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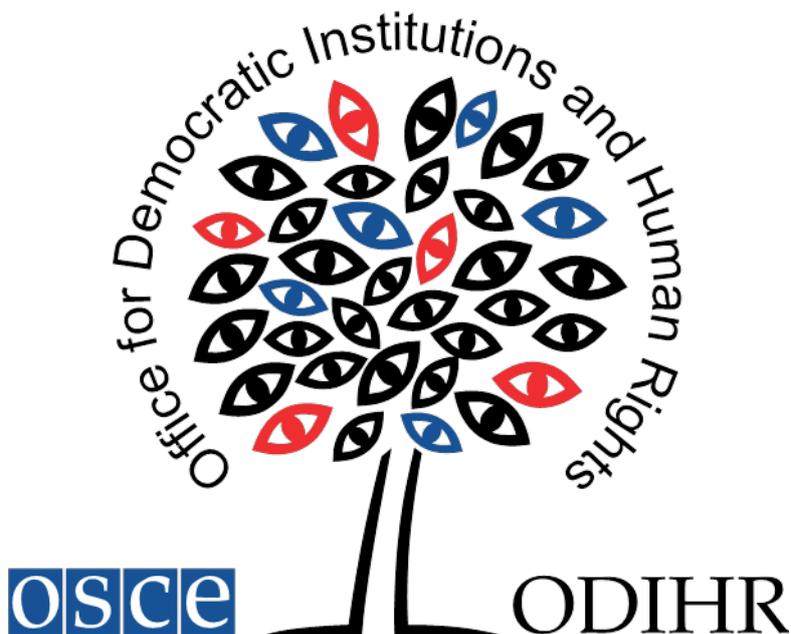
THE ITALIAN REPUBLIC

PARLIAMENTARY ELECTIONS

4 March 2018

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

11-13 December 2017



Warsaw
1 February 2018

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THE ITALIAN REPUBLIC
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4 March 2018

OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation to observe the 4 March 2018 parliamentary elections, and in accordance with its mandate, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Rome from 11 to 13 December 2017. The NAM included Ana Rusu, OSCE/ODIHR Senior Election Adviser, and Radivoje Grujić, OSCE/ODIHR Election Adviser. The OSCE/ODIHR NAM was joined by Loïc Poulain, OSCE Parliamentary Assembly Presidential Advisor.

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

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs, including its Delegation to the OSCE, for their assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Italy is a parliamentary republic with the president elected by the parliament, serving as the head of state. Legislative power is vested in a bicameral parliament comprising a 630-member Chamber of Deputies and a 321-member Senate, both primarily elected by popular vote for a five-year term and enjoying equal powers. Executive powers are mostly exercised by the Council of Ministers appointed by parliament.

The elections are regulated by the Constitution and over 60 different laws and decrees. The upcoming elections will be conducted under the new electoral system adopted in early November 2017, and under a new system of political finance. While most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with the legal framework and considered it an adequate basis for the conduct of democratic elections, some raised concerns over its fragmentation and late changes to the electoral system.

Elections are administered by a number of state bodies, including the Ministry of Interior, 28 District Election Offices and 20 Regional Election Offices at the district level, some 8,100 Municipal Election Offices, some 61,000 Polling Election Offices (PEOs), and local authorities. Most OSCE/ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration, although some raised concerns about the capacities of lower-level electoral offices to properly conduct their tasks.

All citizens who are 18 or older have the right to vote in the Chamber of Deputies elections, while the right to vote in the Senate elections is limited to those who are at least 25 years old. The right to vote can be limited in cases of civil incapacity, an irrevocable criminal sentence or moral unworthiness in the cases defined by law. There are some 51 million voters registered up to date,

including some 4.2 million abroad. Voter registration is passive and voter lists are based on the population register. No concerns were expressed regarding the accuracy of the voter lists.

Voters with physical disabilities may receive additional assistance to vote if needed and can vote in any accessible polling station within the same municipality. These special arrangements are not provided to persons with intellectual disabilities. A number of special polling stations will be established in hospitals, prisons and pre-trial detention centres, and mobile voting is permitted for homebound voters. Citizens who permanently or temporarily reside outside Italy can vote by post, sending the envelopes to the embassies and consulates abroad.

To stand for the Chamber of Deputies and the Senate, a candidate must fully enjoy voting rights and be at least 25 and 40 years old respectively. There are a number of government and government-related positions that are incompatible with candidacy. Candidate lists can be put forward by political parties while individual candidates cannot stand. No OSCE/ODIHR NAM interlocutors raised concerns regarding the inclusiveness of candidate registration.

The election campaign starts from the publication of the date of the elections and lasts until the day before the elections. It is expected that information shared on the Internet, including through social media, will play an increased role in the campaign, alongside more traditional methods such as rallies and door-to-door canvassing. No interlocutors doubted the ability to campaign freely, although some expressed concerns about a potential increase of hate speech during the campaign in the context of debates concerning immigration.

Campaign finance legislation sets limits for donations and expenditures and obliges candidates and political parties to submit post-election reports on their finances. There are no requirements for candidates or parties to disclose their campaign income and expenditures prior to election day. The legislation does not regulate in detail expenditures incurred by unaffiliated non-party organizations (third parties).

The media environment is pluralistic with television being the main source of information. Defamation and insult are criminal offenses sanctioned by up to six years of imprisonment. The law establishes strict regulations for broadcast media during the campaign with a view to allowing all candidates equal conditions in presenting their political programmes. Some OSCE/ODIHR NAM interlocutors opined that existing legal framework for media coverage of elections is outdated and does not reflect the changed political reality and landscape.

Jurisdiction over election-related disputes is shared among different administrative and judicial bodies. The newly elected parliament reviews election day complaints, as well as complaints related to the election results, certifies the legality of elections and the eligibility of the elected members of the parliament. While most OSCE/ODIHR NAM interlocutors expressed strong confidence in the complaints and appeals system, some were concerned by the lack of judicial control over the election process.

Most OSCE/ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently. Many interlocutors stated that they would welcome a potential OSCE/ODIHR observation activity for these elections, recognising that an external assessment may contribute to further improvement of the electoral process. A number of aspects would merit specific attention by an OSCE/ODIHR election observation activity, including the implementation of a recently revised electoral system and new campaign finance rules, the administration of elections, and the conduct of the campaign.

On this basis, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Italy is a parliamentary republic with the president elected by the parliament, serving as a head of state. Legislative power is vested in a bicameral parliament comprising a 630-member Chamber of Deputies and a 321-member Senate, both primarily elected by popular vote for a five-year term and both enjoying equal powers.¹ Under the lead of the prime minister nominated by the president, executive powers are mostly exercised by the Council of Ministers elected by the parliament. Italy's territorial administration comprises 20 regions, including 5 autonomous regions with special status.²

The outgoing parliament was elected in the early parliamentary elections on 24 and 25 February 2013, some two months ahead of schedule, following a crisis in the interim government led by Mario Monti.³ These elections resulted in Italy's first grand coalition government led by Enrico Letta.⁴ On 28 December 2017, the president dissolved the parliament and scheduled parliamentary elections for 4 March 2018.

Women are represented in political life by 92 out of 320 senators of the outgoing Senate and 196 out of 630 deputies in the outgoing Chamber of Deputies are women. Also, 5 of the 18 ministers in the current government are female.

The OSCE/ODIHR has assessed elections in Italy since 2006, with the most recent being the Election Assessment Mission deployed for the 2008 parliamentary elections. While noting some shortcomings in the legal framework, the mission concluded that elections were conducted "in a professional and efficient manner".⁵

B. LEGAL FRAMEWORK

The legal framework governing parliamentary elections is complex, comprising the Constitution and over 60 different laws and decrees. These include laws and regulations on elections to the

¹ The Senate currently includes six non-elected "life senators" appointed by the President of the Republic. Former Presidents of the Republic as well as a limited number of citizens with special merit are senators for life.

² These are: Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol, and Valle d'Aosta.

³ 16 political groups entered the parliament as following: Democratic Party (283 MPs and 98 senators), Five Star Movement (88 MPs and 35 senators), Article 1 – Democratic and Progressive Movement (43 MPs and 16 senators), Forza Italia – The People of Freedom – Berlusconi for President (57 MPs and 44 senators), North League and Autonomies – The League of Peoples – We with Salvini (22 MPs and 11 senators), People's alternative – Centrist for Europe - New Centre-Right (22 MPs and 24 senators). Additionally, in the Chamber of Deputies there are following groups: Italian Left – Left Ecology Liberty – Possible (17 MPs), Civic Choice – Wing for the Liberal and People's Constituent – MAIE (12 MPs), Solidary Democracy – Democratic Center (12 MPs), Brothers of Italy – National Alliance (11 MPs) and Mixed Group (63 MPs). In the Senate additional groups are: For Autonomies (17 senators), Large Autonomies and Freedom (17 senators), ALA – Autonomous Alliance Liberal-popular (14 senators), Federation of Freedom – Idea People and Freedom (10 senators), and Mixed Group (34 senators).

⁴ The grand coalition comprised the following parties: Democratic party, The People of Freedom, Civic Choice and Union of the Centre.

⁵ See previous [OSCE/ODIHR election-related reports on Italy](#).

Chamber of Deputies and the Senate, voter registration, voting rights of citizens residing abroad, election campaigning and campaign finance, and media coverage during the campaign.

On 3 November 2017, the parliament adopted a new electoral law, commonly referred as ‘*Rosatellum*’, regulating the system of election of the representatives to the Chamber of Deputies and the Senate. This law replaced the electoral systems foreseen in previous laws for the elections to the Chamber of Deputies (‘*Italicum*’) and the Senate (‘*Porcellum*’).⁶ Also, the legislation related to sources of political finances has changed, abolishing direct public funding of election campaigns. These will be the first elections conducted exclusively with the use of private funding sources (See *Campaign Finance Section*).

In line with prior OSCE/ODIHR recommendation, the law No 205 from 27 December 2017 (Stability Law for 2018), explicitly provide for international election observation. The Ministry of Interior (MoI) assured the OSCE/ODIHR NAM that, should the OSCE/ODIHR decide to deploy an election-related activity, full access would be granted to election administration bodies and all other aspects of the process, as was the case in past elections.

While most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with the legal framework and considered it an adequate basis for the conduct of democratic elections, some considered the legal framework governing elections fragmented and raised concerns over changes to the electoral system only few months prior to the elections.⁷

C. ELECTORAL SYSTEM

The new electoral law establishes a combination of majoritarian and proportional system. The Chamber of Deputies is elected from 28 districts and one designated out-of-country district, while the Senate is elected from 20 districts and one designated out-of-country district. In particular, 232 seats in the Chamber of Deputies and 116 seats in the Senate are allocated through first-past-the-post system.⁸ The remaining seats (386 and 193, respectively) are allocated in multi-member constituencies through proportional system with closed lists. Out-of-country district gives 12 seats in the Chamber of Deputies and 6 in the Senate, through proportional system with open lists.⁹

To qualify for seats in multi-member constituencies for the Chamber of Deputies, a coalition must receive at least 10 per cent of the valid votes with at least one list within a coalition receiving 3 per cent of the valid votes. Parties running individually must receive at least 3 per cent of the valid vote to obtain seats. If a coalition receives less than 10 per cent of the valid vote, but a party within the coalition receives more than 3 per cent, such a party becomes eligible to participate in the allocation of seats. If a list in a coalition does not receive at least one per cent of the valid vote on a national level, its votes are not accounted for the national electoral total of the coalition. For the Senate, the same rules apply, except the threshold to qualify for the seats and its application – a list or a coalition qualifies for the seats if it has received at least 20 per cent of the valid votes in at least one constituency. If this is not the case for a list, the votes it received do not count towards the national electoral total of the coalition.

⁶ The Constitutional Court declared both ‘*Italicum*’ and ‘*Porcellum*’ partially unconstitutional, advising a harmonized system of elections of members to both chambers of the parliament.

⁷ Section II.2.b of the 2002 Council of Europe’s Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters recommends that “the fundamental elements of electoral law...should not be open to amendment less than one year before an election”.

⁸ In case of parity, the younger candidate obtains the seat.

⁹ The four geographical zones are: Europe; South America; North and Central America; and Africa, Asia, Oceania and Antarctica.

On electoral ballots voters find the names of the candidates in single-member constituencies together with the connected political parties logos and lists of candidates in the multi-member constituencies. For each election, voters may cast their vote by marking one of the closed candidate list or the name of the candidate running in the single-member constituency or both of them. In the first case, the vote will be extended to the single-member constituency's candidate supported by the selected list. In the second case, the vote will be extended to the list that supports the voted candidate running in the single-member constituency. However, in case the candidate is supported by a coalition, the vote will be proportionally divided among the lists in this coalition based on the total number of votes each list receives in this constituency.

Depending on the population of the constituency, as established by the 2011 census, multi-member constituencies for the Chamber of Deputies elect between three and eight representatives, while multi-member constituencies for the Senate elect between two and eight senators. The "*Rosatellum*" laid out the main principles regarding the formation of constituencies. On 12 December, based on the proposal of the expert group chaired by the president of the National Institute for Statistics, the government determined the constituencies for the upcoming parliamentary elections acquiring advice from the competent parliamentary committees.¹⁰ Most OSCE/ODIHR NAM interlocutors expressed their overall satisfaction with the constituency delineation.

D. ELECTION ADMINISTRATION

Under the lead of the Ministry of Interior (MoI), the responsibility for the organization of parliamentary elections is shared between a number of state bodies and offices established within the judicial structures. In addition to the MoI, these include 28 District Election Offices (DEOs) and 20 Regional Election Offices (REOs) at the district level, some 8,100 Municipal Election Offices (MEOs), some 61,000 Polling Election Offices (PEOs), and local authorities. The Ministry of Foreign Affairs (MFA) co-ordinates out-of-country voting.

The Central Directorate for Electoral Services of the MoI, together with Prefectures, oversees the technical preparations of elections. It ensures that election materials are prepared in a consistent and timely manner throughout the country, designs the ballot paper, registers logos of candidate lists, and tabulates the unofficial election results for the Chamber of Deputies and the Senate. It provides direct organizational and legal support to lower-level election offices through a number of its local branches. For these elections, the MoI plans to provide a manual for precinct chairpersons and prepare voter information messages to be aired by the public broadcaster.

At the district level, 20 Regional Election Offices (REOs) are established for the Senate elections and 28 District Election Offices (DEOs) for the Chamber of Deputies elections. REOs and DEOs are appointed by the regional Court of Appeals or district court. Chairpersons and four (REOs) or two (DEOs) members must be magistrates. Within their district, these offices are responsible for the registration of candidate lists, drawing of lots to determine the order of candidate lists on ballot papers, adjudication of contested ballots and tabulation of district results. While REOs allocate Senate seats for their district, a National Central Election Office (NCEO) is established by the Court of Cassation to review the MoI's tabulation of preliminary results for the Chamber of Deputies and announce the official results.

Each of Italy's municipalities has a permanent MEO that is chaired by the municipal mayor with other members elected from among the municipal council. At least one member of each MEO should come from the minority in the council. MEOs are responsible for maintaining voter lists,

¹⁰ See [the determination of constituencies](#) from 12 December 2017.

distributing electoral materials, and receiving the preliminary results on election day. While formally independent, MEOs take substantive direction from the MoI.

PEOs are responsible for the conduct of election day procedures at polling stations. PEOs are composed of a chairperson, appointed by the DEO, and four additional members who are appointed by MEOs from a list of eligible voters who have indicated their willingness to fulfil this role.

If a polling station is not accessible for persons with disabilities, they can vote in any accessible polling station within the same municipality, provided that they present a medical certificate proving their condition. In addition, voters with physical disabilities may receive additional assistance to vote if they received annotation on their voting card that they need assistance. These special arrangements are not allowed to persons with intellectual disabilities.¹¹ A number of special polling stations will be established in hospitals, prisons and pre-trial detention centres, and mobile voting is permitted for homebound voters upon presentation of a medical certificate at least 15 days before election day.

Citizens who permanently or temporarily reside outside of Italy can vote by post through more than 200 embassies and consulates abroad.¹² Each consulate receives from the MFA an electronic ballot template for its geographical zone and is responsible for printing and distributing ballots to voters registered at their consulate. Ballots must be returned to the consulate 10 days prior to the election day in Italy and are subsequently forwarded to dedicated electoral offices in Rome for counting. Voters residing abroad wishing to vote in Italy have to inform their consular office in writing within 10 days of the calling of the elections, in order to opt out of the postal ballot.¹³ Several OSCE/ODIHR NAM interlocutors shared their concerns about the process of out-of-country voting, particularly the secrecy of the vote and protection measures for ballots transmission to Rome.

Almost all interlocutors that the OSCE/ODIHR NAM met with expressed overall confidence in the professionalism and impartiality of the election administration. Some party representatives, however, expressed reservations about the impartiality of lower-level electoral offices and capacities of REOs and DEOs to deal effectively with election-related matters, given that, at the same time, some of their members are magistrates at district courts.

E. VOTER REGISTRATION

All citizens, who are 18 or older by election day, have the right to vote in the Chamber of Deputies elections, while for the Senate elections they need to be at least 25 years old. According to the Constitution the right to vote cannot be limited, except for civil incapacity, an irrevocable criminal sentence or moral unworthiness in the cases defined by law.

Voter registration is passive and voter lists are based on the population register. Voters residing abroad are automatically included in the voter lists if they register at a consulate. MEOs maintain the voter lists and update them twice a year. While there is no obligation to post extracts of voter lists for public scrutiny prior to the elections, anyone can request to see the list and its extracts. Complaints regarding the accuracy of the voter lists can be lodged with the REOs and appealed to the courts. Voters lists are closed 15 days before the election day, when the final list of voters for both chambers will be known.¹⁴ If a voter is mistakenly omitted from the list, s/he can obtain a

¹¹ See also the UN Committee on the Rights of Persons with Disabilities “[Concluding observations on the initial report of Italy](#)” (6 October 2016), CRPD/C/ITA/CO/1, para. 73.

¹² Including diplomats, civil servants, military and police personnel, and university professors and researchers.

¹³ Voters choosing to vote in Italy cast their ballots in their national districts and not the out-of-country district.

¹⁴ There are some 51 million voters registered up to date, including some 4.2 million of voters residing abroad.

certificate from the MEO enabling him/her to vote. No concerns were expressed to the OSCE/ODIHR NAM regarding the accuracy of the voter lists.

F. CANDIDATE REGISTRATION

To be a candidate, in addition to the requirements for being a voter, a person should be at least 25 years old on election day to stand for the Chamber of Deputies and at least 40 years old to stand for the Senate. There is a range of government and government-related positions that are incompatible with the right to stand. The new electoral law introduces for the first time the possibility for candidates standing in an out-of-country district to be residents in Italy. If candidates reside abroad, they must be residents of the geographical zone of the race that they are contesting. A candidate in the out-of-country district cannot run in a constituency within the national territory. Contrary to the 1990 OSCE Copenhagen Document, the legislation does not allow for individual independent candidates, as all candidates must be nominated by the parties or movements, including in single-member constituencies.

Political parties and movements that want to contest elections must register a logo and name with the MoI. As a novelty, they have to submit their statutes, or, in its absence, a declaration that specifies the legal representative, owner of the logo, legal residence, administrative bodies of the party or movement and their prerogatives. In addition, parties and movements have to submit their electoral program specifying the name of their leader and to declare their connection to a coalition, if any. This information will be published in the section “Transparent Elections” (*Elezioni Trasparenti*) of the MoI’s website. The list of candidates in multi-member constituencies, and the names of the candidates in the single-member constituencies must be submitted between 35th and 34th days prior to election day.

In each multi-member constituency the number of candidates on the list cannot be lower than half and not higher than the maximum number of the seats assigned to that constituency. In any case, the number of candidates cannot be lower than two or higher than four. To register candidate lists, by law, non-parliamentary parties must submit between 1,500 and 2,000 signatures. However, for the upcoming elections the parliament reduced this number four-fold. While there are no clear rules for verifying signatures, no OSCE/ODIHR NAM interlocutors raised concern over this issue.

Candidates cannot run at the same time for the Senate and the Chamber of Deputies. Candidates are entitled to run in maximum one single-member constituency and up to five different multi-member constituencies. If elected in more than one multi-member constituency, the candidate is automatically proclaimed elected in the constituency where his/her list received the lowest number of votes. If elected in one single-member constituency and one or more multi-member constituencies, the candidate is automatically proclaimed elected in the single-member constituency.

The “*Rosatellum*” introduced rules that the candidates on the lists in multi-member constituencies should alternate based on their gender. Candidates of the same gender cannot be front-runners in more than 60 per cent of the lists. Also, the number of candidates of the same gender cannot exceed 60 per cent among those put forward by every list or coalition in the single member constiencies. No OSCE/ODIHR NAM interlocutors expressed concerns regarding the inclusiveness of candidate registration.

G. ELECTION CAMPAIGN

Campaign starts from the publication of the date of the elections and last until 24 hours before the election day. In this period, the rules laid down in the law on equal treatment of candidates related to media coverage are applicable (*See Media Section*). Opinion polls are allowed up to 14 days before the elections; they, however, remain available at on-line platforms, which are not regulated. No interlocutors doubted the ability to campaign freely, although some expressed concern about a potential increase of hate speech during the campaign in the context of debates concerning immigration.¹⁵

Political parties that the OSCE/ODIHR NAM met with expect to focus their campaign on issues such as relations with the European Union, economy, labour and social issues, and policy toward immigrants. All OSCE/ODIHR NAM interlocutors expressed their expectation that information shared on the Internet, including through social media, will play an increased role in this campaign, alongside more traditional methods such as rallies and door-to-door canvassing.

H. CAMPAIGN FINANCE

The legal framework for campaign finance is complex and has been amended since last parliamentary elections, with the main change being the gradual abolishment of direct public funding from 2014 to 2017. The upcoming parliamentary elections will be the first in which parties will finance their campaigns exclusively from private sources. Other important changes include a general ban on anonymous donations, the lowered threshold for disclosing the source of donations and reviewed sanctions for infringements of political financing rules.¹⁶

Individuals can donate up to EUR 100,000 annually per political party, while legal entities can donate annually up to EUR 100,000 in total. Taxpayers are also allowed to donate 0.2 per cent of their income tax as a contribution to only one of the eligible political parties. Anonymous and cash donations are prohibited, as well as donations from companies that are publicly held or have a public share exceeding 20 per cent. The threshold for disclosing the origins of donations is set at EUR 5,000. Candidates can receive funds for campaign only through their campaign manager registered with Regional Guarantee Committee. Campaign expenditures ceiling for candidates is a sum of the fixed amount of EUR 52,000 for each constituency and EUR 0.01 per each citizen residing in the constituency where the candidate stands. Parties can spend up to EUR 1 per each registered voter in constituency where the party submitted its candidate list. The legislation does not regulate in detail expenditures incurred by unaffiliated non-party organizations (third parties). Most OSCE/ODIHR NAM interlocutors expressed their concern that this may jeopardize transparency of funding sources in the campaign.¹⁷

Candidates are required to open a specific account for campaign financing and are obliged to file a report with the Regional Guarantee Committee within three months after the announcement of results. Political parties are required to report to the president of the respective chamber for which they have run within 45 days of the parliament taking office, who then forwards the report to the

¹⁵ In addition, see also the UN Human Rights Committee “[Concluding observations on the sixth periodic report of Italy](#)” (1 May 2017) CCPR/C/ITA/CO/6, paragraph 12, and UN Committee on the Elimination of Racial Discrimination “[Concluding observations on the combined nineteenth and twentieth periodic reports of Italy](#)” (17 February 2017), CERD/C/ITA/CO/19-20, paragraph 14.

¹⁶ See also the 2016 Council of Europe’s Group of States Against Corruption (GRECO) [Second Compliance Report on Italy](#) of the Third Evaluation Round.

¹⁷ See also [statement](#) of the president of the Anti Corruption Agency of Italy from 24 November 2017.

Court of Auditors. There are no requirements for candidates or parties to disclose their campaign income and expenditures prior to election day.

Many OSCE/ODIHR NAM interlocutors raised concerns over the new framework for campaign finance and capacities of the oversight bodies to properly and efficiently conduct their tasks.

I. MEDIA

The media landscape is pluralistic with television considered as the main source of information. There are many national television and radio channels, public (RAI) and private, that broadcast information programmes nationwide. Circulation of print media is declining, but the Internet, and particularly social media, is increasingly used as a source of political information.

The Constitution guarantees freedom of expression and opinion; however, defamation and insult carry criminal penalties with sanctions of up to six years of imprisonment. The OSCE Representative on Freedom of the Media (RFoM) and the UN Human Rights Committee have expressed their concerns in this respect.¹⁸ The OSCE RFoM also raised concerns regarding threats and acts of intimidation against journalists.¹⁹

The *par condicio* (equal treatment) law establishes strict regulations for broadcast media during the official campaign, allowing all political subjects and candidates to benefit from equal conditions in presenting their political programme to the voters. The ‘*par condicio*’ period is divided into two phases. The first phase starts once the parliament is dissolved and lasts until the presentation of candidate lists. In this period, parliamentary parties are entitled to equal coverage in election programmes and equitable coverage in news programmes. The second phase starts after the candidate lists are submitted and lasts up until midnight of the day before the elections. In the second period, the law guarantees equal coverage in election programmes of all parties competing in the elections and equitable coverage in news programmes. Paid political advertisement is not allowed in broadcast media with national coverage.

Parliamentary Oversight Committee monitors the activity of RAI, and the National Regulatory Authority for the Communication Sector (AGCOM) monitors and controls activities of RAI and private broadcasters. Both bodies are expected to issue regulations on how to apply the *par condicio* law for the upcoming elections. Particularly during electoral periods, AGCOM monitors the amount of time dedicated to each party in the television and radio programmes and the results of the monitoring are summarized and published on Agcom website every week. It also provides breakdown of time dedicated to individuals in different capacities – either as political party representatives or as state officials. Also, RAI is obliged to provide breakdown of its media coverage, for which purpose it contracted the *Osservatorio di Pavia* to conduct monitoring of RAI news and provide regular reports.

Complaints may be submitted to AGCOM, and the body may also act *ex officio* in cases when media coverage is suspected to be in breach of regulations. In the case of non-compliance, AGCOM may order the broadcaster to correct the balance of its coverage and may fine the broadcaster by up to EUR 258,000 if the coverage is not corrected.

¹⁸ See, for example, the statement of the OSCE RFoM from [27 May 2013](#) and the UN Human Rights Committee “[Concluding observations on the sixth periodic report of Italy](#)” (1 May 2017) CCPR/C/ITA/CO/6, paragraph 38.

¹⁹ See, the statement of the OSCE RFoM from [31 August 2015](#). See also [the statement of the MoI on 6 December 2017](#), referring that that nearly 200 journalists are under police protection, due to threats against news organisations.

Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with media freedom and provisions for media coverage during elections, while some opined that existing legal framework is outdated and does not reflect political reality and landscape.

J. COMPLAINTS AND APPEALS

Jurisdiction over election-related disputes is shared among different administrative and judicial bodies. Pre-election day complaints related to voter registration can be submitted to the MEOs, media-related complaints to AGCOM, and complaints related to campaign finance to the Court of Auditors and Regional Guarantee Committee. Decisions on these complaints can be appealed to competent courts. Complaints regarding MoI decisions on registration of party logos, and REO and DEO decisions on registration of candidate lists, can be appealed to the NCEO. Although staffed by judges, the NCEO is technically an administrative body. A 2008 Court of Cassation decision ruled that NCEO decisions could only be appealed to the parliament after the elections. Many OSCE/ODIHR NAM interlocutors expressed concern over the capacities of the bodies staffed with judges to timely review all complaints, given that at same time they are court magistrates.

The newly elected parliament, through established committees, reviews complaints related to the election results, certifies the legality of elections and the eligibility of the elected members of the parliament.²⁰ The committees have up to 18 months to refer their recommendations to the parliament for final decision by plenary, with no possibility for judicial appeal. Citizens can directly approach the committees with an election related issue. While most interlocutors met with by the OSCE/ODIHR NAM expressed strong confidence in the complaints and appeals system and in particular in the work of the committees, some raised concern over the lack of judicial control over the election process, particularly in cases of complaints regarding candidate registration.²¹

IV. CONCLUSION AND RECOMMENDATION

Most OSCE/ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently. Many interlocutors stated that they would welcome a potential OSCE/ODIHR observation activity for these elections, recognising that an external assessment may contribute to further improvements of the electoral process. A number of aspects would merit specific attention by an OSCE/ODIHR election observation activity, including the implementation of a recently revised electoral system and new campaign finance rules, the administration of elections, and the conduct of the campaign. On this basis, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections.

²⁰ For the Senate, this task is primarily with the Committee for Elections and Immunity, and for the Chamber of Deputies, the Committee for Elections.

²¹ Paragraph 18.4 of the 1991 OSCE Moscow Document states that “the participating States will endeavour to provide for judicial review of such [administrative] regulations and decisions.” Section II.3.3.a of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “Appeal to parliament, as the judge of its own election, is sometimes provided for but could result in political decisions. It is acceptable as a first instance in places where it is long established, but a judicial appeal should then be possible”.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Antonino Maggiore, Director for the OSCE, Directorate General for Political Affairs and Security
Filippo Romano, Deputy Director for the OSCE, Directorate General for Political Affairs and Security
Marcello Cavalcaselle, Director for registry and voting abroad

Ministry of Interior

Maria Grazia Nicolò, Director, Central Directorate for Electoral Services
Fabrizio Orano, Deputy Director, Central Directorate for Electoral Services
Roberto Andracchio, Director of Computer Services, Central Directorate for Electoral Services

Rome Court of Appeal

Nicola Pannullo, President of Section
Marco Colzi, Official

Chamber of Deputies – Committee for Elections

Alessandro Pagano, Deputy Chairperson
Nicola Stumpo, Deputy Chairperson
Giulia Sarti, Member
Enzo Lattuca, Secretary

Senate – Committee for Elections and Immunities

Dario Stefano, Chairperson
Giacomo Caliendo, Deputy Chairperson
Stefania Pezzopane, Deputy Chairperson
Enrico Buemi, Member
Giuseppe Luigi Salvatore Cucca, Member
Nico D'Ascola, Member
Doris Lo Moro, Member
Erika Stefani, Member
Claudio Moscardelli, Secretary

Court of Auditors

Giovanni Coppola, President of Chamber and Head of the International Relations Office
Adriana La Porta, Counsellor, Deputy Prosecutor General

National Regulatory Authority for the Communications Sector (AGCOM)

Antonio De Tommaso, Director, EU and International Affairs Service
Benedetta Liberatore, Director, Audiovisual Contents Directorate
Marco Delmastro, Director, Economics and statistics Service
Francesco Sciacchitano, Official, EU and International Affairs Service
Rosa Cavallaro, Official, Audiovisual Contents Directorate

Radiotelevisione Italiana (RAI)

Simona Martorelli, Communication, External, Institutional and International Relations Deputy Director
International Relations and European Affairs
Alessandro Brunati, Legal and Corporate Affairs Direction
Armando Melchionna, Communication, External, Institutional and International Relations Department
Institutional Relations Direction Relations with the National Regulatory Authority for the Communication sector and Political Pluralism
Michela Panella Zennaro, Communication, External, Institutional and International Relations International Department
Nicoletta Zucchelli, Legal and Corporate Affairs Direction -Responsible Corporate, Legislative and Regulatory Affairs

Political Parties and Groups

Federico Fornaro, Senator, Article 1 – Democratic and Progressive Movement
Arturo Scotto, MP, Article 1 – Democratic and Progressive Movement
Marcello Tagliatalata, MP, Brothers of Italy – National Alliance
Mariano Rabino, MP, Civic Choice – Wing for the Liberal and People’s Constituent – MAIE
Ettore Rosato, MP, Democratic Party, Chair of the Parliamentary Group
Emma Fattorini, Senator, Democratic Party
Francesco Scalia, Senator, Democratic Party
Marietta Tidei, MP, Democratic Party
Luigi Compagna, Senator, Federation of Freedom (Idea-People and Freedom, Italian Liberal Party)
Luigi Di Maio, Five Star Movement, Deputy Speaker of the Chamber of Deputies
Andrea Colletti, MP, Five Star Movement, Chair of the faction in the Chamber of Deputies
Vito Crimi, Senator, Five Star Movement, Chair of the faction in the Senate
Daniele Pesco, Five Star Movement, Deputy Chair of the faction in the Chamber of Deputies
Stefano Lucidi, Senator, Five Star Movement
Emanuele Scagliusi, MP, Five Star Movement
Paolo Romani, Senator, Forza Italia – The People of Freedom, Chair of the faction in the Senate
Roberto Occhiuto, MP, Forza Italia – The People of Freedom – Berlusconi for President
Francesco Palermo, Senator, Group for the Autonomies
Giulio Marcon, MP, Italian Left – Left Ecology Freedom – Possible, Chair of the faction in the Chamber of Deputies
Mario Ferrara, Senator, Large Autonomies and Freedom
Massimo Artini, MP, Mixed Group: Free Alternative – All together for Italy, Deputy Chair of the faction in the Chamber of Deputies
Renata Bueno, MP, Mixed Group: Direction Italy
Cristian Invernizzi, MP, Northern League and Autonomies – The League of Peoples – Us with Salvini
Giorgio Lainati, MP, People’s Alternative – Centrist for Europe – New Centre-Right
Mario Marazziti, MP, Solidary Democracy-Democratic Center

Civil Society

Corallina Lopez Curzi, Program Coordinator, Italian Coalition for Civil Rights and Freedoms
Patrizio Gonnella, President, Italian Coalition for Civil Rights and Freedoms
Susanna Marietti, National Coordinator, Antigone Onlus
Filippo Miraglia, Vice President, Arci
Elena Santiemma, Policy and Lobby Manager, Amnesty International Italia