

## PROVINCIAL REFERENDUM LAW

### Provincial Law 5<sup>th</sup> March 2003, n. 3 (1)

#### Regulations on popular initiative, advisory referendum, abrogative referendum and citizen's initiative bill on provincial laws

(b.u. 11 March 2003, n. 10, suppl. n. 1)

#### *Definitions*

For the purpose of these Regulations,

- 'Provincial Government' means *Giunta Provinciale*.
- 'Provincial Council' means *Consiglio Provinciale*.
- 'Advisory Referendum' means *a referendum proposed by the Provincial Government, the majority of the Provincial Council, the Autonomies Council or at least ten municipalities, to gauge the opinion of voters. The outcome of this referendum is not binding.*
- 'Citizens' Initiative bill' means *an 'agenda setting 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 outcome of this referendum is not 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*
- 'Referendum', *unless otherwise specified, refers to popular initiatives, advisory referendums and abrogative referendums.*

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\* Note that in the definition proposed under the Bill of 19<sup>th</sup> July 2012 n. 1-328/XIV/XV P (*Citizens' initiative bill. Regulations on public participation, citizens' initiative, referendums and popular initiative and amendments to the provincial electoral law*), 'popular initiative' means a '*referendum propositivo*', that is a referendum proposed and voted by the citizens, whose outcome is binding.

Title I  
*Popular initiative*

Part I  
*General provisions*

Art. 1  
*Scope*

1. The popular initiative may be held on specific matters of provincial interest.

Art. 2  
*Subject matters for which a popular initiative must not be held*

1. A popular initiative must not be held on any of the following matters:
  - a) Any matter relating to taxation and budget;
  - b) Any matter that has been put to popular initiative within the last five years;
  - c) Any matter relating to the protection of the Ladin, Mocheni or Cimbrian linguistic minorities, except as provided by article 5.

Art. 3  
*Persons entitled to vote*

1. Any person registered on the electoral roll of the provincial municipalities for the election of the provincial Council may vote.

Art. 4  
*Validity of the popular initiative*

1. The proposal submitted to popular initiative is approved if it receives a majority of the votes validly cast, provided that the majority of those entitled to vote take part.

Art. 5  
*Popular initiative proponents*

1. A popular initiative is held if requested by at least 8.000 voters registered on the electoral roll of the provincial municipalities for the election of the provincial Council or, if the subject of the proposal concerns the Ladin, Mocheni or Cimbrian linguistic minorities, if requested by at least 1.500 voters registered on the electoral roll for the election of the provincial Council and resident in the Ladin, Mocheni or Cimbrian municipalities referred to in article 48 and article 102 of the Special Statute.

Art. 6  
*Referendum commission*

1. A referendum commission must be established within ten days from the deposit of the request for the referendum with the provincial Council. The presidency of the Council shall appoint the commission. The commission is composed of three experts on legal matters, selected among academic professors or lawyers registered to the special register of lawyers admitted to the higher courts. One of the experts shall perform the functions of president. A provincial Council official shall act as secretary of the commission.

Part II  
*Preliminary operations*

Art. 7  
*Request for popular initiative*

1. A request for popular initiative by the voters must be submitted by an organising committee composed of at least ten persons and must be signed by all the members thereof.
2. A request for popular initiative by the proponents must be deposited with the presidency of the provincial Council, which shall confirm the receipt thereof.
3. The organising committee shall designate the person responsible for representing it before the referendum commission; all communications on the requested popular initiative are to be addressed to this person.
4. Questions submitted to popular initiative must be formulated in clear terms so as to permit the broadest possible understanding and to remove any doubt. Questions must be formulated so that they may be answered with a 'yes' or 'no'. The referendum commission may request by reasoned decision that a question be rephrased, if not formulated in accordance with the stated requirements.
5. The President of the provincial Council shall transmit the request without delay to the referendum commission; the referendum commission shall decide on the admissibility and the wording of the question within ten days.
6. The president of the referendum commission shall notify the decision by registered mail to the representative of the organising committee, the President of the provincial Council and the President of the Province. If the popular initiative is declared admissible, the administrative provisions relating to the questions submitted to popular initiative are not adopted until the conclusion of the popular initiative process, except in the case of urgency.
7. In the event of remarks made by the referendum commission on the text of the questions, the organising committee may submit observations and changes within 20 days from the relevant communication. Within the following 10 days the referendum 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 organising committee by registered mail.

## Art. 8

### *Signature collection*

1. The collection of signatures may take place only after the request for the popular initiative is declared admissible.
2. The timeframe for the collection of signatures is 90 days from the date when the decision of the referendum commission is notified.
3. The signatures are to be collected on the signature forms provided by the referendum commission in accordance with the template in annex A.
4. The signatures of the citizens registered on the electoral roll of the provincial municipalities for the election of the provincial Council are to be appended to the forms and 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*). The signatory shall indicate name, surname, place and date of birth and the municipality where he or she is registered on the electoral roll.
5. The authentication includes the date on which it takes place and may be collective; if collective, in addition to the date also the number of signatures included in the authenticated document is to be specified.
6. Certificates, including collective certificates, issued by the municipalities of residence and attesting that the signatories are registered on the electoral roll of the municipality for the election of the provincial Council, are to be attached to the signature forms. The certificates must be issued within five days from the relevant 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. 9

### *Deposit of forms and required data*

1. The signature forms and the certificates attesting that the signatories are registered on the electoral rolls must be received by the referendum commission, which shall issue a receipt within the time limits provided for in article 8, clause 2.

## Art. 10

### *Final examination by the referendum commission*

1. The referendum commission shall verify that:
  - a) the signature forms have been submitted 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 have been deposited;
  - d) the required minimum number of valid signatures under article 5 has been reached.
2. All these operations must be concluded within 30 days from the receipt of the documents under article 9. Proceedings of the operations are written.
3. The full documentation is transmitted to the President of the Province.

4. The outcome of the examination is also notified in written form to the representative of the organising committee within ten days after the operations are completed.

### Part III

#### *Conduct of popular initiative*

##### Art. 11

###### *Time limits*

1. The popular initiative must take place within six months from the notification under article 10, clause 4.

##### Art. 12

###### *Calling of popular initiative*

1. The President of the Province shall call the popular initiative by decree, to be issued no less than 50 days and no more than 60 days before it is to be held. The decree indicates:
  - a) the polling day and the opening and closing times of the polls, taking into account that polling stations must remain open at least ten hours per day;
  - b) the questions submitted to popular initiative;
  - c) the requirements for validity of the vote;
2. The decree must be published in the Official Bulletin of the Region no later than 45 days before the vote.

##### Art. 13

###### *Ballot papers*

1. The ballot papers are made of strong and distinctive paper of identical colour for each popular initiative. The provincial Government shall provide the ballot papers in accordance with the template in annex B. The question submitted to popular initiative is reproduced word by word on the ballot papers and printed in a clear font.
2. Voting is made by marking 'yes' or 'no' next to each question.

##### Art. 14

###### *Preparation of the proceedings*

1. As soon as the electoral returns from every office are received, the referendum commission shall ascertain, in a public meeting, the number of voters and the number of votes cast for or against, and shall proclaim the result of the popular initiative. The proceedings of these operations are written in two copies, one of which is transmitted to the President of the Province.

2. A copy of the proceedings of the operations carried out by the electoral offices and a copy of the result of the vote are transmitted to the President of the provincial Council.

Art. 15

*Publication of the result of the popular initiative*

1. As soon as the proceedings under article 14 are received, the President of the Province shall arrange for the publication of the result in the Official Bulletin of the Region.

Part IV

*Implementation of the results of the popular initiative*

Art. 16

*Subsequent procedure*

1. If the outcome of the popular initiative is positive, within three months the provincial Government or the provincial Council, depending on their competence, shall adopt the measures and provisions necessary for the implementation of the results of the popular initiative.

Title II

*Advisory referendum*

Art. 17

*Advisory referendum proponents*

1. An advisory referendum on matters under article 1 may be held if requested by:
  - a) the provincial Council, upon decision by a majority of its members;
  - b) at least ten municipal councils that represent at least the 5% of residents in the Trento province;
  - c) the provincial Government;
  - d) the Autonomies Council, if constituted.
2. An advisory referendum on matters relating to the Ladin linguistic minority may be held if requested by the municipal councils of the majority of the Ladin municipalities referred to in article 48 of the Special Statute; an advisory referendum on matters relating to the Mocheni or Cimbrian linguistic minorities may be held if requested by the municipal councils of the majority of the German-speaking municipalities referred to in article 102 of the Special Statute.
3. All communications on the advisory referendum is to be addressed to: the President of the provincial Council as to the case under clause 1, letter a); a mayor appointed by the municipalities as to the case under clause 1, letter b); the President of the Province as to the case under clause 1, letter c); the president of the Autonomies Council as to the case under clause 1, letter d).
4. For the purposes of the advisory referendum, the provisions under Title I for the popular initiative, insofar as compatible, must apply.

Title III  
*Abrogative referendum*

Art. 18  
*Abrogative referendum*

1. An abrogative referendum on the total or partial repeal of a provincial law may be held if requested by at least 8.000 voters registered on the provincial Council's electoral roll or by 20 municipal councils.
2. An abrogative referendum must not be held on provincial laws regarding budget and taxation, on the regulations under article 47 of the Special Statute, and on questions relating to the protection of Ladin, Mocheni or Cimbrian linguistic minorities, except as provided by clause 3.
3. An abrogative referendum on the total or partial repeal of a provincial law relating to the Ladin, Mocheni or Cimbrian linguistic minorities may be held if requested by at least 1.500 residents in the Ladin, Mocheni or Cimbrian municipalities referred to in article 48 and article 102 of the Special Statute.
4. A request for abrogative referendum by the municipal councils must be approved by each council by a majority of two-thirds of the appointed councillors. The proposal 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, which is deemed the proponent in terms of and for the purposes of this article.
5. The request for abrogative referendum must specify the question to be submitted to the voters, completing the sentence "do you agree with the repeal of ...", with the regulation or provision to be repealed. The question must be formulated in clear and concise terms. For the purposes of the wording, what is provided for in article 7, clause 4, must apply.
6. The request for abrogative referendum is submitted to the presidency of the provincial Council, accompanied by the required documentation, by an organising committee constituted in accordance with article 7, clauses 1 and 3. A provincial Council official shall draft the proceedings, specifying the day when the request is submitted, the deposit of the documents, the name and address of the first proponent as well as the other proponents, in a number no greater than two.
7. The referendum commission under article 6 shall examine the admissibility of the request.
8. The referendum commission shall verify the admissibility of the request within ten days from the submission. The decision on the admissibility or inadmissibility of the request is notified without delay to the first proponent and published in the official Bulletin of the Region.
9. The signature forms must be deposited with the provincial Council within 90 days from the publication of the decision of admissibility.
10. The referendum commission shall count and verify the signatures, and shall examine the attached documents. If the commission ascertains the irregularity of the request, it shall reject it within 15 days from the receipt thereof. The decision must be reasoned and is notified without delay to the President of the provincial

Council. The President of the Council shall arrange for the publication of the decision in the official Bulletin of the Region.

11. If the commission ascertains the regularity of the request, the decision is notified without delay to the President of the provincial Council, the President of the Province and the first proponent. The President of the Council shall arrange for the publication of the decision in the official Bulletin of the Region.
12. The President of the Province shall arrange for the publication of the result of the referendum in the official Bulletin of the Region. If the outcome of the vote is favourable to the repeal, the President of the Province shall proclaim by decree the repeal of the provincial law or specific provisions subject to referendum. The decree shall be published without delay in the official Bulletin of the Region. The repeal takes effect on the day following the day of publication.
13. If the outcome of the referendum is against the repeal, an abrogative referendum on the same matters may not be requested prior to the provincial Council's renewal as well as, at all events, within the following two years.
14. If the provincial Council repeals the provisions subject to referendum 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.
15. For anything not covered in this article, the provisions under Title I for the popular initiative, insofar as compatible, must apply.

#### Title IV

##### *Citizens' initiative bill*

#### Art. 19

##### *Citizens' initiative on provincial laws*

1. The citizens' initiative on provincial laws is implemented through a bill, compiled into articles and accompanied by a report explaining the content thereof. The bill must be signed by at least 2.500 voters registered on the provincial Council's electoral roll.
2. If the bill concerns provisions for the protection of Ladin, Mocheni or Cimbrian linguistic minorities, the number of signatures is reduced to 500.
3. A citizens' initiative bill must not be held on matters regarding taxation and budget.
4. A citizens' initiative bill, accompanied by the required documents, must be deposited with the presidency of the provincial Council by at least three proponents.
5. A provincial Council official shall draft the proceedings, specifying the day when the bill has been submitted, the deposit of the documents, the name and address of the first proponent as well as, in a number no greater than two, of the other proponents delegated to participate to the work of the provincial Council commission responsible.
6. The President of the provincial Council shall count and verify the signatures, as well as examine the attached documents. If the bill is found to be inadmissible because it is in conflict with the Constitution or the Special Statute, or because it fails to comply with the requirements under this article, the President shall reject



it within 15 days from the receipt thereof. The decision that declares the inadmissibility must be reasoned and is notified without delay to first proponent, and published in the official Bulletin of the Region.

7. If the President of the provincial Council finds the bill to be admissible, the provincial Council commission responsible shall begin processing the bill within 45 days from the receipt thereof. The proponent has the right to participate to the work of the commission in accordance with the provincial Council's rules of procedure.
8. If the provincial Council fails to begin the examination of a citizens' initiative bill within 24 months from its submission to the Council itself, the bill is submitted to a referendum in accordance with the procedures for the popular initiative established by this law, without requiring the collection of signatures. The President of the Province shall promulgate the citizens' initiative bill if it receives the majority of the votes cast, provided at least 50% of the persons entitled to vote take part.
9. For the purpose of the operations concerning the signing and submission of provincial citizens' initiative bills, what is provided for in title I for the popular initiative must apply.

#### Art. 20

##### *Assistance for the citizens' initiative bill*

1. Any proponent who intends to submit a citizens' initiative bill may request the President of the provincial Council to be assisted in the drafting of texts by the Council's offices. For the same purposes he or she may also request data and information held by the Council's offices.

#### Title V

##### *Final provisions*

#### Art. 21

##### *Inadmissibility of the requests and suspension of the procedure*

1. A request pursuant to this law must not be submitted in the year preceding the expiration of the provincial Council and in the six months following the day when the provincial Council election meetings are called.
2. In the event of early dissolution of the provincial Council, the procedure implemented under this law is suspended from the day the decree calling the election meetings is published in the Official Bulletin of the Region, and for 180 days from the date of proclamation of those elected.

#### Art. 22

##### *Final provisions*

1. The referendums under this law may take place once per year on a Sunday between the 1<sup>st</sup> of March and the 30<sup>th</sup> of April. If more than one provincial referendum has been requested, they are to be held on the same day.

2. For the purposes of the operations concerning the conduct, voting and ballot of the referendums under this law, the provincial bodies election rules must apply.

Art. 23

*Charge of expenses*

1. The expenses for the implementation of the referendums and initiatives under this law must be borne by the provincial budget.

Art. 24

*Reimbursement of expenses*

1. The expenses for the authentication of the minimum number of signatures required for a request must be borne by the Province in accordance with the amount set out for the certification fees due to the municipal clerks.
2. The reimbursement under clause 1 shall not be made if the citizens' initiative bill is declared inadmissible or if the referendum is declared invalid because it fails to meet the quorum required by law.
3. For the purpose of obtaining the reimbursement under clause 1, the proponents of a referendum, popular initiative or citizens' initiative bill shall submit a written request to the Province specifying the name of the person appointed to collect the amount in full and final discharge.

Art. 25

*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.

Art. 26 - Art. 27

*(omissis) (2)*

## NOTES

(1) Pursuant to article 9 of the provincial law of 12 September 2008, n. 16, this law may be cited as "provincial referendum law", as indicated in Annex A of the provincial law of 12 September 2008, n. 16,

(2) Financial provisions

