

Legislative Initiative by Citizens

**Law no. 17/2003 of 4 June 2003,
as amended by Law no. 26/2012 of 24 July 2012,
Organic Law no. 1/2016 of 26 August 2016
and Law no. 52/2017 of 13 July 2017
(Declaration of Rectification no. 24/2017 of 5 September 2017)**

In accordance with Article 161(c) of the Constitution the Assembly of the Republic hereby decrees the following, which shall have effect as a general Law of the Republic:

CHAPTER I

General provisions

Article 1

Legislative initiative by citizens

The present Law regulates the terms and conditions under which groups of registered electors exercise the right to initiate legislation at the Assembly of the Republic in accordance with Article 167 of the Constitution, together with their participation in the legislative procedure to which they have given rise.

Article 2

Holders of the right

Citizens who are definitively registered on the electoral roll in Portuguese territory or abroad are holders of the right to initiate legislation.

Article 3

Object

The object of legislative initiatives submitted by citizens may be any of the matters included in the Assembly of the Republic's legislative competence, save:

- a)* Amendments to the Constitution;
- b)* Those which the Constitution reserves to the Government;
- c)* Those which the Constitution reserves to the Azores and Madeira Regional Legislative Assemblies;
- d)* Those provided for in Article 164 of the Constitution, with the exception of subparagraph (i);
- e)* Generic amnesties and pardons;
- f)* Those with a budgetary, tax-related or financial nature or content.

Article 4

Limits on initiative

Groups of registered electors may not submit legislative initiatives which:

- a)* Are in breach of the Constitution or the principles enshrined therein;
- b)* Do not contain a concrete definition of the purpose of the modifications to be made to the legislative order;
- c)* Involve, during the current financial year, an increase in the expenditure or a decrease in the revenues provided for in the State Budget.

Article 5
Guarantees

Exercise of the right to initiate is free and free of charge, and the collection of signatures and the other acts needed to implement the right may not be hampered or impeded by any public or private entity, or give rise to the payment of any taxes or fees.

CHAPTER II
Requisites and procedural details

Article 6
Requisites

1 - The right of citizens to initiate legislation is exercised by means of the submission to the Assembly of the Republic of Member's bills subscribed by at least twenty thousand registered electors.

2 - The Member's bills referred to in the previous paragraph shall be submitted to the President of the Assembly of the Republic in writing, on paper or by electronic means, shall be drawn up in the form of articles and must contain:

- a)* A name that briefly describes their main object;
- b)* A justification or explanatory statement, to include a summary description of the initiative, the legislative acts that are to be amended or are related to the initiative, the main consequences of its implementation and the grounds for it, especially the respective social, economic, financial and political reasons;
- c)* The identity details of all the proposers, on paper or by electronic means, depending on the format in which they are submitted, to comprise the full name, identity card or citizen's card number, electoral number and date of birth of each subscribing citizen;
- d)* The identity details of the members who make up the committee representing the subscribing citizens, together with details of a domicile for the committee;
- e)* A list of the attached documents.

3 - The Assembly of the Republic shall provide an electronic platform that makes it possible to submit legislative initiatives and to receive the items referred to in the previous paragraph.

4 - For the purposes of attaining the number of subscribers provided for in paragraph (1), the documentation may be cumulatively delivered on paper and by means of an electronic platform that ensures fulfilment of the legal requirements.

5 - The Assembly of the Republic may ask the competent departments and services of the Public Administration to use sampling to conduct an administrative verification of the authenticity of the identity details of the subscribers of legislative initiatives.

6 - The Assembly of the Republic shall verify the validity of the electronic mail addresses that shall obligatorily be given by the subscribers who use an electronic platform.

Article 7
Representative committee

1 - For the purposes provided for in the present Law, particularly in terms of responsibility and representation, the citizens who subscribed the initiative shall appoint a representative committee with a minimum of five and a maximum of ten members from among their number.

2 - The committee shall be notified of all the acts regarding the legislative process derived from or linked to the initiative that has been submitted, and may take steps at the Assembly of the Republic that tend to ensure the good implementation of the provisions of the present Law.

Article 8 Admission

1 - The President of the Assembly of the Republic shall admit the initiative, save if:

- a) It addresses matters that are not included in its object, as defined in accordance with the law;
- b) It does not respect the limits laid down in Article 4;
- c) It does not fulfil the requisites provided for in Article 6(1) and (2).

2 - In the cases provided for in subparagraph (c) of the previous paragraph, the decision shall be preceded by notification of the committee representing the subscribing citizens that, within a time limit of at most thirty working days, the shortcomings that have been found must be overcome.

3 - Members of the Assembly of the Republic may appeal against decisions not to admit, in accordance with the Rules of Procedure.

Article 9 Scrutiny in committee

1 - Once the initiative has been admitted, the President of the Assembly of the Republic shall order its publication in the *Journal of the Assembly of the Republic* and shall refer it to the competent specialised committee so that the latter may draw up the respective report and opinion within a time limit of thirty days.

2 - In the event the initiative addresses a matter that is constitutionally or legally subject to mandatory participation or consultation, the committee shall take steps to ensure fulfilment of the provisions that are applicable under the law, statutes and the Rules of Procedure.

3 - The committee may propose to the President of the Assembly of the Republic that the initiative be the object of public discussion because the matter is of special importance.

4 - The committee representing the subscribing citizens shall obligatorily be consulted.

5 - The time limit referred to in paragraph (1) shall be suspended during:

- a) The period of time that is set for the mandatory public consultation, when applicable;
- b) The period of time for the public discussion of the initiative;
- c) The period of time needed to implement the step provided for in Article 6(3), when it is the committee that requests it.

Article 10 Consideration of and voting on the general principles

1 - Once he has received the committee's opinion or the time limit referred to in paragraph (1) of the previous Article has been reached, the President of the Assembly of the Republic shall arrange for the initiative to be scheduled for one of the next ten plenary sittings, for the purpose of consideration of and voting on the general principles.

2 - The committee representing the subscribing citizens shall be notified of the date of the plenary sitting for which the initiative is scheduled.

Article 11 **Consideration of and voting on the details**

1 - Once the general principles of the initiative have been approved, and save in the cases in which the Constitution, the law or the Rules of Procedure provide otherwise, it shall be referred to the committee with competence for the matter in question, for the purposes of consideration of and voting on the details.

2 - Without prejudice to the initiative, when it is not withdrawn, the committee may submit substitute texts.

3 - Voting on the details shall be preceded by a hearing of the committee representing the subscribing citizens and must occur within a time limit of at most thirty days.

Article 12 **Overall final voting**

1 - Once the consideration of and voting on the details has ended, the respective final overall voting shall occur within a time limit of at most fifteen days.

2 - The committee representing the subscribing citizens shall be notified of the date of the plenary sitting for which the initiative is scheduled.

CHAPTER III **Final provisions**

Article 13 **Lapse and resubmission**

1 - Legislative initiatives submitted by registered electors lapse upon the end of the legislature.

2 - An initiative that has not been put to the vote in the legislature in which it was submitted may, however, be resubmitted in the following legislature by means of a simple request addressed to the President of the Assembly of the Republic by the committee representing the subscribing citizens, on condition that no more than one year has passed between the date on which the initiative entered the Assembly of the Republic and the date of the entry of the resubmission request.

3 - Legislative initiatives that are definitively rejected may not be resubmitted in the same legislative session.

Article 14 **Subsidiary law**

In everything that is not regulated in the present Law, the procedural norms of the Rules of Procedure of the Assembly of the Republic apply, *mutatis mutandis*.

Article 15
Entry into force

The present Law shall enter into force on the thirtieth day after that of its publication.