



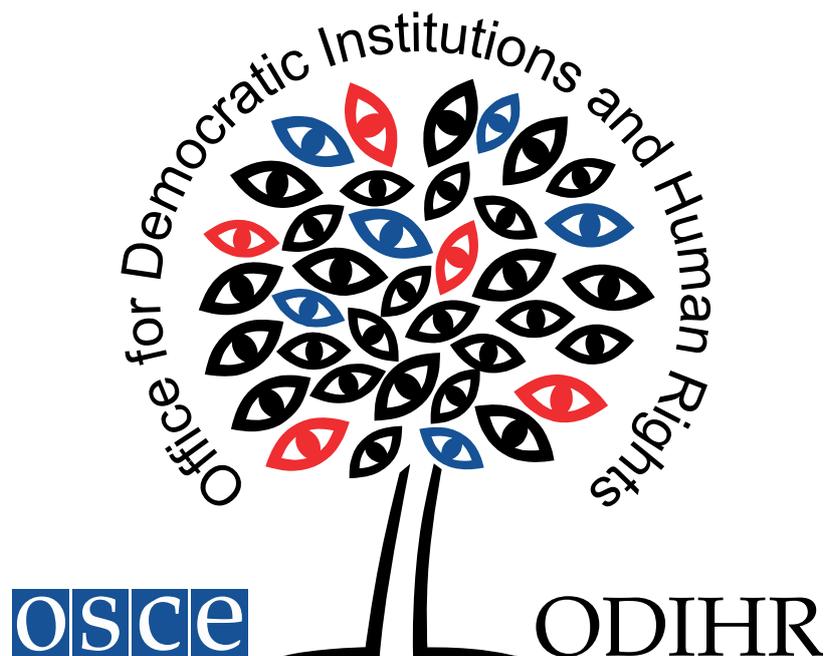
Office for Democratic Institutions and Human Rights

## DENMARK

### EARLY GENERAL ELECTIONS

1 November 2022

ODIHR Election Expert Team  
Final Report



Warsaw  
13 April 2023

## TABLE OF CONTENTS

<b>I. EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II. INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>3</b>
<b>III. BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>3</b>
<b>IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....</b>	<b>4</b>
<b>V. PARTY AND CANDIDATE REGISTRATION .....</b>	<b>6</b>
<b>VI. ELECTION CAMPAIGN AND CAMPAIGN ENVIRONMENT.....</b>	<b>9</b>
<b>VII. POLITICAL PARTY AND CAMPAIGN FINANCE.....</b>	<b>11</b>
A. FUNDING SOURCES .....	11
B. EXPENDITURES .....	13
C. REPORTING AND DISCLOSURE .....	14
D. OVERSIGHT .....	15
<b>VIII. ELECTION OBSERVATION.....</b>	<b>16</b>
<b>IX. RECOMMENDATIONS .....</b>	<b>17</b>
<b>ANNEX: FINAL RESULTS .....</b>	<b>19</b>
<b>ABOUT ODIHR.....</b>	<b>20</b>

**DENMARK**  
**EARLY GENERAL ELECTIONS**  
**1 November 2022**

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

**I. EXECUTIVE SUMMARY**

Following an invitation by the Danish authorities and based on the findings and conclusions of the Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) for the 1 November early general elections. The ODIHR EET assessed the electoral system, candidate registration, the electoral campaign and campaign financing.

The recent changes to the Parliamentary Election Act (PEA) include measures to prohibit the promising or providing of financial advantages for influencing voters to sign in support of a party or an individual candidate. No changes to the political party and campaign financing legislation have been introduced since the last elections in 2019, and several recommendations by the Council of Europe's Group of States against Corruption (GRECO) related to transparency, oversight and accountability of campaign financing are yet to be implemented. Despite limited regulation of political financing, election dispute resolution and media coverage of elections, the electoral legal framework is conducive to holding democratic elections.

The 179 MPs are elected for four years through a proportional representation system. The distribution of mandates favours the less populated constituencies, requiring more votes per mandate in densely populated constituencies, at odds with the principle of equality of the vote. However, most political parties consider the system fair as it ensures country-wide representation as a result of other elements of the electoral system, including the compensatory seats that offset the inequality of votes. When submitting lists of candidates, parties can choose different options on candidate ordering on the ballot and determine how the votes translate into election results. These rules and the different arrangements by political parties appear overly complex and challenge voters' ability to understand how their votes are translated into MP seats, a concern raised by some ODIHR EET interlocutors.

While seventy members of parliament (MPs) of the outgoing parliament were women (39 per cent), they were underrepresented in the government, holding 6 out of 20 ministerial positions, including the prime minister. Of the political parties in these elections, 8 out of 14 were led by women.

Eligible voters can stand as candidates nominated by political parties or as independent candidates. Citizens under guardianship who have been fully deprived of their legal capacity are disenfranchised and, therefore also ineligible to stand, at odds with the international standards that protect the political rights of persons with disabilities. Parliamentary political parties are eligible to nominate candidates directly, while new and non-parliamentary parties must collect 20,182 support signatures. Contrary to international good practice, voters can support only one party and one independent candidate. One thousand fourteen candidates were registered to stand in the early general elections, and the candidate registration process was generally inclusive. All ODIHR EET interlocutors expressed their trust in the party registration and signature collection processes.

The election campaign is regulated by the PEA, other laws and the bylaws of the Ministry of Interior and Health that relate mostly to electoral and organizational procedures and party and campaign finance, the Ministry of Justice regulating election campaigning, and the Ministry of Culture related to political advertising in the media. The media coverage of the campaign is largely unregulated and

---

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

left to the internal policies of the media outlets, with a ban on political advertisements on television from the time elections are announced until after election day. The campaign was competitive and pluralistic. Political contestants could convey their messages to the electorate in diverse manners, and freedom of expression, assembly and association were respected.

The tone of the campaign was considered mostly calm and fair, with some interlocutors attributing this to a lesser debate about immigration than in many previous elections. Social media featured strongly in the campaign, with parties creating and sharing content on various platforms. Many noted that the tone on social networks was generally harsher than in the traditional media, including negative messages targeting women.

None of the political parties met with by the ODIHR EET has any internal procedures or efforts to support the candidatures of persons with disabilities. While access for persons with physical disabilities to campaign venues and polling stations improved over the years, access to campaign information is insufficient, with few campaign programmes available in audio format or other accessible formats. The lack of easy-to-read materials regarding the campaign and election procedures was not conducive to the full participation of voters with intellectual disabilities.

The law does not limit amounts of income or expenditure by political parties or election campaigns, which is at odds with international good practice. Several ODIHR EET interlocutors claimed that there are numerous instances in which political parties receive large donations, especially from companies, associations and unions, which may lead to undue political influence. The law does not ban foreign donations. Anonymous donations below the threshold of DKK 22,200 are permitted. Furthermore, there is no limit on the number or total amount of anonymous donations, and the individual amounts received do not need to be disclosed, making such donations nontransparent, contrary to international good practice. Several EET interlocutors described the use of mechanisms to circumvent the disclosure of identities of large donors by donating to different organizations or numerous candidates, through several companies owned by the same owner, or by donating indirectly through various associations.

The law requires that campaign expenditures are included in mandatory annual reports submitted by the political parties but does not require to indicate the expenditure for the election campaign separately from the general party expenditure. The lack of differentiation of expenses leaves election stakeholders and the media without the possibility of understanding the extent of expenditure made by political parties and independent candidates. Campaigning by third parties is underregulated. Companies or unions who traditionally support the major political parties may incur indirect expenses related to the election campaign without any requirements to declare them as donations or expenditures, which reduces the transparency of political financing.

The reporting system does not clearly present the income and expenditure of parties and candidates, and there are no requirements for contestants to publish financial reports related to the campaign in the interim or after the elections, which reduces transparency and challenges international good practice. The annual political party reports must be submitted to the parliament by the end of the following year, which may lead to a very long period before the information about incurred income and expenditure is presented to the public. The Parliament is not obligated to verify or approve the annual reports. No reporting requirements exist for the parties' regional or local organizations that did not receive public subsidies. The regulations do not impose detailed and itemized reporting requirements, and no template is provided to ensure consistency and provide guidance, which reduces transparency. No dedicated institutions perform political party or campaign finance oversight, contrary to international good practice.

The MoIH, which coordinates the elections at the national level and issues regulations to supplement the law, received and processed 26 complaints and forwarded them to the parliament after election day, as prescribed by law. On 16 November, the parliament unanimously decided that none of the complaints impacted election results. While election stakeholders generally considered this process a sufficient dispute resolution mechanism and expressed confidence that municipal election authorities will effectively address any procedural issues that arise during the election period, preempting the need for complaints, there is no possibility of judicial review of administrative decisions before election day, at odds with OSCE commitments.

The PEA does not provide for citizen or international observation and no accreditation procedures, which is inconsistent with the OSCE commitments. The law establishes that the voting and counting procedures are open to the general public. The ODIHR EET was well received and encountered no hindrances in its observation.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation by the authorities of Denmark and based on the conclusions and findings of a Needs Assessment Mission (NAM) conducted between 12 and 14 October, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) to observe the 1 November 2022 early general elections. The ODIHR EET consisted of two experts drawn from two OSCE participating States.

The ODIHR EET assessed the party and candidate registration, the campaign environment and the party and campaign finance. Specific areas under review were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with the ODIHR methodology, the EET did not systematically observe the election-day procedures but visited a limited number of polling stations. The October 2022 ODIHR NAM report provides additional details and context for this report.<sup>2</sup>

The ODIHR EET wishes to thank the Ministry of Foreign Affairs, the Ministry of the Interior and Health (MoIH) and the representatives of political parties, the media, civil society and other interlocutors for their cooperation and assistance.

## III. BACKGROUND AND POLITICAL CONTEXT

The Kingdom of Denmark is a constitutional monarchy with a parliamentary system of government. The *Folketing* (parliament) is a unicameral body comprising 179 deputies from the three constituent Countries of the Kingdom, including 175 elected from Denmark and two each from the Faroe Islands and Greenland.

The 5 June 2019 general elections resulted in ten parties and alliances winning the 175 MP seats elected in Denmark.<sup>3</sup> The Social Democratic Party (*Socialdemokratiet*; S) gained the largest number of seats, forming a minority government with the parliamentary support of the Social Liberal Party

---

<sup>2</sup> See the October 2022 [ODIHR NAM report](#). ODIHR has not previously observed elections in Denmark, although it deployed a NAM before the 2011, 2015 and 2019 general elections and also visited the country in the context of the assessment of the 2009 European Parliament elections.

<sup>3</sup> In addition, two representatives for the Faroe Islands, were elected from the Social Democratic Party (*Javnaðarflokkurin*) and the Union Party (*Sambandsflokkurin*) and two for Greenland, from the Forward Party (*Siumut*) and Community of the People (*Inuit Ataqatigiit*).

(*Radikale Venstre*; RV), Socialist People's Party (*Socialistisk Folkeparti*; SF) and Red-Green Alliance (*Enhedslisten – De Rød-Grønne*; EL). The opposition parties included the Liberal Party (*Venstre*; V), Danish People's Party (*Dansk Folkeparti*; DF), Conservative People's Party (*Det Konservative Folkeparti*; KF), Alternative (*Alternativet*; ALT), New Right (*Nye Borgerlige*; NB) and Liberal Alliance (*Liberal Alliance*; LA).

Following the 2019 elections, due to party rifts and other political reconsolidations, 22 MPs joined another party, established new parties or became unaffiliated. The political fragmentation resulted in two new parties splintering from the Liberal party: the Moderates (*Moderaterne*) and Denmark Democrats (*Danmarksdemokraterne - Inger Støjberg*).

In July 2022, following a protracted political crisis, the Social Liberal Party gave an ultimatum to the Prime Minister to call early elections or face a withdrawal of the party's support in the government and a vote of no confidence.<sup>4</sup> On 5 October, in line with her constitutional powers, the Prime Minister called early general elections for 1 November, stating that it was time to test "new forms of the government".<sup>5</sup>

The outgoing parliament included seventy women (39 per cent). However, women were underrepresented in the government, holding 6 out of 20 ministerial positions, including the prime minister. Of the political parties in these elections, 8 out of 14 were led by women. Denmark is ranked high on gender equality according to the assessment of international organizations.<sup>6</sup>

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The 1953 Constitution, the 2022 Parliamentary Election Act (PEA), and the 2014 Media Liability Act (last amended in 2018) regulate the parliamentary elections. The financing of the election campaign and political parties is regulated by the 2017 Grants to Political Parties Act (GPPA) and the 2019 Private Contributions to Political Parties and Publication of Political Parties Accounts Act (AAPP).<sup>7</sup> The legislation is supplemented by orders, detailed guidelines, and instructions issued by the MoIH, including the 2020 Guidance on Certain Party Funding Issues and the 2022 Guidance on Holding General Elections. The MoIH informed the ODIHR EET that the guidelines are not legally binding but that their content is considered binding by election stakeholders as they provide interpretations of the law.<sup>8</sup> While no changes to the political party and campaign financing legislation have been introduced since the last general elections in 2019, the 2020 Guidance provides additional procedural explanations which bring clarity to the process.<sup>9</sup> Several recommendations by the Council

<sup>4</sup> The crisis stemmed mainly from an official inquiry and criticism of the PM and her cabinet on the legality of a decision to order the culling of millions of minks as a measure to fight the further spread of COVID-19.

<sup>5</sup> Elections on the Faroe Island were held on 31 October due to the official Day of Remembrance on 1 November.

<sup>6</sup> In [the European Institute for Gender Equality's Index](#) Denmark ranks second.

<sup>7</sup> Further regulations regarding the election campaign are comprised within the 2014 Official Roads Act (last amended in 2022) and the 2015 Private Roads Act (last amended in 2022) on placing of posters and the 2020 Act on Radio and Television Operations. The MoIH republishes the legislation by executive orders, including the amendments approved in the Parliament, in order to provide a consolidated source of all election related legislation.

<sup>8</sup> Although the content of the guidelines could be contested by political parties or contestants, according to the MoIH, this has never happened. If the guidelines are not followed, the MoIH cannot apply any sanctions.

<sup>9</sup> The guidance incorporates recommendations made by GRECO, the Party Support Committee tasked to review the legislation, and the conclusions of political negotiation between major parties. The guidelines refer mostly to donations, in-kind donations, subsidies and auditing requirements.

of Europe's Group of States against Corruption (GRECO) are yet to be implemented.<sup>10</sup> The electoral process for the Faroe Islands and Greenland is administered under a different legal framework.

The 2021 amendments to the PEA include those related to procedures to change the name of a party, new measures to suspend the registration of a party in case of potential fraud and to prohibit promising or providing financial advantages to anyone to influence voters signing in support of a party or an individual candidate. Despite limited regulation of political financing, election dispute resolution and media coverage of elections, the legislative framework is sufficient for the conduct of democratic elections. Many ODIHR EET interlocutors noted the need to strengthen the current campaign and political party finance legislation. On the other hand, most of them also described a reluctance of the main political parties to support considerable reform in this field.

The MoIH receives complaints, which must be submitted within a week after election day. The MoIH processes the complaints and sends them to the provisional election committee in the parliament. The election stakeholders generally considered this remedy to be sufficient and expressed confidence that municipal election authorities will effectively address most procedural issues that arise during the election period, preempting the need for a formal dispute resolution mechanism. However, there is no possibility of appealing administrative decisions before election day, which limits access to an effective remedy and challenges OSCE commitments.<sup>11</sup> Furthermore, the process in which a parliamentary commission decides on the complaints related to the parliamentary elections may lead to a conflict of interest and is at odds with international good practice.<sup>12</sup> The MoIH informed the ODIHR EET that 26 complaints were received for these elections and forwarded them together with the ministry's opinion for consideration by the provisional election committee.<sup>13</sup> On 16 November, the parliament unanimously adopted the committee's report, which found that the complaints did not impact election results.

*The law should provide effective and timely remedies to electoral grievances throughout the entire process, including those related to candidate registration and the election campaign. In line with international good practice, judicial review of election complaints in the last instance should be introduced.*

The 179 MPs are elected for four years through proportional representation. For election purposes, Denmark is divided into Metropolitan Copenhagen, Sealand-Southern Denmark, and Northern and Central Jutland. Further, it is divided into ten multi-member constituencies (MMCs) and 92

---

<sup>10</sup> GRECO's June 2022 [Second Addendum to the Second Compliance Report on Denmark](#) remarked that "GRECO remains concerned by the lack of progress in response to a number of other recommendations aimed at enhancing the overall transparency of political financing in Denmark, in particular, to introduce a ban on anonymous donations to individual election candidates, to require more transparency as to the value of certain donations and to improve the supervision of political financing (which goes beyond the pure auditing of their accounts)."

<sup>11</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document entitles everyone to "have an effective means of redress against administrative decisions so as to guarantee respect for fundamental rights and ensure legal integrity". Article 13 of the European Convention on Human Rights provides everyone (i.e., all citizens) with the right to effective remedy.

<sup>12</sup> See Guideline 94 of the 2021 [Compilation of Venice Commission Opinions and Reports Concerning Election Dispute Resolution](#), which states that "Appeal to parliament, as the judge of its own election, is sometimes provided for but could result in political decisions. It is acceptable as a first instance in places where it is long established, but a judicial appeal should then be possible." See also the 2020 ECtHR judgement on [Mugemangano v. Belgium](#) in which the Court concluded that, in relation to submitting an appeal in elections of Parliament of the Walloon Region in Belgium to the Walloon Parliament itself, "the procedure for complaints to the Walloon Parliament did not provide adequate and sufficient safeguards ensuring the effective examination of the applicant's grievances".

<sup>13</sup> The complaints were related to issues with order of candidates listed on some ballot papers, and errors, omissions and comments introduced in the election books at the polling stations.

nomination districts, which consist of one or more municipalities.<sup>14</sup> One hundred thirty-five seats are distributed in constituencies to parties and independent candidates according to the d'Hondt method, while the rest are compensatory seats distributed proportionally if parties fulfil at least one of three conditions.<sup>15</sup> Some ODIHR EET interlocutors noted that the low threshold leads to a fragmented but pluralistic parliament.

The distribution of mandates in regions and MMCs is reviewed every five years by the MoIH (last time in 2020) and, in line with the Constitution, considers the population and the population density. The distribution of mandates favours the less populated constituencies while requiring more votes for a mandate in densely populated constituencies such as Copenhagen, at odds with the principle of the vote equality.<sup>16</sup> However, most political parties met by the ODIHR EET found the system fair and consider it to ensure country-wide representation, considering other elements of the electoral system, including the compensatory seats that offset the inequality of votes. Nevertheless, the mandate distribution system may disproportionately affect the smaller political parties.

*To ensure the equality of votes, the election authorities should review the rules regarding mandate distribution.*

While the names of the standing candidates are the same at the MMC level, their order on the ballot can be different in different nomination districts within an MMC.<sup>17</sup> Voters can vote for the party list, or for a candidate or both. When submitting lists of candidates, parties can choose different options to determine how the votes translate into election results.<sup>18</sup> These rules and the different arrangements by political parties appear overly complex and challenge voters' ability to understand how their votes are translated into MP seats, a concern raised by some ODIHR EET interlocutors.

*Consideration could be given to ensure uniformity in the presentation of candidates on the ballot. In the absence of any changes, further voter education on the ballot composition and different approaches of the political parties should be considered.*

## V. PARTY AND CANDIDATE REGISTRATION

Eligible voters can stand as candidates nominated by political parties or stand as independent candidates. In line with the Constitution, citizens under guardianship who have been fully deprived

---

<sup>14</sup> The MMCs consist of 2 to 13 nomination districts.

<sup>15</sup> These are obtaining two per cent of the valid votes at the national level, winning a seat in one of the constituencies, or obtaining in two of three regions a sum of votes sufficient to win a seat (without taking into consideration the compensatory seats).

<sup>16</sup> For example, some ODIHR EET interlocutors suggested that, in Copenhagen, a mandate requires approx. 25,000 votes, while in Jutland it requires 18,000 votes (28 per cent less). Paragraph 2.2.iv of the 2002 [Venice Commission Code of Good Practice in Electoral Matters](#) states that "The 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>17</sup> For early voting, only alphabetical lists are used, as voters can cast ballots in any constituency and the full list of arrangements cannot be reproduced.

<sup>18</sup> Namely, parties can choose to nominate a candidate as 'standing in the district,' in which case, a leading candidate's name is placed first in party list, and all votes cast for that party without a specific candidate chosen are attributed to this candidate during the seat allocation process. Alternatively, all candidates on the party list can stand 'in parallel', which means that their names listed in some pre-determined or alphabetical order, whereas the party votes are distributed among them in proportion to the personal votes they received. For these elections, 12 out of 14 parties chose a 'parallel' arrangement.

of their legal capacity are disenfranchised and, therefore also ineligible to stand.<sup>19</sup> This provision is at odds with the international standards that protect the political rights of persons with disabilities, including those with intellectual and psychosocial disabilities.<sup>20</sup>

*Constitutionally imposed restrictions on the right to vote and to stand as candidates based on psychosocial or intellectual disabilities should be reviewed in line with international standards.*

Parliamentary political parties are eligible to nominate candidates directly, while new and non-parliamentary parties must first apply to the MoIH. Before applying, parties must have their name approved and registered by the Electoral Board, a body set up for this purpose.<sup>21</sup> The MoIH published the list of parties wishing to participate in elections by the deadline of 17 October.<sup>22</sup>

To run, the non-parliamentary political parties are required to have a minimum of 20,182 voter declarations of support collected electronically or on paper forms. Voters register a provisional declaration of support for a party and have to wait seven days before being able to confirm their choice.<sup>23</sup> Independent candidates are required to submit between 150 and 200 declarations. An amendment of 2021 to the PEA forbids influencing the signature-gathering process and imposes sanctions in case of violations of this provision, while in case of suspected violations, the collection for a particular party can be suspended pending an investigation.<sup>24</sup> According to all interlocutors met by the ODIHR EET, the electronic collection of signatures speeds up the process and ensures proper verification mechanisms. Contrary to international good practice, voters can support only one party or independent candidate.<sup>25</sup> All ODIHR EET interlocutors expressed their trust in the party registration and signature collection processes.

---

<sup>19</sup> In 2021, in [Strøbye and Rosenlind v. Denmark](#), the European Court of the Human Rights found that, in the absence of international or European consensus on the matter, the disenfranchisement on the basis of full deprivation of legal capacity based on individualized assessment is not discriminatory or in violation of Article 3 of Protocol 1 of the European Convention of Human Rights, which provides for “conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

<sup>20</sup> Article 29 of [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) requires states to guarantee to persons with disabilities political rights, including rights “to vote and be elected” and does not provide for any reasonable exclusion from these rights. Article 12 of the CRPD further requires equal recognition before the law. See also paragraph 9.4 of the 2013 CRPD Committee’s [Communication No. 4/2011](#) which, in a similar case, states that “an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability”.

<sup>21</sup> The Electoral Board comprises four members, and is headed by the Supreme Court or a county court judge. The Board approves a party designation (name) for three years and, if the party does not collect a sufficient number of voter support declarations in this period to stand for elections, the name of the party is deleted. In the last three years, the Electoral Board had [approved](#) 230 names of parties.

<sup>22</sup> On 5 October, the MoIH [published](#) a provisional list which remained unchanged.

<sup>23</sup> Voter declarations are valid for 18 months from the date of their registration. Parties cannot revoke their registration after approval, but may decide not to contest the elections.

<sup>24</sup> The bill was initiated in 2020 after one party indicated that a cash sum would be available to those who submitted declarations for the party. Newly-introduced article 11c. states that no one may give, promise or offer financial advantages to influence someone to submit, to fail to submit, to withdraw or to fail to withdraw a statement of support or a voter declaration. Violations can be punished with a fine or imprisonment of up to four months, while the parties seeking eligibility to stand may not be allowed to continue the signature gathering. According to the MoIH, no investigation related to voter support declarations was initiated following the legal amendments that banned any form of financial inducements to providing voter support.

<sup>25</sup> Paragraph 3 of the [1990 OSCE Copenhagen Documents](#) states that the OSCE participating States “recognize the importance of pluralism with regard to political organizations.” Paragraph 77 of the 2010 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#), states that it “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party”.

---

*To fully support political pluralism and freedom of association in line with international good practice, the election authorities should consider the possibility of voters signing in support of more than one political party and one independent candidate.*

Fourteen parties submitted lists of candidates. Candidates can be nominated in one or more nomination constituencies within an MMC. The nominations were submitted to the National Social Appeals Board (NSAB), an agency under the Ministry of Social Affairs, Housing and Senior Citizens.<sup>26</sup> Parties had to confirm the candidates for each constituency by 22 October, and the final lists were emailed to the municipal administrations, and to the MoIH.<sup>27</sup> By law, candidates are notified of any inconsistencies and have 12 hours to correct errors. Most political parties met by ODIHR EET decided on specific candidacies within their regional organizations, mostly well in advance of elections.

The candidate registration process was inclusive. One thousand fourteen candidates were registered to stand in the early general elections, an increase from 900 candidates in the 2019 elections. Sixteen independent candidates were registered, two were rejected due to insufficient signatures, and one withdrew; no candidates listed by political parties were rejected. Some ODIHR EET interlocutors noted that the electronic candidate registration and management system should be updated to ensure it is fully secure and accurate.<sup>28</sup>

The law does not impose any gender quota requirements for candidate lists. Some parties informed the ODIHR EET that they made efforts to have an equal number of men and women candidates.<sup>29</sup> Women represented some 38 per cent of all candidates; out of these, 79 women were elected as MPs, or 44 per cent, the highest percentage yet in general elections in Denmark.<sup>30</sup> On the party level, the percentage varied from 26 per cent to 50 per cent of candidates. Of all candidates, 24 per cent were under the age of 35. Out of the total number of candidates, according to official data, 957 are registered as Danish, 31 are descendants of immigrants, and 26 are citizens who immigrated to Denmark.<sup>31</sup>

The parliament decides on the validity of the elections. Elected candidates are examined by a Provisional Scrutineers Committee of the Parliament, and to be validated, candidates must not have been convicted for an act that makes the candidate “unworthy” to be an MP. There is no detailed definition of unworthiness and no clear deadlines for how long after the conviction should a candidate be considered ‘unworthy’.

*Authorities could consider removing all ineligibility criteria based on prior convictions. If any such criteria remain in force, they should be precisely defined.*

---

<sup>26</sup> The NSAB is mandated to receive all candidate lists proposed by parties for all nomination constituencies, establish the eligibility of candidates by verifying the accuracy of their data and approve all candidate lists and independent candidates. The NSAB also verifies the signatures for the support of independent candidates, which are provided only on paper and entered manually in the electronic system.

<sup>27</sup> After the publication of candidate lists, access can be provided to the submitted documents and the party notification of the supported candidates. For these elections the final lists were submitted on 24 October.

<sup>28</sup> After the registration process was finished, two political parties filed a joint complaint to the MoIH regarding the Nyborg constituency ballots, where the party lists on the ballots were by mistake printed alphabetically rather than in the order prescribed by the parties. While a rerun was not ordered by the parliament, a [reprimand](#) was issued by the MoIH and by the temporary parliamentary committee to the election commission to ensure that greater care should be taken in the future so that this is not repeated.

<sup>29</sup> According to [research](#) conducted by the Danish Human Rights Institute from 2019, a third of political parties had a gender equality strategy in place.

<sup>30</sup> See the Statistics Denmark [webpage](#) for more information.

<sup>31</sup> Statistics Denmark provided [information on ethnicity of candidates](#) (in Danish).

## VI. ELECTION CAMPAIGN AND CAMPAIGN ENVIRONMENT

The election campaign is regulated by the PEA, other laws and MoIH bylaws that relate mostly to the requirements on the format and posting of outdoor campaign posters and the prohibition of paid political advertising on television.<sup>32</sup> Television may not broadcast advertisements for employers' organisations, trade unions, religious movements, political parties, political movements and elected members or nominated candidates for political assemblies. Political advertisements are banned on television from the time elections are announced until after election day.<sup>33</sup> There is no campaign silence period, and campaigning is allowed on election day except inside the polling station and the immediate surroundings.<sup>34</sup>

Most parties used standard-size posters and, in addition, larger billboards, digital billboards and adverts on screens, including in public transportation.<sup>35</sup> Very few campaign rallies were held as the parties stated these are an expensive way of addressing the electorate, which already supports them. Instead, many candidates and parties toured around the country to meet voters.

The campaign was competitive and pluralistic. Political contestants could convey their messages to the electorate in diverse manners, and freedom of expression, assembly and association were respected. No interlocutor expressed concerns about the relatively short election campaign period, which for these elections, started on 5 October and lasted for 27 days, including the election day. Most interlocutors stated they were not concerned about the length of the campaign because it had been evident that elections would be called by the opening of the Parliament in early October and election stakeholders had begun preparations in advance.

The media environment is open and diverse, enabling a vibrant political atmosphere and providing numerous sources of information.<sup>36</sup> The media played a prominent role in the campaign, with regular TV debates between party leaders and other candidates on the public broadcaster *Danmarks Radio DR* and the private TV2, and the newspapers, news websites and radio channels provided extensive coverage of issues and candidates.

The media coverage of the campaign is largely unregulated and left to the internal policies of the media outlets. There are no legal requirements for equal or equitable media coverage; however, the ODIHR EET did not note any concerns regarding access to media or the coverage of contestants, seeing it as comprehensive and meaningful. Media outlets that ODIHR EET met with did not raise concerns about their ability to cover the campaign, but some raised the issue of access to information, stating that the Freedom of Information Act (FoIA) allows institutions to withhold information of public interest and interpret the law restrictively and that the deadlines for responding to FoIA enquiries by the government were often violated. No qualitative or quantitative media monitoring is undertaken by public institutions, but fact-checking is a regular feature, including during the campaign and related to the campaign messages.<sup>37</sup>

<sup>32</sup> Including the 2014 Official Roads Act, the 2015 Private Road Act, the 2011 Act on Radio and Television Operations, and the MoIH regulation including the 2020 Notice on Advertising and Sponsorship in Broadcast Media, the 1989 Notice on Election Campaigning and the 2022 Guidance on Holding General Elections.

<sup>33</sup> If the date of elections is announced more than three months before being held, the advertising-free period does not begin until 3 months before the holding of the election.

<sup>34</sup> The MoIH guidance states that the interviews with politicians in polling stations may be characterized as campaigning, although it is up to polling station officials to determine whether they can be conducted.

<sup>35</sup> Posters of a maximum size of 0.8 square meters may be displayed without seeking prior permission starting from 8 October until eight days after the elections.

<sup>36</sup> Denmark ranks second on the 2022 Reporters Without Borders [media freedom list](#).

<sup>37</sup> In addition to media fact-checking, independent fact-checking is run by [www.tjekdet.dk](http://www.tjekdet.dk) which is a part of Facebook's International Fact-Checking Network.

Social media featured strongly in the campaign, with parties creating and sharing content on various platforms.<sup>38</sup> Facebook and Instagram were used most widely, and a few parties were present on TikTok, with one party running a noticeable campaign targeting young voters.<sup>39</sup> YouTube was also used to convey messages to voters, and parties placed advertisements on social media platforms and through Google Ads, tailoring their messages to certain groups.<sup>40</sup>

The main topics of the campaign evolved around health issues, including services for the elderly and mental care, the economy, education and climate, but many interlocutors also stated that the debate between and about the main prime ministerial candidates featured strongly. The tone of the campaign was considered mostly calm and fair, with some interlocutors attributing this to reduced debate about immigration. Many noted that the tone on social networks was generally harsher than in the traditional media or the official campaign, including negative messages targeting women.

All parliamentary parties agreed on mutual protection against unlawful or unethical activities in the election campaign, including pledging not to distribute deliberately false information and keeping each other informed on any attempts of hacking, data leaks and attacks on party websites.<sup>41</sup> While ODIHR EET interlocutors did not mention any specific instances of disinformation, two days after elections were called, the state and military security services issued a joint statement on the possibility of Russian interference in the elections and warning the public not to spread disinformation.<sup>42</sup>

Access and participation in the campaign for persons with disabilities was raised as an issue meriting further attention. None of the political parties met with by the ODIHR EET could indicate any candidates with disabilities on their candidate lists for these elections, and no internal procedures or efforts to support such candidatures have been mentioned. While access for persons with physical disabilities to venues, in general, has been improved over the years, access to information about the campaign, including the accessibility of party or campaign websites, is not ensured, and very few campaign programmes were available in audio format or other accessible formats. The lack of easy-to-read materials regarding the campaign and election procedures for the use of persons with intellectual disabilities may have negatively impacted their participation in the election process.

*To facilitate meaningful participation of all voters, parties should be encouraged to make their programmes, campaign materials and messages in formats accessible to persons with various types of disabilities. Parties could also initiate programmes to provide persons with disabilities with meaningful opportunities to stand as candidates.*

---

<sup>38</sup> In October 2022, the Data Regulatory Agency issued [guidelines](#) for political parties on implementing the EU General Data Protection Regulation (GDPR) in regard to election campaigns and the need to comply with the data protection rules as many activities of election campaigns are considered to fall under the GDPR, including on social media.

<sup>39</sup> The Liberal Alliance focused their campaign on young voters, mainly through TikTok.

<sup>40</sup> According to an analysis of the social media [advertising](#) by Valdemar Osted, 20 million DKK (2,7 million EUR) were spent on Facebook advertising, twice the amount spent in the 2021 municipal elections, peaking on the day before the elections.

<sup>41</sup> The [agreement](#), which is published on the website of the parliament, lists seven action points in order to keep trust in democratic institutions and to avoid external forces using personal information to create rifts and polarization in society and undermine the healthy exchange of views in the political debate.

<sup>42</sup> See the [statement](#) by the Danish Security and Intelligence Service.

## VII. POLITICAL PARTY AND CAMPAIGN FINANCE

### A. FUNDING SOURCES

The income of political parties includes donations, membership fees and public subsidies based on the number of votes obtained in the most recent local, regional and parliamentary elections.<sup>43</sup> Any natural or legal persons are eligible to donate. The law does not ban foreign donations, but most ODIHR EET interlocutors stated they do not know of any donations from abroad. Donations and membership fees are mostly received through mobile payments or bank transfers, while those in cash are received in limited amounts.

The law does not limit amounts of income or expenditure by political parties or election campaigns, which is at odds with international good practice.<sup>44</sup> Several ODIHR EET interlocutors claimed that there are numerous instances in which political parties receive large donations, especially from companies, associations and unions, which may lead to undue political influence.<sup>45</sup>

Furthermore, anonymous donations below the threshold of DKK 22,200 (Approx. EUR 2,982) per donation are permitted, which is at odds with international good practice.<sup>46</sup> Some ODIHR EET interlocutors expressed a preference for lowering this threshold.<sup>47</sup> Furthermore, there is no limit on the number or total amount of anonymous donations, and the individual amounts received do not need to be disclosed, making such donations nontransparent, contrary to international good practice.<sup>48</sup> In 2015, the Committee on Transparency of Party Funding, an expert group set up by the government, published an extensive report proposing reform in political financing. The report concluded, among other things, that there should be no thresholds for donations, but the value of donations should be

---

<sup>43</sup> Donations can also be in kind, and this includes the real value of services or advertisements provided at a reduced price or free of charge if it is evident that the service provider usually charges a fee for a given commercial service. Loans that are provided on more favorable terms than market value are also considered donations.

<sup>44</sup> Article 3.b.ii. of [Recommendation Rec\(2003\)4](#) of the CoE's Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns underlines that the "[s]tates should consider the possibility of introducing rules limiting the value of donations to political parties."

<sup>45</sup> Article 9 of [Recommendation Rec\(2003\)4](#) holds that the "[s]tates should consider adopting measures to prevent excessive funding needs of political parties, such as, establishing limits on expenditure on electoral campaigns." Paragraph 213 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation, second edition](#), states that "Reasonable limitations on private donations may include the determination of a maximum amount that may be contributed by a single donor. Such limitations have been shown to be effective in reducing the possibility of corruption or the purchase of political influence."

<sup>46</sup> Donations received in breach of this provision should be transferred to the donor or, if that is not possible, to a bank account provided by the MoIH. The annual threshold is adjusted early by the decision of the MoIH, and in 2023 the value will be DKK 22,800. According to the 2020 political party annual reports, anonymous donations were rather limited. Paragraph 212 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation stipulate that the "\[a\]nonymous donations should be strictly regulated, including through a limit on the aggregate allowable amount of all anonymous donations."](#)

<sup>47</sup> A 2015 report published by the Committee on Transparency of Party Funding recommended reducing the threshold by 50 per cent. In advance of these elections, Transparency International Denmark [advocated](#) a limit of DKK 2,000 for anonymous donations. One political party (*Enhedslisten*) decided to [publish donations](#) it received of over DKK 5,000.

<sup>48</sup> Article 3.a of [Recommendation Rec\(2003\)4](#) of the CoE's Committee of Ministers to member states establishes that "Measures taken by states governing donations to political parties should provide specific rules to [...] ensure transparency of donations and avoid secret donations". Furthermore, paragraph 212 of the [2020 ODIHR and the Venice Commission Guidelines on Political Party Regulation, second edition](#), state that "Anonymous donations should be strictly regulated, including through a limit on the aggregate allowable amount of all anonymous donations. Legislation should limit the aggregate maximum amount to a reasonable level designed to ensure that anonymous donors cannot wield undue influence."

published while also reducing the threshold for making the identity of the donor public.<sup>49</sup> The planned legislative amendments are yet to be adopted by the parliament.

Several ODIHR EET interlocutors pointed out that there are several mechanisms to circumventing the disclosure of identities of donors, including by donating to different organizations or candidates of the same party or of different parties, by donating through several companies owned by the same beneficial owner, and by donating indirectly through associations, business clubs or other similar entities.<sup>50</sup> This, along with the possibility for anonymous donations, significantly reduces the transparency of the campaign financing sources.

During the election campaign, a journalistic investigation published allegations that the representatives of several political parties were willing to accept donations in violation of legal procedures.<sup>51</sup> In addition, many interlocutors pointed out that the business clubs can be a means to ensure access to policy-makers who are political party members. The MoIH informed the ODIHR EET that a legislative proposal to connect companies with the same beneficial owner as a single donor, has been discussed, but a calendar for its approval is not yet determined.<sup>52</sup>

*To avoid undue influence from unknown sources and enhance the transparency of campaign and party financing, consideration should be given to strictly regulating anonymous donations and requiring disclosure of contributions above a nominal amount.*

Political parties and independent candidates who obtained at least 1,000 votes in the most recent parliamentary elections are eligible to receive yearly public subsidies.<sup>53</sup> There is no separate public funding for the election campaign, potentially disadvantaging new parties that are contesting for the first time. The law requires that certain declarations and yearly reports, after being audited, are presented to the MoIH.<sup>54</sup> Additionally, parliamentary groups and independent MPs can apply for subsidies to support their activities, such as salaries and advertising for parliamentary activities and

---

<sup>49</sup> The [report](#) is available in Danish.

<sup>50</sup> The 2015 [report](#) by the Committee on Transparency of Party Funding noted that “In recent years, the political parties have received contributions from a new type of interest group, so-called associations, which are not immediately known to the public for activities other than contributing to political parties. [...] there has been a debate in recent years as to whether the current rules allow associations and individuals to act as intermediaries, passing on contributions to parties, and thereby helping to conceal the identity of the contributor in relation to publicity, without the party actively contributing to the concealment.”

<sup>51</sup> The Frihedsbrevet [journalists](#) offered to the representatives of several political parties donations of DKK 50,000 through a proxy, which requested to remain anonymous and to find ways to avoid the publication of the donor’s name. Only a few of the politicians or staff members declined the offer.

<sup>52</sup> The [2022 Rule of law report](#) mentions that “Additional measures on political party financing to address multiple donations were announced by the Government though no concrete roadmap for their adoption is planned.” And recommends that the Danish authorities should “Adopt new legislation on political party financing that will address the issue of multiple and anonymous donations and introduce sanctions for breaching the rules on the political parties framework.”

<sup>53</sup> In 2022, the political parties and independent candidates were entitled to DKK 34.75 per vote, based on results in the last parliamentary elections, and DKK 5 and DKK 7.75 per vote, for regional and local elections, respectively (to be eligible for subsidies, contestants have to obtain 500 votes in regional election and in Copenhagen, and 100 votes in local elections). In total, in 2021, parties [received](#) DKK 123 million (including the Faroe Islands and Greenland).

<sup>54</sup> Requests should be made by the end of the year for which funds are solicited. A declaration stipulating the minimum expenses expected to be incurred in connection to political activities for the calendar year is required. Annual reports must be submitted to MoIH before the end of the year for which subsidies are requested. Additionally, a declaration of a certified auditor must confirm that the minimum expenses incurred in the most recent calendar year equal the expenses specified in the declaration.

meetings, but these resources should not be used for the election campaign.<sup>55</sup> However, some ODIHR EET interlocutors pointed out that some parties might use the parliamentary staff or funds foreseen for advertisements to support their election campaign, given the limited transparency requirements.

ODIHR EET was informed that the MoIH had prepared amendments to the PPA and GPPA to increase the limits for political parties, candidates and lists of candidates to become eligible for subsidies, but they are yet to be adopted.<sup>56</sup> Only those who obtain representation in Parliament (or the regional or municipal council) or come close to the electoral threshold would be eligible if the amendments are adopted.<sup>57</sup> Most ODIHR EET interlocutors supported the proposed legislative change noting that there have been several cases in which parties without any significant support participated in elections with the sole intention of receiving subsidies. While acknowledging the aim to prevent such practices, if set too high, the threshold may disadvantage small parties and prevent the development of new parties.

## B. EXPENDITURES

There are no expenditure limits set for the contestants during the election campaign. Political parties can use public subsidies for campaigns, as the scope of allowed spending is broadly defined as “political activity”.<sup>58</sup> The law requires that the expenditures are enclosed in annual reports submitted by the political parties but does not require them to indicate the expenditure for the election campaign separately from the general party expenditure.<sup>59</sup> While the format of annual reports lacks details, the only tools which allow the public and media to partially quantify campaign expenditures are the social media advertisement libraries.<sup>60</sup> These shortcomings leave the election stakeholders without mechanisms to understand the extent of campaign expenditure and reduce overall transparency.

*Consideration should be given to introducing limits for political parties and electoral contestants’ donations and expenditures.*

The political party headquarters, their local organizations, or the candidates themselves can incur expenses. Most political party representatives met by ODIHR EET said the headquarters used the highest expenditure portions to promote leadership and the party nationwide. Some ODIHR EET interlocutors explained that local organizations and candidates also finance their campaigns, but the

---

<sup>55</sup> In 2019, the parliamentary political parties [received](#) DKK 205 million and, in 2020, a total of DKK 215 million. The basic amount for parliamentary groups (comprising four or more MPs) was DKK 324,568 in 2022 and is increased by additional allocations. These funds do not have to be spent within the year and can be accumulated. Parties and movements elected to the European Parliament (EP) can also apply for funds to promote EU debate and information in Denmark; no public funding is allocated for EP elections except indirectly, as free access for contestants to the public broadcast media.

<sup>56</sup> The MoIH submitted the [amendments](#) to the Parliament on 30 March 2023.

<sup>57</sup> A report was drafted by the Committee on the Rules of Procedure of the Parliament, published [on 11 May 2022](#) and submitted to the MoIH to prepare a draft law, which was [published in June 2022](#) and was subject to public debate. The proposed alternative thresholds were 3.2/175 of all votes in the most recent parliamentary elections or 2/175 of all votes in parliamentary elections and representation in at least one regional or three municipal councils, in elections held before the most recent parliamentary elections.

<sup>58</sup> Subsidies can be used mainly for supporting candidates or spreading particular political views, setting up and running organizations and collaborating with other organizations.

<sup>59</sup> In the 2020 reports, which also include the year 2019, most political parties presented election campaign expenditures separately from other activities.

<sup>60</sup> The only sources of some detailed information are the [Google Political Advertising](#) and [Facebook](#) (and Instagram) Ad Library. One independent [website analyzed](#) the funds spent on social media, through the Facebook Ads campaign and highlighted that most the ads between 1 October and 1 November were paid by the People’s Conservative Party (DKK 3.8 mil), the Liberal Alliance and Venstre (around DKK 3 million each), and the Social Democrats (DKK 2.7 million).

central party organizations do not control their income and expenditure, which reduces the accountability of political party structures and is at odds with international good practice.<sup>61</sup> According to ODIHR EET interlocutors, most of the expenditure was allocated to social media promotion and printed or digital advertisement, and they also noted that these elections were more expensive than the previous ones.

The law does not require reporting on expenditures made on the party's behalf or promoting the party without its knowledge, which could facilitate third-party contributions. Several ODIHR EET interlocutors pointed out that the third entities, including companies or unions who traditionally support political parties, may incur indirect expenses related to the election campaign without any requirements to declare them as donations or expenditures, which reduces the transparency of political financing.<sup>62</sup> Furthermore, interlocutors described campaigns supporting a specific topic close to a political party without directly referencing the party, which could also be considered a third-party expenditure.

*To enhance the transparency and accountability of campaign financing, authorities should consider regulating third-party campaigning, including by the entities affiliated with political parties, and define relevant conditions for third-party campaigning and the reporting and sanctioning mechanisms.*

### C. REPORTING AND DISCLOSURE

There are no requirements for contestants to publish financial reports related to the campaign in the interim or after the elections, which challenges international good practice.<sup>63</sup> Political parties participating in the most recent parliamentary or European Parliament elections must submit annual reports to the Parliament only for their national organizations.<sup>64</sup> Independent candidates are not required to report donations unless they receive public subsidies.<sup>65</sup> According to the PPAA, the annual reports of political parties should include categorized income and expenditures, the balance sheet summarized by categories, all individual donations over DKK 22,200, the total sum of all

---

<sup>61</sup> Paragraph 44 of the [Venice Commission Code of Good practice in the field of political parties](#) states that “[e]very political party should include in its statutes mechanisms for audits of its accounts at the national level and for supervising accounting on any regional and local levels.”

<sup>62</sup> Paragraph 220 of the [2020 ODIHR and the Venice Commission Guidelines on Political Party Regulation, second edition](#), notes that “it is important that some forms of regulation, with comparable obligations and restrictions as apply to parties and party candidates, be extended to third parties that are involved in the campaign, to ensure transparency and accountability.”

<sup>63</sup> Article 14 of [Recommendation Rec\(2003\)4](#) highlights that “states should require particular records to be kept of all expenditure, direct and indirect, on electoral campaigns in respect of each political party, each list of candidates and each candidate.” Paragraph 259 of the 2020 ODIHR and the Venice Commission Guidelines on Political Party Regulation notes that the “[r]eports on campaign financing should be submitted to the proper authorities after elections in a timely manner, but with a reasonable deadline that allows parties to compile data, invoices, information on reimbursements of loans, etc.”

<sup>64</sup> The amendments prepared by the MoIH in 2022, if adopted by the parliament, would require individual candidates as well as party district organisations and other local organisations other than the regional or municipal organisations to report donations over the legal threshold in several additional circumstances, including when they do not receive public subsidies, where legal obligations are not already in place. District organization is defined as the party organization at the level at which candidates are nominated for the parliamentary elections.

<sup>65</sup> They must submit a declaration containing donations received over the declaration limit and total anonymous donations to the MoIH, to be published on the MOIH's website. No candidates were subject to these procedures in the previous parliament.

anonymous donations, as well as information about the impermissible anonymous donations returned to the donor or the MoIH.<sup>66</sup>

The reports cover the fiscal year period from 1 January to 31 December and have to be submitted by the end of the following year, which may lead to a very long period before the information about incurred income and expenditure is presented to the public. No reporting requirements exist for the parties' regional or local organizations that did not receive public subsidies.<sup>67</sup> Party annual reports must only state whether donations to candidates were reported to the regional councils.<sup>68</sup>

*The election authorities could consider mandating that annual reports include all income and expenditure information incurred at all party levels and by all candidates. In addition, to increase transparency and relevance of the reporting mechanism, the timeline for submitting and publishing the annual accounts could be shortened.*

The reporting system does not clearly present the campaign income and expenditure of parties and candidates separately from the annual funding and expenses. The regulations do not impose detailed and itemized reporting requirements, which reduces transparency. Furthermore, it does not provide a reporting template to ensure uniformity and streamline the reporting.<sup>69</sup> A certified auditor must audit annual reports according to "good auditing practice", which should not be a party member or have a vested interest in the party.

*To ensure uniform campaign finance reporting, election authorities could provide a detailed and itemized template for preparing annual reports. Furthermore, campaign funding and spending should be presented and detailed separately from the annual income and expenditure.*

Separately from the annual reports, parties with parliamentary groups should submit reports on the received parliamentary subsidies by 15 April.<sup>70</sup>

#### **D. OVERSIGHT**

No dedicated institution performs political party or campaign finance oversight, contrary to international good practice.<sup>71</sup> The parties' annual reports are submitted to the Parliament, but the

---

<sup>66</sup> The following types of income must be reported: public funding, membership fees, donations, income from interests and contributions from international organizations, collective private associations; trade unions, business associations, business companies, funds and associations.

<sup>67</sup> Political parties are considered associations, and there is no specific legislation on setting up and running associations. According to the MoIH, local organizations are not required to keep general accounting. The PPAA only mentions that lists of candidates for regional and municipal elections that are not eligible or do not wish to apply for subsidies have to report to regional or municipal councils regarding the amount of received and returned anonymous donations. The 2015 report by the Committee on Transparency of Party Funding recommended that "an accounting obligation be introduced for all parts of the party as well as for individual candidates who have been elected".

<sup>68</sup> The declarations are uploaded on the [regions' websites](#) in a "reasonable period".

<sup>69</sup> In January 2023, the MoIH [published](#) a checklist for the parties' application for subsidies, including tips regarding completing annual reports.

<sup>70</sup> These are verified by the Presidium of the Parliament and [published](#) on the parliament's website. The reports submitted for 2020 were received with no comments.

<sup>71</sup> Article 14 of [Recommendation Rec\(2003\)4](#) establishes that "States should provide for independent monitoring in respect of the funding of political parties and electoral campaigns" and that "The independent monitoring should include supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication."

Parliament is not obligated to verify or approve them.<sup>72</sup> The annual reports are made public by the Parliament; however, no deadline for publication is specified.<sup>73</sup> The Auditor General can request that political parties that receive public subsidies disclose the accounting records to verify if the conditions to receive subsidies have been met and if the funds were spent accordingly. However, according to the representatives of the Auditor General, the institution did not initiate any such audit in recent years, as it did not deem it a priority.<sup>74</sup> The MoIH receives requests by parties for subsidies at the national level, and it verifies their eligibility but does not verify the submitted documentation.<sup>75</sup> In practice, the verification is done by looking into the annual reports of the political parties.<sup>76</sup> Many ODIHR EET interlocutors underlined the need for a dedicated institution to oversee the party and campaign finances thoroughly.

*In line with international standards, a dedicated institution, fully staffed and resourced, should be designated to oversee the finances of political parties and electoral contestants.*

The GPPA includes sanctions for false statements in declarations when requesting or using public subsidies of a fine or up to four months of imprisonment. The PPAA sanctions with a fine or imprisonment for up to four months if the requirement to return anonymous donations over the threshold was not adhered to, for the submission of incorrect or incomplete information on anonymous donations received and returned and regarding the veracity of information included in the annual reports. Fines also apply for unauthorized disclosures of information about employees exempt from paying contributions or regarding who has requested such exemption. Party organizations may incur criminal liability according to the Criminal Code, for example, if they fail to submit annual reports. The law does not prescribe penalties for not submitting annual reports.<sup>77</sup> Criminal investigations can be initiated by the police, acting on a complaint or *ex officio*. However, since the parties are not required to publish detailed information regarding the expenditure, including public subsidies, the possibility of submitting complaints containing relevant information is limited.

## VIII. ELECTION OBSERVATION

The PEA does not provide for citizen or international observation, which is inconsistent with paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>78</sup> However, the legislation establishes that the voting and counting procedures are open to the general public. ODIHR EET was well received and encountered no hindrances in its observation.

*The legal framework should explicitly guarantee the access of citizen and international observers to all stages of the electoral process.*

---

<sup>72</sup> Paragraph 263 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) highlights that the “transparency in reporting requires the timely publication of parties’ financial reports” and adds that “the fulfilment of this requirement necessitates that reports contain enough details in order to be useful and understandable for the general public”.

<sup>73</sup> The reports are published on the [website](#) of the Parliament.

<sup>74</sup> The Auditor General established the yearly audit plan which includes auditing priorities.

<sup>75</sup> A political party is required to submit a declaration in which it estimates how much funds it would spend in the given year. Funds have to be spent during the calendar year for which they have been requested.

<sup>76</sup> The MoIH informed the ODIHR EET that there are no complaints related to improper use of subsidies at the central level.

<sup>77</sup> The draft law prepared by the MoIH would impose criminal liability for not submitting the annual reports.

<sup>78</sup> Paragraph 8 of the [1990 OSCE Copenhagen Document](#) underlines that “the participating States should consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other OSCE participating State...”

## IX. RECOMMENDATIONS

These recommendations contained throughout the text are offered to enhance the conduct of elections in Denmark and bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities in further improving the electoral process and following up on the recommendations in this and previous reports.

1. The law should provide effective and timely remedies to electoral grievances throughout the entire process, including those related to candidate registration and the election campaign. In line with international good practice, judicial review of election complaints in the last instance should be introduced.
2. To ensure the equality of votes, the election authorities should review the rules regarding mandate distribution.
3. Consideration could be given to ensure uniformity in the presentation of candidates on the ballot. In the absence of any changes, further voter education on the ballot composition and different approaches of the political parties should be considered.
4. Constitutionally imposed restrictions on the right to vote and to stand as candidates based on psychosocial or intellectual disabilities should be reviewed in line with international standards.
5. To fully support political pluralism and freedom of association in line with international good practice, the election authorities should consider the possibility of voters signing in support of more than one political party or independent candidate.
6. Authorities could consider removing all ineligibility criteria based on prior convictions. If any such criteria remain in force, they should be precisely defined.
7. To facilitate meaningful participation of all voters, parties should be encouraged to make their programmes, campaign materials and messages in formats accessible to persons with various types of disabilities. Parties could also initiate programmes to provide persons with disabilities with meaningful opportunities to stand as candidates.
8. To avoid undue influence from unknown sources and enhance the transparency of campaign and party financing, consideration should be given to strictly regulating anonymous donations and requiring disclosure of contributions above a nominal amount.
9. Consideration should be given to introducing limits for political parties and electoral contestants' donations and expenditures.
10. To enhance the transparency and accountability of campaign financing, authorities should consider regulating third-party campaigning, including by the entities affiliated with political parties, and define relevant conditions for third-party campaigning and the reporting and sanctioning mechanisms.
11. The election authorities could consider mandating that annual reports include all income and expenditure information incurred at all party levels and by all candidates. In addition, to

increase transparency and relevance of the reporting mechanism, the timeline for submitting and publishing the annual accounts could be shortened.

12. To ensure uniform campaign finance reporting, election authorities could provide a detailed and itemized template for preparing annual reports. Furthermore, campaign funding and spending should be presented and detailed separately from the annual income and expenditure.
13. In line with international standards, a dedicated institution, fully staffed and resourced, should be designated to oversee the finances of political parties and electoral contestants.
14. The legal framework should explicitly guarantee the access of citizen and international observers to all stages of the electoral process.

**ANNEX: FINAL RESULTS**

	Number of votes	Per cent	
Eligible voters	4,269,048	-	
Turnout*	3,592,822	84.1	
Invalid votes	58,871	1.6	
Valid votes	3,533,951	98.4	

Party	Number of votes	Per cent	Number of seats*
The Social Democratic Party (Socialdemokratiet)	971,995	27.5	50
The Liberal Party (Venstre)	470,546	13.3	23
The Moderates (Moderaterne)	327,699	9.3	16
The Socialist People's Party (Socialistisk Folkeparti)	293,186	8.3	15
Denmark Democrats (Danmarksdemokraterne-Inger Støjberg)	286,796	8.1	14
The Liberal Alliance (Liberal Alliance)	278,656	7.9	14
The Conservative People's Party (Det Konservative Folkeparti)	194,820	5.5	10
The Red-Green Alliance (Enhedslisten – De Rød-Grønne)	181,452	5.1	9
The Social Liberal Party (Radikale Venstre)	133,931	3.8	7
The New Right (Nye Borgerlige)	129,524	3.7	6
The Alternative (Alternativet)	117,567	3.3	6
The Danish People's Party (Dansk Folkeparti)	93,428	2.6	5
The Free Green Party (Frie Grønne)	31,787	0.9	-
The Christian Democratic Party (Kristendemokraterne)	18,276	0.5	-
Independent candidates	4,288	0.1	-
	<b>3,533,951</b>	<b>100</b>	<b>175</b>

\* Of the 179 seats (incl. Faroe Islands and Greenland)

## ABOUT ODIHR

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

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

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

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

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

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

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

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

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