

Act on a Constitutional Assembly

Chapter I

Role and composition

Article 1

Role

The Speaker of the Althing, in consultation with the Constitutional Commission, shall summon a consultative Constitutional Assembly for the purpose of reviewing the Constitution of the Republic, no. 33 of 17 June 1944.

Article 2

Composition and duration

The Constitutional Assembly shall be composed of a minimum of 25 and a maximum of 31 delegates. They shall be elected by direct personal election.

The Assembly shall convene no later than 15 February 2011 and conclude its work on 15 April 2011; however, the Assembly may itself decide to conclude its work earlier.

The Constitutional Assembly is permitted to submit a request to the Althing for the duration of the Assembly to be extended by a parliamentary resolution by up to two months.

Article 3

Tasks of the Assembly

The Constitutional Assembly shall specifically address the following:

1. The foundations of the Icelandic constitution and its fundamental concepts;
2. The organisation of the legislative and executive branches and the limits of their powers;
3. The role and position of the President of the Republic;
4. The independence of the judiciary and their supervision of other holders of governmental powers;
5. Provisions on elections and electoral districts;
6. Public participation in the democratic process, including the timing and organisation of a referendum, including a referendum on a legislative bill for a constitutional act;
7. Transfer of sovereign powers to international organisations and the conduct of foreign affairs;
8. Environmental matters, including the ownership and utilisation of natural resources.

The Constitutional Assembly may decide to address additional matters to those referred to in the first paragraph.

CHAPTER II

Election to the Constitutional Assembly

Article 4

Election date

The Speaker of the Althing shall decide on the election date in consultation with the Constitutional Commission and the Minister of Justice and Human Rights. The election to the Constitutional Assembly shall take place no later than 30 November 2010. The election shall be conducted by secret ballot.

Article 5

Suffrage and electoral register

Suffrage in the election to the Constitutional Assembly extends to persons meeting the provisions of Article 1 of the Act on elections to the Althing. When an election to the Constitutional Assembly has been called the Icelandic National Population Register shall prepare an electoral register in electronic form for use in the voting.

The electoral register shall include persons who meet the conditions of the first paragraph of Article 1 of the Act on elections to the Althing and who were registered as domiciled in a specified municipality according to the local residents' register of the National Population Register three weeks before the election date. In addition, the electoral register shall include persons who meet the conditions of the second paragraph of Article 1 of the same Act and who were last registered as domiciled in Iceland in a specified municipality.

Seventeen days before the election date, the National Population Register shall publish the electronic electoral register for inspection by the public on the websites of the Ministry of Justice and Human Rights and the National Population Register. The National Population Register shall promptly address any comments submitted to the Register regarding the electoral register and make the appropriate corrections if applicable. Such corrections may be made up to the date of the election. Any decision by the National Population Register shall be final.

Three weeks before the election date the Ministry of Justice and Human Rights shall publish a notice in the National Broadcasting Service and newspapers to inform the public where the electronic electoral register can be accessed and how requests for corrections of the register may be submitted.

Article 6

Eligibility

Persons who qualify to stand for elections to the Althing may stand for election to the Constitutional Assembly. However, the President of the Republic of Iceland, members of parliament, their alternates, cabinet ministers and members of the Constitutional Commission and the Organising Committee are not eligible to stand for the election.

Article 7

Advertisement of the election

The National Electoral Commission shall advertise the election to the Constitutional Assembly in the National Broadcasting Service and the *Official Gazette*.

Article 8

Candidacy

Candidacies for election to the Constitutional Assembly shall be submitted to the National Electoral Commission no later than at 12 o'clock noon forty days before the election.

[Notifications of candidacies shall be submitted on a special form prepared by the National Electoral Commission in consultation with the Ministry of Justice, signed by the candidate. The notification shall be submitted in a form decided by the National Electoral Commission. The notification of candidacy shall be accompanied by a list with the names of a minimum of 30 and a maximum of 50 sponsors, who shall meet the conditions for the right to vote in elections to the Althing, and a written declaration from each sponsor confirmed by

two witnesses. In the notification of candidacy the candidate shall include his or her domicile and a concise summary of the background of his or her candidacy for use in the presentation material provided for in Article 9. For the same purpose, a notification of candidacy shall include a photograph of the candidate in the format requested by the National Electoral Commission.]¹⁾

Each qualified elector is only permitted to sponsor a single candidate.

The National Electoral Board shall, within three days from the deadline to announce a candidacy, notify candidates whether there are any deficiencies in their candidacy or list of sponsors. A candidate shall be afforded two days to rectify any deficiencies.

If the required minimum number of candidates pursuant to the first paragraph of Article 2 is not achieved when the deadline to announce candidacies has passed, the National Electoral Commission shall extend the deadline by two weeks. If the number of candidates does not then attain the required minimum, this Act shall not be implemented.

[The National Electoral Commission shall arrange the candidates in alphabetical order, with the first name chosen at random. At the same time, the National Electoral Commission shall issue identification numbers to candidates, which shall be randomly selected.]¹⁾

The National Electoral Commission will advertise on its website and a website maintained by the Ministry of Justice, 24 days before the election date, the names of the candidates [and their identification numbers, together with]¹⁾ their professional titles and the municipalities where they are resident.

The provisions of law on the finances of political associations and candidates and on their disclosure obligations shall apply to contributions and grants to candidates, as applicable.

The expense of each candidate's election campaign shall amount to a maximum of ISK 2 million.

¹⁾Act XX/2010

Article 9

Presentation of candidates and the election

The Ministry of Justice and Human Rights shall prepare presentation material on candidates. The presentation material shall be distributed to all households in Iceland. The presentation material shall also be published on a website maintained by the Ministry.

A copy of a ballot, identified as a specimen ballot, shall be distributed to all voters in Iceland together with an explanation of the procedure of the voting. The specimen ballot shall also be published on a website maintained by the Ministry, together with explanatory notes. Voters may take the specimen ballot with them into the voting booth.

Article 10

Preparation and printing of ballots

The Ministry of Justice is responsible for the preparation and printing of ballots and will remit the ballots and other electoral material to the parties responsible for the conduct of

voting at polling stations and absentee voting. The consignments shall comply with legislation on elections to the Althing.

[Instructions shall be printed at the top of each ballot regarding the procedure of voting, as provided in Article 11. The ballot shall have twenty-five preference lines. The first preference line is intended for the identification number of the candidate of the voter's first choice, the second line for the identification code of the candidate of the voter's second preference, the third line, for the identification code of the candidate of the voter's third , etc. Each preference line shall be preceded by squares for the digits of the candidate's identification number provided for in the sixth paragraph of Article 8. The back of the ballot paper shall be marked with the identification code of the ballot.]¹⁾

¹⁾Act XX/2010

Article 11

Voting at a polling station

A voter may vote at a polling station anywhere in the country, provided that it will be apparent in the electronic electoral register that the voter has cast his or her vote. Precincts, polling stations and the procedure of the polling are in other respects subject to the Act on elections to the Althing, as applicable. The municipal governments will supply computer equipment to each precinct to ensure access to the electronic electoral register.

[A voter casting a vote at a polling station shall insert the identification number of a candidate in a square, one or more, in front of his or her first preference, followed by the identification number of the candidate of second preference, followed by the identification number of next preference, etc. Voting booths shall be supplied with lists of candidates and their identification number.]¹⁾

If a voter places a symbol in front of candidates' names other than the symbol provided for in the second paragraph above, e.g. if a voter strikes one or more names, the ballot shall be valid, provided that it has no other deficiencies; however, such markings shall be disregarded in counting the ballots, as provided in Article 14.

After the voting the local electoral commission shall prepare the polling documents in accordance with Article 95 of the Act on elections to the Althing for consignment to the National Electoral Commission in a secure manner. The National Electoral Commission, or a party designated by the Commission, shall acknowledge receipt of the documents when they arrive.

¹⁾Act XX/2010

Article 12

Absentee voting

Absentee voting shall begin seventeen days before the election date. In locations where absentee voting takes place the polling officer shall have access to a separate register, the Absentee Voters' Register, which shall be in electronic form and retrieve data from the electronic electoral register. The electronic electoral register will display that an absentee vote has been cast, where it was cast and when. Absentee voting shall be conducted in the locations of the same polling officers as in elections to the Althing. The absentee polls shall be closed at the latest at 12 o'clock noon on the day before the election date. A voter who has cast an absentee ballot cannot vote at a polling station.

After a voter has identified himself or herself in an appropriate manner to the polling officer he or she will be supplied with polling documents, which consist of a ballot pursuant to Article 10, a ballot envelope and an envelope for consignment. The voter shall then cast his or her vote in private, as described in the second paragraph of Article 11, place the ballot in the ballot envelope and seal it. Thereafter, the ballot envelope shall be placed in the consignment envelope, which shall then be sealed. The polling officer shall ensure that the name and ID number of the voter are inscribed on the envelope and that the envelope is addressed to the National Electoral Board. The entry in the Absentee Voters' Register shall replace the consignment note, certification and register provided for in Articles 63 and 66 of the Act on elections to the Althing; in all other respects the procedure for voting shall be subject to the said Act, except as otherwise provided in this Act. If the polling officer does not have access to the Absentee Voters' Register, the absentee voting shall proceed in accordance with the Act on elections to the Althing.

Article 13

Counting of votes

The National Electoral Commission, or a party designated by the Commission, shall verify that absentee voters are included in the electoral register and that they are qualified to vote and assess in other respects whether the vote should be counted, as provided in Article 91 of the Act on elections to the Althing. This verification may begin on the election date. Absentee votes must have been received by the National Electoral Commission before 22:00 on the election date.

Counting of votes shall take place in the open at the tallying facility of the National Electoral Commission. The Commission shall advertise with adequate notice when it will convene to open ballot boxes and begin the counting of votes. The National Electoral Commission may summon the electoral commissions in the electoral districts of Reykjavík for assistance. Handling of ballots, their validity and the conduct of the counting shall be subject to the Act on elections to the Althing, as applicable, subject to Article 14. Electronic means may be used in counting ballots and calculating which candidates have been elected. The National Electoral Commission shall rule on the validity of ballots which are in any way defective and the ruling shall be decided by majority vote.

Article 14

[Allocation of seats, issue of election credentials and resolution of disputes]

The allocation of seats shall be determined as follows:

1. *Faults in filling out ballot papers*
 - a. If the first preference line is empty the ballot is invalid.
 - b. If a preference line is empty or incorrectly filled the ballot is not invalid for that reason alone, but only the entries up to the empty line shall be counted and not the entries following the empty line.
 - c. A repeated identification number does not invalidate a ballot, but only the preference lines up to the first repetition of a number shall count and not other lines.
 - d. If no choice can be read from a ballot for the reasons referred to above the ballot is invalid.
2. *Quota*: A quota is determined by first dividing the total number of valid votes by 26. The result shall be rounded down to the nearest whole number; i.e. any remainder shall be deleted. After this, the resulting figure shall be augmented by one and the result is the quota.

3. *Classification of ballots:* Ballot papers shall be sorted into parcels by the names of the candidates specified as the first choice on the ballot.
4. *Vote values:* The vote value of ballots shall be determined for each parcel. At the outset, the vote value of all ballots is equal to one, but subsequently the provisions of subsection 6 on potential changes in vote values shall apply. A candidate's vote count refers to the aggregate of the vote values of all ballots in the candidate's parcel at each stage of allocation.
5. *Allocation of seats:* Each time it is revealed that the vote count of a candidate equals or exceeds the quota, that candidate shall be allocated a seat. This applies both at the start and subsequently when the provisions of subsections 6 and 7 are applied.
6. *Transfer of surplus votes:* If a candidate has received a vote count in excess of the quota, each of his or her ballots shall be transferred to the parcel of the candidate who is mentioned next in preference on the ballot and who is among those who are still in contention for a seat. If there is no such next preference candidate the ballot shall be set aside. In other respects the transfer of ballots shall proceed as follows:
 - a. The surplus fraction of a candidate from whom ballots are transferred shall be determined. This is calculated by dividing the part of the candidate's vote count which exceeds the quota by his or her full vote count. The vote value of the ballots in question shall be recalculated by multiplying the previous vote value by the surplus fraction.
 - b. If more than one candidate has a vote count in excess of the quota, ballots shall first be transferred from the candidate with the highest vote count, and so on. Following the transfer it shall be ascertained whether any candidates have been added to the group of candidates who have achieved the quota. It shall then be ascertained which of the candidates in question now has the highest vote count before selecting the next candidates whose votes shall be transferred.
7. *Exclusion:* If a point is reached where no candidate capable of achieving a seat meets the provisions of subsection 5 the candidate who then has the lowest vote count shall be identified. This candidate shall no longer be in contention for allocation of a seat, subject to the second paragraph. The ballots in that candidate's parcel shall all be transferred to the parcels of the candidates who are still in contention and are next in order of preference on the ballots in questions, cf. the provisions of subsection 6. Where there is no such candidate the ballot shall be set aside.
8. *End of allocation:* The provisions of subsections 6 and 7 shall be applied, with the provisions of subsection 6 always taking precedence. When the number of candidates still in contention for a seat is equal to those of the 25 seats that remain to be allocated, the seats shall be allocated to those candidates without further calculation.
9. *Precision of calculation:* Calculations of vote values, vote counts and surplus fractions shall be calculated to five decimal places. Remainders in excess of five decimal places shall not be included in the outcome.
10. *Lots:* If any figures relevant to the progress of ranking are equal, lots shall be drawn among them.

If candidates of either sex have been allocated fewer than 10 seats, i.e. two fifths of the total seats, additional seats shall be allocated to the candidates of that sex who are next in sequence, if any, until their proportion reaches a minimum of two fifths of the total delegates. However, the total number of delegates shall not exceed 31. This shall be achieved by taking account of the numbers of votes of the candidates of the disadvantaged sex immediately prior to the application of the exclusion provision in subsection 7 of the first paragraph. Seats shall be allocated to the candidates with the highest number of such votes.]¹⁾

Following the tally and allocation of seats, the National Electoral Commission shall publish a report on the results and summon the candidates for the Constitutional Assembly to a meeting. The Commission shall announce the results of the election and issue election credentials to the nationally elected delegates to the Constitutional Assembly. When the election credentials have been distributed, the National Electoral Commission shall notify the Speaker of the Althing of the results of the election and send the names of the elected delegates for publication in the Official Journal.

In the event of any dispute regarding the eligibility of a candidate for the Constitutional Assembly who has been elected, the National Electoral Commission shall resolve the dispute.

¹⁾Act XX/2010

Article 15 *Protests etc.*

If a voter is of the opinion that a delegate at the Constitutional Assembly does not meet eligibility criteria, his or her candidacy did not comply with legal requirements or his or her election is for other reasons unlawful, the election may be appealed to the Supreme Court, which will rule on the lawfulness of the election. The protest shall be delivered to the Supreme Court within two weeks from the time that the names of the elected delegates were published in the Official Journal (*Stjornartidindi*). The Supreme Court shall call for a statement and documents from the National Electoral Commission and invite the delegate in question to comment on the protest before a ruling is made regarding the validity of the election.

The provisions of Article 114 and Chapters XIX, XX, XXIV and XXV of the Act on elections to the Althing shall apply to elections under this Act to the extent that they are applicable.

[Article 15(a)]

Permission to derogate from the instructions concerning an electronic electoral register.

If it proves impossible to apply the provisions of this Act on an electronic electoral register the Ministry of Justice and Human Rights is permitted to derogate from those provisions. The preparation of an electoral register for voting at polling stations will be subject to the second paragraph of Article 5 of this Act and the provisions of Chapter VI of the Act on Elections to the Althing, as applicable.

Absentee voting shall begin seventeen days before the election date and shall be completed no later than at 12 o'clock on the day before the election date. In other respects absentee voting shall be subject to the provisions of Chapter XII of the Act on Elections to the Althing, as applicable.

The boundaries of electoral districts, polling stations and precincts shall be the same as in the last elections to the Althing.]¹⁾

¹⁾Act XX/2010

CHAPTER III

Organisation and working procedures of the Constitutional Assembly

Article 16

President and Presidium

The Speaker of the Althing shall call the Constitutional Assembly to order and preside over the election of a President of the Assembly from among the delegates, after which the Speaker shall withdraw from the Constitutional Assembly.

The President of the Constitutional Assembly shall preside over the election of a vice-president and three chairmen of working committees from among delegates at the Assembly.

The President, Vice-president and working committee chairmen form the Presidium of the Constitutional Assembly.

The President of the Constitutional Assembly shall serve as the chairman of the Presidium. The President is responsible for the general management of the Constitutional Assembly and exercises the supreme authority in its administration.

The Presidium is responsible for supervising the organisation of the Assembly and shall prepare a working plan for the time of the Assembly and the organisation of the work of the working committees provided for in Article 17.

Article 17

Working committees

In addition to the Presidium three working committees shall serve in the Assembly.

1. A Committee on the foundations of the Icelandic constitution, the judiciary and the rule of law;
2. A Committee on the organisation of the legislative branch and executive branch and the role of the President of the Republic;
3. A Committee on elections and referenda.

The committees shall be elected at the second meeting of the Constitutional Assembly after it is first convened. The Assembly shall elect two delegates to serve on each committee, in addition to the committee chairman.

The same delegate cannot be elected to serve on more than one committee.

All the delegates at the Assembly shall have the right to attend committee meetings with the right to address the committee and submit motions.

Committees may decide to open their meetings to the public to the extent that constraints of space will permit.

Article 18

Sessions of the Assembly and rules of order

Sessions of the Constitutional Assembly are held in a single chamber.

Sessions shall be open to the public to the extent that constraints of space will permit.

The President of the Assembly shall preside over sessions of the Assembly. More detailed rules of order shall be established in the Assembly's rules of procedure.

Article 19

Rights and obligations of delegates

Delegates at the Constitutional Assembly are bound solely by their conviction and not by any instructions from their voters or other parties.

Delegates at the Constitutional Assembly shall be paid a salary for the duration of the Assembly corresponding to the salaries of members of the Althing; the salaries shall be paid out of the State Treasury. The President of the Constitutional Assembly shall be paid a salary corresponding to that of the Speaker of the Althing. [Candidates who take a seat in the Constitutional Assembly and are subject to obligations pursuant to employment contracts and collective wage bargaining contracts shall be entitled to a leave of absence from their work for the time of their service in the Assembly.]¹⁾

Committee chairmen shall be paid a salary comparable to that of chairmen of standing committees of the Althing.

The Constitutional Assembly shall enjoy the same protection as the Althing under Article 36 of the Constitution and Chapter XI of the Penal Code.

¹⁾Act XX/2010

Article 20

Public presentation and participation

A website shall be established for the Constitutional Assembly with presentation material on the Constitution and the work of the Assembly, material received by the Assembly, broadcasting of sessions of the Assembly, Assembly documents relating to the process of motions and a legislative bill for a constitutional act etc.

The Constitutional Assembly shall advertise extensively for proposals from the public, interest groups or other parties who may wish to bring their proposals and other material to the attention of the Assembly.

Proposals and material submitted to the Assembly shall be sent to the appropriate working committee for process.

Article 21

Office and expert assistance

The Presidium of the Constitutional Assembly shall supervise the cost of the Assembly so that it is kept within the framework of the State Budget allocation. Decisions of the Presidium concerning expenses of the Assembly itself, e.g. as regards facilities, staff or expert advisory services, shall be made in consultation with the Presidium of the Althing.

The Presidium shall appoint the staff of the Assembly, including a secretary general, whose responsibilities and terms of employment shall be subject to the further decision of the Presidium. The Government Employees Act shall apply to the rights and obligations of the employees of the Assembly, and their salaries shall be paid out of the State Treasury.

The Presidium shall appoint experts to work with the committees of the Assembly.

The Presidium shall approve invoices from committees relating to expert assistance and other matters considered necessary by the Presidium. The cost of the Constitutional Assembly shall be paid out of the State Treasury.

Article 22

Working facilities

The Presidium of the Althing shall provide the Constitutional Assembly with working facilities.

CHAPTER IV

Preparation and deliberations on a legislative bill for a constitutional act

Article 23

Decision on the terms of reference of committees of the Assembly

At the outset of the Constitutional Assembly the Assembly shall decide on the terms of reference and division of tasks of committees, with special reference to Article 3.

Article 24

Procedure in the committees of the Assembly

The conclusions and recommendations of the committees of the Assembly shall be presented by committee chairmen and discussed in accordance with the rules of procedure of the Constitutional Assembly.

Article 25

Deliberations on the conclusions of committees of the Assembly

The rules of procedure of the Assembly shall provide for process and deliberations on proposals of the committees of the Assembly.

At the end of the duration of the Assembly the Presidium shall be entrusted with the task of preparing a legislative bill for a constitutional act.

Article 26

Preparation and process of the legislative bill

A legislative bill for a constitutional act shall be prepared by the Presidium of the Assembly and the experts who have been working with its committees.

The President of the Assembly shall submit a legislative bill for a constitutional act.

The finalisation of the legislative bill shall be subject to the rules that apply to legislative bills in the provisions of the Act on the Standing Orders of the Althing.

The legislative bill shall be subjected to two readings. At the first reading, the bill shall be debated in its entirety. When this reading has been completed, the bill is submitted to a second reading and referred to the Presidium.

The working committees of the Assembly shall submit their report to the Presidium following the first reading of the bill.

The second reading shall not take place until the report of the Presidium has been distributed. At this reading the articles of the bill shall be read, together with any proposed amendments; in addition to the Presidium each delegate is entitled to submit motions for amendments to the bill. At the close of this reading a vote shall be taken on each article of the bill and amendments to them, and finally on the bill in its entirety with amendments, if any. If there are no motions for amendments, the bill may be put to the vote in its entirety.

In other respects, the bill shall be subject to the rules of procedure of the Assembly.

Article 27

Legislative bill sent to the Althing

When the Constitutional Assembly has passed the constitutional bill, it shall be sent to the Althing for process.

Article 28

Rules of procedure

The Presidium of the Althing shall establish rules of procedure for the Constitutional Assembly.

The Constitutional Assembly may decide to propose amendments to the rules of procedure; such amendments shall be confirmed by the Presidium of the Althing.

Article 29

Entry into force

This Act shall enter into force immediately.

Interim provision

On the entry into force of this Act, the Presidium of the Althing shall appoint a preparatory committee of three members to prepare for the establishment and work of the Assembly and to make preparations for a National Gathering; the committee shall appoint a secretary general. One committee member shall be nominated by the Prime Minister.

The committee shall prepare the presentation of the work of the Assembly and set up its website, secure premises for the Assembly and prepare the appointment of staff for the Assembly. Furthermore, the Committee shall begin the work of gathering material in preparation for the proposals to be made by the Constitutional Assembly.

On the passing of this Act, the Althing shall appoint a Constitutional Committee of seven members; the committee shall work independently. The committee will have the role of preparing and organising a National Gathering on constitutional matters. The National Gathering shall be held in good time before elections to the Constitutional Assembly pursuant to the Act. Participation of approximately one thousand people should be assumed for the National Gathering, selected by means of random sampling from the National Population Register, with due regard to a reasonable distribution of participants across the country and an equal division between genders, to the extent possible. The sample shall be restricted to persons who have the right to vote in the election to the Constitutional Assembly and who are domiciled in Iceland. The National Gathering shall endeavour to call for the principal viewpoints and points of emphasis of the public concerning the organisation of the country's government and its constitution; the committee shall process the information collected at the National Gathering and deliver to the Constitutional Assembly when it convenes.

The committee shall also undertake the collection and processing of available material and information relating to constitutional matters which could be useful to the Constitutional Assembly and furthermore present ideas on amendments to the Constitution when the Assembly convenes.

[The Constitutional Commission and the Preparatory Committee may request a decision of the Speaker of the Althing concerning specific issues relating to the preparation of the National Gathering and the Constitutional Assembly.

The cost of the convening and work of the National Gathering and the preparations for the Constitutional Assembly and work of the Constitutional Committee shall be paid out of the State Treasury.]¹⁾

¹⁾Act XX/2010 passed by the Althing on 9 September 2010

Passed by the Althing on 16 June 2010.