



**MUNICIPALITY OF FIORANO MODENESE**  
Province of Modena

**RULES FOR THE ESTABLISHMENT OF THE ELECTIVE COUNCIL  
FOR NON-EU CITIZENS AND STATELESS PEOPLE RESIDENT IN THE  
MUNICIPALITY OF FIORANO MODENESE**

## **CONTENTS**

### **RULES FOR THE ESTABLISHMENT OF THE ELECTIVE COUNCIL FOR NON-EU CITIZENS AND STATELESS PEOPLE RESIDENT IN FIORANO MODENESE**

Article 1 – ESTABLISHMENT OF THE COUNCIL

Article 2 – FUNCTIONS OF THE COUNCIL

Article 3 – THE PRESIDENT AND VICE-PRESIDENT OF THE COUNCIL

Article 4 – COUNCIL MEETINGS

Article 5 – AMENDMENTS TO THE STATUTE

Article 6 – INTERNAL RULES

Article 7 – VALIDITY OF SESSIONS AND DELIBERATIONS

Article 8 – SERVICES AT THE DISPOSAL OF THE COUNCIL

Article 9 – INSTALLATION AND DISSOLUTION OF THE COUNCIL

Article 10 – TEMPORARY AND FINAL RULES



**MUNICIPALITY OF FIORANO MODENESE**  
Province of Modena

**RULES FOR THE ESTABLISHMENT OF THE ELECTIVE COUNCIL FOR NON-EU CITIZENS AND STATELESS PEOPLE RESIDENT IN FIORANO MODENESE**

**Article 1 – Establishment of the Council**

The Elective Council for non-EU citizens resident in the Municipality of Fiorano Modenese is established, as a consultative body of the Town Council, with the aim of facilitating immigrants' participation in public life.

The Council comprises of members directly elected by a free and secret ballot.

Stateless people are regarded as equal to non-EU residents.

To become members of the Council candidates must be appointed by elections carried out according to the provisions envisaged by the Council's Rules, which also define the procedures to replace members who resign or are removed during their office.

**Article 2 – Functions of the Council**

In order to favour dialogue among people of different cultures, the Council:

- Acts as a place for discussing specific matters and exchanging information with the Administration on immigration issues and immigrants' living conditions;
- Acts as a place for exchanging information and meeting among individuals and groups interested in immigration issues;
- Encourages opportunities aimed at accomplishing the correct integration of non-EU citizens in Fiorano Modenese, in the respect of citizens' obligations and rights, in particular with reference to education, health, work integration and access to social services;
- Co-operates with the Administration by promoting debates and meeting in the multicultural environment as well as initiatives aimed at preventing racism and all forms of xenophobia.

The Council is legally defined by the Associations Forum and takes part in its activities through the President or, in his absence, through the Vice-President or another delegated Council member.

The President and Vice-President are informed of the Town Council's meetings so that they too can take part, as citizens.

The Council is received by the Mayor, the Councillors, a Council Committee or the Conference of the group leaders within thirty days of a notice requested by the Mayor.

The Council can inform of particular urgent cases and the Mayor will report them to the body to which the requests are made.

In any case the Council refers on its works to the Town Council, also by forwarding the minutes of the sessions to the Councillor for Participation and, once a year, to the Town Council during the session of the Ombudsman's annual report.

**Article 3 – The President and Vice-President of the Council**

During the installation meeting, the President and Vice-President are appointed by secret ballot among the members of the Council. The President is elected by absolute majority vote during the first three ballots which take place during the same session.

The Presidency lasts for a term of one year. At the end of the term the President can be re-elected. By the same procedure the vice-President is then elected (the term lasting one year with the possibility of re-election).

The President represents and is responsible for the defence of the dignity and functions of the Council. He ensures the good functioning of its work, presides over the debates, ensures that the rules are observed, guarantees leave to speak, sets the agenda, fixes the order of the voting, monitors and declares the result.

The President exercises the widest discretionary powers for maintaining order and ensures compliance with the observance of the laws and rules, guarantees the regularity of debates and the validity of the voting process.

The President is bound to the principle of impartiality and fairness.

The President is responsible for the information, consulting, investigation and organization activities necessary for the good functioning of the Council.

The Vice-President co-operates with the President in his functions and, in his absence, replaces the President.

The Secretary of the Forum will be the Chairman of General Affairs who, during the first session, will also assume the functions of the assembly's chairman until the President's election.

#### **Article 4 – Convocations of the Council**

The Council is convened by the President:

- on his own initiative;
- or upon the request of two-fifth of its members.

The Council can also be called by the Mayor on his own initiative or upon the request of at least one-fourth of the Town Council's members.

The Council meets at least twice a year, around March and October.

#### **Article 5- Amendments to the Rules**

The present rules can be amended by a resolution of the Town Council. The Council can also propose to the Town Council, on its own initiative and in a non-binding manner, amendments to articles and sections of the rules, by resolution approved by the majority of the two-thirds of its members.

#### **Article 6 – Internal Rules**

The Council can provide itself with internal operation rules, in application of the present rules and not in contrast with its principles or those of the Town Council Statute.

#### **Article 7 – Validity of sessions and deliberations**

The Council's sessions are valid if an absolute majority of its members are present at first convocation. At second convocation, to be held half an hour after the first, the session is valid if at least one-third of the members is present.

The Council's deliberations are approved by a majority vote of the members present, with the exception of proposals of amendments to the Council Rules for which a favourable vote by the two-third of the members is needed.

In the case of a tie, the President has the casting vote.

The President has the power, in case of parity of votes, to postpone the deliberation's voting to a later date.

Council's deliberations are not binding for the Town Council.

The Council's sessions are open and take place in the premises granted by the Council Administration.

During the Council's works, Italian is generally the language used for communication which, in any case, must be used by the secretary when writing the minutes.

A copy of the minutes of each session, undersigned by the President and the secretary, is forwarded to the Councillor for Participation and deposited in the Public Relations Office.

#### **Article 8 – Services at the disposal of the Council**

Technical and administrative support duties are performed by the Town Council's Public Relations Office.

#### **Article 9 – Installation and dissolution of the Council**

In general the Council covers a term corresponding to the Mayor's office.

The Council is installed by the Mayor and generally remains in office until new elections are called. Elections are generally held within 120 days of the administrative election day and are called by the Mayor within 60 days prior to the ballots date.

The Mayor proceeds to the dissolution of the Council whenever half of its members ceases to hold office or resigning or it is no longer possible to proceed to the replacement of the removed members.

In the case of dissolution as of the above section, new elections must be held within the following six months.

**Article 10 – Temporary and final rules**

For all circumstances not envisaged by the present rules, refer to the applicable provisions.  
The Town Council, a year after the adoption of the present Rules will take care to, where necessary, make the required amendements and integrations.



**MUNICIPALITY OF FIORANO MODENESE**  
Province of Modena

**RULES FOR THE ELECTION OF THE COUNCIL FOR NON-EU CITIZENS AND  
STATELESS PEOPLE RESIDENT IN  
FIORANO MODENESE**

# **CONTENTS**

## **RULES FOR THE ESTABLISHMENT OF THE ELECTIVE COUNCIL FOR NON-EU CITIZENS AND STATELESS PEOPLE RESIDENT IN FIORANO MODENESE**

### SECTION I: ACTIVE AND PASSIVE SUFFRAGE

Articles 1 - 4

### SECTION II: THE ELECTORAL SYSTEM

Articles 5 - 12

### SECTION III: BALLOT ORGANIZATION

Articles 13 - 20

### SECTION IV: TEMPORARY AND FINAL RULES

Articles 21 – 22



**MUNICIPALITY OF FIORANO MODENESE**  
Province of Modena

**RULES FOR THE ELECTION OF THE COUNCIL FOR NON-EU CITIZENS AND STATELESS PEOPLE  
RESIDENT IN FIORANO MODENESE**

**SECTION I – ACTIVE AND PASSIVE SUFFRAGE**

**Article 1**

In order to take part in the municipal elections for the Council for non-EU citizens and stateless people resident in Fiorano Modenese, hereinafter referred to as Council, persons will have to meet the following criteria, at the time of elections:

- a) to hold citizenship of a non-EU country or to be a stateless person. Those with double citizenship (Italian or EU and non-EU country citizenship) are not eligible to vote;
- b) to hold a valid permit to stay or one in the process of renewal;
- c) to be 18 years of age or over;
- d) to be enrolled in the town register of Fiorano Modenese with 'perfected file';
- e) to have not lost their eligibility to vote, as envisaged by art. 2 of T.U. approved by D.P.R.20/3/1967 n° 223 and subsequent amendments, as applicable.

**Article 2**

To be eligible for membership of the Council candidates must meet the following criteria at the time of the election:

- a) requisites as of art 1, sub-sections a), b), c), d), e);
- b) not to be a member of other consultive immigrant bodies established in any other Italian municipalities;
- c) not to fall in the cases as envisaged by Act n° 267/2000 (section II articles 55/70) and subsequent amendments, as applicable.

**Article 3**

In order to prove their eligibility to be electors, persons must show an identity document and a valid permit to stay or one in the process of renewal.

In order to prove their eligibility to stand for elections, candidates must show:

- a) the documents indicated in the previous sub-section;
- b) a declaration stating not to be a member of other immigrants bodies established in any other Italian Municipality.

The loss of any of the prerequisites as of art.1 and art. 2 by the elected candidate implies the removal from office.

The prerequisites as envisaged by art. 1 sub-sections a), e) and art. 2 sub-section c) are officially verified.

**Article 4**

Fifty days before the election date the Mayor publishes on the Albo Pretorio of the Town Council the definitive and updated list of the non-EU citizens and stateless people resident in Fiorano Modenese, divided between males and females over 18 years of age at the moment of the election and meeting the criteria as of paragraph e) of the aforementioned article 1.

The electoral role will list the following information:

- a) Surname and name and, if married or widowed woman, the name of the husband as well;
- b) Place and date of birth;
- c) Address.

## **SECTION II – THE ELECTORAL SYSTEM**

### **Article 5**

The Electoral Committee is made up of the Mayor or his delegate who presides over it, the General Secretary of Fiorano Town Council or his delegate, the Coordinator for Population Services or his delegate, as well as three effective representatives and three substitutes among those put forward by the Council within eighty days of election date. If effective or substitute members stand for elections, they will automatically be removed from the Electoral Committee. The secretary of the Committee is appointed by the President of the Electoral Committee among the clerks of the Electoral Office.

During the first election of the Council the composition of the Electoral Committee is limited to three representatives of the Town Council and its secretary.

The Electoral Committee decides over all disputes that arise during the voting process, ensures the regularity of candidatures and declares the elected candidates.

Whenever during the elections, situations arise that are not covered by the regulations, the Electoral Committee will make a decision by a majority vote in accordance with the principles of the rules. The interpretation of the matter has permanent procedural validity and no exceptions are admitted.

### **Article 6**

The Electoral Committee's meetings are valid whenever at first convocation a majority of its members are present. At second convocation, meetings are valid if the number of the members present is not lower than three, including the President. If the President is absent the meeting will not be valid.

Decisions are adopted by a majority of votes. In the case of a tie, the President has the casting vote.

Non-EU citizens and stateless people resident in Fiorano Modenese can appeal to the Electoral Committee against any enrollement, striking off, enrollement's refusal or failure to striking off within 10 days of the publication of the electoral role in the Town Register as envisaged by art. 4.

Candidates can also appeal to the Electoral Committee within three days of the notice against the verification of non regularity of the candidature.

Appeals must be submitted to the Electoral Committee's Secretary.

The Electoral Committee must provide a formal answer to appeals within three days of the date of the appeal.

### **Article 7**

The appointment of the Council members is accomplished on the base of self-nomination or nomination by any elector and must be confirmed during the assembly convened by the Mayor 25 days before the ballot's date. The process is to be presided over by the Chairman of General Affaires as guarantor of the compliance with the rules and, on his turn, will nominate one of the electors present at the assembly as minutes' secretary. Self-nomination by an elector meeting the criteria must be presented in one of the following ways:

1- to the assembly's president during the assembly itself or within half an hour of its dissolution;

2- to the secretary of the Town Council within three days from the assembly's date as of the present article.

During the assembly it is possible for electors to propose a candidate. In that case the candidate must undersign that he or she accepts it.

Nomination or self-nomination can be presented by undersigning a form stating the candidates' particulars and a prerequisites' declaration as envisaged for active and passive suffrage of the present rules.

The candidate's list, to be valid, must include a number of candidates accounting at least 25 percent of seats to be assigned and the total of candidates must be at least equal to the number of seats as of art 10 plus 3.

Furthermore, nominations must be representative of at least 3 geographic areas. If by the end of the nomination's presentation the required number is not reached by one of the two genders or at least three areas are not presented the deadline for the presentation of candidates is extended. After that date the candidate's list is considered valid and the Mayor, once the elections are over, will have the power to co-opt one or more representatives of the gender or the area underrepresented (respectively in addition or to complete the total quorum of the Council members), by choosing among the citizens enrolled in the list as of art 4 of the present rules.

### **Article 8**

The Electoral Committee verifies the regularity of the declarations, as above mentioned, within 3 days from the deadline for presenting candidates and proceeds to the compilation of the ballot-paper, which includes the list (name and surname) in alphabetic order of the candidates admitted with their progressive number. For each candidate the place and the date of birth must be indicated as well as the nationality in latin characters and in those of the language of the candidate's country of origin, when different from the latin ones.

The candidates names, written in both alphabets, are published in the Albo Pretorio and in other public places starting from the 15<sup>th</sup> day prior to that of elections.

### **Article 9**

The Mayor calls for elections within sixty days prior the date in which they take place and informs electors with a notice to be published in the Albo Pretorio and in other public places 40 days before that date, by indicating the day, the place and the polls' opening hours, as well as the day, place and time of the assembly for the candidature's collection.

The Municipality of Fiorano Modenese takes care to inform by manifestos, press releases, and other forms of tv information:

- a) the initiative, on the whole, the terms of nomination's presentation;
- b) the list of candidates, the voting procedures and the day of the elections.

### **Article 10**

The Council members are elected each in representing the non-EU citizens coming from the following geographic areas:

1. – Non-EU countries and stateless people
2. – Mediterranean Africa
3. – Sub-saharan Africa
4. - America
5. - Asia and Oceania.

The representatives of each area are elected proportionally to the number of residents.

The number of representatives is determined based on the area, as follows:

- up to 70 residents = 1 representative;
- from 71 to 160 residents = 2 representatives;
- from 161 to 280 residents = 3 representatives;
- from 281 to 500 residents = 4 representatives;
- over 500 residents = 5 representatives.

The candidates who have obtained the greatest number of votes will be temporarily elected until the number of candidates for the corresponding area is reached.

However, if among the elected candidates one kind does not reach the quorum of 25%, candidates with a higher number of preferences belonging to the kind under-represented are declared elected in the number sufficient to reach the quorum, with rounding off in the case of decimals. Therefore, those elected with the above retrieval procedure will replace the last elected belonging to the same area.

If the number of candidates of the same area who have obtained votes is not enough, the remaining places will be assigned to non-elected candidates belonging to other areas who have obtained the greatest number of votes.

### **Article 11**

Elections are not considered valid if the number of voters is lower than 10 percent of the those eligible to vote. In this case the Mayor will call new elections after a year; in the meantime the Mayor is entitled to establish a consultative body representing the different geographic areas by co-opting candidates who have obtained the greatest number of votes.

### **Article 12**

When a member leaves the Council due to resignation, death, residence transfer to another Municipality, acquisition of Italian citizenship or loss of prerequisites as envisaged by articles 1 e 2 of the present rules, he or she is replaced by the first non-elected candidate of the same geographic area and of the same gender.

If no other candidate of the same area and gender is available, the vacancy will be covered by a non-elected candidate of the same gender, who has obtained the greatest number of votes amongst other areas' candidates.

In the event of a tie in the election, the candidate who has been resident in the Municipality of Fiorano Modenese for a longer time, with reference to the last period of residence, will be elected.

## **SECTION III – BALLOT ORGANIZATION**

### **Article 13**

Voting for the election of the Council members take place during one day, on Sunday, from 8 am to 8 pm. The scrutiny begins immediately after the voting closure.

### **Article 14**

The District Electoral Office comprises:

- n° 1 President;
- n° 4 scruteneers, one of which acting as Vice-President and another drawing up the minutes of the voting, in accordance with the President's choice.

For the operations to be valid at least 3 members of the Office must be present, one of whom being the President or Vice-President.

The nomination of the President and scruteneers is performed by the Mayor who chooses him from the Italian and foreign electors resident in the Municipality.

Candidates who run for election are excluded from the District Electoral Office.

### **Article 15**

The Coordinator for the Population Services ensures that on the ballot day at 7 am the following material be handed in to the District Electoral Office's President:

1. the Municipality seal;
2. the electors' list;
3. the ballot-papers pack;
4. three copies of the manifesto showing the candidate's names to be put up in the elections rooms;
5. the scruteneers' list;
6. the ballot-boxes and all is needed for the voting.

### **Article 16**

Following the handing in of the material, the President determines the number of ballot-papers to be authenticated in accordance with the number of electors enrolled in the list and those admitted to the vote as envisaged by art. 4 and proceeds to their authentication consisting of two different operations:

- the signature of the scruteneer
- the seal of the Municipality.

### **Article 17**

At the polling station, the elector must present a valid permit to stay or one in the course of renewal and a document of identity (passport, identity card or driving license issued by the Italian authorities).

Each electoral district will be provided with the list of the electors enrolled. During the handing in of the ballot-paper the elector will place his signature on the form in correspondence of his name and the scruteneer will record the particulars of the identity card.

### **Article 18**

In the ballot-paper the surname, the name and the citizenship of each candidate must appear. Where necessary, the name and surname of the candidate must be indicated in both languages, as it is shown by the presentation of the candidature. The elector can only vote for one candidate.

The vote is expressed by tracing a sign (X) with an indelible pencil on the name of the chosen candidate.

### **Article 19**

Each ballot-paper showing more than one preference or no preference or any recognizable signs is void.

### **Article 20**

All electors receive at home all the necessary information on the assembly for candidates' collection and the voting procedures in the main languages known by the immigrants resident in the Municipality.

## **SECTION IV – TEMPORARY AND FINAL RULES**

### **Article 21**

Within 10 days of the subsequent elections the Mayor issues the result in the Albo Pretorio.  
For all circumstances not envisaged in the present rules, refer to the laws in force as applicable.

### **Article 22**

The present rules can be amended by the Town Council after hearing the non binding opinion of the immigrant council. The Council can also autonomously propose to the Town Council the amendment of articles and sections of the present rules by a resolution approved by two-third of the members of the council itself.