



REPUBBLICA DI SAN MARINO

We the Captains Regent of the Most Serene Republic of San Marino

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 17 September 2020:

LAW no. 158 of 24 SEPTEMBER 2020

REFORM OF LAW NO.127 OF 27 SEPTEMBER 2013 LAW ON TOWNSHIP COUNCILS

CHAPTER I

THE HEAD OF THE TOWNSHIP COUNCIL AND THE TOWNSHIP COUNCIL

Art. 1

(Townships)

1. The territory of the Republic of San Marino shall be divided into nine Townships (called “Castelli”), namely: Città di San Marino, Borgo Maggiore, Serravalle, Acquaviva, Chiesanuova, Domagnano, Faetano, Fiorentino, Montegiardino. The territorial extension of the Townships shall be defined in the map in Annex A to this law.
2. “Each Township shall be an institutional and territorial entity, to which the law attributes legal personality, in addition to administrative, representative and proposal functions concerning the territory to which the entity refers, also for the purposes of implementing the principle of subsidiarity. This principle shall be expressly recognised in the context of international European cooperation and constitutional traditions common to European States, for the purposes of achieving an effective administration that meets the citizens’ needs.
3. This law shall regulate the tasks and duties of the Head of the Township Council and of the Township Council, hereinafter referred to as Council
4. The Head of the Township Council shall represent and chair the Council. The Head of the Township Council and the Township Council shall be elected in accordance with this Law.

Art. 2

(Purposes)

1. This law shall promote the participation of citizens, also in a direct form, in the social and administrative life of the Republic, enhancing their contribution, both as individuals and as groups, to the efficient organisation of the services entrusted to the Township Councils.
2. This law shall regulate the legal status, powers and election system of the Township Councils and of the Heads of the Township Councils. It shall adjust the content of this law, in compliance with the specificities of the Republic of San Marino and its legal system, to the principles established by the European Charter of Local Self-Government of the Congress of Local and Regional Authorities

of the Council of Europe and those of Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Strasbourg on 2 October 2013, ratified by San Marino on 16 February 2015 and entered into force on 1 August 2018 to implement the Convention in accordance with the principle of subsidiarity.

Art. 3

(Composition of the Township Councils)

1. The Head of the Township Council and the Township Council shall be based in the Township Hall.
2. The Township Council shall be chaired by the Head of the Township Council.
3. In Townships with a population of two thousand five hundred inhabitants or more, the Township Council shall consist of the Head of the Township Council and seven members. In Townships with a population of less than two thousand five hundred inhabitants, the Township Council shall consist of the Head of the Township Council and five members.

Art. 4

(Oath and removal from office)

1. In the fifteen days following the elections, unless there is a justified delay, the elected Heads of the Township Councils and members of the Councils shall take an oath of allegiance to the Republic, in the prescribed manner, before the Captains Regent.
2. Any person elected who fails to take the oath within sixty days of notification of the election shall be removed from office.
3. An elected member who fails to attend a meeting of the Council three times in a row shall also be removed from office, unless there is a justified reason.

Art. 5

(Resignation, removal from office or death)

1. The Township Councils and Heads of the Township Councils shall remain in office for five years and perform the functions assigned to them until the new Heads of the Township Councils and Councils take office.
2. In the event of resignation, removal from office or death of an elected member of the Council, the Head of the Township Council shall implement, at the State Institutional Secretariat, the procedures for his or her replacement with the candidate who immediately follows in the same list in terms of number of votes.
3. The elected person shall take office after taking an oath in the form and manner referred to in Article 4.
4. In the event of resignation, removal from office or death of the Head of the Township Council, he or she shall be replaced with the candidate who has obtained the highest number of votes among the members of the Council elected in the same list. While waiting for the replacement procedures to be carried out by the State Institutional Secretariat, the Secretary of the Township Council shall temporarily take over the functions of Head of the Township Council.
5. The replacement procedures referred to in paragraphs 2 and 4 shall be completed within 60 days of the event giving rise to the need for replacement.
6. The Council shall take note of the replacement within fifteen days from the date of the oath.
7. The Township Council shall be totally renewed through elections if half plus one of its members leave office and if there is no one left in the list of non-elected members.

Art. 6

(Convocation and removal from office of the Township Council)

1. The meetings of the Township Council shall be public, except in cases of particular confidentiality requirements for issues concerning private individuals which are not of public interest. The agenda of the meeting shall indicate whether the meeting is public or not.
2. The decisions adopted by the Council shall be valid provided that at least half the members plus one are present.
3. The decisions of the Council shall be adopted with the favourable vote of the majority of the members present.
4. In the event of a tie, the vote of the Head of the Township Council shall prevail, or if he or she is absent, that of the Secretary of the Township Council.
5. Meetings shall be convened by the Head of the Township Council at least once a month and whenever necessary or following a reasoned request of at least 1/3 of its members. In the latter case the agenda shall be indicated in the request to convene the meeting.
6. Meetings shall be convened in accordance with the procedures set out in the regulations referred to in Article 36 and, except in extraordinary cases, with a five days' prior notice. The convocation shall contain the agenda, which shall be made public by means of a billboard to be posted in the appropriate spaces inside the Township Hall.
7. A Council that does not meet to perform its functions for a period of more than three months or does not fulfil its legal obligations may be removed from office by the Captains Regent, following verification by the Ministry responsible for relations with the Township Councils, with the support of the State Institutional Secretariat.
8. The Captains Regent shall convene elections within the Township for the renewal of these bodies.

Art. 7
(Absolute immunity)

1. Members of the Township Council and the Head of the Township Council may not be punishable for opinions expressed or votes cast within the Township Council.

CHAPTER II
ELECTION OF THE HEAD OF THE TOWNSHIP COUNCIL AND OF COUNCIL MEMBERS

Art. 8
(Active Electorate)

1. The Head of the Township Council and the members of the Council shall be elected by direct vote.
2. All San Marino citizens who have reached the age of majority and who do not fall under any of the conditions referred to in Article 2 of Law no. 6 of 31 January 1996 as amended by Article 1 of Qualifying Law no. 1 of 11 May 2007, shall be voters. All San Marino citizens registered in the electoral lists of the individual Townships formed in accordance with Law no. 6/1996 and subsequent amendments, shall be allowed to vote for the election of each Head of the Township Council and of the members of each Council.
3. Foreign citizens shall also be voters and be allowed to vote for the election of each Head of the Township Council and of the members of each Council, if they meet the legal requirements for San Marino citizens who are voters as set forth in the preceding paragraph, if they are resident in the Republic and have been residing in the territory of the Republic for an uninterrupted period of ten years at the date of the annual revision of the electoral lists referred to in Article 6 of Law no. 6 of 31 January 1996, and subsequent amendments, of the year in which the elections for the renewal of the Head of the Township Council and of the members of the Council are held. In the year of the elections of the Councils due to the natural expiry of the term of office, when performing the general revision of the above-mentioned lists, the Electoral Commission shall also draw up special electoral lists

known as "additional electoral lists" in which foreign citizens with the right to vote are entered. They shall be assigned to the polling stations of the relative Township of residence according to criteria, determined by the Electoral Commission, that ensure their fair distribution among all the polling stations in the same constituency. In any case, the above-mentioned distribution shall not be taken into consideration to calculate the maximum limit of voters for each polling station as determined by article 4, paragraph 2, of Law no. 6 /1996 and subsequent amendments. In case of early elections, the drawing up of the additional electoral lists shall be carried out by the Electoral Commission within thirty days of the publication of the regency decree to convene the elections. When drawing up the additional electoral lists, the Electoral Commission shall also register resident foreign citizens who will be 18 years old by 31 December or by the date of the elections in the case of early elections. In addition to the loss of the right to vote for the reasons set out in Article 2 of the current Electoral Law, the Electoral Commission shall also cancel from the electoral lists those who do not fulfil anymore the requirement of residence in the territory of the Republic, as set out in this Article. A resident foreign citizen, against whom the Vital Statistics Office has adopted a measure of cancellation or revocation of registered residence, shall not be entitled to be registered on the additional electoral lists, pursuant to and for the purposes of Article 17, paragraph 5, letter a), of Law no. 118 of 28 June 2010, and subsequent amendments, as integrated by Article 35 of Law no. 118 of 30 July 2015. The provisions of Articles 6, 7 and 8 of Law no. 6/1996, and subsequent amendments, shall apply to the compilation of the additional electoral lists, and insofar as they are compatible.

4. The electoral sections shall be established in accordance with Law no. 6/1996 and subsequent amendments.

5. The Township Council of Serravalle shall be elected by voters registered in the Serravalle and Dogana sections, which form a single constituency.

6. Voters residing in Falciano shall be part of the Dogana electoral section.

7. For the election of the Head of the Township Council and of the members of the Council, the electorate of each Township shall constitute a single constituency.

Art. 9

(Passive electorate)

1. In addition to the general conditions for being a voter, registration in the electoral lists of the Township in which one is a candidate shall be a prerequisite for being elected.

2. The simultaneous candidatures as Head of the Township Council and member of the Council shall not be permitted.

Art. 10

(Lists of candidates)

1. The date of the elections of the Head of the Township Council and of the Council shall be fixed by Regency Decree at least ninety days before the elections.

2. The lists of candidates headed by the candidate for Head of the Township Council shall be submitted to the Vital Statistics Office, Population and Electoral Services, which shall issue a receipt, no later than 12.00 p.m. on the fiftieth day before the election. Together with the list of candidates, each leading candidate shall submit the declarations of acceptance of each candidate, duly authenticated by a public notary or the Registrar of Vitals Statistics Office. Each list, including the candidate for Head of the Township Council who is the leading candidate, shall be composed of not more than sixteen and not less than eight persons in Townships with a population of two thousand five hundred inhabitants or more, not more than twelve and not less than six persons in Townships with a population of less than two thousand five hundred inhabitants.

3. The list containing the names of the candidates shall also be submitted together with the name of the list, a sample logo of the list, printed or illustrated that will be adopted and the signatures obtained pursuant to paragraph 5. Under no circumstances may the logos depict the official symbols identifying the various Townships.

4. Candidates may not be included on more than one list, under penalty of nullity of all candidatures.
5. The list, drawn up in accordance with the preceding paragraphs, shall obtain, from voters residing in the Township concerned, at least thirty signatures in a Township with a population of less than two thousand five hundred inhabitants and at least forty signatures in a Township with a population of two thousand five hundred inhabitants or more.
6. Each voter in the Township concerned may only sign the presentation of one list: signatures on more than one list shall give rise to the annulment of the signature on all the lists signed. In case of violation, the sanctions provided for in Article 14, paragraph 3, of Law no. 6/1996 and subsequent amendments shall apply.
7. The signatures of those signing the lists of candidates shall be authenticated by a public notary enrolled in the relevant Register of the Republic of San Marino or by the Registrar of the Vital Statistics Office.
8. The lists of candidates, accompanied by the required signatures, shall be submitted by the candidate for Head of the Township Council or by his or her delegate to the Vital Statistics Office, Population and Electoral Services no later than 12.00 p.m. on the fiftieth day before the election. Such Office shall issue a receipt with progressive numbering.
9. No later than the thirty-fifth day before the election, the Electoral Commission referred to in Law no. 6/1996 and subsequent amendments shall:
 - a) verify individual candidatures, excluding those that do not meet the requirements;
 - b) verify the lists of candidates by reducing to the prescribed limit, starting from the last, those with more candidates than the number provided for in paragraph 2 and eliminating those with less candidates than the number provided for in the same paragraph 2;
 - c) eliminate the lists which are not signed by the number of voters indicated in paragraph 5, or which do not meet the legal requirements for being signed.
 - d) examine the logos, rejecting those that are identical or which may be easily confused with each other, and eliminating those submitted at a later date and those that depict the official symbols identifying the Townships. In this case, the Electoral Commission shall invite the leading candidate to replace the rejected logo within twenty-four hours, under penalty of exclusion of the list from the elections;
 - e) establish, by drawing lots, the assignment of the letter in alphabetical order to each candidate for Head of the Township Council, determining the order in which they appear on the ballot paper;
 - f) immediately notify in person, by means of a Judicial Officer, the irregularities detected and the decisions adopted by the Electoral Commission to the leading candidate and to the candidate who may be directly concerned.
10. The Electoral Commission, in the case of candidatures by the same person in more than one list, shall declare them null and void, notifying the candidate and the leading candidate who, within twenty-four hours, shall find their replacement.
11. No later than the 30th day before the date of the elections, the Vital Statistics Office, Population and Electoral Services shall publish the lists in the order in which they were drawn. The lists shall be displayed by public posting in the respective Townships.

Art. 11
(Elections)

1. The campaign for the election of the Head of the Township Council and of the Council shall be convened by the outgoing Head of the Township Council by means of a billboard published thirty days before the date of the elections and prepared by the Vital Statistics Office, Population and Electoral Services.
2. The billboard shall contain the lists of candidates and indicate the provisions for holding the elections.

3. By the twenty-fifth day before the elections, each list shall present its programme, which shall be lodged with the Township Hall and kept by the Head of the Township Council.
4. Within thirty days of the adoption of the Regency Decree referred to in Article 10, all the formalities relating to the voting cards referred to in Article 12 of Law no. 6/1996, and subsequent amendments, shall be fulfilled by the Vital Statistics Office, Population and Electoral Services.
5. The voting cards shall be delivered to voters by the fifteenth day preceding the election day.
6. Article 12 of Law no. 6/1996, and subsequent amendments, may be applied in so far as it is compatible.
7. In compliance with the criterion of equal treatment, a specific delegated decree shall establish the procedures for the dissemination and advertising of the programmes as well as the rules for the campaign. Until the adoption of such decree, the provisions of Decree no. 138 of 30 October 2003 shall remain applicable.

Art. 12
(Ballot paper)

1. Voting shall be by single ballot paper on which the logos of the lists and the names and surnames of the candidates for Head of the Township Council written in separate boxes shall be indicated, in the order determined by drawing lots.
2. In the centre of the ballot paper there shall be two dotted lines where preferences for members of the Council may be indicated.
3. The ballot papers shall be made of solid paper, of the same kind, and provided by the Vital Statistics Office, Population and Electoral Services according to the model that will be adopted through a specific delegated decree. The Electoral Commission, keeping into account the number of lists, may vary the size, format and the elements as necessary.

CHAPTER III
ELECTION PROCEDURE

Art. 13
(Referral)

1. For the election procedure, the principles and rules of Law no. 6/1996 and subsequent amendments, insofar as they are compatible, shall apply, for all matters not expressly provided for in this Law, in compliance with the right to free elections guaranteed by Article 3 of the Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by and in force in San Marino since 22 March 1989.

Art. 14
(Polling station Chairpersons and scrutineers)

1. The Commission referred to in Article 6 of Law no. 6/1996 and subsequent amendments shall be responsible for compiling each year and publishing, no later than 28 February, a list of citizens who will serve as polling station Chairperson during the current year, by lodging it with the Vital Statistics Office, Population and Electoral Services and posting it in each Township.
2. The Commission shall draw by lot the Chairpersons of the polling stations among the voters referred to in Article 8, paragraph 2 who meet the requirements of Article 23, paragraph 1 of Law no. 6/1996 and subsequent amendments, and have notified their availability to perform this task in accordance with the procedures provided for in Article 23.
3. The following persons shall be excluded from the position of polling station Chairperson:
 - a) members of the Congress of State;
 - b) members of the Great and General Council;
 - c) the Director of the Vital Statistics Office, Population and Electoral Services;

- d) members of the Electoral Commission;
 - e) Magistrates and Single Court's Registrars;
 - f) candidates for Head of the Township Council or for members of the Council;
 - g) the outgoing Head of the Township Council and Members of the Township Councils;
4. For any complaints against the formation of such list, the provisions of Articles 6, 7 and 23 of Law no. 6/1996, and subsequent amendments, shall apply for the list to be final
 5. By the twentieth day before the elections, the Commission shall appoint the Chairpersons of the polling stations, also arranging replacements in the event of an impediment.
 6. Between the twentieth and the tenth day before the elections, the Commission shall appoint two scrutineers per polling station among the voters referred to in Article 8, paragraph 2, who are registered in the electoral lists and have expressed their availability to perform this task in accordance with the procedures set out in Article 23 of Law no. 6/1996, and subsequent amendments, and do not fall within the cases provided for in paragraph 3 above. The Commission shall also appoint four scrutineers for the special polling station of the State Hospital, which shall also carry out the functions of polling station for home voting, pursuant to Delegated Decree no. 53 of 23 April 2009.
 7. The appointment as polling station Chairperson and scrutineer shall be notified by means of a Judicial Officer, at least seventy-two hours after the end of the session of the Electoral Commission.
 8. Any voter called upon to perform the duties of polling station Chairperson or scrutineer who abstains without a justified reason shall be subject to the sanction provided for in Article 23, paragraph 8 of Law no. 6/1996, and subsequent amendments.

Art. 15

(Procedures preceding the vote)

1. Early in the morning on election day, the Chairpersons of the polling stations shall go to the designated institutional location to receive from the President of the Electoral Commission the electoral material, including one copy of the list of voters entitled to vote in his/her polling station, the State ballot papers and an appropriate number of indelible pencils, as well as the list of scrutineers. The Electoral Commission shall have crossed out from the list of voters the names of the registered persons who have not reached the age of majority by the election day.
2. To carry out the functions referred to in the preceding paragraph, the President of the Electoral Commission may delegate to the Director of the Executive Secretariat of the Congress of State or to another official of the Department of Institutional Affairs and Justice.
3. The number of ballot papers shall be equal to the number of registered voters plus one tenth.

Art. 16

(Establishment of the polling station)

1. At 6 a.m. the Chairperson of each polling station shall establish the polling station by calling upon the scrutineers referred to in Article 14 appointed by the Electoral Commission.
2. Upon designation of the Chairperson, one of the scrutineers shall act as deputy Chairperson and another scrutineer as Secretary of the polling station.
3. At least two out of three members of the polling station staff shall be constantly present during electoral operations.
4. If the person appointed to chair the polling station, for justified reasons, is unable to take this office, he or she shall immediately inform the President of the Electoral Commission so that he or she may be replaced.
5. If the President is absent or unable to attend, the Vice-President shall act on his or her behalf during electoral operations.
6. If the Secretary of the polling station is absent, the Vice-President shall act on his or her behalf.

Art. 17

(Vote)

1. To express the vote the voter shall put a sign by indelible pencil on the name and surname of the candidate for Head of the Township Council of his/her choice or on the logo of the list.
2. The voter may express a preference for a maximum of two candidates for the office of member of the Council, choosing the candidate for Head of the Township Council from the list of which he or she is the leading candidate.
3. To express the preference, the voter may write the name and surname of the candidate, or the list number, or both.
4. If the voter has voted for a candidate for member of the Council without putting a sign on the candidate for Head of the Township Council, the vote shall be deemed to have been cast for the list to which the chosen member of the Council belongs.
5. Preferences for candidates belonging to lists other than the one to which the chosen candidate for Head of the Township Council belongs shall be null and void.
6. If the voter expresses more preferences than the permitted number, all preferential votes shall be considered null and void. The vote for the list shall still be considered valid.
7. If the candidate has two surnames, the voter may write down one of them.
8. In order for the vote to be valid, the ballot paper shall contain both surnames where there is a possibility of confusion between several candidates.
9. Preferences expressed without the clarity necessary to distinguish the candidate from all other candidates shall be considered null and void.
10. The following ballot papers shall be considered null and void:
 - a) ballot papers which do not bear the stamp of the polling station. Ballot papers that do not bear the signature of the Chairperson of the polling station or a delegated scrutineer shall also be null and void;
 - b) ballot papers which carry writings or signs intended to identify the voter;
 - c) ballot papers not marked with an indelible pencil.
11. Blank ballot papers shall be those which do not express a vote for any of the candidates or lists.
12. The votes contained in the ballot paper shall be valid whenever the voter's actual will may be inferred, without prejudice to the provisions of the preceding paragraphs.

Art. 18

(Counting and electoral operations)

1. The candidate for Head of the Township Council belonging to the list obtaining the highest number of votes shall be proclaimed elected.
2. In the event of a tie, a second round of voting shall take place between the two candidates obtaining the highest number of votes on the second Sunday after the first round. In the event of a further tie, the youngest candidate for Head of the Township Council shall be elected.
3. Each list of candidates for the office of member of the Council shall be deemed to receive as many votes as the ones obtained by the candidate for Head of the Township Council or for members of the Council.
4. The list to which the candidate for Head of the Township Council who has obtained the highest number of votes belongs shall obtain five and four seats respectively, including that of Head of the Township Council, depending on whether the population is above or below two thousand five hundred inhabitants, even if the votes obtained are less than 62.5%. If the percentage of valid votes obtained exceeds 62.5%, the list shall obtain a number of seats equal to the percentage of valid votes it obtained.
5. The remaining seats shall be allocated proportionally among the other lists according to the D'Hondt method.

6. Within each list, the candidates shall be proclaimed elected members of the Council according to the order of preferential votes obtained.
7. In the event of a tie, the youngest candidates shall be proclaimed elected.
8. The first seat on each minority list shall be allocated to the candidate for Head of the Township Council of that list.
9. If only one list is submitted for elections in a Township, the election shall be considered valid if at least 35% of those entitled to vote have voted and the list has obtained a majority of valid votes.
10. For any appeals, reference shall be made to the provisions of Article 44 of Law no. 6/1996 and subsequent amendments.
11. The election results shall be made public after the elections by means of a Regency Decree, which shall indicate the date on which the Heads of the Township Councils and the Councils will have to meet to take office.

Art. 19
(Incompatibilities)

1. The office of Head of the Township Council and of Member of the Township Council shall be incompatible with the office of Member of the Great and General Council.
2. If a Head of the Township Council or a member of the Township Council is elected as Member of the Great and General Council, and if a Member of the Great and General Council is elected as Head of the Township Council or as member of the Township Council, they shall choose one of the two offices within 15 days from the most recent election. They shall communicate their choice in writing to the State Institutional Secretariat.
Lack of communication within the deadline above shall entail the removal from the office held before the most recent election.
3. Ascending and descending relatives, siblings living in the same household, spouses, persons who have entered into a civil registered partnership or de facto partners shall not be members of the same Council at the same time.
4. In the event of simultaneous elections, the candidate obtaining the highest number of votes shall prevail, unless he or she withdraws. This shall be notified to the State Institutional Secretariat within seven days of the election.
5. The provisions of Law no. 141 of 5 September 2014, and subsequent amendments, shall apply to the Heads of the Township Councils and the members of the Councils.

CHAPTER IV
DUTIES OF THE HEAD OF THE TOWNSHIP COUNCIL AND OF THE TOWNSHIP COUNCIL

Art. 20
(Duties of the Head of the Township Council)

1. The Head of the Township Council shall be responsible for:
 - a) representing the Township Council and the Township in all spheres and fora, including on matters relating to relevant proprietary aspects;
 - b) convening and chairing the meetings of the Township Council;
 - c) drafting the agenda for the meetings of the Township Council, after verifying the proposals and requests received;
 - d) implementing the decisions of the Township Council. In the event of temporary absence or impediment, the Head of the Township Council may delegate the Secretary or a member of the Council to sign one or more decisions of the Council and to interact with the public offices referred to in paragraph 3;
 - e) when the Township Council decides on matters of substantial interest, transmitting a copy of the decisions to the Ministries and the bodies concerned, as well as to the Ministry responsible for the Relations with the Township Councils;

- f) reporting to the Congress of State through the Minister responsible for the Relations with the Township Councils;
 - g) celebrating civil marriages on delegation of the Minister of Internal Affairs and performing any other function delegated by State bodies;
 - h) participating in the meetings of the Commission for Territorial Policies, in accordance with the regulations in force on construction and town planning, in order to express the opinion of the Township Council on the town planning intervention;
 - i) performing any other function assigned to it by the legislation in force.
2. The decisions of the Township Council shall be drawn up on the basis of the indications contained in a specific internal regulation, which shall be adopted at the Council's inaugural meeting and registered and kept in a special register. The regulations adopted by each individual Township Council shall be transmitted to the State Institutional Secretariat within thirty days of their approval.
3. The Head of the Township Council or the delegate referred to in paragraph 1 shall have the power to monitor, promote and request at public offices the smooth processing of the files of citizens and entities that, in any case, have a social interest and an interest that involves the whole or part of the Community. In this regard, in the areas referred to in Articles 22 and 23, the Head of the Township Council or his/her delegate shall have the right to access administrative documents as an interested party in accordance with Article 25 of Law no. 160 of 5 October 2011, and subsequent amendments, and to participate in the procedure referred to in Article 4 of Decree-Law no. 79 of 29 June 2016, and subsequent amendments.
4. By mandate of the Council, the Head of the Township Council may make short trips outside the territory of San Marino for institutional purposes, after consultation with the Ministry of Foreign Affairs and the Ministry of Internal Affairs. Travel expenses shall be borne by the Council within the already allocated resources.

Art. 21

(The Secretary of the Township Council)

1. At its earliest possible meeting, the Township Council shall elect a Secretary from among its members.
2. The Secretary shall replace the Head of the Township Council in case of absence or impediment for acts of ordinary administration or acts delegated to him or her by the Head of the Township Council.
3. The Secretary shall be responsible for drafting the minutes of the Council meetings and carrying out administrative support activities.
4. The minutes of the Council meetings, to be approved at the following meeting, shall be drafted on a special register or on individual sheets bearing the header of the Township Council, signed by the Head of the Township Council and by the Secretary of the Township Council, and sent by electronic mail to the State Institutional Secretariat.

Art. 22

(Duties of the Township Council)

1. The Township Council shall be responsible for managing the annual budget, preserving and managing the assets transferred to it.
2. The duties and functions of the Township Council shall be deliberative, advisory, promotional, controlling and for the management of local services.
3. The Township Council shall be responsible for promoting the decisions of institutional bodies on general issues or on issues relevant to the Township by:
 - a) transmitting their own decisions, agendas, requests and suggestions to public authorities and bodies;
 - b) submitting interpellations, requests and proposals to the Congress of State, which is required to respond in writing within sixty days or within a time limit agreed with the requesting Council;

- c) inviting members of the Congress of State and of the Great and General Council as well as representatives of institutions or institutional organizations to attend their sessions to report on issues that fall under their direct competence and responsibility;
 - d) publishing proposals, observations and documents;
 - e) organizing gatherings, public debates and meetings.
4. The Township Council shall decide autonomously, within the limits of its annual budget, on:
- a) operation and functioning of the Council;
 - b) activities of a humanitarian and social nature;
 - c) financing cultural, recreational, sports and social initiatives, including in cooperation with public and private bodies, institutions and associations;
 - d) the promotion of public works referred to in this law in accordance with the provisions of Articles 28 and 32;
 - e) drawing up acts and contracts with regard to matters within its competence.
5. The Township Councils may establish direct relationships with bodies or administrations of other States and with international organisations, subject to approval both of the Ministry responsible for relations with the Township Councils and of the Ministry of Foreign Affairs, also by virtue of the recognition of the central role of territorial entities at international level.
6. The Township Councils shall be responsible for coordinating cultural, recreational and social initiatives promoted within the Township, in order to encourage collaboration between the various subjects operating in the area.
7. State-funded Social Centres shall collaborate with the Township Councils on the basis of the programme agreed every year between the Township Councils, the Ministry responsible for the Relations with the Township Councils and the Ministry of Culture.
8. The Township Council, on the basis of the information received under Article 20, paragraph 3, may report to the competent bodies any irregularities or delays in carrying out the procedures and may suggest ways to eliminate them.

Art. 23

(Competences and powers of the Township Council)

1. Pursuant to current trade legislation, the Township Council shall issue a binding opinion on authorisations for street trading activities.
2. The Township Councils shall issue directives on:
 - a) the organisation and regulation of markets in accordance with the relevant laws in force;
 - b) commercial establishments, in case of disruptions in the supply of goods in the various commercial areas.
3. The Council shall be responsible for submitting proposals and decisions concerning the road system within the Township's territory, subject to the favourable opinion of the relevant offices. The Council shall participate, to the extent of its competence, in the Working Group on Road Safety referred to in Article 5 of Delegated Decree no. 81 of 26 May 2008.
4. The Township Council shall be officially informed in advance of all public projects within the Township territory, promoted by institutional bodies or by affiliated private individuals. The Council may express an opinion within thirty days of receipt of such information. The opinion shall be binding unless such projects are strategic for the Republic and thus entail decisions or acts by the Great and General Council or the Congress of State.
5. The Township Council shall issue opinions, within thirty days of receipt of a request from the competent office, on:
 - a) the identification of product sectors to be promoted or discouraged through the possible issuance of commercial permits, in compliance with the needs of the individual Townships as provided for in the relevant laws;
 - b) the combination of several product sectors for the types of commercial establishments in the historic centres of the various Townships;
 - c) popular petitions (Istanze d'Arengo), if the petition is of general interest to the Township;

- d) the competences referred to in Article 3 of Law no. 69 of 6 July 1982 "Regulation of craft activities in buildings without a specific designated use" and subsequent amendments;
 - e) intervention proposals for the prevention of disasters or the containment of damages to property and people. With regard to this matter, the Township Council may report to the Civil Protection;
 - f) transfers and sales of properties located within the Township;
 - g) the inclusion and downgrading of houses in the register in accordance with the relevant legislation;
 - h) the updating of the list of artefacts or immovable property considered as monuments located in the Township;
 - i) the issuing of the Regency Decree proposed by the Head of the Civil Protection on the declaration of "natural disaster and exceptional occurrence";
 - l) commercial development plans, if they affect the territory of the Township, especially its historical centre. The opinions referred to in points (a), (b), (c), (d), (f), (g), (h), (l) shall be mandatory and those under (e), (i) optional.
6. The Township Council shall issue an opinion in any other case expressly provided for by law.
7. If a decision is taken contrary to the opinion expressed by the Township Council, it shall be justified in writing, with the exception of decisions taken by the Great and General Council.
8. The Township Council shall be responsible for proposing the names of new streets and the modification of existing names within the territorial limits of the Township, as provided for in the topographical and ecographic regulations.
9. The Township Council shall promote research, studies and initiatives aimed at fostering and disseminating knowledge of the history, customs and traditions, as well as the specificities of the Township, through the collaboration of State offices and public and private cultural bodies and institutes.
10. The Township Council may also promote, in agreement with the Commission for Preservation of Monuments and Antiques and Works of Art and with the relevant offices, appropriate measures for the restoration and conservation of artistic, architectural and archaeological testimonies of the past.
11. The Head of the Township Council and the Township Council shall be responsible for publishing acts and measures relevant for the Township and the community by posting them in appropriate areas of the Township in the forms and manner provided for by laws and regulations or in accordance with specific provisions.
12. The members of the Township Councils shall be called upon to represent the Township Councils in collegial bodies and commissions, as provided for by law.

Art. 24

(Opinion of the Township Councils on the State Budget)

1. The Public Administration may request advisory opinions on the annual State Budget from each Township Council.
2. To this end, the Township Council may promote meetings in which the needs of the Township shall be analysed in relation to the general needs of the Republic and the available budget, with the assistance of officials from the Finance and Budget Department.
3. Prior to the presentation of the annual State Budget to the Great and General Council, the Ministry of Finance and Budget, the Ministry of Territory and Environment and the Ministry responsible for the Relations with the Township Councils shall organise a meeting with the Township Councils in order to carry out an analysis of the priorities of each Township involved in the lists of public works planned for the following year.

Art. 25

(Relations with the Public Administration)

1. The offices of the Public Administration shall collaborate with the Township Councils and the Heads of the Township Councils in the performance of their respective duties and activities as provided for by this law, according to the indications contained in a specific regulation to be drawn up by the Ministry responsible for the Relations with the Township Councils within thirty days of the entry into force of this law.
2. The Offices of the Overall Public Administration shall involve and inform the Township Councils on programmes, projects, plans and any other active policy affecting the territory of the individual Township.
3. The offices of the Overall Public Administration, when consulted in writing for suggestions, observations or requests relating to the files and issues of interest to the individual Township, shall answer in writing within a maximum period of sixty days, without prejudice to special procedures governed by special regulations or to urgent situations that require a response within a time limit of normally no more than 15 working days.

Art. 26

(Legislative initiative and popular referendum)

1. The Township Councils may submit to the Captains Regent bills drawn up in articles, indicating the necessary financial coverage, concerning any issue, except for amnesty or pardon, tax and budget laws and laws ratifying international treaties. Such bills shall be included in the Great and General Council's agenda within ninety days from their submission.
2. The Congress of State, after having heard the favourable opinion of the Competent Permanent Parliamentary Commission, may return the bill to the proposing Township Council, with appropriate comments, within sixty days from its submission. The Township Council may withdraw, amend or confirm the bill.
3. In case of confirmation or amendment the bill shall be included in the Great and General Council's agenda within the following ninety days.
4. Bills of popular initiative of the Township Councils shall be included by the Bureau of the Great and General Council in the agenda of the Council itself for their discussion in second reading within 180 days from submission and/or their resubmission in the event of an amendment pursuant to paragraph 2.
5. The Township Councils may promote a popular referendum in the forms and within the limits provided for by the relevant law.
6. The Township Councils may also directly promote the judicial review of constitutionality pursuant to Article 16 of Law no. 59 of 8 July 1974 and subsequent amendments.

Art. 27

(Environmental protection)

1. The Head of the Township Council, on the basis of a decision of the Township Council, may request the Prevention Department of the Social Security Institute, in case there is a reasonable objective basis, to carry out an urgent inspection, within ten working days of the notification, in order to verify the existence of forms of environmental pollution above the limits set by law.
2. The Prevention Department of the Social Security Institute shall give an account of the inspection in a written report, which shall be sent within five days to the Township Council, the Minister of Territory and Environment and the Minister responsible for the Relations with the Township Councils.
3. The Township Council shall also be responsible for requesting the intervention of the Prevention Department of the Social Security Institute if the presence of illegal dumps on the territory is detected.
4. The Prevention Department of the Social Security Institute shall periodically transmit to the Council its measures of public interest concerning the territory of the Township.

5. In criminal proceedings for Public Disaster, Risk of Disaster, Threats to Public Health through Deterioration of the Environment, Deterioration of the Natural Environment and Negligent Deterioration of the Natural Environment, the Township Council shall have the right to join the proceedings as civil party for offences committed in the territory under its jurisdiction in cases where the State does not join the proceedings as civil party. In the event that several Townships are involved, a civil action may be brought by two or more Township Councils or by the Board of the Heads of the Township Councils.

6. For the purposes of paragraph 5 the Investigating Judge shall timely notify the Council of the existence of the criminal proceedings.

Art. 28

(Public green areas and parks)

1. The Township Council may promote the creation of public green areas and park areas in compliance with the limits and procedures set out in laws on town planning and construction and in the General Town Planning Scheme.

2. To this end, the Township Council may submit its own projects, which will be subject to the ordinary approval procedure and may be financed directly by the Township Council, also in cooperation with private bodies and institutions and individual citizens.

Art. 29

(Conference of the Heads of the Township Councils)

1. In order to coordinate the activities of the Township Councils, also in relation to the activities of the Great and General Council and the Congress of State, the Captains Regent shall convene the Heads of the Township Councils at least once during the six-month mandate of the Captains Regent, in the presence of the Minister responsible for the Relations with the Township Councils. The first convocation shall take place within two months from the date of establishment

Art. 30

(Board of the Township Councils)

1. The Board of the Township Councils shall be established in order to represent in a unitary manner the petitions and prerogatives attributed to the Township Councils.

2. The Board may:

- a) support, promote and encourage a democratic debate on local self-governments also through the establishment of relations with other local institutions in foreign countries, as well as with bodies representing local self-governments established in international organisations;
- b) draw up projects, proposals and initiatives to be submitted to the Congress of State;
- c) promote in a unitary manner the initiatives and powers provided for in Article 22 above.

3. The Board shall be composed of all the Heads of the Township Councils who, in case of impediment to attend the Board meetings, may delegate the Secretary or a member of the Township Council.

4. The members of the Board of the Township Councils shall remain in office for five years, and in any case for as long as they remain in office in the Township Council of origin.

5. The members of the Board shall appoint the spokesperson by an absolute majority for a period of one year, with the possibility of renewal, and in any case for as long as he or she remains in office in the Township Council of origin.

6. The spokesperson shall be responsible for convening meetings, setting the agenda, chairing the meetings, taking the minutes and representing the Board.

7. The Board shall have its seat in the Township Hall to which the spokesperson belongs.

8. A representative of the State Institutional Secretariat and a representative of the Minister responsible for the Relations with the Township Councils shall be invited to the Board meetings.

CHAPTER V
FINAL PROVISIONS

Art. 31
(List of works)

1. The Heads of the Township Councils shall submit to the State Institutional Secretariat, by 15 June of each year, a detailed list of the public works they intend to propose for the following year, broken down by type and priority. This list shall also indicate which interventions are covered by Article 32, paragraph 3.

The Head of the Township Council may send to the competent Authorities a list of small maintenance works that may be carried out autonomously by the Council by relying on the Lists of Socially useful workers, in accordance with the procedures set forth in Delegated Decree no. 200 of 29 December 2010 and subsequent amendments and integrations.

2. By September of each year, the Ministry of Territory and Environment, the Ministry of Finance and Budget, and the Ministry responsible for the Relations with the Township Councils shall organise a meeting with the Township Councils and the Directors of Autonomous State Corporations in order to establish a schedule for public works planned for the following year.

3. The schedule shall define a multiannual programme for the execution of public works and the necessary appropriations, taking into account the intervention priorities indicated by the Councils and the programming needs of the Public Corporations.

4. The Ministries responsible for the Relations with the Township Councils and for the Relations with the Autonomous Public Works State Corporation shall periodically organise a meeting between the competent offices and the Township Councils on planned public works.

5. The designated offices and companies shall inform the Councils in advance of the possible start and end dates of ordinary and extraordinary maintenance activities on public works and infrastructures within their territory.

Art. 32

(Use of expenditure items of the Public Works Autonomous State Corporation budget.)

1. For the works provided for in Article 31, an annual budget law shall allocate to the Township Councils specific expenditure items of the Public Works Autonomous State Corporation (hereinafter A.A.S.L.P.) charged to the State Budget.

2. The allocation of funds between the individual Township Councils shall be decided by the Congress of State, limited to 75% of the total of available funds in the first quarter of each year.

3. Within the framework of the funds thus allocated, as well as of the schedule referred to in Article 31, each Township Council shall decide which small ordinary maintenance works not exceeding €3,000.00 (three thousand) are to be carried out in a binding manner, with reference to roads, public lighting, pedestrian routes and public green areas.

4. Any unused funds at the end of the year may be registered as a surplus of the A.A.S.L.P. to be used the following year, for works in the same Township.

5. The works decided by the Township Council shall be carried out by a team created for this purpose by the A.A.S.L.P., directed and coordinated by a project manager.

6. In cases of documented urgency and with the involvement of the Civil Protection in the event of disasters, the Head of the Township Council, upon favourable opinion of the Council, shall request the Directorate of the A.A.S.L.P. to carry out the necessary works immediately. If the A.A.S.L.P. is not able to carry out the works directly, it may resort to private companies, giving priority to those based in the Republic of San Marino.

7. From time to time, the remaining 25% of the available funds shall be allocated by means of a decision of the Board of Directors of the A.A.S.L.P. and the Congress of State, after hearing the

opinion of the Board of the Township Councils, to perform the extraordinary maintenance works indicated by the individual Township Councils.

8. The Congress of State shall be responsible for adopting, after consultation with the Board of the Township Councils referred to in Article 30, regulations updating the criteria for the allocation of funds.

Art. 33

(Fund for the functioning of the Township Councils)

1. The State Budget shall provide for an annual fund for the ordinary and extraordinary functioning of the Township Councils in relation to the tasks assigned to them.

2. A contribution for the management of markets in the individual Townships shall also be provided for in a specific chapter of the State budget, pursuant to Article 47 of Law no. 130 of 26 July 2010.

3. The Congress of State, upon proposal of the Minister responsible for the Relations with the Township Councils, shall distribute 50% of the annual fund referred to in paragraph 1 in equal parts between the individual Townships and the other 50% in proportion to the number of residents of each Township.

4. The fund shall be liquidated at the beginning of the financial year.

5. The fund allocated to each Township Council shall be managed autonomously by the Council.

6. As in the case of State offices, stationery and cleaning materials shall be provided to the Townships. Their cost shall be charged to the State Budget up to a maximum of € 200.00 per year.

7. Each Township Council shall submit the annual financial statements to the Ministry responsible for the Relations with the Township Councils by 28 February of the following year. The financial statements shall be sent to the Commission for the Control of Public Finance for the relevant controls to be carried out by 30 April. The annual financial statements shall be drawn up on the basis of uniform models adopted by the Board of the Township Councils, subject to the binding opinion of the Directorate of Public Finance.

Art. 34

(Emoluments and attendance fees of the Head of the Township Council and the Secretary of the Township Council and attendance fees of the members of the Township Council)

1. The State Budget shall provide for an annual fund in a dedicated expenditure chapter for expenses relating to the emoluments, calculated and recognised, for the service rendered by the Head of the Township Council and the Secretary of the Township Council and the attendance fees of the Head of the Township Council, the Secretary of the Township Council and the members of the Township Council, for each regularly convened meeting, for a maximum of twelve annual meetings.

2. The expenses relating to the attendance fees of the Head of the Township Council, the Secretary of the Township Council and the members of the Township Council for any further meetings than the twelve referred to in paragraph 1 shall be charged to the Fund for the Functioning of the Township Councils referred to in Article 33.

3. The annual amounts of the emoluments and attendance fees of the Head of the Township Council, the Secretary of the Township Council and the members of the Township Council shall be as follows:

a) Emoluments for service rendered by the Heads of the Township Council:

1) Township Councils with seven members EUR 6,000.00 (six thousand/00) per year;

2) Councils with five members EUR 4,320.00 (four thousand three hundred and twenty/00) per year;

b) Emoluments for service rendered by the Secretary of the Township Council:

- 1) Township Councils with seven members EUR 3,600.00 (three thousand six hundred/00) per year;
- 2) Township Councils with five members EUR 2,400.00 (two thousand four hundred/00) per year;
- c) Amount of attendance fees of the Head of the Township Council, the Secretary of the Township Council and the Members of the Township Council: € 70.00 (seventy/00).
4. The above amounts shall start to run from 1 January 2021.

Art. 35
(Special permits)

1. In the event of institutional commitments scheduled during their normal working hours, the Heads of the Township Councils or their delegates, if employed in the private or public sector, may take extraordinary paid leaves up to a maximum of five days, also divisible into hours, per calendar year, in addition to the unpaid extraordinary leave referred to in paragraph 2 below. If they are self-employed, they may receive an allowance commensurate with the amount of the relevant average income over the last three years before contributions due up to a maximum of five days, also divisible into hours, per calendar year. The costs relating to the recognition of the permits and allowances referred to in this paragraph shall be charged to the State budget and to the appropriate expenditure chapter.
2. The Heads of the Township Councils and the members of the Township Councils employed in the private or public sector shall be entitled to extraordinary unpaid leave, also divisible into hours, if they have to fulfil institutional duties related to their mandate during working hours.
3. Requests for special permits pursuant to the preceding paragraphs shall be submitted to the public or private employer at least five days in advance, except in cases of proven urgency, attaching a copy of the documents certifying the institutional commitment.
4. Should the reasons for requesting the special paid leave cease to exist, such paid leave may be revoked at any time by the requesting Head of the Township Council or by the State Institutional Secretariat. The person who revokes the paid leave shall promptly inform the other persons concerned, in particular the private employer or the Director of the Office, Entity or Service to which the applicant belongs.
5. By regulation of the Congress of State, after consultation with the Board of the Township Councils, simplified procedures shall be defined with the relevant Offices or Entities in the administrative and accounting field for the purpose of reimbursing the sums due to the entitled persons.

Art. 36
(Internal regulation)

1. For the conduct of the works of the Township Council, unless otherwise provided for by the law, the Council shall adopt its own internal regulation, which shall be transmitted to the State Institutional Secretariat for information purposes.

Art. 37
(Transitional rule)

1. The recognition of only the right to vote to resident foreign citizens, as provided for in Article 8, shall apply from the next elections of the Heads of the Township Councils and of the Township Councils, which have already been scheduled for this year. To this end and on an extraordinary basis, the Electoral Commission shall be authorised to draw up the additional electoral lists referred to in paragraph 3 of the aforementioned Article 8, within thirty days of the entry into force of this law.

Only for the elections already scheduled for the current year, voting cards shall be delivered to resident foreign citizens registered on the additional electoral lists, in time for them to exercise their right to vote and in any case no later than the fifth day prior to voting.

Art. 38

(Repeal and final provisions)

1. Law no. 127 of 27 September 2013 shall be repealed.

Art. 39

(Entry into force)

1. This Law shall enter into force on the fifth day following that of its legal publication.

Done at Our Residence, on 24 September 2020/1720 since the Foundation of the Republic

THE CAPTAINS REGENT

Alessandro Mancini – Grazia Zafferani

MINISTER
THE MINISTER OF INTERNAL
AFFAIRS
Elena Toninini