

PRESS RELEASE – 24 JANUARY 2019

“SEVERINO LAW”: SUSPENDING INDIVIDUALS WHO HAVE BEEN ELECTED TO PUBLIC OFFICE AND WHO HAVE RECEIVED NON-FINAL CONVICTIONS PRIOR TO THE ELECTIONS IS CONSTITUTIONAL

The Constitutional Court has ruled unfounded the question of constitutionality raised in relation to Article 11(1)(a) of the so-called Severino Law, which provides for the suspension of individuals who have been elected to public office in regional and local authorities and who have received non-final convictions prior to the election.

In line with its previous rulings on the system established by the “Severino Law”, the Court rejected the arguments advanced by the Court of First Instance of Lecce. In particular, the Court held that it was not unreasonable to suspend individuals who have been convicted, including prior to their candidature, of certain serious crimes or crimes linked to the performance of a public function. The Court stated that it was not unreasonable to provide for different treatment in these situations compared to convictions for less serious crimes (governed by Article 11(1)(b) of the same law), which provide for suspension only if the conviction was made after the elections. Finally, the Court held that the provision did not unreasonably impinge upon the right to vote and the right to stand for election.

Rome, 24 January 2019