



Office for Democratic Institutions and Human Rights

REPUBLIC OF LITHUANIA

PARLIAMENTARY ELECTIONS 11 AND 25 OCTOBER 2020

ODIHR Election Expert Team Report



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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGMENTS	2
III.	BACKGROUND AND POLITICAL CONTEXT	3
IV.	ELECTORAL SYSTEM.....	3
V.	LEGAL FRAMEWORK.....	5
VI.	ELECTION ADMINISTRATION.....	6
VII.	ALTERNATIVE VOTING METHODS	8
VIII.	INFORMATION SYSTEMS AND NEW VOTING TECHNOLOGIES	9
IX.	CAMPAIGN ENVIRONMENT	12
X.	CAMPAIGN FINANCE.....	13
A.	INCOME AND EXPENDITURE	13
B.	DISCLOSURE AND REPORTING REQUIREMENTS	15
C.	OVERSIGHT AND SANCTIONS.....	15
XI.	RECOMMENDATIONS	16
A.	PRIORITY RECOMMENDATIONS.....	16
B.	OTHER RECOMMENDATIONS	16
	ANNEX I: FINAL ELECTION RESULTS	18
	ABOUT ODIHR	19

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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Lithuania and based on the findings and conclusions of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) for the 11 October parliamentary elections that remained in the country to follow second-round contests on 25 October. The ODIHR EET assessed the implementation of the amended legal framework, with focus on the performance of election management bodies, oversight of the campaign and campaign finance, as well as the alternative voting methods and the use of new voting technologies.

While the legal framework enjoys public trust, it contains undue restrictions on candidacy rights and some broad provisions that may unduly restrict the freedoms of expression and association. Following the 2016 parliamentary elections, multiple amendments were made to a number of election-related laws. Changes included the establishment of a constituency for voters abroad, remote electronic voting for voters abroad and in self-isolation due to COVID-19, a reserve of election commission members, and modifications of provisions on candidate registration, voter list management, postal and out-of-country voting. Some prior ODIHR recommendations were partly addressed including disallowing amendments to the election law after the call of elections, establishing a deadline for filing certain types of complaints and introducing provisions for citizen observers. Several ODIHR prior recommendations remain unaddressed, including those related to voter registration on election day, expedited deadlines for the Central Election Commission (CEC) to adjudicate complaints, and possibility to challenge election results and to campaign finance regulations for third parties.

Parliamentary elections were held under a mixed electoral system whereby 71 MPs were elected from single-mandate constituencies (SMC) under a majoritarian system and 70 MPs were elected from a nationwide multi-mandate constituency (MMC) under a proportional system with preferential vote. In order to qualify for MMC seats, a five per cent threshold is applicable to parties and seven per cent to coalitions. A candidate may stand in both contests, which may cause uncertainty among voters. The law requires the CEC to delineate the SMCs prior to each election, contrary to international good practice.

The CEC and the Constituency Election Commissions (ConECs) have mixed professional and political party compositions while Precinct Election Commissions (PECs) are composed primarily of party nominees. Seven CEC members are women, including the chairperson, they also comprised 76 per cent of ConEC and 83 per cent of PEC members. The election administration managed the elections efficiently, took administrative decisions collegially and published them in a timely manner. Complaints were dealt with mainly by individual CEC members and the Secretariat, which detracted from accountability and transparency. In addition, the CEC is granted up to nine months for reviewing campaign and campaign finance complaints, which does not provide for a timely and effective remedy.

Voters were afforded ample opportunities to cast ballots and available options included early voting, voting at any polling station within or outside the SMC of residence, institution-based, homebound and drive-through voting for voters in self-isolation due to COVID-19. While alternative voting methods enjoy public trust, the law does not prescribe adequate procedural safeguards for some aspects, that could potentially affect their integrity.

The CEC Information System (VRK IS) supports most aspects of the electoral process, including voter registration and identification, candidate registration, training for election officials, campaign finance oversight, electronic counting of preferential votes, and election result transmission. The authorities tested the VRK IS before elections, but did not publish the test findings, detracting from transparency. The National Cyber Security Centre has not recorded any cyber attacks against the VRK IS during these elections. In June 2020, hasty and late legal amendments provided for remote electronic voting (REV) as an alternative for voters abroad and in self-isolation due to COVID-19. The REV was not implemented for these elections, reportedly because of insufficient time.

The campaign started when elections were called in April 2020. While campaigning outdoors was low key, in part due to the COVID-19 pandemic and related restrictions of public assemblies, it was more visible in traditional media and online. Although the public broadcaster organized candidate debates, their format did not allow for any substantial discussion that would help voters to make an informed judgement. The requirement to label private posts featuring political content on social networks as political advertisement was not conducive to an active political debate. . Instances of national minorities being subjected to negative campaigning and stereotyping in public discourse were noted. Human rights issues, including gender equality and participation of persons with disabilities, garnered some visibility, while verbal attacks on one party's platform that included same-sex marriage were also noted.

Comprehensive regulation of political party and campaign finance includes requirements for disclosure and reporting, thus fostering transparency. Donors must submit income and property declarations, which several interlocutors described as burdensome and potentially discriminative. In line with a prior ODIHR recommendation, parties were for the first time required to report their spending before election day. Campaign finance regulations are not applicable to non-contestants, which left unreported high-profile activities that may have constituted third-party campaigning.

This report offers a number of recommendations to support efforts to bring elections in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to reviewing undue restrictions on the freedoms of expression and association, refraining from fundamental amendments of the electoral legislation within a year prior to elections, prescribing additional procedural safeguards for alternative voting methods and judicial review of election results. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Lithuania and based on the findings and conclusions of a Needs Assessment Mission (NAM) conducted from 2 to 6 March, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) to observe the 11 October parliamentary elections that remained in the country to follow second-round contests held on 25 October. The ODIHR EET consisted of four experts drawn from four OSCE participating States.

The ODIHR EET assessed the implementation of the legal framework, with focus on the performance of election management bodies, oversight of the campaign and campaign finance, as well as the alternative voting methods and the use of new voting technologies. The report is thus limited in scope and does not offer an overall assessment of the entire electoral process. Specific areas under review were assessed for compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation.

In line with the ODIHR methodology, the ODIHR EET did not undertake comprehensive and systematic observation of election day procedures. This final report should be read in conjunction with previous ODIHR reports, which provide additional assessment on electoral processes in the Republic of Lithuania and offer recommendations to further enhance the conduct of elections in the country.²

The ODIHR EET wishes to thank the Ministry of Foreign Affairs, the Central Electoral Commission (CEC), the Ministry of Justice, lower-level electoral commissions, political parties, candidates, civil society representatives and other interlocutors for their co-operation and assistance.

III. BACKGROUND AND POLITICAL CONTEXT

Lithuania is a parliamentary republic with elements of a semi-presidential system. Legislative powers are exercised by the 141-seat unicameral parliament (*Seimas*) elected for a four-year term, with executive powers vested mostly in the government, headed by a prime minister. The directly elected president is the head of state and enjoys authority in specific areas, including foreign policy and national defense.

The parliamentary elections were called by the president on 9 April 2020. The 2016 parliamentary elections resulted in ten political parties and four independent members of parliament (MPs) entering the parliament.³ In September 2018, the Farmers and Greens Union formed a governing coalition led by Prime Minister Saulius Skvernelis that included the newly registered Social Democratic Labour Party, a splinter from the Social Democratic Party. In July 2019, the Electoral Action of Poles – Christian Families Alliance (LLRA-KŠS), and, briefly, the Order and Justice party, joined the governing coalition.⁴ The previous government had only one female minister and some 21 per cent of outgoing MPs were women.

IV. ELECTORAL SYSTEM

Parliamentary elections are held under a mixed electoral system whereby 71 MPs are elected from single-mandate constituencies (SMCs) under a majoritarian system and 70 MPs from a nationwide multi-mandate constituency (MMC) under a proportional system with preferential vote.⁵ To win an SMC seat in the first round, a candidate must obtain the absolute majority of all votes cast, provided that voter turnout is above 40 per cent or at least 20 per cent of the registered voters in case of a lower turnout.⁶ Otherwise, a second round is held between the two frontrunners whereby the candidate that obtains more votes is elected, regardless of turnout. A minimum 25 per cent turnout is required for the MMC election to be valid. To qualify for MMC seats, a five per cent threshold is applicable to parties

² See [all previous ODIHR election reports on Lithuania](#).

³ These included Farmers and Greens Union (54 seats), Homeland Union–Christian Democrats (31), Social Democratic Party (17), Liberal Movement (14), Order and Justice (8), Electoral Action of Poles (8), Labour Party (2), Centre Party (1), Political Party ‘List of Lithuania’ (1) and Green Party (1).

⁴ The Order and Justice party’s parliamentary group was dissolved in October 2019 after most of its members founded a separate political group.

⁵ A party may opt out of the preferential system but none did so for these elections.

⁶ Section 5.5. of the [ODIHR Guidelines for Reviewing a legal framework](#) states that when calculating thresholds “Some countries have chosen the option of taking all votes cast as a basis, thus including invalid votes when calculating the threshold. Such a calculation raises the number of votes required for seat allocation. This could deny representation in the legislature to voters who cast valid ballots by taking into account invalid ballots cast by other voters. This may have implications when one or more contenders have achieved vote totals close to the prescribed eligibility threshold. Such a requirement needs to be carefully reconsidered”.

and seven per cent to coalitions. Mandates are allocated to parties and coalitions that pass the threshold and have jointly obtained at least 60 per cent of the votes cast.⁷

For the nationwide MMC constituency, voters may select up to five candidates. A candidate may stand for both components and many did so. A total of 39 candidates already elected in the MMC stood in SMCs runoffs.⁸ By law, candidates elected through both components take the majoritarian seat. Eventually, 24 candidates elected by preferential votes in the MMC won SMC seats in the second round and their MMC seats were allocated to candidates with fewer votes, as prescribed by the law. These features of the electoral system allegedly create uncertainty among voters and potentially distort the reflection of voting choices in the allocation of seats.

While the CEC complied with the new legal requirement to conduct the delineation of the SMCs at least 210 days prior to each election, the timing prescribed for this key electoral procedure is too close to elections, at odds with international good practice.⁹ Although the boundaries of all but 17 of the 71 SMCs were significantly adjusted, no concerns were raised by ODIHR EET interlocutors. As required by a recent amendment, for the first time, a separate constituency was created for out-of-country voters. While for these elections some 43,500 out-of-country voters were registered, the existing arrangements for of out-of-country constituency does not ensure the equality of vote, diverging from OSCE commitments and international good practice.¹⁰

In line with international standards and good practice, the delineation of single mandate constituencies should guarantee universal and equal suffrage to adult citizens. It could be reviewed every ten years, preferably outside election periods.

A third of the candidates in these elections were women, and 3 of the 17 parties that contested the elections were led by women.¹¹ One party nominated more women than men overall. Only one party has a gender quota.¹² In the newly elected parliament, 38 MPs (27 per cent) are women; there are seven women in the new government, including the prime minister.

Additional measures should be considered to achieve balanced representation of women and men holding publicly elected positions, including measures to promote women to senior positions within political party structures.

⁷ Otherwise, parties which have not passed the threshold also receive seats until 60 per cent of the votes cast are reflected in the seat allocation.

⁸ Namely, 20 from the Homeland Union-Christian Democrats, 8 from the Farmers and Greens Union, 6 from Freedom Party, 3 from Liberal Movement Party, 1 from Labour party and 1 from the Social Democratic Party.

⁹ Section II.2.b. of the European Commission for Democracy Through Law (Venice Commission) [Code of Good Practice In Electoral Matters \(Code of Good Practice\)](#) states that “the fundamental elements of electoral law, in particular...the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law” and section I.2.2.16. states that “in order to avoid passive electoral geometry, the distribution of seats must be reviewed at least every ten years, preferably outside election periods, as this will limit the risks of political manipulation”.

¹⁰ None of the in-country SMC exceeded permissible by law and good practice 10 per cent deviation from the average 35,000 of registered voters, while the out-of-country constituency did so by over 24 per cent. Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating states to “guarantee universal and equal suffrage to adult citizens.” Paragraph 15 of the Explanatory Report of the [Code of Good Practice](#) states that “The maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed 10 per cent and never 15 per cent, except in really exceptional circumstances”.

¹¹ Women were in first place on four lists contesting the nationwide multi-mandate constituency (MMC). In the MMCs, 579 of the 1,724 candidates were women, while in the single-mandate constituencies (SMCs), there were 199 women among the 758 candidates (including 4 of the 23 self-nominated candidates).

¹² The Electoral Action of Poles nominated 88 women and 52 men in the MMC, as well as 16 women and 19 men in SMC the races. The Social Democratic Party has a 40 per cent gender quota for its MMC list.

V. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 1992 Constitution (last amended in 2019), the 1992 Law on Parliamentary Elections (PEL, last amended in 2020) and the 2002 Law on Central Election Commission (Law on CEC, last amended in 2019) and supplemented by CEC decisions. Following the 2016 parliamentary elections, a number of election-related laws were amended;¹³ including the PEL, which was amended eight times.¹⁴ Most of the amendments were initiated by the Ministry of Justice after consultations with relevant stakeholders.

Legal amendments after the 2016 parliamentary elections included the establishment of an SMC for out-of-country voters, a roster of reserve election commission members, interim reporting of campaign expenditures, additional measures to facilitate voting by persons with disabilities, as well as modifications related to candidate registration, alternative voting methods (AVM) and out-of-country voting. In September 2019, the right for individuals to file a complaint to the Constitutional Court was introduced. Some prior ODIHR recommendations were partly addressed, including disallowing amendments to the PEL after the call of regular elections, introducing a deadline for filing certain types of complaints, provisions for civil society election observers and criteria for dismissal of the CEC chairperson and members.

However, several prior ODIHR recommendations remain unaddressed, including those on reviewing undue restrictions on candidate eligibility, decriminalising defamation, clearly distinguishing paid political advertising from other forms of campaign coverage, reviewing the possibility of voter registration on election day, prescribing expedited timeframes for the adjudication of all complaints by the CEC, enabling effective challenges of the election results, extending campaign finance regulations to third parties, limiting the scope of candidates' personal information published, and public testing of IT systems prior to elections.

While overall, the legal framework provides a basis for holding democratic elections and enjoys public confidence, it contains a number of undue restrictions on candidacy rights, which are at odds with international standards, jurisprudence of the European Court of Human Rights and prior ODIHR recommendations.¹⁵ In addition, possibilities of broad interpretation and arbitrary and inconsistent implementation of some provisions pertaining to the freedom of expression, such as the definition and interpretation of the term "political advertising", allow for disproportionate and unnecessary limitations (See *Campaign Environment* section).

To be registered, a party is required to submit a list of minimum 2,000 founding members and an individual may be a member of only one party. The law grants the Ministry of Justice broad powers to deny registration or deregister a party, including when it considers the information submitted by a party

¹³ Including the Laws on the CEC, on Funding and Control of Funding of Political Parties, on Political Parties, on Criminal Intelligence, on Charity and Support, on Coordination of Public and Private Interests in Public Service, the Criminal Code and the Code of Administrative Offences.

¹⁴ The PEL was amended in May, October and December 2018, August, September and November 2019, January, May and June 2020.

¹⁵ Main restrictions relate to the requirement of permanent habitual residence in Lithuania, holding single citizenship, disqualification of persons removed from state office or dismissed due to impeachment, as well as MPs who had their mandate revoked, those who have not completed a prison sentence until 65 days prior to elections, regardless of the nature and degree of the crime, persons legally incapacitated by court, including persons with mental disabilities, and also persons "bound by oath or pledge to a foreign state" (without clear criteria), judges, military personnel and certain categories of public officials.

as “unrealistic”, while applying for registration.¹⁶ The lack of clear and objective criteria on party registration may lead to arbitrary and inconsistent implementation.¹⁷ Several ODIHR EET interlocutors pointed out that some legal provisions on political party registration, as currently implemented, potentially unduly restrict the freedom of association.¹⁸

Any restrictions on fundamental rights and freedoms, including freedoms of expression and association, or on candidacy rights should be based on objective and reasonable criteria, be proportionate and necessary in a democratic society and should serve a legitimate aim.

VI. ELECTION ADMINISTRATION

The elections were administered by a three-tier election administration composed of the CEC, 71 ConECs and 1,989 PECs.¹⁹ The CEC comprises 13 members, nominated by state institutions and political parties, appointed after each election.²⁰ The CEC amended its rules of procedures in January 2020, further regulating conflict of interest and procedures for reviewing complaints. CEC meetings were open to observers and broadcast on its website. During these meetings administrative decisions were generally taken collegially and then published in a timely manner.²¹ The law prescribes up to nine month-long deadlines for the CEC to decide on some types of complaints. In line with a prior ODIHR recommendation, the CEC published a list featuring the topic of complaints and the outcome of the decisions, which provided some transparency.²² Overall, the CEC administered the elections efficiently but the modalities of the dispute resolution process do not safeguard against inconsistent and arbitrary decisions and do not ensure timely and effective remedy.

As previously recommended, to guarantee effective legal remedy, certain aspects of the dispute resolution process, such as deadlines or the manner of publishing information on complaints received and actions taken, should be reviewed.

While ConECs mirror the mixed composition of the CEC, PEC members are nominated primarily by parties with representation in parliament and municipal councils. Recent amendments created a roster of experts who may be appointed as members of election commissions in case of a deficit of party

¹⁶ The LPP states that “a party shall be denied registration or be deregistered, if the Ministry of Justice determines that its purposes, objectives and methods of activities conflict with the Constitution, the Civil Code, this Law and other laws, and the presented data are unrealistic”. The 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that “free association is a fundamental individual right that should not generally be limited by legislative requirements obliging an individual to only associate with a single organisation. Therefore, laws that limit party membership to only one political party must show compelling reasons for doing so. Such legislation should thus be assessed carefully and only maintained if compatible with the ECHR”.

¹⁷ For instance, the Ministry of Justice told the ODIHR EET that a party was denied registration because some founding members appeared to have been out of country based on information from their Facebook profiles.

¹⁸ See paragraphs 7.6 and 24 of the [1990 OSCE Copenhagen Document](#) and paragraphs 85-87 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#).

¹⁹ ConECs comprised a total of 860 members, while PECs included 12,871 members. Women comprised 76 percent of ConEC and 83 per cent of PEC members.

²⁰ The CEC includes a chairperson, two members nominated each by the Ministry of Justice (MoJ), Lithuanian Lawyer’s Association, President of the Republic and one from each party with MMC seats, with two deputy chairs appointed by the institutions. Seven members are women, including the chairperson and one deputy. For the 2020 elections, the secretariat comprised 23 permanent staff and 31 temporary employees.

²¹ The CEC chairperson has broad powers to assign each complaint to employees of the secretariat, individual CEC members or working groups, and determines which complaints are reviewed in sessions. Complaints are uploaded to the CEC electronic document management system and are accessible by members.

²² The [Complaints’ Register](#) comprised a number of pending complaints, mostly on political advertising, vote buying and other campaign violations.

nominees.²³ In May 2020, legal amendments extended the right to nominate members to the ConECs and PECs to all parties that receive state subsidies and parliamentary party splinters; the adoption of this amendment so close to the elections was at odds with international good practice.²⁴

To safeguard the stability of law, fundamental amendments of the electoral system, including regarding the membership of commissions, should not take place within a year prior to the elections.

The CEC provided online training for election commissions and observers on a range of topics. Election-related materials were printed only in Lithuanian and limited voter information was available in Russian and Polish.²⁵ An informative brochure and a ballot template were available in Braille in all polling stations, and voters were able to request sign language interpretation through an application on smartphones. Despite voter information efforts, the number of invalid ballots was relatively high.²⁶ Legal amendments in 2018 required municipal budgets to provide for the accessibility of polling stations for persons with disabilities. Owing to measures taken, the accessibility rate at these elections was reported at 93 per cent, although some ODIHR EET interlocutors expressed doubts about its veracity.²⁷

To facilitate the participation of national minorities, consideration could be given to increasing the amount of voter information and electoral materials in minority languages.

The CEC published preliminary and the final results for both rounds, within the legal deadline. It is not legally binding to publish copies of signed PEC and ConECs result protocols on the CEC website, but they could be obtained by political parties and observers upon request.

The CEC establishes the final results after examining all complaints, but no later than seven days after election day.²⁸ Contrary to OSCE commitments, international good practice and prior ODIHR recommendations, the law does not provide for effective challenge of the CEC decision on election results.²⁹ After the first round, the LLRA-KŠS filed a complaint to the CEC requesting invalidation of results of the MMC.³⁰ The CEC rejected the complaint as unsubstantiated.³¹ Subsequently, as provided by the law, LLRA-KŠS addressed the president and the parliament to refer their challenge to the

²³ Some 70 of the 294 registered experts were appointed by the CEC to a number of PECs for these elections.

²⁴ Paragraph II.2.b of the [Code of Good Practice](#) states that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”.

²⁵ Section I.3.3.1.b of the [Code of Good Practice](#) states that “Public authorities must also give the electorate access to lists and candidates standing for election by means, for instance, of appropriate billposting. The information in question must also be available in the languages of national minorities, at least where they make up a certain percentage of the population”.

²⁶ In the first round the percentage of invalid votes in SMC was 5.26 and in the second round 3.98 per cent, while in some SMCs it exceeded 10 per cent.

²⁷ The [Lithuanian Forum of Disability Organizations](#) considered as accessible some 40 per cent of the polling stations in 2016 and 60 per cent in 2019.

²⁸ Ballots for the second round were printed and distributed before the final results of the first round were established, which could potentially necessitate reprinting of ballots if candidates in the second round changed as a result of complaints or recounts.

²⁹ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. Paragraph II.3.3 f. of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections”.

³⁰ LLRA alleged that they failed to pass the five per cent threshold due to the negative campaign against them. The complaint alleged failure to mark some of the political advertising and to disclose the source of funds. A complaint was also filed at the Supreme Administrative Court to annul the results in SMC Paneriai – Grigiškės, but it was rejected as the court does not have competence for complaints filed after the closing of polling stations.

³¹ The CEC acknowledged negative campaigning, notified the Commission of Ethics about the used materials and stated that it will ask the parliament to regulate third-party campaigning.

Constitutional Court. The President rejected the request as ungrounded while, after initial denial of consideration, on 10 November the parliament voted to refer the complaint. The court, however, denied admissibility due to late submission.³² The original LLRA complaint was filed within the 24 hour deadline and both the president and parliament exercised broad discretionary powers by denying and delaying to refer the complaint to the Constitutional Court. In addition, the decision of the court to deny admissibility without reviewing the case on merits can be perceived as a formalistic approach denying effecting remedy.³³

To ensure effective legal redress, judicial review of the validity of election results should be guaranteed by law. The law could prescribe the right of stakeholders to challenge the CEC decision on election results with a competent court.

VII. ALTERNATIVE VOTING METHODS

The law provides for a wide range of alternative voting methods (AVM), including in any polling station within or outside the constituency of residence (absentee), early voting, homebound and institution-based. Postal voting was provided for out-of-country voters who could also vote at 51 polling stations in embassies and consulates.³⁴

The June 2020 amendment to the PEL extended early voting from two to four days.³⁵ Voters could cast votes in any of the 73 early voting centres established in municipalities and other places from Monday to Thursday prior to each round. A voter could vote multiple times during early voting and once more on election day.³⁶ The law provides that the last vote cast is counted, but lacks detail on the exact procedure how the last ballot of a voter, who did not vote on election day, is determined. On election day, voters could also vote in any polling station within the SMC of their residence, provided that the electronic voter identification system (ABRIS) was operational, or in a polling station outside the SMC on election day by filling in an application form and presenting to PECs a proof of residence.³⁷ Several ODIHR EET interlocutors alleged manipulation pointing to public calls by some “influencers” inviting ethnic Lithuanians to vote in SMCs inhabited in large part by national minorities. The practice of voter registration on election day by the PEC without additional safeguards is not in line with international good practice.³⁸

To ensure the integrity of elections, voter registration on election day by the PEC and voting outside the SMC of residence should be permissible as an exception and under strict conditions.

³² The CEC published the final results on 31 October and LLRA-KŠS filed the request to the *Seimas* and the President on the same day.

³³ Paragraph 5.10 of [the 1990 OSCE Copenhagen Document](#) requires an effective means of redress. Paragraph 96 of the Explanatory Report to the [Code of Good Practice](#) states that “it is necessary to eliminate formalism, and so avoid decisions of inadmissibility, especially in politically sensitive cases”.

³⁴ Based on a June 2020 amendment to the PEL, due to the COVID-19 pandemic only postal voting was organized in the Embassy to Israel, the General Consulates to Los Angeles, New York, San Paolo and in the Consulate to Geneva. A total of 43,503 voters cast ballots abroad in the first round and 44,469 in the second.

³⁵ The amendment only applies for special circumstances such as COVID-19 pandemic.

³⁶ The electronic voter identification system (ABRIS) allows for the printing of several sheets for each voter. The CEC told the ODIHR EET that in the first round 33 voters cast ballots twice during early voting.

³⁷ ABRIS should be operational both in the polling station where the voter is registered and the one where the voter seeks to vote. Some 39,388 voters used this opportunity on both election days. The CEC issued three press releases calling voters to vote in the SMC of their residence and noting that changing constituency should be an exception. Some 3,825 voters voted outside their SMC of residence during both rounds.

³⁸ Section 1.1.2. iv of the [Code of Good Practice](#) provides that “there should be an administrative procedure subject to judicial control or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day”.

Voters over 70 years of age, persons with disabilities, those temporarily incapacitated and caretakers of homebound voters may request to vote at home. During the first round, voters in self-isolation due to COVID-19 were required to vote at home, while during the second round dedicated drive-in polling centers were also available.³⁹ Homebound voters outside the SMC of their residence could vote three days ahead of election day while those within the SMC of residence could vote on Friday and Saturday preceding the election day. Voters in social or healthcare institutions due to age or health, those performing military service, in detention, serving a custodial sentence or in arrest centers could vote in special voting stations in the respective institutions. Voting in these locations were overall organized on Wednesday, Thursday and Friday before election day for each round, conducted by the PECs and coordinated by ConECs.

AVM ballots are cast in envelopes together with a section of the voter registration sheet printed through ABRIS and voters are registered in the system by the end of each day.⁴⁰ There is no legal requirement to print forms accounting for ballots for each day, while the envelopes are registered in protocols by PECs at the end of election day through the electronic system ‘Election Wizard’.⁴¹ Envelopes from those voting at home and in institutions are collected and transported in non-sealed bags. The AVM ballots remain in sealed envelopes and are transported to the corresponding PECs by closing on election day. There is a lack of sufficient safeguards for collection and transportation of AVM ballots, which may potentially hinder the election process and risk the security of election materials, at odds with international standards.⁴²

The names on external envelopes are cross-checked against the signed voter lists to identify multiple voting. If a voter votes multiple times during early voting and on election day, the ballot cast on election day is considered valid. While the law prescribes that the last vote cast should be counted, several ODIHR EET interlocutors confirmed that if a voter votes multiple times, but not on election day, the valid ballot is determined randomly, which does not ensure that the voter’s final choice is accounted for properly. Ballots cast by AVM are counted and recorded by PECs separately after election day, which may potentially compromise their secrecy. If AVM envelopes arrive on the day after election day, the ConECs are required to count them and draw a separate protocol.

To ensure the integrity of alternative voting methods, consideration could be given to prescribing special arrangements for safe collection, transportation and storage of ballots, as well as to reviewing the procedures for accounting for ballots of voters who voted multiple times.

VIII. INFORMATION SYSTEMS AND NEW VOTING TECHNOLOGIES

The CEC Information System (VRK IS) consists of integrated subsystems and modules, which support most aspects of the electoral process. While the VRK IS is developed and maintained by private companies, the CEC owns the system, but not the servers on which it operates. Some ODIHR EET interlocutors stated that they would welcome the hosting of VRK IS on state servers. Documentation on procurement and technical specifications of VRK IS is publicly available, which provides for

³⁹ During both rounds of elections voters returning from abroad or contacts of infected persons were allowed to request to vote at home. For the second round an additional option was available, as four dedicated voting centers opened in Kaunas, Šiauliai, Vilnius and Raseiniai. COVID-19 positive voters could only vote at home.

⁴⁰ The CEC was updating daily the number of advance voters on its website using ABRIS.

⁴¹ The PEC protocols contain the number of external and internal sealed ballot envelopes received, the number of internal invalid envelopes, as well as the number of valid and invalid ballots and the number of votes received by each candidate or party.

⁴² Paragraph 20 of the [1996 UN HRC General Comment No. 25](#) states that “the security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents”.

transparency and accountability. In line with the law and international standards, tests and risk-assessments were conducted by third parties prior to the elections. Despite a prior ODIHR recommendation the tests of the VRK IS were not conducted publicly and their findings were not published prior to elections, which detracted from transparency.⁴³ The CEC informed the ODIHR EET that it plans to make test findings available for public scrutiny after the elections and that the vendors could release the source code to the public, upon CEC request.

To enhance transparency and public confidence, the authorities should publicly test the IT system and publish test and risk-assessment reports before every election. They could also consider making publicly available the source code of its software.

The National Cyber Security Centre (NCSC) is mandated with cyber security management of the VRK IS. The safeguard procedures of the VRK IS include monitoring for malicious activities, security clearance of personnel by NCSC, contingency planning, separation of access and duties and logging all activities, which provides for accountability. Safeguards against system failure include a business continuity plan (prepared by CEC and tested by the vendor), backup and archiving, both in line with the national regulations and international standards.⁴⁴ The NCSC provided training to the CEC and political parties, including on cyber hygiene, thus contributing to cyber security capacity building. A rehearsal of elections was organized for ConEC and PEC members. Traffic from abroad towards the VRK IS was blocked during the election. No cyber attacks against the VRK IS have been recorded and most ODIHR EET interlocutors expressed confidence in the integrity of the technologies used in the election process.

The VRK IS is browser-based, accessible only to authorized users via electronic identification. All polling stations are required to have at least one workstation and a printer in order to use the VRK IS.⁴⁵ Each workstation must be connected to the Internet, with some functionalities available in offline mode.

An essential part of the VRK IS is ABRIS that is used for checking voter eligibility and recording the arrival of a voter at the polling station and the fact of casting a ballot.⁴⁶ Decisions for homebound voting and the consolidated lists of homebound voters are also recorded in this subsystem. It is also used by voters to apply for entry into the voter list, out-of-country or homebound voting, file complaints, for depositing supporting signatures, and applying for and obtaining certificates, including a certificate affirming that they had voted. Such a certificate can be potentially misused for forcing voter participation.

Parties and candidates' applications for registration and supporting documentation must also be submitted electronically. Self-nominated candidates, who are required to collect voters' signatures, may collect them electronically.⁴⁷ PEC and ConECs result protocols are completed in the VRK IS. If the software identifies arithmetical errors, blank fields or that the figures in protocols do not reconcile, the protocol cannot be saved and printed. A printed version of the protocol must be signed by all PEC

⁴³ The ODIHR EET did not observe the testing and was not provided with its results and the risk-assessments as well. Paragraph 33 of the [Council of Europe Guidelines on the implementation of the provisions of Recommendation CM/Rec\(2017\)5 on standards for e-voting](#) states that "domestic and international observers should have access to all relevant documentation on e-voting processes. Access to documentation, including minutes, certification, testing and audit reports, and detailed documentation explaining the operation of the system, is essential for domestic and international observers. Such observers include representatives of political parties and the general public. Domestic and international observers and the media should be able to observe the testing of the software and hardware".

⁴⁴ According to the vendors, the acceptable amount of time to restore the system is 15 minutes, the acceptable latency of data that will not be recovered – 20 minutes.

⁴⁵ The CEC sets the requirements for workstations, while municipalities provide them to PECs.

⁴⁶ By law, in case of Internet failure or other system malfunction in a polling station, voters could cast a ballot only at the polling station where they are already included in the paper voter list.

⁴⁷ Currently, the signature collection on paper remains predominant, with at most 20 per cent of signatures collected digitally.

members and observers. A digital version of the protocol is transmitted via the software to the respective ConEC and the CEC, and a printed version is delivered to the respective ConEC, which then forwards it to CEC. Every result protocol has a code, which enables cross-checking in the VRK IS if the digital version corresponds to the paper one and provides safeguards against interference or error during the transfer of results.

Since 2016, preferential votes are counted electronically in polling stations.⁴⁸ The procedure requires selective verification of the electronic vote count by means chosen by PECs, but those means are not required to be independent of the vote counting software.⁴⁹ As the procedure does not prescribe means for a recount that is independent of the vote counting software, it does not provide basis for obtaining sound evidence that the counting procedure has been performed satisfactorily, which is at odds with international good practice.⁵⁰

To safeguard the integrity of the electronic vote count, the law could be amended to prescribe means for a recount that are independent of the vote counting software and are based on a randomly selected and statistically meaningful percentage of votes or a number of polling stations.

On 30 June, through an amendment to the PEL, remote electronic voting (REV) was introduced for out-of-country voters and those in self-isolation due to COVID-19, partly in an effort to enhance voters participation during the pandemic. The parliament adopted the amendment in a hasty manner, one day prior to its dissolution and without consultations. Although the provision came immediately into force, it only provided for optional REV, and it was not implemented for these elections. The CEC explained that there was no sufficient time to conduct the legally required feasibility study and procurement.⁵¹ Some ODIHR EET interlocutors raised concerns in respect to vote secrecy and secure storage, as well as risks of cyber attacks.⁵²

To ensure proper introduction of electronic voting and to build public confidence, the law should guarantee the accountability and integrity of the voting system. It should regulate the responsibilities for its functioning, including by providing adequate timeframes for a feasibility study, procurement, testing, certification and verification. Moreover, voter education sufficiently in advance of the elections should be conducted.

⁴⁸ Teams of two PEC members manually insert the preferential votes of each ballot into the VRK IS which then tallies them.

⁴⁹ The votes are recounted using the same software.

⁵⁰ Paragraph 30.b of the [CoE Guidelines on the implementation of CoE Rec\(2017\)5 on standards for e-voting](#) states that: "There should be a possibility to obtain sound evidence that the counting procedure has been performed satisfactorily including through an independent recount.[...] An independent recount is one way to do this, if it is done with a different system from a different source." The [ODIHR Guidelines for Reviewing a Legal Framework for Elections](#) require for "Provisions [...] so that the accuracy and soundness of hardware and software used for counting ballots can be verified independently".

⁵¹ The [CEC decision of 16 July 2020](#) with amendments from 3 September 2020 requires a feasibility study, public and inter-institutional consultations, international public procurement, independent audit and public testing of the REV system. The CEC Decision on the REV Procedure envisions that the system will allow re-voting, paper priority, end-to-end verifiability, publication of independent audits and related documentation.

⁵² Paragraph 28 of the [CoE Rec\(2017\)5 on standards for e-voting](#) states that "before introducing e-voting, member States shall introduce the required changes to the relevant legislation". Paragraph 29 of the [CoE Rec\(2017\)5 on standards for e-voting](#) states that "the relevant legislation shall regulate the responsibilities for the functioning of e-voting systems and ensure that the electoral management body has control over them".

IX. CAMPAIGN ENVIRONMENT

The official campaign period started after the elections were announced in April 2020. The campaign was low key, in part because of the COVID-19 pandemic and related restrictions on the assemblies.⁵³ Contestants could reach out to the electorate, and most advertised on traditional media and online, and more sparingly through posters, billboards and banners. Some candidates engaged in door-to-door canvassing, while others refrained from direct contact with voters due to the COVID-19 pandemic. The public broadcaster organized candidate ‘debates’, also available online, during which each contestant received equal time and faced the same set of questions.⁵⁴ Some candidates and other ODIHR EET interlocutors expressed discontent with this format, which in their view, neither allowed for a meaningful exchange nor enhanced the voter’s ability to make an informed choice.

Campaigning is firmly regulated, with the CEC and ConECs sharing oversight responsibility. The election administration mails to voters and displays at polling stations information booklets with details about the candidates’ educational and professional background, family status and other personal data. While the inclusion of personal data is voluntary, it raises concerns of potential discrimination of contestants who prefer not to disclose it. The law requires all political advertising, including online, to feature imprint data with sponsorship information.⁵⁵ According to the CEC, all online posts featuring political content should also be labelled, leading to confusion among both candidates and voters. The election administration proactively reprimanded users who did not label their political content.⁵⁶ While efforts to curb hidden political advertising are commendable, the indiscriminate application of the labelling requirement raises concerns about the freedom to hold opinions and to receive and impart information and ideas without interference by public authority.⁵⁷

Campaign topics included economic and social issues, pensions, energy and the environment, healthcare and the COVID-19 pandemic. Candidates standing in SMCs often focused on local rather than national matters. Positively, contestants were more likely than in the past to discuss the participation of voters with disabilities.⁵⁸ The tone of the campaign was at times negative, to the detriment of a substantive policy debate. The governing party disseminated printed and online materials depicting politicians of the main opposition party as members of a corrupt elite.

A similar undertaking was organized by the Liberty TV (YouTube-based channel), who publicized materials disparaging the LLRA and its leader.⁵⁹ They were subjected to more frequent verbal attacks by various stakeholders, including a controversial comment on national broadcaster by the former

⁵³ Limitations on public assembly started to be progressively lifted on 1 September, but alternative safety precautions were introduced for mass events, including outdoor.

⁵⁴ Debates were organized with all SMC candidates and representatives of political party lists standing in the MMC. Contestants featured in groups of five, with the order determined by drawing lots.

⁵⁵ Political advertising is defined in broad terms in the legislation to include any information disseminated by anyone and by any means, including free of charge, as long as it is aimed at influencing voters’ voting choices, even outside campaign periods. Article 2.8 of the CFL states that “Political advertising means information disseminated by a state politician, political party, its member, a political campaign participant, on behalf and/or in the interest thereof, in any form and through any means, paid or free of charge, during a political campaign period or between political campaigns, where such information is aimed at influencing voters’ motivation when voting at an election or a referendum, or where it is disseminated with the purpose of campaigning for a state politician, political party, its member or a political campaign participant as well as their ideas, objectives or programme”.

⁵⁶ Most violations reported by the public concerned missing imprint data. According to the CEC, it ‘googled’ users’ contact information or, as last resort, contacted them through Facebook’s messenger.

⁵⁷ See Paragraph 9.1 of the [1990 OSCE Copenhagen Document](#).

⁵⁸ See the 2 October [statement](#) of the Lithuanian Disability Forum.

⁵⁹ Liberty TV founder Andrius Tapinas has regularly made it clear, including in two online posts on [19 September](#) and [5 October](#) that that his [campaign](#) aimed to discourage voters from supporting the Electoral Action of Poles, rather than merely providing information or encouraging debate, as he claimed elsewhere.

Speaker of the *Seimas*, which was debated as a potential call to inflict harm.⁶⁰ The LLRA campaign included materials that featured slogans in Polish, Russian and Lithuanian, some of which triggered complaints from the public to the State Lithuanian Language Commission concerning the use of foreign languages in political advertising.⁶¹ Restrictions and impediments in the use of minority languages in the electoral campaign are at odds with international standards.⁶²

Women contestants, both political party leaders and leading candidates on the MMC lists, and issues of gender equality and women's rights enjoyed some prominence during the campaign. Conversely, a party whose platform included allowing same-sex marriage was disparaged in public discourse by some speakers, while derogatory language was sometimes used during the campaign to refer to members of sexual minorities.⁶³ At least one incitement and hate speech complaint was filed with the prosecutor.⁶⁴

X. CAMPAIGN FINANCE

The Campaign Finance Law (CFL) regulates campaign financing. In line with prior ODIHR and Group of States against Corruption of the Council of Europe (GRECO) recommendations, recent legal amendments prescribed expenditure reporting requirements before election day and modified sanctions. Other recommendations remain unaddressed, including on regulating third-party campaigning and increasing the threshold of donations requiring income and property declaration.⁶⁵

A. INCOME AND EXPENDITURE

Campaign finance regulations apply to political parties contesting the MMC and candidates in the SMCs. Each contestant must open a dedicated campaign fund and appoint a treasurer to administer

⁶⁰ In an [interview](#) on Delfi TV on 14 October, the former Speaker of the *Seimas*, Arūnas Valinskas, likened Mr Tomaševski, the leader of the Electoral Action of Poles to a “Colorado beetle, who is working against the state and national security interests and is receiving funding for his party from the Lithuanian state budget. Such [people] should be shot. One per year. Now he practically openly takes funding from Russia.” The investigation by the prosecutor, which was opened on 19 October in response to a complaint filed by Mr. Tomaševski, was closed on 8 December without charge.

⁶¹ According to 2011 census figures, some 15.8 per cent of the population self-identify as national minorities, with Polish and Russian communities constituting the largest groups. While the law requires that materials in national minority languages also include Lithuanian, some posters featured only Polish and Russian, but were placed alongside similar material in Lithuanian. The LLRA informed the ODIHR EET that the brevity of ‘debate’ presentations on the Lithuanian National Radio and Television (LRT) prevents the party from also addressing its voters in Polish. Some ODIHR ETT interlocutors, including the National Minorities Council, described the national minority languages legislation as not fully meeting international standards.

⁶² The 2012 Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) [Commentary on Language Rights](#) states that “state Parties should ensure that political parties representing [...] national minorities have equal opportunities in election campaigning. This may imply the display of electoral advertisements in minority languages’ and the use of minority languages in public service television and radio programmes devoted to election campaigns.” Interpreting paragraph 7.5 of the 1990 OSCE Copenhagen Document on the right of citizens to seek public office, the [ODIHR Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes](#) states that to “guarantee non-discrimination, states should [...] ensure that [...] there is no restriction on campaigning in a particular language”.

⁶³ After the first round, some candidates and commentators discussed the Freedom Party as a likely coalition partner for the Homeland Union – Christian Democrats, if the latter were to emerge a winner. The issue of same-sex marriage was in some instances used to deter support for the latter. During a [debate](#) on LRT on 23 September, Lithuanian People's Party candidate Pranciškus Valickas referred to sexual minorities as ‘perverts’, who want to legalise ‘faggot families’, and likened homosexuality to paedophilia.

⁶⁴ Freedom Party candidates Tomas Vytautas Raskevičius and Evelina Dobrovolska filed a complaint on 24 September. A pre-trial investigation was launched on 12 November.

⁶⁵ See GRECO reports on Transparency of Party Funding in Lithuania, including the (Fourth Round) 2015 [Evaluation Report](#), the 2017 [Compliance Report \(2017\)](#) and the 2019 [Second Compliance Report](#).

campaign finances, including verifying the eligibility of donors. Despite the preferential system, candidates for the MMC may not receive donations or incur expenditures.⁶⁶ Campaigns may be financed from political party funds, loans, interest accrued on bank deposits, candidates' private funds and donations from individuals but not legal entities.⁶⁷ Donations may not exceed 10 per cent of the donor's income during the previous year or 10 average monthly salaries.⁶⁸ To donate over EUR 12, donors must submit income and property declarations and their names are published on the CEC website.⁶⁹ Several ODIHR EET interlocutors criticized the asset declaration prerequisite as burdensome and discriminative and income declaration for small donations as discouraging grassroots funding and political participation.⁷⁰

To facilitate political participation and increase grassroots funding of political parties and election campaigns, consideration could be given to raising the threshold of donations that trigger declaration of income by the donor and to reviewing the requirement for property declaration.

Expenditure limit per contestant equals approximately EUR 0.49 per voter (EUR 1.2 million for a party) in the MMC and EUR 0.97 per voter (from EUR 31,000 to EUR 43,000 for a candidate) in the SMCs. Expenditure limits increase by 25 per cent for candidates in SMC runoffs. Spending on television advertisements may not exceed 50 per cent of permissible expenditure and expenses incurred before the start of the campaign period, provided that the items, assets and services are received during the campaign, count towards the limit.⁷¹

Third parties are prohibited from campaigning for or against a candidate; information disseminated by third parties does not constitute campaigning, as long "as it is not unusually frequent or does not require a financial contribution".⁷² Some ODIHR EET interlocutors raised concerns about systematic distribution of political content by some actors which aimed to influence voters' choices. In the absence of regulation, their finances went unreported, undermining the transparency and accountability of campaign finance.⁷³

To enhance the transparency and accountability of campaign financing, consideration could be given to regulating campaigning by third parties, irrespective of whether they campaign for or against specific candidates or on political issues more broadly during the campaign period.

⁶⁶ MMC candidates may fund their own campaigns indirectly by donating to their nominating parties' campaign funds, which subsequently incur expenditures on their behalf.

⁶⁷ In 2019 the threshold for public funding eligibility was lowered from three to two per cent of the votes obtained in last elections. Parliamentary parties receive additional support. In 2020, nine parties qualified for public funding, first tranche of which was distributed in April and nearly half of the EUR 2.75 million total went to the Homeland Union – Christian Democrats (25.5 per cent) and Farmers and Greens Union (22.5 per cent).

⁶⁸ Donations could not exceed EUR 9,700 (or 10 average monthly salaries in the fourth quarter of the previous year (EUR 970). SMC candidates may donate up to 20 per cent of their past year's income to their campaigns.

⁶⁹ Whilst most citizens declare their income annually, declaring assets is less common.

⁷⁰ Paragraph 265 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "While transparency may be increased by requirements to report the identities of donors, legislation should also balance this requirement with exceptionally pressing privacy concerns of individual donors in cases where there is a reasonable probability of threats, harassment or reprisals [...] Disclosure thresholds should not be too high, as this may circumvent the prohibition of anonymous donation [...]".

⁷¹ The CEC stated that some contestants declared expenditures incurred before the start of the campaign period.

⁷² See the 23 April 2020 [CEC Recommendations for Dissemination of Political Advertising during an Election Campaign](#).

⁷³ Article 6 of the the Council of Europe's Committee of Ministers [Recommendation Rec\(2003\)4](#) states that "rules concerning donations to political parties should [apply to all entities] related directly or indirectly to [or] under the control of a political party. See also Paragraph 13.c. of the 2018 [ODIHR Opinion on Certain Provisions of the Law on Control of Political Parties and Financing of the Republic of Lithuania](#).

B. DISCLOSURE AND REPORTING REQUIREMENTS

Upon nomination, prospective candidates are required to submit to the CEC their income and asset declarations, approved by the State Tax Inspectorate, together with declarations of interests. All election contestants are required to use the Political Parties and Political Campaign Financing Control Subsystem of the VRK IS to report their membership fees, donations, expenditure and campaign contracts within ten working days. The system verifies the legality of the donations and notifies the party treasurers and all information is published on the CEC website. After the elections, contestants are required to submit income and expenditure reports to the CEC. For income above EUR 67,900 (70 average monthly salaries), the reports must be audited by a certified accountant and submitted within 85 days after the final election results are announced. For lower amounts, campaign finance reports must be submitted within 25 days and are audited by certified accountants ordered by the CEC. All finance and audit reports must be published by the CEC within 100 days of the announcement of final results and remain published indefinitely, thus enhancing transparency.

C. OVERSIGHT AND SANCTIONS

The CEC is the primary oversight body for campaign and party finance. It partially outsourced the monitoring of campaign advertising to a private company, which estimates the market value of advertisements outdoors and on traditional media and online. In addition, the CEC uses tools such as social media ‘ad libraries’ to monitor spending by contestants and identify cases of unreported or hidden advertising. The ConECs also monitor campaign activities, estimate expenditures within their constituencies and report to the CEC. The CEC ‘ad catcher’ platform received some 542 reports, which enabled the CEC to identify some cases of failure to disclose sponsorship.⁷⁴ However, the overall efficiency of the interface and the usefulness of ‘tip-offs’ were questioned by some stakeholders who argued that this approach left largely unaddressed third-party activities with significantly greater potential to influence the campaign.⁷⁵ Several ODIHR EET interlocutors described the tool as a means for political opponents to report on one another’s often minor violations, which may have diminished the CEC’s overall capacity to meaningfully fulfil its oversight role. Most CEC decisions concerning ‘ad catcher’ reports were either not taken or not published until after the elections, thus not contributing to transparency or enhancing voters’ ability to make an informed choice.⁷⁶

The law foresees sanctions for campaign finance violations, such as making or using illegal donations, knowingly reporting false information, undeclared expenditure or political advertising exceeding 10 per cent of the ceiling and loss of supporting documentation for campaign finance reports. Sanctions include the loss of public funds to political parties for two years and administrative fines ranging from EUR 30 to EUR 5,800. In line with previous ODIHR recommendation for proportionate and dissuasive sanctions, the CFL was amended to include a wider range of gradual sanctions. The CEC can refer cases to the Special Investigation Service and the Prosecutor. During these elections, the CEC has issued three fines, but according to the CEC website, over one hundred other cases were pending.

⁷⁴ The ‘ad catcher’ was developed by the CEC to gather ‘tip-offs’ from the public concerning campaign violations. Alleged violations may be [reported](#) anonymously, with results available in a [map](#) format.

⁷⁵ Apart from the case of Andrius Tapinas, Labour Party leader Viktor Uspaskich, who was not a candidate, systematically profiled himself through audio-visual and other materials online.

⁷⁶ CEC lacked the capacity to act on the ‘tip-offs’ during the campaign and most were dealt with after the elections. On 24 November, the CEC informed ODIHR EET that there were still 57 reports that needed to be considered. According to the CEC website as of 22 December 153 cases are still being considered.

XI. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Lithuania and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of Lithuania to further improve the electoral process and to address the recommendations contained in this and previous reports.⁷⁷

A. PRIORITY RECOMMENDATIONS

1. Any restrictions on fundamental rights and freedoms, including freedoms of expression and association, or on candidacy rights should be based on objective and reasonable criteria, be proportionate and necessary in a democratic society and should serve a legitimate aim.
2. To safeguard the stability of law, fundamental amendments of the electoral system, including regarding the membership of commissions, should not take place within a year prior to the elections.
3. To safeguard the integrity of the electronic vote count, the law could be amended to prescribe means for a recount that are independent of the vote counting software and are based on a randomly selected and statistically meaningful percentage of votes or a number of polling stations.
4. To ensure effective legal redress, judicial review of the validity of election results should be guaranteed by law. The law could prescribe the right of stakeholders to challenge the CEC decision on election results with a competent court.

B. OTHER RECOMMENDATIONS

Electoral System

5. Additional measures should be considered to achieve balanced representation of women and men holding publicly elected positions, including measures to promote women to senior positions within political party structures.
6. In line with international standards and good practice, the delineation of single mandate constituencies should guarantee universal and equal suffrage to adult citizens. It could be reviewed every ten years, preferably outside election periods.

Election Administration

7. As previously recommended, to guarantee effective legal remedy, certain aspects of the dispute resolution process, such as deadlines or the manner of publishing information on complaints received and actions taken, should be reviewed.

⁷⁷ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.” The follow-up of prior recommendations is assessed by the ODIHR EET as follows: number 17 from the final report on the 2016 parliamentary elections, 1, 6 and 10 from the final report on the 2019 presidential election are fully implemented. The recommendations 1, 6, 7, 8, 10 and 16 from the final report on the 2016 parliamentary elections, 8, 9, 16 and 22 from the final report on the 2019 presidential election are partially implemented. See [ODIHR electoral recommendations database](#).

8. To facilitate the participation of national minorities, consideration could be given to increasing the amount of voter information and electoral materials in minority languages.

Alternative Voting Methods

9. To ensure the integrity of elections, voter registration on election day by the PEC and voting outside the SMC of residence should be permissible as an exception and under strict conditions.
10. To ensure the integrity of alternative voting methods, consideration could be given to prescribing special arrangements for safe collection, transportation and storage of ballots, as well as to reviewing the procedures for accounting for ballots of voters who voted multiple times.

New Voting Technologies

11. To enhance transparency and public confidence, the authorities should publicly test the IT system and publish test and risk-assessment reports before every election. They could also consider making publicly available the source code of its software.
12. To ensure proper introduction of electronic voting and to build public confidence, the law should guarantee the accountability and integrity of the voting system. It should regulate the responsibilities for its functioning, including by providing adequate timeframes for a feasibility study, procurement, testing, certification and verification. Moreover, voter education sufficiently in advance of the elections should be conducted.

Campaign Finance

13. To facilitate political participation and increase grassroots funding of political parties and election campaigns, consideration could be given to raising the threshold of donations that trigger declaration of income by the donor and to reviewing the requirement for property declaration.
14. To enhance the transparency and accountability of campaign financing, consideration could be given to regulating campaigning by third parties, irrespective of whether they campaign for or against specific candidates or on political issues more broadly during the campaign period.

ANNEX: FINAL ELECTION RESULTS⁷⁸

Results in the multi-mandate constituency

Number of mandates	70	
Number of eligible voters	2,457,722	
Total vote cast (turnout)	1,175,026	47.81 per cent
Valid votes cast	1,133,561	96.47 per cent
Invalid votes cast	41,465	3.53 per cent

Results in the single-mandate constituencies

	First round		Second round	
Total number of mandates	71			
Number of eligible voters	2,457,722		2,355,726	
Total vote cast (turnout)	1,174,725	47.80 per cent	917,720	38.96 per cent
Valid votes cast	1,112,903	94.74 per cent	881,185	96.02 per cent
Invalid votes cast	61,822	5.26 per cent	36,535	3.98 per cent
Mandates	3		68	

Political Party or Coalition	Number of Votes	Percentage	Number of Mandates		
			Proportional	Majoritarian	Total
Homeland Union - Christian Democrats	292,124	24.86	23	27	50
Farmers and Greens Union	204,791	17.43	16	16	32
Labour Party	110,773	9.43	9	1	10
Social Democratic Party	108,649	9.25	8	5	13
Freedom Party	107,093	9.11	8	3	11
Liberal Movement	79,755	6.79	6	7	13
Lithuanian Electoral Action of Poles – Christian Families Alliance	56,386	4.80	-	3	3
Lithuanian Social Democratic Labor Party	37,197	3.17	-	3	3
Lithuanian Centre Party	26,769	2.28	-	-	0
National Association	25,098	2.14	-	-	0
Freedom and Justice	23,355	1.99	-	1	1
Green Party	19,303	1.64	-	1	1
Political Party ‘Way of Courage’	13,337	1.14	-	-	-
Lithuania For All	11,352	0.97	-	-	-
Christian Union	8,825	0.75	-	-	-
Union of Solidarity of Generations – Santalka for Lithuania	5,808	0.49	-	-	-
People's Party	2,946	0.25	-	-	-
Independents				4	4

⁷⁸ See the [MMC results](#), the [SMC results of the first round](#), the [SMC results of the second round](#) and the [CEC Decision 257 of 31 October 2020](#).

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).