

Macro-Level Questionnaire with Variable Labels

PART I: DATA PERTINENT TO THE ELECTION AT WHICH THE MODULE WAS ADMINISTERED

QI1. Variable number/name in the dataset that identifies the primary electoral district for each respondent. ___V114_____ **[Not included]**

QI2. Names and party affiliation of cabinet-level ministers serving at the time of the dissolution of the most recent government. **[Not included]**

| Name of Minister | Portfolio | Political Party |
|----------------------------|---|--|
| António Guterres | Prime Minister | Socialist Party (PS) |
| Jaime Gama | Minister of State and Minister of Foreign Affairs | PS |
| Guilherme Oliveira Martins | Minister of State and Minister of Finance | Independent, elected on PS lists to Parliament |
| Rui Rodrigues Pena | Minister of National Defense | Independent |
| Nuno Severiano Teixeira | Minister of Internal Administration | PS |
| José Sócrates | Minister of Social Equipment and Minister of Environment and Territorial Organisation | PS |
| António Costa | Minister of Justice | PS |
| Luís Braga da Cruz | Minister of Economy | Independent |
| Elisa Ferreira | Minister of Planning | PS |
| Luís Capoulas Santos | Minister of Agriculture, Rural Development and Fisheries | PS |
| Júlio Pedrosa | Minister of Education | Independent |
| António Correia de Campos | Minister of Health | Independent |
| Paulo Pedroso | Minister of Labour and Social Solidarity | PS |
| Augusto Santos Silva | Minister of Culture | PS |
| José Mariano Gago | Minister of Science and Technology | Independent |
| Alberto Sousa Martins | Minister of State Reform and Public Administration | PS |
| José Lello | Minister of Youth and Sports | PS |
| António José Seguro | Minister Adjoint to the Prime Minister | PS |

Note: In the following questions, *x* indicates the party label. See Appendix I for details.
 QI3. Political Parties (active during the election at which the module was administered).

0. Year party founded [v10000x, v10010x, v10020x, v10030x, v10040x, v10050x]

1. Ideological family [v10001x, v10011x, v10021x, v10031x, v10041x, v10051x,]

2. International party organization [v10002x, v10012x, v10022x, v10032x, v10042x, v10052x]

| Party – Coalition/v alue label on micro-quest. | Party Name | Year party founded | Ideological Family | International party organization |
|--|--|--------------------|-----------------------------------|---|
| 1 | PPD/PSD (Partido Social Democrata) | 1974 | Liberal parties ¹ | European Peoples Party |
| 2 | PS (Partido Socialista) | 1973 | Social Democratic Parties | Socialist International - Party of European Socialists |
| 3 | CDS/PP (Partido Popular) | 1974 | Conservative Parties | Union for Europe of the Nations Group |
| 4 | CDU (Coligação Democrática Unitária)- coalition between PCP and PEV | 1987 | | |
| 5 | BE (Bloco de Esquerda) Coalition of PSR, UDP and Política XXI | 1999 | Extreme-Left | |
| 6 | PCTP/MRPP (Partido Comunista dos Trabalhadores Portugueses / Movimento Reorganizativo do Proletariado Português) | 1970 | Extreme-Left Parties | |
| 7 | PH (Partido Humanista) | 1999 | Other | |
| 8 | PPM (Partido Popular Monárquico) | 1974 | Monarchist Parties | |
| 9 | PCP (Partido Comunista Português) | 1921 | Communist Parties | Confederal Group of the European United Left / Nordic Green Left in the European Parliament |
| 10 | PEV (Partido Ecologista- Os Verdes) | 1982 | Ecology Parties | European Federation of Green Parties |
| 11 | PSR (Partido Socialista Revolucionário) | 1978 | Extreme-Left Parties (Trotskyite) | |
| 12 | Política XXI | 1994 | Extreme-Left Movement | |
| 13 | UDP (União Democrática Popular) | 1974 | Extreme-Left Parties | |
| * | POUS (Partido Operário de Unidade Socialista) | 1979 | Extreme-Left parties | IV International (Trotskyites) |
| * | MPT (Movimento Partido da Terra) | 1993 | Ecology Parties | |
| * | PNR (Partido Nacional | n.a. | Extreme-Right | |

¹ It is difficult to assign the PSD to an ideological family. It is clearly in the centre-right of the political spectrum, but has both liberal and conservative factions within it. It is assigned to the liberal family because it belonged to the Liberal Group in the European Parliament. Despite being a member of the PPE nowadays, it does not, unlike the CDS/PP have its roots in European Christian Democracy.

| | | | | |
|---|--------------------------------------|-------------------|----------------------|--|
| | Renovador) | | /Nationalist Parties | |
| * | PSN (Partido Solidariedade Nacional) | n.a. ² | Other | |

* Parties which received votes, but were not included in the microquestionnaire.

QI4a. Parties position in left-right scale (in the expert judgment of the CSES Collaborator):
[v10003x, v10013x, v10023x, v10033x, v10043x, v10053x]

| | Party Name | Left ³ | Right |
|----|--|------------------------|-------|
| 1 | PSD (Partido Social Democrata) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 2 | PS (Partido Socialista) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 3 | CDS/PP (Partido Popular) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 4 | CDU (Coligação Democrática Unitária) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 5 | BE (Bloco de Esquerda)- coalition between PSR, UDP and Política XXI | 0 1 2 3 4 5 6 7 8 9 10 | |
| 6 | PCTP/MRPP (Partido Comunista dos Trabalhadores Portugueses / Movimento Reorganizativo do Proletariado Português) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 7 | PH (Partido Humanista) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 8 | PPM (Partido Popular Monárquico) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 9 | PCP (Partido Comunista Português) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 10 | PEV (Partido Ecologista- Os Verdes) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 11 | PSR (Partido Socialista Revolucionário) | 0 1 2 3 4 5 6 7 8 9 10 | |
| 12 | Política XXI | 0 1 2 3 4 5 6 7 8 9 10 | |
| 13 | UDP (União Democrática Popular) | 0 1 2 3 4 5 6 7 8 9 10 | |
| * | POUS (Partido Operário de Unidade Socialista) | 0 1 2 3 4 5 6 7 8 9 10 | |
| * | MPT (Movimento Partido da Terra) | 0 1 2 3 4 5 6 7 8 9 10 | |
| * | PNR (Partido Nacional Renovador) | 0 1 2 3 4 5 6 7 8 9 10 | |
| * | PSN (Partido Solidariedade Nacional) | 0 1 2 3 4 5 6 7 8 9 10 | |

* Parties which received votes but were not included in the microquestionnaire

QI4b. If you have asked respondents to rank political parties on a dimension other than the left-right dimension, please also provide your own rankings on this other dimension.

[Appendix II. Alternative Political Dimensions and Party Rankings]

No other Dimension was analysed.

QI5. In your view, what are the five most salient factors that affected the outcome of the election (e.g. major scandals; economic events; the presence of an independent actor; specific issues)? [v10063, v10064, v10065, v10066, v10067]

1 - Resignation of the Prime Minister António Guterres.

² There is no precise information on the founding date of this party, although it was probably 1991, the first time the PSN ran in an election. It was originally a protest party centering on pensioners' rights. Nowadays it is difficult to characterize since all previous leaders have left and the new leadership has not made its views very clear.

³ These values were obtained through an average of four expert judgements of CSES collaborators.

- 2 - Resignation of Secretary-General António Guterres from the leadership of the Socialist party.
- 3 - Local Elections Results.
- 4 - EU Commission Warning issued, concerning Portuguese Budget Deficit.
- 5 - Events related to the Euro 2004 Football Championship Organisation.

QI6a. Were electoral alliances permitted during the election campaign? [v10060]

Yes.

QI6b. (If yes) Did any electoral alliances form? [v10061]

Yes.

QI6c. (If yes to b) List the party alliances that formed: [v10062, **Appendix III.**]

- | | |
|-------------|---|
| 1 – CDU | PCP-PEV |
| 2 – BE | PSR, UDP, Política XXI |
| 3 – BE- UDP | BE e UDP (only in the Madeira islands)* |

* This coalition was not included in the microquestionnaire, because our universe is the residents in Portugal mainland and the number of people whose electoral district is Madeira islands is very small. That's why it was not referred in Appendix III.

QI7. (If a presidential election was held concurrently with the legislative elections) List presidential candidates: [v10068, v10069, v10070, v10071, v10072]

There was no simultaneous presidential election.

QI8. If the national team plans to collect aggregate election returns (or constituency-level returns) please include these returns with the study materials provided when the data are archived. [**Appendix IV.**]

PART II: DATA ON ELECTORAL INSTITUTIONS

Portuguese electoral laws for the Parliament's Lower House (*Assembleia da República*) elections:

CONSTITUTION OF THE PORTUGUESE REPUBLIC – only some articles related to parliamentary elections

4th Revision 1997 (source: <http://www.cne.pt> - consulted in June 16, 2002)

PREAMBLE

On 25 April 1974 the Armed Forces Movement, setting the seal on the long resistance of the Portuguese people and interpreting their deep-seated feelings, overthrew the fascist regime.

The liberation of Portugal from dictatorship, oppression and colonialism represented a revolutionary change and an historic new beginning in Portuguese society.

The Revolution restored fundamental rights and freedoms to the people of Portugal. In exercise of those rights and freedoms, the legitimate representatives of the people have assembled to draw up a Constitution that meets the aspirations of the country.

The Constituent Assembly affirms the decision of the Portuguese people to defend their national independence, to guarantee the fundamental rights of citizens, to establish the basic principles of democracy, to safeguard the primacy of the rule of law in a democratic state and to open the way to a socialist society, with respect for the will of the Portuguese people and the goal of building a freer, more just and more fraternal country.

The Constituent Assembly, meeting in plenary session on 2 April 1976, approves and decrees the following Constitution of the Portuguese Republic.

Fundamental principles

ARTICLE 1

Portuguese Republic

Portugal is a sovereign Republic, that is based upon the dignity of the human person and the will of the people and is committed to building a free and just society united in its common purposes.

ARTICLE 2

Democratic State based on the rule of law

The Portuguese Republic is a democratic State that is based upon the rule of law, the sovereignty of the people, the pluralism of democratic expression and democratic political organisation, and respect and effective guarantees for fundamental rights and freedoms and the separation and inter-dependence of powers, and that has as its aims the achievement of economic, social and cultural democracy and the deepening of participatory democracy.

ARTICLE 4

Portuguese citizenship

All persons are Portuguese citizens who are regarded as such by law or under international convention.

ARTICLE 10

Universal suffrage and political parties

1. The people shall exercise political power through universal, equal, direct, secret and periodic suffrage, through referendum and through other forms laid down in this Constitution.
2. The political parties shall assist in bringing about the organisation and expression of the will of the people and shall respect the principles of national independence, the unity of the State and political democracy.

ARTICLE 113

General principles of electoral law

1. Direct, secret and regular elections are required for the selection of members of the elective organs with supreme authority, of the autonomous regions and of local government.
2. Registration of electors is compulsory and permanent and shall be officially initiated. There shall be a single registration system for all elections that take place by direct universal suffrage, without prejudice to the provisions of Article 15(4) and (5) and Article 121(2).
3. Election campaigns shall be conducted in accordance with the following principles:
 - a. Freedom to canvass;
 - b. Equality of opportunity and treatment for all candidates;
 - c. Impartiality towards candidates on the part of public bodies;
 - d. Transparency and supervision of electoral expenses.
4. Citizens have the duty to co-operate with the election administration as laid down by the law.

5. Votes cast shall be converted into effective elections in accordance with the principle of proportional representation.
6. Action dissolving collegiate organs that are elected by direct suffrage shall set the date for new elections, which shall be held within the following 60 days under the election law in force at the time of the dissolution; otherwise the action has no legal validity.
7. The courts have the power to rule as to the proper conduct of, and the validity of action taken during, the election process.

ARTICLE 114

Political parties and the right of opposition

1. Political parties shall participate in organs that are elected by direct universal suffrage to the extent of their electorally determined representation.
2. The right of democratic opposition of minorities shall be recognised on the conditions set out in this Constitution and under the law.
3. Political parties that are represented in the Assembly of the Republic but not in the Government have the right in particular to be informed regularly and directly by the Government on the progress of the principal matters of public interest; political parties that are represented in the regional legislative assemblies and any other assemblies formed through direct elections but not in the associated executive organ enjoy the same right with respect to that organ.

SECTION III

Assembly of the Republic

CHAPTER 1

Status and election

ARTICLE 147

Definition

The Assembly of the Republic is the representative assembly of all Portuguese citizens.

ARTICLE 148

Number of Deputies

The Assembly of the Republic shall have not less than one hundred and eighty, and not more than two hundred and thirty, Deputies, as provided in the electoral law.

ARTICLE 149

Constituencies

1. Deputies shall be elected by electoral districts, the boundaries of which shall be laid down by law, which may also provide for the existence of plurinominal and uninominal electoral districts, as well as their respective kind and complementarity, in order to ensure the system of proportional representation and the Hondt highest average method when converting the votes into the number of mandates.

2. Except in the case where there is a national electoral district, the number of Deputies allocated to each plurinominal electoral district, shall be proportionate to the number of voters enrolled in the electoral register for that electoral district.

ARTICLE 150

Qualifications

Portuguese citizens entitled to vote may stand for election, subject to the restrictions arising from local disqualifications or the holding of specified offices, as are prescribed in the electoral law.

ARTICLE 151

Nominations

1. Nominations shall be made, as provided by law, by the political parties either separately or in combination with others; the lists may include citizens who are not members of the nominating parties.

2. No one shall stand for more than one electoral district of the same kind except the national electoral district where such exists, or be named in more than one list.

ARTICLE 152

Political representation

1. The law shall not limit the conversion of votes cast into numbers elected by a requirement for a minimum national percentage of votes.

2. Deputies shall represent the whole country, rather than the electoral district for which they were elected.

Beginning and end of term of office

1. The term of office of Deputies starts with the first meeting of the Assembly of the Republic and ends with first meeting after the next general election, without prejudice to the powers to suspend and remove individual Deputies from office.

2. The filling of Assembly seats that fall vacant and the temporary replacement of Deputies, where there are good reasons, shall be regulated by the electoral law.

For more details, see Electoral Law for the Portuguese Parliament (Assembleia da República): Law 14/79 – May 16, 1979, with the amendments introduced by the organic laws from Assembleia da República, 1/99, June 22, 1999; and law 2/2001, August 25, 2001

A. QUESTIONS ABOUT ELECTORAL DISTRICTS

Note: In the following question, the first variable label applies to the lower house, and the second label, to the upper house.

QIIA1. How many segments are there in the electoral system? [v10086, v10095]

Lower House - [One segment*](#)

Upper House – [Not applicable.](#)

* The Portuguese Constitution (1997 version, and after) allows for the existence of a two tiers (or more) electoral system, with single member constituencies in the lower tier (primary districts) and multi-member electoral districts in the higher tier (secondary districts) – article 149, number 1. However, this article was never implemented, due to lack of consensus among the major political parties, and so the electoral system remains one of a single tier/one segment.

Note: In the following questions, the labels apply to the lower house, first segment; lower house, second segment; upper house, first segment; and upper house, second segment, respectively.

QIIA2. How many primary electoral districts are there? [v10087, v10091, v10096, v10100]

Lower House, first segment – [22](#)

QIIA3. For each primary electoral district, how many members are elected from in that district? [v10088, v10092, v10097, v10101]

Lower house, first segment:

| Electoral district (v114) | Number of MPs elected |
|--------------------------------|-----------------------|
| 1. Aveiro | 15 |
| 2. Beja | 3 |
| 3. Braga | 18 |
| 4. Bragança | 4 |
| 5. Castelo Branco | 5 |
| 6. Coimbra | 10 |
| 7. Évora | 3 |
| 8. Faro | 8 |
| 9. Guarda | 4 |
| 10. Leiria | 10 |
| 11. Lisboa | 48 |
| 12. Portalegre | 3 |
| 13. Porto | 38 |
| 14. Santarém | 10 |
| 15. Setúbal | 17 |
| 16. Viana do Castelo | 6 |
| 17. Vila Real | 5 |
| 18. Viseu | 9 |
| 19. Madeira | 5 |
| 20. Açores | 5 |
| 21. Europe and Outside Europe* | 4 |
| Total number of MPs | 230 |

* Europe is the district for the Portuguese citizens living abroad in Europe. Outside Europe is the district for the Portuguese citizens living abroad, but not in Europe. Each one of these elects 2 MPs. In this study we have considered them together although they are 2 different electoral districts.

Source: Official newspaper of the Portuguese Republic (*Diário da República*, I série-A, January 23, 2002).

QIIA4. How many secondary electoral districts are there? [v10089, v10093, v10098, v10102]

None.

QIIA5. How many tertiary electoral districts are there? [v10090, v10094, v10099, v10103]

None.

B. QUESTIONS ABOUT VOTING.

Note: In the following questions, the labels apply to the lower house, first segment; lower house, second segment; upper house, first segment; and upper house, second segment, respectively.

QIIB6. Exactly how are votes cast by voters? [v10104, v10106, v10108, v10110]

Electors have only one vote. They vote in the electoral district where they are inscribed in the electoral rolls. Candidates must be presented in party lists. Electors vote in one and only one of the lists presented by the political parties, with no possibility for preferential votes to be expressed: closed list PR (Proportional Representation). In the end, votes are translated into seats in each one of the 22 primary electoral districts. Candidates in each of the party lists are declared elected according to the votes received by the party list and enter Parliament according to the order in which their name appear in the party list. I.e., if the list gets X seats then necessarily the top X names on the list get the seats.

QIIB6a. How many votes do they or can they cast? [v10104, v10106, v10108, v10110]
One.

QIIB6b. Do they vote for candidates, for lists, or for both? [v10105, v10107, v10109, v10111]

Electors vote only in party lists. There is not possibility of voting for candidates, not even by preferential voting. The system is one of closed list PR (see answer to question QIIB6.).

QIIB7. Are the votes transferable? [v10105, v10107, v10109, v10111]
No.

QIIB8. If more than one vote can be cast, can they be cumulated? [v10105, v10107, v10109, v10111]
Not applicable.

QIIB9. Are there any other features of voting that should be noted? [Appendix VII.]
No.

C. QUESTIONS ABOUT CONVERTING VOTES INTO SEATS.

Note: In the following questions, the labels apply to the lower house, first segment; lower house, second segment; upper house, first segment; and upper house, second segment, respectively.

QIIC10. Exactly how are votes converted into seats? [v10112, v10114, v10116, v10118]

Votes are translated into seats in each one of the 22 primary electoral districts.

In each district votes are translated into seats using the highest average the Hondt method of proportional representation. So, in each district the parties' votes are divided by 1, 2, 3, 4, etc., in order to distribute the total seats in the district by each of the parties competing in that constituency. Seats are allocated to political parties which have the largest averages, until all seats in the district are distributed. If there are any ties between political parties' averages, in a certain step of the seat allocation process, the corresponding seat is allocated to the party that have the lower number of seats until that step of seat allocation.

Candidates in each of the party lists are declared elected according to the votes received by the party list and enter Parliament according to the order in which their name appear in the party list.

QIIC10a. Are there legally mandated thresholds that a party must exceed before it is eligible to receive seats? If so, what is the threshold? [v10113, v10115, v10117, v10119]

No, it is forbidden by the Portuguese Constitution (article 152 – 1997 version)

QIIC10b. What electoral formula or formulas are used? [v10112, v10114, v10116, v10118]

The highest average the Hondt system of proportional representation

QIIC11. If there are lists, are they closed, open, or flexible? [v10105, v10107, v10109, v10111]

Closed.

D. QUESTIONS ABOUT THE POSSIBILITIES OF ELECTORAL ALLIANCE.

QIID12. What are the possibilities of alliance in the system?

Different political parties can run together under a common label but they must announce and register the pre electoral coalition, the parties that integrate the list and the list's label, to the Constitutional Court (*Tribunal Constitucional*) forty one days before the election.

QIID12a. Can parties run joint lists?

Yes.

QIID12b. Is there apparentement or linking of lists? _____

No.

QIID12c. Can candidates run with the endorsement of more than one party? _____

Only if the parties run in a joint list with a common label – pre electoral coalition – and with several candidates, from the corresponding political parties that integrate the coalition.

QIID12d. Do parties withdraw their lists or candidates in some constituencies, urging their supporters there to vote for an ally's list or candidate?

No, at least in the 2002 Parliamentary Election. However, this is legally possible.

QIID12e. Other? __ Not applicable _____

QIID13. If joint lists are possible, are they subject to different regulations than single-party lists? For example, higher thresholds, different numbers of candidates that may appear on the list, etc.

No.

QII14. If apparentement is possible, what lists can participate in such agreements

lists of the same party in the same constituency? Not applicable.

lists of the same party from different constituencies? Not applicable.

lists of different parties in the same constituency? Not applicable.

QIID15. If candidates can run with the endorsement of more than one party, is this reflected on the ballot?

Yes, but only in the conditions referred to in the answer to question QIID12c.

PART III: DATA ON REGIME TYPE

A) Questions regarding the Head of State.

QIIIA1. Who is the Head of State? [v10074, Appendix Va.]

President: Jorge Sampaio, elected for a first term in 1996 and for a second term in 2001.

QIIIA2. How is the head of state selected? [v10075, Appendix Vb.]

Direct Election.

QIIIA2a. If by direct election, by what process? [v10076, Appendix Vc.]

Run-off or two-ballot system.

If by run-off system, what is the

QIIIA2ai. Threshold for first-round victory? [v10077] Absolute majority of the valid vote.

QIIIA2aii. Threshold to advance to second round? [v10078] If no candidate obtains absolute majority, the two most voted candidates compete in the second round.

QIIIA2aiii. Threshold for victory in second round? [v10079] Absolute majority of the valid vote.

Translation of constitutional articles concerning presidential elections:

ARTICLE 121

Election

1. The President of the Republic shall be elected by universal, direct and secret suffrage by the Portuguese citizens who are registered as voters in the national territory, as well as Portuguese citizens resident abroad, in accordance with the following section.
2. The law shall regulate the exercise of the right to vote held by Portuguese citizens resident abroad, taking account of the existence of effective links with the national community.
3. In the national territory the right to vote shall be exercised personally.

ARTICLE 122

Eligibility for election

Citizens of Portuguese origin who are entitled to vote and are at least 35 years of age are eligible for election.

ARTICLE 123

Re-election

1. No one shall be re-elected for a third consecutive term of office or during the 5 years immediately following the end of a second consecutive term of office.
2. If the President of the Republic resigns from office, he or she shall not stand as a candidate in the election that immediately follows nor in an election held in the 5 years immediately following the resignation.

ARTICLE 124

Nominations

1. Nominations for the office of President of the Republic require the support of a minimum of 7500, and a maximum of 15,000, citizens entitled to vote.
2. Nominations shall be submitted to the Constitutional Court at least 30 days before the date fixed for the election.
3. The election process shall be re-opened, under the conditions prescribed by law, if a candidate dies or for any reason becomes incapable of performing the functions of President of the Republic.

ARTICLE 125

Date of election

1. The President of the Republic shall be elected within the period of sixty days before the last day of the predecessor's term of office, or within the period of sixty days following the day on which the office falls vacant.
2. The election shall not be held in the period of 90 days that precedes or follows the date of an election for the Assembly of the Republic.
3. In the circumstances referred to in paragraph 2, the election shall be held in the period of ten days following the end of the period established therein and the term of office of the outgoing President shall be automatically extended for the appropriate period of time.

ARTICLE 126

Electoral system

1. The candidate who obtains more than half the votes validly cast shall be elected President of the Republic. Blank ballot papers shall not be considered to be validly cast.
2. If none of the candidates obtains that proportion of the votes, a second ballot shall be held until the 21st day after the date of the first ballot.
3. In a second ballot, only the two candidates who have obtained the most votes and have not withdrawn shall stand for election.

ARTICLE 127

Installation and swearing in

1. The installation of the President-elect shall take place before the Assembly of the Republic.
2. The installation shall take place on the last day of the term of office of the outgoing President or, in the case of an election after the office has fallen vacant, on the 8th day following publication of the result of the election.
3. During the installation, the President of the Republic shall take the following oath:
«I swear on my honour to perform faithfully the office with which I am invested and to defend, observe, and cause to be observed, the Constitution of the Portuguese Republic».

ARTICLE 128

Term of office

1. The President of the Republic shall hold office for 5 years; the term of office shall end on the installation of the newly elected President.
2. If the office falls vacant, the President of the Republic subsequently elected begins a new term of office.

QIIIA2b. If by indirect election, by what process? [v10082, Appendix Vd.]

Not applicable.

QIIIA3. If there is a Head of State, does the Head of State have the following powers? [Check all that apply.]

a) Introduce legislation? ___ Yes No

b) Require expedited action on specific legislation? ___ Yes No
If yes, what is the default if the legislature takes no action?

c) Package veto? Yes ___ No
If yes, what is the requirement to override the veto?

When veto is exercised over parliamentary legislation, it can be overridden by a majority of all legislators (unless the vetoed law is "organic" or concerns issues listed in article 136. of the Constitution: in those cases, veto override requires a 2/3 vote in parliament). When veto is exercised over governmental decrees, it cannot be overridden.

d) Partial veto? ___ Yes No
If yes, what is the requirement to override the partial veto?

e) Legislate by decree? ___ Yes No
If yes, does this require that the legislature must first specifically delegate decree authority to the head of state by statute? ___ Yes ___ No

If yes, are there restrictions on the policy areas in which the head of state can legislate by decree? ___ Yes ___ No

If yes, are there other restrictions on the head of state s authority to legislate by decree? ___ Yes ___ No

f) Emergency powers? ___ Yes No*
If yes, what actions can the head of state take under emergency authority?

If yes, under what conditions can the head of state invoke emergency authority?
If yes, what restrictions are there on the head of state's authority to invoke and exercise emergency authority?

* The President does not have, on his/her own, "emergency powers". Those belong to the cabinet, who has the competence of "executing" the all measures allowed by a state of siege or emergency, under the constraints posed by the Constitution: respect for the principle of proportionality, based on properly substantiated grounds, no more than 15 days — renewable — (or for period specified by law in case of war), in no case affecting the rights to life, personal integrity and identity, civil capacity, and citizenship, of the person, the non-retroactivity of criminal law, the defence rights of accused persons and the freedom of conscience and religion, nor the enforcement of the constitutional provisions with respect to the powers and operation of the organs with supreme authority and the organs of self-government of the autonomous regions, nor the rights and immunities of their members. However, it is the President who declares the state of emergency, after consulting the government and subject to approval of parliament by absolute majority.

g) Negotiate treaties and international agreements? ___Yes XNo

If yes, what other requirements are there for approval of treaties and international agreements negotiated by the head of state?

h) Commander of the armed forces? XYes ___No

If yes, does the head of state control promotions of high-ranking officers?

___Yes XNo*

If yes, can the head of state dismiss or demote high-ranking officers?

___Yes ___No

If yes, can the head of state mobilize and demobilize troops? ___Yes ___No

* Only the Chief of the General Staff of the Armed Forces, on the proposal of the cabinet.

j) Introduce referenda? XYes ___No

If yes, under what conditions?

On the proposal of the cabinet or parliament.

k) Refer legislation to the judicial branch for review of constitutionality?

XYes ___No

m) Convene special legislative sessions? XYes ___No

If yes, is this the head of state's power exclusively, or can any other (s) do this as well? ___Yes, other power XNo other powers

(If yes, explain): _____

B) Questions about the Head of Government.

QIIIB1. Who is the Head of Government? [v10083, Appendix VIa.]

Prime Minister: José Manuel Durão Barroso (PSD), since 2002.

QIIIB2. If the Head of Government is a prime minister, how is the prime minister selected?
[v10084, Appendix VIb.]

Appointed by the head of state alone.

QIIIB 3. If there is a prime minister, what authorities does the prime minister have over the composition of the cabinet? [Check all that apply.]

- Names ministers and assigns portfolios alone
- Nominates ministers for approval by the president
- Reviews and approves ministerial nominations made by the president
- Dismisses ministers and reassigns portfolios at own discretion
- Other (Explain):

QIIIB4. If there is a prime minister, what authorities does the prime minister have over the policy making process? [Check all that apply.]

- Chairs cabinet meetings
- Determines schedule of issues to be considered by the legislature
- Determines which alternatives will be voted on by the legislature, and in which order
- Refers legislative proposals to party or legislative committees
- Calls votes of confidence in government
- Other (Explain): refers legislation to the judicial branch for review of constitutionality.

QIIIB5. By what method(s) can cabinet members, or the entire cabinet, be dismissed?
[Check all that apply.]

- By the head of state alone
- By the prime minister alone
- By majority vote of the legislature where a majority of all legislators is required
- By majority vote of the legislature where a majority of those legislators voting is required
- By some combination of the above, acting in concert (Explain)
- Other (Explain): dismissal of cabinet as a whole when motion of confidence fails to obtain a favourable plurality of the vote.

QIIIB6. Can the legislature be dissolved prior to regularly scheduled elections? Yes
 No

1) If yes, by what method?

- By the head of state alone
- By the prime minister alone
- By majority vote of the legislature

By some combination of the above, acting in concert (Explain)
 Other (Explain)

2) If yes, are there restrictions on when and how the legislature can be dissolved?
[Check all that apply.]

On the timing of dissolution (e.g. not within one year after a legislative election) -
(Explain): parliament cannot within 6 months after legislative elections, nor during the last 6 months of the President's term of office.

As a response to action/inaction by the legislature (e.g. only when the legislature has
censured the cabinet; e.g. only if the legislature fails to pass the budget) (Explain)

Other (Explain): parliament cannot be dissolved during state of siege or emergency.