



Press Office of the Constitutional Court

Press release of 12 August 2020

THE CONSTITUTIONAL COURT DECLARES THE INADMISSIBILITY OF
THE FOUR JURISDICTIONAL DISPUTES ON THE REDUCTION OF THE
NUMBER OF MEMBERS OF THE HOUSES OF PARLIAMENT AND ON THE
“ELECTION DAY”

Today, in chambers, the Constitutional Court examined the admissibility of four jurisdictional disputes between State powers. The disputes had been initiated by the Commission promoting the referendum, the Basilicata Region, Senator Gregorio De Falco and the Associazione +Europa. They concerned, in several different respects, the reduction of the number of members of the Houses of Parliament and the associated constitutional referendum as well the regional elections, to be held on 20 and 21 September (“election day”).

Pending filing of the orders (expected tomorrow), the Press Office of the Constitutional Court informs the public that the four applications have been declared inadmissible.

In particular:

1) The Court declared the inadmissibility (Judge Rapporteur – Giuliano Amato) of the dispute initiated by the Commission promoting the referendum on the text of the constitutional law to “reduce the number of Members of the Houses of Parliament”, concerning the combination of the two votes, provided for under Decree-Law No. 26 of 2020 and the Decree of the President of the Republic of 17 July 2020.

The Commission does not have standing to initiate the dispute, as the Constitution does not endow it with an overall role of protecting the entire electorate’s best exercise of the right to vote.

2) The Court declared the inadmissibility (Judge Rapporteur – Giovanni Amoroso) of the application filed by Basilicata Region concerning the final approval – given on 8 October 2019 – of the text of the constitutional law

amending Articles 56, 57 and 59 of the Constitution to reduce the number of members of the Houses of Parliament, and the Decree of the President of the Republic of 17 July 2020 calling for a confirmatory referendum. In line with its own case law, the Court has stated that regional and local bodies generally, and Basilicata Region in particular, do not have standing because they are not State powers according to Article 134 of the Constitution.

- 3) As for the application filed by Senator De Falco in respect of the Senate, the Executive and the President of the Republic, the Constitutional Court (Judge Rapporteur – Nicolò Zanon) found that it sets out confused and conflicting criticisms of the electoral law, the constitutional reform, the grouping of the votes, the use of decree-laws and the procedure to convert the latter into laws, overlapping juridical-constitutional topics that are distinct from one another. In addition, although alleging breaches of several constitutional principles relating to the lawmaking and Constitution-amending processes, the application does not specify which constitutional powers of individual members of Parliament have actually been infringed upon during these processes. Thus, the application was declared inadmissible.
- 4) The application filed by the Associazione +Europa, in its capacity as a political party, challenged especially the provision (of Decree-Law No. 26 of 2020) reducing to one third of the original number the minimum number of signatures needed to present lists of candidates and candidacies in regional elections. According to +Europa, by failing to provide an exemption from the requirement to collect signatures for parties that are already represented in Parliament, the Legislator breached the constitutional powers +Europa enjoys as a political party. The inadmissibility of the dispute (Judge Rapporteur – Daria de Pretis) derives from the applicant's lack of standing: according to settled constitutional case law, political parties cannot be considered powers of the State.

Rome, 12 August 2020