksas has announced his intention to stand in this presidential election and several OSCE/ODIHR NAM interlocutors considered that his candidacy would likely be resolved in the courts.

Before the official nomination period, which starts 80 days prior to election day, the political parties and prospective presidential candidates must apply to the CEC and register as ‘political campaign participants’. After registration, a political campaign participant may start campaign fundraising and spending activities. By the start of the nomination period, the CEC had registered 19 political campaign participants, including 3 women.

Candidates may be nominated by registered political parties or through self-nomination. To register, potential candidates are obliged to pay an electoral deposit equivalent to five average monthly salaries (AMS)⁶ and provide a minimum of 20,000 valid supporting signatures to the CEC no later than 27 March. A voter may sign in support of multiple candidates.

The PEL provides that potential candidates must declare if they collaborated with “special services of other states” to the CEC. This information, or failure to provide correct data, is made available to the public by the CEC. Candidates also provide declarations on their property, private interests and income tax paid. The CEC informed the OSCE/ODIHR NAM that several provisions on candidate registration in the Law on Parliamentary Elections also apply to presidential elections. Therefore, although not specified in the PEL, candidates are required to provide detailed information to the CEC on current and prior

⁵ Case of *Paksas v. Lithuania*, Judgement of the Grand Chamber. 6 January 2011, ECtHR.

⁶ One AMS in LTL (Lithuanian Litas) is 2,305 or some EUR 678 (EUR 1: LTL 3.4). The electoral deposit (some EUR 3,390) is refunded to a candidate if s/he gains more than seven per cent of the votes cast.

criminal convictions. Such information will then be posted in polling stations on election day.

The CEC is obliged to register candidates within 11 days of receipt of supporting signatures and other required documents and to publish the final list of candidates by 11 April. Although none of the OSCE/ODIHR NAM interlocutors expressed concerns regarding the nomination and registration procedures, several acknowledged the need to amend candidate eligibility requirements so as to comply with the 2011 ECtHR ruling.

G. ELECTION CAMPAIGN

The election campaign officially started on 11 November 2013 following the announcement of the election. A campaign silence period starts 30 hours before the opening of the polls on election day and lasts until the end of voting.⁷ During this period, there is no obligation to remove outdoor campaign materials placed before the start of the campaign silence period.

Campaign posters may not be posted on buildings occupied by public institutions, on public transport, within 50 meters of a polling station, or on buildings without the owner's consent. While official voter information materials are only provided in Lithuanian, privately financed campaign materials can be produced in national minority languages.

Political parties met with by the OSCE/ODIHR NAM expect the campaign to be held together with that of the 25 May European Parliament elections. The campaign is expected to be active and centred on small public meetings, posters, media advertisements, as well as the Internet and social media. No OSCE/ODIHR NAM interlocutor raised concerns about the ability to campaign freely, but some concerns were expressed about possible vote-buying, particularly in rural areas.

H. CAMPAIGN FINANCE

The financing of election campaigns is regulated by the Law on Funding of Political Campaigns and Control of Funding.⁸ Recent amendments to this law addressed prior recommendations made by the Group of States against Corruption (GRECO) of the Council of Europe, including an increase in sanctions for violations of the law and extending the statute of limitations applicable to such violations.⁹

Election campaigns may be financed from nominating political party funds, citizens' donations, loans, interest accrued from funds in the campaign account, and a candidate's own money.¹⁰ For the first time, legal entities are not allowed to contribute to presidential candidate funds. All donations exceeding some EUR 11.8 are public and disclosed on the CEC website within 10 working days. The expenditure limit is linked to the number of

⁷ According to the PEL, the campaign silence period for the presidential election also applies to campaign activities that may be held for the 25 May European Parliament elections.

⁸ The law is separated from the earlier Law on Funding of Political Parties and Political Campaigns and Control of Funding, but remains essentially the same.

⁹ See GRECO Second Compliance Report on Lithuania, 21 June 2013:
[www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3\(2013\)6_Second_Lithuania_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)6_Second_Lithuania_EN.pdf).

¹⁰ Private donations cannot exceed 10 AMS provided that they do not exceed 10 per cent of the total income of the donor for the previous year. Candidates and their nominating parties can donate a maximum of 20 AMS.

voters and is some EUR 765,000. OSCE/ODIHR NAM interlocutors noted that, according to the latest amendments, the distribution of gifts to voters within the price limit of EUR 1.5 is not treated as vote-buying.

All campaign finance transactions must be made via a special bank account. Campaign finance is primarily monitored by the CEC and the State Tax Inspectorate. Contestants should provide final campaign finance reports to the CEC no later than 25 days after the final election results are published.¹¹ Reports are sent to the State Tax Inspectorate for auditing. All reports and conclusions of the audit are made public on the CEC website.

The majority of OSCE/ODIHR NAM interlocutors welcomed the updated campaign finance legislation as enhancing the transparency of the electoral process. Some OSCE/ODIHR NAM interlocutors noted that the rules are too restrictive, which may encourage their circumvention, and expressed an interest in closer attention to the implementation of the rules.

I. MEDIA

The Constitution guarantees freedom of expression, and the right to seek, receive and impart information and ideas. However, it regards defamation as a criminal act, which is something that has been commented upon by the OSCE Representative on Freedom of the Media.¹² The OSCE/ODIHR NAM was informed that a draft bill has been registered in the parliament that would exclude imprisonment as a punishment for defamation, which, if passed, would partially address a prior OSCE/ODIHR recommendation. The first reading of the draft bill is scheduled for March.

There are some 45 television and 48 radio broadcasters, 150 newspapers and magazines, as well as numerous Internet-based media at the national, regional and local levels, constituting a diverse media environment. Despite the growing significance of the Internet,¹³ television remains the primary source of political information. According to the Radio and Television Commission, the television broadcasting market is mainly shared between Modern Times Group (operates television channels *TV3*, *TV6* and *TV8*), Media Group Baltic (*LNK*, *BTV*, *TVI*, *INFO TV*, *LIUKS!*) and the public broadcaster National Radio and Television of Lithuania - *LTR* (*Televizija*, *Kultūra* and *Lituanica*). The most popular daily newspapers are *Vakaro Žinios* (Evening News) and *Lietuvos Rytas* (Lithuania's Morning), each with an estimated circulation of 50,000 copies. The largest Internet-based media *Delfi.lt*, with an estimated 500,000 daily users, is generally perceived as a neutral source of political information.

The media play a key role in the campaigns of contestants. Registered candidates are provided with free airtime on an equal basis for participation in public programmes aired by

¹¹ In case the candidate received total campaign funds exceeding 70 AMS, an independent audit of the report should be provided. In this case the final financial report together with the audit report should be provided to the CEC within 85 days after publication of election results.

¹² On 10 February 2014, the OSCE Representative on Freedom of the Media welcomed the proposed amendments, but noted that provisions that provide special protection for the reputation of public figures "should be abolished to avoid a chilling effect on free expression". See: www.osce.org/fom/111091.

¹³ The Internet is used regularly by some 65 per cent of the population; see Internet World Stats survey from summer 2012: <http://www.Internetworldstats.com/stats4.htm>.

LTR. Most stakeholders consider these programmes to be of limited significance as the strict implementation of the principle of equality, coupled with a large number of contestants, typically results in lacklustre programmes that fail to engage the public.

All media are obliged to provide contestants with equal conditions for paid campaigning. Media-related expenditures should not exceed 50 per cent of the campaign expenditure limit. The form and content of political advertising is further regulated: it has to be clearly marked as such and should not be published on the front pages of print media; paid campaign spots should be at least 30 seconds, and they have to include direct presentation of campaign platforms.

Although media are largely self-regulated, the CEC is vested with a supervisory role during the campaign. Media are obliged to declare the terms of political advertising in advance of the campaign period and submit reports to the CEC on the time or space provided to the contestants. In case of violations of media campaign rules, the CEC and MECs report on the offence and send the case to a district court.

Several OSCE/ODIHR NAM interlocutors stated that the incumbent President and other candidates that currently hold public office would receive an advantage due to significant coverage of their official activities in media. Nevertheless, none of political parties, including the opposition, anticipate a disproportionate coverage of the candidates' institutional appearances that would impact the level playing field among candidates.

J. COMPLAINTS AND APPEALS

According to the PEL, decisions of election commissions can be appealed only by parties that have nominated candidates and by candidates' proxies to the higher level election commission. CEC decisions, excluding the decision to declare the final election results, may be appealed by the same parties to the Supreme Administrative Court (SAC), which is the first and final instance. PEC decisions regarding errors in the voter list may be appealed to the regional administrative court, which is the final instance. Voters and observers have a right to make remarks or written objections to an election commission against its actions or non-action.

Complaints and appeals procedures are not always clear and consistent in the PEL. The deadlines for filing complaints and appeals against decisions of election commissions taken before election day are generally not provided,¹⁴ but the PEL provides 48 hours to consider such claims. While complaints related to the completion of PEC results protocols should be filed to and considered by the MECs within 24 hours respectively, corresponding deadlines are not provided for similar complaints against MEC results protocols.

The PEL sets a two-day deadline for appealing CEC decisions taken after election day and provides the SAC with 48 hours for adjudication of these complaints. However, representatives of the SAC informed the OSCE/ODIHR NAM that the latter timeframe is only guidance for the judges who can extend the timeframe in order to exercise a full investigation if required.

¹⁴ As an exception, the law establishes a three-day deadline for appealing CEC decisions on refusal to issue petition sheets for collecting signatures to a prospective candidate and on rejecting a candidacy.

Complaints regarding inaccuracies in the voter lists can be filed no later than seven days before election day to a PEC, the decision of which can be further appealed to regional administrative court within three days. The PEC has to address the complaint within two days, while the court has three days for adjudication of the appeal.

Only the parliament can challenge the final election results to the Constitutional Court, which has 72 hours to investigate the complaint.¹⁵ The Court's conclusions in this case are not a ruling, but a basis for a final decision of the parliament.¹⁶ The OSCE/ODIHR has previously recommended that the timelines for considering complaints on election results should be extended and that the final decision be taken by a court.

K. ELECTION OBSERVATION

Electoral contestants can appoint up to two observers per PEC as well as proxies to the CEC and MECs. Several parties informed the OSCE/ODIHR NAM that they intend to deploy observers to polling stations as a measure to maintain public confidence in the electoral process. The PEL provides a possibility for international observers, but does not provide for observation by non-partisan citizen observers, which is not fully in line with OSCE commitments. Some civil society organizations informed that they would follow campaign finance issues and observe election day activities outside of the polling stations.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR NAM interlocutors expressed confidence in the impartiality and professionalism of the election administration, noting that the diverse political and media landscape enhance transparency and accountability. As such, there would likely be limited value in deploying a significant OSCE/ODIHR presence on election day. Nevertheless, most interlocutors indicated that they would welcome a potential OSCE/ODIHR observation activity for this election, recognizing that an external assessment and recommendations offered by the OSCE/ODIHR could contribute to the ongoing reform of the electoral legal framework.

In this context, some aspects of the electoral process may benefit from further scrutiny, including issues related to candidate registration, campaign finance, the administration of electronic voter lists, alternative voting mechanisms, and complaints and appeals. Based on these considerations, the OSCE/ODIHR NAM would have recommended the deployment of an Election Assessment Mission for the upcoming 11 May presidential election. However, given the current budgetary constraints due to the lack of adoption of the 2014 OSCE Unified Budget, the OSCE/ODIHR is not able to deploy such a mission on this occasion.

¹⁵ Paragraph 99 of the 2002 Venice Commission Code of Good Practice in Electoral Matters provides that "Standing in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal. A reasonable quorum may, however, be imposed for appeals by voters on the results of elections".

¹⁶ Paragraph 94 of the 2002 Venice Commission Code of Good Practice in Electoral Matters provides that "Appeal to parliament, as the judge of its own election, is sometimes provided for but could result in political decisions. It is acceptable as a first instance in places where it is long established, but a judicial appeal should then be possible".

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Andrius Krivas, Vice-Minister
Giedre Šidagytė-Gudaitienė, third secretary

Central Election Commission

Zenonas Vaigauskas, Chairperson
Laura Matjošaitytė, Vice-chairperson
Irena Malinauskienė, Member of the Commission,
Svetlana Misevičienė, Member of the Commission,
Rokas Stabingis, Member of the Commission
Valdemar Urban, Member of the Commission,
Živilė Verbylaitė, Member of the Commission,
Lina Petroniene, Head of the Division for Political Party and Campaign Finance Control
Darius Gaižauskas, Senior Specialist of the Division of Information Technologies

Constitutional Court

Toma Birmontienė, Judge
Lolita Raudienė, Head of the Secretariat of the President of the Constitutional Court

Supreme Administrative Court

Ričardas Piličiauskas, President of the Court
Ingrida Danėlienė, Adviser to the President of the Court
Rytis Krasauskas, Judge of the Vilnius Regional Administrative Court

Radio and Television Commission

Nerijus Maliukevičius, Executive Director
Gilmantė Stanelytė, Head of Monitoring Division
Viktoras Popandopula, Legal Adviser

National Radio and Television of Lithuania

Gioda Litvaitienė, Director of Radio Programmes
Rolandas Maskoliunas, Director of Television Programmes

Political Parties

Dainius Kreivys, MP, Homeland Union – Christian Democrats
Monika Navickienė, Secretary General, Homeland Union – Christian Democrats
Justas Šireika, Homeland Union – Christian Democrats
Vytautas Gapšys, MP, Labour Party
Gintaras Steponavičius, MP, Liberals Movement
Rita Tamašunienė, Vanda Kravčionok, Zbigneŭ Jedinskij, Juzef Kvetkovskij,
Michal Mackevič, Jaroslav Narkevič, Irina Rozova, MPs, Lithuanian Poles' Electoral Action
Political Group in Parliament
Juozas Bernatonis, Chief of Electoral Headquarters, Social Democratic Party
Julius Pagojus, Member of Electoral Headquarters, Social Democratic Party

Civil Society

Dainius Radzevičius, Chairperson, Lithuanian Union of Journalists
Rūta Mrazauskaitė, Project Manager, Transparency International Lithuania
Tadas Langaitis, Leader, "White Gloves" Civic Movement