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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
The Centre for Political and Constitutional Studies (CEPC)



SYNOPSIS

In the framework of the Spanish Presidency of the Committee of Ministers, in co-operation with the Centre for political and constitutional studies, the Ministry for the Presidency and the Ministry of Foreign Affairs of Spain, the Venice Commission organised a Conference on "Controlling the Electoral Process", in Madrid on 24 and 25 April 2009.

José Luis de Francisco, State Secretary for Constitutional and Parliamentary Affairs, Ministry of the Presidency, Ángel Lossada Torres-Quevedo, State Secretary for Foreign Affairs and Jan Helgesen, President of the Venice Commission opened the Conference. Other participants included Paloma Biglino Campos, Director of the Centre for political and constitutional studies (author of the introduction); Antonio Martín Valverde, President of the Spanish Central Electoral Commission and Judge of the Spanish Supreme Court; Pablo Pérez Tremps, Judge at the Spanish Constitutional Court; George Papuashvili, President of the Constitutional Court of Georgia; Manuel Nuñez Pérez, President of the Spanish Court of Audit and Luis María Díez-Picazo, Judge at the Spanish Supreme Court.

This conference brought together around thirty high level experts in the electoral field from Europe and America, in particular Presidents and members of international jurisdictions, Constitutional and Supreme Courts and Electoral Courts. It enabled comparisons to be made between solutions adopted on both continents on the issue of control of the electoral process, in particular disputes and control of the financing of electoral campaigns.

The following subjects were discussed:

1. A comparative analysis of the bodies responsible for electoral control, in particular judicial ones. This analysis demonstrated the different approaches used in Europe, where disputes are generally dealt with by the constitutional or ordinary courts, and Latin America, which has developed its own method of electoral jurisdiction. Reports were presented in particular on the following States:

- Spain (Pablo Santolaya Machetti)
- France (André Roux)
- Greece (Vassilis Androulakis)
- Czech Republic (Milan Podhrazky)

- Uruguay (Carlos A. Urruty Navatta)
- Costa-Rica (Luis Antonio Sobrado González)
- Mexico (Salvador Nava Gomar)

2. The role of the international judicial instances in guaranteeing the quality of the electoral process: European Court of Human Rights and Inter-American Court of Human Rights. Reports were presented by Messrs Luis López Guerra (Judge at the European Court of Human Rights) and José Fernando Ojedo Martínez (Professor, Mexico).

3. Specialised economic control: the control of electoral campaign financing

The reports on this theme concerned the situation in both Europe and America with emphasis on the United States (Samuel Issacharoff), Mexico (Jaime Cárdenas Gracia) and Spain (Felipe García Ortiz and Francesc Vallès Vives).

4. Electoral disputes: a summary

Following introductory speeches by Srdjan Darmanovic (Montenegro) and Pierre Garrone (Venice Commission Secretariat), a Round Table on electoral questions was held in which participated in particular Salvador Nava Gomar (Mexico) and Joaquín Vives Pérez (Colombia).

The conclusions were presented by Didier Maus, President of the International Association of Constitutional Law.

The proceedings of the Conference will be published in the series "Science and Technique of Democracy".