



## RESEARCH ARTICLE

# Virtual Parliament in Italy: if not now, when?

The debate about a virtual Parliament during the pandemic emergency

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### Abstract

The emergence and spread of the Covid-19 emergency in Italy, as in the rest of the world, required parliaments to balance two priorities: ensuring the continuity of parliamentary work and protecting the health of their members and staff. If, in some legislative assemblies, the difficult balance between the right to health and the functioning of parliamentary institutions has been pursued through the implementation of measures that contemplate the use of remote participation and voting, the choices made by the Italian chambers have been more conservative, never coming to favor such solutions, at least in the plenary. This paper contributes to the debate on the digitization of parliamentary assemblies by analyzing the political reasons behind the decision to maintain the status quo in Italy, a country where the containment measures to limit the spread of Covid-19 were among the strictest in the world.

**Keywords:** Italy; Parliament; Remote voting; Digitalization; Covid-19

### Introduction

The outbreak of the pandemic in March 2020 suddenly plunged parliamentary institutions worldwide into a scenario that was in many ways new and subject to rapid and unpredictable change. The need to minimize social contacts and discourage or prohibit gatherings generated friction with the principles that have historically shaped parliamentary procedures and practices in representative democracies, such as pluralism, deliberation and transparency (Kettemann & Lachmayer, 2022; Lupo, 2020a). To ensure the continuity of parliamentary activities while protecting the health of parliamentarians and administrative staff, legislative assemblies in Europe and beyond took steps to adapt their procedures (Bar-Siman-Tov et al., 2021; Chiru, 2023; Díaz Crego & Maňko, 2022; Sciannella, 2020; Waismel-Manor et al., 2022). Some national parliaments pushed for the digitalization of parliamentary activities, such as hybrid or remote meetings and voting, to ensure the participation of all members despite the movement restrictions (e.g., Spain, United Kingdom, European Parliament). Others have opted for technical adaptations – such as new reduced formats for parliamentary sittings, as in France (Brunet, 2022) – and procedural adaptations – such as lowering quorum requirements, as in Germany (Siefken, 2022).

A cursory reading of events reveals that the Italian Parliament belongs to the second category, having experimented only marginally with digital innovations. Nevertheless, it would be too simplistic to conclude that the pandemic experience and the observation of procedural transformations in other assemblies have had no impact on the political debate that has long been weighing the opportunities and risks of a possible “re-

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engineering” of parliamentary procedures in the country in response to the digital transformation.<sup>1</sup> This article aims to reconstruct the Italian discourse on two reforms aimed at introducing some form of remote voting in the Italian chambers, drawing on primary (parliamentary documents and media reports) and secondary sources (mainly academic studies and survey data). This empirical material will be used to take stock of the arguments in favor and against this reform, thus gaining insight into the broader topic of the digitization of the Italian parliament.

Through this case study, it aims to contribute to a line of research on the transformation of Italian legislative assemblies in response to the digital revolution that has flourished over the last decade (e.g., Ibrido, 2022a; Lupo, 2021; Malaschini & Pandolfelli, 2022; Mazzina, 2022). At the same time, by shedding light on a paradigmatic case of resistance to the introduction of virtual plenary sessions, it aims to improve our understanding of the dynamics of adaptation within legislatures in a broader comparative framework (e.g., Fitsilis & Costa, 2022; Mencarelli, 2021). Indeed, as the data in Section 2 will show, Italy was not alone in continuing to hold plenary sessions in person.

The paper is organized as follows. First, the next two sections summarize how the Italian Parliament responded to the constraints and place it in a broader comparative framework, using original data from the Interparliamentary Union (IPU). Second, drawing on a rational-choice strand of the literature on institutional change in parliament, I sketch an analytical framework that allows bringing to the fore those factors that might explain the failure of reform proposals promoting the introduction of remote working in the Italian Parliament during the early phase of the pandemic. I show that, although most of the arguments in favor or against such measures were couched in normative, legal or technological terms, their underlying motive was quintessentially political. Whereas in ordinary times, the extension of remote participation in Parliament can be conceived of as Pareto-efficient – potentially benefiting all political forces – in times of health emergency, it can turn into a highly politicized issue, since it primarily favors the majority. I conclude by reflecting more broadly on the prospect of the Italian Parliament investing in digital transformation to build resilience to future emergencies.

### The organizational adjustments of the Italian parliament

Although the jury is still out on whether the Italian Parliament was significantly sidelined by the executive in the management of the pandemic emergency (Bolleyer & Salát, 2021; Griglio, 2020; Pedersen & Borghetto, 2021), there is little doubt about how it adapted operationally to the challenge of localized lockdowns and social distancing. In both chambers, the organizational adjustments were mainly deliberated by the Conference of Political Group Leaders<sup>2</sup> and were primarily aimed at ensuring the continuity of the sessions with the full presence of all deputies and senators (Lupo & Lippolis, 2021).<sup>3</sup> The Conference’s centrality to the debates over the operation of the two chambers during the pandemic reveals how deeply political in nature these decisions were rather than simply

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<sup>1</sup> The reengineering of parliamentary procedures refers to the process of redesigning and restructuring the way legislative bodies function and conduct their business as a response to technological changes (Ibrido, 2022a; Lupo, 2020b). It involves making fundamental changes to the system of rules, practices, and processes that govern the functioning of a Parliament in contrast with reforms focusing only on the segments of parliamentary activity most directly impacted by technology.

<sup>2</sup> Composed of the Speaker and the leaders of each parliamentary group, it discusses and manages the parliamentary agenda, including setting the schedule for legislative debates, determining the order of business, and organizing the work of parliamentary committees. The leaders of the political groups use this platform to negotiate and reach agreements on various parliamentary matters.

<sup>3</sup> Only in March and April 2020 parliamentary sittings drastically decreased.

technical. Furthermore, rather than proposing amendments to the parliamentary rules of procedure, which would have required an absolute majority in favor in both chambers to be approved – although, historically, even larger majorities have adopted such reforms – they mainly pleaded for an interpretation of the existing rules. This point indicates that most of these decisions were also politically controversial and, as will be shown below, created political divisions between the majority and the opposition, as well as within the two camps.

Their interventions can be grouped under three main headings: a redefinition of the spaces of the chambers and the rules of access for parliamentarians in order to respect the obligations of interpersonal distance; a relative opening to hybrid or remote participation, but not to voting, and only for parliamentary committees; a new method of calculating the quorum.

Concerning plenary activities, Members were asked to occupy both standard seats (those already equipped with electronic voting terminals) and other seats, such as those reserved for the public, the press or, only in the Chamber of Deputies, those located in a corridor adjacent to the plenary hall (the so-called *Transatlantico*). Those not sitting in the plenary voted from tablets distributed during the sessions.<sup>4</sup> Remarkably, logistical solutions also trumped e-voting during the election of the President of the Republic in early 2022, a procedure that required the convocation of a special electoral college and a special quorum.<sup>5</sup> On that occasion, a drive-through voting station was set up in the parking lot next to Montecitorio to allow infected or quarantined deputies to cast their ballots.

Secondly, with regard to committee work, first in the Chamber and then in the Senate, it was decided that, under certain circumstances, remote meetings could be convened. In both cases, the approach followed has been one of relative gradualism. At first, remote participation was restricted to some committee activities conducted in informal venues, such as bureau meetings and informal hearings.<sup>6</sup> Only from November 2020, because of the worsening of the contagion, it was extended to all Committee meetings where no votes were scheduled.

A third set of decisions concerned quorum requirements. In Italy, these are regulated by Art. 64 of the Constitution, stating that “the decisions of each House and of Parliament are not valid if the majority of the members are not present, and if a majority of those present does not pass them, save for those instances where the Constitution prescribes a special majority”. From the beginning, it was clear to everybody that the absence of majority representatives due to movement restrictions and illnesses could lead to the accidental manufacturing of new parliamentary majorities, especially when the voting thresholds are higher. For this reason, the majority pushed for procedural countermeasures. First, for a limited time (March and April 2020), political groups in both chambers informally agreed to some form of “pairing”, whereby they would proportionally reduce the number of

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<sup>4</sup> “Both chambers of the Italian Parliament developed flexible voting solutions for times when physical access was restricted. In the Senate a mobile app was developed for voting by tablet. In the Chamber of Deputies the solution was similar, using laptops inside and outside the hemicycle. These solutions connected to their existing voting systems.” (Inter-Parliamentary Union, 2022: 21)

<sup>5</sup> The President is elected by an electoral College formed by the joint session of both houses of the Italian Parliament with a regional delegation comprising elected representatives from each of the 20 regions of Italy. Initially, a two-thirds majority is required to elect a President in the first three rounds of voting (always using a secret ballot). If no candidate receives the necessary votes, the majority requirement is reduced to an absolute majority in the subsequent rounds.

<sup>6</sup> During committee hearings, audits by videoconference had been already introduced in pre-Covid times.

parliamentarians admitted to the hemicycle.<sup>7</sup> Second, the status of “on mission” (i.e., absent with justification and thus counted as present according to Rule 46(2) of the Rules of Procedure) was extended to Members in quarantine.

On the other hand, some method of hybrid or remote participation and voting has yet to be introduced for plenary sessions. However, this should not lead us to believe that there has not been a debate on whether this would be a viable option in the parliamentary hemicycle and academic circles: the most well-known proposal in this sense was formulated by the deputy (and professor of constitutional law) Stefano Ceccanti, who in October 2020 presented a proposal to reform the Rules of Procedure of the Chamber, signed by other 103 deputies. Senator Elena Botto submitted a similar proposal in June 2020, but it had less resonance. Ultimately, both initiatives were not followed up in parliament. It is on this debate that the analysis to follow will focus, but first it is appropriate to understand the exceptionality of the Italian case from a comparative perspective.

### The Italian Parliament from a comparative perspective

How exceptional was the Italian response compared to that of its European partners? In the first months following the outbreak of the pandemic, national parliaments on the European continent adapted their usual working methods in three main ways: a) enabling members to participate in parliamentary meetings from a distance, using digital tools such as videoconferencing and remote voting; b) reducing the number of members attending plenary sessions or committee meetings, while respecting the legal quorum (sometimes by reducing it) and the political balance between the political groups; c) ensuring the social distance of members present by multiplying the number of meeting rooms or using larger rooms.

The review of the main measures taken in the different countries is complicated because, in many cases, these were temporary measures, or the government opted for a mix of instruments. Our analysis uses data from a survey conducted by the Centre for Innovation in Parliament (CIP) of the Interparliamentary Union (IPU) between September and December 2010. The same data was used to compile the “World e-Parliament Report 2020” (Inter-Parliamentary Union, 2021) and, in particular, a section dedicated to parliaments’ response to the pandemic. Given the report’s focus on the relationship between parliaments and new technologies, the questionnaires were sent to the administrative offices of IPU member parliaments with ICT-related responsibilities. While the survey covered 91 countries and 116 parliamentary chambers, the following comparison aims to map the organizational adjustments in the European cases and locate the Italian case among the others, so we will only consider responses from European Union and EFTA member states and the United Kingdom. Including Italy (where only the Senate participated in the survey), 28 countries and 34 chambers responded to the questionnaire, of which 15 were unicameral, 12 were lower and 7 were upper chambers.<sup>8</sup>

<sup>7</sup> This gentlemen’s agreement ended on 24 April 2020 in the wake of the debate on the law converting the “Cure Italy” decree (Decree Law n. 18 of 17 March 2020) due to the opposition of the Brothers of Italy group. As a result, both this group and the Democratic Party group showed up in full ranks at the Chamber sitting.

<sup>8</sup> Austria (Upper House), Cyprus, Czech Republic (Upper House), Iceland, Luxembourg, Malta, Slovenia (Lower House, Upper House), Switzerland (Upper House), Austria (Lower House), Belgium (Lower House), Croatia, Czech Republic (Lower House), Denmark, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Netherlands (Lower House), Norway, Portugal, Spain (Upper House), Switzerland (Lower House), France (Lower House), Germany (Lower House), Italy (Upper House), Poland (Lower House), Romania (Lower House), Spain (Lower House), Sweden, United Kingdom (Lower House and Upper House). Bulgaria, Ireland and Slovakia did not respond.

Beginning with the plenary, about one-third of chambers (11 out of 34) experimented with some form of distance or hybrid work (Belgium, Iceland, Latvia, Poland, Portugal, Romania, lower and upper house in Slovenia, Spain, and lower and upper house in the United Kingdom). These cases include large assemblies such as Spain and the United Kingdom, so size cannot be considered a limiting factor.<sup>9</sup>

One Parliament that stands out for having operated entirely remotely during the emergency is the Latvian Parliament. Based on the open-source platform Jitsi, a special software “e-Saeima” was developed, which allowed the 100 members not only to interact and exchange documents but also to meet and vote remotely (Inter-Parliamentary Union, 2022: 20). Voting is one of the most politically charged activities and requires major procedural changes and special attention to security. Of the 11 assemblies mentioned above, 7 were not equipped with software to ensure secure remote voting and had to develop special software, and 3 excluded the possibility of remote voting, reserving this option only for attending representatives.<sup>10</sup>

Equally interesting is the diffusion of remote participation in parliamentary committees. Only 6 out of 34 chambers (18%) in our sample did not use it (Austria – for the upper and lower houses – Croatia, Hungary, Poland, and Sweden). The committee seems thus the forum most suited to incorporate these digital innovations. However, it is necessary to distinguish between cases such as Italy, where only the meetings of non-deliberative committees were held remotely, and Germany, where the number of participants in person was limited to ten members, while the rest could participate via videoconference.

At least in part, the difference between plenary and committee is explained by the fact that the procedures governing the latter are, on average, more streamlined and do not require constitutional amendments or adjustments to the rules of procedure (an activity that would require yet more face-to-face meetings). While 7 of the 11 assemblies that have adopted some form of remote participation in the plenary have had to vote on a change to their rules of procedure, only 5 of the 23 (5 did not respond) assemblies with (partially or fully) virtual committees reported the need for procedural changes. When asked about the technological challenges they had to face, the answers were most varied: the pressure of time to find new solutions (Belgium, Spain, United Kingdom); the lack of staff (in Iceland, all the technicians were either sick or in quarantine at one point or another); the difficulty of ensuring that MEPs had some access to the Internet (Romania, Greece, Latvia); the lack of suitable software (Estonia, Germany, Slovenia).

However, one of the most common obstacles is the difficulty of some representatives in adapting to the virtual environment (Denmark, Finland, France, Greece, Netherlands, Norway, Portugal, and the Czech Republic). The level of digital literacy varied considerably within each assembly, and some members needed special assistance to learn how to use the new technologies efficiently. It was more difficult to provide such assistance remotely or, in any case, while respecting social distance. This point was also raised by the Italian respondent, who stressed how demanding the adaptation process was for the parliamentary IT department: “Supporting both the Presidency and all the Senators was very resource-intensive (2 people to integrate the votes coming from the tablets and from the pre-Covid system, plus 2 in the plenary to support the Senators, plus an official to support the Presidency and the standing groups). In addition, the parliamentary

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<sup>9</sup> It should also be noted that although the question allowed for a distinction between remote and hybrid modes, it was preferred to merge the two since it is possible that both have been used at some point by the same country (see the United Kingdom).

<sup>10</sup> The Spanish Congress of Deputies already had (since 2012) a remote voting application for members on maternity leave. Therefore, this tool could easily be made available to all members in the event of a pandemic (Ibrido, 2021).

committees began to organize hearings (and other informal procedures) using videoconferencing tools and therefore requested support for initiating and managing the calls on the platform. This type of support also consumed IT resources” (declarations attached to the IPU survey).

The last question we analyze concerns the reasons for not using forms of remote participation in the plenary. Of the 23 chambers that chose this, 14 (44%) said it was unnecessary. Significantly, this is also the reason given by the official from the Italian Senate. Other solutions that could preserve some forms of face-to-face meetings were preferred, such as social distance or reduced participation. Nine respondents mentioned constitutional or legal constraints, which are difficult to overcome quickly in a public health emergency. Finally, only a few countries raised security (1) or purely technological (3) issues, which is unsurprising for developed democracies with extensive resources and well-connected parliamentary technical offices at the European level.

In conclusion, the Italian case belongs to a rather large group of countries (2 out of 3 parliaments in our sample) that did not hold plenary sessions and voted remotely. This article’s empirical sections will help to shed light on the choices made by the Italian chambers and explore their underlying reasons. Before that, the next section will summarize the literature on rule changes in parliamentary systems of government. This review will be useful in mapping the factors that weighed on the Italian decision-makers.

### Explaining institutional change: a rational choice approach

At least two main strands of the institutional change literature can be used to explain the rejection of a digital solution to the social distancing problem in the Italian parliament. While rational choice institutionalism (Sieberer et al., 2016; Tsebelis, 1990) explains institutional development as a choice made by rational actors in pursuit of their goals, historical institutionalism (Mahoney & Thelen, 2010; Pierson, 2004) tends to emphasize the stickiness of policy and institutional legacies. Both approaches consider the relevance of external shocks, such as a pandemic, as potential game changers but draw attention to different political mechanisms. Since we are most interested in actors’ motivations and take the institutional status quo as given, the following analysis is rooted in a rational choice account of institutional change.

According to rational choice institutionalism, institutional change in response to a shock will occur when, after weighing the costs and benefits (in terms of electoral gains, policy influence, and gaining office) of a reform, a sufficient majority of actors prefer it to the maintenance of the status quo (Sieberer, 2011). The first question concerns the content of the reform. Indeed, some reforms have clear redistributive implications, i.e., they change the balance of power.<sup>11</sup> For example, such reforms are likely when the shock occurs close in time to a change in the actor constellation in Parliament. A change of government after an election or the formation of new political groups in Parliament due to a party split can reshape the format of the majority that supports the cabinet. As a result, the new majority may decide that a different institutional configuration best serves its goals and use the emergency as an opportunity to change the rules of the game. In this case, the new rule configuration should not be politically neutral but favor some actors over others (more likely the majority over the opposition).

The second possibility is that all parties see some benefit from institutional development (Sieberer et al., 2016). If this is the case, the likelihood of change depends on whether the costs of changing the rules outweigh the benefits. First, rule changes may be hampered by

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<sup>11</sup> Tsebelis (1990, p. 104) distinguishes between “efficient” changes that bring benefits to all actors affected by the rules and “redistributive” changes that favor one part over another.

the need for supermajorities to change the status quo. For example, constitutional reforms typically require qualified majorities, increasing the cost of change for the ruling majority. Second, institutional veto players matter: the head of state, the speakers of the chambers, or a second chamber with a different composition may decide to oppose or delay a reform. Finally, rational agents can take into account the costs of implementing the reform in practice. Thus, while a majority may hypothetically unite and vote for a particular reform proposal, its progress may be halted if there is a chance that it will remain a dead letter and not be put into practice for lack of administrative capacity.

All in all, this analytical framework does not constitute an explicit model of institutional change. First, it is not always easy to classify a measure as purely “redistributive” or “efficient” (Sieberer & Müller, 2015). Second, it does not consider the possibility of interaction effects between the content of the reform and the context. As I will show, introducing the possibility of virtual plenaries in times of movement restrictions and social distancing contributed to turning it into a politicized issue. Nevertheless, it is useful because it draws attention to several candidate factors that may prove relevant in explaining the failure of reform proposals in the Italian case. It is now important to analyze the content of the two proposals.

### The Ceccanti and Botto proposals to reform the rules of procedure

The reform of the Rules of Procedure proposed by Ceccanti (AC, Doc. II, n. 15) on the 1<sup>st</sup> October 2020 aimed at authorizing the Chamber’s Bureau to convene committee and plenary sessions by videoconference and to allow remote voting in exceptional cases of necessity.<sup>12</sup> The rationale of this proposal – which starts from the premise that personal participation is preferable and should, as a rule, be privileged – is to strictly regulate the cases in which Members cannot physically meet to carry out parliamentary work. In the reform’s preamble, the proposer declared to be concerned with those situations where qualified majorities are required to validate a vote. Guaranteeing the possibility of remote participation and voting would ensure that such extraordinary decisions would not be blocked because of a lack of numbers in the Chamber. On the other hand, ordinary votes should be less affected by the absence of Members. In these cases, one could resort to broad interpretations of the Rules of Procedure (considering quarantined Members as on mission, see above) or to the so-called fair play between the groups and between the majority and the opposition (not asking for verifying the quorum). As a result, we can say that the Ceccanti proposal aimed to introduce an extraordinary form of remote voting, very similar to that provided for in Art. 82(2) of the Rules of Procedure of the Spanish Congress of Deputies (which provided the template for the proposal).

The Five Star Movement (M5S) Senator Elena Botto presented a similar initiative in June 2020 to amend the Rules of Procedure of the Senate (AS, Doc. II, n. 5), introducing in Chapter XIII a paragraph 120-bis on remote voting. Specifically, this article provided that the President of the Senate, subject to the unanimous opinion of the Rules Committee, could authorize remote voting in cases deemed urgent and nondeferrable, both in the Standing Committees and in the assembly. The second paragraph defined “urgent and nondeferrable cases”, namely a) when a state of national emergency has been declared (as was the case with the resolution of the Council of Ministers on the 31 January 2020), or in the event of imminent danger; b) in the event of pregnancy, maternity, paternity or

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<sup>12</sup> The Bureau (rules 5 and 12 of the Rules of Procedure) is chaired by the President of the House and is composed of four Vice-Presidents, three Quaestors and at least eight Members who act as secretaries. It is a political body in which all the political groups are represented and it is responsible for many decisions concerning the functioning of the House.

serious illness that prevents the performance of parliamentary duties, taking into account the specific circumstances justifying it; c) in cases of force majeure, assessed by decision of the President of the Senate, after hearing the unanimous opinion of the Rules Committee, when events of exceptional gravity directly threaten the regular functioning of the chamber and its committees. Since it clearly identifies the cases in which remote voting is allowed, it can be said that the Botto reform proposal for the Senate was more articulated than the one introduced by Ceccanti for the Chamber of Deputies.

Neither proposal was ever discussed. Remarkably, 103 other deputies signed the Ceccanti reform proposal. Conversely, there is not even a confirmed number of signatures for the Botto proposal in the Senate. For this reason, we will focus mainly on the objections to the extension of remote sittings and voting in the Chamber of Deputies' Rules Committee (CRC), with only limited references to the parallel debate in the corresponding committee in the Senate (Senate Rules Committee, SRC).<sup>13</sup>

### An analysis of the nature of objections

The 103 signatures on the Ceccanti proposal came mainly from deputies belonging to his party, the Democratic Party (50), and the Five Star Movement (35), the two main political groups supporting the Conte II cabinet.<sup>14</sup> This is evidence that the proposal was not bipartisan from the start. Although, as we will see, the opponents raised arguments that echo those of various scholars and legal experts, political considerations also contributed to the proposal's demise.

First, according to our theoretical framework, could the Ceccanti proposal be considered efficient or redistributive? From one perspective, it is a redistributive proposal. A significant absence of government MPs due to movement restrictions or illnesses could alter the political balance within the chamber or prevent the achievement of a quorum, especially when supermajorities are required. As a result, any measure that helps maintain the political balance in terms of group weight should favor the current majority. Conversely, in times of emergency, when decisions have to be taken quickly, a paralysis of voting caused by the lack of a quorum could be detrimental to the ruling majority. Such a case occurred, for example, on the 6 October 2020 and concerned a majority decision following the communications of the Minister of Health, Roberto Speranza, on the extension of the state of emergency until the 31 January 2021.<sup>15</sup> During the Rules Committee meetings, opposition MPs did not miss the opportunity to attack the majority and attribute this and other parliamentary "defeats" to within-majority divisions and not to quarantined MPs incapacitated to attend the sitting.<sup>16</sup> This shows that, far from being a mere procedural decision, the debate on e-voting was highly politicized.

On the other hand, proponents pointed to its potential benefits for the parliamentary institution so that it could be seen as an "efficient" decision. First, by not specifying the circumstances in which it applied, the proposal did not preclude its use outside the pandemic emergency. For example, it could be extended to allow pregnant representatives (or those on maternity or paternity leave) to attend and vote when incapacitated to

<sup>13</sup> Although the proposal was officially included in the CRC's agenda on the 15 October 2020, it was discussed on three other occasions, two formal (6 October 2020 and 4 November 2020) and one informal (22 October 2020).

<sup>14</sup> Apart from the MPs belonging to the mixed group (13), the rest were isolated cases: 3 from Forward Italy, 1 from the League, 2 from Free and Equals.

<sup>15</sup> CRC, Transcript (6 October 2020).

<sup>16</sup> See, for instance, the statements by Roberto Occhiuto and Simone Baldelli, both affiliated to Forward Italy, (CRC, Transcript, 6 October 2020 and 15 October 2020) and by Tommaso Foti of Brothers of Italy (CRC, Transcript, 15 October 2020).



participate in person (see the case of Spain). Second, it would not create discrimination between MPs. For instance, delegates with severe disabilities were put under significant strain to carry out their duties during the pandemic emergency.<sup>17</sup> Finally, it would allow Parliament to effectively exercise its oversight of the executive even in times of restrictions in the freedom of movement. For example, the chambers cannot pass resolutions binding the government without meeting a quorum.<sup>18</sup> In a context where the formal constraining role of parliaments is already weakened, this could contribute to further tipping the institutional balance between the two branches in favor of the executive (Chiru, 2023). From this perspective, then, the use of virtual plenaries could be said to serve the common interest of all (or almost all) parliamentary actors.

Let us examine the factors that converged to block the proposal. The first factor is the division within the majority. In particular, the Italy Alive group - which was part of the majority in the fall of 2020 - was consistently against it. Their representative in the CRC expressed reservations about remote voting on several occasions, mostly arguing that the circumstances did not justify it.<sup>19</sup> This behavior may reveal the presence of rifts between the majority members of the government. These divisions eventually led the Italy Alive group to withdraw its support from the Conte II government in January 2021, forcing its resignation.

Support from the Five Star Movement has also been hesitant. Given that it has historically made virtual participation in the management of the *res publica* one of its flagship policies (Deseriis, 2017), its oscillating support for both proposals is surprising. For example, the Minister for Relations with Parliament, Federico D'Incà (M5S), was, at least initially, against the idea of remote voting.<sup>20</sup> Similarly, the party did not unite to promote the proposal of its senator, Elena Botto. Finally, the President of the Chamber of Deputies, Roberto Fico, has always been open to discussing the reform but has never thrown his weight behind the measure.<sup>21</sup> One can only speculate about the reasons for this behavior. In part, we argue, it may be due to a desire to counter accusations that deputies would not fulfill their constitutional duties by moving to online meetings.<sup>22</sup> This narrative was particularly strong during the early phase of the emergency, when the number of sittings was drastically limited to discuss only essential and urgent matters in response to the pandemic.<sup>23</sup> These decisions were difficult to defend while the rest of the country struggled to adjust to the new reality of the lockdown.

On the contrary, the main opposition groups at the time, Forward Italy, the League, and Brothers of Italy, sternly opposed the proposal. The President of the Senate, Maria Elisabetta Alberti Casellati, affiliated with Forward Italy, endorsed these positions and has

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<sup>17</sup> For instance, President Fico reported about the letter sent to the presidency by Deputy Noja in April, and signed by other fellow members of the Intergroup on Disability, requesting the adoption of specific measures “to allow forms of remote participation to committee meeting for Members with severe disabilities, immunocompromised or comorbidities, or those who live with and assist persons in the same condition” CRC, Transcript (7 May 2020).

<sup>18</sup> This was the argument put forward by the proposer Ceccanti, for instance here: <https://formiche.net/2020/10/voto-aula-parlamento-a-distanza/>

<sup>19</sup> See CRC transcripts of the 7 May 2020 (p. 8), of the 6 October 2020 (p. 7) and of the 15 October 2020 (p. 15).

<sup>20</sup> <https://www.rainews.it/archivio-rainews/media/Federico-D-Inca-sono-contrario-al-voto-a-distanza-in-Parlamento-81277df8-9123-4d05-8355-f796836415c2.html>

<sup>21</sup> In this sense, see the interview released by Ceccanti (Radio Radicale, 2021)

<sup>22</sup> As representatives of the citizens, parliamentarians should exercise their public functions by devoting space and time to the democratic process (Calvano, 2020) and doing so “with discipline and honor” (Art. 54(2) Constitution).

<sup>23</sup> See Melzi D'Eril and Vigevani, “Il Parlamento non sia assente durante la pandemia”, *Il Sole 24 Ore* (15 March 2020).

never considered extending the possibility of videoconferencing for the senate plenary.<sup>24</sup> Since President Fico stressed the importance of the two chambers coordinating in their organizational response to the pandemic challenge – especially when such responses require an interpretation of the Constitution – it is arguable that Casellati’s veto had a major impact on the proposal’s demise.<sup>25</sup> If we map their arguments, we find that they are mainly based on three types of reasons: a normative idea of representation, legalistic arguments, and technological considerations.

First, physical presence was presented as an indispensable condition for political representation and a free parliamentary mandate. This position was defended, for example, by representatives of the League,<sup>26</sup> but it also reflected arguments discussed in academic circles, such as the thesis that only physical presence could allow deputies and senators to confront each other and discuss without mediation (Biondi & Villaschi, 2020). Since the function of representation is to make “present” those who are “absent” (Pitkin, 1967), namely to act in the interest of the voters, to admit that such representation can take place from a distance would be tantamount to giving credit to an impoverished version of the parliamentary dialectic and of those practices that innervate a parliamentary democracy (Calvano, 2020). In support of this argument, some commentators have argued that to endorse remote participation would be equivalent to reducing Parliament to a “voting factory” (Lippolis, 2020), in which physically absent parliamentarians would limit themselves to expressing their votes remotely without having first participated in (and given life to) a deliberative process.

On legal grounds, the opponents of the proposal argued that the reference to the necessity of presence would be deducible from numerous provisions of the Constitution as well as from various articles of the Rules of Procedure (e.g., Calvano, 2020). In particular, Art. 64 of the Constitution (see above) was invoked during multiple meetings of both Rules Committees and presented as a sizeable barrier to introducing any form of remote work.<sup>27</sup> In truth, experts were divided on its interpretation (Lupo, 2020b). Some gave an extremely narrow reading of the Constitutional Court’s Decision n. 78 of 1984, which is the most authoritative interpretation of Art. 64 to date. For instance, it was argued that flexibility could only be applied to the so-called “functional quorum” (the majority required to pass a decision) and not the “structural quorum” (Lippolis, 2020).<sup>28</sup> According

<sup>24</sup> Casellati, for instance, asked that the Senate Rules Committee’s opinion included a reference to the “non-derogability of the principle of physical presence”. SRC, Transcript (9 June 2020).

<sup>25</sup> CRC, Transcript (31 March 2020), p. 8.

<sup>26</sup> Vanessa Cattoi (League) stated that her group was not in favor of the introduction of remote voting, as it is deeply convinced that the essence of the parliamentary mandate also lies in direct participation in parliamentary discussions (CRC transcript of the 15 October 2020). Similarly, Senator Calderoli stated that “the general discussion is a phase that is not purely formal, but of real confrontation aimed at the concrete achievement, if possible, of common positions or, in any case, of a reasonable compromise between the instances of the majority and the opposition, for which he considers a confrontation in the presence of the senators irreplaceable” (SRC transcript of the 10 November 2020, p. 1).

<sup>27</sup> See, for instance, Roberto Giachetti, CRC transcript of the 31 March 2020 (p. 12) and Roberto Calderoli, SRC transcript of the 9 June 2020.

<sup>28</sup> The structural quorum is the minimum number of participants required for the meeting to be valid (if it is not reached, the meeting must be dissolved). The functional quorum, on the other hand, is the minimum number of votes required for a proposal to be approved. Art. 64(3) of the Constitution states that “the decisions of each House and of Parliament shall not be valid if the majority of their members are not present”. This is the structural quorum. On the other hand, the Constitution does not establish a legal number of members that must be present for the session to begin, so the presence of a quorum is generally presumed. The President of the Assembly only has to verify it if twenty deputies or twelve senators request it when a vote is about to be taken (Art. 46 and Art. 107 of the Rules of Procedure of the Chamber of Deputies and the Senate, respectively).

to some authors, the original intention of the Constituent Assembly was to “maintain the centennial image of the Chamber as a physical place for discussion and deliberation” (Malaschini, 2020).

Finally, the discussion revolved around technological limits in e-voting, which could not guarantee the respect of principles such as the protection of freedom, personality, and the secrecy of the vote. For example, a deputy of the Italy Alive party called for “careful consideration of the technical and practical implications, such as the possibility for the President to verify in practice, for each vote, the correct functioning of the system for each Member and the effectiveness of the personality of the vote”.<sup>29</sup> In fact, to allow parliamentarians to carry out their activities electronically securely, technical solutions are needed that exclude any possible form of interference or external conditioning. Another problem has been the extension of site immunity, namely the guarantee that any site or building where the parliamentary function takes place, even occasionally, is free from any possible external conditioning, to ensure its free exercise “in all places, not necessarily those coinciding with the residence, from which deputies and senators could potentially connect to vote remotely” (Pertici, 2020).

## Conclusion

The pandemic emergency – in Italy as elsewhere – significantly impacted the functioning of parliaments. Most legislative bodies had to adapt to some extent to ensure the continuity of parliamentary work. Some chambers were more open to digital solutions. Others were more conservative and maintained in-person participation, especially for plenary activities.

In Italy, two reforms of the Rules of Procedure of the chambers were debated to introduce remote voting. Both were shelved without a vote. Instead, the political groups, through their leaders in the Conference of Presidents, preferred alternative solutions that did not involve changes to the Rules of Procedure. Only for committee meetings, and only when they were not deliberating, they introduced some form of online debate.

Using an analytical framework of institutional change rooted in the rational choice tradition, this manuscript examined why proposals to reform the Rules of Procedure to introduce the possibility of virtual plenaries failed. It offered a reading of events in which political competition between the majority and the opposition and divisions within the majority camp played an important role in the proposals’ demise. Against the backdrop of a pandemic emergency that struck in waves, political attention gradually shifted from ensuring health conditions within the parliamentary site to dealing with potential absences in the majority ranks due to sick or quarantined parliamentarians.

On the one hand, the opposition – aside from some initial concessions in terms of pairing – had little incentive to uphold the government’s majority. They strategically exploited the quorum requirement to expose divisions within the majority and even destabilize the government. On the other hand, disagreements among majority partners made it difficult to achieve the absolute majority needed to change the rules of procedure when the window of opportunity was still open. A test of the majority’s resolve to advance the proposal came in early 2021 when a new larger majority (all but one of the main parties) voted the confidence to the Draghi executive. With the strengthening of governmental stability, the proposal soon fell off the radar.<sup>30</sup>

<sup>29</sup> See for instance Roberto Giachetti, CRC transcript of the 16 October 2020 (p. 15).

<sup>30</sup> Of course, also the improvement of the health emergency due to the progressive rollout of vaccination played a role.

At present, it is unlikely that these proposals will be revived and find fertile ground in Italian politics. For instance, there is no trace of such provisions in the reforms of the Rules of Procedure, which aim to adapt the two chambers' organization to the reduced number of parliamentarians brought about by Constitutional law n. 1/2020. The only occasion the Rules Committee of the Chamber of Deputies mentioned remote voting was in November 2022 during a discussion on the arrangements for the participation of parliamentarians who are also mothers of newborns in plenary debates. One parliamentarian excluded the possibility of them voting from a room next to the plenary hall, as this would be tantamount to remote voting, an option that the Committee had already discussed and ruled out when dealing with the Covid-19 emergency.<sup>31</sup>

More generally, we can conclude that there is still skepticism about virtual plenaries among political forces on both sides of the parliamentary aisle. While some of the objections relate to the potential for hacking or technical failures that could disrupt the voting process, most worry that remote voting could compromise the quality of decision-making by reducing face-to-face interactions and require a Constitutional amendment. Regardless of which of these motives predominated in parliamentarians' statements, we argue that the main reasons were political. Rational parliamentary actors focused on short-term political benefits for their camp when defining their institutional preferences – what we have called “redistributive” implications – and largely disregarded the overall future benefits of digital solutions for the parliamentary institution – what we have called “efficient” reforms. This article argued that the context in which reforms were discussed significantly affected political actors' evaluations of current versus future payoffs.

Arguably, postponing the debate on how technology can be leveraged to enable flexible and remote working in the Italian Parliament is not sustainable in the long run. The prospect of a virtual Parliament holds great potential “from legislation to control, from political direction to documentation and research, from ascending and descending relations with citizens to the management of its human and material resources” (Malaschini & Pandolfelli, 2022). More importantly, it is essential to ensure the resilience of Parliament in the face of future crises. Nevertheless, if the coronavirus emergency could not trigger a wider strategic rethinking of the relationship between Parliament and technology in Italy as has happened in other countries (Inter-Parliamentary Union, 2022), it is difficult to imagine what could be the next driver of change. Perhaps the time has come to take a more proactive stance and place Parliament at the heart of the digital transformation that will transform our societies. If not now, when?

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<sup>31</sup> Igor Iezzi, CRC transcript of the 15 November 2022 (p. 10).

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