

Italy - Constitution

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Article 48 [Voting Rights]

(1) All citizens, male and female, who are of legal age, shall have the right to vote.

(2) Votes shall be personal and equal, free and secret. Voting shall be a civic duty.

(3) The law shall establish the requirements and manner by which citizens residing abroad may exercise their right to vote and shall guarantee its effectiveness. To this end, a Foreign constituency shall be established for elections to the Chambers of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria set forth by law.

(4) The right to vote cannot be restricted save for civil incapacity or as a consequence of an irrevocable penal sentence or in cases of moral unworthiness as determined by law.

Article 49 [Political Parties]

All citizens shall have the right to associate freely in political parties to contribute to determining national policies through democratic means.

Article 56 [The House of Representatives]

(1) The Chamber of Deputies is elected through universal and direct suffrage.

(2) The number of Deputies is **four hundred, eight** of which are elected in the Overseas Constituency.

(3) All voters who have attained the age of twenty-five on the day of elections are eligible to be Deputies.

(4) The division of seats among the electoral districts, with the exception of the number of seats assigned to the Overseas Constituency, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by **three hundred and ninety-two** and

distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and the highest remainders.

Article 57 [The Senate]

(1) The Senate of the Republic is elected on a regional basis, with the exception of the seats assigned to the Overseas Constituency.

(2) The number of Senators to be elected is **two hundred, four** of which are elected in the Overseas Constituency.

(3) No Region or **Autonomous Province** may have fewer than **three** Senators; Molise shall have two, Valle d'Aosta one.

(4) **The division of seats among the Regions or the Autonomous Provinces, in accordance with the provisions of the preceding paragraph, is made in proportion to the population of the Regions, as shown by the latest general census of the population, on the basis of whole shares and the highest remainders.**

Article 58 [Elections for the Senate]

(1) Senators shall be elected **by universal and direct ballot.**

(2) Voters who have reached the age of forty are eligible to be elected to the Senate.

Article 60 [Term]

(1) The Chamber of Deputies and the Senate of the Republic shall be elected for five years.

(2) The term for each Chamber cannot be extended, except by law and only in the event of war.

Article 61 [Reelections]

(1) Elections for the new Chambers take place within seventy days from the end of the term of the previous Chambers. The first sitting must be held no later than twenty days after the elections.

(2) Until such time as the new Chambers meet, the powers of the previous Chambers shall be extended.

Article 75 [Referendum]

(1) A popular referendum shall be held to decide on the total or partial abrogation of a law or an act having force of law, when requested it is by five hundred thousand voters or five Regional Councils.

(2) Referendum shall not be admissible in the case of tax, budget, amnesty and pardon laws, or laws authorizing the ratification of international treaties.

(3) All citizens eligible to vote for the Chamber of Deputies shall have the right to participate in referendum.

(4) The proposal subjected to a referendum shall be approved if the majority of those eligible have participated in the vote and if it has received a majority of valid votes.

(5) The procedures for conducting a referendum shall be established by law.

Article 83 [Election of the President]

(1) The President of the Republic shall be elected by Parliament in joint session of its members.

(2) Three delegates from every Region, elected by the Regional Council, shall take part in the election so as to ensure that minorities are represented. Valle d'Aosta shall be represented by only one delegate.

(3) The election of the President of the Republic shall take place by secret ballot with a two-thirds majority vote of the assembly. After the third ballot a majority vote shall suffice.

Article 84 [Eligibility, Incompatibility, Allowance]

(1) Any citizen who has reached the age of fifty and enjoys civil and political rights may be elected President of the Republic.

(2) The office of President of the Republic is incompatible with any other.

(3) Compensation and endowments of the President are established by law.

Article 85 [Presidential Term]

(1) The Presidential term shall be seven years.

(2) Thirty days before the term lapses, the Chair of the Chamber of Deputies shall summon a joint session of Parliament and the regional delegates to elect the new President of the Republic.

(3) If the Chambers have been dissolved, or will be dissolved within three months, the election shall take place within fifteen days of the meeting of the new Chambers. In the meantime, the powers of the President in office shall be extended.

Article 87 [Presidential Duties]

(1) The President of the Republic is the Head of the State and represents the unity of the Nation.

(2) The President may send messages to the Chambers.

(3) The President shall:

call the elections of the new Chambers and set the date of their first meeting;

authorize the submission to the Chambers of bills proposed by the Government;

promulgate the laws and issue decrees having the force of law and the regulations;

call for a popular referendum in the cases provided for by the Constitution;

appoint State officials in the cases provided for by law;

accredit and receive diplomatic representatives, and ratify international treaties which have, where required, been authorized by the Chambers.

(4) The President shall be the commander of the Armed forces, shall preside over the Supreme Defense Council set forth by law, and shall make declarations of war which have been decided by the Chambers.

(5) The President shall preside over the High Council of the Judiciary.

(6) The President may grant pardons and commute punishments.

(7) The President shall confer the honorifics of the Republic.

Article 117 [State and Regional Legislative Power]

(1) Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations.

(2) The State has exclusive legislative powers in the following subject matters:

a) foreign policy and international relations of the State; relations between the State and the European Union; right of asylum and legal status of non-EU citizens;

b) immigration;

- c) relations between the Republic and religious denominations;
- d) defense and Armed forces; State security; armaments, ammunition and explosives;
- e) the currency, safeguarding savings and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; **harmonization of final public balances**; equalization of financial resources;
- f) state bodies and relevant electoral laws; state referendum; elections to the European Parliament;
- g) legal and administrative organization of the State and of national public agencies;
- h) public order and security, save for local administrative police;
- i) citizenship, civil status and register offices;
- l) jurisdiction and procedural law; civil and criminal law; administrative justice;
- m) determining of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory;
- n) general provisions on education;
- o) social security;
- p) electoral legislation, governing bodies and fundamental functions of Municipalities, Provinces and Metropolitan Cities;
- q) customs, protection of national borders and international preventative measures;
- r) weights and measures; standard time; statistical and computerized coordination of data in state, regional and local administrations; intellectual property;
- s) protection of the environment, the ecosystem and cultural heritage.

(3) Concurrent legislation applies to the following subject matters: international and EU relations with the Regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and save for vocational education and training; professions; scientific and technological research and supporting innovation in productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and supplementary social security; co-ordination of public finance and the taxation system; capitalization of cultural and environmental assets, including the promotion and organization of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. In the

subject matters covered by concurrent legislation legislative powers shall be vested in the Regions, save for the determination of the fundamental principles, which are set forth in State legislation.

(4) The Regions shall have legislative powers in all subject matters that do not expressly pertain to State legislation.

(5) The Regions and the Autonomous provinces of Trento and Bolzano shall participate in the preparatory decision-making process of EU legislative acts in the areas that fall within their responsibilities. They shall also be responsible for the implementation of international agreements and EU measures, subject to the procedural provisions set out in State legislation regulating the exercise of subsidiary powers by the State in the event of non-fulfilment by the Regions and Autonomous provinces.

(6) Regulatory powers shall be vested in the State with regards to the subject matters of exclusive legislation, subject to any delegations of such powers to the Regions. Regulatory powers shall be vested in the Regions in all other subject matters. Municipalities, provinces and metropolitan cities shall have regulatory powers as to the organization and implementation of the functions which pertain to them.

(7) Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elective offices for men and women.

(8) Agreements between a Region and other Regions whose goal is to improve the performance of regional functions and that may also envisage the establishment of joint bodies shall be ratified by regional law.

(9) In the areas falling within their responsibilities, Regions may enter into agreements with foreign States and with local authorities of other States in the cases and according to the manner set forth in State legislation.

Article 122 [Regional Form of Government]

(1) The electoral system and the cases of ineligibility and incompatibility of the President, the other members of the Regional Cabinet and the Regional councilors shall be established by a regional law in accordance with the fundamental principles set forth by a law of the Republic, which also establishes the length of elective offices.

(2) No one shall be a member of a Regional Council or to a Regional Cabinet and of one of the Chambers of Parliament, or another Regional Council, or of the European Parliament, at the same time.

(3) The Council shall elect a President and a Chairman's Office from amongst its members.

(4) Regional councilors shall not be called upon to answer for opinions expressed and votes cast in the exercise of their functions.

(5) The President of the Regional Cabinet shall be elected by universal and direct ballot, unless the regional statute establishes otherwise. The elected President shall appoint and dismiss the members of the Cabinet.

Article 123 [Regional Statutes]

(1) Each Region shall have a statute which determines the form of government and fundamental principles of the organization and functioning of the Region, in accordance with the Constitution. The statute shall regulate the right to initiate legislation and promote referendum on the laws and administrative measures of the Region as well as the publication of regional laws and regulations.

(2) Regional statutes shall be adopted and amended by the Regional Council with a law approved by a majority vote of its members, with two subsequent deliberations with an interval between the votes of no less than two months. This law must not be submitted to the Government commissioner. The Government of the Republic may bring a case concerning the constitutional legitimacy of a regional statute before the Constitutional Court within thirty days from its publication.

(3) The statute shall, within three months from its publication, be submitted to a popular referendum if one-fiftieth of the electors of the Region or one-fifth of the members of the Regional Council so request. The statute submitted to referendum shall not be promulgated unless it is approved by the majority of valid votes.

(4) In each Region, statutes shall regulate the activity of the Council of local authorities, acting as a consulting body on relations between the Regions and local authorities.

Article 132 [Regional Boundaries]

(1) By means of a constitutional law, the regional Council having been consulted, existing Regions may be merged, or new Regions created, provided the population of any new Regions is at least one million, when the request has been made by a number of Municipal Councils representing no less than one-third of the populations involved, and the request has been approved by referendum by a majority of said populations.

(2) The Provinces and Municipalities which request to be detached from one Region and incorporated in another may be allowed to do so, following a referendum and a law of the Republic, which obtains the majority vote of the populations of the Province or Provinces and of the Municipality or Municipalities concerned, and after the Regional Councils have been consulted.

Article 138 [Procedure for Constitutional Amendment]

(1) Laws amending the Constitution and other constitutional laws shall be adopted by each Chamber after two successive debates at intervals of no less than three months, and shall be approved by a majority vote of the members of each Chamber in the second voting.

(2) Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a Chamber or five hundred thousand voters or five Regional Councils. The law submitted to referendum shall not be promulgated unless it be approved by a majority of valid votes.

(3) A referendum shall not be held if the law has been approved in the second voting by each of the Chambers by a majority vote of two-thirds of the members.