



Office for Democratic Institutions and Human Rights

# ITALIAN REPUBLIC

## EARLY PARLIAMENTARY ELECTIONS

25 September 2022

ODIHR Election Assessment Mission Final Report



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**ITALIAN REPUBLIC**  
**EARLY PARLIAMENTARY ELECTIONS**  
**25 September 2022**

**ODIHR Election Assessment Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Italian Republic 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 25 September 2022 early parliamentary elections.

The elections to the Chamber of Deputies and the Senate were competitive and offered voters a wide choice of political alternatives, with civil and political freedoms respected. The media provided broad and varied campaign coverage and created conditions for citizens to make an informed choice. The elections were conducted in a professional and effective manner, and the election administration enjoyed a high level of public confidence. Nevertheless, some aspects of the electoral legal framework needing further review were of concern, including the criminalization of defamation, restrictions on independent candidates and citizen observation, and insufficient transparency and scope of regulation of campaign finances.

The early elections were called by the President following the resignation of the Prime Minister after three main government coalition parties effectively withdrew their political support for the government. The elections took place against the backdrop of rising inflation and energy prices, and the consequences of the health and social crises caused by the outbreak of the COVID-19 pandemic. Voters elected 400 members of the Chamber of Deputies and 200 Senators for a five-year term through a mixed electoral system.

The legal framework provides sufficient basis for the conduct of democratic elections. Some legal amendments adopted since the last elections are in line with prior ODIHR recommendations, including reducing the minimum age to vote for the Senate. The 2020 constitutional amendments reduced the number of seats in both houses of parliament and provided for a new delineation of electoral boundaries, contributing to the equality of the vote for in-country voters. Nevertheless, the legal framework remains fragmented, and a number of previous ODIHR recommendations, including with respect to its consolidation, and judicial review of disputes related to election results, remain unaddressed.

Various bodies largely composed of representatives of the Ministry of Interior (MoI), the judiciary and local authorities were in charge of administering the elections and enjoyed a high level of confidence among stakeholders. The election administration conducted their tasks effectively and professionally and met all legally prescribed deadlines, notwithstanding the short timeframe for preparations and at times insufficient personnel. However, sessions of election management bodies are not open to public and political parties, detracting from the transparency of the process. Many ODIHR EAM interlocutors stressed the need for a standardized training for polling station officials.

The legislation provides for different voting options, including mobile and homebound voting as well as voting abroad. The MoI along with public broadcasters and civil society ensured meaningful voter information about voting eligibility requirements and voting modalities. The information targeted different social groups and was, to a certain extent, adjusted for voters with different types of disabilities.

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

Citizens who are 18 years of age or older by election day had the right to vote for both chambers of the parliament. Voter registration is passive. In the absence of a centralized, unified national voter register, municipalities administer voter lists locally. Almost 51 million voters were registered for these elections, including some 4.7 million abroad. Stakeholders generally expressed confidence in 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. Independent candidates are not allowed to contest, contrary to OSCE commitments. For these elections, 33 nationwide lists for proportional and majoritarian contests for both chambers were registered in a generally inclusive manner. Among the 4,098 candidates for the Chamber of Deputies there were 1,960 women (48 per cent). For the Senate, out of 2,111 candidates there were 1,004 women (47 per cent). Non-parliamentary parties raised concerns regarding unreasonable administrative obstacles, in particular a short time frame for signature collection.

The efforts to promote women's participation in political life have so far not been fully effective. The newly elected parliament has 129 women (32 per cent) in the Chamber of Deputies and 69 (34 per cent) among the Senators. There are no legal provisions for gender composition of election management bodies. Gender-sensitive topics, including abortion rights and same-sex partnership, were widely discussed throughout the campaign. As the result of the elections, a woman became the Prime Minister for the first time.

Contestants were able to conduct their campaigns freely, and fundamental freedoms were respected. The campaign was competitive and more vibrant on social networks and television, though its intensity was impacted by the summer holidays. The political discourse was to a large degree framed by personal disagreements between political leaders. The tone used in campaigns was moderate, albeit harsher on social networks. Campaign messages focused on energy prices, the increased cost of living and socio-economic recovery. The conduct of the campaign online is not fully regulated; however, positively, several online platforms developed self-regulatory initiatives covering the electoral related content.

Election campaigns can be financed from party funds, individual and corporate contributions. The law sets limits for donations and expenditures and obliges candidates and political parties to submit post-election reports on their finances. There are no provisions for interim campaign finance reporting contrary to international good practice and prior ODIHR recommendations. The responsible oversight entities are in charge of auditing campaign finance reports of parties and candidates and may impose sanctions for violations. The results of campaign finance audit are sometimes published long after the elections, diminishing transparency.

The media landscape is pluralistic, and voters were provided with a wide range of information enabling them make an informed choice. While the legislation guarantees freedom of expression and media, defamation remains criminalized contrary to international standards. Frequent cases of intimidation and threats against journalists, including online, a concentration of media ownership, and declining job security, exacerbated by strategic lawsuits targeting investigative journalism, are also of concern. The legislation requires equitable coverage of election contestants. The media regulatory bodies actively and systematically monitored compliance of public and private broadcasters with the legislation.

Most complaints are resolved by the election administration, represented by panels of judges acting in an administrative capacity, with the possibility of appeal to the courts. In 2022, the Constitutional Court clarified that the jurisdiction over election-related complaints lies with the civil courts. The newly elected parliament deals with complaints challenging the election results, but contrary to international good practice, there is no judicial review of their decisions, which undermines the right to effective

remedy. Nevertheless, most ODIHR EAM interlocutors expressed confidence in the work of the bodies involved in the review of election-related disputes.

In accordance with 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. In these polling stations, the voting process was orderly, and procedures were largely followed. Nevertheless, the ODIHR EAM observed that some polling officials had difficulties in filling in the voting results protocols, underlining the need for standardized training. While the authorities published the preliminary and final election results promptly, no disaggregated results per polling station were available. The law does not provide for citizen election observation, contrary to OSCE commitments and prior ODIHR recommendations.

This report offers 14 recommendations to support efforts to bring elections in Italy further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the review and consolidation of the existing legal framework, decriminalization of defamation and protection of journalists from threats and intimidation, possibility for independent candidates to stand for the elections and enhancing the regulation of fair campaign coverage, including online. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGEMENTS**

Following an invitation from the authorities of the Italian Republic to observe the 25 September 2022 early parliamentary elections, and based on the recommendation of a Needs Assessment Mission conducted from 8 to 10 August, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 12 to 28 September. The ODIHR EAM was led by Eoghan Murphy and consisted of a five-member core team from five OSCE participating States.<sup>2</sup>

The ODIHR EAM assessed compliance of the elections with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with 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 authorities of the Italian Republic for the invitation to observe the elections, as well as the Ministry of Foreign Affairs and International Co-operation (MFA) and the Ministry of Interior for their co-operation and assistance. It also expresses its appreciation to representatives of other national, regional and district state institutions, the judiciary, political parties, civil society, media, the international community and other interlocutors for sharing their views.

## **III. BACKGROUND AND POLITICAL CONTEXT**

Italy is a parliamentary republic, with legislative powers vested in parliament. Both houses, the Chamber of Deputies and the Senate, are elected for five years by popular vote and enjoy equal powers. Executive power is exercised by the government headed by the prime minister. The president is elected by the parliament and serves as a head of state. While the president has largely ceremonial powers, he

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<sup>2</sup> See previous [ODIHR election-related reports on Italy](#).

or she proposes the government for parliament's vote of confidence and has a right to dissolve the parliament after consultations with the presidents of both houses.

The 2018 parliamentary elections resulted in 11 political parties gaining parliamentary representation.<sup>3</sup> The political party environment is fluid, with new parties emerging, joining forces in coalitions and falling out before elections anew. Following two governments led by Prime Minister Giuseppe Conte, the former president of European Central Bank Mario Draghi and his government of "national unity", with "technocrats" and appointees from both the centre-left and the centre-right parties, received a parliamentary vote of confidence in February 2021.<sup>4</sup> The political party Brothers of Italy remained in the opposition. In the outgoing parliament, 181 members (30 per cent) of the Chamber of Deputies (hereinafter MPs) and 118 Senators (37 per cent) were women.

On 14 July 2022, the Five Star Movement revoked the support to the government regarding a decree aiming to provide economic stimulus amid the ongoing energy and economic challenges. After various efforts to preserve the coalition, Prime Minister Draghi resigned, and on 21 July, President Sergio Mattarella dissolved the parliament and called early parliamentary elections for 25 September, bringing elections some six months forward.<sup>5</sup> The decision to hold the elections in autumn was criticized by many political parties and other electoral stakeholders, who referred to particular difficulties to perform a considerable amount of administrative tasks, to collect signatures in support of candidates and conduct the campaign over the summer.

For these elections, three main centre-right political parties, the Brothers of Italy, the League and *Forza Italia*, formed a coalition, with Giorgia Meloni from the Brothers of Italy as the *de facto* coalition leader. This coalition agreed that the party winning the most seats would propose the Prime Minister. On the other end of the political spectrum, a centre-left electoral coalition led by the Democratic Party emerged, with its chairperson Enrico Letta as the effective coalition leader. Political parties *Italia Viva* and *Azione* created a so-called "third pole" aiming to attract votes from the centrist electorate.<sup>6</sup> The Five Star Movement, the largest parliamentary party after the 2018 elections, lost a number of its members following the fall of the government in July 2022 and stood separately. A number of new parties, including spin-offs from established parliamentary parties, also participated in the contest.<sup>7</sup>

The elections took place against a backdrop of rising inflation and energy prices, and consequences of the health and social crises caused by the outbreak of the COVID-19 pandemic.

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<sup>3</sup> 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 Europe Together (1 and 1 seat), League (123 and 58 seats), *Piu Europa* (2 and 1 seats), Popular Civic (2 and 1 seats), Südtiroler People's Party (4 and 3 seats) and Us with Italy (4 and 4 seats).

<sup>4</sup> The government was composed of the League and *Forza Italia* from the right side of the political spectrum and of the Democratic Party, the Five Star Movement and *Italia Viva* from the left side.

<sup>5</sup> The resignation followed after three main coalition parties did not take part in a confidence vote in the Senate, effectively signaling lack of political support for his government.

<sup>6</sup> *Azione* initially agreed to join forces with the Democratic Party, but fell out of the centre-left coalition a few days later.

<sup>7</sup> Some of these included Together for the Future, which joined the Civic Commitment coalition for these elections, and Italexit-Alternative.

#### IV. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the Constitution and the 2017 election law, so-called “*Rosatellum*”.<sup>8</sup> In addition, some 60 different laws and decrees regulate different aspects of the electoral process.<sup>9</sup> These are further supplemented by an extensive body of subordinate acts, temporary decrees and judicial interpretations.<sup>10</sup> Italy is party to the key international human rights instruments pertaining to holding of democratic elections.<sup>11</sup>

Some election-related provisions of the Constitution were amended in 2020, which reduced the number of seats in both houses of 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.

Positively, in 2019, improvements were introduced into the campaign finance framework providing for additional transparency for donations, safeguards against foreign funding and additional types of illicit financing through third parties, some of them in line with prior ODIHR recommendations. The electoral legislation was subject to further, mostly technical, amendments in 2021 and 2022, regarding counting of votes from the out-of-country constituencies and the submission of candidate lists.

A number of long-standing ODIHR recommendations remain unaddressed, including with respect to strengthening a campaign finance oversight mechanism, further defining the scope of the judiciary’s role during the electoral process, providing for citizen election observation as well as judicial oversight of election results.

Overall, the legal framework governing parliamentary elections is suitable for conducting democratic elections. However, it remains fragmented despite prior ODIHR recommendations. Further, some regulatory gaps give potential to a wide discretion in implementation and weaken legal certainty.<sup>12</sup>

*To enhance legal certainty and effective implementation, consideration should be given to reviewing the legislation to remove gaps, eliminate fragmentation and bring it further in line with OSCE commitments, international standards and good practice. Such reform should be accomplished well in advance of the next elections through an inclusive consultative process.*

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<sup>8</sup> The 2017 *Rosatellum* law encompasses a set of amendments to the presidential decree No. 361/1957, originally the primary regulatory source for the conduct of elections. While the *Rosatellum* is commonly referred to as the election law, Decree No. 361/1957 remains applicable.

<sup>9</sup> These include, *inter alia*, Decree No. 533/1993 on the elections to the Senate, 2001 Law on out-of-country voting, 1953 Law on the incompatibility of the parliamentary mandate, as well as an extensive framework on regulation of political and campaign financing and election campaigns.

<sup>10</sup> For instance, the Constitutional Court judgement No. 48/2021 changed the election dispute resolution system, which has not been reflected in legislation. Several provisions of the Decree No. 361/1957 are regularly subject to temporary amendments, including the conditions under which the requirement to collect signatures can be waived.

<sup>11</sup> Including [the 1966 International Covenant on Civil and Political Rights](#) (ICCPR), [the 1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women](#), [the 2003 UN Convention against Corruption](#), [the 2006 UN Convention on the Rights of Persons with Disabilities](#) (CRPD), and [the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms](#). Italy is a member of the Council of Europe’s Venice Commission and the Group of State against Corruption (GRECO).

<sup>12</sup> For instance, regulatory gaps exist in validation criteria for the support signatures, campaign financing, and resolution of disputes related to election results, establishing sanctions, in particular related to suspension of voting rights for election day violations.

## V. ELECTORAL SYSTEM

The constitutional amendments, as confirmed by the 2020 constitutional referendum, reduced the number of seats from 630 to 400 in the Chamber of Deputies and from 315 to 200 seats in the Senate. Italy has a mixed electoral system, with some two-thirds of the MPs and Senators elected through proportional representation and the rest MPs and Senators through a majoritarian system.

As a consequence of the constitutional changes, electoral constituencies were delineated anew based on the population data of the latest 2011 census.<sup>13</sup> The revision, as conducted by an independent body in 2020 and 2022, was approved by the government and both parliamentary houses.<sup>14</sup> The revision of the constituencies contributed to the equality of the vote for in-country voters.

For the Chamber of Deputies, 392 MPs are elected from 28 in-country electoral districts,<sup>15</sup> and 8 MPs come from the out-of-country constituencies.<sup>16</sup> In the in-country districts, 245 seats are allocated through a closed-list proportional representation system,<sup>17</sup> and 147 MPs are elected from single-mandate constituencies.<sup>18</sup>

The Senate, by Constitution the chamber for regional representation, is elected from 20 electoral districts that correspond to the administrative regions. Of the 200 Senate seats, 122 are allocated between 26 multi-mandate constituencies, with at least 3 Senators in each elected through a proportional system with closed lists. Other 74 Senators are elected from single-mandate majoritarian constituencies, and voters abroad elect four senators from four geographical zones.<sup>19</sup>

To qualify for the proportional representation seats in the Chamber of Deputies or in the Senate, parties must surpass a 3 per cent electoral threshold, and electoral coalitions a 10 per cent threshold of valid votes nationwide. If a coalition receives less than 10 per cent, but one of its constituent parties receives more than 3 per cent nationwide, only that party is eligible for the seat allocation.<sup>20</sup> If a party within a coalition receives less than 1 per cent of nationwide valid votes, its votes are not included in the total number of votes for the respective coalition. Alternatively to the nationwide threshold, a political party

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<sup>13</sup> The constituency delineation was enacted with Law No. 177/2020, and the seat allocation across regions was enacted by presidential decree No. 169 of 21 July 2022. The law prescribes that the constituencies be delineated based on the number of residents according to the latest population census.

<sup>14</sup> By law, the president appoints a committee responsible for constituency delineation, which is chaired by the president of the National Institute for Statistics and composed of ten experts. The committee was established in 2020 and included, among others, a consultant of the Research Centre of the Chamber of Deputies as well as members of academia specializing in economy, geography, political sciences, sociology, statistics and constitutional law.

<sup>15</sup> Of the 28 districts, 14 correspond to administrative regions of Italy, whereas the region of Lombardy has 4 districts, and the regions of Campania, Lazio, Piedmont, Sicily and Veneto have 2 each.

<sup>16</sup> Voters from a multi-mandate constituency in Europe elect three MPs, in South America - two MPs, in Central and North America - two MPs, and in Africa, Asia, Oceania and Antarctica - one MP.

<sup>17</sup> Voters elect between three and eight MPs from each of the 49 multi-mandate constituencies.

<sup>18</sup> By selecting a majoritarian candidate from a party, a voter automatically votes for the party list associated with that candidate. Voters can select a preferred party among coalition partners. A vote for a majoritarian candidate from one party together with a choice of a different party in a multi-mandate contest are invalid. In 2014, the Constitutional Court [opined](#), that the fact that the voter's choice effectively results in a preference vote exclusively for the related list diminishes voter's influence over the election of individual representatives.

<sup>19</sup> These are Europe (including the Russian Federation and Türkiye), North and Central America, South America, as well as jointly Africa, Asia, Oceania and Antarctica.

<sup>20</sup> The ballot papers indicate a coalition as one entity and list all its constituent parties; a voter can express their preference for only one party in the coalition.



or an electoral coalition qualifies for the seats in the Senate if it receives at least 20 per cent of valid votes in at least one region.<sup>21</sup>

For the Chamber of Deputies and the Senate, linguistic minorities' lists running in autonomous regions must receive at least 20 per cent of valid votes in the district or must have at least two candidates elected in single mandate constituencies to be eligible for seat distribution.<sup>22</sup>

## VI. ELECTION ADMINISTRATION

### A. ELECTION MANAGEMENT BODIES

The elections were administered by numerous permanent and temporary bodies, within a complex judicial and administrative structure at the national, regional and local levels. The election management bodies met all legally prescribed deadlines and effectively administered the elections. All ODIHR EAM interlocutors expressed a high level of confidence in the integrity and independence of the election administration.

The Ministry of Interior (MoI), through its permanent Central Directorate for Electoral Services and permanent Electoral Offices in 107 province prefectures, oversees the administrative and technical conduct of elections. The main responsibilities of the MoI are the co-ordination of voter list updates, registration of election logos of political entities, preparation and delivery of election materials, design of ballot papers and proclamation of provisional election results.

A number of temporary election management bodies were created within the judiciary system at the central, regional and district levels. On 24 July, within three days after the call of the elections, the Court of Cassation established the National Central Election Office (NCEO). Composed of five judges from the Supreme Court, the NCEO was responsible for adjudicating complaints related to candidate registration, tabulating the voting results and allocating the mandates.

At the regional level, on 25 July, the courts of appeal established 20 Regional Election Offices (REOs) for the Senate elections and 28 District Election Offices (DEOs) for the elections of the Chamber of Deputies. Members of REOs and DEOs are judges. These bodies were responsible for registering candidates, drawing lots to determine the order of candidates on the ballots in each constituency, deciding on contested ballots and tabulating constituency voting results. In co-ordination with the NCEO, REOs and DEOs were also involved in the allocation of mandates after the determination of results. Most interlocutors involved in administering the elections informed the ODIHR EAM that although they were able to manage the workload due to experience from previous elections, they operated under extremely tight deadlines and were insufficiently resourced.

At the province level, the courts of appeal appointed 107 Territorial Election Offices (TEOs) based on recommendations from provincial councils and prefectures. The municipal councils elected 7,904 Municipal Election Offices (MEOs).<sup>23</sup> TEOs were chaired by provincial prefects or their designated representatives, and MEOs by respective mayors. TEOs provide assistance to the prefectures. MEOs are responsible for maintaining and updating voter lists, distributing election materials and receiving

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<sup>21</sup> The seats for the Chamber of Deputies are allocated under the Hare-Niemeyer method, with nationwide distribution of seats performed by the National Central Election Office, whereas the allocation of seats for the Senate is performed at the regional level by the Regional Election Offices.

<sup>22</sup> 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.

<sup>23</sup> While provincial councils are elected bodies, prefectures fall under the structure of the MoI.

voting results from polling stations. Formally independent, MEOs received instructions and directives from the MoI through prefectures and TEOs.

At the local level, over 61,500 Polling Election Offices (PEOs) were established. Their main task was to conduct polling and counting of votes in polling stations. PEOs were composed of a president, appointed by the relevant court of appeal, a secretary appointed by the PEO president, and four members appointed by municipalities from among eligible voters who had expressed a willingness to perform this role.<sup>24</sup>

The legislation does not guarantee a gender-balanced composition of the election management bodies. Gender-disaggregated data for their composition is not collected.<sup>25</sup>

*Disaggregated data on gender representation in the election administration should be collected and published in a comprehensive manner. Further efforts should be made to ensure a gender-balanced representation in all election management bodies.*

In addition, other state institutions were involved in the electoral process. The Ministry of Health provided guidelines regarding measures related to the COVID-19 pandemic, and the Ministry of Defence – measures with respect to voting by military personnel. Throughout the process, the MoI maintained continuous communication with electoral stakeholders, including voters.<sup>26</sup> Nevertheless, sessions of election management bodies remained closed to the public, political parties and the media, diminishing the transparency of the decision making process.

*In line with the principle of transparency, the election administration should open their sessions to the public, political parties and the media and publish the draft agendas in advance of relevant sessions.*

The MoI and other election management bodies informed the ODIHR EAM that their main challenge was to identify a sufficient number of trained poll workers, totalling some 360,000 individuals, in particular for the positions of polling station presidents. To increase the pool of poll workers, several prefectures reached out to universities and associations of lawyers, while some MEOs, prior to the elections, established an extra pool of reserve polling officers.<sup>27</sup> Prior to the elections, the Chamber of Deputies aimed to adjust criteria for the selection of poll workers and facilitate the recruitment process, but the amendments did not pass the Senate.<sup>28</sup>

The ODIHR EAM was informed that poll workers who did not report for duty on the eve of the election day were replaced by individuals from a reserve pool. There is no legal provision for mandatory training of polling officers, yet some municipalities conducted training on their own initiative. Many election officials shared the opinion that training for PEO members should be mandatory in line with international good practice.<sup>29</sup>

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<sup>24</sup> In accordance with the law, presiding officers should have been appointed by 26 August and polling officers between 31 August and 5 September.

<sup>25</sup> Paragraph 40.13 of the 1991 [OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”.

<sup>26</sup> The MoI regularly updated [its website](#) and published election related information.

<sup>27</sup> In some cases, students selected to work as poll workers were offered special study credits.

<sup>28</sup> The draft law aimed to address such hurdles as a ban for the presiding officers to be assigned twice in a same PEO, the age limit of 70 and 65 years old, respectively, for the presidents and other PEO members. The draft law also envisaged drawing of a pool of poll workers, reserving a half of the polling staff positions for unemployed people, and enlarging voting precincts from a maximum of 500 to 700 voters.

<sup>29</sup> Paragraph II.3.1.g of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) states that “members of electoral commissions must receive standard training”.

*The authorities should consider mandatory training of members of Polling Election Offices with a view to ensuring consistent implementation of polling and counting procedures. To prevent acute shortage of poll workers, in particular ahead of early elections, consideration could be given to creating and maintaining an updated database of trained individuals at the municipality level to promptly fill the positions of poll workers.*

The MoI, in co-operation with the public broadcaster, prepared voter education materials, including in sign language and with subtitled messages. The information which aired on national TV, radio channels and the Internet focused mostly on voting procedures and the new lower age requirement for voting for the Senate. Some civil society organizations engaged in explaining the voting modalities and the role of Senators and MPs, targeting youth and first-time voters, women and national minorities. Their campaigns were mostly conducted online, relying on influencers.

## **B. ALTERNATIVE VOTING METHODS**

Special polling stations were established in hospitals, prisons and pre-trial detention centres.<sup>30</sup> Mobile voting was permitted for homebound voters upon presentation of a medical certificate.<sup>31</sup> Voters with the COVID-19 infection could vote either in hospitals or through mobile voting.<sup>32</sup> Persons with physical disabilities could vote in any accessible polling station within their municipality upon presentation of a medical certificate.

The MFA co-ordinates out-of-country voting. Voters residing permanently or temporarily abroad could vote in some 200 countries by mail.<sup>33</sup> Voters permanently residing abroad are automatically included in the voter lists if they are registered in the population registry as nationals residing abroad.<sup>34</sup> Stamped envelopes with marked ballots had to be returned to the respective consulates by 22 September. With the aim to guarantee ballot security, the MFA introduced specific measures prior to the elections.<sup>35</sup> Once delivered to Italy, the envelopes with marked ballots were handed over to the courts of appeal between 23 and 25 September.<sup>36</sup> Some ODIHR EAM interlocutors shared their concern about the overall high cost of the out-of-country voting, while others expressed their preference for electronic voting.

The 2019 and 2021 legal amendments established provisions for the introduction of electronic out-of-country voting and for those voters living outside their permanent residence. While piloting of certain components of new technologies among voters abroad had been conducted prior to these elections,

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<sup>30</sup> The ODIHR EAM was informed that polling was conducted in 564 hospitals. Specific groups such as military and police personnel while on duty, candidates and political party representatives, PEO members, and persons with disabilities could vote at a different polling station than where they were registered.

<sup>31</sup> The medical certificate needed to be provided at least 15 days prior to election day.

<sup>32</sup> The law permits such mechanism if poll workers are informed at least five days before election day.

<sup>33</sup> Lists of eligible voters are maintained by MEOs of the respective departure residence and relevant consular offices. In some 20 countries affected by political circumstances, including war, where postal voting was not possible, resident citizens were eligible for a 75 per cent reimbursement on their transport expenses to go to Italy to vote.

<sup>34</sup> Eligible were also citizens temporarily residing abroad for at least three months because of study, work or health reasons. Latest 32 days before the elections, voters had to notify their municipality of their decision to vote abroad providing a valid foreign residence address.

<sup>35</sup> The measures included, among others, use of bar codes on envelopes with the ballots, tracking the delivery of envelopes to voters in co-operation with the local post offices, video surveillance of the ballot printing and dispatching processes.

<sup>36</sup> Previously, only the court of appeal in Rome had the responsibility for counting the votes from abroad. With 2022 legal amendments, the courts of appeal in Bologna, Florence, Milan and Naples were also assigned to count the votes and shared the workload among an estimated 2,000 counting centres.

nationwide piloting of electronic voting was postponed to 2023 based upon the recommendation of the National Cybersecurity Agency.

## VII. VOTER REGISTRATION

The total number of registered voters was 50,869,304 (51.4 per cent women), including 46,127,514 in-country voters and 4,743,980 voters registered abroad. The ODIHR EAM interlocutors did not express any concerns about the accuracy and inclusiveness of voter lists.

Voter registration is passive, and voter lists are extracted from the civil registry. Following a 2021 constitutional amendment and in line with a prior ODIHR recommendation, all citizens aged 18 years or older on election day have the right to vote for both chambers of the parliament.<sup>37</sup> According to the Constitution, the right to vote cannot be limited, except for civil incapacity, an irrevocable criminal sentence or “moral unworthiness” in cases defined by law.<sup>38</sup>

In the absence of a centralized, unified national voter register, each municipality maintains two separate voter registries - one for women and one for men - a system inherited from earlier electoral legislation. Some ODIHR EAM interlocutors representing civil society expressed concerns about this procedure being discriminatory and exclusionary for transgender people or those who do not wish to identify with a gender.

MEOs update voter lists twice a year and before every election, and the lists are closed for changes 15 days prior to election day. Voter lists are not displayed for public scrutiny prior to elections; nevertheless, voters could request to verify their records on the list at MEOs. Complaints related to the accuracy of voter lists may be first lodged within a relevant TEO, and then with relevant court of appeal at the first instance and further with the Court of Cassation as the final instance.

## VIII. CANDIDATE REGISTRATION

Only political parties, party alliances, movements and electoral coalitions can nominate candidates. Contrary to commitments made in the 1990 OSCE Copenhagen Document, independent candidates are not permitted to run in elections, including in single-member constituencies.<sup>39</sup> The minimum age requirements to stand as a candidate differ between the Senate and the Chamber of Deputies elections, 40 and 25 years, respectively.<sup>40</sup> The age restrictions for Senate candidates may be considered unduly high.

*Legislation should be reviewed to allow for independent candidacies, in line with international commitments.*

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<sup>37</sup> The new provision extended active suffrage rights for the Senate elections to some 4 million citizens. Previously, only citizens aged 25 years or older could vote in the Senate elections.

<sup>38</sup> The CRPD Committee in its 2016 [Concluding observation on the initial report of Italy](#) (Paragraph 73) stated “that persons with intellectual disabilities and/or psychosocial disabilities do not receive adequate support in order to exercise their right to vote, and Article 48 of the Constitution, which restricts the right to vote based on “civil incapacity”, is inconsistent with the CRPD”.

<sup>39</sup> In Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#), OSCE participating States undertook to “respect the right of citizens to seek political or public office individually or as representatives of political parties or organizations, without discrimination”.

<sup>40</sup> There are debates in the parliament on whether it is necessary to eliminate the different age requirements.

The legal framework prevents several categories of public officials from standing in elections, unless they resign from their positions three to six months prior to election day, depending on their position.<sup>41</sup> Eligible candidates resident in Italy can run for any contest, while candidates residing abroad can only run for the out-of-country constituency where they reside.

Candidates are not entitled to stand at the same time for the Senate and Chamber of Deputies. They can stand simultaneously in one single-mandate and up to five multi-mandate constituencies. By law, parties and coalitions have to field candidates in all single-member constituencies and in at least two-thirds of all multi-member constituencies. A list has to include at least two candidates in a multi-member constituency.<sup>42</sup>

Specific gender related requirements for the lists of candidates were introduced prior to the 2018 elections. Candidates on the lists for multi-member constituencies must alternate based on gender. Candidates of the same gender cannot be heading 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 party or coalition in single-mandate constituencies.

Candidate registration was generally conducted in an inclusive manner, and the MoI published the full list of candidates on their online portal “transparent elections”. In total, there were 4,098 candidates for the Chamber of Deputies, with 1,310 candidates in single-member constituencies (including 566 women or 43 per cent) and 2,788 candidates for the multi-mandate constituencies (including 1,394 women or 50 per cent). For the Senate, out of the total of 2,111 candidates, 693 stood in single-member constituencies (including 321 women or 46 per cent) and 1,418 candidates in multi-mandate constituencies (including 683 women or 48 per cent).<sup>43</sup>

Only political entities with an approved election logo may contest the elections. Parties with parliamentary representation or those joining forces in an electoral coalition, in which at least one party is represented in the parliament, are entitled to use an existing logo. Between 12 and 14 August, parties and coalitions had to register their logos, names and programmes with the MoI. By this deadline, the MoI received 101 logo registration requests and approved 75 of those, some after corrections. Rejections were mostly based on similarities with a previously registered logo of a political entity already represented in the parliament.

Parties not represented in the outgoing parliament had to collect up to some 37,000 supporting signatures nationwide between 15 and 22 August.<sup>44</sup> These parties informed the ODIHR EAM that they faced unreasonable administrative obstacles, in particular given the short timeline over the summer holidays.<sup>45</sup> They were also critical of the fact that collection of electronic signatures for candidate

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<sup>41</sup> This includes, among others, presidents of provincial councils, mayors of municipalities with more than 20,000 inhabitants, etc.

<sup>42</sup> In addition, the number of candidates should not be less than a half of the number of seats and not exceed the number of seats contested in the multi-member constituency.

<sup>43</sup> For the constituencies abroad, there were 41 candidates for the Senate and 95 for the Chamber of Deputies.

<sup>44</sup> To register candidate lists, between 1,500 and 2,000 signatures are needed from each in-country multi-mandate constituency and between 500 and 1,000 signatures from the constituencies abroad. Due to the early dissolution of parliament, the minimum number of required signatures was halved.

<sup>45</sup> Paragraph 94 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “Although requirements based on minimum support established through the collection of signatures are legitimate, the state must ensure that they are reasonable and democratically justifiable and not so burdensome as to restrict the political activities of small parties or to discriminate against parties representing minorities”.

registration was not permitted, while the Public System for Digital Identity (SPID) is widely used to access a range of online services of public administration.<sup>46</sup>

*Consideration should be given to simplifying methods of the collection of signatures and revising the legal deadlines for candidate registration, in particular with respect to signature collection.*

Between 21 and 22 August, out of eligible 75 parties and coalitions, 38 presented their candidate lists and supporting signatures to respective REOs (for the Senate) and DEOs (for the Chamber of Deputies). These bodies verified supporting signatures and checked the lists for compliance with the gender requirements. There are no clearly established rules for signature verification, and some ODIHR EAM interlocutors representing the judiciary raised concerns over significant challenges faced in mobilizing necessary human resources in August to conduct the verification. After signature verification, seven rejected political parties or coalitions appealed to the NCEO.<sup>47</sup> On appeal, two parties were found to have a sufficient number of signatures in some constituencies and the other five rejections were upheld. In total 33 national lists to contest both houses of parliament were registered.

The efforts to promote women's participation in political life have so far not been fully effective. The new parliament has 129 women (32 per cent) elected for the Chamber of Deputies and 69 women (34 per cent) among the Senators. The effectiveness of the gender requirements resulting in women securing seats in the parliament is undermined by the legal provisions enabling a candidate to run in up to five multi-mandate constituencies simultaneously. Some ODIHR EAM interlocutors raised concerns that political parties formally filled the quota by nominating women in several constituencies at the same time when only one mandate can be used.<sup>48</sup> In case of a woman's victory in more than one constituency, all the seats not taken by the winner in a multi-mandate constituency are allocated to the male candidates running from the next position on the list. The gender imbalance in parliamentary representation indicates the need for greater efforts to encourage women's participation in public and political life.<sup>49</sup>

*To enhance the representation of women in the parliament, the gender quota system should be reviewed. This could be achieved by requiring that in proportional contests, a parliamentary mandate not taken or left by an elected woman be filled by the next woman candidate on the relevant list.*

## IX. ELECTION CAMPAIGN

The election campaign started after the dissolution of the parliament on 22 July. The pace and intensity of the campaign were impacted by the summer holidays; nevertheless, it became more active in the last weeks before election day. The majority of ODIHR EAM interlocutors stressed that the timing of the

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<sup>46</sup> A complaint lodged by the Referendum and Democracy party, requesting admission of electronic supporting signatures was resolved by the court of appeal in Milan on 20 September, five days prior to election day. Considering the deadlines for a potential review of the decision in the Court of Cassation, the applicants would not have had an effective possibility to compete.

<sup>47</sup> The rejections were based on procedural matters, including for not submitting the signatures in the format required by law or for not submitting sufficient supporting documentation.

<sup>48</sup> In these cases, one woman could statistically count as five candidates. Article 191c of the [1995 Beijing Declaration and Platform for Action](#) provides that political parties “shall consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men”.

<sup>49</sup> Paragraph 23 of the 1999 [OSCE Istanbul Document](#) commits participating States to “making equality between men and women an integral part of [their] policies”. See also Paragraph 3 of the OSCE Ministerial Council Decision 7/09, which calls participating States to “encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making”.

elections was not conducive to active campaigning.<sup>50</sup> Rallies and gatherings require notification, and all campaign materials must include an identification disclaimer. Municipalities allocate the public sites for posting campaign materials.

The campaign ended on midnight of 23 September. The campaign silence was generally well respected in traditional media. On social networks, which are not subject to formal campaign silence rules, a number of candidates and political parties engaged in active campaigning and generated active response from the public and other electoral contestants in the silence period.<sup>51</sup>

Contestants were able to conduct their campaigns freely, and fundamental freedoms of peaceful assembly, association and expression were respected. The campaign was competitive, and a wide range of parties and candidates ensured a broad choice of political alternatives for voters.

Contestants used a variety of outreach methods, including small-scale gatherings, person-to-person canvassing and most notably social networks.<sup>52</sup> Occasional larger rallies were organized during the last days of the campaign. Some candidates alleged damage to their campaign equipment, attempts at disruptions of rallies and raised concerns about insults directed at their activists by supporters of the opposing camps.<sup>53</sup>

Much of the political discourse was framed by personal disagreements between leaders of political parties within both leading coalitions. The main contesting camps presented the elections as an important milestone determining the country's future geopolitical orientation. The centre-left parties continuously cautioned citizens about the consequences of a shift to the far-right even equating it to the "return of fascism to Italy" and Italy's geopolitical isolation in the European Union and other international bodies, should the centre-right parties, in particular the Brothers of Italy, form the government.<sup>54</sup> The leaders of the centre-right electoral coalition dismissed these claims as smear tactics.

Overall, the campaign was calm and its tone was moderate. Nevertheless, instances of derogatory rhetoric towards national minorities were observed.<sup>55</sup> Campaign messages focused on the energy crisis and the increased cost of living, economic development and recovery after the COVID-19 pandemic, migration, as well as basic income measures introduced by the previous government. The impact of the ongoing geopolitical and security situation on Italy's economy as well as the country's positioning in the European Union were also discussed. Foreign interference in the election campaign was also a part of the discourse.

On social networks, the rhetoric was harsher, with leaders of main coalitions expressing strong criticism of their opponents. Social networks were mostly used for immediate commentary on campaign

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<sup>50</sup> Some interlocutors also regretted that important economic decisions, usually scheduled for autumn, were delayed. These included, among others, presentation of the draft Budget Law due by 15 October and its approval by 31 December, or deadlines related to the National Recovery and Resilience Plan envisaging for Italy to receive some EUR 200 billion from the European Union by 2026.

<sup>51</sup> According to the ODIHR EAM monitoring of social networks, the League and the Brothers of Italy were most active during campaign silence period online.

<sup>52</sup> *Facebook*, *Twitter* and increasingly *TikTok* were the most commonly used social network platforms.

<sup>53</sup> For instance, attempts to disrupt a rally held by the Brothers of Italy on 20 September in Palermo were reported by the media.

<sup>54</sup> References were also made to alleged close ties of some political leaders to the president of the Russian Federation. The ideological roots and the political symbol of the Brothers of Italy (a flame traditionally associated with far-right parties) were also a topic of discussion.

<sup>55</sup> For instance, on 5 September, a candidate for the League posted a video on social networks, which depicted himself walking up to a Roma woman and saying "vote for the League on 25 September and you will never see her again". The video was later censored on social networks.



developments and paid political advertising. The ODIHR EAM observed that during the campaign, a number of third parties engaged in campaign activities for or against a contestant, mostly by generating content and paid advertising.<sup>56</sup> While social networks in elections are not directly regulated, the main media regulatory body initiated self-regulatory guidelines with several major social network platforms, urging them to take initiatives to protect the principle of plurality, as well as to take measures to combat misinformation. Some ODIHR EAM interlocutors, including those involved in fact-checking activities, expressed confidence that due to previous efforts by national and international authorities and social networks managers, disinformation online somewhat decreased, and voters were better able to discern it.<sup>57</sup> The self-regulatory guidelines also included guidance for platforms to comply with certain provisions of the law regulating the conduct and coverage of traditional media during the campaign by respecting the 24-hour silence period for campaigning, as well as a two-week ban on the publication of opinion polls.

*Regulation of the campaign and its coverage should be enhanced to ensure an environment in which election contestants have fair opportunities to campaign, including online.*

With a few notable exceptions, women did not feature prominently in the campaign. Gender-sensitive topics, including abortion rights and same-sex partnership, were widely discussed throughout the campaign, but existing legislation on these issues was not openly challenged by major parties or coalitions. The leader of Brothers of Italy Ms. Meloni campaigned under the slogan “God, homeland, family” calling for more efforts for the preservation of traditional family values and Christian identity. As the result of the elections, a woman became the Prime Minister for the first time.

## X. CAMPAIGN FINANCE

The legal framework regulating financing of election campaigns is complex and comprised of some 20 legal acts.<sup>58</sup> The 2019 legal amendments banned foreign funding of campaigns and improved campaign finance transparency by lowering a threshold for donations subject to disclosure and regulating involvement of third parties in financing of election campaigns.<sup>59</sup>

### A. FUNDING SOURCES AND CAMPAIGN EXPENDITURES

Public funding is not provided for and financing of election campaigns is allowed only from private sources through various forms of contributions, including party funds, individual and corporate contributions.<sup>60</sup> Donations can be monetary and in-kind, in the form of goods and services. All types of supporters may donate up to 0.2 per cent of their income tax to one party by assigning this in their tax

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<sup>56</sup> For instance, spending for *Facebook* paid ads by third parties during the last two weeks before the election day reached some EUR 110,000.

<sup>57</sup> Prior to the elections, Meta, the parent-company of *Facebook*, *Instagram* and *Whatsapp*, initiated fact-checking cooperation with the MoI. Already before the 2018 elections, the media regulatory body, together with a number of social network platforms, established self-regulatory initiatives, including related to access to verified and reliable information and equal access to online platforms during the election campaigns. On *Twitter*, any election related hashtag was accompanied by a message directing a user to the MoI website to verify information.

<sup>58</sup> Among others, laws on election campaigning, on voluntary contributions to political movements and parties, on prevention of crimes against public administration, as well as on ensuring transparency of political parties and movements.

<sup>59</sup> The amendments extended the disclosure and transparency requirements to other entities (foundations, associations and committees) affiliated with political parties. The affiliated entities are identified as such in accordance with the “political affiliation index”; this includes evaluation of political affiliation of the political party leaders, previous donations and other indicators.

<sup>60</sup> Political parties with established parliamentary groups receive state funds.



return,<sup>61</sup> while donations between EUR 30 and 30,000 can be deducted from the general income tax. Parties and candidates are allowed to receive loans from Italian tax residents.

Political parties can receive donations from individuals up to EUR 100,000 annually per party. Legal entities can donate annually up to EUR 100,000 to as many political parties as the legal entity wishes to support. There is a ban on foreign, anonymous, and cash donations, donations from disenfranchised citizens, as well as from companies that are publicly held or have a public share exceeding 20 per cent.

Many ODIHR EAM interlocutors expressed dissatisfaction with the recent elimination of direct public funding for campaigns. In their view, this limited their access to campaign funds and significantly affected the conduct of election campaigns.<sup>62</sup> The ODIHR EAM was informed, that in practice, nominated candidates should demonstrate sufficient private funds to be able to finance their campaigns as the parties are often not in the position to support them.

Candidates may conduct their individual fund-raising from the day following the call of elections, with a compulsory engagement of a campaign manager registered with a regional Electoral Guarantee Board (EGB)<sup>63</sup> in the respective constituency.<sup>64</sup> Candidates may spend up to EUR 52,000 for each constituency plus EUR 0.01 per every citizen residing in the constituency contested. Parties can spend up to EUR 1 per each registered voter in the constituency where the party submitted its candidate list. Most ODIHR EAM interlocutors assessed these ceilings as appropriate for the needs of the campaign. All campaign-related transactions on behalf of contestants have to be carried out through a dedicated bank account.

## **B. REPORTING AND OVERSIGHT**

Annual party finance oversight is under the aegis of the Committee for the Transparency and Control of Financial Reports of Parties and Political Movements (Committee for Transparency).<sup>65</sup> The Court of Auditors is the main oversight body for party campaign finance. Candidates' campaign finance oversight is conducted by the regional EGBs.

Political parties and movements submit their campaign finance reports to the Court of Auditors 45 days after the convocation of the new parliament and publish their reports on their websites. There is a generic report template with a list of expenses and incomes to be declared, in an itemized manner. Candidates submit their campaign finance reports with an income declaration to the respective EGB three months

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<sup>61</sup> To benefit from this type of funding, the statute of the beneficiary political party must comply with specific legal requirements and have at least one elected representative at the Italian or European Parliament.

<sup>62</sup> Paragraph 232 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "Public funding and its requisite regulations [...] have been designed and adopted in many states as a potential means to support political parties in the important role they play, prevent corruption, and remove undue reliance on private donors. Such systems of funding should also aim to ensure that all parties, including opposition parties, small parties and new parties, are able to compete in elections in accordance with the principle of equal opportunities, thereby strengthening political pluralism and helping to ensure the proper functioning of democratic institutions".

<sup>63</sup> The EGBs are formed in every regional capital by the president of relevant court of appeal or magistrate court, and are composed of the president of the respective court, three judges, and three experts (lawyers, accountants, etc.)

<sup>64</sup> The law prescribes special requirements for political parties and candidates who aim to fundraise from private donations. These requirements include a formal registration in the national register, adoption and submission of statutory documents specifying organizational structure of the political party, envisioned activities, and compliance with transparency and internal democracy requirements.

<sup>65</sup> The Committee for Transparency is composed of five members, one of whom is appointed by the president of the Court of Cassation, one by the president of the Council of State, and three by the president of the Court of Auditors. All members are chosen from among the judiciary.

after the announcement of election results. The legal framework does not provide for campaign finance reporting before election day, contrary to international good practice and a prior ODIHR recommendation.<sup>66</sup>

*To enhance transparency of campaign financing, consideration could be given to providing for interim disclosure of campaign finances prior to election day, including incomes as well as expenditures for offline and online campaigning by contestants and third parties. Attention should be given to revision of the reporting format, providing clarity and consistent itemization of all incomes and expenditures.*

Upon receiving a campaign finance report from a party, the Court of Auditors has up to nine months to conduct the audit of the report and publish audit results. The EGBs have to publish the candidates' campaign finance reports within 120 days from the receipt. The law also grants the EGBs investigatory powers for verification of candidates' financial reports, which should be completed within six months after their submission, but the term can be extended. The results of verification are submitted to the presidents of the parliamentary houses and are published online. According to some ODIHR EAM interlocutors, the verification process in some regions may continue for several years. The Committee for Transparency publishes its report on party annual finances on the parliament's website and submits it to the parliamentary houses.

*To ensure transparency and accountability of campaign financing and effective remedy for any violations, relevant authorities should verify campaign reports and publish the verification results in a timely manner.*

The Court of Auditors may impose sanctions, including administrative fines, for irregularities or refer a case to the prosecutor for further investigation in case of a criminal offence. Sanctions for individual candidates are prescribed by the respective EGBs, and may include fines, deregistration of a candidate or forfeiture of the elected office.

## **XI. MEDIA**

### **A. MEDIA ENVIRONMENT AND LEGAL FRAMEWORK**

The media landscape in Italy is pluralistic. The traditionally strong television (TV) sector, as well as rapidly growing in recent years online media are the prevalent means for Italians to obtain political information, with younger people relying more on online sources.<sup>67</sup> The print media and radio are overall much less used. Despite the gradually increasing diversification, traditional media remain dominated by two media houses - the publicly owned *Radiotelevisione Italiana* (RAI) and the private company *Mediaset*, each operating several channels. A relative concentration is also evident in the fast-growing online sector.<sup>68</sup> This, combined with long-existing ties between the media, business and political elites, continues to limit diversity in the news media.

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<sup>66</sup> According to Paragraph 261 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#), "It is good practice to require [...] reports providing oversight bodies and the public with preliminary information on campaign incomes and expenses of parties and candidates several days before election day". See also Paragraph 259.

<sup>67</sup> The 2020 [report](#) of the Authority for the Guarantee of Communication (AGCOM) on information consumption indicates that among the population between 14 and 24 years old, the TV consumption is around 40 per cent and more than 55 per cent for the Internet (p. 22).

<sup>68</sup> See European University Institute's Centre for Media Pluralism and Media Freedom 2021 report on Italy on Monitoring Media Pluralism in the Digital Era (p. 9).

The media regulatory framework is robust. The Audiovisual Media Law, the primary law for audiovisual communication, sets the legal framework for media. The key piece of legislation that strictly regulates media coverage of elections is the so-called 2000 *par condicio* (equal treatment) law. The legal framework for media coverage of elections is further supplemented by AGCOM, the Authority for the Guarantee of Communication, and Parliamentary Oversight Committee regulations, published for each election anew.<sup>69</sup>

In line with legal provisions, electoral contestants enjoy free-of-charge access to both public and private media. The election period is divided into two phases. During the first phase, which lasted from the dissolution of parliament until the submission of candidate lists (from 22 July to 21 August), all parliamentary parties were entitled to equal coverage and fair representation in election programmes and in news programmes. The second phase started on 22 August and ended at midnight one day before election day. During this phase, the legislation requires to respect the principles of equal treatment and fair representation of all standing parties in current affairs programmes with election related content and their equitable coverage in news programmes. The space devoted to parties in news programmes during both phases should be allocated proportionally, including on the basis of the number of seats a political party holds in the elected bodies.

The basic legal safeguards for the freedom of the media and expression are in place and generally respected. Nevertheless, defamation remains criminalized, at odd with international standards.<sup>70</sup> The Penal Code provisions, stipulating severe penalties of up to three years of imprisonment for defamation, undermine freedom of expression. The provisions still remain in effect despite the Constitutional Court's rulings in 2020-2021 on their non-compliance with the Constitution.

There were reportedly 232 cases of menacing and intimidation of journalists in 2021, 42 per cent more in comparison with the same period of 2020.<sup>71</sup> In addition, representatives of journalists' organizations and civil society raised concerns to the ODIHR EAM in regard to 'precarious' working conditions of many journalists, as well as the increasing number of strategic lawsuits against public scrutiny by the media and civil society (so called SLAPPs).<sup>72</sup> On 21 September, a group of organizations advocating for media freedom called on the Italian parliament to undertake resolute measures against SLAPPs.<sup>73</sup>

*To comply with international standards and to protect the fundamental freedom of expression, criminal provisions for defamation should be repealed in favour of civil remedies designed to restore the reputation harmed. Measures should be put in place to deter the abuse of strategic lawsuits against the media. Authorities should reinforce protection of journalists from threats and intimidation.*

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<sup>69</sup> The Parliamentary committee for the general direction and supervision of radio and television services (Parliamentary Oversight Committee) is a bicameral parliamentary commission made up of 20 MPs and 20 senators.

<sup>70</sup> Paragraph 47 of the UN HRC General Comment No. 34 to the ICCPR notes that "States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty".

<sup>71</sup> A Coordination Centre of the MoI (composed of governmental as well as non-governmental bodies) was created in 2017 to monitor the safety of journalists. According to their data published in the MFRR May 2022 country [report](#), online threats have amounted to 44 per cent of the incidents of intimidation. Some journalists were held under police protection after receiving credible threats to their physical safety.

<sup>72</sup> See a [report](#) on SLAPPs situation in Italy produced by Media Freedom Rapid Response (MFRR) coordinated by OBC Transeuropa as well as a selection of case [studies](#) from Italy collected by OBC Transeuropa.

<sup>73</sup> See an [open letter](#) of 30 organizations in support of the right to information.

## B. COVERAGE OF THE ELECTION CAMPAIGN

Overall, the media provided voters with a diverse range of information so that they could make an informed choice. RAI, on the basis of a regulation adopted by the Parliamentary Oversight Committee, provided contestants with access to different programmes free-of-charge to present their campaign platforms. Nevertheless, these were mostly not aired during prime time. A positive exception was RAI's popular *Porta a Porta* evening prime time programme, in which all political party and electoral coalition leaders took part.<sup>74</sup>

Many ODIHR EAM interlocutors, including from the regulatory authorities, stated that the current rules for fair coverage during election period are not sufficient, as they do not reflect the evolution of the media environment with regard to political communication on online platforms. For example, RAI's intention to organize a debate between two political party leaders leading in the opinion polls was not implemented because it would have violated the *par condicio* law, as decided by AGCOM. As a result, the "Letta-Meloni" debate took place online.

Throughout the campaign period, AGCOM actively and systematically monitored the information programmes of 15 TV channels and 15 radio stations with nationwide coverage and published its media monitoring reports on a weekly basis on its website.<sup>75</sup> During the campaign, AGCOM issued 26 decisions concerning media coverage, either based on its own monitoring or addressing complaints and institutional communication.<sup>76</sup> The decisions concerning media coverage, related, in particular, to cases of non-compliance in terms of imbalanced coverage of some parties. AGCOM informed the ODIHR EAM that during the campaign it received some 20 complaints; only 8 were listed on its website, which reduced transparency of the process. Out of the published complaints, seven were rejected, while in one case found to be in breach of the *par condicio* law, the local authority was asked to remove the content in question from its social network page.<sup>77</sup> The media outlets were able to clarify with the media regulator questions related to implementation of the rules during the campaign period.

## XII. COMPLAINTS AND APPEALS

Different administrative, judicial and legislative bodies share competence over election-related disputes. Election offices and municipalities deal with complaints related to voter registration in accordance with an administrative procedure.<sup>78</sup> AGCOM adjudicates media-related complaints. Regional EGBs and the Committee for Transparency are in charge of campaign finance related complaints. The parliament resolves disputes about the election results and parliamentary mandates. Most ODIHR EAM interlocutors expressed confidence in the work of the various bodies involved in the review of election-related disputes.

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<sup>74</sup> On 15 September, 10 political leaders took part for 10 minutes each, whereas on 22 September, 7 leaders participated, for 20 minutes each.

<sup>75</sup> Some media outlets also produced their own media monitoring and provided the results to AGCOM.

<sup>76</sup> Of the 26 decisions, in 5 cases AGCOM called upon all media to comply with the rules; 18 decisions were addressed to specific media outlets.

<sup>77</sup> AGCOM informed the ODIHR EAM that of those complaints not published on AGCOM's website, some were rejected by sending a note to the complainants. Other complaints were addressed by formal decisions based on the evaluation of TV and radio monitoring data.

<sup>78</sup> The voter registration complaints that are submitted to and reviewed by PEOs may take up to 25 days to finalise. The applicant has 10 days to submit a complaint; PEOs have 15 days to decide on the case and 10 days to notify the applicant.

Decisions of all these bodies, except those of the parliament, can be appealed to competent courts. In its decision 48/2021, the Constitutional Court eliminated the previously existing conflict of jurisdiction over election-related complaints, assigning them to the jurisdiction of civil courts.<sup>79</sup> Positively, this removed the possibility to choose the appeal body and potential incoherency in decisions over such disputes.<sup>80</sup>

The deadline for both submitting and resolving complaints related to election logos and candidate registration through administrative procedure is 48 hours. The NCEO is the final administrative instance for reviewing complaints regarding the MoI decisions on registration of election logos as well as REOs' and DEOs' decisions on registration of candidate lists. A decision of the NCEO can be appealed to the courts of the territorial jurisdiction where the complaint originates from, with a further possibility to be examined by the Court of Cassation.

According to the NCEO, prior to the ODIHR EAM deployment, it received 164 complaints from candidates and parties who were denied registration due to insufficient number of supporting signatures or whose election logo was not accepted. The majority of complaints were rejected on merit, but the NCEO decisions on complaints were not always published online.<sup>81</sup> The ODIHR EAM was not in a position to observe the process of examination of these complaints.

Complaints related to voting results and requests for recounts may be filed by a candidate, voter or group of voters, who have direct interest, to REOs and DEOs whose decisions may further be appealed to the NCEO. Complaints related to election results, mandate distribution and legitimacy of elected parliamentarians may be filed to the newly elected parliament, through two committees for elections (one for the Senate, one for the Chamber of Deputies), within 20 days from the announcement of the official results by the NCEO. The parliamentary committees examine the substance of the complaints, verify the election materials and may request recounts.

The deadlines for the decision-making on complaints about election results in the parliamentary committees are not clearly determined, with multiple provisions for resumptions.<sup>82</sup> The ODIHR EAM was informed that there is no final deadline for the decisions related to consideration of legitimacy of elected parliamentarians, with precedents of mandates being under review for several years. In addition, contrary to international good practice and a prior ODIHR recommendation, there is no possibility for judicial review of such decisions.<sup>83</sup>

*Consideration should be given to defining clear timelines for making decisions on complaints related to the election results and respective parliamentary mandates as well as to introducing the possibility to appeal such decisions to a competent court as the final authority.*

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<sup>79</sup> The change originated from the judicial interpretation of Article 66 of the Constitution on parliamentary resolution of election-related disputes, and related provisions of Article 87 of Decree No. 361/1957. The change affected the jurisdiction of complaints against decisions on candidate registration.

<sup>80</sup> Prior to these elections, a draft law on granting jurisdiction over some election-related disputes to the administrative tribunals passed the vote in the Senate but is yet to be voted on by the Chamber of Deputies.

<sup>81</sup> Many of the 164 cases on the candidate registration were repetitive due to rejection of registration in various regions. Of those decisions published on candidate registration, one case was rejected due to inadmissibility by an administrative court. Of 14 election logos rejected by the MoI, 7 rejections were unsuccessfully challenged through administrative processes.

<sup>82</sup> There is no deadline for scheduling a public hearing on merits. The committees decide on the case within 48 hours from the hearing, otherwise the procedures reopen. The committee report has to be presented to the respective chamber within 20 days from the hearing.

<sup>83</sup> Section II. 3.3a of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) states that "For elections to Parliament, an appeal to Parliament may be provided for in the first instance. In any case, final appeal to a court must be possible".

### XIII. ELECTION DAY OBSERVATION AND POST-ELECTION DEVELOPMENTS

In line with ODIHR methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations in Rome and its surroundings.

The legislation does not provide for election observation by citizen non-partisan observers, contrary to Paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>84</sup> The ODIHR EAM was informed that party observers were able to visit polling stations.

*The law should be amended to allow for citizen observation in line with OSCE commitments.*

The voting process in polling stations visited by the ODIHR EAM was orderly, and procedures, including those related to the COVID-19 measures, were largely followed. Voter identification procedures were smooth, and voters presented themselves with both their ID and the mandatory voting card. The counting procedures, as observed by the ODIHR EAM, were generally followed, and votes were counted in a consistent and reasonable manner. Nevertheless, some polling officials had difficulties filling in the voting results protocols contributing to certain confusion.

The MoI announced the turnout continuously during the day. Within 24 hours after the closing of polling stations, the MoI published provisional lists of elected candidates for the two houses. Though legally not required, no disaggregated voting results per polling station were published, detracting from transparency. On 6 October, the NCEO released the official results of the Senate and Chamber of Deputies elections, confirming the preliminary results.

*To further enhance transparency and safeguard the integrity of election results, preliminary and final election results disaggregated by polling station should be published as soon as possible after the conclusion of the count and tabulation.*

### XIV. RECOMMENDATIONS

These recommendations, contained throughout the text, are offered to further enhance the conduct of elections in Italy and to support efforts to bring them fully in line with OSCE commitments, other international obligations and standards for democratic elections.<sup>85</sup> These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of Italy to further improve the electoral process and address the recommendations contained in this and previous reports.

#### A. PRIORITY RECOMMENDATIONS

1. To enhance legal certainty and effective implementation, consideration should be given to reviewing the legislation to remove gaps, eliminate fragmentation and bring it further in line

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<sup>84</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document provides that “the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

<sup>85</sup> In Paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EAM as follows: the recommendation 9 from the [ODIHR final report on the 2018 parliamentary elections](#) was fully implemented. The recommendation 5 was mostly implemented. The recommendations 1, 6, 13, 14 and 16 were partially implemented. See also the ODIHR [electoral recommendations database](#).



with OSCE commitments, international standards and good practice. Such reform should be accomplished well in advance of the next elections through an inclusive consultative process.

2. To comply with international standards and to protect the fundamental freedom of expression, criminal provisions for defamation should be repealed in favour of civil remedies designed to restore the reputation harmed. Measures should be put in place to deter the abuse of strategic lawsuits against the media. Authorities should reinforce protection of journalists from threats and intimidation.
3. Legislation should be reviewed to allow for independent candidacies, in line with international commitments.
4. Regulation of the campaign and its coverage should be enhanced to ensure an environment in which election contestants have fair opportunities to campaign, including online.

## **B. OTHER RECOMMENDATIONS**

### **Election Administration**

5. Disaggregated data on gender representation in the election administration should be collected and published in a comprehensive manner. Further efforts should be made to ensure a gender-balanced representation in all election management bodies.
6. In line with the principle of transparency, the election administration should open their sessions to the public, political parties and the media and publish the draft agendas in advance of relevant sessions.
7. The authorities should consider mandatory training of members of Polling Election Offices with a view to ensuring consistent implementation of polling and counting procedures. To prevent acute shortage of poll workers, in particular ahead of early elections, consideration could be given to creating and maintaining an updated database of trained individuals at the municipality level to promptly fill the positions of poll workers.
8. To further enhance transparency and safeguard the integrity of election results, preliminary and final election results disaggregated by polling station should be published as soon as possible after the conclusion of the count and tabulation.

### **Candidate Registration**

9. Consideration should be given to simplifying methods of the collection of signatures and revising the legal deadlines for candidate registration, in particular with respect to signature collection.
10. To enhance the representation of women in the parliament, the gender quota system should be reviewed. This could be achieved by requiring that in proportional contests, a parliamentary mandate not taken or left by an elected woman be filled by the next woman candidate on the relevant list.

## **Campaign Finance**

11. To enhance transparency of campaign financing, consideration could be given to providing for interim disclosure of campaign finances prior to election day, including incomes as well as expenditures for offline and online campaigning by contestants and third parties. Attention should be given to revision of the reporting format, providing clarity and consistent itemization of all incomes and expenditures.
12. To ensure transparency and accountability of campaign financing and effective remedy for any violations, relevant authorities should verify campaign reports and publish the verification results in a timely manner.

## **Election Observation**

13. The law should be amended to allow for citizen observation in line with OSCE commitments.

## **Complaints and Appeals**

14. Consideration should be given to defining clear timelines for making decisions on complaints related to the election results and respective parliamentary mandates as well as to introducing the possibility to appeal such decisions to a competent court as the final authority.



**ANNEX: FINAL ELECTION RESULTS<sup>86</sup>**

	Chamber of Deputies	Senate
Voters registered	50,765,936	49,954,930
Including abroad	4,743,980	4,743,980
Voted	30,605,588 (60.29 %)	30,028,637 (60.11 %)
Blank votes	512,756	520,200
Invalid votes	956,500	930,806

Contestants (in-country constituencies)	Chamber of Deputies			Senate		
	Votes	%	Seats	Votes	%	Seats
Brothers of Italy	7,302,517	26.0	117	7,167,136	26.0	66
Democratic Party	5,356,180	19.1	65	5,226,732	19.0	37
Five Star Movement	4,333,972	15.4	51	4,285,894	15.6	28
The League	2,464,005	8.8	65	2,439,200	8.9	29
Forward Italy	2,278,217	8.1	44	2,279,802	8.3	18
Action – Italia Viva	2,186,747	7.8	21	2,131,310	7.7	9
Green and Left Alliance	1,018,669	3.6	12	972,316	3.5	4
+ Europa	793,961	2.8	3	808,676	2.9	-
<i>Italexit per l'Italia</i>	534,579	1.9	-	515,294	1.9	-
<i>Unione popolare con De Magistris</i>	402,987	1.4	-	374,051	1.4	-
<i>Italia Sovrana e Popolare</i>	348,097	1.2	-	309,403	1.1	-
<i>Noi Moderati</i>	255,505	0.9	8	243,409	0.9	2
<i>Sud chiama Nord</i>	212,685	0.8	1	271,549	1.0	1
<i>Vita</i>	201,540	0.7	-	196,656	0.7	-
<i>Impegno Civico</i>	169,165	0.6	-	153,964	0.6	-
<i>Südtiroler Volkspartei (SVP) -PATT</i>	117,010	0.4	3	69,893	47.8	2
<i>Mastella Noi di centro europeisti</i>	46,109	0.2	-	42,860	0.2	-
Brambilla Michela Vittoria	43,244		1			
<i>Partito Comunista Italiano</i>	24,555	0.1	-	70,961	0.3	-

<sup>86</sup> Source: [Ministry of the Interior](#).

<i>Vallée d'Aoste – Autonomie progress fédéralisme</i>	20,763	38.6	1			
<i>Partito animalista-UCDL-10 volte meglio</i>	21,442	0.1	-	16,957	0.1	-
<i>Alternativa per l'Italia-No green pass</i>	16,882	0.1	-	40,371	0.1	-
<i>Partito comunista dei lavoratori</i>	-	-	-	4,484	0.0	-
<i>Destre Unite</i>	-	-	-	2,412	0.0	-
<i>Partito della follia creative</i>	1,418	0.0	-	-	-	-
<i>Free</i>	828	0.0	-	-	-	-
<i>Forza del popolo</i>	815	0.0	-	873	0.0	-
<b>Contestants (out-of-country constituencies)</b>						
Democratic Party	305,759	28.2	4	370,262	34.0	3
The League-Brothers of Italy- <i>Forza Italia</i>	281,949	26.0	2	294,712	27.1	-
Associative Movement of Italians Abroad	141,356	13.0	1	138,758	12.7	1
Five Star Movement	93,338	8.6	1	101,794	9.3	-
<i>Unione Sudamericana Emigrati Italiani</i>	73,241	6.8	-	55,875	5.1	-
<i>Azione Italia Viva</i>	60,499	5.6	-	76,070	7.0	-
Green and Left Alliance	52,994	4.9	-			
<i>Piu' Europa</i>	29,971	2.8	-			
<i>Movimento delle liberta'</i>	18,212	1.7	-	23,357	2.1	-
<i>L'Italia del meridione</i>	15,394	1.4	-	14,229	1.3	-
Civic commitment	11,590	1.1	-	14,632	1.3	-
<b>Total:</b>	<b>29,236,195</b>		<b>400</b>	<b>28,713,892</b>		<b>200</b>

## ABOUT ODIHR

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

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

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

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

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

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

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

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

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