

## ITALY

### I. System of Government

1. Italy is a parliamentary republican state.
2. The President is the head of state. He/She is elected by both chambers of parliament in joint session together with 58 regional representatives, for a seven-year term with the possibility of a single re-election, under a multi round system under which the winning candidate must receive two thirds of the votes in the first three rounds of the election. A fourth round simple majority contest is held if this is not achieved by the third round.
3. Executive power is vested on Government composed of the Prime Minister and the Council of Ministers. The Prime Minister is appointed by the President and confirmed by Parliament. Legislative power is vested in the Parliament. There are two chambers of Parliament: the Chamber of Deputies (*Camera dei Deputati*) and the Senate (*Senato della Repubblica*). Members of both the Chamber of Deputies and the Senate are elected for a five-year term of office.
4. The Chamber of Deputies is composed of 630 deputies who are directly elected through a closed party list system of proportional representation except in one single-member constituency where the first-past-the-post system is used. Representation thresholds vary, being 2 percent of national votes for a single party in a coalition; 4 percent (for a single party not in a coalition) and 10 percent (for a coalition of parties). There are special representation provisions for parties representing linguistic minorities and for parties in the highest vote winning coalition who do not achieve the 2 percent threshold. The party coalition that wins a plurality of the vote is guaranteed a "majority bonus": a minimum of 55 percent - or 340 - seats. Twelve seats are reserved for the Italian overseas constituency. The remaining seats are distributed among the other coalitions and party lists using the whole number quotient and highest remainders method.
5. The Senate is composed of 315 members. 302 senators are elected from 20 regions under the closed party list system of proportional representation. Representation thresholds vary, being 3 percent of votes for a single party in a coalition; 8 percent (for a single party not in a coalition) and 20 percent (for a coalition of parties). Of the remaining senators, six are elected under a first past the post system in one region, six are elected to represent Italians overseas, and there are seven distinguished persons appointed 'senators for life'. Similar to the Chamber of Deputies, the "majority bonus" rule is also applied to the Senate, at the regional vote level.
6. As of March 2006, there were 47,258,305 registered voters for the elections to Chamber of Deputies and 43,204,694 registered voters for the elections to the Senate. These figures include about 2.8 million Italian overseas voters.

### II. Electoral Legal Framework

7. Elections in Italy are governed by the Constitution, laws passed by the Parliament and Presidential decrees.
8. The 1948 Constitution (last amended in 2003) contains the fundamental provisions governing Italian citizenship, suffrage rights including absentee voting by Italians residing abroad, qualifications and disqualification to vote, national elective positions including qualifications and terms of office, election participants, the presidential election system and system for regional elections.

9. There are more than 60 laws and decrees governing Italian elections. The principal election laws include: Consolidated Electoral Law Statute for the Chamber of Deputies and the Senate (Law No. 361/1957, as amended, Law No. 277/1993, Decree No. 14/1994, Law No. 270/2005, Decree-Law No. 75/2006, Law No. 121/2006); Law on the Right to Vote of Italians Resident Abroad (Law No. 459/2001 and Decree No. 104/2003); Law on the right to vote and to stand as candidate for citizens of the European Union (Law No. 18/1979 as amended and supplemented by Law No. 61/1984, Law No. 9/1989 and Law No. 128/1994); Law and regulations on equal media treatment; Law on Electoral Campaign and Campaign Spending Limits; and the Consolidated Laws on Active Electorate and Lists of Voters.
10. The main legal instruments governing the maintenance and updating of the voters list are: Law 1058/1947, as amended, which provides for the procedures for compiling and updating the voters lists; Decree No. 223/1967—the “Unified Code” which provides for the procedure for the maintenance and revision of the voters list as well as the responsibilities of the state institutions involved; Ministry on Interior Circular Nos. 2600/1986 and 6/2002 implementing Decree No. 223/1967 and creating the office of the Electoral Officer; and Law No. 459/2001 which provides for the procedure for the compilation of the voters list for overseas voters.

### III. Electoral Management Body

11. Italy has a complex system for the administration and conduct of elections. Elections are organized and managed through various departments of the Ministry of Interior. The principal elections management body within the Ministry of Interior is the *Central Directorate for Electoral Services*. It is a permanent body that administers and supervises national, regional and local elections, including elections to the European Parliament, through the network of territorial offices of the Ministry of Interior located in the provincial capitals. It provides and ensures that the equipment and materials needed for the conduct of the elections are prepared and delivered on time. It prepares the manual of operations for the precinct election officers. It also tabulates unofficial results and calculates the initial seat allocations for the winning parties. The *Department for Internal and Territorial Affairs* of the Ministry of Interior is in charge of conducting electoral research, producing case studies, providing legal advice and offering remedies for cases of voters being disqualified and for candidates who have been declared ineligible. The *Central Directorate for Demographic Services* is responsible for the preparation of demographic data for the elections.
12. During the election period, temporary electoral bodies tasked to perform electoral duties are created within existing judicial offices. Official results are tallied through electoral offices established within the court system. A National Central Electoral Office (NCEO) is created within the Court of Cassation. It is composed of five members—the departmental chairperson of the court and four of its members appointed by the chairperson. It is tasked to tabulate the regional official election results for the Chamber of Deputies, to announce the official election results and to determine the allocation of Chamber seats. The NCEO also adjudicates appeals on registration of candidate lists and party logos.
13. Regional Election Offices (REOs) are created within the Regional Court of Appeals to tabulate the results of the Senate elections while District Election Offices are created within the District Court of Appeals to tabulate election results for the Chamber of Deputies at the district level. An REO and a DEO are established within the Court of Appeals of Rome for the tabulation of votes coming from the Italian overseas constituency. The DEOs and REOs are responsible for the conduct of elections within their respective jurisdictions. The DEOs also appoint the chairs of Polling Electoral Offices (PEOs).

14. At the municipal level, the Municipal Election Commissions (MECs), is in charge of the preparation for elections, appointment of the members (other than the chairperson) of the Polling Electoral Offices (PEOs) and allocation of campaign poster space (by lottery) to the candidates. MECs are permanent bodies composed of municipal councilors elected by the municipal council and chaired by the municipal mayor.
15. The PEOs are in charge of the preparation of voting stations and the conduct of voting and counting. It is composed of a chairperson appointed by the DEO and four members appointed by the MEC. At least one member of the PEO represents the minority in the municipal council. A maximum of 1,200 voters are assigned to each voting station.
16. Overseas voting is facilitated through Italian consulates abroad.

#### **IV. The Right to Vote**

17. All Italian citizens who are at least 18 years of age are qualified to vote in national elections (except elections for the Senate where the minimum voting age is 25 years old), local elections and referenda. Voting is a constitutionally mandated civic duty in Italy. Although no sanctions are imposed on those who do not vote, Italian voters generally exercise their right to vote.
18. Disqualified from voting are those who are civilly incapacitated arising from temporary or permanent disqualification from public office or as a consequence of a final court conviction, and those whose moral unworthiness is established by law (e.g. Bankruptcy adjudicated by a final sentence).
19. Voting is done in person at voting stations. However, there are also special voting procedures established by law for certain types of voters. Qualified voters in hospital or in prisons and detention centers may vote in these institutions if they produce their voter's card and their special voting authorization issued by the municipality where they are registered as voters. Assisted voting is available for disabled persons and home voting for those medically unable to leave their homes.
20. Overseas Italian voters have the option to vote either in person within Italy or by mail from abroad. Overseas voters who are included in the electoral roll (derived from the Register of Italian Citizens Resident Abroad and consular data) may vote in parliamentary elections and may participate in national referenda.

#### **V. System and Procedure of Voter Registration**

21. Voter registration in Italy is derived from the national population records (the Resident Population Registry) maintained by the Municipal Civil Registry Office. The names of voters who reach voting age by election day are automatically entered into the voters list based on their registered permanent residences in the municipal civil register. Being state initiated, voter registration within Italy is compulsory. Overseas voters who are not included in the registries may voluntarily apply at an Italian consulate for registration as an overseas voter.
22. Voter registration is the responsibility of both the Municipal Electoral Office and of the Electoral Office. The Municipal Electoral Office ascertains the voters' qualifications and disqualifications to vote, if any. It also determines if the voter is an actual resident of the municipality. The Municipal Electoral Office maintains a General Archive of Electors which contains indexes of voters to be included, to be excluded, or who have been officially deleted from the voters list. The information contained in the General Archive of Electors is used in the periodic updating of the voters list, which is done at least twice a year. On the other hand, the Electoral Office is composed of the Municipal Electoral Commissions (MECs) and the Territorial Electoral Commission under the guidance of the

Ministry of Interior. The Electoral Office is responsible for the generation, maintenance, updating, revision and approval of the voters lists. The mayor, in agreement with the MEC, and with the authority of the Territorial Office of the State, is authorized to generate a new general list of voters for the municipality every 10 years.

23. Each voter's record contains his/her name, family name, date and place of birth, serial number of his/her birth certificate and any additional information that may have an effect on his/her eligibility to vote.
24. An Italian citizen who intends to live abroad is required to register with the appropriate consulate within 90 days of arrival abroad. His/her name and personal data are relayed by the Consulate to his/her municipality of origin or to the municipality where he/she last resided before leaving for abroad. He/She is also obliged by law to report to the consulate changes in his/her personal data. The consulate acts as the go-between of Italian citizens overseas and the municipality where they are registered. Registration with the consulate enables it to inform the citizen's local municipality to automatically incorporate changes in their registry, including the voters register. The name of the overseas voter will be transferred to the Register of Italian Residents Abroad and will be removed from the Resident Population Registry.
25. Complaints of citizens concerning their exclusion from the voters list are adjudicated by the Territorial Electoral Commission. Decisions of the Commission may be appealed to the Court of Appeals or further, to the Court of Cassation. If a voter is mistakenly excluded from the list, he/she may secure a certification from the Municipal Electoral Office in order to vote.

## **VI. Data Management and Storage**

26. The Municipal Electoral Office follows uniform procedures to generate, maintain and update the voters lists in order to keep them current, accurate and up to date as possible. Voter registration information is kept in a computerized database in the Municipal Electoral Office. In addition to the computerized database, paper copies of all documents related to a voter's status are kept in individual dossiers in the archives of the Municipal Electoral Office. Changes in personal circumstance (e.g. Citizenship, name, civil status, address) are required to be reported to the municipal civil registry. This updating enables the municipal authorities to automatically incorporate the changes into the voter register.
27. The Municipal Electoral Office maintains the General Archives of Electors which is divided into various indexes containing the following information on their resident voters:
  - a. Index of voters to be removed from the voters list: includes those persons who are no longer residing in the municipality, deceased voters, those who changed nationality, who reside and vote, those disqualified from voting, those enrolled more than once by mistake, those requesting to change/correct mistakes in their personal details, those detained by final conviction and those whose whereabouts can no longer be traced.
  - b. Index of voters who have been removed from the voters list: includes those persons who, for reasons enumerated above, have been deleted from the voters list.
  - c. Index of voters to be added to the voters list: includes those persons who have come to reside in the municipality, those residing abroad and requesting to vote in their original constituency, those who have regained their right to vote and those who will be of voting age in the next semester.

## **VII. Data Management Technology**

28. Voter information is kept in a computerized database and on manual files by the Municipal Electoral Office. At present, Italy is in the process of consolidating and harmonizing its various registries into a single database. It has also begun implementing a national identification system with biometric features to be used for voter identification, amongst other uses. At least 100,000 ID cards have been issued as of 2002. The Italian government's plan is to fully shift to the electronic ID card to be managed by the Central Directorate for Demographic Services. Once completed, all civil registry information, including the registry of voters, will be stored in a unified computerized database.

## **VIII. Types of Voters Lists Generated**

29. For each election, the Electoral Office generates the following voters lists:
- a. General List of Voters. This voters list include personal details of all voters residing in a municipality who are of voting age including those who will attain voting age in the next semester. Each municipality compiles this list, alphabetically, with separate lists for male and female voters, based on the Resident Population Registry and the Registry of Italian Residents Abroad.
  - b. Sectional List. This list includes all voters residing in each "electoral section" within the municipality. This list is used by the voting station officers to ascertain the identity of voters on election day. Each entry has an order number different from the one used in the General List.
  - c. Additional List. There are two types of additional lists: the additional list for resident European Union citizens who requested to vote in municipal elections; and the additional list for European Union citizens who will vote for the European Parliament elections.
  - d. Electoral List Abroad. This is the overseas voters list compiled by comparing and merging the data from the Resident Population Registry and the Registry of Italian Residents Abroad. Italian citizens who have never resided in Italy are automatically enrolled in the registry maintained by the municipality of Rome.

## **IX. Proof of Registration**

30. A permanent voter's card is issued by the Municipal Electoral Office to each registered voter. The voter's card contains the voter's personal data such as the name of the voter, place of residence, municipality, number and address of the polling station where he/she will vote. The voter's card is valid for 18 elections.
31. In order to vote, the voter must produce his/her voter's card and another valid identification card to the voting station officers. Upon receipt of the ballot, the voter's card is stamped by a polling station officer as proof that he/she has already voted. The voter is also required to sign the polling station logbook as proof of voting.

## **X. Maintenance of Voters List**

32. In order to maintain the accuracy of the voters lists, the Electoral Office conducts several types of periodic updates of the voters list. These are:
- a. Periodic revision—conducted in order to add those who will attain voting age within the next semester and to delete those whose entries have to be removed due to various reasons (e.g.

Change in population records, new census, change in residence, attainment of more than 100 years of age, etc.).

- b. Ordinary revision—conducted twice a year (January and July) in order to add those who are of voting age but whose names do not appear in the lists, purge the names of all voters to be removed from the lists, and correct existing entries. Changes during ordinary revisions are usually due to the following: deletion of names of deceased voters, change of residence to or from another municipality, change of nationality, deprivation or reacquisition of voting rights.
- c. Extraordinary Revisions—conducted before an election in order to finalize the list of voters within the following timeframes:
  - I. a first revision takes place eight days before the official opening of the election campaign;
  - II. a second revision takes place 45 days before election day;
  - III. a third revision takes place 30 days before election day in order to add the names of those electors who qualify for reasons other than attainment of voting age; and
  - IV. a fourth revision takes place 15 days before election day in order to delete the names of deceased voters. These are the last changes that may be made to voters lists prior to voting day.

## **XI. Quality Assurance Mechanisms**

- 33. The collection of voter registration data is subject to processing quality controls in the civil registry during birth or consulate registrations, wherein the counter staff checks if the registration form is completely and properly filled up. In addition, the Ministry of Interior and its territorial offices conduct annual inspections of the municipal registry offices to ensure the accuracy of its records. The Municipal Electoral Offices and the Electoral Offices also conducts periodic revisions of the voters lists at least twice a year to ensure the integrity of the voters lists.
- 34. Beginning in 2002, voters cards are being issued to registered voters. The Ministry of Interior has also begun the implementation of a national ID system with biometric information. Both measures are intended to ensure that only those persons who are included in the voters lists as evidenced by their voters cards and national identification cards are able to vote during election day.

## **XII. Transparency and Accessibility to the Public**

- 35. Voters lists are considered as public documents. Article 51 of Decree No. 223/67 provides that the Municipal Electoral Office is authorized to copy, print or sell the voters list to anyone who has requested them. In 2003, this law was amended to allow public access to the data not only for electoral purposes but also for purposes of study, for statistical, scientific, historical, or any other type of research, and for the pursuit of any issue of collective and general interest. Previously, they were reproduced and handed out exclusively for electoral purposes.
- 36. Personal data protection is governed by the Constitution and by the Italian Data Protection Act which covers data protection for manual and electronic files of both the public and private sectors. The Supervisory Authority for Personal Data Protection regulates public access to the civil registry databases.

### **XIII. Voter Education**

37. The Central Directorate for Electoral Services of the Ministry of Interior, the local electoral management bodies, political parties, civic groups and the media conduct voter education and information campaigns for the national elections. In the 2006 elections, these took the forms of poster/billboard campaigns and media advertisements. Official voter education activities were mostly limited to the broadcast of public service messages the month before elections by public TV and radio RAI, as required by the Parliamentary Committee for General Guidance and Monitoring of Radio and Television Services. These were broadcast before and after the main evening news with simultaneous sign language translations. However, there are no published reports on voter education activities conducted specific to voter registration.

### **XIV. Voter Registration Cost**

38. No published data on voter registration cost was available for review.

### **XV. Performance Standards**

39. No published data on performance standards was available for review.

### **XVI. Performance of Voter Registration System**

40. The Election Assessment Mission Report of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) for the April 2006 parliamentary elections in Italy reported that the system of updating the voters lists appears to be efficient and that the Election Assessment Mission team heard no concerns about the accuracy of voters lists.