

## **Explanatory Memorandum**

Citizens' initiative bill for the Autonomous Province of Trento

**"Citizens' initiative bill. Regulations on public participation, citizens' initiative, referendums and popular initiative and amendments to the provincial electoral law."**

Today we assist to two seemingly contradictory phenomena taking place in the realm of democracy. First, the ever-increasing level of abstention at elections, peaked in the elections for the valley communities (*comunità di valle*) when less than 50% of the voters turned out to cast their vote. Second, the ever-greater number of citizen committees created to deal with various issues of general and particular interest.

Therefore, on the one hand the involvement in the typical institution of representative democracy is constantly decreasing; on the other, there is a remarkable interest in participating directly on decisions concerning questions of political relevance. An interest actualised in the creation of committees or advocacy groups aiming to produce an impact on specific matters, which are often successful in influencing political choices by preventing or facilitating the implementation of certain outcomes. As a result, participation in committees or advocacy groups tends to be perceived as a more effective way to affect political decisions than taking part to elections. What this risks leading to is a situation in which small groups of citizens, even if representing only a minority, may achieve disproportionate influence on the political process.

A solution to this problem consists in introducing greater popular participation in political choices through the institutions of direct democracy. Incidentally, such institutions function extremely well in the countries that adopt them. The closest example is Switzerland, where direct democracy is a well-known feature of the political decision-making process. Also thanks to these institutions, since a long time the public debt - pensions included - has been put under control. If necessary, major works are realised, as in the case of Lötschberg and Gottardo rail tunnels. Finally, also decisions that may be perceived as unpopular are made, as recently occurred for the introduction of a 20%-limit to second homes, or the rejection of the proposal for allowing six weeks of vacation to everyone.

Also by virtue of the efficacy of a political system including direct democracy, today Switzerland is among the European countries the one with the least economic and social problems. In the last years this model has been taken as

example in some German lander and Alto Adige, where the citizens are seeking to put it into effect. In fact, direct participation has been a good practice in our valleys for centuries and is therefore part of our tradition.

This bill proposes to regulate in a more organic and complete manner the institutions of direct democracy that are already present in the provincial system, integrating them with some institutions that increase citizens' capacity to intervene in the decision-making process. The norms included in the bill are meant to allow for the greatest transparency in consultation and decision-making processes, and to ensure the possibility of a direct vote on those issues the citizens consider of major relevance.

What particularly stands out is the removal of any kind of quorum in referendums and popular initiatives, as it is already the case in Switzerland, France, Ireland, United Kingdom, Oregon, California and so on. The quorum distorts the participatory process. By removing it, everyone holding an opinion on a given issue is guaranteed participation to the vote, as it is ensured that this vote, whether for or against the question subjected to referendum, will actually count.

Even where a low quorum requirement or other methods to set a minimum limit to participation are in place, it is the very existence of such a limit to provide with a disincentive to participation. Instead, The absence of quorum encourages participation by making everyone aware that each single vote, whether for or against the proposal, will count towards the final result. This is also confirmed by analyses carried out in countries where different types of quorum are in place.

It is also emphasised that when writing the rules concerning the institutions introduced by this law, the guiding criteria has been ensuring for the initiatives to have definite consequences. Moreover, where not specifically established by higher-level rules, citizens have been provided with possibility to intervene in all the fields of competence of the elected representatives, being them councillors or members of the provincial Government.

The main intention, besides regulating the specific institutions of direct democracy, has been increasing participation in all levels of public life, particularly by extending the opportunity to residents of more than 16 years of age. At the same time, actions have been planned to ensure the dissemination and promotion of the new regulations, and the transparency and advertisement of the related initiatives, also in the online form.

## **Analysis of the Institutions**

### *Petition*

Today the petition is regulated by the Council's rules of procedure. Here it is established that every petition be included in an online portal following the example of English and German e-petitions. Moreover, binding time limits to the handling of petitions have been introduced. The portal allows for sharing citizens' proposals among citizens and with the provincial bodies.

### *Prytanies*

This institution is an effective way to discuss and decide on specific and timely matters as well as on issues requiring documents or complex evaluations. For instance, in Canada it has been successfully employed to elaborate the new electoral law, subsequently subjected to referendum. The prytanies shall constitute a citizen committee, with adequate female representation, which is elected by sortition among those requesting it. They are issued by the Province, the Municipalities with at least 20.000 residents or by 2.500 citizens.

### *Consultations*

The institution of consultation is here intended to establish the principle that prior to make any important decision all the persons concerned must be consulted (this principle is also included in the Swiss constitution), that any evaluation and document integrated or produced during this process must be made public, and that notice must be given of any element of the proposals or any observation emerging during the consultations that are incorporated in the final decision.

Even though today consultations are taking place, often only those with sufficient power are able to make their positions known or to obtain secret hearings, whether unwilling to disclose their lobbying action.

Moreover, in view of referendums or popular initiative without quorum it is advisable for the decision-making bodies to have transparent consultations. Without a public debate and facing decisions that are not consistent with the demands of the majority of population, it is likely that the resulting act be subjected to a referendum.

### *Public Debate*

The public debate is a form of consultation that is held for works of major relevance upon a specific demand from the public bodies concerned or from other interested bodies, citizens included. In this bill essential rules concerning the conduct and the formulation of the conclusions are set out, with the purpose of involving the citizens and, most importantly, to ensure them accurate information.

### *Citizens' Initiative Bill*

The regulation governing the citizens' initiative bill follows the regulations currently in force, with three main differences. First, the commission for the participation shall evaluate the admissibility. Second, a public hearing shall always take place, in order to present the bill and to provide the initiative with the maximum degree of institutional publicity. Third, it shall be possible to hold a 'popular initiative' in order to submit the bill to a binding popular vote, whether its contents have been distorted by the Council.

### *Referendum*

For the purpose of referendums and popular initiative, the key elements of the proposals are the following:

- the absence of quorum
- the possibility of online signature collection (already provided by the European citizens' initiative) and the simplification
- the regulation of mail and electronic voting
- the transparency on the sources of any funding received by organising committee for the collection of signatures and the referendum campaign
- the information and advertising of the content of referendum question through the distribution of information booklets, as it occurs in Switzerland
- the possibility to vote with multiple choice

The advisory referendum does not lead to legislative decisions and may also be promoted by the citizens via the collection of at least 5.000 signatures. Every resident of more than 16 years of age may vote.

The popular initiative (as it is explained in section 'definitions' in the bill, the 'popular initiative' is the equivalent of the Italian institution of the 'referendum propositivo', that is, a referendum that is proposed and voted by the citizens), as it is the case in any system adopting it, allows for voting a bill that, if approved,

will enter into force. As it is provided for in Switzerland, the Council or the Government may present a counter-proposal. Interestingly, in Switzerland it is often the counter-proposal to be approved. Usually, the counter-proposal incorporates in part the demands of the organisers. In this way the initiative provides with the opportunity to improve the contents of the proposal by making them more consistent to the popular will.

The confirmative referendum is one of the pillars of this law. It provides the citizens with the opportunity to confirm, or not, the entry into force of laws, regulations and provincial administrative acts. Presenting a valid request within 7 days from the publication of the relevant act, the organisers have 90 days to collect the 8.000 signatures that are required to hold a confirmative referendum.

#### *Amendments to the electoral law*

For the purpose of the electoral law, these regulations introduce the opportunity for citizens to propose motions of no confidence against the President of the Provincial Government or against the councillors. These regulations also establish limits of mandate.

The motion of no confidence is reminiscent of more binding procedures for recalling elected representatives that are already in place in other systems. For instance, in the US this procedure is applicable to every elected representative as well as, in some States, to public officials, whilst in Switzerland and Germany this is applicable to some collegial bodies. This instrument allows for citizens to exercise control over the executive not only at elections but also during the whole mandate, thus encouraging its appropriate conduct throughout the whole period.

It is also introduced a limit of mandate concerning members of the Council, councillors and president. This establishes that citizens who held public offices for more than 9 years shall not be re-eligible. The rationale for introducing this limit is simply to avoid that politics become a profession. Finally, it is introduced a sanction for anyone who fails to publicly disclose his or her financial position: otherwise, setting out obligations without defining relevant sanctions will be of little effect.



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**Citizens' initiative bill. Regulations on public participation, citizens' initiative, referendums and popular initiative and amendments to the provincial electoral law.**

Citizens' Initiative  
(First Proponent Mr. Alex Marini)

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Reassigned to the **First Permanent Commission**

## Contents

### *Definitions*

#### *Part I - General provisions*

*Art. 1 - Subject matter*

*Art. 2 - Interventions in the field of education*

*Art. 3 - Commission for participation*

*Art. 4 - Advice*

*Art. 5 - Reimbursement of expenses*

#### *Part II - Instruments of participation*

##### *Section I - Petitions*

*Art. 6 - Definition*

*Art. 7 - Submission*

*Art. 8 - Handling*

##### *Section II - Prytanies*

*Art. 9 - Definition*

*Art. 10 - List for the appointment of the prytanies*

*Art. 11 - Request for selection*

*Art. 12 - Meetings*

*Art. 13 - Decisions*

##### *Section III - Consultations*

*Art. 14 - Consultations*

##### *Section IV - Public debate*

*Art. 15 - Principles*

*Art. 16 - Initiative*

*Art. 17 - Conduct of debate*

*Art. 18 - Conclusion*

#### *Part III - Citizens' Initiative Bill*

*Art. 19 - Subject matter of the initiative*

*Art. 20 - Submission*

*Art. 21 - Public hearing*

*Art. 22 - Simplified popular initiative*

#### *Part IV - Referendums*

##### *Section I - General provisions*

*Art. 23 - Scope*

*Art. 24 - Request for referendum*

*Art. 25 - Evaluation of the admissibility of the proposal*

*Art. 26 - Signing procedure*

*Art. 27 - Transformation of the submission procedure*

*Art. 28 - Examination of the regularity of the proposal*

*Art. 29 - Transparency*

*Art. 30 - Information*

*Art. 31 - Polling day*



Art. 32 - *Electronic and postal voting*  
Art. 33 - *Result of the referendum*  
Section II - *Advisory referendum*  
Art. 34 - *Subject matter*  
Art. 35 - *Requirements*  
Art. 36 - *Advisory referendum with multiple choice*  
Art. 37 - *Referendum follow-up procedure*  
Section III - *Confirmative referendum*  
Art. 38 - *Subject matter*  
Art. 39 - *Requirements of the referendum and follow-up procedure*  
Section IV - *Popular Initiative*  
Art. 40 - *Subject matter*  
Art. 41 - *Requirements of the initiative and follow-up procedure*  
Section V - *Abrogative referendum*  
Art. 42 - *Subject matter*  
Art. 43 - *Requirements of the referendum and follow-up procedure*  
Part V - *Amendments to the provincial law of 5 March 2003. N. 2 (provincial electoral law)*  
Art. 44 - *Addition to article 7 of the provincial electoral law*  
Art. 45 - *Amendment to article 14 of the provincial electoral law*  
Art. 46 - *Addition to article 21bis of the provincial electoral law*  
Part VI - *Final provisions*  
Art. 47 - *Criminal provisions*  
Art. 48 - *Expenses*  
Art. 49 - *Transitional provisions*  
Art. 50 - *Repeals*

## Definitions

For the purpose of these Regulations,

- 'Provincial Government' means *Giunta Provinciale*.
- 'Provincial Council' means *Consiglio Provinciale*.
- 'Councillors' means *members of the executive body of a local authority (e.g. municipality, community etc.)*
- 'Advisory Referendum' means *a referendum proposed by the Provincial Government, a third of the Provincial Council or at least five municipalities, to gauge the opinion of voters. The result of this referendum is not binding.*
- 'Citizens' Initiative Bill' means *a citizens' initiative submitted to, and voted by, the Provincial Council.*
- 'Popular Initiative' means *a 'referendum propositivo' ('propositive referendum'), that is a referendum proposed and voted by the citizens. The result of this referendum is binding.*
- 'Provincial Law' means *an act or regulation that is valid within the Autonomous Province of Trento, which is part of the Autonomous Region of Trentino e Alto Adige and has primary legislative competence on various matters and specifically on those concerning the form of government and citizens' initiative, popular initiative and referendums, as set out in art. 47 of the Statute of Autonomy*

Part I  
*General provisions*

Art. 1  
*Subject matter*

1. These regulations govern the exercise of powers of direction, consultation and popular decision-making in the province of Trento. Except as otherwise provided by these regulations, for the purposes of the confirmatory referendum, abrogative referendum and popular initiative these powers are conferred on the voters registered on the provincial Council electoral roll; for the purposes of petitions, public debates, citizens' initiative bill and advisory referendum these powers are conferred on all the residents of the province of Trento of more than 16 years of age.
2. These regulations shall be cited as "provincial law on direct democracy".

Art. 2  
*Interventions in the field of education*

1. The provincial curricula for the primary and secondary cycle of education, as well as the adult education initiatives under article 69 of the provincial school law, shall ensure information on the instruments of direct democracy. Specific attention shall be given to projects concerning this subject, within the framework of the quota allocation of the provincial education system quality fund, under article 112 of the provincial school law.
2. The provincial Government shall regulate the award of scholarships concerning the subject of direct democracy.
3. For the purpose of specifying the projects under article 2, clause 2, letter c) of the provincial law of 2 November 1993, n. 29 (*Attuazione della delega in materia di Università degli studi di Trento e disposizioni in materia di alta formazione musicale e artistica*), the guideline under the same article 2 devotes attention to the subject of direct democracy.

Art. 3  
*Commission for participation*

1. The commission for participation is instituted. The commission is composed of three experts on the subject selected among tenure track professors or lawyers registered to the special register of lawyers admitted to the higher courts.
2. Two experts shall be appointed by the provincial Council through limited voting; one shall be appointed by the president of the Province. Their appointment for a second consecutive mandate shall not be permitted.
3. For the purpose of processing individual citizens' initiative bills, popular initiative bills or referendum proposals, the proponents may appoint two additional members of the commission, even if they do not meet the requirements under clause 1. They have the right to vote.
4. The commission shall be designated by the President of the provincial Council at the start of each legislature, and will continue to perform its duties until a new

commission is designated. The President of the Council shall convene the first meeting.

5. A provincial Council official shall act as secretary of the commission.
6. The commission shall elect from among its members a president, who convenes and presides over the meetings, and a substitute. The commission shall decide by a majority of the votes cast, provided that all its members are present. It may invite to individual meetings experts on the subject discussed; they do not have the right to vote.
7. The members of the commission are entitled to allowances and reimbursements in accordance with the provincial legislation on the subject.

#### Art. 4

##### *Advice*

1. Anyone who intends to formulate a referendum proposal, a popular initiative or citizens' initiative bill may request the President of the provincial Council to be assisted in the drafting of texts or questions by the Council's offices. For the same purposes he or she may also request data and information held by the Council's offices.

#### Art. 5

##### *Reimbursement of expenses*

1. Expenses shall be reimbursed to anyone who proposes a referendum proposal, a popular initiative or citizens' initiative bill, in the amount of 0,50 euro for each signature required for a citizens' initiative bill, and 1 euro for each signature required for a referendum proposal or popular initiative bill.
2. The proponents request the Province to establish and settle the reimbursement within three months from the conclusion of the examination of the regularity of the proposal. The Province shall provide for the settlement without delay.

#### Part II

##### *Instruments of participation*

#### Section I

##### *Petitions*

#### Art. 6

##### *Definition*

1. Petitions concern matters of general interest and may be submitted as a request of information, also concerning the activities or intentions of the provincial Council and Government, or as an invitation to make specific decisions.

#### Art. 7

##### *Submission*

1. Petitions must be addressed to the provincial Council. They may be sent directly to the Council or through the municipalities.

2. Petitions are inadmissible if submitted by, or bearing the signature of, members of the provincial Council or Government, mayors, municipal council presidents or councillors, community presidents or councillors, members of the Local Autonomies Council.
3. The petition shall be published in the participation section on the provincial Council's website; further notice shall be given according to the procedures for the advertising of Council acts. The first signatory may request that the petition be open for signatures within 180 days from its submission. The provincial Council's regulatory provisions establish the procedures for submission and signature – also in electronic form – of petitions.

Art. 8  
*Handling*

1. After having verified the admissibility of the petition, the President of the provincial Council shall assign it to the commission responsible.
2. If the petition contains at least 20 signatures or, in the event of subsequent signatures, if this number is reached within 180 days from the submission:
  - a) when the petition takes the form of the request for information, the commission shall reply within 30 days or send the petition to the provincial Government, which shall reply within the following 30 days. If an answer is not provided within these time limits, the petition shall be placed on the agenda for the first following provincial Council meeting and processed in accordance with the appropriate Council's regulatory provisions.
  - b) when the petition takes the form of the invitation to make specific decisions, within 60 days the commission shall convert the invitation into an address to the provincial Council or Government; this shall be included on the agenda for the first following provincial Council meeting and processed in accordance with the appropriate Council's regulatory provisions.
3. If the petition contains at least 20 signatures or, in the event of subsequent signatures, if this number is reached within 180 days from the submission, within 20 days the first signatory shall be invited to present the petition to the provincial Council's commission responsible. For the purpose of the subsequent handling, clause 2 must apply.
4. The acts concerning the handling of petitions shall be published also in the participation section on the provincial Council's website, where information about their result shall be provided; further notice shall be given according to the procedures for the advertising of Council acts.

Section II  
*Prytanies*

Art. 9  
*Definition*

1. The prytanies are 19 persons registered on the provincial Council's electoral roll, composed by sortition among those registered on a specific list, with advisory and proactive duties that are regulated by this law.

2. The implementing regulations establish the sortition procedure in order to ensure the impartiality, transparency and publicity of the selection, and that each gender be represented by at least 9 prytanies.

Art. 10

*List for the appointment of prytanies*

1. The list for the appointment of prytanies shall be constituted and updated by the Province. Upon request, which may also be made through the municipalities, the Province shall arrange for the registration on the list. The registration will not expire, unless request to be removed from the list is presented.
2. A citizen shall not be registered on the list, if the citizen has by a final decision been convicted of a criminal offence, or acquitted due to statute of limitations.
3. Members of the provincial Council or Government, mayors, municipal council presidents or councillors, community presidents or councillors, members of the Local Autonomies Council, are suspended from the list throughout the duration of their appointment.

Art. 11

*Request for Selection*

1. The President of the Province shall appoint the prytanies through the selection criteria under article 9, clause 2, upon request by one third of provincial Council members, by the provincial Government or one of its members, by at least 10 municipalities with at least 20.000 residents, or by 2.500 residents of the province, in accordance with the procedures set out in Part III. The request must include the subject matter on which the prytanies are expected to discuss. The commission for participation shall decide on the admissibility according to criteria set out in Part III and IV.

Art. 12

*Meetings*

1. The President of the provincial Council shall convene the first meeting of prytanies within 15 days from the date of their selection.
2. In the first meeting the prytanies shall elect a president from among their members. The prytanies shall decide by a majority of the votes cast by their selected members.
3. The prytanies are entitled to allowances and reimbursements in accordance with procedures and limits established in the implementing regulations.
4. The provincial Council shall made available the venue where the prytanies are to meet, and shall provide them with assistance through its offices.
5. Any person submitting a request for selection shall be heard by the prytanies during meetings. Upon request by each prytany or by the persons concerned, the president may summon additional experts or persons concerned. The hearings must be public.

6. The provincial Council's regulatory provisions set out the procedures for the conduct of meetings.

Art. 13  
*Decisions*

1. The prytanies formulate their proposals in the form of acts of the provincial Council or Government. These proposals shall be placed on the agenda for the first following provincial Council or Government meeting and processed in accordance with the provincial Council's or Government's regulatory provisions. If the Council or Government fail to complete processing a proposal within 60 days the prytanies may propose a vote of no confidence under article 7 of the provincial electoral law.
2. The decisions of the prytanies shall be published in the Official Bulletin of the Region, in the participation section on the provincial Council's and Government's website, and shall be advertised through local news media.

Section III  
*Consultations*

Art. 14  
*Consultations*

1. The provincial Council and Government, before passing laws, regulations and general administrative acts, shall promote consultations with the persons concerned. The persons concerned are identified, among other things, by publishing specific invitations in the participation section on the provincial Council's and Government's website, making available the documents on which the proposal is based. The proceedings of the consultations, which may also be carried out in electronic form, and the related documents shall be published with the same procedure. The terms and outcomes of the consultations are summarised in the reasons or in the reports accompanying the acts.

Section IV  
*Public debate*

Art. 15  
*Principles*

1. This section sets out the participation procedure concerning works or interventions of major social, economic, territorial or environmental impact, in order to ensure that the decision be made:
  - a) within an informed and impartial context;
  - b) presupposing the public debate as the primary course of action;
  - c) including in the discussion everyone affected by the decision.

Art. 16  
*Initiative*

1. In view of works or interventions of major social, economic, territorial or environmental impact, especially in the case of new works whose total cost exceeds two million euro, or that require an environmental impact assessment or strategic environmental assessment, prior to implement any act on this subject the provincial Government or Council, for what concerns matters falling within their competence, may convene a public debate on the objectives and characteristics of the intervention. Additionally, request for public debate may be made by:
  - a) the public or private body who proposes the intervention;
  - b) a body who contributes directly to funding the intervention;
  - c) the local authorities directly concerned;
  - d) at least 1.500 persons. In this case the preliminary request, signed by no more than seven proponents, must be addressed to the commission for participation.
2. Within 30 days from the submission of the request the commission for participation shall decide on its admissibility, after obtaining the opinion of the local authorities concerned and the proponents. As to the case under clause 1, letter d), the preliminary request is published in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website, and must be open to signatures for a period of 90 days.

Art. 17  
*Conduct of debate*

1. The commission for participation shall open the debate and:
  - a) establish its duration for a period not exceeding six months, except in the case of reasoned extension for a period not exceeding three months;
  - b) establish the stages of the debate in order to guarantee the maximum information to the persons concerned, to promote participation in, and ensure the impartiality of, the debate, the equal relevance of every opinion and the equality of access to the places and times of the debate;
  - c) appoint the person responsible for the public debate from among experts in participatory methods and practices, and define their duties.
2. The acts of the commission shall be published in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website.
3. The opening of the public debate suspends the adoption or implementation of any act that falls within the provincial competence and is related to the intervention to be discussed, when said act may anticipate or compromise its result. The commission for participation designates the administrative acts to be suspended.
4. The implementing regulations establish the additional procedures of the debate.

Art. 18  
*Conclusion*

1. At the end of the public debate the person responsible shall hand over to the commission a report on the procedure adopted, the matters discussed and the proposals submitted.



2. The commission shall verify that the participatory process has been carried out correctly, and provide for the publication of the report in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website.
3. Within three months from the publication of the report, the body responsible for implementing the work or intervention shall declare, in accordance with the same procedure, whether it intends to:
  - a) abandon the project or submit an alternative one;
  - b) propose changes to the project, by specifying them;
  - c) uphold without variation the project on which the debate was held, by stating the reasons for this decision.
4. The declaration under clause 3 of this article terminates the suspension under article 17, clause 3.

Part III  
*Citizens' initiative bill*

Art. 19  
*Subject matter of the initiative*

1. The citizens' initiative on provincial laws is implemented through a bill, compiled into articles and accompanied by a report explaining its content.
2. A citizens' initiative bill may be submitted to the provincial Council if it receives at least 2.500 signatures within 180 days from when the forms are handed over to the proponents. If the proposal concerns provisions for the protection of Ladin, Mocheni or Cimbrian linguistic minorities, the number of signatures is reduced to 500 residents of the municipalities where the minorities are located, under the Special Statute. If the required number of signatures is not reached, the proponents may convert the popular initiative into a petition.

Art. 20  
*Submission*

1. The citizens' initiative bill must be deposited with the presidency of the provincial Council by at least three proponents.
2. Within fifteen days from the deposit, the commission for participation shall declare a bill inadmissible if:
  - a) in conflict with the Universal Declaration of Human Rights;
  - b) in conflict with the Charter of Fundamental Rights of the European Union;
  - c) in conflict with the fundamental principles of the Italian Constitution;
  - d) falling manifestly outside the competence of the Province;
  - e) not in conformity with this law.
3. The decision of inadmissibility must be reasoned and notified without delay to the three proponents and published in the Official Bulletin of the Region.
4. The collection of signatures begins after the commission for participation has notified the proponents that the bill is admissible.
5. After the commission for participation has verified the regularity of the signatures, the president of the provincial Council shall assign the bill to the

commission responsible within 10 days. The first three proponents have the right to participate in the work of the commission, also assisted by experts, in accordance with the provincial Council's rules of procedure.

6. If the provincial Council fails to approve or reject the bill within 14 months from its submission, the bill is subjected to a referendum in accordance with the procedures for the popular initiative established by this law, without requiring the collection of signatures.
7. If the examination of the initiative is interrupted by the end of the provincial legislature, the time limits provided for in this article are calculated again from its assignment to the Council's commission responsible in the following legislature.
8. For anything not covered in this part, what is provided for in this law on the subject of referendum must apply.

#### Art. 21

##### *Public hearing*

1. The proponents of the citizens' initiative bill may present the initiative at a public hearing convened by the presidency of the provincial Council. At the proponents' request, the members of the provincial Council and Government are invited to the public hearing. The summons and report of the hearing shall be published in the participation section on the provincial Council's and Government's website, and shall be advertised through local news media; further notice shall be given according to the procedures for the advertising of Council acts.

#### Art. 22

##### *Simplified popular initiative*

1. If a citizens' initiative bill is approved by the provincial Council with substantial changes, the proponents may demand a popular vote in accordance with the procedures established under part IV, section IV. The commission for participation shall decide whether the changes are of substantial nature. If the citizens' initiative bill is approved, the President of the Province shall promulgate it and declare the act approved by the provincial Council repealed.

#### Part IV

##### *Referendum*

#### Section I

##### *General provisions*

#### Art. 23

##### *Scope*

1. Every act of the Province may be subjected to a referendum, within the limits and conditions established by this law.

2. Every general administrative act may be subjected to a referendum. Every other administrative acts may also be subjected to a referendum, provided it satisfies one of the following conditions:
- a) it involves expenditures exceeding five million euro;
  - b) it involves recurring expenditures and an individual expenditure exceeding one million euro;
  - c) it concerns projects subjected to environmental impact assessment or strategic environmental assessment;
  - d) it concerns programs regulated by the provincial planning law.

#### Art. 24

##### *Request for referendum*

1. The request for confirmatory or abrogative referendum or popular initiative shall be submitted to the presidency of the provincial Council by at least 10 voters registered on the provincial Council's electoral roll.
2. The request for advisory referendum shall be submitted to the presidency of the provincial Council by at least 10 residents of the province of Trento of more than 16 years of age.
3. The proponents shall designate three organisers responsible for representing them, to whom all communications on the referendum are to be addressed.
4. The proposers may constitute a committee. The committee may deposit a statute to the presidency of the provincial Council. The statute may establish the procedure for the substitution of the organisers.
5. The request must include:
  - a) the names of the organisers, residence and contact address;
  - b) the documents pertaining to the subject matter of the referendum;
  - c) a report concerning the content and objectives of the initiative;
  - d) the specification of the municipalities concerned, if the referendum is to take place at the level of individual municipalities.
6. The presidency of the provincial Council shall verify within two days whether the request includes all the elements under clause 5. Consequently it shall forward the request to the commission for participation.
7. For the purpose of any communication concerning the referendum coming from other bodies specified in this law, this shall be forwarded to the President of the provincial Council for what concerns requests formulated by the provincial Council, to an appointed mayor for what concerns requests formulated by the municipalities, to the President of the Province for what concerns requests formulated by the provincial Government.
8. The proposal for a referendum by municipal initiative is deemed submitted on the day in which the provincial Council receives the decision of the last municipality. This decision must be submitted within six months from the decision of the first municipality.

#### Art. 25

##### *Evaluation of the admissibility of the proposal*

1. Within 60 days from the date provided for in article 24, clause 6, the commission for participation shall make a reasoned decision on the admissibility of the

proposal and notify the presidency of the provincial Council and the organisers on the outcome of the evaluation.

2. In the event of remarks made by the commission, the organisers may submit observations and changes within 20 days from the relevant communication. Within the following 10 days the commission shall make a final and reasoned decision on the admissibility of the proposal. The decision shall be notified to the President of the provincial Council and to the organisers by registered mail.
3. If the result of the evaluation is positive, the requested number of signature forms is consigned to the organisers. The time limit for the signature collection begins when the forms are consigned. Upon request, additional form may be obtained during the signature collection stage.
4. If the advisory referendum, abrogative referendum or the popular initiative concern matters that are not relevant to each other, the commission shall arrange for the separation of the questions.
5. The commission may judge the proposal inadmissible only if it is conflict with this law.
6. The names of the organisers and the information on the proposal shall be published in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website; further notice shall be given according to the procedures for the advertising of Council acts.

#### Art. 26

##### *Signing procedure*

1. The implementing regulations approve the signature forms, which are prepared by the presidency of the provincial Council. The forms must include the question and the report under article 24, clause 5, letter c).
2. The signatory shall indicate name, surname, place and date of birth and the municipality of residence or where he or she is registered on the electoral roll.
3. Upon agreement with the Local Autonomies Council, the implementing regulations establish the procedures for signing in each municipality.
4. The collection of signatures may take place via certified e-mail or online collection system, in accordance with the procedures established by the implementing regulations.
5. Signatures shall be authenticated by the bodies and according to the procedures under article 14 of the law of 21 March 1990, n. 53 (*Misure urgenti atte a garantire maggiore efficienza al procedimento elettorale*).
6. The authentication shall include the date on which it takes place and may be collective; if it is collective, the number of signatures included in the authenticated document shall also be specified.
7. Certificates, including collective certificates, issued by the municipalities of residence and attesting that the signatories are registered on the electoral roll of the municipalities for the election of the provincial Council, or that they are resident in the municipality, shall be attached to the signature forms. The certificates shall be issued within five days from the request. If every signatory of a document is registered on the electoral roll of a municipality, the collective certificates may be replaced with a declaration appended to the individual documents containing the signatures.

Art. 27

*Transformation of the submission procedure*

1. If the required number of signatures for a referendum is not reached, the organisers may request that the proposal be transformed into a citizens' initiative bill or a petition, on the basis of the number of signatures received.

Art. 28

*Examination of the regularity of the proposal*

1. Immediately after the submission of the proposal the commission for participation shall verify its regularity. The proposal is valid if:
  - a) the signature forms are consigned within the time limits;
  - b) the signatures are duly authenticated;
  - c) the certificates attesting that the signatories are registered on the electoral roll of the municipalities for the election of the provincial Council, or that they are resident in the province, have been deposited;
  - d) the required minimum number of valid signatures has been reached.
2. Within 20 days from when the signatures are deposited and the related certificates are received by the presidency of the Council, the commission for participation shall examine the validity of the signatures, also on the basis of sample checks. The decision must be reasoned and notified to the organisers. Within 10 days the organisers may amend any defects of form or submit their observations on the matter. Within the following 3 days the commission shall make a reasoned and final decision on the regularity of the proposal. If the proposal is valid, the decision and the related documentation shall be notified to the organisers and to the President of the provincial Council or the President of the Province, depending on their competence, within 5 days. If it is not valid, the decision shall be notified without delay to the organisers.
3. The President of the provincial Council or the President of the Province shall publish without delay a notice on the result of the examination in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website; further notice shall be given according to the procedures for the advertising of Council or Government acts.

Art. 29

*Transparency*

1. The organisers shall communicate to the presidency of the provincial Council source and amount of any funding received, included those spent on the collection of signatures and the referendum campaign, if individual amounts exceed 5.000 euro.
2. The breach of the obligations under clause 1 entails an administrative sanction between 500 and 5.000 euro. For the application of the sanctions the law of 24 November 1981, n. 689 (*Modifiche al sistema penale*) must apply. The collected sums shall be included in the budget of the Province.

Art. 30  
*Information*

1. When the signature collection process begins the municipalities shall inform the residents on the terms for the collection and the modalities of signature, through their standard advertising procedure.
2. Between 30 and 40 days before the election day, the presidency of the provincial Council shall send to any person entitled to vote an information booklet including:
  - a) the specification of the polling day and the opening hours of the polling stations;
  - b) a summary description, in easily understandable form, of the main content of each question and its complete wording;
  - c) the position of the organisers and their supporters, the contrary positions and, if need be, the position of the Council groups and the provincial Government;
  - d) the specification of any funding exceeding 5.000 euro, including amount and source, according to the communications under article 29. In the event of any additional funding after the printing of the information booklet, this shall be divulged by the presidency of the provincial Council;
  - e) a facsimile of the ballot paper;
  - f) the description of voting and ballot procedures.
3. The presidency of the provincial Council shall ensure that everyone be provided with equal space for expressing his or her positions, pursuant to clause 2, letter c).
4. The presidency of the provincial Council shall announce the vote before the polling day through public notice in the Official Bulletin of the Region, in the participation section on the provincial Council's and Government's website, and through local news media.

Art. 31  
*Polling day*

1. The voting may take place each year on three Sundays, between the 15<sup>th</sup> of January and the 15<sup>th</sup> of June, and between the 15<sup>th</sup> of September and the 15<sup>th</sup> of December, with the exception of Sundays coinciding with, or occurring within less than three days from, public or religious holidays. The dates shall be established by decree of the President of the Province and published in the Official Bulletin of the Region by the 15<sup>th</sup> of December of the preceding year. The polling stations remain open from 6h to 22h.
2. The President of the Province shall establish the voting date of each referendum by selecting the next available date among those specified under clause 1, provided this occurs after at least 50 days from the communication received under article 28, clause 2. The relevant decree shall be published in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website, no later than 45 days before the voting.

3. When less than three referendums are set to be held on the same Sunday, the President of the Province may order only for once the postponement of the voting to the following scheduled date.
4. For the purpose of the operations concerning the conduct of referendum, voting and ballot, the provincial Council election rules must apply.

Art. 32

*Electronic and postal voting*

1. The implementing regulations set out the procedures for electronic voting, e-mail voting with digital signature and postal voting, approving the ballot paper form.

Art. 33

*Result of the referendum*

1. As soon as the electoral returns from every electoral office are received, the commission for participation shall publicly ascertain the number of voters, the number of votes cast for or against, and shall proclaim the result of the referendum. The proceedings of these operations must be written in two copies, one of which is transmitted to the President of the Province.
2. The proposal submitted to referendum is approved if it receives the majority of the votes.
3. The President of the Province shall proclaim without delay the result of the referendum; the relevant decree shall be published within three days in the Official Bulletin of the Region and in the participation section on the provincial Council's and Government's website.

Section II

*Advisory referendum*

Art. 34

*Subject matter*

1. The advisory referendum must concern matters that are or may be regulated by:
  - a) provincial laws;
  - b) implementing regulations;
  - c) provincial Government's decisions;
  - d) other administrative acts of the Province.
2. The result of an advisory referendum expresses a non-binding proposal or non-binding opinion.
3. The subject matter of an advisory referendum is composed by a proposal or concurrent proposals and a question describing in short and understandable form the objectives of the consultation, in order to remove any doubt as to the meaning of the vote. After hearing the organisers, the commission for participation may rephrase the question.

Art. 35  
*Requirements*

1. An advisory referendum may be held if:
  - a) the request receives at least 5.000 signatures within 90 days;
  - b) it is requested by one third of provincial Council members;
  - c) it is requested by the provincial Government or by one of its members;
  - d) it is requested by at least 5 municipalities with a total population of at least 10.000 residents.
2. For the questions concerning the Ladin, Mocheni or Cimbrian linguistic minorities, a referendum may be held if within 90 days at least 1.000 signatures are collected from residents in the municipalities where these minorities are located, pursuant to the Special Statute.
3. If the subject matter of an advisory referendum concerns only a part of the province, the request may specify that the referendum be held only in this part. If this is the case the number of signatures is reduced to 2% of residents of the municipalities concerned.
4. The municipalities that are not included within the area designated under clause 3 may participate to the voting; the related request shall be submitted within 30 days from the deposit of the request for referendum.
5. The commission for participation shall pronounce on the correct designation of the relevant municipalities under clauses 2, 3 and 4.
6. If the referendum is declared admissible the administrative provisions concerning the questions subjected to referendum must not be adopted until the conclusion of the referendum process, except in the case of urgency.

Art. 36  
*Advisory referendums with multiple choice*

1. The organisers may request that their proposal be voted together with other proposals concerning the same subject. The commission for participation shall pronounce on this matter.
2. For the purpose of voting on a plurality of concurrent proposals, the ballot papers must include all the proposals, and provide with the possibility to reject all of them. Voting is done by choosing only the preferred proposal or by ranking the preferred proposals in order of preference. If the total number of votes for each proposal is greater than the votes against each proposal, the proposal receiving the majority of votes is approved, assigning to the second proposal in order of preference half the weight of the first, to the third in order of preference half the weight of the second, and so forth. Twice the weight is assigned to unique preference. The rules of procedure set out voting and ballot procedures.

Art. 37  
*Referendum follow-up procedure*

1. Within 60 days from the announcement of the result of the referendum, the provincial Council or Government, depending on their competences, shall make a



reasoned decision on the outcome, specifying how they intend to implement the result, the relevant time limits, and publish the acts related to this decision in the participation section on the provincial Council's and Government's website. If the provincial Council or Government fail to provide a decision the organisers may request the matter be assigned to the prytanies, according to the procedures under part II, section II, without requiring that the request be signed by the bodies under article 11.

### Section III *Confirmatory referendum*

#### Art. 38 *Subject matter*

1. The confirmatory referendum concerns one of the following:
  - a) the text of a provincial law or its individual provisions, its details, the date and the number of the Official Bulletin of the Region where it was published, the question whether the voters are in favour of them.
  - b) the text of a provincial regulation or its individual provisions, its details, the date and the number of the Official Bulletin of the Region where it was published, the question whether the voters are in favour of them;
  - c) the text of an administrative act of the Province or its individual provisions, its details, the date and the number of the Official Bulletin of the Region where it was published, the question whether the voters are in favour of them.
2. After hearing the organisers, the commission for participation shall attach to the question a precise summarising denomination.

#### Art. 39 *Requirements of the referendum and follow-up procedure*

1. The request for referendum shall be submitted within seven days from the publication of the law or regulation subjected to referendum in the Official Bulletin of the Region or – for administrative acts – on the Province's website. As to regulations and administrative acts, the request suspends the operation of the act, and is to be published according to the same procedure as above. As to laws, the request suspends the operation of the act if this is provided in said laws.
2. The request must be subjected to referendum if it receives at least 8.000 signatures within 90 days or, if the subject of the proposal concerns the Ladin, Mocheni or Cimbrian linguistic minorities, only if it is signed within 90 days by at least 1.500 residents of the municipalities where the minorities are located, pursuant to the Special Statute. As to administrative acts, the time limit shall be reduced to 45 days.
3. The referendum must be held also if requested by at least 10 municipalities with a total population of at least 50.000 residents.
4. If an act is subjected to referendum its operation is suspended until the decree of the President of the Province proclaiming the result of the referendum; if this is not the case the act will entry into force according to its provisions. If the

provisions subjected to referendum are not approved the President of the Province shall declare their repeal in the decree under article 33, clause 3.

Section IV  
*Popular initiative*

Art. 40  
*Subject matter*

1. The popular initiative concerns:
  - a) provincial bills;
  - b) provincial draft regulations;
  - c) administrative draft acts of the Province.

Art. 41  
*Requirements of the referendum and follow-up procedure*

1. The popular initiative must be held if it receives at least 8.000 signatures within 180 days or, if the subject of the proposal concerns the Ladin, Mocheni or Cimbrian linguistic minorities, only if it is signed within 180 days by at least 1.500 residents of the municipalities where these minorities are located, pursuant to the special Statute.
2. The popular initiative must also be held if requested by at least 10 municipalities with a total population of at least 50.000 residents.
3. Within 180 days from the deposit of signatures the provincial Council or Government may approve the proposal or a counter-proposal; the latter is subjected to referendum in competition with the proposal.
4. For the purpose of the vote, ballot papers must permit to vote for the proposal or the counter-proposal, or to vote against both of them. If the total number of votes for each proposal is greater than the number of votes against, the proposal receiving the majority of votes is approved.
5. The President of the Province shall promulgate or issue the act subjected to referendum, if this is approved.

Section V  
*Abrogative referendum*

Art. 42  
*Subject matter*

1. The abrogative referendum is a question concerning the repeal of laws, regulations, administrative acts of the Province or their individual provisions. The subject of the question must be formulated in clear and concise terms.

Art. 43  
*Requirements of the initiative and follow-up procedure*

1. The abrogative referendum must be held if it receives at least 8.000 signatures within 180 days or, if the subject of the proposal concerns the Ladin, Mocheni or Cimbrian linguistic minorities, only if it is signed within 180 days by at least 1.500 residents of the municipalities where these minorities are located, pursuant to the Special Statute.
2. The abrogative referendum must also be held if requested by at least 10 municipalities with a total population of at least 50.000 residents.
3. If the provisions subjected to referendum are repealed prior to the polling day, the President of the Province, upon resolution of the provincial Government, shall arrange for the cancellation of the referendum by decree. The operations already executed lose their effect.
4. If the result of the referendum is favourable to the repeal, the President of the Province shall proclaim the repeal of the provisions subjected to referendum in the decree under article 33, clause 3. The repeal takes effect on the day following the day of publication, except as provided by clause 5.
5. The President of the Province may suspend the effect of the referendum for a maximum of 120 days from the date of publication of the result.

#### Part V

*Amendments to the provincial law of 5 March 2003, n. 2 (provincial electoral law)*

#### Art. 44

*Addition to article 7 of the provincial electoral law*

1. After clause 1 of article 7 of the provincial electoral law, the following shall be added:

"1 bis. A reasoned motion of no confidence against the President of the Province or one or more councillors may be proposed by 5.000 voters registered on the provincial Council's electoral roll. The signatures shall be collected in accordance with the procedures concerning the citizens' initiative bill set out in the provincial law on direct democracy."

#### Art. 45

*Amendment to article 14 of the provincial electoral law*

1. Clause 2 of article 14 shall be replaced by the following:

"2. A person is not eligible to the office of President of the Province if he or she has performed these duties for more than nine years. A person must not be reappointed as a councillor if he or she has performed these duties for more than nine years. A person is not eligible as member of the provincial Council if he or she has performed only these duties for more than fourteen years, or the duties of member of the provincial Council, councillor or President of the Province for more than nine years in total."

#### Art. 46

*Addition of article 21 bis to the provincial electoral law*

1. The following shall be added after article 21 of the provincial electoral law:

"Art. 21 bis

*Disclosure of financial position*

1. "If a member of the provincial Council fails to make known his or her financial position under the law of 5 July 1982, n. 441 (*Disposizioni per la pubblicità della situazione patrimoniale di titolari di cariche elettive e di cariche direttive di alcuni enti*) and its implementing regulations, the presidency of the provincial Council shall terminate the payment of any remuneration or reimbursement borne by the Council to the member. The payment shall resume at the publication of the relevant information, without recovering unpaid amounts."

Part VI

*Final provisions*

Art. 47

*Criminal provisions*

1. Pursuant to article 23 of the Special Statute, the criminal provisions under title VII of the decree of the President of the Republic of 30 March 1957, n. 361 (*Approvazione del testo unico delle leggi recanti norme per la elezione della Camera dei deputati*) must apply to this law.

Art. 48

*Expenses*

1. The expenses for the implementation of referendums, popular initiative, citizens' initiative bill and other participation procedures under this law must be borne by the provincial budget.

Art. 49

*Transitional provisions*

1. The first commission for participation shall be designated within 60 days from the entry into force of this law.
2. The implementing regulations of this law must be approved within 120 days from its entry into force, after consulting the provincial Council commission responsible. If the time limit is not met, the President of the Province shall inform the commission on the reasons for the delay and the planned timeline for the implementation of the law.

Art. 50

*Repeals*

1. The provincial law of 5 May 2003, n. 3 (provincial referendum law) is repealed