

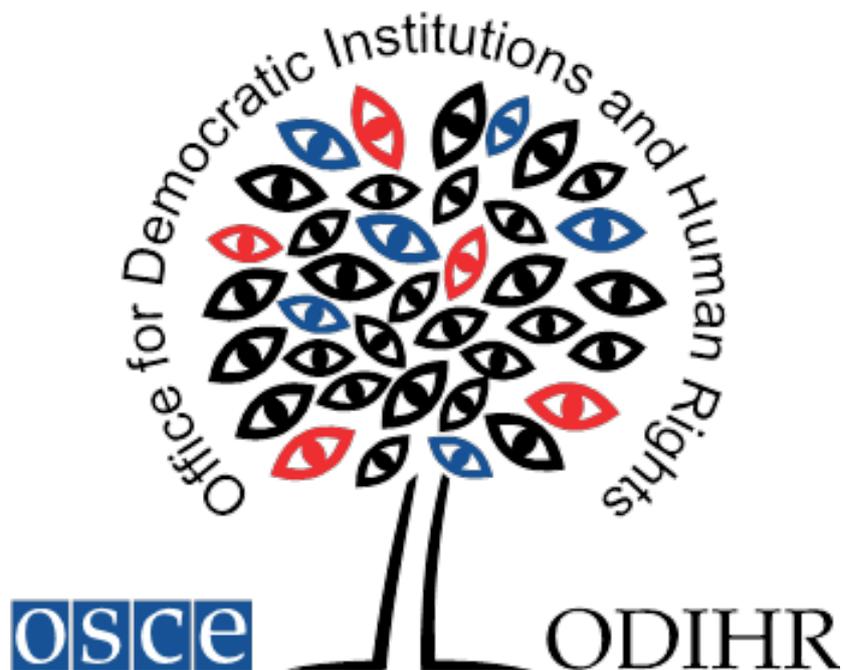


Office for Democratic Institutions and Human Rights

**SWISS CONFEDERATION**  
**FEDERAL ASSEMBLY ELECTIONS**  
**18 October 2015**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

**9-11 June 2015**



**Warsaw**  
**13 July 2015**

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**SWISS CONFEDERATION  
FEDERAL ASSEMBLY ELECTIONS  
18 October 2015**

**OSCE/ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

Following an invitation from the Government of Switzerland to observe the 18 October 2015 federal elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Switzerland from 9 to 11 June. The NAM included Dr. Richard Lappin, OSCE/ODIHR Senior Election Adviser, and Mr. Radivoje Grujić, OSCE/ODIHR Election Adviser.

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

The OSCE/ODIHR would like to thank the Federal Department of Foreign Affairs and the Delegation of Switzerland to the OSCE for their assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the mission and to share their views.

## **II. EXECUTIVE SUMMARY**

On 18 October, voters will elect members to the bicameral Federal Assembly for a four-year term. Most of the 200 members of the National Council, are elected under a proportional system, while the 46 members of the Council of States, are largely elected through majoritarian contests.

Switzerland is a federal state composed of 26 cantons. While federal legislation provides minimum conditions for National Council elections, the implementation and details are regulated by cantonal law. The Council of States elections are under the full competence of the cantons. Recent legal amendments address a number of prior OSCE/ODIHR recommendations, primarily related to New Voting Technologies (NVT). However, other recommendations remain unaddressed, including in respect of campaign finance and the rights of election observers.

The election administration is decentralized, involving the Federal Chancellery, the cantonal chancelleries, and the communes. Electoral practice varies considerably across the cantons, although some steps have been taken to harmonize procedures. Voters are provided with a wide variety of methods to cast their vote, including in person, by post, and via the Internet. All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration and its ability to organize elections in a professional and impartial manner.

In the upcoming elections, it is expected that some 180,000 citizens from 13 cantons will be eligible to vote via the Internet as part of federally-approved pilot schemes. This represents the continuation of a gradual approach of the authorities to expand Internet voting, which, for the first

time in federal elections, would include citizens resident in Switzerland. Almost all OSCE/ODIHR NAM interlocutors expressed their confidence in the integrity of Internet voting and welcomed efforts made by the Federal Chancellery to strengthen procedures. However, some concerns were raised about the implementation of the new measures, especially regarding cantonal oversight, data protection, and individual verifiability mechanisms.

Voter registration is passive and some 5.2 million citizens are eligible to vote in these elections. While all citizens residing abroad can vote in the National Council elections, only 12 cantons allow voting in the Council of States elections. Some 23 per cent of the population are resident non-citizens. Although there is a growing trend to extend voting rights to non-citizens for local elections, cantonal rules vary and the issue is politically divisive.

All citizens with the right to vote can stand for National Council elections, while eligibility and registration requirements vary for Council of States elections. There are no legal requirements to promote women candidates, although some parties have voluntary policies. The UN Committee on the Elimination of Discrimination against Women has expressed concern that the Federal Supreme Court has ruled against the use of temporary special measures to enhance women's representation. Women hold some 29 per cent of seats in the outgoing Federal Assembly.

The election campaign is expected to focus on immigration, the economy, and relations with the European Union. While adverts in the press and campaign posters are permitted, political adverts on broadcast media are banned. No parties raised concerns about their ability to campaign freely, but several interlocutors noted that inflammatory and discriminatory speech may occur.

Despite prior recommendations from the OSCE/ODIHR and the Council of Europe, campaign finance remains largely unregulated and lacks transparency. Parties can receive unlimited funds from any source and there are no limits on expenditures. With the exception of three cantons, there are no requirements to disclose the source or amount of donations.

The media landscape is pluralistic and the Federal Constitution guarantees freedom of expression and the media. Coverage of the election campaign is largely self-regulated with the possibility to appeal to media supervisory bodies. Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with provisions for media access and coverage during elections.

Despite previous recommendations and a Federal Council initiative, federal legislation does not include provisions for international or citizen election observers. Nonetheless, the OSCE/ODIHR has received a timely invitation to observe these elections and all stakeholders affirmed their readiness to co-operate with a potential OSCE/ODIHR election observation activity.

All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration and no fundamental concerns were raised in relation to voter and candidate registration, campaigning or media coverage. As a long-standing recommendation to enhance campaign finance transparency remains unaddressed, it would not add value to deploy an observation activity to further examine this issue. However, the revised legal framework for Internet voting and its implementation could benefit from a more in-depth assessment, particularly in light of the authorities' stated intention to extend its usage in future federal elections. Accordingly, the OSCE/ODIHR NAM recommends the deployment of an Election Expert Team for the upcoming elections, to specifically assess the legal framework for Internet voting and its implementation.

### III. FINDINGS

#### A. POLITICAL BACKGROUND

Switzerland is a federal state with a parliamentary system of governance. Political institutions reflect strong decentralization, linguistic diversity, and a tradition of direct democracy as exercised through regular referenda and popular initiatives. The country's three-tiered political system comprises the federal authorities, 26 cantons, and some 2,300 communes. The cantons exercise wide authority and have their own constitutions, laws, parliaments, and courts.

At the federal level, legislative power is exercised by the Federal Assembly, a bicameral parliament elected for a four-year term. The 200 members of the National Council represent the overall population and the 46 members of the Council of States represent the cantons. Both chambers exercise equal powers. Executive power is vested in the seven-member Federal Council, which is elected by the Federal Assembly. The Federal Council is a collegial body and represents Switzerland as a collective head of state, with its largely ceremonial presidency rotating annually among members. Traditionally, seats on the Federal Council have been allocated to political parties based on their strength in the Federal Assembly.

Thirteen parties are currently represented in the Federal Assembly. Of these, five hold seats in the Federal Council: the Radical Free Democratic Party and the Social Democratic Party, with two members each; and the Conservative Democratic Party, the Christian Democratic People's Party and the Swiss People's Party, each with one member. The Swiss Green Party and the Green Liberal Party are the largest parliamentary parties not represented on the Federal Council.

Women are generally underrepresented in public office. Although 3 out of 7 Federal Councillors are women, only some 29 per cent of seats in the outgoing Federal Assembly and 26 per cent of seats in the cantonal parliaments are held by women.<sup>1</sup> In line with a prior OSCE/ODIHR recommendation, sex-disaggregated statistics on voting patterns will be provided in some cantons as part of a pilot project for referenda held after 2015.

Previously, the OSCE/ODIHR deployed an Election Assessment Mission for the 23 October 2011 Federal Assembly elections. The mission concluded in its final report that "the conduct of the elections demonstrated that Swiss democracy is deep-rooted, vibrant and pluralistic. Election stakeholders have an extremely high level of trust and confidence in the electoral system and its administration".<sup>2</sup> The report included several recommendations for the authorities on how electoral processes may be improved and brought more closely in line with OSCE commitments.<sup>3</sup>

As part of the 2014 Swiss chairmanship of the OSCE, the Federal Department of Foreign Affairs tasked the Swiss Center of Expertise in Human Rights to conduct an independent self-evaluation of its compliance with OSCE commitments, including those related to elections and past OSCE/ODIHR recommendations. The study was published in October 2014.<sup>4</sup>

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<sup>1</sup> The Swiss Federal Statistics Office, "Women and Elections", available at: [www.bfs.admin.ch/bfs/portal/fr/index/themen/17/02/blank/dos/02.html](http://www.bfs.admin.ch/bfs/portal/fr/index/themen/17/02/blank/dos/02.html).

<sup>2</sup> All previous OSCE/ODIHR reports are available at: [www.osce.org/odihr/elections/switzerland](http://www.osce.org/odihr/elections/switzerland).

<sup>3</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 recommendation".

<sup>4</sup> Swiss Center of Expertise in Human Rights, "Self-Evaluation OSCE Chairmanship", available at: [https://www.eda.admin.ch/content/dam/eda/en/documents/recent/Self-Evaluation-OSCE-Chairmanship-24-October2014\\_EN.pdf](https://www.eda.admin.ch/content/dam/eda/en/documents/recent/Self-Evaluation-OSCE-Chairmanship-24-October2014_EN.pdf).

## **B. LEGAL FRAMEWORK**

Federal Assembly elections are primarily regulated by the Federal Constitution, the Federal Act on Political Rights, and the Federal Decree on Political Rights, as well as corresponding legislation at the cantonal level. While federal law provides minimum conditions for National Council elections, the cantons are responsible for implementing regulations and providing detailed instructions. The Council of States elections are under the full competence of the cantons.

Since the 2011 Federal Assembly elections, a number of initiatives have been taken to address prior OSCE/ODIHR recommendations. This included amendments to legislation, federal reviews of procedures, and meetings with cantonal election officials to exchange good practices. These initiatives resulted in a number of past OSCE/ODIHR recommendations being implemented, including those related to New Voting Technologies (NVT) and candidate registration. However, some OSCE/ODIHR recommendations remain unaddressed, including in respect of campaign finance transparency and the legal rights of international and citizen election observers.

Complaints and appeals for National Council elections are regulated by the Federal Act on Political Rights. The cantonal authorities serve as the first instance for the review of complaints and an appeal must be filed within three days of the grounds for the appeal being ascertained. The canton must then issue a decision within ten days and, if an irregularity is established, provide appropriate remedies. For Council of States elections, dispute resolution is regulated by cantonal legislation. Appeals on violations of political rights, except for acts of the Federal Assembly or the Federal Council, may be filed with the Federal Supreme Court within 3 days of the original decision for National Council elections and 30 days for Council of States elections. There is no deadline for the Federal Supreme Court to issue a decision.

## **C. ELECTORAL SYSTEM**

The 200 seats of the National Council are allocated to the cantons according to their relative population as recorded in the latest census.<sup>5</sup> Each of the 26 cantons forms a single constituency and elects at least one member. The number of seats per canton varies from one in 6 cantons to 35 in the canton of Zurich. Elections are conducted under a proportional system, except in the cantons that return only one member where a majoritarian system is used.<sup>6</sup>

In the multi-member constituencies, voters choose among candidate lists mainly put forward by political parties. Parties may present a joint list with another party. Parties also often present “special-lists” of candidates representing women, youth, or geographical areas within a canton. Voters may use a pre-printed ballot paper with the list of a particular party and vote for all the candidates on the list. However, voters can also modify a pre-printed ballot paper by deleting candidates, adding candidates from other lists within the same constituency (vote splitting or “panachage”), or entering the name of one candidate twice (accumulation). Voters may also compose their own ballot paper by combining candidates from different lists within the constituency.

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<sup>5</sup> In comparison to the 2011 elections, Aargau, Valais, and Zurich each gained one seat, while Bern, Neuchâtel, and Solothurn each lost one seat. See, 2013 Federal Decree on the Allocation of Seats at National Council Elections.

<sup>6</sup> In two of the cantons with only one seat, a candidate may be elected unopposed (a tacit election) if only one valid nomination is submitted by the thirtieth day prior to the election.

Elections to the Council of States are conducted under majoritarian systems, with the exception of the cantons of Jura and Neuchâtel, which use proportional representation. Twenty cantons elect two members each and six cantons elect one member each.

#### **D. ELECTION ADMINISTRATION**

The administration of elections is highly decentralized, involving the Federal Chancellery, the cantonal chancelleries, and the communes. All interlocutors met with by the OSCE/ODIHR NAM expressed full confidence in the election administration and its ability to organize elections in a professional and impartial manner.

The Federal Chancellery assumes a co-ordination role for elections and is responsible for ensuring that federal standards are respected. It provides information on candidate registration to parties, checks candidate eligibility, and conducts voter information programmes, including brochures that are posted to voters. It is also responsible for the oversight of NVT and publishes the final nationwide results.

The cantonal chancelleries are responsible for organizing federal elections in their jurisdictions and perform key tasks such as composing election boards for the canton and communes (at polling stations), preparing voter lists, registering candidate lists, printing and delivering voter identification cards and voting materials (including for voters residing abroad), and aggregating the cantonal election results. Significant responsibilities are often delegated to the communes, particularly for the preparation of voter lists and the set-up of polling stations.

The Federal Chancellery informed the OSCE/ODIHR NAM of efforts made to harmonize election procedures across the cantons, as previously recommended by the OSCE/ODIHR. Since 2012, the Federal Chancellery has organized periodic meetings with cantonal election officials to identify and exchange good practices, including in respect of security measures for postal and early voting, counting methods, and access for voters with disabilities. The Federal Chancellery noted that it was difficult to initiate binding legislation on such procedures due to the legal autonomy that the cantons enjoy in this area.

#### **E. VOTING METHODS**

The legal framework provides voters with a wide variety of voting methods, including in person, by post, and, in federally approved pilots, via the Internet (see *New Voting Technologies*). Almost all OSCE/ODIHR NAM interlocutors expressed a high level of trust in the available voting methods and no fundamental concerns were raised about their use in the upcoming elections.

Voters can cast their ballot in person at their registered polling station upon presentation of the voter identification card. Polling stations are generally open between 10.00 and 12.00 on election day, with some open for only 30 minutes. The number of polling stations has decreased in recent years, as fewer voters decide to vote in person. In addition, cantons are obliged to provide early voting at polling stations for a minimum of two of the four days immediately prior to election day.

All cantons are required to provide a postal voting option, including to citizens residing abroad. Postal voting is estimated to be used by some 90 per cent of voters. If a voter casts a postal ballot, they must send their voter identification card with the ballot to prevent the possibility of voting

additionally at a polling station. In line with a previous OSCE/ODIHR recommendation, the deadline for candidate registration has been brought forward to August, allowing for an earlier dispatch of materials to voters. While this provision will legally come into force after the 2015 elections, it will effectively come into practice for these elections, with the exception of the canton of Jura. The amendment was welcomed by all OSCE/ODIHR NAM interlocutors; however, some noted that the delivery of voting materials to citizens abroad may still be delayed due to the varying quality of foreign postal services.

## F. NEW VOTING TECHNOLOGIES

For the upcoming National Council elections, it is expected that remote Internet voting pilots will be conducted in 13 cantons.<sup>7</sup> In these cantons, all of the estimated 85,000 citizens living abroad would be able to cast their ballot via the Internet. Some further 95,000 voters resident in the cantons of Geneva and Neuchâtel would also be offered the option to vote via the Internet. This is the second time that Internet voting has been trialled in Federal Assembly elections and the first time that citizens resident in Switzerland would be able to vote via the Internet.<sup>8</sup>

The pilots represent the continuation of a gradual approach of the Swiss authorities to introduce Internet voting that began in 2000. In 2013, the Federal Council published its third report on Internet voting, providing an evaluation of the pilot schemes between 2006 and 2012 and defining its future strategy.<sup>9</sup> The stated intention of the authorities is to ultimately provide Internet voting for all citizens in federal elections, as a complement to existing voting methods. It is also viewed as an important means of facilitating voting for citizens abroad.

The Federal Act on Political Rights provides minimum standards for Internet voting pilots, which are currently restricted to a maximum of 10 per cent of the country's electorate and 30 per cent of the cantonal electorate. These limits do not apply to Swiss citizens living abroad. In line with a prior OSCE/ODIHR recommendation, comprehensive end-to-end testing of Internet voting systems must take place before the Federal Council can approve their use. For these elections, three different systems have been submitted for approval with a decision expected in mid-August.<sup>10</sup>

More detailed regulation of Internet voting is provided in Article 27 of the Federal Decree on Political Rights (amended in 2014) and a new Federal Decree on Electronic Voting (adopted in 2014), which includes an annex of technical and administrative requirements for Internet voting. This revised legal framework provides greater detail on key processes and addresses a number of prior OSCE/ODIHR recommendations, including requirements for printing voter identification cards, handling encrypted data, and processing personal data.

In addition, all Internet voting systems are now required to provide voters with the possibility to individually verify that their vote has been cast as intended, as previously recommended by the OSCE/ODIHR. Eligible voters will receive codes with their voter identification card that will allow them to check that their ballot is recorded correctly and corresponds to their intention. From

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<sup>7</sup> The cantons of Aargau, Basel-Stadt, Fribourg, Geneva, Glarus, Graubünden, Luzern, Neuchâtel, Schaffhausen, Solothurn, St. Gallen, Thurgau, and Zurich.

<sup>8</sup> In the 2011 federal elections, Internet voting was provided to some 22,000 non-resident citizens.

<sup>9</sup> The Federal Council "Report on Electronic Voting", available at: [www.bk.admin.ch/themen/pore/evoting/07977/index.html?lang=fr](http://www.bk.admin.ch/themen/pore/evoting/07977/index.html?lang=fr).

<sup>10</sup> The "Consortium System", "Geneva System", and "Neuchatel System". For further details, see the OSCE/ODIHR Election Assessment Mission final report on the 2011 Federal Assembly elections.

2016, the Federal Chancellery also intends to provide universal verifiability, whereby any person or group can use mathematical means of verification to check that election results correspond to the votes cast and that the process has been conducted accurately.

In addition to new legal provisions, a permanent working group chaired by the Federal Chancellery was established to exchange good practices on NVT, as previously recommended by the OSCE/ODIHR. Discussions within the working group have focussed on training of staff and further harmonization of cantonal procedures and standards for Internet voting.

Almost all OSCE/ODIHR NAM interlocutors expressed their trust in the administration and integrity of Internet voting systems and welcomed the efforts made by the Federal Chancellery to strengthen the legal framework and relevant procedures. However, some interlocutors raised concerns about how the newly introduced measures will be implemented during the 2015 elections, especially in respect of cantonal oversight and management, data protection, individual verifiability mechanisms and secrecy of the vote.

## **G. VOTING RIGHTS AND VOTER REGISTRATION**

Citizens over the age of 18 are eligible to vote, unless deprived of legal capacity by a court order. There are some variations with respect to voting rights among the cantons. For example, the canton of Glarus allows citizens to vote in Council of States elections from the age of 16, while voting in the canton of Schaffhausen is compulsory and a fine is imposed for non-compliance. Voter registration is passive and voter lists are compiled by the communes or cantons based on population registers. Of a permanent resident population of some 8.1 million, around 5.2 million citizens will be eligible to vote in these elections. No OSCE/ODIHR NAM interlocutors expressed concerns regarding the accuracy of voter lists.

All cantons provide Swiss citizens residing abroad with the possibility to vote in, and be elected to, the National Council. To do so, they must register in either their commune of origin or the commune where they last resided. In contrast, only 12 cantons provide the right for non-resident citizens to vote in elections to the Council of States.<sup>11</sup> Some 142,000 of the estimated 746,000 citizens living abroad are registered to vote in the upcoming elections.<sup>12</sup>

It is estimated that 1.9 million non-citizens are resident in Switzerland (some 23 per cent of the population). Non-citizens do not have voting rights in National Council elections. However, the cantons of Jura and Neuchâtel do allow non-citizens to vote in Council of States elections. While citizenship is an admissible restriction on suffrage for national elections, there is an emerging trend to grant voting rights for local elections to long-term residents who are not citizens.<sup>13</sup> In Switzerland, the authority to grant these rights rests with the cantons. Currently 8 of the 26 cantons allow non-citizens to vote in some local elections after they meet certain

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<sup>11</sup> The cantons of Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Geneva, Graubünden, Jura, Neuchâtel, Schwyz, Solothurn, Ticino, and Zurich.

<sup>12</sup> See data provided by the Organization of the Swiss Abroad, available at: <http://aso.ch/en/politics/federal-elections-2015/the-swiss-abroad-and-the-federal-elections>.

<sup>13</sup> See paragraph 3 of the 1996 UN Human Rights Committee General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights. Also, section I.1.1.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters states that “it would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence”.

residency requirements.<sup>14</sup> A 2010 report of the Federal Commission for Immigration encouraged cantons to introduce local voting rights for non-citizens;<sup>15</sup> however, the issue remains politically divisive.

## H. CANDIDATE REGISTRATION

Citizens with the right to vote can stand for National Council elections. Members of the Federal Council, federal judges, federal civil servants and high-ranking military personnel may stand for election but are required to resign from their post if they are elected and accept their mandate. Candidate lists should be supported by signatures of 100 voters in cantons electing 2 to 10 representatives, by 200 voters in cantons electing 11 to 20 representatives, and by 400 in cantons electing more than 20 representatives. Parties are exempt from collecting signatures if they are registered with the Federal Chancellery, submit only one candidate list in the canton, and are represented in the National Council or gained at least three per cent of the vote in the same canton in the previous election. A voter may not support more than one list.

For Council of States elections, criteria vary by canton, including differences in eligibility, incompatibilities, and registration requirements.<sup>16</sup> The OSCE/ODIHR has previously recommended that federal and cantonal authorities could reflect on the extent to which these differences may affect the principle of equality of political rights of all citizens. The Federal Chancellery initiated a legal review on the issue, which concluded that cantonal differences were legitimated by the Federal Constitution.

There are no legal requirements to promote women candidates, although some parties informed the OSCE/ODIHR NAM of internal policies to encourage women. The UN Committee on the Elimination of Discrimination against Women (CEDAW) has expressed concern that the Federal Supreme Court has ruled against the use of temporary special measures to enhance women's political representation.<sup>17</sup>

## I. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

Switzerland has a diverse political landscape. The 13 parties currently represented in the Federal Assembly, together with interest groups and civil society, are instrumental in setting the political agenda. In addition to federal elections, parties campaign throughout each year, either for local elections, referenda, or popular initiatives. The campaign for the upcoming elections is expected to focus on immigration, the economy, and relations with the European Union.

Federal legislation does not regulate the campaign in detail. While advertisements in the press and campaign posters are permitted, political advertisements on broadcast media are prohibited. Parties informed the OSCE/ODIHR NAM that they intend to campaign through posters, canvassing and small meetings, as well as via the Internet and social media. No parties raised

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<sup>14</sup> The cantons of Appenzell Outer Rhodes, Basel-Stadt, Fribourg, Geneva, Graubünden, Jura, Neuchâtel and Vaud. See: <http://www.ekm.admin.ch/ekm/de/home/buergerrecht---citoyennete/Citoy/stimmrecht.html>.

<sup>15</sup> The Federal Commission for Immigration, "Citizenship: Redefining Participation", available at: [http://www.ekm.admin.ch/dam/data/ekm/dokumentation/empfehlungen/empfehlungen\\_citoyennete.pdf](http://www.ekm.admin.ch/dam/data/ekm/dokumentation/empfehlungen/empfehlungen_citoyennete.pdf).

<sup>16</sup> For further details, see the OSCE/ODIHR final report on the 2011 Federal Assembly elections.

<sup>17</sup> CEDAW "Concluding Observations on Switzerland" (7 August 2009), CEDAW/C/CHE/CO/3, paragraphs 23 and 33.

concerns about their ability to campaign freely, although several interlocutors noted that inflammatory speech and discriminatory advertising may occur during the campaign.<sup>18</sup>

There are no federal regulations on party or campaign financing and few cantonal rules, despite previous recommendations by the OSCE/ODIHR and the Council of Europe's Group of States Against Corruption (GRECO).<sup>19</sup> Parties can receive unlimited contributions from any source and there are no limits on expenditures. With the exception of the cantons of Geneva, Neuchâtel and Ticino, there are no requirements to disclose the sources or amounts of donations. Although parties do not receive direct federal funding, parliamentary groups do receive some public funding.<sup>20</sup> A few cantons, such as Geneva and Fribourg, grant public subsidies to parties and/or partial reimbursement of campaign expenditures.

Since the last federal elections, initiatives to introduce party and campaign finance regulations at the federal level have been undertaken, but none have been successful. At the cantonal level, parliamentary or popular initiatives to enhance campaign finance transparency were rejected in Aargau, Basel-Landschaft, Vaud, and Zurich. Some parties have introduced internal limits on donations and a few voluntarily disclose information on their funding and advocate for greater regulation. The authorities and some parties informed the OSCE/ODIHR NAM that efforts are complicated by concerns over donor privacy and how regulations would cover the regular referenda and popular initiatives. The issue remains active in the political discourse.

The OSCE/ODIHR has previously noted that the lack of campaign finance regulations is not in line with international standards.<sup>21</sup> In 2014, GRECO concluded that Switzerland's low level of compliance with its recommendations was "globally unsatisfactory".

## J. MEDIA

The media landscape is pluralistic and structured primarily along linguistic lines. There is a variety of public and private television channels and radio stations, a vibrant and diverse press, and an increasing number of Internet-based news sites. Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with provisions for media access and coverage during elections.

The Federal Constitution guarantees freedom of expression and the media. Media are largely self-regulated and there is no specific legislation covering the role of the media during an election. However, the Federal Law on Radio and Television provides guidance to electronic media for coverage of political events, emphasising the need for diversity, equality, and objectivity.

The public broadcaster, Swiss Broadcasting (SRG SSR), is the only national broadcaster and runs 8 television stations and 18 radio stations in the 4 official languages. As it has done for previous

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<sup>18</sup> See, also: UN Committee on the Elimination of Racial Discrimination "Concluding Observations on Switzerland" (13 March 2014), CERD/C/CHE/CO/7-9, paragraph 6; European Commission against Racism and Intolerance "Report on Switzerland" (16 September 2014), CR(2014)39, pp.15-19.

<sup>19</sup> GRECO "Interim Compliance Report on Switzerland" (20 June 2014), GRECO RC-III(2014)14E.

<sup>20</sup> A parliamentary group comprises members of the same party or parties that share similar political views. Parliamentary groups are paid a fixed allowance of 144,500 Swiss Francs (CHF) per year (approx. EUR 138,300), and each of their members receives additional CHF 26,800 (approx. EUR 25,650).

<sup>21</sup> For example, Article 7.3 of the 2003 UN Convention Against Corruption requires states to "consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office". Section I.2.3.d of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "political party, candidates and election campaign funding must be transparent".

elections, SRG SSR has issued internal instructions to ensure equitable and balanced coverage of political actors during the upcoming elections.

A number of supervisory bodies are tasked with providing oversight of media. For programmatic content on broadcast media, the first instance are Ombudspersons who are assigned to specific broadcasters and act as mediators. If no resolution is reached, a complaint can be filed with the Independent Complaints Authority (ICA), with appeal possible to the Federal Supreme Court. The ICA informed the OSCE/ODIHR NAM that it has shortened its internal deadlines for handling complaints to ensure timely decisions close to election day, in line with a past OSCE/ODIHR recommendation. Separately, the Federal Office of Communications supervises advertising on broadcast media, including violations of the ban on political advertising, while the Press Council deals with complaints against print media.

## **K. ELECTION OBSERVATION**

Federal legislation does not contain explicit provisions for international or citizen election observation. Some cantonal laws foresee the presence of political party representatives or observation by voters during voting and counting. The OSCE/ODIHR NAM was not made aware of any citizen observer groups that intend to observe the upcoming elections. However, a number of civil society actors will undertake voter education efforts. The Federal Commission for Women's Issues will monitor the coverage of women candidates in the media, with a report expected to be published in 2016.

In 2014, in line with a prior OSCE/ODIHR recommendation, the Federal Council submitted a proposal to the Federal Assembly to introduce explicit provisions on election observation into the Federal Act on Political Rights. The proposal was rejected in the National Council on the grounds that international provisions are already directly applicable.<sup>22</sup> Despite the lack of explicit legal provisions, the OSCE/ODIHR has received a timely invitation to observe the upcoming elections and all stakeholders affirmed their willingness to co-operate with a potential OSCE/ODIHR election observation activity.

## **IV. CONCLUSIONS AND RECOMMENDATIONS**

All OSCE/ODIHR NAM interlocutors expressed full confidence in the election administration and its ability to organize elections in a professional and impartial manner. No fundamental concerns were raised in relation to voter and candidate registration, campaigning, or media coverage. As a long-standing recommendation to enhance campaign finance transparency remains unaddressed, it would not add value to deploy an observation activity to further examine the issue. The OSCE/ODIHR, however, is ready to assist the authorities in any future campaign finance reform, including the provision of expertise on good practices and the review of draft legislation.

The recently revised legal framework for Internet voting, however, could benefit from a more in-depth assessment. Although many prior OSCE/ODIHR recommendations on NVT have been addressed, the implementation of the new measures would merit greater scrutiny, particularly in light of the authorities' intention to extend the use of Internet voting in future federal elections. A number of OSCE/ODIHR NAM interlocutors stated that they would welcome a potential

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<sup>22</sup> With 128 votes against and 58 votes in favor. See: [www.parlament.ch/ab/frameset/d/n/4915/444941/d\\_n\\_4915\\_444941\\_445320.htm](http://www.parlament.ch/ab/frameset/d/n/4915/444941/d_n_4915_444941_445320.htm).

observation activity focussed on NVT, recognising that further improvements could be made and that an external assessment may contribute to this. Accordingly, the OSCE/ODIHR NAM recommends the deployment of an Election Expert Team for the upcoming elections, to specifically assess the legal framework for Internet voting and its implementation.

## **ANNEX: LIST OF MEETINGS**

### **Federal Department of Foreign Affairs**

Raphael Nägeli, Head of OSCE Task Force, State Secretariat  
Roger Dubach, Deputy Head of OSCE Task Force, State Secretariat  
Marijana Rakić, Political Adviser Human Dimension, OSCE Task Force, State Secretariat  
Odile Robert, Political Adviser Human Dimension, OSCE Task Force, State Secretariat  
Tatiana Money, Electoral Assistance and Democracy Adviser, Directorate of Political Affairs

### **Federal Chancellery**

Corina Casanova, Federal Chancellor  
Barbara Perriard, Head of Political Rights Section  
Nadja Obreschkow, Partial Project Leader Vote Électronique  
Oliver Spycher, Deputy Project Leader Vote Électronique  
Alexandra Graf, Elections Administrator

### **Zurich Cantonal Chancellery**

Edith Wiederkehr, Election and Vote Administrator

### **Federal Supreme Court**

Peter Uebersax, Attorney

### **Federal Commission for Women's Issues**

Etiennette J. Verrey, President

### **Federal Office of Communications**

Oliver Gerber, Media Lawyer

### **Independent Complaints Authority**

Pierre Rieder, Head of Secretariat

### **SRG SSR Swiss Broadcasting Corporation**

Peter Schibli, Director, Swiss Info

### **Political Parties**

Ida Glanzmann-Hunkeler, National Councillor, Christian Democratic People's Party  
Sibyl Eigenmann, International Secretary, Christian Democratic People's Party  
Sandra Gurtner-Oesch, Secretary General, Green Liberal Party  
Samuel Lanz, Secretary General, Radical Free Democratic Party  
Carina Schaller, Campaign Leader, Radical Free Democratic Party  
Peter Hug, International Secretary, Social Democratic Party  
Brigitte Marti Rojas Rivas, Secretary General, Swiss Green Party  
Eliza Kamm, Programme Assistant, Swiss Green Party  
Andreas Aebi, National Councillor, Swiss People's Party  
Thomas Aeschi, National Councillor, Swiss People's Party  
Martin Baltisser, Secretary General, Swiss People's Party  
Urs Voegeli, Researcher, Swiss People's Party

### **Civil Society**

Matthias Hui, Co-ordinator, NGO Working Group OSCE

Ariane Rustichelli, Co-Director, Organization of the Swiss Abroad

Daniel Schwarz, Project Manager, Smartvote

Georg Lutz, Project Director, Swiss Electoral Studies Research – Selects

Henry Schneider, Chief Economist, Swiss Federation of Small and Medium Enterprises

Letizia Carigiet, Co-President, Swiss National Youth Council

Annina Grob, Division Manager for Politics and Participation, Swiss National Youth Council

Ruedi Tobler, President, Swiss Peace Council