



Office for Democratic Institutions and Human Rights

# FRANCE

## PRESIDENTIAL AND PARLIAMENTARY ELECTIONS 2017

### OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

13-15 March 2017



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**FRANCE**  
**PRESIDENTIAL AND PARLIAMENTARY ELECTIONS**  
**April – June 2017**

**OSCE/ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an invitation from the Permanent Representation of France to the OSCE to observe the 2017 presidential and parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 13 to 15 March. The NAM included Steven Martin, OSCE/ODIHR Senior Adviser on New Voting Technologies, and Ulvi Akhundlu, OSCE/ODIHR Election Adviser.

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

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs and International Development, including its Permanent Representation in Vienna for its assistance and co-operation in organizing the NAM. The OSCE/ODIHR is grateful to all of its interlocutors for taking the time to meet with the NAM.

**II. EXECUTIVE SUMMARY**

On 23 April, the first round of the presidential election will be held, and, on 11 June, parliamentary elections will be held to elect the 577 members of the National Assembly. Both elections are for five-year terms through a two-round system. OSCE/ODIHR NAM interlocutors highlighted the political importance of the upcoming elections, and underscored the particular significance of the presidential race given the powers vested in the presidency and the impact of the results on the parliamentary elections.

The electoral legal framework has previously been assessed by the OSCE/ODIHR as providing a sound basis for the conduct of democratic elections. A limited number of amendments have been adopted since the last elections in 2012 and were passed with broad parliamentary support. They address some prior OSCE/ODIHR recommendations by introducing new measures to increase the transparency of party and campaign finance and broaden suffrage rights. Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the electoral legislation and noted the country's long-standing tradition of holding democratic elections.

The upcoming elections will be conducted under an ongoing state of emergency, which has been renewed five times since it was enacted in November 2015. However, OSCE/ODIHR NAM interlocutors did not raise concerns about holding elections under such conditions and did not note restrictions affecting the campaign environment.

The administration of elections is decentralized and different institutions and authorities share responsibility in managing the process. The Ministry of Interior is charged with technical preparations

of the elections, while the Ministry of Foreign Affairs and International Development is responsible for organizing the elections for voters abroad. The responsibility for general oversight of the elections is vested with the Constitutional Council. All OSCE/ODIHR interlocutors expressed full confidence and trust in the professionalism and impartiality of the various state institutions mandated with election administration and no concerns were raised regarding the technical preparations and conduct of either election.

There is no centralized voter register and eligible voters are entered into voter registers at the local level based on their residence registration. There are approximately 46.2 million registered voters, including some 1.4 million registered abroad. OSCE/ODIHR NAM interlocutors raised no specific concerns with regard to the accuracy of voter lists and expressed overall confidence in the integrity of the voter registration process.

The practice of proxy voting remains in place and is the only form of voting for prisoners and voters in pre-trial detention, despite a previous OSCE/ODIHR recommendation. Due to concerns over foreign cyber threats and technical issues, the government decided to suspend the option of Internet voting for citizens abroad for parliamentary elections. While some OSCE/ODIHR NAM interlocutors voiced concerns with regard to limited information and public debate prior to suspending Internet voting, all underlined the importance of preventing foreign interference and minimizing the risk of jeopardizing the integrity of election results.

Party and campaign finance is subject to extensive regulation and oversight. Recent legislative amendments addressed certain previous OSCE/ODIHR recommendations; however, some issues related to the transparency of campaign and party finance remain, including a lack of timely campaign reporting requirements. Despite limited and relatively minor loopholes in existing legal provisions, most OSCE/ODIHR NAM interlocutors expressed confidence in the system of party and campaign finance regulation, including in the role of the oversight authority.

The media environment is pluralistic and offers a diverse range of views. A prohibition on paid ads extends to all media, print and broadcast. Some concerns were noted regarding the complexity of the regulations for electoral media coverage, which have been slightly amended since the last elections. Overall, OSCE/ODIHR NAM interlocutors expressed satisfaction with media access and coverage during the elections.

The legal framework concerning electoral disputes is complex and specifies different avenues for the resolution of various kinds of complaints. OSCE/ODIHR NAM interlocutors expressed overall confidence in the integrity and impartiality of the complaints and appeals system, positively noting the country's long democratic tradition as well as an effective system of checks and balances.

All OSCE/ODIHR interlocutors expressed full confidence in the electoral process and the ability of the election authorities to conduct professional and transparent elections. While OSCE/ODIHR NAM interlocutors welcomed potential election observation activities for the upcoming presidential and parliamentary elections, an OSCE/ODIHR presence was not considered essential. In addition, even though a number of previous OSCE/ODIHR recommendations have not been addressed, no new issues have been identified since the last elections that would significantly benefit from a comprehensive OSCE/ODIHR assessment.

Some concerns were raised on specific aspects of campaign finance and the complexity of media regulations. Although these issues were not considered by electoral stakeholders as significantly impacting either of the upcoming elections, they would benefit from additional review. Based on this, and taking into account the political significance that electoral stakeholders attribute to the

presidential contest, the OSCE/ODIHR NAM recommends deploying an Election Expert Team for the 23 April presidential election to review the legal framework in respect of campaign finance, oversight of media regulations, as well as to observe the conduct of the campaign. The OSCE/ODIHR NAM does not recommend the deployment of any election-related activity ahead of the 11 June parliamentary elections, since there are no additional elements of the electoral process that would merit assessment compared to the presidential race and the use of Internet voting is not envisaged. The OSCE/ODIHR also reiterates that a number of its previous recommendations remain valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM. The OSCE/ODIHR stands ready to offer its assistance upon request in a post-electoral follow-up process.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

France is a presidential republic with a bicameral parliament that comprises a directly elected lower house, the National Assembly, and an indirectly elected upper house, the Senate. The president is elected by direct, universal suffrage with the election scheduled for 23 April with a possible run-off on 7 May. Incumbent President François Hollande stated that he will not seek re-election despite being eligible. Elections to the National Assembly will follow on 11 and 18 June. The last parliamentary elections in 2012 were won by the Socialist Party, which gained an absolute parliamentary majority.<sup>1</sup>

The 2017 elections will take place against a backdrop of slow economic recovery, distrust of the establishment, high unemployment, especially among youth, and the rise of far-right sentiment. The pre-electoral environment is marked by uncertainty in the political landscape and ongoing corruption scandals involving several presidential candidates. OSCE/ODIHR NAM interlocutors highlighted the political importance of the upcoming elections, and underscored the particular significance of the presidential race given the powers vested in the presidency and the potential impact of the results on the parliamentary elections.

Both elections will be conducted under an ongoing state of emergency, which has been renewed five times since being enacted in November 2015 following a high-profile terrorist attack in Paris. OSCE/ODIHR NAM interlocutors did not raise any concerns about holding elections under such conditions and noted no serious restrictions affecting the campaign environment.

The OSCE/ODIHR has observed three elections in France since 2002, most recently in 2012, when the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for parliamentary elections.<sup>2</sup> The EAM noted that the elections were administered in an efficient and transparent manner and provided voters with a wide choice among diverse political options. Among various issues, the EAM recommended to improve certain elements of the legal framework, to review the practice of proxy voting, to further strengthen the transparency of campaign finance, and to introduce greater transparency into the process of Internet voting, especially regarding certification and audit.

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<sup>1</sup> Results from the 2012 elections: Socialist Party 280 seats, Miscellaneous Left 19, Europe Ecology – The Greens 17, Radical Party of the Left 12, Citizen and Republican Movement 3, Union for a Popular Movement 194, Miscellaneous Right 15, New Centre 12, Radical Party 6, Centrist Alliance 2, Left Front 10, National Front 2, Regionalists and Separatists 2, Centre for France 2, Other far-right 1.

<sup>2</sup> See previous [OSCE/ODIHR election-related reports on France](#).

## B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is elected for a five-year term under a two-round system and can serve a maximum of two consecutive terms. To be elected in the first round, a candidate must receive more than 50 per cent of valid votes cast. Otherwise, a second round is held two weeks later between the two leading candidates. The candidate who receives more votes in the second round is elected president.

Elections for the 577 member of the National Assembly are conducted through a two-round majoritarian system in single-member constituencies.<sup>3</sup> To be elected in the first round, a candidate must receive the absolute majority of votes cast by at least a quarter of the registered voters. If necessary, a second round is held between the candidates who obtained a number of votes equal to at least 12.5 per cent of the registered voters; a relative majority is sufficient to win.

The legal framework for presidential and parliamentary elections is complex and includes the 1958 Constitution (last amended in 2008), the 1958 Law on the Constitutional Council, the Electoral Code (last amended in 2017), and the 1962 Law on the Election of the President of the Republic (last amended in 2016). Specific aspects of the elections are further regulated by the laws on Freedom of Press, Public Meetings, and Financial Transparency of Political Life, as well as the Audiovisual Code and the Penal Code. Secondary legislation includes regulations, decrees, court decisions and deliberations, and instructions on different aspects of the electoral process, such as candidate and voter registration, campaign activities and financing, and media coverage. France is party to major international and regional instruments related to the holding of democratic elections.

The OSCE/ODIHR final reports on the 2012 parliamentary and 2007 presidential elections assessed the legal framework as providing sound basis for the conduct of democratic elections. A limited number of amendments have been adopted since the last elections affecting presidential and parliamentary elections and were passed with broad parliamentary support. Some changes address prior OSCE/ODIHR recommendations by introducing new measures to increase the transparency of party and campaign finance and broaden suffrage rights. Other changes detailed provisions on the conduct of opinion polls and publication of polling results and required the publication of the number of sponsors for potential presidential candidates. Even with its complexity, overall, OSCE/ODIHR interlocutors expressed confidence in the electoral legislation and noted the country's long-standing tradition of holding democratic elections.

Despite previous OSCE/ODIHR recommendations, there are no specific legal provisions related to international or citizen election observation. Candidate observers and representatives of official bodies controlling the electoral process are permitted to observe in polling stations.

## C. ELECTION ADMINISTRATION

The administration of elections is decentralized and different institutions and authorities share responsibility in managing the electoral process. The Ministry of Interior (MoI) is charged with technical preparations of the elections. It issues instructions on legal and organizational matters to the prefectures (representation of the state at the department level).<sup>4</sup> Prefectures coordinate the work of the approximately 36,000 local administrations (*mairies*). Some 68,000 polling stations will be managed by local administrations. The MoI is also responsible for developing and distributing all

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<sup>3</sup> Of the 577 seats, 11 seats are allocated to constituencies representing citizens abroad.

<sup>4</sup> Departments are the administrative division below the national level – 101 in total (96 in-country and 5 for overseas territories).

election-related materials, including ballots. As previously, it developed a detailed calendar on conducting the presidential election as well as an information guide for presidential candidates.

The responsibility for general oversight of the elections is vested with the Constitutional Council, which reviews, advises on, and validates election-related legislation, and adjudicates election-related complaints and appeals.<sup>5</sup> The Council is also responsible to register presidential candidates and announce final presidential election results. In addition, the Council oversees the orderly conduct of election day operations for the presidential election through the deployment of some 1,400 magistrates. The Council has less responsibility in parliamentary elections, serving a more judicial role, while the prefectures have the responsibility to establish local commissions to supervise election day operations.

The Ministry of Foreign Affairs and International Development (MFAID) is responsible for organizing elections for citizens abroad. Some 860 polling stations will be established for the upcoming elections. The organization of elections for voters living in the country's overseas territories will be carried out by the respective prefectures and local administrations, overseen by the MoI. Both ministries are carrying out out-of-country information campaigns on voting procedures, candidates, and polling station locations.

The law establishes a number of mandatory measures to facilitate the voting rights of persons with disabilities. Municipalities must enable access to voting locations, and have at least one voting booth accessible for persons with disabilities at each polling station. Transport to polling stations, and special equipment to assist visually impaired voters could also be provided. For these elections, the National Advisory Commission on Human Rights adopted an opinion on the electoral rights of persons with disabilities, calling in particular for better access to electoral campaigns through the use of easy to read language, sign language, improving accessibility of websites, and the organization of dedicated meetings of electoral contestants with persons with disabilities.

All OSCE/ODIHR NAM interlocutors expressed full confidence and trust in the professionalism and impartiality of various state institutions mandated to deal with election administration, and no concerns were raised regarding the technical preparations and conduct of the elections.

#### **D. VOTER REGISTRATION**

All citizens aged 18 years or older by election day have the right to vote, except those disenfranchised by a final court decision for reasons of legal incapacity as part of a court sentence.<sup>6</sup> There is no centralized voter register and eligible voters are entered into voter registers at the local level based on their residence registration.

Citizens who turn 18 are automatically registered by their local administration, but those who change residence are required to register their new domicile. Local administrations have wide and varying discretion to remove an eligible voter from a voter register if it has sufficient grounds to believe that a voter has moved to another locality. Upon receiving an application for a change of residence, the local authority includes the voter in the register and informs the National Institute of Statistics and

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<sup>5</sup> The Constitutional Council is composed of nine members who serve for non-renewable nine-year terms. The incumbent President of the Republic, the Presidents of the National Assembly and the Senate each appoint three members of the Council.

<sup>6</sup> There are legal provisions on the loss of suffrage rights due to incapacitation. Additionally, the Penal Code identifies a number of infringements, misdemeanor offences, and crimes that can lead to the loss of electoral rights for a period of up to 10 years depending on the severity of crime.

Economic Studies. The Institute, in turn, addresses the previous local administration with a request to remove the voter from the register.

Requests for registration are processed throughout the year, but voter registers are closed annually on 31 December and are passed to the Institute to check for duplicate entries. The OSCE/ODIHR NAM was informed that various methods are used to maintain voter registers as well as how local authorities relay information, from hard copies by post to digital notifications and updates.<sup>7</sup> Voters not included in a voter register may be added until election day through a court decision. French consulates maintain registers of voters living abroad; requests for registration should be submitted before 31 December of the previous year.

Special categories of voters, such as *gens du voyage* (travelers) and persons without a domicile are able to register through using the address of their respective social welfare centre or similar institution. Requests for such registration should be submitted six months prior to election day.

Final voter lists are released on 1 March and can be checked by voters upon request. There are approximately 46.2 million registered voters, including some 1.4 million registered abroad.<sup>8</sup> Even though voter registration is decentralized and with an inconsistent approach across the country, OSCE/ODIHR NAM interlocutors raised no specific concerns with regard to the accuracy of voter lists and expressed confidence in the overall integrity of the process.

## E. METHODS OF VOTING

For both elections, in-country voters can cast ballots in-person at polling stations or by proxy. Proxy voting remains available for voters who are unable to cast their ballot in person at the place of their residence, despite the OSCE/ODIHR previously recommending to reconsider its use. Persons held in pre-trial detention facilities and prisoners serving sentences that do not result in electoral incapacity are also eligible to vote by proxy. A voter can cast a maximum of two proxy votes granted to him/her by eligible voters registered in the same locality. A voter is not required to submit any proof of absence and there is no legal deadline for submitting a request to vote by proxy.

The OSCE/ODIHR NAM was informed that proxy voting enjoys a high level of trust and popularity. While OSCE/ODIHR NAM interlocutors recognized this practice was at odds with international standards, they underscored it was a preferred way to enfranchise voters and to increase the turnout, especially for elections during the holidays. No concerns were raised to the OSCE/ODIHR NAM regarding the use of proxy voting in the upcoming elections.

Out-of-country voters can also vote in parliamentary elections by mail and the legislation provides the option of Internet voting.<sup>9</sup> However, on 6 March, the government suspended the use of Internet voting for these elections citing concerns of foreign cyber threats as well as over certain technical issues. Although some OSCE/ODIHR NAM interlocutors voiced concerns with the limited information and public debate prior to the suspension, all underlined the importance of preventing foreign interference and minimizing the risk of jeopardizing the integrity of election results. As a result of this decision, the MFAID noted extended efforts to inform voters abroad of other voting methods, further facilitate postal voting and increase the number of polling stations abroad.

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<sup>7</sup> The OSCE/ODIHR NAM was informed that multiple types of software are used by local administrations to update voter lists, and in limited cases, lists are maintained only through hard copies.

<sup>8</sup> The OSCE/ODIHR NAM was informed about a government initiative to introduce a centralized voter register by 2019.

<sup>9</sup> Internet voting for citizens abroad in parliamentary elections was first introduced in 2012.



The Electoral Code permits the use of electronic voting machines for municipalities with at least 3,500 inhabitants. Voting machines will be used in some 60 municipalities. While the MoI publishes technical requirements and specifications for the machines, it has no role in the verification and certification of the equipment. The OSCE/ODIHR NAM was informed that there is a moratorium on further expanding the use of the machines as well as a decision to gradually phase them out.

## F. CANDIDATE REGISTRATION

Citizens with active suffrage rights who have reached 18 years of age by election day are eligible to stand for presidential and parliamentary elections.<sup>10</sup> No person can be elected unless he/she has fulfilled the obligations imposed by the National Service Code concerning active military service. Potential presidential candidates must have at least 500 sponsors (*parrains*) from among some 43,000 elected officials.<sup>11</sup> Some OSCE/ODIHR NAM interlocutors opined that this requirement potentially disadvantaged smaller parties and independent candidates as they may have difficulty to obtain the required number of sponsors despite having significant public support.

Sponsors can support only one candidate by completing a form and sending it to the Constitutional Council by post. Withdrawals of support are not permitted. The Council reviews applications, verifies their validity, and, in a new feature for this election, publishes the number of sponsors by candidate twice a week. The Council is to announce the final list of candidates at least fifteen days before the first round of elections. On 19 March, the Council announced that 11 presidential candidates were registered. All candidates with at least 500 sponsors were registered. For the first time, the presidential nominees of the main centre-left and centre-right parties were selected through open primaries.

For parliamentary elections, a prospective candidate may stand only in one constituency, though he/she does not have to be registered to vote where they stand. He/she should nominate an alternate who would serve as a replacement in certain cases.<sup>12</sup> It is not possible to stand as both a candidate and as an alternate. To be registered by the prefecture, a prospective candidate and alternate should submit a declaration of the candidate's proof of inclusion in a voter list, written acceptance of the alternate, and proof that a financial representative is designated. Candidate registration for the first round begins four weeks prior to election day and lasts five days. The deadline for candidate registration for the second round expires at 18:00 on the Tuesday following the first ballot. OSCE/ODIHR NAM interlocutors noted that the selection of parliamentary candidates is partially dependent on the outcome of the presidential election.

Overall, OSCE/ODIHR NAM interlocutors did not express significant concerns with regard to the inclusiveness of the candidate registration process, and positively noted the increased transparency with the regular publication of the number of sponsors for presidential candidates.

## G. ELECTION CAMPAIGN

The official campaigns last 14 days for the presidential election and 20 days for parliamentary elections.<sup>13</sup> There is a campaign silence period in force 24 hours prior to both elections, which also extends to online content. For a possible presidential second round, the campaign will restart from the

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<sup>10</sup> The minimum age to be elected to the Senate is 24.

<sup>11</sup> The law requires that sponsors come from no fewer than 30 municipalities, departments or overseas territories, with no more than 10 per cent coming from any one locality.

<sup>12</sup> In case of death, when a member of parliament is appointed to the Constitutional Council, government position or is put in charge of a government assignment for more than six months. In case of resignation, a by-election is held in the respective constituency.

<sup>13</sup> Campaign start dates are 10 April and 22 May for the presidential and parliamentary elections, respectively.

publication of the two leading candidates' names in the Official Journal and will end at midnight on 6 May. In constituencies requiring a second round for parliamentary elections, the campaign restarts on the Monday following the first round and will last for six days.

Legislation guarantees freedoms of association and assembly. No OSCE/ODIHR NAM interlocutor raised concerns about the ability to campaign freely, despite the ongoing state of emergency. Stakeholders voiced overall confidence in the ability of public security providers to ensure adequate, yet unobtrusive security throughout the elections.

The Electoral Code extensively regulates campaigning, including the format and permitted location of printed materials. All contestants are required to submit samples of campaign materials to the National Commission for Control of the Electoral Campaign (*Commission Nationale de Contrôle de la Campagne Electorale*, CNCCEP). This temporary body is established for each election, and through its locally established commissions it examines the conformity of campaign materials with legal requirements.<sup>14</sup> It is also charged with the supervision of election campaigns, including the equal treatment of all candidates, and any potential misuse of administrative resources.<sup>15</sup> The CNCCEP may also receive complaints, though it does not possess sanctioning authority, thus issues of concern are to be forwarded to the respective prefecture or other relevant authority to follow-up. Following reports of presidential candidates' conducting campaign activities in public institutions and engaging with public employees for campaign purposes, the CNCCEP issued clarification and instructions on such interactions.

Additional oversight is provided by the Commission for Opinion Polls (*Commission des Sondages*). It is independent body comprising representatives of the Council of State and assisted by expert staff, and is tasked with reviewing published opinion polls to ensure that firms conducting the polls use a reputable methodology and that the publication of results conforms to existing regulations.

Parties and candidates intend to convey campaign messages via rallies, billboards, banners, as well as discussion and debates in traditional and social media. Many OSCE/ODIHR NAM interlocutors expect an intense presidential campaign given the proximity of parliamentary elections, and for it to focus largely on economic and social issues, including migration, relations with the European Union and recent scandals affecting several presidential candidates. Instances of intolerant rhetoric against religious and ethnic groups by one presidential candidate were noted by the OSCE/ODIHR NAM. A number of OSCE/ODIHR NAM interlocutors noted that the campaign has been informally ongoing for several months with the most prominent candidates holding large-scale rallies throughout the country. Several OSCE/ODIHR NAM interlocutors raised specific concerns with potential foreign influence in the campaign with at least one contestant's online presence already threatened by multiple cyber-attacks.

## H. CAMPAIGN FINANCE

Campaign and party finance is extensively regulated, primarily by the Electoral Code and the Law on Financial Transparency in Political Life. Supervisory functions are vested with the National Commission for Control of Electoral Accounts and Political Finance (*Commission nationale des comptes de campagne et des financements politiques*, CNCCFP). A few amendments have been adopted since the last elections, which addressed certain previous OSCE/ODIHR recommendations. However, a number of issues related to the transparency of campaign and party finance remain.

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<sup>14</sup> Local control commissions are established in all departments.

<sup>15</sup> The Commission consists of five members representing the Council of State, the Court of Cassation and the Court of Auditors.

Campaigns can be funded by three main sources: candidates own funds, donations, and party contributions. Monetary and in-kind contributions from legal entities are prohibited. No candidate may receive contributions of material assistance from foreign states or citizens. Individuals can donate up to EUR 4,600 per year to one or more candidates. Legal amendments introduced in 2013 set a maximum donation to parties at EUR 7,500 per person, per year.<sup>16</sup> Donations of more than EUR 150 must be paid by check, bank transfer or credit card. Anonymous donations are possible below this amount. At the same time, the law only requires the disclosure of the name and address of the party or candidate agent issuing receipts for donations above EUR 3,000.

Public funding is made available to parties that receive at least 1 per cent of the vote in at least 50 constituencies.<sup>17</sup> The amount of funding per party depends on the number of votes received in the previous parliamentary elections and number of seats obtained. Funds are reduced if parties do not have a gender balance on their candidate lists.

For the first round of the presidential election, the law establishes the campaign expenditure ceiling for each candidate at EUR 16.8 million, while the total limit for each of the two candidates reaching a potential second round is EUR 22.5 million. The campaign expenditure ceiling for parliamentary elections is set at EUR 38,000 per candidate and is increased by EUR 0.15 per inhabitant living in the constituency where the candidate is running; depending on the population, it ranges from EUR 60,000 to 75,000. Parties and candidates can decide how to allocate their funds among candidates.

Parties and candidates are obliged to open a dedicated bank account and appoint a financial agent to carry out all campaign finance transactions. There is no oversight during the campaign or until the accounts are submitted. Candidates must submit campaign finance reports detailing income and expenditures within two months after the elections and the CNCCFP has six months to approve, reject, or require revision of these reports. The CNCCFP also determines the amount to be reimbursed to presidential candidates as well as parliamentary candidates who obtained at least five per cent of votes cast.<sup>18</sup>

The 2015 Report of the Council of Europe's Group of States against Corruption (GRECO) concluded that a number of its recommendations to enhance transparency of political funding have not been fully addressed.<sup>19</sup> Despite limited and somewhat minor loopholes in existing legal provisions, most OSCE/ODIHR NAM interlocutors expressed confidence in the system of party and campaign finance regulation, including in the oversight role of the CNCCFP.

## I. MEDIA

The media environment is pluralistic and offers a diverse range of views. Television is the main source of political information followed by daily newspapers featuring political content, and online and social media, which are increasing sources of political information. Print media are not subject to

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<sup>16</sup> Previously, the maximum amount was set at EUR 7,500 per party per year, which allowed a person to donate to several parties. This also contributed to the emergence of multiple minor satellite parties, and their overall number has increased from 28 in 1990 to 408 in 2013. Currently, there are 451 registered parties.

<sup>17</sup> In 2016, public funding to political parties amounted to some EUR 63 million annually.

<sup>18</sup> Reimbursement cannot exceed actual expenditure incurred or the total funds contributed by a candidate personally or 47.5 per cent of the upper limit for each constituency.

<sup>19</sup> See: [GRECO Third Interim Compliance report on France](#).

regulation, except for a prohibition on paid political ads that extends to all media during the six months prior to an election.<sup>20</sup>

Coverage of electoral campaigns in broadcast media is primarily regulated by the Law on Freedom of Communication. This is supplemented by regulations adopted for each election by the Supreme Audiovisual Council (*Conseil Supérieur de l'Audiovisuel*, CSA), a regulatory body for broadcast media mandated to oversee compliance of media coverage based on principles of 'equity' and 'equality' among contestants.<sup>21</sup>

For the presidential election, the CSA distinguishes among three periods when different regulations apply. The preliminary period, from 1 February until the presidential candidate list is announced, requires broadcasters to provide 'equitable conditions' of airtime and direct speech of electoral contestants.<sup>22</sup> Amendments introduced in 2016 adjusted aspects of the intermediate period (from the publication of the candidate list until the beginning of the official campaign) whereby the principle of 'equity' has replaced the principle of 'equality', which is applicable to airtime and direct speech of contestants. The OSCE/ODIHR NAM was informed that this change was introduced to better reflect the position of the candidates. Finally, during the official campaign period, all candidates are granted equal airtime and direct speech on all broadcasters. A notable change in the regulations allows a broadcaster to discount 'very negative coverage' for one candidate when calculating the amount of coverage received.

The CSA has published a list of national broadcasters to be monitored during the election. Moreover, broadcasters are expected to self-monitor and regularly submit to the CSA detailed monitoring reports on the amount of direct speech and airtime each candidate and party received during the respective periods. These reports are published weekly on the CSA website. Regulations for media coverage of the parliamentary elections have not yet been published by the CSA.

The CSA has the authority to review complaints and impose sanctions on public and private broadcasters that do not abide by its regulations.<sup>23</sup> Generally, the CSA noted that very few complaints are submitted concerning media coverage during the elections. Most OSCE/ODIHR NAM interlocutors expressed satisfaction with media access and coverage during elections, though some concerns were noted regarding the complexity of the regulations.

## J. COMPLAINTS AND APPEALS

The legal framework concerning electoral disputes is complex and specifies different avenues for the resolution of various kinds of complaints. Complaints regarding voter lists are collected by a three-member panel consisting of representatives of the judiciary, the corresponding local administration and the state, and are adjudicated five days prior to the election. The panel's decision can be appealed with the local court and further on with the Court of Cassation. Decisions of the court can be appealed to the Court of Cassation. The Constitutional Council is the only instance for appeals in cases of presidential candidate registration and the validity of elections.

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<sup>20</sup> Televised political ads are banned; only a limited number of "statements" by each candidate, following strict rules on time and editing, can be broadcast on television and only during the official campaign period as defined by law.

<sup>21</sup> Internet-based radio and television stations also fall under the Council's jurisdiction.

<sup>22</sup> The definition of equity is based on the candidate's or party's result in the last election, its visibility in the campaign and the results of opinion polls.

<sup>23</sup> The CSA can impose the following sanctions: warning, suspension for a period of one month, or longer, of a programme category, or one or several advertising slots; a maximum one-year reduction of the licence or agreement; financial penalty; license cancellation.

The Administrative Tribunal reviews pre-election day complaints regarding parliamentary candidate registration, and its decisions can be appealed to the Constitutional Council. Election day complaints can be filed with polling station officials by any voter and are attached to the results protocols. Within 10 days after the announcement of results, any registered voter or candidate can request the Constitutional Council to invalidate the results in their respective constituency. All OSCE/ODIHR NAM interlocutors expressed overall confidence in the integrity and impartiality of the complaints and appeals system, positively noting the country's long democratic tradition as well as effective system of checks and balances.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

All OSCE/ODIHR interlocutors expressed full confidence in the electoral process and the ability of the election authorities to conduct professional and transparent elections. While OSCE/ODIHR NAM interlocutors welcomed potential election observation activities for the upcoming presidential and parliamentary elections, an OSCE/ODIHR presence was not considered essential. In addition, even though a number of previous OSCE/ODIHR recommendations have not been addressed, no new issues have been identified since the last elections that would significantly benefit from a comprehensive OSCE/ODIHR assessment.

Some concerns were raised on specific aspects of campaign finance and the complexity of media regulations. Although these issues were not considered by electoral stakeholders as significantly impacting either of the upcoming elections, they would benefit from additional review. Based on this, and taking into account the political significance that electoral stakeholders attribute to the presidential contest, the OSCE/ODIHR NAM recommends deploying an Election Expert Team for the 23 April presidential election to review the legal framework in respect of campaign finance, oversight of media regulations, as well as to observe the conduct of the campaign. The OSCE/ODIHR NAM does not recommend the deployment of any election-related activity ahead of the 11 June parliamentary elections, since there are no additional elements of the electoral process that would merit assessment compared to the presidential race and the use of Internet voting is not envisaged. The OSCE/ODIHR also reiterates that a number of its previous recommendations remain valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM. The OSCE/ODIHR stands ready to offer its assistance upon request in a post-electoral follow-up process.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs and International Development**

Jacques Raharinaivo, Deputy Director for Strategic affairs, security and disarmament  
Éric Lamouroux, Deputy Director for French people living abroad  
Alix Genetay, Desk Officer for OSCE  
Pascal Delumeau, Delegation for International Civil Servants  
Aurel Treizenem, Desk Officer for OSCE Human Dimension

### **Ministry of Interior**

Augustin Cellard, Desk Officer for Elections

### **Constitutional Council**

Guy Prunier, Desk Officer for Elections

### **National Institute for Statistics and Economic Studies**

Magali Demotes-Mainard, Director, Electoral Process Recasting Programme

### **National Commission for Control of Electoral Accounts and Political Finance**

François Logerot, President  
Régis Lambert, Secretary General  
Frédérique Dooghe, Desk Officer, Communication and External Relations

### **Supreme Audiovisual Council**

Gil Moureaux, Deputy Director for European and International Affairs  
Dominique Louveau, Desk Officer, Pluralism, Department on Human Rights and Liberties

### **Prefecture of Paris**

Dijali Guerza, Head of analytical and Strategy Department  
Virginie François, Head, Office for elections and economic regulation

### **Commission for Opinion Polls**

Marie-Ève Aubin, President

### **France Television**

Anne Grand d'Esnon, Director for regulation, deontology and pluralism  
Jérôme Cathala, Deputy Secretary General and Director for International relations and co-operation

### **Republican Party**

Philippe Dallier, Senator

### **En Marche! Movement**

Aurélien Lechevallier, International relations and foreign policy advisor

### **Renaissance Numerique**

Henri Isaac, President

### **CEVIPOF, Sciences-Po**

Madani Cheurfa, Secretary General