



Office for Democratic Institutions and Human Rights

THE ITALIAN REPUBLIC

PARLIAMENTARY ELECTIONS

4 March 2018

ODIHR Election Assessment Mission Final Report



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ODIHR Election Assessment Mission Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Permanent Delegation of Italy to the OSCE and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 4 March 2018 parliamentary elections.

The elections were competitive and pluralistic, providing voters with a wide range of candidates. While the campaign was conducted with respect for fundamental freedoms, it was confrontational and at times characterized by discriminatory stereotyping and intolerant rhetoric targeting immigrants, including on social media. While certain aspects of the legislation should be reviewed, the elections were conducted in a professional manner and reflected a high degree of public confidence in their administration.

While the legal framework provides an adequate basis for the conduct of democratic elections, it is fragmented, and significant changes were introduced only a few months prior to the elections. The new election law was adopted without public consultation, through a hasty, constitutionally challenged procedure. The legal amendments include changes to the electoral system, the delineation of constituencies and a new system of campaign finance. Most of the previous ODIHR recommendations remain to be addressed and certain deficiencies persist in the law, such as those related to the inequality of vote, the right to stand, and complaints and appeals procedures.

The system of election administration is complex and involves a number of state institutions and offices established within judicial and administrative structures at the national and local level, with the Ministry of Interior having a primary responsibility for the administration and oversight of elections. The election administration generally conducted its activities in a professional manner. Regulations and training in key election day procedures, however, should be reviewed and consolidated to enhance consistency and equal treatment of all voters.

All citizens over the age of 18 are eligible to vote for the Chamber of Deputies, while the right to vote in the elections for the Senate is limited to citizens who are at least 25 years old. The right to vote can also be limited in cases of civil incapacity, an irrevocable criminal sentence or moral unworthiness in cases defined by law. The voter registration system is passive, including for those living abroad once they register with the consulate. The voter registration system is inclusive and no ODIHR EAM interlocutors raised concerns about its accuracy. Some 51 million citizens were registered for these elections, including some 4.2 million abroad.

To stand for the Chamber of Deputies and the Senate, a candidate must fully enjoy voting rights and be at least 25 and 40 years old respectively. There are a number of government and government-related positions that are incompatible with candidacy. Candidate lists can be put forward by political parties while individual candidates cannot stand. For these elections, 42 lists comprising 12,428 candidates were registered in an inclusive and transparent manner. The process of verifying signatures lacks clear rules and should be simplified to avoid possible inaccuracies and mistakes.

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

The new election law introduced rules that the candidates on the lists in multi-mandate constituencies should alternate based on their gender, subject to refusing the list. Women did not feature prominently in the campaign, neither as candidates nor as participants at campaign events. In the new parliament, 34 per cent of members are women.

The election administration took active measures to promote the participation of voters with disabilities. Voters with physical disabilities may receive additional assistance to vote if needed and can vote in any accessible polling station within the same municipality. However, these special arrangements are not provided for persons with intellectual disabilities, at odds with international obligations. A number of special polling stations were established in hospitals, prisons and pre-trial detention centres, and mobile voting was permitted for homebound voters.

The campaign was low key. Parties mainly used television and social media to campaign as well as small-scale indoor meetings with voters and door-to-door canvassing. The tone of the campaign however was antagonistic and confrontational. While the campaign was generally peaceful, it was marred by some violent incidents, including a shooting by a far right activist at immigrants which resulted in six of them being injured.

The campaign finance legislation was amended several times since last elections, with the main change being the gradual abolition of public funding. The law also sets limits for donations and expenditures and obliges candidates and political parties to submit post-election reports on their finances. Despite improvements regarding a general ban on anonymous donations, a lower threshold for disclosing the source of donations, and reviewed sanctions for infringements of political finance rules, some areas of concern remain. These are a lack of adequate powers and resources to carry out a pro-active and efficient oversight, investigation and enforcement of political finance regulations, as well as timing of disclosure of campaign income and expenditures.

Despite repeated appeals from international bodies and case law of the European Court of Human Rights, defamation and slander remain criminal offences. The media covered the election campaign extensively, allowing citizens to have access to various political views and to make an informed choice. While both the public and commercial broadcasters organized talk shows and extensive interviews with contestants, there were no debates between party leaders. In line with the legislation, the public broadcasting service granted free airtime to all contesting parties, albeit outside prime time. The EAM found that there is a need to enhance the independence of the media oversight body.

Most ODIHR EAM interlocutors expressed confidence in the work of bodies involved in the review of election-related disputes. The newly elected parliament reviews complaints related to the election results, certifies the legality of elections and the eligibility of the elected members of the parliament. There are however a number of shortcomings in the law that could limit the right to an effective remedy, such as the absence of a possibility to appeal election results to a competent court as the final authority and adequate time limits for resolving election-related complaints.

In accordance with the ODIHR's methodology, the EAM did not observe election day proceedings in a systematic and comprehensive manner, but visited a limited number of polling stations. The voting and counting process appeared to be well conducted in the limited number of polling stations visited by the ODIHR EAM, although some technical issues were noted, such as that some polling station members did not report for duty and polling station chairpersons did not always apply the correct procedures.

This report offers a number of recommendations to support efforts to bring elections in Italy closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the review of existing legal framework, electoral dispute

resolution system, equality of the vote, and campaign finance oversight. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Permanent Delegation of Italy to the OSCE to observe the 4 March 2018 parliamentary elections and based on the recommendation of a Needs Assessment Mission conducted from 11 to 13 December 2017, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 20 February to 10 March.² The ODIHR EAM was led by Ambassador Audrey Glover and consisted of six experts from six OSCE participating States. The EAM was based in Rome and visited Bologna, Florence, Milan, Palermo and Pavia.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with the ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs (MFA) and the Ministry of the Interior for their co-operation and assistance, as well as to express gratitude to representatives of other state and municipal institutions, election commissions, political parties, candidates, media, civil society, academia, the resident diplomatic community, and other interlocutors for sharing their views.

III. BACKGROUND

Italy is a parliamentary republic with the president elected by the parliament, serving as a head of state. Legislative power is vested in a bicameral parliament comprising a 630-member Chamber of Deputies and a 321-member Senate, both primarily elected by popular vote for a five-year term and enjoying equal powers.³ Under the leadership of the Prime Minister nominated by the president, executive powers are mostly exercised by the Council of Ministers elected by the parliament. Italy's territorial administration comprises 20 regions, including 5 autonomous regions with special status.

The outgoing parliament was elected in the early parliamentary elections on 24 and 25 February 2013, some two months ahead of schedule, following a crisis in the interim government led, at the time, by Mario Monti. The elections resulted in Italy's first grand coalition government led by Enrico Letta, comprised by Democratic Party, The People of Freedom, Civic Choice and Union of the Centre.⁴ Two more governments followed led, respectively, by Matteo Renzi and Paolo Gentiloni. On 28 December 2017, the president dissolved the parliament and scheduled parliamentary elections for 4 March 2018.

² See all previous [ODIHR election-related reports on Italy](#).

³ The Senate currently includes six non-elected "life senators" appointed by the President of the Republic. Former Presidents of the Republic as well as a limited number of citizens with special merit are senators for life.

⁴ The other political groups that entered the parliament were: Five Star Movement, Article 1 – Democratic and Progressive Movement, Forza Italia – The People of Freedom – Berlusconi for President, North League and Autonomies – The League of Peoples – We with Salvini, People's alternative – Centrist for Europe - New Centre-Right. Additionally, in the Chamber of Deputies there were the following groups: Italian Left – Left Ecology Liberty – Possible, Solidary Democracy – Democratic Center, Brothers of Italy – National Alliance and Mixed Group. In the Senate additional groups were: For Autonomies, Large Autonomies and Freedom, ALA – Autonomous Alliance Liberal-popular, Federation of Freedom – Idea People and Freedom, and Mixed Group.

Ninety-two out of 320 senators of the outgoing Senate and 197 out of 630 deputies in the outgoing Chamber of Deputies were women. Also, 5 of the 18 ministers in the outgoing government were female.

The main competitors in these elections assembled in two coalitions. The centre-left coalition, led by the Democratic Party, included smaller parties covering a variety of ideological affiliations, such as *Piu Europa*, the centrist Together and the Popular Civic. The centre-right coalition, led by *Forza Italia* included The League, Brothers of Italy and the centrist Us with Italy. The Five Star Movement was running separately and a number of new parties also contested the elections.

IV. LEGAL FRAMEWORK

The legal framework governing parliamentary elections is complex, comprising over 60 different laws and decrees. On 3 November 2017, the parliament adopted a new electoral law, commonly referred to as *Rosatellum*. This law replaced the previous laws on elections of the Senate and House which Constitutional Court declared partially unconstitutional. The recent legal changes include those related to the electoral system, the delineation of constituencies and abolition of public funding of campaign. Most of previous ODIHR recommendations have not been addressed, including those related to consolidation of the electoral legislation, discrepancies in the value of votes, appointment of polling station officials, candidates registration, judicial review of election results and publishing election results per polling station. Some recommendations were addressed by providing a temporary legal provision for international election observers, a ban on anonymous donations, and including more women in winnable positions on candidate lists.

While the legal framework provides an adequate basis for the conduct of democratic elections, it is fragmented, and many aspects of the electoral process are not regulated by law. In addition, contrary to good practice, the significant changes into the election legislation were introduced only a few months prior to the elections, without public consultations, in a hasty procedure, through a vote of confidence.⁵ The constitutionality of the enactment procedure of the new law was challenged by a group of voters and is pending Constitutional Court decision.

Legal framework for elections should be reviewed to address remaining shortcomings noted in this and previous ODIHR reports. Consideration could be given to codifying existing regulations into electoral legislation so as to ensure legal certainty and coherence. Legal reform should be undertaken well in advance of the next elections and involve open consultations with all relevant stakeholders.

In December 2017, a temporary legal provision was adopted to explicitly provide for the presence of election observers. This provision allows for the presence of international observers only and limits their observation exclusively to polling stations (Polling Election Offices, PEOs).⁶ One international organization was denied accreditation on the grounds that the provision in the Stability Law applies only to the OSCE observers. This legal provision and its interpretation contradict the paragraph 8 of the 1990 OSCE Copenhagen Document.⁷

⁵ See the 2002 Council of Europe's Commission for Democracy Through Law (Venice Commission) Code of Good Practice in Electoral Matters section II.2.b.

⁶ The Law N. 205/2017 ('Stability Law') contains the annual state budget and is, therefore, valid for a year.

⁷ Paragraph 8 of the Copenhagen Document stipulates that 'The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place...'

Legislation should be amended to permanently allow for election observers, both international and domestic, at all stages of the election process to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.

V. ELECTORAL SYSTEM

The Italian parliament is bicameral consisting of the Chamber of Deputies and the Senate both elected for a five-year term and enjoying equal powers. Following the changes in the electoral system from November 2017, two thirds of the deputies and senators are elected through a proportional and one third through a majoritarian electoral system in a single electoral round. Electoral districts are formed in the 20 administrative regions of the national territory. The districts are divided into multi-mandate constituencies which are in turn sub-divided into single-mandate constituencies.

For elections of the Chamber of Deputies, the national territory is divided into 28 districts.⁸ Of the 630 seats, 387 are allocated through a proportional system with closed lists in 63 multi-mandate constituencies electing 3 to 8 deputies each. In addition, 231 seats are allocated through first-past-the-post system in single-mandate constituencies. For the Senate elections, 20 districts are formed corresponding to the administrative regions. Of the 315 Senate seats, 193 are allocated through proportional system with closed lists in 33 multi-mandate constituencies, electing 2 to 8 Senators each. Also, 116 seats are allocated in single-mandate constituencies through first-past-the-post system.⁹ Whereas the open lists were abolished for in-country constituencies, they remain in the proportional system for elections of 12 seats for the Chamber of Deputies and 6 seats for the Senate in one out-of-country constituency.

The average quotient in a district for a seat in the Chamber is 96,171 votes, ranging from 93,868 in Friuli to 98,252 in Umbria.¹⁰ The average quotient for a seat at the Senate is 165,167 votes ranging from 126,324 in Umbria to 204,011 in Toscana. The out-of-country constituency is divided into four zones.¹¹ There is discrepancy in number of votes needed to be elected in different zones, with Europe electing 2 senators by about 2 million voters, while the zone of North and Central America with 451,062 and the zone of Africa, Asia, Oceania and Antarctica with 213,561 voters elect one senator each.¹²

The *Rosatellum* provides for constituency delineation based on the population, as established by the last census, allowing for a deviation of population of up to 20 per cent from the average population in constituencies of the respective district. The constituency delineation was adopted in December 2017 based on a proposal by an expert group chaired by the president of the National Institute for Statistics, following the advice of the competent parliamentary committees. Separate constituencies are formed for the districts where recognized linguistic minorities reside.¹³ No ODIHR EAM interlocutors

⁸ Of the 28 districts, 14 correspond to the administrative regions of Italy whereas the region of Lombardy has four districts and the regions of Piedmont, Veneto, Lazio, Campania and Sicily have two each.

⁹ The national territory is divided into 109 single-mandate constituencies. An additional seven constituencies are formed in the linguistic minority regions Aosta Valley, Trentino-South Tyrol and Molise.

¹⁰ The quotient is obtained by dividing the population, under the latest census, by the number of in-country elected Deputies (618).

¹¹ The out-of-country voting is regulated by the Law n.459 of 27 December 2001. The following zones compose out-of-country constituencies: Europe (including Russian Federation and Turkey), South America, North and Central America, as well as Africa, Asia, Oceania, Antarctica.

¹² See Paragraph 21 of the 1996 [UN Human Rights Committee General Comment No 25](#). Section II.2.2 para.15 of the 2002 Council of Europe's Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters requires that the maximum differences in voting power should not exceed 10 to 15 per cent.

¹³ For the Chamber of Deputies, in addition to the 231 single-mandate constituencies, there are six in the minority regions Trentino-Alto Adige/South Tyrol and two in Molise.

expressed concerns related to constituency delineation. At same time, many expressed dissatisfaction with the big discrepancy in number of votes needed to be elected, particularly to the Senate and for out-of-country constituency.

Consideration should be given to adhering more closely to the electoral quota for all constituencies across the country, including in the out-of-country constituency, in line with the international good practice concerning the equality of the vote, without prejudice to the protection of minorities.

To qualify for seats in multi-mandate constituencies, either for the Chamber or the Senate, a party must receive at least 3 per cent of the valid votes nationwide whereas a coalition must receive at least 10 per cent with at least one party within the coalition receiving 3 per cent nationwide. If a coalition receives less than 10 per cent, but a party receives more than 3 per cent, only that party is eligible to participate in the allocation of seats. If a list within a coalition receives less than one per cent of the valid votes nationwide, its votes are not counted in the total votes of the coalition. In addition to these conditions that apply to both chambers, for the Senate, alternatively to 10 per cent of votes nationwide, a party or a coalition must receive at least 20 per cent of the valid votes in at least one district. Linguistic minorities' lists running only in autonomous regions must receive at least 20 per cent of the valid votes in the district itself or must have at least two candidates elected in single-mandate constituencies.¹⁴ The new election law introduced rules that the candidates on the lists in multi-mandate constituencies should alternate based on their gender (*See Candidate Registration*).

Voters were provided with two ballots, one for the Chamber and one for the Senate elections. Ballots contained rectangles, grouping a candidate for the single-mandate constituency (majoritarian), the party symbol, and, for the first time, the names of up to four candidates in the multi-mandate constituency (proportional). Each voter votes for one majoritarian candidate and one list for the multi-mandate constituency. If a voter votes only for one of the two, the vote extends to both. Voters may vote only for the same list both for the single mandate and the multi-mandate constituency otherwise the ballot is invalid. In case of parity between two majoritarian candidates, the younger is elected.

VI. ELECTION ADMINISTRATION

Under the lead of the Ministry of Interior (MoI), the responsibility for the organization of parliamentary elections is shared between a number of state bodies and offices established within complex judicial and administrative structures. In addition to the MoI, these included 28 District Election Offices (DEOs) and 20 Regional Election Offices (REOs), some 8,100 Municipal Election Offices (MEOs), some 61,000 Polling Election Offices (PEOs), and local authorities. The Ministry of Foreign Affairs (MFA) coordinated out-of-country voting. All ODIHR EAM interlocutors expressed a high level of trust in professionalism and impartiality of the election administration bodies.

The Central Directorate for Electoral Services of the MoI is a permanent body that has primary responsibility for the administration and oversight of elections. Through its network of the Electoral Offices of the Prefecture in all 108 provinces, the Directorate co-ordinated the organizational and administrative arrangements for the elections, registered the logos of political parties, oversaw the printing and the delivery of ballots and other election materials, coordinated the process of updating the voters lists and tabulated the unofficial election results for both chambers.

The Ministry of Justice (MoJ) through a number of temporary judicial bodies created anew at central and constituency level for each parliamentary election is primarily responsible for the tabulation and

¹⁴ Out of 20 districts in Italy, 5 have autonomy: Sardinia, Sicily, and the linguistic minority regions Aosta Valley (French), Friuli-Venezia Giulia (Slovenian) and Trentino-South Tyrol (German).

proclamation of the official election results. At the district level, the regional Court of Appeals established 20 REOs for the Senate elections and 28 DEOs for the Chamber of Deputies elections. Members of DEOs and REOs are judges. Within their districts, these offices are responsible for the registration of candidate lists, adjudication of contested ballots, tabulation of the official district results and assignment of seats. The National Central Election Office (NCEO) was established by the Court of Cassation to tabulate the preliminary results for the Chamber of Deputies, to assign the seats, and receive complaints related to candidate registration for the Chamber.¹⁵ REOs allocated the Senate seats in their region, proclaimed the elected senators and sent their protocol with the results to the Senate Secretariat.

While having judicial oversight of elections is a good safeguard, the work of MoI and MoJ related to the tabulation of election results was duplicated. Both Courts of Appeals and NCEO tabulated results separately.¹⁶ Some ODIHR EAM interlocutors noted that courts were overburdened during the election period, due to the fact that they had many election-related duties and their regular judiciary work was not suspended during the election period. On a positive note, for these elections MoJ introduced new software to facilitate the tabulation of the election results.

Consideration should be given to further reducing the workload of courts during the election period by reassigning certain election-related functions to other relevant bodies.

At the provincial and municipal level, there were Territorial Electoral Commissions (TECs) and Municipal Election Commissions (MECs), respectively. TECs were appointed by the relevant Provincial Councils and presided over by the Deputy Prefect. They also had sub-commissions for every 50,000 inhabitants where applicable. TECs oversaw the work of all MECs within their jurisdiction. MECs were elected from among the municipal council members and chaired by the mayor. MECs supervised work of MEOs and made decisions when necessary, including the appointment of PEO members selected by MEOs.

MEOs are permanent bodies within municipalities and are responsible for the update of the voters' lists and all preparations for elections, including the selection of PEO members, distributing electoral materials, and receiving the preliminary results on election day. While formally independent, MEOs receive instructions and directives from the MoI with prefectures acting as intermediate bodies.

PEOs are responsible for the conduct of election day procedures at polling stations. They are temporary bodies composed of a chairperson, appointed by the relevant Court of Appeal, and five additional members who are selected by MEOs from a list of eligible voters who have indicated their willingness to fulfil this role. There are no unified criteria for the selection of PEO members and municipalities used various methods.¹⁷ MoI informed the ODIHR EAM that the main principle for the formation of PEOs was the professionalism of prospective candidates, their place of residence (close to the designated polling station), and their previous experience.

The criteria for the selection of poll workers should be clearly defined and unified to further improve the work of Polling Election Offices.

A number of special polling stations were established in hospitals, prisons and pre-trial detention centres, and mobile voting was permitted for homebound voters upon presentation of a medical certificate at least 15 days before election day. Persons with physical disabilities could vote in any

¹⁵ NCEO was established on December 29, 2017 and is composed of 10 judges of the Supreme Court.

¹⁶ Prefects and Courts received a copy of the final results protocols from PEOs for tabulation. However, only Courts' results are the official ones.

¹⁷ For example, in Rome the PEO members were randomly selected with the help of a computer program, while in Florence the MEO voted on the list of preselected candidates at a public session.

accessible polling station within their municipality, provided that they present a medical certificate proving their condition.¹⁸ In addition, they were allowed to get additional assistance to vote if it was noted on their voting card. These special arrangements were not allowed for persons with intellectual disabilities, which is inconsistent with the international standards.¹⁹

Election legislation should be harmonized with the objectives of the Convention of the Rights of Persons with Disabilities to ensure the full voting rights of all persons with disabilities, including the right to request assistance to vote.

MoI, in cooperation with the public broadcaster, prepared voter education materials, including some using sign language. The announcements described the voting procedures emphasizing the novelties of the electoral system. These voter education messages were aired on national TV and radio channels as well as on the internet.

Citizens who permanently or temporarily reside abroad could vote by post through 124 embassies and 80 consulates. Each embassy and consulate received from the MFA an electronic ballot template for its geographical zone and was responsible for printing and distributing ballots to voters registered at their consulate. Ballots had to be returned to the consulate 10 days prior to the election day and were subsequently forwarded to specified electoral offices in Rome for counting, which is done by the MoI. Voters residing abroad wishing to vote in Italy had to inform their consular office in writing within 10 days of the calling of the elections, in order to opt out of the postal ballot.²⁰

Amid growing concerns by political parties regarding the out-of-country vote, the MFA recommended to embassies and consulates to introduce special measures to increase the safety and secrecy of the postal vote.²¹ The Overseas Central Electoral Office (OCEO) was established by the Court of Appeals of Rome to determine the results of the out-of-country vote. The MEO of Rome responsible for the out-of-country constituency was tasked to form 1,730 PEOs and to train the chairpersons.

VII. VOTER REGISTRATION

All citizens, who are 18 or older by election day, have the right to vote in the Chamber of Deputies elections, while for the Senate elections they need to be at least 25 years old. According to the Constitution the right to vote cannot be limited, except for civil incapacity, an irrevocable criminal sentence or moral unworthiness in the cases defined by law. As the chambers have equal powers, this disparity is at odds with international standards of exercising the right to vote that should be available to every adult citizen.²²

Consideration should be given to granting equal voting rights for elections to the Senate to all citizens who reached the age of majority.

¹⁸ Municipalities posted at the PEOs the lists of polling stations accessible for persons with disability.

¹⁹ The UN Committee on the Rights of Persons with Disabilities in its [“Concluding observations on the initial report of Italy”](#) (6 October 2016), CRPD/C/ITA/CO/1 para.73 states that “Committee is concerned that persons with intellectual disabilities and/or psychosocial disabilities do not receive adequate support in order to exercise their right to vote, and that article 48 of the Constitution, which restricts the right to vote based on “civil incapacity”, is inconsistent with the Convention”.

²⁰ Voters choosing to vote in Italy cast their ballots for their national constituency and not for the out-of-country constituency.

²¹ Embassies and consulates agreed with postal services in the respective countries to use special barcode system based on which the postal services could track the ballots. MFA used fast postal services to guarantee the timely delivery of ballots. Additionally, the police employed at diplomatic missions were involved in providing for the safety of printing and the handover of the ballots.

²² See Paragraph 4 of the 1996 [UN Human Rights Committee General Comment No 25](#) to Article 25 of the ICCPR.

Voter registration is passive and voter lists are based on the population register. There is no centralized national voter register in Italy. Each municipality maintains two separate voter registers, one for men and one for women. Voters residing abroad are automatically included in the voter lists if they register at a consulate. MEOs maintain the voter lists and update them twice a year and before elections. While there is no obligation to post extracts of voter lists for public scrutiny prior to the elections, anyone can request to see the list and its extracts. Complaints regarding the accuracy of the voter lists can be lodged with the relevant TEC or its sub commission(s). Their decisions can be contested with the relevant Court of Appeals and further with the Court of Cassation. There were no complaints filed with TECs and no concerns expressed to the OSCE/ODIHR EAM regarding the accuracy and inclusiveness of the voter lists.

The pre-election revision of the voter lists was completed by 17 February and the number of eligible voters was announced by the MoI on 27 February. The total number of eligible voters in Italy was 46,604,925 for the Chamber of Deputies and 42,871,428 for the Senate. The respective numbers of the registered voters residing permanently abroad were 4,177,725 for the Chamber and 3,791,774 for the Senate. A copy of the extract of the voter list to be posted in the polling station premises was provided to each PEO together with a copy for use on election day. The voter lists for the out-of-country constituency are prepared on the basis of the data in Register of Italian nationals residing abroad (AIRE) and in the files of Italian residents abroad, maintained by the relevant consular offices.²³

A safeguard against multiple voting was provided by issuing each voter with a voter card with information about their permanent residence, the municipality, the number and address of the polling station to which they are assigned. This card, together with another valid identification document, should be presented when voting. A PEO member stamps the voter card when the ballot is handed to the voter. Lost or expired voter cards could be replaced at MEOs, including on election day.

VIII. CANDIDATE REGISTRATION

To be a candidate, in addition to the requirements for being a voter, a person should be at least 25 years old on election day to stand for the Chamber of Deputies and at least 40 years old to stand for the Senate. The legislation does not allow for individual independent candidates, as all candidates must be nominated by the parties or movements, including in single-mandate constituencies. This does not provide equal political rights to all citizens, without discrimination, as required by the paragraph 7.5 of the 1990 OSCE Copenhagen Document.

Legislation should be reviewed to allow for independent candidacies, in line with international commitments. Given almost identical functions of the two chambers of parliament, consideration should be given to eliminate the different age requirements for candidates.

There is a range of government and government-related positions that are incompatible with the right to stand.²⁴ The new electoral law introduces for the first time the possibility for candidates standing in an out-of-country constituency to be residents in Italy. A candidate in an out-of-country constituency

²³ AIRE is maintained by the municipalities and the MoI.

²⁴ For example, presidents of provincial councils, mayors of municipalities with more than 20,000 inhabitants; Chief and Deputy Police Chief and Inspectors General of public security; Heads of the Cabinet of Ministers; The Government representative in the region of Sardinia, Commissioner of the State in the region of Sicily, the Commissioners for the ordinary regions, the Government Commissioner for the Friuli Venezia Giulia region, the Chairman of the Coordination Commission for the Region Valle d'Aosta, the Commissioners of the Government for the provinces of Trento and Bolzano.

cannot run, however, in a constituency within the national territory. If candidates reside abroad, they must be residents of the geographical zone where they are contesting the elections.

Political parties and movements planning to contest elections must register a logo and name with the MoI. For the first time during these elections, they had to submit their statutory declarations and electoral program specifying the name of their leader and to state their connection to a coalition, if any. This information was published in the section “Transparent Elections” of the MoI’s website. The list of candidates in multi-mandate constituencies, and the names of the candidates in the single-mandate constituencies had to be submitted within 24 hours 35 days prior to election day.

A list (coalition or party) must field candidates in all the single-mandate and at least two thirds of the multi-mandate constituencies. A list also has to field at least two and not more than four candidates in a multi-mandate constituency, regardless of the number of seats assigned to it.²⁵ A candidate can stand for election only in one chamber of the parliament. A candidate may stand with the same party at the same time in up to five multi-mandate constituencies and in one single-mandate constituency. Parties and movements with a registered logo must submit their candidate lists to the DEOs (for the Chamber of Deputies) and to the REOs (for the Senate) in the districts and respective regions where they plan to contest the elections.

To register candidate lists, by law, non-parliamentary parties must submit between 1,500 and 2,000 signatures. However, for these elections the parliament reduced this number four-fold, to 375 signatures. Some parties complained about insufficient time for the collection of signatures.

The candidate registration was generally conducted in an inclusive and transparent manner.²⁶ The MoI published 42 approved logos (out of 103 applications) and registered a total of 12,428 candidates.²⁷ Of 84 political parties and movements that were registered, 42 presented the lists of candidates. NCEO considered complaints lodged by parties who were not able to collect the required number of signatures, raised objections that the approved logo of another party was too similar to their logo, were unable to meet the required gender quota or to field candidates in two thirds of the constituencies.

The authorities should consider clarifying the definitions and criteria required for classification of party logos.

The list of candidates and the supporting signatures are submitted to the registry of the Court of Appeals for each region, and the Court checks the signatures as well as the gender balance on the lists of candidates. There are no clear rules for verifying signatures and some ODIHR EAM interlocutors expressed concerns about the integrity of this process and the capacity of the Court of Appeal to verify the signatures as required by law. Following the signatures’ verification, the DEOs were required to publish the lists of registered candidates 30 days prior to election day while the NCEO was responsible for the publication of the final lists of candidates in the Official Gazette 20 days before election day.

Consideration should be given to introducing methods to simplify the collection of signatures and to clarifying the rules for signature verification.

²⁵ In case a list wins more than four seats in a constituency, the seat is allocated in another constituency with the largest remainder, preferably in the same district.

²⁶ The registration of contestants started 42 days prior to elections and lasted until 20 days before the election day.

²⁷ The vast majority of the complaints submitted in relation to the registration of candidates were from smaller parties which were not able to collect the required number of signatures, while other reasons were related to party logos similar to existing parties, in a limited number of cases.

Although some political parties introduced more participative methods to form their candidate lists, the party leadership still retains considerable control in respect of the final formation and ordering of lists.²⁸ Several ODIHR EAM interlocutors criticized this, noting that, when used in conjunction with the closed list system, it does not allow for a direct and meaningful link between voters and their elected representatives. As candidates are also entitled to run on multiple lists, this can create some uncertainty in respect of which candidates are ultimately elected.

The new election law introduced rules that the candidates on the lists in multi-mandate constituencies should alternate based on their gender. In addition, candidates of the same gender cannot be front-runners in more than 60 per cent of the lists. Also, the number of candidates of the same gender cannot exceed 60 per cent in the single mandate constituencies. Despite the new legal requirement to promote their participation, women continued to be overall underrepresented in the elections. Some ODIHR EAM interlocutors claimed that the ability of women candidates to secure seats was undermined by the legal provisions allowing candidates to run in up to five constituencies. They raised concerns that although women would receive votes, seats would eventually be allocated to male candidates.²⁹ In total, 225 out of 2,243 women candidates were elected to the Chamber of Deputies and 110 out of 1,153 for the Senate.

IX. ELECTION CAMPAIGN

The official campaign started from the publication of the date of the elections and lasted until 24 hours before election day.³⁰ Freedom of expression and association were respected during the campaign and the voters were given an opportunity to choose between different political options.

The campaign was low key with most contestants using television and social media as well as small-scale indoor meeting with voters and door-to-door canvassing. Posters and billboards were used to a much lesser extent. The non-parliamentary parties attributed the increased use of social media for campaigning to the general lack of funds. Although the new electoral system introduced incentives for the creation of coalitions, parties campaigned largely on their own and not as a part of coalition. The party leaders featured prominently in the campaign across the country.

The tone of the campaign was antagonistic and confrontational, at times characterized by the use of discriminatory stereotypes and intolerant rhetoric targeting immigrants, especially through negative messages disseminated via social media.³¹ The campaign lacked substantive discussion on policy issues, instead focusing on personalities and mutual recriminations. The lines of division between contestants ranged from the traditional division of the spectrum into the political left and the political right to different position on relations with the European Union, and attitude towards immigrants and asylum seekers.

While the campaign was generally peaceful, it was marred by some violent incidents. Notably, the shooting in Macerata by a far right activist some six weeks before the elections which resulted in six

²⁸ While the Five Star Movement used an internet based system to designate their candidates, open to all members, some interlocutors criticized the system for being under the control of the movement's leadership.

²⁹ Several parties, such as the Democratic Party, Five Star Movement, Forza Italia, Lega, Piu Europa and Free and Equal Party met the legal requirements for gender balance only by means of running the same candidate in multiple constituencies.

³⁰ The official campaign in the media started on 29 December, while placing posters and holding rallies was allowed from 30 days up until 24 hours before election day.

³¹ See also the UN Human Rights Committee "[Concluding observations on the sixth periodic report of Italy](#)" (1 May 2017) CCPR/C/ITA/CO/6, paragraph 12, and UN Committee on the Elimination of Racial Discrimination "[Concluding observations on the combined nineteenth and twentieth periodic reports of Italy](#)" (17 February 2017), CERD/C/ITA/CO/19-20, paragraph 14.

persons of Sub-Saharan Africa origin being injured. In response, there were public protests opposing the far right and the far left groups, shifting the focus of the campaign away from such topics as economy, social issues including unemployment, jobs creation, tax reduction or education to discussions on immigration. A number of ODIHR EAM interlocutors criticized the insufficient reaction from the mainstream political forces to the violence promoted by political extremists.³²

Voters were generally able to obtain information and chose among various political parties and candidates without hindrance. However, according to several ODIHR EAM interlocutors, in some regions networks of organized crime put undue pressure on voters to vote in a way that would advance certain groups' economic interests.

Despite the constitutional requirements to promote gender equality, there was limited focus within most political parties to increase the presence of women in the party leadership. Issues pertaining to women's participation in political life were generally absent in the electoral manifestos of the political parties as well as at the campaign events. Several ODIHR EAM interlocutors raised concerns about gender stereotyping in the campaign.

X. CAMPAIGN FINANCE

The legal framework regulating campaign finance has been amended since the last parliamentary elections, with the main change being the gradual abolition of public funding from 2014 to 2017. In these elections, for the first time, the parties financed their campaigns exclusively from private sources. A few parties stated that they had insufficient funds for campaigning. Other important changes include a general ban on anonymous donations, lower threshold for disclosing the source of donations and reviewed sanctions for infringements of political finance rules.³³

Donations may be monetary or in-kind in the form of goods or services. An individual may donate up to EUR 100,000 annually to a single political party, while a legal entity may donate annually up to EUR 100,000 in total to as many political parties as the legal entity wishes to support, and such donations must be registered in the books and accounts of the donor entities. Anonymous and cash donations are prohibited, as well as donations from companies that are publicly held or have a public share exceeding 20 per cent. Taxpayers may donate through their tax returns 0.2 per cent of their income tax to one party. Donations of 30 up to EUR 30,000 annually are deductible from an income tax of 26 per cent. Moreover, funds raised by text and other mobile telephone applications and landlines are also exempt from value-added tax. Donations are allowed only through bank accounts or post offices and other means as foreseen by Law, or according to additional modalities which can allow for traceability of the operations and the exact personal and financial identification. While 2014 amendments to the campaign finance legislation tasked the Ministry of Economy to issue regulation on this issue, to date, no such regulation exists.

A party may spend up to EUR 1 per each registered voter in a constituency whereas a candidate may spend up to the sum of the fixed amount of EUR 52,000 for each constituency and EUR 0.01 per each citizen residing in the constituency.

All financial transactions of candidates and parties have to be conducted through a specific bank account. Parties with an annual income exceeding EUR 150,000 are obliged to engage the services of a registered auditor. The Committee for the Transparency and Control of Financial Reports of Parties

³² A limited number of demonstrations were organized in the middle of February by civil society groups in reaction to the shooting in Macerata.

³³ See also the 2016 Council of Europe Group of States Against Corruption (GRECO) [Second Compliance Report on Italy](#) of the Third Evaluation Round.

and Political Movements of the Chamber of Deputies (Committee for Transparency) is mandated with the oversight of annual party finances and publishing their annual reports on the parliament's website. The Committee may impose administrative fines for irregularities.

The Court of Accounts is mandated with the oversight of campaign finances. Coalitions and parties are required to submit their campaign finance reports within 45 days from the parliament taking office. There is a generic report template with a list of expenses and incomes to be declared, but not in an itemized manner. The Court of Accounts must audit the reports and publish the conclusions of the audit within nine months. It may impose sanctions for irregularities or refer a case to the Prosecutor for further investigation. Sanctions for irregularities include deregistration of a party for a tax year, delicensing the party treasurer, and fines imposed through the forfeiture of up to two thirds of the funds from taxpayers. The reporting requirements are not applicable to non-affiliated organizations (third parties) which may compromise the transparency of campaign finances.³⁴

The Regional Electoral Guarantee Boards (REGBs), under the courts of appeals in each district, are mandated with the oversight of candidates' campaign finances. Candidates may receive campaign funds only through their campaign manager. The REGBs have to publish the candidates' campaign finance reports within 120 days from receiving. They may impose sanctions, including fines of up to EUR 25,000 for failing to submit a report or for submitting an inaccurate one. The REGBs told the ODIHR EAM that they were understaffed and had no capacity to verify the candidates' campaign finance reports or to crosscheck them with those of the parties.

There are no requirements for candidates or parties to disclose their campaign income and expenditures prior to election day, which limits the ability of voters to make a fully informed voting choice. Moreover, legislation allows for non-disclosure of some donors' identities, which makes information less accessible to the public.³⁵

To enhance transparency, consideration could be given to disclosing campaign finance reports prior to election day as well as extending the rules related to reporting and disclosure requirements to all donors and to non-affiliated third parties.

While the campaign finance regulations are generally satisfactory, the oversight system as currently implemented is not effective in ensuring the transparency, integrity, and accountability of political finances.³⁶ The competent bodies do not have adequate powers and resources to carry out a pro-active and efficient supervision, investigation and enforcement of political finance regulations. The law does not regulate the cooperation among them and there is no practical working arrangement.³⁷

Consideration could be given to enhancing the oversight system, including by providing a leading oversight body with a mandate, adequate powers and resources to carry out a pro-active and efficient supervision, investigation and enforcement of political finance regulations.

³⁴ See article 6 of the Council of Europe, Committee of Ministers Recommendation (2003) 4 on 'common rules against corruption in the funding of political parties and electoral campaigns'.

³⁵ While the law no.13 from 2014 says that the list of donors, together with the related amounts, is made public in a easily accessible manner on the official website of the parliament and on the websites of relevant political parties, it limits it to those subjects that have expressed their consent, in accordance with legislation related to the personal data protection.

³⁶ For instance, by law, the Court of Auditors should have a staff of nine including three judges in charge of political finances but the Court told the ODIHR EAM that in practice, it is a team of three auditors. Also, three judges will be appointed after the contestants submit their campaign finance reports for a six to nine months' term of office. In past elections, an average four cases were investigated by the Court of Accounts but no sanctions were imposed.

³⁷ See also paragraphs 64 and 65 of the 2016 Council of Europe Group of States Against Corruption (GRECO) [Second Compliance Report on Italy](#) of the Third Evaluation Round.

XI. MEDIA

The Constitution guarantees freedom of expression and opinion. While insult was decriminalized in June 2016, defamation and libel remain criminal offences punishable with up to three years of imprisonment, and increasing if it is directed against a politician or state officials. In 2013 the European Court of Human Rights concluded that the criminal prosecution of defamation is at odds with Article 10 of the European Convention on Human Rights.³⁸ In 2015, 475 journalists were convicted of libel, including 155 sentenced to prison terms. While the Chamber of Deputies passed a bill in 2013 to decriminalize libel and defamation, it has yet to be approved by the Senate. The OSCE Representative on Freedom of the Media (RFoM) has repeatedly called for a full decriminalization of defamation and libel.³⁹ The vast majority of journalists and editors that the ODIHR EAM met with noted that they carry on their investigations without fear. However, the MoI informed the ODIHR EAM that it provides some form of police protection to approximately 195 journalists most of whom investigate issues related to organized crime.⁴⁰

Criminal provisions for defamation, libel, and slander should be repealed in favour of civil remedies designed to restore the reputation harmed. Sanctions should be strictly proportionate to the actual harm caused.

Italy has a vibrant and pluralistic media environment with a wide variety of commercial and public broadcasters as well as print and online media. Nevertheless, the media coverage of the campaign was raised as an issue by the majority of ODIHR EAM interlocutors, who pointed to a deep division among media outlets and journalists along political lines. Television remains to be the main source of political information with TV consumption in Italy being among the highest in Europe, while the newspaper circulation continues to drop. Social media networks, notably Facebook, have become prominent platform for politicians to convey their message.

The Italian broadcasting market is dominated by two prominent media groups, the private *Mediaset* and the public broadcaster *Radiotelevisione Italiana (RAI)*. The *RAI* operates 27 TV and 12 radio stations, including three main TV stations – *Rai1*, *Rai2*, and *Rai3* and news channel *Rai24*. The *RAI* Parliamentary Oversight Committee is tasked to supervise the activities of the public broadcaster, provide legal clarifications during elections and adopt specific guidelines for the coverage of the campaign. The General Director of *RAI* is appointed by the parliament.

The key broadcast media regulatory body is the National Regulatory Authority for the Communication Sector (AGCOM) which is responsible for overseeing *RAI* and private media for their compliance with media legislation. AGCOM consists of five members, with the Chairman appointed by the President based on advice from the Prime Minister and in agreement with the Minister of Economic Development. The Chamber of Deputies and the Senate elect four members by a majority of votes who are then appointed by the President. The current system of appointment makes the media regulator vulnerable to potential political influence, contrary to good practice.⁴¹

³⁸ See, for example, the European Court of Human Rights judgement in [Belpietro v. Italy](#) from 24 September 2013.

³⁹ See, for example, the statements of the OSCE RFoM from [9 June 2016](#), [16 September 2013](#), [27 May 2013](#). See also the UN Human Rights Committee “[Concluding observations on the sixth periodic report of Italy](#)” (1 May 2017) CCPR/C/ITA/CO/6, paragraph 38-39.

⁴⁰ See also the statements of the OSCE RFoM from [31 August 2015](#) and [14 March 2011](#).

⁴¹ The [Council of Europe recommendation No. R \(2000\) 23](#) on the independence and functions of regulatory authorities for the broadcasting sector describes the need to define sufficiently clear appointment criteria to respect the principle of pluralism and avoid domination by any political group or party.

The independence of the broadcast media regulator could be further strengthened by revising the system of appointment of its members.

The campaign in the broadcast media is strictly regulated by the *par condicio* (equal treatment) law which was further supplemented by regulations from AGCOM and RAI's Parliamentary Oversight Committee respectively. The *par condicio* allows all political subjects and candidates to benefit from equal conditions in presenting their political programme to the voters. The equal treatment period is divided into two phases. The first phase started when the parliament was dissolved and lasted until the presentation of candidate lists. In this period, parliamentary parties were entitled to equal coverage in election programmes and equitable coverage in news programmes. The second phase started after the submission of candidate lists and lasted up until midnight of the day before the elections. In this period, the law guarantees equal coverage in election programmes of all parties competing in the elections and balanced coverage in news programmes. The *par condicio* also limits the use of communication activities of any public administration and stipulates that if state officials are covered it should be done without mentioning their political affiliation. Paid political advertisement is not allowed in broadcast media with national coverage.

Public and private broadcasters covered the campaign extensively, providing citizens with access to differing political views and enabling them to make an informed choice. The parties received daily coverage in various formats, including news programmes, extensive interviews, and talk shows. However, there was no debate between party leaders which reduced voters' ability to compare the candidates. RAI complied with the legal obligation to allocate up to three minutes to each contesting party, however the time was allotted outside of the primetime, significantly limiting their potential audience.

Consideration could be given to allocate direct access broadcasting time to contestants at the time when such addresses are likely to reach the widest possible audience.

During the campaign period AGCOM monitored the amount of time dedicated to each party in the television and radio programmes and the results of the monitoring were summarized and published on its website every week. It also provided a breakdown of time dedicated to individuals in different capacities – either as political party representatives or as state officials. In this period, AGCOM issued 63 resolutions and adjudicated 2 complaints.⁴² The head of RAI's Oversight Committee complained to AGCOM about excessive coverage given to the Prime Minister on RAI 1 prime time news program which was over 20 per cent out of the total coverage devoted to political subjects. The AGCOM dismissed the complaint on the grounds that “such coverage was related to significant events of undoubted public interest characteristic only to the week in question.” AGCOM's issued 18 resolutions requesting that media outlets correct “imbalanced coverage” and comply with the *par condicio* and 15 resolutions ordering local administrations to take down the content on their official webpages which “went beyond the necessity of informing on regular activities of the regional authorities.” AGCOM also adopted resolutions against RAI Radio 1 and TV La7 due to “political preferences voiced by the guests of live non-political talk-shows.”

Print media and internet are generally unregulated during elections. While AGCOM has a very limited authority over online media, it initiated self-regulatory guidelines based on which Facebook and Google agreed to provide equitable access for all contestants to their platforms, to clearly identify paid political advertisements, to respect the 24 hours silence period for the campaign as well as the two-week ban on public opinion polls.

⁴² AGCOM used these resolutions to notify a media outlet about an identified violation and to request the respected media outlet to correct the identified problem in the next monitored period. If the media outlet failed to comply, it could have been a subject to a fine up to EUR 258,000.

While the majority of OSCE/ODIHR EAM interlocutors did not consider disinformation to be a particular problem in the campaign, the MoI established a special hotline where such attempts could be reported and consequently checked by a special taskforce. The taskforce identified 16 cases of deliberate misinformation which it consequently debunked (fact checked) and published on its website. Facebook also cooperated with a local group to identify and debunk any attempts to deliberately misinform the public during the campaign.

XII. COMPLAINTS AND APPEALS

Jurisdiction over election-related disputes is shared among different political, administrative and judicial bodies. The NCEO reviews complaints on MoI decisions on registration of party symbols and appeals of REO (for the Senate) and DEO (for the Chamber of Deputies) decisions on candidate registration. Its decisions are final. There are 48 hours deadlines both for filing and reviewing such complaints. Some 110 complaints were filed with the NCEO by candidates and parties denied registration, including 61 filed due to insufficient numbers of supporting signatures and seven filed on unaccepted party symbols. All but eight were rejected.

The newly elected parliament, through the Committees for Elections, is mandated to validate the elections after reviewing complaints related to the election results, the distribution of seats and the eligibility and incompatibility of the elected deputies and senators. Complaints and requests for recounts may be filed to the Committees for Elections by a candidate, voter or group of voters who have a direct interest. Complaints must be filed within 20 days from the announcement of the official results of the relevant constituency. The Committees have wide discretionary powers to decide on the complaints and the recounts. They have 18 months to refer their recommendations to the parliament for the final decision by the plenary, which has no deadline to decide on them, thus not providing a timely resolution. Also, contrary to good practice, there is no possibility for judicial appeal. The jurisdiction of the Parliament over the validity of election of its own members raises concerns about potential conflict of interest.⁴³ To date, neither the Committee for Elections at the Chamber of Deputies nor the Committee for Elections and Immunity at the Senate appointed their members. The Committee at the Senate informed the ODIHR EAM that it has received more than 30 complaints and requests for recount.⁴⁴ There is no public information available on these complaints and requests, including no information available on potential complaints and requests for recounts filed with the Committee at the Chamber or the NCEO.

Consideration should be given to explicitly provide for the legal right to appeal election results to a competent court as the final authority. Adequate time limits for deciding on election-related complaints at all levels should be provided by the legislation to ensure the implementation of the right to an effective and timely remedy. Information about submitted complaints and requests should be made publicly available.

⁴³ The 2002 Venice Commission Code of Good Practice in Electoral Matters Practice states that ‘the appeal body in electoral matters should either be an electoral commission or a court. For appeals to parliament, an appeal to a parliament may be provided for the first instance. In any case, final appeal to a court must be possible.’

⁴⁴ Several complaints were filed on an unassigned seat won by the Five Star Movement in Sicily. It won one seat more than the number of its candidates standing in the region, and since seats at the Senate must be assigned within the region (art. 57 of the Constitution), the fifth seat remains to be assigned by the Committee.

XIII. ELECTION DAY AND POST-ELECTION DEVELOPMENTS

In accordance with the ODIHR's methodology, the EAM did not observe election day proceedings in a systematic and comprehensive manner, but visited a limited number of polling stations on election day in Rome and its surrounding.

On 4 March, 61,552 polling stations opened at 7:00 and closed at 23:00. In those visited by the ODIHR EAM, voting proceeded in an orderly manner with most of the PEO members present. In urban areas, polling stations were set up in schools, hosting several polling stations. To vote, voters marked a cross through the logo of the political party of their choice. There were two ballots, one for the Chamber of Deputies and one for the Senate.⁴⁵

For these elections, the MoI produced a manual for PEO chairpersons which provided detailed instructions on voting and counting procedures. According to MoI, in around 25 per cent of polling stations, some PEO members did not report for duty on the day prior to the election day and had to be replaced by volunteers. In a limited number of polling stations visited by ODIHR EAM, PEO members did not always follow the correct procedures and used their own discretion in the application of the instructions. There is no legal provision for mandatory training of the polling officers, yet some municipalities conducted trainings on their own initiative. Many election officials shared the opinion that training for PEO members should be mandatory.

The law should be amended to include the mandatory training for poll workers with a view to ensure consistent implementation of voting and counting procedures.

New anti-fraud measures, including the ballot-numbering system, were introduced for these elections. Each ballot had a sticker with an alphanumeric code and before handing the ballot to a voter, PEO staff were supposed to register the number. Once the voter had voted and before the ballot was cast, the PEO staff were supposed to check the number to make sure that it was the same ballot. Party representatives, who were present in most PEOs visited by ODIHR EAM, did not raise any concerns about possible irregularities and generally expressed their confidence in the process. The voter turnout countrywide was 72.93 per cent. Regional elections took place in parallel which, to some extent, affected the overall organization of the polling.

The counting followed by the ODIHR EAM was generally transparent and orderly. In those PEOs visited, the counting started immediately after the polling closed. Before opening the ballot boxes, the PEO determined separately the number of voters who participated in the election to the Senate and to the Chamber, respectively. These numbers were then checked against the number of ballots handed out to the voters. The ballots for the Senate were counted first.

A total of 1,740 PEOs close to Rome, in Castelnuovo di Porto, were designated for the purpose of counting the votes of the out-of-country constituency. Some 300 PEO chairpersons and a considerable number of PEO members were late to the venue, or did not come at all, which delayed the start of the process. The MEO of Rome had difficulties in immediately finding substitutes for the absent PEO chairpersons. The ODIHR EAM was informed that some 60 PEOs did not finish counting on time and the OCEO had to take over and finish the count. Several ODIHR EAM interlocutors raised concerns regarding the accessibility and operational conditions of the PEOs established to count the out-of-country votes by the MEO of Rome.

The system of appointing PEO chairpersons and members for both regular and out-of-country

⁴⁵ In the regions of Lazio and Lombardy, regional elections took place in parallel so there were three ballots.

constituency polling stations should be reviewed, and necessary measures should be taken in order to avoid absences of appointed poll workers on election days.

The count of the votes cast in Italy was concluded on 20 March. The system of forwarding the results by PEOs to the municipalities, the tabulation and consequent transmission of the data to the prefectures and further to the MoI allowed for the preliminary unofficial results to be published on 6 March. The breakdown by polling stations was not provided and the ODIHR EAM was informed that the release of results by polling station was not planned for the official results either.

To further enhance the transparency of the tabulation process, preliminary results by polling stations should be published as soon as they are received. Official results by polling stations should be published once they have been validated.

On 20 March, the NCEO released the official results of the Chamber of Deputies elections, confirming the preliminary results. Newly-elected MPs received their mandates on 23 March.

XIV. RECOMMENDATIONS

These recommendations which appear throughout the text, are offered with a view to further enhance the conduct of elections in Italy 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 remain to be addressed. The ODIHR stands ready to assist the authorities of Italy to further improve the electoral process and to address the recommendations contained in this and previous reports.⁴⁶

A. PRIORITY RECOMMENDATIONS

1. Legal framework for elections should be reviewed to address shortcomings noted in this and previous ODIHR reports. Consideration could be given to codifying existing regulations into electoral legislation so as to ensure legal certainty and coherence. Legal reform should be undertaken well in advance of the next elections and involve open consultations with all relevant stakeholders.
2. Election legislation should be harmonized with the objectives of the Convention of the Rights of Persons with Disabilities to ensure the full voting rights of all persons with disabilities, including the right to request assistance to vote.
3. Consideration should be given to explicitly provide for the legal right to appeal election results to a competent court as the final authority. Adequate time limits for deciding on election-related complaints at all levels should be provided by the legislation to ensure the implementation of the right to an effective and timely remedy. Information about submitted complaints and requests should be made publicly available.
4. Consideration could be given to enhancing the oversight system, including by providing a leading oversight body with a mandate, adequate powers and resources to carry out a pro-active and efficient supervision, investigation and enforcement of political finance regulations.

⁴⁶ 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”.

5. Consideration should be given to adhering more closely to the electoral quota for all constituencies across the country, including in the out-of-country constituency, in line with international good practice concerning the equality of the vote, without prejudice to the protection of minorities.

B. OTHER RECOMMENDATIONS

Legal framework

6. Legislation should be amended to permanently allow for election observers, both international and domestic, at all stages of the election process to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.

Election Administration

7. Consideration should be given to further reducing the workload of courts during the election period by reassigning certain election-related functions to other relevant bodies.
8. The criteria for the selection of poll workers should be clearly defined and unified to further improve the work of Polling Election Offices.

Voter Registration

9. Consideration should be given to granting equal voting rights for elections to the Senate to all citizens who reached the age of majority.

Candidate Registration

10. Legislation should be reviewed to allow for independent candidacies, in line with international commitments. Given almost identical functions of the two chambers of parliament, consideration should be given to eliminate the different age requirements for candidates.
11. The authorities should consider clarifying the definitions and criteria required for classification of party logos.
12. Consideration should be given to introducing methods to simplify the collection of signatures and to clarifying the rules for signature verification.

Campaign Finance

13. To enhance transparency, consideration could be given to disclosing campaign finance reports prior to election day as well as extending the rules related to reporting and disclosure requirements to all donors and to non-affiliated third parties.

Media

14. Criminal provisions for defamation, libel, and slander should be repealed in favour of civil remedies designed to restore the reputation harmed. Sanctions should be strictly proportionate to the actual harm caused.
15. The independence of the broadcast media regulator could be further strengthened by revising the system of appointment of its members.

16. Consideration could be given to allocate direct access broadcasting time to contestants at the time when such addresses are likely to reach the widest possible audience.

Election Day

17. The law should be amended to include the mandatory training for poll workers with a view to ensure consistent implementation of voting and counting procedures.
18. The system of appointing PEO chairpersons and members for both regular and out-of-country constituency polling stations should be reviewed, and necessary measures should be taken in order to avoid absences of appointed poll workers on election days.
19. To further enhance the transparency of the tabulation process, preliminary results by polling stations should be published as soon as they are received. Official results by polling stations should be published once they have been validated.

ANNEX: OFFICIAL ELECTION RESULTS⁴⁷

Chamber of Deputies			
Rank	Party name	Number of Votes	Number of seats
1	Brothers of Italy	1,435,114	32
2	Democratic Party	4,591,888	103
3	Five Star Movement	10,732,373	225
4	Forza Italia	6,153,081	107
5	Free and Equal	1,114,298	14
6	Italia Europa Together	191,489	1
7	League	5,694,351	123
8	Piu Europa	180,539	2
9	Popular Civic	845,406	2
10	Sudtiroler People's Party	134,613	4
11	Us with Italy	430,805	4

Senate			
Rank	Party name	Number of Votes	Number of seats
1	Brothers of Italy	1,286,887	18
2	Democratic Party	5,788,103	51
3	Five Star Movement	9,733,303	112 ⁴⁸
4	Forza Italia	4,358,101	55
5	Free and Equal	990,715	4
6	Italia Europa Together	163,903	1
7	League	5,323,045	58
8	Piu Europa	716,136	1
9	Popular Civic	152,505	1
10	Sudtiroler People's Party	128,336	3
11	Us with Italy	362,131	4

⁴⁷ Sources: [Court of Cassation](#), [Chamber of Deputies](#) and [Senate](#).

⁴⁸ One seat won by the Five Star Movement in Sicily has remained unassigned as the Movement won more seats than the number of its candidates standing in the region.

ABOUT THE OSCE/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).