

Referendum in Slovakia

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Direct democracy

- The original type of democracy
- Direct vs. representative democracy
- All *citizens* entitled to participate on all political decisions
- Examples:
 - Ancient Athens
 - Parish meetings in England
 - J. J. Rousseau – the renaissance of direct democracy
 - Landsgemeinde in Switzerland

Direct democracy

- Shift from direct to representative democracy:
 - Effectiveness
 - Politics as permanent occupation
 - More complicated issues
- Result:
 - Direct democracy now only as a **supplementary tool**
 - Dominance of representative democracy



Referendum

- The main tool of direct democracy in presence
- Origin in Switzerland in 13th century
- Mechanism which allows citizens to express their attitude on a specific question mostly by either a „yes“ or a „no“ vote
- Similar attributes as elections – universal suffrage, secret vote, equal weight of votes etc.

Referendum - types

- **Obligatory** – must be held
- **Facultative** – may be held

- **Binding** – results bind the elected representatives
- **Consultative** – results only as a recommendation

- **Preliminary** – held before the actual decision
- **Subsequent** – held after the actual decision

Positives of referendum

- Higher legitimacy of decisions
- Inclusion of citizens into decision-making process
- Encouragement of public discussion
- Indicator of public opinion

Negatives of referendum

- Polarization of society
- Limitation of expression - nothing between „yes“ and „no“ option
- Ability of citizens to handle more complicated and technical issues
- Referendum as a demonstration of power used by non-democratic regimes

Tradition of referendum?

- 1st Czechoslovak Republic (1918-1938):
 - Constitution – the government may call a referendum if the parliament declined its law proposal
 - The implementing law was never adopted
- Other periods – no mention of referendum
- Split of ČSFR – a constitutionally stated referendum was not used
- Result – **no nationwide referendum held until 1993**

Referendum in Slovakia since 1993

Formal aspects

- All main attributes defined in Constitution
- **Obligatory:**
 - Confirmation of a constitutional law on entering into or withdrawing from an alliance with other states
- **Facultative:**
 - About „*important issues of public interest*“
 - Excluded issues – basic rights and liberties, taxes, state budget

Formal aspects

- **Initiation:**
 - Petition of at least 350 000 citizens
 - Resolution of the parliament
- **President calls the referendum:**
 - Not within 90 days before parliamentary elections
 - But it may be held **on the day** of parliamentary elections

Formal aspects

- **A referendum is valid if:**
 - The turnout reaches at least 50 % and
 - A decision is endorsed by at least 50 % of those who participated
- **Effect:**
 - The result is promulgated by the parliament **as a law**
 - For the **next 3 years** neither the parliament may modify this result nor another referendum on the same issue may be held

What will we track?

- Who initiated the referendums
- What were the official and real motives of these subjects
- What were the results and their impact

Part I – Referendum as a part of election campaign

Referendum 1994

- High impacts of economic transformation in Slovakia since 1989 (inflation, unemployment)
- Slovak ex-communists (SDL) resigned to be a protest party due to their intellectual profile
- Secession of radical leftist ZRS (Association of Slovak Workers) in 1994 only a few months before election
- Referendum as a part of their electoral campaign how to mobilize protest voters

Referendum 1994

- Topic – reveal of property used in privatization and auctions (against „*the rich*“)
- ZRS started a petition but eventually the idea of referendum was supported in parliament
- Referendum was held only one month after elections
→ ZRS could lead both campaigns at once

Referendum 1994

- Question – *Would you agree to adopt a law about reveal the origin of finances used for privatization and auctions?*

	Votes	%
Total	773 624	19,96
Out of it		
Yes	724 448	93,64
No	30 733	3,97

Elections 1994

Party	Votes (in %)	Seats	Seats (in %)
HZDS	34,96	61	40,67
SV	10,41	18	12
Hungarians	10,18	17	11,33
KDH	10,08	17	11,33
DÚ	8,57	15	10
ZRS	7,34	13	8,67
SNS	5,4	9	6
Others	13,06	0	0

Referendum 1994

- **Initiator:**
 - Official – the parliament
 - Real – ZRS and its leader Ján Ľupták
- **Motives:**
 - Official – reveal of property from privatization
 - Real – mobilize protest voters and raise the chances of ZRS in parliamentary elections
- **Results:**
 - Referendum was not valid
 - ZRS entered parliament

Referendum 1998

- In 1998 Mečiar's HZDS faced:
 - A decline of public support since elections 1994
 - A risk that it will be in opposition after elections 1998
- Referendum as a tool how to:
 - Mobilize supporters of HZDS
 - Potentially harm the next government if created by opposition parties
- Topic – ban of privatization of strategic companies (nationalist sentiments)

Referendum 1998

- Petition:
 - Started in summer 1998 (two months before elections)
 - Even the **employees of civil service** (controlled by HZDS) were assigned to help with the petition!
- Referendum joined with parliamentary election to secure its maximum mobilizing effect

Referendum 1998

- Question – *Do you favor that National Council adopts a constitutional law to ban privatization of selected strategic companies?*

	Votes	%
Total	1 772 223	44,25
Out of it		
Yes	1 432 845	80,48
No	266 991	14,99

Referendum 1998

- **Initiator:**
 - HZDS – the party of that time Prime Minister Mečiar
- **Motives:**
 - Official – to secure the property of strategic companies
 - Real – to increase chances of HZDS in parliamentary election
- **Results:**
 - Referendum was not valid
 - HZDS won the election but ended in opposition

Referendum 2010

- Very similar to referendum 1994
- In 2008 a civic association Freedom and Solidarity (SaS) started a petition against unfair media fees
- In November 2008 SaS emerged as a political party
- In 2009 the original petition was widened and was aimed to call for a referendum
 - Reducing the MPs immunity
 - Limits on prices of cars used by government officials etc.

Referendum 2010

- SaS wanted to join the referendum with elections 2010
- President Gašparovič effectively prevented this effort
- SaS compensated this by gathering signatures until the date of parliamentary elections

Referendum 2010

- 1. *Repeal of the duty to pay a fee for services provided to public by Slovak television and radio*
- 2. *Extension of the possibility to hear a performance of a National Council's member as a misdemeanour*
- 3. *100 instead of 150 MPs*
- 4. *Price of governmental vehicles only up to 40K EUR*
- 5. *Parliamentary and European elections on Internet*
- 6. *Ban of the right of reply for public officers in press*

Referendum 2010

		Votes	%
	Total	998 142	22,84
1	Yes	870 864	87,24
	No	90 058	9,02
2	Yes	952 281	95,4
	No	17 333	1,73
3	Yes	925 888	92,76
	No	38 450	3,85
4	Yes	886 767	88,84
	No	61 532	6,16
5	Yes	703 336	70,46
	No	221 847	22,22
6	Yes	747 983	74,93
	No	134 163	13,44

Elections 2010

Party	Votes (in %)	Seats	Seats (in %)
Smer	34,79	62	41,33
SDKÚ	15,42	28	18,67
SaS	12,14	22	14,67
KDH	8,52	15	10
Most	8,12	14	9,33
SNS	5,07	9	6
Others	13,06	0	0

Referendum 2010

- **Initiator:**

- Freedom and Solidarity (SaS)

- **Motives:**

- Official – solving several public topics
- Real – mobilize voters and raise chances of SaS in election

- **Results:**

- Referendum was not valid
- SaS entered parliament and also the government

Part II – Referendum as a way how to challenge the elections

Referendum 2000

- Government of M. Dzurinda formed after 1998:
 - Negative economic impact of previous era
 - Decline of public support
- Non-cooperative parliamentary opposition:
 - Mečiar's HZDS and nationalist SNS
 - Newly created populist party SMER (Direction) led by Robert Fico

Referendum 2000

- In 2000 HZDS and SNS started a petition for referendum about early elections
- Official motive – the inability of government to solve economic problems
- Party SMER originally refused the idea but eventually supported it
- The question whether an early elections may be called based on referendum results

Referendum 2000

- Question – *Do you favor that National Council agrees on early elections up to 150 days after the referendum?*

	Votes	%
Total	816 254	20,03
Out of it		
Yes	759 124	92,74
No	39 363	4,80

Referendum 2000

- **Initiator:**

- HZDS and SNS – that time opposition parties

- **Motives:**

- Official – inability of the government to solve economic problems of Slovakia
- Real – aim of the Dzurinda's government to investigate scandals of Mečiar's government?

- **Results:**

- Referendum was not valid
- ~~Mečiar's amnesties preventing the investigation still exist~~

Referendum 2004

- Second government led by M. Dzurinda:
 - Vast liberal economic reforms – taxes, healthcare
 - High frustration of voters
- Opposition:
 - Since 2002 SMER became the main opposition party
 - SMER shifted to social democracy and launched harsh criticism of governmental reforms

Referendum 2004

- In November 2003 the trade unions started petition for referendum about early elections
- Opposition parties:
 - Supported the petition
 - Some of them actively gathered the signatures
 - SMER even made a financial contribution
- Government logically opposed the idea and advised its voters to ignore the referendum

Referendum 2004

- Question – *Do you favor that National Council agrees on early elections in 2004?*

	Votes	%
Total	1 503 784	35,86
Out of it		
Yes	1 305 023	86,78
No	179 524	11,93

Referendum 2004

- **Initiator:**

- Trade unions backed by opposition parties (mostly SMER)

- **Motives:**

- Early elections and mobilization of citizens aimed against the government

- **Results:**

- Referendum was not valid
- Party SMER tested its electoral potential

Part III – Referendum as a way
how to solve (or create) problems

Referendum 1997

- The era of Vladimír Mečiar:
 - Decline of quality of democracy
 - High polarization of society and domestic politics
- Risk of inability to elect the new president in parliament → opposition parties started petition for a referendum about direct presidential elections
- After 350 000 signatures were acquired the government reacted by proposing a referendum about integration to NATO

Referendum 1997

- **Two initiatives at the same time:**
 - Direct elections of president
 - Integration to NATO (3 separate questions)
- President called a **joint referendum** with 4 questions
- Mečiar's government announced that president broke the Constitution
- Ministry of interior published ballots only with the 3 NATO questions

Referendum 1997

- 1. *Are you in favor of Slovakia's **entry into NATO**?*
- 2. *Are you for deploying **nuclear weapons** on the territory of Slovakia?*
- 3. *Are you for locating **foreign military bases** on the territory of Slovakia?*
- ~~4. *Do you agree that the president of the Slovak Republic should be directly elected by the citizens of the Slovak Republic according to the enclosed proposal for a constitutional law?*~~

Referendum 1997

	Votes	%
Total	319 727	9,53
Question 1		
Yes	130 052	39,02
No	154 090	46,28
Question 2		
Yes	29 628	8,87
No	232 197	69,8
Question 3		
Yes	42 336	12,71
No	218 956	65,79

Referendum 1997

- **Initiators:**

- Opposition – presidential elections
- Government - NATO

- **Motives:**

- Opposition – to enable the election of president, to mobilize voters and to avoid Mečiar to concentrate too much power
- Government – to block the effort of the opposition

- **Results:**

- Referendum was not valid (marred referendum)
- For more than a year Slovakia had no president
- Frustration of voters against the government

Referendum 2003

- The integration to the European Union
- Facultative referendum as the others
- A common effort of all relevant political parties to mobilize voters and ensure the needed 50 % turnout

Referendum 2003

- Question – *Do you agree to the proposal that the Slovak Republic should become a member state of the European Union?*

	Votes	%
Total	2 176 990	52,15
Out of it		
Yes	2 012 870	92,46
No	135 031	6,20

Referendum 2003

- **Initiator:**
 - Parliament (not relevant)
- **Motives:**
 - Integration to the EU
- **Results:**
 - Referendum was valid
 - Slovakia entered the EU

Referendum 2015

ALIANCIA
ZARODINU



- Alliance for the Family
- The official aim to `*protect the family in Slovakia*`
- Expressed threats:
 - Same-sex marriages
 - Adoptions by homosexuals
 - Anti-family values in general
- Petition with more than 400 thousand signatures

Referendum 2015

ALIANCIA
ZARODINU



- Original aim – four questions:
 - Special rights and protection given only to marriage (among all types of relationships)
 - Marriage only as a relationship of a man and a woman
 - Ban of adoptions by homosexuals
 - Parents` right to decide about the content of education (sexual behavior, euthanasia)
- President Kiska consulted the Constitutional court:
 - First question banned
 - The date of referendum postponed to February 2015

Referendum 2015



Referendum 2015

ALIANCIA
ZARODINU



ALIANCIA
ZAHODINU

Referendum 2015

ALIANCIA
ZARODINU



- Most political parties remained fairly silent
- A fear from losing Catholic voters?
- Expressed views:
 - KDH and SNS favored the referendum
 - SaS rejected the idea and asked people to ignore it
- SMER, SDKU only advised people to participate without holding a side

Referendum 2015

		Votes	%
	Total	944 674	21,41
Only man – woman marriage	Yes	892 719	94,50
	No	39 088	4,13
No adoptions for homosexuals	Yes	873 224	92,43
	No	52 389	5,54
Parents' say in education	Yes	853 241	90,32
	No	69 349	7,34

Referendum 2015

- **Initiator:**

- Alliance for the Family

- **Motives:**

- Official – Protection of family
- Real – Mostly banning rights of homosexuals
- Official = real?

- **Results:**

- Referendum was not valid

Referendums in Slovakia

	Year	Topic	Turnout	Result
1	1994	Privatization	19,96	Not valid
2	1997	NATO / President	9,53	Not valid / marred
3	1998	Strategic companies	44,25	Not valid
4	2000	Early elections	20,03	Not valid
5	2003	EU	52,15	Valid – yes
6	2004	Early elections	35,86	Not valid
7	2010	Various	22,84	Not valid
8	2015	Family	21,41	Not valid

Referendums that did not happen

- Only several unsuccessful efforts to call for a referendum
- 1993 – petition of HZDS:
 - Not enough signatures
- 1999 – petition of HZDS and SNS:
 - Minority languages and strategic privatization
 - Against the Constitution

Initiators

- In almost all cases referendums were initiated by **political parties**
- Usage of both possible channels:
 - Petitions
 - Resolution of parliament
- Exceptions:
 - 2004 – Trade unions
 - 2015 – Alliance for the Family

Motives

- Two types of referendums:
- **About *issues*:**
 - 1994 – reveal of property gained by privatization
 - 1997 – presidential elections and NATO
 - 1998 – ban of privatization of strategic companies
 - 2010 – various topics – immunity, price of cars etc.
 - 2015 – homosexual marriages, adoptions, education
- **Without material *issues*:**
 - 2000 – early elections
 - 2004 – early elections

Referendums with issues

- Official motive only of secondary value (or not relevant at all)
- Primary concern aimed at different motives
- 1994, 1998, 2010 – increasing chances of initiating parties (ZRS, HZDS, SaS) in parliamentary elections
- 1997 – blocking the initiative of political opponents
- 2015 – exception from this trend

Referendums without issues

- The official motive equals the real motive
- An openly expressed aim of initiators to end the term of government and call for early elections
- Secondary aim to mobilize supporters (even in case the referendum is not valid)

Results

- 7 out of 8 referendums were not valid
- Main reason – inability to reach the 50 % turnout
- One referendum was marred
- One referendum was valid yet – integration to the EU

Legacy for the future

- Based on experience the referendum in Slovakia may be used as a mobilizing tool:
 - Quite easy to initiate it
 - Cheap campaign (for the initiator)
 - Low turnout may be explained by the stance of political opponents who advised their voters to stay at home
 - Referendum may **have a sense** for its initiator **even if it is not valid** → official vs. real motives