



Office for Democratic Institutions and Human Rights

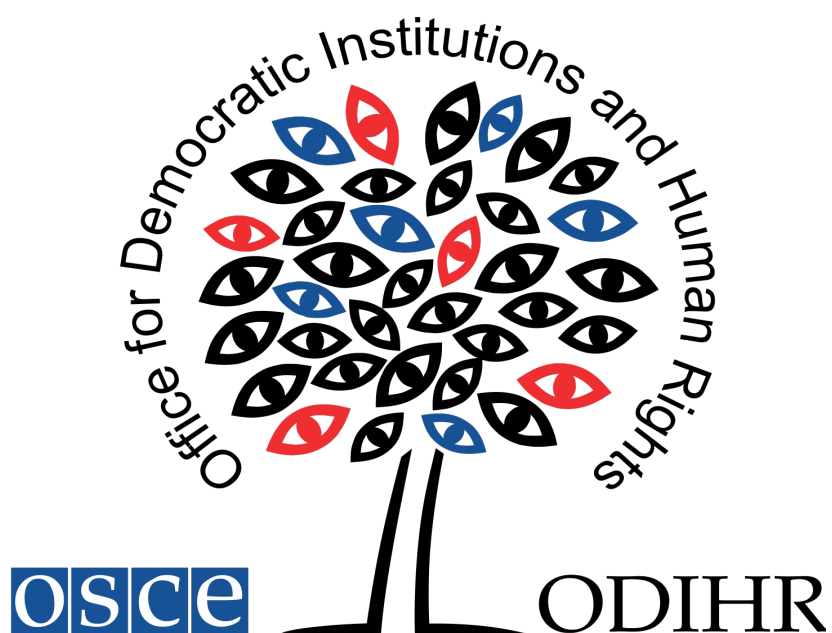
## FRANCE

### EARLY PARLIAMENTARY ELECTIONS

30 June and 7 July 2024

### ODIHR NEEDS ASSESSMENT MISSION REPORT

19 – 21 June 2024



Warsaw  
28 June 2024

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**FRANCE**  
**EARLY PARLIAMENTARY ELECTIONS**  
**2024**

**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

Following an official invitation from the French authorities to observe the forthcoming early parliamentary elections scheduled for a first round on 30 June 2024, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 19 to 21 June 2024. The NAM included Keara Castaldo, ODIHR Senior Election Adviser, and Kseniya Dashutsina, ODIHR Election Adviser.

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

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

## **II. EXECUTIVE SUMMARY**

The 30 June 2024 early parliamentary elections follow the 9 June dissolution of the parliament by President Emmanuel Macron in response to the results of the European Parliament elections, in which the opposition National Rally earned a majority of seats. The potential second rounds are scheduled to take place on 7 July 2024. While most ODIHR NAM interlocutors criticized the short timeframe for the administrative and political organization of the elections and several questioned the necessity of the dissolution of the parliament, many stressed the importance of the upcoming elections and expressed hope for a high rate of participation among the electorate.

The legal framework has not been substantively amended since the previous parliamentary elections. The presidential decree which set the date for the early elections provided an adjusted timeline for holding of these elections. ODIHR NAM interlocutors generally found the legal framework conducive for democratic elections and welcomed the additional guidance issued by the relevant institutions. Several previous ODIHR recommendations remain unaddressed, including those related to proxy voting, criminal liability for defamation and providing for international and citizen election observation.

The Ministry of Interior holds primary oversight and organizational authority over the preparations for the parliamentary elections, with the 101 prefectures holding significant responsibilities for their implementation. Additional commissions are formed at the prefecture level prior to each election for the control of campaign materials, voter lists, voting operations, and the tabulation of results. All ODIHR NAM interlocutors expressed a high level of trust in the professionalism and integrity of the electoral process. Despite raising some concerns related to the compressed timeframes for implementing the early elections, stakeholders were generally confident that the elections would be administered successfully. Most ODIHR NAM interlocutors were not in favour of expanding the

use of electronic voting in-country, citing security concerns, while many supported the continued operation of Internet voting to facilitate the franchise of citizens residing abroad. Efforts to facilitate the participation of voters with disabilities are not uniform and municipal practices vary.

Citizens aged 18 years or older by election day have the right to vote. Positively, the right to vote is maintained for persons with disabilities under legal guardianship. Voter registration is automatic for most voters and voter lists are extracted from a permanent electronic register that is updated on a continuous basis. ODIHR NAM interlocutors did not raise major concerns related to the overall integrity and maintenance of the permanent electronic voter register and of the voter lists, but several criticized that there was no administrative opportunity for most voters to request changes to the lists after the announcement of the early elections, except through court procedures.

The right to stand is granted to citizens with active suffrage rights, except for those under legal guardianship. Prospective candidates were required to submit paper-based applications to the respective prefectures. According to the Ministry of Interior, 4,011 candidates, including 1,647 women (41 per cent) were registered in these elections, a 36 per cent decrease compared to the previous parliamentary elections. While ODIHR NAM interlocutors did not report any administrative obstacles to the efficient registration of prospective candidates, several stated that the short timeline to prepare for the early elections did not allow sufficient time for parties to go through their internal statutory procedures for candidate nomination, and may have negatively impacted the ability of contestants, especially smaller parties, to field candidates.

Campaigns may be funded by public and private sources, some campaign costs eligible for partial reimbursement. Most ODIHR NAM interlocutors expressed satisfaction with the campaign finance rules and their implementation by the oversight authority, but some stated that certain aspects of the regulatory framework would benefit from further revision to ensure effective and timely disclosure and enforcement. Most ODIHR NAM interlocutors stated that the condensed timeframe for early elections created challenges for some contestants to effectively finance their campaigns, particularly given the tendency of many candidates to self-finance through loans.

The media landscape is pluralistic with a broad array of public and private broadcasters and print publications. ODIHR NAM interlocutors, including among political parties, generally assessed the public media as providing a reliable and impartial source of political information, while several raised concerns about the impact of increased concentration of media ownership on the politicized nature of some private media. Despite prior ODIHR recommendations, defamation remains criminal and is punishable by up to one year of imprisonment or a fine. Interlocutors were satisfied with the regulatory framework for media coverage of elections, and several praised the communication and co-operation with the media regulator, but suggested that it should be further empowered to react to imbalanced political coverage in media outlets and other infringements.

The legal framework governing electoral dispute resolution outlines different avenues for the resolution of election-related disputes, and most ODIHR NAM interlocutors were confident in the integrity of the appeals process. The Constitutional Council reviews most complaints in written procedures, despite a prior ODIHR recommendation to ensure public hearings for election-related complaints. On 20 June, the Council rejected ten appeals challenging constitutionality of the presidential decree on setting early elections. An additional eleven cases related to the same issue or challenging the constitutionality of the presidential decree on early dissolution of the parliament remain pending.

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process and in the ability of the election administration to organize the elections professionally and impartially,

including on election day. Most ODIHR NAM interlocutors welcomed a potential ODIHR observation activity, recognizing that an external assessment could contribute to further improvements to the electoral process, and given the impact of the condensed timeline for the conduct of the early elections and issues that it may expose. Interlocutors cited some areas that could benefit from closer attention, including the implementation of the short election calendar, the conduct and regulation of the campaign, its financing, and the role of media in the elections. ODIHR would also seek to pay attention to the participation of underrepresented groups in the political process. On this basis, the ODIHR NAM would recommend the deployment of an Election Expert Mission for upcoming 2024 early parliamentary elections. Due to the short timeframe prior to the upcoming election day, the deployment of an election observation activity is not possible given that a methodologically required timeframe to examine the highlighted issues cannot be ensured. ODIHR reiterates that a number of its previous recommendations remain valid and encourages the authorities to consider and implement previous ODIHR electoral recommendations, and stands ready to assist the authorities in further reviewing these recommendations.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

France is a presidential republic, with a bicameral parliament consisting of a directly-elected lower house, the National Assembly, with 577 members, and an indirectly-elected upper house, the Senate, with 348 members. Executive power is exercised by a directly-elected president and by a prime minister, who is appointed by the president. The government is accountable to the parliament.

The 30 June 2024 early elections follow the 9 June dissolution of the parliament by President Emmanuel Macron in response to the results of the European Parliament elections. The potential second rounds are scheduled to take place on 7 July 2024. Following the previous presidential and parliamentary elections held in 2022, incumbent President Emmanuel Macron was re-elected with 58.6 per cent of the vote and his coalition *Ensemble* held 245 deputies in the now-dissolved National Assembly (MPs).<sup>1</sup> In the 2024 elections to the European Parliament, the National Rally received 31.5 percent of the vote, while the ruling Renaissance party obtained only 14.7 per cent.

The Constitution empowers the president to dissolve the National Assembly before the end of its convocation, and new elections must be held within 20 to 40 days of the dissolution of the parliament.<sup>2</sup> In his decree, President Macron designated the shortest possible timeline for the conduct of the upcoming elections, later clarifying that the election process should complete prior to the national Bastille Day holiday and the country's hosting of the 2024 Summer Olympics.<sup>3</sup> While most ODIHR NAM interlocutors criticized the short timeframe for the administrative and political organization of the elections and several questioned the necessity of the dissolution of the parliament, many stressed the importance of the upcoming elections and expressed hope for a high rate of participation among the electorate.

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<sup>1</sup> The NUPES coalition of four parties had obtained 131 seats, the National Rally 89 seats, and a centre-right Union of the Right and Centre, including Les Républicains, won 64 seats.

<sup>2</sup> The National Assembly has been dissolved six times, most recently in 1997 by President Jacques Chirac.

<sup>3</sup> The decree scheduling early elections was appealed to the Constitutional Council by Rassemblement National and Les Républicains, who argued that the decree only took effect upon publication in the Official Journal, hence reducing the electoral timeline to 19 days in contradiction with the constitutional minimum of 20. Moreover, the applicants argued that new voters were denied their voting rights to participate in the elections as the voter register was closed on the day of the publication of the decree. The Council rejected the appeal, stating that the counting of deadlines commences from the signing of the decree, and that in other elements deadlines set in the Constitution prevail.

Following the announcement of the early elections, both new and established alliances of parties have emerged, including New Popular Front consisting of the Socialist party, Green party, Communist party, and the France Unbowed, and the National Rally alliance, and the Ensemble alliance of the Renaissance party together with Horizons, Mouvement Democrat, Parti Radical, and UDI.

The Constitution provides for equal access of women and men to elected offices and posts. Women are well-represented in ministerial positions, holding half of the posts in the current government. The number of women members in the National Assembly decreased from 228 to 215 following the 2022 elections, constituting 37.3 per cent in the most recent convocation of the National Assembly.<sup>4</sup>

ODIHR has previously observed four elections in France.<sup>5</sup> Most recently, ODIHR deployed an Election Assessment Mission to the 2022 parliamentary elections. The final report, issued in December 2022, contains 14 recommendations for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.<sup>6</sup>

## B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

France is party to key international human rights instruments pertaining to the holding of democratic elections.<sup>7</sup> Parliamentary elections are primarily governed by the 1958 Constitution, and the 1956 Electoral Code.<sup>8</sup> The legal framework has not been substantively amended since the previous parliamentary elections. The presidential decree which set the date for the early elections provided an adjusted timeline for holding of these elections. In addition, the Ministry of Interior, the National Commission for the Control of Electoral Accounts and Political Finance (CNCCFP), and the Regulatory Authority for Audio-visual and Digital Communication (Arcom) issued guidelines outlining all legal obligations and applicable timelines. All ODIHR NAM interlocutors were generally satisfied with the existing legal framework as conducive for democratic elections and welcomed additional guidance from the relevant institutions. Several previous ODIHR recommendations remain unaddressed, including those related to proxy voting, criminal liability for defamation and providing for international and citizen election observation.

The 577 members of the National Assembly are elected for a five-year term through majoritarian contests in single-member constituencies.<sup>9</sup> To be elected in the first round, a candidate must obtain an absolute majority of votes cast by at least a quarter of the registered voters in the constituency. If no candidate wins, a run-off is held among the candidates receiving a number of votes equal to at

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<sup>4</sup> The UN CEDAW Committee Concluding [observations](#) on the ninth periodic report of France (14 November 2023) recommended to “adopt temporary special measures to accelerate the achievement of the substantive equality of women and men in areas where women are underrepresented or disadvantaged, in particular in decision-making and leadership positions in political and economic life, and in any other areas where women remain underrepresented, with time-bound targets and benchmarks, and sanctions for non-compliance”.

<sup>5</sup> See previous ODIHR election-related [reports](#) on France.

<sup>6</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”.

<sup>7</sup> Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention on the Elimination of All Forms of Discrimination Against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities, and the 1950 European Convention on Human Rights.

<sup>8</sup> They are further supplemented by the laws for freedom of the press and peaceful assembly, political and campaign finance reporting, oversight of media, and administrative and criminal liability. Secondary legislation includes regulations, decrees, court decisions and deliberations, and instructions on different aspects of the electoral process.

<sup>9</sup> These include 11 constituencies designated for citizens living abroad.

least 12.5 per cent of the number of registered voters. If only one candidate fulfils this condition, the candidate with the second highest number of votes proceeds to the run-off. The candidate who receives the most votes in the second round is elected.

The delineation of constituencies was last conducted between 2009 and 2010 by the Ministry of Interior, and the boundaries of the constituencies are fixed in the Electoral Code. By law, the number of voters in each constituency cannot differ from the average number of voters in other constituencies within the same region by more than 20 per cent.<sup>10</sup> There is no legal requirement for periodic review of boundaries to take into account population shifts, but the Constitution requires setting of an independent commission to provide a public opinion on any initiatives related to the delimitation of constituencies.

### C. ELECTION ADMINISTRATION

The Ministry of Interior holds primary oversight and organizational authority of the election process on the national level, with the 101 prefectures, corresponding to the country's administrative *départements*, holding significant responsibilities for implementing the process. Additional commissions are formed at the prefecture level prior to each election for the control of campaign materials, voter lists, voting operations, and results tabulation, which are comprised of public employees.<sup>11</sup> All ODIHR NAM interlocutors expressed a high level of trust in the professionalism and integrity of the electoral process. Despite raising some concerns related to the compressed timeframes for implementing the early elections (see *Voter Registration, Campaign, and Campaign Finance* sections), most stakeholders met by the ODIHR NAM were generally confident that the elections would be administered successfully. The Ministry quickly published detailed guidelines and information following the announcement of the elections, including guides on candidate nomination and on the production of official campaign materials, and a calendar of legal deadlines.

Limited alternative methods of voting exist. All citizens may apply to vote by proxy, who may be any other registered voter of their choice.<sup>12</sup> Most ODIHR NAM interlocutors expressed support for the continued practice of proxy voting; a few noted that the use of this method may increase for these elections, given the recent digitalization of the application process, the unexpected nature of the elections and the timing of the summer holidays, and questioned whether all applications for proxy voting would be successfully reflected in the voter lists by election day. ODIHR has previously recommended that the practice of proxy voting be reviewed, given concerns relating to the secrecy and equality of the vote. Voters residing abroad may cast a ballot at 599 polling stations located at 352 polling sites,<sup>13</sup> or by Internet.<sup>14</sup> No voting is organized in advance of election day, except in certain departments and territories abroad, where voting is organized on Saturday. Eligible voters serving prison sentences, who may cast a ballot by post, if not by proxy or at a polling station.

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<sup>10</sup> Section I.2.2.iv of the Council of Europe's Venice Commission's 2002 Code of Good Practice in Electoral Matters recommends that "[t]he permissible departure from the norm should not be more than 10%, and should certainly not exceed 15%, except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)".

<sup>11</sup> For example, voting operations control commissions, which comprise delegates who visit polling stations on election day to verify their composition and the regularity of voting and counting procedures, as well as the protection of voter and candidate rights, are established in municipalities of more than 20,000 persons and are headed by magistrates; tabulation commissions are likewise headed by magistrates.

<sup>12</sup> The proxy is not limited to registered voters in the same constituency.

<sup>13</sup> Citizens who are registered as residing abroad are automatically included in the consular voter lists.

<sup>14</sup> Internet voting for citizens residing abroad was introduced during the 2012 legislative elections, withheld in 2017 due to security concerns related to potential cyber-attacks, and reintroduced successfully in the 2022 national elections, during which some 70 per cent of voters abroad participated via Internet.

Voting machines are used in only 63 of the more than 34,900 municipalities, and the selection of equipment is the prerogative of the municipality, with the approval of the Ministry of Interior; by law, all voting machines must meet certain criteria. Most ODIHR NAM interlocutors were not in favour of expanding the use of electronic voting in-country, citing security concerns, while many supported the continued operation of Internet voting to facilitate the franchise of citizens residing abroad.

By law, voters may be assisted in voting and in signing the voter register by another voter of their choice. Additional efforts to facilitate the participation of voters with various types of disabilities are not uniform and municipal practices vary. In some polling stations, Braille labels are available on ballot tables to assist voters with visual impairments in selecting a ballot, though some stakeholders informed the ODIHR NAM that Braille is not utilized by many voters with visual impairments.<sup>15</sup> In the few municipalities with voting machines, these are required by law to incorporate assistive technologies for the autonomous participation of persons with visual or hearing impairments or with limited mobility.

#### **D. VOTER REGISTRATION**

Citizens aged 18 years or older by election day have the right to vote. Positively, since 2019, the right to vote is maintained for persons with disabilities under legal guardianship.

Voter registration is passive, with a permanent electronic register maintained by the Institute for Statistics and Economic Studies (INSEE) using data from state and municipal authorities. Voter lists are extracted by municipalities and, in the case of Lyon, Marseille and Paris, by constituency. Mayors indicate each citizen's polling station when submitting resident data to the INSEE; changes to a citizen's registered address within the municipality, and any corresponding change to the assigned polling station, must be communicated to INSEE within seven days. When INSEE receives information of a new address for a citizen in a different municipality, it retains only the most recent record for the voter, and transmits this information to the mayors of each relevant municipality. Persons without a stable residence are entitled to request inclusion in voter lists in the municipality or constituency where they are affiliated with a relevant organization. The National Commission for Information Technology and Liberties advises on the appropriate use and disclosure of personal data for the voter register. Any voter or contestant is entitled to obtain a copy of the constituency or prefecture voter lists, respectively, upon declaring not to use the data for commercial reasons.

ODIHR NAM interlocutors did not raise major concerns related to the overall integrity and maintenance of the permanent register and voter lists, but several criticized the fact that limited options were available for voters to ensure their accurate inclusion in the appropriate lists in advance of these early elections. Requests for inclusion must be submitted no later than the sixth Friday preceding the election day. For these elections, the registers were closed upon the announcement of the elections. Eligible voters included in the permanent register at the time of the European Parliament elections in June are included in the voter lists. Certain limited categories of eligible citizens could still be added until ten days prior to the election day.<sup>16</sup> According to the Electoral Code, appeals of mayoral decisions related to inclusion in voter lists can be filed with the electoral list control commission of the respective municipality or constituency. This control commission

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<sup>15</sup> The Ministry of Interior participates in an interministerial committee on accessibility which reviews the applicable legal frameworks and potential practices in municipalities.

<sup>16</sup> Specifically, public employees and military personnel whose relocation is related to their service or its cessation, and their families; other persons who relocate for professional reasons, and their families; as well as eligible voters who reach the minimum voting age, citizens who are newly naturalized, and persons whose voting rights are legally reinstated after the closing of the registers.



would, under normal circumstances, meet 24 to 21 days prior to election day to consider any potential appeals, with the final voter lists published the day following this meeting. Given the lists were finalized upon the announcement of elections, which coincided with the date of the European Parliament elections, no additional meetings of such commissions took place, and the usual administrative procedures for requesting changes to lists did not apply. Voters omitted from the lists in error may file an appeal to the respective district court, which may render decisions on the matter until election day. According to the Ministry of Interior, the voter lists are only updated between the two rounds in exceptional circumstances, such as to accommodate newly eligible voters who have turned 18 between the two rounds.

## E. CANDIDATE REGISTRATION

The right to stand is granted to citizens with active suffrage rights,<sup>17</sup> except for those under partial or full legal guardianship.<sup>18</sup> Candidates are not required to be a resident in the constituency where they stand. Several categories of public servants who hold or have held certain positions in the relevant constituency are ineligible.<sup>19</sup>

Candidate nomination started on 12 June, three days after announcement of the early elections, and closed on 16 June.<sup>20</sup> On 11 June, the Ministry of Interior issued a detailed guide for candidates. Prospective candidates were required to submit paper-based applications to the respective prefectures, including declarations of the candidate's registration in the voter register, the written acceptance of the alternate, and proof of designation of a financial agent. In an attempt to encourage gender parity among the candidates nominated across constituencies, political parties must submit their lists of affiliated candidates, with some funding implications if parity is not achieved (see also *Campaign Finance*). According to the MoI, 4,011 candidates, including 1,647 women (41 per cent) were registered in these elections, a 36 per cent decrease in the total number of candidates from the last parliamentary elections. Several ODIHR NAM interlocutors stated that the condensed timeline, which provided seven days for the candidate nomination process after the announcement of the elections, did not allow sufficient time for parties to go through their internal statutory procedures for nomination and negatively impacted the ability of contestants, especially smaller parties, to field candidates.

## F. ELECTION CAMPAIGN

The official campaign period began on 17 June, and will end at midnight a full day prior to the voting day. The Electoral Code defines official printed campaign materials which are eligible to be reimbursed from the state budget, such as circulars, posters, and ballot papers, and prescribes certain formatting and content requirements. Municipalities are responsible for designating locations for the placement of official posters, and contestants may not place campaign materials outside of these

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<sup>17</sup> Prospective candidates, together with their own candidacy, are required to present an alternate who would take the seat if the elected candidate resigns, including if appointed to a position in the Government, elected as a member of the Constitutional Council or dies in office. The same candidate eligibility requirements apply to the alternates.

<sup>18</sup> See Articles 12 and 29 of the CRPD. Paragraph 48 of General Comment No. 1 to Article 12 of the CRPD states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”. See also Paragraphs 58 and 59 of the CRPD 2021 Concluding [observations](#) on the initial report on France.

<sup>19</sup> Prefects are ineligible for three years in any constituency where they have exercised official functions. The same rule applies, for one year, to judges, officials occupying high-ranking functions in the public administration, directors of public health organizations, members of the military and police personnel serving at a command level, among others.

<sup>20</sup> For the second round, candidacy submission takes place from the proclamation of the results until 2 July 2024.

locations. Each prefecture established a commission to oversee and disseminate printed campaign materials, and contestants were entitled to appoint representatives to these commissions in an advisory capacity.

Given the short timeframe to produce the campaign materials, several ODIHR NAM interlocutors indicated that they initiated the printing process before receiving formal approval from the prefecture campaign commission. Some interlocutors described a few cases of commissions interpreting legal requirements for the materials too strictly, particularly in terms of the use of colors, but otherwise reported an overall smooth process despite the constrained timeframes. A few interlocutors stressed that larger and more experienced parties, as well as the professional printers, are familiar with the legal requirements and could successfully anticipate how to conform their designs before bringing them to the responsible commissions, while smaller or new parties may not have had the resources or knowledge to successfully organize this process in time.

Contestants opting for centralized distribution of campaign materials and reimbursement of the associated costs were required to submit electronic versions of these materials, as well as electronic versions in easy-to-read-and-understand (*facile à lire et à comprendre – FALC*) format, for publication online. The Ministry of Interior operates a website to which prefecture authorities submit the electronic versions of contestants' materials; the website includes accessibility features such as adaptable font and is compatible with screen-readers for users with visual impairments.<sup>21</sup> The authorities informed the ODIHR NAM the mailing of official campaign materials, including the party ballots, is expected to take place in the final days prior to election, and to be received by voters in advance of the voting day.

The law prohibits contestants from introducing new and potentially damaging information about other contestants without due time for a rebuttal prior to the voting. The Electoral Code authorizes a judicial authority to halt the dissemination of false information. Political advertising on social media is prohibited. ODIHR NAM interlocutors expressed differing views on the tone of the ongoing campaign, with some describing the current political debate as heated but typical, and others anticipating possible violent tensions and aggressive rhetoric.<sup>22</sup> Interlocutors described the campaign topics as focusing on national issues, such as economic, security, and immigration policies, more than on local issues relevant to particular constituencies, in part due to the short timeframe for parties and contestants to develop their political programmes. Interlocutors indicated that few debates would be organized at the local level, with one national debate planned between the leaders of the three main political blocs.

Several ODIHR NAM interlocutors opined that diversity and representation in national political campaigns should be further improved, with some pointing to recent incidents of sexism or patronizing attitudes encountered by women candidates, including from male politicians and journalists, during the European Parliament elections, as well as a proliferation of intolerant rhetoric in political discourse, particularly in online platforms. Stakeholders described a lack of initiatives by political parties to ensure the accessibility and inclusiveness of their campaigns and communication strategies. A few noted that the leaders of the three main political blocs, who will feature in the only national debate ahead of these elections, are all white men.

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<sup>21</sup> Given various factors, potentially including a lack of time between the close of candidate registration on 16 June and the start of the official campaign period on 17 June, the electronic publication of the materials was slightly delayed, with most being published on or after 19 June.

<sup>22</sup> On 24 June, the interior minister expressed concern in a radio interview that the elections could lead to social unrest or political violence.

## G. CAMPAIGN FINANCE

Political party and campaign finance is primarily regulated by the Election Code and the 1988 Law on Financial Transparency of Politics which remains largely unchanged since the 2022 parliamentary elections.<sup>23</sup> Most ODIHR NAM interlocutors expressed satisfaction with the current campaign finance rules and their enforcement by the National Commission for the Control of Electoral Accounts and Political Finance (CNCCFP). However, some suggested that certain aspects of the regulatory framework could benefit from further revision to ensure effective and timely disclosure and enforcement.<sup>24</sup> Most ODIHR NAM interlocutors stated that the condensed timeframe for early elections placed additional burdens on the contestants to effectively finance their campaigns, especially since many candidates self-finance through party or bank loans. On 12 June, the CNCCFP adopted detailed guidelines for candidates and their representatives to help them conform with the rules and the expedited timelines.

The law provides for private and public funding for election contestants. Political parties which obtained at least 1 per cent of the vote in at least 50 constituencies in the previous parliamentary elections qualify for public funding, which is calculated based on the number of votes in the first round and the total number of mandates received.<sup>25</sup> These funds can be used to support the electoral campaigns of candidates. The total amount of public funding for 2024 is some EUR 66.5 million.<sup>26</sup> Many ODIHR NAM interlocutors stated that parties heavily rely on the public funding in conducting their campaigns. Candidates who obtain at least 5 per cent of the votes in the first round and whose financial report is approved by the CNCCFP receive a partial reimbursement of their campaign expenditure up to 47,5 per cent of the spending limit. In addition, campaign costs of circulars, posters and ballot papers up to a certain amount, depending on the constituency, are paid by the state, and such electoral expenses are not included in the reports, unless they exceed the set limit.<sup>27</sup> The funding of political parties is decreased if gender balance in the submitted lists of affiliated candidates is not achieved.<sup>28</sup>

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<sup>23</sup> The case-law of the Constitutional Council and the Council of the State supplements these regulations. The 2017 and 2019 amendments prohibited donations from foreign individuals without permanent residence in France and introduced additional requirements for obtaining loans.

<sup>24</sup> The CNCCFP 2023 annual report contains 18 recommendations to improve the process of party and campaign finance oversight, including strengthening CNCCFP's control mechanism and sanctioning powers, protecting political financing from foreign interference, and simplifying applicable regulations. The report of the Constitutional Council on the 2022 parliamentary elections indicated that "sharp increase in the referrals from the CNCCFP reflects a decline in the candidates' control of the campaign financing rules".

<sup>25</sup> This also applies to political parties which have presented candidates only in the overseas territories and whose candidates have each obtained at least 1 per cent of the votes cast in all the constituencies in which they have run.

<sup>26</sup> The 2024 [Decree](#) of the government details the amount and distribution of public funds. The first instalment of this amount (EUR 32,251,989) was allotted to political parties that submitted their annual reports to the CNCCFP, nominated a minimum of 50 candidates in at least 50 different constituencies, and whose candidates obtained at least 1 per cent of the votes cast nationwide in 2022 parliamentary elections. The second instalment (EUR 34,186,858) was allotted to parties proportionally to the number of their MPs.

<sup>27</sup> The 12 June [Decree](#) of Ministry of Interior set the reimbursement rates of the costs of printing and displaying campaign materials.

<sup>28</sup> In case the difference in the number of candidates of each gender having declared an affiliation with the party or political group for the last parliamentary elections surpasses 2 per cent of the total number of such candidates, the amount of the first instalment allocated is decreased by a percentage corresponding to 150 per cent this difference in proportion to the total number of candidates. Following 2022 parliamentary elections, several parties have received decreased funding for non-compliance with these rules, including Les Républicains some EUR 1.3 million and Together for the Presidential Majority some EUR 510,000, who each presented more men, and Ecologists-EELV some EUR 78,000 for having more women on their list.

In addition to public funding, campaigns can be financed by candidates' own funds, donations, party contributions, and loans.<sup>29</sup> Citizens can donate up to EUR 4,600 per election to one or more candidates, combined.<sup>30</sup> The law bans donations from foreign citizens unless they are tax residents in France and from any legal entities, as well as anonymous donations exceeding EUR 150.<sup>31</sup> The campaign expenditure ceiling is set at EUR 38,000 per candidate and is increased by EUR 0.15 per inhabitant living in the constituency where the candidate is running.<sup>32</sup>

Parties and candidates are obliged to appoint a financial agent to carry out all campaign finance transactions and to open a dedicated bank account. Several ODIHR NAM interlocutors stated that given the short period for candidate registration prior to the campaign, some contestants are facing difficulties with finding financial agents, opening a campaign account, or receiving loans, and these might negatively impact compliance with campaign finance obligations and ability to campaign.<sup>33</sup> Moreover, several ODIHR NAM interlocutors suggested that fees for compliance with these obligations are high and may disproportionately affect smaller parties or individual candidates.

The CNCCFP is composed of nine members, currently including five women, appointed for five-year terms.<sup>34</sup> The reporting period for the upcoming elections began on 10 June.<sup>35</sup> The law does not require interim reporting prior to the elections, and contestants submit their campaign reports within two months after the elections (by 6 September). Candidates need to reflect their own expenses as well as those incurred by political parties on their behalf.<sup>36</sup> However, the reconciliation of spending incurred by parties on behalf of the candidates is carried out only after submission of party accounts the year following the election, and according to CNCCFP poses challenges. In the 2022 presidential election and the 2024 elections to the European Parliament contestants could submit reports through a dedicated digital platform, but for these elections, reports can be only submitted by paper, as the law was not amended to allow for electronic submission and there was not sufficient time to adapt the system for parliamentary elections. All reports are published in the Official Gazette and the CNCCFP has to ensure the publication of campaign accounts online in an open, downloadable and searchable format.

Following submission, the CNCCFP has six months to approve, rectify or reject financial reports and define the amounts of the reimbursement that the candidates are entitled to.<sup>37</sup> Failure to comply

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<sup>29</sup> Candidates can receive loans for their campaigns from banks within the European Economic Area and individuals and political parties

<sup>30</sup> Annual donations to political parties are capped at EUR 7,500. Donors receive 66 per cent reduction of their taxes on their donations. The overall amount of cash donations must not exceed 20% of the expenditure ceiling in constituencies where this is equal to or greater than EUR 15,000.

<sup>31</sup> In the case of 7 June 2007, *Parti Nationaliste Basque – Organisation Regionale D'Iparralde v. France*, Application No. [71251/01](#), the ECtHR stated that ban on foreign donations does not constitute limitation on the right of freedom of association.

<sup>32</sup> The ceiling includes expenses incurred by the financial agent, those paid directly by candidates, political parties or third parties, and the various in-kind assistance from which the candidate benefited.

<sup>33</sup> According to CNCCFP, in these cases, financial agents must contact Banque de France and the MoI Loan Mediator to facilitate the process. In 2018, the position of a Loan Mediator was established within the MoI with the mandate to facilitate access of candidates and political parties to bank accounts and loans.

<sup>34</sup> Three members appointed by the Council of State, three by the Court of Cassation, and three by the Court of Auditors. Most members were appointed in 2020.

<sup>35</sup> The usual timeline for the official reporting period for campaign contributions and expenditures is 6 months before election day.

<sup>36</sup> A candidate's financial report should include an appendix with the expenses incurred by two types of political parties: those that the candidate is affiliated with and others.

<sup>37</sup> The CNCCFP has 47 permanent staff and plans to hire additional staff for this period. Due to the high amount of duties following recent European Parliament elections and the early parliamentary elections, it plans to hire up to 130 additional rapporteurs who conduct initial examination of the reports, and in their monitoring will focus on one contestant each.

with the reporting requirements may result in fines, ineligibility to stand for upcoming elections, and criminal sanctions. In these cases, the CNCCFP refers the matter to the Constitutional Council and, if necessary, to the public prosecutor, for further investigation.<sup>38</sup>

## H. MEDIA

The media landscape is pluralistic with a broad array of public and private broadcasters and print publications. ODIHR NAM interlocutors, including among political parties, generally assessed the public media as providing a reliable and impartial source of political information, while several raised concerns about the impact of increased concentration of media ownership on the politicized nature of some private media.<sup>39</sup>

The Constitution guarantees the freedom of expression and national legislation supports press freedoms and protections for journalists.<sup>40</sup> Despite prior ODIHR recommendations, defamation remains criminal and is punishable by up to one year of imprisonment or a fine. ODIHR NAM interlocutors were satisfied with the regulatory framework for media coverage of elections, particularly the emphasis on self-regulation and editorial freedoms, and several praised the communication and co-operation with the Regulatory Authority for Audiovisual and Digital Communication (Arcom), particularly the instructions issued since the announcement of the early elections. However, some interlocutors suggested that Arcom could be further empowered to react to imbalanced political coverage in media outlets and other infringements.

By law, all contestants are guaranteed access to airtime in public media broadcasts. The Electoral Code provides that, during the first round, each party or political group that has nominated at least 75 candidates is entitled to 7 minutes of free airtime in the public media; during the second round, 5 minutes is guaranteed to each party or political group under the same criteria. An additional one hour is available for these groups during the first round and is allocated taking into consideration “the contribution of the party to the animation of the political debate”, the findings of recent opinion polls, the share of vote in the previous parliamentary elections. An additional half hour under the same criteria is afforded during the second round. During the first round, two hours of broadcast time, and during the second round one hour, is allotted to presidents of political groups. For the first round of this election, a debate among the leaders of the three largest political groups was organized in the final week prior to the voting day.

During election periods, Arcom oversees the compliance of audiovisual media with their obligations under the Electoral Code, and issues instructions to guide media in conforming with these obligations. On 10 and 14 June, Arcom issued recommendations on the implementation of electoral coverage for the early parliamentary elections, which stresses the principles of fair access to media and political pluralism, as well as on conditions on the production, programming and transmission of campaign broadcasts, which will be aired on an abbreviated scheduled.

Public and private media must record, and report to Arcom, the precise amount of airtime afforded to each political party, group, and candidate and their supporters. Broadcasters are required to retain recordings of their coverage during the electoral period and must furnish these recordings when

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<sup>38</sup> According to the Constitutional Council [Comments](#) on the 2022 parliamentary elections, the CNCCFP referred 430 contestants to the Constitutional Council, and in 345 of these the Constitutional Council declared the candidate ineligible to stand. The Court may rule on the ineligibility of a candidate for a period of up to three years. Appeals against CNCCFP decisions can be made within one month to the Administrative Court.

<sup>39</sup> See also, for example, recent analysis from [Reporters sans Frontières](#).

<sup>40</sup> The authorities informed the ODIHR NAM that the application of legal definitions and penalties for defamation allow its regulation in accordance with international standards, and that its full decriminalization would complicate efforts to prosecute hate crimes and other infringements.

requested by Arcom, which publishes on its website the amount of airtime afforded to each political group or candidate in the public media. Prior to the recent European Parliament elections, Arcom published recommendations “on the fight against the manipulation of information on online platforms”, informing outlets about regulatory implications of the Digital Services Act, and this recommendation remains in place for the parliamentary elections.

## I. ELECTORAL DISPUTE RESOLUTION

The legal framework governing electoral dispute resolution outlines different avenues for the resolution of election-related disputes. Complaints concerning voter registration can be filed through administrative appeals within municipalities and are subject to further judicial review by the courts of first instance and the Court of Cassation as the final instance.<sup>41</sup> Election-related regulations and decisions of administrative bodies, including those of the Ministry of Interior, the CNCCFP, and Arcom, can be appealed before the Council of State. Complaints concerning candidate registration are adjudicated by administrative courts.<sup>42</sup> The decision of an administrative court can be further appealed only through a request lodged with the Constitutional Council to invalidate the election results. Any voter and a candidate can challenge the election results in their respective constituency by filing a complaint to the Constitutional Council directly or through the prefect, within 10 days from election day. The law does not specify a deadline for the Council to adjudicate such complaints, nor does it require the complaints lodged after the first round to be adjudicated before the second round.

The Constitutional Council reviews most complaints in written procedures, unless it considers the risks of invalidating the results to be serious, in which case the parties may be invited to submit verbal testimonies. ODIHR has previously recommended that public hearings be provided during the consideration of election-related complaints. On 20 June, the Council rejected ten appeals challenging constitutionality of the presidential decree on setting early elections. An additional eleven cases related to the same issue or challenging the constitutionality of the presidential decree on early dissolution of the parliament remain pending.

## J. CITIZEN AND INTERNATIONAL OBSERVERS

French legislation does not contain provisions on citizen and international observation of the election process, despite prior ODIHR recommendations to introduce guarantees in the legislation on the commitments contained in paragraph 8 of the 1990 OSCE Copenhagen Document. Contestants are entitled to appoint representatives to polling stations. The French authorities supported the work of the ODIHR NAM and ensured that a potential ODIHR election observation activity would be facilitated.

## IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process and in the ability of the election administration to organize the elections professionally and impartially, including on election day. Most ODIHR NAM interlocutors welcomed a potential ODIHR

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<sup>41</sup> Decisions of a mayor about voter registration may be appealed to the respective control commission that must issue a decision within five days. The commission’s decision can be appealed to the court of first instance within seven days, and further on to the Court of Cassation within ten days.

<sup>42</sup> In case of an incomplete application or failure to observe the prescribed procedures, the prefect forwards the case to the relevant administrative court which must decide within three days for the first round and within 24 hours for the second round.

observation activity, recognizing that an external assessment could contribute to further improvements to the electoral process, and given the impact of the condensed timeline for the conduct of the early elections and issues that it may expose. Interlocutors cited some areas that could benefit from closer attention, including the implementation of the short election calendar, the conduct and regulation of the campaign, its financing, and the role of media in the elections. ODIHR would also seek to pay attention to the participation of underrepresented groups in the political process. On this basis, the ODIHR NAM would recommend the deployment of an Election Expert Team for upcoming 2024 early parliamentary elections. Due to the short timeframe prior to the upcoming election day, the deployment of an election observation activity is not possible given that a methodologically required timeframe to examine the highlighted issues cannot be ensured. ODIHR reiterates that a number of its previous recommendations remain valid and encourages the authorities to consider and implement previous ODIHR electoral recommendations, and stands ready to assist the authorities in further reviewing these recommendations.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Europe and Foreign Affairs**

Guillaume Ollagnier, Director of Strategic Affairs, Security and Disarmament  
Romain Quivooj, Officer for the election and interparliamentary co-operation  
Maiwenn Ratinet, Desk Officer, Department for Arms Control and OSCE  
Elsa Moreau, Desk Officer, Department for Arms Control and OSCE

### **Ministry of Interior**

Christophe Kirgo, Deputy Head, Election Office  
Claire Monzat, Advisor on International Organizations

### **National Commission for Control of Electoral Accounts and Political Finance**

Jean-Philippe Vachia, President  
Sylvie Calvès, Secretary General  
Anne-Laure Vignal, Assistant, Legal Department  
Emmanuel Tailly, Project Officer, Legal Department

### **Audio-visual and Digital Communication Regulatory Authority (Arcom)**

Anne Grand d'Esnon, Member of the board, President of the Pluralism and Programme Ethics Working Group  
Raphaël Honoré, Project Manager, Directorate for European and International Affairs  
Dominique Louveau, Project Manager, Pluralism, Rights and Freedoms Department  
César Boyer, Head of the Department, Systematic Risk Analysis, Online Platform Directorate

### **Prefecture of Ile-de-France and Paris**

Marc Zarrouati, Sub-Prefect, Deputy Head of the Cabinet, prefecture of Ile-de-France  
Christine Blé, Member, the Election Office

### **Political Parties**

Thibault François, National Rally  
Antoine Hulot, Renaissance  
Natanael Suaud, Socialists Party  
Maxime Charpentier, La France Insoumise  
Stéphane Demilly, Senator, Centrist Union Group  
Claude Kern, Senator, Union of Democrats and Independents  
Alain Cadec, Senator, Republicans  
Jean-Luc Blouet, Senior Advisor, Secretary of the delegation of the Senate to the OSCE PA

### **Media**

Cyril Guinet, Director, Regulations, Ethics, Pluralism of Airtime and Programmes, *France Télévisions*  
Jean-Rémi Suaud, Journalist, *France Infos*

### **Civil Society Organizations**

Cyril Desjeux, Handeo  
Mathilde Viot, Observatory of sexist and sexual violence against women in politics

### **International Community**



Representatives of resident diplomatic missions of OSCE participating States.<sup>43</sup>

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<sup>43</sup> The ODIHR NAM invited representations of all OSCE participating States resident in France.