



Office for Democratic Institutions and Human Rights

# REPUBLIC OF SAN MARINO

## EARLY PARLIAMENTARY ELECTIONS

8 December 2019

### ODIHR NEEDS ASSESSMENT MISSION REPORT

22-23 October 2019



Warsaw  
3 December 2019

## TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>III. FINDINGS .....</b>	<b>3</b>
A. BACKGROUND AND POLITICAL CONTEXT .....	3
B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM .....	3
C. ELECTION ADMINISTRATION .....	4
D. VOTER REGISTRATION .....	5
E. CANDIDATE REGISTRATION .....	6
F. ELECTION CAMPAIGN .....	7
G. CAMPAIGN FINANCE.....	7
H. MEDIA.....	8
I. COMPLAINTS AND APPEALS .....	8
<b>IV. CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>9</b>
<b>ANNEX: LIST OF MEETINGS.....</b>	<b>10</b>

**REPUBLIC OF SAN MARINO**  
**EARLY PARLIAMENTARY ELECTIONS**  
**8 December 2019**

**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

Following an official invitation to observe the 8 December early parliamentary elections in San Marino, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 22 to 23 October 2019. The NAM included Ana Rusu, ODIHR Senior Election Adviser, and Keara Castaldo, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an 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 as well as with representatives of political parties, media and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. 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**

On 8 December, citizens of San Marino will vote to elect the 60 members of the Great and General Council, the unicameral parliament, for a five-year term.

Parliamentary elections are primarily regulated by the Constitution and the Electoral Law. Recent amendments to the legal framework, adopted unanimously in an expedited manner following a public referendum, increased the number of preferential votes for in-country voters from one to three, and introduced a requirement for political parties to pre-declare potential coalition partners. ODIHR NAM interlocutors generally described the changes to the Electoral Law as necessary to ensure a more representative parliamentary composition but expressed doubts in the effectiveness of certain amendments.

The election administration is comprised of a permanent Election Commission, and election day procedures are conducted at 51 polling stations and 16 counting offices across the country. Citizens who permanently reside abroad and wish to vote must travel to San Marino to cast their vote in person. The election administration has taken some efforts to facilitate the electoral participation of persons with limited mobility or visual impairments. All interlocutors that the ODIHR NAM met with expressed a high level of confidence in the professionalism and impartiality of the election administration, including in the conduct of election day procedures.

For the upcoming elections, 34,511 citizens are registered to vote, including 11,791 who permanently reside abroad. Persons revoked of legal capacity by a court decision, including on the basis of intellectual or psychosocial disability, do not have the right to vote, in contravention of international standards. Voter registration is passive and voter lists are updated annually. Stakeholders reported

confidence in the accuracy and maintenance of voter lists but noted they could be updated more frequently and closer to elections.

For the first time in these elections, registered contestants must pre-declare potential governing partners upon registration. The registration of candidate lists requires the support of 90 eligible voters, who may sign in support of only one list. The legislation does not allow for individual independent candidates and contains broad incompatibilities with candidacy rights. For the upcoming elections, 287 candidates are registered on 7 lists, including 1 coalition of 2 parties with their own lists and 5 single lists. A total of 115 candidates (40 per cent) are women. ODIHR NAM interlocutors did not raise concerns with the inclusiveness of the candidate registration process but noted that the system of preferential voting does not necessarily lead to women's representation in parliament reflecting the one-third quota for the candidates of each gender.

Direct campaigning for the elections may only take place during the official campaign period, which begins 20 days before the election and ends at midnight on the eve of the election day. Contestants may organize events in public spaces after notifying the authorities, and public spaces for campaign materials are allocated free-of-charge on an equal basis. The authorities produce extensive voter information related to contestants and their platforms, and support candidate activities both in-country and abroad. While all parties met by the ODIHR NAM expected to be able to campaign freely, several ODIHR NAM interlocutors voiced concerns about potential prevalence of misinformation in political discourse.

Campaigns may be financed through public funding to political parties and private donations. Recent amendments to the legal framework strengthened rules on political and campaign finance oversight. There is no ceiling on private contributions and no spending limits for contestants. There is no requirement for contestants to disclose campaign income and expenditures prior to election day. ODIHR NAM interlocutors generally approved of the revised legal framework for campaign finance but noted that transparency of campaign income and expenditures could be further improved.

The media environment is pluralistic. The public broadcaster is obliged to provide equal access and free airtime to all candidate lists, and a majority of ODIHR NAM interlocutors described impartial and balanced programming by the public broadcaster. Several interlocutors described prevalence of political bias in print and online news media and expressed concerns regarding the lack of regulation of online news media.

While the resolution of complaints and appeals on certain electoral matters is regulated by the Electoral Law, many electoral complaints, including those related to voter and candidate registration, are handled through ordinary judicial procedures for administrative offenses. There is no opportunity for judicial review of election results, but there has been no precedent of results being challenged.

Almost all ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration. No significant concerns were expressed with regard to voter and candidate registration or the ability to campaign freely, and several stakeholders pointed to improvements in the oversight of campaign finance. While some ODIHR NAM interlocutors noted the added value of an external assessment for potential future revisions of electoral legislation, many indicated that an observation activity would not be necessary. Based on this assessment, the NAM does not recommend the deployment of an observation activity for the 8 December early parliamentary elections. ODIHR, however, reaffirms its readiness to support the authorities in any future electoral reform efforts, particularly related to the oversight of media in the election campaign and procedures for election dispute resolution.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

San Marino is a parliamentary republic with legislative power exercised by the 60-member unicameral parliament, the Great and General Council, which is elected by popular vote for a five-year term. Executive power is vested in the State Congress, which is appointed by the parliament from among its members and consists of up to 10 ministers co-ordinated by two *captains regent* who serve jointly as the Head of State. San Marino is divided into nine administrative districts (castles) and each one elects a local council and captain every five years.<sup>1</sup>

On 23 September 2019, the *captains regent* issued a decree announcing the dissolution of the current parliament and subsequent scheduling of early elections for 8 December 2019. The forthcoming elections will be the fourth consecutive early parliamentary elections in San Marino. In the 2016 early parliamentary elections, after no contestant received an absolute majority of seats in the first round, a run-off was held in which the coalition Adesso.sm received a majority of 35 seats, including compensatory seats.<sup>2</sup> The then-ruling San Marino First coalition received 16 seats and the Democracy in Motion coalition received 9. Only 23 per cent of members of the outgoing parliament are women.<sup>3</sup>

ODIHR previously deployed a Needs Assessment Mission for the 2016 early parliamentary elections, but no election observation activity was subsequently deployed.<sup>4</sup>

#### B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1974 Declaration on Citizens' Rights and Fundamental Principles of Constitutional Order (Constitution, last amended in 2019<sup>5</sup>) and the 1996 Electoral Law (last amended in 2019). San Marino is party to major international and regional instruments related to the holding of democratic elections.<sup>6</sup> The Constitution stipulates that signed international agreements on the protection of human rights prevail over national legislation.

The Electoral Law was amended in September 2019 following a national referendum conducted in June 2019.<sup>7</sup> These amendments introduced additional opportunities for parties to form governing coalitions

---

<sup>1</sup> The districts are: San Marino City, Acquaviva, Borgo Maggiore, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino, and Serravalle.

<sup>2</sup> The outgoing parliament comprises the ruling Adesso.sm coalition, including the Democratic Socialist Left (SU-PR-LabDem), 14 seats, Future Republic (AP-UR), 11 seats, and Civic 10, 10 seats; the San Marino First coalition including the Christian Democratic Party, 10 seats, the Socialist Party, 3 seats; the Party of Socialists and Democrats, 3 seats; and Democracy in Motion coalition including RETE Civic Movement, 8 seats, and Democratic Movement-San Marino Together, 1 seat.

<sup>3</sup> See paragraphs 10 and 11 of the 2015 UN Human Rights Committee (CCPR) [Concluding Observations](#).

<sup>4</sup> See previous [ODIHR election-related report on San Marino](#).

<sup>5</sup> A referendum in June 2019 approved the amendment of Article 4 by adding sexual orientation as a protected category of non-discrimination.

<sup>6</sup> Including the International Covenant on Civil and Political Rights, the Convention on the Elimination of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, and the European Convention on Human Rights. San Marino is a member of the Council of Europe's Group of States Against Corruption (GRECO) and European Commission for Democracy through Law (Venice Commission). San Marino has not signed the UN Convention Against Corruption.

<sup>7</sup> The referendum question, which was approved with 60.58 per cent of the vote at a turnout rate of 41.98 per cent, indicated that the law should be updated to include an opportunity for the two lists with the most votes in the first round to successively attempt for 15 days to form a government prior to a run-off election being scheduled. A prior referendum abolished the 50 per cent participation requirement for approval of referenda questions.

prior to a run-off, increased the number of preferential votes for in-country voters from one to three, increased the threshold for parliamentary seat allocation from 3.5 to 5 per cent of votes, and introduced a requirement for political parties to pre-declare potential coalition partners after registering as electoral contestants. ODIHR NAM interlocutors generally described the changes to the Electoral Law, which were adopted unanimously, as necessary to ensure a more representative parliamentary composition and most approved of the reintroduction of three preferential votes for in-country voters.<sup>8</sup> However, several interlocutors expressed doubts in the effectiveness of the required pre-declaration of potential coalition partners and raised concerns that the five per cent threshold is too high, given a number of small but well-established parties. Some described the legislative process as inappropriately rushed and outside of the prescribed objectives of the referendum.<sup>9</sup>

Members of parliament (MPs) are elected under a proportional representation system with preferential voting in a single nationwide constituency and a five per cent threshold for seat allocation. Seats are allocated to lists using the *d'Hondt* system, and candidates are then awarded seats according to the number of preference votes that they received. In the event of a tie, preference is given to women candidates, followed by length of service as an MP, followed by seniority. Should an MP be appointed to the State Congress, their mandate is suspended and they are replaced by the next candidate on the list.

In order for representatives of a list to form a government, the list must obtain more than one-half of the valid votes cast or a minimum of 30 seats. Following the 2019 amendments, if no list meets this requirement, the two lists with the highest number of seats will each be given 15 days to agree on a coalition. In case no agreement is reached, a second round takes place between the two lists that obtained the highest number of votes. Should the winning list obtain fewer than 35 seats, a “stability reward” is granted which allocates additional seats, taking them from the lists that obtained the fewest votes, until the winning list obtains 35 seats. The remaining seats are proportionally distributed among the other lists.

### C. ELECTION ADMINISTRATION

The elections will be administered by the Election Commission (EC) together with 51 Polling Station Offices (PSOs) and 16 Counting Offices (COs). All interlocutors met by the ODIHR NAM expressed a high degree of confidence in the professionalism and impartiality of the election administration, the organization of and technical preparations for the elections, and the conduct of election day procedures.

The EC is a permanent 11-member body, comprising seven members appointed by the parliament and one representative each from the Civil Registry, Single Court, and the Ministries of Foreign Affairs, and Internal Affairs. The EC, chaired by the Minister of Internal Affairs, serves a five-year term, and is formed anew by each incoming parliament. The EC compiles voter lists, registers candidate lists, appoints PSOs, and enforces campaign regulations. The State Election Office (SEO), instituted at the Civil Registry, is represented within the EC and assists with administrative and operational duties, including the training of PSO staff and the preparation of ballot papers and other election materials.

For election day, 51 PSOs will be established to organize voting procedures and the transfer of election materials to COs. PSOs consist of a president and two scrutineers, randomly selected from a list of

---

<sup>8</sup> Voters residing abroad may cast a preferential vote for only one candidate.

<sup>9</sup> The referendum question pertained only to the procedures for scheduling a second round of elections. Although a previous referendum in 2016 resulted in reducing the number of preferential votes from three to one, the reversal of this policy was legislated by parliament without any popular referendum.

volunteers.<sup>10</sup> Voters who reside abroad and wish to vote must travel to San Marino to cast their vote in-person at one of nine designated PSOs. Several ODIHR NAM interlocutors expressed support for the introduction of alternative voting mechanisms to facilitate voting for the high number of citizens residing permanently abroad.

Persons with physical disabilities or visual impairments are entitled to request assistance in polling stations from another voter of their choice or from a relative. To facilitate the participation of persons with limited mobility, the Ministry of Internal Affairs (MIA) organizes free transportation to polling stations on election day, or to the SEO in order to receive replacement voter cards; such transport can be requested through a telephone hotline. Additional special polling stations will be established in the state hospital and in an assisted living facility in Fiorina, at which persons can vote with an inpatient certificate. Persons who are homebound may request to participate through mobile voting by applying to the EC at least 15 days before election day and providing a medical certificate.<sup>11</sup>

COs comprise the presidents of between two and four PSOs and are formed temporarily to count votes. Initial reconciliation procedures are followed at the PSO and CO. Following this, ballots from each PSO are mixed together and redistributed among members, who then count the ballots assigned to them. The day after the elections, a Central Election Office, convened by the Minister of Internal Affairs and comprised of presidents of PSOs and delegates from candidate lists, tabulates and announces the preliminary results.

The MIA published extensive information about the electoral process for voters as well as for contestants, including guidance on election day procedures and campaign regulations. The information is also available in large print. Additional information for voters is published in newspapers and aired in the public broadcaster, but without subtitles or sign language interpretation. ODIHR NAM interlocutors generally assessed positively the comprehensiveness and availability of public information related to the elections but noted that it could be produced in additional accessible formats.

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

All citizens who are at least 18 years old on election day are eligible to vote, except those revoked of this right by court decision on the basis of mental disability, contrary to international standards, or as part of a criminal sentence or bankruptcy judgment.<sup>12</sup> For the upcoming elections there are 34,511 eligible voters, including 11,791 citizens who reside abroad. Fifty-five per cent of eligible voters are women. There are some 5,000 resident non-citizens who do not have the right to participate in national or local elections.

---

<sup>10</sup> All PSO staff should be eligible voters and have a high school diploma, while candidates, judges, and certain elected public positions are prohibited from joining the PSOs. Presidents are additionally required to have served as a scrutineer in a past election.

<sup>11</sup> The MIA [published instructions](#) for voters who require a medical certificate, including options in exceptional circumstances for homebound voters to be accommodated on election day.

<sup>12</sup> According to the authorities, no citizens are currently imprisoned. Over the years, 109 citizens were revoked of voting rights: 47 in a civil judgment on the basis of mental illness, 43 as part of a criminal sentence, and 19 due to a bankruptcy judgment. Some 20 citizens have been declared fully legally incapacitated. Court decisions on full legal incapacitation are made on an individual basis. Paragraph 23 of the [2015 UN CCPR Concluding Observations](#) recommended that San Marino “[...] revise its legislation to ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on bases that have no reasonable and objective relationship to their ability to vote”. Paragraph 3 of the UN CCPR General Comment 25 on Article 25 of the ICCPR states that “[n]o distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

Voter registration is passive, and voter lists are compiled by the EC based on information extracted from the permanent electronic population register. Voter lists are updated annually by 31 January and are displayed for public scrutiny at the SEO, and also in polling stations and in diplomatic missions abroad on election day. Appeals related to voter registration are possible at all times through an ordinary judicial process but cannot be made directly through the election administration. Prior to election day, the EC is required to remove from the lists any voters who have since died, lost their citizenship, or been deprived of voting rights by a court decision. All ODIHR NAM interlocutors expressed confidence in voter identification procedures and in the accuracy of lists, though several noted that lists could be updated more frequently and closer to election day.

In order to vote, a voter must present a voting card and show identification. Voting cards are delivered to voters at least two weeks before election day and should be retained for a potential second round; voters may apply for a replacement at the SEO, including on election day. Voters can identify themselves with a range of identification documents, including expired documents, or through vouching by at least two other eligible voters from the same district.

## E. CANDIDATE REGISTRATION

Eligible voters who are at least 21 years old on election day and residents of San Marino may stand for election to parliament. The law also identifies a range of governmental and non-governmental positions and personal statuses as being incompatible with candidacy, some of which may be overly broad.<sup>13</sup> In addition, prospective candidates must declare that they are not a current or prior member of a secret association.

Any group may apply to register a list of candidates at least 40 days before election day and with the signed support of at least 90 eligible voters. Voters may sign in support of only one candidate list, which may limit political pluralism, and signing for multiple lists can incur a fine of EUR 500.<sup>14</sup> Independent candidates may not compete individually in the elections, but only as members of a list. Each list must include between 12 and 60 candidates. Each list or coalition of lists was required to publish detailed policy programmes and to submit copies of each candidates' tax return. Prospective lists may not replicate a previously used name or logo of another contestant. At the time of the ODIHR NAM, no interlocutors raised concerns related to the inclusiveness of the candidate registration process.

For these elections, the EC registered a total of 287 candidates (including 115, or 40 per cent, women) on 7 lists, including 1 coalition of 2 parties with their own lists and 5 single lists.<sup>15</sup> The law provides that no more than two-thirds of candidates on a list can be from the same gender. Several ODIHR NAM interlocutors noted that given the system of preferential voting, the nomination quota does not necessarily lead to women's elected representation reflective of the quota.

---

<sup>13</sup> Other incompatibilities include magistrates, public prosecutors, diplomatic or consular agents, members of police, and military corps. In addition, elected MPs cannot be members of a local council, or hold executive positions in labour unions, trade associations, audit bodies of the Central Bank and of public entities and agencies, governing boards of banking and financial institutions, banking foundations, the Olympic Committee, and sport federations. Relatives by first degree or by marriage, including *de facto* relationships, cannot be MPs at the same time.

<sup>14</sup> Paragraph 144 of the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that "requirements that a citizen only be able to sign for support of one party should be avoided as such a regulation could easily disqualify parties who attempted in good faith to fulfill this requirement".

<sup>15</sup> Namely, the coalition "Tomorrow in Motion" comprising Tomorrow in Motion party (32 candidates, 16 women) and RETE Civic Movement (43, 20); *Elego* (12, 5); Future Republic (39, 17); Christian Democrats (51, 17); *Libera* (60, 23); and "We for the Republic" party (50, 17).

For the first time in these elections, following registration, contestants were required to submit a pre-declaration of potential governing partners with whom they would consider undertaking negotiations to form a government, should they receive the most votes in the first round.<sup>16</sup>

## F. ELECTION CAMPAIGN

Direct campaigning for the elections may only take place during the official campaign period, which begins 20 days before the election and ends at midnight on the eve of the election day. Contestants may organize events in public spaces after notifying the authorities. District administrative offices determine permissible spaces for posting printed materials, which are allocated free-of-charge to contestants on an equal basis. The Ministries of Internal Affairs and of Information disseminate information about contestants and their platforms via posters, a dedicated website, and by mail. Candidate debates, both within San Marino and at consular offices abroad, are organized by the Ministries of Internal and Foreign Affairs. Several ODIHR NAM interlocutors highlighted the prevalence of online media, including online news sites, prominent bloggers, and social media platforms, in contributing to the political debate and in spreading campaign messages. Some stakeholders described serious concerns related to possible misinformation about the campaign and contestants, particularly in online and print media.

The campaign is expected to focus on economic and social issues, particularly policies related to the banking crisis. All ODIHR NAM interlocutors expected to be able to campaign freely and approved of the existing regulatory framework for election campaigns, including the equal allocation of public space.

## G. CAMPAIGN FINANCE

The 2005 Law on Financing Political Parties and Political Movements (LFPPM, amended in 2017) provides for both public and private funding of political parties and movements. Political parties rely largely on public funds and receive annual subsidies in proportion to their parliamentary representation.<sup>17</sup> There is no limit on private contributions from individuals or legal entities. Anonymous donations are prohibited.<sup>18</sup> Employees hired by a political party have the right to leave and return to their prior employer after the elections. No spending limits are in place for contestants for these elections.

Amendments in 2017 to the LFPPM were generally assessed positively by the Council of Europe's Group of States Against Corruption (GRECO).<sup>19</sup> The amendments introduced details on the oversight and regulatory powers of the three-member Audit Committee, established measures to enhance its independence,<sup>20</sup> and broadened its authority to issue binding interpretive accounting guidance to political parties, including in relation to campaign financing.<sup>21</sup> The amendments also eliminated a supplementary election-year subsidy to political parties, which doubled the amount of public funding

---

<sup>16</sup> There is no reciprocity principle and contestants could include any other list or coalition in their pre-declaration; only the pre-declaration of the list with the most votes will be considered binding.

<sup>17</sup> In 2019, the annual subsidy for political parties totaled EUR 1,135,395.33.

<sup>18</sup> Violations of the ban on anonymous donations are subject to criminal sanctions consisting of imprisonment from 20 to 60 days, and disqualification from suffrage rights, for 2 to 5 years.

<sup>19</sup> See the [2019 GRECO Third Evaluation Round Compliance Report](#), which noted "the steps [San Marino] has taken to effectively address all recommendations on political financing".

<sup>20</sup> Under the new rules, members of the Audit Committee are selected randomly for two-year terms from among registered auditors of the Ministry of Industry, excluding representatives of the executive, legislature or the governing bodies of political parties.

<sup>21</sup> The Audit Committee can promulgate binding guidance concerning other sources of campaign finance, including in-kind donations, loans, and media discounts.

received by political parties in an election year. While several parties met by the ODIHR NAM indicated that the reduced subvention might pose challenges to financing the election campaign, most approved of the reduction as a means to deter potential abuse of public funding.<sup>22</sup>

Political parties must report on their expenses and contributions annually, including those related to election campaigns. However, there is no requirement for candidates or representatives of lists to disclose their campaign income and expenditure prior to election day. Several ODIHR NAM interlocutors noted that the transparency of campaign finance could be further improved, including through interim reporting.

## H. MEDIA

The Constitution guarantees the freedom of expression. Defamation remains subject to criminal penalties, and while ODIHR NAM interlocutors noted that criminal penalties for defamation are rare, some raised concerns that the frequency of civil defamation cases may result in the intimidation and self-censorship of journalists. A 2014 law established a Council of Information, open to all journalists and publishers, which subsequently adopted a self-regulatory Code of Conduct for media professionals.

The media landscape generally provides for diverse access to information, despite a limited national market. The public broadcaster, *San Marino RTV*, broadcasts two television channels and two radio stations, and streams news online via its website. Two daily, and one weekly, newspapers are published in the country. Italian broadcast and print media are also accessible and include some coverage of political developments in San Marino. Most ODIHR NAM interlocutors raised concerns related to political bias in online and print media and expressed concerns regarding the lack of regulation of online news media.

During the election campaign, *San Marino RTV* is obliged to provide equal access and free airtime to all candidate lists. Details of this coverage are agreed in advance with representatives of all lists, and for these elections constitute 34 slots of 18 minutes each, divided further among contestants. While paid advertisement is allowed, and no restrictions are in place on the placing of paid advertisements in foreign media (such as in Italy), most ODIHR NAM interlocutors indicated that paid advertising is not generally pursued. The public broadcaster also produces debates and other political programmes and airs some voter information accompanied by sign language interpretation. *San Marino RTV* is subject to oversight by a dedicated Surveillance Commission appointed by the parliament and chaired by a member from the opposition. Almost all ODIHR NAM interlocutors praised the role of the public broadcaster in providing inclusive and balanced political programming.

## I. COMPLAINTS AND APPEALS

Resolution of complaints and appeals on certain electoral matters are regulated by the Electoral Law. PSOs may handle complaints related to the regularity of issued ballots. A five-member Permanent Election Board, appointed by the parliament, is tasked to handle any complaints filed within five days of the elections by voters, review the protocols regarding tabulation and preliminary results, decide upon the eligibility of elected candidates, and propose to the parliament the validation of the results. In case of complaints regarding serious irregularities, some decisions of the Permanent Election Board, including on the validation of election results, can be affirmed by a parliamentary vote, with no judicial

---

<sup>22</sup> For example, several interlocutors described a previous practice of vote-buying, in the form of subsidizing airfare travel of voters residing abroad and claimed that the higher subsidies enabled this practice.

review.<sup>23</sup> In case of complaints regarding serious irregularities, legal provisions are in place to annul and repeat elections.

The Single Court informed the ODIHR NAM that many electoral complaints, including those related to voter and candidate registration, are handled through ordinary judicial procedures for administrative offenses and are final. Violations of many electoral rights are subject to criminal sanctions, ranging from six months to ten years of imprisonment, together with deprivation of suffrage rights. Although there are no special deadlines for election-related appeals, the Single Court indicated that such matters would be processed expeditiously.

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

Almost all ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration. No significant concerns were expressed with regard to voter and candidate registration or the ability to campaign freely, and several stakeholders pointed to improvements in the oversight of campaign finance. While some ODIHR NAM interlocutors noted the added value of an external assessment for potential future revisions of electoral legislation, many indicated that an observation activity would not be necessary. Based on this assessment, the NAM does not recommend the deployment of an observation activity for the 8 December early parliamentary elections. ODIHR, however, reaffirms its readiness to support the authorities in any future electoral reform efforts, particularly related to the oversight of media in the election campaign and procedures for election dispute resolution.

---

<sup>23</sup> The authorities informed the ODIHR NAM that there is no precedent for such a parliamentary vote.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Nicola Renzi, Minister of Foreign Affairs  
Maria Katia Savoretti, Political Staff  
Roberta Valli, Director, Department of Foreign Affairs  
Federica Bigi, Director, Directorate of Political and Diplomatic Affairs  
Elisabetta Bucci, Directorate of Political and Diplomatic Affairs  
Leopoldo Guardigli, Directorate of Political and Diplomatic Affairs  
Maurizio Neri, Legal Expert

### **Ministry of Internal Affairs**

Guerrino Zanotti, Minister of Internal Affairs  
Sabrina Fantini, Political Staff, Ministry of Internal Affairs  
Catia Crescentini, Director, Department of Institutional Affairs and Justice  
Giovanna Crescentini, Director, Institutional Secretariat  
Lorella Stefanelli, Director, Registry Office

### **Ministry of Education, Culture and Information**

Marco Podeschi, Minister of Education, Culture and Information

### **Electoral Commission**

Guerrino Zanotti, Minister of Internal Affairs  
Lorella Stefanelli, Director, Registry Office  
Members of Electoral Commission

### **Single Court**

Giovanni Guzzetta, Head of the Single Court  
Fabio Giovagnoli, Law Commissioner  
Massimiliano Simoncini, Law Commissioner

### **Political Parties and Parliamentary Groups**

Matteo Ciacci, *Civico 10*  
Marica Montemeggi, *Civico 10*  
Luca Santolini, *Civico 10*  
Jader Tosi, *Civico 10*  
Ana Marina Lozica, *Civico 10*  
Marco Gatti, *Lista PDCS*  
Pasquale Valentini, *Lista PDCS*  
Giovanna Cecchetti, *Misto*  
Roberto Ciavatta, *Movimento Civico R.E.T.E.*  
Marco Nicolini, *Movimento Civico R.E.T.E.*  
Elena Tonnini, *Movimento Civico R.E.T.E.*  
Federico Pedini Amati, *Movimento Democratico San Marino Insieme*

Massimo Valentini, *Movimento Democratico San Marino Insieme*  
Gerardo Giovagnoli, *Partito dei Socialisti e dei Democratici*  
Matteo Rossi, *Partito dei Socialisti e dei Democratici*  
Alessandro Mancini, *Partito Socialista*  
Nicola Selva, Consigliere, *Repubblica Futura*  
Giuseppe Maria Morganti, *Sinistra Socialista Democratica*  
Roberto Carlini, *Sinistra Socialista Democratica*  
Marina Lazzarini, *Sinistra Socialista Democratica*

### **Media Representatives**

Silvia Pelliccioni, Editor-in-Chief, San Marino Television – San Marino RTV  
Giuseppe Cesetti, Radio Division, San Marino RTV  
Antonio Fabbri, Segretario della Consulta per l'Informazione  
Andrea Albertini, Presidente Autorità Garante per l'Informazione  
Marina Forcellini, Membro Autorità Garante per l'Informazione  
Anna Chiara Macina, Membro Autorità Garante per l'Informazione  
Nicoletta Canini, Presidente Commissione di Vigilanza  
Simonetta Fanelli, Membro Commissione di Vigilanza

### **Civil Society & Public Associations**

Giuliano Tamagnini, General Secretary, San Marino Confederation of Labour (CSdL)  
William Santi, Confederal Secretary, CSdL  
Mirco Battazza, Democratic Confederation of San Marino Workers (CDLS)  
Giorgia Giacomini, Secretary General, Sammarinese Workers Union (USL)  
Enrico Biordi, Industry and Crafts Federation Secretary, USL  
Alessandro Zanotti, Union of Sammarinese Tourism Operators (USOT)  
Emanuele D'Amelio, San Marino Entrepreneurs Organization (OSLA)  
Marta Bossi, National Association of San Marino Industry (ANIS)  
Pio Ugolini, National Union of Craftsmen and Small or Medium-sized Enterprises (UNAS)  
Aleksandra Di Capua, President, Consultation of Associations of San Marino