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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**STUDY ON REFERENDUMS**

**QUESTIONNAIRE**

**Adopted by the Council for Democratic Elections  
at its 60<sup>th</sup> meeting (Venice, 7 December 2017)**

**and by the Venice Commission  
at its 113<sup>th</sup> Plenary Session (Venice, 8-9 December 2017)**

**on the basis of a contribution by**

**Mr Nikos ALIVIZATOS (Former member, Greece)**

## **QUESTIONNAIRE ON REFERENDUMS**

*Referendum is understood as direct consultation of the people*

### **PART I** **GENERAL QUESTIONS**

#### **I. Preliminary questions**

##### **A. National referendum**

1. Does a national referendum exist in your country? Is it binding or consultative?
2. When was a national referendum introduced in your country, and in which context? (for the details see below)?
3. Is there any recent experience in your country (from 2004 on)?

##### **B. Regional referendums**

1. Do regional referendums exist in your country?
2. When were regional referendums introduced in your country, and in which context?
3. Have they been organised often or with a certain regularity?

##### **C. Local referendums**

1. Do local referendums exist in your country?
2. When were local referendums introduced in your country, and in which context?
3. Have they been organised often or with a certain regularity?

#### **II. Examples of national referendums**

Please give one recent example (posterior to 1989) of each of the following categories, if possible:

1. Referendum on a whole constitution, or on one or several constitutional provisions
2. Referendum on a specific piece of legislation
3. Referendum on a question of principle or a generally-worded proposal, not amending as such the constitution or legislation, and relating to a societal or a social issue
4. Referendum on an international issue (including on an international treaty)
5. Referendum on a territorial issue (independence, secession, creation of a sub-national entity or transfer of a territory from one to another sub-national entity)

**PART II**  
**QUESTIONS ON SPECIFIC REFERENDUMS**

**[You are kindly requested to answer this part of the questionnaire  
in relation to one or more specific referendums of the above categories (Part I, II)  
held in your country]**

**A. Short description (date, background, content, aim, outcomes)**

Please give the date and a short description of the social and political background of the referendum; what the essence of the issue at stake; was the referendum consultative or binding; the intentions behind the referendum; the result in terms of votes; the ensuing legal consequences/effects of the referendum (legislation or abrogation; renegotiations etc.); the socio-political consequences (changes in the political field; social unrest/dissatisfaction etc.).

**B. Rule of law and stability of the law**

1. Did the Constitution or a statute in conformity with the Constitution provide for the referendum? (In particular, referendums cannot be held where the text submitted to a referendum is a matter for Parliament's exclusive jurisdiction) ([Code of Good Practice on Referendums](#), III.1).
2. Were the "rules of the game" provided in advance (by the Constitution or another piece of legislation) or were they drafted on the occasion of the specific referendum? (Code, II.2.b and III.1).

**C. Question(s) put to referendum**

1. Was the vote on the adoption/abrogation of a specific constitutional/legislative text? In the affirmative, on which text in particular? Or was the vote on a question of principle/a generally-worded proposal?
2. How long in advance was the referendum called?
3. Please give the precise wording or the essential elements of the referendum. What was at stake? [Please use very simple terms. For instance: Direct election of the President of the Republic by the people]
4. Was the principle of unity of content respected? (Code, III.2).

Please answer with a yes or no and explain briefly. Alternatively, if this issue was submitted to the Constitutional Court, please summarise the Constitutional Court's decision.

5. Was the formulation of the question clear, in the sense that it was not misleading (Code, I.3.1.c and par. 15)?

Please rate from 1 - misleading to 10 - clear cut and explain briefly. Alternatively, if the formulation of the question was submitted to the Constitutional Court, please summarise the Constitutional Court's decision.

6. Did the authorities act in a neutral way and provide objective information; were there allegations or findings of abuse of administrative resources (Code, I.3.1.b + d and 12-14)?

Please rate from 1 – not neutral nor objective to 10 – neutral and objective - and explain briefly.

7. Were electors duly informed about the effects of the referendum? In particular, were they informed whether it was binding or consultative, and whether it would change by itself a legal text?

Please rate from 1 - unduly to 10 - duly and explain briefly.

8. Were electors able to answer the question asked by yes, no or to cast a blank vote?

Please answer with a yes or a no and explain briefly.

#### **D. Initiator of the referendum and opinion of Parliament**

1. Was the referendum:
  - Mandatory (the Constitution or a statute provides that the text has to be submitted to the referendum)?
  - Held at the request of an authority (the President, the Government, the Parliament, a minority of parliamentarians, regional or local entities)?
  - Held at the request of a section of the electorate (including following a popular initiative)?
2. If the text was put to the vote at the request of an authority other than Parliament or of a section of the electorate, was Parliament able to give a non-binding opinion? (Code, III.6)

*The background of this question is whether the executive used the referendum (possibly through a request of a section of the electorate) to circumvent Parliament.*

- E. What was the outcome of the referendum** (if possible in percentages (a) of those voting and (b) of those having the right to vote)

#### **F. Effects of the referendum** (Code, III.8)

##### *I. Legal effects*

1. Was the referendum legally binding or consultative?
2. If the referendum was on a question of principle or otherwise generally-worded, what were the next steps in case of positive vote?
3. If the referendum was on a specifically-worded draft amendment to the Constitution, was implementing legislation enacted, and what was its content?
4. If the referendum was on a specific (draft) law, what was its effect? Adoption, abrogation of a law?

##### *II. Political effects*

1. Was the position of the authorities at stake?

Please rate from 1 - non-affected to 10 - affected and explain briefly.

2. In the affirmative, did this lead to early elections?

### **G. Role of the judiciary**

Was the judiciary involved in the referendum procedure and, in the affirmative, in what sense?

In particular:

1. Was this intervention obligatory or did it take place on appeal?
2. Did it intervene before or after the vote?
3. Did it address the formulation of the question and/or the content of the text submitted to the people's vote?
4. Did the constitutional court exercise a control of constitutionality of the question submitted to referendum?

### **H. Role of the electoral management body**

Was any other authority, such as the Central Electoral Commission, requested to address the formulation of the question? If so, what was the status of their advice?

#### **I. Quorum and turnout** (cf. Code, III.7)

1. Was there a turnout quorum or an approval quorum?
2. What was the turnout?

#### **J. Role of international actors**

1. Did international actors (including the European Union) take a position on the issue submitted to referendum?
2. In the affirmative, what was the form of their intervention?

#### **K. What lessons might be learned from this referendum?**