

Official Journal no. 4 of 5 January 2002

Law 459 of 27 December 2001

Provisions governing the right to vote of Italian citizens resident abroad

The Chamber of Deputies and the Senate of the Republic have approved;

THE PRESIDENT OF THE REPUBLIC
ISSUES:

The following law:

Article 1.

1. Italian citizens resident abroad, registered in the register of electors as set forth in Article 5, paragraph 1, shall vote in the Overseas Constituency, pursuant to Article 48 of the Constitution, for the election of the Chambers and for the referendums envisaged by Articles 75 and 138 of the Constitution, within the limits and forms envisaged by the present law.
2. The electors referred to in paragraph 1 shall vote by post.
3. The electors referred to in paragraph 1 may exercise the right to vote in Italy, and in this case shall vote in the constituency on Italian territory corresponding to the electoral division in which they are registered, subject to their exercising the option to do so. This option shall be exercised separately for each poll and shall be valid only for this same poll.

Article 2.

1. The diplomatic and consular missions shall periodically inform the electors as set forth in Article 1, paragraph 1, of the provisions contained in the present law regarding the arrangements for postal votes and the exercise of the right to the option set forth in Article 1, paragraph 3, using for this purpose all appropriate means of information, in both Italian and the language of the countries of residence.
2. Within one year of the date of the entry into force of the present law the diplomatic and consular missions shall send each elector a pack containing a form on which they should enter their up-dated personal details and any relevant data concerning their residence abroad. The pack shall also contain a stamped envelope bearing the address of the competent consular office. The electors should return the envelope containing the form with their up-dated data within thirty days of receipt of same.

Article 3.

1. For the purposes of the present law the expression "consular offices" means the offices as set forth in Article 29 of Law 18 of 24 January 1979 as amended.

Article 4.

1. For each election electors may exercise the option to vote in Italy as set forth in Article 1, paragraph 3, informing the diplomatic or consular mission operating in their consular district of residence of this decision in writing no later than 31 December of the year preceding the year of the natural end of Parliament.

2. In the case of the early dissolution of Parliament or the calling of a referendum, electors may exercise the option to vote in Italy no later than the tenth (10th) day following the calling of the poll.

3. The Ministry of Foreign Affairs shall inform the Ministry of the Interior without delay of the names of those electors who have exercised the option to vote in Italy, in accordance with paragraphs 1 and 2. At least thirty (30) days before the date set for the poll in Italy the Ministry of the Interior shall inform the municipalities where the electors who have exercised the option to vote in Italy were last resident in Italy of the names of these same persons. The municipalities shall adopt whichever measures are necessary for these electors to exercise the right to vote in Italy.

4. Within one year of the entry into force of the present law the diplomatic and consular missions, acting on instructions issued for this purpose by the Ministry of Foreign Affairs, shall send electors notification of the possibility of exercising the option to vote in Italy, specifying that this option is only valid for one election or referendum and that the option must be exercised anew for any subsequent poll.

5. Electors who intend to exercise the option to vote in Italy for the first election or referendum subsequent to the date of the entry into force of the present law shall notify the diplomatic or consular mission operating in their consular district of residence of their intention, within sixty (60) days of receiving the above mentioned notification, and in any case no later than 31 December of the year preceding the year of the natural end of Parliament.

Article 5.

1. By combining the data contained in the register of Italians resident abroad and in consular files, the Government shall compile an up-dated list of Italian citizens resident abroad for the purpose of drawing up electoral registers, divided on the basis of the overseas electoral zones as set forth in Article 6, for the elections referred to in Article 1, paragraph 1.

2. Only those citizens resident abroad who have exercised the option as set forth in Article 1, paragraph 3 shall be entitled to express their vote in Italy.

Article 6.

1. The Overseas Constituency is divided into the following overseas electoral zones, which include those states and territories belonging to:

- a) Europe, including the Asian territories of the Russian Federation and Turkey;
- b) South America;
- c) North and Central America;
- d) Africa, Asia, Oceania and Antarctica

2. One deputy and one senator shall be elected in each of the overseas electoral zones as set forth in paragraph 1, while the other seats shall be distributed between the same overseas electoral zones in proportion to the number of Italian citizens resident in each, according to the list as set forth in Article 5, paragraph 1, on the basis of whole quotients and the highest remainders.

Article 7.

1. Within three days of the date of publication in the Official Journal of the decree opening the electoral campaign, a central office for the Overseas Constituency shall be set up in the court of appeal of Rome. This shall be composed of three magistrates, one of whom acting as presiding officer, selected by the presiding judge of the court of appeal.

Article 8.

1. For the presentation of the symbols and lists for the allocation of the seats to be assigned in the Overseas Constituency, the provisions set forth in Articles 14 to 26 of the Consolidated Law containing the rules for the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, shall be observed where applicable, and in any case the following provisions shall be observed:

a) lists of candidates shall be presented for each of the overseas electoral zones set forth in paragraph 1 of Article 6;

b) candidates must be resident and electors in the overseas electoral zone in question;

c) the presentation of each list must be subscribed to by at least 500 and not more than 1000 electors resident in the overseas electoral zone in question;

d) the lists of candidates must be delivered to the chancery of the court of appeal of Rome between 08.00 hours of the thirty-fifth (35th) day and 20.00 hours of the thirty-fourth (34th) day before polling day.

2. Several political parties or groups may present joint lists of candidates. In this case, the lists

must be distinguished by a composite symbol, formed by the symbols of all the lists in question.

3. The number of candidates forming the lists shall be at least equal to the number of seats to be allocated in the overseas electoral zone and no higher than twice that number. No candidate may be included in more than one list, even under the same symbol.

4. Electors resident abroad who have not exercised the option as set forth at Article 1, paragraph 3, may not stand as candidates in constituencies on Italian territory.

Article 9.

1. The second and third paragraphs of Article 7 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, shall be replaced by the following:

"The causes of ineligibility as set forth in the first paragraph also refer to the holding of similar positions, where these exist, with corresponding bodies in foreign states.

The causes of ineligibility as set forth in the first and second paragraphs do not have effect if the functions carried out ceased at least one hundred and eighty (180) days before the end of the five-year term of the Chamber of Deputies.

By ceasing of functions is meant the effective abstention from any act regarding the position held, preceded, in the cases envisaged at letters a), b) and c) of the first paragraph and in the corresponding cases governed by the second paragraph, by transfer, withdrawal of the position or command or by temporary discharge from the position".

Article 10.

1. After Article 1 of Law 60 of 13 February 1953, the following shall be inserted:

Article 1-bis:

1. The office of deputy or senator or member of the Government is not compatible with the office of member of the legislative assembly or national or regional executive bodies in foreign states".

Article 11.

1. Seats shall be allocated proportionally to the lists standing for election for each overseas electoral zone under the arrangements envisaged by Articles 15 and 16.

2. The ballot papers shall be made of strong paper, with a different colour for each poll and for

each overseas electoral zone, and shall be provided, under the responsibility of the Ministry of Foreign Affairs, through the diplomatic and consular missions. The essential features of the ballot papers are shown in tables A, B, C and D attached to this law, reproduced in facsimile form. The ballot papers shall also reproduce the symbols of all the lists of candidates standing in the overseas electoral zone. The order of the symbols shall be drawn up following the procedure envisaged for the lists of candidates by Article 24, no. 2), of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended. Lines in which electors may indicate their preferential vote should be printed alongside each symbol, within the same space.

3. Electors shall express their votes by marking the symbol corresponding to the list they have chosen or in any case within the rectangle containing this symbol. Each elector may also express two preferential votes in those overseas electoral zones to which two or more deputies or senators have been allocated and one preferential vote in the others. The preferential vote is expressed by writing the surname of the candidate on the line alongside the symbol for which the vote has been expressed. Preferential votes expressed for candidates from another list are null. A validly expressed preferential vote for a candidate is considered as a vote for the same list if the elector has not made any other mark in any other space on the ballot paper.

Article 12.

1. The Ministry of the Interior shall deliver to the Ministry of Foreign Affairs the lists of candidates and samples of the ballot papers no later than the twenty-sixth (26th) day before polling day.

2. Acting on instructions issued by the Ministry of Foreign Affairs the diplomatic and consular missions appointed by the Ministry for this purpose shall arrange for the printing of the electoral material for inclusion in the pack as set forth in paragraph 3 and for the cases as set forth in paragraph 5.

3. No later than eighteen (18) days before the date set for polling day in Italy, the consular offices shall send to those electors who have not exercised the option set forth in Article 1, paragraph 3, the pack containing the electoral certificate, the ballot paper with its envelope, and a stamped envelope bearing the address of the competent consular office; the pack shall also contain a sheet with instructions on how to express the vote, the text of the present law and the lists of candidates in the overseas electoral zone to which the elector belongs, as described in Article 6.

4. In cases where there is more than one ballot paper for each elector, these should be sent in the same pack and should subsequently be returned by the elector in one single envelope. No pack may contain voting documents for more than one elector.

5. The electors referred to in the present Article who, by fourteen (14) days before polling day in Italy, have not received the pack as set forth in paragraph 3 at their place of domicile, may apply to the consular office for one. This office may issue to any voter applying in person another

voting certificate complete with seal and a second ballot paper which should be returned in accordance with the arrangements set out in paragraphs 4 and 6 of this Article. The consular office should note in the appropriate register that these documents have been issued.

6. Once they have expressed their vote on the ballot paper or papers electors should place the ballot paper or papers in the appropriate envelope, seal the envelope, place it in the stamped outer envelope along with the counterfoil detached from the voting certificate as proof that they have exercised their right to vote and post the envelope, no later than the tenth (10th) day preceding the date set for the poll in Italy. The ballot papers and the envelopes containing them must not bear any identifying sign or mark.

7. The persons in charge of the consular offices shall without delay send those envelopes that have reached them up to and no later than 16.00 hours local time of the Thursday preceding polling day in Italy, to the central office for the Overseas Constituency, together with a notification of the number of voters in the consular district who have not exercised the option as set forth in Article 1, paragraph 3. The envelopes should be sent in one single despatch, by air and using the diplomatic bag.

8. After the packs have been sent to Italy, the persons in charge of the consular offices shall arrange for the immediate incineration of any ballot papers that have arrived after the deadline set forth in paragraph 7 and those printed, but not used, for the cases as set forth in paragraph 5. A report detailing these operations should be drawn up and sent to the Ministry of Foreign Affairs.

Article 13.

1. In the central office for the Overseas Constituency an electoral commission shall be set up for every 50,000 electors resident abroad who have not exercised the option set forth in Article 1, paragraph 3. This Commission will have the task of arranging the operations of sorting and counting the votes sent in by electors. Each electoral commission shall be responsible for the sorting of the votes arriving from a single overseas electoral zone as set forth in Article 6, paragraph 1. The envelopes containing the ballot papers shall be allocated to each electoral commission under the responsibility of the central office for the Overseas Constituency.

2. For the constitution of the electoral commissions, for the fee to be paid to the members of the commissions and for the arrangements for sorting and counting the votes, the provisions of Article 6 of decree law 408 of 24 June 1994, confirmed with amendments by Law 483 of 3 August 1994, shall be applied where compatible; any reference to the electoral office shall be understood as having been replaced by reference to the central office for the Overseas Constituency.

Article 14.

1. The scrutiny operations, which the representatives of the lists shall attend, shall take place at

the same time as the scrutiny operations of the votes expressed on Italian territory.

2. Along with the package containing the envelopes sent in by electors, the central office for the Overseas Constituency shall deliver to the returning officer of the electoral commission an authentic copy of the list as set forth in paragraph 1 of Article 5, of citizens having the right to express their vote by post in the allotted overseas electoral zone.

3. Once the electoral commission has been set up, the returning officer shall begin the operations of opening the packs and envelopes allocated to the Commission by the central office for the Overseas Constituency and, subsequently, the scrutiny operations. For this purpose the returning officer, assisted by the deputy returning officer and the secretary:

a) shall ascertain that the number of envelopes received corresponds to the number of envelopes indicated in the list drawn up and delivered with the envelopes by the central office for the Overseas Constituency;

b) shall ascertain at the same time that the envelopes received come only from one overseas electoral zone;

c) shall subsequently proceed to open each of the outer envelopes. For each of these the returning officer, assisted by the deputy returning officer and the secretary:

1) shall ascertain that the envelope contains the counterfoil of the electoral certificate of only one elector, together with the second envelope containing the ballot paper or ballot papers, in the case of contemporaneous voting for the election of the Chamber of Deputies and the Senate of the Republic, with the expression of the vote;

2) shall ascertain that the counterfoil contained in the envelope belongs to an elector entered in the list as set forth in paragraph 2;

3) shall ascertain that the envelope containing the ballot paper or papers with the expression of the vote is closed, undamaged, and does not bear any identifying mark or sign, and place it in the sealed ballot box;

4) shall annul, without counting the vote, any ballot papers contained in an envelope that contains more than one electorate certificate counterfoil, or a counterfoil of an elector who has voted more than once, or of an elector who does not belong to the allotted overseas electoral zone, or, finally, ballot papers contained in an envelope that is open, torn or which bears identifying signs or marks; in any case the returning officer shall separate the envelope containing the annulled ballot paper from the electoral certificate counterfoil in such a way that the vote cannot be identified;

d) once all the outer envelopes have been opened and all the inner envelopes containing the ballot paper or papers bearing the expression of the vote have been placed in the sealed ballot box, shall proceed to the sorting operations. For this purpose:

1) the deputy returning officer of the electoral commission shall then extract from the ballot box each of the envelopes containing the ballot paper bearing the expression of the vote; once the envelope is opened he or she shall stamp the back of each ballot paper with the division stamp, in the appropriate space;

2) when the returning officer receives the ballot paper he or she shall sign the back of each one and state aloud the poll for which the vote has been expressed and, in the case of contemporaneous voting for the election of the Chamber of Deputies and the Senate of the Republic, shall again state aloud the poll for which the vote has been expressed and hand the ballot paper to the secretary;

3) the secretary shall read aloud the votes expressed and take note of the votes for each list and each candidate; he or she shall then place the scrutinised votes into separate sorting boxes for each poll;

4. All the operations set forth in paragraph 3 shall be carried out in the order indicated; the performance and result of each of these shall be noted in the report.

5. The provisions contained in Articles 45, 67, and 68 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, shall apply to the operations of sorting, counting and endorsing the ballot papers, since no other provisions are set forth in the present article.

Article 15.

1. Once the scrutiny operation is completed, the central office for the Overseas Constituency shall carry out the following operations for each of the overseas electoral zones set forth in Article 6:

a) it shall determine the electoral number for each list. The electoral number is given by the sum total of the valid list votes obtained within the overseas electoral zone;

b) it shall determine the individual electoral number for each candidate, which is given by the sum total of the preferential votes obtained by the candidate in that overseas electoral zone;

c) it shall assign the seats to the lists mentioned at letter a). For this purpose it shall divide the sum total of the electoral numbers of all the lists presented in that overseas electoral zone by the number of seats to be assigned; in carrying out this division fractional numbers should be ignored. The result obtained is the electoral quotient for the overseas electoral zone. The electoral number for each list is then divided by this quotient. The whole number thus obtained represents the number of seats to be assigned to each list. Any remaining seats shall be assigned to those lists for which the division calculations have produced the highest remainders. In the case of identical remainders, the seats shall be assigned to the list with the highest electoral number;

d) it shall then proclaimed elected, in correspondence with the seats attributed to each list, the candidates belonging to that list in the order of their respective electoral numbers. In the case of identical electoral numbers those coming first in order in the list shall be proclaimed elected.

Article 16.

1. Any seat allocated in accordance with Article 15 that for any cause whatsoever, including intervening circumstances, should remain vacant, shall be assigned within the same overseas electoral zone to the candidate who comes immediately after the last elected candidate in the ranked list of individual electoral numbers, or in the absence of this candidate, to whichever candidate is next on the list.

Article 17.

1. The electoral campaign shall be regulated by forms of cooperation that the Italian Government shall agree on, where possible, with the states on whose territory electors of Italian citizenship are resident.

2. The parties, political groups and candidates shall comply with the laws in force on Italian territory in accordance with the forms of cooperation envisaged in paragraph 1.

3. Italian diplomatic and consular missions shall adopt initiatives to promote extensive political communication through Italian newspapers and periodicals published and distributed abroad and through any other information media in the Italian language, or addressed to Italian communities living abroad, in compliance with the principles on equality of access and treatment and on impartiality with respect to all political entities as embodied in the regulations currently in force on Italian territory.

Article 18.

1. Anyone who, in a foreign country, commits any of the offences envisaged in the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, shall be punished in accordance with Italian Law. The penalties envisaged by Article 100 of the aforementioned Consolidated Law shall be doubled in the case of voting by post.

2. Anyone who, on the occasion of the elections to the Chamber of Deputies and of referendums, votes both by post and at the polling station with which they are registered in Italy, or who votes more than once by post, shall be punished by detention of from one to three years and a fine ranging from 52 euros to 258 euros.

Article 19.

1. Italian diplomatic missions shall enter into simplified agreements with the Governments of the states on whose territory electors of Italian citizenship are resident to ensure:

a) that citizens can exercise their right to vote by post in conditions of equality, freedom and confidentiality;

b) that electors and other Italian citizens shall not be subjected to prejudice in terms of employment and individual rights as a result of their participating in the activities envisaged by this Act.

2. The Minister of Foreign Affairs shall inform the Prime Minister and the Minister of the Interior of the simplified agreements that have been drawn up. These will enter into force, by agreement between the signatory parties, immediately they are signed.

3. The provisions of the present law concerning postal votes do not apply to Italian citizens resident in states with whose Governments it is not possible to conclude simplified agreements as set forth in paragraph 1. The provisions on the right to exercise their vote in Italy shall apply to such citizens.

4. The provisions on the right to exercise their vote in Italy shall apply also to those electors referred to in Article 1, paragraph 1, residing in states where the prevailing political or social conditions do not ensure, even temporarily, the exercise of their voting rights under the conditions set forth in letters a) and b) of paragraph 1 of this Article. For this purpose, the Minister of Foreign Affairs shall inform the Prime Minister and the Minister of the Interior of the situation in such states, in order that the appropriate measures might be adopted to enable Italian citizens to exercise their right to vote in Italy.

Article 20.

1. The special terms applying to travelling expenses, as envisaged by Article 117 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, and by Article 26 of the Consolidated Law containing the provisions governing elections to the Senate of the Republic, pursuant to Legislative Decree 533 of 20 December 1993, and, with respect only to the elections of the Chamber of Deputies and the Senate of the Republic, the special terms envisaged by Article 2 of Law 241 of 26 May 1969, are suppressed.

2. Electors residing in states where there is no Italian diplomatic mission or in states in which it has not been possible to conclude simplified agreements as set forth in Article 19, paragraph 1, or in states where the conditions described in Article 19, paragraph 4, prevail, are entitled to having 75 percent of their travelling expenses reimbursed. For this purpose the elector shall present an application to the consular office of the consular district in which he or she resides, or, where no such office exists in the state of residence, to the consular office of one of the neighbouring states, accompanied by his or her electoral certificate and ticket for the journey.

Article 21.

1. Paragraph one of Article 55 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957, shall be replaced by the following paragraph:

"Voters may not be represented by proxies, nor may they send their vote in writing if they vote in Italy".

Article 22.

1. In order to define, in the constituencies of the Chamber of Deputies, those seats that are to be attributed to the Overseas Constituency, Article 56, paragraph four, of the Constitution shall apply, without prejudice to the single-member wards of each national constituency as already defined pursuant to the electoral law currently in force.

2. In order to identify, in the regions, those seats of the Senate of the Republic that are to be attributed to the Overseas Constituency, paragraphs three and four of Article 5 of the Constitution shall apply, without prejudice to the single-member wards of each region as already defined pursuant to the electoral law currently in force.

Article 23.

1. Italian citizens resident abroad, as set forth in Article 1, paragraph 1, shall take part in the request for popular referendums as envisaged by Articles 75 and 138 of the Constitution.

2. For the purposes indicated in paragraph 1, Law 352 of 25 May 1970 shall be amended as follows:

a) in Article 7, paragraph one, after the words "of a municipality of the Republic", the following words shall be introduced: "or in the register of Italian citizens resident abroad pursuant to the law on the exercise of the right to vote by Italian citizens resident abroad";

b) the following words shall be added at the end of Article 8, paragraph two: "or, for citizens resident abroad, their registration in the electoral registers of the unified register of Italian citizens resident abroad";

c) in Article 8, paragraph three, the following shall be introduced after the first sentence: "For electors of Italian citizenship resident abroad, the authentication shall be carried out by the competent Italian Consul";

d) in Article 8, paragraph six, first sentence, after the words: "electoral [...] of the same

municipalities", the following words shall be added: "or, for Italian citizens resident abroad, their registration in the register of Italian citizens resident abroad pursuant to the law on the exercise of the right to vote of Italian citizens resident abroad";

e) the following words shall be added at the end of Article 50: "and, for Italian citizens resident abroad, the legal provisions concerning the exercise of the right to vote by Italian citizens resident abroad".

Article 24.

1. The costs arising from the implementation of this law shall be charged to the "Fund for expenses arising from general and local elections, elections for the European Parliament, and the execution of referendums", included under budget item 7.1.3.2 "Electoral expenses" of the budget of the Ministry of the Treasury, Budget and Economic Planning.

Article 25.

1. For all matters that are not provided for by the present law the provisions of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, shall be observed where applicable.

Article 26.

1. The arrangements for the implementation of this law are set forth in the Rules adopted under Article 17, paragraph 1, letter b) of Law 400 of 23 August 1988.

2. The draft Rules referred to in paragraph 1 shall be sent to the Chamber of Deputies and to the Senate of the Republic so that, within sixty days of the date of forwarding of the document, the Committees with competency in these matters may express their opinion. If these Committees do not express their opinion within this period the Rules shall be issued without the opinion of Parliament.

Article 27.

The present law shall enter into force on the day following the date of its publication in the Official Journal.

The present law, bearing the Seal of State, shall be included in the Official Collection of Legislative Acts of the Italian Republic. It shall be the duty of all concerned to observe it and see that it is observed.

Made in Rome on this day, 27 December 2001

CIAMPI

Berlusconi, Prime Minister
Tremaglia, Minister for Italians Abroad

Approved, Minister for Justice: Castelli

TABLE A

SAMPLE OF INSIDE FACE OF BALLOT PAPER FOR THE ELECTION OF CANDIDATES TO THE CHAMBER OF DEPUTIES FOR THE ATTRIBUTION OF SEATS IN THE OVERSEAS CONSTITUENCY

PART I
PART II
PART III
PART IV

NB: The ballot paper is divided into four equal parts: the first three, starting from the left, are used to print the symbols and must each contain 6 spaces, for a total of 18 lists.

When a higher number of symbols, from 19 to 24, needs to be inserted, the fourth part of the ballot paper should be used; if the number of symbols is higher than 24 the ballot paper should include a fifth part, and so on, adding however many additional parts as are necessary to print all the symbols admitted. Each part should contain six symbols at most.

The symbols must be set out in the order resulting from the draw, going from top to bottom and from left to right. They must be set out in a central position with respect to the lines printed on the ballot paper for the expression of the preferential vote(s). In electoral zones where only one deputy is being elected only one line should be printed alongside the symbol for the expression of the preferential vote.

The ballot papers should be folded vertically in such a way that the first part falls on the second, the first and second parts fall together on the third, the first three together on the fourth and so on, onto the fifth and sixth and successive parts if applicable. The vertical folds should follow on equidistant one from the other. The ballot papers folded in this way should then be folded in half horizontally, in such a way as to leave the part printed with the details of the poll visible on the outside.

TABLE B

SAMPLE OF OUTSIDE FACE OF BALLOT PAPER FOR THE ELECTION OF CANDIDATES TO THE CHAMBER OF DEPUTIES FOR THE ATTRIBUTION OF SEATS IN THE OVERSEAS CONSTITUENCY

ELECTION OF THE CHAMBER OF DEPUTIES

Of.....
(date of the election)

OVERSEAS CONSTITUENCY BALLOT PAPER

SIGNATURE OF SCRUTINEER - STAMP

TABLE C

SAMPLE OF INSIDE FACE OF BALLOT PAPER FOR THE ELECTION OF CANDIDATES TO THE SENATE OF THE REPUBLIC FOR THE ATTRIBUTION OF SEATS IN THE OVERSEAS CONSTITUENCY

- PART I
- PART II
- PART III
- PART IV

NB: The ballot paper is divided into four equal parts: the first three, starting from the left, are used to print the symbols and must each contain 6 spaces, for a total of 18 lists.

When a higher number of symbols, from 19 to 24, needs to be inserted, the fourth part of the ballot paper should be used; if the number of symbols is higher than 24 the ballot paper should include a fifth part, and so on, adding however many additional parts as are necessary to print all the symbols admitted. Each part should contain six symbols at most.

The symbols must be set out in the order resulting from the draw, going from top to bottom and from left to right. They must be set out in a central position with respect to the lines printed on the ballot paper for the expression of the preferential vote(s). In electoral zones where only one senator is being elected only one line should be printed alongside the symbol for the expression of the preferential vote.

The ballot papers should be folded vertically in such a way that the first part falls on the second, the first and second parts fall together on the third, the first three together on the fourth and so on, onto the fifth and sixth and successive parts if applicable. The vertical folds should follow on equidistant one from the other. The ballot papers folded in this way should then be folded in half horizontally, in such a way as to leave the part printed with the details of the poll visible on the outside.

TABLE D

SAMPLE OF OUTSIDE FACE OF BALLOT PAPER FOR THE ELECTION OF

CANDIDATES TO THE SENATE OF THE REPUBLIC FOR THE ATTRIBUTION OF SEATS IN THE OVERSEAS CONSTITUENCY

ELECTION OF THE SENATE OF THE REPUBLIC

Of.....

(date of the election)

OVERSEAS CONSTITUENCY

BALLOT PAPER

SIGNATURE OF SCRUTINEER - STAMP

Chamber of Deputies (legislative document no. 339):

Introduced by Hon. Tremaglia and others on 30 May 2001

Referred to Committee I (Constitutional Affairs) acting in a reporting capacity on 5 July 2001, with opinions of Committees II, III and V.

Considered by Committee I on 24, 25 and 31 July 2001; 2 August 2001; 26 September 2001; 10 and 23 October 2001.

Written report tabled on 23 October 2001 (legislative document no. 339-A), rapporteur Hon. Soda.

Considered in the Chamber on 7 and 8 November 2001 and approved on 20 November 2001.

Senate of the Republic (legislative document no. 863):

Referred to Committee 1 (Constitutional Affairs) acting in a reporting capacity on 27 November 2001, with opinions of Committees 2, 3 and 5.

Considered by Committee 1 on 29 November 2001, and 6 and 13 December 2001.

Considered in the Senate on 18 December 2001 and approved on 20 December 2001.

NOTES

COMMENT:

The notes published here have been compiled by the administration with competence for these matters in accordance with Article 10, paragraphs 2 and 3 of the Consolidated Law containing the provisions on the enactment of laws, the issuing of Presidential decrees and the official publications of the Italian Republic, as approved through Presidential Decree 1092 of 28 December 1985, for the sole purpose of facilitating the reading of those provisions which have been amended or to which reference is made. The validity and efficacy of the legislative provisions transcribed here remain unchanged.

Note to Article 1, paragraph 1:

The text of Articles 48, 75 and 138 of the Constitution is shown below:

Article 48:

All citizens, men or women, who have attained the age of majority shall be entitled to vote.

Votes shall be personal and equal, free and secret. To vote shall be a civic duty.

The law shall establish under which conditions and in which ways citizens who reside abroad may effectively exercise the right to vote. To this end an Overseas Constituency shall be established for the election of the Chambers, to which a number of seats shall be assigned by constitutional law and according to criteria determined by law.

The right to vote shall not be limited save on account of civil incapacity, as a consequence of an irrevocable criminal sentence, or in cases of moral unworthiness established by law".

Article 75:

A popular referendum shall be held to decide on the total or partial repeal of a law or of an act having force of law whenever this is requested by 500,000 electors or by five regional councils. Referendums shall not be allowed for tax or budget laws, amnesties or pardons, or laws authorizing the ratification of international treaties.

All citizens entitled to vote for the election of the Chamber of deputies shall also be entitled to take part in referendums.

The proposal submitted to referendum shall be approved if a majority of those eligible have participated in the voting, and if it has received a majority of valid votes.

The law shall establish the procedures for carrying out a referendum.

Article 138:

Laws introducing amendments to the Constitution and other constitutional laws shall be adopted by each of the two Chambers in two successive resolutions with an interval between the votes of not less than three months, and shall be approved by a majority of the members of each Chamber in the second voting.

Such laws shall be submitted to popular referendum when, within three months of their publication, a request is made by one fifth of the members of either Chamber or by 500,000 electors or by five regional Councils. The law submitted to referendum shall not be issued unless approved by a majority of valid votes.

No referendum may be held if the law has been approved by each Chamber, in the second vote, with a majority of two thirds of its members".

Note to Article 3:

The text of Article 29 of Law 18 of 24 January 1979 as amended is shown below:

Article 29:

For the purposes of the application of the provisions of this Title, the expression "consular offices" includes consulates general of category 1, consulates of category 1, vice-consulates of category 1 and consular agencies of category 1. Their consular districts include those of any consular offices that shall be merged with them by decree of the Ministry of Foreign Affairs. In Community Member States in which there are no category 1 consular offices as indicated above, the electoral functions envisaged by the present Title shall be carried out by embassies".

Notes to Article 8, paragraph 1:

The text of Articles 14 to 26 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, is shown below:

Article 14 (Article 16, paragraph 1, of Consolidated Law 26 of 5 February 1948, and Article 6 of Law 493 of 16 May 1956):

1. Political parties or organised political groups who intend to stand in single-member wards or present lists of candidates, must deposit with the Ministry of the Interior the symbol with which they declare they wish to distinguish their candidacies in the single-member wards or lists in the constituencies. When depositing the symbol the name of the party or organised political group must be indicated.
2. Those political parties who are known to use a given symbol are required to submit their lists with a symbol which reproduces this known symbol.
3. Symbols that are identical to or liable to be easily confused with those presented previously or with those reproducing symbols traditionally used by other parties may not be submitted, whether for candidacies in single-member wards or for lists.
- 3-bis. For the purposes set forth in paragraph 3, elements that might potentially cause confusion, considered singly or together, include the general layout, colours and artwork, the symbols reproduced, the individual graphic elements, literary expressions, as well as words or images that might define or convey the political orientation or objectives of the party or political movement in question.
- 3-ter. Symbols may not be submitted where the sole purpose of doing so is to surreptitiously prevent their use by other political parties or movements who might wish to use them.
4. Political parties or groups may not submit symbols reproducing symbols or elements that are characteristic of symbols which, since they are traditionally used by other parties represented in Parliament, might lead electors to make mistakes.
5. Nor may symbols reproducing religious images or subjects be presented".

Article 15 (Article 16, paragraphs 1, 2 and 3 of Consolidated Law 26 of 5 February 1948, and Article 7 of Law 493 of 16 May 1956):

1. The symbol must be deposited, as described in the previous Article, no earlier than 08.00 hours of the forty-fourth (44th) day and no later than 16.00 hours of the forty-second (42nd) day before polling day, by a person provided with a mandate, authenticated by a notary, by the chairman or secretary of the political party or organised political group.
2. For the purpose of depositing the symbols, the office of the Ministry of the Interior assigned to this purpose shall remain open, including on holidays, from 08.00 hours to 20.00 hours.
3. The symbol must be deposited in triplicate".

Article 16 (Article 16, paragraphs 3 and 4 of Consolidated Law 26 of 5 February 1948, and Article 8 of Law 493 of 16 May 1956):

1. In the two days following the deadline for the deposit of the symbols, the Ministry of the Interior shall return a copy of the symbol to the person performing the deposit, attesting that the deposit has been carried out correctly.
2. If the political parties or groups submit a symbol that does not comply with the provisions of Article 14, the Ministry of the Interior shall invite the person carrying out the deposit to provide an alternative symbol within 48 hours of notification.
3. Any objection by the person carrying out the deposit to the invitation by the Ministry to provide an alternative symbol or by persons depositing another symbol who object to the acceptance of a symbol which they consider might easily give rise to confusion should be submitted to the national central office: all symbols deposited may be viewed at any time by any person who has submitted a symbol in accordance with the preceding Articles.
4. Any such objection must be submitted to the Ministry of the Interior within 48 hours of the decision issued by the Ministry and, within the same time limit, the objection must be notified to those persons registering candidacies and lists who may have an interest in being informed. The Ministry shall transmit the documents to the national central office, which shall decide on the matter within the following 48 hours, after hearing the views of those persons registering candidacies and lists who may have an interest in being informed.

Article 17 (Article 9 of Consolidated Law 493 of 16 May 1956):

1. On depositing the symbol with the Ministry of the Interior the political parties or organised political groups must present nominations, for each constituency, designating a representative and substitute representative of the party or group who shall be charged with registering candidacies in single-member wards and the list of candidates, together with any related documentation, with the constituency central office. The nomination should be set out in a single document, authenticated by a notary. The Ministry of the Interior shall notify the constituency central office of the aforementioned nominations no later than the thirty-sixth (36th) day preceding polling day.

2. Under the same arrangements, no later than the thirty-sixth (36th) day preceding polling day a maximum of two further substitute representatives may be designated, charged with carrying out the registration operation as set forth in the previous paragraph, in cases where both the representatives originally nominated are prevented from proceeding due to intervening circumstances. The Ministry of the Interior shall immediately notify the relevant central constituency office of the new nomination".

Article 18

1. Candidacies in single-member wards are presented for individual candidates who are connected with lists as described in Article 1, paragraph 4. This connection is established on accepting the candidacy. The declaration confirming this connection must be accompanied by the written acceptance of the representative, pursuant to Article 17, charged with registering the list with which the candidate in the single-member ward is connected, attesting also to any knowledge of connections with other lists. In the case of candidacies connected with more than one list, these must be the same in all the single-member wards into which the constituency is divided. Again in the case of candidacies connected with more than one list, in the declaration attesting this connection the candidate shall indicate the symbol or symbols accompanying his or her name and surname on the ballot paper. No candidate may accept a candidacy in more than one ward, even if these belong to different constituencies. Candidacies by the same person in more than one ward shall be considered null.

2. For each candidate in single-member wards the candidate's surname, name, place and date of birth must be indicated, together with the single-member ward for which the candidate is standing and the symbol or symbols, as deposited with the Ministry of the Interior, with which the candidate is to be distinguished, as well as the list or lists with which the candidate is connected for the purposes set forth in Article 77, paragraph 1, number 2). If the symbol or symbols of the candidate in the single-member ward are the same as a list or lists presented for proportionally assigned seats, the connection as set forth in this Article shall be established officially by the constituency central office, without taking into account any divergent declarations and acceptances. Any complaints by persons registering lists in cases where this connection is not established officially should be filed within the twenty-four (24) hours following the deadline for the presentation of the lists with the national central office, which shall decide within the following twenty-four (24) hours. Female candidates need only indicate their own surname; however they may also add their husband's surname.

3. Declarations presenting candidates in single-member wards should indicate the names of two deputies and two substitute deputies.

4. The declaration presenting individual candidates in the single-member wards must be signed by no less than 500 and no more than 1,000 electors registered in the electoral registers of municipalities in the ward or, in the case of wards located in a single municipality, registered with the electoral districts of those wards. In the case of the Chamber of Deputies being dissolved more than one hundred and twenty (120) days in advance of its official term, the number of signatures required shall be reduced by half. The signatures must be authenticated by one of the parties as set forth in Article 14 of Law 53 of 21 March 1990.

5. The candidacy must be accepted in a declaration signed and authenticated by a mayor, a notary or one of the parties as set forth in Article 14 of Law 53 of 21 March 1990. Citizens resident abroad should request authentication of the signature at a diplomatic or consular office.

6. The acceptance of the candidacy must be accompanied by a declaration demonstrating that the candidate has not accepted candidacies in other wards".

Article 18-bis:

1. The submission containing the lists of candidates for the proportional allocation of seats must be signed by at least 1,500 and not more than 2,000 electors registered in the electoral registers of municipalities in constituencies with up to 500,000 inhabitants; by at least 2,500 and not more than 3,000 electors registered in the electoral registers of municipalities in constituencies with more than 500,000 and up to 1,000,000 inhabitants; and by at least 4,000 and not more than 4,500 electors registered in the electoral registers for municipalities in constituencies with more than 1,000,000 inhabitants. The lists may also be signed by the signatories to candidacies in single-member wards in the constituency, connected with these same lists. The provisions pursuant to paragraphs 3, 4 (sentences 2 and 3), and paragraph 5 of Article 18 shall apply.

2. The number of candidates in the lists shall be no higher than one third of the number of seats allocated proportionally to the constituency, rounded-up to the next highest unit. The list may also include candidates in single-member wards in the same constituency connected with the list".

Article 19:

No candidate may be entered in lists with different symbols in the same or another constituency, on pain of nullification of the election. No candidate may be entered in lists with the same symbol in more than three constituencies, on pain of nullification of the election".

Article 20 (Article 12, paragraphs 1, 2, 3, 4, 5, 6, and 7 of Consolidated Law 26 of 5 February 1948, and Articles 10, paragraphs 1 and 2, and 36 of Law 493 of 16 May 1956, and Articles 2 and 3 of Law 1064 of 31 October 1955):

1. The lists of candidates or candidacies in single-member wards must be submitted for each constituency at the chancery of the court of appeal or district court indicated in Table A (annex to the present consolidated law) from 08.00 hours of the thirty-fifth (35th) day until 20.00 hours of the thirty-fourth (34th) day before polling day; for this purpose, for the above-mentioned period, the chancery of the court of appeal or district court shall remain open daily, including on holidays, from 08.00 to 20.00 hours.

2. The documents accepting candidacies, the certificates attesting to candidates' registration in the electoral registers and the declaration attesting the presentation of candidacies in single-member wards and the signed list of candidates, set out in separate documents where appropriate, must be submitted by the prescribed number of electors along with the lists of candidates or candidacies in single-member wards; candidacies in single-member wards must be accompanied by the declaration attesting to connection with lists and the acceptance of the same as set forth in

Article 18.

3. This declaration must be accompanied by certificates, collective where appropriate, issued by the mayors of each municipality to which the signatories belong, attesting to their registration in the electoral registers of the constituency and, for candidacies in single-member wards, registration in the electoral registers of municipalities in the ward or, in the case of wards located in one single municipality, of electoral divisions of these wards.

4. The mayors must issue these certificates within twenty-four hours of the request; this deadline may not be extended.

5. The signatures of the electors must be recorded on special forms bearing the list symbol, the name, surname, date and place of birth of the candidates, and the name, surname, date and place of birth of the signatories. The signatures must be authenticated by one or more of the subjects set forth in Article 14 of Law 53 of 21 March 1990; the municipality in whose lists the elector declares him- or herself to be registered must also be indicated. For this service the notary or registrar is entitled to a fee of 100 lire for each signature authenticated. The same provisions shall apply to candidacies in single-member wards.

6. No elector may sign more than one list of candidates or more than one candidacy of a single-member ward.

7. The declaration presenting the list of candidates or the candidacy in the single-member ward must indicate with which symbol deposited with the Ministry of the Interior the list or candidacy in the single-member ward intends to be distinguished.

8. Finally, the declaration presenting the list of candidates must also contain an indication of two deputies and two substitute deputies, authorised to carry out the nominations envisaged by Article 25".

Article 21 (Article 12, last paragraph of Consolidated Law 26 of 5 February 1948, and Article 10, last paragraph of Law 493 of 16 May 1956):

1. The chancery of the court of appeal or the district court shall ascertain the personal identity of the person carrying out the registration and, should this be a person other than the one nominated in accordance with Article 17, shall mention this in the report confirming receipt of the documents, of which a copy shall be delivered immediately to the presenter.

2. In addition to an indication of the candidacies in single-member wards and the list of candidates submitted and the names of the symbols and proxies, this report should also contain a note of the number, in consecutive order, attributed by the chancery of the court to each candidacy in the single-member wards and to each list, following the order of presentation".

Article 22 (Article 14, second sentence numbers 1), 2), 3) and 4) of Consolidated Law 26 of 5 February 1948, and Article 11 of Law 493 of 16 May 1956):

1. By the end of the day following the deadline for the presentation of the candidacies in single-member wards and of the lists of candidates the central constituency office:

1) shall reject candidacies in single-member wards and lists presented by persons other than those nominated to do so at the time of depositing the symbol in accordance with Article 17;

2) shall reject candidacies in single-member wards and lists distinguished by a symbol that has not been deposited with the Ministry of the Interior, in accordance with Articles 14, 15 and 16;

3) shall verify whether candidacies in single-member wards and lists have been presented in time and signed by the prescribed number of electors, declaring invalid those which do not meet these conditions; and shall reduce to the prescribed limit those lists containing a number of candidates that is higher than the number laid down at paragraph 2 of Article 18-bis, cancelling the last names;

4) shall declare invalid the candidacies in single-member wards and cancel from the list the names of candidates for whom the prescribed acceptance declaration has not been provided;

5) shall declare invalid the candidacies in single-member wards and cancel from the lists the names of candidates who are not yet 25 years old or will not have reached their 25th birthday on polling day, and the names of those for whom a birth certificate or equivalent document or the certificate of registration in the electoral register of a municipality of the Republic have not been presented (1).

6) shall cancel the names of candidates included in any other list already presented in the constituency;

7) shall declare invalid candidacies in single-member wards of candidates who have already been presented in another ward.

2. The deputies of each candidate in single-member wards and of each list may take cognisance, by the end of the same day, of any objections raised by the constituency central office and any amendments this office has made to the list.

3. The constituency central office shall meet again at 12.00 hours the following day to consult any deputies of candidates in single-member wards and lists over which objections have been raised or amendments introduced and allow new documents to be submitted together with formal corrections and deliberations in this regard".

Article 23 (Article 12 of Law 493 of 16 May 1956):

1. The decisions of the constituency central office, as set forth in the previous Article, shall be notified that same day to the deputies of the candidates in the single-member wards and lists.

2. Within 48 hours of notification the deputies of the candidates in the single-member wards and lists may appeal to the national central office against decisions regarding the elimination of lists

or candidates.

3. The appeal must be submitted within this deadline, on pain of non-admissibility, to the registrar's office of the constituency central office.
4. That same day the registrar's office shall send the appeal, together with its own deductions, to the national central office by special courier service.
5. Where the number of appeals submitted so requires, the first presiding judge of the Court of Cassation, at the request of the presiding officer of the national central office, shall appoint other counsellors to the office for the operations described in this Article.
6. The national central office shall reach its decision in the following two days.
7. The decisions of the national central office shall be communicated within 24 hours to the claimants and to the constituency central offices.

Article 24 -

1. As soon as the term laid down for the submission of appeals has expired, or, in cases where a complaint has been filed, as soon as it has received notification of the decision from the national central office, the central constituency office shall carry out the following operations:

- 1) establish, for each ward, by drawing lots in the presence of the deputies of the candidates in the single-member wards and lists, especially convened for this purpose, the number to be allocated to each candidate in their respective ward. Candidates in single-member wards will be entered on the ballot papers and on the poster of the ward in question in the order resulting from this draw;
- 2) establish, by drawing lots in the presence of the deputies as set forth at point 1), the number to be allocated to the symbols of the candidates and lists presented. The symbols of all the candidates shall be shown on the ballot papers and posters, beside the names of the candidates, in the order resulting from the above-mentioned draw; a similar procedure shall be followed for the printing of the ballot papers and the poster showing the lists and their symbols;
- 3) communicate to the list deputies and candidates in single-member wards the definitive decisions adopted;
- 4) send immediately to the Prefect's office in the main town of the constituency the names of the candidates in single-member wards and lists that have been accepted, with their symbols, which must be reproduced on the ballot papers in the same colours as the symbol deposited with the Ministry of the Interior in accordance with Article 14, for the printing of the ballot papers and the operations set forth at point 5);
- 5) arrange, through the Prefect's office in the main town of the constituency, for the names of the candidates in single-member wards and lists to be printed on separate posters reproducing their

symbols and for these to be sent to the mayors of the municipalities in the ward for posting on the municipal notice board and in other public places no later than the fifteenth (15th) day preceding polling day. Three copies of each poster must be delivered to the presiding officer of each divisional electoral office; one for use by the office and the others to be displayed in the premises where voting is to take place".

Article 25 (Article 17, paragraphs 1, 2, and 3 of Consolidated Law 26 of 5 February 1948, and Article 14 of Law 493 of 16 May 1956):

1. With declarations written on plain paper and authenticated by a notary or by a mayor from within the constituency, the deputies as set forth in Articles 18 and 20, or persons duly authorised by them in authenticated form, have the right to nominate to the office of each division and to the central constituency office, two representatives of the candidate in the single-member ward or list: one actual representative and one substitute. These representatives should be selected from electors of the constituency who are able to read and write. The document nominating the representatives to the divisional electoral offices should be presented no later than the Friday preceding the poll to the secretary of the municipal authority, who should arrange for it to be sent to the presiding officers of the electoral divisions. Alternatively, the document should be presented directly to the presiding officers of each division on the Saturday afternoon or on the same morning as the elections, as long as this is done before the poll begins.

(Paragraph repealed by Article 1 of Law 186 of 23 April 1976).

The document nominating the representatives to the constituency central office shall be submitted, no later than 12.00 hours on polling day, to the chancery of the court of appeal or the district court, which shall issue a receipt for the same.

The deputies of the candidates in the single-member wards and lists must demonstrate their entitlement to perform their task by displaying the receipt issued by the chancery of the court of appeal or by the court when the candidacies in the single-member wards and lists were registered. In cases where representatives of candidates in single-member wards and lists are nominated by the deputies of the deputies, in compliance with the first paragraph of the present Article, the notary, in authenticating the signature, shall note the fact that the receipt issued at the time of registering the candidacies in the single-member wards and lists has been displayed to him or her".

Article 26 (Article 17, paragraphs 4 and 5 of Consolidated Law 26 of 5 February 1948):

The representative of each candidate in the single-member ward and of each list of candidates is entitled to be present at all the operations in the electoral office, sitting at the table of the office itself or in its vicinity, but always in a place from which he or she is able to follow the voting operations. The representative may also give instructions for any declarations to be inserted briefly in the report.

The returning officer, after consultation with the scrutineers, may issued reasoned instructions for the removal from the premises of any representative who acts in a violent fashion or who,

having been called to order twice, continues to seriously disturb the regular proceeding of the electoral operations".

Note to Article 9, paragraph 1:

The text of Article 7 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended and as amended by the present law, is shown below:

Article 7 (Article 6 of Consolidated Law 26 of 5 February 1948, and Article 2 of Law 493 of 16 May 1956):

1 - the following are not eligible:

- a) regional deputies or regional councillors; (2)
- b) the presidents of provincial councils;
- c) the mayors of municipalities with over 20,000 inhabitants;
- d) the head and deputy head of police, and inspectors general of police forces;
- e) the heads of Ministers' Private Offices;
- f) the Government representative with the autonomous region of Sardinia; the Government Commissioner of the Region of Sicily; the Government Commissioners for regions under ordinary statute; the Government Commissioner for the Region of Friuli-Venezia Giulia; the President of the Coordination Commission for the Region of Valle d'Aosta; the Government Commissioners for the Provinces of Trento and Bolzano; prefects and all those deputising in the aforementioned positions;
- g) deputy prefects and officials in the police forces;
- h) generals, admirals and senior officers of the armed forces of the State, within the scope of their territorial jurisdiction.

2. The causes of ineligibility as set forth in the first paragraph also refer to the holding of similar positions, where these exist, with the corresponding bodies in foreign states.

2-bis The causes of ineligibility as set forth in the first and second paragraphs are not effective if the functions exercised ceased at least one hundred and eighty (180) days before the end of the five-year term of the Chamber of Deputies.

3. By ceasing of functions is meant the effective abstention from any act regarding the position held, preceded, in the cases envisaged at letters a), b) and c) of the first paragraph, by the formal presentation of resignation, and in the other cases, by transfer or withdrawal of the position or command or by temporary discharge from the position.

4. In all cases the acceptance of the candidacy shall involve the forfeiture of the positions set forth at letters a), b) and c) above.

5. The five-year term takes effect from the date of the first meeting of the Assembly, in accordance with the second paragraph of Article 11 below.

6. In the case of the early dissolving of the Chamber of Deputies, the above mentioned causes of ineligibility shall not be effective if the functions carried out ceased within the seven days following the date of publication of the decree dissolving the Chamber in the Official Journal of the Italian Republic.

Note to Article 10:

The text of Article 1 of Law 60 of 13 February 1953 (Parliamentary incompatibility) is shown below:

"Members of Parliament may not hold positions or offices of any type in public or private bodies, by appointment or nomination of the Government or bodies of the state administration.

Exempted from this ban are positions in cultural bodies, welfare bodies, religious bodies or trade-fair agencies, or those conferred by Universities or higher education institutes subsequent to elective nomination by the academic body, without prejudice to the provisions of Article 2 of Law 1102 of 9 August 1948.

Appointments made by the Government, on the basis of legislative provisions, upon nomination by trade associations or employer or trade union organisations, are also exempted".

Note to Article 11, paragraph 2:

For the text of Article 24 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957, see the note to Article 8, paragraph 1.

Note to Article 13, paragraph 2:

The text of Article 6 of Decree Law 408 of 24 June 1994, confirmed as amended by Law 483 of 3 August 1994, is shown below:

Article 6 (scrutiny operations):

1. One electoral commission shall be set up in each constituency electoral office for every two thousand (2,000) voters resident abroad, with the task of arranging the operations of sorting and counting the votes sent by the consular offices in compliance with Article 5.

2. The packs shall be allocated to the individual divisions by the constituency electoral office.

3. No later than the fifteenth (15th) day before the poll, the presiding officer of the constituency electoral office shall ask the presiding judge of the court of appeal and the mayor of the municipality where the court of appeal is located, to appoint returning officers and four

scrutineers for each electoral commission.

4. For the secretary of the electoral commission the provisions in force for the election of the Chamber of Deputies shall apply.

5. The returning officer and members of the electoral commissions as set forth in the present Article shall be entitled to a set fee equivalent, respectively, to that of the returning officer and members of the electoral commissions set up in accordance with Article 34 of the Consolidated Law approved by Presidential Decree 361 of 30 March 1957 as amended. Within the term set out in paragraph 3, for the purpose of supplying the necessary material and printed matter, the presiding officer of the constituency electoral office shall inform the municipality where the office is located of the number of special divisions that are to be set up.

6. At 21.00 hours of polling day, once the respective offices have been set up, the returning officers of the divisional electoral commissions set up in compliance with paragraph 1 shall take delivery from the municipality where the constituency electoral office is located of the sealed pack containing the divisional stamp and the names of the representatives of the lists of candidates. At the same time (21.00 hours) they shall take delivery from the mayor of the municipality of the reports attesting the appointment of the scrutineers.

7. The presiding officer of the constituency electoral office shall also arrange for delivery to each returning officer of the electoral commissions as set forth in paragraph 1 the sealed pack containing the ballot papers received from the consular offices with an indication, on the outer envelope, of the number of ballot papers the pack contains.

8. At 22.000 hours the returning officer of the electoral commission shall begin the scrutiny operations for which the provisions of Article 16, third paragraph, of Law 18 of 24 January 1979 shall apply, as well as where applicable the provisions set out in Title V of the Consolidated Law approved by Presidential Decree 361 of 30 March 1957 as amended. Once the operations set forth in the first paragraph of Article 75 of the Consolidated Law have been carried out the presiding officer of the divisional electoral office shall send the package referred to at Article 17 of the aforementioned Law 18 of 1979 to the constituency electoral office".

Note to Article 14, paragraph 5:

The text of Articles 45, 67 and 68 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, is shown below:

Article 45 (Article 34 of Consolidated Law 26 of 5 February 1948, and Articles 22, paragraph 3.a) and 28, paragraph 1 of Law 493 of 16 May 1956) -

1. Once it has been ascertained that the office has been set up the returning officer, having noted on the divisional list of the electors entered on the list referred to in Article 30 number 3), shall draw (by lots) the progressive number of each group of 100 ballot papers, which must be attested by the scrutineers appointed by the returning officer.

2. The returning officer shall open the pack of ballot papers and distribute to the scrutineers the number of ballot papers corresponding to the number of electors registered in the division.
3. The scrutineers shall write the progressive number in the appendix of each paper and sign the pack of the paper (1).
- 3-bis. After establishing that the seal closing the pack containing the divisional stamp is unbroken, the returning officer shall open the pack and note in the report the number shown on the stamp. Immediately afterwards the returning officer shall stamp the back of each ballot paper.
4. During the operations described in the present Article, no-one may leave the voting premises.
5. The series of ballot papers signed by each scrutineer must be noted in the report.
6. The returning officer shall place the ballot papers in the appropriate sorting box and under his or her personal responsibility shall arrange for the safe keeping of any ballot papers that have remained in the pack, as set forth in Article 30, number 7.
7. The operations described in the preceding paragraphs shall be carried out first for the ballot papers for the election of candidates in single-member wards and then for the ballot papers for proportionally allocated seats.
8. Once these operations have been carried out the returning officer shall adjourn any further operations until 06.30 hours the following day, entrusting the safe keeping of the ballot boxes, the sorting box containing the numbered and signed ballot papers and the other documents to the police".

Article 67 (Article 47 of Consolidated Law 26 of 5 February 1948, Article 26, paragraph 8, of Law 29 of 6 February 1948, and Article 28, last paragraph, of Law 493 of 16 May 1956):

1. After the electors have voted, in accordance with Article 64, the returning officer, having cleared the table of papers and objects that are not needed for the scrutiny:

- 1) shall declare the poll to be closed;
- 2) shall ascertain the number of electors resulting from the electoral register authenticated by the district electoral commission, the lists referred to in Articles 49, 50 and 53, the list referred to in Article 52 and the counterfoils of the election certificates. Each page of each list must be signed by two scrutineers, as well as by the returning officer, and must be placed in an envelope that is then closed and sealed with the office stamp.

The returning officer and at least two scrutineers shall sign the envelope, as will the representatives of the candidates in single-member wards and of the lists of candidates, should they so wish, and the envelope itself shall immediately be delivered or sent to the district magistrate, who shall issue a receipt for it;

3) shall extract and count the ballot papers remaining in the respective boxes and check whether, having calculated as voters those electors who after receiving the ballot paper have not returned it or have returned it without the appendix or without the number or stamp or signature of the scrutineer, the number of ballot papers corresponds to the number of registered electors who have not voted. These ballot papers, as well as those that have remained in the pack delivered by the mayor to the returning officer, and the counterfoils of the electoral certificates, shall be delivered or sent to the district magistrate under the same arrangements as set forth in no. 2) (2)

2. These operations must be carried out in the order indicated. The operations and the results thereof shall be noted in the report".

Article 68:

1. Once the operations set forth in Article 67 have been completed, the returning officer shall proceed to the sorting operations. One scrutineer drawn by lots shall extract the ballot papers one at a time from the ballot box containing the ballot papers for the election of the candidate in the single-member ward and hand them to the returning officer. The returning officer shall read aloud the surname and name of the candidate in the ward to whom the vote has been given. He shall then pass the ballot paper to the scrutineer who, together with the secretary, shall take note of the votes received by each candidate(3).

2. The secretary shall proclaim aloud the votes expressed. A third scrutineer shall place the ballot papers for which the votes have been sorted in the box from which the unused ballot papers have been removed. When the ballot paper does not contain any expression of vote, the back of the paper shall be stamped with the division stamp(3).

3. Once the scrutiny operations for the ballot papers for the election of the candidates in single-member wards have been completed, the returning officer shall begin the operations for the sorting of the papers for the proportionally allocated seats. One scrutineer selected by drawing lots shall extract one ballot paper at a time from the ballot box containing the ballot papers for the proportional allocation of seats and shall hand them to the returning officer. The returning officer shall state aloud the symbol of the list to which the vote has been given. He shall then pass the ballot paper to another scrutineer who, along with the secretary, shall take note of the votes allocated to each list.

3-bis. The secretary shall proclaim aloud the votes for the lists. A third scrutineer shall place the ballot papers for which the votes have been sorted in the box from which the unused ballot papers have been removed. When the ballot paper does not contain any expression of vote, the back of the paper shall be stamped immediately with the division stamp.

4. Ballot papers may not be extracted from the ballot box unless the one previously extracted has been placed in the sorting box after the vote expressed on it has been sorted.

5. (paragraph repealed by Article 3 of Legislative Decree 534 of 20 December 1993).

6. The ballot papers may only be handled by the members of the electoral commission.

7. The total number of ballot papers scrutinised must correspond to the number of electors who have voted. The returning officer shall ascertain personally that the figures entered in the different columns of the report correspond to the number of electors registered, the number of voters, the number of valid votes expressed, the null ballot papers, the blank ballot papers, the ballot papers containing invalid votes and the ballot papers containing contested votes, and shall verify that the data are consistent and read them out publicly and attest them specifically in the report. This provision applies both to the ballot papers scrutinised for the election of the candidate in the single-member ward and to the ballot papers scrutinised for the choice of list for the proportional allocation of seats.

9. All of these operations must be carried out in the order indicated; the completion and result of each operation must be recorded in the report".

Note to Article 18, paragraph 1:

The text of Article 100 of the Consolidated Law containing provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, is shown below:

Article 100 (Article 74 of Consolidated Law 26 of 5 February 1948):

1. Anyone who by means of threats or acts of violence disturbs the regular holding of electoral meetings, prevents the free exercise of the right to vote or in any way alters the outcome of the poll, shall be punished by detention of from two to five years and a fine ranging from ITL 600,000 to ITL 4,000,000.

2. Anyone who, in part or in full, falsely compiles lists of voters or candidates, ballot papers or other documents that this Consolidated Law designates for electoral operations, or who alters any such document or replaces, eliminates or destroys, in part or in full, any such document, shall be punished by detention of from one to six years. Anyone who knowingly uses such false, altered or replaced deeds, shall be subject to the same punishment, even if he or she did not take an active part in the offence.

3. If the offence is carried out by a person employed by the electoral office, the punishment shall be detention of from two to eight years and a fine ranging from ITL 2,000,000 to ITL 4,000,000".

Note to Article 20, paragraph 1:

The text of Article 117 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, is shown below:

Article 117 (Article 47 of Act 493 of 16 May 1956):

"Citizens who have emigrated for employment reasons, and who return to Italy to vote, are entitled to free transport by train from the border station to the municipality in which they vote and vice-versa".

The text of Article 26 of the Consolidated Law containing the provisions governing elections to the Senate of the Republic pursuant to Legislative Decree 533 of 20 December 1993, is shown below:

"1. "Citizens who have emigrated for employment reasons, and who return to Italy to vote, are entitled to free transport by train from the border station to the municipality in which they vote and vice-versa".

The text of Article 2 of Law 241 of 26 May 1969 (Special terms for travel for general, regional, provincial and municipal elections) is shown below:

"1. Special terms for railway fares, as envisaged by Articles 116 and 117 of the above-mentioned Consolidated Law containing provisions governing elections to the Chamber of Deputies, are also applicable to journeys by sea made by electors taking part in general, regional, provincial and municipal elections provided they travel on ships belonging to the sea transport companies holding the concession for the services to and from all the islands coming under Italian territory.

2. The resulting lost revenue by the Carrier Companies shall be reimbursed by the Ministry of the Interior and charged to the allocations made to the item concerning electoral expenses."

Note to Article 21:

The text of Article 55 of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, is shown below:

Article 55 (Article 39 of Consolidated Law 26 of 5 February 1956):

Voters may not be represented by proxies, nor may they send their vote by post if they vote in Italy. The visually impaired, people whose hands have been amputated or who are affected by any other severe physical impairment shall exercise their right to vote with the help of an elector belonging to their family or, where family members are not available, with the help of any other elector who has been chosen voluntarily to assist them, provided such persons are registered with the municipality.

No voter may act as companion for more than one disabled person. The returning officer of the polling station in which the companion has carried out this task shall note this on his or her electoral certificate. Returning officers must ask companions assisting disabled persons to display their electoral certificates to ascertain whether they have already carried out this task previously. The companion shall hand over the electoral certificate of the person being accompanied; the returning officer of the polling station shall ask the accompanied voter whether

he or she has freely chosen the companion and whether he or she knows the companion's name and surname. The returning officer shall record this way of voting in the report indicating the specific reason for such assistance, the name of the health authority that has officially certified the physical impairment, if applicable, and the name and surname of the companion. Medical certificates, where submitted, shall be enclosed with the report".

Note to Article 22, paragraph 1:

The text of Article 56, paragraph 4 of the Constitution is shown below:

"The apportionment of seats among the constituencies, without prejudice to the number of seats assigned to the Overseas Constituency, shall be obtained by dividing the number of inhabitants of the Republic resulting from the most recent general census by six hundred and eighteen (618) and distributing the said seats in proportion to the population of each constituency, on the basis of the quotients obtained and the highest remainders".

Note to Article 22, paragraph 2:

The text of Article 57, paragraphs 3 and 4 of the Constitution is shown below:

"3. No Region shall have less than seven senators; Molise shall have two and Valle d'Aosta one.

4. Seats shall be apportioned to the Regions, without prejudice to the number of seats assigned to the Overseas Constituency, and subject to the application of the provisions set forth in the previous paragraph, in proportion to their respective population as resulting from the most recent general census, on the basis of the whole quotients obtained and the highest remainders".

Note to Article 23, paragraph 1:

For the text of Articles 75 and 138 of the Constitution see the note on Article 1, paragraph 1.

Note to Article 23, paragraph 2:

The texts of Articles 7, 8 and 50 of Law 352 of 25 May 1970 (Provisions governing referendums as envisaged by the Constitution and legislative initiatives by the people), are shown below as modified by this Act:

Article 7:

For the purpose of collecting the signatures required to submit by at least 500,000 voters the request envisaged in Article 4, the promoters of the initiative, who must be at least ten in number, shall go to the chancery of the Supreme Court, which shall take note of this in a report, a copy of which shall be issued to the promoters. The promoters shall submit certificates proving

they are registered in the electoral registers of a municipality of the Republic or in the register of Italian citizens resident abroad pursuant to the law on the exercise of the right to vote by Italian citizens resident abroad.

The office shall provide for every such initiative to be announced in the Official Journal published on the following day. The announcement shall include all the information prescribed by Article 4.

Sheets of paper the same size as those used for official stamped paper shall be used to collect the signatures. The declaration requesting the referendum shall be printed or stamped at the top of each side of each sheet, with the information prescribed by the above-mentioned Article 4.

After the announcement indicated in paragraph 1 has been published in the Official Journal, the above-mentioned sheets of paper shall be submitted by the promoters, or by any elector, to the municipal secretariats or to the chanceries the courts. The official in charge of these offices shall stamp the sheets with the office stamp, date and sign them and return them to the submitting parties within two days of submission".

Article 8:

Electors shall make the request for a referendum by signing the sheets as set forth in the previous Article.

Next to the signature the following data must be indicated in full: name, surname, place and date of birth of the signatory and municipality with whose electoral registers the signatory is registered or, for Italian citizens resident abroad, their registration in the electoral registers of the unified registry of Italian citizens resident abroad.

The signatures must be authenticated by a notary or by a clerk of the court with jurisdiction over the municipality in which the elector whose signature has been authenticated is registered in the electoral registers. The signatures may also be authenticated by a Justice of the Peace or by the secretary of the municipality. For electors with Italian citizenship resident abroad the signature should be authenticated by the competent Italian Consul. The authentication must be dated and may also be made collectively, sheet by sheet, for all the signatures appearing on each page; in this case, in addition to the date, the number of signatures present on the page must also be indicated.

The public official who authenticates the signatures shall take note of the will expressed by illiterate electors or by any elector who for any reason is unable to sign his or her name. The fees for the services provided by the notary, the clerk of the court, the Justice of the Peace and the municipal secretary are set forth in Article 20, paragraph five of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, and in Table D attached to Law 604 of 8 June 1962.

The request for a referendum must be accompanied by certificates, including collective

certificates, issued by the mayors of each municipality to which the signatories belong, attesting that they are registered in the electoral registers of the municipalities in question or, for Italian citizens resident abroad, attesting their registration in the register of Italian citizens resident abroad pursuant to the law on the exercise of the right to vote by Italian citizens resident abroad. The mayors shall issue such certificates within 48 hours of the request".

Article 50:

For all matters that are not provided for by the present law the provisions of the Consolidated Law containing the provisions governing the election of the Chamber of Deputies, pursuant to Presidential Decree 361 of 30 March 1957 as amended, and, for Italian citizens resident abroad, the provisions of the law on the right to vote by Italian citizens resident abroad, shall be observed where applicable".

Note to Article 26, paragraph 1:

The text of Article 17, paragraph 1 of Law 400 of 23 August 1988 (Regulations governing the activity of the Government and regulations governing the Prime Minister's Office) is shown below:

"By Presidential Decree, after deliberation of the Council of Ministers and after having heard the opinion of the Council of State, which must be expressed within ninety (90) days of the request, Rules may be issued to govern:

- a) the enactment of laws and legislative decrees;
- b) the implementation and integration of laws and legislative decrees containing rules of principle, with the exception of those dealing with matters for which the Regions have competency;
- c) matters which are not provided for by law or by acts having the force of law, on condition that these matters are not included among those which must be provided for by law;
- d) the organisation and functioning of the public administrations in accordance with the provisions set forth by the law;
- e) the organisation of the employment and employment relations of public sector employees in accordance with the appropriate trade union agreements".

(1) As, further to amendments introduced by Article 6 of Law 276 of 4 August 1993, the obligation to present birth certificates or equivalent documents along with candidacies in single-member wards and lists of candidates is no longer envisaged by Article 20, second paragraph, of this consolidated law, the provision set forth at no 5) should be considered no longer valid where it envisages that the constituency central office should declare as invalid those candidacies or cancel from the lists the names of candidates for whom a birth certificate or equivalent document has not been presented.

(2) With ruling 344 of 11 June 1993, the Constitutional Court declared Article 7, first paragraph, letter a) to be constitutionally illegitimate.

(1) The appendix to the ballot paper was eliminated by Article 5 of Law 136 of 23 April 1976.

(2) The appendix to the ballot paper was eliminated by Article 5 of Law 136 of 23 April 1976.

(3) Repealed by Article 3 of Law 277 of 4 August 1993.