



Office for Democratic Institutions and Human Rights

# SPAIN

## EARLY PARLIAMENTARY ELECTIONS 23 July 2023

ODIHR Election Expert Team  
Final Report



Warsaw  
23 February 2024

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**SPAIN**  
**EARLY PARLIAMENTARY ELECTIONS**  
**23 July 2023**

**ODIHR Election Expert Team Final Report<sup>1</sup>**

## **I. EXECUTIVE SUMMARY**

Following the invitation from the authorities of Spain to observe the 23 July 2023 early parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET). It focused on the practical implementation of the amended electoral legal framework, the conduct of electoral operations, in particular postal voting, as well as the conduct of the campaign, including on social networks.

The Prime Minister called for early elections following the defeat of the ruling party in several regional and local elections in May 2023. Voters elected 350 members of the Congress of Deputies under a closed-list regional proportional system and 208 members of the Senate from open lists. For Congress, 549 lists of candidates were competing in 52 electoral districts, and for the Senate 544 lists in 59 districts. Women were well represented in the outgoing parliament and government as well as among candidates. Following these elections, 44 per cent of members of the Congress and 43 per cent of the Senators are women.

Elections are organized by the four-tier election administration led by the Central Election Commission (CEC) and multiple government and municipal authorities. The elections were effectively administered despite tight deadlines caused by the call for early elections during a high holiday season. The sessions of election commissions remain closed to the general public, and the decisions of lower-level commissions are not published, decreasing the transparency of the decision-making process. The vast majority of ODIHR EET interlocutors expressed trust in the independence and capacity of all institutions managing the elections.

All citizens above 18 years old are eligible to vote. The voter registration system is passive; the Electoral Census Office and municipalities maintain the voter register. There were some 37.5 million voters in voter lists, which were available for public scrutiny between 5 and 12 June. Overall, ODIHR EET interlocutors expressed no concerns regarding the accuracy of the voter register.

Postal voting is available to all voters, and there are different mechanisms for those voting from Spain and abroad. Due to the holiday season, some 2.4 million citizens voted by post within the country, almost a twofold increase compared with the previous parliamentary elections. In addition, in line with the 2022 legal amendments, the Electoral Census Office and the Postal Office sent ballots and other materials to all voters permanently registered abroad (some 2.3 million). While postal voting provides an effective alternative voting mechanism and the election administration managed it efficiently, the tight deadlines made the operations challenging for all bodies involved. In addition, while a CEC instruction provided an additional safeguard and enhanced the trust of voters in the postal voting process, it undermined legal certainty.

The campaign was vibrant, highly competitive, and took place in a pluralistic environment conducive to the respect of fundamental freedoms. Contestants used a variety of means to communicate their messages, including extensive campaigning on social networks. Voters were offered a choice of political options and policy proposals, but the high degree of polarization negatively affected programmatic debate and provided a conducive environment for the circulation of false and deceptive

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

claims, some of which sought to undermine confidence in the electoral process. Important efforts to effectively counter disinformation have been undertaken by the authorities, media outlets, academia, and civil society actors. Some incumbent officeholders used public office for campaign purposes.

In line with the ODIHR's standard methodology, the ODIHR EET did not undertake a comprehensive and systematic observation of election-day procedures. On election day, the ODIHR EET visited a limited number of polling stations in Madrid. Voting and counting procedures were carried out smoothly at the polling stations visited. Most voters did not use the polling booths and revealed their voting preference by picking a party ballot in a public area, undermining the secrecy of the vote. In several polling stations visited there were issues regarding physical accessibility. Election results were reported promptly online, but not disaggregated per polling station, thus detracting from transparency.

This report offers recommendations to support efforts to further align elections in Spain with OSCE commitments and other international obligations and standards for democratic elections. ODIHR stands ready to assist the authorities in addressing the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following the invitation from the authorities of Spain and based on the findings and conclusions of the Needs Assessment Mission (NAM) undertaken between 13 and 16 June 2023, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) to observe the 23 July early parliamentary elections. The ODIHR EET was based in Madrid between 12 and 28 July and consisted of two experts drawn from two OSCE participating States.

The ODIHR EET assessed the practical implementation of the amended electoral legal framework, the conduct of electoral operations, in particular postal voting, as well as the conduct of the campaign, including on social networks. Correspondingly, this report is limited in scope and does not offer a broader assessment of the electoral process. Specific areas under review were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with the ODIHR's methodology, the EET did not undertake a systematic observation of the election-day procedures but visited a limited number of polling stations. This final report should be read in conjunction with the June 2023 ODIHR NAM report and previous ODIHR reports, which provide additional details on the electoral process in Spain.<sup>2</sup>

ODIHR wishes to thank the authorities of Spain for the invitation to observe and generous co-operation. The ODIHR EET also expresses its appreciation to the Ministry of Foreign Affairs (MFA), Ministry of Interior (MoI), Central Election Commission (CEC), other electoral and public institutions, political parties, academics, and representatives of civil society for sharing their views.

## III. BACKGROUND

Spain is a constitutional parliamentary monarchy, with the ruling monarch serving as the official head of state, and the prime minister as the head of government exercising the executive powers. Legislative powers are vested in the *Cortes Generales*, a bicameral parliament composed of the Congress of Deputies (Congress) and the Senate, both elected for four-year terms.

Following the November 2019 early parliamentary elections, the Socialist Workers' Party (PSOE) and *Unidas Podemos* ("United We Can") formed a coalition government led by Prime Minister Pedro

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<sup>2</sup> See [all previous ODIHR election reports on Spain](#).

Sánchez.<sup>3</sup> The government's priorities in the economic and social spheres became impacted by the outbreak of the COVID-19 pandemic and its consequences and the need to address the effects of the war in Ukraine. The opposition Popular Party (PP) changed its leadership in February 2022 and has led in opinion polls since then.

On 29 May 2023, following the defeat of PSOE in several regional and local elections held on 28 May, Mr. Sánchez announced the dissolution of the parliament and called for early parliamentary elections to take place on 23 July. As a result of the 29 May local elections, the opposition conservative Popular Party (PP) took control of key cities and municipalities in the country.<sup>4</sup> No consultations with other political parties or stakeholders took place prior to the call for early elections, as it is not provided for by legislation.

In these elections, voters elected 350 members of the Congress of Deputies and 208 members of the Senate.<sup>5</sup> For the Congress, 549 lists of candidates submitted by political parties and alliances were registered in 52 electoral districts. On these candidate lists, there were 1,819 women (49 per cent). For the Senate, 544 lists were registered in 59 electoral districts, with 509 women among the candidates (44 per cent). The law currently requires candidate lists in national and sub-national elections to have a minimum of 40 per cent of candidates of either sex among each block of 5 candidates. The gender quota's candidate and placement requirements are effective as they translate into a comparable number of women elected. Women are well represented in public offices, with 155 women among the members of the newly elected Congress (44 per cent), 112 senators (43 per cent), and 12 out of 21 outgoing ministers (57 per cent). ODIHR EET interlocutors from women's organizations expressed hopes that women's representation in public offices would continue to translate into policies supporting *de facto* gender equality, particularly in the economic and social spheres.<sup>6</sup>

#### IV. LEGAL FRAMEWORK

The legal framework for parliamentary elections is conducive to the holding of democratic elections. Nevertheless, many previous ODIHR recommendations are yet to be implemented, including those related to the principle of equality of the vote, the transparency of meetings of the election administration, review of candidate eligibility restrictions, transparency of campaign finance, regulation of media-ownership as well as media coverage of the campaigns, and the establishment of an independent media oversight authority.

The conduct of elections is primarily regulated by the 1978 Constitution, the 1985 Organic Law on General Election Regime (last amended in 2022, election law), and the 2007 Organic Law on Financing of Political Parties (last amended in 2015). These laws are supplemented by decisions and instructions of the Central Election Commission (CEC), state decrees, and administrative and penal laws. Spain is

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<sup>3</sup> In the 10 November 2019 parliamentary elections, PSOE obtained 120 seats, followed by the Popular Party with 89 seats, *Vox* with 52, *Unidas Podemos* with 26, *ERC-Sobiranistes* with 13, *Ciudadanos* with 10, and 13 other parties and alliances with less than 10 seats each. *Unidas Podemos* – alliance of *Podemos* and *Izquierda Unida* – reached an agreement with PSOE to form a coalition government in January 2020. In March 2021, *Podemos* leader Pablo Iglesias left the party. His successor Yolanda Díaz engaged in negotiations with left-wing parties to form a broad coalition *Sumar* for the July 2023 elections, bringing together 16 parties and alliances.

<sup>4</sup> In a televised address to the nation on 29 May, Mr. Sánchez announced: “these results suggest Spaniards should clarify which political forces they want to take the lead,” adding that it was time to let the people “take the floor and define the country’s political direction.”

<sup>5</sup> There are 17 Autonomous Communities in Spain. Their parliaments appoint 58 more Senators.

<sup>6</sup> In March 2023, the prime minister announced that a new equal representation law would envisage gender parity *inter alia* on electoral lists and in the council of ministers. This law was not yet applicable for these elections.

a party to the key international human rights instruments pertaining to the holding of democratic elections.<sup>7</sup>

The legal framework governing the conduct of the elections has remained largely unchanged after the previous elections, except for the new rules providing for a substantial increase in postal votes. Implementing a previous ODIHR recommendation, October 2022 amendments to the election law abolished the in-person pre-registration requirement for postal voting from abroad facilitating more easy access to the polls for more than two million voters. In addition, the CEC issued an instruction before these elections obliging all voters to prove their identity also when submitting the vote at the post office by registered mail.<sup>8</sup>

## V. ELECTION ADMINISTRATION

Spain has a mixed model of election administration with multiple public entities exercising complementary functions. The four-tier system of election commissions is composed of the CEC, 50 Province Election Commissions (PECs), 303 District Election Commissions (DECs), as well as some 60,300 Electoral Boards (EBs). The CEC has an oversight role, particularly over PECs, DECs and the Electoral Census Office (ECO), and issues binding instructions.<sup>9</sup> PECs and DECs address complaints pertaining to their geographical area and administer the process at the local level. DECs also work in close co-operation with municipalities regarding the organization of polling stations. EBs are in charge of election-day proceedings at polling stations.

The CEC is the only permanent election commission, while lower-level commissions are appointed anew for each election.<sup>10</sup> The CEC is composed of 13 members, comprising 8 Supreme Court judges, who are drawn by lottery held by the General Council of the Judiciary, and 5 professors of law or relevant social sciences, who are appointed by the Congress of Deputies upon nomination by parliamentary groups. Currently, five CEC members are women.

PECs and DECs are temporary bodies composed of three judges and two members from academia in the fields of law, political sciences or sociology. Members of PECs and DECs do not necessarily need to have previous electoral experience. At the same time, the secretariat of these commissions is permanent and maintains the institutional memory.

Each EB is composed of three citizens selected by lot among the voters registered in the corresponding electoral precinct.<sup>11</sup> Serving as a poll worker is mandatory, but the CEC detailed valid reasons for exemption from these duties.<sup>12</sup> Due to the holiday season around the 2023 election day, there was a high number of replacements for appointed members of EBs. This added to the workload of DECs and municipalities, who were in charge of EB formation, but these replacements did not appear to affect election-day operations.

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<sup>7</sup> Including the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, the 2003 UN Convention against Corruption, the 2006 UN Convention on the Rights of Persons with Disabilities, and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. Spain is a member of the Council of Europe's Venice Commission and GRECO.

<sup>8</sup> See *Postal Voting* section for more details.

<sup>9</sup> See *Voter Registration* section about the ECO.

<sup>10</sup> In line with the law, for these elections, PECs and DECs remained from the local elections in May 2023.

<sup>11</sup> For these elections, there were more than 180,000 members of EBs.

<sup>12</sup> The CEC took the [holiday season into consideration](#) and issued [general guidance](#) for DECs to interpret the law.

Members of EBs do not receive specific training but are provided with a detailed manual a few days before election day. International good practice calls for mandatory training of polling staff.<sup>13</sup> On election day, the ODIHR EET observed that party representatives and public officials sometimes advised poll workers on applicable rules.<sup>14</sup>

*To ensure effectiveness and consistency in the implementation of polling procedures and prevent any interference from unauthorized persons, mandatory training of poll workers should be envisaged.*

Other public bodies administering the electoral process include the MoI (operations, logistics, security and safety, voter education, training of polling staff, tabulation and announcement of provisional election results), the MFA (voting from abroad), the ECO (voter registration, postal voting, determining polling precincts), municipalities (logistics at local level) and the Postal Office (logistics related to postal vote and campaign materials), among others. There is a good level of co-operation between the different bodies with an efficient exchange of information.

The elections were effectively administered. Overall, public administration institutions demonstrated their consolidated experience from previous electoral processes. The vast majority of ODIHR EET interlocutors expressed trust in the independence and capacity of all institutions managing the elections. Some ODIHR EET interlocutors considered the tight deadlines caused by the call for early elections in a high holiday season a specific challenge. For example, standard public procurement procedures were not compatible with electoral deadlines and election disputes about some candidacies delayed the procedures of printing ballots and sending voting materials by post.<sup>15</sup> Notwithstanding the overlapping deadlines, in practice, preparations were generally finalized in time.

With 5 out of 13 members, women are currently under-represented at the CEC level. The ODIHR EET could not assess the gender balance within the lower-level commissions due to a lack of publicly available information on their composition.<sup>16</sup>

*In line with OSCE commitments, gender-disaggregated data about the electoral administration and process should be made available in a comprehensive manner.*

The meetings of the CEC and other election commissions at all levels are not public despite a previous ODIHR recommendation. This limits the transparency of the decision-making process not in line with international good practice. According to electoral authorities, these meetings take place in an organized manner, including through electronic means and citizens can easily contact election commissions. At the same time, some interlocutors from civil society informed the ODIHR EET about difficulties in obtaining information from the CEC.

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<sup>13</sup> For these elections, the MoI, released a [Handbook for poll workers](#), including sections in partnership with the Ministry of Social Rights and Agenda 2030 on [accessibility options for voters and election officials](#).

<sup>14</sup> In general, many party agents received training and manuals and appeared to be more knowledgeable than polling staff. Paragraph II.3.1.g of the European Commission for Democracy through Law (Venice Commission) [2002 Code of Good Practice in Electoral Matters](#) states: “members of electoral commissions must receive standard training”.

<sup>15</sup> An [appeal](#) from the Feminist Party, which had not been allowed to stand for the elections, delayed for four days the beginning of the printing and sending of materials for postal voting in Madrid. Electoral authorities considered this a normal legal procedure and had to use emergency public procurement procedures.

<sup>16</sup> Paragraph 40.13 of the [1991 OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”.

The CEC decisions are published on its webpage.<sup>17</sup> Decisions of PECs and DECAs are not made publicly available, reducing the transparency of the decision-making process.<sup>18</sup> Some ODIHR EET interlocutors from the election administration opined publication is not needed as all PEC and DEC decisions would only follow legal doctrine or CEC clarifications. However, the lack of publication does not facilitate public awareness of or scrutiny of the decision-making, thus limiting appeals to the parties directly involved.<sup>19</sup>

*The election commissions at all levels should conduct their meetings in open sessions. Decisions of election commissions should be made publicly available promptly, allowing for transparency and public scrutiny.*

The MoI, jointly with the Postal Office and other public entities, carries out voter information campaigns.<sup>20</sup> The ODIHR EET observed several voter information materials, including online, particularly for postal voting and voting from abroad. Hard-copy materials for postal voting consisted of a single sheet of paper with text-only instructions. Some ODIHR EET interlocutors considered them as unduly complex and less accessible for those lacking electoral knowledge.

Several ODIHR EET interlocutors reported that persons with cognitive disabilities face specific barriers to participation in political life. These included difficulties in accessing relevant information, such as party manifestos and voting instructions, including about postal voting. The MoI has established partnerships with NGOs working on accessibility of the information and the electoral process for persons with disabilities, which led to accessible signage available for polling stations. The ODIHR EET was informed of other initiatives by the government and NGOs, including on access to information in different formats, interpretation and other special support measures facilitating the work of poll workers with disabilities.<sup>21</sup>

*Accessibility should be a goal of election management bodies throughout the entire electoral process. Among other measures, education materials, including on the rights of political participation and election procedures, should be available in easy-to-read language and other accessible formats.*

## VI. VOTER REGISTRATION

All citizens above 18 years old are eligible to vote. The voter registration system is passive. The ECO maintains the voter register and updates it every month based on the data retrieved from the population registries of municipalities (for in-country voters) and received from consulates (for voters abroad). According to the CEC, 37,469,458 voters were registered for these elections, including 2,325,310 (or some 6 per cent) abroad.

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<sup>17</sup> The law foresees that decisions should be published when their general character “makes it advisable”.

<sup>18</sup> According to Paragraph 19 of the UN HRC 2011 [General Comment No. 34](#) to the ICCPR, “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information”.

<sup>19</sup> For example, the ODIHR EET became aware of a decision taken by the PEC of Madrid on election day, reinforcing the prohibition of campaigning in polling stations. However, it was not clear, whether this decision was made publicly available or only communicated to the involved parties. The CEC website did not make any reference to this decision, the content of which could have been applicable to other constituencies.

<sup>20</sup> The MoI established a [website](#) with comprehensive information on election rules and election-day procedures.

<sup>21</sup> For example, the [Spanish Centre for Cognitive Accessibility](#) (a public service under the Ministry for Social Rights and Agenda 2030), jointly with NGOs working in this field, contributed to the development of the handbook for poll workers in an easy-to-read format in several languages, including Basque, Catalan, Galician and Valencian.



By law, the register is closed two months before the call of each election (1 March for these elections).<sup>22</sup> Voter lists were available for public scrutiny from 5 to 12 June online, in municipalities and provincial census offices, where voters could request changes or report omissions. Before election day, the ECO sent voter registration certificates by post, indicating the polling station and address where the voter belongs.<sup>23</sup> The voter registration certificate is only mandatory for the voters when voting by post or from abroad. Municipalities can initiate the removal of a citizen from the voter register if there is evidence of the voter not residing at the referred address.<sup>24</sup> Overall, ODIHR EET interlocutors expressed no concerns regarding the accuracy of voter registration.

## VII. POSTAL VOTING

The postal vote is available to all voters. There are different mechanisms for voters who are in Spain and those residing abroad either permanently or temporarily.

Postal voting within Spain takes place in three stages. Firstly, between 30 May and 13 July, a voter had to request postal voting in person at a post office, by filling out the official form and presenting an identification document (ID), or online with a certified signature. Then the voting materials were sent to the voter's designated address by certified mail between 3 and 16 July. The receipt of the voting materials was also done in person at post offices.<sup>25</sup> Finally, upon presentation of their IDs, voters returned their postal ballots in person to a post office until 20 July.<sup>26</sup> According to the Postal Office, 2,622,808 requests to vote by post within Spain were made, and 2,471,935 voters submitted their postal ballots within the deadline, with the ratio of submitted and requested ballots being the highest compared to previous elections.<sup>27</sup>

Most ODIHR EET interlocutors noted that postal voting provides an effective alternative voting mechanism and expressed trust in this procedure and in the capacity of the election administration to deliver. With recent legal amendments, the electoral role of the Postal Office increased; it was seen as well-resourced and trusted by all ODIHR EET interlocutors.<sup>28</sup>

Nevertheless, many ODIHR EET interlocutors emphasized that tight deadlines and the need to print and expedite all voting materials, including ballot papers, required substantial efforts from the authorities and made the whole operation challenging. Once voters request to vote by post, their name is marked off the voter list, and the voter cannot vote in person on election day. There is no backup provision to address the situation should a voter not receive their voting materials, potentially limiting voters' opportunity to vote. ODIHR previously recommended that authorities should address the shortcomings of the postal voting, including tight deadlines, and take steps to ensure that all voters benefit from equal voting opportunities to the maximum extent possible.

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<sup>22</sup> Those who turned 18 years old after 1 March are automatically included in the voter lists. The voters who change permanent residence into a different constituency after 1 March are not included in new voter lists.

<sup>23</sup> The ECO or the municipality can also provide this information on election day, in case of need.

<sup>24</sup> In such a case, the voter is notified and, if there is no objection, removed from the register.

<sup>25</sup> For requesting the postal vote and receiving the voting materials a special provision for another person picking up the voting materials is foreseen, and the representative of a voter also needs to attend the post office in person.

<sup>26</sup> All returned ballots need to be received at the relevant polling station by election day.

<sup>27</sup> In the 2019 elections, there were 1,346,995 requests to vote by post within Spain. According to the [Postal Office](#), in these elections, 697,832 voters (or 26 per cent) submitted their requests to vote by post online.

<sup>28</sup> The Ministry of Presidency, Relations with the Parliament and Democratic Memory issued an instruction in April 2023, listing all public service obligations of the Postal Office in the 2023 elections. These range from processing the requests to vote by post to the transport of materials after the close of counting on election day.

During the May 2023 regional and local elections, a series of events in some municipalities raised concerns about postal voting, which may have impacted public trust in the process.<sup>29</sup> The law only foresees IDs to be shown when requesting the postal vote and when receiving the voting materials. However, to respond to the alleged manipulations during the May local elections, for these elections, the CEC issued an instruction obliging all voters to prove their identity and appear in person also when submitting the vote at the post office by registered mail.<sup>30</sup> According to the CEC, this measure was meant to address the social unease caused by previous incidents and provided for additional safeguards.<sup>31</sup> Many ODIHR EET interlocutors supported this measure given the context. While the measure provided an additional safeguard and enhanced the trust of voters and electoral stakeholders in the process, it undermined legal certainty.

*In the interests of legal certainty, safeguards of electoral integrity, including the requirements to produce identification documents when submitting a postal ballot, should be foreseen in the law.*

All voters living abroad are eligible to vote, and the 2022 legal amendments eased this possibility.<sup>32</sup> Citizens permanently living abroad have an obligation to enrol in the consular register, while those temporarily abroad are highly recommended to do so by the MFA.<sup>33</sup> Citizens permanently living abroad and registered at consulates are automatically enrolled for postal voting, while those temporarily residing abroad need to request postal voting in person in consulates for each election.<sup>34</sup> Both enrolling in the consular register as well requesting postal voting for those temporarily abroad must be done in person in consulates and can entail travelling long distances. Some ODIHR EET interlocutors considered the in-person presence requirement, either to register as a voter temporarily residing abroad or to request the postal vote in Spain, as an unnecessary obstacle.

The ECO, through the Postal Office, sends voting materials to all eligible voters once the candidate lists are final.<sup>35</sup> Once the voters in Spain and those temporarily abroad receive these materials, they send their ballots by post to their polling station. Those permanently registered abroad can either deliver their ballot at their consulate or send it there by mail.<sup>36</sup> If voting materials do not arrive in time, voters permanently living abroad can download and print the ballots. However, for the remaining missing

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<sup>29</sup> For instance, in Melilla, in May 2023, some [voting materials, including ballots, were stolen from the post office](#). There were also [allegations of vote-buying](#). [These concerns led to a police investigation](#).

<sup>30</sup> In the [decision](#) from 10 May 2023, the CEC recognized that this requirement was not foreseen in the law.

<sup>31</sup> Section II.2.a of the Venice Commission [2002 Code of Good Practice in Electoral Matters](#) recommends that “[a]part from rules on technical matters and detail – which may be included in regulations of the executive – rules of electoral law must have at least the rank of a statute”.

<sup>32</sup> The October 2022 legal amendments, among others, abolished the in-person pre-registration requirement for voters permanently residing abroad to vote by post (so-called *voto rogato*) automatically facilitating access to the polls for more than 2 million voters. During the 2019 parliamentary elections, only some 10,000 voters abroad requested to vote by post.

<sup>33</sup> Voters permanently residing abroad need to specify their electoral district of origin in Spain to be permanently registered for voting. In these elections, there were 2,328,261 registered voters permanently living abroad, an increase of some 200,000 from the 2019 elections.

<sup>34</sup> Voters temporarily living abroad could request postal vote between 30 May and 24 June; and for these elections, this deadline was extended by the CEC to 29 June.

<sup>35</sup> The normal working hours of post offices were extended to accommodate for the surge of requests. Sending the voting materials to voters permanently living abroad was the priority (between 17 June and 2 July), followed by sending the materials within Spain and to [voters temporarily abroad](#) - until 11 July.

<sup>36</sup> Votes could be returned to the consulate by post until 18 July or in person between 15 and 20 July. Other voters had to return their ballots by mail between 29 June and 19 July. The CEC twice extended the latter deadline to 20 July, and later to 21 July, 2 p.m.

materials (voter certificate and envelopes) voters need to go to the consulate.<sup>37</sup> The consulate then sends returned ballots by diplomatic mail to the MFA in Madrid, which forwards them to the relevant PEC.<sup>38</sup>

## VIII. ELECTION CAMPAIGN

The official campaign period lasted 15 days, between 7 and 21 July. Campaigning is prohibited on election day and the day before. Between the call of elections and before the start of the official campaign, political parties are not permitted to engage in commercial publicity or campaigning, and such acts cannot be justified as the exercise of their ordinary political activities. In several instances, complaints about early campaigning reached the CEC, which established violations of the law.<sup>39</sup>

The campaign was vibrant, highly competitive, and took place in a pluralistic environment conducive to the respect of fundamental freedoms. Contestants used a variety of means to communicate their messages and attract voters, including meetings and rallies, outdoor advertising and print publications, media appearances and social networks.<sup>40</sup> According to several ODIHR EET interlocutors, high summer temperatures and the vacation period disincentivised outdoor campaign events and spurred campaigning online. Three national and numerous regional televised debates took place during the campaign.<sup>41</sup>

Voters were offered a choice of political options and multiple policy proposals.<sup>42</sup> Widely discussed campaign topics included social and economic issues, immigration, gender-related policies, devolution of power to the regions and links between the national and regional political parties.

Campaign rules apply also to campaigning online. The law requires for electoral propaganda by electronic means, messaging systems and on social networks to be prominently identified as such and for recipients to be provided with an easy way to opt out. Social networks were extensively used for campaigning. Most social network accounts of electoral contestants followed by the ODIHR EET displayed a high level of activity, with one-third of the accounts publishing more than 20 posts per day.<sup>43</sup> Two-thirds of the monitored accounts offered organic content, often promoting the party and its candidates. This messaging effort contributed to the informed choice of voters and was supplemented by online advertising.<sup>44</sup> The tone of observed online campaigning was primarily positive or neutral.

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<sup>37</sup> A consulate may print the certificates issued by the ECO thus certifying eligibility to vote from abroad.

<sup>38</sup> According to the recent legal amendments, each consulate should appoint at least one public servant in charge of the electoral tasks, including safeguarding ballot boxes, checking voter eligibility, collecting and signing the envelopes with the ballots, and updating the voter list.

<sup>39</sup> The CEC can either issue a warning or initiate administrative proceedings. For example, on 7 July, the CEC ruled that PSOE's election campaign on social networks launched before the official campaign period was in breach of the law. On 20 July, the CEC found that the retention of advertising banners by *Vox* in an online newspaper, placed during the 28 May 2023 local elections, constituted early campaigning for the 23 July elections.

<sup>40</sup> The law prohibits paid electoral advertising on public and private TV and on public radio.

<sup>41</sup> The leaders of two largest parties Alberto Núñez Feijóo (PP) and Mr. Sánchez (PSOE) faced off in the first TV debate on 10 July, aired on two private channels. On 13 July, the public broadcaster RTVE hosted the second debate between spokespersons of the seven largest parliamentary groups. The RTVE invited four leading prime-ministerial candidates to the third debate on 19 July, but only three took part, as the PP declined to participate.

<sup>42</sup> The leading parties published extensive electoral manifestos covering a broad range of economic and social issues.

<sup>43</sup> Between 13 and 24 July, the ODIHR EET monitored 44 Facebook and/or X (formerly Twitter) accounts of 29 leading political parties and coalitions, 14 political leaders, and the MoI. Between 13 and 21 July, 37 per cent of monitored accounts published on average over 20 posts per day, 14 per cent – 11 to 20 posts, 16 per cent – 6 to 10 posts, 25 per cent – 2 to 5 posts, and the rest had 1 or no post.

<sup>44</sup> According to the [Meta Ad Library](#), between 21 June and 21 July, the highest amounts of money on political advertising were spent by PSOE (some EUR 306,800), PP (some EUR 240,300), and *Sumar* (some EUR 139,400).

Campaign rules prohibit the use of public office for campaign purposes. Political parties repeatedly invoked this provision in complaints to the CEC, which handled some 10 cases on alleged use of official communication channels, such as press conferences, public events, and online platforms for party promotion before election day. The CEC warned and sanctioned several regional and national office-holders, including the acting Prime Minister Sánchez, for breaching the neutrality of public authorities.<sup>45</sup>

*The authorities should further enhance efforts to dissuasively address the practice of using public office for campaign purposes including additional measures, such as conducting awareness-raising for public officials and other stakeholders on what constitutes misuse of administrative resources. To further provide for a level playing field, political parties and candidates should comply with the law and refrain from using public office for campaign purposes.*

Many ODIHR EET interlocutors opined that the quality of programmatic debate was affected by polarized campaign discourse. In addition, political polarization has emerged as one of the critical environmental factors conducive to spreading disinformation. According to most ODIHR EET interlocutors, the circulation of false claims in the campaign environment posed a challenge to democratic elections. Ahead of these elections, the election administration was also targeted by a disinformation campaign undermining confidence in electoral procedures, particularly the postal voting process.<sup>46</sup> Deceptive and manipulative claims regarding several aspects of the electoral process appeared in traditional and online media and social networks and were disseminated through messaging applications such as WhatsApp, X, Facebook and Instagram.<sup>47</sup>

Commendably, the authorities, media, academia and civil society actors undertook various efforts to counter disinformation. In particular, the Co-ordination Network for Security in Electoral Processes and the Standing Committee against Disinformation brought together various state agencies to monitor and respond to online disinformation threats, including co-ordinated campaigns launched from abroad.<sup>48</sup> Further, the Forum against Disinformation Campaigns in the field of National Security serves as a public-private partnership platform for multi-disciplinary research, analysis, and policy guidance.<sup>49</sup> Fact-checking organizations created an alliance that allowed them to use their resources more effectively.<sup>50</sup>

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<sup>45</sup> For example, on 7 July, the CEC found that Prime Minister Sánchez breached the law by making several statements during press conferences in Brussels on 29 and 30 June that alluded to PSOE achievements in government and were critical of the opposition. On 12 July, the CEC decided to sanction the spokesperson and the Minister of Economy and Finance of the regional government of Castilla y León for making statements during an official press conference on 29 June, which benefited their political party. In Paragraph 7.7 of the 1990 OSCE Copenhagen Document, OSCE participating states committed to “ensure that law and public policy work to permit political campaigning to be conducted in a fair [...] atmosphere”.

<sup>46</sup> “Disinformation” is a general term for manipulative online content, without distinction from other terms such as “misinformation” and “malinformation”. See also the 2021 [ODIHR Guidelines for Observation of Election Campaigns on Social Networks](#), p. 27.

<sup>47</sup> See also the [final report](#) on 23 July elections published by Maldita.es, a portal debunking and countering disinformation, in September 2023, pointing out that some influential politicians also shared hoaxes or misleading information favorable to their political agendas during the election campaign, increasing the reach and credibility of those claims.

<sup>48</sup> The Co-ordination Network is an ad hoc task force for the electoral period, while the Standing Committee is a permanent arrangement. The Standing Committee participates in the Rapid Alert System put in place by the [2018 EU Action Plan against Disinformation](#).

<sup>49</sup> Initiated by the government in 2022 and co-ordinated by the Department for National Security, the Forum brings together state and civil-society actors, including fact-checking organizations, academics, media outlets, as well as social networks. The Forum published its first [comprehensive study](#) in September 2022.

<sup>50</sup> During the campaign period, nearly 140 articles debunking various false claims were published on [Comprobado.es](#), a joint project of five fact-checking organizations, including some 35 articles related to allegations involving the election administration. Most of the articles were supplied by Maldita.es, which has also investigated the dissemination of false [electoral fraud claims on TikTok](#) after the elections.

Multiple ODIHR EET interlocutors also spoke in favour of more decisive efforts by the social networks in tackling false and manipulative claims, particularly those concerning the election administration and procedures, and advocated for regulating the use of targeted and amplification techniques relying on user personal data in the context of online political advertising.<sup>51</sup>

*Ongoing efforts to counter disinformation should continue to be supported by public authorities and non-state actors, and include enhanced co-ordinated measures between big-tech companies, media outlets and fact-checking organizations as well as initiatives promoting inter-party dialogue.*

## IX. ELECTION DAY

In line with the ODIHR methodology, the ODIHR EET did not undertake a comprehensive and systematic observation of election-day procedures but visited a limited number of polling stations in Madrid. Voting at polling stations took place between 9 a.m. and 8 p.m. Overall, voting procedures were carried out smoothly at the polling stations visited, and all necessary materials, including sufficient ballot papers, were available. Three poll workers, as well as representatives from several political parties and the public administration were present at all polling stations visited.

To vote for the Congress of Deputies, voters chose the ballot paper of a particular party or coalition and inserted it in a white envelope. For the Senate, a voter had to mark a maximum of three candidates on a single ballot paper. The election administration provides all ballot papers, including for all registered lists, and envelopes.

The layout of the observed polling stations did not ensure the secrecy of the vote challenging international standards.<sup>52</sup> Polling booths were placed outside the polling stations, often in the corridors or passage areas of the buildings. While polling booths had small shelves inside for placing ballot papers, thus allowing the voter to choose a ballot paper secretly, there were only a few booths available at the polling premises. The ODIHR EET noted that very few voters used the polling booths. In some cases, there was group voting with several people using the polling booth at the same time, further compromising the secrecy of the vote. Ballot papers were also available in corridors or passage areas at the free disposal of the voters. They could pick a ballot paper of their preference in an open area, revealing their choice. No election official or stakeholder with whom the ODIHR EET met expressed concern with this issue.

*The election administration should take steps to reinforce the secrecy of the vote, including through voter education. The layout of the polling stations and the available equipment should also encourage secret personal voting.*

Several polling stations observed by the ODIHR EET had issues with physical accessibility, including stairs as the only access, an elevator platform that could not be autonomously operated by the voters, steep ramps, inadequate layout of voting booths, or lack of proper access signage for persons with physical disabilities.<sup>53</sup> The ODIHR EET observed that not all polling booths were easily accessible for

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<sup>51</sup> See the [Proposal for a Regulation](#) of the European Parliament and of the Council on the transparency and targeting of political advertising, Chapter III. See also the European Commission's [2022 Strengthened Code of Practice on Disinformation](#).

<sup>52</sup> According to Article 21.3 of the Universal Declaration of Human Rights, elections "shall be held by secret vote or by equivalent free voting procedures". See also Paragraph 7.4 of the OSCE Copenhagen Document.

<sup>53</sup> Article 29(a) of the [Convention on Rights of Persons with Disabilities](#) obliges the States to ensure that "voting procedures, facilities and materials are appropriate, accessible and easy to understand and use". See also Paragraph 34 of [General Comment No. 1 to Article 12 of the CRPD](#).

voters with physical disabilities and the layout of polling stations in general was not conducive to movement of people using wheelchairs.

*The authorities should continue to improve the physical accessibility of polling stations, for example by ensuring barrier-free voting premises, accessible voting booths and other measures to facilitate independent voting.*

Counting operations began with mixing the postal votes with the ballots cast on election day. As soon as members of the Electoral Board completed the vote count and filled out the reporting forms, the public administration representatives recorded preliminary voting results using electronic tablets. Election results were reported online live providing for transparency, and some 94 per cent of precincts were tabulated by 11 p.m.<sup>54</sup> Contrary to a prior ODIHR recommendation, the official results were published in the official gazette by the CEC disaggregated by municipalities but not per polling station, detracting from transparency.

*To further enhance transparency and safeguard the integrity of election results, preliminary and final election results disaggregated by polling station should be publicly available in a timely manner.*

## **X. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered to further enhance the conduct of elections in Spain and to support efforts to align them with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with the past ODIHR recommendations that have not yet been addressed.<sup>55</sup> ODIHR stands ready to assist the authorities of Spain in addressing the recommendations contained in this and previous reports.

### **Election Administration**

1. To ensure effectiveness and consistency in the implementation of polling procedures and prevent any interference from unauthorized persons, mandatory training of poll workers should be envisaged.
2. In line with OSCE commitments, gender-disaggregated data about the electoral administration and process should be made available in a comprehensive manner.
3. The election commissions at all levels should conduct their meetings in open sessions. Decisions of election commissions should be made publicly available promptly, allowing for transparency and public scrutiny.
4. Accessibility should be a goal of election management bodies throughout the entire electoral process. Among other measures, education materials, including on the rights of political

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<sup>54</sup> The MoI set up a [website with election results](#) disaggregated down to the municipal level and updated live.

<sup>55</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EET as follows: recommendations 10 and 15 from the [ODIHR final report on the 2015 parliamentary elections](#) (2015 Final Report) is fully implemented. Recommendations 1, 3 and 6 from the 2015 Final Report and recommendations 1 and 3 from the [ODIHR final report on the April 2019 parliamentary elections](#) (2019 Final Report) are mostly implemented. Recommendations 8 and 9 from the 2015 Final Report and recommendation 10 from the 2019 Final Report are partially implemented. See also the ODIHR [electoral recommendations database](#).

participation and election procedures, should be available in easy-to-read language and other accessible formats.

5. In the interests of legal certainty, safeguards of electoral integrity, including the requirements to produce identification documents when submitting a postal ballot, should be foreseen in the law.
6. The election administration should take steps to reinforce the secrecy of the vote, including through voter education. The layout of the polling stations and the available equipment should also encourage secret personal voting.
7. The authorities should continue to improve the physical accessibility of polling stations, for example by ensuring barrier-free voting premises, accessible voting booths and other measures to facilitate independent voting.
8. To further enhance transparency and safeguard the integrity of election results, preliminary and final election results disaggregated by polling station should be publicly available in a timely manner.

### **Election Campaign**

9. The authorities should further enhance efforts to dissuasively address the practice of using public office for campaign purposes including additional measures, such as conducting awareness-raising for public officials and other stakeholders on what constitutes misuse of administrative resources. To further provide for a level playing field, political parties and candidates should comply with the law and refrain from using public office for campaign purposes.
10. Ongoing efforts to counter disinformation should continue to be supported by public authorities and non-state actors, and include enhanced co-ordinated measures between big-tech companies, media outlets and fact-checking organizations as well as initiatives promoting inter-party dialogue.

**ANNEXE I: FINAL RESULTS<sup>56</sup>**

**Congress of Deputies**

	<b>TOTAL</b>	
Number of registered voters	37,469,458	
Number of ballots cast (turnout)	24,952,447	66.6%
Number of invalid ballots	264,360	1.1%
Number of blank votes	200,673	0.8%

<b>Political party or coalition represented in the Congress/Senate</b>	<b>Votes for the Congress</b>	<b>% of votes</b>	<b>Parliamentary group's seats in the Congress</b>	<b>Parliamentary group's seats in the Senate</b>
People's Party (PP)	8,160,837	33.3	137	120
Socialist Workers' Party +branches	7,821,718	31.9	121	70
Vox	3,057,000	12.5	33	
SUMAR	3,014,996	12.4	31	
Republican Left (ERC)	466,020	1.9	7	3
Together for Catalonia (JxCat-Junts)	395,429	1.6	7	2
Basque Country Unite (EH Bildu)	335,129	1.4	6	7
Basque Nationalist Party (EAJ-PNV)	277,289	1.1	5	5
Galician Nationalist Bloc (BNG)	153,995	0.6	1	
Canarian Coalition (CCa)	116,363	0.5	1	
Navarrese People's Union (UPN)	52,188	0.2	1	
Others	606,450	2.5	0	1
<b>TOTAL</b>	<b>24,487,414</b>	<b>100</b>	<b>350</b>	<b>208</b>

<sup>56</sup> Aggregated by the ODIHR EET based on [final results](#).



## ABOUT ODIHR

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

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

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

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

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

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

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

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

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