



Office for Democratic Institutions and Human Rights

# FEDERAL REPUBLIC OF GERMANY

## EARLY ELECTIONS TO THE FEDERAL PARLIAMENT (BUNDESTAG) 23 February 2025

ODIHR NEEDS ASSESSMENT MISSION REPORT  
9-11 December 2024



Warsaw  
13 January 2025

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**FEDERAL REPUBLIC OF GERMANY**  
**EARLY ELECTIONS TO THE FEDERAL PARLIAMENT (BUNDESTAG)**  
**23 February 2025**  
**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

In anticipation of an invitation to observe the 23 February 2025 early federal elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Berlin from 9 to 11 December 2024. The NAM included Kseniya Dashutsina, ODIHR Senior Election Adviser, and Martina Barker-Ciganikova, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the early elections. Based on this assessment, the NAM recommends 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 and the election administration, as well as representatives of political parties, media, civil society and international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Federal Foreign Office for their assistance in organizing the visit. 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**

The 23 February early parliamentary elections follow the collapse of the ruling coalition on 6 November and dissolution of the *Bundestag* triggered by a vote of no confidence on 16 December. In line with the legislation, on 27 December, the president set the election day for 23 February, a date previously agreed upon informally by the main political parties. The political background against which the early elections unfold is shaped by economic pressures and challenges in both domestic and foreign policy. Most political parties the ODIHR NAM met with saw early elections as means to resolve the current political situation and expressed satisfaction with holding the elections early.

The legal framework was last amended in 2023 to reduce the number of seats in the *Bundestag*, and introduced changes to the electoral system. Other changes included measures to enhance the transparency of campaign finances, partially addressing previous ODIHR recommendations. Most prior ODIHR recommendations remain unaddressed, including those aimed to address the regulation of observation of the electoral process by citizen and international observers, effectiveness of adjudication of election disputes, decriminalization of defamation, and the need for comprehensive campaign and campaign finance regulations. Overall, ODIHR NAM interlocutors expressed satisfaction with the electoral legal framework as conducive for democratic elections, and welcomed additional guidance provided by the relevant institutions.

Germany has a mixed electoral system combining majoritarian and proportional elements with voters casting two votes each. The 2023 reform of electoral system decreased the number of seats in the *Bundestag* from 736 to 630 seats by abolishing the “overhang” and “balance” seats. Opposition political parties opined the adoption process lacked a consultative and inclusive nature. The Federal

Constitutional Court (FCC) ruled that all amendments apart from the 5 per cent electoral threshold are compatible with the Basic Law, and stated that this provision will continue to apply.

The elections are administered by a four-tiered structure including the Federal Electoral Committee (FEC), 16 *Länder* Electoral Committees, 299 single-mandate Constituency Electoral Committees and some 90,000 Election Boards. All ODIHR NAM interlocutors expressed a high level of trust in the integrity and professionalism of the election administration, including in the conduct of election day procedures, but some stated that compressed timeframes for implementing the early elections might pose challenges, and recalled issues which necessitated the re-run of state and federal elections in Berlin in 2023. Organizational arrangements are underway and in general, the institutions involved in election administration did not note any specific challenges concerning preparations of the early elections, with the exception of shortened deadlines for postal voting. Provisions for access to the electoral process for persons with different types of disabilities exist, but organizations working with persons with disabilities made reference to insufficient efforts and a lack of co-operation with the election administration regarding their full inclusion.

Citizens over 18 years old by election day who have either a domicile or permanent residency for at least the last three months in Germany are eligible to vote. In country voter registration is passive and voter lists are extracted from municipal civil registers. Postal voting is available for all, including those living permanently abroad. All ODIHR NAM interlocutors expressed confidence in the accuracy of the voter register and inclusiveness of the voter lists.

All eligible voters may stand as candidates, either independently or on party lists. Parties with at least five members in the *Bundestag* or a *Landtag* can nominate candidates and candidate lists without having to collect supporting signatures for their lists. The FEC determines the eligibility of parties to run and its decisions can be appealed to the FCC. While most political parties voiced their satisfaction with candidate registration requirements, smaller parties informed the ODIHR NAM that collecting a sufficient number of signatures within the shortened timeframe might pose a challenge.

Women are underrepresented in public and political life, with 260 out of 736 members (35.3 per cent) in the outgoing parliament, and 6 out of 15 ministers in the current government. The legislation does not provide for gender quotas for candidate nominations or party lists and the 2023 legal amendments did not include measures aimed at enhancing the representation of women in political life. Nevertheless, several political parties apply internal party measures.

Overall, with isolated exceptions, the political parties the ODIHR NAM met with did not express concerns regarding their ability to campaign freely. There is no official campaign period and the conduct of the campaign is largely decentralized; local authorities may adopt campaign-related ordinances which differ among municipalities. Contestants informed the ODIHR NAM they will campaign primarily through social networks, but also using traditional campaign methods. It is widely expected that domestic economy and foreign policy issues will dominate the discourse. Almost all ODIHR NAM interlocutors expressed concerns related to spread of disinformation and foreign influence; the ODIHR NAM was informed of several preventive measures by state institutions.

In line with prior ODIHR recommendations, 2023 amendments to the campaign finance legal framework include transparency measures for sponsorship, and introduce the definition of third-party campaigning. The amendments also lower the threshold for immediate declaration of donations from EUR 50,000 to EUR 35,000. There are no campaign income and expenditure limits or requirements to report expenditures in a timely and itemized manner. Political party annual financial reports, including campaign-related income and expenditures are only accessible to the public at the earliest one year after expenditures are incurred. The responsible oversight body may scrutinize financial

reports for formal correctness and impose sanctions, but has no investigative authority. While political party representatives the ODIHR NAM met with expressed general satisfaction with the campaign finance legal framework, most prior ODIHR recommendations related to establishment of an independent oversight institution, timely and itemized disclosure of donations and expenditures prior to election day, provisions for loans and the imposition of limits on donations remain unaddressed.

The media landscape is pluralistic, and internet and television are considered the primary source of political information; there is a strong tradition of press and public service broadcasting. Several ODIHR NAM interlocutors noted that the environment the media work in has deteriorated over recent years due to online violence and the rise of physical attacks against media professionals, mostly covering the COVID-19 pandemic and far-right demonstrations; some pointed to self-censorship as a result of growing hostility towards the media. Despite previous ODIHR recommendations, defamation and libel remain criminalized and are frequently used by politicians. By law, contestants are provided with free airtime on the public broadcasters and the opportunity to purchase airtime at special rates on private media on equal conditions. Most political parties the ODIHR NAM met with expressed satisfaction with their access to the media. Different bodies at the *Länder* level are vested with oversight of public and private broadcasters.

Jurisdiction over election-related disputes is shared by various levels of election administration, the *Bundestag* Committee for the Scrutiny of Elections and the FCC. The FCC has thus far considered a few cases related to the 2025 early elections. In general, ODIHR NAM interlocutors expressed a high degree of confidence in an impartial election dispute resolution mechanism, while some pointed to lengthy adjudication procedures, as the legislation does not provide deadlines for resolving post-election complaints.

All ODIHR NAM interlocutors expressed a high level of confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently, including on election day, and recognized the longstanding democratic tradition in Germany. At the same time, most ODIHR NAM interlocutors welcomed a potential ODIHR observation activity, and acknowledged that an external assessment could further improve the electoral process, especially given the impact of the condensed timeline for the conduct of the early elections and issues that it may expose. Interlocutors cited some areas that could benefit from closer attention, including the implementation of a recently revised electoral system, the conduct and regulation of the campaign and campaign finances, the media environment and coverage of the campaign, as well as the participation of underrepresented groups. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Germany is a federal republic, composed of 16 federal states (*Länder*). Legislative power is vested in the Federal Parliament (*Bundestag*), with directly elected members, and state parliaments (*Landtage*). The *Länder* participate in the process of legislating at the federal level through the Federal Council (*Bundesrat*), to which the respective state governments delegate 69 members. Federal executive power is vested in the Federal Cabinet, led by the Federal Chancellor, elected by a majority of parliament members at the proposal of the Federal President.

Following the 26 September 2021 elections, six political parties obtained seats in the *Bundestag*. The Social Democratic Party (Sozialdemokratische Partei Deutschlands; SPD) formed a so-called “traffic-

light” coalition with the Free Democratic Party (Freie Demokratische Partei; FDP), and the Alliance 90/The Greens (Bündnis 90/Die Grünen). The parliamentary opposition included the Christian Democratic Union (Christlich Demokratische Union Deutschlands; CDU) and its federal faction partner Christian Social Union of Bavaria (Christlich-Soziale Union in Bayern; CSU), the Alternative for Germany (Alternative für Deutschland; AfD), and the Left (Die Linke).<sup>1</sup>

On 6 November 2024, the ruling coalition under the leadership of SPD Chancellor Olaf Scholz collapsed following internal tensions, in particular with regards to the adoption of the 2025 budget and subsequent dismissal of the Finance Minister, Christian Lindner (FDP). Main political parties, including the opposition CDU, informally agreed to hold early elections on 23 February 2025.<sup>2</sup> Subsequently, the government lost a vote of confidence on 16 December and on 27 December, in line with the legislation, the president set the election day according to the constitutionally established deadlines.<sup>3</sup> Most political parties the ODIHR NAM met with saw early elections as means to resolve the current political situation and expressed satisfaction with holding the elections early.

The political background is shaped by the dynamics within the current government coalition, and domestic policy such as the economic slowdown, impacted by inflation and energy price increases, resulting in serious challenges for important industries. The run-up to the elections is further framed by challenges in foreign policy, including aid and military support for Ukraine, as well as rising influence of populist and extremist rhetoric.

Women are underrepresented in public and political life, with 260 out of 736 members (35.3 per cent) in the outgoing parliament, and 6 out of 15 ministers in the current government. The Speaker of the *Bundestag* is a woman. Three out of the six parties represented in the parliament are co-led by women.

Most recently, ODIHR deployed an Election Expert Mission (EET) for the 2021 federal elections, with a particular focus on postal voting, the conduct of the campaign and campaign finance.<sup>4</sup>

## B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The parliamentary elections are primarily regulated by the 1949 Basic Law, the 1956 Federal Electoral Act (FEA, last amended in 2023), the 2002 Federal Electoral Regulations (FER), and the 1951 Law on the Scrutiny of Elections (last amended in 2020), as well as by relevant Federal Constitutional Court (FCC) rulings.<sup>5</sup> The same regulations and procedures, albeit with shortened deadlines, apply in case of early elections.<sup>6</sup> Germany is party to major international and regional instruments related to holding of democratic elections.<sup>7</sup>

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<sup>1</sup> Elections in Berlin both at the state and federal level were repeated due to irregularities in February 2023. As a result, the FDP lost a seat in the *Bundestag*, while three other seats were moved from Berlin to different states.

<sup>2</sup> The elections were originally scheduled for 28 September 2025.

<sup>3</sup> In line with the Basic Law, the *Bundestag* is to be dissolved within 21 days from the day of the vote and the new elections shall be held within 60 days.

<sup>4</sup> See previous [ODIHR election-related reports](#) on Germany.

<sup>5</sup> Relevant provisions of the 1994 Political Parties Act (last amended in 2023), the 1999 Law on Election Statistics, and the 2002 Civil and 1998 Criminal Codes are also applicable.

<sup>6</sup> On 25 November, the Ministry of Interior published a [draft ordinance](#) with adjusted timelines for a shortened electoral cycle with the stated aim “to grant all contestants the greatest possible lead time for their election preparations within the tight time frame without jeopardising the proper conduct of the election by the electoral bodies”.

<sup>7</sup> Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention on the Elimination of All Forms of Discrimination Against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities, and the 1950 European Convention on Human Rights.

The legal framework was last amended in 2023 to reduce the number of seats in the *Bundestag* and introduce changes to the electoral system. Other changes included measures to enhance the transparency of campaign finances, partially addressing previous ODIHR recommendations. Most prior ODIHR recommendations remain unaddressed, including those aimed at addressing the regulation of observation of the electoral process by citizen and international observers, effectiveness of adjudication of election disputes, decriminalization of defamation, and the need for comprehensive campaign and campaign finance regulations. Overall, ODIHR NAM interlocutors expressed satisfaction with the electoral legal framework as conducive for democratic elections, and welcomed additional guidance provided by the relevant institutions. Representatives of parliamentary opposition stated that the recent reform process was not consultative or inclusive and that they will reverse the amendments should they form the new government.<sup>8</sup>

Members of the *Bundestag* are elected through a mixed proportional and majoritarian system for a four-year term. Each voter is entitled to cast two votes, as candidates are elected in 299 single-seat electoral districts under a first-past-the-post system, and through closed party lists in 16 multi-seat *Länder* constituencies. Parties that surpass the 5 per cent threshold of second votes at the national level or win seats in at least three single-seat constituencies are eligible to participate in the allocation of parliamentary seats. Parties representing recognized national minorities (Danes, Frisians, Swabians and Roma) are exempt from the 5 per cent threshold requirement.

The 2023 reform of the electoral system decreased the number of seats in the *Bundestag* from 736 to 630 seats by abolishing the “overhang” and “balance” seats.<sup>9</sup> Following the amendments, candidates who receive the majority of votes in a constituency (first votes) are only entitled to a seat if the assignment of such seat is supported by the amount of party list votes (second votes) that their political party received overall. Should a party win more constituencies than it deserves according to the national vote, some of those directly elected candidates will not get a seat in parliament.<sup>10</sup>

The amendments initially eliminated the “basic mandate clause” (*Grundmandatsklausel*), which allowed a political party to attain seats if its candidates won a majority of first votes in at least three constituencies, regardless of meeting the 5 per cent threshold.<sup>11</sup> This aspect of the reform was challenged by the Left and the CSU, the *Land* of Bavaria and several individuals in the Federal Constitutional Court.<sup>12</sup> On 30 July 2024, the Constitutional Court ruled that all amendments apart

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<sup>8</sup> ODIHR and the Venice Commission [in their 2023 joint legal opinion](#) on the amendments to the Federal Election Act concluded that while both the substance and timing of the procedure were in line with international standards, the amendments were not adopted by consensus but instead by a parliamentary majority of the governing parties.

<sup>9</sup> Prior to these amendments, when a party won more constituencies than the number of seats they were entitled to according to the proportion of their national vote, the directly elected representatives would still get a seat in parliament, leading to so-called “overhang seats” (*Überhangmandate*). As a consequence, so-called “balance seats” (*Ausgleichsmandate*) were then granted to the other parties to ensure they all get the proportion of seats determined by the party vote. In the 2021 elections, this resulted in a total of 138 extra seats.

<sup>10</sup> Paragraph 38 of the 2023 ODIHR and Venice Commission [joint legal opinion](#) on the amendments to the Federal Election Act concluded that “the amendment does not go against the principle of equal suffrage, even if it lowers the chance of some candidates to be successfully elected”.

<sup>11</sup> Further amendments prohibited independent candidates from simultaneously standing for election on a party’s *Land* list and stipulated that should an independent candidate withdraw from parliament, his or her seat remains vacant. The other amendments are largely technical, aligning the terminology affected by the main changes.

<sup>12</sup> In the 2021 federal elections, the Left party won 4.9 per cent of the votes but secured 39 *Bundestag* seats as three of its candidates won their respective constituencies. CSU which only competes in the state of Bavaria is another party potentially affected as its performance in the last elections was just above 5 per cent. Paragraph 45 of the 2023 ODIHR and Venice Commission [joint legal opinion](#) states: “the new electoral system does clearly have a negative impact on some regional parties not having an organisation in many *Länder* but still being widely popular in some of them, as they may not gain the required percentage of votes nationwide”.

from the 5 per cent electoral threshold are compatible with the Basic Law, and stated that this provision will continue to apply.<sup>13</sup>

The amendments also reduced the possible maximum deviation in the number of voters in the constituencies from 25 to 15 per cent.<sup>14</sup> However, these amendments will only come into effect as of 1 January 2026 and are not applicable for the 2025 elections. No ODIHR NAM interlocutors raised concerns with the redrawing of constituency boundaries or equality of the vote. Since the last federal elections, 16 constituency boundaries were redrawn.<sup>15</sup>

### C. ELECTION ADMINISTRATION

Elections are administered by a four-tiered structure including the Federal Electoral Committee (FEC), 16 *Länder* Electoral Committees (LECs), 299 single-mandate Constituency Electoral Committees (CECs) and some 90,000 Election Boards (EBs).<sup>16</sup> All ODIHR NAM interlocutors expressed a high level of trust in the integrity and professionalism of the election administration, including in the conduct of election day procedures, but some stated that compressed timeframes for implementing the early elections might pose challenges, and recalled issues which necessitated the re-run of state and federal elections in Berlin in 2023.<sup>17</sup>

The FEC supervises the implementation of the legislation, ascertains which parties are eligible to participate in elections, decides on complaints regarding the rejection or approval of a *Land* list and determines the final results of the election by *Land* list for the electoral area. The LECs, among other duties, decide on the admission of *Land* lists, adjudicate appeals lodged against the approval or rejection of constituency nominations and establish the final results of the election by *Land* list for the respective *Land*. The CECs decide on the admission of constituency nominations, revise decisions taken by electoral boards in the polling districts, and establish the election results in the constituency.<sup>18</sup> The EBs, with assistance from municipalities, organize the elections at the local level.

Committees at all levels are chaired by returning officers and EBs by electoral officers. The Federal Returning Officer (FRO) and *Länder* returning officers are appointed by the Federal Ministry of Interior and the *Länder* executive authorities, respectively. Constituency returning officers and electoral officers are appointed by the *Länder* executive authorities. In addition to the chair, the FEC consists of two judges of the Federal Administrative Court, and eight persons appointed by the FRO as assessors on the proposal of political parties; four FEC members, including the chairperson are women and seven are men. The LECs are composed of nine members, including two judges, while CECs have seven members. EBs have five to nine members appointed from among voters and

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<sup>13</sup> Subject to the condition that political parties that receive less than 5 per cent of the second vote will still take part in the distribution of party list seats in the *Bundestag* if their candidates win a majority of first votes in at least three constituencies.

<sup>14</sup> If the deviation is greater than 15 per cent, boundaries need to be redrawn. Paragraph I.2.2.iv of the [2002 Code of Good Practice in Electoral Matters](#) recommends that the “permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances”.

<sup>15</sup> This affected Bavaria, Saxony-Anhalt and Brandenburg. Fourteen of these constituencies were redrawn due to population developments and two constituencies in Thuringia were adjusted given changes in municipal territories. An independent, non-partisan Commission appointed by the president reviews electoral district boundaries on the basis of population changes that are subject to approval by the *Bundestag*.

<sup>16</sup> The electoral committees were formed in November 2024 for the upcoming elections.

<sup>17</sup> The FCC [ruled](#) that the *Bundestag* elections must be repeated in Berlin in 455 out of 2,256 polling districts due to irregularities.

<sup>18</sup> Up until and including the 2021 *Bundestag* election, the CECs also determined which candidate had been elected as the constituency representative. This is no longer applicable for the 2025 elections, as a constituency candidate will only be deemed elected in a constituency if the candidate’s party has received sufficient second votes.



political parties.<sup>19</sup> The election administration informed the ODIHR NAM that they do not face any difficulties with recruiting sufficient polling staff, as at the time the government collapsed the recruitment and preparations for the 2025 elections had already started.

Following the collapse of the government, the electoral committees immediately started logistical preparations to meet the condensed deadlines.<sup>20</sup> The election administration informed the ODIHR NAM that they are well prepared and resourced to conduct early elections, but noted the condensed timeline for the preparation of postal voting from 6 weeks in case of regular elections to as short as 14 days poses an organizational challenge, especially for voters residing abroad. The ODIHR NAM was informed about voter education efforts in particular with regard to the impact of the electoral reform and the increased importance of the second vote.

Information on the accessibility of polling stations is shared with voters via a notification sent together with other voting materials.<sup>21</sup> Assisted voting is also available. Blind and visually impaired citizens can cast their vote independently using ballot paper templates. Voters can also report any shortcomings in the accessibility of websites providing information on elections via a contact form.<sup>22</sup> Nevertheless, organizations working with persons with disabilities informed the ODIHR NAM about a lack of co-operation with the election administration and insufficient efforts to make the voting process, including electoral materials, fully accessible.

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

Citizens over 18 years old by election day who have either a domicile or permanent residency for at least the last three months in Germany are eligible to vote. Some 61 million citizens are entitled to vote in the upcoming elections. Since 2019, Germany grants full voting rights to persons with intellectual and psychosocial disabilities under guardianship. Individuals convicted of specific serious crimes by a court are ineligible to vote.

In-country, voter registration is passive and voter lists are extracted from municipal civil registers based on a voter's permanent residence. Voter lists are available for display and voters may request corrections between 20 to 16 days before the elections. Complaints regarding omissions and inaccuracies may be lodged with the CECs. All ODIHR NAM interlocutors expressed confidence in the accuracy of the voter register and inclusiveness of the voter lists.

All in-country registered voters, including those residing temporarily abroad can vote by post without providing any justification. Voters wishing to vote by post or at any other polling station in a given constituency must apply for a polling card. Application for a polling card must be submitted with the municipality of the voters' main place of residence no later than 3:00 p.m. on the Friday before election day.<sup>23</sup>

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<sup>19</sup> Parties are entitled to nominate members to election bodies at different levels. The legislation does not provide for clear criteria for selecting members from the political parties, nevertheless the ODIHR NAM was informed that traditionally the parties represented in the *Bundestag* or *Landtag* are represented. In addition to these nominations, local authorities request nominations from various federal and local public bodies and institutions to staff the EBs.

<sup>20</sup> The measures implemented by the time of the ODIHR NAM included, amongst others, formation of the electoral committees at all levels, determination of polling stations and the required equipment, procurement of election documents and provision of information to parties and individual candidates on the modalities of the submission of nominations and notifications of participation with a preliminary examination of the submitted documents conducted by the returning officers at the federal, *Land* and constituency level.

<sup>21</sup> Municipalities are in charge of setting up polling stations and ensuring their accessibility. There is no monitoring conducted as to which polling stations are independently accessible in practice.

<sup>22</sup> The information contains pictograms describing the set-up of the polling station and telephone numbers.

<sup>23</sup> In exceptional cases, for instance due to serious illness, applications on election day are permissible.

Voter registration for citizens permanently residing abroad is active. Citizens permanently residing abroad are eligible to vote exclusively by post if they have lived in Germany for at least three months without interruption after reaching the age of 14 and this residence was not more than 25 years ago. Alternatively, citizens permanently residing abroad who have never resided in Germany are also eligible to vote if they can demonstrate personal and direct familiarity with the political situation in the country and are affected by it.<sup>24</sup>

## E. CANDIDATE REGISTRATION

Eligible voters may stand as candidates, either independently or on party lists. Individual candidates can be proposed by voters or groups of voters and stand as candidates in any constituency without being resident there. Parties may propose their own constituency nominations in the constituencies as well as their own *Land* nominations (*Land* lists) in the *Länder* no later than 34 days before election day. *Land* lists can only be submitted by parties and a party may submit only one *Land* list in each *Land* to the respective returning officers. Only parties for which a *Land* list has been approved in the relevant federal state may nominate constituency candidates.

Political parties with at least five members in the *Bundestag* or a *Länder* parliament do not need to collect supporting signatures in order to submit their nominations. All other parties, and associations wishing to field candidates as well as individual candidates must formally notify the FEC of their intention to contest the elections and require at least 200 supporting signatures from eligible voters in the respective constituency for constituency nominations and.<sup>25</sup> Parties representing national minorities are exempt from these signature collection requirements.

For the *Land* list, the “non-established” parties must collect signatures and the requirements differ depending on the number of voters in each *Land*.<sup>26</sup> Supporting signatures may only be collected once the nomination has been submitted. While most political parties voiced their satisfaction with candidate registration requirements, smaller parties informed the ODIHR NAM that collecting a sufficient number of signatures within the shortened timeframe might pose a challenge. Several parties informed ODIHR NAM that they were already in the process of candidate nomination in preparation for the 2025 elections at the time the government collapsed.

The legislation does not provide for gender quotas for candidate nominations or party lists and the 2023 amendments did not include measures aimed at enhancing the representation of women. Previous attempts to introduce legislative quotas at the *Land* level were declared unconstitutional by the *Länder* Constitutional Courts.<sup>27</sup> However, in 2021, the Federal Constitutional Court ruled that parity laws can in principle be a legitimate means a legislature can apply in order to comply with the constitutional mandate of equality. Most political parties the ODIHR NAM met with do not see a

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<sup>24</sup> The original application must be submitted via post, email or fax to the competent municipal authority no later than 21 days before election day.

<sup>25</sup> This so-called “notification of participation” along with supporting documents, including an accountability report, must be submitted no later than 47 days before election day.

<sup>26</sup> The *Land* list of a “non-established” party must be signed by 1 per thousand persons entitled to vote in the last *Bundestag* election of the respective *Land*, but not more than 2,000 persons.

<sup>27</sup> In 2020, the Constitutional Courts in the state of [Brandenburg](#) and [Thuringen](#) ruled that a parity law impedes the party’s freedom to organize and nominate candidates as well as the principle of equality between sexes enshrined in the Constitution. The [UN General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women](#) on temporary special measures clearly states that the “adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination”.

need to introduce legislative gender quotas, however, several indicated that they apply their own internal quotas, including up to 50 per cent, or other internal policies to promote women candidates.

## F. CAMPAIGN ENVIRONMENT

There is no official campaign period and parties may campaign freely at any time but there are different regulations at the municipal level, even within a single *Land*, for the display of campaign materials and holding meetings with voters, amongst other issues.<sup>28</sup> By law, the organization of outdoor assemblies requires a notification to the competent authorities. The Political Party Act provides for equitable treatment of contestants according to the results obtained in previous federal elections. The conduct of the election campaign is largely decentralized and local authorities may adopt campaign-related ordinances.

Political parties met by ODIHR NAM stated that the campaign will focus on the domestic economy, security, foreign policy issues, the energy crisis, housing, as well as labour and social issues. Contestants informed the ODIHR NAM they plan to campaign primarily through social networks, but also using traditional campaign methods, including assemblies, billboards and party stands, distribution of leaflets and other party paraphernalia, as well as media advertising. Most parties met by the ODIHR NAM did not express concerns with respect to their ability to campaign freely, with the exception of the AfD party, which informed the ODIHR NAM of physical and verbal attacks on party members and supporters during campaign events, and vandalism of its premises and property.<sup>29</sup>

The 2017 Network Enforcement Act mandates platforms, including video-sharing services, to remove illegal or harmful content, including hate speech and disinformation and provides for an appeals procedure for measures taken by the social network provider.<sup>30</sup> Platforms must submit transparency reports on dealing with illegal content every six months. Several ODIHR NAM interlocutors opined that while the application of European Union legislation, in particular the Digital Services Act, further improves the transparency of online activities, its full effects are yet to be seen.

The majority of ODIHR NAM interlocutors expressed serious concerns about the spread of disinformation during the campaign and potential foreign interference in the electoral process. The ODIHR NAM was informed of a special task force composed of different state institutions with the aim to monitor disinformation, hybrid threats and provide early detection of foreign interference and manipulation.<sup>31</sup> A co-operation network between a wide array of institutions, including the Ministry of Interior and the cybersecurity agency, Federal Office for Information Security has implemented a number of measures, including forming an emergency response team and seminars for candidates and parties to help them secure their devices and online accounts against cyber intruders.<sup>32</sup>

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<sup>28</sup> ODIHR previously recommended that municipal regulations of the campaign should be clearly defined and easily accessible for the contestants.

<sup>29</sup> Some other political parties informed the ODIHR NAM about incidents of their campaign materials being destroyed and some left-wing parties about disruption of their campaign events by AfD supporters. In November 2024, a multi-partisan group of *Bundestag* MPs submitted a motion to the *Bundestag* to prepare proceedings before the FCC to declare the AfD an anti-constitutional and extremist organization.

<sup>30</sup> The Network Enforcement Act is only applicable to social media networks that have two million or more registered users in Germany. It obligates the covered social media networks to remove content that is “clearly illegal” within 24 hours after receiving a user complaint. If the illegality of the content is not obvious on its face, the social network has seven days to investigate and delete it. A social media network may be fined up to EUR 50 million for non-compliance.

<sup>31</sup> The national intelligence agency, Federal Office for the Protection of the Constitution, [publicly](#) warned about potential foreign interference and illegitimate influence ahead of the 2025 elections.

<sup>32</sup> The webportal of the CDU party was a victim to serious [cyber attacks](#) just before the European Parliament elections leading to its temporary suspension.

## G. CAMPAIGN FINANCE

The party and campaign finance is regulated by the Political Party Act and the Basic Law. Relevant rulings of the FCC are also applicable. In line with prior ODIHR recommendations, the 2023 amendments to the Political Party Act included transparency measures for sponsorship and introduce the definition of third-party campaigning. The amendments also lowered the threshold for immediate publication of donations from EUR 50,000 to EUR 35,000, however, most ODIHR NAM stakeholders opined that this decrease is not sufficient to ensure full transparency.<sup>33</sup> While political party representatives met with by the ODIHR NAM expressed general satisfaction with the campaign finance legal framework, prior ODIHR recommendations with respect to the establishment of an independent oversight institution, timely and itemized disclosure of donations and expenditures before election day, provisions for loans for political parties and the imposition of limits on donations remain unaddressed.

Public funding is available for parties that pass a certain threshold of valid votes in the previous elections but may not supersede the total amount that the party independently generates.<sup>34</sup> Other sources of income include membership fees, contributions by elected office holders and donations from private citizens and legal entities. Foreign donations are only permitted from EU citizens and enterprises headquartered in an EU country.

There are no limits on the amounts that political parties may raise or spend during the campaign.<sup>35</sup> The legislation does not distinguish between regular political party and campaign expenditures. Requirements to report expenditures in a timely and itemized manner are absent and political party annual financial reports, including campaign-related income and expenditures are only accessible to the public at least a year after expenditures are incurred. These annual financial reports are submitted to the President of *Bundestag* for the preceding year by 30 September and the deadline can be extended up to three months; the reports need to be audited by a certified auditor or auditing firm.<sup>36</sup> Several ODIHR NAM interlocutors opined that the enforcement mechanism is not efficient due to the long deadlines.

The oversight of political party finances is vested in the office of the President of *Bundestag* with the responsibility to scrutinize financial reports for formal and content correctness and to publish them on the website of the *Bundestag*.<sup>37</sup> The office has no investigative authority but can impose sanctions for non-compliance.<sup>38</sup>

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<sup>33</sup> For donations over EUR 10,000 political parties are only required to disclose the source and the total amount in the annual financial reports.

<sup>34</sup> Parties who received 0.5 per cent of the valid votes in the last Federal or European elections and 1 per cent of valid votes at *Länder* level are entitled to public funding.

<sup>35</sup> Article 3 of [Recommendation Rec\(2003\)4 of the Council of Europe's Committee of Ministers](#) to member states on common rules against corruption in the funding of political parties and electoral campaigns stipulates that "States should consider the possibility of introducing rules limiting the value of donations to political parties." The no-limit rule applies only to donations originating in Germany or the EU. Individuals from outside the EU can donate up to EUR 1,000. Donations from public and foreign entities are forbidden.

<sup>36</sup> Reports that include donations and expenditures from the 2025 federal elections are only expected in spring 2027.

<sup>37</sup> The President of *Bundestag* can request additional clarifications and documentation from political parties.

<sup>38</sup> Failure to submit a financial report or the submission of an inaccurate report may cause administrative or criminal sanctions; a fine amounting to double the amount incorrectly stated can be imposed and a party can lose its legal status if it does not submit financial reports for six years. Parties can be financially sanctioned triple the amount of the donation if they accept illegal donations

## H. MEDIA

The media environment is pluralistic, and internet and television are considered the primary source of political information.<sup>39</sup> The broadcasting sector is characterised by a dual system of public service media and commercial broadcasters.<sup>40</sup> There is a long tradition of the press and public service broadcasting.<sup>41</sup> A reform of the public media sector including a reduction in the number of radio and TV services, stronger co-operation with private media, as well as cuts in the financing of public media is currently under way.<sup>42</sup> Some ODIHR NAM interlocutors noted that the media environment has deteriorated over recent years due to a rise in physical attacks against media professionals, mostly covering the COVID-19 pandemic and far-right demonstrations, as well as online violence.<sup>43</sup> Some ODIHR NAM interlocutors pointed to self-censorship as a result of growing hostility towards the media.

The legal framework regulating the conduct of media during the campaign remains unchanged since the last federal elections. The Constitution guarantees freedom of expression and opinion. Contrary to international standards and previous ODIHR recommendations, defamation remains criminalized.<sup>44</sup> The ODIHR NAM was informed of the frequent use of defamation cases by politicians.<sup>45</sup> Some ODIHR NAM interlocutors pointed to a need for the adoption of a federal law guaranteeing access to information for journalists.<sup>46</sup>

The Interstate Treaty on Broadcasting and Telemedia provides a general framework stipulating requirements of plurality of opinion, balanced coverage for all important political and ideological forces, and requires those parties with a list in at least one *Länder* be granted an “appropriate” amount of broadcasting time. The allocation of airtime is based on each party’s results in the previous federal elections. Electoral contestants are provided with free airtime on the public broadcasters and the opportunity to purchase airtime at special rates on private media on equal conditions. Contestants may use the free airtime to promote their candidatures but not to demean their opponents. In general, representatives of all political parties the ODIHR NAM met with noted satisfaction with access to the media during the campaign and considered the political and election coverage as fair and balanced.<sup>47</sup> The AfD political party opined their portrayal in the mainstream media was often negative, sensationalist, and harming their reputation.

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<sup>39</sup> As reported by the Reuters Institute [annual survey](#) for the Study of Journalism.

<sup>40</sup> The federal system is reflected in the decentralised broadcasting system: in the *Länder* there are 11 public service media networks broadcasting nationwide and 9 broadcasting stations under the aegis of the ARD (the Consortium of public broadcasters in Germany). At the national level, one television-only station, Zweites Deutsches Fernsehen (ZDF), broadcasts nationwide, as does one radio-only broadcaster, Deutschlandradio.

<sup>41</sup> There is a mandatory monthly broadcasting license fee of EUR 18.36.

<sup>42</sup> On 12 December 2024, the heads of government of the federal states [adopted](#) the State Treaty on the Reform of Public Service Broadcasting.

<sup>43</sup> According to the [latest study](#) by the European Centre for Press Freedom and Freedom of Expression, there were 69 verified cases of physical attacks on media professionals in 2023, 13 more than in 2022. The same tendency of journalists increasingly being the targets of threats, harassment, and physical attacks has also been reported by the [Journalists without Borders](#). Several interlocutors opined that online threats are directed, in particular, against women journalists.

<sup>44</sup> As of 2021, special protection of public political figures was introduced and sanctions for insult, defamation, and libel include monetary fines or imprisonment of up to five years.

<sup>45</sup> In the current legislative period, media [reported](#) some 1,500 defamation and threats cases filed by federal ministers. For instance, the Minister for Economics from the Greens party [reported](#) over 800 such criminal cases. Both in the outgoing and the previous legislature, motions were proposed to adopt such a law. The latest report by the Journalists without Borders also [highlighted](#) that access to information is fragmented.

<sup>47</sup> The private broadcaster RTL [decided](#) to air debates with top candidates from the SPD, CDU/CSU, the Greens, FDP, AfD and Bündnis Sahra Wagenknecht leaving the Left party out. The Left party informed the ODIHR NAM that it was considering filing a law suit.

Oversight of media conduct in public broadcasting corporations is ensured by independent Broadcasting Councils,<sup>48</sup> and private broadcasters are scrutinized by supervisory bodies at the *Länder* level.<sup>49</sup> The German Press Council, a voluntary self-monitoring body, reviews complaints and oversees the print media and journalistic coverage on the Internet, assessing journalistic practice against the Press Code.<sup>50</sup> The Council informed the ODIHR NAM that it annually reviews some 2,000 complaints, dealing with any potential election-related cases within a general timeframe, and issues non-binding decisions, including, as a most severe sanction, the obligation to publish reprimands.

## I. ELECTORAL DISPUTE RESOLUTION

Prior to the elections, stakeholders can submit complaints to various levels of election administration on issues related to voter registration, the nomination and denial of registration of candidates and party lists as well as issuance of polling cards.<sup>51</sup>

In accordance with the Basic Law, the *Bundestag* Committee for the Scrutiny of Elections handles all other election related complaints, including on breaches of electoral rights and the validity of elections, from citizens, returning officers at all levels in their official capacity, and the President of *Bundestag*. Such complaints can only be filed within a timeframe of two months following election day.<sup>52</sup> Committee members are elected by the *Bundestag* for the duration of the legislature's term.

The FCC deals with appeals against decisions of the *Bundestag*, including on the validity of elections and decisions of election administration on issues such as the registration of political parties and associations.<sup>53</sup> The FCC informed the ODIHR NAM that thus far it handled a few cases related to the 2025 elections.<sup>54</sup> FCC proceedings are open to public and decisions are taken by a collegium of eight justices.

Not in line with international good practice and prior ODIHR recommendations, the legislation does not provide deadlines for adjudicating post-election complaints resulting in lengthy procedures in practice.<sup>55</sup> ODIHR NAM interlocutors, including from the adjudicating bodies, acknowledged that the current deadlines do not provide for a timely remedy. Nevertheless, all interlocutors expressed a high degree of confidence in the impartial election dispute resolution by adjudicating bodies affirming that there is a longstanding tradition of well-administered elections.

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<sup>48</sup> Some ODIHR NAM interlocutors pointed to a potential risk of political influence exercised on these oversight institutions through election of directors with political backgrounds and party representatives as board members.

<sup>49</sup> Die [Medienanstalten](#) is the oversight umbrella organization of the 14 *Länder* media authorities and is responsible for the licensing and supervision of private electronic broadcasters, including with reference to compliance with advertising regulations.

<sup>50</sup> With regards to election campaign reporting, the [Press Code](#) states that “accurate informing of the public during election campaigns includes the Press reporting on opinions that it does not share”.

<sup>51</sup> Judges from the administrative courts are members of the election committees at the federal and *Land* level.

<sup>52</sup> The Committee then scrutinizes these complaints to ascertain whether the validity of the *Bundestag* elections has been affected or any rights have been violated during the preparations or conduct of elections. The Committee has the right to investigate and request additional information; it makes decisions through a majority vote and then forwards its decisions for a vote in the *Bundestag*.

<sup>53</sup> The FCC informed the ODIHR NAM of some 20 complaints filed by associations which were not admitted to run in the 2021 elections; a similar number of complaints is expected for the upcoming elections.

<sup>54</sup> The complaints related to shortened deadlines and questioned the constitutionality of the requirement to collect supporting signatures. On 18 December, the Court [decided](#) that supporting signatures remain a [prerequisite](#) under the new electoral system.

<sup>55</sup> The [decision](#) by the FCC to repeat elections in Berlin was issued more than two years after the holding of the 2021 federal elections, in December 2023. Section II.3.3.g. of the 2002 Venice Commission's [Code of Good Practice](#) in Electoral Matters recommends that “[t]ime-limits for lodging and deciding appeals must be short (three to five days for each at first instance)”.

## J. ELECTION OBSERVATION

The law states that election process is public and grants the public access to all stages of the process, without accreditation but does not explicitly provide for observation. Further, despite a previous ODIHR recommendation, the law does not foresee for international election observation, contrary to paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>56</sup> The authorities assured the ODIHR NAM that the arrangements to facilitate access to all levels of election administration for any possible election-related activity would be provided. Some civil society organizations met by the ODIHR NAM noted plans to follow certain aspects of the process, including related to the transparency of campaign finances.

## IV. CONCLUSION AND RECOMMENDATION

All ODIHR NAM interlocutors expressed a high level of confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently, including on election day, and recognized the longstanding democratic tradition in Germany. At the same time, most ODIHR NAM interlocutors welcomed a potential ODIHR observation activity, and acknowledged that an external assessment could further improve the electoral process, especially given the impact of the condensed timeline for the conduct of the early elections and issues that it may expose. Interlocutors cited some areas that could benefit from closer attention, including the implementation of a recently revised electoral system, the conduct and regulation of the campaign and campaign finances, the media environment and coverage of the campaign, as well as the participation of underrepresented groups. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections.

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<sup>56</sup> Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

## **ANNEX: LIST OF MEETINGS**

### **Federal Foreign Office**

Jan Kantorczyk, Head, Division OSCE and Council of Europe  
Xenia Jakob, Deputy Head, Division OSCE and Council of Europe

### **Federal Ministry of Interior**

Gabriele Nieradzik, Director General, Constitutional and Administrative Law  
Dr. Ben Behmenburg, Head of Division, Electoral Law and Law on Political Parties  
Dr. Eva-Annette Brauns, Deputy Head of Division, Electoral Law and Law on Political Parties  
Sabine Uhlig, Policy Officer, Electoral Law and Law on Political Parties  
Katharina Leusch, Trainee Lawyer, Electoral Law and Law on Political Parties  
Esther Keller, Policy Officer, Hybrid Threats, Cyber Security  
Thomas Weichert, Policy Officer, Counter Espionage, NBC crimes, Business Security  
Verena Lang, Policy Officer, Cyber Capabilities

### **Federal Returning Officer**

Dr. Ruth Brand

### **Committee for the Scrutiny of Elections**

Dr. Marten Vogt, Head of Secretariat  
Alisa Priess, Desk Officer  
Christiane Behrens, Assistant Desk Officer  
Sophia Simon, Policy Adviser, Social Democratic Party parliamentary group  
Maren Helm, Policy Adviser, Alliance '90/ The Greens parliamentary group

### **Federal Constitutional Court**

Prof. Dr. Astrid Wallrabenstein, Judge

### **Political Parties**

Dr. Andrei Hesse, Head of Division of Principles, Strategy and Program, Alternative for Germany  
Pegah Edalatian, Federal Party Executive, Alliance '90/The Greens  
Andreas Audretsch, Campaign Manager, Alliance '90/The Greens  
Tobias Schmid, Chief Party Executive, Christian Social Union (CSU)  
Julia Wiedemann, Division of International Politics, The Left  
Stefan Böltes, Legal Adviser, Social Democratic Party  
Martin Lorenzen, State Party Executive, South Schleswig Voters' Association (Danish minority party)  
Anna Laura Tiessen, Chairperson, Volt Germany

### **Media**

Roman Portack, CEO, German Press Council  
Barbara Thomaß, ZDF board member and media scholar  
Elena Kountidou, CEO, Neue deutsche Medienmacher\*innen

### **National Council of German Women's Organizations**

Elke Ferner, Board Member  
Janka Kastner, Legal Adviser

### **General Association of the Disabled in Germany**

Peter Halle, Board

### **Lobby Control**

Timo Lange, Campaigner