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OPEN OR SECRET: PARLIAMENTARY RULES ON SECRET VOTES

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Introduction

In Italy, the parliamentary rules on open or secret ballots have shown how they have strongly affected political dynamics in Parliament and the Executive in recent years.

For some decades, the theories regarding the possibility for parliamentarians to request a secret vote as an enforcement of the free mandate of representatives (Crisafulli, 1967) are no longer at the centre of the Italian debate. Yet many scholars continue to focus on the role of the secret vote with the aim of analysing and better understanding the relationship between Parliament and Government (Zanon, 1991).

The simple chance of requesting to hold a secret vote on s. c. conscience matters – originally aimed at protecting each Member of Parliament from group discipline – is sometimes an obstacle for the Government and its majority for the enforcement of the electoral programme with regard to important issues of the electoral campaign or of the speech regarding the government programme.

However this is not a new dilemma: the rules concerning the ballots held by the members of Parliament have marked some of the crucial steps in the history of the functioning of the Italian parliamentary form of government.

Yet some recent cases lead us to reconsider this topic.

1. Open or secret ballot in the Italian legal order: the history of the rules

The Italian Constitution foresees few yet essential rules.

The rules state that roll call is required – therefore an open vote - only for the vote of confidence or of no confidence (rule 94.2 It. Const.), so that the members of parliament who support the Executive are politically fully accountable. This kind of constitutional rule complies with few other rules for the rationalization of the Italian parliamentary form of government.

Constitutional rules require secret ballots for the election of “impartial constitutional appointments”:

a) The President of the Republic (rule 83.3 Cost.). It is important to note that the Italian President of the Republic has no legislative and executive powers but is responsible for safeguarding the Italian Constitution.

b) Five constitutional judges (see the Italian constitutional act on the functioning of the constitutional Court, rule 3, Constitutional Law 22.11.1967, n. 2).

Apart from the above-mentioned constitutional rules, the parliamentary assemblies (Chamber of Deputies and the Senate of the Republic) have total freedom to choose how to regulate the voting procedure.

The secret vote is the “rule” in the first phase of the history of the Italian constitution: a secret vote is required by the parliamentary rules of procedure in most cases (e.g. the vote on a bill is always taken by secret ballot); the parliamentary rules of procedure also foresee that a secret vote may be requested at any time (Pezzini, 1985).

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A rule of this kind is selected with the aim of protecting the constitutional prohibition of the imperative parliamentary mandate (rule 67 Const.) from the discipline of the party. According to a qualified doctrine (Curreri – Fusaro, 2007), such broad permission of the secret ballot leads to the evolution of the Italian parliamentary form of government towards an unbalanced system in favour of the two parliamentary assemblies with a weak executive.

This assumption is demonstrated by putting these rules into practice: the secret vote was uncommon until the fifth legislature (i.e. 1976) yet the situation started to change with the sixth legislature, as the majority party (the Christian Democrats) needed the support of the largest opposition party (the Communist Party) without allowing it to enter into the Government for national and international reasons. The secret vote became essential for political project of this kind since it enabled the opposition to endorse the measures of the government and conceal such an alliance at the same time.

However it is a doubled-edged sword: with the front of the secret vote it is easy for the opposition and/or part of the majority party, to undermine the endurance of the government, which has never been as weak as it was during that period.

This is the period of the Italian constitutional history known as the period of “parliamentary centrality”, “pact building” or “consociationalism” from another perspective.

Only with the political growth of the Socialist Italian Party (Bettino Craxi was the leader at that time) and its entry into the majority parties, the need arose to enact institutional reforms that were capable of enhancing the role of the Government “in” Parliament (Traversa, 2012; Giannetti, 2015); such reforms are inspired by the majority principle, intended as a principle linked to the functioning of the form of government rather than merely a principle linked to political representation (Amato, 2004).

Yet none of the constitutional reform bills was enacted.

The only change was proposed by De Mita, the President of the Council of Ministers at that time and the secretary of the Socialist Italian Party (PSI), who amended the parliamentary rules dated 1971, with the aim of changing the secret vote into an open vote in 1988. The amendment of this part of the parliamentary rules was so important that the Government’s programmatic speech of settlement referred to it and the Government even threatened to resign due to the obstacles that arose within Parliament (Moschella, 2002).

In the end a compromise was found and the open vote became the rule.

However there are:

- a) cases in which the secret vote is compulsory (votes regarding persons);
- b) cases in which a minority can “request” the secret vote (which occurs in both chambers if the vote involves measures concerning fundamental rights that are protected in the first part of the Constitution or amendments to the parliamentary rules of procedure);
- c) cases in which the open vote is compulsory (for financial matters and budgets).

In order to understand the parliamentary rules and their impact on the functioning of the Italian form of government it is essential to consider that there is “perfect” bicameralism in Italy and that each parliamentary assembly enacts its own rules of procedures autonomously for this reason.

This explains why the Rules of the Chamber of Deputies (rule 49) and the Rules of the Senate (rule 113) contain different provisions: e.g. the Deputies can request a secret ballot for electoral acts and acts concerning the constitutional organs of the State and the Regions while the Senators are not permitted.

This is due to the different “traditions” of the Chamber and the Senate in their relationship with the Government. In the enforcement of various legal institutes the Chamber has always tried to be more autonomous than the Executive and therefore the Senate is much less likely to hold a secret ballot than in the Chamber.

2. The parliamentary execution of the rule that enhances the “open” ballot

The open vote has certainly contributed to the emergence of the majority rule, which was formally established during the 1993 referendum and the subsequent electoral acts inspired by the principle of majority rule.

Nevertheless especially recently, the possibility of “requesting” a secret vote on important issues regarding Government programmes or resolutions concerning important politicians have enabled the opposition (and sometimes part of the majority) to threaten the stability of the Government.

Moreover, political tension has been intensified by the wide margin of interpretation of the parliamentary rules in force.

Some recent cases demonstrate this assertion.

1. There have been moments of strong contrast between the judiciary and politicians in the history of the Italian constitution that are often caused by the involvement of some illustrious politicians in judicial investigations. In some cases the choice of vote – secret or open - is crucial for the outcome of the vote and for the consequences on the politicians and parties involved.

Legally, the question is: what is the meaning of votes “on persons”?

In general, one can observe a progressive reduction in the use of secret ballots in resolutions “concerning people” or, as stated in the Rules of the Senate, “however concerning persons”.

Two cases are particularly interesting.

I. In 1993, while Parliament was approving the constitutional reform of the rules of parliamentary immunity (rule 68 Const.), the two Chambers - with two opinions of Committees for the Regulation dated 6 May 1993 - overturned their earlier orientation and decided that the resolutions of the Chambers concerning the “authorizations” foreseen by rule 68 Const. should be expressed with an open vote: they could not be classified as voting “on people” as they were resolutions concerning the prerogatives of the Assemblies to ensure their independence from the other institutions. Since that episode, all decisions on immunity have been voted with an open ballot.

II. There are different issues concerning the resolutions related to the s. c. verification of credentials, i.e. the resolutions concerning the ineligibility and incompatibility of members of parliament (rule 66 Const.).

In the Senate the usual practice was to vote for the verification of credentials “however concerning persons” and it was therefore carried out by secret ballot.

While in the Chamber it is expressly stated that ballots regarding the verification of elections, and ineligibility and incompatibility issues are not voting on persons in compliance with rule 49 of the Regulation.

Recently, issues of how to vote on a motion of “decadence” have arisen following the case of Senator Berlusconi as conviction in a criminal court that – according to the law - is assimilated to an occurred cause of “ineligibility”: is this still a hypothesis of resolution “on the person” or on the Chamber? After heated debate, on the 30th October 2014, the *Committee on the Rules of procedure* decided that this should be done with an open ballot, which led to a further reduction of secret ballots (Gigliotti, 2014). The decision for the open ballot also sanctioned the expulsion of the opposition leader from the Parliament.

2. Recently, the Government chaired by Matteo Renzi has indicated constitutional reforms and a new electoral act as its priorities. The projects implemented have sparked severe criticism even in areas of the parliamentary majority that have already requested a secret ballot, with the aim of hindering approval.

In the Senate, the Government does not enjoy a large majority and it is there that the game of reform has been played.

When the bill of constitutional reform arrived in the Senate, there were many attempts to obtain the secret ballot at least on some of the items. The hope of the applicants was that representatives of the

parties who had contributed to the drafting of the text would decide to amend the previous decisions made by the *Constitutional Affairs committee* protected by the secrecy of the vote.

As already mentioned, unlike the House, according to the rules of the Senate, it is not possible to request a secret vote on the electoral act and the laws relating to the constitutional organs of the State or bodies of the Region. However, a few MPs found that some provisions of the bill concern “fundamental rights” thus requiring a secret ballot even if they affect the functioning of the form of government. In particular, they feel that the decision allowing one or the other branch of Parliament to adopt laws on certain rights is a decision “relating to fundamental rights”. The President of the Senate stated an opinion which was not coherent with the precedents approved the secret vote and the government was defeated on one occasion.

Similarly, applicants obtained secret voting by underlining that certain provisions were “related to linguistic minorities” (Biondi, 2014).

A few months later in the Chamber, contrary decisions were made thus refusing the secret vote for the same resolutions (Rules of Procedure Committee, meeting on 15th January 2015).

3. Secret vote or question of confidence?

A different problem arose concerning the relationship between the voting system and the question of confidence (Curreri, 2015).

With the question of confidence, the Government is obliged to resign if the Chambers do not enact what is proposed. Therefore, since the Constitution requires the roll call on the motion of confidence or no confidence (rule 94 Const.), the regulations foresee that, if the Government raises the question of confidence on a measure, it must be voted by roll call.

This leads to the following question: if the MPs’ call for “the secret ballot”, can the government request a “question of confidence” with the aim of imposing an open vote? This is a complex issue because it creates a real conflict between the Executive and Parliament.

The rules on the matter are only the following.

The rules of procedure prohibits the question of confidence: a) in the cases in which the secret ballot is compulsory, at the Chamber (rule 116.4); b) in cases of votes on the rules of procedures and on the internal organization of the Assembly, at the Senate (rule 161.4).

Apart from these cases, the Presidents of Assembly have established that the open vote determined by the position of the question of trust “prevails”, however if a secret ballot is “required”; the secret ballot “prevails” if it is “imposed” by the rules of procedure (see the sessions of the Chamber of Deputies of August 1st 1990 under the Iotti chairmanship, on June 29th and November 24th 2004 under the Casini chairmanship, and on April 28th, 2015 under the Boldrini chairmanship).

4. Conclusions on the Italian case

In the first phase of the constitutional history of Italy, the secret vote enabled MPs to escape from party discipline, as well as the channels of political responsibility towards the electors.

The 1988 reforms of the rules of procedures, which extended transparency and the possibility of knowing the vote, have certainly contributed to a greater accountability the representatives and to the strengthening of the Government "in" Parliament.

However there are still large margins of secret ballot, on “decisive” matters for pursuing the government program. It is important to note, in reference to the rules of the Chamber, that it is possible to request a secret vote on the electoral act. Moreover, the possibility of requesting a secret vote on resolutions concerning fundamental rights according to the rules of procedure of both the Chambers, which was once a hypothesis designed to protect the freedom of conscience of the individual can greatly hinder the approval of basic laws regarding civil rights (civil unions, living will, assisted reproduction, etc.).

Therefore it is necessary to review the rules of procedures.

Firstly, it would be advisable to reduce the number of cases in which it is possible to request a secret ballot.

Secondly, it is essential to carry out a review aimed at dissolving some of the ambiguities concerning the rules of procedures in order to clarify when a secret ballot can be requested, and to define the prevalence of the protection of the individual decision of a parliamentary in respect to the estate of the Government.

5. The comparison

On the grounds of the previous analysis the aim of this paper is to compare the Italian rules with the rules in force in other European constitutional legal orders with a parliamentary form of government.

Therefore the analysis necessarily focuses on the countries with a parliamentary form of Government and the Executive needs the support of a “loyal” parliamentary majority where the prohibition of the binding mandate remains unquestioned, regardless the electoral system in force.

The analysis is limited to the chambers that are entitled to provide or remove confidence and does not deal with chambers that do not have this power (i.e. the Bundesrat in Germany and the Senado in Spain are excluded).

According to the rules concerning the secret ballot, the European countries with a parliamentary form of government can be grouped into two main categories (Committee on Constitutional Affairs, Working Document on voting by secret ballot in the Members States Parliament, 5.4.2005).

a) The first category includes countries where the secret ballot is only permitted in some cases. For example in the German *Bundestag* (Rule 49, Rules of Procedure of the German Bundestag) and in the *House of Lords* and *House of Commons* in the United Kingdom (Standing Order No. 1 B, Election of Speaker by secret ballot).

b) The second category includes countries where the secret ballot can be requested by following certain procedures. In this case, the ballot is secret also when it concerns “persons” (Spain, see rule 85, 87, 169, 204, 206, 206, Standing Order of the Congress of Deputies).

As it turns out, the Italian system is different from these models, because the parliamentary rules of the House and Senate distinguish the cases for which a secret ballot is required, cases for which it is forbidden, and cases for which the secret ballot can be “requested” which are sometimes difficult to interpret. However, the anomaly of perfect bicameralism makes it difficult for the Government to deal with rules that provide for partially different cases in the two Chambers.

It was also observed that the parliamentary rules permitting the “request” of secret ballots have sometimes resulted in tensions between majority, opposition and government.

Further research should be carried out on the rules and practices in force in Germany, England and Spain.

1) In Germany, the Constitution does not foresee any specific rule of the secret ballot.

The *Grundgesetz* only requires that the “*sittings of the Bundestag shall be public. On the motion of one tenth of its Members, or on the motion of the Federal Government, the public may be excluded by a two-third majority*” (rule 42).

At the same time, the free parliamentary mandate in the *Bundestag* is a key point of the German Constitution (rule 38, second period).

In order to better understand the German model, it is important to note that the Weimar Constitution seemed to safeguard the freedom of the parliamentary mandate (rule 21, par. 2), although the execution was similar to an imperative mandate (Zanon, 1991, 81 and 103; it is a well-known fact that in that period Hans Kelsen, 1925, stated that he was in favour of the imperative mandate).

This is an important element, which enables us to evaluate the rules concerning the secret ballot in force in the German *Bundestag*, which are as follows:

According to rule 49 of the *Rules of Procedure of the German Bundestag and Rules of Procedure of the Mediation Committee* “Where a federal law or these Rules of Procedure provide for elections by the Bundestag using official ballot papers, the ballot shall be secret”.

This occurs in few cases, which are foreseen by the *Rules of Procedure of the German Bundestag*.

The most important case of secret ballot is probably the election of the Chancellor and of the successor of the Chancellor (rule 97).

It is important to note that the nominations of Chancellor and of his/her successor are public and undersigned by one quarter of the Members of the Bundestag or by a parliamentary group representing at least one quarter of the Members of the Bundestag (rule 4; rule 97).

This rule was probably made following the period of the Weimar Republic and seems to pose a limit to the risk of abuse typical of that period with the secret ballot.

The origin of the German rule justifies why it differs to the rules of other European countries with a parliamentary form of government. As already mentioned, the Italian Constitution requires that the vote of confidence and the vote of no confidence are by roll call (rule 94 it. Const.). The Spanish *Standing order* of the Congress (rule 85) also requires that votes on the investiture of the Prime Minister, motions of censure and questions of confidence must in all cases be made public by roll call (see below).

The Italian and Spanish rules are aimed at the rationalisation of the parliamentary form of government, because they assure that the Government knows exactly which members of Parliament belong to the majority and which censure the Government.

Apart from this, all the other cases the rules permitting the secret ballot concern votes on persons (President and Vice-presidents of the assembly, rule 2; Parliamentary Commissioner for the Armed Forces, rule 113).

It is also important to note that there is a rule in Germany which allows one to request a voting which occurs through voting cards bearing the members’ names. It may be requested either by a parliamentary group or by five percent of the Members of the Bundestag, who must be present before the vote is declared open (rule 52). Of course this rule cannot prevail on the other rules requiring a secret ballot.

In short, the German rules allow the secret ballot in few election cases among which the election of the Chancellor.

Therefore, it is interesting to determine whether the rules of the Bundestag have ever been questioned. There have seldom been proposals of extending the secret vote (up to the 70s: Grewe, 1949; Klein, 1976), and the secret ballot is adopted when electing not only organs aimed at safeguarding the Constitution but also political bodies, even if some cases show critical aspects.

In fact, it was considered that an expansion of the secret ballots could have a negative impact on the accountability of parliamentarians before the electors and have overall negative effects (Buschmann - Ostendorf, 1977), which has been proved by some specific cases such as the election of the Saxon “President of the Ministers” in 1969/70 and the vote of confidence for the Chancellor Willy Brandt in 1972.

In the first case (known as the Niedesachsens case), the Free State of Saxony became ungovernable due to the misuse of the secret ballot for the vote of no confidence of the “President of the Ministers” (Zanon, 1991, 152).

It is worth mentioning that this occurred due to the weakness of the coalition between the SPD and CDU, the two parties united in a coalition in government since 1965. Originally, the SPD had three more deputies in the CDU. However in 1969, following an increase in CDU Parliamentarians and the defection of a SPD member of the assembly, the balance of power reversed and the CDU tried to negotiate new conditions of government.

The solution to the “ungovernable” situation was only found with the dissolution of the electoral assembly (1970).

In the second case, it is said that the Stasi secret service bought votes in order to make the no-confidence votes prevail against the Chancellor who was promoting a reconciliation process with East Germany.

The occurrence of these sporadic, particularly problematic issues (only one of which occurred in the national representative chamber), led the German politicians to not intervene with changes to the *Bundestag Rules of procedures* that would extend the secret ballot while the secret ballot for the election of the Chancellor remains.

Recently there was another episode that highlighted how the secret ballot may conceal defections from the political line of the majority party or coalition. This refers to the taking of office of the government, which is essential for the genesis of the relationship of confidence and more specifically to the election of the Chancellor.

As we know five parties have been represented in the Bundestag in Germany for many years: the CDU/CSU, SPD, Die Grünen, Die Linke, FDP. Since 2005, Chancellor Merkel is the head of the German government and is supported by a coalition of the most important German parties (CDU/CSU and SPD).

In 2009, following the elections, it happens that, at the time of election of Chancellor Merkel, 9 votes miss, compared with the forecasts based on the political parties that were part of the coalition supporting the same Merkel (Decker, 2009).

It is important to underline that in 2013, the FDP failed to overcome the electoral threshold and Alternative for Germany and this seldthe Pirate party entered into the electoral competition obtaining less than the minimum threshold of 5 %, but reaching a not negligible number of votes. If the number of parties represented in the Bundestag increases and the distance between their policies widens, since the need for a coalition remains, one can foresee some problems in the secret vote of the Chancellor as there may well be defections within the parties.

In short, even if in Germany the secret ballot is only allowed in few cases, the secret vote can be misused. It is true that it seldom occurs, however the secret ballot may interfere with the formation of the German government which is similar to the Italian situation and linked directly with the vote on confidence.

In Spain, the Constitution does not foresee publicity or secrecy of the votes in Congress (it acknowledges the general of publicity of the sessions, rule 80).

Yet according rule 85, V section of the Standing Orders of the Congress of Deputy, "*Voting shall be public by roll call or secret when so required by these Standing Orders, or when requested by two parliamentary groups or one-fifth of Members of the House or the committee's members*".

Rule 87 also requires secrecy when the vote is held by ballot papers such as the vote on persons which occurs when the speaker is elected or other members of the bureau of the Congress (rule 37), indictment of members of the Government for treasonable offences or crimes against the security of the State (rule 169), in case of nomination of the four members of the General Council of the Judicial Power and of the four members of the Constitutional Court (rule 204), for other proposals for appointments requiring qualified majority (rule 205).

Rule 13 does not require the secret vote for the incrimination of the members of the Congress.

Although the Spanish Standing Order allows the secret ballot whenever a fraction of members of Congress requests it, it is only seldom used and recourse to the secret ballot is not linked to threat to confidence.

In general, the secret ballot is seldom adopted by the Spanish congress yet it was recently used for amending the abortion law, which is clearly linked with freedom of conscience (February 2014).

The Socialist Workers Party proposed a motion to block the bill criminalizing abortion (with few exceptions). This is an interesting case since it emphasizes the link between bills concerning political as well as ethical issues: in fact, the criminalization of abortion was considered an important part of the political campaign held by the popular party 2011.

But the Popular party remained coherent and the motion was rejected by 183 votes, with 151 in favour and 6 abstentions.

However, in September 2014 the Prime Minister Rajoy announced the withdrawal of the bill under both internal and external pressure to the Popular Party; for this reason the Minister of Justice, Gallardon, resigned from his post, his seat in Parliament and as member of the Popular Party. It is possible to argue that in his case the secret ballot was not decisive but worthless for this crucial decision.

The Spanish practice could be more similar to Italy, concerning the wide permission of the secret ballot, but it is not, and the secret ballot is not the subject of specific studies and it is interesting to note that some textbooks of parliamentary law refer to Italian legal scholars, who have had to deal with the application issues of the secret ballot (Santaolla Lopez , 1990).

It is of course extremely important to take the structure of the Spanish parties into account. In Spain, there are two main parties, the Socialist Workers Party and the Popular Party, and their internal cohesion has always been very strong. Moreover, there is also a strong cohesion between the parties supporting the government (Cordero – Xavier, 2015). Therefore, recourse to the secret ballot is not essential in the event of defection of party members during the vote for a particular bill. Nevertheless, due to the appearance of two new parties (Podemos and Ciudadanos) on the Spanish political scene, it will be very interesting to monitor the Spanish procedure following the next congress elections which are to be held in December 2015.

Despite the fact that the Italian case is very emblematic and presents peculiar traits, even in other legal orders the possibility of using secret voting, whenever foreseen, is a way for the opposition to embarrass the government.

Very seldom, the secret ballot is requested to protect the freedom of the Parliamentary Assembly with respect to cases where its freedom of conscience is challenged. It is mostly used to relieve any tensions between the government and its majority.

This opens reflection on the need to maintain these disciplines as part of the parliamentary forms of government, in view of the role assigned to the Government in the economic and international context.

5. The secret ballot in the European Parliament

It is interesting to provide a short description of the rules of the European Parliament, taking into account the particular relationship between Parliament and Commission and the form of government, which is not strictly parliamentary.

In the light of the experience of the above-mentioned member states, the project aims at verifying whether broadening the functions of the European Parliament towards the Commission challenges effectiveness and leads to a reform of the European rules (they were amended in 2009, after the Lisbon treaty came into force).

The European Parliament procedure permits the widespread use of the secret ballot.

In a sense, the rule of the European Parliament is similar to the Italian rule. Rule 182 of the Rules of Procedure of the European Parliament (Voting by secret ballot) foresees:

1) that *“voting may also be by secret ballot if this is requested by at least one-fifth of the Members of Parliament. Such requests must be made before voting begins”*.

2) the secret ballot in case of appointments in general;

Furthermore, the secret ballot is specifically required for electing the President of the European Commission (rule 117) and for other internal and external appointments to Parliament, such as the President and Vice-presidents of Parliament or the European Ombudsman or a single Commissioner (rule 15, 17, 121, 199, 204, 209, 221, ANNEX XI).

It is a well-known fact that following the Lisbon Treaty, the President of the European Commission is elected and is no longer only “approved” by Parliament.

At the same time, the European Parliament procedure safeguards transparency, although this only occurs in important cases. The rules of European Parliament procedure safeguard require a roll –

call for electing the Commission (rule 118), for censuring the Commission (the open ballot may not be coherent with the two third majority; rule 119) and with the vote on final reports both in assembly and in Committees (rule 180; rule 108).

In addition, the roll call is mandatory *“if this is requested in writing by a political group or at least 40 Members the evening before the vote unless the President sets a different deadline”*.

The discrepancy between the secrecy of the election of the President of the Commission and the roll call for electing the Commission is quite interesting and recalls the German model.

The difference may arise from the fact that the European Parliament has to be protected by the European Council, which proposes the candidate (on the grounds of the election) (rule 17, TEU) and in general by the pressure of the Member States. With the aim of justifying or not the secret ballot in this occasion, it is essential to understand whether the election of the EC President is equal to the vote of confidence and whether the European form of government became parliamentary following the Lisbon treaty.

An interesting case occurred in March 2013, when the proposal of the European multiannual financial framework (2014-2020) written by the European Council was discussed. In particular, a parliamentary resolution was voted that denounced the European Council, because it did not consider the priorities expressed by Parliament, it degraded the role of the Parliament itself, enhanced by the new rules of the Treaty of Lisbon, and did not take the decisions underlying the resolution transparently.

During the discussion, a proposal to vote on the resolution by secret ballot was transmitted to the Chairman of Parliament Schulz. The supporter is a member of the People’s Party, Joseph Daul (cfr. the transcription of the meeting of 13 March 2013). The deputy states that initially the request for a secret ballot is made so that parliamentarians have the right to vote in secret, but then he withdrew it because *“Je veux savoir qui sont les anti-européens, je veux connaître leur nom, dans la perspective des élections prochaines, c’est tout”*.

The reasons of transparency clearly prevail during the debate. The leader of the group of conservatives (Callanan) said: *“that provision was never designed to allow Members to hide from the democratic scrutiny of their decisions on legislation or on the budget. If we are not accountable for our actions in one of the most important votes we will take, how can we claim any kind of democratic legitimacy in the future?”*.

The proposal for a secret ballot was rejected and in fact it is stated in the resolution *“in order to enable MEPs to be held accountable by their electors in the European Parliament elections in 2014, that any vote on the MFF should be held in an open and transparent manner”* which was approved by a large majority (506 votes to 161, with 23 abstentions), and it is stated that the Parliament believes *“given the crucial importance of any vote on the MFF*.

Once again, the peculiarities of the situation of the European Parliament emerges, where the pressure on MPs, directed to support decisions in a manner contrary to the party line, comes from both current-groups and from the outside and in particular by the party of the country of origin.

Interestingly, in this case the European Parliament reacted by blocking the rules that allow a secret ballot, arguing that no act of Parliament, except for the vote of confidence to the executive, is more political than the budget and that transparency and accountability are considered to be essential for safeguarding the role and power of the Parliament itself before an external power.

A reform of the parliamentary rules of procedure that eliminates the possibility of requesting a secret ballot on any act, except for the votes on persons, appears to be coherent with this interpretation and with the practice and function of the position covered by the European Parliament today in the form of government of the European Union.

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