**Non-Referendum Popular Consultations and Other Forms of Citizen Participation Act**

Preamble

I

Article 122 of the Statute establishes the exclusive competence of the Catalan Government in relation to popular consultations that are local in scope, and the exclusive competence for sponsoring popular consultations in the context of its competence and other forms of participation. Article 29.6 of the Statute lays down that the citizens of Catalonia have the right to sponsor a call for the Catalan Government and local authorities to hold popular consultations in the way and under the conditions laid down in law.

In accordance with the provisions of the Statute, one of the priorities of the Parliament is to implement the Statute, pursuant to the principles set out in Article 1.1 of the Spanish Constitution, which characterises the democratic principle in order to improve the quality of democracy by putting into practice mechanisms for citizen participation, with the purpose of bringing the Administration closer and ensuring that the citizens are able to express their opinions and be listened to in the taking of any decisions that affect their interests.

In this sense, it is Article 9.2 of that same constitutional text that establishes that it is responsibility of the public authorities to foster conditions whereby the freedom and equality of individuals and of the groups of which they form part are real and effective, to remove any obstacles that may be preventing or partially obstructing them, and to facilitate the participation of all citizens in political, economic, cultural and social life.

II

In accordance with the foregoing, this Act establishes the legal framework and procedure for convening popular consultations and other mechanisms for participation as instruments aimed at finding out the position or opinions of the citizens in relation to any aspect of public life within Catalonia, and to any aspect of the competences of the Catalan Government and its local entities.

However, it must be stressed that the development of a genuine public policy of citizen participation cannot be ensured by legislative means alone, but must be accompanied by many other measures that affect the transparency of the workings of administrations, the conditions for pluralistic public debates, the fostering of associations and the empowerment of the citizens.

This Act poo s the maturity and experience of all the work undertaken in Catalonia in relation to citizen participation and, at the same time, takes into account that the consultation processes that it regulates necessitates pluralistic access to information and the debating of opinions. Consultations, as an instrument for improving democracy, require conditions of pluralism in access to the media that enable the necessary well-founded debate between citizens.

III

On the basis of the foregoing premises, this Act is divided into fifty-six sections, grouped into three titles.

Title I contains the provisions of a general nature, which include the subject and scope of the Act, and the general principles that should ensure the implementation of all forms of participation.

Title II regulates non-referendum popular consultations, and the instruments entrusted with monitoring and overseeing consultation processes.

Chapter I of title II regulates non-referendum popular consultations, and assigns the competence to call them to the President of the Catalan Government and to mayors. The right to sponsor them from within public authorities lies with the President of the Catalan Government him/herself, the Catalan Executive, the

Parliament and the municipalities within Catalonia, as well as the presidents or plenary assemblies of regional and local authorities, without prejudice to the right of the citizens, set out in chapter III. It also lays down which persons may be called on to take part in them, creates the Register of Participants and the Register of Popular Consultations, and establishes the effects of consultations, which are not binding under any circumstances and are subject to the principle that the body calling the consultation is accountable to the citizens.

Chapter II establishes the subject of the consultation, the minimum content of the decree calling the consultation, and the system of guarantees that are to guide the consultation process. This chapter regulates the functions of the guarantee mechanisms established for these purposes: the Supervisory Committee, the monitoring committees and the polling station committees. It also regulates the methods of voting and refers to specific rules for each decree calling a consultation in relation to the criteria for counting.

Chapter II also regulates the use of electronic media for popular consultations, for the purposes of encouraging their use, both for the voting process and for the collection of signatures, to foster citizen participation, while respecting all the legal guarantees that can be required.

Chapter III regulates the citizen initiative, specifying who can sponsor the initiative, the composition of the sponsoring committee, the active entitlement of the signatories, the scope of consultations, the signatures required and the periods in which new consultations cannot be sponsored.

Title III, on other citizen participation processes, is divided into three chapters. Chapter I covers general provisions, the applicable legal and natural persons, and the applicable subjects. Chapter II establishes the characteristics of the institutional initiative and the citizen initiative, the structure of the processes, the contribution of proposals, the evaluation of proposals, and the appraisal of the citizen participation process and its effects.

Title III concludes with chapter III, which establishes several types of participation, such as opinion polls, public hearings and participatory forums.

The final part of the Act contains two additional provisions, two transitory provisions and two final provisions. The final provisions set the entry into force of this Act and confer powers on the Catalan Executive to implement it with secondary legislation.

Title I. General Provisions

Section 1. Subject and Scope

1. The subject of this Act is the establishment of the legal framework for, types of procedure for, compliance with and publication of the mechanisms of a non-referendum popular consultation, as well as of other forms of and mechanisms for institutionalised citizen participation, within the competences of the Catalan Government and of local entities.

2. The provisions of this Act regulating non-referendum popular consultations shall be applicable to the Catalan Government, and local entities, without prejudice, in the latter case, to the possibility that they could be implemented by the organisational and functional by-laws of said local entities.

3. Local entities, within the scope of their competences, may regulate other instruments for participation, which are governed by their own organisation and operation regulations, to which this Act shall be considered supplementary, with the exception of sections 41.1 and 4, 42, 46, 51 and 52, which shall be directly applicable.

The foregoing shall be without prejudice to any other participatory mechanisms that may be created.

Section 2. General Principles

1. Non-referendum popular consultations and other forms of participation shall be governed by the principles

of transparency, disclosure, clarity, access to information, institutional neutrality, primacy of the collective interest, pluralism, equality and non-discrimination, inclusiveness, protection of personal data and accountability.

2. The principles mentioned in subsection 1 shall constitute obligations for the Administration, and rights and guarantees for entitled persons to take part in the participatory process, in accordance with this Act.

3. Throughout the process of participation, the stages of information, deliberation, evaluation of proposals and accountability shall be guaranteed. The stages of the non-referendum popular consultation procedure shall be those specifically laid down in title II.

Title II. Non-Referendum Popular Consultations

Chapter I. General Provisions

Section 3. Concept and Types

1. “Non-referendum popular consultation” shall be understood as the call made by the competent authorities, pursuant to this Act, for the persons entitled, in a given case, to express their opinion on a given action, decision or public policy, by means of a vote.

2. Non-referendum popular consultations may be national in scope, if they relate to the entire territory of Catalonia, or local in scope, if they are municipal or supramunicipal in nature.

3. Non-referendum popular consultations may be general or sectoral in nature. General consultations are those open to entitled persons to participate in them, pursuant to the terms of section 5. Sectoral consultations are those that, because of their specific subject, taking account of the criteria laid down in section 5.2, apply to a given group of persons.

Section 4. Sponsors

1. Non-referendum popular consultations can be sponsored by institutional initiative or citizen initiative.

2. “National institutional initiative” shall be understood to mean consultations called for by:

a) The President of the Catalan Government or the Catalan Executive.

b) The Parliament, through a decision of its plenary assembly adopted by a relative majority, having been tabled by two fifths of members of Parliament or three parliamentary groups.

c) 10% of local authorities, through a decision adopted by an overall majority of their plenary assemblies, the combined population of which shall be at least 500,000 inhabitants.

3. “Local institutional initiative” shall be understood to mean consultations called for by:

a) The plenary assemblies of local authorities and other local entities, through a decision adopted by a relative majority, having been tabled by two fifths of members of the local assembly or representatives of the local entity.

b) County assemblies, through a decision adopted by an overall majority, having been tabled by one fifth of members of the county assembly, which shall represent at least 10% of the municipalities.

c) *Diputacions* or *consells de vegueria*,1 through a decision adopted by an overall majority, having been tabled by one fifth of members of the *diputació* or *consell de vegueria*, which shall represent at least 10% of the municipalities.

d) The mayor or president of the local entity, on his/her own initiative or at the proposal of two fifths of the members of the local assembly.

e) Two fifths of the municipalities, through a decision by their plenary assemblies, at the proposal of two fifths of the members of their local assemblies, in the case of a supramunicipal territorial scope that does not coincide with any of the foregoing, which shall be proposed by the sponsors of the consultation. In this case, it falls to the President of the Catalan Government to call for the consultation.

4. The citizen initiative shall be governed by the provisions of chapter III.

Section 5. Entitled Persons

1. The following may be called on to take part in the non-referendum popular consultation by voting:

a) Any persons aged sixteen years and over who have the political status of Catalans, including those Catalans who are resident abroad. The latter shall apply in advance to be recorded on the register created for this purpose.

b)Any persons aged sixteen years and over who are nationals of European Union Member States, are recorded on the Population Register of Catalonia and can demonstrate a year of continuous residency immediately prior to the consultation being called.

c) Any persons aged sixteen years and over who are nationals of non-European Union states, are recorded on the Population Register of Catalonia and have been legally resident for a continuous period of three years prior to the consultation being called.

2. In relation to the provisions of subsection 1, the decree calling the consultation shall delimit, with full respect for the requirements derived from the principle of equality and non-discrimination, the persons who may participate therein. This delimitation shall be made in accordance with the territorial scope and interested parties directly affected by the subject of the question, taking account, in the latter case, of any criteria that may enable the clear and objective identification of the group or groups to which the call is addressed.

3. The decree calling the consultation, if municipal in scope, shall not be bound by the requirements relating to the minimum period of residency laid down by subsection 1.*b* and *c*.

1 The terms diputació and consell de vegueria can both be loosely translated as ‘provincial council’; the former is the traditional system used in Spain, the latter the traditional system used in Catalonia. The intention is to reintroduce the latter in Catalonia, at which point the former will cease to exist.

Section 6. The Register of Participants in Non-Referendum Popular Consultations

1. The Register of Participants in Non-Referendum Popular Consultations is hereby created and assigned to the department competent in the area of popular consultations and citizen participation; it includes all persons who may legally be called on to participate in a consultation.

2. The Register of Participants in Non-Referendum Popular Consultations is compiled from the data of the Population Register of Catalonia and of the Register of Catalans Residing Abroad, in both cases from the latest version on the date the consultation is called, and from the data of any other records that may prove the status of entitled person, as determined by the specific rules of the consultation.

3. The communication and updating of the data on the registers mentioned in subsection 2 by the responsible body shall not require the consent of the interested party, in accordance with legislation on data protection.

4. Once the consultation has been called, the body responsible for the Register of Participants in Non- Referendum Popular Consultations shall establish a period in which Catalans residing abroad and the persons mentioned in section 5.1.*b* and *c* will be able to express their desire to take part in the consultation.

5. The body responsible for the Register of Participants in Non-Referendum Popular Consultations shall, at the request of the body calling the consultation, draw up a list of persons called on the participate, pursuant to the decree calling the consultation.

6. The Register of Participants in Non-Referendum Popular Consultations shall include the data necessary to ensure the participation of entitled persons, in accordance with this Act. This register shall not include any data relating to the ideology, beliefs, religion, ethnic origin, health or sexual orientation of the persons called on to take part in a non-referendum popular consultation.

Section 7. Register of Popular Consultations

The Register of Popular Consultations is hereby created, assigned to the department competent in this area, the purpose of which is the recording of the non-referendum popular consultation sponsored and conducted pursuant to this Act. This register shall be administrative in nature and governed by secondary legislation.

Section 8. Effects of Consultations

The non-referendum popular consultations sponsored pursuant to this Act are intended to discover public opinion on the issue that is the subject of the consultation and their results shall not be binding in nature. Nevertheless, the public authorities that called them shall make a pronouncement on their impact on the government activity that is the subject of the consultation within two months of it being held.

Section 9. Maximum Number of Consultations

Each calendar year, only three consultations that are national in scope and three that are local in scope may be called in a given territory. Local entities may increase this maximum number.

Chapter II Procedure for Non-Referendum Popular Consultations

Section 10. Calling a Consultation

1. Non-referendum popular consultations shall be called by the President of the Catalan Government, provided that the requirements laid down in this Act are met.

2. In local entities too, non-referendum popular consultations shall be called by their presidents, provided that the criteria laid down by this Act are met, and in accordance with specific local legislation.

3. Non-referendum popular consultations shall, under all circumstances, be called by means of a decree.

4. The non-referendum popular consultation shall be called within ninety days of its approval by institutional initiative or of the validation of the signatures by the competent bodies, in the event of it having been sponsored by citizen initiative. The consultation shall take place within a period of between thirty and sixty calendar days from the day following publication of the decree calling the consultation.

Section 11. Subject of the Consultation

1. The wording of the consultation may contain one or more questions or proposals for eligible persons to answer affirmatively, negatively or with a blank ballot.

2. Consultations may be drawn up on different alternative proposals, which shall be mutually exclusive, so that voters choose one of them.

3. Consultations may be drawn up on several successive proposals, provided that they relate to the same subject of the consultation.

4. The question, questions or proposals of the consultation shall be worded neutrally, clearly and unequivocally.

5. No consultations shall be drawn up that could affect, limit or restrict the fundamental rights and freedoms of part 1 of chapter II of title I of the Constitution, or the rights and responsibilities of chapters I, II and III of title I of the Statute. Furthermore, those relating to matters of taxation or budgets that have already been approved shall be prohibited.

Section 12. Decree Calling the Consultation

1. The decree calling the consultation shall include:

a) The question, questions or proposals subject to the vote, with the options set out in section 11.

b) The persons who may participate in the consultation.

c) The day or days for ordinary in-person voting and the early voting period, where applicable.

d) The methods of voting.

e) The specific rules of the consultation, which shall be included as an annex to the decree calling the consultation.

2. The decree calling the consultation shall be published in the *Official Document of the Catalan Government*.

3. Once the decree calling the consultation has been signed, the institutions calling the consultation shall commence a period of institutional publicity, to guarantee the right to information on the subject and procedure of the consultation, which shall under no circumstances influence participation, nor the responses to be given, and shall guarantee transparency, equality of opportunity and respect for political pluralism.

4. The decree calling the consultation shall, in any event, include a financial report on the costs that the consultation will incur for the institution calling the consultation.

Section 13. System of Guarantees

1. The purpose of the system of guarantees is to guarantee the reliability, transparency, neutrality and objectivity of the consultation process, and to comply with the legal framework applicable to it.

2. The system of guarantees comprises the Supervisory Committee, the monitoring committees and the polling station committees.

3. If scope of the consultation is the whole of Catalonia, a monitoring committee shall be constituted for each territory mentioned in section 16.3.

4. The decree calling the consultation shall set a period of at least fifteen days, in which any interested social or professional organisations will be able to express their desire to form part of the consultation procedure. Organisations shall be considered interested if they have legal personality and if their mission statement is related to the subject of the consultation. The Supervisory Committee shall acknowledge the status of interested organisation by means of a resolution stating the grounds thereof. In any event, the political groups represented in the Catalan Parliament, or in the relevant local entity in the case of a local consultation, shall be considered interested organisations.

5. The organisations permitted to take part in the consultation process shall have the rights conferred by this Act.

6. The body calling the consultation shall make available to the system of guarantees the human and material resources necessary for exercise of its functions, always pursuant to the regulations and the accountability mechanisms set out in the legislation.

Section 14. Definition and Composition of the Supervisory Committee

1. The Supervisory Committee is the principal body entrusted with ensuring that non-referendum popular consultations comply with the principles, rules and requirements laid down in this Act, and that they are conducted in complete compliance with the procedure it establishes and with the specific rules of the consultation.

2. The Supervisory Committee shall exercise its functions autonomously and independently.

3. The Supervisory Committee comprises seven jurists and political scientists of recognised standing. The plenary sitting of the Catalan Parliament appoints them by means of a decision adopted by a three-fifths majority of Members. These appointments shall be made within three months of the opening of the new parliament. In any event, the majority of the members of the committee shall be jurists.

4. The appointed members of the Supervisory Committee shall choose, by relative majority, the chair and secretary at the inaugural meeting.

5. Members of the Supervisory Committee shall be appointed by decree of the President of the Catalan Government. The Supervisory Committee shall have new members at the start of each parliamentary session.

Section 15. Functions of the Supervisory Committee

1. The Supervisory Committee shall have the following functions:

a) Resolving appeals brought against the decisions of the monitoring committees within a period of three days.

b) Issuing binding public instructions applicable to different consultations.

c) Establishing interpretative criteria for the monitoring committees and polling station committees, and issuing non-binding advice to the body calling the consultation and monitoring committee on any issues brought before it.

d) In the case of a citizen initiative, resolving, within a period of seven days, appeals against the inadmissibility of the application to call a consultation for the reasons set out in sections 32.4 and 38. e) Overseeing the activities of the administration in support of the body calling the consultation, in relation to the list of persons called on to participate and to the use of digital media.

f) Declaring the result of consultations.

g) Exercising the functions of the monitoring committee in relation to all those Catalans residing abroad.

h) Monitoring the guarantees of the period of institutional publicity provided for in section 12.3.

i) Any others assigned to it by this Act or any other legislation.

2. The Supervisory Committee shall have administrative status and its actions represent the highest level of administrative appeal.

Section 16. Definition and Composition of the Monitoring Committees

1. The monitoring committees are the bodies responsible for ensuring that non-referendum popular consultations conducted within their territory are in accordance with this Act and with the specific rules of the consultation, and for compliance with the functions set out in section 17.

2. The monitoring committees shall exercise their functions autonomously and independently, without prejudice to the possibility of their decisions being reviewed by the Supervisory Committee, pursuant to the terms of this Act.

3. In non-referendum popular consultations with a scope of the whole of Catalonia, a monitoring committee shall be constituted in each territorial delegation of the Catalan Government.

4. Each monitoring committee shall comprise five members appointed by the Supervisory Committee from jurists and political scientists of recognised standing: two proposed by the Catalan Bar Association, one proposed by the Association of Political Scientists of Catalonia, one proposed by the Council of Local Governments, and one proposed by the Catalan Executive.

5. In the event that the appointments mentioned in subsection 4 cannot be made, the vacancies for these members shall be filled by jurists and political scientists of recognised standing appointed directly by the Supervisory Committee.

6. The members of the monitoring committees shall be named in a decree of the President of the Catalan Government, if the scope of the consultation is the whole of Catalonia, or of the president of the local entity, if the scope of the consultation is local. Under the circumstances set out in section 4.3.*e*, the President of the Catalan Government shall name them.

7. The appointed members of the monitoring committee shall choose, by relative majority, the chair and secretary at the inaugural meeting.

8. The term of office of the members of the monitoring committees shall be the same as the length of the consultation process. They shall be named during the three days following the calling of the consultation and the term of office ends ninety days from the holding of the consultation. The monitoring committees shall be constituted during the three days following the naming of their members.

9. In non-referendum popular consultations that are local in scope, the plenary assembly of the body calling the consultation shall, by means of an agreement adopted by a relative majority, constitute a monitoring committee comprising five members. Under the circumstances set out in section 4.3.*a*, the Supervisory Committee shall appoint the members.

10. In the case of sectoral consultations, the body calling the consultation shall appoint a monitoring committee comprising five members.

Section 17. Functions of the Monitoring Committee

1. Each monitoring committee shall have the following functions:

a) Guaranteeing the proper implementation of all stages of the consultation, pursuant to the legislation, the specific rules of the consultation and the interpretive criteria set by the Supervisory Committee.

b) Carrying out counting operations, drawing up a record of the relevant results and informing the Supervisory Committee of said results.

c) Resolving, within a period of three days, any complaints, queries or incidents that may occur within their territorial scope in relation to the consultation process.

d) Nominating representatives, suggested by interested associations and organisations, to be present at the constitution events of the polling station committees, during the vote, and during the provisional and final count.

e) Any others conferred on it by the Supervisory Committee and the legislation in force.

2. It shall be possible to appeal to the Supervisory Committee against the decisions of the monitoring committee within a period of two working days from the day after the date of the decision.

Section 18. Reasons for Ineligibility and Incompatibility

No person falling into one of the categories set out in section 31.2 may be appointed a member of the Supervisory Committee or of the monitoring committees.

Section 19. Definition and Composition of the Polling Station Committees

1. Polling station committees are the bodies in front of which votes are cast, following both the ordinary in person voting and the electronic in-person voting methods.

2. The body calling the consultation shall publish in the *Official Document of the Catalan Government*, pursuant to the specific rules of the consultation, the number of polling stations and related committees, and the territorial scope thereof.

3. Each polling station committee shall comprise one chair and two administrators selected by a public lottery, held by the body calling the consultation, of persons of legal age recorded on the Register of Participants of the relevant polling station committee.

4. In the event of polling station committees being constituted abroad, such committees shall comprise three members selected by lottery from among the persons included on the Register of Participants of the Catalan community abroad in which the vote is taking place.

5. The same lottery by which the chair and administrators of each polling station committee are selected shall also select two deputies for each administrator and two for each committee chair.

6. The lotteries for selecting the chairs and administrators of the polling station committees shall be held within twenty days of the consultation being called, and interested parties shall be informed of the appointments, as shall the competent monitoring committees.

7. Persons selected by lottery as members of the polling station committees, both incumbents and deputies, may resign from participating in them within the period laid down in the specific rules of the consultation.

The resignation shall be submitted in writing to the relevant monitoring committee.

8. The specific rules of the consultation shall lay down the measures necessary for the constitution of polling station committees when it is not possible to fill all the positions from the incumbents and deputies.

9. The organisations permitted to take part in the consultation process may have representatives on the polling station committees, who may be present at the constitution event, vote and count, and may submit official reports, where applicable.

Section 20. Functions of the Polling Station Committees

1. Each polling station committee shall have the following functions:

a) Supporting the participants to enable them properly to exercise their right to participate that this Act recognises.

b) Identifying the persons called on to take part.

c) Keeping the list of persons called on to take part, authorising the commencement of voting and recording the participant persons.

d) Performing the provisional count of responses, and issuing the corresponding official record of it and of any incidents that occurred.

e) Ensuring the availability of the materials necessary for holding the consultation.

f) Any others conferred on it by the Supervisory Committee, monitoring committees and the administration calling the consultation.

2. The chair of the polling station committee shall have the status of ultimate authority within the scope of his/her activities.

Section 21. Campaigning and Public Debate

1. The purpose of campaigning and public debate are to provide information and facilitate the comparison of positions on the subject of the consultation, and to support the persons entitled to take part in it.

2. Campaigning shall commence the day following the publication of the decree calling the consultation in the *Official Document of the Catalan Government*.

3. Campaigning and promotional or public-debate events relating to the subject of the consultation shall be prohibited starting from midnight on the day on which the consultation is scheduled.

Section 22. Public Spaces for Campaigning and Broadcast Media Slots

1. The sponsors of the consultation, organisations permitted to take part in the process and the political groups represented in the Catalan Parliament or local entities shall have the right to use public spaces free of charge in which to campaign and hold public debates. Local authorities shall set aside public spaces for those involved in the campaign to put information about the consultation, shall provide premises and spaces, also free of charge, for holding campaign events and debates, and shall make this information public.

2. The specific rules of the consultation shall determine the terms under which slots in the publicly owned broadcast media are to be allocated, free of charge. If the popular consultation is municipal in scope, this obligation shall be limited to the publicly owned media in local areas that are wholly or partially affected. In any event, the period during which this campaigning can be conducted shall be established.

3. During the period of the consultation, the publicly owned media shall respect the principles of political and social pluralism, neutrality, and equality of opportunities as regards the positions advocated relating to the consultation. It shall be possible to appeal to the Supervisory Committee in relation to the decisions of the administrative bodies of these media.

4.Section 23. Methods of Voting

1. It shall be possible to take part in non-referendum popular consultations by ordinary in-person or early voting.

2. In addition to the method mentioned in subsection 1, it shall also be possible to take part in non-referendum popular consultations using electronic media, pursuant to section 28.

Section 24. Ordinary In-Person Voting

1. Ordinary in-person voting shall take place in front of the polling station committees on the day stated in the decree calling the consultation, during the time specified for that purpose.

2. In the case of local consultations, more than one day may be assigned for ordinary in-person consultation.

3. Ordinary in-person voting shall take place using ballot papers and in a sealed voting envelope, which shall be placed in a ballot box.

Section 25. Early Voting

1. Early voting in consultations may take place by post or deposit within the period established in the decree calling the consultation.

2. Early voting by post shall take place by means of the postal service, in a sealed envelope sent to whichever body is specified in the decree calling the consultation.

3. Voting by deposit shall take place by means of delivery in person in a sealed envelope to the public officials appointed for that purpose.

4. An application to use early voting shall prevent voting from being exercised in person. To that end, the relevant measures shall be adopted for that to be recorded on the list of participants of the corresponding polling station committee.

Section 26. Rules Applicable to the Various Methods of Voting

1. Ordinary in-person voting shall be applicable to all non-referendum popular consultations.

2. Early voting methods may be applied if they are justified by the nature or subject of the consultation, and if so stated by the decree calling the consultation.

3. The specific rules for the organisation of the consultation shall establish the procedure, the conditions and the requirements applicable to the various methods of voting.

4. All methods of voting shall guarantee the following:

a) The identification of the participants, verifying that they are recorded on the relevant list.

b) The secrecy of the ballot.

c) The ability of the person to cast his/her vote independently.

d) The recording of the persons who have taken part.

e) The integrity of the envelopes containing the votes, by means of an adequate system of safekeeping, until the time of the count.

5. The Supervisory Committee shall determine the criteria for keeping the envelopes, and the documentation submitted by post or depositing. It shall also determine the requirements for the accreditation of the public officials who are to exercise functions relating to voting by post or by deposit.

Section 27. Vote Count

1. The polling station committees shall conduct the count of the votes submitted and determine the result obtained in relation to the question, questions or proposals that are the subject of the consultation.

2. The Supervisory Committee shall count the votes submitted by post or by deposit.

3. The count shall be a public event. The results of the count shall be delivered to the representatives of the organisations permitted to take part in the consultation process, if they request it.

4. Any ballot papers not complying with the model established by the decree calling for the consultation or that have been tampered with in any way that could cause an error on the opinion expressed or influence it shall be considered spoiled.

Section 28. Use of Electronic Media

1. It shall be possible to take part in non-referendum popular consultations, provided that the following are guaranteed:

a) Certainty of the identification of the participant.

b) The inability of single persons to take part twice or multiple times.

c) The secrecy of the ballot, so that it is impossible to establish any link between the opinion expressed and the person who expressed it.

d) The security of the electronic vote, to prevent tampering with the number of participants or the votes submitted.

e) Sufficient transparency for interested parties to be able to conduct independent and informed observation and supervision.

2. Electronic voting can be in person or remote.

3. Electronic media, in addition to being used for taking part in consultations, may also be used for the collection of citizens in the case of a citizen initiative, provided that certainty of the identification of the signatories is guaranteed.

4. The Catalan Executive shall, by means of secondary legislation, regulate the system for electronic participation, pursuant to this section. These regulations shall include the establishment of a shared technological platform for standardised local implementation.

Section 29. Special Rules for Sectoral Consultations

In any event, the decree calling the consultation shall determine:

a) The group or groups that may take part in the consultation, always respecting the principle of equality and non-discrimination.

b) The methods of voting, which shall be exclusively electronic in this case.

c) The specific criteria for conducting campaigning and public debate, without application of the provisions of section 22.2 being mandatory in this case.

Chapter III. Special Rules for Non-Referendum Popular Consultations on Citizen Initiative

Section 30. Sponsorship of the Consultation on Citizen Initiative

The call for a non-referendum popular consultation can be sponsored by natural or legal persons, pursuant to the requirements of this Act.

Section 31. Sponsoring Committee

1. The sponsoring committee of the initiative can comprise one or more not-for-profit entities with legal personality, or a minimum of three natural persons who meet the established requirements for participation in consultations.

2. The following shall not form part of the sponsoring committee under any circumstances:

a) Members of the Catalan Parliament.

b) Elected members of municipal councils.

c) Members of the upper or lower houses of the Spanish Parliament.

d) Members of the European Parliament.

e) Any person meeting any of the reasons laid down in current legislation for the ineligibility or

incompatibility of elected officials or senior officials of the Catalan institutions.

f) Members of the Catalan Executive.

Section 32. Initiative

1. The application for initiative shall be submitted to the President of the Catalan Government or the president of the local entity, depending on its scope.

2. The application for initiative shall be accompanied by the following documents:

a) The proposed text to undergo consultation.

b) Pursuant to section 5, the persons called on to take part in the consultation, which shall be confined to the territorial or sectoral scope of the consultation.

c) The draft template for the signature-collection sheet, which shall include the full text of the consultation and space for the signatory to record his/her name, surnames, municipality of residence, and national identification card number or foreigner identification card number.

d) A report explaining the reasons why, in the opinion of the sponsors, the initiative to call a non-referendum popular consultation is advisable.

e) A list of the component members of the sponsoring committee and their personal details.

f) If the initiative is being sponsored by legal persons, agreement in writing from the competent body to its submission.

3. Within a period of three months, the competent body shall inform the sponsoring committee which has signed the initiative that it has been accepted for processing and the signature-collection sheet has been signed, or that the procedure has been rejected. In the event that the procedure is rejected, reasons shall be given for the decision and an appeal against the decision to the Supervisory Committee shall be possible.

4. The following are reasons why the application for initiative may be inadmissible:

a) The consultation is not in accordance with this Act.

b) The documentation submitted by the sponsors of the initiative does not meet one of the requirements laid down in subsection 2.

c) It replicates another non-referendum popular consultation initiative with the same or substantially equivalent content, submitted within the periods mentioned in section 39.1.

d) It was submitted within the periods mentioned in section 39.2.

e) Those called on to take part do not correspond to the territorial or sectoral scope of the consultation.

Section 33. Scope of the Initiative

The scope of citizen initiatives may be the whole of Catalonia or a local territory, depending on the body competent to consider them.

Section 34. Signatories of the Initiative

Those persons proposed to be called on to take part may be signatories to the initiative.

Section 35. Supporting Signatures

1. To demand a non-referendum popular consultation with the whole of Catalonia as its scope, 75,000 valid signatures from the persons called on to take part shall be required.

2. To demand a non-referendum popular consultation that is local in scope, the number of valid signatures laid down in the legislation of the local entity itself shall be required, which shall not, under any circumstances, be greater than the figure laid down in this Act and shall be as follows, unless otherwise specified:

a) In municipalities with up to 1,000 inhabitants, 15% of the persons called on to take part.

b) In municipalities with 1,001 to 20,000 inhabitants, 10% of the persons called on to take part, with a minimum of 150 signatures.

c) In municipalities with 20,001 to 100,000 inhabitants, 5% of the persons called on to take part, with a minimum of 2,000 signatures.

d) In municipalities with over 100,000 inhabitants, 2% of the persons called on to take part, with a minimum of 5,000 signatures.

3. If the initiative relates to a territorial scope larger than one municipality, such as a county or province, or smaller, such as a decentralised municipal entity, neighbourhood or district, shall apply the percentages set out in subsection 2 as a minimum, which shall be based on the specific population of the affected area.

Section 36. Collection of Signatures

1. Signatures shall be collected on sheets that match the template approved by the body calling the consultation.

2. Every signature-collection sheet shall bear, clearly and comprehensibly, a clause explaining why the signatures are being collected, and shall meet the other requirements of data protection legislation.

3. The details collected on the signature-collection sheets shall be confidential, may only be used for the purpose of supporting the application for a consultation for which they have been collected, and shall be destroyed once the appeals period has ended or, where applicable, once the appeals have been finally settled. They may only be published with the express authorisation of the signatories.

4. The signatures shall be authenticated in whichever way is determined by the regulations. In any event, the sponsoring committee may appoint special witnesses to authenticate the signatures, who shall be aged sixteen or over and shall swear or promise before the Supervisory Committee that the signatures attached to the initiative are authentic. The members of the sponsoring committee shall be responsible for the authenticity of the signatures, for their confidentiality and for the proper processing of the collected data.

5. The period for the collection of signatures shall be ninety days, except in the event of non-referendum popular consultations that are local in scope, in which case it shall be sixty days. The periods shall be calculated starting from the date of notification of acceptance of the procedure.

Section 37. Count and Validation of the Signatures

1. Once the minimum number of signatures has been collected, the sheets shall be delivered to the Catalan Executive or to the relevant local entity for verification that the consultation has been recorded on the relevant register.

2. Verification that the consultation has been recorded takes place with a certificate issued by the persons responsible for the relevant registers, pursuant to the most up-to-date information available and within a period of two months from the submission of the sheets of signatures.

Section 38. Acceptance or Rejection of the Application to Call a Consultation

1. If the validated signatures reach the minimum number set, the competent body shall call the consultation demanded within the period laid down in section 10.4.*a*, starting from the resolution validating the signatures.

2. Refusal to call the demanded consultation shall only occur by means of a resolution stating the grounds thereof issued to the sponsoring committee, if the number of validated signatures does not meet the legally required minimum required.

3. It falls to the Catalan Executive or to the local entity entitled to call the consultation in each case to decide the validity of the signatures or reject the demanded consultation.

Section 39. Periods During which Non-Referendum Popular Consultations on Citizen Initiative May Not Be Sponsored or Held

1. Once the procedures for sponsoring a non-referendum popular consultation have started, no other consultations with the same or substantially equivalent content shall be promoted until two years have passed since:

a) The consultation was held.

b) The conclusion of the process of validation and counting of signatures in the event of the application to call a consultation being rejected.

c) The conclusion of the period for collection of signatures or the time that the application failed.

2. No local non-referendum popular consultation on citizen initiative can be sponsored or held in the six months prior to the local elections, or in the period between the elections and the constitution of the local entity.

3. No non-referendum popular consultation on citizen initiative can be sponsored or held throughout Catalonia starting from the time of the dissolution of the Catalan Parliament and the calling of elections until one hundred days after the President of the Catalan Government has taken office.

4. In the case of any proposed non-referendum popular consultations that are being processed at the time when the entity calling the consultation is dissolved, all subsequent procedures shall be suspended until the investiture of the President of the Catalan Government or the constitution of the local entity.

Title III. Citizen Participation Processes

Chapter I. General Provisions

Section 40. Definition

1. Citizen participation processes are institutionalised actions intended to facilitate and foster the involvement of the citizens in guiding or setting out public policies.

2. The purpose of citizen participation processes is to ensure debate and deliberation amongst the citizens and the public authorities, in order to compile the opinions of citizens regarding a specific public action at the proposal, decision, implementation and evaluation stages.

3. Participation processes may consist of the types established in this title and others that are analogous or extant, or that may be created, and shall always respect the principles set out in section 2.

Section 41. Applicable Legal and Natural Persons

1. Persons aged sixteen or over may take part in citizen participation processes. Nevertheless, the minimum age of the participants may be reduced if the nature or subject of the process requires it or makes it advisable.

2. Citizen participation processes may be open to the entire population or, because of their subject or territorial scope, aimed at one group or several groups.

3. Calls for a process aimed at specific groups shall specifically determine which group or groups are being called on to take part.

4. In the case of participation processes aimed at specific groups, particular care shall be taken to apply the principles of equality and non-discrimination, both in the selection of groups called on depending on the subject of the process and within the groups themselves.

5. Entities, organisations and legal persons in general may also take part in citizen participation processes, with the exception of those reserved for natural persons because of their nature.

Section 42. Applicable Subjects

1. In general terms, citizen participation processes can be called in relation to any proposal, action or decision in the implementation of which it might be relevant to debate or know the opinion of the citizens, by means of collaboration and interaction between the citizens and the public authorities.

2. In addition to what is laid down in subsection 1, citizen participation processes may also be on the subject of public policies and, where applicable, may propose measures to alter public action in relation to the policies that are the subject of evaluation.

Chapter II Initiative and Content of Citizen Participation Processes

Section 43. Institutional Initiative

1. Citizen participation processes are on institutional initiative when sponsored by the Administration of the Catalan Government and local entities, within the scope of their competences.

2. In addition to the administration of the Catalan Government and local entities, other institutions and public bodies have the right to call citizen participation processes relating to the groups of citizens over which they exercise competences, or for which they perform functions or provide services.

Section 44. Citizen Initiative

1. Citizen participation processes on citizen initiative can be requested from the Catalan Government and local entities, within the scope of their competences.

2. In relation to the whole of Catalonia, a call for a process on citizen initiative shall be mandatory if supported by a minimum of 20,000 persons aged sixteen or above entitled to take part in the process.

3. In relation to a local area, a call for a process on citizen initiative shall be mandatory if it meets the following conditions:

a) In municipalities with up to 1,000 inhabitants, 5% of the persons called on to take part.

b) In municipalities with 1,001 to 20,000 inhabitants, 3% of the persons called on to take part, with a minimum of 50 signatures.

b) In municipalities with 20,001 to 100,000 inhabitants, 2% of the persons called on to take part, with a minimum of 600 signatures.

c) In municipalities with over 100,000 inhabitants, 1% of the persons called on to take part, with a minimum of 2,000 signatures.

4. In relation to a supramunicipal area with a scope smaller than one municipality, the percentages set out in subsection 3 shall be applied, in accordance with the population of the territory under consideration.

5. The percentages set out in this section may be lower, if that is what the legislation of the local entity itself states.

Section 45. Special Regulations on Citizen Initiative

1. Citizen initiative shall be applicable to participation processes of a general nature aimed at the entire population, such as opinion polls, public hearings, participatory forums and others. Nevertheless, in the case of processes aimed at specific collectives, the public authorities may also recognise citizen initiative, pursuant to the terms they lay down. In that event, the percentages shall be calculated on the basis of the legal and natural persons at which the process is aimed.

2. The internal regulations of public bodies or entities entrusted with administering basic public services, of universities and public law corporations based on association shall provide for and regulate the right to initiative of users or members to sponsor participation processes.

3. In addition to the types mentioned in subsection 1, citizen initiative may be recognised for any other types of participation that may be created, pursuant to section 40.3, if that is what their governing legislation lays down.

Section 46. Structure of Citizen Participation Processes

1. Citizen participation processes shall include at least the following stages:

a) Information for persons who can take part in it.

b) Contribution of proposals.

c) Deliberation and evaluation of proposals.

d) Evaluation of and accountability for the process.

2. In addition to the stages set out in subsection 1, citizen participation processes shall incorporate, if the nature of the process permits it, a deliberation or debate stage, with the participation of persons and entities, senior officials of the administration calling the process, and experts in its service or independent.

Section 47. Information

1. The call for a citizen participation process shall include all the necessary information relating to:

a) The group or groups called on to take part.

b) The subjects of the process, which shall clearly specify the public action to be subject to citizen

consideration.

c) The various alternatives being suggested by the institution calling the process, where applicable.

d) The documentation and information necessary for forming an opinion regarding it.

2. The call for a process and information mentioned in subsection 1 shall be disseminated in a clear and easily intelligible way, and shall also be published on and accessible via the corresponding institutional website.

Section 48. Contribution of Proposals

1. Calls for citizen participation processes shall establish a period in which persons entitled to take part may make their contributions and proposals.

2. The period mentioned in subsection 1 shall not, under any circumstances, be shorter than thirty days.

3. Contributions and proposals may be submitted by any of the legally established means and via electronic media, with the sole requirement that the person be identified, without prejudice to verification by the administration of the account via which he/she is taking part.

Section 49. Evaluation of Proposals

1. The administration that called the citizen participation process shall consider and evaluate all the contributions and proposals made.

2. During the evaluation stage, it shall be determined which contributions and proposals are being considered and what action the administration will take to put that into practice.

3. Any contributions not directly related to the subject of the citizen participation process may be excluded from the evaluation stage.

Section 50. Appraisal of the Citizen Participation Process

1. The appraisal of the results of the citizen participation process shall be reflected in a final report, which shall be prepared within a period of two months from its conclusion and shall contain the following, as a minimum:

a) The description of the process and its stages.

b) Quantitative and qualitative data from the participation and the contributions received.

c) The methodology employed in the citizen participation process and at the evaluation stage.

d) An overall evaluation of the process and its results.

2. The final evaluation report shall be published on the institutional website of the administration calling the process and shall be communicated to the participants.

3. The administration calling the process shall be held accountable for the citizen participation process. In any event, this accountability shall involve:

a) Making known the criteria used for evaluating the contributions and proposals, and the reasons why they were accepted or rejected.

b) Providing evidence of compliance with the undertakings made as a result of the citizen participation process.

Section 51. Effects of the Citizen Participation Process

Citizen participation processes shall not be binding for the administration calling the process. Nevertheless, the final report mentioned in section 50 shall include a specific chapter on the effects that the participation process is to have on the activities of the administration calling the process and on the undertakings it is making on the basis of the process.

Section 52. Supporting Resources

1. Citizen participation processes shall have the supporting human and material resources necessary for performing their function.

2. Any types of participation involving persons, representatives of civic entities and experts shall have the means and instruments of support and assistance necessary, including remote ones, which shall be used equally by the participants.

Chapter III. Types of Participation

Section 53. Opinion Polls

1. For the purposes of this Act, “opinion poll” shall be understood as a citizen participation process that uses demographic surveying techniques to discover the opinion or preferences of the citizens in relation to one issue or several issues. The procedures used shall be those best-suited to the nature and characteristics of the issue under consultation.

2. Opinion polls shall be carried out on the basis of a representative and pluralistic sample of persons from the territory or sector to be consulted, in accordance with their subject. They may relate to all the citizens, or relate to just one or several specific groups, depending on the purpose for which the citizens’ opinions are being compiled or the nature of the question formulated.

3. Opinion polls can also be conducted using citizen panels. For the purposes of this Act “citizen panel” shall be understood as a group of citizens and representatives of civic entities selected as a representative sample of society or of the specific sectors, to which questions are formulated and from which opinions on a matter of public interest are requested.

4. The administrations calling the consultations shall use secondary legislation to determine the procedure for selecting and configuring citizen panels, and their workings.

Section 54. Public Hearings for Citizens

1. For the purposes of this Act, a “public hearing” shall be understood to be a citizen participation process through which persons, entities and organisations are offered the opportunity to present and debate proposals relating to a given action by the public authorities.

2. Public hearings may be general or aimed at specific groups, if the issue under discussion only directly affects a given group or sector of the population.

Section 55. Participatory Forums

1. Participatory forums shall be organised as spaces for the deliberation, analysis, proposal and evaluation of initiatives and public policies. Participatory forums may be temporary or permanent in nature.

2. Forums shall comprise a group of citizens and representatives of civic entities selected by the administration as a representative sample of a sector or collective directly affected by the initiative or public policy. They may also include independent experts on the issue.

3. Forums may serve the following purposes:

a) Deliberating on the suitability of a government initiative that is to be put into practice and providing for the effects on the sector at which it is aimed.

b)Monitoring public policies and proposing measures to improve them, especially in relation to service

provision.

c) Analysing and evaluating the results of public policies.

4. In order for this section to take effect, the Catalan Government and local entities shall create and regulate a Register of Participants, on which any persons, entities or civic organisations that so wish can be recorded voluntarily, in order to become part of the forums and play an active role therein.

5. The composition of the forums constituted shall normally be determined through an election between the persons and entities recorded in the Register of Participants, except where the specialised nature of the participation process makes it advisable to appoint them. In the latter case, the selection shall be made in the most pluralistic way possible, pursuant to the other principles set out in section 2.

Section 56. Specific Participation Processes

1. The participation processes that regulate this title and any created pursuant thereto shall be understood to be without prejudice to specific instruments and mechanisms for participation established by the Acts relating to given sectors or matters.

2. The provisions of this title shall be applicable in a supplementary manner to the instruments and mechanisms of a participatory nature established in other Acts.

Additional Provisions

One. Applications Relating to the Procedures Established by this Act

The applications of citizens relating to the procedures established by this Act shall be submitted to whichever registries determine the specific rules for each consultation.

Two. Calculation of Periods

The periods given in days in this Act shall be calculated as calendar days, unless otherwise indicated. Periods given in months shall be calculated from date to date; in this case, where the period ends on a public holiday, the first working day following that shall be considered the end date.

Transitory Provisions

One. Advance Notice to the Register of Participants in Non-Referendum Popular Consultations

The Catalans residing abroad mentioned in section 5.1.*b* and *c* shall inform the person responsible for the Register of Participants in Non-Referendum Popular Consultations in advance of their desire to take part in each non-referendum popular consultation, while any secondary legislation implementing this Act shall not modify the configuration or structure of the Register of Participants.

Two. Appointment of Members of the Supervisory Committee and the Temporary System Applicable Until the Constitution of the Committee

1. The members of the Supervisory Committee shall be appointed within a period of one month from the entry of this Act into force. The Supervisory Committee shall be constituted within a period of fifteen days from the appointment of its members.

2. Until the Supervisory Committee has been constituted, its functions shall be exercised by a committee comprising the persons mentioned in subsections *b* and *c* of transitory provision one of Law 1/2006, of 16 February, on the popular legislative initiative, who have been appointed to form part of the supervisory committee mentioned in said transitory provision.

Final Provisions

One. Implementation with Secondary Legislation

1. The Catalan Executive is hereby authorised to implement this Act with secondary legislation. Such implementation shall, in any event, respect powers to issue local by-laws established by law.

2. The provisions of subsection 1 shall be understood to be without prejudice to the specific rules for the organisation of and compliance with non-referendum popular consultations and other citizen participation processes, which corresponds to establishing the body calling the consultation, in accordance with the provisions of this Act.

Two. Entry into Force

This Act shall enter into force on the day of its publication in the *Official Document of the Catalan Government*.