



Press Office of the Constitutional Court

Press release of 16 January 2020

THE REFERENDUM ON THE ELECTORAL LAW IS INADMISSIBLE: THE REFERENDUM QUESTION IS EXCESSIVELY MANIPULATIVE

Today, the Constitutional Court sat in chambers to discuss a request concerning the admissibility of the electoral law referendum seeking the “Abolition of the proportional method of allocation of seats in multi-member constituencies, in the electoral system currently in force for the Chamber of Deputies and the Senate of the Republic”. The request had been submitted by eight Regional Councils (Veneto, Piedmont, Lombardy, Friuli Venezia-Giulia, Sardinia, Abruzzo, Basilicata and Liguria).

The referendum question concerned, first and foremost, the two laws governing elections to the Senate and to the Chamber of Deputies. It sought to eliminate the quota of seats allocated through the proportional method, such as to transform the current electoral system into a wholly single-member, majority system.

To ensure that the legal framework resulting from a hypothetical positive outcome to the referendum would be self-executing – required by long-settled constitutional case law as a condition for the admissibility of referenda relating to electoral law – the referendum question also extended to the delegation, granted to the Executive by means of Law no. 51 of 2019, of powers to redesign constituencies pursuant to the constitutional amendment that reduces the number of members of both houses of Parliament.

Pending filing of the judgment (by 10 February), the Press Office of the Constitutional Court informs the public that, at the end of the Court’s session, the request was declared inadmissible for the all-absorbing reason that the referendum question was excessively manipulative in the part concerning the delegation of powers to the Executive – that is, the very part that, in the intentions of the parties

proposing the referendum, served to enable the self-executing nature of the resulting legal framework.

In addition, as a preliminary matter, the Court examined in chambers the conflict between powers of the State alleged by five of the Regional Councils mentioned above. The Court also ruled that question inadmissible, because – *inter alia* – the provision upon which the conflict was based could have been raised by way of an incidental referral, as was done in the judgment on the admissibility of the referendum.

Rome, 16 January 2020