1. Other Provisions Introduced by

Qualified Law 1, 11 May 2007

Art. 23

(Qualified Law 1/2007)

*(Amendment of the rules regulating Government formation procedure)*

Art. 14 of Qualified Law 186, 16 December 2005, is amended as follows:

1. “At the beginning of the legislature, immediately after the first session of the Great and General Council, or during the legislature following the acknowledgement by the Council of the resignation of the Congress of State or of the rejection of a vote of no confidence against the Congress of State, according to Constitutional Law 183, 15 December 2005, Art. 9, thanks to the essential support of votes from Council members who were not elected as part of the list or coalition of lists declared winner of the elections in accordance with Law 6, 31 January 1996, Art. 40, the Captains Regent shall confer upon the list proclaimed winner of the last elections, or to the major list of the winning coalition, the mandate to present the Government programme and the indication of candidates for the appointment as members of the Congress of State. These candidates, without prejudice to the provisions of Qualified Law 184, 15 December 2005, Art. 1, paragraph 2, shall be chosen from among the Council Members of the winning list or from the lists belonging to the winning coalition.
2. The mandate shall indicate the deadline by which the designated political force shall report to the Captains Regent. On expiry of the deadline, or when the designated political force informs about the positive outcome of the mandate, the Captains Regent shall convene the Bureau to summon the Great and General Council, in order to discuss and approve the government programme and the appointment of the Congress of State. If the outcome of the mandate is negative and if the winner of the elections is not a coalition of lists, the Captains Regent shall in any case convene the Bureau to summon the Great and General Council, in order to acknowledge that the majority resulting from the last elections does no longer exist. The provisions of Law 6, 31 January 1996, Art. 9, shall be implemented and the Captains Regent shall dissolve the Great and General Council.
3. If the mandate referred to in paragraph 1 is conferred upon the major political force of the coalition winning the last elections and if the outcome is negative, the Captains Regent shall convene each political force belonging to the winning coalition. If they ascertain that the political conditions are in place, they may confer a new mandate, with a new deadline. In any case, when this second deadline expires, the Captains Regent shall convene the Bureau to summon the Great and General Council either in order to discuss and approve the government programme and the appointment of the Congress of State, or in order to acknowledge that the majority resulting from the last elections does no longer exist. The provisions of Law 6, 31 January 1996, Art. 9, shall be implemented and the Captains Regent shall dissolve the Great and General Council.”

Art. 24

(Qualified Law 1/2007)

*(Amendment of Art. 394, Criminal Code,*

*“Infringement of the free exercise of the right to vote”)*

Article 394 of the Criminal Code is amended as follows:

"Anyone who, during State voting, uses violence, threat, deception, or offers or promises undue advantage, refunds or subsidies for travel or subsistence expenses, to induce a citizen to sign a declaration of submission of candidacy or a draft law or referendum or to abstain or not from voting or to vote or not for a specific candidate or symbol, shall be punished with third-degree imprisonment and fourth-degree disqualification from political rights. The same punishment shall apply to the citizen who accepts the undue advantage, refunds or subsidies referred to in the preceding paragraph, unless he or she makes a spontaneous and useful confession. Fourth-degree imprisonment and fourth-degree disqualification from political rights and public offices, increased in accordance with Article 93, shall be applied if the offence is committed by a person vested with public authority, by a public official or a clergyman, by abusing his/her powers and in the fulfilment of his/her functions.”

Art. 25

(Qualified Law 1/2007)

(*Statute of the Opposition*)

1. Within six months from the date of entry into force of this law, the Bureau of the Great and General Council shall prepare and submit to the Great and General Council for its approval a draft law concerning the Statute of the Opposition. Such draft law shall contain provisions to reserve appropriate spaces to opposition groups for the organisation of their Council- and Commission-related activities, as well as to assign the presidency of some Commissions to opposition groups.

Art. 26

(Qualified Law 1/2007, as replaced by Art. 10, Qualified Law 1/2008)

(*Urgent measures to simplify administrative activities)*

1. Through delegated decree, a new multiple voting certificate or other permanent electoral document could be introduced, also on electronic medium, to replace the existing voting certificate, with the same function of the latter. The electoral document could serve other purposes to simplify administrative activities.
2. The delegated decree referred to above shall establish the features and functions of the document, holder’s data to be recorded, update and renewal provisions, as well as the provisions for its issuance by the State Electoral Office.

Art. 27 (Qualified Law 1/2007, as replaced by Art. 11, Qualified Law 1/2008)

*(Final Provisions)*

1. The Congress of State, by means of a delegated decree, shall adopt a Coordinated Text of the laws in force in electoral matters, solely for knowledge purposes.

2. Any provision contrary to this Law is repealed.

## OTHER PROVISIONS INTRODUCED BY

**QUALIFIED LAW NO. 1 OF 5 AUGUST 2008**

## ART.16 –

(Qualified Law no. 1/2008)

Article 15 of Law no. 101 of 28 November 1994 shall be amended as follows:

“Art. 15

*(Impediments to the referendum)*

Within 12 months no more than one round for the holding of one or more abrogative referenda can be held.

All referenda for which petitions have been lodged within the fixed deadlines shall be grouped in one round.

An abrogative referendum cannot be held in the six months preceding or following general elections and elections for the appointment of at lest five Heads of Township Councils and relevant Councils and in any case not before a period of six months has elapsed from the holding of the above mentioned elections.

The Captains Regent shall fix the date of the referendum in the cases regulated by the preceding paragraph by issuing a decree at the end of the period laid down above.

The early dissolution of the Great and General Council or the need for early elections of at least five Heads of the Township Councils and their respective Councils shall cause the suspension of the referendum procedure. The suspension shall be declared by means of a Regency Decree. Another Regency Decree shall provide for the reopening of the procedure suspended under the terms established in the third paragraph of this article.”

#### ART.17

(Qualified Law no. 1/2008)

*(Establishment of polling stations for the referendum)*

Paragraph 3 of Article 17 of Law no. 125 of 28 November 1994 shall be amended as follows:

“Polling stations shall be established pursuant to the electoral law in force at the moment of the establishment of said stations, except for the provisions regulating the inter-polling stations, the establishment of which is not provided for in case of referenda.

The right to assist to all operations of the polling station shall be granted not only to the representatives of the political forces in art. 16 but also to the representatives of the Committee proposing the referendum and of the Committee contrary to the referendum.

#### ART.18

(Qualified Law no. 1/2008)

*(Coordination provisions)*

1. Technical, coordinating and implementing amendments may be introduced by delegated decree, to be adopted after consulting the Bureau of the Great and General Council, extended to all Council Representations, notwithstanding Article 21 of Qualified Law n.184/2005, in order to ensure the correct implementation of the provisions and the effective completion of the electoral procedures.

Upon proposal of the Electoral Commission, implementing provisions and ballot paper samples may be issued by means of a regulation.

#### ART.19

(Qualified Law no. 1/2008)

*(Final provisions)*

1. All acts and documents produced and to be produced in application of electoral provisions shall be exempt from registration. The exact date of the documents to be produced shall be attested by their deposit with the relevant offices.

#### ART.20

(Qualified Law no. 1/2008)

*(Transitional rule)*

1. The elections of the Township Councils and their Heads, expiring in November 2008, and of the Township Council and Head of the Township Council of Borgo Maggiore shall be held in 2009, on one single date to be fixed by Regency Decree