

ASSEMBLY OF THE REPUBLIC

Organisational Law no. 3/2006

of 21 August

Parity Law: establishes that the candidate lists for the Assembly of the Republic, for the European Parliament and for Local Authorities are drawn up in such a way that guarantees the minimum representation of 33 % for each of the sexes.

The Assembly of the Republic, in accordance with Article 161(c) of the Constitution, has decreed the following organisational law:

Article 1

Candidate Lists

The candidate lists presented for election to the Assembly of the Republic, the European Parliament and Local Authorities will be drawn up in a way that promotes parity between men and women.

Article 2

Parity

1 — For the purpose of the application of this law, parity is understood to mean that there is a minimum representation of 33.3 % of each sex on the lists.

2 — In order to comply with the terms in Item 1 of this Article, multi-name lists may not include more than two consecutive candidates of the same sex.

3 — For elections where there are single-name constituencies, the corresponding election law defines mechanisms that ensure the minimum representation of each of the sexes, as described in Item 1.

4 — Parish councils, where there are 750 or fewer electors, and municipal councils, where there are fewer than 7 500 electors, are excluded from complying with the terms in Item 1 of this Article.

Article 3

Notification of the commissioner

In the event that a list does not comply with the terms of this law, the commissioner will be notified, in accordance with the terms laid down in the applicable election law, so that this can be corrected within the period defined in this law.

Article 4

Effects of failure to correct the lists

Failure to correct the candidate lists within the periods set down in the respective election law will result in:

a) Public display of the lists with an observation of their failure to comply with this law;

b) Publication on the National Election Commission website with the observation mentioned in Item (a) above;

c) Reduction in the amount of public funds for the election campaigns, in accordance with the terms of this law.

Article 5

Publication obligations

Any lists that do not respect parity, as defined in this law, and have not been corrected in accordance with Article 3 are affixed to the door of the corresponding

courthouse with the observation that they are not in compliance with the parity law, with notification being sent to the National Election Commission within forty eight hours.

Article 6

Publication on the Internet by the National Election Commission

1 — The National Election Commission will guarantee to publish the candidate lists that do not respect parity as defined in this Law on its website, within forty eight hours of receiving the notification described in Article 5.

2 — The candidate lists published in accordance with the terms described in Item 1 will be grouped together and their respective proponents will be identified.

Article 7

Reduction in funds for election campaigns

1 — If any parties, coalitions or groups of electors violate the terms in Article 2(1), they will receive a reduced share of the 80 % or 75 % of public funds for election campaigns, as laid down in Article 18(1) and (3) respectively of Law No 19/2003 of 20 de June, in accordance with the following terms:

a) If one of the sexes is represented by fewer than 20 % of the names on the candidate list, the share of public funds available will be reduced by 50%;

b) If one of the sexes is represented by equal to or more than 20 %, and by fewer than 33.3 %, of the names on the candidate list, the share of public funds available will be reduced by 25 %.

2 — The terms in Item (a) do not apply if there are fewer than three candidates on the candidate list.

3 — If the terms in Article 2(2) are violated, the parties, coalitions or groups of electors will suffer a reduction of 50 % in the 80 % or 75 % share of the public funds available for election campaigns, which they would have the right to in accordance with the terms of Article 18(1) and (3) respectively of Law No 19/2003 of 20 de June.

4 — In elections to the Assembly of the Republic, the election results obtained by the party in the constituency where there was failure to comply with Article 2(1) and (2), a percentage that is equivalent to the reduction in public funds available for election campaigns, calculated in accordance with the terms in the items above, is deducted from the nationwide election results.

5 — In elections to municipal and parish councils, if there are different types and levels of non-compliance by a party, coalition or group of electors to the different councils, the list that, according to the criteria above, would result in the greatest reduction in the public funds available for election campaigns is taken as a point of reference.

Article 8

Review

Five years after this law has come into force, the Assembly of the Republic will assess its impact on promoting parity between men and women and carry out a review based on this assessment.

Approved on 6 July 2006.

The President of the Assembly of the Republic,
Jaime Gama.

Enacted on 5 August 2006.

To be published.

The President of the Republic, ANÍBAL CAVACO
SILVA.

Countersigned on 8 August 2006.

The Prime Minister, *José Sócrates Carvalho Pinto de
Sousa*.