

Referendum in Slovakia

POLb1135 Slovak Politics

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 now
- 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

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

- All main attributes defined in the 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

Referendum in Slovakia since 1993

- **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

Referendum in Slovakia since 1993

- **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

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 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

Election 1994

Party	Votes (in %)	Seats (in %)
HZDS	34,96	61
SDL (SV)	10,41	18
Hungarian parties	10,18	17
KDH	10,08	17
DU	8,57	15
ZRS	7,34	13
SNS	5,40	9
Others	13,06	0
		150

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 1994 elections
 - A risk that it will be in opposition after 1998 elections
- 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

- *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 misdemeanor*
- *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

- 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

		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

Election 2010

Party	Votes (in %)	Seats
Smer	34,8	62
SDKÚ	15,4	28
SaS	12,1	22
KDH	8,5	15
Most-Híd	8,1	14
SNS	5,1	9
HZDS	4,3	0
Others	11,6	0
		150

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
- In November 2003 the Trade unions started petition for referendum about early elections and opposition parties supported the initiative
- Merging with presidential elections created a tactical trap for the government

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

Referendum 2023

- Attempt in 2021/2022:
 - Petition by opposition parties (SMER)
 - Referendum on early election banned by Constitutional court
- Immediate round two:
 - New petition in summer 2022
 - More than 400 thousand signatures
 - Constitutional court banned one of two questions – whether the national government should step down

Referendum 2023

- *Do you agree that the early termination of the election period of the NR SR can be carried out by a referendum or a resolution of the NR SR?*
- Formally a referendum about a further referendum
- Voters' point of view?

Referendum 2023

- Question – *Do you agree that the early termination of the election period of the NR SR can be carried out by a referendum or a resolution of the NR SR?*

	Votes	%
Total	1 193 198	27,25
Out of it		
Yes	1 163 586	97,51
No	18 398	1,54

Referendum 2023

- **Initiator:**

- Opposition parties (mainly SMER and Republic)

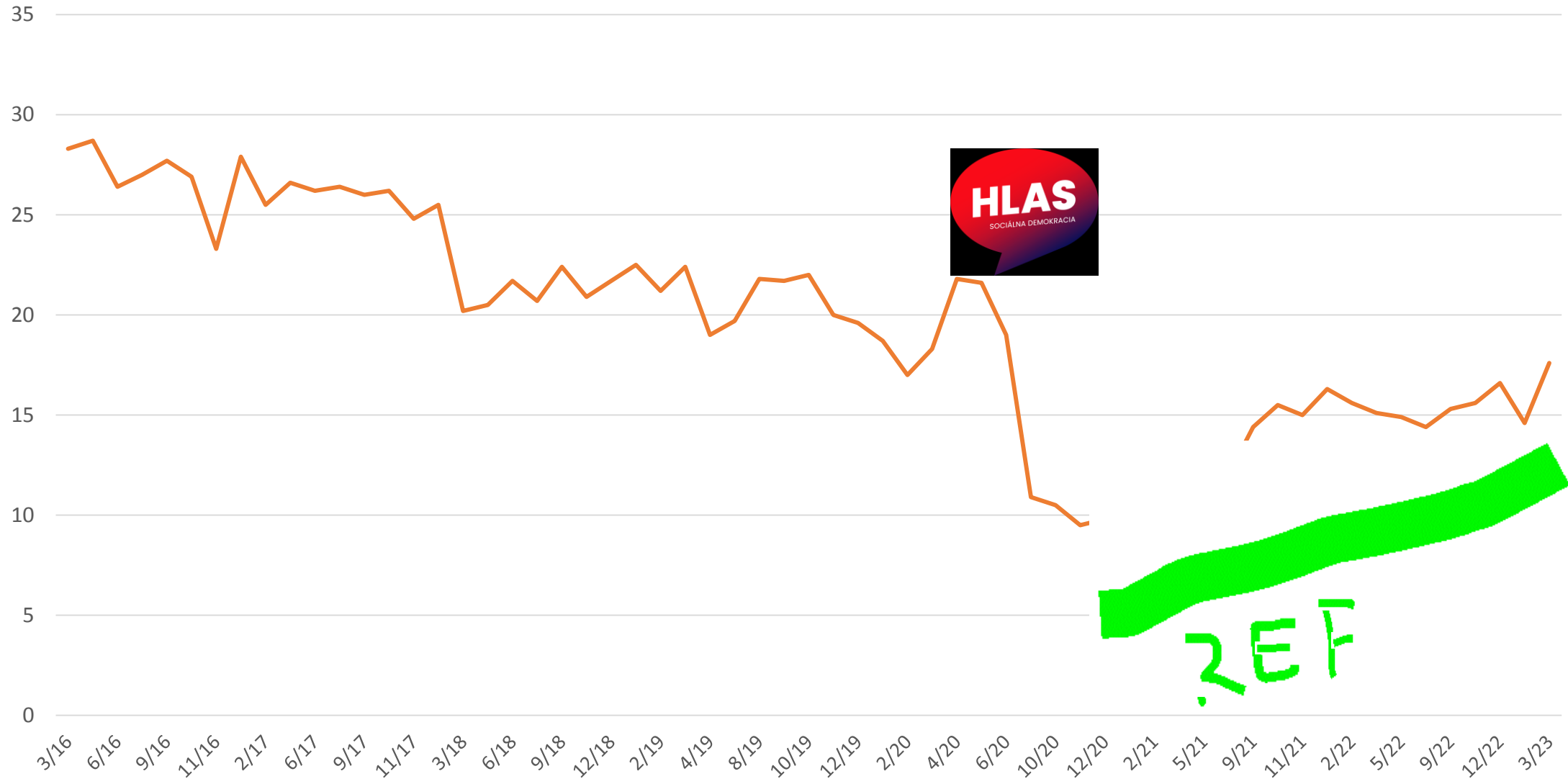
- **Motives:**

- Early elections and mobilization of citizens aimed against the government

- **Results:**

- Referendum was not valid
- Polls prove mobilization of voters

Support of SMER



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 presidential elections
 - Integration to NATO (3 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

- 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
- 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 2015



- 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 LGBTI+
- 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
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
9	2023	Early elections?	27,25	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
- 2021 – early election declared 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 – same-sex marriages, adoptions, education
 - **Without material *issues*:**
 - 2000 – early elections
 - 2004 – early elections
 - 2023 – 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

- 8 out of 9 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