



Office for Democratic Institutions and Human Rights

GREECE

EARLY PARLIAMENTARY ELECTIONS 4 October 2009

OSCE/ODIHR Election Assessment Mission Report



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I. EXECUTIVE SUMMARY

In response to an invitation from the Permanent Mission of Greece to the Organization for Security and Co-operation in Europe (OSCE) to observe the early parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) for the 4 October 2009 elections to the Greek Parliament (*Vouli ton Ellinon*). This was the first election assessment mission to be deployed to Greece by the OSCE/ODIHR for national elections.¹

The 4 October 2009 early parliamentary elections in Greece were conducted in a competitive, open and pluralistic atmosphere, and many OSCE/ODIHR EAM interlocutors expressed a high degree of confidence in the overall integrity, efficiency and impartiality of the election administration. Party and candidate registration was inclusive, ensuring a wide choice among political alternatives. Voter participation, which is mandatory but not enforced, was reported at 70.9 per cent.

The system of election administration in Greece is decentralized, with many layers of authorities playing key roles in the process. The judiciary registers the political parties and candidates that are to participate in the election, appoints legal representatives who serve as polling station chairpersons, hears election complaints, receives voting materials from polling places, and aggregates and certifies the final results from polling stations. The Ministry of Interior, Public Administration and Decentralization (MoI) prepares regulations, voter lists, supervises the work of prefectures and municipalities in the election process, and announces early results.

The legal framework provides a generally sound basis for the conduct of democratic elections. The constitution guarantees civil and political rights and freedoms in a democratic society. Greek citizens, 18 years and over, have the right and obligation to vote,² and citizens 25 years or older have the right to become candidates for parliament, with certain limitations imposed on civil servants and public office holders. The constitution also provides for state funding for political parties, which constitutes a significant share of their budgets.

The campaign, described by some interlocutors as subdued in comparison to earlier elections, ranged from door-to-door campaigning in rural areas by party workers and individual candidates, to large-scale election rallies in urban centers with a significant focus on the party leaders, especially of the two largest parties.³ There was a prevalence of campaign advertisements on billboards, television, radio, and in the print media during the short (less than one month) campaign period.

¹ OSCE/ODIHR also visited Greece during the elections to the European Parliament in June 2009.

² Those over 70 years of age are excluded from the compulsory voting requirement.

³ The centre-right New Democracy (ND) and the centre-left Panhellenic Socialist Movement (PASOK).

While, for the first time, there was a provision for an increased quota of women candidates, the rate of female parliamentarians elected in 2009 remained largely unchanged.⁴ Women, thus, continued to be underrepresented in the country's parliament. The OSCE/ODIHR EAM recommends considering further measures, such as supplementing the gender quota requirement with the rules concerning the candidates' ranking order, in order to achieve a more balanced representation of men and women in the Greek Parliament.

According to the standard practice for assessment missions, the OSCE/ODIHR EAM did not conduct comprehensive and systematic observation of election day procedures, although members of the mission did visit polling stations across the country on election day. The OSCE/ODIHR EAM noted that voting and counting appeared to take place in a calm and orderly manner, and the results were accepted by the political parties and the electorate.

The OSCE/ODIHR EAM did, however, note certain inconsistencies in the Greek elections, including cases of parties distributing pre-marked ballots to their supporters. Particularly, the EAM identified the need for introducing comprehensive and secure mechanisms allowing hospitalized and homebound voters, those with reduced mobility, and Greek citizens abroad to exercise their constitutional right to vote, as well as establishing provisions for access for domestic non-partisan and international observers to all stages of the electoral process. It is felt that the election process in Greece would be strengthened further by consideration of the recommendations made in this report.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

On 4 September 2009, the Permanent Mission of Greece to the OSCE invited the OSCE/ODIHR to observe the early parliamentary elections to be held on 4 October 2009. In response to the invitation, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) to Greece from 19 September to 8 October 2009.

The OSCE/ODIHR EAM was led by Mr. Paul DeGregorio and consisted of 10 election experts from 9 OSCE participating States. In addition to experts based in Athens, the OSCE/ODIHR EAM visited 18 prefectures throughout the country during the campaign and on election day. In line with standard practice for assessment missions, the deployment of the OSCE/ODIHR EAM did not encompass systematic or comprehensive observation of voting and counting procedures, although the OSCE/ODIHR EAM visited a limited number of polling stations on election day.

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs, the Ministry of Interior, the Supreme Court and other high-level courts, courts of local jurisdiction, prefectures, municipalities and other authorities for the co-operation and assistance extended to the OSCE/ODIHR EAM during the course of the mission. It also wishes to thank representatives of political parties, the media, and civil society for their support.

⁴ The proportion of female members of parliament (MPs) increased from 16 per cent in 2007 to 17 per cent in 2009.

III. BACKGROUND

According to the constitution, Greece is a parliamentary republic. Its unicameral parliament, commonly known as the Hellenic Parliament (*Vouli ton Ellinon*), is composed of 300 members, elected through proportional representation in the country's 56 constituencies for a four-year term.

There are two major parties in Greece: the centre-right New Democracy (ND) and the center-left Panhellenic Socialist Movement (PASOK). There are also smaller parties that are represented in parliament. The last parliamentary elections were conducted on 16 September 2007 when ND secured a narrow one-vote majority and formed a government; PASOK came second. Three other parties passed the three per cent threshold and obtained seats in the parliament: the Communist Party of Greece (KKE, 8.15 per cent of the vote), the Coalition of the Radical Left (SYRIZA, 5.04 per cent), and the Popular Orthodox Rally (LAOS, 3.8 per cent).⁵

The year leading up to the elections witnessed deteriorating economic conditions, persistent levels of unemployment, public discontent, and criticism over the government response to extensive forest fires. Against this challenging political climate and only two years into his term, Prime Minister Karamanlis announced on 2 September 2009 that he would ask President Karolos Papoulias to dissolve the parliament and call early elections. Parliament was dissolved on 9 September 2009 and elections were formally set for 4 October 2009.⁶

IV. LEGAL FRAMEWORK

A. OVERVIEW

The legal framework for parliamentary elections provides a comprehensive and generally sound basis for the conduct of democratic elections. The primary electoral legislation is the 1975 Constitution (*Sýntagma*) and the law on "Election of Members of Parliament" (No. 3231/2004, hereinafter, the election law). The constitution guarantees civil and political rights and freedoms in a democratic society, such as the freedom of opinion and expression, the freedom of assembly, the right to vote and to be elected, and the freedom of political association.

The election law was adopted in 2004, codified in 2007 by a presidential decree on the "Codification in a Single Text of the Legislation for the Election of Members of Parliament" (No. 96/2007; hereafter the decree), and most recently (January 2008) amended by the Law 3636/2008.⁷

⁵ ND had 152 seats and PASOK 102 seats in the outgoing parliament, while KKE held 22 seats, SYRIZA 14 seats, and LAOS 10 seats respectively.

⁶ The Presidential Decree 127/2009 "Dissolution of Parliament, announcement of MP elections and convocation of a new Parliament".

⁷ Major changes include an increase in the number of "bonus" seats attributed to the winning party from 40 to 50 (see section IV.C "Electoral System"), and the introduction of a gender quota requirement in party lists (see section IX "Participation of Women"). The law will be applicable for the elections following the 2009 parliamentary elections as it did not receive the two-third majority vote in the Parliament necessary for coming into effect immediately. However, the gender quota requirement (art.

The legal framework for elections also includes the law on political party financing, adopted in 2002,⁸ the criminal code, organic laws on the courts and codes of procedures, as well as instructions and resolutions issued by the Ministry of Interior (MoI) and other relevant bodies and authorities.

OSCE participating States are committed to ensuring that legislation is public, transparent and readily accessible to citizens.⁹ In this regard, the website of the Ministry of Interior is comprehensive and contains most legal provisions regulating elections, as well as guidelines for voters, candidates and political parties.¹⁰

B. SUFFRAGE AND CANDIDACY

According to Article 51, paragraph 5 of the constitution, the exercise of the right to vote is compulsory. However, this provision has not been enforced in the past decades. All Greek citizens who are 18 years or older¹¹ are eligible to vote, unless they are declared mentally incapable of making a reasoned judgment¹² or have been imprisoned for a criminal offence defined by the Criminal and Military Criminal Code and have been expressly deprived of the right to vote by a court decision.¹³ During the 2009 early parliamentary elections, polling stations were set up at detention centers to allow detainees with the right to vote and registered in the electoral rolls to cast their ballots.

Military personnel serving in the armed forces and the coast guard, the staff of the Greek police and the fire service, personnel serving on ships flying the Greek flag, and election officials who are on duty in the constituency other than the one where they are registered, can vote in the constituency where they are on duty on election day.¹⁴

According to Decree 96/2007, a chairperson¹⁵ of a polling station is obliged to assist each voter who is physically unable to cast his or her vote. This provision is substantiated by the MoI Circular No. 41 on “Facilities for Voting by People with Disabilities in the General Elections of 4 October 2009”,¹⁶ which provides further guidance and clarification on facilitating the exercise of voting rights for disabled people. According to the circular, the polling station (PS) chairperson is required to take necessary measures for a disabled person to exercise voting rights and to ensure the secrecy and integrity of the voting process. The

3 “Percentage of Candidates by Gender”) was made effective immediately following its publication in the Government Gazette. For more, see section IV.C “Electoral System”

⁸ The law on “The State financing of political parties, income and expenses, media presentation, publicity and financial auditing of political parties and candidate Members of Parliament” No. 3023/2002.

⁹ Par. 5.8 of the 1990 OSCE Copenhagen Document.

¹⁰ See www.ypes.gr/el/Elections

¹¹ According to Art. 4, par. 2 of the election law, all Greek citizens who turn 18 years old in the year of election have the right to vote. This provision had the effect of allowing those under 18 years of age – but who would turn 18 years old by or on 31 December 2009 – to vote in the 4 October 2009 election.

¹² In practice, this applies only to patients in mental / psychiatric institutions.

¹³ Persons convicted to a term of over 10 years can be deprived of the voting right. However, the Court has the discretion to disqualify for up to five years those convicted to a term of one to 10 years in case of repeated and/or persistent offenses. A person sentenced to life imprisonment loses the right to vote for life.

¹⁴ Art. 27 and 53 of the Decree 96/2007.

¹⁵ A chairperson of a polling station is also commonly known as a “judicial representative” in Greece.

¹⁶ Issued on 7 September 2009.

circular leaves it to the discretion of the PS chairperson to find appropriate solutions to achieve these goals. Such measures may include delivery of voting materials (including ballot papers) to a PS area accessible to a disabled voter or just outside the polling station.

The OSCE/ODIHR EAM noted several occasions of elderly voters having difficulties in accessing polling stations and who had to be carried into the polling station or who had no other option than to vote outside the polling station in full view of others. Furthermore, under current law and procedures, Greek homebound voters or those unable to reach their PS for health or disability reasons are unable to vote unless they are physically carried to the polling station. Hence, citizens who are hospitalized or cannot leave their home are disenfranchised.

Consideration should be given to introducing mechanisms allowing hospitalized voters, homebound voters, and those with reduced mobility to exercise their right to vote in order to further promote universal franchise.

Following amendments enacted in 2001, the constitution provides for the right of Greek citizens living abroad to vote in parliamentary elections.¹⁷ Nevertheless, a law to implement this constitutional change has yet to be adopted. Therefore, out-of-country voters can only cast their vote if they return home. The OSCE/ODIHR EAM was informed by interlocutors that over the years, the main political parties have developed the practice of offering voters abroad the opportunity to cast their vote by funding a significant portion of the voters' transportation costs to/from Greece. While such a practice is well-known and widely accepted, offering the voters anything of a material value – including reimbursement of transportation costs – can have a potential pernicious effect on the free choice of voters.

Consideration should be given to adopting a law that introduces a transparent, secure and effective mechanism enabling Greek citizens residing abroad to exercise their constitutional right to vote, without the need to return to Greece.

All Greek citizens who are 25 years of age or older on election day and are entitled to vote have the right to stand for election to parliament. A person can submit a candidate nomination or accept the nomination from voters only in one constituency. This provision does not apply to leaders of a political party or coalition, who can submit (or accept) nomination in two constituencies.¹⁸

Consideration should be given to reviewing the possibility of leaders of political parties or coalitions to run in two constituencies in order to ensure that the voters in each constituency know which candidate can be elected as a result of their support.

Article 56 of the constitution enumerates a long list of professions that are incompatible with the right to stand as a candidate. Among these are salaried civil functionaries and servants, those serving in the armed forces and security forces, employees of local government authorities, mayors and community presidents, governors, assistant governors and chairpersons of boards of directors or executive directors of public corporations whose management team is appointed directly or indirectly by the state. People holding such positions must resign from their office before being nominated as candidates. University professors are exempt from this provision prior to an election, but must suspend the exercise

¹⁷ Art. 51, par. 4 of the Constitution.

¹⁸ Art. 32, par. 2 of the Decree 96/2007.

of their duties for the duration of the parliamentary term, if elected. Additionally, some of the people cited above cannot be candidates in any constituency in which they have served or in any constituency falling within their local jurisdiction during the last 18 months of the four-year parliamentary term.

Article 57 of the constitution lists the public and private activities and capacities that are incompatible with holding parliamentary office¹⁹ and carries an obligation for the elected candidate to choose, within eight days of his/her election, between his/her seat in the parliament or the continuation of his/her activities.

C. ELECTORAL SYSTEM

Of the 300 members of parliament, 248 are elected in 56 constituencies comprised of 48 multi- and 8 single-seat constituencies,²⁰ and 12 parliamentarians (called “state deputies”) are elected from closed party lists on a top-down basis, proportionally to the number of votes each party receives nationwide. The remaining 40 seats are awarded to the winning party as a ‘premium’. The 40 ‘bonus’ seats are intended to enhance the stability of government through the formation of a single party majority government.

In 2008, the parliament adopted an amendment to the election law²¹ to increase the number of bonus seats attributed to the winning party to 50. This provision will be in force for the next election, since it did not receive the necessary two-thirds majority vote in order to be applicable for the 4 October 2009 parliamentary election.²²

Most of the smaller parties met by the OSCE/ODIHR EAM criticized the ‘bonus’ component of the electoral system. Some interlocutors suggested that the system should be strictly proportional, while others favored the mixed model used in Germany.

Each prefecture of the country forms a constituency, except for the Athens-area prefecture of Attica, which is divided into five constituencies, and the northern prefecture of Thessaloniki, which is divided into two constituencies. The number of parliamentary seats allocated to each constituency is determined by its population size, as indicated by the latest census (2001).

In order to participate in the allocation of seats, a political party, coalition or independent candidate must receive at least three per cent of the valid votes cast nationwide.²³ Although independent candidates may mathematically have enough votes to obtain seats in specific electoral districts, the need to collect at least three per cent of the valid votes nationwide represents a significant barrier to their election.

Consideration could be given to lowering the threshold for independent candidates.

¹⁹ These are essentially related to having contracts or commercial relations with the State or receiving special privileges. The owning of a radio or television station and the publishing of a newspaper with nationwide circulation are also considered as incompatible activities.

²⁰ 248 seats are allocated proportionally using the Hare quota (also called a method of the “largest remainder”).

²¹ Law No. 3636 amending the election law.

²² The Constitution, art. 54, par. 1.

²³ Parties surpassing the threshold receive a minimum of six seats in parliament.

D. ACCESS FOR OBSERVERS

The legal framework allows representatives of political parties, coalitions and candidates to be present in any polling station and to observe the voting and counting process.²⁴ In addition, these representatives are allowed to observe the process of validation of the results by the first instance court.²⁵ However, the law does not provide for the presence of domestic non-partisan or international observers during the pre-election period or during polling, counting and the validation of the results. The OSCE/ODIHR EAM was nevertheless granted full access to observe all election-related proceedings, without any problems or hindrance.

The legal framework should provide for election observation by domestic non-partisan and international observers in order to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.

V. ELECTION ADMINISTRATION

A. OVERVIEW

The election administration is decentralized and distributed among several state branches. Various stakeholders take part in the conduct of the electoral process.

The Ministry of Interior prepares regulations, manuals and the polling station books, composes voter lists by polling station, ensures early announcement of provisional results, and supervises the work of election administrators in the prefectures and municipalities.

The prefecture determines the territory and location of the PSs, prepares the materials necessary for the work of the polling station commissions (PSC), and transmits the constituency-based provisional results to the MoI. The municipality delivers ballot boxes and any needed furniture for the PS and transmits the constituency-based provisional results to the prefecture. Every political party is responsible for printing its own ballot papers²⁶ and delivering them to the prefectures for distribution to PSs.

The Supreme Court registers political parties and candidate lists for the elections and appoints judicial representatives, who serve as chairpersons of polling station commissions. The temporary Supreme Special (Electoral) Court deals with complaints (see Section XI, Complaints and Appeals), and announces the final election results including the elected candidates. The first instance court appoints PSC members and aggregate the votes received by parties in the constituencies. The PSC, headed by a chairperson, conducts the electoral process on election day and declares the result for the PS.

²⁴ Election law, art. 88.

²⁵ Election law, art. 98, par. 5.

²⁶ The ballots should be printed in black ink on a white paper in a rectangular shape, with a size specified by the decision of the MoI. The paper for the ballots is issued by the State to those parties or coalitions whose candidates have been registered in at least one third of the constituencies nationwide (art. 70 of the Decree 96/2007).

In most cases, the division of responsibilities between the various electoral stakeholders is well-defined by the election law. Some procedures that are not explained in detail by the law may be clarified by the Supreme Court or the MoI in their respective areas of responsibilities.

Decentralization of electoral administration in Greece and limited opportunities for professional information exchanges result in varying degrees of knowledge and professionalism amongst election administrators, a lack of awareness of good practices in the country, and insufficient capacity for reflection on the lessons learned.

The Ministry of Interior could consider organizing periodic post-election meetings of electoral administrators, including officials from the courts, lawyers association, municipal and prefecture officials, and political party representatives to discuss good practices, training and potential improvements to the electoral process.

B. THE JUDICIARY

The judicial representatives (the PS chairpersons) are the pillars of the electoral administration and are responsible for the conduct of elections in their respective PS. The country-wide roster of those eligible for the position of a PS chairperson includes some 42,500 judges, lawyers, notaries, registrars and others with a legal profession. For the 2009 elections, 36,283 legal professionals submitted their applications to serve as PS chairpersons²⁷ and 23,719 of them opted for 'anywhere in the country'.²⁸

On 22 September 2009, the Supreme Court appointed 20,828 judicial representatives and 3,128 replacements to serve as PS chairpersons through a lottery. Lawyers made up 77.5 per cent of the total, with judicial officers holding 17 per cent of the positions, and the remaining 5.5 per cent being other legal practitioners (notaries, registrars, etc.).

In addition to the chairperson, a PSC consists of four members appointed by the first instance court. The court draws lots for four members and four deputies among all voters residing in the electoral district of the PS. PSC members must at least have a primary school education, be between 18 and 65 years old, and should not be employees of public or municipal offices. In contrast to the PS chairperson function, the position of PSC member is a mandatory appointment, and does not entail any financial compensation.

The OSCE/ODIHR EAM noted several difficulties in the appointment procedure of PSCs. Firstly, the first instance court has no information about the education and occupation of voters. Therefore, these two criteria could not be respected during the lottery. Secondly, in the limited number of PS visited, the OSCE/ODIHR EAM found that some PSCs were understaffed with an average of three PSC members present. Many missing members apparently did not attend voting at all, since the PS chairperson has the right to ask them to stay at the PS when they arrive to vote. Some of the OSCE/ODIHR EAM interlocutors suggested that the introduction of financial compensation for PSC members might positively influence the issue of PSC staffing on election day.

²⁷ PS chairpersons earn between 1,000 and 1,300 EUR.

²⁸ An applicant may indicate preference for the location of the PS in his/her home constituency (but not municipality) or in another constituency anywhere in the country.

Consideration could be given to providing appropriate remuneration to polling station commission members for their work.

C. THE EXECUTIVE

The MoI is responsible for preparing and sending PS materials to the prefectures that, in turn, distribute them to the PSs along with seals, stationery and ballot papers. Political parties and coalitions print ballot papers and deliver them to the prefectures. Parties with candidate lists in at least one third of the constituencies receive paper for printing the ballots from the state.²⁹ According to OSCE/ODIHR EAM interlocutors, some political parties occasionally fail to adhere to the eight-day deadline for delivering ballot papers to the prefectures and, as a consequence, hinder the preparation and delivery of the PS material packs.

Municipalities are tasked with regularly updating municipal registers, which provide a base for the formation of voter lists. Furthermore, municipal authorities determine locations for campaign posters and other campaign materials, in consultation with political parties.

D. REGISTRATION OF CANDIDATES AND PARTIES

For these elections, 4,010 candidates were registered, including 19 individuals running as independent candidates. Overall, the registration process was inclusive and the field of candidates offered voters a broad choice and distinct policy options.

Candidates can be either proposed by at least 12 voters in the same constituency or self-nominated.³⁰ Prospective candidates apply directly for registration with the respective court of first instance. The nominee must fill in a declaration for candidacy, and make a deposit of 146.74 EUR. The first instance courts acted inclusively and very few nominations were denied.

Based on the list of nominated candidates, political parties and coalitions form candidate lists and apply to the Supreme Court for registration in the elections. Nominees not included in party or coalition lists may run as independent candidates.

On 21 September, the Supreme Court registered 23 parties with both constituency and state lists and denied registration to five parties. The reasons for denying registration were the following: (1) two parties did not present their founding declarations; (2) two parties declared that they were represented by a single candidate who was not registered; (3) one party did not provide any candidate list. None of them appealed the decision of the Supreme Court.

E. POLLING STATIONS AND VOTER LISTS

For the purpose of elections, municipalities are divided into electoral districts representing a neighborhood, a village or, in some cases, several small villages. Voters in the electoral district are assigned to PSs according to the alphabetic order of their family names. This means that people living on the same street or in the same house may have to go to different polling stations on election day. The number of voters per PS cannot exceed 600.

²⁹ Art. 70, par. 1 of the Decree 96/2007.

³⁰ Art. 32, par.1 of the Decree 96/2007.

For these elections, 20,937 polling stations were established nationwide, with an average of 470 voters in each. Polling stations were predominantly located in schools and other public buildings. Several polling stations located in the same building constituted a polling center. Voter information materials, including candidate lists, were mostly displayed in the polling centers rather than polling stations.

A national population register is maintained by the MoI on a basis of semimonthly updates from municipalities. On the eve of the parliamentary elections, the MoI announced that there were 9,834,970 registered voters, of which 5,076,726 are women and 4,758,244 men.

The number of registered voters appears to be rather high in comparison with the total population of 10,964,080.³¹ Several OSCE/ODIHR EAM interlocutors suggested that the current voter lists may not reflect changes of residence and still contain data of the deceased.

A periodic audit and revision of voter lists should be considered in order to ensure its accuracy and reliability.

Based on the national population register and the PS boundaries, the MoI prepares the voter lists for every PS and sends it in electronic form to the respective prefectures and municipalities. The voters may obtain information on their inclusion in the voter lists and the PS they are assigned to by telephone, internet or at the municipal offices.

A copy of the voter list is included in the materials delivered to each PSC. The list includes the voter's name, date of birth, gender, address, electoral district and a special electoral ID number. The information in the voter list is used by the PSC in establishing voter's eligibility to vote in a particular PS. If a voter's name appears more than once in the national voter list, his/her record is preceded by the letter 'D'.³² In such cases, the PS chairperson requires the voter to sign a declaration that s/he is voting in only one PS. These declarations are collected via the first instance courts at the MoI in order to check for double voting.

If, on election day a record is missing from the voter list, the voter may go to the municipality and receive a certificate confirming his/her right to be included in the voter list. Such a voter may vote anywhere in the municipality with his/her name being added to the voter list.

As a rule, a voter casts a ballot in the electoral district of his or her permanent residence. However, a citizen can vote at the place of his/her temporary residence for the constituency of his/her permanent residence, provided that he/she applies accordingly at the municipality of the current residence. Special PSs for out-of-constituency voters may be formed at the administrative capital of the prefecture. Such PSs may be established if there are at least 40 voters who applied to vote in the constituency of their permanent residence. This requirement safeguards the respect of the secrecy of the vote. In 2009, 343 out-of-constituency PSs were formed to serve 119,032 out-of-constituency voters. Approximately 7,500 of these were required to return and vote in the constituencies of their permanent residence, as the minimal number of voters was not met.

³¹ According to the latest census of 2001.

³² There were 12,475 "D" voters in the 2009 parliamentary elections.

Police forces, fire brigade, coast guard and armed forces, who on election day are serving in a constituency different than the constituency they are permanently registered, may vote in the constituency where they are serving. In such cases, they must register in special electoral registers submitted by the heads of their units to the prefecture for assignment to regular PSs. Similar rules apply for sailors. The PS chairpersons and police guards may vote in their assigned polling stations without being included in advance in the voter list of the respective PS. Detainees and prisoners whose civil rights have not been irrevocably removed by a court judgment may vote in a PS specially set up at their detention centre.

VI. POLITICAL PARTIES AND CAMPAIGN

A. POLITICAL PARTIES

The constitution³³ provides for the right to freely establish and join political parties, as long as these parties serve the free functioning of democratic governance.³⁴

Among the 23 political parties registered by the Supreme Court, 6 are considered to be national parties. National parties are those that are represented either in the sitting parliament or the European Parliament (EP), or which have gained 1.5 per cent of the national vote and competed in at least 70 per cent of the constituencies during last parliamentary elections. National parties are entitled to state funding for their election campaign and can automatically participate in the proceedings of the Inter-party Elections Committee, which serves as a consultative body.³⁵

The two major Greek parties, ND and PASOK, as well as KKE, SYRIZA and LAOS are considered national parties. In addition, the Ecologist Greens won one seat in the EP and joined the list of national parties for the 2009 early parliamentary elections.

The KKE, an orthodox Marxist-Leninist party, and SYRIZA, an alliance of leftist and ecological groups, form the left wing of the political spectrum. The parties appear to differ in some key political issues, such as their stance towards the EU, which makes them reluctant to form an alliance/coalition. LAOS is considered to be a populist party on the right wing of politics in Greece and has adopted radical positions on globalization, immigration and some foreign policy issues. The Ecologist Greens present an ecological modernization agenda and gained support in the wake of the devastating forest fires in recent years.

³³ Art. 29, par. 1.

³⁴ This Constitutional provision reflects the country's negative experiences with a military (also known as colonels') dictatorship that was in power in 1967-1974, and during which the Greek democratic institutions were dissolved.

³⁵ The Committee is established by the decision of the MoI, and is comprised of one representative of each party or coalition, which was represented in parliament that was dissolved. The Committee is chaired by the Minister of Interior. The Committee's task is to submit proposals for the proper application of the provisions of election law. Art. 43 of the Decree 96/2007, and Art. 2 of the Law 3023/2002.

B. CAMPAIGN

The 2009 election campaign took place in an open atmosphere and permitted a fair political competition. All registered political parties campaigned actively and were able to freely impart their message to the electorate.

The campaign focused considerable attention on the personalities of the two major party leaders Kostas Karamanlis (ND) and George Papandreou (PASOK). The campaign was markedly more visible in urban centers than in rural areas, but was described as subdued in comparison to earlier campaigns by some interlocutors. On 21 September 2009, leaders of the ‘national parties’ participated in an evening television debate. The following day, a direct encounter between Prime Minister Karamanlis (ND) and PASOK Chairperson Papandreou was organized on television.

The major campaign issues were the economic and financial crisis, and the reforms (or lack of implementation of reforms) to modernize Greece during the past years. At the same time, many interlocutors noted that the ecological situation emerged as a major issue for the first time in a Greek election campaign. Furthermore, foreign policy issues, such as the EU’s relations with Turkey or the negotiations over the official name of the former Yugoslav Republic of Macedonia were introduced into the campaign. This was mainly by LAOS and ND, but these issues received less attention than domestic issues. The smaller political parties mostly focused on criticizing both ND and PASOK.

The OSCE/ODIHR EAM did not receive reports of complaints about violations of campaign rules except for minor violations of the electoral silence period. Campaign silence commences on the day preceding the election day.³⁶ During this time, all campaign activities, such as delivering political speeches, hanging posters, distributing publications, and broadcasting campaign messages are prohibited. The OSCE/ODIHR EAM witnessed a few instances of campaigning, such as hanging of posters and distribution of leaflets by political parties both on the day prior to elections and on election day, including some campaign activities in the vicinity of polling stations.

Consideration should be given to enforcing the provisions related to the electoral silence period in order to ensure a period of reflection for the voters and to guarantee equal conditions for all election contestants.

VII. CAMPAIGN FINANCE

The Law on “The State Financing of Political Parties, Income and Expenses, Media Presentation, Publicity and Financial Auditing of Political Parties and Candidate Members of Parliament”³⁷ implements Art. 29 par. 2 of the constitution on political party funding by establishing the following limits on individual donations to candidates and political parties: 15,000 EUR per year for political parties and 3,000 EUR per electoral period for candidates. A donor who exceeds the donation limits stipulated in the law may face imprisonment up to one year and a penalty of up to 15,000 EUR. The law also forbids foreign citizens, public and

³⁶ Art. 48 of the Decree 96/2007.

³⁷ Law No. 3023/2002 was adopted on 25 June 2002.

private companies and enterprises,³⁸ local government authorities and owners of media to make donations to political parties and candidates.

Funds provided by the state budget represent the most significant income for parties. In order to qualify for state funding, political parties have to meet the requirements for national parties, i.e., have to be represented in the EP or outgoing national parliament, or must have obtained at least 1.5 per cent of the total vote in at least 70 per cent of the electoral constituencies in the previous election. The funds are distributed proportionally to the number of votes received by a national party in the last election.³⁹ In addition to the operational annual support from the state,⁴⁰ during election periods political parties receive a supplementary election fund that constitutes 0.022 per cent of the state budget, regardless of how many elections are being held that year.

The law applies an equal ceiling on campaign expenditures, which are limited to 20 per cent of the total amount allocated by the state to all parties. However, there are specific ceilings for campaign spending by individual candidates in each electoral constituency, determined on the basis of the number of seats of the electoral constituency and varying from 18,000 to 135,000 EUR.⁴¹

To ensure transparency of parties' financial management, in general, and campaign financing in particular, all political parties are obliged to handle no less than 80 per cent of the annual total amounts of their revenues and expenditures through bank accounts, including a special account established for the campaign. They must publish their balance sheets⁴² annually in two Athens newspapers. Furthermore, parties are to disclose their campaign expenditures within 40 days of the election.

An audit of political party and candidate electoral expenses is carried out by an independent inspection committee, which is composed of Supreme Court judges and advisors of the State Audit Council. According to the constitution⁴³ and the law on state financing, a member of parliament who exceeds the authorized expenditure ceiling during the election campaign may be removed from office by the decision of the Supreme Special (Electoral) Court.⁴⁴ The committee is obliged to submit a final report to the President of the Supreme Special Court, if it determines a violation which can lead to the loss of a parliamentary rank, or to the president of parliament, if the imposition of sanctions is recommended. Some interlocutors expressed lack of confidence in this mechanism, claiming none of the parties had been held accountable in the past.

Consideration should be given to further regulating campaign finance, including an effective audit mechanism, which would contribute to ensuring equitable conditions for all electoral contestants, and increase public confidence in the integrity of the process.

³⁸ With the exception of corporate donations from companies totally owned by political parties.

³⁹ Art. 1-3 of the Law 3023/2002.

⁴⁰ Every year political parties are provided with a direct subsidy of 0.10201 per cent of the state's annual budget.

⁴¹ A table of campaign ceilings?? is provided in the MoI Decision No. 46718 from 20 August 2007.

⁴² Balance sheets should include the amount of donations to parties.

⁴³ Art. 29, par. 2 of the Constitution.

⁴⁴ For more details on the Supreme Special (Electoral) Court, see section XII "Complaints and Appeals".

VIII. MEDIA ENVIRONMENT

The freedom of expression and of the press is enshrined in the Greek Constitution,⁴⁵ and is respected in practice. It is reflected in the plurality of media outlets operating in the country. According to recent statistics,⁴⁶ there are 160 private television⁴⁷ and 1,150 radio stations in the country, along with the two public broadcasters. Some 20 daily newspapers, published predominantly in Athens, have a total circulation of over 400,000 copies nationwide, with “Ta Nea” and “Eleftherotypia” being among the major dailies with some 70,000 copies each.

The main private channels are considered to be Mega Channel, Antenna TV and Alpha TV. Two public broadcasters operating in Greece are ERT (Hellenic Radio and Television S. A.) and Vouli TV, a national network with programming produced by the Hellenic Parliament. ERT is composed of two national channels: ET1 and NET, based in Athens, and a regional one called ET3 and based in Thessaloniki.

Radio, TV and press coverage, both at national and local level, offered regular information on parties and candidates, and their platforms. TV and radio stations organized debates, interviews and question and answer programs; printed media featured election related articles and often devoted special sections (and even pages) to the parliamentary elections.

A. LEGAL FRAMEWORK AND MEDIA COVERAGE OF ELECTIONS

The legal framework governing the media is very detailed and comprised of the Constitution, as well as relevant laws and regulations. The Constitution prohibits media censorship,⁴⁸ and guarantees the right to reply to inaccuracies published or broadcasted by the media.⁴⁹ Furthermore, it puts radio and TV under the “direct control of the State”,⁵⁰ and vests the National Council of Radio and TV (NCRTV) – as an independent authority – with an exclusive competence in controlling the media and imposing administrative sanctions.⁵¹

The Law on Regulating the Press⁵² entitles print media to certain privileges including discounts on telephone and postal tariffs and establishes media obligations, such as respect of privacy and respect for truth. The Law on Public Broadcasting Stations⁵³ established the public broadcaster ERT, and defined its mission as a contributor to the public education and entertainment aiming to pursue public interest, rather than a commercial profit.

The Law on Founding of NCRTV and Granting Licenses for non-State TV Stations⁵⁴ sets forth the basic principles for the NCRTV activities.⁵⁵ The Law on Private TV and Radio⁵⁶ stipulates that the NCRTV grants licenses for commercial TV and radio stations, and has an authority to request information from TV and radio stations on their set-up and financing.

⁴⁵ Art. 14, para. 1 & 2 of the Constitution.

⁴⁶ Source: the General Secretariat of Communication.

⁴⁷ Including some 20 TV stations broadcasting nation-wide.

⁴⁸ Art. 14, par. 1 of the Constitution.

⁴⁹ Art. 14, par. 5 of the Constitution.

⁵⁰ Art. 15. par. 2 of the Constitution.

⁵¹ Ibid.

⁵² Law 1092/1938.

⁵³ Law 1730/1987.

⁵⁴ Law 1866/1989.

⁵⁵ The part of the Law 1866/1989 on NCRTV was later replaced by the Law 2863/2000.

⁵⁶ Law 2328/1995.

Furthermore, the law on Private TV and Radio stipulates that holding a position in public administration is incompatible with being the owner or major shareholder of a media company. The Law on NCRTV and other Authorities of TV and Radio Services⁵⁷ stipulates that the NCRTV has a sole responsibility for licensing TV and radio services, exercising oversight over TV and radio companies (both private and public), supervising free competition in the media market, imposing fines and administrative measures, and examining requests for remedy for personal insults made by broadcast media.

Media conduct during the election period is further regulated by the MoI resolutions on media campaigning of political parties represented in the Parliament⁵⁸, and parties which do not have parliamentary representation⁵⁹. According to these resolutions, the total airtime for paid political advertising of the six national political parties is limited to the equivalent of six million EUR on private TV stations with nationwide coverage, and 250,000 EUR on satellite radio and TV service providers. The Election Inter-party Committee proposed the following airtime allocation on the basis of the parties' strength in parliament: 75 per cent of airtime was allocated to ND and PASOK (37.50 per cent each), and the remaining 25 per cent to the remaining four national parties: KKE (11.29 per cent), SYRIZA (6.98 per cent), LAOS (5.27 per cent) and the Ecologist-Green party (1.46 per cent).

In addition to airtime allocated for political party advertising, all informative (as opposed to entertainment) television and radio stations, whether public or private, are obliged⁶⁰ to provide free airtime for parties and coalitions of parties represented in the Greek and European Parliaments,⁶¹ as well as for non-parliamentary parties⁶² to present their platforms.

The MoI resolution on media campaign for parliamentary parties⁶³ provides a detailed regulation on the coverage of the campaign in news bulletins and other information programs. All public service and private TV and radio stations as well as subscription TV and radio providers are obliged to follow, in news and any other programs, the principle of proportional equality reflecting the party representation in parliament. Smaller political parties expressed a concern about this principle, which, in their opinion, discriminates against them in favor of larger parties.

The MoI resolution No. 21167 also sets an electoral silence period in electronic media from one day prior to election day until 19:00 hours on election day. Furthermore, it established a ban on public opinion polls⁶⁴ 15 days prior to the election day (i.e. starting from 18 September 2009). The 15-day ban of public opinion polls was criticized by several

⁵⁷ Law 2863/2000.

⁵⁸ Resolution No. 21167 "Terms, conditions and media presentation during the pre-election period of political parties and party coalitions represented in the Hellenic Parliament and European Parliament in public and private radio and television stations", issued on 9 September 2009.

⁵⁹ Resolution No. 22440 "Terms, conditions and media presentation during the pre-election period of political parties and party coalitions not represented in the Hellenic Parliament", issued on 24 September 2009.

⁶⁰ According to MoI resolutions 21167 and 22440.

⁶¹ MoI resolution 21167 stipulates that period of ten minutes of airtime should be provided for each party every week. Shifting or aggregation of these ten-minute periods is not allowed.

⁶² MoI resolution 22440 establishes that five minutes of airtime should be provided for political parties with lists in least three fifths of constituencies of the country; and three minutes for parties with lists in at least half of constituencies.

⁶³ MoI resolution 21167.

⁶⁴ As provided in the Law 3603/2007.

interlocutors, especially by representatives of opposition parties,⁶⁵ as depriving voters of relevant information, and its possible implications for the freedom of expression.⁶⁶ Moreover, many interlocutors noted that information on public opinion polls is readily available on the internet, which is not currently regulated by the law. This information is easily accessible, thereby making the ban ineffective in achieving its original purpose of limiting a release of opinion survey information to the general public.

B. THE REVIEWING AUTHORITY

The implementation of legal provisions on media during elections is supervised by the General Secretariat of Communication from the MoI and the National Council of Radio and Television (NCRTV). The NCRTV is the main body monitoring the implementation of MoI regulations concerning campaigning in media, and is governed by a plenary comprised of the Council's President, the Vice President, and five members who are nominated by the Conference of the Presidents.⁶⁷ In particular, it verifies whether TV and radio stations comply with the principle of proportional equality in news and any other programs.⁶⁸ For that purpose, the Plenary uses only quantitative data, i.e. the time devoted to political parties in the main news programs broadcast nationwide. Although the NCRTV's monitoring unit provides data about the quality and tone of the coverage, as well as an analysis of the programs other than the main news bulletins, these data are not considered by the Plenary in its decision-making process.

Consideration could be given to monitoring programs with political content other than the main news bulletins and to including qualitative data in the NCRTV analysis of the media coverage of elections in order to further inform its decisions.

IX. PARTICIPATION OF WOMEN

Women in Greece received the right to vote in 1934, and the right to stand for election in 1952. The principle of gender equality was established by the 1975 Constitution, and was further elaborated in the 2001 Constitutional amendment establishing the state's obligation to take appropriate measures to eliminate all discrimination.⁶⁹ Recent years have seen a steady increase in the number of female parliamentarians in Greece: 10 per cent in 2000, 13 per cent in 2003 and 16 per cent in 2007. Although there is a certain progress in increasing the number of female MPs, the overall representation of women in parliament remains relatively low.

For the first time in Greek elections, candidate lists of political parties and coalitions for the 2009 parliamentary elections had to include a minimum of one third of candidates from each gender. All political parties expressed their full support for the new gender quota

⁶⁵ It should be noted that, at the same time, surveys may be carried out on behalf of, and for the exclusively private use of, political parties.

⁶⁶ As the ban prevents media from disseminating factual information.

⁶⁷ Conference of the Presidents is a special body of the Parliament in charge of the nomination of the independent authorities and in which all political parties are represented.

⁶⁸ See MoI resolution 21167.

⁶⁹ See article 116, par. 2 of the Constitution according to which "The adoption of positive measures for the promotion of equality between men and women does not constitute gender discrimination. The State is responsible for the elimination of existing inequalities, especially if they are against women".

requirement, and many of them have established gender departments within their party structure. However, some political parties at the local level indicated that they had difficulties in meeting the one third gender requirement due to an apparent lack of interest from women, particularly in rural areas. In addition, some interlocutors noted that female candidates often did not appear in winnable positions on the party lists. This partly explains why the representation of women did not increase significantly, with only 51 women (17 per cent) elected to the Parliament in 2009 elections.⁷⁰

Consideration could be given to supplementing the gender quota requirement with additional measures concerning the rank order, such as a requirement for alternating positions between genders on party lists, as well as effective legal sanctions.

X. PARTICIPATION OF MINORITIES

Greece recognizes only one minority, the Muslim religious minority in Western Thrace, which is protected by the terms of the Lausanne Peace Treaty of 1923. In the 1991 official census, the Muslim minority in Western Thrace numbered 97,604 people, or less than 1 per cent of the total population of Greece. However, Greece does not recognize the minority status of any ethnic or linguistic communities

In recent reports, UN and Council of Europe (CoE) minority and human rights experts have urged the Greek government to promptly proceed with ratification or accession to major treaties, including the CoE Framework Convention for the Protection of National Minorities. They have also urged that minority protection standards be honored, in accordance with the UN Declaration on Minorities, and that judgments of the European Court of Human Rights in pending cases relating to minority protection be fully complied with.⁷¹

The electoral system in Greece encourages the development of multi-ethnic parties. In the outgoing parliament, two members of parliament belonged to the Muslim community, both elected on the list of PASOK in Western Thrace. For the 2009 parliamentary elections, 14 candidates of Muslim background – 13 men and one woman – contested in Western Thrace. Seven were candidates in the Xanthi constituency and seven in the Rodopi constituency and appeared on candidate lists of four parliamentary parties – ND, PASOK, SYRIZA and KKE.

The OSCE/ODIHR EAM visited the Xanthi and Rodopi prefectures in Western Thrace and Florina prefectures and met local and regional authorities, first instance courts, representatives of political parties and community leaders. The OSCE/ODIHR EAM noted that campaign material and posters in Turkish were widely on display in Muslim villages, and that candidates could address their electorate in their preferred language in local print

⁷⁰ It should be noted that following the PASOK victory in 2009 parliamentary elections, the incoming Prime Minister George Papandreou assigned five out of 19 ministerial posts (i.e., 26 per cent) to women.

⁷¹ The “Report of the Independent Expert on Minority Issues. Mission to Greece (8-16 September 2008)”, UN Human Rights Council, Tenth Session (March 2009) urges the Government of Greece to “...focus on protecting the [*minorities*]’ rights to self-identification, freedom of expression and freedom of association.”, whereas the report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Greece 8-10 December 2008 (“Issues reviewed: Human rights of minorities”, Strasbourg 19 February 2009) expresses concerns over “...the authorities’ refusal to recognize the existence of any other kind of minority except for the ‘Muslim’ one...”.

and electronic media, and during rallies. On election day, the OSCE/ODIHR EAM met minority representatives serving on election commissions in all positions. They played a positive role in explaining procedures to minority voters in the local language or assisting PS chairpersons with no knowledge of Turkish.⁷²

On 4 October 2009, both incumbent Muslim members of parliament were re-elected, receiving the highest number of individual votes on the list for their respective constituency. Although other Muslim candidates also received high ranks on their parties' constituency lists, the number of their votes was not sufficient to gain a seat.

XI. COMPLAINTS AND APPEALS

Legal protection through the judiciary is ensured both by the Constitution and applicable laws.⁷³ The transparency of the process is further guaranteed by obligatory public hearings in all instances of courts in administrative proceedings. The handling of complaints is quite diverse, depending on the nature of a complaint.

After voter lists are updated, a voter has a right to submit a complaint on registration or non-registration to the municipality, which must forward complaints to the respective first instance court within five days. Such complaints must be examined within one month. While courts have jurisdiction to consider these objections during non-election periods, municipalities are granted the right to make decisions immediately should such a complaint be initiated prior to or on election day. In the event it is established that a citizen is eligible to vote, municipalities are required to issue a temporary ID to a voter to be submitted to the respective polling station.

Complaints regarding candidate registration are referred to the regional court located in the capital of the constituency. Complaints about alleged violations during voting are handled by PS chairpersons, who must make a decision prior to the closure of the polls. The law provides further remedy, including an appeal to the first instance courts.

The hearing of objections against the validity of parliamentary elections and their verification concerning either electoral violations related to the conduct of the elections or the lack of legal qualifications is assigned to the Supreme Special (Electoral) Court by the 1975 Constitution.⁷⁴ The Special Court sits only when a special case belonging to its jurisdiction arises. The Court is composed of three ex officio members: the President of the Supreme Administrative Court, the President of the Supreme Civil and Criminal Court, and the President of the Court of Auditors, and eight members⁷⁵ with a two-year term.

The Court's jurisdiction⁷⁶ differs from administrative and ordinary jurisdiction, and includes disputes concerning parliamentary or European elections and referenda, and judgments regarding disqualification from or forfeiture of office of a MP. The cases referred to the

⁷² According to the Decree 96/2007, Art. 64 voters in Evros, Xanthi, Rodopi and Dodecanese prefectures may request assistance by Turkish language interpreters.

⁷³ See section IV "Legal Framework" of the report.

⁷⁴ Art. 100 of the Constitution.

⁷⁵ Four members of the Supreme Administrative Court and four members of the Supreme Civil and Criminal Court, all chosen by a lot.

⁷⁶ Art. 100 of the Constitution.

Supreme Special (Electoral) Court, could be divided into three categories: (1) review of compliance of legal acts with the Constitutional principles governing elections,⁷⁷ (2) review of violations of the electoral law,⁷⁸ and (3) review of prohibition to stand to election,⁷⁹ as well as disqualification from office (i.e. incompatibilities)⁸⁰. Judgments of the Supreme Electoral Court are final and not revocable.⁸¹

Cases cannot be referred to the Court ex officio, but should rather be brought by an applicant. Applicants include either a voter who is on the electoral roll of a constituency and who wants to challenge the validity of the election results in that constituency;⁸² or a candidate standing for parliament in a constituency who has not been elected.⁸³ The Court does not consider applications from political parties or legal entities.⁸⁴

The Supreme Special (Electoral) Court considered 51 cases in 2000, eight cases in 2002, 32 in 2004, and 42 in 2007. The OSCE/ODIHR EAM was informed of four complaints that have been filed with the Supreme Court regarding the 2009 parliamentary elections.

XII. ELECTION DAY

A. VOTING

Consistent with standard practice for assessment mission, the OSCE/ODIHR EAM team did not observe election day proceedings in a systematic and comprehensive manner, but visited a limited number of polling stations. OSCE/ODIHR EAM members noted that the voting process was conducted in an orderly and peaceful manner with some queuing in certain periods, but generally without overcrowding or delays.

The polling was organized, chaired and directed by PS chairpersons who generally appeared to be experienced and familiar with the voting procedures. The manual prepared by the Ministry of Interior was delivered to all polling stations, along with other election materials. At the same time, the OSCE/ODIHR EAM noted that the Greek Bar Association independently produced its own election manual for use by the PS chairpersons, without any formal input or approval from the MoI.

⁷⁷ The cases in this category included the challenge of constitutionality of three per cent threshold requirement to participate in allocation of parliamentary seats (The Court judgments 74/1997 and 26/2001), and the provision whereby the seats not filled after the initial allocation were assigned to the party that obtained the largest number of votes (The Court judgment 47/1978).

⁷⁸ The cases in this category included judgments on validity of ballot papers (The Court judgments 25/1999, 9/2005 and 12/2005), prohibition of election campaigning on the eve of elections and election day (The Court judgments 23/2008), and illicit promises and gifts to voters at election time (The Court judgments 2/2000 and 25/2001).

⁷⁹ The cases in this category included judgments on entitlement to stand for election of a deputy prefect who was not elected but appointed (The Court judgment 5/2008), and an EC official who did not have a national civil servant status (The Court judgment 20/2008).

⁸⁰ The case in this category included the annulment of the MP election who was a practicing barrister (The Court judgment 11/2003). The MP has later took the case to European Court of Human Rights (case of Lykourazos vs. Greece, 15.6.2006), which sentenced Greece under Art. 3 of the First Protocol (right to free elections) of the European Convention on Human Rights.

⁸¹ The Supreme Special Court judgment 48/1982.

⁸² The Supreme Special Court judgment 26/2004.

⁸³ The Supreme Special Court judgments 26/2004, 30/2004, 12/2005 and 8/2008.

⁸⁴ The Supreme Special Court judgments 26/2004 and 30/2004.

For consistency in polling procedures, training materials, manuals and other election materials should be developed in cooperation and/or consultation with the Ministry of Interior.

As voters entered their polling station, their identification was checked and voters without a state-issued ID containing a photograph were not allowed to vote. Citizens who voted were noted in the voter list twice, once by striking-through the line in the printed excerpt of the voter register and once by re-writing the same entry into a separate book – a practice which intended to add a measure of accountability and that did not appear to burden the otherwise short queuing periods.

Voting in Greece is conducted by first selecting a ballot paper containing one list of candidates from a bundle of ballot papers provided for all candidate lists, then optionally selecting preferential candidates. The candidate lists are open lists and voters have the possibility to select up to four candidates, depending on the number of seats in the respective constituency. The voter does so by putting a cross next to the candidate's name in blue or black ink. Ballots with more than one cross or no crosses at all, are counted only for the party and not the individual candidates. The marked ballot is then folded in an envelope provided in the polling station,⁸⁵ sealed and deposited into the ballot box.

The OSCE/ODIHR EAM noticed on a few occasions that voters were not forbidden from entering the polling booth with an already marked ballot, which had been provided by the political party or candidate that the voter supports. Furthermore, providing ballots to voters prior to the election day is publicly practiced by political parties and was observed both in the pre-election period and on election day.

In order to address a practice that may potentially restrict the free choice of voters and to avoid any possible undue influence, consideration could be given to prohibit ballot papers being distributed outside the polling stations.

Some minor inconsistencies in application of voting procedures were also noticed by the OSCE/ODIHR EAM. For instance, voter information posters were not always available at polling stations. In addition, while most polling stations had signs or information on the maximum number of crosses allowed in a particular constituency, this practice was not uniform. More importantly, party observers assisted the PS staff (e.g. giving directions to voters or arranging ballot papers for voting), which conflicts with their role as observers.

On election day, 343 out-of-constituency PSs were opened throughout Greece to serve voters who opted to vote at their temporary residence. In these polling stations, voters were provided with ballots from the constituency where they have their permanent residence. The OSCE/ODIHR EAM team visited several such polling stations and noted that the quantity of ballot papers, especially for non-parliamentary parties, may have been insufficient. In some cases, it may have led to situations in which some lists would have been excluded from the ballot. In addition, candidate lists were not posted at such polling stations and some voters may not be aware which parties are running in their home constituency.

⁸⁵ A specially marked envelope is signed and stamped by the PS chairperson.

B. COUNTING AND TABULATION

Votes were counted immediately after the closing procedure at 19:00. During the counting and tabulation, the proper procedures were followed in the limited number of PSs where the OSCE/ODIHR was present. Overall, the process was conducted transparently and efficiently.

The polling station commissions properly counted the envelopes containing ballots to establish the number of people who had voted. Following the count of envelopes, ballots were taken out and numbered with a unique ordinal number.⁸⁶ Next, candidates' preferences on each ballot were certified and their number⁸⁷ recorded on the ballot, which was then signed by the PS chairperson. The party and candidate vote counting procedure had two phases: firstly, the vote for the party or coalition was established and secondly, which candidates were selected was established. The number of votes for each party and each candidate was consequently noted. Such a procedure was intended to provide for official recording of the link between the results and the ballots in case of a recount by the courts.

The validity of ballots in polling stations was decided by the PS chairperson and the total number of invalid and blank ballots was reported to be 2.64 per cent nationwide. In PSs visited by the OSCE/ODIHR EAM, invalid ballots were mostly protest votes. In a few cases, however, ballots were invalidated on the basis of different crosses for individual candidates, even if the voter's choice was clear. The OSCE/ODIHR EAM noticed that this procedure was applied varyingly in different polling stations.

Consideration should be given to providing polling station chairpersons with clear guidelines as to what constitutes a vote and/or what may invalidate a ballot, so that the differences in interpretation can be kept to an absolute minimum.

Party observers were present in polling stations to observe the count, a measure which strengthened the transparency of the process. However, in some cases, party observers assisted the counting process, mostly during the counting of the envelopes. In one polling station in Halastra (Thessaloniki), two party observers were reportedly arrested by the order of the PS chairperson after they were caught changing preferences on ballot papers during the vote count in the polling station.

Consideration should be given to enforcing the measures preventing unauthorized persons (including observers) to take any active part in counting and tabulation process.

The results were recorded in the official protocols, and transmitted by telegram to the MoI via the prefectures immediately after the vote count, to inform the public of the preliminary voting results. The telegram results were checked for mathematical consistency. In a few cases, errors were noted and the prefectures contacted PS chairpersons to correct the inconsistencies. Results from all polling stations were reported in the media and internet immediately after they were received by the MoI and recorded in a central database. Many local media outlets, both electronic and print, also published preliminary results, some of them using prefectures as their source of information. Furthermore, for the 2009 early

⁸⁶ The ordinal numbers served as references in tabulation sheets that were provided with the official results protocols.

⁸⁷ Ranging from one to four depending on the number of parliamentary seats contested in the constituency.

parliamentary elections, the MoI conducted a quick count procedure using mobile phones issued to every fifth polling station. Results were reported directly to the MoI database via a secure digital connection by PS chairpersons. This procedure allowed the MoI to publish partial preliminary results, later shown to be correct, within two hours after the close of polls.

According to the procedures, all ballot papers and results protocols were delivered to the first instance courts. The courts are responsible for determining the final results by scrutinizing the results protocols and conducting a recount in the case of inconsistencies. However, it appeared that the sensitive materials were not secured in secure bags during transportation and, in some cases, as noticed by the OSCE/ODIHR EAM, the results protocols were not physically secured in the courts.

Consideration should be given to introducing measures to enhance the security of sensitive election materials during their storage and transportation.

The courts are responsible for determining the final results by scrutinizing the results protocols and conducting a recount in case of inconsistencies. This process was conducted variably throughout the country, as some courts had custom-made software to process and tabulate the results, while some did this manually.

As part of the knowledge sharing and identification of good practices and lessons learnt, the MoI could consider reviewing positive experiences and practices of election officials in the usage of software in the electronic posting of election returns.

ANNEX: RESULTS OF THE ELECTIONS⁸⁸

Political Party	Percent	Votes	Seats
Pa.So.K	43.92 %	3,012,373	160
Nea Dimokratia	33.48 %	2,295,967	91
K.K.E.	7.54 %	517,154	21
La.O.S	5.63 %	386,152	15
Sy.Riz.A	4.60 %	315,627	13
Oikologoi Prasinoi	2.53 %	173,449	
Dimokratiki Anagennisi	0.45 %	30,856	
Antikapitalistiki Aristeri Synergasia (Ant.Ar.Sy.A.)	0.36 %	24,737	
Dim. Vergis Ellines Oikologoi	0.29 %	20,019	
Laikos Syndesmos - Chrysi Aygi	0.29 %	19,636	
Enosi Kentroon	0.27 %	18,278	
Koinonia Politiki Parataxi Synechiston Tou Kapodistria	0.16 %	10,682	
Kke (M-L)	0.15 %	10,213	
Dimokratikoi	0.11 %	7,611	
Marxistiko-Leninistiko Kke	0.08 %	5,506	
Ergatiko Epanastiko Komma	0.07 %	4,536	
O.A.K.K.E. Organosi Gia Tin Anasygkrotisi Tou Kke	0.02 %	1,652	
Charizo Oikopeda, Charizo Chrei, Panagrotiko Ergatiko Kinima Ellados (Paeke)	0.02 %	1,376	
K.O.T.E.S. Kapnistikes Omades Gia Tin Techni Kai Tin Eikastiki Sygkrotisi	0.02 %	1,355	
Fos. Alitheia. Dikaiosyni.	0.01 %	867	
Anex. Ypops.		277	
Filoi Tou Anthropou		8	
Perif. Astiki Anaptyxi (P.A.A)		8	
Palatia Dimokratia		3	

⁸⁸ Source: Greek Ministry of Interior, www.ekloges.ypes.gr/pages/index.html?lang=en

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and **fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).