

Referendum in Slovakia

Peter Spáč

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

Landsgemeinde, Glarus (SWI), 2019



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

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



- 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