

# **Constitution of the Republic of Albania (as of 2016)**

*(excerpts related to referendum)*

## **Part One--Basic Principles**

(...)

### **Article 2**

1. Sovereignty in the Republic of Albania belongs to the people.
2. The people exercise sovereignty through their representatives or directly.

(...)

## **Part Two--The Fundamental Human Rights and Freedoms**

## **Part Three--The Assembly**

(...)

## **Chapter IV--The Legislative Process**

### **Article 81**

1. The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.
2. (...)

## **Part Four--The President of the Republic**

(...)

### **Article 92**

The President also exercises these powers: (...)

k) sets the date of the elections for the Assembly, for the organs of local power and for the conduct of referenda;

## **Part Six--Local Government**

### **Article 108**

1. The units of local government are communes or municipalities and regions. Other units of local government are regulated by law.

2. The territorial-administrative division of the units of local government are established by law on the basis of mutual economic needs and interests and historical tradition. Their borders may not be changed without first taking the opinion of the inhabitants.
3. Communes and municipalities are the basic units of local government. They perform all the duties of self-government, with the exception of those that the law gives to other units of local government.
4. Self-government in the local units is exercised through their representative organs and local referenda. The principles and procedures for the organization of local referenda are provided by law in accordance with article 151, paragraph 2.

(...)

### **Article 123**

1. The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific issues.
2. The law that ratifies an international agreement as provided for in paragraph 1 of this article is approved by a majority of all members of the Assembly.
3. The Assembly may decide that the ratification of such an agreement be done through a referendum.

(...)

## **Part Eight--Constitutional Court**

### **Article 131**

The Constitutional Court decides on: (...)

h) constitutionality of the referendum and verification of its results;

i) final adjudication of the individual complaints for the violation of their constitutional rights to due process of law, after all legal means for the protection of those rights have been exhausted.

(...)

## **Part Eleven--Referendum**

### **Article 150**

1. The people, through 50 thousand citizens who enjoy the right to vote, have the right to a referendum for the abrogation of a law, as well as to request the President of the Republic to hold a referendum about issues of special importance.

2. The Assembly, upon the proposal of not less than one-fifth of the deputies or the Council of Ministers, can decide that an issue or a draft law of special importance be presented for referendum.

3. Principles and procedures for holding a referendum, as well as its validity, are provided by law.

### **Article 151**

1. A law approved by referendum is promulgated by the President of the Republic.

2. Issues related to the territorial integrity of the Republic of Albania, limitations of fundamental human rights and freedoms, budget, taxes, financial obligations of the state, declaration and abrogation of the state of emergency, declaration of war and peace, as well as amnesty, cannot be voted upon in a referendum.

3. A referendum upon the same issue cannot be repeated before 3 years have passed since it was held.

### **Article 152**

1. The Constitutional Court reviews preliminarily the constitutionality of the issues put for a referendum according to article 150, paragraphs 1 and 2, Article 151, paragraphs 2 and 3, as well as article 177, paragraphs 4 and 5, within 60 days.

2. The importance of special issues, as provided in paragraphs 1 and 2 of article 150, is not subject to judgement in the Constitutional Court.

3. The date of the referendum is set by the President of the Republic within 45 days after the promulgation of the positive decision of the Constitutional Court or after the term within which the Constitutional Court had to have expressed itself has expired. Referenda can be held only in one day of the year.

### **Article 170**

(...)

6. During the implementation period of extraordinary measures, there may not be held elections for local government bodies, there may not be a referendum, and a new President of the Republic may not be elected. The elections for the local government bodies can be held only in those places where the extraordinary measures are not implemented.

### **Article 171**

(...)

7. The law approved by referendum is declared by the President of the Republic and enters into force on the date provided for in this law.

(...)

### **Article 177**

(...)

5. The approved constitutional amendment is put to a referendum when this is required by one-fifth of the members of the Assembly.

(...)

7. The law approved by referendum is declared by the President of the Republic and enters into force on the date provided for in this law.

(...)