



Office for Democratic Institutions and Human Rights

SPAIN

EARLY PARLIAMENTARY ELECTIONS 28 April 2019

ODIHR NEEDS ASSESSMENT MISSION REPORT

4-8 March 2019



Warsaw
4 April 2019

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I. INTRODUCTION

In accordance with its mandate and in anticipation of an official invitation to observe the 28 April early parliamentary elections in Spain, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 4 to 8 March 2019. On 5 March, the Permanent Mission of Spain to the OSCE invited ODIHR to observe the elections. The ODIHR NAM included Steven Martin, 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 the preparations for the early parliamentary elections. Based on this assessment, the NAM was to recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, research/academic institutions and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs, European Union and Cooperation for its assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for having taken the time to meet with the mission and sharing their views.

II. EXECUTIVE SUMMARY

On 13 February, the parliament voted not to support the 2019 state budget. As a result, the prime minister decided to call for early parliamentary elections, set for 28 April, and parliament was officially dissolved on 5 March. These will be the third parliamentary elections in three and a half years and will be held ahead of local, European Parliament and certain regional elections scheduled for the end of May.

The bicameral parliament (*Cortes Generales*) consists of the Chamber of Deputies and the Senate, both elected for four-year terms. The Chamber of Deputies comprises 350 members elected under closed list provincial proportional system. A party must obtain a minimum of three per cent of votes in the constituency to qualify for seat allocation. Senators are elected through open lists in 59 constituencies. The total number of senate seats can vary from 208 up to 266.

Since the 2016 parliamentary elections, there have been no significant modifications to the election legislation with the exception of two amendments in December 2018. In addressing a previous ODIHR recommendation, remaining restrictions on voting rights of persons with disabilities have been lifted. Additionally, parties are now permitted to collect voter data to compile profiles for campaign purposes. Several other provisions related to party and campaign finance and voting abroad were identified as requiring amendment. However, proposed amendments did not result in any legislative changes. Overall, most previous ODIHR recommendations have yet to be addressed.

The elections are administered by four levels administration led by the Central Election Commission (CEC) and the Ministry of Interior (MoI) manages operational aspects. Both the election administration and MoI noted the increased challenges given the partial overlap in

operations ahead of the other upcoming elections. Authorities acknowledged the potential impact of cyber threats and noted a range of measures that were being undertaken with relevant agencies and private companies. ODIHR NAM interlocutors expressed overall confidence in the management of the elections noting the professional and impartial approach of the authorities.

Voter registration is passive for in-country voters and active for voters abroad. Citizens above 18 years and are included in the voter register are eligible to vote. Some 34,800,000 voters are registered in-country and 2,094,000 abroad. ODIHR NAM interlocutors did not express any particular concerns on the voter registration process or the inclusivity or accuracy of the voter registry.

Voters who are temporarily abroad on election day can only vote by mail, while a voter residing permanently abroad can either vote by mail or deliver their ballot personally to a Spanish diplomatic mission on the days authorized for voting. Since amendments introduced in 2011, there has been a significant decrease in postal voting turnout in subsequent elections. While the parliament has recognised the need to address deficiencies in postal voting from abroad and considered several proposals on easing the current requirements, no proposal was formally adopted ahead of the elections.

Eligible voters have the right to stand with some limited exceptions. Persons convicted at first instance of rebellion, terrorism and offences against the state (even without a final decision) are ineligible. In addition, lists proposed by different contestant are not all required to collect the same number of supporting signatures.

Party representatives noted their intention to focus on a digital approach to campaigning and less with traditional campaign methods. Many party representatives raised general concerns with the spread and impact of online disinformation. The campaign is expected to be dominated by political developments in Catalonia. All parties met by the ODIHR NAM emphasized their ability to campaign freely and convey information to voters. Some concerns were expressed over the possible use of strong rhetoric in the context of the campaign, in particular from representatives from certain political parties as well as in relation to the highly charged political environment in Catalonia, which could lead to isolated clashes.

Campaign finance is largely regulated by the election law and party finance by the laws on political parties and on the financing of political parties. Despite efforts of the parliament to review party and campaign finance regulations, no legislative amendments have been adopted. ODIHR NAM interlocutors opined that despite previous reforms, many aspects still need be strengthened to follow up on the various recommendations for the framework to be fully effective.

The media environment is pluralistic and offers a diverse range of views. Freedom of expression is guaranteed by the Constitution and ODIHR NAM interlocutors noted the overall freedom of the media despite some concerns regarding a certain degree of concentration of media ownership. All broadcast media should respect the principles of pluralism, equality, proportionality and neutrality during the campaign. Party representatives noted a sufficient level of access to the media and its coverage of electoral campaigns, although noted that broadcasters face challenges in addressing disinformation within the campaign.

The law stipulates procedures and timelines for filing complaints on voter registration, candidate registration and election results. Despite previous ODIHR recommendations, complaints related to the election campaign are not regulated in the legislation, but only partially outlined in CEC instructions, which prescribe a timeline for their consideration by the election administration

through a written procedure. Overall, ODIHR NAM interlocutors noted general satisfaction with the legal framework and oversight of the CEC related to complaints and appeals.

The law provides for the presence of party and contestant representatives in election commissions, but proxies cannot attend closed commission sessions and may only communicate with them in writing. The law does not provide for citizen or international election observation, despite a long-standing ODIHR recommendation.

ODIHR NAM interlocutors expressed a high level of confidence in the framework and management of parliamentary elections, including various checks and balances throughout the process and the professional and transparent management by the election authorities. ODIHR NAM interlocutors welcomed an ODIHR assessment as a way to further enhance electoral practices in Spain. The ODIHR NAM recognized that while the authorities have amended certain provisions of the electoral legislation and further initiated reform on a number of issues, most initiatives have not resulted in legislative changes ahead of the elections. Many previous ODIHR recommendations have yet to be addressed.

ODIHR NAM stakeholders indicated that certain aspects of the campaign and media coverage of the elections could benefit from additional review given the current political environment even though these issues were not considered as significantly impacting the conduct of the process. Based on this input and on ODIHR's assessment, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 28 April early parliamentary elections to follow aspects related to the conduct of the election campaign and the role of the media in the process. ODIHR reiterates that a number of recommendations from previous assessments remain valid and encourages the authorities to consider the issues raised by ODIHR NAM interlocutors. ODIHR stands ready to offer its assistance upon request in a post-election follow-up process.

III. FINDINGS

A. BACKGROUND

The parliamentary elections in 2015 resulted in the most fragmented Spanish parliament in decades and no party was able to secure a governing majority. This led to early parliamentary elections in 2016 and resulted in nine parties entering the Chamber of Deputies (lower house of parliament).¹ Women comprise 41.1 per cent of members in the Chamber of Deputies and 36.8 per cent in the Senate. After a series of negotiations, the People's Party (PP) formed a minority government, led by Mariano Rajoy, with the support from the *Ciudadanos* (Cs) and Canarian Coalition-Canarian Nationalist Party (CC-PNC). Numerous scandals related to corruption and judicial interference led to a motion of no confidence in June 2017 that narrowly failed. The political environment became more tense due to the constitutional crisis related to the independence movement in Catalonia with an independence referendum (illegal under the Spanish law) held in October 2017. This resulted in a series of protests, the central government imposing direct rule in Catalonia followed by regional elections, and charges laid against a number of Catalan political leaders.

¹ This included: People's Party (PP) with 137 seats, Spanish Socialist Workers' Party (PSOE) 85 seats, United We Can (*Unidos Podemos*) 71 seats, Citizens (*Ciudadanos*, Cs) 32 seats, Republican Left – Catalonia Yes (ERC-CatSi) 9 seats, Democratic Convergence of Catalonia (CDC) 8 seats, Basque Nationalist Party (EAJ/PNV) 5 seats, and Basque Country Unite (EH Bildu) 2 seats and Canarian Coalition-Canarian Nationalist Party (CC-PNC) 1 seat.

In May 2018, following a corruption case against the PP, the Chamber of Deputies supported a motion of no confidence and the Spanish Socialist Workers' Party (PSOE) formed a new government led by Prime Minister Pedro Sánchez. Since then, the PSOE had relied on support from *Podemos* and New Canaries (NCa) as well as a number of smaller regional parties. On 13 February, this support was withdrawn and the Chamber of Deputies voted not to support the 2019 state budget. As a result, the council of ministers decided to call for early parliamentary elections on 28 April, and parliament was officially dissolved on 5 March.

These will be the third parliamentary elections in three and a half years and will be held ahead of local, European Parliament and certain regional elections scheduled for the end of May. ODIHR NAM interlocutors expect the elections to result in a further fracturing of the political landscape and parliament given the polarisation over developments in Catalonia and the rise of populist movements, including with the political party *Vox*.

ODIHR has deployed four Election Assessment Missions (EAMs) for parliamentary elections in Spain since 2004. The last ODIHR EAM to the 2015 parliamentary elections concluded that “the elections were held in a professional, efficient and generally transparent manner, and electoral stakeholders expressed confidence in most stages of the process. Voters had an opportunity to make an informed choice in a highly competitive electoral environment that included several recent political formations, including those emerging from social movements and public protest.”²

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1978 Constitution, the 1985 Organic Law on General Election Regime (last amended in 2018, election law), the 2002 Organic Law on Political Parties (law on political parties), and the 2007 Organic Law on Financing of Political Parties (law on the financing of political parties).³ These laws are supplemented by decisions and instructions of the Central Election Commission (CEC), state decrees, and certain elements of administrative and penal laws.

Since the 2016 parliamentary elections, there have been no significant modifications to the election legislation with the exception of two amendments in December 2018. In addressing a previous ODIHR recommendation, remaining restrictions on voting rights of persons with disabilities have been lifted (see *Voter Registration* section). Additionally, political parties are now permitted to collect publicly available data to compile voter profiles for campaign purposes (see *Election Campaign* section). Several other provisions related to party and campaign finance and voting abroad (primarily on postal voting) were identified by ODIHR NAM interlocutors as requiring amendment within a broader process of electoral reform and were reviewed. However, even with broad political support, these initiatives and proposed amendments did not result in any legislative changes. Overall, most previous ODIHR recommendations for parliamentary elections have yet to be addressed.

The bicameral parliament (*Cortes Generales*) consists of the Chamber of Deputies and the Senate, both elected for four-year terms. The Chamber of Deputies comprises 350 members elected under closed list regional proportional system. Each of the 50 provinces is a constituency and has an initial allocation of two seats. The autonomous cities of Ceuta and Melilla elect one member each. The remaining 248 seats are allocated proportionally to each province based on population. A party must obtain a minimum of three per cent votes in the constituency to qualify for seat allocation.

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

³ The laws on political parties and the law on the financing of political parties were last amended in 2015.

Senators are elected through open lists in 59 constituencies; 47 continental provinces, 10 constituencies from the 3 insular provinces (islands or groups of islands) and the 2 autonomous cities.⁴ The total number of senate seats can vary from 208 up to 266.

Authorities noted that since the last parliamentary elections, the allocation of seats has been slightly adjusted (changes in four provinces). However, despite previous ODIHR recommendations, the principle of vote equality, the number of votes required to obtain a seat, remains challenged in a number of constituencies for both chambers with significant differences in some instances. While many ODIHR NAM interlocutors recognized the need to address this issue, they noted the significant challenges of passing the necessary constitutional changes given the current political environment.

C. ELECTION ADMINISTRATION

The elections are administered by four levels administration comprising the CEC, 50 Provincial Election Commissions (PECs), some 1,300 District Election Commissions (DECs) and some 60,000 Electoral Boards (EBs).⁵ The Ministry of Interior (MoI) manages key aspects of the process related to electoral operations and logistics, and voter information.

The CEC is a permanent body composed of 13 members: 8 Supreme Court judges drawn by lottery and 5 law professors appointed by the parliament. The CEC oversees the implementation of the electoral legislation and provides clarification through decisions, and supervises the Electoral Census Office (ECO).

PECs and DECs are formed before every election and are composed of five members each – three judges and two law professors. EBs each comprise a chairperson and two members, all of whom are selected by lottery from among registered voters in the respective precinct. Service in the EBs is compulsory. On election day EB members are supported by public servants who have been trained accordingly. Training for EB members, which the authorities deem as sufficient, is managed through online resources.

By law, all polling stations should be accessible for all voters, although the authorities stated to the ODIHR NAM that in practice this was not always possible. Authorities noted the importance of consultations with civil society organizations on approaches to ensure persons with disabilities could fully participate in the elections and highlighted various initiatives to promote an inclusive process. ODIHR NAM interlocutors noted the positive steps by the authorities towards enhancing inclusion, although some also noted that additional efforts could be undertaken to facilitate the practical participation of persons with intellectual disabilities.

Both the election administration and MoI are well into election preparations and noted the increased challenges given the partial overlap in operations ahead of the other upcoming elections. Authorities acknowledged to the ODIHR NAM the potential impact of cyber threats and noted a range of cybersecurity measures that were being undertaken with relevant agencies and private companies at both national and international levels.

ODIHR NAM interlocutors expressed overall confidence in the management of the elections noting the professional and impartial approach of the authorities. Some, however, mentioned that certain

⁴ Voters may choose up to three candidates from any list in continental provinces; up to two in Ceuta and Melilla; up to three in three of the insular constituencies and one in the other seven.

⁵ The authorities noted that the maximum of voters per polling stations was lowered and led to the creation of some 3,000 additional EBs compared to the last elections.

aspects of transparency could be enhanced given that the law still does not require the publication of electoral commission sessions in advance or the publication of their decisions.

D. VOTER REGISTRATION

Voter registration is passive for in-country voters and active for voters abroad. Citizens above 18 years are included in the voter register and are eligible to vote. In line with a previous ODIHR recommendation, in December 2018, the parliament amended the electoral law and lifted restrictions on the right to vote to persons with disabilities, including those previously declared incapable by a court decision.⁶ This amendment enfranchised some 100,000 citizens.

The ECO is responsible to compile the voter register. Voter lists are comprised of voters residing in-country and abroad and updated monthly on the basis of information from the Civil Registration Office, and the Ministries of Justice and Foreign Affairs, European Union and Cooperation. For each election, the register is closed ahead of time (1 January for these elections). A voter may submit a complaint or request corrections to his or her data at municipal council offices or provincial ECOs. Electoral contestants may request copies of voter lists and challenge any entries. Following recent amendment on the use of data protection, a voter may opt out of receiving campaign materials by mail. According to the ECO, some 34,800,000 voters are registered in-country and 2,094,000 abroad. ODIHR NAM interlocutors did not express particular concerns regarding the voter registration process or the inclusivity or accuracy of the voter registry.

E. POSTAL VOTING

All voters residing in-country can vote by mail without the need for justification. Requests for postal voting are submitted to local post offices. Voters who are temporarily abroad on election day can only vote by mail, while a voter residing permanently abroad can either vote by mail or deliver their ballot personally to a Spanish diplomatic mission on the days authorized for voting.

Most ODIHR NAM interlocutors expressed dissatisfaction with the procedures for postal voting from abroad. Since amendments in 2011 introduced pre-registration for postal voting from abroad, there has been a significant decrease in postal voting turnout in subsequent elections. ODIHR NAM interlocutors attributed this to in-person postal registration requirements, short deadlines, host-country postal service disruptions, and insufficient voter information from the authorities.⁷ Authorities from the national postal service (*Correos*) noted that supporting multiple elections with overlapping timelines, as well as various official holidays, could lead to the late arrival of some ballots. While the parliament has recognised the need to address deficiencies in postal voting from abroad and considered several proposals on easing the current requirements, no proposal was formally adopted ahead of the elections.

F. CANDIDATE REGISTRATION

All eligible voters have the right to stand with some exceptions, such as citizens sentenced by a final court decision that explicitly bans them from holding a public office and those in professional and reserve military service. Despite a previous ODIHR recommendation to review the limitations on the right to stand, persons convicted at first instance of rebellion, terrorism and offences against the state (even without a final decision) are ineligible.

⁶ The law still provides for the deprivation of voting rights by a court on an individual basis, although ODIHR NAM interlocutors expressed doubts that such decisions would be made in practice.

⁷ Since 2015, voters residing permanently abroad could submit their requests for postal voting and supporting documents online.

The right to nominate candidate lists is granted to political parties, coalitions and groups of voters. Each list should include the number of candidates equal to the number of seats in a given constituency and up to 10 substitutes.⁸ Although ODIHR previously recommending to establish equal conditions for the nomination of candidates, lists proposed by groups of voters must collect signatures from at least one per cent of voters from the given constituency whereas lists proposed by non-parliamentary parties and coalitions require support from at least 0.1 per cent of voters from the constituency.⁹ Following the announcement of the elections, contestants have 20 days to collect the necessary signatures. Voters can only sign in support of one list.

The law provides that each bloc of five candidates in every list for the Chamber of Deputies contains at least two candidates of the other gender, and that lists for the Senate have as close as possible to equal numbers of women and men. Most parties' representatives met by the ODIHR NAM stated they had no difficulty to fulfil gender requirements for their respective lists.

G. ELECTION CAMPAIGN

The official campaign starts 15 days before the elections and ends one day before election day. However, parties are permitted to conduct outreach activities ahead of this formal period starting from when the elections are called as long as they do not explicitly seek voter support or use their finances for this purpose.

Party representative that the ODIHR NAM met with stated their intention to focus on a digital approach to campaigning and less with traditional campaign methods, such as broadcast advertisement, meetings and door-to-door outreach.¹⁰ A number of party representatives raised general concerns regarding the spread and impact of online disinformation and that they were actively addressing the issue including with social media platforms such as Facebook. Authorities also noted their intension to monitor such aspects throughout the campaign with reference to the EU Action Plan against Disinformation.

In December 2018, the legislation was amended to explicitly allow electoral contestants to use voter data collected from open sources for campaign purposes. Several ODIHR NAM interlocutors expressed concern on this change as it may endanger voter privacy and that data could be abused or exposed. Given the lack of details on safeguarding data, several stakeholders noted an intention to request the authorities (the CEC and Spanish Data Protection Agency) for more guidance. The Ombudsman has appealed the constitutionality of this amendment to the Constitutional Court.

The campaign is expected to be dominated by political developments in Catalonia as well as issues of immigration and social welfare. All parties that the ODIHR NAM met with emphasized their ability to campaign freely and convey information to voters. Some concerns were expressed regarding the possible use of strong rhetoric in the context of the campaign, in particular from representatives from certain political parties as well as in relation to the highly charged political environment in Catalonia, which could lead to isolated clashes. Civil society organisations informed the ODIHR NAM of their intention to work with political parties to improve electoral accessibility for some categories of disabled voters, including developing information on campaign platforms in accessible formats.

⁸ A candidate may only be included on one list and run in one constituency.

⁹ No signature collection is required for parliamentary parties and coalitions.

¹⁰ Parties are reimbursed for expenses incurred for mailing campaign materials.

H. CAMPAIGN AND PARTY FINANCE

Campaign finance is largely regulated by the election law and party finance by the laws on political parties and on the financing of political parties. Amendments in 2015 increased the transparency of political finance and incorporated some previous recommendations by ODIHR and the Group of States against Corruption of the Council of Europe (GRECO). The amendments, among others, criminalized illegal donations to parties, obliged parties to return loans and respective interests to the banks, and established a scale of sanctions for overspending. In December 2016, the parliament established the Committee for Auditing Democratic Quality, the Fight against Corruption and Institutional and Legal Reforms to review party and campaign finance regulations. In October 2017, ODIHR provided a legal opinion on laws regarding campaign and party finance.¹¹

The Opinion noted that the current legal framework of political party financing, especially following the latest round of legal reforms presents a significant improvement over earlier legislation and contains many positive additions. It also noted, however, that there remain areas of concern that should be addressed to close potential loopholes and recommended to review the balance between public and private funding and to ensure that the system of public funding of both statutory and campaign-related activities of parties does not disproportionately favour larger, established parties. To conclude its work, the Committee prepared a report with recommendations that was adopted by parliament in March 2018 and included aspects of ODIHR's opinion; however, no legislative amendments have yet been adopted.

Election campaigns can be financed by private donations, limited to EUR 10,000 per donor, and bank loans. The state also reimburses eligible contestant campaign expenditures based on seats obtained in the parliament and votes received in the previous parliamentary elections. The campaign spending limit is set at EUR 0.37 per voter in each constituency where a contestant stands for election and only applies during the two weeks of the campaign period. Following the elections, each electoral contestant (party, coalition, nominated candidate) must submit a report detailing campaign income and expenditures. There is no requirement for these reports to be made public, although the ODIHR NAM was informed that some parties voluntarily publish them online.¹²

The Court of Audit oversees campaign finance and can undertake investigations on its own initiative and upon complaint.¹³ However, there is no oversight during the campaign or before the submission and review of campaign reports.¹⁴ The Court may impose sanctions (withholding or reducing public subsidies) and turn to law enforcement in case of criminal infringements. The law provides for a graduated system of sanctions in case of overspending and makes receiving unlawful donations a criminal offence.¹⁵

Foundations and other entities with ties to political parties are not subject to the same regulatory legislation and are not bound by the same financial requirements as political parties. This loophole was raised by several ODIHR NAM interlocutors as a means to circumvent accountability, which both ODIHR and the parliamentary committee have recommended to close. Overall, ODIHR NAM

¹¹ See [ODIHR Opinion on Laws Regulating the Funding of Political Parties in Spain](#).

¹² These reports must be filed from 100 to 125 days after the elections.

¹³ The Court audits reports of publicly funded parties and only randomly reviews reports submitted by other parties. In addition, it only audits campaign reports of electoral contestants eligible for reimbursement of electoral expenses.

¹⁴ The Court of Audit issues an annual report on party financing within six months of the submission of the parties' financial reports.

¹⁵ The Court highlighted to the ODIHR NAM that since the legislative changes in 2015, it has developed a series of internal regulations, including for online submission of annual party and campaign reports.

interlocutors opined that despite the 2015 reforms to party and campaign finance, a number of aspects, including the authority of the Court of Audit, need be strengthened in following the various recommendations for the framework to be fully effective.

I. MEDIA

The media environment is pluralistic and offers a diverse range of views. The media landscape includes a variety of private and public television and radio channels as well as newspapers and Internet portals. Television remains the main source of information. Most national and regional print media utilize web platforms. Facebook is considered the leading social media platform. Freedom of expression is guaranteed by the Constitution and ODIHR NAM interlocutors noted overall freedom of the media despite some concerns regarding a certain degree of concentration of media ownership. Defamation and insult remain criminal offenses.

The election law regulates campaign coverage during the official campaign period and provisions have not been amended for a number of parliamentary elections. The CEC oversees its implementation, which is supplemented by its own instructions and regulations. All broadcast media should respect the principles of pluralism, equality, proportionality and neutrality during the campaign.

Public broadcasters are obliged to provide free airtime to electoral contestants during the official campaign period, which is allocated in proportion to the results from the last parliamentary elections.¹⁶ Airtime in news and elections-related programming, including interviews and debates, is also distributed based on past electoral performance.¹⁷ ODIHR has previously raised concern with such rigid rules for coverage of contestants on public broadcasters as they may not reflect the political reality or provide voters with sufficient information. Overall, party representatives noted a sufficient level of access to the media and its coverage of electoral campaigns, but also noted the challenges that broadcasters face in addressing disinformation within the campaign.

Print media are unregulated with respect to electoral coverage, except for an obligation to guarantee the same rate for all contestants who purchase commercial and political advertising. There are no specific regulations applicable to Internet-based media, even though the CEC declared that provisions for traditional media also apply to online platforms.

Spain still has no independent national broadcast authority despite previous efforts and ODIHR recommendations. The major national public broadcaster *Radiotelevisión Española (RTVE)* has a self-regulatory body representing journalists. *RTVE* informed ODIHR NAM that concurrent election campaigns place an additional burden to ensure compliance with the law. Some ODIHR NAM interlocutors questioned *RTVE*'s impartiality due to the election of its director by a simple parliamentary majority, instead of two-thirds majority as in the past. In addition, they stated that there was a decline in the professional level of its journalists, affecting the ability of the public broadcaster to provide voters with fully balanced and comprehensive information on the election process and contestants' electoral platforms.

¹⁶ Paid advertisement is not allowed on public and private broadcasters during this period.

¹⁷ The CEC is responsible to allocate airtime. In 2015, it issued an instruction defining new emerging (non-parliamentary) parties as "significant political groups", which allows them to receive a certain amount of airtime, but no more than the smallest parliamentary party.

J. COMPLAINTS AND APPEALS

The law stipulates procedures and timelines for filing complaints on voter registration, candidate registration and election results and ODIHR has previously assessed the complaints and appeals system as generally providing for an effective remedy in most election-related matters. Deadlines for filing and deciding on complaints and appeals range from two to five days. Despite previous ODIHR recommendations, complaints related to the election campaign are not regulated in the legislation, but only partially outlined in CEC instructions, which prescribe a timeline for their consideration by the election administration through a written procedure. Electoral complaints and appeals on the decisions on election administration can also be submitted to the courts using standard procedures with no expedited deadlines envisaged. An electoral body may request additional written clarifications from interested parties, but makes its decisions without an open hearing. Overall, ODIHR NAM interlocutors noted general satisfaction with the legal framework and oversight of the CEC related to complaints and appeals, though some noted that increased transparency in the process would be beneficial.

K. ELECTION OBSERVATION

The law provides for the presence of party and contestant representatives in election commissions, but proxies cannot attend closed commission sessions and may only communicate with them in writing. Representatives of contestants can be accredited as observers in polling stations only for election day proceedings. The law does not provide for citizen or international election observation, despite a long-standing ODIHR recommendation. As in previous elections, the authorities assured the ODIHR NAM that arrangements to facilitate access to all levels of election commissions for any possible election related activities would be provided.

IV. CONCLUSION AND RECOMMENDATION

ODIHR NAM interlocutors expressed a high level of confidence in the framework and management of parliamentary elections, including various checks and balances throughout the process and the professional and transparent management by the election authorities. ODIHR NAM interlocutors welcomed an ODIHR assessment as a way to further enhance electoral practices in Spain. The ODIHR NAM recognized that while the authorities have amended certain provisions of the electoral legislation and further initiated reform on a number of issues, most initiatives have not resulted in legislative changes ahead of the elections. Many previous ODIHR recommendations have yet to be addressed.

ODIHR NAM stakeholders indicated that certain aspects of the campaign and media coverage of the elections could benefit from additional review given the current political environment even though these issues were not considered as significantly impacting the conduct of the process. Based on this input and on ODIHR's assessment, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 28 April early parliamentary elections to follow aspects related to the conduct of the election campaign and the role of the media in the process. ODIHR reiterates that a number of recommendations from previous assessments remain valid and encourages the authorities to consider the issues raised by ODIHR NAM interlocutors. ODIHR stands ready to offer its assistance upon request in a post-election follow-up process.

ANNEX: LIST OF MEETINGS

State and Electoral Authorities

Ministry of Foreign Affairs

Marcos Gomez Martinez, Director-General on the United Nations and Human Rights
Pablo Riuz-Jarabo Quemada, Ambassador at Large for Human Rights, Democracy and Rule of Law
Maria Victoria Scola Pliego, General Department of the United Nations and Human Rights
Maria Jose de la Fuente Rivas, Head of the Coordination Service of the Office for Human Rights
Veronica Rodriguez Farina, Officer of the Department

Congress of Deputies

Fernando Galindo Elola-Olaso, Director of International Relations

Ministry of Interior

Carmen Lopez Garcia, Director General of Internal Policy
Mireya Corredor Lanas, Vice Director General of Internal Policy and Electoral Processes
Emilia Aragón Sánchez, Deputy Vice Director General of Internal Policy and Electoral Processes

Central Election Commission

Manuel Delgado-Iribarren García-Campero, Head of the Secretariat
Ignacio Gutiérrez Cassillas, Head of the Advisory Department of the Secretariat

Electoral Census Office

Ana Jurado Jimenez, Deputy General Director, Head of the Office
Bernardo Castro Egido, Assistant Deputy General Director

Post Office

Magin Blanco Gonzalez, Director of Operations
Elena Fernandez Rodriguez, Social Responsibility Director
Julio Serrano, Deputy Director for Institutional Relations
Carmelo Molina, Deputy Director for Control Management
Eloy Feito Martínez, Director for Overseas Operations

Court of Audit

Jose Antonio Monzo Torrecillas, Technical Director of the Political Parties Department
Rafael Pou Bell, Technical Director of the Presidency
Karen Ortiz Finnemore, Director of International Relations

Political Parties

Citizens (C`s)

Sofia Miranda Esteban, member of Madrid City Council

People's Party (PP)

Nuria Lista Mateos, Head of the Cabinet of the International Relations Secretariat

Podemos

Miguel Ongil Lopez, Member of Parliament

Spanish Socialist Workers' Party (PSOE)

Alejandro Dorado Najera

Media

Public Corporation of Radio and Television (RTVE)

Beatriz Blazquez Aparicio, Head of Consulting Department of the Administration Office
Juan Carrillo, International Relations

Civil Society, Academia and Think Tanks

Carlos III Madrid University

Dr. Pedro Riera, professor of political science

Marea Granate

Maria Almena Carrasco, Spokesperson

Plena Inclusion

Fermin Nunez, Department of Communication

Real Instituto Elcano

Charles Powell, Director

Ignacio Molina A.de Cienfuegos, Senior Analyst