



Office for Democratic Institutions and Human Rights

**THE ITALIAN REPUBLIC**  
**EARLY PARLIAMENTARY ELECTIONS**  
**24 and 25 February 2013**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

**7-10 January 2013**



**Warsaw**  
**22 January 2013**

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**OSCE/ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an invitation from the Permanent Mission of Italy to the OSCE to observe the 24 and 25 February 2013 early parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 7 to 10 January. The NAM included Dr. Beata Martin-Rozumiłowicz, OSCE/ODIHR Head of Election Department, and Richard Lappin, OSCE/ODIHR Election Adviser.

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

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs and the Ministry of Internal Affairs for their assistance and co-operation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM.

**II. EXECUTIVE SUMMARY**

Early parliamentary elections were called for 24 and 25 February after the President of the Republic dissolved parliament, some two months ahead of schedule. Voters will elect 630 members to the Chamber of Deputies and 315 members to the Senate for five-year terms. Members of parliament are primarily elected under different proportional systems from closed candidate lists.

The upcoming elections will be conducted according to essentially the same legal framework as for the 2008 parliamentary elections. Few prior OSCE/ODIHR recommendations have been addressed. Although several OSCE/ODIHR NAM interlocutors recognized that legislation would benefit from review and harmonization, the majority expressed overall satisfaction with the legal framework and considered it an adequate basis for the conduct of democratic elections.

The structure of the election administration is complex and involves a number of state institutions and offices established within judicial structures. The Ministry of Internal Affairs has primary responsibility for the administration and oversight of elections and is widely perceived to undertake its duties in a professional and impartial manner.

All citizens, including those permanently residing abroad are entitled to vote in parliamentary elections. However, although citizens aged 18 years or more are entitled to vote for the Chamber of Deputies, the right to vote in Senate elections is limited to citizens who are at least 25 years old. Voter registration is passive and voter lists are based on information extracted by municipal authorities from the permanent, electronic civil register.

A vote can only be cast at a polling station in the district where a voter resides. Voters who permanently reside abroad have the option to vote in-person at their regular polling station in Italy or by post from abroad. Several OSCE/ODIHR NAM interlocutors advised that the process of out-of-country voting could merit further attention.

Candidate registration procedures are clearly defined and generally inclusive. However, some OSCE/ODIHR NAM interlocutors expressed concerns about the lack of clear provisions regarding the verification of supporting signatures and registration of party logos. At odds with paragraph 7.5 of the 1990 OSCE Copenhagen Document, the law does not permit individuals to independently stand, but only in groups of independent candidates. Women are underrepresented and there are no special measures in place to encourage their registration as candidates.

Campaign financing relies heavily on public funding, which is distributed in the form of reimbursements for campaign expenditures. Although a number of limitations on contributions and expenditures are defined in the law, several OSCE/ODIHR NAM interlocutors expressed concerns about the timing and detail of disclosure reports, as well as the lack of effective sanctions.

The campaign is expected to focus on economic issues. A number of closely contested races are expected, particularly for the Senate, including in the districts of Emilia Romagna, Lombardy and Veneto in the North, and Campania and Sicily in the South. No OSCE/ODIHR NAM interlocutor raised concerns about the ability to campaign freely.

The media landscape is diverse and the law establishes strict regulations for broadcast media during the official campaign. Nevertheless, the majority of OSCE/ODIHR NAM interlocutors pointed to a concentration of private media ownership, limiting pluralism in their view, and perceived political bias within the public broadcaster as areas of concern.

There are a variety of procedures for complaints and appeals to different administrative and judicial bodies. Contrary to previous OSCE/ODIHR recommendations, the newly elected parliament remains the final appeal body for election complaints, although reform initiatives had been tabled.

Although international or citizen election observation is not foreseen in the law, the OSCE has been granted full access for the upcoming parliamentary elections. While the majority of OSCE/ODIHR NAM interlocutors expressed confidence in the election administration and election day proceedings, most welcomed a possible OSCE/ODIHR election observation activity, recognizing that processes could be improved and that an independent, external assessment may contribute to it.

While few prior OSCE/ODIHR recommendations have been addressed, a number of areas would benefit from continued attention. In particular, this relates to the legal framework and elements of the electoral system, campaign finance provisions, media coverage, and complaints and appeals mechanisms. For these reasons, the OSCE/ODIHR NAM recommends the deployment of a Limited Election Observation Mission to observe the early parliamentary elections. In addition to a core team of analysts, the mission recommends the secondment of 10 long-term observers from OSCE participating States. In line with OSCE/ODIHR's standard methodology, the mission would include a media monitoring element. Systematic observation of election day proceedings is not envisaged.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Italy is a parliamentary republic with a longstanding experience of democratic elections. Legislative power is vested in a bicameral parliament composed of a 630-member Chamber of Deputies and a 319-member Senate, both primarily elected by popular vote for five-year terms and both enjoying equal powers.<sup>1</sup> The Head of State is the President of the Republic, who is indirectly elected by the parliament for a seven-year term. Executive powers are mostly exercised by the Council of Ministers. The President of the Republic nominates the Prime Minister who, in turn, proposes a Council of Ministers that is confirmed by parliament. Ministers are not required to be a member of parliament. Italy is divided into 20 administrative regions, including 5 autonomous regions.<sup>2</sup>

The last parliamentary elections were held on 13 and 14 April 2008 and resulted in a government led by Mr. Silvio Berlusconi as head of a coalition led by the People of Freedom (PdL) party and the Northern League (LN). In November 2011, in the midst of an economic crisis, Mr. Berlusconi resigned as Prime Minister and was replaced by Mr. Mario Monti, an economist and former European Union Commissioner, who formed a technocratic government with cross-party support in parliament. On 8 December 2012, the PdL withdrew their support for the government and Mr. Monti announced his resignation. On 22 December, the President of the Republic dissolved the parliament and early elections were subsequently called for 24 and 25 February 2013, some two months ahead of schedule.<sup>3</sup> In addition to parliamentary elections, local elections will also be held simultaneously in the regions of Lazio, Lombardy, and Molise.

A number of electoral alliances have already been formed, including a centre-left coalition led by the Democratic Party (PD) and including the Left, Ecology and Freedom (SEL) party, a centre-right coalition led by the PdL and LN, and a centrist coalition led by the outgoing Prime Minister, Mr. Monti, which includes his own list, Civic Choice (SC), as well as the Union of the Centre (UdC), and the Future and Freedom (FLI) party. In addition, several political movements are expected to register candidate lists, including the Five Star Movement (M5S) of comedian Mr. Beppe Grillo, and the Civil Revolution (RC), led by former Judge Mr. Antonio Ingroia.

The OSCE/ODIHR has assessed elections in Italy since 2006. Most recently, an Election Assessment Mission was deployed for the 2008 parliamentary elections. While noting some shortcomings in the legal framework, the mission concluded that elections were conducted “in a professional and efficient manner.”<sup>4</sup>

#### B. LEGAL FRAMEWORK

The legal framework governing parliamentary elections is complex, comprising the Constitution and over 60 different laws and decrees. These include separate laws and regulations on elections to the Chamber of Deputies and the Senate, voter registration, voting rights of citizens residing abroad, election campaigning and campaign finance, and media coverage during the campaign. On 18 December 2012, a Presidential Decree was issued, and subsequently approved by parliament, to

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<sup>1</sup> The Senate currently includes four non-elected “life senators” appointed by the President of the Republic. Former Presidents of the Republic are senators for life, as well as a limited number of citizens with special merit. The outgoing Prime Minister, Mr. Monti, is a life senator.

<sup>2</sup> Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol, and Valle d’Aosta.

<sup>3</sup> In line with the Constitution, elections must be held within 70 days of the dissolution of parliament.

<sup>4</sup> All reports are available on the OSCE/ODIHR website: <http://www.osce.org/odihr/elections/italy>.

regulate a limited number of technical aspects for the upcoming elections, including candidate registration, administration of out-of-country voting, and access of OSCE election observers.

Attempts to consolidate the electoral law, as previously recommended by the OSCE/ODIHR, were not agreed upon by the outgoing parliament, resulting in a legal framework that is largely the same as for the 2008 parliamentary elections. Although several OSCE/ODIHR NAM interlocutors recognised that the legislation would benefit from review and harmonization, the majority expressed overall satisfaction with the legal framework and considered it an adequate basis for the conduct of democratic elections.

## **C. ELECTORAL SYSTEM**

The Chamber of Deputies and the Senate are both elected through largely proportional systems, according to the d'Hondt method. For each election, voters may cast one vote for a closed candidate list and are not entitled to choose individual candidates or alter the order of lists. In contrast, voters permanently residing outside of Italy are able to express their preference through open candidate lists. Should a seat become vacant between elections, the next person on the candidate list assumes the seat or, in the case of majority seats, a by-election is held.

### **1. Chamber of Deputies**

The Chamber of Deputies is elected from 28 districts. The territory of Italy is divided into 27 districts that generally correspond to the administrative regions, with the most populous regions subdivided into two or three districts. Within Italy, 617 deputies are elected from 26 multi-member districts under a proportional system and one is elected from the single-member district of Valle d'Aosta under a majoritarian system. The remaining 12 deputies are elected from a designated out-of-country district that comprises four geographical zones, each of which elects at least one deputy.<sup>5</sup> The OSCE/ODIHR has previously observed significant variations in the equality of voting rights between the four geographical zones of the out-of-country district and recommended that this be addressed by the parliament.

For the 26 multi-member districts, there is a minimum threshold to qualify for seat allocation that is applied at the national level. A coalition must receive at least 10 per cent of the valid vote and, within a coalition, each party must receive at least 2 per cent of the vote to receive seats, with the 'best loser' (the party below, but closest, to the 2 per cent threshold) also eligible for seats. Parties that are not in a coalition must receive four per cent to receive seats. If a coalition receives less than 10 per cent of the valid votes, but a party within the coalition receives more than 4 per cent, such a party becomes eligible to participate in the allocation of seats.

The coalition or party that obtains the largest number of seats is automatically assigned a minimum of 340 seats, if it has not reached that number already. This so-called 'majority bonus' is designed to promote government stability and guarantees a governing majority of some 55 per cent.

### **2. Senate**

The Senate is elected from 21 districts. The territory of Italy is divided into 20 districts that correspond to the administrative regions and there is one out-of-country district. Within Italy, 301 senators are elected from 18 multi-member districts under a proportional system and one is elected

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<sup>5</sup> The four geographical zones are: Europe; South America; North and Central America; and Africa, Asia, Oceania and Antarctica.

from the single-member district of Valle d'Aosta under a majoritarian system. In the district of Trentino-Alto Adige, seven senators are elected under a majoritarian system that consists of six separate single-mandate contests, with one additional seat awarded to the candidate who obtained the most votes throughout the region but did not already win a seat. The remaining six Senators are elected from the out-of-country district in the same manner as the corresponding seats in the Chamber of Deputies.

There is a minimum threshold to qualify for seat allocation in the Senate that is applied at the regional level for the 20 in-country districts. A coalition must receive at least 20 per cent of the valid vote and, within a coalition, each party must receive at least 3 per cent of the vote in order to be able to receive seats. Parties that are not in a coalition must obtain 8 per cent to receive seats. If a coalition receives less than 20 per cent of the valid vote, but a party within the coalition receives at least 8 per cent, such a party becomes eligible to participate in the allocation of seats.

Similar to the Chamber of Deputies, a 'majority bonus' is also applied in the Senate, but at the regional level for each district.<sup>6</sup> A number of OSCE/ODIHR NAM interlocutors noted that this does not guarantee a nationwide majority in the Senate and the system could theoretically lead to different majorities in the Chamber and Senate, which could result in a hung parliament.

#### **D. ELECTION ADMINISTRATION**

The structure of the election administration is complex and involves a number of state institutions and offices established within judicial structures. The upcoming parliamentary elections will be administered by what is, essentially, a four-tiered structure headed by the Ministry of Internal Affairs (MIA) and including 27 District Election Offices (DEOs) and 20 Regional Election Offices (REOs) at the district level, some 8,100 Municipal Election Offices (MEOs), and some 61,000 Polling Election Offices (PEOs). In addition, the Ministry of Foreign Affairs (MFA) will coordinate the voting process for citizens residing abroad.

The Central Directorate for Electoral Services of the MIA is a permanent body that has primary responsibility for the administration and oversight of elections. It ensures that election materials are prepared in a consistent and timely manner throughout the country, registers logos for candidate lists, and tabulates the unofficial election results for the Chamber of Deputies. It provides direct organizational and legal support to lower-level election offices through a number of local branches. The MIA provides a manual for PEO chairpersons and an online training course. It also prepares voter information messages that are primarily aired by the public broadcaster.

At the district level, 20 Regional Election Offices (REOs) are established for the Senate elections and 27 District Election Offices (DEOs) for the Chamber of Deputies elections. REOs and DEOs are appointed by the regional Court of Appeals or the ordinary court with jurisdiction over the district capital. Members must be magistrates and include a chairperson and four (REOs) or two (DEOs) members. Within their district, these offices are responsible for the registration of candidate lists; the lottery determining the order of candidate lists on ballot papers; the printing of ballot papers; the adjudication of contested ballots; and the tabulation of district results. While REOs allocate Senate seats for their district, a National Central Election Office (NCEO) is established by the Court of Cassation to review the MIA's tabulation of preliminary results for the Chamber of Deputies and announce the official results.

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<sup>6</sup> The regional majority bonus is not awarded in Molise, which elects only two senators.

Each of Italy's municipalities has a permanent MEO that is chaired by the municipal mayor with other members elected from among the municipal council. At least one member of each MEO should come from the minority in the council. MEOs are responsible for maintaining voter lists, distributing electoral materials, and the receipt of preliminary results on election days. Although independent, MEOs often take substantive direction from the MIA.

PEOs are responsible for the conduct of election day procedures at polling stations. PEOs are composed of a chairperson, appointed by the DEO, and four additional members who are elected by MEOs from a list of eligible voters who have indicated their willingness to fulfil this role. Such a system may introduce a political bias in the formation of PEOs, as MEOs often have only one member from the opposition.

Candidate lists have the right to appoint representatives to observe the work of REOs, DEOs, and PEOs in the districts where they are registered. Although the OSCE has been granted full access for the upcoming general elections, international or citizen election observation is not foreseen in the law. This is not fully in line with paragraph 8 of the 1990 OSCE Copenhagen Document.

All interlocutors met with by the OSCE/ODIHR NAM expressed overall confidence in the professionalism and impartiality of the election administration. Some party representatives, however, expressed reservations about the impartiality of lower-level electoral offices.

## E. VOTING METHODS

Voting is conducted in-person at polling stations across two election days. A number of special polling stations will be established in hospitals, prisons and pre-trial detention centres, and mobile voting is permitted for homebound voters upon presentation of a medical certificate at least 15 days before election day. In order to vote, a voter must present their personalized voting card with another valid identification document. A PEO member stamps the voter card when the ballot is handed to the voter. Voters are also required to sign the voter list at the polling station. Lost voter cards may be replaced, even on election day.

Citizens who permanently reside outside of Italy have the option to vote in-person at their regular polling station in Italy or by post from abroad. The MFA co-ordinates the out-of-country voting through 207 consulates. Each consulate receives an electronic ballot template for its geographical zone and is responsible for printing and distributing ballots to voters registered at their consulate. Ballots must be returned to the consulate 10 days prior to the first election day in Italy, and these are subsequently forwarded to dedicated electoral offices in Rome for counting. Voters wishing to return to Italy to cast their ballot in-person had to inform their consular office in writing within 10 days of the calling of the elections, i.e. by 3 January, in order to opt out of the postal ballot.<sup>7</sup>

A limited number of citizens that are temporarily resident outside of Italy because of official duty are also eligible to cast a postal ballot.<sup>8</sup> The MFA estimates that some 13,000 voters qualify for this provision and, for administrative reasons, all are assigned to the district Lazio 1 for the Chamber of Deputies elections and to the region of Lazio for the Senate elections. Several OSCE/ODIHR NAM interlocutors advised that the process of out-of-country voting could merit further attention.

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<sup>7</sup> Voters choosing to vote in Italy vote in their national districts and not the out-of-country district.

<sup>8</sup> Including diplomats, civil servants, military and police personnel, and university professors and researchers.



## **F. VOTER RIGHTS AND REGISTRATION**

The Constitution provides that all citizens who have reached the age of majority, including those residing abroad permanently, are eligible to vote. However, although citizens aged 18 years or more are entitled to vote for the Chamber of Deputies, the right to vote in Senate elections is limited to citizens who are at least 25 years old. Voting rights may be suspended for reasons of mental incapacity or conviction for a serious criminal offence.

Voter registration is passive and voter lists are based on information extracted from the permanent, electronic civil register. Voter lists are maintained by the MEOs and updated twice a year, including in electoral years. The lists are considered public documents and are made available to any member of the public upon request. Complaints regarding the accuracy of the voter lists can be lodged with the REOs and appealed to the courts. Voters lists are closed 15 days before election day. If a voter is mistakenly omitted from the list, s/he can obtain a certificate from the MEO enabling him/her to vote. Voters residing abroad are automatically included in the voter lists if they register at a consulate abroad. All OSCE/ODIHR NAM interlocutors expressed confidence in the overall quality of the voter lists.

Some 51 million voters are eligible to cast ballots in the upcoming Chamber of Deputies elections, including 3.5 million citizens who are resident outside of Italy. An estimated 46.7 million voters are eligible to vote in the Senate elections, including 3.1 million citizens who are resident abroad.

## **G. CANDIDATE RIGHTS AND REGISTRATION**

In addition to the requirements for being a voter, the law requires candidates to be at least 25 years old on election day to stand for the Chamber of Deputies and to be at least 40 years old to stand for the Senate. The law also identifies a range of government and government-related positions as being incompatible with candidacy. Candidates standing in an out-of-country district must be a resident of the geographical zone of the race that they are contesting.

Candidate registration procedures are clearly defined and generally inclusive. Political parties and movements are not required to register with the government, although they must register a logo with the MIA if they intend to contest elections. Registration of a logo may be denied if it is too similar to an already established logo. Several OSCE/ODIHR NAM interlocutors expressed concerns that a number of similar logos would be registered in a deliberate attempt to confuse voters.

Parliamentary parties, or those parties running in coalition with two or more parliamentary parties, may register candidate lists without collecting supporting signatures. However, non-parliamentary parties must submit between 1,500 and 4,000 signatures, depending on the size of a given district, but never exceeding one per cent of the registered number of voters in that district.<sup>9</sup> Due to the early dissolution of parliament, the number of required signatures was reduced to a quarter. There are no clear rules for verifying signatures and some OSCE/ODIHR NAM interlocutors expressed concerns about the integrity of this process.

At odds with paragraph 7.5 of the 1990 OSCE Copenhagen Document, the legislation does not allow for individual independent candidates, but only for groups of independent candidates, as each

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<sup>9</sup> In the single-member district of Valle d'Aosta, only 300 signatures are required.

list is required to present a number of candidates sufficient to fill at least one-third of the number of seats allocated to the district but not exceeding the total number of seats in the district.<sup>10</sup>

Although some political parties introduced primary elections to determine candidate lists, party leaderships retain considerable control in respect of the final formation and ordering of lists. Several OSCE/ODIHR NAM interlocutors criticized this, noting that when used in conjunction with a closed list system, it does not allow for a direct and meaningful link between voters and their representatives. As candidates are also entitled to run on multiple lists, this can create some uncertainty in respect of which candidates are ultimately elected.

Women's political representation remains low and only 21 per cent of the outgoing parliament are women. Despite a constitutional provision that envisages special measures to promote equal opportunities, there are no legal measures in place to encourage women's registration as candidates.

## H. CAMPAIGN AND CAMPAIGN FINANCE

The campaign period officially started on 24 December. Public opinion polls are not permitted to be published in the fifteen days before election day, although this is often circumvented through foreign publications or the internet. According to political parties, social media will play an increased role in this campaign, alongside more traditional methods such as rallies and canvassing. Municipal councils also provide locations free-of-charge to post campaign materials. No OSCE/ODIHR NAM interlocutor raised concerns about the ability to campaign freely.

The campaign is expected to focus on economic issues, including the budget, taxation, fiscal reform, unemployment, and corruption. Electoral reform is expected to be an aspect of most party platforms. A number of closely contested races are expected, particularly for the Senate, including in the districts of Emilia Romagna, Lombardy, and Veneto in the North, and Campania and Sicily in the South.

Campaign finance regulations are complex and contained in several different laws. Campaign financing relies heavily on public funding,<sup>11</sup> which is distributed in the form of reimbursements for campaign expenditures. Separate funds are established for elections to the Chamber of Deputies and Senate, calculated on the basis of EUR 1 for each registered voter, which are allocated to parties on the basis of the votes obtained rather than the actual expenditure incurred.<sup>12</sup> Although campaign expenditures are capped according to the number of eligible voters in a given district, there are no other conditions on how public funding is to be spent.

There are no monetary limitations on private donations, although certain types of contributions are prohibited, including cash donations over EUR 1,000; donations from companies that are publicly held or have a public share exceeding 20 per cent; as well as a requirement that any corporate donation be approved by the board of directors and disclosed in the company's annual report. The threshold for disclosing donations is relatively high, set at EUR 20,000 for candidates and EUR 50,000 for parties.

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<sup>10</sup> Paragraph 7.5 provides that participating States "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Independent candidates are *de facto* possible in the limited number of single-mandate contests.

<sup>11</sup> Public funding of parties is estimated at 82 per cent. See, GRECO Evaluation Report on Italy, March 2012: [www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3%282011%297\\_Italy\\_Two\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3%282011%297_Italy_Two_EN.pdf).

<sup>12</sup> To qualify for public reimbursement, a party must receive at least one per cent of the national vote in elections to the Chamber or Deputies or five per cent of the regional vote in elections to the Senate.

Candidates are required to open a specific account for campaign financing and are obliged to file a report with the Regional Guarantee Committee three months after the announcement of results. Political parties are required to report to the president of the respective chamber for which they have run within 45 days of the parliament taking office, who then forwards the report to the Court of Auditors. There are no requirements for candidates or parties to disclose their campaign income and expenditures prior to election day. In addition, OSCE/ODIHR NAM interlocutors expressed concerns regarding the level of detail in the reports and the lack of effective and proportionate sanctions for non-compliance with regulations.

## I. MEDIA

The Italian media landscape is active and diverse with a wide variety of commercial and public broadcasters as well as print media.<sup>13</sup> Nevertheless, media coverage of elections was raised as an issue by the majority of OSCE/ODIHR NAM interlocutors, who pointed to a concentration of private media ownership, limiting pluralism in their view, and perceived political bias within the public broadcaster, *Radiotelevisione Italiana* (RAI), as areas of concern.

The *par condicio* (equal treatment) law establishes strict regulations for broadcast media during the official campaign, divided into two time periods. From the dissolution of parliament until the presentation of candidate lists, parliamentary parties are entitled to equal coverage in election programmes and equitable coverage in news programmes. From this point forward, the law guarantees equal coverage in election programmes of all parties competing in the elections and equitable coverage in news programmes. National broadcast media are prohibited from airing paid political advertising during the campaign period.

The provisions of *par condicio* are overseen by two regulatory bodies; private broadcasters are regulated by the National Regulatory Authority for the Communication Sector (AGCOM), and the public broadcaster by the RAI Parliamentary Oversight Committee. Both bodies have issued regulations on how to apply the *par condicio* law for the upcoming elections. AGCOM is additionally tasked with the monitoring of private and public television, at the national and regional level, for compliance with media regulations. AGCOM monitors the amount of time dedicated to each party on a channel by channel basis, but does not monitor the tone of the coverage. It publishes its findings on a weekly basis.

Complaints may be submitted to AGCOM, or the body may act *ex officio*, in cases when media coverage is in breach of regulations. In the case of non-compliance, AGCOM may order the broadcaster to correct the balance of its coverage. If coverage is not corrected, AGCOM may fine the broadcaster up to EUR 258,230. Although some OSCE/ODIHR NAM interlocutors expressed the view that sanctions are effective due to their public nature, others questioned their dissuasive power and the possibility for a timely remedy in the last week of the campaign.

## J. COMPLAINTS AND APPEALS

There are a variety of procedures for complaints and appeals to different administrative and judicial bodies. Pre-election day complaints are regulated by law, including provisions related to voter registration, candidate registration, approval of party logos, campaign financing, and media

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<sup>13</sup> Television is the main source of political information, including the three public channels (*RAI Uno*, *RAI Due*, and *RAI Tre*), the three private channels of *Mediaset* (*Italia Uno*, *Rete Quattro*, and *Canale Cinque*), and the private channel, *La7*, owned by *Telecom*.

coverage. Decisions on media-related complaints by AGCOM, on voter registration by the MEOs, and on campaign finance by the Court of Auditors and Regional Guarantee Committee can be appealed to competent courts. Complaints regarding MIA decisions on registration of party logos, and REO and DEO decisions on registration of candidate lists, can be appealed to the NCEO. While staffed by judges, the NCEO is technically an administrative body. A 2008 Court of Cassation decision ruled that NCEO decisions could only be appealed to the parliament after the elections.

Election day complaints, as well as complaints related to the election results and distribution of seats, are primarily handled by parliamentary election committees established within the Senate and Chamber of Deputies.<sup>14</sup> The committees have up to 18 months to refer their recommendations to the parliament for final decision by plenary, with no appeal mechanism to the courts. The OSCE/ODIHR has previously observed that the role of the legislature in settling election disputes raises concerns about the impartiality of the decision, while the extended timeframe does not guarantee a timely remedy.<sup>15</sup> Although reform initiatives have been tabled to address this, no changes were agreed upon by the outgoing parliament.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

The majority of OSCE/ODIHR NAM interlocutors expressed confidence in the integrity of the electoral process and the ability of the election administration to organize elections professionally. Nevertheless, most interlocutors stated that they would welcome a potential OSCE/ODIHR observation activity for these elections, recognizing that further improvements could be made to the electoral process and that an independent, external assessment may contribute to this. In particular, a number of aspects could merit further attention, including the legal framework and elements of the electoral system, campaign finance provisions, media coverage, and complaints and appeals mechanisms.

On this basis, the OSCE/ODIHR NAM recommends the deployment of a Limited Election Observation Mission (LEOM) to observe the early parliamentary elections. In addition to a core team of analysts, the mission recommends the secondment of 10 long-term observers from OSCE participating States. In line with OSCE/ODIHR's standard methodology, the LEOM would include a media monitoring element. While the mission would visit a limited number of polling stations on election day, systematic observation of election day proceedings is not envisaged.

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<sup>14</sup> For the Senate, the Committee for Elections and Immunity. For the Chamber of Deputies, the Committee for Elections. Committees are traditionally chaired by a member of the opposition.

<sup>15</sup> The Council of Europe's 2002 Venice Commission Code of Good Practice in Electoral Matters, Section 3.3(a) states: "The appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to parliament may be provided in the first instance. In any case, final appeal to a court must be possible."

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Marco Giungi, Head of Electoral Office, Directorate General for Italian Citizens Abroad and Migration Policies

Dante Brandi, Head of OSCE Desk, Directorate General for Political and Security Affairs

Marco Di Sabatino, Deputy Head of OSCE Desk, Directorate General for Political and Security Affairs

### **Ministry of Interior**

Alessandro Pansa, Director, Department of Internal and Territorial Affairs

Nadia Minati, Director, Central Directorate for Electoral Services

Fabrizio Orano, Deputy Director, Central Directorate for Electoral Services

Giuseppe Castaldo, Deputy Director, Central Directorate for Electoral Services

Roberto Andracchio, Director of Computer Services, Central Directorate for Electoral Services

### **Chamber of Deputies – Committee for Elections**

Maurizio Migliavacca, President

Alberto Mencarelli, Secretary

### **Court of Auditors**

Luigi Giampaolino, President

Francesco Alfonso, Counsellor

Giovanni Coppola, Counsellor

Adriana La Porta, Counsellor

Marco Pieroni, Counsellor

### **Political Parties and Movements**

Rosa Maria Villecco Calipari, Democratic Party

Benedetto della Vedova, Future and Freedom Party

Felice Belisario and Giuseppe Caforio, Italy of Values

Claudio D'Amico, Northern League – Padania

Margherita Boniver, People of Freedom Party

Marco Pannella and Matteo Mecacci, Radical Party

Luca Volonté, Union of the Centre Party

Roberta Lombardi, Paolo Ferrara and Roberto Di Palma, Five Star Movement

### **Italian Delegation to the OSCE Parliamentary Assembly**

Riccardo Migliori, President

Matteo Mecacci, Member

### **Parliamentary Oversight Committee for *Radiotelevisione Italiana* (RAI)**

Giorgio Lainati, Vice President

Giorgio Merlo, Vice President

Marcello De Angelis, Member

Riccardo Milana, Member

Fabrizio Morri, Member

Giovanni Mottola, Member

Francesco Pardi, Member

Roberto Rao, Member

Luciano Sardelli, Member

**Radiotelevisione Italiana (RAI)**

Constanza Esclapon, Executive Vice President of Communications and Public Relations

Salvatore Lo Giudice, Director of Department for Legal Affairs

Armando Melchionna, Responsible for Relations with Regulatory Affairs

Luca Romano, Lawyer, Department of Institutional and International Relations

**National Regulatory Authority for the Communications Sector (AGCOM)**

Laura Aria, Secretary General and Director of Media Services Department

Benedetta Liberatore, Head of Political Communication Unit, Media Services Department

Caterina Catanzariti, Official, Media Services Department

Antonio De Tommaso, Head of EU and International Affairs Unit

Francesco Sciacchitano, Official, EU and International Affairs Unit

Marco Delmastro, Head of Audiovisual Markets Unit

**ANSA – News Agency**

Francesco Bogarrá, Journalist

Teodoro Fulgione, Journalist