



Office for Democratic Institutions and Human Rights

THE ITALIAN REPUBLIC

EARLY PARLIAMENTARY ELECTIONS

25 September 2022

ODIHR NEEDS ASSESSMENT MISSION REPORT

8-10 August 2022



Warsaw
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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation to observe the 25 September 2022 early parliamentary elections, and in accordance with its mandate, ODIHR undertook a Needs Assessment Mission (NAM) to Rome from 8 to 10 August 2022. The NAM included Ulvi Akhundlu, ODIHR Deputy Head of Election Department, and Dr. Martina Barker-Ciganikova, ODIHR Election Adviser.

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

ODIHR would like to thank the Ministry of Foreign Affairs for their assistance in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Italy is a parliamentary republic with the president serving as the head of state. Legislative powers are vested in a bicameral parliament, with both chambers elected by a popular vote for a five-year term and enjoying equal powers. Executive powers are mostly exercised by the Council of Ministers. On 21 July, Prime Minister Mario Draghi resigned after three main coalition parties refused to take part in a confidence vote in the Senate, effectively signaling lack of political support for his government. On the same day, President Sergio Mattarella dissolved the parliament and called early parliamentary elections on 25 September. Many ODIHR NAM interlocutors raised concerns about the gradual disattachment of citizens from politics and the possibility of a low voter turnout on election day.

The legal framework for parliamentary elections consists of the Constitution, the 2017 election law commonly known as “*Rosatellum*” and numerous fragmented pieces of legislation that regulate specific aspects of the electoral process. Despite this, most ODIHR NAM interlocutors expressed overall satisfaction with the electoral legal framework. While some ODIHR recommendations have been implemented, such as lowering the minimum age to vote for members of Senate from 25 to 18 years, many remain unaddressed. These include among others lack of provisions for independent candidates and citizen observers, decriminalization of defamation, judicial review of election results, and publication of election results per polling station. Some amendments, mostly of technical nature, were adopted with respect to campaign finance regulatory framework, counting of votes from abroad and submission of candidate lists.

The elections will take place under a revised electoral system. Following constitutional amendments and a referendum, the number of parliamentarians in the Chamber of Deputies was reduced from 630 to 400 and the number of Senators was downsized from 315 to 200. In a subsequent step, the electoral constituencies were delineated anew. Most ODIHR NAM interlocutors considered the legislative and the constituency delineation processes inclusive. Many opined that the larger size constituencies diminish the direct link between electors and their representatives, in particular in single-member constituencies. Italy has a mixed electoral system combining majoritarian and proportional elements.

The elections are administered by a number of institutions and offices both at the national and local levels. The Ministry of Interior (MoI) is responsible for oversight of the electoral process. Regional Courts of Appeal appoint 28 District Election Offices and 20 Regional Election Offices for the Chamber of Deputies and the Senate elections, respectively. Some 61,500 Polling Station Offices conduct election day procedures. Local authorities assist in the process. All ODIHR NAM interlocutors expressed trust in the integrity and professionalism of the institutions administering the elections, including in the conduct of election day procedures. In general, the institutions involved in election administration did not note any specific challenges regarding preparations of early elections. The MoI informed the ODIHR NAM about difficulties in identifying a sufficient number of polling workers with experience from previous elections.

Following a 2021 constitutional amendment, all citizens who are 18 years and older have the right to vote for both chambers of the parliament. The right to vote can be limited in cases of civil incapacity, an irrevocable criminal sentence or moral unworthiness in the cases defined by law. Voter registration is passive and voter lists are based on the population register. There is no centralized voter register. No ODIHR NAM interlocutors expressed concerns regarding the accuracy of the voter lists.

Candidates must be at least 40 years old to be eligible to stand for the Senate and at least 25 years old to run for the Chamber of Deputies. Individual candidates are not allowed to contest, and only political parties may nominate candidate lists. There are a number of government and government-related positions that are incompatible with candidacy. Many ODIHR NAM interlocutors pointed to unreasonable administrative obstacles to signature collection, in particular given the short period of time over the summer holidays, and noted that the system is outdated as electronic collection and submission of signatures is not permitted.

The law provides for specific gender requirements to form the candidate lists. Nevertheless, many ODIHR NAM interlocutors stated that these are not fully efficient, as they do not automatically translate in 40 per cent quota in the allocated seats for the less represented gender. The outgoing parliament had 30 per cent women in the Chamber of Deputies and 37 per cent among the Senators. There are no legal provisions for gender composition of election management bodies.

All political parties that the ODIHR NAM met with expressed confidence in their ability to campaign freely. The election campaign started on 22 July, following the calling of the early elections, and will last until the day before the elections. All interlocutors intend to conduct the campaign almost exclusively on TV and social networks; in-person canvassing is expected to be minimal. A number of ODIHR NAM interlocutors expressed concerns related to use of foreign influence on Italian elections and politics, spread of disinformation, and hate speech in particular as the online campaign domain remains unregulated. Economic recovery after COVID-19, energy crisis, foreign policy, migration, and labour issues are anticipated by most ODIHR NAM interlocutors to dominate as campaign topics.

Only private funding is permitted in election campaigns, and the law sets individual donation and expenditure limits. Contestants are not required to submit an interim report before election day. Amendments to campaign finance regulatory framework introduced before these elections relate to lowering the threshold for publicly disclosing the source of donations, and prohibiting donations from foreign sources and non-registered voters. While ODIHR NAM interlocutors expressed general satisfaction with the campaign finance regulatory framework, many were critical of the abolishment of public funding. The responsible oversight entities audit campaign finance reports submitted by parties and candidates after the elections and may impose graduated sanctions for violations.

Italy enjoys a diverse media environment; television is the main source of information. The legislation establishes strict regulations for equal coverage of election contestants. Contrary to international

standards, defamation and libel remain criminalized. Most political parties the ODIHR NAM met with expressed satisfaction with access to media. Several interlocutors noted the legal framework for media is outdated. The media regulatory bodies monitor compliance of public and private broadcasters with the legislation; the Internet remains unregulated. The ODIHR NAM was informed about self-regulatory guidelines developed by a number of online platforms to cover the campaign.

Different administrative, judicial and political bodies share jurisdiction over election-related disputes. In general, ODIHR NAM interlocutors expressed a high degree of confidence in an impartial election dispute resolution mechanism, while some pointed to lengthy adjudication procedures. 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. Contrary to good practice, there is no possibility for judicial appeal.

In general, all ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently. Many interlocutors recognized the longstanding democratic tradition in Italy, nevertheless they welcomed an external assessment and a potential ODIHR observation activity to further improve the electoral process. Aspects that would merit specific attention include the implementation of a recently revised electoral system, candidate registration process, the conduct of campaign and campaign finance rules, as well as media coverage. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections. Given the number of concurrent election-related activities taking place across the OSCE region in the fall of 2022, the deployment of an EAM to the 2022 early parliamentary elections in Italy will be contingent upon availability of resources.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

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 400-member Chamber of Deputies and a 200-member Senate, both primarily elected by popular vote for a five-year term and both enjoying equal powers.¹ The numbers of deputies in both houses have been reduced by a 2019 constitutional amendment and confirmed by a 2020 referendum.² The executive powers are vested in the Council of Ministers headed by the prime minister who is appointed by the president following consultations with political parties. In the outgoing parliament, 181 members (30 per cent) in the Chamber of Deputies, and 118 (37 per cent) of Senators are women. Also, 8 out of 23 ministers are women.

¹ The 2019 constitutional amendments clarified that the Senate shall include “up to five” non-elected life senators. Former presidents of the republic as well as a limited number of citizens with special merit can be appointed as senators for life.

² The constitutional referendum about the reduction of the size of the parliament was held on 20 and 21 September 2020. The proposed changes were approved with 69.9 per cent of votes. The bill was proposed in 2019 by the Five Star Movement and approved by all major political parties on 8 October 2019. The proposal was one of the main campaign promises of the Five Star Movement in the 2018 election campaign to reduce the costs of politics.

The outgoing parliament was elected in March 2018, in which 11 political parties gained representation.³ The immediate post-election period was characterized by difficulties to form a government. After two governments led by Giuseppe Conte, composed of the Five Star Movement and the League, in February 2021, Mario Draghi, received the mandate to lead a so-called government of national unity composed of technocrats and political parties' appointees. The government of national unity was supported by all major political parties, except for the Brothers of Italy.

The 2018-2022 legislative period was characterized by political fragmentation and uncertainty caused by a high number of defections and consequent establishment of new political parties.⁴ The run up to the early elections was further framed by a number of key events, including the long-lasting economic stagnation, consequences of the health and social crisis caused by the outbreak of COVID-19 pandemic, as well as tensions around energy supplies provoked by geopolitical developments in early 2022.⁵

On 14 July 2022, the Five Star Movement revoked the support to the government of national unity regarding a decree providing economic stimulus to families and companies. On the same day, Mr. Draghi resigned, but his resignation was rejected by President Sergio Mattarella. On 21 July, Mr. Draghi resigned again as a new confidence vote in the Senate failed to pass with an absolute majority, following defections from the Five Star Movement, the League and *Forza Italia*. On the same day, eight months before its natural expiration, President Mattarella dissolved the parliament and called early elections at the shortest possible notice, on 25 September. Mr. Draghi will remain caretaker prime minister until the appointment of the new government. Most political parties the ODIHR NAM met with expressed dissatisfaction with the holding of the early elections and noted challenges related to administrative tasks, candidate signature collection and holding of the campaign, including in media, during August, traditionally a holiday season in Italy.

Following the calling of the elections, several pre-election coalitions were formed, including the centre-right coalition, formed by the Brothers of Italy, *Forza Italia*, the League and other political parties. The centre-right coalition agreed that, if successful, the party with the most votes would select the candidate for the post of the prime minister. On the other side of the spectrum, the centre-left coalition has not yet been established at the time of the NAM visit. A number of new parties, mostly spin-offs from established parliamentary parties will also contest the elections.⁶ Many ODIHR NAM interlocutors raised concerns about the growing disattachment of citizens from politics and the resulting possibility of a low voter turnout on election day

ODIHR has previously observed four parliamentary elections in Italy, most recently in 2018.⁷

B. LEGAL FRAMEWORK

The parliamentary elections are primarily regulated by the Constitution and the 2017 electoral law, commonly referred to as "*Rosatellum*". In addition, some 60 different laws and decrees govern the

³ The distribution of seats for the Chamber of Deputies and the Senate was as follows, Brothers of Italy (32 and 18 seats, respectively), Democratic Party (103 and 51 seats), Five Star Movement (225 and 112 seats), *Forza Italia* (107 and 55 seats), Free and Equal (14 and 4 seats), Italia Europa Together (1 and 1 seats), League (123 and 58 seats), *Piu Europa* (2 and 1 seats), Popular Civic (2 and 1 seats), Sudtiroler People's Party (4 and 3) and Us with Italy (4 and 4 seats).

⁴ For instance, during this legislative period, the total number of deputies in both houses of the leading Five Star Movement was reduced from 339 to 162 deputies.

⁵ To deal with the consequences of the above, Italy adopted a [National Recovery and Resilience Plan](#) envisaging for Italy to receive some EUR 200 billions from the European Union by 2026.

⁶ Some of these include Together for the Future by Luigi Di Maio which joined the Civic Commitment coalition for these elections, *Italia Viva* by Matteo Renzi or Italexit-Alternative by Gianluigi Paragone.

⁷ See all previous [ODIHR election-related reports](#) on Italy.

conduct of different aspects of the electoral process, including voter registration, campaign and campaign finance and media coverage. Previous ODIHR reports recommended giving consideration to codifying existing regulations so as to ensure legal certainty and coherence.

The constitutional amendments reduced the number of seats of both houses of the parliament and provided for a new delineation of electoral boundaries (see *Electoral System*). In addition, in line with a prior ODIHR recommendation, the minimum age to vote for members of the Senate was lowered from 25 to 18 years. Some amendments, mostly technical, were adopted with respect to campaign finance regulatory framework, counting of votes from abroad and submission of candidate lists.

Nevertheless, many previous ODIHR recommendations remain to be addressed, including those related to lack of provisions for independent candidates and citizen observers, decriminalization of defamation, judicial review of election results, and publication of election results per polling station.

Most ODIHR NAM interlocutors expressed general satisfaction with the legal framework regulating the conduct of parliamentary elections as well as the recent amendments to the electoral system. Nevertheless, many pointed out that the constitutional change has not yet been reflected in other pieces of legislation and the rules of procedures for functioning of the Chamber of Deputies as well as its different committees were not adjusted to the new number of deputies.

There is no legal provision for citizen non-partisan observation, which is contrary to paragraph 8 of the OSCE Copenhagen Document. The law specifically provides for access of international observers to polling stations. The Ministry of Interior (MoI) assured the ODIHR NAM that ODIHR observers would be granted access to all stages of the electoral process.

C. ELECTORAL SYSTEM

Italy has a mixed electoral system combining majoritarian and proportional elements. Electoral districts are formed in the 20 administrative regions of the national territory. The 2019 constitutional amendments confirmed by the 2020 constitutional referendum, reduced the number of deputies and senators from 600 to 400 for the Chamber of Deputies and from 315 to 200 seats for the Senate. As a consequence, the electoral constituencies were delineated anew.

For elections of the Chamber of Deputies, the national territory is divided into 28 districts.⁸ Under the new system, of the 400 seats for elections of the Chamber of Deputies, 245 (reduced from 387) are allocated through a national proportional system with closed lists in 49 (reduced from 63) multi-mandate constituencies electing no more than 8 deputies each. In addition, 147 seats (reduced from 231) are allocated through first-past-the post system in single-mandate constituencies. Voters abroad elect 8 deputies in multi-mandate constituencies through proportional system with open lists.

For the Senate elections, 20 districts are formed corresponding to the administrative regions. Of the 200 Senate seats, 122 (reduced from 193) are allocated through proportional system with closed lists in 26 (reduced from 33) multi-mandate constituencies, electing not fewer than 3 Senators each. Also, 74 (reduced from 116) seats are allocated in single-mandate constituencies through first-past-the-post system.⁹ Voters abroad elect four senators. The out-of-country constituency is divided into four zones.¹⁰

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 66 single-mandate constituencies. An additional eight constituencies are formed in the region Molise and in the linguistic minority regions Aosta Valley, and Trentino-South Tyrol.

¹⁰ These are Europe (including the Russian Federation and Turkey), South America, North and Central America, as well as Africa, Asia, Oceania, Antarctica.

In general, most ODIHR NAM interlocutors considered the process leading to redrawing of constitutional boundaries inclusive.¹¹ Many noted that, although principally they were in agreement with the reduction of the number of deputies, the delineation of the boundaries resulted in larger constituencies. This, in their opinion, further reduced the direct link between the electors and their representatives, in particular in single-member constituencies.¹²

To qualify for proportional representation seats either in the Chamber of Deputies or in the Senate, parties running individually must obtain at least 3 per cent and coalitions at least 10 per cent of the valid votes nationwide. At least one list within a coalition must receive 3 per cent of the valid votes. 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, for the Senate, a list or a coalition qualifies for the seats if it has received at least 20 per cent of the valid votes in at least one regional 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 to be eligible.¹³

D. ELECTION ADMINISTRATION

The elections are administered by a number of institutions and offices established within complex judicial and administrative structures at national, regional and local levels. All ODIHR NAM interlocutors expressed trust in the integrity and professionalism of election administration, including in the conduct of election day procedures.

The Central Directorate for Electoral Services within the MoI, in co-operation with local authorities, is the leading body, which oversees technical and administrative preparations for elections. Its main responsibilities include preparation and delivery of election materials, design of ballot papers, registration of logos of candidate lists, and proclamation of the unofficial election results for the Chamber of Deputies and the Senate. The MFA co-ordinates the out-of-country voting.

At the district level, regional Courts of Appel establish, for each elections anew, 20 Regional Election Offices (REOs) for the Senate elections and 28 District Election Offices (DEOs) for the Chamber of Deputies elections. Members of both REOs and DEOs are judges and for these elections they were appointed by 25 July. Within their respective districts, these offices are in charge of registration of candidate lists, drawing of lots to determine the order of candidate lists on ballot papers, adjudication of contested ballots, tabulation of district results and assignment of seats.

At the municipal level, some 7,900 permanent Municipal Election Offices (MEOs) operate. These are chaired by the municipal mayor with other members elected from among the municipal council. The MEOs are mainly responsible for maintaining voter lists, distributing electoral materials, and receiving the preliminary results on election day.

The 61,545 Polling Election Offices (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

¹¹ A draft proposal was prepared by a commission of technical experts chaired by the president of the National Institute for Statistics, established by the President. The draft was subsequently submitted to the government and both chambers of the parliament for comments and their comments were incorporated.

¹² On average, some 300,000 voters elect 1 seat in the Chamber and some 600,000 voters elect 1 seat in the Senate.

¹³ Out of 20 regions in Italy, 5 have special autonomy: Sardinia, Sicily, and the regions with linguistic minorities Aosta Valley (French), Friuli-Venezia Giulia (Slovenian) and Trentino-Alto Adige (German in the autonomous Province of Bolzano, also known as Südtirol).

Court of Appeal, a secretary appointed by the chairperson, and four other members who are designated by municipalities from a list of eligible voters who expressed willingness to perform this role. There are no unified criteria for selection of PEO members. The MoI informed the ODIHR NAM about difficulties in identifying a sufficient number of trained polling workers, in particular presiding officers, with experience from previous elections.¹⁴ Apart from this and the increased workload, institutions involved in election administration did not note any specific challenges related to holding of early elections.

Prior to each elections, a National Central Election Office (NCEO) is established by the Court of Cassation to tabulate preliminary results for the Chamber of Deputies, to assign the seats and to receive complaints related to candidate registration for the Chamber. The results for the Chamber of Deputies are submitted to the Secretariat of the Chamber of Deputies. The NCEO is composed of 5 judges of the Supreme Court. As for the Senate, the REOs allocate the Senate seats in their regions, proclaim the elected senators and submit their results to the Senate Secretariat.

There are no legal provisions for gender composition of election management bodies, and no gender-disaggregated data is collected. The meetings of election management bodies are not public. The ODIHR NAM was informed that the various institutions involved in election administration organize informal co-ordination meetings on selected topics to facilitate their work.

Voting is conducted in-person. Voters with physical disabilities may receive additional assistance to vote if needed and can vote in any accessible polling station within the same municipality. The law also provides for mobile voting for homebound voters, including for those in self-isolation due to COVID-19 and for special polling stations in hospitals, prisons and pre-trial detention centres. Although following a recent amendment, the legislation now includes a possibility for electronic voting, the ODIHR NAM was informed that the National Cybersecurity Agency recommended postponing its launch due to cyber-security reasons.

Voters residing permanently or temporarily abroad are automatically included in the voter lists if they are registered in the population registry as nationals residing abroad.¹⁵ Voting abroad is conducted exclusively by post and will take place in some 180 countries.¹⁶ All ballots have to arrive at the respective consulate by 22 September to be considered valid. There are some 4.8 million voters registered abroad. The voting takes place in the four geographical zones. Many ODIHR NAM interlocutors expressed concerns regarding security of postal ballots and pointed out to malpractices in previous elections. The MFA informed the ODIHR NAM about a series of security measures to increase the ballot security.¹⁷ Up until these elections, the Rome Court of Appeal was solely responsible for counting of all votes from abroad. The 2022 legal amendments appoint four additional regional Court of Appeals as decentralized offices in charge of counting to reduce and distribute the workload.¹⁸

There are no legal provisions for training of lower-level commission members, nevertheless the MoI prepared detailed instruction manuals available online for all polling workers. Previous ODIHR reports

¹⁴ With 61,545 polling stations, some 360,000 polling staff is required.

¹⁵ Eligible are citizens who temporarily reside abroad for at least three months because of study, work or health reasons. Latest 32 days before the elections, voters need to notify their municipality of their decision to vote abroad providing a valid residence address.

¹⁶ In some 20 countries affected by special political circumstances, including war, where postal voting is not possible, embassies offer resident citizens a 75 per cent reimbursement on their transport to return to Italy to vote.

¹⁷ These include among others printing of bar code on the envelope containing the ballots, using a tracking system in co-operation with the local post offices, or 24 hours video surveillance during the ballot printing.

¹⁸ These are in Bologna, Florence, Milan and Naples. The votes will be counted according to regional zones. The Rome Court of Appeal will be in charge of co-ordination as well as tabulation of all out-of-country results. In total, there will be some 2,000 counting centres for ballots from abroad.

recommended introduction of mandatory training for poll works to ensure consistent implementation of voting and counting procedures.

E. VOTER REGISTRATION

For the first time, following a 2021 constitutional amendment, citizens aged 18 years or older have the right to participate in elections to both chambers of the parliament. The right to vote excludes those disenfranchised for an irrevocable criminal sentence or moral unworthiness in the cases defined by law, as well as cases of civil incapacity.

Voter registration is passive and the voter lists are derived from the population register. There is no centralized voter register and the voter lists are maintained by each municipality; MEOs update them twice a year and before the elections.

Voters can verify their records and request to see the lists although there is no legal obligation to display them. Voter lists are closed 15 days before election day. Complaints regarding the accuracy of the voter lists are lodged with election offices and appealed in the first instance with the relevant Court of Appeal and in the second instance with the Court of Cassation. The ODIHR NAM interlocutors expressed no concerns regarding the accuracy and inclusiveness of the voter lists.

F. CANDIDATE REGISTRATION

Candidates must be at least 40 years old to be eligible to stand for the Senate and at least 25 years old to run for the Chamber of Deputies. Different categories of government and government-related officials are not allowed to stand, including mayors of municipalities with more than 20,000 inhabitants. All candidates must be nominated by the parties or movements, including in single-member constituencies, which is contrary to paragraph 7.5 of the OSCE Copenhagen Document which provides for rights of individual independent candidates to contest the elections.

By the legal deadline of 14 August, all parties and coalitions interested in contesting the elections must register their logo and name with the MoI.¹⁹ Parties with parliamentary representation or those joining forces in a coalition in which at least one party is represented in the parliament are entitled to use the existing logo. Nationwide, non-parliamentary parties must collect some 36,000 signatures.²⁰ Many ODIHR NAM interlocutors pointed to unreasonable administrative obstacles for signature collection in particular given the short period of time over the summer holidays, and noted that the system is outdated as electronic collection and submission of signatures is not allowed.²¹ The ODIHR NAM was informed that parties prefer to join a list with an already existing logo to avoid the signature collection. Many interlocutors criticized this practice and opined that, so far in the campaign, parties focused their attention on who joins which list, detracting from debates on substantial issues.

In a next step, parties with an approved logo must submit the list of candidates in multi-member constituencies, and the names of the candidates in the single-member constituencies between the 35th and the 34th day prior to election day (21 and 22 August for these elections) with the regional Court of Appeals. Within a district, a list (coalition or party) must field candidates in all the single-mandate and

¹⁹ The parties are also required to submit some supporting documents, including their electoral programme and statutory declarations.

²⁰ To register candidate lists, in each multimember constituency, 1,500 to 2,000 signatures are needed. In the constituency abroad, 500 to 1,000 signatures are required. Due to the early dissolution of parliament, the minimum number of required signatures was reduced by half.

²¹ The digital system SPID (Public System for Digital Identity) exists in Italy and is used to access a wide range of online services of public administration.

at least two thirds of the multi-mandate constituencies. Candidates are not entitled to run at the same time for the Senate and Chamber of Deputies. They can contest in maximum one single-member constituency and up to five different multi-member constituencies.

The verification of supporting signatures is done by the regional Court of Appeals; there are no clear and established rules for signature verification. The Committee for Elections of the Chamber of Deputies informed the ODIHR NAM that some requirements for submission of candidate lists were simplified, by introducing digitalization of some aspects of the process.

Most political parties the ODIHR NAM met with, stated that they do not conduct primaries, but rather rely on the party leadership to select candidates and form the lists in a specific order. Some bigger parties also use their regional and local branches to identify potential candidates with a good record.

According to the “*Rosatellum*”, candidates on the lists for multi-member constituencies must alternate based on gender. Candidates of the same gender cannot be heading the list in more than 60 per cent of the lists. Also, the number of candidates of the same gender cannot exceed 60 per cent among those put forward by every list or coalition in the single member constituencies. The regional Courts of Appeal are in charge of verifying compliance with the gender requirements. Many ODIHR NAM interlocutors acknowledged that in practice the mechanism is not efficient as it does not automatically translate into 40 per cent of allocated seats for the less represented gender. Many parties fulfill the quota requirement only by fielding the same woman candidate in multiple constituencies.²²

G. ELECTION CAMPAIGN

The election campaign started after the dissolution of the parliament on 22 July. There is a campaign silence period on election day and the day preceding it. Opinion polls are not allowed from 9 September onwards. During the campaign, equal treatment of political lists applies (see also *Media*). All parties the ODIHR NAM met with expressed confidence in their ability to campaign freely.

All parties, across the political spectrum and independently of their size or resources, informed the ODIHR NAM they would conduct their campaigns almost exclusively on TV and social networks. Some political parties highlighted they rely in addition on local associations in spreading their messages. Traditional in-person canvassing is expected only to a very limited degree, given the short duration of the campaign and the summer period, customarily a holiday season. Several political parties also noted the absence of public funding as an inhibiting factor to organize large scale in-person campaigning (see *Campaign Finance*). In general, parties expect the campaign to slowly take off from September with focus on national party platforms rather than those of individual candidates.

A number of ODIHR NAM interlocutors expressed concerns related to use of foreign influence on Italian elections and politics, spread of disinformation, and hate speech in particular as the online campaign domain remains unregulated. Political parties informed the ODIHR NAM they would focus their messages on economic development and recovery after COVID-19, reform of the taxation system, energy crisis, foreign policy, migration, environment, as well as labour and social issues. Many expect a heated contest with confrontational tone not only between but also within the center-right and the center-left camps.

²² If a party submits a woman as a leader of the list in five different constituencies, ultimately only one seat is won by a woman, while four seats are allocated to men candidates running from the second position on the list.

H. CAMPAIGN FINANCE

Aiming to increase transparency, a number of technical amendments were introduced into the legal framework regulating campaign finance since the last elections. These changes relate mostly to lowering the threshold for publicly disclosing the source of donations from EUR 5,000 to EUR 500, and prohibiting donations from foreign sources and non-registered voters.

Public funding is not provided for and financing of campaigns is allowed only from private sources. Donations can be monetary or in-kind in form of goods or services. Individuals can donate up to EUR 100,000 annually per political party, while legal entities can donate annually up to EUR 100,000 in total to as many political parties as the legal entity wishes to support. Taxpayers may donate through their tax returns 0.2 per cent (commonly known as the “2 x 1,000” system) of their income tax to one party. Smaller political parties the ODIHR NAM met with stated that with abolishment of public funding, the tax return donation system remains their main source of income. There is a ban on anonymous and cash donations, as well as on donations from companies that are publicly held or have a public share exceeding 20 per cent.

As for campaign expenditures, parties can spend up to EUR 1 per each registered voter in constituency where the party submitted its candidate list. 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 where the candidate stands. A dedicated bank account is required for all transactions.

Annual party finance oversight is under the aegis of the Committee for the Transparency and Control of Financial Reports of Parties and Political Movements of the Chamber of Deputies (Committee for Transparency).²³ The Court of Auditors is the main oversight body for party campaign finance. Candidates’ campaign finance oversight is conducted by the Regional Electoral Guarantee Boards (REGBs) within the Court of Appeals in each district.

Political parties and coalitions must submit their campaign finance reports within 45 days from parliament taking the office. The Court of Auditors has nine months to conduct the audit and publish the results. The law does not provide for interim reporting prior to the elections, contrary to good practice and prior ODIHR recommendations. Individual candidates report to REGBs, which are obliged to publish candidates’ campaign finance reports within 120 days from the receipt. In case of non-compliance, the Court of Auditors may impose administrative sanctions, including fines up to EUR 516,457 for failure to submit the final report. Sanctions for individual candidates are prescribed by the respective REGB.

In general, ODIHR NAM interlocutors expressed satisfaction with the campaign finance regulatory framework, nevertheless, many criticized the abolishment of public funding. Currently, to secure their nomination on the list, candidates must demonstrate sufficient private funds to be able to finance their campaign individually as the parties are often not in the position to support them. Political parties the ODIHR NAM met with confirmed their biggest source of income is individual contributions from its members and candidates. Another consequence in the opinion of many is that the reduced funds contribute to lowered campaign visibility and intensity of in-person campaign.

I. MEDIA

The legal framework regulating the conduct of media during campaign remains unchanged. The Constitution guarantees freedom of expression and opinion. A few ODIHR NAM interlocutors raised

²³ The Committee is an autonomous body composed of judges.

concerns with respect to protection of freedom of expression in practice and noted the high number of journalists under police protection. Contrary to international standards and prior ODIHR recommendations, defamation and libel remain criminalized and entail a higher penalty if the injured party is a state official or an elected politician. Several ODIHR NAM interlocutors noted the legal framework for media is outdated and does not accurately respond to challenges posed by a changed political reality and digitalized media landscape.

The media environment is pluralistic, and television (TV) is considered the primary source of political information. The public broadcaster *Radiotelevisione Italiana (RAI)* and the private *Mediaset* are the two prominent media groups dominating the media landscape. In general, representatives of all political parties the ODIHR NAM met with noted satisfaction with access to media during campaign. Some centre-right parties opined their portrayal in the mainstream media is often negative, sensationalist, and harming their reputation.

The main law regulating the campaign in the broadcast media is the 2000 *par condicio* (equal treatment) law. This is further supplemented by regulations by the Parliamentary Oversight Committee and the National Regulatory Authority for the Communication Sector (AGCOM), which are published for each elections anew on their respective websites. The equal treatment period is divided in two phases. During Phase one, which lasts from the dissolution of the parliament until the presentation of candidate lists (22 July until 21 August for these elections), all parliamentary parties are entitled to equal coverage in election programmes and equitable coverage in news programmes. Phase two starts with the submission of candidate lists and finishes midnight before election day (22 August until 24 September for these elections). During this phase, the law guarantees equal coverage in election programmes of all parties competing in the elections and equitable coverage in news programmes. Paid political advertising is prohibited in national broadcast media. *RAI* is legally obliged to allocate up to three minutes of direct broadcasting time to each contesting party. All political programs are aired with sign language.

According to *par condicio* law, the political affiliation of incumbents and state officials should not be mentioned and their coverage should be minimal during the campaign. *RAI* informed the ODIHR NAM, that in practice implementation of this regulation is within the editorial autonomy of each respective journalist.

The key broadcast media regulatory body is AGCOM, which is responsible for overseeing *RAI* and private media for their compliance with legislation. AGCOM monitors implementation of the *par condicio* law and the time allocated to each party and publishes weekly reports on its website. For these elections, the ODIHR NAM was informed that AGCOM will monitor some 15 TV and 15 radio stations. The Parliamentary Oversight Committee supervises the activities of the *RAI*. In addition, *Osservatorio di Pavia*, an independent media analysis and research institute, conducts monitoring of *RAI* news, based on which *RAI* provides breakdown of its media coverage.

Internet remains unregulated and there is no oversight body in charge of monitoring online platforms and social networks. The ODIHR NAM was informed about self-regulatory guidelines and a Code of Conduct signed by a number of online platforms, which agreed to adhere to the campaign rules applicable to broadcast media. AGCOM informed the ODIHR NAM that it explicitly called upon these platforms to abide by the commitments during the campaign. To counter disinformation and debunk fake-news, *RAI* provides fact-checking training for its journalists.

Complaints are to be submitted to AGCOM, which may also act *ex-officio*.²⁴ AGCOM has the authority to impose sanctions. Nevertheless, the ODIHR NAM was informed that as a general rule broadcasters

²⁴ AGCOM informed the ODIHR NAM that so far it received one complaint regarding hate speech.

receive a warning by AGCOM and an opportunity to rebalance their coverage before sanctions are applied.

J. COMPLAINTS AND APPEALS

Different administrative, judicial and political bodies share jurisdiction over election-related disputes. Election offices deal with complaints related to voter registration, AGCOM adjudicates over media-related complaints and the REGBs are in charge of campaign finance related complaints. Decisions of all these bodies can be appealed to competent courts.

The NCEO is the final instance for reviewing complaints regarding MoI decision on registration of party logos, as well as decisions on registration of candidate lists by REOs (for the Senate) and DEOs (for the Chamber of Deputies). The deadline for both submitting and adjudicating such complaints is 48 hours.

Complaints related to election results as well as requests for recounts may be filed to the newly elected parliament, through the two Committees for Elections, within 20 days from the announcement of the official results. The parliament also certifies the legality of elections and the eligibility of its elected members. The committees have up to 18 months to refer their recommendations to the parliament for final decision by plenary. Contrary to good practice, there is no possibility for judicial appeal.²⁵

Most ODIHR NAM interlocutors expressed a high degree of confidence in an impartial election dispute resolution mechanism, while some pointed to lengthy adjudication procedures.

IV. CONCLUSION AND RECOMMENDATION

In general, all ODIHR NAM interlocutors expressed confidence in the impartiality of the election administration and its ability to organize elections professionally and transparently. Many interlocutors recognized the longstanding democratic tradition in Italy, nevertheless they welcomed an external assessment and a potential ODIHR observation activity to further improve the electoral process. Aspects that would merit specific attention include the implementation of a recently revised electoral system, candidate registration process, the conduct of campaign and campaign finance rules, as well as media coverage. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections. Given the number of concurrent election-related activities taking place across the OSCE region in the fall of 2022, the deployment of an EAM to the 2022 early parliamentary elections in Italy will be contingent upon availability of resources.

²⁵ Section II. 3.3a of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) states that “the appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in first instance. In any case, final appeal to a court must be possible”. The Elections Committee of the Chamber of Deputies informed the ODIHR NAM that an amendment of this provision in accordance with a prior ODIHR recommendation passed the vote by the Senate, and was for discussion in the Chamber of Deputies at the time the early elections were called.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Roberto Martini, Deputy Director, Directorate General for Italians Abroad and Migration Issues
Virginia Fadelli, Official, Office for Italians Abroad, Travel Documents and Voting Abroad
Cristina Lipari, Official, Directorate General for Political Affairs and Security

Ministry of Interior

Fabrizio Orano, Director, Central Directorate for Electoral Services
Eleonora Albano, Deputy Director, Central Directorate for Electoral Services
Giovanni Capuano, Deputy Director, Central Directorate for Electoral Services

Rome Court of Appeal

Tommaso Picazio, Vice President, Court of Appeal; President, Lazio-1 Constituency
Vittoria Di Sario, President, Office for the Foreign Electoral Constituency
Marisa Lia, Administrative Director
Daniela Testa, Office Responsible for the Presidents of Polling Stations
Alessandra Biancorosso, Office of the Presidency

Chamber of Deputies – Committee for Elections

Roberto Giacchetti, President
Gaetano Pelella, Head, Services of the Committee for Elections
Daniela Gardi, Civil servant, Research Office
Pia Califano, Staff, Italian Delegation to the OSCE Parliamentary Assembly

Court of Auditors

Mauro Orefice, President, Magistrate of the International Affairs Office
Daniela Frattaroli, Officer, Office on Oversight of Electoral Expenditures and Funding Sources
Camilla D'Agostino, Officer, International Affairs Office
Giulia Crescenzi, Intern, International Affairs Office

National Regulatory Authority for the Communications Sector (AGCOM)

Giorgio Greppi, Director, Media Services
Antonello De Tommaso, Director, International Relations Service
Francesco Sciacchitano, Official, International Relations Service
Rosa Cavallaro, Official, Media Services Direction

Radiotelevisione Italiana (RAI)

Armando Melchionna, Manager, International Relations Department
Luca Romano, Official, Institutional and International Relations Department

Political Parties and Groups

Matteo Bianchi, MP, The League
Marco di Maio, MP, *Italia Viva*
Paolo Formentini, MP, The League
Francesca Druetti, Member, *Possibile*
Francesca Galizia, MP, Five Star Movement
Marta Grande, MP, Civic Commitment
Niccolo Invidia, MP, *Gruppo Misto*
Giulia Pastorella, Vice-president, *Azione*
Lia Quartapelle, MP, Democratic Party
Valentino Valentini, MP, *Forza Italia*

Civil Society

Andrea Menapace, President, Italian Coalition for Civil Rights and Freedoms
Marco Perduce, Member, *Lista referendum e democrazia*