

CONSTITUTIONAL COURTS AND ELECTORAL INTEGRITY

Navigating Challenges, Shaping Prospects

Edited by Rachele Bizzari, Angioletta Sperti

ATTI DI CONVEGNO



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Constitutional Courts, Electoral Authorities or Domestic Jurisdiction? Evaluating the Outcome of French, Spanish and Italian Models When Facing Challenges to Election Integrity

Lorenzo De Carlo*

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1. Introduction

An effective and impartial system of electoral justice is not a mere legal technicality, but the fundamental safeguard of the fairness of political competition and therefore of popular sovereignty. In such an important area, it is inevitable that some form of judicial protection must be established to ensure that elections are conducted properly, especially in contexts characterised by increasingly extensive protection of fundamental rights, also from a supranational perspective. It should also be considered that electoral laws are more or less entirely at the disposal of the parliamentary majority: the risk of opportunistic behaviour by the legislator is very significant, thus legitimising the introduction of forms of judicial re-

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view¹, especially when there are risks of violation of the principles and purposes that characterise constitutional systems².

In this context, there are numerous concerns regarding the risk of judicial activism into what is traditionally considered the “political question” *par excellence*³, which is why the scope for intervention is not always as broad as it could be. Consider, for example, the Italian legal system, where the verification of the regularity of the election of deputies and senators is entrusted exclusively to the *autodichia* (self-jurisdiction) of the Chambers pursuant to Article 66 of the Constitution⁴, without civil or administrative courts being able to carry out any *ex post* review. The Italian system therefore presents a peculiar architecture in this matter, almost a unique case in the European landscape, which serves as the starting point for this analysis. This model will eventually be compared with the solutions adopted in France and Spain: two systems that, despite significant differences, have long moved beyond self-jurisdiction. In the light of these comparisons, this paper will try to assess if the Italian electoral justice system is fair and up to date and if there are any chances of enhancement that can be offered by the French and Spanish systems. Subsequently, an analysis of the feasibility of such transplants will be made, in order to understand if they could become useful and efficient in reshaping a system that frequently appears to be insufficiently impartial and lacking judicial guarantees.

2. The Italian Model: The Persistence of *Autodichia*

The Italian system of electoral justice is centred on Article 66 of the Constitution, which states that each Chamber shall check the credentials of its members and the supervening causes of ineligibility and incompatibility. Accordingly, the verification of the regularity of the election of its members takes place through to a two-stage procedure, which provides for an initial assessment by an elections committee and a final assess-

1. G. Delledonne, *Costituzione e legge elettorale. Un percorso comparatistico nello Stato costituzionale europeo*, Napoli, Editoriale Scientifica, 2020, pp. 16-17.

2. M. Luciani, *Il voto e la democrazia, La questione delle riforme elettorali in Italia*, Roma, Editori Riuniti, 1991, p. 15.

3. *Funditus*, P. Zicchittu, *The Italian Way to the “Political Question”*, in «Italian Journal of Public Law», 7, 1, 2015, pp. 222-262.

4. M. Cerase, *Art. 66*, in *Commentario alla Costituzione*, R. Bifulco, A. Celotto, M. Olivetti (a cura di), vol. II, Torino, UTET, 2006, p. 1270 ss.

ment by the Assembly. This provision, which establishes the principle of *autodichia* (self-jurisdiction), was not an innovation of the Constituent Assembly but a direct legacy of Article 60 of the Albertine Statute, which established the exclusive competence of each Chamber to decide on the validity of the admission qualifications of its members, a requirement that was strongly felt in light of the traditional doctrine of the separation of powers and the nature of the executive branch, which was still not free from influence over the judiciary⁵. Its original rationale was clear: to defend the independence of Parliament from possible interference by the executive branch, which at the time held significant influence over the judiciary.

However, during the works of the Constituent Assembly, there was no shortage of critical voices. Scholars like Costantino Mortati proposed the establishment of an external judicial body for the verification of credentials⁶, based on the German⁷ or the Czechoslovakian⁸ model, precisely to avert the risk of the majority abusing this power to the detriment of minorities. Furthermore, it was noted that it was at least contradictory to entrust a substantially judicial assessment to a parliamentary body. Proposals were also made to entrust this task to the Court of Cassation or the would-be Constitutional Court. However, the argument for continuity prevailed, supported by those who, like President Terracini, saw self-jurisdiction as the full realization of popular sovereignty, exercised by the very representatives elected by the people; moreover, there was an urge to make sure that electoral results could be subject to cross-checking and mutual verification by all parliamentary groups⁹. The electoral proceed-

5. F. Lanchester, *La verifica dei poteri nel diritto comparato: modelli a confronto*, in «Giurisprudenza costituzionale», 1998, p. 2868.

6. In its initial formulation, the electoral court would have been composed of five members appointed from outside the largest parliamentary groups and five members of the Council of State and would have been presided over by the President of the Court of Cassation. In the Assembly, Mortati merely indicated an equal number of members elected by parliament and magistrates from the Court of Cassation and the Council of State.

7. Pursuant to Article 31 of the Constitution of the Weimar Republic, a special mixed electoral court was established within the Reichstag, which also had the power to determine the exclusion of its members.

8. Article 19 of the 1920 Constitution of Czechoslovakia provided for the establishment of an Electoral Court, responsible for supervising electoral operations and verifying results.

9. G. Lasorella, *Il Parlamento: regole e dinamiche. Una introduzione al diritto parlamentare*, Torino, Giappichelli, 2023, p. 48.



ings were thus shaped by the decree of the President of the Republic no. 61/1957 for the Chamber of Deputies and by the legislative decree no. 533/1993 for the Senate, which assign responsibilities in the preliminary phases to administrative bodies like the Ministry of Internal Affairs, the National Central Electoral Office and the circumscription or regional ones and, with regards to the aftermath of the election, to the parliamentary assemblies themselves, that are in charge of validating the election of their members and of making final decisions on disputes, protests and complaints coming from the electoral offices.

It can therefore be observed that both the preparatory and subsequent electoral procedures for the elections of the Chamber of Deputies and the Senate are characterised by a lack of genuine judicial protection¹⁰: what was once a guarantee has apparently crystallized into a zone exempt from judicial review. This has created a “dual-track system”: while for local, regional, and European elections, citizens and candidates enjoy full protection before administrative or civil courts, for parliamentary elections this protection is absent, creating a clear conflict with the principles of effective judicial protection enshrined in Articles 24 and 111 of the Constitution, considering that the Chambers are neither impartial nor neutral in this matter, since their composition is directly affected by the outcome of the judgement¹¹, and they are able to intervene only *ex post*, when electoral proceedings have already been concluded.

For a long time, the courts have cemented this *status quo*; the Constitutional Court itself, despite showing growing impatience, long acted with caution. In its judgment n. 259 of 2009, for example, while declaring a question of constitutionality inadmissible and acknowledging the full discretion of the legislature, it has implicitly opened the door to the possibility of limiting self-jurisdiction to the post-electoral phase alone¹². The real turning point came more recently. With judgment no. 48 of 2021 the Italian Constitutional Court issued an explicit and unequivocal warning to the Parliament, highlighting the need for the provision of an *ad*

10. See M. Manetti, *L'accesso alla Corte costituzionale nei procedimenti elettorali*, in *Prospettive di accesso alla giustizia costituzionale*, A. Anzon, P. Caretti, S. Grassi (a cura di), Torino, Giappichelli, 2000, pp. 119-147.

11. F.G. Scoca, *Elezioni politiche e tutela giurisdizionale*, in «Giurisprudenza costituzionale», 2009, p. 3617.

12. P. Torretta, *Quale giudice per il contenzioso pre-elettorale politico? Riflessioni sulla sentenza della Corte costituzionale n. 259 del 2009*, in «Forum di Quaderni Costituzionali», 26 April 2010, pp. 3-4.

hoc procedure for pre-electoral justice, capable of ensuring effective and timely protection, since the Court lacks the necessary decision-making powers in such a technical subject¹³. This warning, unfortunately, has so far gone unheeded, just as the reform attempt contained in the judgement no. 69 of 2009, which aimed precisely to grant the administrative courts jurisdiction over pre-electoral disputes, came to nothing.

The constitutionality concerns are not merely domestic. The *Code of Good Practice in Electoral Matters* of the Venice Commission provides that even where parliament acts as a first-instance adjudicator, a second-instance appeal to a judicial body must always be guaranteed¹⁴. Also highly relevant in this regard is the 2020 ruling of the Grand Chamber of the European Court of Human Rights in the *Mungemangango v. Belgium* case, in which the Court recognised the obligation of States, which nevertheless enjoy a wide margin of discretion in this area, to establish mechanisms capable of guaranteeing the protection of the right to vote that operate in a context of both formal and substantive independence. However, the Court did not go so far as to censure the model of verification of powers based on self-regulation: while recognising that parliaments cannot be defined as neutral, it merely established the need for judicial or quasi-judicial remedies capable of ensuring compliance with the principles of the ECHR, thus not excluding the possibility that the Chambers themselves might be equipped with such a function¹⁵.

In general, numerous critical issues have emerged from the Italian model: in particular, the interpretations of electoral regulations provided by the Chamber and Senate Committees during the verification of election results have often generated disputes. This issue becomes even more pressing when considering changes to the electoral system¹⁶:

13. M. Cecchetti, *Il contenzioso pre-elettorale nell'ordinamento costituzionale italiano*, in *La giustizia elettorale*, E. Catelani, F. Donati, M.C. Grisolia (a cura di), cit., pp. 73-75.

14. On this point, there is a difference in interpretation between the English text and the Italian version of the Code, as the expression «in any case», which would mean «in every case», has been rendered as «in all other cases», see G. Rivosecchi, *Il contenzioso post-elettorale nell'ordinamento costituzionale italiano*, in *La giustizia elettorale*, E. Catelani, F. Donati, M.C. Grisolia (a cura di), cit., pp. 202-203.

15. L. Trucco, *Italia avvisata? La verifica dei poteri torna (dal Belgio) a Strasburgo*, in «Quaderni costituzionali», 1, 2021, pp. 241-244.

16. C. Fusaro, *I limiti della legislazione elettorale vigente*, in *La legislazione elettorale italiana. Come migliorarla e perché*, R. D'Alimonte, C. Fusaro (a cura di), Bologna, il Mulino, 2008, p. 42 ss.



if it provides for single-member constituencies, it is clear that awarding a seat to the candidate who has obtained just one more vote than the others risks generating decisions motivated by the majority's interest in maintaining the advantage resulting from the election results, sometimes even at the cost of forcing the vote counting procedures. The critical issues are not merely theoretical. Let's consider as an example the recounts managed by the parliamentary committees in single-member constituencies with very narrow vote margins, as occurred in 2018 in the Modena constituency between Edoardo Patriarca and Stefano Corti and especially in 2022 in the Cosenza constituency between Andrea Gentile and Anna Laura Orrico, where the recount was limited just to blank and invalid ballots and did not reanalyse all of them. In such cases, it is evident that the adjudicating body, composed of politicians, has a direct interest in the outcome of the dispute, with the risk of undermining the fundamental requirements of impartiality and third-party status.

Generally speaking, the Constitutional Court cannot be called upon to examine questions of legitimacy related to post-election disputes in the Chambers, since the bodies involved in the proceedings are not authorised to refer the matter to the Court, nor is there any possibility of direct access by the applicant or the promotion of a conflict of powers between the branches of government. Is this therefore an area exempt from constitutional review? Certainly, Article 66 recognises the self-regulation of the Chambers in matters of verification of credentials; however, some cases of indirect access to the Court have been successful, albeit always in relation to cases where incompatibility or ineligibility arose due to previous elected office in local authorities. Consequently, it could be argued that the scope of Article 66 is not all-encompassing, meaning that the Constitutional Court's margin for manoeuvre would not be excessively restricted by the Constitution, thus ensuring broader protection of the subjective legal situations at stake¹⁷.

3. The French System: The Centrality of the *Conseil Constitutionnel*

If we turn our gaze from Italy to France, the picture changes radically. France made a clear break with its tradition of self-jurisdiction with the Constitution of the Fifth Republic in 1958, after that this activity had be-

17. See also C. Fusaro, *I limiti della legislazione elettorale vigente*, cit., p. 29 ss.

come completely hostage to the conflict between political forces¹⁸. The point of no return was the annulment, in 1956, of the election of eleven deputies from the right-wing populist Poujadist party due to fictitious affiliation with decoy lists, who were replaced by members of ruling parties in what appeared to many a blatant abuse of power by the majority. By the way, this system was not too different from the one currently in force in Italy, in that only parliamentary elections were subject to a self-jurisdiction regime, while other elections fell (and still fall) under the jurisdiction of the *Conseil d'État* or other bodies¹⁹.

In the French system, it should be remembered that most pre-electoral disputes fall within the jurisdiction of judges other than the *Conseil Constitutionnel*, which although retains jurisdiction to rule on the above matters in the post-election phase. This jurisdiction may be exercised in cases of serious irregularities or attempts to tamper with the electoral rolls, where the fairness of the vote is at risk, as well as in cases involving the detection of causes of ineligibility, whether original or supervening, or incompatibility²⁰.

On the other hand, the role of electoral judge for presidential and legislative elections is entrusted almost exclusively to the *Conseil Constitutionnel* with regards to post-electoral disputes. Under Articles 58, 59, and 60 of the French Constitution, the *Conseil* oversees the regularity of the process, examines complaints, and proclaims the results. The right to appeal, at least with regard to the elections under consideration, is extended to every voter entitled to vote and to each candidate in the single constituency for the National Assembly elections or throughout the country for the presidential elections, as well as, for the latter only, to the local prefect: this is a completely free appeal, which in no case provides for the award of costs in the event of success or the mandatory representation by a solicitor²¹.

The *Conseil's* jurisdiction provides a robust mechanism for fair elections and reducing partisan interference, despite some perplexities about

18. B. Daugeron, *Le contrôle des élections parlementaires avant le Conseil constitutionnel : la «vérification des pouvoirs»*, *histoire et théorie*, in «Les nouveaux cahiers du Conseil constitutionnel», 4, 2013, pp. 17-18.

19. J.-P. Camby, *Le Conseil constitutionnel, juge électoral*, Paris, Dalloz, 2013, p. 8.

20. G. Milani, *Le giurisdizioni costituzionali come giurisdizioni elettorali*, in «Federalismi.it», 1, 2023, pp. 166-168.

21. P. Passaglia, *La giustizia elettorale in Francia: un delicato equilibrio tra complessità ed efficacia*, in «Federalismi.it», 14, 2015, pp. 21-22.



the composition and the lack of prerequisites to become members of the body²², especially when it has been called to adjudicate cases with strong political impact (e.g. Sarkozy, Le Pen), even if its composition is integrated with 10 additional experts from the Council of State and the Court of Auditors during electoral proceedings. Its function is fully jurisdictional, aimed at safeguarding the *sincérité du scrutin* (the integrity of the ballot). Furthermore, its decisions aim to respect the will of the electorate, seeking to safeguard as much as possible the correspondence between the official results and those produced by the vote, net of irregularities²³: as a rule, in the case of serious irregularities, it does not rectify the result but annuls the election in the constituencies and calls for a new vote.

Rulings are generally issued within one year of the election, and the percentage of appeals upheld is rather low, partly because any challenges that are well-founded but deemed unsuitable for changing the results of the election following the so-called *rectification hypothétique*²⁴ are necessarily rejected (this does not extend to cases of irremediable irregularities, such as lack of eligibility requirements or the presence of incompatibilities). On the other hand, there are no cases in French experience of immediate reform of the election result, i.e. the annulment of the proclamation of the winning candidate and the allocation of the seat to another candidate specifically identified as having been harmed by the irregularity: when the *Conseil* recognises that the conditions are met, it generally proceeds to annul the election and call a new ballot in the constituency concerned.

The *Conseil* is therefore called to censor any conduct contrary to the *Code Électoral* that has occurred in polling stations by annulling votes cast, based on complaints recorded in the reports of voting operations by citizens or received within 48 hours of the polls closing by candidates and representatives of the State. The aim, therefore, is to safeguard the so-called *sincérité du scrutin* (regularity of the vote), a broad concept that involves equality between candidates in terms of both the election campaign and freedom of expression and the correct counting of votes for the

22. L. Philip, *Le contentieux des élections aux assemblées politiques françaises, de la vérification des pouvoirs par les Chambres au contrôle juridictionnel du Conseil constitutionnel*, Paris, Lgdj, 1961, p. 89.

23. P. Passaglia, *La giustizia elettorale in Francia*, cit., p. 52.

24. *Funditus*, J.-P. Camby, *Le Conseil constitutionnel, juge électoral*, cit., p. 15 ss.

allocation of seats, as well as the secrecy of the ballot²⁵. An emblematic case is that of the mayor of Villemagne, who during the 2002 presidential election installed a “decontamination” device in a polling station and a mock ballot inviting people to vote for a candidate who was not admitted to the second round. The *Conseil* considered this initiative detrimental to the integrity of the ballot and potentially capable of undermining the secrecy of the vote and the freedom of voters; consequently, all votes cast in the municipality were annulled.

The French system, therefore, recognises the *Conseil Constitutionnel* as absolutely central and, more generally, assigns a wide range of matters to the review by an impartial judicial body, albeit one that is outside the ordinary judicial circuit and characterised by a composition that is not entirely technical-legal. The role of electoral judge assumed by the judge of laws represents an element of absolute differentiation from the Italian model, where, as we have seen, the self-jurisdiction of the Chambers continues to play a clearly central role. The French electoral justice system, on the other hand, in addition to the intervention of the *Conseil*, also provides for the jurisdiction of civil and administrative judges, albeit in rarer cases, sometimes generating overlaps, but in any case guaranteeing sufficiently rapid protection for the rights involved in the electoral process.

4. The Spanish Model: A Plurality of Competent Bodies

The Spanish model, while sharing with France the overcoming of self-jurisdiction, adopts a different solution within the framework of a parliamentary form of government: the system is, in fact, not centralized in the constitutional court but is based on a plurality of organs, being characterised by a multiplicity of bodies with jurisdiction over electoral justice, with particular emphasis on ordinary courts. As noted above, the *Cortes* have no power whatsoever to verify the results of elections: however, unlike the French model, it is not the *Tribunal Constitucional* that has jurisdiction in this area, or at least not primarily, while the body with the most significant powers in this area is the *Administración Electoral*, introduced in 1907 by the so-called *Ley Maura* and reinstated by Royal Decree-Law No. 20 of 1977 after the fall of the Francoist dictatorship.

25. *Amplius*, R. Ghevoitian, *La notion de sincérité du scrutin*, in «Cahiers du Conseil constitutionnel», 13, 2003.



The system for monitoring the electoral process involves both ordinary courts, particularly administrative courts, and the *Administración Electoral*, which is the group of bodies that are responsible for ensuring transparency, regularity and respect for the principle of equality throughout the electoral process. Specifically, these are the *Junta Electoral Central*, which is based at the *Congreso de los Diputados* and is permanent for the entire duration of the legislature and has jurisdiction over the entire national territory²⁶, and similar bodies at the provincial level, at the district level (one for each judicial district) and *Comunidades Autónomas*, where applicable, as well as the *Mesas Electorales*, bodies composed of citizens chosen by draw who are responsible for collecting and counting votes on polling day.

The *Juntas* system is characterised by the adherence to the principles of impartiality and neutrality, as is also evident from their composition, since their members are selected primarily from within the judiciary and, even if they do not belong to it, they enjoy the same irrevocability. With specific regard to the *Junta Electoral Central*, in addition to the judicial component consisting of eight Supreme Court judges selected by lot by the *Consejo General del Poder Judicial*, the assembly is supplemented by five active full professors, appointed on the basis of a joint proposal by parties, federations, coalitions or groups of voters represented in the *Congreso de los Diputados*. This balance between lay and judicial members is also reflected in the *Juntas* of the Autonomous Communities, provinces and districts, although with modifications in terms of the number of members and the procedures and bodies authorised to make appointments. There is undoubtedly a form of hierarchy between the different territorial levels of competence, given the possibility of appealing to the higher *Junta* against the decision of the subordinate one through the so-called *recurso de alzada*²⁷.

The Spanish system of electoral justice under the *Ley Organica del Regimen Electoral General* (LOREG) provides multiple judicial remedies characterized by accelerated procedures. First, the decisions of the *Juntas* are not final, but can be appealed before the administrative courts, with the *Sala de lo Contencioso-Administrativo* of the *Tribunal Supremo* competent at second instance, which may uphold the election, annul individual proc-

26. Funditus, D. Camoni, *La Junta Electoral Central tra amministrazione, funzione normativa e control judicial della competizione elettorale spagnola*, in «Osservatorio Costituzionale AIC», 2, 2020, pp. 65-97.

27. P. Fernández de Casadevante Mayordomo, *La Junta Electoral Central. La libertad de expresión y el derecho a la información en período electoral*, Madrid, Centro de Estudios Políticos y Constitucionales, 2014, p. 69.

lamations, or invalidate results in specific polling stations only where irregularities decisively affected seat allocation²⁸. As a last resort for violations of fundamental rights, also the *Tribunal Constitucional* can be approached via the *recurso de amparo electoral* (Art. 114) within 15 days from the publication of the decision. On the other side here is always the possibility of ordinary *recurso de amparo constitucional* if one wishes to raise the issue of the violation of fundamental rights other than those protected by *recurso de amparo electoral*²⁹. Additional remedies exist at lower levels, including judicial review of decisions by electoral census authorities regarding voter registration and electoral rolls (Art. 40), as well as challenges to candidate admissions decided by provincial electoral boards (Art. 49). These proceedings are resolved by courts within very short and generally non-appealable time limits, reflecting the imminence of electoral processes. Finally, a residual administrative appeal mechanism applies to electoral board decisions not otherwise subject to judicial review, ensuring comprehensive oversight of the electoral process (Art. 21).

It can therefore be observed that the Spanish system also offers ample guarantees for the protection of rights that may be harmed during the electoral process: the requirements of impartiality and independence are, if possible, even more pronounced than in the French model, with which it shares the absence of jurisdiction of the Chambers under a self-jurisdiction regime, while presenting a composition of the competent body that is much more free from possible political influence, since the subjective qualification required to be a member of the *Juntas Electorales* is very high (judge or full professor) and the selection methods are based, in the first case, on randomness (selection from among those who meet the requirements) and, in the second case, on an agreement between the political forces³⁰. On the other hand, the role of the Constitutional Tribunal is certainly less significant, although it retains a certain centrality thanks to the *recurso de amparo*: general jurisdiction is not vested in it, but in an *ad hoc* body such as the *Juntas*, even though there is the possibility of accessing it if the conditions are met.

28. See D. Camoni, *La Junta Electoral Central tra amministrazione, funzione normativa e control judicial della competizione elettorale spagnola*, cit., pp. 65-76.

29. U. Adamo, *L'amparo constitucional in Spagna: passato, presente e futuro del ricorso diretto al giudice costituzionale tra natura soggettiva e oggettiva del controllo*, in «Consulta Online», III, 2015, pp. 666-720.

30. F.J. Bastida Freijedo, *Ley electoral y garantías judiciales*, in «Revista de las Cortes Generales», 7, 1986, p. 34.



5. Insights for a Reform: What Future for Italy?

Coming to conclusions, some useful insights for the evolution of Italian electoral justice system can be highlighted. For pre-electoral disputes, the solution seems almost predetermined and easy to implement: it would involve reviving and finally implementing the solution provided for in Law no. 69 of 2009, extending the exclusive jurisdiction of the administrative courts to all preparatory acts of political elections. The introduction of a special, fast-tracked procedure with strict deadlines, as suggested by the Constitutional Court itself, would make it possible to balance the need for swift protection with the tight timelines of the electoral process.

The discussion on post-electoral disputes, the true stronghold of *autodichia*, is more complex. The idea of importing the French model, transforming our Constitutional Court into an electoral judge, seems hardly compatible with Italian tradition. The Court is, by its nature, a “judge of laws,” not a judge of facts and specific acts like those that characterize electoral disputes. It would distort its function and expose it to a host of minor and politically charged litigation.

The alternative of an *ad hoc* body, based on the model of the Spanish *Juntas*, as once hoped for by Costantino Mortati, is fascinating but complex, being unknown to the Italian system. While it could guarantee specialization, the crucial point would be its composition, which would have to be removed from any logic of political influence, favouring criteria of technical competence and selection by draw, as is done in Spain.

The most coherent and pragmatic solution within the existing institutional framework would perhaps be to extend the jurisdiction of the administrative courts to also cover post-electoral disputes for political elections. This would simply universalize a model that is already successfully applied to all other electoral contests, from municipal to European elections, thus eliminating a hardly justifiable exception and bringing the Italian Parliament under the common regime of elective bodies.

This collective volume examines electoral justice as a multi-layered field, where responsibilities are shared among courts, parliaments, administrations, and independent bodies, producing a fragmented architecture of accountability across European legal systems. Drawing on the Romanian presidential election annulment, the contributions investigate how constitutional adjudication may respond to contemporary threats to elections, including disinformation, opaque digital campaigning, and technology-enabled manipulation. Through comparative analyses and case studies, the book identifies the standards and procedural guarantees required for judicial intervention to reinforce, rather than destabilise, democratic confidence.

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