



Office for Democratic Institutions and Human Rights

REPUBLIC OF AUSTRIA

**EARLY PARLIAMENTARY ELECTIONS
15 OCTOBER 2017**

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

23-25 August 2017



Warsaw
22 September 2017

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REPUBLIC OF AUSTRIA
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Austrian Federal Ministry for Europe, Integration, and Foreign Affairs (MFA) to observe the 15 October 2017 early parliamentary elections, and in accordance with its mandate, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Austria from 23 to 25 August. The NAM included Dr. Richard Lappin, OSCE/ODIHR Deputy Head of the OSCE/ODIHR Election Department, and Mr. Alexey Gromov, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from federal institutions and the election administration, as well as 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 MFA and the Federal Ministry of Interior (MoI) for their assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Austria is a federal republic consisting of nine provinces, with legislative powers vested in the bicameral parliament. Following a breakdown in coalition relations, the federal government, in agreement with the parliament, called early parliamentary elections for 15 October. Citizens will vote to elect the 183 members of the National Council, the lower chamber of the parliament. Members will be directly elected for a five-year term through a proportional system, on the basis of candidate lists, with preferential voting.

Recent amendments to the legal framework for elections have addressed a number of prior OSCE/ODIHR recommendations, including with respect to voting procedures, the duties of electoral authorities, and the format of the voting card. However, some are yet to be addressed, including those related to the composition and transparency of election boards, candidate registration procedures, measures to strengthen campaign finance rules, limitations on complaints and appeals, and a lack of provisions for citizen election observers.

Parliamentary elections are administered by a five-tiered system of election boards and administrative authorities, headed by the Federal Election Board with support from the Ministry of Interior. Election boards at all levels include representatives of political parties. All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration, but many noted that it is increasingly difficult to find sufficient polling staff.

There are some 6.4 million registered voters. The right to vote is granted to citizens who reached 16 years of age by election day, except those disenfranchised by an individual court decision for committing specific crimes. Voter registration is passive, except for people residing abroad who must actively register. There is no centralized voter register and municipal offices are responsible

for voter registration. No concerns were expressed regarding the accuracy and inclusiveness of the voter lists, but some OSCE/ODIHR NAM interlocutors noted that allegations of the presence of illegal dual citizens on voter lists could detract from public confidence.

Voters may cast their vote in person or by postal ballot. Rules to facilitate polling station access for voters with disabilities are in place, but some interlocutors noted concerns about implementation in rural areas. While tight deadlines for postal voting, as well as voting in an uncontrolled environment, were recognised as risks by some OSCE/ODIHR NAM interlocutors, no major objections were raised about their use in the upcoming elections.

Eligible voters over 18 years of age, except those sentenced for more than six months in prison or for a probationary term of more than a year, may stand for election. Candidate lists must be supported by either three members of parliament or a total of 2,600 voters across all nine provinces. A voter can only sign in support of one candidate list and must do so in person at the municipal office of his or her main residence. Several OSCE/ODIHR NAM interlocutors expressed concerns that such a procedure may have a dissuasive effect on some voters, especially in smaller municipalities.

Women account for some one-third of members in the outgoing parliament. There are no legal requirements to promote women candidates, but several parties have introduced more robust internal policies for these elections.

Election campaigning is largely unregulated at the federal level. There is no official campaign period and few limitations are in place with regard to campaign methods. The campaign is expected to focus on the economy and employment, immigration, education and social care, and relations with the European Union. No parties raised concerns about their ability to campaign freely.

Political parties receive significant public subsidies and may fund their campaign through private donations and loans. Several OSCE/ODIHR NAM interlocutors opined that the EUR 7 million expenditure limit could be lowered to ensure a more level playing field for smaller parties, as well as expressing doubt over the effectiveness of the sanctions for exceeding the limit. Political parties must report on the financial sources and expenditures for the campaign, but long after election day. The Court of Audit has limited authority to review the financial reports of parties. Several parties have introduced detailed self-reporting mechanisms to enhance transparency of their finances.

Media is largely self-regulated with regard to campaign coverage and offers a diverse range of views. The regulatory authority decides on complaints related to public and private broadcasters. The public broadcaster plans to organize multiple debates among the campaigning parties and provide them with regular opportunities to present their views in news programmes. Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with media access and coverage.

There are few formal procedures for the submission of complaints to election administration bodies and, in general, complaints can only be resolved after the announcement of final results. Challenges to election results can be filed to the Constitutional Court only by parties and candidates. Notwithstanding, all OSCE/ODIHR NAM interlocutors expressed overall confidence in the impartiality of the complaints and appeals system, positively noting existing checks and balances.

All OSCE/ODIHR interlocutors expressed full confidence in the electoral process and the ability of the election administration to professionally conduct elections in an impartial manner. Nevertheless, the majority of OSCE/ODIHR NAM interlocutors welcomed a potential OSCE/ODIHR election observation activity for these elections, recognising that an external assessment may contribute to

further refinements of electoral legislation and practice. In particular, this related to the implementation of recently revised electoral laws and regulations, as well as specific aspects of campaign finance, election administration, candidate registration, and the complaints and appeals process. Based on this, the OSCE/ODIHR NAM recommends deploying an Election Assessment Mission for the 15 October parliamentary elections.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Austria is a federal parliamentary republic consisting of nine provinces with legislative powers vested in the bicameral parliament composed of the 183-member National Council (*Nationalrat*, lower chamber), directly elected for a five-year term, and the 61-member Federal Council (*Bundesrat*, upper chamber), indirectly elected by the province legislatures.¹ The president is head of the federal state and directly elected for a six-year term, with a limit of two consecutive terms. Some 31 per cent of members of both chambers of parliament are women, including the president of the National Council and vice-president of the Federal Council, as are 3 out of 14 ministers.

The last elections to the National Council (parliamentary elections) took place in September 2013 and resulted in a governing coalition of the Social Democratic Party (SPO) and the Austrian People's Party (ÖVP).² On 13 July 2017, following a breakdown in coalition relations, the National Council formally decided its dissolution. On the subsequent day, the federal government in agreement with the National Council called early parliamentary elections for 15 October.

The OSCE/ODIHR previously deployed an Election Assessment Mission for the 2010 presidential election as well as Election Expert Teams for the 2013 parliamentary and repeat second round of 2016 presidential elections.³ The OSCE/ODIHR Election Expert Team for the 2016 presidential election concluded that the election was administered in an efficient and professional manner and its administration largely enjoyed a high level of public confidence.

B. ELECTORAL SYSTEM

The members of the National Council (MPs) are elected through a proportional system, with candidate lists and preferential voting. The country is divided into 9 constituencies within the boundaries of corresponding provinces, which are, in turn, divided into 39 regional constituencies. Each regional constituency is allotted from one to seven seats on the basis of its population, as determined at the last 2011 census.

Using a single ballot paper, voters mark their choice of a campaigning party and may additionally cast preferential votes for one candidate in corresponding federal, provincial, and regional candidate list. Seats are allocated in a three-stage procedure, first in the regional constituencies, then at the province level, and finally at the federal level. At the regional level, seats are allocated to parties

¹ Members of the Federal Council are delegated by the state councils in accordance with the number of seats won by each party in the respective state council elections. The number of members is not predetermined, and varies from 3 to 12 by state, according to the population size.

² Following the 2013 parliamentary elections six parties entered the National Council: the SPO (52 seats), the ÖVP (47 seats), the Freedom Party (FPÖ, 40 seats), the Greens (24 seats), Team Stronach (11 seats), and the New Austria and Liberal Forum (NEOS, 9 seats). The ÖVP, SPO, FPÖ, and the Greens have, correspondingly, 22, 20, 12, and 4 seats in the Federal Council.

³ The OSCE/ODIHR also visited the country in the context of the 2009 European Parliament elections. See all previous [OSCE/ODIHR election-related reports on Austria](#).

according to a mathematical method *sui generis* and at the provincial level according to the *Hare* method. At the federal level, seats are allocated according to the *d'Hondt* system only for those parties that gained at least four per cent of the votes nationwide or gained a seat in a regional constituency. Seats won at a given stage are subtracted from seat allocation at the following stage.

C. LEGAL FRAMEWORK

The legal framework for parliamentary elections consists primarily of the 1929 Constitution (last amended in 2016) and the 1992 Parliamentary Election Law (last amended in 2016), as well as several other laws.⁴ The law is supplemented by instructions of the Ministry of Interior (MoI) and the case law of the Constitutional Court also forms an important part of the legal framework.⁵ Austria is a party to major international and regional instruments related to the holding of democratic elections.⁶

In September 2016, amendments to legislation were passed with broad parliamentary support that refined voting procedures, clarified the scope of duties of regional electoral authorities, and changed the model of the voting card.⁷ In December 2016, the parliament promulgated legislation to create a centralized voter register, as previously recommended by the OSCE/ODIHR, which will come into effect on 1 January 2018. Additional electoral reform was initiated in 2017 with cross-party support, including consideration of prior OSCE/ODIHR recommendations; however, this was not completed due to the calling of early elections.⁸ It is widely anticipated that reform efforts will be re-started following these elections.

However, a number of recommendations are yet to be addressed, including those related to the composition of election boards, the transparency of Federal Election Board meetings, legal measures to promote women candidates, strengthened campaign finance rules, and expanded scope for pre-electoral complaints and appeals. In addition, while election observation by party representatives and international organizations is permitted, the law does still not allow citizen observation, which is of public concern and at odds with OSCE commitments.⁹

D. ELECTION ADMINISTRATION

Parliamentary elections are administered by a five-tiered system of election boards and administrative authorities, which reflects the governance structure. The system of election boards includes the Federal Election Board (FEB), 9 Province Election Boards (PEBs), 112 District

⁴ Other relevant laws are the 1947 Prohibition Act, the 1953 Constitutional Court Act, the 1973 Act on the Electoral Register, the 1974 Penal Code, the 2012 Political Parties Act, and the 2012 Federal Act on Financing of Political Parties (FPPA).

⁵ In its [1 July 2016 ruling](#), the Constitutional Court emphasized that electoral laws must be strictly applied.

⁶ Including the 1966 International Covenant on Civil and Political Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women, 2003 UN Convention against Corruption, 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), and 1950 European Convention on Human Rights. Austria is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

⁷ An old model of the postal ballot envelope without a personal data protection flap was reintroduced due to deficiencies of the glue used for ensuring secrecy of the vote, as revealed in 2016 presidential election.

⁸ In addition to the OSCE/ODIHR recommendations and its own initiatives, the MoI also presented the initiatives of [the Austrian Citizen Election Observation Organization](#).

⁹ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place". In 2016, for example, the Austrian Citizen Election Observation Organization applied for accreditation as citizen observers, but was denied by the MoI due to lack of corresponding legal grounds.

Election Boards (DEBs), 2,100 Municipal Election Boards (MEBs), and some 10,300 Polling Station Boards (PSBs). All the boards are permanent and convene as necessary to administer all types of elections. Parliamentary parties nominate election board members at all levels, while non-parliamentary parties that participated in the previous parliamentary elections as well as other campaigning groups are entitled to nominate observers. The law does not provide measures to promote balanced gender representation in election boards. All OSCE/ODIHR NAM interlocutors expressed full confidence in the work of the election administration at all levels.

The FEB is an independent body composed of 17 members, each having a substitute, and chaired by the Minister of Interior. Two members are judges and the remaining members are nominated by the parliamentary parties, in proportion to their number of MPs. Only four women are members of the FEB. The FEB members are appointed for five year term cannot be members of any other election board and can be recalled by their nominating parties. Three FEB members and five substitute members are current MPs or members of European Parliament. The OSCE/ODIHR NAM was informed that several other FEB members as well as substitute members are standing for election. The OSCE/ODIHR has previously recommended restricting elected officials from directly serving on election boards, in order to safeguard the impartiality of the election administration.

The FEB is responsible for registering federal lists of candidates, supervising the work of all other election boards, and announcing the final election results. The most relevant decisions are published in the official gazette. Despite previous OSCE/ODIHR recommendations, the FEB sessions are not public and some OSCE/ODIHR NAM interlocutors noted a limited transparency of the FEB's work.

The PEBs, DEBs, and MEBs all consist of nine members and a chair, and PSBs are composed of three members and a chair, each with substitute members. The members are nominated by the parties and the number of members reflects the party results obtained locally in parliamentary elections. The chair of each board is the head of the respective local government, except for the PSBs, where the chairs are nominated by the mayor. The chair of a board is a non-voting member unless required to break a tied vote. Representatives of several political parties and state institutions informed the OSCE/ODIHR NAM that it is increasingly difficult to find sufficient staff willing to serve as PSB members.

The PEBs register regional and provincial candidate lists, print the ballots, and compile the election results at province level. The PEBs and DEBs are responsible for counting postal votes. The MEBs certify supporting documentation for candidate lists and tabulate the voting results from polling stations within the municipality. The PSBs organize voting and count of votes at polling stations.¹⁰

Civil servants at each level of government provide assistance to their respective election boards. The MoI plays a significant role, acting as the secretariat for the FEB. The MoI has issued official guidelines for election boards with a specific focus on clarifying election day and postal voting procedures, and has also prepared and posted online training materials. The MoI, jointly with provinces, municipalities, and the MFA, has prepared and distribute voter education materials, including for specific groups of voters, such as persons with vision and hearing impairments. Some OSCE/ODIHR NAM interlocutors noted that more could be done by electoral authorities to engage first-time voters.

Municipal authorities maintain voter registers and provide operational support for most election day activities. At least one polling station that is accessible for persons with disabilities should be

¹⁰ An MEB acts as PSB in case the municipality has only one precinct.

established in every municipality (every district in Vienna). Several OSCE/ODIHR NAM interlocutors commended efforts of Vienna municipality to improve accessibility of polling stations but noted that access varies in more rural areas.¹¹

E. VOTER REGISTRATION

According to the Constitution, all citizens who have reached the age of 16 by election day have the right to vote provided that they have not had their suffrage rights suspended by an individual court decision.¹² There are no restrictions based on disability.

As of 25 July, some 6.4 million citizens were registered to vote for the 15 October elections. Registration is passive, except for people residing abroad who must actively register, and is based on extracts from a Central Population Register that is administered and updated at the municipal level. Several OSCE/ODIHR NAM interlocutors noted that the new centralized voter register, which will come into effect on 1 January 2018, would enhance the efficiency of voter registration management. Although no concerns were expressed regarding the overall accuracy and inclusiveness of the voter lists, some OSCE/ODIHR NAM interlocutors noted that allegations of the presence of illegal dual citizens on voter lists could detract from public confidence in the integrity of the process.¹³

Voter lists were publicly posted from 15 to 24 August for scrutiny by voters. In case there are mistakes, voters may make a claim at their respective municipality and further appeal their decision to the Federal Administrative Court. Parliamentary parties as well as other campaigning parties may obtain copies of the voter lists for a fee covering their production costs.

F. VOTING METHODS

Voters can cast their vote in-person at their assigned polling station on election day or by postal ballot from within or outside the country. Mobile voting is permitted at prisons, hospitals and for homebound voters. Persons with disabilities can be assisted in the polling stations by a person of their choice in casting their vote. Voters residing abroad can only vote by postal ballot, after they register as voters living abroad with an Austrian municipality. They can opt to receive voting cards and postal ballots for any federal election taking place in the following 10 years. Voters residing abroad may return their ballot by post or deposit it at their embassy or consular representation for return to Austria.¹⁴ Some OSCE/ODIHR NAM interlocutors noted that the deadlines for sending the postal ballots from outside of Europe are too tight leaving a considerable risk of invalidation due to ballots arriving late.

In order to be able to vote outside of the assigned polling station, a voter has to apply for a voting card at the local municipality in person, in writing, or online. While the law obliges the voter to specify a reason for requesting a voting card, the municipalities do not have to verify this reason. The voting card is issued to a voter only in person, who is then marked off the voter list. After this a

¹¹ Article 29 (a) of the CRPD obliges States to “ensure that persons with disabilities can effectively and fully participate in political and public life on equal basis with others ... *inter alia*, by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”.

¹² This followed the 2010 European Court of Human Rights ruling on the case *Frodl v. Austria*. An Austrian voter may be disenfranchised if imprisoned for more than one year for an offence against the state, army, and supreme state bodies, for electoral fraud, or if imprisoned for more than five years for any crime.

¹³ See, for example, [report in *Kurier*](#) and materials [of the Austrian Broadcasting Corporation](#) (in German).

¹⁴ If voters wish to use diplomatic channels for posting back their votes, their ballots are to be delivered to the diplomatic representation at least six days prior to election day for residents in the European Economic Area or Switzerland, or at least nine days prior to election day for the rest of the world.

voter is only allowed to cast a ballot with the voting card. Voters sending their ballot by mail are further required to accompany the ballot with an affidavit attesting that their vote was made personally, confidentially, and without influence. Postal ballots must be returned by 17.00 on election day by mail, in person, or by a person of trust to any DEB, or to any PSB on election day during its working hours.

Alternative voting mechanisms enjoy a high level of popularity in Austria.¹⁵ While potential risks of voting in an uncontrolled environment were recognised by some OSCE/ODIHR NAM interlocutors, no fundamental objections were raised about their use in the upcoming elections. Several OSCE/ODIHR NAM interlocutors raised concerns over a relatively high number of invalid postal ballots submitted in previous elections due to errors in filling the envelopes or late arrival.

G. CANDIDATE REGISTRATION

Eligible voters over 18 years may stand for election. Anyone who has committed an act against the Prohibition Law is excluded from candidacy.¹⁶ In addition, starting from 1 January 2017, all citizens sentenced for an intentional crime by a final judgement to an imprisonment exceeding six months or for a probationary term exceeding one year are disqualified from candidate eligibility.¹⁷

Nominations for province and regional candidate lists had to be submitted between 25 July and 18 August. Federal candidate lists had to be submitted up to 28 August. Nominations for provincial candidate lists need to be supported by signatures of at least three MPs or by signatures of a certain number of registered voters in the respective provinces.¹⁸ For nominations to be registered, campaigning parties had to provide a set of documents on the candidates, ensure the validity of the supporting documents, and pay EUR 435 per provincial candidate list to partially cover the cost of printing the ballots. A political party is permitted to use a different name when registering as a campaigning party, but must apply this name for all lists. Despite a previous OSCE/ODIHR recommendation, there are no legal requirements to promote women candidates. However, several parties met with by the OSCE/ODIHR NAM stated that they have specific, internal policies to ensure balanced gender representation among candidates.

Voters who wish to support a list of candidates must verify their identity and sign a support form at the municipal office of their main residence.¹⁹ Each voter can only sign in support of one candidate list and the voter register at the municipality will be marked accordingly to avoid multiple endorsements. Several OSCE/ODIHR NAM interlocutors expressed concerns that the procedure is overly burdensome and the requirement to visit the municipal office may have a dissuasive or intimidating effect on some voters, especially in smaller municipalities.

¹⁵ In the 2013 parliamentary elections, some 574,000 voters cast a postal vote. In the 2016 presidential election – some 543,000, 760,000, and 650,000 cast their postal votes in each of the corresponding voting rounds.

¹⁶ According to the Prohibition Law, justification of the Nazi genocide, crimes against humanity or ideology is forbidden. In its [5 March 2010 decision](#), the Constitutional Court has determined that this should be taken into account during the registration of candidates and political parties.

¹⁷ The eligibility is suspended for intentional crimes committed after 31 December 2016 and will be valid within the period covering the sentence and six months after its completion.

¹⁸ In total, 2,600 voter support signatures are needed to register lists in all 9 states, with the minimum 100 support signatures per state in Burgenland and Vorarlberg, 200 in Carinthia, Salzburg, and Tyrol, 400 in Upper Austria and Styria, and 500 in Lower Austria and Vienna.

¹⁹ Unlike for presidential elections, non-resident citizens may not sign the statements abroad.

H. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

Election campaigning is largely unregulated at the federal level. There is no official campaign period and few limitations are in place with regard to campaign methods. The Constitution guarantees freedoms of association, assembly, and expression, but no one is permitted to make public statements or engage in activities that violate the Prohibition Law. No OSCE/ODIHR NAM interlocutors noted any serious obstacles concerning their ability to campaign freely.

The campaign is expected to be focused on the economy and employment, immigration, education and social care policies, and relations with the European Union. While traditional campaign methods will be in place – including door-to-door meetings, posters, and canvassing – it is widely expected that campaigning will rely heavily on the use of the Internet and social media. Most OSCE/ODIHR NAM interlocutors agreed that televised debates among contesting parties will play a key part of the campaign. A number of popular non-partisan web applications offer programmes to help voters identify parties who share their political opinions.²⁰

Political party and campaign financing is regulated by the 2012 FPPA. The political parties receive significant annual public federal subsidies totalling some EUR 30 million, which may be used to finance campaigns.²¹ Campaigning parties may receive donations, both monetary and in-kind, from citizens or legal entities, as well as take loans for campaign purposes. There is no limit on the amount that can be donated, although certain types are prohibited, including anonymous donations exceeding EUR 1,000, foreign and cash donations over EUR 2,500, and any donations from public bodies or state-affiliated entities. Total campaign expenses should not exceed EUR 7 million.²² While many OSCE/ODIHR NAM interlocutors considered this limit to be adequate, others opined that the ceiling could be lowered to ensure a more level playing field for smaller parties. The sanctions for exceeding the spending limit vary according to the extent of the over-spend.²³ Some OSCE/ODIHR NAM interlocutors expressed their concern that the limit on expenses applies only for the 80 days before election day, which can lead to circumvention of the law. Furthermore, several interlocutors noted that these sanctions are not disuasive and need to be reconsidered.²⁴

The FPPA obliges the campaigning parties to submit reports on their campaign sources and expenditures at all levels of their party structures to the Court of Audit, but only by 30 September 2018. This report should include all donations exceeding EUR 3,500 annually. Donations above EUR 50,000 have to be immediately reported to the Court of Audit, which should publish this information and details of the donors on its website. Reporting by party-affiliated associations, so-called ‘third parties’, is not required.

The Court of Audit has limited authority to review the reports, although it may require a further independent audit if it considers a report to contain incorrect or inaccurate information. The Court of Audit’s findings are forwarded to an Independent Political Parties Transparency Panel (IPPTP), which is mandated to impose fines in case of violations. Decisions of the IPPTP can be appealed to the Federal Administrative Court, with the Constitutional Court acting as final instance.

²⁰ See, for example, [Barometer](#) or [Wahlkabine.at](#).

²¹ See [the data on public financing the political parties](#).

²² [13 December 2016 Constitutional Court ruling](#) specified that the limitation of the campaign expenses does not contradict to the fundamental freedom of expression.

²³ A party exceeding the limitation by up to 25 per cent is penalized by an amount up to 10 per cent of the excess amount and if the excess is greater than 25 per cent, the penalty is 20 per cent of the second excess amount.

²⁴ During the 2013 parliamentary elections, Team Stronach spent some EUR 13 million for its campaign, almost double the official limit. Following investigations, Team Stronach paid some EUR 567,000 of fines.

Many OSCE/ODIHR NAM interlocutors shared the view that disclosure and reporting requirements for campaign finance, including by third parties, could be tightened.²⁵ Several parties have introduced detailed self-reporting mechanisms to enhance the transparency of campaign finances.

I. MEDIA

The media offer a pluralistic and diverse range of views with 67 radio and 165 television (TV) broadcasters registered in the country. The main source of information is TV and the public Austrian Broadcasting Corporation (ORF) has the largest TV market share. Newspapers, the Internet and social media play an important role in framing political coverage and enjoy a wide audience.

The activities of broadcast and print media are regulated by several laws, including the 1981 Federal Act on the Press and other News Media, 1984 Federal Act on ORF, and the 2001 Audio-visual Media Services Act. Collectively, they require public and private media to comply with fundamental principles concerning freedom of expression, objective news coverage, respect for diversity of opinions, and independence of journalists. However, in respect of specific rules for campaign coverage, the media is largely self-regulated. The independent media regulatory authority, KommAustria, decides on complaints related to the campaign coverage by public and private broadcasters, which can then be appealed to the Federal Administrative Court.

The public broadcaster ORF plans to cover the upcoming campaign in a balanced manner on the basis of newsworthiness. ORF does not offer paid advertising or provide free airtime to contestants, but it will organize 16 debates among the parties and provide them with an opportunity to present their views during political programmes. All OSCE/ODIHR NAM interlocutors expressed overall satisfaction with the campaign coverage by ORF, although some noted lesser coverage of non-parliamentary parties.

Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with media access and coverage during elections, although some concerns were noted regarding disproportional coverage of one of the campaigning parties in broadcast media.

J. COMPLAINTS AND APPEALS

The complaints and appeals process is regulated by the Parliamentary Elections Law, the Administrative Court Proceedings Law, and the Constitutional Court Law. There are few formal procedures for the submission of complaints to election administration bodies and, in general, complaints can only be resolved after the announcement of final results, including with regards to non-registration of candidate lists. The OSCE/ODIHR has previously recommended that additional election-related complaints be open to judicial review prior to the announcement of the final results.²⁶ Notwithstanding, all OSCE/ODIHR NAM interlocutors expressed overall confidence in the complaints and appeals system and the impartiality of the election authorities and judiciary, positively noting existing checks and balances.

Voter registration is the only area where election-related complaints are allowed prior to election day. These complaints may be submitted to the respective municipal administration between 15 and

²⁵ See the 2011 GRECO [Evaluation Report on Austria on the Transparency of Party Funding](#) and the 2016 GRECO [Second Compliance Report on Austria](#).

²⁶ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

24 August and resolved by 30 August. Following recent amendments, and in line with prior OSCE/ODIHR recommendations, such decisions can be further appealed to the Federal Administrative Court within two days, with a final decision made within four days.²⁷ Due to expedited deadlines, the court hearings on voter registration issues are not public and very few cases have been dealt with by the Court so far. Appeals on decisions of KommAustria and the IPPTP are subject to adjudication within an established six months deadline.

Challenges to the election results can be made to the Constitutional Court within four weeks of their announcement and the decisions of the Court are final. Such complaints can only be filed by a campaigning party or by a person who was allegedly unlawfully excluded from standing as candidate, but not by individual voters, which is at odds with a prior OSCE/ODIHR recommendation.²⁸ The law does not define a deadline for adjudication these complaints by the Constitutional Court. A challenge of election results could be granted if the violation affected the outcome of the election, or if identified procedural infringements could potentially have had an influence on the final results. In this case, the only available remedy is to annul election results partially or fully.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR interlocutors expressed full confidence in the electoral process and the ability of the election administration to professionally conduct elections in an impartial manner. Nevertheless, the majority of OSCE/ODIHR NAM interlocutors welcomed a potential OSCE/ODIHR election observation activity for these elections, recognising that an external assessment may contribute to further refinements of electoral legislation and practice. In particular, this related to the implementation of recently revised electoral laws and regulations, as well as specific aspects of campaign finance, election administration, candidate registration, and the complaints and appeals process. Based on this, the OSCE/ODIHR NAM recommends deploying an Election Assessment Mission for the 15 October parliamentary elections.

²⁷ A complaint on voter registration issues can be additionally filed to the Constitutional Court if it is framed as a violation of a fundamental right, but this can only be done after the elections.

²⁸ Section 3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections”.

ANNEX: LIST OF MEETINGS

Federal Ministry for Europe, Integration, and Foreign Affairs

H.E. Ambassador Clemens Koja, Head, Permanent Mission of Austria to the OSCE
Jürgen Heissel, Deputy Head, Permanent Mission of Austria to the OSCE
Simone Knapp, Deputy Head, OSCE Chairmanship Task Force
Raphael Lassmann, Spokesperson, OSCE Chairmanship Task Force
Victoria Schmid, Adviser, Task Force for Austrian OSCE Chairmanship
Susanne Bachfischer, Deputy Head, Expatriates Abroad
Karl Russmann, Specialist, Expatriates Abroad

Federal Ministry of Interior

Robert Stein, Head, Department of Electoral Affairs
Gregor Wenda, Deputy Head, Department of Electoral Affairs

Federal Election Board

Meinrad Handstanger, Member of the Board
Robert Luschnik, Member of the Board, The Greens
Raphael Sternfeld, Member of the Board, Social Democratic Party
Werner Zögernitz, Member of the Board, Austrian People's Party
Alexander Hofmann, Substitute Member of the Board, New Austria and Liberal Forum
Robert Marshall, Observer, Campaigning Group For Austria, Against the Immigration, For Border Protection, Neutrality, Exit From the EU

Federal Administrative Court

Peter Chvosta, President of Chamber, Judge
Christian Eisner, Judge

Austrian Communications Authority

Michael Ogris, Chairperson
Michael Truppe, Member

Independent Political Parties Transparency Panel

Michael Kogler, Deputy Director, Constitutional Service

Political Parties

Gernot Maier, Political Director, Austrian People's Party
Walter Gerhard Hatzenbichler, Political Director, New Austria and Liberal Forum
Andrea Brunner, Executive Director, Federal Women Organization, Social Democratic Party
Erich Enengl, Head of Administration, Social Democratic Party
Fabian Looman, Secretary Senior, Social Democratic Party

Austrian Broadcasting Corporation (ORF)

Andreas Pfeifer, Head, International News
Robert Stoppacher, Head of Editorial Discussions
Jakob Weichenberger, Current Service Department

Civil Society

Paul Grohma, Michael Lidauer, Armin Rabitsch, Iris O'Rourke, Members of the Austrian Citizen Election Observation Organization