



Office for Democratic Institutions and Human Rights

REPUBLIC OF LITHUANIA

PARLIAMENTARY ELECTIONS

October 2020

ODIHR NEEDS ASSESSMENT MISSION REPORT

2-6 March 2020



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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation from the authorities of the Republic of Lithuania to observe the October 2020 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 2 to 6 March. The NAM included Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Oleksii Lychkovakh, ODIHR Election Adviser.

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

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

II. EXECUTIVE SUMMARY

Lithuania is a parliamentary republic. According to the Constitution the elections to the parliament (*Seimas*) should take place on the second Sunday of October. The 141-member *Seimas* is elected for a four-year term under a mixed electoral system, with 71 members elected in single-mandate constituencies and 70 members elected proportionally.

In response to previous ODIHR recommendations to eliminate gaps and ambiguities the election legislation has been recently amended. The amendments introduced changes for voters abroad, measures for enhanced participation of voters with disabilities and provisions for improved functioning of the election administration. The amendments also modified party and campaign finance framework and introduced requirement for interim financial reports. However, a number of ODIHR recommendations remain unaddressed, such as to remove undue restrictions on candidates and voters' rights, further regulate third parties, decriminalize defamation, and provide for judicial review of election results. ODIHR NAM interlocutors did not expressed major concerns with the existing legal framework and the new amendments.

The elections are administered by a three-level election management system led by the Central Election Commission (CEC). In line with previous ODIHR recommendation, the status of the CEC Chairperson and the grounds for dismissal of the CEC members have been clarified in the legislation. The amendments also introduced "reserve" election commission members and increased remuneration. While most ODIHR NAM interlocutors expressed confidence in the professionalism of election administration and their ability to manage electoral process, some questioned whether CEC is fully impartial, referring to past decisions on sanctioning parties for campaign finance infringements.

Citizens who are at least 18 years old are eligible to vote, except those declared incapable by a court on the grounds of intellectual or psycho-social disability, which is contrary to international standards

and previous ODIHR recommendation. Recent amendments to the Law on Parliamentary Elections (PEL) detailed procedures on voter lists management and prescribe that the election observers may scrutinise voter lists. According to the CEC, currently there are some 2.45 million eligible voters. All ODIHR NAM interlocutors expressed confidence in the accuracy of the voter lists.

Voters of at least 25 years of age who officially reside in Lithuania may stand as candidates. Candidates nominated by parties can run for both components of the elections while independents can run only in majoritarian contest through self-nomination. Despite previous ODIHR recommendations, the legal framework contains a number of candidacy restrictions. ODIHR NAM interlocutors did not express concerns over the inclusiveness of the candidate registration process.

The official campaign begins with the announcement of the elections and finishes 30 hours before the election day. All political advertisement should be marked and its price should be equal for all contestants. According to the CEC, social and online media are subject to the same rules. Concerns were raised about CEC's ability to efficiently oversee political advertisement, including online. None of the parties met by ODIHR NAM saw serious impediments to the possibility to campaign freely and bring their message to voters. According to the Equal Opportunities Ombudsperson's office, only one political party has internal mechanisms to promote gender equality in general and female candidates in particular.

The campaign finance framework has been amended with the aim to increase transparency and strengthen financial control, in line with previous ODIHR recommendation. The changes introduced interim reporting, as well as stricter fines and criminal and administrative liability for illegal political financing. Most ODIHR NAM interlocutors assessed party and campaign finance legal framework as comprehensive and providing for accountability. Some of them, however, opined that under-regulation of third parties may create an avenue for circumvention of the legal norms.

The media landscape is diverse and pluralistic. Television and online media are the main source of election-related information. The national public broadcaster provides free airtime for all contestants. According to some ODIHR NAM interlocutors, the public broadcaster is subject to a degree of political pressure aimed to undermine its independence. At the same time, no major concerns were raised with regard to media freedom and level playing field for electoral media-coverage on the national level; some, however, alleged dependence of certain local media on specific regional businesses.

Decisions of election commissions can be appealed to the higher-level commission. CEC decisions, excluding the decision on final election results, may be appealed to the Supreme Administrative Court. Contrary to a prior ODIHR recommendation, the PEL does not provide a mechanism for the parliament's final decision on election results to be appealed to a judicial authority. In line with previous ODIHR recommendation, the CEC Rules of Procedures have been recently amended and now provide an opportunity for any electoral stakeholder to complain to the CEC. ODIHR NAM interlocutors did not raise any issues with election dispute resolution system.

Most ODIHR NAM interlocutors expressed confidence in the management of the electoral process. A number of laws comprising the electoral legal framework have been amended, addressing some previous ODIHR recommendations. Other ODIHR recommendations, including priority ones such as to remove restrictions on candidacy and voting rights, refine third party regulation, decriminalize defamation, and provide for judicial review of election results remain under consideration. There is high degree of political pluralism and a diverse media landscape. No major concerns were expressed with respect to political parties' treatment by the authorities, their access to the media or election dispute resolution.

A potential observation activity for the upcoming elections was welcomed by many ODIHR NAM interlocutors, who underlined the positive effect of an external assessment. Due to the number of changes in different aspects of the legal framework, including those related to work of the election administration, as well as party and campaign financing, the ODIHR NAM recommends deploying an Election Expert Team (EET) for October 2020 parliamentary elections, subject to the availability of resources, to follow implementation of the amended legal framework, with focus on the performance of election management bodies, and oversight of the campaign and campaign finance.

III. FINDINGS

A. BACKGROUND

Lithuania is a parliamentary republic, with certain executive powers, primarily in the field of foreign and defence policies, exercised by the directly elected president. The 141-member parliament (*Seimas*) that is elected for the four-year term, exercises legislative powers, which include enacting laws and amendments to the Constitution, passing the budget, approving and controlling the prime-minister and the government, appointing and dismissing justices and presidents of the high courts. According to the Constitution, elections to *Seimas* should take place on the second Sunday of October.

Following the last parliamentary elections in 2016, the Lithuanian Farmers and Greens Union won the largest number of seats (48) in the *Seimas*, forming a governing coalition with the Social Democratic Labour Party (13 seats) and the Electoral Action of Poles (8 seats). The opposition is represented by Homeland Union (30 seats), the Liberal Movement (10 seats) and Social Democrats (9 seats).¹ Female members of parliament (MPs) comprise 21 per cent of the *Seimas*. Currently, two out of six parliamentary parties are led by women, and there is one woman among the 14 government ministers.

The current president Gitanas Nausėda, was elected in May 2019 for a five-year term. The first round of the presidential election took place concurrently with two referenda, one on dual citizenship and one on reducing the number of *Seimas* members.² The second round of the presidential election was held concurrently with the elections to European Parliament. Previously, in March 2019 municipal elections were held throughout the country.

ODIHR has observed four elections in Lithuania since 1996. Most recently, it deployed an Election Assessment Mission (EAM) for the 2019 presidential election which concluded that “the presidential election was competitive and offered voters a choice among clear political alternatives, with fundamental freedoms largely respected in the campaign. The media provided extensive coverage and created conditions for citizens to make an informed choice. Although certain aspects of election-related legislation could be improved, the election was effectively administered and generally enjoyed public confidence”. The report noted that some of the recommendations from the previous election assessments remain to be addressed and included a number of new recommendations for further improvement of the electoral process in line with OSCE commitments.³

¹ The remaining 23 seats are taken by non-affiliated members of the parliament (MPs).

² In the first referendum voters were asked to decide whether to allow Lithuanian citizens by birth to retain their Lithuanian citizenship when they acquire the citizenship of a state that meets European and transatlantic integration criteria, listed in a separate constitutional law. The second referendum was on reducing the number of *Seimas* members to 121. Both initiatives did not pass the necessary threshold for approval.

³ See all [prior ODIHR observation reports on Lithuania](#).

B. LEGAL FRAMEWORK

The legal framework for these elections primarily comprises the 1992 Constitution (amended in 2006), the 1992 Law on Parliamentary Elections (hereinafter – PEL, last amended in 2020), and the 2002 Law on the Central Election Commission (CEC) (last amended in 2019). Other legislation, including the 2004 Law on Funding of and Control of Funding of Political Campaigns (hereinafter – CFL, last amended in 2019), the 1990 Law on Political Parties (last amended in 2019) and the 2000 Criminal Code (last amended in 2019), as well as parts of other laws and CEC regulations and decisions, complement this framework. In response to previous ODIHR recommendations to eliminate gaps and ambiguities in the election legal framework the Ministry of Justice in consultation with other relevant stakeholders has initiated a number of amendments. The changes were made, among others, to the PEL, the Law on the CEC, the CFL, the Law on Political Parties, the Criminal Code, the Code of Administrative Offences, the Law on Criminal Intelligence and the Law on Charity and Support.⁴

The amendments introduced single-mandate constituency for voters abroad, a requirement for adaptation of ballots and other election materials to the needs of voters with disabilities, created a reserve of the election commission members and increased their remuneration. The amendments also modified party and campaign finance framework by changing the criminal and administrative liability for unlawful financing of parties and campaigns, financial sanctions for parties using funds from unlawful sources and, in line with previous ODIHR recommendation, introduction the requirement for interim financial reports. Other amendments are related to clarifications on creation, maintaining and updating of the voter lists, on the postal voting, voting abroad and on vessels, cancelling distribution of personal voting cards, and the media coverage of contestants.⁵

A number of other previous ODIHR recommendations remain unaddressed, including those related to removing restrictions on candidacy and voting rights, refinements of third parties regulation, decriminalisation of defamation, and judicial review of election results. ODIHR NAM interlocutors did not expressed major concerns with the existing legal framework and the new amendments.

C. ELECTORAL SYSTEM

Parliamentary elections are held under a mixed electoral system, with 71 MPs elected from single-mandate constituencies under a majoritarian system and 70 MPs elected from a nationwide constituency under a proportional representation system with preferential voting. To win a majoritarian contest, a candidate must gain an absolute majority of the votes cast with the voter turnout above 40 per cent. In case of a lower turnout, the winning candidate must receive votes from at least 20 per cent of eligible voters. If no candidate wins in the first round, a run-off is held within two weeks between the two leading candidates. The elections in the proportional component are valid if the turnout is at least 25 per cent. In order to qualify for seat allocation, a five per cent threshold is set for the party lists and a seven per cent threshold for their coalitions.⁶

⁴ The latest amendments to PEL were adopted and came into force in January 2020. The latest amendments to the Law on the CEC, the CFL, the Law on Political Parties, the Criminal Code, the Code of Administrative Offences, the Law on Criminal Intelligence and the Law on Charity and Support were adopted in November 2019 and came into force in January 2020. In addition, in December 2019 the Law on Coordination of Public and Private Interests in Public Service was amended limiting the scope of information that CEC is able to publish about candidates.

⁵ Some of these amendments aim at ensuring uniformity of provisions in different electoral laws, such as streamlining of certain deadlines for candidate registration, in line with previous ODIHR recommendation.

⁶ In December 2019 the Parliament voted to reduce the threshold to 3 per cent for parties and 5 per cent for coalitions. However, in December 2019 the president vetoed the amendments stating that lowering thresholds would lead to greater fragmentation of the *Seimas*, make the formation of the ruling coalition more difficult and hamper the smooth functioning of the *Seimas* and the government. In January 2020, following a second vote, the parliament fell short by one vote from overturning president's veto.

The law provides for the CEC to conduct delimitation of single-mandate constituencies before each election. The deviation in the number of voters per constituency should not be greater than 10 per cent of the average number among all constituencies. According to the CEC, the delimitation of constituencies was finalised in December 2019 and resulted with creation of a new constituency for voters abroad and two additional constituencies in Vilnius.⁷ Some ODIHR NAM interlocutors expressed concerns regarding the equality of vote and potential challenges in administering elections in a constituency for voters abroad, as registration abroad is active and the number of voters remains unknown until late in election process. There are also ongoing political discussions about switching in the future to a fully proportional electoral system, with some ODIHR NAM interlocutors noting that this change may contribute to a more efficient legislature.

The law provides for a wide range of alternative voting methods, including early, postal, and out-of-country voting. Voters who cannot go to their polling station on election day can vote in advance at municipalities. Postal voting via a designated service is allowed for voters in health and social care institutions, prisons and detention centres, and those in military service.

D. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-level election management system comprising the CEC, 71 Constituency Election Commissions (ConECs), and some 1,950 Precinct Election Commissions (PECs).⁸ Some 60 polling stations will be established in Lithuania's diplomatic and consular offices abroad and on ships-at-sea under Lithuanian flag.

The CEC is a permanent body with extensive election management and oversight powers and responsibilities, including in the spheres of media coverage and campaign finance, as well as the rights to initiate draft legislation and conduct investigations. It is composed of 13 members, including a chairperson. The CEC is a mix of professional and political nominees appointed by the parliament for four-year terms. The president, the Ministry of Justice and the Lithuanian Bar Association nominate two members each. Political parties that received seats in proportional component in the previous parliamentary elections are entitled to nominate one member each.⁹ Six CEC members, including the Chairperson, are women.¹⁰ All CEC sessions are open to public, including via live audio-visual transmission on their website.¹¹ In line with previous ODIHR recommendation, the Law on the CEC and CEC Rules of Procedures were amended in December 2019 to better define the status of the CEC Chairperson and grounds for dismissal of the CEC members.

The ConECs and PECs are appointed for every election.¹² Similarly to the CEC, the ConECs comprise both professional and political party nominees, and PEC members predominantly represent political

⁷ The CEC informed ODIHR NAM that the deviation from average in the number of voters between constituencies is below eight per cent.

⁸ According to the CEC, there is a decrease in the number of polling stations due to the requirement to make all of them accessible to people with disabilities.

⁹ The number of members nominated by parties depends on the number of them qualified, but must not exceed the total number of members nominated by institutions; in such cases the latter may nominate additional members to ensure balance. All CEC members must have a university or law degree, and party-nominated members must also have prior experience serving in an election management body.

¹⁰ According to the statistics provided by the Equal Opportunities Ombudsperson, in previous elections almost 80 per cent of the lower level commission members were women.

¹¹ The 2019 amendments to PEL require that the public should be notified not later than 24 hours before the beginning of the CEC session.

¹² Recent amendments prescribe earlier deadlines for the composition of ConECs (90 days instead of 85 before election day).

parties.¹³ The ConECs are responsible for signature verification, advance and postal voting, tabulating and transferring results to the CEC, considering complaints and registering observers within their constituencies. PECs facilitate access to voter lists and consider complaints on errors in the lists, organise voting, including homebound, counting and transfer of results to the ConECs, and consider election day complaints.

Recent amendments to PEL further detailed the process of formation and powers of ConECs and PECs. The amendments introduced the “reserve” of the election commission members maintained by the CEC. The members from the reserve are nominated to the election commissions if the parties fail to submit their representatives. According to the CEC, the reserve, along with increased remuneration, will help them mitigate issues with lack of nominations to the commissions from political parties, as well as frequent and late replacements.¹⁴

According to the CEC, the preparations for the elections were ongoing at the time of the NAM. The CEC is expanding the functionalities of its information technology system to manage more elements of the electoral processes. This includes training for election officials, voter registration and identification, management of candidate registration, including verification of supporting signatures, entering and aggregation of results and notifications on election complaints. Cyber security management, oversight and response is executed by the National Cyber Security Centre (NCSC). The NCSC collaborates directly with the CEC and other relevant agencies and election stakeholders on the regular basis to inspect their information resources, conduct upgrades and tests. ODIHR NAM interlocutors, including the CEC, stated that they were satisfied with their cooperation with NCSC, which is further intensified in the recent months and includes cyber oversight of three CEC online resources – the CEC’s public website, online voter register and internal web portal.¹⁵

As in the past elections, the CEC plans to conduct voter awareness campaign, including in minority languages. The new amendments oblige CEC to produce information in accessible formats for persons with disabilities. The CEC informed ODIHR NAM that they upgraded their training system, which will allow now to take certain training modules online. While most ODIHR NAM expressed confidence in the professionalism of election administration and their ability to manage electoral process, some questioned whether the CEC is fully impartial, referring to some of their decisions on sanctioning the political parties for campaign finance infringements (see *Campaign Finance* section).

E. VOTER REGISTRATION

Citizens who are at least 18 years old are eligible to vote, except those declared incapable to vote and stand by a court based on the intellectual or psycho-social disability, which is contrary to international standards and previous ODIHR recommendation.¹⁶ Voter registration is passive. Its maintenance falls under responsibility of the CEC, which administers an electronic voter register based on data extracts

¹³ ConECs comprise one nominee from each of the Minister of Justice, Lithuanian Lawyers Association, and local administration, as well as from all parties that won a proportional seat in the last parliamentary elections. PEC members are nominated by political parties that had a proportional seat in either the parliament or the respective municipal council.

¹⁴ Domestic observers met by ODIHR NAM intend to focus their observation on election commissions and election day procedures. Following the 2018 amendments to the PEL and in line with prior ODIHR recommendation, the law provides for citizens observation, in addition to international observers.

¹⁵ During the presidential election campaign [the NCSC reported](#) problems with candidates’ and political parties’ websites accessibility, most of these problems were due to technical reasons and it had no impact on the elections.

¹⁶ See Articles 12 and 29 of the [2006 UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#). According to the CEC, the civil law have been recently amended, so that only persons that are legally incapacitated specifically for elections cannot vote or be elected.

from population and residency registers as well as information provided by different institutions, such as diplomatic representations, health care institutions and military units.

The 2019 amendments to PEL detailed certain procedures on voter lists management, such as their compilation, update and presentation for public scrutiny, including the streamlining deadlines and responsibilities of the election administration and other bodies. These amendments also abolished printing and distribution of the personal voting cards, which was previously considered as burdensome and lacking efficiency. Voter lists are not posted, but personal information is available to voters upon request. The recent amendments provide for election observers to scrutinise voter lists if they have signed a pledge to protect personal data. Voters could be added to supplementary voter lists by the PECs, including on election day, based on proof of residency or vouching by two other persons, contrary to previous ODIHR recommendation.

With the aim to prevent possible multiple voting, precincts are equipped with a “voter check-in” system, with an access to voter register. Prior to receiving a ballot all voters are marked in the system, which should prevent the attempts to vote again. According to the CEC, currently some 2.45 million voters are eligible to vote in parliamentary elections. All ODIHR NAM interlocutors expressed confidence in the accuracy of the voter lists.

F. CANDIDATE REGISTRATION

Voters of at least 25 years of age who officially reside in Lithuania may stand as candidates. Despite previous ODIHR recommendations, the legal framework contains a number of candidacy restrictions. Judges, military personnel, certain categories of public officials, those serving a prison sentence, and persons holding another citizenship cannot run. Contrary to a decision of the European Court of Human Rights (ECtHR) and prior ODIHR recommendation, persons who have been removed from state office, had their mandate in the *Seimas* revoked, or were dismissed due to impeachment, are permanently disqualified from standing for elections.¹⁷

The PEL prescribes that the nominees have to make a declaration regarding collaboration with “special services of other states” and current or prior criminal convictions. The information on convictions, along with other potentially sensitive information, is included in official voter information materials without providing details on types or gravity of offences.¹⁸ At the same time, some ODIHR NAM interlocutors expressed concern that recent changes in the legislation on conflict of interest disclosure, which currently allows public figures not to disclose certain interests, including financial ones, may affect transparency of the electoral process¹⁹

Candidates can be nominated by political parties in nation-wide multi-mandate and in single-mandate constituencies and, as independent in majoritarian contest through self-nomination. All contestants are required to pay an electoral deposit, which is refunded to those receiving over three per cent of the votes in the constituency.²⁰ Independent candidates and those nominated by parties not running in the proportional race must collect no less than 1,000 signatures of voters in the respective constituency.

¹⁷ See [ECtHR judgment in Paksas v. Lithuania](#) ruling that the lifetime ban is a disproportionate punishment that violates the right to free elections. Several unsuccessful attempts were made to amend the Constitution in the Parliament. According to the Ministry of Justice, another draft has been recently registered in the parliament.

¹⁸ The CEC publishes on its website candidates’ place of birth, nationality, education, foreign language skills, hobbies, marital status, spouse's name, children's name, telephone number, email address. ODIHR previously recommended that the purpose and format of including such information could be reviewed.

¹⁹ The CEC is using the information from the database on conflict of interest disclosure for the candidate profiles.

²⁰ The amount of a deposit is one average monthly salary or some EUR 900 for individual candidates and 10 average monthly salaries (some EUR 9,000) for the list. Some ODIHR NAM interlocutors opined that the deposit is too high, and is especially difficult to comply with during local elections with numerous candidates nominated.

The CEC is in charge of reviewing registration documents in the nationwide constituency and the ConECs in their respective single-mandate constituencies. In line with previous ODIHR recommendation, the 2020 amendments to PEL streamlined certain deadlines in the candidate registration process in different elections.

G. ELECTION CAMPAIGN

The official election campaign begins with the announcement of the elections, usually some four to six months before election day. A campaign silence period starts 30 hours before the opening of the polls on election day and lasts until the end of voting.

The PEL provides that prices for political advertisement should be equal for all contestants and obliges the entities that conduct and disseminate political advertisement to submit their price list to the CEC at least 30 days before election day. All political advertisement must be marked as such with the disclosure of sponsorship. According to the CEC, political advertisements in social and online media are subject to the same rules. The CEC also informed ODIHR NAM that prior to official start of the electoral campaign will update its 2018 Recommendations on Dissemination of Political Advertising During Electoral Campaign, to provide additional criteria allowing to identify political advertising, including in social media.

According to political parties met by ODIHR NAM, the main campaign topics are expected to be social welfare, educational and health reforms, as well as environmental issues. The parties informed that they will use a wide array of campaign methods, including personal meetings with voters, installing campaign tents in public places, participation in the debates and using political advertisement both in traditional and online media. None of parties met by ODIHR NAM stated to have serious impediments to campaign freely and bring their message to voters. According to the representative of the Equal Opportunities Ombudsperson only one political party has internal mechanisms to promote gender equality in general and female candidates in particular.²¹

According to latest census, national minorities make some 15.8 per cent of the country's population, with Polish and Russian minorities being the largest groups. Minorities enjoy the rights protected by Constitution. This includes also the right to use and promote their languages, culture, and customs. The law provides for the participation of national minorities in elections on an equal basis. The establishment of political parties based on ethnic grounds is allowed and such parties participate in elections and use their languages in their campaign activities and materials.²² However, campaigning in languages other than Lithuanian is limited, as only Lithuanian has to be used in free airtime, or the translation in Lithuanian has to follow the speech or information in another language.

H. CAMPAIGN FINANCE

The CFL is a primary law that governs the campaign financing. Following the initiative of Ministry of Justice, the CFL and six other related laws have been amended aiming to increase the transparency of political financing and to strengthen financial control.²³ The changes require for publication of the contestants' financial activities and audit reports within 10 working days of their receipt, in line with

²¹ Social Democrats have a maximum 60 per cent quota for candidates of the same gender in the list.

²² Registered political parties representing national minorities are the Electoral Action of Poles in Lithuania – Christian Families Alliance, the Russian Alliance, and the Union of Russians.

²³ The Law on CEC, the Law on Political Parties, the Criminal Code, the Code of Administrative Offenses, the Law on Criminal Intelligence and the Law on Charity and Support.

previous ODIHR recommendation.²⁴ The amendments also introduced criminal and administrative liability for illegal financing of parties and campaigns, fines and return of money to the state budget if the origin is unlawful.

Election campaigns may be financed from political party own funds, citizens' donations, loans, and a candidates' own money.²⁵ Legal entities are not allowed to donate. Each contestant should appoint a campaign treasurer to administer campaign finances. Upon receipt of donations, campaign treasurers must verify the eligibility of the donor in a CEC-administered database. Donors who donate over EUR 12 are disclosed online. Donations cannot exceed 10 per cent of the donor's previous annual income.

The campaign expenditure limit per contestant is linked to the total number of voters, and is some EUR 0.65 per voter in nationwide multi-mandate constituency and some EUR 1.30 per voter in single-mandate constituency. No more than 50 per cent of the spending limit can be used for campaigning via television. The CEC has the right to qualify the expenses incurred before the official start of the campaign as a campaign spending, if it considers that these expenses directly relate to the electoral campaign.²⁶

The CEC is the primary oversight body with responsibility for reviewing and publishing contestants' campaign finance reports and reacting to violations. It can impose financial sanctions and refer cases to the Special Investigation Service and the Prosecutor. The State Tax Inspectorate (STI) inspects donor eligibility and informs the CEC of any potential infringements. Contestants must provide final campaign finance reports to the CEC no later than 25 days after the final election results are published, and the CEC forwards these reports to the STI for auditing.²⁷

The law foresees sanctions for a number of infringements. Sanctions include loss of public funds of a political party for a two-year period and administrative fines ranging from 30 to 25,000 EUR. In line with previous ODIHR recommendation for proportionate and dissuasive sanctions, the CFL was recently changed to offer the possibility for the CEC to impose a wider range of sanctions.

Most of ODIHR NAM interlocutors assessed party and campaign finance legal framework as comprehensive and providing for accountability. Some of them, however, opined that under-regulation of the third party activities during elections does not prevent potential circumvention of these regulations.²⁸ Concerns were also raised about CEC's ability to efficiently oversee political advertisement, especially in online resources, and about impartiality of its decision making on potential infringements.²⁹

²⁴ Previously financial reports of the contestants were published after proclamation of final results.

²⁵ An amendment to the Law on Political Parties from January 2019 reduced the threshold for public funding eligibility from three to two per cent of votes in previous elections. Parliamentary parties get additional entitlements.

²⁶ According to the CEC, they will monitor all political advertisement, including online, using tools like Facebook Ad library. They also mentioned that with new amendments parties have to mark all their political advertisement starting from 1 January 2020.

²⁷ Under certain circumstances in which an external audit is required, final reports must be submitted within 85 days after the election results are published.

²⁸ The references were made to the cases when local and national politicians were using charity and non-governmental organisations to channel political and campaign finances and to support their campaigns. Several political figures and groups in Vilnius and Kaunas were mentioned in this regard and their specific funding and campaigning schemes during last local elections described in detail in popular media, such as public broadcaster and [15min.lt](#).

²⁹ A number of ODIHR NAM interlocutors pointed to the disparity in the judgement of two cases; one, which was qualified by the Radio and Television Commission as political advertisement was dismissed by the CEC (when a character in a TV series strongly resembled a political figure), while a separate decision fined a party for EUR 500,000 for "exceeding expenditure limits and other breaches of accounting rules" (the fine was later reduced to EUR 400,000 by the Supreme Administrative Court).

I. MEDIA

The media landscape is diverse and pluralistic. There are over 30 TV and over 40 radio channels and around 200 print media outlets. Internet-based media market is rapidly developing and is represented by numerous sites and portals. Television and online media are the main source of election-related information.

The Constitution and the Law on the Provision of Information to the Public (LPIP) guarantee the freedom of expression, prohibit censorship and hate speech. At the same time, contrary to a prior ODIHR recommendation, defamation remains a criminal offense. Media coverage during the elections, in addition to LPIP, is regulated by the PEL and CFL. Election contestants are provided with free airtime in public media on an equal basis, usually in the format of candidate debates organized by the CEC and the public broadcaster.³⁰ The changes to the PEL from January 2020 remove the obligation of the public broadcaster, *Lithuanian Radio and Television (LRT)*, to provide free airtime for all registered contestants on its TV channels, prescribing *LRT* to allocate this time on its radio and online platform.³¹ Private media are obliged to provide contestants with equal conditions for paid advertising.

The *LRT* has three TV channels, three radio stations and an online news portal. To ensure independence, the law provides that *LRT*'s annual budget is a fixed percentage of the collected taxes.³² According to some ODIHR NAM interlocutors, there are ongoing political pressures on *LRT* aimed to politicize and thereby undermine its independence. This included 2019 draft amendments to the law on the public broadcaster proposed by the ruling party to establish additional supervisory authority which would narrow the powers of the current *LRT* council and an internal Ombudsperson.³³ Another example, mentioned by ODIHR NAM interlocutors, was the recent government's application to the Constitutional Court seeking to change the formula of budget allocations for several institutions, including the *LRT*, reasoning this move by steady economic growth, "excessive funding" and "likely infringement of the constitutional responsibility of the government to form the budget with current funding formula established by the Law on *LRT*".³⁴

The CEC is overseeing media during elections and is in charge of issuing relevant instructions and regulations. The Radio and Television Commission (RTC) is responsible for adjudicating complaints on hate speech, including during electoral period.³⁵ The CEC may also request their expertise with relation with electoral media cover coverage, political advertisement or other issues.

Most of ODIHR NAM interlocutors expressed confidence in impartiality of *LRT*, their ability to efficiently fulfil their public mandate and welcomed its modernisation and audience growth. ODIHR

³⁰ The public broadcaster informed ODIHR NAM that top political parties will be invited for the parliamentary elections debates according to their rating in polls, conducted in accordance with CEC recommendations.

³¹ *LRT* informed ODIHR NAM, that paid political advertisement will not be allowed and that its journalists and producers are periodically trained on how to deter and avoid hidden political advertisement.

³² 1.5 per cent of the personal income tax and 1.3 per cent of the collected excise duties. For 2019 the *LRT* budget was EUR 41.65 million.

³³ The draft amendments were based on the conclusions of an *ad hoc* parliamentary commission to investigate the financial activities of the *LRT* management but failed to be adopted. In May 2019, the Constitutional Court [ruled](#) that the establishment of this commission by the *Seimas* was unconstitutional. The court also considered it *de facto* undue political interference in the management of the public broadcaster. New set of amendments aimed to impose additional scrutiny over the *LRT* have being prepared by the relevant committee in parliament and registered as an official draft on 15 January 2020.

³⁴ The decision of the court is pending and is expected to be made prior to the parliamentary elections.

³⁵ The RTC has its own media monitoring unit, which monitors 11 TV channels.

NAM interlocutors did not raise major concerns with regard to media freedom and level playing field for electoral media-coverage on the national level; some, however, alleged dependence of certain local media on specific regional businesses.

J. COMPLAINTS AND APPEALS

Decisions of election commissions can be appealed by candidates' representatives to the higher-level election commission. CEC decisions, excluding the decision on final election results, may be appealed to the Supreme Administrative Court, which has 48 hours to issue a decision. PEC decisions regarding errors in the voter list may be appealed to the regional administrative court, which is the final instance. According to the PEL only the parliament can challenge the final election results to the Constitutional Court, which has 120 hours to investigate the complaint and make a recommendation to parliament.³⁶ The parliament's final decision is rendered by a simple majority vote. Contrary to a prior ODIHR recommendation, the PEL does not provide a mechanism for the parliament's final decision on election results to be appealed to a judicial authority.

The PEL lacks details on a number of election dispute resolution procedures and limits voters' possibilities to complain on voter lists only. However, in line with previous ODIHR recommendation, the CEC Rules of Procedures have been recently amended to provide an opportunity for any electoral stakeholder to complain to the CEC and to detail and streamline the deadlines for their consideration. ODIHR NAM interlocutors did not raise any issues with election dispute resolution system in place.

IV. CONCLUSIONS AND RECOMMENDATION

Most ODIHR NAM interlocutors expressed confidence in the management of the electoral process. A number of laws comprising the electoral legal framework have been amended, addressing some previous ODIHR recommendations. Other ODIHR recommendations, including priority ones such as to remove restrictions on candidacy and voting rights, refine third party regulation, decriminalize defamation, and provide for judicial review of election results remain under consideration. There is high degree of political pluralism and a diverse media landscape. No major concerns were expressed with respect to political parties' treatment by the authorities, their access to the media or election dispute resolution.

A potential observation activity for the upcoming elections was welcomed by many ODIHR NAM interlocutors, who underlined the positive effect of an external assessment. Due to the number of changes in different aspects of the legal framework, including those related to work of the election administration, as well as party and campaign financing, the ODIHR NAM recommends deploying an Election Expert Team (EET) for October 2020 parliamentary elections, subject to the availability of resources, to follow implementation of the amended legal framework, with focus on the performance of election management bodies, and oversight of the campaign and campaign finance.

³⁶ In September 2019 the right to file complaints to the Constitutional Court was extended to individuals.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Darius Staniulis, Director, UN, International Organizations and Human Rights Department
Neringa Juodkaitė-Putrimienė, Head of UN and Global Policy Division
Laima Birštonaitė, Second Secretary, UN and Global Policy Division
Marijus Gudynas, Director, Department of Lithuanians Living Abroad
Remigijus Motuzas, Ambassador at Large
Laura Dilytė-Butkienė, Head of Division for Relations with Communities and Information

Ministry of Justice

Žana Jerochovienė, Adviser in the Group of Legal Institutions

Central Election Commission

Laura Matjošaitytė, Chairperson
Vilius Semeška, Member
Jūratė Lebedevienė, Member Lina Petronienė, Head of the Division for Political Party and Campaign Finance Control
Kristina Ivanauskaitė-Pettinari, Head of the Training and Communication Unit
Darius Gaižauskas, Head of the Division of Information Technologies
Rokas Stabingis, Data Protection Officer

Constitutional Court

Dainius Žalimas, President
Giedrė Maksimaitytė, Public Relations Adviser to the President

Supreme Administrative Court

Gintaras Kryževičius, President of the Court
Skirgailė Žalimienė, Vice-President of the Court
Milda Treigė, Adviser of the President of the Court
Johanas Baltrimas, Adviser, Judicial Research Department

National Cyber Security Centre

Eglė Ivanovaitė, Head of Incident Management Section
Viktoras Pinkevičius, Head of the Section for Critical Information Infrastructures

Radio and Television Commission

Laurynas Jonavičius, Member
Nerijus Maliukevičius, Market Research Analyst

National Radio and Television of Lithuania

Monika Garbačiauskaitė-Budrienė, Director General
Armen Airapetian, Legal Advisor
Guoda Litvaitienė, Head of the LRT Radio
Viktorija Cieminytė, Senior Foreign Affairs Co-ordinator

Equal Opportunities Ombudsperson

Tomas Vytautas Raskevičius, Head of Equal Opportunities Mainstreaming Division

Political Parties

Andrius Vyšniauskas, Campaign Manager, Homeland Union – Christian Democrats
Vida Ačienė, MP, Lithuanian Farmers and Greens Union
Jonas Jarutis, MP, Lithuanian Farmers and Greens Union

Simonas Gentvilas, MP, Liberals Movement
Gintaras Vaičekauskas, MP, Liberals Movement
Auskė Petruškevičiūtė, Adviser to MP, Liberals Movement
Jūratė Žemaitytė, Adviser to MP, Liberals Movement
Erika Sakalauskaitė, Adviser to MP, Liberals Movement
Remigijus Bielinskas, Public Relations Officer of Liberals Movement
Vanda Kravčionok, MPs, Lithuanian Electoral Action of Poles – Cristian Families Alliance
Valdemar Urban, CEC member, Lithuanian Electoral Action of Poles – Cristian Families Alliance
Česlav Olševski, MP, Lithuanian Electoral Action of Poles – Cristian Families Alliance
Rita Tamašunienė, MP, Lithuanian Electoral Action of Poles – Cristian Families Alliance
Andrius Mazuronis, MP, Non-affiliated
Algirdas Sysas, MP, Social Democratic Party
Linas Balsys, MP, Social Democratic Party
Dovilė Šakalienė, MP, Social Democratic Party

Civil Society and Media

Julius Lizūnas, Board Member, “White Gloves” Civic Movement
Ieva Dunčikaitė, Project Manager, Transparency International
Šarunas Černiauskas, Investigative Journalist