

CONSTITUTION OF THE ITALIAN REPUBLIC



Senato della Repubblica

PART II
ORGANISATION OF THE REPUBLIC

TITLE I
PARLIAMENT

Section I. — *The Houses of Parliament*

Article 55

Parliament shall consist of the Chamber of deputies and the Senate of the Republic.

Parliament shall meet in joint session only in cases established by this Constitution.

Article 56

The Chamber of deputies shall be elected by universal direct suffrage.

The number of deputies is six hundred and thirty, twelve of which are elected in the overseas constituency.

All voters who have attained the age of twenty-five on the day of elections shall be eligible to be deputies.

The division of seats among the constituencies, with the exception of the seats of the overseas

constituency, shall be calculated by dividing the number of inhabitants of the Republic, as per the latest general census, by six hundred and eighteen and by distributing the seats in proportion to the population in every constituency, on the basis of whole shares and highest remainders.

Article 57

The Senate of the Republic shall be elected on a regional basis, with the exception of the seats of the overseas constituency.

The number of senators to be elected is three hundred and fifteen, six of whom are elected in the overseas constituency.

No Region may have fewer than seven Senators; Molise shall have two, Valle d'Aosta one.

The division of seats among Regions, with the exception of the number of seats assigned to the overseas constituency and in accordance with the provisions of Article 56 above, shall be calculated in proportion to the population of each Region as per the latest general census, on the basis of whole shares and highest remainders.

Article 58

Senators shall be elected by universal direct suffrage by voters who are over twenty-five years of age.

Voters who have attained the age of forty shall be eligible to the Senate.

Article 59

Former Presidents of the Republic shall be ex officio life Senators unless they renounce the office.

The President of the Republic may appoint as life Senators five citizens who have honoured the Nation through their outstanding achievements in the social, scientific, artistic and literary fields.

Article 60

The Chamber of deputies and the Senate of the Republic shall be elected for five years.

The term for each House may not be extended, save by law and only in the case of war.

Article 61

Elections for a new Parliament shall take place within seventy days from the end of the term of the previous Parliament. A new Parliament shall be convened no later than twenty days following the election.

Until such time as the new Parliament meets, the authority of the previous Parliament shall be extended.

Article 62

In default of any other arrangements, Parliament shall be convened on the first working day of February and October.

Each House may be convened in special session on the initiative of its President, the President of the Republic or a third of its members.

When one House is convened in special session, the other House shall be convened as a matter of course.

Article 63

Each House shall elect a President and a Bureau from among its members.

When Parliament meets in joint session, the President and the Bureau shall be those of the Chamber of deputies.

Article 64

Each House shall adopt its own Rules by an absolute majority of its members.

Sittings shall be public; however, either House and Parliament in joint session may decide to convene an *in camera* sitting.

A decision of a House and of Parliament shall not be valid unless a majority of members is present, and such decision is passed by a majority of members present, save for those cases where a

special majority is required under the Constitution.

Members of the Government, even if they are not members of Parliament, shall have the right and, if so requested, the obligation to attend the sittings. They shall be heard every time they so request.

Article 65

The law shall determine the cases of disqualification from the office of deputy or senator.

No one may be a member of both Houses at the same time.

Article 66

Each House shall verify the credentials of its members and the causes of disqualification that may arise at a later stage.

Article 67

Each Member of Parliament shall represent the Nation and carry out their duties without a binding mandate.

Article 68

Members of Parliament may not be held liable for the opinions expressed or votes cast in the performance of their function.

In default of the authorisation of his or her House, no Member of Parliament may be subjected to personal or home search, nor may he or she be arrested or otherwise deprived of personal freedom, nor held in custody, except when a final court sentence is enforced, or when a Member is apprehended in the act of committing an offence for which arrest *flagrante delicto* is mandatory.

Such an authorization shall also be required in order to intercept a Member's conversations or communications, or to forfeit a Member's mail.

Article 69

Members of Parliament shall receive an allowance established by law.

Section II. — *The Making of Legislation*

Article 70

The law-making function shall be exercised collectively by both Houses.

Article 71

Legislation may be introduced by the Government, by a Member of Parliament or by such agencies and bodies as may be so empowered by constitutional amendment law.

The people may initiate legislation by proposing a bill drawn up in sections and signed by at least fifty thousand voters.

Article 72

A bill introduced in either House of Parliament shall, under the Rules of procedure of such House, be referred to a Committee and then to the plenary, which shall consider it section by section and then put it to the final vote.

The Rules shall establish shorter procedures to consider a bill that has been declared urgent.

The Rules may also establish when and how a bill may be considered and definitively passed by a Committee, including a Standing Committee, composed so as to reflect the proportion of Parliamentary Groups. Even in such cases, a bill under committee scrutiny may be referred back to the plenary, if the Government or one-tenth of the members of the House or one-fifth of the Committee request that it be debated and voted on by the House or that it be submitted to the House for final approval, following explanations of vote. The Rules shall establish how committee proceedings are made public.

The ordinary procedure for consideration and direct approval in plenary shall always be followed for bills on constitutional and electoral matters, delegation of law-making authority, ratification

of international treaties, approval of budgets and accounts.

Article 73

Laws shall be promulgated by the President of the Republic within one month of their approval.

If a House of Parliament, following a decision adopted by an absolute majority of its members, declares a law to be urgent, such law shall be promulgated within the deadline established therein.

A law shall be published immediately after promulgation and come into force on the fifteenth day following publication, unless such law establishes a different deadline.

Article 74

The President of the Republic may send Parliament a reasoned opinion to request that a law scheduled for promulgation be considered anew.

If such law is passed again, it shall be promulgated.

Article 75

A general referendum may be held to repeal, in whole or in part, a law or a measure having the force of law, when so requested by five hundred thousand voters or five Regional Councils.

No referendum may be held on a law regulating taxes, the budget, amnesty or pardon, or a law ratifying an international treaty.

Any citizen entitled to vote for the Chamber of deputies shall have the right to vote in a referendum.

The referendum shall be considered to have been carried if the majority of those eligible has voted and a majority of valid votes has been achieved.

The law shall establish the procedures to hold a referendum.

Article 76

The law-making function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specific purposes.

Article 77

The Government may not, without a delegation from Parliament, issue a decree having force of law.

When the Government, in case of necessity and urgency, adopts under its own responsibility a temporary measure, it shall submit such measure to Parliament for enactment. During dissolution, Parliament shall be convened within five days after any such measure has been submitted.

Such a measure shall lose effect from the beginning unless it is transposed into law by Parliament within sixty days of its publication. Parliament may regulate the legal relations arisen from a rejected decree.

Article 78

Parliament has the authority to declare a state of war and vest the necessary powers into the Government.

Article 79

Amnesty and pardon may be granted by a law adopted by a two-thirds majority in both Houses of Parliament, on each Article and on the final vote.

Such law shall set the deadline for the implementation of amnesty or pardon.

Amnesty and pardon thus introduced may not be granted in case of a crime committed after the introduction of such bill.

Article 80

Parliament shall authorise by law the ratification of such international treaties as have a political nature, require arbitration or legal settle-

ments, entail border changes, new expenditure or new legislation.

Article 81

The State shall balance revenue and expenditure in its budget, taking account of any adverse and favourable phases of economic cycles.

No recourse shall be made to borrowing except for the purposes of taking account of the effects of an economic cycle or, subject to authorisation by Parliament passed by an absolute majority vote of members, in exceptional circumstances.

Any law involving new or increased expenditure shall provide for the resources to cover such expenditure.

Every year Parliament shall pass a law approving the budget and the accounts submitted by the Government.

Provisional budget implementation shall not be allowed except by an Act of Parliament and only for a period not exceeding four months in total.

The content of the budget law, the fundamental rules and the criteria adopted to ensure balance between revenue and expenditure and the sustainability of general government debt shall be established by an Act of Parliament approved by an absolute majority of the Members of each House in compliance with the principles established by a constitutional amendment act.

Article 82

Each House of Parliament may conduct enquiries on matters of public interest.

For this purpose, it shall detail from among its members a Committee formed in such a way so as to represent the proportionality of existing Parliamentary Groups. A Committee of Enquiry may conduct investigations and examination with the same powers and limitations as the judiciary.