Spanish Constitution



PART III The Cortes Generales

CHAPTER I Houses of Parliament

Section 66

- 1. The Cortes Generales represent the Spanish people and shall consist of the Congress and the Senate.
- 2. The Cortes Generales exercise the legislative power of the State and adopt its Budget, control the action of the Government and have the other competences assigned by the Constitution.
- 3. The Cortes Generales are inviolable.

Section 67

- 1. No one may be a member of both Houses simultaneously, or be a representative in the Assembly of a Self-governing Community and a Member of Congress at the same time.
- 2. Members of the Cortes Generales shall not be bound by any compulsory mandate.
- 3. Meetings of members of Parliament which are held without having been called in the statutory manner, shall not be binding on the Houses, and members may not exercise their functions nor enjoy their

privileges.

Section 68

- 1. The Congress shall consist of a minimum of three hundred and a maximum of four hundred Members, elected by universal, free, equal, direct and secret suffrage, under the terms to be laid down by the law.
- 2. The electoral constituency is the province. The cities of Ceuta and Melilla shall be represented by one Member each. The total number of Members shall be distributed in accordance with the law, each constituency being allotted a minimum initial representation and the remainder being distributed in proportion to the population.
- 3. The election in each constituency shall be conducted on the basis of proportional representation.
- **4.** The Congress is elected for four years. The term of office of Members thereof ends four years after their election or on the day on which the Congress is dissolved.
- 5. All Spaniards entitled to the full exercise of their political rights shall be electors and may be elected. The law shall recognize and the State shall facilitate the exercise of the right of vote by Spaniards who are outside Spanish territory.
- **6.** Elections shall take place between thirty and sixty days after the end of the previous term of office. The Congress so elected must be convened within twenty-five days following the holding of elections.

Section 69

- 1. The Senate is the House of territorial representation.
- 2. In each province, four Senators shall be elected by the voters thereof by universal, free, equal, direct and secret suffrage, under the terms to be laid down by an organic act.
- 3. In the insular provinces, each island or group of islands with a Cabildo or insular Council shall be a constituency for the purpose of electing Senators; there shall be three Senators for each of the major islands --Gran Canaria, Mallorca and Tenerife-- and one for each of the following islands or groups of islands: Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote and La Palma.
- 4. The cities of Ceuta and Melilla shall elect two Senators each.
- 5. The Self-governing Communities shall, in addition, appoint one Senator and a further Senator for every million inhabitants in their respective territories. The appointment shall be incumbent upon the Legis lative Assembly or, in default thereof, upon the Self-governing Community's highest corporate body as provided for by its Statute which shall, in any case, guarantee adequate proportional representation.
- 6. The Senate is elected for four years. The Senators' term of office shall end four years after their election



or on the day on which the House is dissolved.

Section 70

- 1. The Electoral Act shall establish grounds for ineligibility and incompatibility for Members of Congress and Senators, which shall in any case include those who are:
 - a) Members of the Constitutional Court.
 - b) High officers of the State Administration as laid down by law, with the exception of the members of the Government.
 - c) The Defender of the People.
 - d) Magistrates, Judges and Public Prosecutors when in office.
 - e) Professional soldiers and members of the Security and Police Forces and Corps in active service.
 - f) Members of the Electoral Commissions.
- 2. The validity of the certificates of election and credentials of members of each House shall be subject to judicial control, under the terms to be laid down in the Electoral Act.

Section 71

- 1. Members of Congress and Senators shall enjoy freedom of speech for opinions expressed in the exercise of their functions.
- 2. During their term of office, Members of Congress and Senators shall likewise enjoy freedom from
 - arrest and may be arrested only in the event of flagrante delicto. They may be neither indicted nor without prior authorization of their respective House.
- **3.** In criminal proceedings brought against Members of Congress and Senators, the competent court shall be the Criminal Section of the Supreme Court.
- 4. Members of Congress and Senators shall receive a salary to be determined by the respective House.

Section 72

- 1. The Houses lay down their own Standing Orders, adopt their budgets autonomously and, by common agreement, regulate the Personnel Statute of the Cortes Generales. The Standing Orders and their reform shall be subject to a final vote over the whole text, which shall require the overall majority.
- 2. The Houses elect their respective Speakers and the other members of their Bureaus. Joint sittings shall be presided over by the Speaker of the Congress and shall be governed by the Standing Orders of the Cortes Generales approved by the overall majority of members of each House.
- **3.** The Speakers of the Houses shall exercise on their behalf all administrative powers and disciplinary functions within its premises.

Section 73

- 1. The Houses shall meet annually for two ordinary periods of sessions: the first from September to December, and the second from February to June.
- 2. The Houses may meet in extraordinary sessions at the request of the Government, of the Permanent Deputation or of the overall majority of members of either of the two Houses. Extraordinary sessions must be convened with a specific agenda and shall be adjourned once this has been dealt with.

Section 74

- 1. The Houses shall meet in joint session in order to exercise the non-legislative powers expressly conferred upon the Cortes Generales by Part II.
- 2. The decisions of the Cortes Generales specified in sections 94(1), 145(2) and 158(2) shall be taken by a majority vote of each of the Houses. In the first case, the procedure shall be initiated by the Congress, and in the remaining two by the Senate. In any case, if an agreement is not reached between the Senate and the Congress, an attempt to reach agreement shall be made by a Mixed Committee consisting of an equal number of Members of Congress and Senators. The Committee shall submit a text which shall be voted on by both Houses. If this is not approved in the established manner, the Congress shall decide by overall majority.

Section 75

1. The Houses shall convene in Plenary sittings and in Committees .



- 2. The Houses may delegate to Standing Legislative Committees the approval of Government or non-governmental bills. However, the Plenary sitting may at any time demand that any Government or non-governmental bill that has been so delegated be debated and voted upon by the Plenary itself.
- 3. Excluded from the provisions of the foregoing paragraph are constitutional reform, international affairs, organic and basic acts and the Budget.

Section 76

- 1. The Congress and the Senate and, when appropriate, both Houses jointly, may appoint enquiry committees on any matter of public interest. Their conclusions shall not be binding on the Courts, nor shall they affect judicial decisions, but the results of investigations may be referred to the Public Prosecutor for the exercise of appropriate action whenever necessary.
- 2. It shall be compulsory to appear when summoned by the Houses. The law shall regulate penalties to be imposed for failure to comply with this obligation.

Section 77

- 1. The Houses may receive individual and collective petitions, always in writing; direct submission by citizens' demonstrations is prohibited.
- 2. The Houses may refer such petitions to the Government. The Government shall provide an explanation regarding their content, when required to do so by the Houses

Section 78

- 1. In each House there shall be a Permanent Deputation (Diputación Permanente) consisting of a minimum of twenty-one members who shall represent the parliamentary groups in proportion to their numerical importance.
- 2. The Permanent Deputation shall be presided over by the Speaker of the respective House and their functions shall be that provided in section 73, that of assuming the powers of the Houses in accordance with sections 86 and 116 in case that the latter have been dissolved or their terms have expired, and that of safeguarding the powers of the Houses when they are not in session.
- **3.** On the expiration of the term or in case of dissolution, the Permanent Deputations shall continue to exercise their functions until the constitution of the new Cortes Generales .
- **4.** When the House concerned meets, the Permanent Deputation shall report on the matters dealt with and on its decisions .

Section 79

- 1. In order to adopt agreements, the Houses must meet in statutory manner, with the majority of their members present.
- 2. In order to be valid, such agreements must be approved by the majority of the members present, without prejudice to the special majorities that may be required by the Constitution or the organic acts and those which are provided for by the Standing Orders of the Houses for the election of persons.
- 3. The vote of Senators and Members of Congress shall be personal and may not be delegated.

Section 80

Plenary meetings of the Houses shall be public, except when otherwise decided by each House by overall majority, or in accordance with the Standing Orders.

other languages of Spain.