



Office for Democratic Institutions and Human Rights

REPUBLIC OF SAN MARINO

EARLY PARLIAMENTARY ELECTIONS

ODIHR NEEDS ASSESSMENT MISSION REPORT
13-15 May 2024



Warsaw
5 June 2024

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY.....	1
III.	FINDINGS.....	3
A.	BACKGROUND AND POLITICAL CONTEXT.....	3
B.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....	3
C.	ELECTION ADMINISTRATION.....	4
D.	VOTER REGISTRATION.....	5
E.	CANDIDATE REGISTRATION.....	6
F.	ELECTION CAMPAIGN.....	7
G.	PARTY AND CAMPAIGN FINANCE.....	7
H.	MEDIA.....	8
I.	ELECTION DISPUTE RESOLUTION.....	9
IV.	CONCLUSION AND RECOMMENDATION.....	10
	ANNEX: LIST OF MEETINGS.....	11

REPUBLIC OF SAN MARINO
EARLY PARLIAMENTARY ELECTIONS
9 June 2024
ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of San Marino to observe the upcoming early 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 13 to 15 May. The NAM included Keara Castaldo, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for these 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, civil society, and the international community. A list of meetings is annexed to this report.

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

II. EXECUTIVE SUMMARY

On 20 March, the *Captains Regent* decreed the dissolution of the parliament and scheduled early elections for 9 June. Sammarinese voters will elect a 60-member unicameral parliament for a five-year term under a proportional system in a single, nationwide constituency. The forthcoming elections will be the fifth consecutive early parliamentary elections in San Marino.

Since the 2019 elections, several amendments have been introduced in the electoral legislation, including amendments which reduced the number of polling stations by increasing the number of assigned voters, removed the indication of voters' marital status from the voter lists, removed the requirement for the civil registrar to sign each page of the voter lists, and replaced the manual ballot-numbering procedure with a new ballot stamping and signing procedure. Despite OSCE commitments, the Electoral Law does not provide for international or citizen election observation. While most ODIHR NAM interlocutors regarded the legal framework as conducive to holding democratic elections, several noted that the legislation would benefit from some revision to better align the legal framework to current realities.

The election administration is comprised of a permanent Election Commission and election-day procedures are conducted at 40 polling stations and 13 counting offices across the country. The election administration has made some efforts to further facilitate the electoral participation of persons with disabilities. All ODIHR NAM interlocutors expressed a high degree of confidence in the professionalism and impartiality of the election management bodies as well as in the technical preparations and organization of the elections.

For the upcoming elections, some 38,600 voters are registered to vote, including some 15,000 who permanently reside abroad. Citizens who permanently reside abroad and wish to vote must travel to San Marino to cast their vote in person. Voter registration is passive and voter lists are updated on a yearly basis. No ODIHR NAM interlocutors raised concerns about the process of voter registration

or the accuracy of voter lists. However, several interlocutors cited a need to further accommodate the electoral participation of the large proportion of citizens residing outside the country.

The right to register a candidate list is granted to any group, supported by 90 eligible voters. ODIHR NAM interlocutors did not express concerns with regard to the inclusiveness of the candidate registration process. The legislation, however, does not allow for individual independent candidates, and some interlocutors noted the continued underrepresentation of women candidates attributing it to the preferential voting system. For the upcoming elections, a total of eight lists were registered, including four from coalitions and four as single lists. A prohibition on the publication of candidate names prior to the official campaign period was criticized by most interlocutors.

The official campaign period began on 20 May and will end at midnight on 7 June; equal campaign opportunities are guaranteed to all contestants for this period. Campaigning outside this period with explicit references to the elections is prohibited and subject to criminal sanctions. The campaign is expected to focus mainly on the EU Association Agreement and its implementation, economic and social issues. Political parties met by the ODIHR NAM indicated that campaign activities will be based largely on personal door-to-door contacts with voters and substantial debates in the media. No ODIHR NAM interlocutor raised concerns about the ability to campaign freely, though several raised concerns related to disinformation campaigns in online platforms posing as news sources.

Campaigns may be financed through annual public funding to political parties and private donations. The law prohibits anonymous donations and limits expenditure but does not cap private contributions from individuals or legal entities. Political parties must report annually on contributions and expenses, including for election campaigns, however, there is no campaign finance reporting before election day. Most ODIHR NAM interlocutors did not express major concerns regarding campaign finance regulations; however, several believed that the introduction of public funding for newly created candidate lists would enable them to compete more effectively.

The media landscape is limited and local media are required to ensure objectivity, impartiality, accuracy, and diversity in political programs. The Constitution guarantees the freedom of expression; however, defamation remains subject to criminal penalties. The public broadcaster is obliged to provide equal access and free airtime to all contestants. Private media may provide paid space for advertising purposes, but are not obliged to publish price lists. The majority of ODIHR NAM interlocutors expressed overall satisfaction with access to media and expected sufficient coverage of elections, though several opined that contestants should be subject to more direct questions from journalists.

The law provides an expedited procedure for election-related complaints. While the resolution of complaints and appeals on certain electoral matters is regulated by the Electoral Law, many electoral complaints, including those related to voter and candidate registration, are handled through ordinary judicial procedures for administrative offenses. All ODIHR NAM interlocutors expressed overall confidence in the election dispute resolution mechanism and the impartiality of the judiciary.

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process and in the ability of the election administration to manage the elections in a professional, impartial, and transparent manner. Most interlocutors welcomed a potential ODIHR observation activity, recognizing the value and importance of an external assessment in improving the electoral process. In particular, several aspects could be brought further in line with OSCE commitments and international standards, including provisions for suffrage rights, regulation of the campaign, and election observation. However, considering the short timeframe before the elections and the human and financial resources already committed this year, the ODIHR is not in a position to undertake an

observation activity for the 9 June early parliamentary elections. ODIHR, however, stands ready to assist San Marino in any future electoral reform, including a review of current electoral legislation.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

San Marino is a parliamentary republic, with legislative power vested in the 60-member unicameral parliament, the Great and General Council, directly elected for a five-year term. The government, the State Congress, consists of maximum of ten Ministers appointed by the parliament from among its members and is co-ordinated by two Captains Regent who serve jointly as the Head of State for six-month terms. San Marino is divided into nine administrative districts (castles) and each one elects a local council and captain every five years.¹

The last parliamentary elections took place in December 2019 and resulted in a government led by Sammarinese Christian Democratic Party (PDCS), the Tomorrow – Free Movement party (DML), and the We for the Republic alliance (PS-PSD-MDSI).² Women remain under-represented in public offices, holding 20 of 60 mandates (33.3 per cent) in the outgoing parliament, and only 1 of 10 members of the State Congress is a woman.³

On 19 March 2024, following the appointment of Heads of State, 55 councillors announced their resignation, which effectively dissolved the parliament. On 20 March, the Captains Regent decreed the dissolution of the parliament and scheduled early elections for 9 June. The forthcoming elections will be the fifth consecutive early parliamentary elections in San Marino.

Negotiations between the European Union (EU) and San Marino regarding an Association Agreement have continued for several years. In April 2024, the European Commission adopted a proposal on the conclusion of the Agreement, a final step before becoming an associated member of the EU and highlighting the country's commitment to closer political and economic ties. While anticipating a vibrant political debate during the elections, several ODIHR NAM interlocutors characterized the current political environment as one of public disaffection with political parties and were concerned about a potentially low participation rate.

ODIHR undertook a Needs Assessment Mission prior to the 2012, 2016 and 2019 early parliamentary elections, but no election observation activity was subsequently deployed.⁴

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1974 Declaration on Citizens' Rights and Fundamental Principles of Constitutional Order (Constitution, last amended in 2019), the 1996 Electoral Law (last amended in 2020), and other laws and the relevant provisions of the Criminal Code. San Marino is a party to major international and regional instruments related to the holding of

¹ The districts are: San Marino City, Acquaviva, Borgo Maggiore, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino, and Serravalle.

² The elections resulted in nine parties and movements in the parliament: PDCS (21 seats), PS-PSD-MDSI (8 seats), RETE movement (11 seats), Libera (10 seats), Future Republic (6 seats), and DML (4 seats).

³ See 2023 Inter-parliamentary Union data on [Women in Politics](#).

⁴ In 2012 and 2016, while considering deployment of election observation activities, due to time constraints and because limited resources were already committed, ODIHR was not in a position to undertake an election-related activity for the early parliamentary elections. See previous [ODIHR election-related reports on San Marino](#).

democratic elections.⁵ The Constitution affirms that all signed international agreements on the protection of human rights prevail over national legislation.

The Electoral Law was last amended in August 2020. The amendments reduced the number of polling stations by increasing the number of assigned voters, removed the indication of voters' marital status from the voter lists, removed the requirement for the civil registrar to sign each page of the voter lists, and replaced the manual ballot-numbering procedure with a ballot stamping and signing procedure, among additional technical changes.⁶

The Electoral Law still does not provide for international or citizen election observation, despite OSCE commitments on election observation.⁷ The authorities, however, assured the ODIHR NAM that the ODIHR experts and observers would have full access to all stages of the electoral process. All registered candidate lists have the right to appoint a representative to polling stations.

While most ODIHR NAM interlocutors regarded the legal framework as conducive to holding democratic elections, several interlocutors noted that the current electoral legislation would benefit from revision to better align the legal framework to current realities, such as by introducing alternative methods to enable out-of-country voting.

Members of parliament (MPs) are elected in a single nationwide constituency under a proportional representation system with a five per cent threshold for seat allocation.⁸ In the event of a tie, preference is given to women candidates, followed by the length of service as an MP, followed by age seniority.⁹ To form a government, the list must obtain more than one-half of the valid votes cast or a minimum of 30 seats. If no list meets this requirement, the two lists with the highest number of seats are each given 15 days to agree on a coalition. In case no agreement is reached, a second round takes place between these two lists. Should the winning list obtain fewer than 35 seats, a "stability reward" is granted which allocates additional seats, taking them from the lists that obtained the fewest votes, until the winning list obtains 35 seats. The remaining seats are proportionally distributed among the other lists. Several ODIHR NAM interlocutors expressed divergent views about various aspects of the current electoral system, with most indicating satisfaction with the current approach, whereas some favoured reducing the threshold for seat allocation, and others favoured adopting a purely proportional system.

C. ELECTION ADMINISTRATION

The elections will be administered by the Election Commission together with 40 Polling Station Offices (PSOs) and 13 Counting Offices. All ODIHR NAM interlocutors expressed a high degree of

⁵ Including the International Covenant on Civil and Political Rights, the Convention on the Elimination of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, and the European Convention on Human Rights. San Marino is a member of the Council of Europe's Group of States Against Corruption (GRECO) and European Commission for Democracy through Law (Venice Commission). San Marino has not signed the UN Convention Against Corruption.

⁶ Each polling station now serves between 400-900 voters (previously 150-700 voters), and 800-2,500 voters (previously 300-1,400) for overseas voters.

⁷ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place".

⁸ Seats are allocated using the *d'Hondt* system. Candidates are then awarded seats according to the number of preference votes that they received.

⁹ Should an MP be appointed to the State Congress, their mandate is suspended and they are replaced by the next candidate on the list.

confidence in the professionalism, impartiality of the election administration, the technical preparations, and the organization of the elections.

The Election Commission, chaired by the Minister of Internal Affairs, is a permanent 11-member body (currently including 9 women and 2 men), serving a five-year term and formed anew by each incoming parliament. It comprises seven members appointed by the parliament, as well as one representative each from the Civil Registry, Single Court, the Ministry of Foreign Affairs, and the Ministry of Internal Affairs (MoIA). The Commission's responsibilities include compiling voter lists, registering candidate lists, appointing PSOs, and enforcing campaign regulations. The State Election Office, instituted at the Civil Registry Office, is represented within the Commission, and provides administrative and operational assistance, including the training of PSO staff and the preparation of ballot papers. The Commission plans to organise training for polling staff with a specific focus on Electoral Law provisions and related regulations as well as technical and IT-related matters, particularly following a recent digitalization of certain aspects of the election management.

PSOs, which were to be formed by 20 May, organize voting and transfer election materials to Counting Offices. The PSOs consist of a president and two scrutineers who are randomly selected from a list of volunteers.¹⁰ The Counting Offices comprise the presidents of between two and four PSOs and are formed temporarily to count votes. Final results are tabulated by the Central Election Office based on the results protocols submitted by the Counting Offices.

Persons with physical disabilities or visual impairments are entitled to request assistance in polling stations from another voter of their choice or a relative. To facilitate the participation of persons with limited mobility, the MoIA organizes free transportation to polling stations on election day, or to the SEO to receive replacement voter cards. Persons who are homebound may request mobile voting by applying to the EC and providing a medical certificate. Additional special polling stations will be established in the state hospital where patients may choose to vote. The same special polling station, if required, will serve nursing homes and other in-patient care institutions. The ODIHR NAM was informed that given the small number of polling stations, it was possible to ensure that all are suitable for independent access for wheelchair users. Still, some interlocutors noted a lack of accessible information, such as adjustable text formats on websites, sign language interpretation or easy-to-read materials, produced by authorities and political parties related to the electoral process and campaign.

D. VOTER REGISTRATION

Citizens who are 18 years or older on election day are eligible to vote. Contrary to the Convention on the Rights of Persons with Disabilities (CRPD), the law continues to disenfranchise persons with intellectual or psychosocial disabilities based on court decisions.¹¹ Individuals serving criminal sentences regardless of the severity of the crime and those subject to a bankruptcy judgment are also revoked of the right to vote.

According to preliminary data, there are 38,615 eligible voters, including 15,091 citizens residing abroad.¹² Fifty-four per cent of eligible voters are women. Out-of-country voters must travel to San Marino to cast their vote in-person at one of the eight designated PSOs. The ODIHR NAM was

¹⁰ All PSO staff should be eligible voters and have a high school diploma, while candidates, judges, and certain elected public positions are prohibited from joining the PSOs. Presidents are additionally required to have served as a scrutineer in a past election.

¹¹ Court decisions on full legal incapacitation are made on an individual basis. Paragraph 23 of the [2015 UN CCPR Concluding Observations](#) recommended that San Marino “[...] revise its legislation to ensure that it does not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on bases that have no reasonable and objective relationship to their ability to vote”.

¹² According to the Civil Status Registry, 57 per cent of eligible voters residing abroad are women.

informed that following the 2019 and 2021 amendments to the citizenship law, the number of eligible voters abroad has been increasing and currently constitutes around 40 per cent of the electorate. Many ODIHR NAM interlocutors emphasized the importance of introducing alternative voting mechanisms to enable voters to cast their ballots from abroad.

Voter registration is passive and based on the permanent electronic population register. The Election Commission compiles voter lists and updates them annually by 31 January. The law provides for public scrutiny at the State Election Office and in polling stations. A voter must present a voting card and an identification to vote. Voting cards are delivered to voters at least two weeks before election day and should be retained for a potential second round; voters may apply for a replacement at the State Election Office, including on election day. Voters can identify themselves with a range of identification documents or through vouching by the president of the polling station or at least two eligible voters from the same district. No ODIHR NAM interlocutors raised concerns about the process of voter registration or the accuracy of voter lists.

E. CANDIDATE REGISTRATION

Eligible resident voters of at least 21 years of age on election day may stand for election.¹³ Any group of voters has the right to register a candidate list, as long as their list is supported by 90 eligible voters and submitted 40 days before election day.¹⁴ Each voter can support only one candidate list and supporting multiple lists can result in a fine of EUR 500.¹⁵

By law, no more than two-thirds of candidates on a list can be from each gender. Several ODIHR NAM interlocutors noted that given the system of preferential voting, the nomination mechanism does not necessarily lead to women's elected representation as envisaged by the provided quota. Some claimed that the lack of full-time salaried representatives in parliament, in conjunction with the increasing time commitments of MPs, disproportionately discourages women candidacies.

The legislation does not allow for individual independent candidates, but only for groups of independent candidates, as each list is required to include between 12 and 60 candidates.¹⁶ Prospective candidates must declare that they are not a current or prior member of a secret association. Additionally, each list is required to publish detailed policy programmes and to submit copies of each candidate's tax return. Following registration, contestants must submit a pre-declaration stating which political parties they would (or would not) consider undertaking negotiations to form a government, should they receive the most votes in the first round. While some ODIHR NAM interlocutors welcomed the intended transparency of such a measure, others posited that this approach can create unnecessary confusion among the electorate and raised questions regarding its necessity.¹⁷

For these elections, the Election Commission registered eight candidate lists of which four were presented by two coalitions and four others by political parties. In total, the Election Commission

¹³ Magistrates, public prosecutors, diplomatic or consular agents, police, and military corps cannot stand.

¹⁴ Supporting signatures must be either authenticated by the Public Notary of Civil Registrar.

¹⁵ Paragraphs 96 and 196 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommend that "legislation should not limit a citizen [...] to signing a supporting list for only one party" and "a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association and could easily disqualify parties despite their attempts in good faith to fulfil this requirement"

¹⁶ Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination".

¹⁷ As of 2019, contestants are required to submit a declaration of potential governing partners with whom they would consider forming a government.

registered 291 candidates, of which 121 or 41.5 per cent are women. Overall, interlocutors did not express any concerns with regard to the inclusiveness of the candidate registration process.

F. ELECTION CAMPAIGN

The official campaign period began on 20 May and will end at midnight on 7 June. Several ODIHR NAM interlocutors described the duration of the campaign period as insufficient, particularly for informing the electorate about the programmes of new parties or candidates. Electoral campaigning, with explicit reference to the election or its contestants, outside the official campaign period is prohibited and subject to criminal sanctions, including imprisonment and disqualification from political rights.¹⁸ At the same time, the ODIHR NAM was informed that general political agitation is allowed. The ODIHR NAM took note of general confusion and diverging interpretations among the interlocutors regarding the distinction between political and electoral propaganda.

For the first time in these elections, the authorities issued a decision prohibiting the public disclosure of candidates between the close of their registration and the start of the official campaign period. A majority of ODIHR NAM interlocutors, including among political and media representatives, disapproved this policy, describing it as infringing citizens' right to information. The ODIHR NAM was informed that the decision was made to help prevent unlawful political activities in the pre-campaign period and ensuing legal consequences.¹⁹

The Constitution guarantees the freedoms of association and peaceful assembly.²⁰ During the campaign, printed materials can be posted in designated places, which are provided free of charge and on an equal basis. Political parties plan to hold face-to-face meetings and utilize media and online platforms in their campaigns. The MoIA and the MFA will assist all registered candidate lists to conduct in-person or online campaigns for voters residing abroad, including by hosting online question-and-answer sessions in coordination with local representations. The campaign is expected to focus on the EU Association Agreement and its implementation and additional economic and social issues, with parties citing policies related to public health, foreign debt, youth employment, environmental protection, and the rights of persons with disabilities. Many ODIHR NAM interlocutors expect the electoral campaign to be lively with heated but constructive debates at times, while others were concerned about an overall negative tone. Several described a lack of attention to citizens' daily needs in the discourse of political representatives.

Most party representatives did not raise concerns about their ability to campaign freely, but some expressed concerns related to ongoing disinformation campaigns targeting certain contestants and political figures, including on unaccredited online platforms which pose as official news sources.

G. PARTY AND CAMPAIGN FINANCE

The 2005 Law on Financing Political Parties and Political Movements (LFPPM, amended in 2017) provides for public and private funding.²¹ Newly created electoral lists do not receive public funding,

¹⁸ Campaigning outside the official timeframe is subject to sanctions stipulated in Article 398 of the Criminal Code. According to Article 82 of the Criminal Code “[d]isqualification from political rights deprives the convicted person of active and passive voting rights or the ability to acquire them”.

¹⁹ According to a 17 May [media report](#), the candidate lists were published on [the website of electoral commission](#) prior to the start of official campaign.

²⁰ Contestants may organize events in public spaces after notifying the authorities.

²¹ By law, 25 per cent of public funding is divided equally among the parliamentary parties and movements with at least three MPs, while 75 per cent of funding is distributed proportionally to the number of elected MPs. The electoral lists that obtained less than three mandates are provided with a fixed contribution of EUR 12,000. In 2023, the annual subsidy for political parties was EUR 1,396,580.71.

and there is no mechanism to reimburse campaign-related spending.²² The law prohibits anonymous donations but does not cap private contributions from individuals or legal entities. Spending of each candidate list (including of individual candidates) should not exceed the public funding of the party with the largest representation in the parliament.

The Electoral Law provides for reporting and disclosure requirements. Political parties must report annually on contributions and expenses, including for election campaigns. There is no campaign finance reporting before election day. A Board of Auditors consisting of three members oversees political finance and issues binding interpretive accounting guidance to political parties, including on campaign financing.²³

The legislation provides for administrative and criminal sanctions for various types of campaign finance irregularities, including partial or full suspension of annual public funding for unlawful financing or false reporting, and imprisonment for serious violations.²⁴ Most ODIHR NAM interlocutors did not express major concerns regarding campaign finance regulations; however, some noted that the heavy reliance on public funding for campaigns prevents newly created candidate lists, ineligible for such funding, from effectively competing with well-established and affluent opponents.

H. MEDIA

The Sammarinese media landscape generally provides for diverse access to information, despite a limited national market. The public broadcaster, *San Marino RTV*, runs two television channels and two radio stations and streams news online via its website. There are several print and digital newspapers in San Marino while Italian broadcasters and print media provide some coverage of political developments in the country.

The Constitution guarantees the freedom of expression. The legislation prohibits censorship and establishes the right of access to information. Defamation remains subject to criminal penalties, and while ODIHR NAM interlocutors noted that such penalties are rare and judgments historically protect the rights of journalists, some raised concerns that pending civil defamation cases may result in the self-censorship of journalists.²⁵ Interlocutors also noted recent incidents of politicians verbally attacking journalists.

The Information Guarantor Authority monitors the audiovisual media for adherence to legal provisions and holds investigative and sanctioning powers; however, its regulatory powers do not

²² Paragraph 232 of the ODIHR and Venice Commission [2020 Guidelines on Political Party Regulation](#) stipulates that: “[to] promote political pluralism, some funding should also be extended beyond those parties represented in parliament, to include all parties putting forth candidates for an election and enjoying a minimum level of citizen support. This is particularly important in the case of new parties, which must be given a fair opportunity to compete with existing parties. It is good practice to enact clear guidelines on how new parties may become eligible for funding and to extend public funding beyond parties represented in parliament.”

²³ Members of the Board of Auditors are selected randomly for two-year terms from among registered auditors of the Ministry of Industry. The Board of Auditors can promulgate binding guidance concerning other sources of campaign finance, including in-kind donations, loans, and media discounts.

²⁴ For instance, violations of the ban on anonymous donations are subject to criminal sanctions consisting of imprisonment from 20 to 60 days, and disqualification from suffrage rights, for 2 to 5 years.

²⁵ Paragraph 47 of the [2011 UNHRC General Comment No.34 to the ICCPR](#) states that “defamation laws must be crafted with care to ensure [...] that they do not [...] stifle freedom of expression. States parties should consider the decriminalization of defamation”. In 2021, the [OSCE Representative on Freedom of Media](#) noted that “[...] decriminalization of defamation in the country would be an important step in further upholding the right to free expression”.

include social networking platforms, which remain largely unregulated.²⁶ The Authority has no explicit responsibility of monitoring campaign coverage during elections. A Council of Information, open to all journalists and publishers, provides guidance to journalists through the adopted self-regulatory Code of Conduct.

The 2014 Law on Publishing and the Profession of Information Operators and the 2023 Information and Media Law regulate broadcast and print media activities, requiring compliance with principles of editorial independence, accuracy, and impartiality of information. Several ODIHR NAM interlocutors have noted increasing trend of disinformation and biased content against certain Sammarinese politicians on foreign online platforms, and expressed concerns regarding the lack of regulation and sanctions in this respect. At the national level, to combat disinformation and fake news, including through images and videos, the Information and Media Law requires TV and newspaper editorial offices to verify the accuracy of content and identify the author or source of questionable information, as well as to report any identified false information to the Information Guarantor Authority.²⁷

During the election campaign, *San Marino RTV* is obliged to provide equal access and free airtime to all candidate lists. Details of this coverage are agreed in advance with representatives of all lists, and for these elections constitute 34 programmes, divided further among contestants. In addition, the public broadcaster also plans to organize live debates, talk shows, and live programmes including on 9 and 10 June to report about election results. In collaboration with the MoIA and the Election Commission, *RTV* plans to produce voter information materials, accompanied with sign language interpretation. The law provides for paid political advertising and *RTV* is required to publish price lists in advance. There are no restrictions in place on the placing of paid advertisements in foreign media. The Supervisory Commission appointed by the parliament and chaired by a member from the opposition guarantees equal treatment of all contestants and ensures that allocated airtime and space are duly provided. The majority of ODIHR NAM interlocutors expressed overall satisfaction with access to media and expected sufficient coverage of elections, though several opined that contestants should be subject to more direct and probing questions from journalists.

I. ELECTION DISPUTE RESOLUTION

Election dispute resolution is regulated by the Electoral Law and other relevant regulations. Electoral complaints, including those related to voter and candidate registration, are handled through ordinary judicial procedures for administrative offenses and are final.²⁸ Violations of electoral rights can result in criminal sanctions, including imprisonment for up to ten years and deprivation of suffrage rights. There are no special deadlines for most election-related appeals, however such matters are processed expeditiously. All ODIHR NAM interlocutors expressed overall confidence in the election dispute resolution mechanism and the impartiality of the judiciary.²⁹

A five-member Permanent Election Board, appointed by the parliament, reviews complaints filed by voters within five days of the elections. It examines results protocols, decides upon the eligibility of elected candidates, and proposes to the parliament the validation of the results. In cases of serious

²⁶ The Authority consists of five members appointed by the parliament and chosen from among people who have completed studies or demonstrated experience in the field of media.

²⁷ According to Article 74.3 of the Information and Media Law, involuntary errors, parody and satire, openly biased news and individual opinions cannot in any way be considered as disinformation.

²⁸ Complaints regarding voter registration can also be submitted to Civil Registration Office.

²⁹ See also the [2022 GRECO Fourth Evaluation Round Compliance Report](#) on San Marino, in which GRECO welcomed “the vast reform undertaken regarding the composition and functioning of the Judicial Council and the greater guarantees of independence with which it has been vested, notably, by excluding political membership”.

irregularities, the Board's decisions can be confirmed by a parliamentary vote, although no judicial review is required. In case of complaints regarding serious irregularities, the law provides for annulment of results and repeat elections. There have been three recent criminal cases related to agitation outside of the official campaign period; two were resolved with the finding that the subjects campaigned within the permitted period, and the third minor case did not result in a sanction.

IV. CONCLUSION AND RECOMMENDATION

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process and in the ability of the election administration to manage the elections in a professional, impartial, and transparent manner. Most interlocutors welcomed a potential ODIHR observation activity, recognizing the value and importance of an external assessment in improving the electoral process. In particular, several aspects could be brought further in line with OSCE commitments and international standards, including provisions for suffrage rights, regulation of the campaign, and election observation. However, considering the short timeframe before the elections and the human and financial resources already committed this year, the ODIHR is not in a position to undertake an observation activity for the 9 June early parliamentary elections. ODIHR, however, stands ready to assist San Marino in any future electoral reform, including a review of current electoral legislation.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Luca Beccari, Minister

Federica Bigi, Director, Directorate of Political and Diplomatic Affairs (DAPD)

Giulia Suzzi Valli, First Secretary, DAPD

Maria Giacomini, Second Secretary, DAPD

Chiara Cardogna, Embassy Counsellor, Responsible for the relations with the Communities abroad, DAPD

Maria Alessandra Albertini, Director, Directorate of Legal Affairs

Ministry of Internal Affairs

Gian Nicola Berti, Minister

Romina Parenti, Director of the Department of Institutional Affairs and Justice

Giovanna Crescentini, Director of the Institutional Secretariat

Maria Laura Marinozzi, Director of the Vital Statistics Office

Veronica Zavoli, Staff member

Ministry of Labour, Economic Planning, Sport, Information and Relations with the Autonomous Public Utilities State Corporation

Teodoro Lonfernini, Minister

Emanuele D'Amelio, Staff member

Electoral Commission

Gian Nicola Berti, Minister of Internal Affairs

Maria Laura Marinozzi, Director of the Vital Statistics Office

Ingrid Casali, Member

Filomena Anna Maria Pierri, Member

Bianca Maria Toccagni, Member

Dolores Benedettini, Member

Single Court

Fabio Giovagnoli, Judge

Elisa Beccari, Judge

Media

Silvia Pelliccioni, Editor-in-chief, San Marino RTV

Antonio Fabbri, Council for Information

Franco Cavalli, Council for Information

Michele Giardi, Council for Information

Pietro Masiello, Supervisory Authority for Information

Marino Manuzzi, Supervisory Commission

Angela Venturini, Supervisory Commission

Political Parties and Parliamentary Groups

Gerardo Giovagnoli, Coalition Libera/Socialist Party (PS) and Socialists and Democrats (PSD)

Alice Mina, Coalition Democracy and Freedom,

Manuel Ciavatta, Coalition Democracy and Freedom,

Oscar Mina, Coalition Democracy and Freedom,

Alessandro Mancini, Coalition Democracy and Freedom

Silvano Semprini, Coalition Democracy and Freedom

Carlo Boffa, Demos

Roberto Mazza, Demos

Ludmilla Brondino, Demos

Gaetano Troina, Domani Motus Liberi

Daniela Marchetti Domani Motus Liberi

Fernando Bindi, Repubblica Futura

Andrea Menicucci, Repubblica Futura

Civil Society & Public Associations

Gian Luca Mularoni, President, Council of San Marino Associations

Mirko Tomassoni, Attiva-Mente Association for people with disabilities

Valentina Rossi, San Marino Women's Union

Representatives of various trade unions and employers' association: Luca Barberini, Francesca Busignani, Gianluigi Giardinieri, Enzo Merlini, Daniele Tomasetti, Alessandro Zanotti.