



Direct Democracy

An Overview of the International IDEA Handbook

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This overview briefly examines the questions of when and how the instruments or procedures of direct democracy can be used to make certain political decisions. It is a condensed version of *Direct Democracy: The International IDEA Handbook*, which presents a fuller examination of the instruments and the considerations involved in designing or using them. The Handbook examines four separate mechanisms that comprise direct democracy:

- referendums;
- citizens' initiatives;
- agenda initiatives; and
- recall.

The terminology used to describe the various direct democracy instruments can vary between different jurisdictions, and different terms have sometimes been used to describe what are essentially the same institutions and processes.

The terminology used to describe the various direct democracy instruments can vary between different jurisdictions, and different terms have sometimes been used to describe what are essentially the same institutions and processes. Referendums conducted by the government, for example, have sometimes been called plebiscites – a term that remains in use in some jurisdictions. Citizens' initiatives are sometimes also known as popular initiatives or citizen-initiated referendums, depending on the context in which the procedures are used. The Handbook includes a glossary which clarifies some of these variations in terminology.

Referendums are procedures which give the electorate a direct vote on a specific political, constitutional or legislative issue. They are discussed in chapter 2 of the Handbook. Referendums take place when a governing body or similar authority decides to call for a vote on a particular issue, or when such a vote is required by law. In some cases, procedures also exist which allow citizens or a minority in a legislature to demand a referendum on an issue. The result of a referendum may be legally binding, as determined by the law or constitution under which it is called, or it may be used by the authorities for advisory purposes only.

Citizens' initiatives allow the electorate to vote on a political, constitutional or legislative measure proposed by a number of citizens and not by a government, legislature or other political authority. To bring an issue to a vote, the proponents of the measure must gather enough signatures in support of it as the law requires. As discussed in chapter 3, citizens' initiatives may deal with new proposals, existing laws, or constitutional measures, depending upon the jurisdiction. Depending on the authorizing law, the result of an initiative vote may be legally binding or advisory.

Agenda initiatives are procedures by which citizens can place a particular issue on the agenda of a parliament or legislative assembly. As with citizens' initiatives, a minimum number of signatures is generally specified by law in order for the initiative to be brought

forward to the legislature. Unlike the procedure followed for citizens' initiatives, no popular vote takes place when an agenda initiative is brought forward. The use of agenda initiatives is discussed in chapter 4 of the Handbook.

Recall procedures allow the electorate to vote on whether to end the term of office of an elected representative or official if enough signatures in support of a recall vote are collected. Although the process of recall is often similar to that of citizens' initiatives, recall deals only with the question of the removal of a person from public office, and the outcome is therefore always binding. The use of the recall process is discussed in more detail in chapter 5 of the Handbook.

The Handbook draws extensively on a database of direct democracy processes and procedures compiled by the IDEA research staff (<http://www.idea.int>). Detailed information taken from the database on the existing use of instruments of direct democracy in 214 countries and territories worldwide is presented in an annex to the Handbook, and a list of references and further reading completes this rich source of information.

Discussions of the use of referendums, citizens' initiatives, agenda initiatives and recall votes often revolve around two opposing positions. Perhaps oversimplifying, one of these positions can be described as the strict representative approach – that direct voting of any kind undermines the principle of representative democracy and should ideally be avoided. Equally oversimplified, the other position is that of the direct democracy enthusiast – that there are few situations in which the use of the direct vote of the people is not an appropriate way to determine the will of the people. In the practical context which faces participants in democracy building and democratic institutional design, the alleged 'choice' between these two opposing positions is not only restricting and unhelpful – it is fundamentally false. The varying experience of the use of direct democracy mechanisms that has been gained in many countries and localities around the world provides a richness of knowledge and expertise, the sharing of which can be of great value. This overview, and the Handbook from which it is drawn, seek to make this knowledge and experience more widely available to participants in democratic reform processes worldwide.

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2. When the authorities call a referendum

Referendums may be called either by political authorities or by a number of citizens. Chapter 2 of the Handbook deals with referendums called by the political authorities, defined here as the executive and legislative institutions of government, whereas chapter 3 deals with referendums called by the citizens.

The decision to call a referendum may rest with a political authority, such as the president, and may be taken under specific constitutional authority, or it may be a political decision taken by the president

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or prime minister in consultation with the cabinet, or by a vote of the parliament or legislature. In some jurisdictions, the authority to call a referendum may be specified in a constitution, while in others referendums may be called through legislative acts or executive orders.

The political authorities may call referendums either indirectly or directly. They call a referendum indirectly when they choose to make a decision that requires a referendum according to the constitution or by legislation. Such mandatory referendums may be required on specific issues or in specific situations, such as an amendment to the constitution. Authorities call a referendum directly when they are not obliged to do so according to the constitution or ordinary legislation, but choose to do so for political or other reasons. Such optional referendums might be initiated by the executive, by a majority in the legislature, or in some instances by a minority in the legislature.

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A mandatory referendum is a vote of the electorate which is called automatically under particular circumstances as defined in the constitution or ordinary legislation. The mechanism is fairly widespread: about half of all countries have provisions for mandatory referendums of some sort. They may be required in relation to certain types of predetermined subjects. Typically, these are issues of major political significance, such as constitutional amendments, the adoption of international treaties, the transfer of authority to international or supranational bodies, or other issues concerning national sovereignty or national self-determination. In countries such as Australia, Japan, Switzerland and Uruguay, all constitutional amendments have to be approved by referendum, and in Iceland, Malta, Peru and Spain this is the case for certain constitutional amendments. In Europe, a number of referendums held on European Union (EU) issues have been mandatory because they involve an amendment to a country's constitution, as is the case in the Republic of Ireland. Conversely, other types of issue, such as taxes and public expenditures, are often excluded from being the subject of mandatory referendums. The requirement for, or exclusion of, mandatory referendums on specific issues is usually contained in a jurisdiction's constitution, but may also be specified by ordinary legislation.

Mandatory referendums are usually restricted to what are generally considered very important political issues. Too many referendums may reduce political efficiency and affect political stability.

Mandatory referendums may also be required in certain predetermined situations. One example is in a presidential system where, in the event of disagreement between the president and the legislature, a referendum may be required to resolve the dispute. Thus, if the president of Iceland rejects a bill that has been passed by the parliament, it is still valid but must be submitted to a referendum for approval or rejection as soon as circumstances permit. The law shall become void if it is rejected by the voters, but otherwise it remains in force.

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are costly in terms of money, time and political attention, and the use of such resources needs to be considered carefully. If frequent referendums result in too many changes of policies and rules they may contribute to an unstable political situation where citizens find themselves living in an environment of uncertainty.

The second category of referendum is the optional referendum. This involves a vote of the electorate which does not have to be held by law but can be initiated by the executive, by a specified number of members of the legislature, and in some cases by other political actors. Optional referendums may take several forms. They may be pre-regulated by constitutional rules or otherwise legally prescribed norms or they may be ad hoc, with the particular rules to be followed being specified at the time the referendum is called.

Some jurisdictions regulate optional referendums by law. In Spain, political decisions of special importance may be submitted for a consultative referendum. According to the constitution, the king may call a referendum at the request of the president of the government following authorization by the Congress of Deputies. In Russia, the authority given to the president is almost unregulated, as the constitution only stipulates that the president shall 'call a referendum under procedures established by federal constitutional law'. It is also possible – as in Argentina – for the constitution to give both the legislative and the executive branch the right to initiate referendums. In some of the US states, the legislative branch may submit legislation to a referendum in order to circumvent a possible veto by the governor.

Optional ad hoc referendums are those that are not regulated in the constitution or in any permanent legislation. In parliamentary systems the decision to hold an ad hoc referendum on a specific issue is generally made by the majority of the legislature by passing a specific law to do so. In Norway, for example, the constitution contains nothing about referendums and the legislative assembly decides not only whether to hold a referendum, but also the details of its implementation. In presidential systems, either the executive may be given a general right to call referendums (as in Azerbaijan and Russia), or the president may act without any specific constitutional authority, as happened in Chile in 1978 when President Augusto Pinochet called a referendum asking the voters to support him.

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The political authorities might decide to initiate a referendum for several reasons; to use the referendum as a mediation device between competing factions; to avoid the electoral repercussions of a divisive issue; to demonstrate popular support for the president or government; to demonstrate popular support for a specific political decision or serve as way of protecting a parliamentary minority that may demand a referendum on a decision taken by the parliamentary majority.

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The political authorities might decide to initiate a referendum for several reasons. Referendums are sometimes called by executives to resolve divisions within a governing party or coalition. Such referendums are motivated by two somewhat different kinds of goals – to use the referendum as a mediation device between competing factions, or to avoid the electoral repercussions of a divisive issue. By announcing a referendum, the executive seeks to depoliticize a specific issue by taking it out of an election campaign. Optional referendums initiated by the executive have been held frequently in Europe for such reasons on such issues as European integration.

The political authorities have sometimes initiated referendums in order to demonstrate popular support for the president or government. In these cases, the vote may be less on the particular issue than on the political leaders themselves, who maintain that chaos may result from a defeat and possible resignation of the president or government. An example in Europe of this kind of vote of confidence has been France, where President Charles de Gaulle on several occasions used the referendum as a means to demonstrate public confidence in his leadership. However, such an attempt failed in 1969, leading to his resignation.

Executives have also initiated referendums in order to demonstrate popular support for a specific political decision. Governments often claim that this is the main or only reason why they organize a referendum, whereas the true motivation may be (and often is) political and tactical considerations. Such political and tactical reasons for initiating referendums have been criticized from a democratic point of view because here the referendum instrument has been used not in order to strengthen popular sovereignty and increase political equality but rather to bypass popular control and maintain or even extend the authority of the executive. Both democratic and authoritarian governments can initiate referendums, which may contribute to the stability and efficiency of the regime.

In some jurisdictions referendums serve as way of protecting a parliamentary minority that may demand a referendum on a decision taken by the parliamentary majority. In Denmark, one-third of the members of the legislature may demand a legally binding referendum on a bill it passes. In Sweden a pending constitutional amendment must be referred to a legally binding referendum if one-tenth of the members of the legislature so request.

In terms of the legal consequences, referendums initiated by the political authorities may be either consultative or legally binding.

The distinction may, however, not be very important. It may be difficult for a democratic government to disregard the result of a referendum even though it is only consultative, as the referendums on the EU Constitutional Treaty in France and the Netherlands in 2005 demonstrate. Moreover, if a government finds it impossible to accept the outcome of a legally binding referendum, it may find ways to circumvent a referendum result, for instance by calling a new referendum on a slightly different question (as happened in the referendums in Denmark in 1992 and 1993 on the Maastricht Treaty and in the Republic of Ireland in 2001 and 2002 on the Nice Treaty). But in some jurisdictions a referendum cannot be repeated for a period: for example, in Argentina it cannot be repeated for two years.

Procedural aspects

It is important to decide how the referendum fits within the legal system and political culture of the jurisdiction. Referendums can be regulated by a written constitution, by general and permanent legislation or by specific ad hoc laws on a particular popular vote. In Switzerland the federal authorities can only call referendums that are mandatory on constitutional amendments and certain international treaties. If referendums are regulated by specific laws, the constitution or permanent legislation may specify whether such laws require a specific procedure or follow the ordinary procedure for law-making. If referendums are not directly forbidden by the constitution they may be regulated by specific ad hoc laws passed by ordinary legislative procedures, as is the case in Norway.

The advantages of regulating referendums in the constitution or ordinary legislation are transparency and greater popular control, which contributes to the democratic legitimacy of referendums initiated by the political authorities. If the constitution provides for mandatory referendums the citizens have better opportunities to participate effectively in the political process and are less likely to fall victim to deliberate manipulation by the political authorities. Optional referendums, which are unregulated by the constitution or by permanent legislation, tend to give political authorities more opportunities to use referendums for tactical purposes and sometimes to influence the result by deciding the issues to be voted on, the timing of the vote, the wording of the ballot question, the approval quorum, and so on. This is one reason why such optional and ad hoc referendums have often been criticized from a democratic point of view.

The disadvantage of regulating referendums in the constitution or legislation is that this reduces flexibility, particularly if the constitutional regulation is exhaustive and prohibits optional referendums. Thus, a balance has to be found between democratic legitimacy on the one hand and political efficiency and stability on the other.

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Timing

It may also be necessary to establish when a referendum will take place, thus allowing an adequate period for the campaign. Referendums may have to be held within a certain period of time after they are called. If such a period of time is not established in each particular case, the government may either call the referendum so quickly that a genuine public debate is impossible or prolong the debate for such a long time that the issue becomes submerged among others or public interest is exhausted. A referendum on a new constitution in Thailand, held by the military government in 2007, was widely criticized on a number of procedural grounds, including the short time allowed for the campaign. General and permanent rules for the length of referendum campaigns may improve democratic legitimacy, whereas specific ad hoc rules may allow more governmental flexibility and efficiency, depending on the level of public knowledge and awareness of the issue(s) placed on the referendum ballot paper.

It may be appropriate to consider whether the constitution or general and permanent legislation should stipulate whether referendums can be carried out simultaneously with a national election, regional elections, municipal elections and so on, or if they should be carried out at a different time. From an efficiency point of view, money can be saved by holding referendums and elections together, and participation may be improved in circumstances where elections produce a higher turnout. To the extent that the democratic legitimacy of a referendum result often depends on the turnout, this may be desirable. On the other hand, the referendum issue may become submerged during a referendum campaign that coincides with an election, and may not receive sufficient attention. Democratic legitimacy also requires that an issue be sufficiently discussed and debated by the voters, and their attention may be distracted by an election taking place at the same time.

Consideration might also be given to the question whether it should be stipulated that referendums on more than one issue can be held at the same time. In the 2003 referendum called by President Álvaro Uribe of Colombia, 19 separate issues were to be decided by the voters. The advantage of this procedure is that the voters are involved more efficiently in the decision making on a wider range of public affairs, which may increase democratic legitimacy and responsiveness. The drawback is that the voters have to inform themselves on a large number of issues which may not be related to each other. Obtaining sufficient information for deciding how to vote on so many issues is both time-consuming and intellectually demanding. Public debate cannot penetrate deeply into all subjects, the campaign tends to be less focused, and the voters may become dependent on the advice given by political parties, interest organizations or ad hoc campaign groups. If votes on several issues at the same time result in less informed decisions, confusion among the voters and a resulting

low turnout, the democratic legitimacy of the referendum results is undermined.

The ballot text

An important issue relates to the ballot text – the question put on the ballot paper. The wording of the question can have an important effect on the result and on its legitimacy. In general, the ballot text should be as precise and clear as possible and should have one goal and interpretation only. It should not be vague or capable of different meanings. It should be neutrally formulated and avoid expressions with any evident positive or negative overtone. In the abstract, this may seem to be straightforward and self-evident, but in practice it may be less easy to achieve. Malpractices such as double negatives and biased language abound.

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It may be appropriate to specify who decides the exact formulation of the ballot text. In particular, it is important to consider whether the government shall be responsible for drafting the question, even in cases when the government initiates the referendum and therefore has an interest in designing the question in such a way as to increase the chances of achieving the result it desires. In some jurisdictions, an electoral management body (EMB) may have oversight of the formulation of the referendum question, so that this responsibility is placed in the hands of a more politically neutral body.

The question of appeal should also be addressed. It must be precisely established who can appeal, for instance, a governmental institution different from the one which wrote the ballot text, or a certain number of citizens, and within what period of time. Consideration should also be given to the question of which body will decide upon the matter. In the same way, there should also be a clear regulation about the period of time that body will have to resolve the conflict.

The alternatives presented to the voters have to be considered carefully. Usually referendums give the voters the possibility to vote for or against a specific proposal. In some cases the voters have been given the choice between three alternatives, for example, in Sweden in 1980 on the nuclear power issue. The clearest result is obtained if the voters are asked to choose between two alternatives. If they have to choose between three or more alternatives it may be difficult to interpret the referendum result. However, if a choice between more than two alternatives is really wanted, a vote where the alternatives are rank-ordered could be applied, or the issues could be split up into two or more questions – each of them with two alternatives – as in the Republic of Ireland, where policy on abortion was split up into three separate questions in the 1992 referendum dealing with that issue.

The campaign: organization and regulation

Communicating information to the public about the main content of a referendum question is vital for the legitimacy of the referendum result. Thus, consideration has to be given to the questions whether,

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and to what extent, rules should regulate campaign activities, by limiting the amount of money that can be spent on the campaign, by regulating access to the public and private media, and so on. On the one hand, a main principle of good practice in this respect is to ensure a level playing field between those in favour and those opposing the proposal. On the other hand, a fundamental principle of freedom of expression also has to be respected. It should be established whether a government that promotes a referendum proposal should limit itself to informing the public about the main aspects of the proposal, or whether it should also be allowed to use public money for advocating the proposal. In the Republic of Ireland, Supreme Court decisions have held that the government was not allowed to spend public money in support of one side of a referendum campaign and that the public service broadcaster was not allowed to give more air time to one side than to the other in a referendum campaign.

If spending limits are imposed on those campaigning for and against the proposal, this may create problems both for freedom of expression and for the legitimacy of the referendum result. In the Republic of Ireland, under the Referendum Act of 1998, a Referendum Commission was established as an independent statutory body to oversee the information campaign on proposed amendments to the constitution in order to facilitate debate and discussion on the matter in a way that was fair to all interests concerned. It is a matter of contention whether this provision is conducive to a vibrant public debate or whether it restrains the public debate unnecessarily.

In general, the best practice is to apply the same rules in national elections and referendums.

Voting qualifications, mechanisms and rules

Consideration needs to be given to how the referendum is to be organized and what authority is to be responsible for ensuring that voting procedures are carried out. There may be specific regulations stating whether there is a difference between those who can vote in a referendum and those eligible to vote in a national election, for instance with regard to citizenship or the voting age. Similarly, the period of time for the voting and the way(s) in which voting can be done may be specified. The possibilities for postal voting, absentee voting or voting via the Internet, for example, may need to be specified, and regulations may be needed on whether any rules about compulsory voting have to be followed. In general, the best practice is to apply the same rules in national elections and referendums.

A critical issue to be considered is when a referendum proposal is judged to have passed. In some jurisdictions, it will pass if a simple majority of voters vote 'Yes'. In others, a referendum vote passes only if a specified turnout threshold (turnout quorum) is reached, or a specified number of voters cast a 'Yes' vote (approval quorum). Some jurisdictions require a double majority for a referendum vote to pass, for example, an overall majority among the voters *and* a majority of the sub-national jurisdictions in a federal country (as in Australia and Switzerland). Such general rules about turnout and approval quorums

have to be made clear in advance of the referendum. Legitimacy, transparency, fairness and popular acceptance of the referendum results are improved if such quorums are specified in the constitution or in ordinary legislation, and not decided on an ad hoc basis just before each referendum. However, the rules governing these quorums should not be so onerous as to stifle use of the referendum.

Although high turnout is often seen as an indicator of the democratic legitimacy of a referendum, specifying a certain turnout quorum may not in itself encourage a high turnout. Experience has shown – for instance in Italy – that those who oppose a proposal may campaign for the electors not to turn out to vote. To encourage political passivity and to undermine the norm of the citizen's duty to vote is not conducive to the development of popular control of political decisions.

The result of a referendum may be either legally binding – that is, the government and appropriate authorities are compelled to implement the proposal – or consultative – that is, in legal terms only giving advice to the government or appropriate authorities. It is good practice to clearly specify either in the constitution or in ordinary legislation what the legal consequences are.

Conclusions

Mandatory referendums are usually restricted to what are generally considered very important political issues. Too many referendums may reduce both the efficient working of the polity and political stability; hence, the use of resources needs to be considered carefully.

In order to improve democratic legitimacy it is recommended *to regulate the use of referendums* in the constitution or ordinary, general and permanent legislation and to avoid ad hoc decisions – in particular in jurisdictions that lack a long democratic tradition and a broad consensus on the democratic rules of the game.

It is important to determine *how the referendum fits within the legal system and political culture* of the jurisdiction. The advantages of regulating referendums in the constitution or ordinary legislation are transparency and greater popular control, which contribute to the democratic legitimacy of referendums initiated by the political authorities. The disadvantage of regulating referendums in the constitution is less flexibility, particularly if the constitutional regulation is exhaustive and prohibits any calling of optional referendums. Thus, a balance has to be found between democratic legitimacy on the one hand and political efficiency and stability on the other.

In the hands of the political authorities, a referendum holds both dangers and democratic possibilities. If the political authorities have the power to determine when referendums are held, if they can decide on what political issues a vote is called, if they control the campaign and the information provided for the voters, and if they can interpret the referendum result as they like, referendums become merely a

political tool used to serve the needs of the governing party rather than the interests of democracy.

3. When citizens take the initiative: design and political considerations

The citizens' initiative and the citizen-demanded referendum are based on a process begun 'from below' rather than on decisions taken 'from above'.

The basic common feature of these instruments is that citizens are entitled to act on political or legislative issues by presenting proposals, and can themselves initiate the procedure for a vote of the electorate.

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Chapter 3 of the Handbook provides information on two direct democracy procedures in which citizens put forward an initiative – *the citizens' initiative* and *the citizen-demanded referendum*, both of which are designed to be concluded with a referendum vote. These two important variations of direct democracy are based on a process begun 'from below' rather than on decisions taken 'from above'. With a citizens' initiative (also called a 'popular initiative'), a number of citizens present a political proposal (e.g. draft legislation) and register public support by obtaining a required number of signatures, thereby forcing a popular vote (referendum) on the issue. Initiatives can be either direct or indirect. In a direct initiative, the popular vote will take place without any further intervention by the authorities. An indirect initiative involves a procedure whereby the legislative authorities either may adopt the proposal or have the option of also putting an alternative proposal to the popular vote.

A citizen-demanded referendum is also initiated by a number of citizens referring to existing laws or political or legislative proposals. One version, the abrogative referendum, allows repeal of an existing law or parts thereof. The other, the rejective referendum, allows citizens to demand a popular vote on a new piece of legislation that is not yet in force. The basic common feature of these instruments is that citizens are entitled to act on political or legislative issues by presenting proposals, and can themselves initiate the procedure for a vote of the electorate. These are to be distinguished from an agenda initiative which also allows for proposals to be formally presented to the legislature or other governmental authorities but does not lead to a popular vote (see section 4).

The number of countries which have initiative instruments is significantly lower than the number that have referendums called by governmental authorities. Legal provisions for initiative instruments are available to citizens in 37 countries, mostly in Europe and Latin America. The citizens' initiative on the national level is available in many European countries, several countries in Latin America, and a few in Asia, Oceania and Africa. Provisions for the citizen-demanded referendum are distributed similarly, in smaller numbers, across the regions of the world. The abrogative referendum is found only in Italy and in a few countries of Latin America. Some countries which have no such instruments at the national level do, however, provide

initiative rights at the regional and the local level – particularly large federal countries such as Brazil, Germany or the United States. In the United States, 24 of the 50 states have provisions for citizens' initiatives. Other jurisdictions offer them at the local level only, for example, Mexico, Panama and many European countries.

The origins of the instruments vary widely. Switzerland was the first country to introduce the citizens' initiative in 1848; this was followed by the introduction of the 'facultative referendum' (citizen-demanded) in 1874, and the citizens' initiative to propose amendments to the constitution, in 1891. As in many US states after the 1890s, these instruments were intended to curb the misuse of representative institutions by powerful business interests. In other countries the instruments have been adopted in periods after dictatorial regimes, as in Italy or Germany (the *länder* – the regional states) since 1945, as an expression of popular sovereignty and to support the re-establishment of democracy. Similarly, in the 1990s, initiative rights were introduced during the post-communist transition period in the majority of the countries of Eastern Europe and in some of the successor states of the Soviet Union. This also holds for some countries in Latin America after periods of dictatorial regimes. Some countries have initiative rights in their constitutions but have no laws to regulate their implementation: Guatemala and Paraguay are examples. Uruguay, which uses such instruments extensively, seems to be exceptional in Latin America.

Design aspects

Initiative instruments are designed to provide additional channels of political expression and participation beyond those that are available through representative institutions alone, emphasizing citizens' ability to articulate their opinions and the openness of the democratic system. Initiative procedures should, therefore, reflect the principles of democratic equality, fairness and transparency. Using initiative instruments generally implies criticism of the performance of a governing majority or of representative institutions such as a parliament or legislature. Thus, there will often be some tensions between major actors in the governmental system and the proponents of citizens' initiatives or citizen-demanded referendums, which often include opposition parties, interest organizations or civil society groups. Such tensions may be reflected in the design of the regulations governing the initiative instruments, and in their practical application.

The citizen-demanded referendum can take two different forms. In Italy the abrogative referendum applies the initiative procedures only to repealing existing laws or parts thereof. It has some similarity to the citizens' initiative, but it does not allow explicit proposals to be put forward for a new law to replace the one being challenged. The second form, the rejective referendum, offers a procedure for citizens to stop new legislation before it comes into force and is therefore more a reaction to the activities of a parliament or legislature. This instrument can serve a function of political control to ensure that

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the representative law-making body does not violate the interests or convictions of sections of the citizens and social groups. Referendums will mostly apply to controversial legislation and may lead to conflict resolution by a majority vote.

If elected representatives anticipate that initiative or referendum procedures will be used, their existence may also influence political decision making indirectly. Political leaders may be induced to act in a more responsive way to the concerns of citizens, thereby strengthening the legitimacy of political decisions. However, the effect may also be that prominent political figures of the party system become leading actors in initiative and referendum procedures as well as in electoral politics.

Restrictions and procedures

In many countries the range of subjects that are open to initiative procedures is restricted. Three common groups of restrictions can be discerned: (a) restrictions referring to constitutional amendments; (b) those concerning issues of the integrity of the state, matters of war and peace, the transfer of state jurisdiction to supranational and international bodies, and international treaties; and (c) various limitations relating to ordinary legislation and other political decisions. Subject limitations which are too restrictive may limit any potential for using these instruments.

A few basic features shape the procedural framework within which citizens can initiate a decision-making process for new proposals or to demand a referendum on legislation. Three kinds of requirements are important for the procedures: (a) a specific number of signatures of registered electors, to demonstrate political support for a proposal or demand by a significant proportion of the citizenry; (b) the period of time allowed for collecting signatures; and (c) the specific conditions under which the result of the vote is declared to be legally valid (such as quorums). Substantial variations in these requirements can be observed in different jurisdictions. For constitutional amendments several countries have set higher requirements for qualifying initiatives and defining valid referendums than apply for initiatives that concern ordinary legislation. Constitutions, as the source of the basic rules and values of the political system, are often expected to be more stable and to enjoy broader legitimacy and acceptance than ordinary legislation (there are often special requirements before a legislature can amend the constitution).

Low or moderate signature requirements give citizens easier access to the decision-making agenda and support the principles of an open democracy and political equality. High signature requirements are likely to limit or even prohibit the practical use of initiative instruments. They may be motivated by the need to avoid abuse of the mechanism, but at the same time they can undermine the whole idea of initiative rights. In countries with signature thresholds of more than 15 per cent of registered electors, almost no initiatives will qualify

Low or moderate signature requirements give citizens easier access to the decision-making agenda and support the principles of an open democracy and political equality.

to go forward to a vote. In particular, high signature thresholds will provide preferential access to initiative rights for very strong political organizations (parties, large interest groups) and transform initiative rights into instruments of power for larger groups or organizations.

As to the time factor, most countries that employ citizens' initiatives allow for reasonable periods, such as some months, for signatures to be collected and, after an initiative has been formally qualified, for the referendum vote to be held. These time periods are also important to allow for information to be distributed, opinions on the issue disseminated and a process of public deliberation started. Time needs to be allowed for immediate, possibly emotional reactions to give way to rational debate.

Defining the criteria for the validity of the voting result raises questions similar to those that apply in the cases of mandatory or optional referendums. If a jurisdiction has mandatory referendums, optional referendums called by the authorities and referendums initiated by citizens, the level of votes required for a referendum to pass should be defined in a consistent way for all three types.

Governmental actors may have a role to play in the formal administration of the procedure, including verifying the legality or constitutionality of the citizens' initiative. It is important that there are clear and transparent rules and specific administrative responsibilities assigned to the proper authorities – for example, a president's office, government agencies, the central administration of a legislature, or an EMB. In undertaking these responsibilities, governmental actors and other authorities need to interact with the initiators in fairness and good faith. Use of this procedural role for political manoeuvring and manipulation of the process is likely to lead to lack of confidence in the process and loss of legitimacy.

In the design of a citizens' initiative, two types of procedure can be distinguished. In a 'direct initiative' (as in many US states), after the initiative has been registered and qualified, no formal interaction with the legislature takes place before the popular vote is called. In the 'indirect initiative' version (as in some European countries), a qualified initiative will be referred to the legislature, which then has two options – to adopt the proposal and thereby avoid a referendum, or to refuse approval and allow the referendum to take place. In some countries the legislature can also put its own alternative proposal to the referendum vote. Since initiative procedures operate within the institutional environment of representative democracy, there are good reasons for having an interactive process between the various actors. If a legislature can formally consider and debate an initiative, and can adopt it or opt for an alternative proposal to be put to the popular vote, the political process may be enriched by more complex deliberations and greater public involvement in the issues to be decided. A choice between clear alternatives in the popular vote may also be more rewarding for the citizens.

Under low-requirement conditions 'cultures' of frequent use may develop which can establish initiative instruments as an integral part of the political system.

The extent of the use of initiative procedures varies significantly between countries. Only four countries use these instruments of direct democracy frequently: they are Italy, Liechtenstein, Switzerland and Uruguay. These countries are notable in that they have relatively less restrictive requirements to qualify initiatives. A general conclusion may be that under low-requirement conditions 'cultures' of frequent use may develop which can establish initiative instruments as an integral part of the political system.

In contrast, in a number of countries where initiative rights do formally exist, no votes at all have taken place. This applies to the Russian Federation and other successor states of the Soviet Union, such as Belarus, Georgia, Moldova and Ukraine. Highly restrictive requirements such as subject restrictions and procedural thresholds, as well as a non-participative political culture, particularly in the context of the tradition of an authoritarian political system, mean that initiative procedures are hardly used and are regarded as eccentric features of the political system in these countries.

A considerable number of countries show infrequent use of initiative procedures, even though they exist in law. In the Central and East European countries (e.g. Hungary, Latvia, Lithuania, Macedonia, Slovakia, Slovenia) initiatives have focused mostly around issues of transformation from communist rule. In some countries in Latin America (e.g. Bolivia, Colombia or Venezuela) there has been only minimum use of initiative rights because the structural and political conditions for exercising those rights have not been supportive.

A very different picture can be found in federal countries which provide initiative instruments at the state, regional or local level. Much activity can be observed in many of the 24 states of the USA that have initiative provisions, particularly Arizona, California, Colorado, North Dakota and Oregon. Also in Germany, where all the *länder* have these instruments, a number of initiatives have been launched by citizens (particularly in Bavaria, Brandenburg, Hamburg and Schleswig-Holstein). Initiative instruments are available at the local level in some jurisdictions that offer them elsewhere (e.g. Germany, Italy, some of the US states) and in others where they are only available at the local level (e.g. Belgium, the Czech Republic, Mexico, Norway, Poland, Spain, Sweden). The scale of initiative activity varies significantly between countries according to restrictions of subjects, profiles of procedural restrictions, and political cultures.

Conclusions

There are initiative procedures designed to be concluded by a referendum vote – citizens' initiatives and citizen-demanded referendums (a) to abrogate or repeal an existing law, and (b) to reject a bill that has already passed in the legislature but is not yet in force. Some countries provide for only one of these instruments. The citizens'

initiative, by offering a new proposal, can best serve a function of political articulation, whereas the citizen-demanded referendum functions more as an instrument of political control. A broad range of these democratic functions can best be realized by providing for both types of procedure.

Restrictions on the subjects that are admissible for initiative instruments are often specified in law. The argument for an initiative procedure for constitutional amendments is that constitutions, as ‘fundamental laws’, should be based on the consent of the people and therefore should be open for discussion and change by parts of the citizenry. With respect to legislation on ordinary political issues, initiative provisions that are too restrictive may lead to them hardly ever being used, causing frustration rather than offering opportunities. If subject restrictions are employed it is most important that they are clearly formulated and cannot be subject to much legal uncertainty. A particularly sensitive area is financial matters. If the budget and/or taxes are to be excluded it should be made clear that this will not exclude all legal or political measures which imply some financial costs.

Initiative procedures should be designed in such a way as to offer realistic opportunities for their use. A critical choice is the *threshold of signatures* required for qualifying a proposal for the ballot. In jurisdictions which require the signatures of 15 per cent or more of registered electors there is usually very little initiative activity. A lower threshold, perhaps 5 per cent or less, may be more appropriate to the democratic function of the procedures and more conducive to providing additional channels of political participation to supplement representative structures.

Finally, the question can be raised whether a referendum vote should be *binding*. There are few jurisdictions (such as New Zealand, where it was introduced in 1993) which treat the ballot on an initiative proposal as non-binding. A binding outcome seems to be most appropriate for votes on issues important enough to be put to voters. Otherwise the citizens’ action in voting does not seem to be taken seriously.

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4. Agenda initiatives: when citizens can get a proposal on the legislative agenda

Within the family of direct democracy instruments, the agenda initiative plays a specific role. It is the only popular right that does not necessarily lead to a referendum vote. It places an issue on the political agenda and requires a specified authority – typically the legislature – to consider and/or act on a proposal. This action may sometimes also include the possibility that the legislative body will forward the issue to a referendum vote. Agenda initiatives are subject to certain regulations, covering, for example, the number of signatures required, the time allowed for gathering the signatures, and restrictions on the

It is important to distinguish the agenda initiative procedure from petitions, which have little formal structure and can be as simple as a letter from a constituent to a legislator or official.

kinds of issue that can be the subject of an agenda initiative. They are the subject of chapter 4 of the Handbook.

It is important to distinguish the agenda initiative procedure from petitions, which have little formal structure and can be as simple as a letter from a constituent to a legislator or official. These are weakly regulated and exist almost everywhere in the world. The agenda initiative is a stronger instrument.

Table 1. Agenda initiatives: the instrument ‘in between’

Procedure	Definition	Example
Petition	A procedure which allows one or several citizens to present a proposal to the authorities	In 2005 a group of concerned Thai citizens gathered signatures in order to protest against the national film censorship practice.
Agenda initiative	A direct democracy procedure which enables citizens to submit a proposal which must be considered by the legislature but is not necessarily put to a vote of the electorate	In 2002 in Argentina almost 400,000 citizens signed a proposal to end special pension funds for state officials and legislators.
Citizens’ initiative	A direct democracy procedure that allows citizens to initiate a vote of the electorate on a proposal outlined by those citizens. The proposal may be for a new law, for an amendment to the constitution, or to repeal or amend an existing law.	A California citizens’ initiative, which gathered more than 500,000 signatures, led to a 2008 state-wide referendum on a high-speed railway system.

An agenda initiative procedure can be described as the right of a group of voters, meeting predetermined requirements, to initiate a process for the revision of a law, the introduction of a new law, or an amendment to the constitution. However, the legislative body retains full decision-making power.

Sometimes agenda initiative procedures can overlap with those of petitions or with citizens’ initiatives requiring a referendum vote. This is the case when just one person is eligible to put an issue on the political agenda or when agenda initiatives request a legislative body to trigger a referendum vote on a certain issue. As a specific direct democracy procedure ‘in between’ petitions and citizens’ initiatives, agenda initiatives are sometimes called by other names, such as ‘people’s motions’, ‘submission rights’ or ‘popular legislative initiatives’.

An agenda initiative procedure can be described as the right of a group of voters, meeting predetermined requirements, to initiate a process for the revision of a law, the introduction of a new law, or an amendment to the constitution. However, the legislative body retains full decision-making power. This is crucial for differentiating the agenda initiative mechanism from that of citizens’ initiatives: it means that the power-sharing aspect which is characteristic of all direct democracy instruments is limited here to agenda setting.

Historically, agenda initiative procedures surfaced for the first time in the constitutions of European countries after World War I. This group of countries included Austria, Latvia and Spain. After World War II, a second wave of introductions followed in Latin America

(including Guatemala, Uruguay and Venezuela). Since 1989 agenda initiative procedures have been established in several jurisdictions around the world, including countries in South East Asia (the Philippines, Thailand), West Africa (Ghana, Niger) and Eastern Europe (Hungary, Poland, Slovenia).

The design and regulation of agenda initiatives are critical for their efficient functioning. Agenda initiatives have many similarities with other direct democracy procedures such as citizen-demand referendums, citizens' initiatives and recall. Very high signature requirements, for instance, will limit the possibility of a qualifying agenda initiative being brought forward, as will very short time periods allowed for the collection of signatures. However, as an instrument of agenda setting, the agenda initiative tool may be used fairly frequently and with large numbers of signatures being gathered.

An important feature when assessing the procedural aspects of agenda initiatives is the number of signatures in support required on the national level. The available data present a picture of considerable variation regarding these requirements: for example, in Uruguay a legislative agenda initiative requires the signatures of not less than 25 per cent of the electorate, while the threshold in Georgia is less than 1 per cent. Many countries also have different requirements for legislative and constitutional agenda initiatives. In Kyrgyzstan one needs to gather 30,000 signatures for a proposal for legislation while a proposal for an amendment to the constitution requires ten times as many – 300,000.

Beyond signature requirements, there are several additional important design and regulation issues, such as (a) issues which may be excluded as the subject of an agenda initiative, (b) the specified timing and venues linked to the signature gathering, (c) how legislative bodies may deal with an agenda initiative, (d) possible support by the authorities for agenda initiative committees, and, finally, (e) the legal status of agenda initiative committees vis-à-vis the legislative body.

The agenda initiative is a fundamentally 'limited' direct democracy procedure since it only puts an issue on the agenda of the legislative body. It does, however, have an important role in the political culture in some places and can be a significant tool when used properly. When agenda initiative procedures fail to achieve their goals, citizens are inclined to try to find other ways of gaining influence in the legislative process.

Conclusions

When introducing or practising an agenda initiative mechanism it is of critical importance to clearly differentiate this mechanism from that of the petition. To avoid confusion with other possible direct democracy mechanisms (including the citizens' initiative or the citizen-demanded referendum), key *requirements* for an agenda initiative must be defined and legally agreed upon in advance.

In contrast to petitions, which may just deal with general issues or

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claims, it is recommended that an agenda initiative should address a statutory or constitutional issue by means of a fully formulated draft law or amendment.

Consideration should be given to the *threshold level* for qualification of an agenda initiative. A low level may encourage the legislative body to ignore the issue raised, while a very high threshold will make it difficult to qualify.

Because agenda initiatives enable and regulate an institutional dialogue between citizens and authorities, some *public or logistical support* for an agenda initiative effort should be provided.

5. When citizens can recall elected officials

For the recall to be considered an instrument of direct democracy, the process must involve the initiative and/or the vote of the electorate.

The recall is examined in chapter 5 of the Handbook. This is a direct democracy procedure that allows the appropriate authority and/or a specified number of citizens to demand a vote of the electorate on whether an elected holder of public office should be removed from that office before the end of his or her term. To be considered an instrument of direct democracy, the process of legally interrupting the period in office of an elected official must involve the initiative and/or the vote of the electorate. This process is contrasted with impeachment, where authorities, such as the legislative or judicial branch, remove an official without the direct involvement of voters.

A recall requires citizens' intervention, whether it be to support or to reject through a vote in a referendum a decision taken by an authoritative body (as in Austria, Iceland, Palau, Romania), or as the initiators of the request which may then be processed and approved by an authoritative body (as in Uganda). These could be considered mixed recalls. The procedure is most participatory when both the initiative and the approval of the recall require the direct intervention of the citizens, first as the initiators of the request and second by expressing their support for or rejection of the question by voting. As defined here, this procedure is considered a full recall. Some countries provide for a mixed recall for the highest executive officials and a full recall for members of national legislative bodies, as is the case in Palau.

The subjects of the recall are elected officials at the local, regional or national levels. A recall procedure is more coherent with a presidential system of government (with a directly elected executive official) than with a parliamentary system of government. A recall of individual legislators seems to be more in line with an electoral system of single-member constituencies than with a system of proportional representation.

In contrast to impeachment, the initiators do not need to support the demand on legal grounds in order to begin the process of recall. It is a political instrument through which the electorate in a particular electoral jurisdiction can express their dissatisfaction with a specific official. When a justification is required, there may be a wide range

A recall of individual legislators seems to be more in line with an electoral system of single-member constituencies than with a system of proportional representation.

of acceptable grounds, for example, corruption, incompetence or criminality. In Ecuador, a recall can be activated at any point of an official's term in office. Nevertheless, even though the recall does not generally require a legal justification, the procedures for calling for a recall can be complex.

Among the procedures of direct democracy, the recall is the least widespread. Only a few countries have included the recall in their constitutional and legal systems. The broadest application of the recall is found in Venezuela, where the full recall applies to all elected officials, including the president. The attempted recall of the president of Venezuela in 2004, which was initiated by 2.4 million Venezuelan citizens, remains one of the most prominent examples of the use of the recall mechanism at the highest level. In that instance, 40.6 per cent of the voters supported the recall, and the president remained in office.

The pioneering countries in the conception and implementation of the recall at the local and state level were Switzerland at the end of the 19th century, followed closely by several US states. Through the 1990s, Latin America became the region of the world where the recall has increased its presence, in the new constitutions enacted in recent years, following a growing trend to combine representative democracy with participatory democracy. Some of these new constitutions have included the recall mostly for local and regional authorities, and commonly less for national elected officials.

From a conceptual point of view, the procedure of the recall is associated with the idea that representatives must remain accountable to the people who elected them. The supporters of the recall consider that the procedure encourages close oversight of elected officials on the part of the citizens, and creates effective mechanisms of vertical accountability that establish a close relationship between the electorate and their representatives. Thus the voters should be able to choose to terminate the mandate before the end of the term if the representatives are falling short of the citizens' expectations.

From the critics' perspective, the recall is considered a highly polarizing mechanism that triggers serious confrontation and disrupts the normal work of elected officials during their mandate. It is also viewed as a mechanism that creates incentives for opposition groups to attempt to displace elected officials. The recall is still considered highly controversial, and international experience with its application is still very limited, particularly at the national level.

In order to ensure that the recall can contribute to improving the means of participation and citizen oversight of elected officials in a democratic setting, the rights of both the citizens and the elected officials have to be guaranteed. The recall, like other direct democracy procedures, has to balance the principles of participation and effective governance. Achieving that balance is difficult, and failure to achieve it may lead to extreme consequences. On the one hand, if recall is very easy to initiate, this may lead to the trivialization of the recall

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and lead to successive recalls intended to disrupt governmental action. On the other hand, tough requirements may make it ineffective as citizens may feel discouraged from using it because of the difficulty of meeting the legal requirements needed to remove a public official through a vote.

Conclusions

The difficulty of harmonizing recall procedures with effective institutions of representative democracy is one reason why recall is not used to the same extent as other instruments of direct democracy. Frequent recall votes may undermine representative democracy. However, making the process overly difficult to use may limit its effectiveness as a means for citizens to exercise control over their representatives. The recall interacts with other institutions and rules of representative and of direct democracy; thus the decision to introduce it in a particular institutional setting must consider its *possible impact in that setting*.

Where recall procedures are permitted, a number of related questions must be anticipated. When an official is recalled, provision must be made for a *replacement* to be chosen, and this may require an additional election to be held. Holding a replacement election simultaneously with the recall confuses the recall with issues of electoral politics and may have the effect of turning the recall into a competitive election. If a replacement is simply appointed, however, the effect may be to supplement a direct democracy process with one that is less democratic. While the mechanics of the recall process are often difficult to manage in practice, the logic of recall is consistent with the underlying principles of direct democracy.

6. How citizens get involved – step by step

Within the set of direct democracy instruments, registered electors play an important role both as agenda setters and as decision makers. Chapter 6 of the Handbook deals with the procedural aspects of such citizen-triggered direct democracy activities. It sets out the major steps in a citizen-initiated process and offers a brief road map of the process.

While in many jurisdictions only a few of the procedures described below are of relevance, in some others there may be additional intermediate steps linked to judicial reviews or checks. Often these are spelled out in a constitution or in an initiative and referendum law. Table 2 summarizes these steps.

Table 2. The steps, actors and events involved in direct democracy procedures

	Step	Actor(s)	Event
1	Knowledge	EMB, educational and non-governmental organizations	Efforts to guarantee that information is provided on available procedures
2	Idea	Group of citizens and/or organizations	Depending on the exact procedure, this may include a totally new idea or a reaction to a new law
3	Organization	Group of citizens	The (in)formal establishment of a initiative/demand/recall committee
4	Draft	Committee, EMB	Agreement on a text (and possibly translations) for a new/ change of law or amendment to the constitution
5	Title	Committee, EMB, legislative body	Setting a title for the proposal and the whole process to come
6	Registration	Committee, EMB	The formal step to register an initiative/demand/recall with the authorities
7	Legality (check)	Designated authority	Legality or constitutionality checks may take place at some or several points of the process, undertaken by one or several designated authorities
8	Launch	Committee	With the official start of signature gathering, the initiative/demand/recall enters its most critical phase
9	Signing	Citizens, committee, authorities	The signature-gathering process has to consider certain rules, options and restrictions
10	Submission	Committee, EMB	Delivery of the signatures that have been gathered to the authorities
11	Validation	Authorities	The authorities check the eligibility and validity of the signatures delivered
12	Verification	EMB	After the validity check, the initiative/demand/recall may be verified and either directly qualified for the ballot (demand/recall) or sent to the legislative body or government for consideration (initiatives)

13	Interaction	Legislature, government, president	Initiative proposal is now an 'official' matter. The legislative or governmental body may have the right to put an alternative proposal on the ballot and to give recommendations. As an element of interaction the initiative committee may have the right to withdraw its initiative in order to find a compromise
14	Certification	Designated authorities	Setting the ballot (time, final rules, campaign assistance)
15	Campaign	Citizens, groups, political parties	Campaign regulations for free and fair direct democracy procedures may be applicable
16	Voting	Registered electors	Voting may take different forms (personal voting, remote voting, e-voting) and can cover a period of several days or weeks
17	Appeal	Committee, authorities	In the event of irregularities, an appeal procedure may start. Otherwise the decision of the voters is final
18	Implementation	Authorities, others	To implement a new law or amendment to the constitution, to create new dynamics, possible hurdles and sometimes even the need for an initiative committee to become active again

The administrative procedures are critical to a citizen- and user-friendly practice. The authorities have a role to play at almost every step of the process, including offering advice and support to the electorate. The most important actors, however, are the proponents/initiators of the process. Designers of citizen-triggered direct democracy procedures need to consider several aspects of the legal context, including the roles of both proponents and the authorities. Consequently direct democracy procedures should be assessed from at least three different perspectives – those of the administrators (the EMB, the courts etc.), the users (citizen groups) and the designers (politicians, legal experts).

Conclusions

Knowledge about the instrument(s) available is essential. In jurisdictions where such instruments have only been introduced recently, or where they are used very seldom, a public awareness programme should be undertaken, which may include Internet websites, printed materials, educational efforts and media coverage.

The first persons to draft, deposit, sign and register an initiative/demand/recall document are the *proponents*. In order to be able to

register a citizen-triggered instrument and to become entitled to certain rights and duties, most countries require the establishment of a *designated committee*, which needs to fulfil certain conditions.

Official assistance should be provided to designated committees involved in direct democracy. Such assistance should include drafting text and title, and translation services in multilingual jurisdictions. The formulation of the title should follow specific rules, including the need for clarity and unity of subject matter.

As the *signature-collecting process* is key to a citizen-initiated procedure, it is recommended that clear rules be set up for this step and applied uniformly. These rules should not contain unnecessary hurdles to free signature gathering or limit the available time frame excessively. Regulations regarding the use of paid signature gatherers should be considered.

Rules for the *checking of the signatures* vary considerably between jurisdictions. While one country may apply a full check of all the signatures submitted, others provide only for random checks. In order to strengthen institutional trust, any system of random checks must be statistically valid.

Critical to a citizen- and user- friendly practice are the *administrative procedures*. The authorities have a role to play at almost each step of the process, including offering advice and support to the electorate. Because citizens have great expectations of direct democracy procedures, careful design and good administrative practice for allowing a proposal to qualify for the ballot are essential.

7. Direct democracy votes: information, campaigning and financing

The conduct of referendum, initiative and recall campaigns raises a number of important issues which must be considered in addition to those that involve placing a proposal before the people or qualifying an initiative for the ballot. Mechanisms need to be put in place to ensure that voters have enough information on the issue to be able to make an informed decision. Both those supporting a measure and those opposing it must have sufficient opportunity to place their arguments before the electorate. These objectives require access to the media – both electronic and print media – and the expenditure of money – either public or private. Chapter 7 of the Handbook introduces the issues involved in organizing, administering and financing referendum, initiative or recall campaigns.

A commonly stated goal of campaign regulation and finance laws is to create and maintain a ‘level playing field’. But it is not an easy matter to define exactly what this is or how it can be created and maintained throughout the course of a campaign which will often be hotly contested. In working to achieve this fairness, designers must consider a number of important factors, including:

Mechanisms need to be put in place to ensure that voters have enough information on the issue to be able to make an informed decision.

- the role of the government in the campaign;
- the role of political parties in the campaign;
- limits on the amount of money raised and spent by the campaigns and whether public financing is made available;
- requirements for disclosure of the sources of funding for campaigns and where that money is spent;
- how access to the media is controlled and whether ‘equal time’ provisions should be adopted;
- whether ‘umbrella committees’ will be required associating all groups favouring or opposing an issue; and
- the role of the government in providing impartial or balanced information to voters prior to the election.

Regulation of the *timing* of referendum votes, that is, when the referendum will take place, should allow an adequate period for the campaign. General and permanent rules for the length of referendum campaigns may improve democratic legitimacy, whereas specific ad hoc rules may allow more governmental flexibility and efficiency. In general, ad hoc rules should be used as little as possible. In some jurisdictions, referendums or votes on citizens’ initiatives are held at the same time as general elections, while in others they are held at different times. These decisions often affect both the voter turnout and the amount of attention a measure receives during the campaign.

Communicating information to the public about the content of a referendum proposal is vital for the legitimacy of the referendum result and the process for communicating information has to be carefully considered. On the one hand, a main principle of good practice in this respect is to ensure a level playing field for those in favour and those opposing the proposal. On the other hand, the fundamental principle of freedom of expression also has to be respected. Thus, in some jurisdictions, public funds or free media access are provided to ensure that citizens have sufficient information on a proposal. In others, this function is left entirely to political parties or other private actors in the campaign.

The setting up of *official campaign committees* should be considered. Where official ‘Yes’ and ‘No’ committees assume responsibility for all campaign activities, a more manageable structure of the initiative or referendum campaign may be achieved. This may give the authorities greater regulatory control over the structure of the campaign, but it is viewed by some as an unwarranted restraint on free expression of opinion.

Many jurisdictions provide at least some minimal legal regulation of *campaign finances* by requiring disclosure of campaign contributions and the filing of financial reports with the authorities. However, disclosure of contributions and finances is not the same thing as restraint of campaign expenditures. If the objective is to create a level playing field, then either limits on the amount of money that can be

spent by one side in a campaign or some form of public subsidy may be considered.

8. The impact of direct democracy

The instruments of direct democracy discussed in this overview, if properly applied, can provide citizens with important tools to use to interact with their elected representatives. The *referendum* allows voters to legitimize decisions made by the government by demonstrating popular support. The *citizens' initiative* provides an opportunity for voters to enact laws directly, bypassing their elected representatives. The *agenda initiative* requires elected representatives to consider an issue that the voters wish to raise. The *recall* allows voters to remove an elected representative or official prior to the end of his or her term. While each of these tools has advantages and disadvantages and can be well used or abused, collectively they can give voters a sense of control over the political process that is greater than would otherwise be the case. In those places where these tools have become part of the political culture, it is virtually impossible to imagine a successful political movement built around taking these tools away.

Direct democracy mechanisms must be seen as instruments for consolidating the democratic system which complement but do not replace the institutions of representative democracy. Such mechanisms can help to strengthen political legitimacy and open up channels for participation, however, political parties and the legislative branch remain the central institutions where citizens articulate and combine their preferences. Historically, some people saw participatory democracy as something opposed to representative democracy, but it is now generally accepted that they are complementary. People sometimes attribute great importance to direct democracy mechanisms and have excessive expectations of them – functions and expectations that are beyond the capabilities of direct democracy. Nonetheless, the dividend of the use of direct democracy mechanisms can be citizens who are more content to be governed because of the belief that they exercise greater control over the government.

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About International IDEA

What is International IDEA?

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. Its objective is to strengthen democratic institutions and processes. IDEA acts as a catalyst for democracy building by providing knowledge resources, expertise and a platform for debate on democracy issues. It works together with policy makers, donor governments, UN organizations and agencies, regional organizations and others engaged on the field of democracy building.

What does International IDEA do?

Democracy building is complex and touches on many areas including constitutions, electoral systems, political parties, legislative arrangements, the judiciary, central and local government, formal and traditional government structures. International IDEA is engaged with all of these issues and offers to those in the process of democratization:

- knowledge resources, in the form of handbooks, databases, websites and expert networks;
- policy proposals to provoke debate and action on democracy issues; and
- assistance to democratic reforms in response to specific national requests.

Areas of work

International IDEA's notable areas of expertise are:

- *Constitution-building processes.* A constitutional process can lay the foundations for peace and development, or plant seeds of conflict. International IDEA is able to provide knowledge and make policy proposals for constitution building that is genuinely nationally owned, is sensitive to gender and conflict-prevention dimensions, and responds effectively to national priorities.
- *Electoral processes.* The design and management of elections has a strong impact on the wider political system. International IDEA seeks to ensure the professional management and independence of elections, adapt electoral systems, and build public confidence in the electoral process.
- *Political parties.* Political parties form the essential link between voters and the government, yet polls taken across the world show that political parties enjoy a low level of confidence. International IDEA analyses the functioning of political parties, the public funding of political parties, their management and relations with the public.

- *Democracy and gender.* International IDEA recognizes that if democracies are to be truly democratic, then women—who make up over half of the world’s population—must be represented on equal terms with men. International IDEA develops comparative resources and tools designed to advance the participation and representation of women in political life.
- *Democracy assessments.* Democratization is a national process. IDEA’s *State of Democracy methodology* allows people to assess their own democracy instead of relying on externally produced indicators or rankings of democracies.

Where does International IDEA work?

International IDEA works worldwide. It is based in Stockholm, Sweden, and has offices in Latin America, Africa and Asia.

