

# **Referendum in Slovakia**

## **Power of the People or a Party Instrument?**

Jakub Jusko

# 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 13<sup>th</sup> 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?

- 1<sup>st</sup> 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 % + 1 and
  - A decision is endorsed by at least 50 % + 1 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

	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
<b>5</b>	<b>2003</b>	<b>EU</b>	<b>52,15</b>	<b>Valid – yes</b>
6	2004	Early elections	35,86	Not valid
7	2010	Various	22,84	Not valid
8	2015	Family	21,41	Not valid

Part I – Referendum as a part of election  
campaign

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

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



# 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
<b>ZRS</b>	<b>7,34</b>	<b>13</b>	<b>8,67</b>
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 – government party at 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
<b>SaS</b>	<b>12,14</b>	<b>22</b>	<b>14,67</b>
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

# Legacy continues?...



# Petition 2021

- **Initiator:**

- Petition group (Ervin Erdélyi), HLAS-SD, SMER-SD, SNS, trade unions...

- **Motives:**

- Early elections and mobilization of citizens aimed against the government

*Do you favor that National Council agrees on early elections up to 180 days after the referendum?*

# 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

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# Initiators

- In almost all cases referendums were initiated by **political parties**
- Usage of both possible channels:
  - Petitions (97' (4<sup>th</sup> question), 98', 00', 04', 10', 15')
  - Resolution of parliament (94'\* , 97' (1<sup>st</sup>-3<sup>rd</sup> question), 03')
- 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 = 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