

## **Legal Regime governing Referenda**

**Law no. 15-A/98 of 3 April 1998,  
as amended by Organic Law no. 4/2005 of 8 September 2005,  
Organic Law no. 3/2010 of 15 December 2010, Organic Law  
no. 1/2011 of 30 November 2011,  
Law no. 72-A/2015 of 23 July 2015, Organic  
Law no. 1/2016 of 26 August 2016,  
Organic Law no. 3/2017 of 18 July 2017  
and Organic Law no. 4/2020 of 11 November 2020**

In accordance with Articles nos. 161(c), 164(b), 166(2), 115, 256(3), and 112(5) of the Constitution the Assembly of the Republic hereby decrees the following, which shall have effect as a general law of the Republic:

### **TITLE I**

#### **Scope and object of referenda**

##### **Article 1**

##### **Scope of the present Law**

1 – The present Organic Law governs the cases in and the terms under which the referenda with a national scope provided for in Article 115 of the Constitution are held.

2 – The present Law also regulates the conditions and terms of the direct consultations for the de facto institution of the administrative regions provided for in Article 256 of the Constitution.

##### **Article 2**

##### **Object of referenda**

Only important issues regarding the national interest which the Assembly of the Republic or the Government must decide by approving an international convention or passing a legislative act may be the object of a referendum.

##### **Article 3**

##### **Excluded subject matters**

1 – The following are excluded from the scope of referenda:

- a) Amendments to the Constitution;
- b) Questions and acts with a budgetary, tax-related or financial content;
- c) The matters provided for in Article 161 of the Constitution, without prejudice to the provisions of the following paragraph;
- d) The matters provided for in Article 164 of the Constitution, with the exception of the provisions of subparagraph (i) on bases of the education system.

2 – The provisions of the previous paragraph do not prejudice the submission to referendum of important issues regarding the national interest which must be the object

of an international convention under the terms of Article 161(i) of the Constitution, except when they concern peace or the rectification of borders.

#### **Article 4** **Acts under consideration**

1 – Questions raised by international conventions or by legislative acts which are under consideration, but have not yet been definitively approved or passed, may constitute the object of referenda.

2 – If the Assembly of the Republic or the Government submits a draft referendum on an international convention which has been submitted for consideration or on a Member's or government bill, the respective procedure shall be suspended until the President of the Republic decides whether to call the referendum and, in the event that he does call it, until it is held.

#### **Article 5** **Delimitation by competence**

Without prejudice to its right to submit initiatives to the Assembly of the Republic, the Government may submit draft government referenda whose object is a matter that falls within its areas of competence, with regard:

- a) To an international agreement which it has not submitted to the Assembly of the Republic;
- b) To a legislative act regarding matters which are not included within the areas of competence that are reserved to the Assembly of the Republic.

#### **Article 6** **Delimitation by subject matter**

Each referendum shall address a single subject matter.

#### **Article 7** **Formulation**

1 – No referendum may contain more than three questions.

2 – Questions shall be formulated objectively, clearly and precisely and in such a way as to solicit yes or no answers, without directly or indirectly suggesting which.

3 – Questions may not be preceded by any recitals, preambles or explanatory notes.

#### **Article 8** **Temporal limits**

No act calling a referendum may be made and no referendum may be held between the dates on which general elections for the entities that exercise sovereignty, elections for the self-government organs of the Autonomous Regions and for local authority organs, and elections for Members of the European Parliament, are called and those on which they are held.

**Article 9**  
**Circumstantial limits**

1 – No act regarding the calling or holding of a referendum may be made while a state of siege or a state of emergency is in force.

2 – Acting Presidents of the Republic may not decide to call a referendum.

**TITLE II Calling  
referenda**

**CHAPTER I**  
**Drafts**

**SECTION I**  
**Assembly of the Republic drafts**

**Article 10**  
**Power to initiate**

The competence to initiate draft Assembly of the Republic referenda pertains to Members of the Assembly, parliamentary groups, the Government, and groups of registered electors.

**Article 11**  
**Limits on initiatives**

No Member of the Assembly of the Republic, parliamentary group or group of registered electors may submit draft referenda which, during the current financial year, involve an increase in the state's expenditure or a decrease in its revenues as provided for in the Budget.

**Article 12**  
**Discussion and voting**

1 – The Rules of Procedure of the Assembly of the Republic shall regulate the process of discussing and voting on draft referendum resolutions.

2 – Resolutions that are to be put to the vote by the Plenary of the Assembly of the Republic shall include the questions that are to be formulated and the definition of the electoral universe that is to be consulted.

3 – Passage shall be by simple majority, and abstentions do not count in calculating that majority.

**Article 13**  
**Form and publication**

Drafts that are passed shall take the form of a resolution and shall be published in Series I-A of the *Diário da República* on the day following that on which they are passed.

## **DIVISION I**

### **Parliamentary or governmental initiative**

#### **Article 14**

##### **Form of initiatives**

When exercised by Members of the Assembly of the Republic or by parliamentary groups, initiatives shall take the form of a draft Member's resolution, and when exercised by the Government, that of a draft government resolution approved by the Council of Ministers.

#### **Article 15**

##### **Resubmission of initiatives**

1 – Draft referendum resolutions that are not put to the vote in the legislative session in which they are submitted do not require resubmission in the following legislative session, save if the legislature itself comes to an end.

2 – Draft referendum resolutions that are definitively rejected may not be resubmitted in the same legislative session.

## **DIVISION II**

### **Popular initiatives**

#### **Article 16**

##### **Holders of the right**

Referenda may result from initiatives that are addressed to the Assembly of the Republic by Portuguese electors who number at least sixty thousand and are properly registered on the electoral roll in Portuguese territory, as well as by citizens referred to in Article 37(2) with regard to the matters provided for therein.

#### **Article 17**

##### **Form**

1 – Popular initiatives shall be submitted in writing, on paper or by electronic means, shall be addressed to the Assembly of the Republic, and shall contain the signatories' identity details, to comprise the full name, identity card or citizen's card number, electoral number and date of birth of each one.

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

3 – For the purposes of attaining the number of subscribers provided for in the previous Article, the documentation may be cumulatively delivered on paper and by means of an electronic platform that ensures fulfilment of the legal requirements.

4 – 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 popular initiatives.

5 – The Assembly of the Republic shall verify the validity of the electronic mail address that shall obligatorily be given by the subscribers who use an electronic platform.

6 – The initiative shall contain the precise text of the question or questions to be submitted to referendum and the grounds for it or them, to be duly accompanied by a list of the acts that are currently under consideration at the Assembly of the Republic.

7 – When no act to which a referendum can apply is currently pending, the popular initiative must be accompanied by the submission of a Member's bill regarding the matter that is to be put to referendum.

8 – Once compliance with the applicable provisions of the Constitution, the law and the Rules of Procedure has been verified, for the purposes of discussion and voting by the Plenary of the Assembly of the Republic initiatives of groups of registered electors shall take the form of a draft Member's resolution.

### **Article 18 Publication**

Once it has been admitted, the initiative shall be published in the *Journal of the Assembly of the Republic*.

### **Article 19 Representation**

1 – The initial part of the initiative must mention the identity details of the agents appointed by the group of citizens who subscribed it, which agents shall number at least twenty-five.

2 – For the purposes of liability and representation laid down by law, the agents referred to in the previous paragraph shall appoint an executive committee from among their number.

### **Article 20 Procedural details**

1 – Within a time limit of two days, the President of the Assembly of the Republic shall ask the committee with competence for the matter in question for an opinion on the referendum initiative, to be provided within the time limit he sets it.

2 – Once he has received the committee's opinion, the President of the Assembly of the Republic shall either decide to admit the initiative or have the group of citizens'

representative notified that the text must be perfected within a time limit of at most twenty days.

3 – The parliamentary groups and the agents of the group of citizens who submitted the initiative shall be notified of the President of the Assembly of the Republic's order.

4 – Once it has been admitted, the initiative shall be referred to the committee with competence for the matter in question.

5 – The committee shall hear the representative of the group of registered electors, in order to obtain the clarifications deemed necessary to an understanding of the questions that have been submitted and any reformulation thereof.

6 – Within a time limit of twenty days, the committee shall draw up a draft Member's resolution incorporating the text of the referendum initiative and send it to the President of the Assembly of the Republic for scheduling.

7 – The President of the Assembly of the Republic must schedule the draft Member's resolution for one of the next ten plenary sittings.

8 – The popular initiative shall obligatorily be considered and put to the vote by the Plenary.

#### **Article 21** **Effects**

The consideration of and voting on the initiative by the Plenary shall result in the passage or rejection of the draft Member's resolution that incorporates the popular initiative.

#### **Article 22** **Resubmission and lapse**

1 – The provisions of Article 15 are applicable to popular initiatives, mutatis mutandis.

2 – Popular initiatives that are waiting to be put to the vote do not lapse upon the end of the legislature, and a new time limit for consideration in accordance with Article 20 shall begin.

### **SECTION II** **Government drafts**

#### **Article 23** **Competence, form and publication**

1 – The Council of Ministers has the competence to approve draft government referenda.

2 – Drafts shall take the form of a Council of Ministers resolution published in Series I-A of the *Diário da República*.

**Article 24**  
**Content of resolutions**

The Council of Ministers resolution shall include the questions that are to be formulated and the definition of the electoral universe that is to be consulted.

**Article 25**

**Lapse**

Draft government referenda lapse upon the resignation or removal of the Government.

**CHAPTER II**  
**Prior review of constitutionality and legality and consideration of the requisites regarding the electoral universe**

**SECTION I**  
**Subjection to the Constitutional Court**

**Article 26**  
**Initiative**

Within the eight days following publication of a resolution of the Assembly of the Republic or the Council of Ministers, the President of the Republic shall submit the draft referendum to the Constitutional Court for the purposes of a prior review of its constitutionality and legality, to include consideration of the requisites regarding the respective electoral universe.

**Article 27**  
**Time limit for review and consideration**

The Constitutional Court shall review and consider within a time limit of twenty-five days, which the President of the Republic may shorten for urgent reasons.

**Article 28**  
**Effects of decision**

1 – If the Constitutional Court finds that the draft referendum is unconstitutional or illegal, particularly for failing to respect the norms regarding the electoral universe, the President of the Republic may not promote the calling of a referendum and shall return the draft to the entity that formulated it.

2 – The Assembly of the Republic or the Government may reconsider and reformulate its draft, expunging the unconstitutionality or illegality from it.

3 – Within a time limit of eight days following publication of a reformulated draft referendum, the President of the Republic shall submit it to the Constitutional Court for a new prior review of its constitutionality and legality, to include consideration of the requisites regarding the respective electoral universe.

4 – In the case of a popular referendum initiative, within a time limit of eight days counting from the date on which he knows the Constitutional Court's decision, the President of the Assembly of the Republic must communicate that decision to the representatives of the group of citizens who subscribed the initiative.

## **SECTION II Prior review process**

### **Article 29 Requests for review and consideration**

1 – Requests for the review of the constitutionality and legality of a draft referendum, to include consideration of the requisites regarding the respective electoral universe, shall be accompanied by the corresponding resolution of the Assembly of the Republic or the Council of Ministers and the other preparatory procedural elements that the President of the Republic deems appropriate.

2 – Once it has been formally received by the secretariat and recorded in the corresponding record book, the request shall immediately be assigned to the President of the Constitutional Court.

3 – The President of the Constitutional Court has a time limit of one day in which to admit the request, verify whether there is any procedural irregularity, and if so, notify the President of the Republic of the need to make it good within a time limit of two days.

### **Article 30 Distribution**

1 – The request shall be distributed within a time limit of one day counting from the date on which it is admitted.

2 – The case file shall immediately be assigned to a rapporteur for the purpose of drawing up, within a time limit of five days, a memorandum containing the list of the questions on which the Constitutional Court must pronounce and the solution it proposes for them, with a summary indication of the respective grounds.

3 – Once the case file has been distributed, copies of the request shall be delivered to all the Justices, and the same procedure shall be applied to the memorandum as soon as it is received by the secretary.

### **Article 31 Coming to a decision**



1 – When a copy of the memorandum is delivered to the President of the Constitutional Court, he shall be assigned the respective case file in order to include it on the order of business of a plenary sitting, which shall be held within a time limit of eight days counting from the date on which the request was received.

2 – The decision must not be handed down less than two days after the copies of the memorandum are delivered to all the Justices.

3 – Once the discussion has been concluded and the Constitutional Court has taken a decision, the case file shall be assigned to the rapporteur or, in the event that the latter dissents from the decision, to the Justice who is to substitute him, in order for the ruling to be drawn up within a time limit of five days and then signed.

### **Article 32** **Shortening time limits**

In the event that for urgent reasons the President of the Republic has shortened the time limit within which the Constitutional Court is to pronounce, the President of the Court shall adapt the time limits referred to in the previous Articles to that circumstance accordingly.

### **Article 33** **Publicising the decision**

Once a decision has been handed down, the President of the Constitutional Court shall immediately communicate it to the President of the Republic and send it for publication in Series I-A of the *Diário da República* on the following day.

## **CHAPTER III** **Decision**

### **Article 34** **Time limit for decision**

The President of the Republic shall decide whether to call the referendum within a time limit of twenty days following publication of a Constitutional Court decision in which the Court confirms a draft's constitutionality and legality.

### **Article 35** **Calling**

1 – The act of calling a referendum shall take the form of a decree, which shall not require ministerial counter-signature.

2 – The decree shall include the questions formulated in the draft, the electoral universe that is to be consulted and the date on which the referendum is to be held, which shall be between the fortieth and one-hundred-and-eightieth days counting from publication of the decree, except if the electoral universe encompasses citizens who are resident

abroad, in which circumstance the referendum shall be held between the fifty-fifth and one-hundred-and-eightieth days.

3 – Save in the cases provided for in Article 9(1), or of an intervening dissolution of the Assembly of the Republic or resignation or removal of the Government when the author of the draft was the former or the latter respectively, once the date for holding the referendum has been scheduled it may not be changed.

### **Article 36**

#### **Refusing a draft referendum**

1 – If the President of the Republic decides not to call a referendum, he shall communicate that decision to the Assembly of the Republic in a substantiated message, or to the Government in a written document including the reason for the refusal.

2 – In the case of a popular referendum initiative, the President of the Assembly of the Republic must communicate the negative presidential decision and the grounds for it to the representative of the group of registered electors.

3 – A draft Assembly of the Republic referendum that is refused by the President of the Republic may not be resubmitted in the same legislative session.

4 – If the draft is a government draft, it may only be resubmitted and re-sent to the President of the Republic following the formation of a new government.

## **TITLE III**

### **Holding referenda**

#### **CHAPTER I Right of participation**

### **Article 37**

#### **General principles**

1 – Electors who are registered on the electoral roll in Portuguese territory may be called upon to pronounce themselves directly by means of referenda.

2 – When a referendum addresses a matter that also specifically concerns them, citizens who reside abroad and are properly registered on the electoral roll under the provisions of Article 121(2) of the Constitution shall also be called upon to participate.

### **Article 38**

#### **Citizens of Portuguese-speaking countries**

Citizens of other Portuguese-speaking countries who reside in Portuguese territory and enjoy the special status of equality of political rights under the terms of an international convention shall, subject to conditions of reciprocity, enjoy the right to participate in referenda, on condition that they are registered as electors in Portuguese territory.

**CHAPTER II**  
**Referendum campaigns**

**SECTION I**  
**General provisions**

**Article 39**  
**Objectives and initiative**

1 – A referendum campaign consists of the justification and clarification of the questions that are to be submitted to referendum and of the promotion of the corresponding options, with respect for the rules of a democratic state based on the rule of law.

2 – Campaigns are conducted by the lawfully formed political parties or coalitions of political parties which declare that they wish to participate in the clarification of the questions that are to be submitted to referendum, either directly or via groups of citizens or entities indicated by them, who shall be duly identified in accordance with and for the purposes provided for in Article 19.

3 – Groups of registered electors may also participate in campaigns, in accordance with the present Law.

**Article 40**  
**Parties and coalitions**

By the thirtieth day before that on which the referendum is to be held, the lawfully formed parties or the coalitions in question shall deliver the declaration provided for in paragraph (2) of the previous Article to the National Electoral Commission.

**Article 41**  
**Groups of registered electors**

1 – Until the thirtieth day before that on which the referendum is to be held, registered electors numbering at least five thousand persons may form a group for the purpose of participating in the clarification of the questions that are to be submitted to referendum.

2 – No citizen may belong to more than one group.

3 – The form required for formation of a group shall be the same as that for popular initiatives.

4 – The National Electoral Commission has the competence to control the proper conduct of the process and the corresponding registration.

5 – For all the purposes of the present Law, groups of registered electors shall cause themselves to be represented in accordance with Article 19.

**Article 42**  
**Principle of freedom**

1 – Parties and duly formed groups of registered electors shall undertake the campaign freely, and the campaign shall be open to free participation by all.

2 – The campaign activities provided for in the present Law do not exclude any others derived from the exercise of the rights, freedoms and guarantees assured by the Constitution and the law.

**Article 43**  
**Civil liability**

1 – Parties are civilly liable, as laid down by law, for damages that directly result from campaign activities they have promoted.

2 – Groups of citizens represented by the entities referred to in Article 19 are governed by the same principle, *mutatis mutandis*.

**Article 44**  
**Principle of equality**

The parties and groups of registered electors that are intervening in a referendum have the right to equal opportunities and treatment, in order to undertake their campaign activities freely and under the best conditions.

**Article 45**  
**Neutrality and impartiality of public entities**

1 – The entities and organs of the state, of the Autonomous Regions and local authorities, of other public-law legal persons, of state-owned enterprises and mixed economy enterprises, and of enterprises that hold public-service concessions or concessions for property in the public domain or public works, together with their officeholders when acting in that capacity, may not directly or indirectly intervene in referendum campaigns, or undertake acts that in any way favour or prejudice a position to the detriment or advantage of one or more other positions.

2 – In the exercise of their functions the staff and agents of the entities provided for in the previous paragraph shall observe rigorous neutrality towards the different positions, as well as towards the different parties and groups of registered electors.

3 – The display of symbols, initials, stickers or other propaganda items by staff and agents of the entities referred to in paragraph (1) during the exercise of their functions is prohibited.

**Article 46**  
**Access to specific resources**

1 – The free pursuit of campaign activities implies access to specific resources.

2 – The use, in accordance with the present Law, of news publications, broadcasts by public and private radio and television stations with a national or regional scope, and public buildings or enclosed spaces, shall be free of charge to parties and groups of registered electors that intervene in a referendum.

3 – Parties that have not declared their wish to participate in the clarification of the questions which are to be submitted to referendum do not have the right of access to specific campaign resources.

#### **Article 47**

### **Beginning and end of campaign**

The referendum campaign period begins on the twelfth day prior to and ends at midnight on the day before the eve of the referendum day.

## **SECTION II**

### **Propaganda**

#### **Article 48**

### **Freedom of the press**

During the referendum campaign period no proceedings can be brought against, and no sanctions may be imposed on, journalists, or enterprises that operate media, for acts regarding the campaign in question, without prejudice to any liability they incur, which may only be actioned after the day on which the referendum is held.

#### **Article 49**

### **Freedom to meet and to demonstrate**

1 – During the referendum campaign period and for purposes pertaining thereto, the freedom to meet is governed by the provisions of the law, with the special features set out in the following paragraphs.

2 – When it regards meetings, rallies, demonstrations or marches in places that are public or open to the public, the notice referred to in Article 2(2) of Executive Law no. 406/74 of 29 August 1974 shall be issued by the competent organ of the political party or parties concerned.

3 – Processions and marches may be held on any day and at any time, subject only to the limits imposed by the freedom to work and of transit and by the maintenance of public order, as well as the limits derived from citizens' rest periods.

4 – A copy of the official record referred to in Article 5(2) of Executive Law no. 406/74 of 29 August 1974 shall be sent to the President of the National Electoral Commission and, where appropriate, to the competent organs of the political party or parties concerned.

5 – The competent authority shall give any order to change routes or marches in writing to the competent organ of the political party or parties concerned, and shall communicate it to the National Electoral Commission.

6 – Only the competent organs of the political party concerned may request the presence of law enforcement officers at meetings it organises, and the organising entity shall be responsible for maintaining order when it does not make such a request.

7 – The limit referred to in Article 11 of Executive Law no. 406/74 of 29 August 1974 is hereby extended to two a.m.

8 – The appeal provided for in Article 14(1) of Executive Law no. 406/74 of 29 August 1974 shall be lodged with the Constitutional Court within a time limit of one day.

9 – The principles contained in the present Article are applicable, *mutatis mutandis*, to groups of registered electors.

### **Article 50**

#### **Audible propaganda**

1 – Audible propaganda does not require authorisation or communication to the administrative authorities.

2 – Without prejudice to paragraph (7) of the previous Article, audible propaganda is not permitted before eight a.m. or after eleven p.m.

### **Article 51**

#### **Graphic propaganda**

1 – Putting up posters does not require authorisation or communication to the administrative authorities.

2 – It is not permitted to put up posters, write or make mural paintings on national monuments, on temples or religious buildings, on the headquarters buildings of entities or organs of the state, the Autonomous Regions or local authorities or on buildings where polling stations are going to operate, on traffic or road signs, or inside public offices or buildings, save, in the latter case, in facilities that are intended for socialising by staff and agents.

3 – Putting up posters in historic town centres that are recognised as such by law is prohibited.

4 – Nor is the use of lasting glues or paints to put up posters or writings permitted under any circumstances.

### **Article 52**

#### **Additional fixed graphic propaganda**

1 – At least three days before the beginning of the referendum campaign, parish councils shall establish special spaces in certain locations intended for putting up posters, photographs, mural journals, manifestos and notices.

2 – The minimum number of those locations is determined in accordance with the number of registered electors, as follows:

- a) Up to two hundred and fifty electors – one;
- b) Between two hundred and fifty and one thousand electors – two;
- c) Between one thousand and two thousand electors – three;
- d) Above two thousand five hundred electors, for each additional fraction of two thousand five hundred electors – one.

3 – The number of special spaces reserved in the locations provided for in the previous paragraphs shall be equal to the number of parties and duly formed groups of registered electors that are intervening in the referendum.

**Article 53**  
***Commercial advertising***

*Revoked.*

**SECTION III Specific  
campaign resources**

***DIVISION I Periodical  
publications***

***Article 54***  
***Public news publications***

*Revoked.*

***Article 55***  
***Private and cooperative news publications***

*Revoked.*

***Article 56***  
***Political publications***

*Revoked.*

**DIVISION II Radio  
and television**

**Article 57**  
**Radio and television stations**

1 – Radio and television stations are obliged to give equal treatment to the parties and groups of registered electors that intervene in the referendum.

2 – The parties and groups of registered electors that intervene in the referendum have the right to broadcasting time on radio and television with a national or regional scope, in accordance with the following Articles.

### **Article 58** **Free broadcasting time**

During the campaign period, radio and television stations shall reserve the following broadcasting times for parties and groups of registered electors:

a) Radiotelevisão Portuguesa, SA, on all its channels including the international channel, and private television stations:

From Mondays to Fridays – fifteen minutes between seven p.m. and ten p.m.; on Saturdays and Sundays – thirty minutes between seven p.m. and ten p.m.;

b) Radiodifusão Portuguesa, SA, in medium wave and frequency modulated broadcasts linked to all its regional broadcasters and its international programming:

Sixty minutes each day, of which twenty minutes between seven a.m. and midday, twenty minutes between midday and seven p.m., and twenty minutes between seven p.m. and midnight;

c) Private radio stations with a national scope, in medium wave and frequency modulated broadcasts linked to all their broadcasters, when they have more than one:

Sixty minutes each day, of which twenty minutes between seven a.m. and midday, and forty minutes between seven p.m. and midnight;

d) Private radio stations with a regional scope:

Thirty minutes each day.

### **Article 59** **Private local stations**

1 – Private stations with a local scope that wish to insert subject matter regarding the referendum campaign shall communicate this fact to the National Electoral Commission at least fifteen days before the campaign begins.

2 – Broadcasting times shall be fifteen minutes each day, between seven a.m. and eight a.m. and between seven p.m. and nine p.m.

3 – Stations that do not send the communication provided for in paragraph (1) are not obliged to insert subject matter regarding the referendum campaign, save that sent to them by the National Electoral Commission, and in the latter case they do not have the right to the compensation provided for in Article 187.

### **Article 60** **Obligations regarding broadcasting time**



1 – Radio and television stations shall tell the National Electoral Commission the planned schedule for the broadcasts at least ten days before the referendum campaign begins.

2 – Radio and television stations shall record and store the recordings of the broadcasts that correspond to the exercise of the right to broadcasting time.

### **Article 61**

#### **Criterion for distributing broadcasting times**

1 – Broadcasting times shall be divided up between the entities that are intervening in the referendum equally in two blocks: one part between the parties for which one or more Members of the Assembly of the Republic were elected in the last legislative elections, to be allocated jointly when parties ran in coalition; and another part between the other parties and groups of registered electors that have been lawfully formed for the purpose.

2 – In the case of a popular referendum initiative, the group of registered electors that initiated the referendum shall share the first block of broadcasting time in a position equivalent to that of the parties referred to in the first half of the previous paragraph.

3 – If none of the parties with seats in the Assembly of the Republic wishes to participate in the broadcasting times under the terms and conditions provided for by law, or if other entities give up or do not use their broadcasting spaces, those spaces must be cancelled without any other redistribution.

### **Article 62**

#### **Broadcasting time lottery**

1 – The National Electoral Commission shall distribute radio and television broadcasting times by lottery at least three days before the campaign begins, and shall communicate the result of the distribution to the broadcasting stations within the same time limit.

2 – For the purpose of the provisions of the previous paragraph and in accordance with those of Article 61, the National Electoral Commission shall organise the same number of series of broadcasts as there are parties and groups of registered electors with the right to them.

3 – The representatives of the parties and groups of registered electors shall be summoned to attend the lottery provided for in this Article.

4 – The joint use and swapping of broadcasting times are permitted.

### **Article 63**

#### **Suspension of right to broadcasting time**

1 – Exercise of the right to broadcasting time by the following entities shall be suspended:

- a) Those that use expressions or images which may constitute a crime of defamation or libel, offence to the democratic institutions, call for disorder or insurrection, or incitement to hatred, violence or war;
- b) Those that engage in commercial advertising;
- c) Those that engage in propaganda which is improperly used for purposes other than that for which the right to broadcasting time was granted to them.

2 – The suspension shall be graduated between one day and the number of days remaining in the campaign, depending on the seriousness and degree of frequency of the fault, and shall cover the exercise of the right to broadcasting time on all radio and television stations, even if the fact that caused it only occurred on one of them.

3 – This suspension is independent of any civil or criminal liability.

#### **Article 64**

##### **Procedure for suspending exercise of the right to broadcasting time**

1 – The suspension of the exercise of the right to broadcasting time shall be the object of a request to the Constitutional Court by the Public Prosecutors' Office, acting on its own initiative or at the request of the National Electoral Commission or of any other party or group of citizens that is intervening in the referendum.

2 – The competent organ of the political party or the representative of the group of citizens whose right to broadcasting time has been the object of a suspension request shall immediately be notified by telegraphic means that it or he should contest the request within a time limit of twenty-four hours, should it or he wish to do so.

3 – The Constitutional Court shall requisition such records of the broadcasts as prove necessary from the radio or television stations concerned, and those records shall immediately be made available to it.

4 – The Constitutional Court shall decide within a time limit of one day and, in cases in which it orders the suspension of the right to broadcasting time, shall straight away notify the respective radio and television stations of the decision for the purpose of immediate compliance.

### **DIVISION III**

#### **Other specific campaign resources**

#### **Article 65**

##### **Public places and buildings**

1 – Use of the public places referred to in Article 9 of Executive Law no. 406/74 of 29 August 1974 shall, in accordance with the criteria laid down in Article 61 of the present Law, be divided up among the parties and groups of registered electors that are intervening in the referendum.

2 – Municipal councils must ensure that the use of public buildings and enclosed spaces that belong to other public-law legal persons is ceded for referendum campaign

purposes, which use they shall divide up among the parties and groups of registered electors that are intervening in the referendum, in accordance with the same criteria.

### **Article 66** **Indoor performance venues**

1 – The owners of indoor performance venues or other enclosed spaces that are normally accessible to the public and possess the conditions needed for them to be used in referendum campaigns shall declare this fact to the municipal council of the respective area at least ten days before the campaign begins, and shall indicate the dates on and times at which the indoor venues or enclosed spaces can be used for that purpose.

2 – In the absence of such a declaration and in the case of a confirmed shortage, the municipal council may requisition the indoor venues and enclosed spaces that it considers necessary for the campaign, without prejudice to the normal activities of the spaces in question or the activities that have already been programmed for them.

3 – The time that is intended for propaganda under the terms of paragraphs (1) and (2) shall, in accordance with the criteria laid down in Article 61 of the present Law, be divided up among the parties and groups of registered electors that are intervening in the referendum and declare their interest therein at least fifteen days before the campaign begins.

4 – At least three days before the campaign begins, the municipal council shall, after first consulting the representatives of the political parties that are intervening in the referendum and with respect for the principle of equality, indicate the days and times that have been allocated to them.

### **Article 67** **Costs of using indoor performance venues**

1 – The owners of indoor performance venues, or those who operate them, shall indicate the price that is to be charged for their use, which may not exceed the net revenue to be gained from half the seating in the indoor venue in question at a normal performance.

2 – The price referred to in the previous paragraph and the other terms and conditions of use shall be the same for all the parties and groups of registered electors that are intervening in the referendum.

### **Article 68** **Division of use**

1 – When there is competition and agreement between those who are intervening in the referendum is not possible, the municipal council shall divide up the use of public places and buildings, indoor performance venues and other enclosed spaces that are normally accessible to the public, by lottery.

2 – The representatives of the political parties and of the groups of registered electors shall be summoned to attend the lottery provided for in this Article.

3 – The interested entities may agree to the joint use of the locations that are allocated to them, or to swap them.

### **Article 69** **Rentals**

1 – From the date on which the decree that calls a referendum is published until twenty days after the referendum is held, tenants of urban property may, by any means including sub-rental for an amount not exceeding that of their rent, devote them to the preparation and undertaking of the respective campaign, whatever the purpose of the primary rental and regardless of any provision to the contrary in the respective contract.

2 – The tenants and the political parties or groups of registered electors in question are jointly liable for damages caused as a result of the use provided for in the previous paragraph.

### **Article 70** **Telephone installations**

1 – Political parties and groups of registered electors have the right to the installation of one telephone for each municipality in which they undertake campaign activities, free of charge.

2 – Requests for telephone installations may be made as of the date on which the referendum is called, and installations must take place within a time limit of five days counting from the request.

## **SECTION IV** **Campaign financing**

### **Article 71** **Campaign revenues**

1 – Campaign financing is subject, *mutatis mutandis*, to the principles and rules governing the financing of campaigns for elections to the Assembly of the Republic, except as regards public subsidies.

2 – Groups of registered electors are subject to a regime equivalent to those governing political parties, *mutatis mutandis*.

### **Article 72** **Campaign expenses**

1 – The regime governing the campaign expenses of parties and groups of registered electors is, *mutatis mutandis*, that governing expenses in campaigns for elections to the Assembly of the Republic, including that regarding the limits on the expenses incurred by each party or group of registered electors.

2 – Campaign expenses shall be borne by the parties or groups of registered electors that incurred or took responsibility for them.

**Article 73**  
**Responsibility for accounts**

The political parties and groups of registered electors concerned are responsible for drawing up and submitting the accounts for their campaigns.

**Article 74**  
**Submission of accounts**

Within a time limit of at most ninety days counting from the official proclamation of the results, each party or group of registered electors shall submit broken-down accounts of its campaign to the National Electoral Commission.

**Article 75**  
**Consideration of accounts**

1 – Within a time limit of ninety days, the National Electoral Commission shall then consider the legality of the revenues and expenses and whether the accounts have been properly drawn up and shall publish its findings in the *Diário da República*.

2 – If the National Electoral Commission verifies the existence of any irregularity in the accounts, it shall notify the party or the representative of the group of citizens that it must submit new, duly rectified accounts within a time limit of fifteen days.

3 – In the event that irregularities which cannot immediately be overcome continue to exist in the new accounts, the National Electoral Commission shall send them to the Court of Auditors for the latter to pronounce on them within a time limit of thirty days. The decision of the Court of Auditors shall be published in the *Diário da República*.

**CHAPTER III**  
**Organisation of the voting process**

**SECTION I**  
**Polling stations**

**DIVISION I**  
**Organisation of polling stations**

**Article 76**  
**Scope of polling stations**

1 – Each parish shall correspond to one polling station.

2 – The polling stations of parishes where the number of electors significantly exceeds 1,000 shall be divided into polling sections, at the initiative of the parish authority or the municipal authority, in such a way that the number of electors is adequate to the geographical reality and to the venues for conducting the electoral act, aiming, where possible, not to exceed that number significantly.

## **Article 77**

### **Determining polling stations**

1 – By the thirtieth day before that of the referendum, the mayor shall decide on the division requests provided for in the previous Article, and shall immediately communicate them to the corresponding parish council and to the electoral administration services.

2 – The mayor's decision shall be subject to appeal to the district court with jurisdiction in the seat of the district or Autonomous Region.

3 – Appeals may be lodged by the chairman of the parish council or by ten electors who belong to the polling station in question, within a time limit of two days after the public notice is affixed and shall be decided within an identical time limit, whereupon the appellant shall immediately be notified of the decision.

4 – The decision of the district court with jurisdiction in the seat of the district or Autonomous Region is subject to appeal to the Constitutional Court, to be lodged within a time limit of one day, whereupon the Constitutional Court sitting in plenary shall decide upon it within an identical time limit.

## **Article 78**

### **Operational location**

1 – Polling stations shall assemble in public buildings, preferably schools or seats of municipal councils or parish councils that offer the indispensable conditions in terms of access and security.

2 – In the absence of suitable public buildings, private buildings shall be requisitioned for the purpose.

## **Article 79**

### **Deciding operational locations**

1 – The mayor has the competence to decide the locations in which polling stations and sections are to operate, and shall communicate those locations to the corresponding parish councils by the twenty-fifth day before that of the referendum.

2 – By the twenty-third day before that of the referendum, parish councils shall announce the operational locations of their polling stations and sections by affixing public notices in the customary places.

## **Article 80**

### **Announcement of day, time and location**

1 – By the fifteenth day before that of the referendum, mayors shall announce the day, time and locations at which polling stations are to operate by affixing a public notice in the customary places.

2 – The public notices shall also contain the electoral registration numbers of the electors who correspond to each polling station.

## **Article 81**

### **Working items used by boards of officers**

1 – At least three days before that of the referendum, each electoral registration commission shall make two duly authenticated copies of the electoral roll books and

shall entrust them to the parish council in question.

2 – At least two days before the referendum, each mayor shall send each parish council chairman voting slips, and a notebook intended to hold the minutes of the electoral operations with an opening record signed by the mayor and every sheet initialled by him, together with the forms and other necessary working items.

3 – Parish councils shall take steps to ensure that the items referred to in the previous paragraphs are delivered to the presiding officer of each polling station at least one hour before the station opens.

## **DIVISION II**

### **Boards of officers of polling stations**

#### **Article 82**

##### **Function and composition**

1 – In each polling station or section there shall be a board of officers that promotes and directs the referendum operations.

2 – The board of officers shall comprise a presiding officer, a deputy presiding officer, a secretary and two scrutineers.

#### **Article 83**

##### **Appointment**

The members of the boards of officers of polling stations or sections shall be chosen by agreement between the representatives of those parties that have made the declaration provided for in Article 39(2) and of those groups of registered electors that have been properly formed, or, in the absence of agreement, by lottery.

#### **Article 84**

##### **Requisites for appointment of boards of officers**

1 – The members of each board of officers shall be appointed from among the electors who belong to the respective polling station.

2 – Electors who cannot read and write Portuguese may not be appointed members of boards of officers.

#### **Article 85**

##### **Incompatibilities**

The following may not be appointed members of boards of officers of polling stations or sections:

- a) The President of the Republic, Members of the Assembly of the Republic, members of the Government and of Regional Governments, Representatives of the Republic, and members of the executive organs of local authorities;
- b) Judges of any court and public prosecutors.

#### **Article 86**

##### **Appointment process**

1 – At nine p.m. on the eighteenth day before that on which the referendum is to be

held, the duly accredited representatives of the parties and groups of registered electors shall meet at the seat of the respective parish council to choose the members of the boards of officers of the parish's voting stations or sections.

2 – If agreement is not reached at this meeting, the representative of each party or group of registered electors that is intervening in the referendum shall, by the fifteenth day before that of the referendum, propose to the mayor two electors for each place that is still unfilled, so that the choice between them may be made by lottery, to be held within twenty-four hours at the municipal council building and in the presence of those representatives who wish to attend.

3 – In the event that no proposals are submitted in accordance with paragraph (1), the mayor shall appoint the members of the boards of officers whose places are still unfilled by lottery from among the electors of the polling station or section.

### **Article 87 Challenges**

1 – The names of the members of the boards of officers appointed by the representatives of the parties or groups of registered electors or by lottery shall be published in the form of a public notice to be affixed within a time limit of two days to the door of the seat of the parish council. Within the same time limit, any elector may challenge the appointment before the district judge on the grounds of disregard for the requisites laid down in the present Law.

2 – The judge shall decide the challenge within a time limit of one day and, if he upholds it, shall immediately make the choice and communicate it to the mayor.

### **Article 88 Writ of appointment**

At least five days before the referendum, the mayor shall issue a writ recording the appointment of the members of the boards of officers of the polling stations or sections and shall communicate the appointments to the respective parish councils.

### **Article 89 Obligatory exercise of function**

1 – Exercise of the function of member of the board of officers of a polling station or section is obligatory and unremunerated.

2 – The following are justifiable motives for impediment:

- a) Age over sixty-five years;
- b) Illness or physical impossibility, as confirmed by the municipal health officer;
- c) Change of residence to the area of another municipality, as confirmed by the parish council of the new residence;
- d) Absence abroad, as duly confirmed;
- e) Exercise of a professional activity that cannot be delayed, as duly confirmed by a hierarchical superior.

3 – Whenever the elector is able to do so, he shall invoke the justifiable motive to the mayor at least three days before the referendum.

4 – In the case provided for in the previous paragraph the mayor shall immediately substitute the elector by appointing another elector who belongs to the polling station.



**Article 90**  
**Dispensation from professional activity**

Members of the boards of officers of polling stations or sections enjoy the right to dispensation from professional activity on the day on which the referendum is held and the following day, to which end they must provide evidence confirming their exercise of the respective functions.

**Article 91**  
**Formation of boards of officers**

1 – The boards of officers of polling stations or sections may not be formed before the time for which voting is scheduled, or in any location other than that which was announced, failing which all the acts they undertake shall be null and void.

2 – Once the board of officers has been formed, a public notice signed by the presiding officer and containing the names and electoral registration numbers of the citizens who comprise the board, together with the number of electors registered at that polling station or section, shall be affixed to the door of the building in which the polling station or section is assembled.

**Article 92**  
**Substitutions**

1 – If, one hour after the time scheduled for a polling station or section to open, it has not been possible to form the board of officers due to the absence of the members who are indispensable for it to operate, the chairman of the parish council shall, with the agreement of the majority of the delegates who are present, appoint substitutes for the absent members from among the electors who belong to that polling station or section.

2 – If, notwithstanding the formation of the board of officers, it is verified that one of its members is missing, the chairman shall, with the agreement of the majority of both the other members of the board and the delegates of those parties and groups of citizens who are present, substitute him with any elector who belongs to the polling station or section.

3 – Once the members who failed to attend have been substituted, their appointments cease to be in effect and the presiding officer shall communicate their names to the mayor.

**Article 93**  
**Permanence of boards of officers**

1 – Once a board of officers has been formed, it may not be changed, save in cases of force majeure.

2 – Changes in a board of officers and the reasons therefore shall be publicised by the immediate affixation of a public notice on the door of the building in which the polling station or section is operating.

**Article 94**  
**Quorum**

During voting operations the presence of the majority of the members of the board of officers, to include the presiding officer or the deputy presiding officer, is obligatory.

**DIVISION III**  
**Delegates of parties and groups of registered electors**

**Article 95**  
**Right to appoint delegates**

1 – Each party that has made the declaration provided for in Article 39(2) and each group of citizens that is intervening in the referendum has the right to appoint one effective and one substitute delegate for each polling station or section.

2 – Delegates may be appointed for a polling station or section other than that at which they are registered as electors.

3 – Neither the failure to appoint any delegate nor any delegate's failure to attend shall affect the proper conduct of the operations.

**Article 96**  
**Appointment process**

1 – By the fifth day before that on which the referendum is to be held, the parties and groups of registered electors shall indicate the delegates for the different polling stations or sections in writing to the mayor, and shall submit the respective credentials to him for signature and authentication.

2 – The credential, which shall comply with the model set out in annexe to the present Law, shall contain the delegate's name, his electoral registration number, the number and date of his identity card, the party or group he represents and the polling station or section for which he is appointed.

**Article 97**  
**Delegates' powers**

1 – The delegates of parties and groups of registered electors have the following powers:

- a) To occupy the places closest to the polling station or section's ballot table, in such a way as to be able to monitor all the voting operations;
- b) At any moment in time, to consult the copies of the electoral roll books used by the polling station or section's board of officers;
- c) To be consulted and be given clarifications with regard to all the questions that are raised during the operation of the polling station or section, during both the voting phase and the counting phase;
- d) To lodge challenges, protests or counter-protests with regard to the voting operations, either orally or in writing;
- e) To sign the minutes and initial, close, and seal with wax all the documents regarding the voting operations;
- f) To obtain affidavits of the voting and counting operations.

2 – Delegates of parties and groups of registered electors may not be appointed to substitute members of boards of officers who fail to attend.

**Article 98**  
**Immunities and rights**

1 – Delegates may not be detained while their polling station or section is operating, except for a crime that is punishable by a prison term of more than three years and in flagrante delicto.

2 – Delegates enjoy the right set out in Article 90.

**SECTION II**  
**VOTING SLIPS**

**Article 99**  
**Fundamental characteristics**

1 – Voting slips shall be printed on smooth, non-transparent paper.

2 – Voting slips shall be rectangular in shape, with the size that is appropriate in order for the questions which are being submitted to the electorate to fit on them, which shall be printed using a typeface that is easy to read.

**Article 100**  
**Contents**

1 – Each voting slip shall contain the questions which are being submitted to the electorate, which shall be laid out one below another.

2 – On the line that corresponds to the last sentence in each question there shall be two squares, one of which shall be headed by the word “Yes” and the other by the word “No”, in order that the elector may mark the answer he prefers.

**Article 101**  
**Colour of voting slips**

Voting slips shall be white.

**Article 102**  
**Composition and printing**

Voting slips shall be composed and printed by Imprensa Nacional - Casa da Moeda, E.P.

**Article 103**  
**Sending voting slips to municipal councils**

The Directorate-General of the Interior shall arrange for the voting slips to be sent to the municipal councils.

**Article 104**  
**Distributing voting slips**

1 – Mayors and municipal councillors have the competence to distribute voting slips to

polling stations.

2 – Each polling station shall be sent a number of voting slips equal to that of the corresponding electors plus ten per cent, in one or more envelopes that shall be closed, and sealed with wax.

3 – The mayors and municipal councillors shall be accountable to the district court with jurisdiction in the seat of the district or Autonomous Region for the voting slips they have received.

**Article 105**  
**Returning unused and spoiled voting slips**

On the day following that on which the referendum is held, the presiding officer of each polling station shall return those voting slips that have not been used or have been spoiled by electors to the mayor.

**CHAPTER IV**  
**Voting**

**SECTION I**

**Date on which referendum is held**

**Article 106**  
**Day on which referendum is held**

1 – Without prejudice to the provisions of Article 122, each referendum shall be held on the same day throughout Portuguese territory.

2 – Referenda may only be held on Sundays or national holidays.

**SECTION II Exercise of  
the right to vote**

**Article 107**  
**Civic right and duty**

1 – Voting is a right and a civic duty.

2 – The persons in charge of departments, services and enterprises that have to operate on the day on which a referendum is held shall dispense the respective staff and workers for enough time to enable them to vote.

**Article 108**  
**Unicity**

Each elector shall only vote once.

**Article 109**  
**Location for exercise of the right to vote**

The right to vote shall be exercised at the polling station that corresponds to the location for which the elector is registered.

**Article 110**  
**Requisites for exercise of the right to vote**

1 – For an elector to be admitted for the purpose of voting, he has to be registered in the electoral roll book and his identity has to be recognised by the board of officers of the polling station or section.

2 – Registration in the electoral roll book implies presumption of the right to participate.

**Article 111**  
**Personal nature**

1 – The right to vote shall be exercised personally by the elector.

2 – No form of representation or delegation is admitted.

**Article 112**  
**Presence**

The right to vote shall be exercised in person at a polling station, save for the provisions regarding the form in which the right to vote early is exercised.

**Article 113**  
**Secret ballot**

1 – No one may be obliged to reveal how they have voted under any pretext.

2 – No one may reveal how they have voted or are going to vote, either inside the polling station or within a distance of five hundred metres outside it.

**Article 114**  
**Opening of public departments and services**

On the day on which the referendum is held and while polling stations are in operation, the departments and services of the following shall remain open:

- a) Parish councils, for the purpose of informing electors about their electoral registration number;
- b) Health centres and equivalent locations, for the purpose of the provisions of Article 127(2).

**SECTION III**  
**Voting procedure**

**DIVISION I Operation of  
polling stations**

**Article 115  
Opening of polling stations**

- 1 – Polling stations and sections shall open at eight a.m. on the day on which the referendum is scheduled to be held, once their board of officers has been formed.
- 2 – The presiding officer shall declare the polling station or section open, order the affixation of the public notices referred to in Article 91(2), review the voting chamber and the board’s working documents along with the other members of the board of officers and the delegates from the parties and groups of registered electors, and display the urn in front of the electors so that everyone may verify that it is empty.

**Article 116  
Impossibility of opening polling stations**

Polling stations or sections may not be opened in the following cases:

- a) It is impossible to form the board of officers;
- b) There is a serious disturbance of public order in the parish on the day on which the referendum is scheduled to be held;
- c) There is a serious disaster in the parish on the day on which the referendum is scheduled to be held, or was one during the three preceding days.

**Article 117  
Irregularities and overcoming them**

- 1 – In the event that there are irregularities which can be overcome, the board of officers shall overcome them.
- 2 – In the event that it is not possible to overcome them in the two hours following the opening of the polling station or section, the latter shall be declared closed.

**Article 118  
Continuity of operations**

Without prejudice to the provisions of the following Article, polling stations and sections shall operate without interruption until all the voting and counting operations are concluded.

**Article 119  
Interrupting operations**

- 1 – Operations shall be interrupted in the following cases, failing which voting may be null and void:
  - a) A serious disturbance of public order that affects the genuine nature of the act of voting occurs in the parish;
  - b) Any of the disturbances provided for in Article 134(2) and (3) occurs in the polling station or section;
  - c) A serious disaster occurs in the parish.
- 2 – Operations shall only recommence once the presiding officer has verified the existence

of the conditions needed to be able to continue.

3 – An interruption in voting for a period of more than three hours shall cause the polling station or section to close and the voting to be null and void.

4 – An interruption of voting in which operations do not recommence by the time at which they normally close shall also cause voting to be null and void, save if all the registered electors have already voted.

**Article 120**  
**Presence of non-electors**

The presence in a polling station or section of non-electors or electors who cannot vote there is prohibited, save in the case of representatives of parties or of groups of registered electors that are intervening in the referendum, or of media professionals who are duly identified and are exercising their functions.

**Article 121**  
**Closure of voting**

1 – Electors shall be admitted to their polling station or section until seven p.m.

2 – After that time only the electors who are present may vote.

3 – The presiding officer shall declare voting closed as soon as all the registered electors have voted or, if it is past seven p.m., as soon as all the electors who are present in the polling station or section have voted.

**Article 122**  
**Postponing voting**

1 – In the cases provided for in Article 116, Article 117(2) and Article 119(3) and (4), the following rules shall apply in the following order:

- a) New voting shall be held on the same day of the following week;
- b) If it has proven impossible to hold the voting provided for in the previous subparagraph, the definitive count shall be made without including the missing votes.

2 – The competence to recognise that it is definitively impossible for voting to take place, or to postpone it, pertains to the district court with jurisdiction in the seat of the district or Autonomous Region.

**DIVISION II General**  
**form of voting**

**Article 123**  
**Voting by members of boards of officers and delegates**

In the event that no irregularity exists, the presiding officer and the other officers shall vote immediately, as shall the delegates of the parties and groups of registered electors, on condition that they are registered in the electoral roll book of the polling station in question.



**Article 124**  
**Early votes**

1 – Once the members of the board of officers have voted, the presiding officer shall open the early votes, if any, and drop them in the urn.

2 – For the purpose of the provisions of the previous paragraph, the board of officers shall verify whether each elector is duly registered and shall make the notation that he has voted by initialling the line in the electoral roll book that corresponds to the elector's name, in the column intended for that purpose.

3 – Once this notation has occurred, the presiding officer shall open the envelopes referred to in Article 129 and shall take the voting slip from each of them and place it in the urn.

**Article 125**  
**Order of voting by remaining electors**

1 – The remaining electors shall vote in the order in which they arrive at the polling station, to which end they shall form a queue.

2 – Members of boards of officers from, and party delegates at, other polling stations shall exercise their right to vote as soon as they present themselves, on condition that they display the respective writ of appointment or credential.

**Article 126**  
**How each elector votes**

1 – When he presents himself at the ballot table, each elector shall give his electoral registration number and name and shall hand the presiding officer his identity card, if he has it.

2 – In the absence of his identity card, the elector shall be identified by means of any other official document that contains an up-to-date photograph, by two registered electors who swear by their honour to his identity, or by unanimous recognition by all the members of the board of officers.

3 – Once the elector has been identified, the presiding officer shall say the elector's registration number and name out loud and then, once his registration has been verified, shall hand him a voting slip.

4 – The elector shall then make his way to the polling booth located in the polling station or section and there, alone, shall, for each question that is being submitted to the electorate, mark the square headed by the word "Yes" or the square headed by the word "No" or neither of them, and shall fold the slip in four.

5 – The elector shall then return to the ballot table and hand the voting slip to the presiding officer, who shall deposit it in the urn, while the scrutineers note that the elector has voted by initialling the line in the electoral roll books that corresponds to his name, in the column intended for that purpose.

6 – If the elector inadvertently damages the slip, he shall ask the presiding officer for another one and return the first one to him.

7 – In the case provided for in the previous paragraph, the presiding officer shall write the note “unusable” on the slip that has been returned, initial it and keep it for the purposes of Article 104.

### **DIVISION III Special forms of voting**

#### **SUBDIVISION I Voting by disabled persons**

##### **Article 127 Requisites and form of exercise**

1 – An elector who is affected by an obvious illness or physical disability and whose inability to undertake the acts described in the previous Article is verified by the board of officers, shall vote while accompanied by another elector of his choice, who shall ensure that his vote is cast as he intends it to be and who shall be bound to absolute secrecy.

2 – If the board of officers decides that that the obviousness of the illness or physical disability is not verified, they shall require presentation to them, upon the act of voting, of a certificate confirming that it is impossible for the elector to undertake the acts described in the previous Article, to be issued by the doctor who exercises public health authority powers in the municipality’s area and to be authenticated with the respective department’s seal.

#### **SUBDIVISION II Early votes**

##### **Article 128 Who has this option**

1 – The following may vote early:

- a) Military personnel who, on the day on which the referendum is held, are impeded from travelling to their polling station by an imperative in the exercise of their functions that cannot be delayed;
- b) Agents of forces and services who exercise internal security functions in accordance with the law, and also firemen and civil defence agents, who are in a situation analogous to that provided for in the previous subparagraph;
- c) Maritime and aeronautical workers, as well as long-haul railway and highway workers who, due to their professional activities, will presumably be on board or away on the day on which the referendum is held;
- d) Electors who are or presumably will be hospital in-patients and unable to travel to the polling station or section due to illness;
- e) Electors who are under arrest or imprisoned;

f) Members who officially represent national teams organised by sport

for sporting competitions on the day on which the referendum is held;

g) All electors who are not covered by the previous subparagraphs and who, because they represent any legal person in the public, private or cooperative sector, organisations that represent workers or organisations that represent economic activities, and also other electors who, for an imperative reason derived from their professional functions, are impeded from travelling to their polling station on the day on which the referendum is held.

2 – When the electors referred to in subparagraphs a), b) and g) of the previous paragraph are away abroad between the twelfth day before that of the referendum and that on which the referendum is held, they may exercise the right to vote at the diplomatic or consular representations or the foreign delegations of the Portuguese ministries and public institutions defined in advance by the Ministry of Foreign Affairs, in accordance with Article 130-A.

3 – Students at education institutions who are registered at establishments situated in or on a district, Autonomous Region or island other than that for which they are registered on the electoral roll may also vote early.

4 – When they are registered on the electoral roll in Portuguese territory and are away abroad, the following electors may also vote early:

a) Military personnel, militarised agents and civilians who are integrated into peacekeeping, technical-military cooperation or equivalent operations;

b) Doctors, nurses and other citizens who are integrated into humanitarian missions that are recognised as such by the Ministry of Foreign Affairs;

c) Researchers and grant-holders at university or equivalent institutions that are recognised as such by the competent ministry;

d) Students who are registered at education institutions or who attend them under exchange programmes;

e) Electors who are ill and are receiving treatment abroad, as well as the persons accompanying them.

5 – Registered electors who are the spouses or equivalent, relatives or other similar persons who live with the electors mentioned in the previous paragraph may also vote early.

6 – Only those votes which are received at the seat of the parish council that corresponds to the polling station at which the elector ought to vote, by the day before that on which the referendum is held, shall be considered.

## **Article 129**

### **Form of exercise of the right to vote early for professional reasons**

1 – Any elector who is in any of the situations provided for in paragraph (1)(a), (b), (c), (f) and (g) of the previous Article may address himself to the mayor of the municipality in whose area he is registered to vote, between the tenth and the fifth days before the day of the referendum, and express his wish to exercise the right to vote early.

f) Members who officially represent national teams organised by sport

2 – The elector shall identify himself in the form provided for in Article 126(1) and (2), and shall provide evidence confirming the impediment that he is invoking by presenting a document which is signed by his hierarchical superior, his employer or another person, and which adequately confirms the existence of the impediment to the normal exercise of the right to vote.

3 – The mayor shall give the elector a voting slip and two envelopes.

4 – One of the envelopes, which shall be white, is to hold the voting slip, and the other, which shall be blue, is to hold the previous envelope and the confirmation document referred to in paragraph (2).

5 – The elector shall complete the slip under conditions that ensure the secrecy of his vote, and shall fold it in four and place it in the white envelope, which he shall adequately close.

6 – The white envelope shall then be placed in the blue envelope, together with the aforesaid confirmation document, and the blue envelope shall be closed and sealed with wax, and the mayor and the elector shall sign it legibly on the back.

7 – The mayor shall give the elector a receipt confirming that he has exercised his right to vote, as per the model attached in annexe to the present Law, which receipt shall contain his name, his home address, the number of his identity card and the polling station to which he belongs, together with his electoral registration number, and the document shall be signed by the mayor and authenticated with the municipality's stamp or dry seal.

8 – The mayor shall draw up minutes recording the operations that have been undertaken, in which he shall expressly mention the elector's name and electoral registration number and the parish in which he is registered, and shall send a copy of it to the intermediate counting station.

9 – By the fourth day before that on which the referendum is to be held, the mayor shall send the blue envelope to the board of officers of the polling station or section at which the elector ought to exercise the right to vote. The envelope shall be addressed to the respective parish council and shall be sent by the safety of the post.

10 – The parish council shall give the votes it has received to the presiding officer of the polling station by the time provided for in Article 115(1).

11 – Parties and groups of registered electors that are intervening in the referendum campaign may, under the general terms applicable to such appointments, appoint delegates to monitor the operations referred to in paragraphs (1) to (8).

### **Article 130**

#### **Form of exercise by persons who are ill or under arrest or imprisoned**

1 – Electors who are in either of the situations provided for in Article 128(1)(d) and (e) may, by electronic means or by post, by the twentieth day before that of the referendum, ask the mayor of the municipality in which they are registered to vote for the

or identity card and of their elector's card and attaching a document confirming the impediment that they are invoking, to be issued by the doctor treating them and confirmed by the management of the hospital, or a document issued by the warden of the prison, as appropriate.

2 – By the seventeenth day before that of the referendum, the mayor referred to in the previous paragraph shall send the following by registered post with notification of receipt:

- a) To the elector, the documentation needed to exercise the right to vote, together with the documents sent by the elector;
- b) To the mayor of each municipality in which electors in the situations defined in paragraph (1) find themselves, a list of the names of the aforesaid electors and of the hospitals or prisons in question.

3 – The mayor of the municipality in which the hospital or prison in which an elector is an inpatient or an inmate is located shall, by the sixteenth day before that of the referendum, notify the parties and groups of registered electors that are intervening in the referendum campaign with a view to fulfilment of the purposes provided for in paragraph (11) of the previous Article, and shall make them aware of which hospitals or prisons the early vote will take place in.

4 – Any appointment of delegates by parties and groups of registered electors must be transmitted to the mayor by the fourteenth day before that of the referendum.

5 – Between the tenth and the thirteenth days before that of the referendum, the mayor of each area in which a hospital or prison establishment with electors in the situations provided for in paragraph (1) is located shall, on a day and at a time that have previously been communicated to the respective director or warden and to a public prosecutor, go to the hospitals or prisons in question in order to comply, *mutatis mutandis* as required by the constraints imposed by the hospital or prison regimes, with the provisions of paragraphs (4), (5), (6), (7), (8) and (9) of the previous Article.

6 – For the purpose of the incumbence provided for in the previous paragraph, the mayor may exceptionally have himself substituted by any duly accredited member of the municipal council.

7 – Parish councils that are sent the votes shall comply with the provisions of paragraph (10) of the previous Article.

#### **Article 130-A**

##### **Form of exercise of the right to vote early by electors who are away abroad**

1 – Electors who are in any of the situations provided for in Article 128(2), (4) and (5) may exercise the right to vote between the twelfth and the tenth days before that of the referendum, at the diplomatic or consular representations or the foreign delegations of the Portuguese ministries and public institutions defined in advance by the Ministry of Foreign Affairs, in accordance with Article 129, and the competence to perform the mayor's intervention shall pertain to the diplomatic official designated for the purpose,

documentation needed to exercise the right to vote, sending copies of their citizen's card who shall also be responsible for sending the electoral correspondence to the respective parish council by the most expedite means.

2 – In the case of the electors mentioned in Article 128(4)(a) and (b), if the Ministry of Foreign Affairs recognises that it is impossible for them to travel to the places referred to in the previous paragraph, it shall designate a diplomatic official who shall collect the electoral correspondence during the period referred to above.

3 – Those parties and groups of registered electors that are intervening in the campaign and nominate delegates by the sixteenth day before that of the referendum may monitor the electoral operations provided for in the previous paragraphs.

### **Article 130-B** **Form of exercise by students**

1 – Electors who are in the situation provided for in Article 128(3) may, by electronic means or by post, ask the mayor of the municipality in which they are registered to vote for the documentation needed to exercise the right to vote, by the time limit and under the conditions provided for in Article 130(1) and (2).

2 – The document confirming the elector's impediment shall consist of a declaration issued by the management of the education establishment attesting to his admission or attendance.

3 – The right to vote shall be exercised before the mayor of the municipality where the elector attends the education establishment, by the time limit and under the terms provided for in Article 130(3) to (7).

## **SECTION IV Guarantees of freedom of vote**

### **Article 131** **Doubts, challenges, protests and counter-protests**

1 – Besides delegates of parties and groups of registered electors that are intervening in the referendum campaign, any elector who belongs to a polling station may also raise doubts and lodge written challenges, protests and counter-protests regarding the station's operations and may attach the documents he sees fit thereto.

2 – The board of officers may not refuse to receive the challenges, protests and counter-protests and must initial them and attach them to the minutes.

3 – Challenges, protests and counter-protests must be the object of a decision by the board of officers, who may take it at the end if they believe that this will not affect the normal pursuit of the voting.

4 – All the board of officers' decisions shall be taken by an absolute majority of those of its members who are present, the grounds for them shall be given, and the presiding officer shall have a casting vote.

**Article 132**  
**Policing polling stations**

1 – The competence to ensure the electors’ freedom, maintain order and generally regulate the policing of the polling station pertains to the presiding officer, to which end he shall take the steps that are necessary and shall be assisted by the other officers.

2 – Electors who present themselves manifestly drunk or drugged, or who are carrying any weapon or any instrument that is capable of being used as such, shall not be admitted to polling stations.

**Article 133**  
**Prohibition on propaganda**

1 – All propaganda is prohibited inside polling stations and outside them up to a distance of five hundred metres.

2 – Propaganda also means the display of symbols, initials, signs, badges or stickers of any parties, coalitions or groups of registered electors, or that represent positions taken with regard to the referendum.

**Article 134**  
**Prohibition on the presence of security forces and cases in which they may attend**

1 – The presence of security forces in the locations in which polling stations are assembled and within a radius of one hundred meters thereof is prohibited, save in the cases provided for in the following paragraphs.

2 – When it is necessary to put an end to any tumult or prevent any aggression or violence in or near the polling station building, as well as in cases in which his orders are disobeyed, and after consulting the other officers, the presiding officer may request the presence of security forces, whenever possible in writing, and shall mention the reasons for their presence and the period during which they were present in the minutes of the operations.

3 – In the event that the commander of the security forces verifies the existence of strong indications that the members of the board of officers are being subjected to physical or psychological coercion that is preventing the presiding officer from making the request, the commander may present himself to the presiding officer on his own initiative, but must withdraw as soon as he is ordered to do so by the presiding officer or whoever is substituting for him.

4 – When he believes it to be necessary, the commander of the security forces may visit the polling station unarmed and for a period of at most ten minutes, in order to make contact with the presiding officer or whoever is substituting for him.

**Article 135**  
**Duties of media professionals**



Media professionals who go to polling stations in the exercise of their functions may not:

- a) Take images or come close to the polling booths in a way that might compromise voting secrecy;
- b) Inside the polling station or within a distance of five hundred metres outside it, obtain other news items that could also compromise voting secrecy;
- c) Disturb the act of voting in any way.

**Article 136**  
**Dissemination and publication of news and reports**

News, images or other news items that are collected or taken in polling stations, including the results of partial counts, may only be disseminated or published after all polling stations have closed.

**CHAPTER V**  
**Counting**

**SECTION I**  
**Partial counts**

**Article 137**  
**Preliminary operation**

Once voting has been closed, the presiding officer shall count the slips that have not been used, and those that have been rendered unusable by electors, and shall enclose them along with the necessary detailed notation in their own envelope, which he shall close and seal with wax for the purposes of Article 105.

**Article 138**  
**Counting voters and voting slips**

1 – Once the preliminary operation has been concluded, the presiding officer shall order that the number of voters be counted by means of the notations that have been made in the electoral roll books.

2 – He shall then order that the urn be opened in order to check the number of voting slips that have entered it and, at the end of the count, shall replace them therein.

3 – In cases in which there is a difference between the number of voters noted in the electoral roll books and the number of voting slips, for counting purposes the latter number shall prevail.

4 – The number of voting slips that have been counted shall immediately be made public knowledge by means of a public notice, which the presiding officer shall read out loud and shall order affixed to the door of the polling station.

**Article 139**  
**Counting votes**

1 – One of the scrutineers shall unfold the slips one by one, and shall announce out loud what the answer to each of the questions submitted to the electorate is.

2 – The other scrutineer shall separately record on a blank sheet of paper or preferably on a clearly visible board, the answer given to each question, any blank votes, and any null votes.

3 – At the same time the presiding officer shall examine and display the voting slips and, with the help of one of the other officers, shall group them into separate batches corresponding to votes that have been validly cast, blank votes, and null votes.

4 – Once the operations provided for in the previous paragraphs have ended, the presiding officer shall counter-check the slips in each of the separate batches and shall verify them against the requisites provided for in paragraph (2).

#### **Article 140** **Valid votes**

With the exception of the votes referred to in the following Articles, valid votes shall be considered to be those in which the elector has correctly marked the answers to one or more of the questions that were formulated.

#### **Article 141** **Blank votes**

Votes that correspond to voting slips which do not contain any mark shall be deemed blank votes.

#### **Article 142** **Null votes**

1 – Votes shall be deemed null for all the questions when, with regard to the corresponding slip:

- a) More than one square has been marked for the same question;
- b) There are doubts as to which square has been marked;
- c) Any cut, drawing or tear has been made;
- d) Any word has been written.

2 – Votes shall not be deemed null in the event that, although the cross is not perfectly drawn or goes outside the borders of the square, it unequivocally denotes the elector's wish.

3 – Early votes shall also be deemed null votes when the voting slip does not reach its destination under the conditions provided for in Articles 129 or 130, or is received in an envelope that is not adequately closed.

#### **Article 143** **Rights of delegates of parties and of groups of registered electors**

1 – Following the operations provided for in Articles 138 and 139, the delegates of parties and of groups of registered electors have the right to examine the separate batches of slips and the corresponding records, without altering their composition, and, in the event that they have doubts or objections with regard to the counting or the way in which the vote from any slip has been classified, they have the right to ask for clarifications or to lodge challenges or protests before the presiding officer.

2 – If the board of officers does not comply with a challenge or protest, the voting slips that are the object of the latter shall be separated, a note shall be made on the back of each one indicating the classification attributed by the board and the object of the challenge or protest, and they shall be initialled by the presiding officer and the delegate of the party or group of citizens in question.

3 – Challenges or protests that are not complied with shall not prevent the voting slip from being counted for partial counting purposes.

#### **Article 144**

##### **Public notice of partial counts**

Counts shall immediately be published by means of a public notice affixed to the door of the polling station building, to include a breakdown of the number of affirmative and negative answers to each question, the number of blank votes and the number of null votes.

#### **Article 145**

##### **Communication for the purpose of a provisional result**

1 – The presiding officers of polling stations shall immediately communicate the contents of the public notice provided for in the previous Article to the parish council or the entity which the Director-General of the Interior or the Representative of the Republic, as appropriate, has designated for that purpose.

2 – The entity to which this communication is sent shall calculate the results of the referendum in that parish and shall immediately communicate them to the Director-General of the Interior or the Representative of the Republic.

3 – The Representative of the Republic shall immediately transmit the results to the Directorate-General of the Interior.

#### **Article 146**

##### **Destination of voting slips that are null or the object of challenge or protest**

Once they have been initialled, voting slips that are null or are the object of a challenge or protest shall be sent to the intermediate counting station, together with the documents regarding them.

#### **Article 147**

##### **Destination of remaining slips**

1 – The remaining voting slips, duly packaged and sealed with wax, shall be entrusted to the safekeeping of the district judge.

2 – Once the time limit for lodging judicial appeals has passed, or the latter have been definitively decided, the judge shall organise the destruction of the slips.

**Article 148**  
**Minutes of voting and counting operations**

1 – The secretary of the board of officers has the competence to draw up the minutes of the voting and counting operations.

2 – The minutes must include:

- a) The electoral registration numbers and names of the members of the board of officers, and of the delegates of the parties and groups of registered electors that are intervening in the referendum;
- b) The location of the polling station and the times at which it opened and closed;
- c) Any decisions which the board of officers took during the operations;
- d) The total number of registered electors, the number of voters and the number of non-voters;
- e) The electoral registration numbers of the electors who voted early;
- f) The number of affirmative answers and the number of negative answers obtained for each question;
- g) The number of blank answers to each question;
- h) The number of votes that were entirely blank and the number of null votes;
- i) The number of voting slips that were the object of challenge or protest;
- j) The counting differences, if any, referred to in Article 138(3), with a precise indication of the differences that were noted;
- l) The number of challenges, protests and counter-protests attached to the minutes;
- m) Any other occurrences that the board of officers deems it must mention.

**Article 149**  
**Dispatch to intermediate counting station**

Within the twenty-four hours following the voting, the presiding officers of the polling stations shall personally deliver the minutes, the electoral roll books and other documents regarding the referendum, against a receipt, or shall send them by the safety of the post, to the president of their intermediate counting station.

**SECTION II**  
**Intermediate count**

**Article 150**  
**Intermediate counting stations**

1 – Counting stations, one of which shall be formed in each of the mainland districts and in each of the Autonomous Regions, have the competence to conduct the intermediate count of the results of the referendum.

2 – In the districts of Lisbon, Porto, Aveiro, Braga and Setúbal the Director-General of the Interior may, by the fourteenth day before that on which the referendum is to be held, decide that more than one intermediate counting station is to be formed, in such a way that each station corresponds to a set of geographically contiguous municipalities.

3 – The Director-General of the Interior's decision shall immediately be transmitted to the member of the Government with responsibility for the internal administration area and the president of the respective court of appeal, and shall be published by means of a public notice, which shall be affixed when the intermediate counting stations are formed.

### **Article 151** **Composition**

1 – An intermediate counting station comprises:

- a) A judge of the court of appeal of the respective judicial district, who presides and has a casting vote, to be appointed by the president of the aforesaid court;
- b) Two judges of the law courts of the area that corresponds to the intermediate counting station in question, to be appointed by lottery;
- c) Two mathematics graduates, to be appointed by the president of the intermediate counting station;
- d) Six presiding officers of polling stations, to be appointed by lottery;
- e) A judicial secretary, who shall perform his secretarial functions without a vote, to be appointed by the president of the intermediate counting station.

2 – The lotteries provided for in subparagraphs (b) and (d) of the previous paragraph shall be conducted at the court of appeal of the respective judicial district, on a day and at a time to be scheduled by the president of the aforesaid court.

### **Article 152** **Rights of parties and groups of registered electors**

The representatives of parties and groups of registered electors that are intervening in the referendum campaign have the right to be present during the work of intermediate counting stations, without a vote, as well as to lodge challenges, protests and counter-protests.

### **Article 153** **Formation of intermediate counting stations**

1 – Intermediate counting stations must be formed at least two days before the day on which the referendum is to be held.

2 – Each station’s presiding officer shall immediately make its formation public knowledge by means of a public notice that shall be affixed to the door of the court building in which the station is to operate.

#### **Article 154**

##### **Status of members of intermediate counting stations**

1 – The provisions of Article 90 are applicable to citizens who form part of intermediate counting stations.

2 – During the period in which intermediate counting stations operate, citizens who form part of them enjoy the right provided for in Article 90, on condition that they prove their exercise of those functions by means of a document signed by the station’s presiding officer.

#### **Article 155**

##### **Content of intermediate counts**

An intermediate count consists of:

- a) Verifying the total numbers of registered electors;
- b) Verifying the total numbers of voters and non-voters in the area to which the count refers, together with the respective percentages of the total number of registered electors;
- c) Verifying the total numbers of blank votes, null votes and votes that were validly cast, together with the respective percentages of the total number of voters;
- d) Verifying the total numbers of affirmative and negative answers to the questions that were submitted to the electorate, together with the respective percentages of the total number of validly cast votes;
- e) Verifying the number of blank answers regarding each question, together with the corresponding percentages in relation to the total number of voters for that question.

#### **Article 156**

##### **Undertaking operations**

1 – Intermediate counting stations shall begin operations at nine a.m. on the second day after that on which the referendum was held.

2 – In cases in which the voting at any polling station is postponed or declared null and void, the intermediate counting station in question shall assemble on the second day after that on which the voting took place in order to complete the counting operations.

#### **Article 157**

##### **Items used in intermediate counts**

1 – Intermediate counts are made on the basis of the minutes of the operations of the polling stations, the electoral roll books and the other documents that accompany them.

2 – If items from any polling station are missing, the intermediate count shall begin on the basis of the items that have already been received, and the presiding officer shall schedule a new session for within the next forty-eight hours for the purpose of concluding the work, and in the meantime shall take the necessary steps to redress the shortcoming.

3 – In the Autonomous Regions intermediate counts may provisionally be based on telegraphic correspondence transmitted by mayors.

### **Article 158** **Reconsideration of the results of partial counts**

1 – At the beginning of their work, intermediate counting stations shall decide about the voting slips regarding which there has been a challenge or protest, and shall verify those voting slips that have been deemed null, which they shall reconsider in the light of a uniform criterion.

2 – Depending on the result of the operations provided for in the previous paragraph, the station shall, where appropriate, correct the count made by the respective polling station.

### **Article 159** **Proclamation and publication of results**

Each presiding officer shall proclaim the results of the intermediate count, which shall then be published by means of a public notice affixed to the door of the building in which the station is operating.

### **Article 160** **Minutes of intermediate counts**

1 – Minutes of each intermediate count shall immediately be drawn up and shall contain the results of the respective operations, and any challenges, protests and counter-protests lodged in accordance with Articles 131 and 143, together with the applicable decisions.

2 – Within two days after that on which the intermediate count is concluded, the presiding officer shall send two copies of the minutes to the general counting assembly by the safety of the post.

### **Article 161** **Destination of documentation**

1 – The electoral roll books and other documentation presented to each intermediate counting station, and the latter's minutes, shall be entrusted to the safekeeping and responsibility of the court at whose seat the station operated.

2 – Once the time limit for judicial appeals has ended, or those appeals that have been lodged have been decided, the court shall destroy all the documents except the minutes of the polling stations and the minutes of the intermediate counting stations.

**Article 162**  
**Affidavits or photocopies of the minutes of intermediate counts**

Within a time limit of three days, the court secretariat shall issue affidavits or photocopies of the minutes of the intermediate count to the parties and groups of registered electors that are intervening in the referendum campaign, if they so request.

**SECTION III**  
**General count**

**Article 163**  
**General counting assembly**

The competence to conduct the general count of the results of the referendum pertains to an assembly operating under the aegis of the Constitutional Court.

**Article 164**  
**Composition**

1 – The general counting assembly comprises:

- a) The President of the Constitutional Court, who presides and has a casting vote;
- b) Two Constitutional Court Justices, to be appointed by lottery;
- c) Two mathematics graduates, to be appointed by the president;
- d) The Secretary of the Constitutional Court, who shall perform his secretarial functions without a vote.

2 – The lottery provided for in subparagraph (b) of the previous paragraph shall take place at the Constitutional Court on a day and at a time to be scheduled by the President of the Court.

3 – The parties and groups of registered electors that are intervening in the campaign may have themselves represented by duly accredited representatives, who shall not have the right to vote, but shall have the right to challenge, protest and counter-protest.

**Article 165**  
**Formation and beginning of operations**

1 – The general counting assembly must be formed at least two days before the day of the referendum, and the names of the citizens who comprise it shall immediately be made public knowledge by means of a public notice affixed to the door of the Constitutional Court building.

2 – The general counting assembly shall begin its operations at nine a.m. on the ninth day after that on which the referendum is held.

**Article 166**  
**Items used in the general count**



The general count shall be conducted on the basis of the minutes of the operations of the intermediate counting stations.

**Article 167**  
**Minutes of the general count**

1 – Minutes of the general count shall immediately be drawn up and shall contain the results of the respective operations.

2 – Within two days after that on which the general count is concluded, the president shall send two copies of the minutes to the National Electoral Commission by the safety of the post.

**Article 168**  
**Referring norm**

The provisions of Articles 154, 155, 156, 157, 159, 161 and 162 apply to the general count, *mutatis mutandis*.

**Article 169**  
**Proclamation and publication of results**

1 – The results shall be proclaimed and published by the twelfth day after that of the voting.

2 – Publication shall take the form of a public notice affixed to the door of the Constitutional Court building.

**Article 170**  
**Table of referendum results**

1 – The National Electoral Commission shall draw up an official table containing the results of the referendum, to include:

- a) The total number of registered electors;
- b) The total numbers of voters and non-voters, with the respective percentages of the total number of registered electors;
- c) The total numbers of votes that were validly cast, blank votes and null votes, with the respective percentages of the total number of voters;
- d) The total number of affirmative and negative answers to each question that was submitted to the electorate, together with the respective percentages of the total number of validly cast votes;
- e) The total number of blank answers with regard to each question, with the respective percentages in relation to the total number of voters.

2 – The National Electoral Commission shall publish the table in Series I-A of the *Diário da República* within eight days of receipt of the minutes of the general count.

**SECTION IV**  
**Counts in cases of postponed or null voting**

**Article 171**  
**Special counting rules**

1 – In cases in which any voting is postponed, the intermediate count shall be carried out without taking the missing polling stations into consideration and as provided for in Article 122.

2 – In the hypothesis provided for in the previous paragraph, the general counting assembly shall have the competence to both conduct the intermediate counting operations that have not yet been undertaken and conclude the general count, and it shall assemble for that purpose on the day after that of the voting.

3 – The proclamation and publication shall take place on the day of the last session of the general counting assembly and in accordance with Article 169.

4 – The provisions of the previous paragraphs are applicable in cases in which any voting is declared null and void.

**CHAPTER VI**  
**Disputes regarding voting or counts**

**Article 172**  
**Preconditions for judicial appeals**

1 – Irregularities that occurred during voting or partial, intermediate or general counting operations may be considered at appeal, on condition that they were the object of a challenge or protest lodged in writing at the time of the act in which they occurred.

2 – A judicial appeal may only be lodged against irregularities that occurred during the voting or the partial count if a non-judicial appeal was also already lodged before the intermediate counting station on the second day after that on which the referendum was held.

**Article 173**  
**Legitimacy**

Besides the author of the challenge, protest or counter-protest in question, delegates or representatives of the parties and groups of registered electors that intervened in the referendum campaign may appeal against the decision thereon.

**Article 174**  
**Competent court and time limit**

Judicial appeals shall be lodged before the Constitutional Court on the day following that on which the public notice containing the results of the count is affixed.

**Article 175**  
**Procedure**

1 – Applications to appeal shall specify the factual and legal grounds for the appeal and shall be accompanied by all the evidence.

2 – In cases of appeals regarding counting stations based in Autonomous Regions, applications and their grounds may be submitted by telegraph, telex or fax, without prejudice to the subsequent dispatch of all the evidence.

3 – The representatives of the remaining parties and groups of registered electors that intervened in the referendum campaign shall immediately be notified that they have one day in which to respond to the appeal, should they wish to do so.

4 – The Constitutional Court shall take its definitive decision in plenary within a time limit of two days counting from the end of the time limit provided for in the previous paragraph.

5 – The Code of Civil Procedure provisions regarding declaratory procedure are applicable to disputes regarding voting or counts, mutatis mutandis.

**Article 176**  
**Effects of decisions**

1 – The voting at any polling station shall only be held null and void when illegalities that could influence the overall result of the referendum have occurred.

2 – In the event that the voting at one or more polling stations is declared null and void, the corresponding operations shall be repeated on the second Sunday following the decision.

**CHAPTER VII**  
**Public expenses regarding referenda**

**Article 177**  
**Scope of expenses**

The costs that are chargeable to the public purse and result from the acts involved in organising and implementing the voting process and from the publicising of items related thereto constitute public expenses regarding the referendum in question.

**Article 178**  
**Local and central expenses**

1 – Such expenses are local or central.

2 – Expenses incurred by local authority organs or any other entity at the local level constitute local expenses.

3 – Expenses incurred by the National Electoral Commission and the Technical Secretariat for Electoral Procedural Affairs or other central administration departments or services acting in the exercise of their responsibilities constitute central expenses.

**Article 179**  
**Overtime working**

The work regarding the implementation of referenda that Public Administration staff or agents must perform outside their normal working hours shall be remunerated as overtime work, in accordance with the current law.

**Article 180**  
**Task allocation**

In cases in which tasks are allocated to entities that are not legally bound to the Public Administration, the respective remuneration shall occur as and to the extent that the work is provided, as laid down by law.

**Article 181**  
**Payment of expenses**

1 – Local expenses shall be paid for out of funds that are subject to inclusion in the budgets of the respective local authorities.

2 – Central expenses shall be paid for by the Technical Secretariat for Electoral Procedural Affairs, out of funds that are subject to inclusion in the respective budget.

3 – Expenses incurred by other entities in the exercise of their specific competences or without the prior consent of the respective local authorities or the Ministry of the Interior, as appropriate, shall be paid for by the entity in question.

**Article 182**  
**Costs of composing and printing voting slips**

Expenses with regard to the composition and printing of voting slips shall be paid for out of funds that are subject to inclusion in the budget of the Ministry of the Interior, via the Technical Secretariat for Electoral Procedural Affairs.

**Article 183**  
**Travel expenses**

1 – Travel undertaken by individuals who are not legally bound to the Public Administration, in the exercise of functions for which they have been lawfully appointed within the ambit of the implementation of a referendum, is subject to the legal regime that is applicable to public servants in this respect.

2 – Payments that are to be made under the heading of expense allowances for the travel referred to in the previous paragraph shall be made on the basis of the provisions for the category of senior technical official first class, grade one, set out in the corresponding public service tables.

## **Article 184**

### **Transfer of funds**

1 – Acting via the Ministry of the Interior, the state shall contribute to the expenses referred to in Article 181(1) by transferring funds from its budget to the municipalities.

2 – The amounts that are to be transferred to each municipality shall be calculated using the following formula:

$$\text{Amount transferable} = V + a \times E + b \times F$$

where  $V$  is the minimum amount in escudos per municipality,  $E$  is the number of electors per municipality,  $F$  is the number of parishes per municipality, and  $a$  and  $b$  are weighting coefficients that are respectively expressed in terms of escudos per elector and escudos per parish.

3 – The values of  $V$ ,  $a$  and  $b$  shall be set by Executive Law.

4 – The funds allocated to each municipality shall be handed over to the parishes in its area using the same criterion as that laid down in paragraph (2), with the references to the municipality replaced by references to the parish, and the references to the latter by references to polling stations. Municipalities may, however, reserve up to thirty per cent of the respective amount to themselves.

5 – The funds provided for in the previous paragraph shall be transferred to the municipalities at least twenty days before the referendum campaign begins, and from the municipalities to the parishes within a time limit of ten days counting from the date on which the funds were placed at the disposal of the municipality in question.

## **Article 185**

### **Dispensation from legal formalities**

1 – When expenses regarding the implementation of referenda are incurred, there shall be a dispensation from prior formalities that prove incompatible with the time limits on, and the nature of, the work which is to be undertaken and are not of a purely accounting nature.

2 – The dispensation referred to in the previous paragraph shall be made effective by order of the entity with responsibility for managing the budget out of which the expense in question must be paid for.

## **Article 186**

### **Twelfths regime**

The incurrance of expenses set against allocations of funds that are intended to pay for costs that are chargeable to the public purse and involve the implementation of referenda is not subject to the twelfths regime.

## **Article 187**

### **Duty to compensate**

1 – In accordance with the provisions of Article 60 of the regime governing the right to broadcasting time during presidential and legislative elections, with the text given to it by Law no. 35/95 of 18 August 1995, the state shall compensate:

- a) News publications;
- b) Public and private radio and television stations, for the use provided for in Article 46.

2 – With regard to news publications, the arbitration commission shall comprise a representative of the Technical Secretariat for Electoral Procedural Support, a representative of the Inspectorate-General of Finance and a representative appointed by the associations in the sector.

### **Article 188 Exemptions**

The following are exempt from all charges or fees, stamp duty and judicial tax, as appropriate:

- a) All requests, including judicial ones, regarding the implementation of referenda;
- b) The notarisation of documents for the purposes of referenda;
- c) Judicial powers of attorney for use in the challenges and appeals provided for in the present Law, which powers of attorney must specify the purpose for which they are intended;
- d) All documents intended to accompany any challenges, protests or counter-protests made before voting stations or intermediate counting stations or the general counting assembly, or any challenges or appeals provided for by law;
- e) Affidavits regarding counting.

## **CHAPTER VIII Unlawful acts regarding referenda**

### **SECTION I General principles**

#### **Article 189 Aggravating circumstances**

The following are circumstances that aggravate unlawful acts regarding referenda:

- a) The infraction influences the result of the voting;
- b) The infraction is committed by an agent that intervenes in acts regarding referenda;
- c) The infraction is committed by a member of an electoral registration commission;
- d) The infraction is committed by a member of a polling station's board of officers;
- e) The infraction is committed by a member of a counting station or assembly;
- f) The infraction is committed by a representative or delegate of a party or group of citizens.

**SECTION II**  
**Criminal offences**

**DIVISION I**  
**General provisions**

**Article 190**  
**Punishment of attempts**

Attempts to commit crimes are always punished.

**Article 191**  
**Supplementary penalty of suspension of political rights**

In addition to the penalties for which the present Law makes special provision, the commission of crimes regarding referenda may, in the light of the concrete seriousness of the fact in question, be subject to the supplementary penalty of suspension of the rights enshrined in Articles 49, 50, 52(3), 124(1) and 207 of the Constitution for a period of between six months and five years.

**Article 192**  
**Supplementary penalty of dismissal**

Regardless of the extent of the principal penalty, the commission of crimes regarding referenda by public servants in the exercise of their functions may, depending on the concrete seriousness of the fact in question, be subject to the supplementary penalty of dismissal, whenever the crime was committed in a flagrant and serious abuse of their functions or with a manifest and serious breach of their inherent duties.

**Article 193**  
**Right to be a civil party**

Any political party or group of citizens may constitute itself a civil party to criminal proceedings regarding referenda.

**DIVISION II**  
**Crimes regarding referendum campaigns**

**Article 194**  
**Breach of duties of neutrality and impartiality**

Anyone who, in the exercise of their functions, breaches the duties of neutrality or impartiality set out in Article 45 shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 195**  
**Improper use of names, initials or symbols**

Anyone who uses a name, initials or symbol of any party, coalition or group of citizens during a referendum campaign and with the intention of causing prejudice or libelling shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 196**  
**Breach of freedom to meet and to demonstrate**

1 – Anyone who seriously disturbs any propaganda meeting, rally, demonstration or march by means of violence or participation in tumult, disorder or outcry shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

2 – Anyone who, in the same manner, impedes the holding or continuation of any meeting, rally, demonstration or parade shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 197**  
**Damage to propaganda material**

1 – Anyone who wholly or partially robs, steals, destroys, tears or disfigures propaganda material, or in any way renders it unusable or illegible, or places any other material over it shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

2 – The facts provided for in the previous paragraph shall not be punished if the material was affixed to the agent's home or establishment without his consent, or when it contains manifestly out-of-date subject matter.

**Article 198**  
**Misappropriation of correspondence**

Any post office employee who misdirects, withholds or fails to deliver to its addressee any circular, poster or other means of propaganda shall be punished by a prison term of between six months and three years or a fine of between sixty and three hundred and sixty days.

**Article 199**  
**Propaganda on referendum day**

1 – Anyone who, on referendum day, engages in propaganda by any means shall be punished by a fine of not less than one hundred days.

2 – Anyone who, on referendum day, engages in propaganda in, or within the five hundred metres immediately around, a polling station shall be punished by a prison term of up to six months or a fine of not less than sixty days.



**DIVISION III**  
**Crimes regarding the organisation of the voting process**

**Article 200**  
**Misappropriation of voting slips**

Anyone who removes, withholds or impedes the distribution of voting slips, or contributes by any means to the latter's failure to reach their destination within the time laid down by law, shall be punished by a prison term of between six months and three years or a fine of not less than sixty days.

**DIVISION IV**  
**Crimes regarding the right to vote and counts**

**Article 201**  
**Fraud in acts regarding referenda**

Anyone who, while a referendum is in the process of being implemented:

- a) Fraudulently presents himself for the purpose of voting while adopting the identity of a registered elector;
- b) Votes at more than one polling station, or more than once at the same station or with more than one voting slip, or acts in any way that leads to a false count of the ballot;
- c) Falsifies a count, or the publication or official minutes of the result of voting;

shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 202**  
**Breach of voting secrecy**

Anyone who, in, or within the five hundred metres immediately around, a polling station:

- a) Employs coercion or a fraudulent artifice of any kind, or uses his dominant influence over an elector, in order to make the latter reveal how he has voted shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days;
- b) Reveals how he voted or is going to vote shall be punished by a fine of up to sixty days;
- c) Tells someone else how an elector has voted shall be punished by a fine of up to sixty days.

**Article 203**  
**Improper admission or exclusion of votes**

Members of polling stations' boards of officers who help to ensure that someone who does not have the right to vote, or who cannot exercise that right at the station in

question, is admitted for the purpose of voting, and members who help to ensure that someone who does have the right is excluded, shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

#### **Article 204**

##### **Failure to facilitate exercise of the right to vote**

Persons who are in charge of departments, services or enterprises that are working on election day and who refuse to dispense their staff or workers for long enough to be able to vote shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

#### **Article 205**

##### **Impeding voting by improper use of authority**

Law enforcement officers who, on referendum day and on any pretext, improperly make any elector leave his domicile, or retain him outside that domicile, so that he is unable to vote shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

#### **Article 206**

##### **Abuse of functions**

Citizens who are invested with public authority, staff or agents of the state or of another public legal person and ministers of any denomination who make improper use of their functions or position in order to compel or induce electors to vote or refrain from voting in a given way shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

#### **Article 207**

##### **Coercion of electors**

Anyone who forces an elector to vote, impedes him from voting or forces him to vote in a certain way by means of violence, threat of violence or serious harm shall be punished by a prison term of up to five years, if no more serious penalty is applicable to him under the terms of another legal provision.

#### **Article 208**

##### **Coercion related to employment**

Anyone who imposes or threatens to impose any employment-related sanction, particularly dismissal, on any citizen, or who impedes or threatens to impede him from obtaining employment, in order to ensure that he votes or refrains from voting, or because he did vote, in a certain way, or because he participated or refrained from participating in a referendum campaign shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days, without prejudice to the nullity of the sanction and the automatic reinstatement in the employment if the dismissal has already taken effect.

**Article 209**  
**Fraud and corruption of electors**

1 – Anyone who, by means of a fraudulent artifice, leads an elector to vote, impedes him from voting, leads him to vote in a certain way, or buys or sells a vote shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

2 – Electors who accept benefits derived from a transaction of their vote shall incur the same penalties.

**Article 210**  
**Failure to take up or to exercise, or abandonment of, functions at polling stations or counting stations or assemblies**

Anyone who is appointed to be part of the board of officers of a polling station or a member of an intermediate counting station or the general counting assembly and who, without due cause, does not take up or exercise those functions or abandons them shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 211**  
**Failure to display the urn**

Presiding officers of polling stations who do not display the urn in front of the electors shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 212**  
**Disloyal companions**

Anyone who accompanies an elector who is affected by an obvious illness or physical disability to the act of voting and does not faithfully ensure that the vote is cast as the elector intends it to be or that the vote is secret shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 213**  
**Fraudulent placing of slips in the urn or misappropriation of urns or voting slips**

Anyone who fraudulently places a voting slip in an urn before or after voting begins, takes possession of an urn with the voting slips that have been collected in it but not yet counted, or takes possession of one or more voting slips at any point in time between the opening of the polling station in question and the calculation of the general result of the referendum shall be punished by a prison term of up to three years or a fine of up to three hundred and sixty days.

**Article 214**  
**Frauds committed by members of polling stations' boards of officers**

Members of polling stations' boards of officers who make or consent to the notation of the vote of an elector who has not voted or do not make that notation with regard to an elector who has voted, who intentionally misread a voting slip or the answer to any question, who subtract or add votes from or to an answer during the count, or who in any way falsify the truth of the referendum shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 215**  
**Obstructing monitoring**

Anyone who impedes any delegate of a party or group of citizens that is intervening in a referendum campaign from entering or leaving a polling or counting station or assembly, or in any way tries to oppose his exercise of the powers granted by the present Law shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 216**  
**Refusal to receive challenges, protests or counter-protests**

Presiding officers and presidents of polling or counting stations or assemblies who illegitimately refuse to receive challenges, protests or counter-protests shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 217**  
**Disturbing or impeding polling or counting stations or assemblies**

1 – Anyone who, by means of violence or participation in tumult, disorder or outcry, impedes or seriously disturbs the holding, operation or calculation of results of a polling or counting station or assembly shall be punished by a prison term of up to three years or a fine.

2 – Anyone who enters a polling or counting station or assembly while armed and not belonging to a duly authorised public force shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 218**  
**Improper presences at polling or counting stations or assemblies**

Anyone who, during voting or counting operations, enters the respective station or assembly without the right to do so and refuses to leave after the presiding officer or president has asked him to shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 219**  
**Failures to appear by security forces**

The commander of any security force who unjustifiably fails to fulfil the duties arising out of Article 134 shall be punished by a prison term of up to one year or a fine of up to one hundred and twenty days.

**Article 220**  
**Falsification of slips, minutes or documents regarding referenda**

Anyone who maliciously changes, hides, substitutes, destroys or does away with a voting slip, polling or counting station or assembly minutes or any document regarding referendum operations by any means shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 221**  
**Misappropriation of early votes**

Any post office employee who misdirects, withholds or fails to deliver to the parish council any early vote in the cases provided for in the present Law shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 222**  
**False certificates of illness or physical disability**

Any doctor who falsely certifies an illness or physical disability shall be punished by a prison term of up to two years or a fine of up to two hundred and forty days.

**Article 223**  
**Increased penalties**

The minimum and maximum limits on the penalties provided for in the Articles in the present section shall be increased by one third if the agent intervenes in acts regarding referenda, is a member or officer of an election registration commission, a polling section or station or a counting station or assembly, or a delegate of a political party or group of citizens to the commission, section, station or assembly in question, or if the infraction influences the result of the voting.

**SECTION III**  
**Administrative offences**

**DIVISION I**  
**General provisions**

**Article 224**  
**Competent entities**

1 – The National Electoral Commission has the competence, with appeal to the Criminal Chamber of the Supreme Court of Justice, to impose fines for administrative offences regarding the implementation of referenda committed by political parties or groups of citizens, media, advertising or polling enterprises, or enterprises that own performance venues.

2 – In all other cases the mayor of the municipal authority of the area in which the administrative offence was committed has the competence to impose the respective fine, with appeal to the competent court.

## **DIVISION II**

### **Administrative offences regarding campaigns**

#### **Article 225**

##### **Illegal meetings, rallies or marches**

Anyone who promotes meetings, rallies, demonstrations or marches in contravention of the provisions of the present Law shall be punished by a fine of between one hundred thousand and five hundred thousand escudos.

#### **Article 226**

##### **Breach of rules governing audible or graphic propaganda**

Anyone who engages in audible or graphic propaganda in breach of the provisions of the present Law shall be punished by a fine of between ten thousand and one hundred thousand escudos.

#### *Article 227*

##### *Unlawful commercial advertising*

*Revoked.*

#### *Article 228*

##### *Breach of duties by news publications*

*Revoked.*

## **DIVISION III**

### **Administrative offences regarding the organisation of the voting process**

#### **Article 229**

##### **Failure to invoke an impediment**

Anyone who does not take up the functions of member of a polling station's board of officers due to an impediment which he fails to invoke when he could have done so, immediately after the occurrence or knowledge of the impeding fact, shall be punished by a fine of between twenty thousand and one hundred thousand escudos.

## **DIVISION IV**

### **Administrative offences regarding the right to vote and counting**

#### **Article 230**

##### **Failure to open a public department or service**

Members of parish councils and persons in charge of health centres or equivalent locations who do not open their departments or services on the day on which a referendum is held shall be punished by a fine of between ten thousand and two hundred thousand escudos.

#### **Article 231**

##### **Failure by members of polling stations' boards of officers to present themselves at the time set by law**

Any member of a polling station's board of officers who does not present himself at the location in which the station is to operate at least one hour before the time at which operations are scheduled to begin shall be punished by a fine of between ten thousand and fifty thousand escudos.

#### **Article 232**

##### **Failure by members of polling stations' boards of officers or of counting stations or assemblies to fulfil formalities**

Any member of a polling station's board of officers or of a counting station or assembly who, without fraudulent intention, does not fulfil, or ceases to fulfil, any formality that is lawfully provided for in the present Law shall be punished by a fine of between ten thousand and fifty thousand escudos.

#### **Article 233**

##### **Failure to record broadcasts that correspond to the exercise of the right to broadcasting time**

Radio or television stations that do not record or do not store the recording of broadcasts that correspond to the exercise of the right to broadcasting time shall be punished by a fine of between two hundred thousand and five hundred thousand escudos.

#### **Article 234**

##### **Failure by radio or television stations to fulfil duties**

1 – Enterprises that own a radio or television station which does not treat the different parties and groups of registered electors that intervene in a referendum campaign equitably shall be punished by a fine of between ten million and fifteen million escudos.

2 – Enterprises that own a radio or television station which does not fulfil the duties imposed by Articles 58, 59(1) and (2), 60 and 61 shall be punished for each infraction by a fine of:

- a) Between one hundred thousand and two million five hundred thousand escudos, in the case of radio stations;
- b) Between one million and five million escudos, in the case of television stations.

#### **Article 235**

##### **Failure by owners of performance venues to fulfil duties**

Owners of performance venues who do not fulfil those of their duties regarding a campaign that are set out in Articles 66(1) and (3) and 67 shall be punished by a fine of between two hundred thousand and five hundred thousand escudos.

**Article 236**  
**Propaganda on the day before a referendum**

Anyone who engages in propaganda by any means on the day before a referendum shall be punished by a fine of between ten thousand and fifty thousand escudos.

**Article 237**  
**Unlawful revenues**

Parties or groups of citizens that intervene in a referendum campaign and obtain revenues for that campaign which are not provided for by law shall be punished by a fine in a sum equal to that which they have received unlawfully, to be not less than one hundred thousand escudos.

**Article 238**  
**Failure to provide a breakdown of revenues or expenses**

Parties or groups of citizens that intervene in a referendum campaign and do not provide a breakdown or due confirmation of the revenues or the expenditure for that campaign shall be punished by a fine of between one hundred thousand and one million escudos.

**Article 239**  
**Failure to provide accounts**

Parties or groups of citizens that do not provide accounts in accordance with the present Law shall be punished by a fine of between one million and two million escudos.

**TITLE IV Effects of  
referenda**

**Article 240**  
**Binding efficacy**

Referenda only have binding effect when the number of voters exceeds half the number of electors registered on the electoral roll.

**Article 241**  
**Duty to act on the part of the Assembly of the Republic or the Government**

If voting results in an affirmative answer with binding efficacy to the question or questions submitted to referendum, the Assembly of the Republic or the Government shall, within a time limit of at most ninety or sixty days respectively, approve the international agreement or pass the legislative act with the corresponding outcome.



#### **Article 242**

##### **Limitations on the power to refuse to ratify or sign or of veto**

The President of the Republic may not refuse to ratify an international treaty, to sign an act approving an international agreement, or to enact a legislative act because he disagrees with the outcome of a referendum with binding efficacy.

#### **Article 243**

##### **Duty not to act on the part of the Assembly of the Republic or the Government**

Neither the Assembly of the Republic nor the Government may approve an international convention or pass a legislative act that corresponds to the questions that were the object of a negative answer with binding efficacy, save new elections to the Assembly of the Republic or the holding of a new referendum with an affirmative answer.

#### **Article 244**

##### **Draft referenda that are the object of a negative answer**

Draft referenda that are the object of a negative answer from the electorate may not be resubmitted in the same legislative session, save new elections to the Assembly of the Republic or, in the event that the initiative was a government one, the formation of a new Government, respectively.

### **TITLE V**

#### **Special rules governing referenda regarding the de facto institution of the administrative regions**

#### **Article 245**

##### **Legal nature**

Such a referendum is obligatory in nature.

#### **Article 246**

##### **Object**

The object of such a referendum is the de facto institution of the administrative regions.

#### **Article 247**

##### **Proposal and decision**

1 – The decision whether to call pertains to the President of the Republic, upon a proposal from the Assembly of the Republic.

2 – The provisions of the previous paragraph do not prejudice the Government's right to submit initiatives to the Assembly of the Republic.

#### **Article 248**

##### **Review and consideration by the Constitutional Court**

The Constitutional Court shall verify the constitutionality and legality of the referendum in advance, to include consideration of the requisites regarding the respective electoral universe.

**Article 249**  
**Number and characteristics of questions**

1 – The referendum shall comprise two questions, one with a national scope, and another with regard to each regional area.

2 – The questions shall be identical throughout Portuguese territory, and must be set out on a single voting slip, without prejudice to the provisions of Article 251(3).

3 – Outside the regional areas that are to be instituted, the referendum shall only include the question with a national scope, to be posed in accordance with the previous paragraph.

**Article 250**  
**Right to vote**

Without prejudice to the exercise under the applicable general terms of the right to vote with regard to the question with a national scope, the citizens who are to participate in the ballot with regard to the question in relation to each regional area are those who are registered on the electoral roll in that area, in accordance with the geographic distribution defined in the Framework Law governing the Administrative Regions.

**Article 251**  
**Effects**

1 – Passage of the laws governing the de facto institution of each of the administrative regions shall be subject to the casting of a favourable vote by the majority of the registered electors who pronounce themselves on the questions referred to in Article 249(1).

2 – In the case of an affirmative answer, the referendum shall only have binding effect if the number of voters exceeds half the number of registered electors.

3 – If the answer to the question with a national scope is affirmative under the terms of paragraph (1) and the answers to the question with a regional scope are negative in any given region, that region shall not be instituted de facto until such time as a new consultation which is restricted to that region produces an affirmative answer to the question with a regional scope.

**TITLE VI**  
**Final and transitional provisions**

**Article 252**  
**National Electoral Commission**

The National Electoral Commission shall also exercise its competences in relation to acts regarding referenda.

**Article 253**  
**Electoral registration**

All those Portuguese citizens who were resident abroad and were registered at 31 December 1996 in the roll books for elections to the Assembly of the Republic are considered to be registered for the purposes of Articles 16 and 37(2). Subsequent registrations shall be dependent on the new Law governing Elections for President of the Republic.

**Article 254**  
**Suppletive law**

The provisions of the Law governing Elections to the Assembly of the Republic are suppletively applicable, *mutatis mutandis*, to every aspect of the regime governing referenda that is not expressly laid down in the present Law.

**Article 255**  
**Repeal**

Law no. 45/91 of 3 August 1991 is hereby repealed.

**ANNEXES**

**Credentials**

(as referred to in Article 96[2])

... Municipal Council

..., who is registered on the electoral roll of the parish of ... under no. ... and holds identity card no. ... dated (day) (month) (year) and issued by the ... Identity Archive, is a delegate / substitute delegate of ... for polling station/section no. ... of the parish of ..., in this council area, in the voting that is to take place on ... (day) (month) 19 ....

The Mayor,  
(signature authenticated with dry seal)

*Note* – The responsibility for completing this document pertains to the political party, and it must be delivered to the municipal council together with a list of all the party's delegates, to include indication of the polling station or section to which they have been appointed, within the time limits and for the purposes laid down by law.

**Receipt**  
(as referred to in Article 129[7])

For the purposes of Article ... of Law no. ... I hereby declare that (name of registered elector), who is resident at ..., holds identity card no. ... dated (day) (month) (year) and issued by the ... Identity Archive, and is registered at the ... polling station or polling section under no. ..., exercised his/her right to vote by post on the ... day of (month) (year).

The Mayor of ...  
(signature and dry seal)