

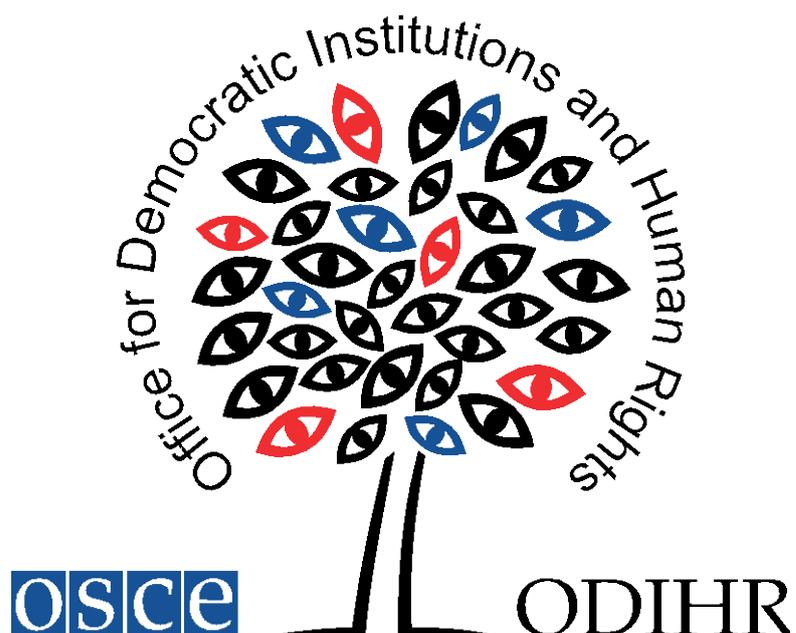


Office for Democratic Institutions and Human Rights

REPUBLIC OF AUSTRIA

PARLIAMENTARY ELECTIONS 29 September 2013

OSCE/ODIHR Election Expert Team
Final Report



Warsaw
23 December 2013

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	1
II. INTRODUCTION AND ACKNOWLEDGEMENTS.....	2
III. ELECTORAL SYSTEM.....	2
IV. LEGAL FRAMEWORK.....	3
A. VOTER RIGHTS.....	3
B. CANDIDATE RIGHTS.....	4
C. ALTERNATIVE VOTING ARRANGEMENTS	5
V. POLITICAL PARTY AND CAMPAIGN FINANCE	6
VI. COMPLAINTS AND APPEALS.....	7
VII. RECOMMENDATIONS.....	9
A. PRIORITY RECOMMENDATIONS	9
B. OTHER RECOMMENDATIONS	9
ANNEX: FINAL RESULTS.....	11
ABOUT THE OSCE/ODIHR.....	12

REPUBLIC OF AUSTRIA
PARLIAMENTARY ELECTIONS
29 September 2013

OSCE/ODIHR Election Expert Team Final Report¹

I. EXECUTIVE SUMMARY

The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Expert Team (EET) for the 29 September 2013 parliamentary elections following an invitation from the Permanent Mission of Austria to the OSCE. The OSCE/ODIHR EET consisted of three experts and was tasked to assess the legal framework for elections, political party and campaign finance regulations, and the complaints and appeals system.

Austria is a federation composed of nine autonomous provinces (*Bundesländer*) with legislative power vested in a bicameral parliament comprising the National Council and the Federal Council. On 29 September, voters elected 183 members to the National Council for five-year terms through a proportional system, with candidate lists and preferential voting.

Parliamentary elections are regulated primarily by the Constitution and the Parliamentary Elections Law. The authorities have addressed a number of prior OSCE/ODIHR recommendations, including in respect to campaign finance and alternative voting mechanism regulations. Overall, the legal framework provides a sound basis for the conduct of democratic elections. At the same time, some recommendations are yet to be addressed, including on the lack of provisions for citizen election observation, which is at odds with OSCE commitments.

Voter and candidate rights are generally inclusive and the law provides for alternative voting mechanisms for those not able to reach their polling station on election day. However, several OSCE/ODIHR EET interlocutors expressed some concerns regarding the secrecy of the vote when using alternative voting arrangements.

The Federal Election Board (FEB) is responsible for the overall conduct of elections. While all OSCE/ODIHR EET interlocutors expressed full confidence in the work of the FEB, its sessions are not public thereby limiting the transparency of its work.

Legislation regulating political party and campaign financing was adopted in 2012, addressing a prior OSCE/ODIHR recommendation, and was applied for the first time in these elections. While the law represents an important step forward in promoting transparency, more timely and detailed campaign finance reports and the provision of effective sanctions would further strengthen existing regulations. In addition, disclosure of loans and third party financing is not regulated.

With the exception of voter registration issues, electoral complaints can only be heard following the publication of the final election results. In addition, complaints can only be filed by political parties or candidates, but not by individual voters. Such limitations unduly limit the right to effective remedy in case of erroneous administrative decisions or actions, and are at odds with OSCE commitments and good electoral practice.

¹ The English version of this report is the only official document. An unofficial translation is available in German.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Permanent Mission of Austria to the OSCE to observe the 29 September parliamentary elections, and based on the recommendations of a Needs Assessment Mission (NAM) conducted from 29 to 30 April, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Expert Team (EET) on 19 September.² The OSCE/ODIHR EET consisted of three experts drawn from three OSCE participating States.

The OSCE/ODIHR EET assessed aspects of the electoral process related to the legal framework, political party and campaign finance regulations, and the complaints and appeals system. Therefore, the report is limited in scope and does not offer an overall assessment of the electoral process. The specific areas under review were assessed for their compliance with OSCE commitments and other international standards for democratic elections, as well as with national legislation. In line with OSCE/ODIHR methodology, the OSCE/ODIHR EET did not undertake a comprehensive and systematic observation of the electoral process or election day procedures. This final report should be read in conjunction with the 2013 OSCE/ODIHR NAM report, which provides detail on additional electoral components.

The OSCE/ODIHR EET wishes to thank the Ministry for European and International Affairs, the Ministry of the Interior, representatives of the election administration, political parties, media, civil society and other interlocutors for their co-operation and assistance.

III. ELECTORAL SYSTEM

Austria is a federation composed of 9 autonomous provinces (*Bundesländer*). Legislative power is vested in the bicameral parliament comprising the 183-member National Council (*Nationalrat*), directly elected for five-year terms, and the 62-member Federal Council (*Bundesrat*), indirectly elected by province legislatures (*Landtage*).³

The National Council is elected through a proportional system, with candidate lists and preferential voting. The country is divided into 9 constituencies that correspond to the provinces, which are in turn divided into 39 regional constituencies. Each regional constituency is allotted from one to eight seats on the basis of its population as determined at the last census.

Using a single ballot paper, voters mark their choice of candidate list and may additionally cast preferential votes for one federal list candidate, one province list candidate and one regional list candidate. Seats are allocated in a three-stage procedure, first in the regional constituencies, then in the province constituencies and finally at the federal level. At the regional level, seats are allocated to parties according to a mathematical method *sui generis* and at the provincial level according to the *Hare* method. At the federal level, seats are allocated according to the *d'Hondt* system only for those parties that gained at least four per cent of the votes nationwide or gained a seat in a regional constituency. Seats won at a given stage are subtracted from seat allocation at the following stage.

² All previous OSCE/ODIHR reports on Austria are available at: <http://www.osce.org/odihr/elections/austria>.

³ The Federal Council is not elected directly, with members delegated by the provincial councils in accordance with the number of seats won by each party in the respective province council elections. The number of members is not predetermined, and varies from 3 to 12 by province, according to the population. The current Federal Council has 61 members. As province council elections are held on different dates, the composition of the Federal Council frequently changes.

IV. LEGAL FRAMEWORK

The legal framework for parliamentary elections consists primarily of the Constitution (1929, last amended in 2012) and the Parliamentary Elections Law (PEL, 1992, last amended in 2013), as well as several other laws.⁴ The 2011 amendments to the PEL addressed a number of prior OSCE/ODIHR recommendations, including in respect of campaign finance and alternative voting mechanism regulations. The 2013 amendments to the PEL were adopted by the parliament unanimously and were mainly of a technical nature, but also provided new rules on the preferential voting system.⁵ Overall, the legal framework provides a sound basis for the conduct of democratic elections.

The PEL provides that the Federal Election Board (FEB) is responsible for the overall conduct of elections.⁶ Although all OSCE/ODIHR EET interlocutors expressed full confidence in the work of the FEB, and while the FEB may invite affected parties to discuss decisions in question, its meetings are not public thereby limiting the transparency of its work.

Consideration should be given to having meetings of the FEB open to the public, media and civil society.

Despite previous recommendations of the OSCE/ODIHR, the electoral law does not allow for observers from either citizen or international organizations, other than the OSCE/ODIHR.

Consideration should be given to amending the electoral legislation to allow for the presence of both international and citizen observers to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.

A. VOTER RIGHTS

According to the Constitution, all citizens who have reached the age of 16 by election day have the right to vote in national elections. People with mental disabilities under guardianship are not excluded from the right to vote.⁷ People with disabilities can be assisted in the polling stations by a person of their choice in casting their vote. Furthermore, every municipality is required to establish at least one polling station accessible for people with physical disabilities.⁸

In a welcome development, 2011 amendments to the PEL provide for the implementation of the judgment of the European Court of Human Rights (ECtHR) on the voting rights of convicted criminals,⁹ ensuring that disenfranchisement would only be possible based on a judicial decision and in connection to a restricted group of offences. The OSCE/ODIHR EET was informed by the

⁴ Other relevant laws are Constitutional Court Act (1953), the Prohibition Act (1947), the Act on the Electoral Register (1973), the Penal Code (1974), the Act on the Rules of Procedure of the National Council (1975), and the Political Parties Act (2012).

⁵ Section II.2.b of the 2002 Venice Commission's Code of Good Practice in Electoral Matters recommends that fundamental elements of electoral law should not be amended within the last 12 months before an election.

⁶ For more information on election administration, see the 2013 OSCE/ODIHR NAM report at: www.osce.org/odihr/elections/102068.

⁷ On 7 October 1987 the Constitutional Court (G109/87) declared the provisions of the PEL on the exclusion of people under guardianship from elections as unconstitutional.

⁸ For example, out of 1,615 polling stations in Vienna, 600 are accessible to people with disabilities.

⁹ See, *Frodl v. Austria*, (ECtHR, application no 20201/04; judgement of 8 April 2010); available at [. Previously, citizens would automatically lose their voting rights if convicted of a criminal offence exceeding one year of imprisonment.](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{\)

Ministry of Interior (MoI) that all convicted people automatically regained their right to vote in case they met the conditions of the 2011 amendment. So far no proceeding was initiated to restrict voting rights of convicted persons.

There are an estimated 835,000 non-citizens with long-term residence in the country who are not entitled to vote in parliamentary elections. While there is no explicit international standard on voting rights of non-citizens at national elections, some OSCE/ODIHR EET interlocutors raised concerns that the restrictive regulations on citizenship and the limitations on migrants' suffrage rights leave a considerable number of residents without political representation.

B. CANDIDATE RIGHTS

Eligible voters over 18 years may stand for election. Anyone who has committed an act against the Prohibition Law (*Verbotsgesetz*) is excluded from candidacy.¹⁰ Nominations for provincial and regional candidate lists must be submitted at least 58 days prior to election day. Federal candidate lists must be submitted at least 48 days before election day. Nominations for provincial candidate lists need to be supported by signatures of at least three members of the National Council or by signatures of a certain number of registered voters in the respective provinces.¹¹ For nominations to be registered, political parties had to provide a set of documents on the candidates and ensure the validity of the supporting signatures. The non-parliamentary Austrian Christian Party was denied registration of their list in two provinces on the basis that they submitted their signature support list by fax rather than in original document, and subsequently filed a complaint with the Constitutional Court on this issue. The current system of complaints and appeals does not provide for political parties and candidates to challenge the non-registration of their lists before a court of law before election day (see *Complaints and Appeals*).

The legal framework does not provide for special measures to promote women candidates.¹² Some parties had formal policies to ensure balanced representation of women as candidates. The Social Democratic Party required that women occupied every other position on their federal list (zipper system) and the Green Party provided that two out of every three candidates in their federal list must be women. In these elections, 61 women were elected to the National Council (some 33 per cent of all members), showing a 4 per cent increase as compared to the previous elections.

Building upon the existing good practice of some political parties, consideration could be given to introducing special measures in the legal framework to promote women candidates, in line with international standards. This could include a minimum number of candidates from each gender on all candidate lists.

¹⁰ According to the Prohibition Law justification of the Nazi genocide, crimes against humanity or ideology is forbidden. On 5 March 2010 the Constitutional Court (WI-2/09 ua) ruled that under section 3 of the Prohibition Law, election authorities are obliged to reject as inadmissible any candidacy that promoted national socialist ideologies.

¹¹ The minimum number of required support signatures per province is 100 (Burgenland and Vorarlberg), 200 (Carinthia, Salzburg and Tirol), 400 (Upper Austria and Styria), and 500 (Lower Austria and Vienna).

¹² In paragraph 40.4 of the 1991 OSCE Moscow Document, participating States affirmed that it is their "goal to achieve not only de jure but de facto equality of opportunity between men and women and to promote effective measures to that end." See also Article 4 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

C. ALTERNATIVE VOTING ARRANGEMENTS

Any voters who will be out of the municipality where they registered residence, or who are residing in a hospital, care home or detention centre, or who are unable to reach their polling station in order to vote may apply for a special voting card, which allows them to vote by post. Patients in care homes, disabled people, detainees and prisoners, who hold a voting card, are also entitled to cast their vote at a mobile polling station or in special polling stations, established in prisons, hospitals and care homes. Voters abroad on election day are also entitled to cast their ballot by means of voting cards,¹³ as can homeless people.

Applications for voting cards had to be made to the executive body within the municipality, where the voter is registered, either by written request by 25 September or in person at the municipal office by 27 September. The OSCE/ODIHR EET was informed of some instances where voting cards sent by post had not been received by the voters, apparently due to errors of the mailing service. Since the PEL does not allow the municipalities to issue duplicates in case of lost voting cards, those voters concerned were unable to cast their ballot in these elections.

In order to protect the equality of voting rights, consideration could be given to allowing authorities to replace lost voting cards, provided that adequate safeguards are met.

Addressing a prior OSCE/ODIHR recommendation, the PEL was amended in 2011 to ensure that voting cards cannot be used to cast a ballot after election day. For these elections, in order to be counted, all postal ballots had to be received by the District Election Board, or left at a polling station within that district, by 17:00 on election day.

There are some provisions protecting the integrity of alternative voting mechanisms, such as the voters' obligation to sign an affidavit, included on the voting card, that they cast their ballot themselves, in secrecy and free from any influence. In line with a previous OSCE/ODIHR recommendation, recent amendments strengthened the integrity of alternative voting mechanisms by stipulating that voting cards and ballots can only be delivered in-person to voters in care homes. In other cases, a substitute method of service is justified.

Nonetheless, several OSCE/ODIHR EET interlocutors expressed concern that it was impossible to ensure the secrecy of the vote through alternative voting arrangements, which could provide an opportunity for voter coercion or intimidation, in particular in situations involving vulnerable groups, such as patients in care homes or prisoners.

Authorities should continue to develop secure alternative voting methods, with a view to ensuring the secrecy of the vote while encouraging voter participation. Authorities could consider conducting an analysis of the impact of voting in uncontrolled environments as a means to identify and prevent possible forms of pressure on voters.

¹³ Austrian citizens living within the European Union and Switzerland can also leave their voting cards and ballots with an embassy or consulate, which is required to ensure a timely delivery in case the ballots were submitted six days prior to election day at the latest. Voters residing in other countries can leave their voting cards and ballots with an embassy or consulate, which is required to ensure a timely delivery in case the ballots were submitted nine days prior to election day at the latest.

V. POLITICAL PARTY AND CAMPAIGN FINANCE

A new Federal Act on Financing of Political Parties (FPPA) regulating political party and campaign finance was adopted in 2012 and was applied for the first time in these elections. Many OSCE/ODIHR EET interlocutors agreed that this law represents a significant step forward in setting limits on contributions and expenditure and providing disclosure of donors, addressing some of the recommendations made by the Council of Europe's Group of States against Corruption (GRECO).¹⁴

Political parties annually receive public subsidies, totaling some EUR 30 million,¹⁵ and have a EUR 7 million limit for campaign expenses in each election. While some OSCE/ODIHR EET interlocutors considered this limit to be adequate, others opined that the actual costs of a full and effective campaign at the national level far exceeds this limit, encouraging circumvention of the law. Moreover, this limit applies to any election of a general representative body or to the European Parliament and thus, may result in having no effective expenditure limit for regional and local elections.¹⁶ The sanctions for violation of the spending limits vary according to the extent of the over-spent amount.¹⁷

The FPPA prohibits anonymous donations exceeding EUR 1,000, foreign donations over EUR 2,500, as well as all cash donations in excess of EUR 2,500. All donations exceeding EUR 3,500 annually must be reported, broken down by donor, within the party's annual statement of accounts.

While contributions in kind are treated similarly to monetary donations as per restrictions and disclosure requirements, loans are not required to be disclosed nor are they subject to any limit in amount or source.¹⁸ This creates a possibility for abuse by the granting of a loan that might later remain unpaid or discharged without payment.

In line with good practice, the receipt of loans for campaign activities should be regulated and disclosed.

Additionally, the OSCE/ODIHR EET interlocutors acknowledged that the new legislation does not regulate financing from third parties, both affiliated and purportedly not affiliated with a political party, which might engage in campaign activities for or against a contestant. Even in the case of donations, either monetary or in kind, third parties are not obliged to release any documents or give statements or testimony concerning the details of these transactions.

Donations from third parties should be regulated in a manner consistent with constitutional guarantees of freedom of expression and association. Consideration should be given to provide some form of disclosure of campaign financing by third parties.

¹⁴ GRECO 2011 Evaluation Report on Austria on the Transparency of Party Funding available at: [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2011\)3_Austria_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2011)3_Austria_Two_EN.pdf).

¹⁵ Each political party with at least 5 members in the National Council receives EUR 218,000 annually. In addition, each parliamentary party receives EUR 4.6 per each vote obtained in the last parliamentary elections. Non-parliamentary parties which obtained more than 1 per cent of the votes in the last parliamentary elections receive EUR 2.5 per each vote.

¹⁶ See paragraph 4 of the FPPA.

¹⁷ A party exceeding the limitation by up to 25 per cent is penalized in an amount of up to 10 per cent of the excess amount and if the excess is greater than 25 per cent of the limitation, the penalty is 20 per cent of the second excess amount.

¹⁸ Paragraph 171 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends consistent rules on transparency of loans.

Interlocutors generally expressed concerns to the OSCE/ODIHR EET about the timeliness of the required reporting. Other than a requirement of immediate disclosure to the Court of Audit for contributions of more than EUR 50,000,¹⁹ political parties have no obligation to disclose or report contributions and expenditures during the campaign period. The FPPA requires political parties to report both the party revenue and expenses and campaign finance annually in September for the previous calendar year. Thus, the parties' 2013 campaign finance will not be publicly reported until September 2014. The lack of timely disclosure is not in line with international standards and good practice regarding campaign finance transparency.²⁰

Consideration should be given to amending the Financing of Political Parties Act to provide more timely disclosure of income and expenditure during the campaign. In particular, consideration could be given to introducing a pre-election interim report to inform voters of the financing of electoral campaigns, so that voters can take that information into account when deciding for whom to cast their vote.

The party's annual statement of accounts is submitted to the Court of Audit accompanied by a proof of compliance with the campaign finance regulations by an independent auditor. The Court of Audit has limited authority to review the reports, although it may require another independent audit if it considers the report to contain incorrect or incomplete information. However, there is no authority in the Court to compel a party to submit the report or to sanction a party that does not file such report.

The FPPA establishes an Independent Political Parties Transparency Panel (IPPTP) within the Federal Chancellery to impose monetary penalties and fines under the FPPA, based upon documents submitted by the Court of Audit. Decisions of the IPPTP may be appealed to the Administrative Court or in case of a constitutional challenge to the Constitutional Court.

Consideration could be given to amend the law so as to provide an exhaustive list of irregularities and to ensure that applicable sanctions are proportional, effective, and dissuasive. The Court of Audit and Independent Political Parties Transparency Panel should be given the power to request further documents and testimonies from parties in order to ensure a full review of any possible infringement.

VI. COMPLAINTS AND APPEALS

The election authorities and judiciary enjoy a high level of public confidence. Nonetheless, in the electoral context only voter registration issues can be subject to complaints before the declaration of the final election results. The election and judicial bodies repeatedly emphasized to the OSCE/ODIHR EET that the hearing of complaints after election results are finalized was preferred for the efficacy of the electoral process, since the relatively short time frame before election day would not allow for the efficient examination of the merits of each complaint.

In respect of voter registration, an objection can be introduced by any citizen during the public scrutiny period of voter lists seeking the deletion or addition of a person to the voter lists. The

¹⁹ The Court of Audit, in turn, immediately publishes the disclosed information.

²⁰ Article 7.3 of the 2003 UN Convention against Corruption requires states to "consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office". Paragraph 200 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that "reports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections".

relevant election board²¹ is required to take a decision within six days after the scrutiny period. An appeal can be lodged within two days, both by the person submitting the objection and the person affected by the decision of the election board. The second instance election authorities must make their decision within four days from receipt of the appeal.

The legislation does not provide for the judicial review of second-instance administrative decisions, excluding voters' access to a court to resolve registration disputes. In a positive step, a legislative amendment will enter into force on 1 January 2014 that will introduce the right to lodge a request for judicial review of the decisions of District and Municipal Election Boards with the Administrative Court.

Other types of electoral complaints can only be lodged before the Constitutional Court during a four-week period following the publication of the final election results. Such complaints can be filed by a political party involved in the campaign or by a person who was allegedly unlawfully excluded from standing as candidate, but not by individual voters.²² The complaint will only be satisfied if it is substantiated and the applicant proves that the alleged violation could have affected the outcome of the elections.²³ In case of a successful challenge, the only available remedy the Constitutional Court can provide is to annul election results partially or fully, in which case new elections have to be held within 100 days of the judgment.

The current system of complaints and appeals diminishes an effective remedy against erroneous administrative decisions or actions by limiting the possibility of election complaints to be filed by parties and candidates, which is at odds with OSCE commitments and good electoral practice.²⁴ The lack of mechanism for hearing complaints (with the exception of voter registration) before finalizing election results does not guarantee the resolution of disputes within a time suited to the electoral process.²⁵

Consideration should be given to amend the legislation in order to guarantee individual voters access to a judicial body to redress possible infringements by administrative bodies. The appeals procedure should provide judicial review of election-related complaints before the declaration of the final results.

²¹ The District Election Board in Vienna, the Municipal Election Boards outside of Vienna.

²² FEB's decisions can be appealed to the Constitutional Court only by the political parties represented in the FEB.

²³ The OSCE/ODIHR EET was informed that political parties tended to challenge unlawful administrative actions and decisions only if they had any chance of overturning the outcome of the elections. In the context of the national elections, the large number of votes required to overturn the results leads to limited number of irregularities being brought to the scrutiny of the Constitutional Court.

²⁴ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Paragraph 18.4 of the 1991 OSCE Moscow document states that the OSCE participating States will endeavour to provide for judicial review of administrative regulations and decisions. Section 3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters emphasizes that "all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections".

²⁵ Paragraph 95 of the Explanatory report to the 2002 Venice Commission Code of Good Practice in Electoral Matters emphasizes the importance of having appeals about pre-election matters resolved in a timely manner before election day.

VII. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to enhance the conduct of elections in Austria and bring them fully in line with OSCE commitments and other international standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities of Austria to further improve the electoral process and in following-up on the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. Consideration should be given to amending the electoral legislation to allow for the presence of both international and citizen observers to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.
2. Consideration should be given to having meetings of the FEB open to the public, media and civil society.
3. Consideration should be given to amending the Financing of Political Parties Act to provide more timely disclosure of income and expenditure during the campaign. In particular, consideration could be given to introducing a pre-election interim report to inform voters of the financing of electoral campaigns, so that voters can take that information into account when deciding for whom to cast their vote.
4. Donations from third parties should be regulated in a manner consistent with constitutional guarantees of freedom of expression and association. Consideration should be given to provide some form of disclosure of campaign financing by third parties.

B. OTHER RECOMMENDATIONS

5. In order to protect the equality of voting rights, consideration could be given to allowing authorities to replace lost voting cards, provided that adequate safeguards are met.
6. Authorities should continue to develop secure alternative voting methods, with a view to ensuring the secrecy of the vote while encouraging voter participation. Authorities could consider conducting an analysis of the impact of voting in uncontrolled environments as a means to identify and prevent possible forms of pressure on voters.
7. In line with good practice, the receipt of loans for campaign activities should be regulated and disclosed.
8. Consideration could be given to amend the law so as to provide an exhaustive list of irregularities and to ensure that applicable sanctions are proportional, effective, and dissuasive. The Court of Audit and Independent Political Parties Transparency Panel should be given the power to request further documents and testimonies from parties in order to ensure a full review of any possible infringement.
9. Consideration should be given to amend the legislation in order to guarantee individual voters access to a judicial body to redress possible infringements by administrative bodies. The appeals procedure should provide judicial review of election-related complaints before the declaration of the final results.

10. Building upon the existing good practice of some political parties, consideration could be given to introducing special measures in the legal framework to promote women candidates, in line with international standards. This could include a minimum number of candidates from each gender on all candidate lists.

ANNEX: FINAL RESULTS

Final results were published by the Ministry of the Interior as follows:²⁶

Total number of registered voters	6,384,308
Total number of votes cast	4,782,410
Total number of valid votes	4,692,907
Total number of invalid votes	89,503

Distribution of valid votes to the political parties and allocation of seats:

Political Party	Votes received	Percentage	Number of seats
Social Democratic Party of Austria	1,258,605	26.82	52
Austrian People's Party	1,125,876	23.99	47
Freedom Party of Austria	962,313	20.51	40
The Greens – The Green Alternative	582,657	12.42	24
Team Stronach	268,679	5.73	11
NEOS – The New Austria	232,946	4.96	9
Alliance for the Future of Austria	165,746	3.53	0
Communist Party of Austria	48,175	1.03	0
Pirate Party of Austria	36,265	0.77	0
Christian Party of Austria	6,647	0.14	0
The Change Party	3,051	0.07	0
Socialist Left Party	947	0.02	0
EU Withdrawal Party	510	0.01	0
Men's Party of Austria	490	0.01	0
TOTAL	4,692,907	100.00	183

²⁶ www.bmi.gv.at/cms/BMI_wahlen/nationalrat/2013/files/Verlautbarung_BWB_endgErg_inkl_3_Ermittlungsverfahren_NRW13.pdf

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 (<http://www.osce.org/odihr>).