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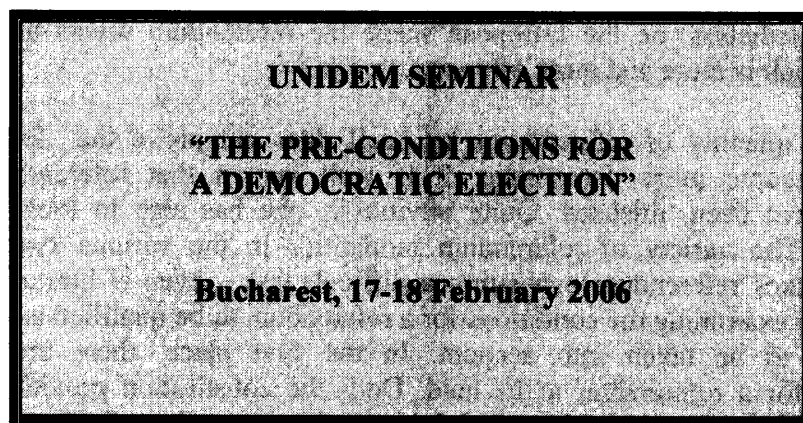


Strasbourg, 2 February 2006

CDL-UD(2006)003
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in the framework of
THE ROMANIAN CHAIRMANSHIP OF THE COMMITTEE OF MINISTERS
OF THE COUNCIL OF EUROPE
in cooperation with
THE ROMANIAN MINISTRY OF FOREIGN AFFAIRS



CAMPAIGN FINANCING AND MEDIA ACCESS REGULATION
FOR REFERENDUMS

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Abstract

Over the last years, the use of referendums has become more frequent in Europe. Whereas the need to assure that referendums meet with minimum democratic requirements is growing, no European referendum standard has been adopted yet. The Council of Europe is preparing recommendations. The present paper gives an overview of the national regulations on referendum campaigns, with a focus on campaign financing and on media access. Starting with a presentation of the relevant regulation in Switzerland, the regulation in all member states of the Council of Europe with at least one referendum experience since 1995 is analyzed. Distinguishing form and content of the regulation, the paper proposes ideal types of countries for campaign financing and media access rules respectively. The big variety of national regulations on referendum campaigns doesn't always meet with the standards laid down in the Venice Commission's guidelines for constitutional referendums.

1. Introduction

Europe has known an increasing use of national referendums over the last two decades. Several reasons are responsible for this development. Democratic revolutions in post-communist states have led to the adoption of new constitutions, many of which have been adopted by referendums. The ongoing integration within the European Union brought along numerous referendums on European issues.¹ Referendums took place on the different treaties, Maastricht, Amsterdam and Nice, although not systematically. The adoption of the euro was also voted on in some states. The accession of new member states to the EU was in many cases decided by the people. For instance, all new member states that joined the EU on the 1st of May 2004 submitted their accession to a national referendum – except for Cyprus.² More recently, referendums took place on the Treaty establishing a Constitution for Europe. It is true that the refusal of the Constitution in the French as well as in the Dutch referendum have made the holding of future referendums on this question in other member states somewhat uncertain. Nonetheless, on the European scene the referendum seems to have become an instrument which is more and more often resorted to.³

However, the quantity of referendums by itself does not prove that decision-making has necessarily become more democratic. It is well known that referendums can be, and historically have been, misused. Quite obviously, one has also to look at the quality of referendums. The variety of referendum modalities in the various states practicing this instrument makes referendum evaluation a difficult task - even if limited to the European context. While examining the conditions for a referendum to be qualified as democratic, many aspects have to be taken into account. In the first place, there are the institutional requirements for a referendum to be held. Does the constitution provide for a mandatory referendum? Can a referendum be asked for by a certain number of citizens, and if so, under which conditions? Is the referendum depending on the will of the parliament, the government or the head of state? Is the outcome of the referendum binding or not? The modalities that apply to a referendum are of equal importance. Citizens should be given objective information on the question they are going to answer. Thus, the campaign preceding the voting has to allow for a public debate to take place, in fair and free conditions. The respect of the rule of law and of fundamental rights is a preliminary condition for such a public debate. Furthermore, safeguards may be necessary in order to allow different viewpoints to be expressed. All political parties and civil society organizations should be given the opportunity

¹ Wilfried Marxer, "Wir sind das Volk": Direkte Demokratie – Verfahren, Verbreitung, Wirkung, Liechtenstein-Institut, Beiträge Nr. 24/2004, <http://www.liechtenstein-institut.li>.

² <http://c2d.unige.ch>.

³ Cf. Initiative & Referendum Institute, Initiative & Referendum Monitor 2004 / 2005 – The IRI Europe Toolkit for Free and Fair Referendums and Citizens' Initiatives. <http://www.iri-europe.org>.

to participate in the referendum campaign. Also, the wording of the referendum question must be clear and not mislead the citizen. After the referendum day, judicial review of irregularities should be possible. These are only few out of more criteria which are relevant when it comes to evaluating whether a specific referendum is free and fair, and thus democratic.

2. Focus on financing rules and media access

With the increasing amount of referendums organized in European states we can also observe efforts undertaken to analyze and qualify the referendums.⁴ To cite two recent studies, we can mention the Initiative & Referendum Monitor 2004 / 2005 elaborated by the Initiative and Referendum Institute Europe, as well as the TEAM Referendum Monitoring Report.⁵ However, these approaches have to face the obstacle that up to the present day, there seems to be no “referendum standard” or “code of good conduct” generally accepted by European states.

Reflections on such referendum standards are going on within the Council of Europe. The Committee of Ministers has adopted a *recommendation to member states on referendums and popular initiatives at local level* on the 15th of February 1996.⁶ Appended to this recommendation are *guidelines on referendums and popular initiatives at local level*. Regarding minimum rules states should comply with for constitutional referendums, the Council of Europe’s Venice Commission has adopted *guidelines for constitutional referendums* at its 47th Plenary Meeting in July 2001.⁷ The Green Paper to the Council of Europe elaborated in the framework of the project Making democratic institutions work in 2004, recommends the drafting of a handbook on referendums and initiatives, similar to the Venice Commission’s Code of good practice in electoral matters.⁸ More recently, in April 2005, the Parliamentary Assembly of the Council of Europe adopted a recommendation *referendums: towards good practices in Europe*,⁹ inviting the Committee of Ministers to draw up a recommendation to member states containing guidelines on referendums in general. At its 64th Plenary Session in October 2005, the Venice Commission adopted an opinion on the Parliamentary Assembly’s recommendation, in which it declares to be willing to support and assist any work by the statutory bodies of the Council of Europe on the questions of referendums.¹⁰ Moreover, the Venice Commission itself is actually conducting studies on referendums,¹¹ aiming at the drawing up of detailed recommendations. In addition to these documents already elaborated on referendums, the Council of Europe can also rely on its’ previous work in the field of financing political parties and electoral campaigns.¹²

The present paper aims at examining the preliminary conditions of democratic referendums. At this stage of our research, we have chosen to focus on two aspects which, in our opinion,

⁴Hug, Simon. *Voices of Europe. Citizens, Referendums and European Integration*. Lanham, Md, Rowman & Littlefield. 2002.

⁵TEAM Referendum Monitoring Report – Version II presented at the European Referendum Monitoring Workshop in Tartu, Estonia, 26 – 28 September 2003, <http://www.teameurope.info>.

⁶Recommendation No. R (96) 2.

⁷European Commission for Democracy through Law (Venice Commission), *Guidelines for constitutional referendums*, CDL-INF (2001) 010.

⁸Phillippe C. Schmitter / Alexander H. Trechsel (coord.), *The future of democracy in Europe – Trends, analyses and reforms*, Council of Europe Publishing, November 2004, p. 124.

⁹Parliamentary Assembly Recommendation 1704 (2005), *Referendums: towards good practices in Europe*.

¹⁰European Commission for Democracy through Law (Venice Commission), *Opinion on Parliamentary Assembly Recommendation 1704 (2005) on referendums: towards good practices in Europe*, CDL-AD (2005) 028.

¹¹European Commission for Democracy through Law (Venice Commission), *Referendums in Europe – an analysis of the legal rules in European states*, CDL-AD (2005) 034.

¹²For references, see Parliamentary Assembly Recommendation 1704 (2005), *Referendums: towards good practices in Europe*, ad § 10.

are central to the preliminary phase of a referendum, in other words the referendum campaign. These two aspects are the rules on campaign financing as well as the rules on media access during the campaign. Our analysis will be based on the existing regulation in the examined states. It is very well possible that in some states the practice differs from the regulation. For example, the absence of a specific regulation applying to referendum campaigns does not necessarily mean that the campaign practice is not fair. Vice-versa, it is not to exclude that the practice in states with an exhaustive regulation is unfair.

By campaign financing regulation, we understand any rule having an impact on the financing of the various political actors' propaganda-making during referendum campaigns. The political actors include state organs, political parties, any kind of civic society organizations and individual citizens. Campaign financing regulation thus covers any regulation on the granting of public funds to political actors for their campaigning, and any regulation on the provision of selective and task-bound benefits for campaigners, such as the free use of public places for campaign propaganda or special fees applying to propaganda mailing. Campaign financing regulation also covers spending limits for campaign activity as well as transparency rules, such as the obligation to reveal the identity of donors or the amount of campaign spending.

The precise impact of the money available to campaigners on the outcome of a referendum is not very clear. In Europe, not much research has been done on the subject. Hertig has argued that the outcome of a referendum can be bought if enough money is spent.¹³ Others have criticized the lack of precision of this study and painted a more balanced picture.¹⁴ It seems obvious however that to a certain extent, money does matter during referendum campaigns, and even more so for the collecting of signatures in the case of a referendum initiated by a popular initiative or in the case of an optional referendum.

By media access regulation we understand any rule having an impact on the political actors' use of mass media for propaganda reasons during referendum campaigns. Media access regulation thus covers rules on the granting of free airtime for political actors engaged in a referendum campaign, rules fixing the conditions of political advertising in the media as well as rules on fair media access during referendum campaigns, such as the obligation for public or private broadcasters to guarantee a balanced presentation of the various political opinions expressed during the campaign.

In the guidelines for constitutional referendums, the Venice Commission has fixed a number of minimum rules on funding, the use of public places and the media. In our opinion, these rules should apply to all national referendums, since there are no reasons advocating for a different campaign standard depending on whether a referendum is constitutional or not. Therefore, we are going to recall the rules related to campaign financing and media access outlined in the above mentioned guidelines before examining the national regulations on these issues in chosen member states of the Council of Europe.

Extract of the Venice Commission's guidelines for constitutional referendums :

E. Other aspects of free suffrage

(...)

¹³Hans-Peter Hertig, *Sind Abstimmungserfolge käuflich?*, *Annuaire suisse de science politique* 22(1) (1982) : 35-58.

¹⁴Cf. Ioannis Papadopoulos, *Démocratie directe*, Paris 1998; Jean-Daniel Delley, *La professionnalisation des campagnes référendaires*, in: Francis Hamon et Olivier Passelecq, *Le référendum en Europe – Bilan et perspectives*, Paris 2001.

2 c. Contrary to the case of elections, it is not necessary to completely prohibit the intervention of the authorities supporting or opposing a proposal submitted to referendum. However, the national, regional and local authorities must not influence the outcome of the vote by excessive, one-sided campaigning. The use of public funds by the authorities for campaigning purposes during the referendum campaign proper (i.e. in the month preceding the vote) must be prohibited. A strict upper limit must be set on the use of public funds for campaigning purposes in the preceding period.

(...)

F. Funding

- The general rules on the funding of political parties and electoral campaigns must be applied to both public and private funding.

- In contrast to elections, the use of public funds by the authorities for campaigning purposes need not be strictly prohibited in all cases; however, it must be restricted - see point II.E.2.c above.

- Payment from private sources for the collection of signatures for popular initiatives, if permitted, must be regulated with regard to both the total amount allocated and the amount paid to each person.

G. Use of public places

a. Advertising

Supporters and opponents of the proposal submitted to a referendum must have equal access to election hoardings.

(...)

H. Media

Public radio and television broadcasts on the electoral campaign must allocate equal amounts of time to programmes which support or oppose the proposal being voted on.

Balanced coverage must be guaranteed to the proposal's supporters and opponents in other public mass media broadcasts, especially news broadcasts.

Financial or other conditions for radio and television advertising must be the same for the proposal's supporters and opponents.

The prohibition of the publication of opinion polls during the week before the election can be considered.

3. Country selection

Naturally, we base our report on the situation of campaign financing and media access on Council of Europe member states with referendum practice only. In order to delimit our task, we include countries with referendum practice from 1995 to 2005. Among the 46 member states, 30 have at least organized one referendum within this timeframe. Looking at the

number of texts voted upon in referendums more closely, we can see that 16 countries have voted on one text, 15 countries on two to twelve, and 2 countries on more texts (see Table 1) - Italy with 34 and Switzerland with 104 texts clearly being the “leaders” in referendum practice among Council of Europe member states.

Table 1: Number of referendum texts voted in 30 COE member states 1995-2005

# Texts	# Countries	Countries
1	16	Cyprus, Czech Republic, Estonia, Georgia, Luxembourg, Malta, Moldova, Netherlands, Romania, Spain, Sweden, The Former Yugoslav Republic of Macedonia
2	4	Albania, Armenia, Denmark, France
3	2	Latvia, Portugal
4	2	Hungary, Ukraine
6	1	Lithuania
7	1	Poland
8	1	Slovakia
9	1	Azerbaijan
10	1	Slovenia
11	1	Liechtenstein, San Marino
12	1	Ireland
34	1	Italy
104	1	Switzerland

However, the simple count of voted texts might be a bit misleading. For current referendum practice and regulation in this area the number of polls conducted is probably the more important figure (see Table 2). We should thus expect that in countries with a relatively high frequency of polls within the last ten years regulation regarding media access and campaign financing should have developed considerable regulation, and vice-versa that countries with a low number of referendum polls have less developed rules.

Table 2: Number of polling dates in 30 COE member states 1995-2005

# Polls	# Countries	Countries
1	13	Cyprus, Czech Republic, Estonia, Georgia, Luxembourg, Malta, Moldova, Netherlands, Romania, Spain, Sweden, The Former Yugoslav Republic of Macedonia, Ukraine
2	6	Albania, Armenia, Azerbaijan, Denmark, France, Portugal

# Polls	# Countries	Countries
3	4	Hungary, Latvia, Lithuania, Poland
5	2	San Marino, Slovakia
7	1	Italy
8	1	Slovenia
9	1	Ireland
10	1	Liechtenstein
33	1	Switzerland

As we can see in Table 2 we can thus form three categories of countries. Countries with low referendum practice organized one to two polls (19 member countries in total), mainly in order to ratify a new constitution, to sanction important changes in the constitution, or in relation with EU membership (see Annex 2). Countries with three to ten polls use direct democratic instruments more frequently and also to decide important political matters other than constitutional, territorial or supra-national issues (10 member countries). Switzerland with 33 polls during the observed timeframe represents the well-known exceptional case and forms the third category.

4. Results

In this section we are at first going to present the regulation regarding campaign financing and media access regulation in the outlier country of Switzerland. We will then proceed to an analysis based on the data we collected (see Annex 1) in the two following sections. At the current stage of data collection we intend to come up with ideal types of countries for referendum campaign regulation and media access rules respectively.

4.1 The Swiss case

One would expect Switzerland with its longstanding and frequent use of direct democracy institutions, namely the popular initiative, the optional referendum and the mandatory referendum, to have developed an extensive regulation on referendum campaigns, including rules on campaign financing and on media access. Surprisingly, this is not the case.

Switzerland is a federal state. The referendum is known both on the federal and on the cantonal level, the latter being to a large extent autonomously regulated by each of the 26 cantons.¹⁵ In the present paper, we shall focus on the federal level. However, it is important to note that there is some kind of mutual influence between the exercise of political rights in the cantons and in the Confederation. On one hand, the cantons have to respect the political rights as they are guaranteed by the Federal Constitution. On the other hand, the Swiss Federal Supreme Court has developed important case law on the exercise of political rights in the cantons. Some of this case law deals with referendum campaigns.¹⁶ The principles developed by the Swiss Federal Supreme Court, although dealing with cantonal matters, to some extent

¹⁵ *Andreas Auer / Giorgio Malinverni / Michel Hottelier, Droit constitutionnel Suisse, Vol. I, L'Etat, Berne 2000, note 780.*

¹⁶ *Idem, notes 855 – 860.*

also serve as guidelines to the federal authorities.¹⁷

The referendum on the federal level is governed by provisions of the Federal Constitution¹⁸ and by the Federal Act on Political Rights.¹⁹ None of them contain rules dealing with referendum campaigns in particular. However, several fundamental rights guaranteed by the Federal Constitution have to be considered while examining the legal framework of referendum campaigns. According to article 34 paragraph 2 of the Federal Constitution, the guarantee of political rights protects the free formation of opinion by the citizens and the unaltered expression of their will. This provision does not impose a strict neutrality on political authorities during the referendum debate.²⁰ Authorities are allowed to take position and to recommend the approval or the refusal of a referendum question.²¹ However, any kind of political propaganda by political authorities would be contrary to the constitutional guarantee of the political rights,²² even more so if public funds were to be used for such propaganda. It is also forbidden to grant public funds to private referendum committees.²³

Other fundamental rights guaranteed by the Federal Constitution which assure for a referendum debate to be fair are the freedom of opinion and information, the freedom of the media, the freedom of assembly and the freedom of association.²⁴

However, there is no specific regulation on the financing of referendum campaigns by political parties and other groups of the civic society. Therefore, no public funds may be used for political propaganda, campaign spending is not limited, and no obligation for campaigners to reveal their donors or the amount of money spent for a referendum campaign exists. In this context we can also mention that the financing of political parties is not regulated in Switzerland. Political parties do not receive any public funds for their activities. As a result, they finance themselves from membership fees, from donations of party members, non-members, private companies and organizations, as well as from contributions from office holders.²⁵ On the federal level, there are no transparency rules at all. Whereas this is generally also the case on the cantonal level, two cantons have introduced transparency rules. In the canton of Ticino, donations of more than 10'000 Swiss francs to political parties have to be published. In the canton of Geneva, anonymous donations are forbidden and transparency rules not only apply to political parties, but also to other political groups engaged in campaigns.²⁶ But for the time being, such rules are still exceptional.

Regarding the access to media by political parties and other civic society organizations engaged in a campaign, there are no rules that would apply during referendum campaigns only. Contrary to other member states of the Council of Europe, Swiss law does not determine an official timeframe for the referendum campaign.

¹⁷ *L'engagement du Conseil fédéral et de l'administration dans les campagnes précédant les votations fédérales, Rapport du groupe de travail de la Conférence des services d'information élargie (GT CSIC), Berne, Novembre 2001, pp. 10 – 12, <http://www.admin.ch/ch/f/cf>.*

¹⁸ *Articles 138 to 142 of the Federal Constitution of the Swiss Confederation of 18th April 1999; <http://www.admin.ch/ch/itl/rs/1/index.htm>.*

¹⁹ *Federal Act on Political Rights of 17th December 1976; http://www.admin.ch/ch/e/rs/c161_1.html.*

²⁰ *Decision of the Federal Supreme Court 121 I 252, 255 f.*

²¹ *Compare with article 11 paragraph 2 of the Federal Act on Political Rights of 17th December 1976.*

²² *Decision of the Federal Supreme Court 114 Ia 427, 444.*

²³ *Decision of the Federal Supreme Court 114 Ia 427, 443.*

²⁴ *See articles 16, 17, 22 and 23 of the Federal Constitution of the Swiss Confederation of 18th April 1999.*

²⁵ *Andreas Ladner, The Political Parties and the Party System, in: Klöti, Ulrich; Knoepfel, Peter; Kriesi, Hanspeter; Linder, Wolf and Papadopoulos, Yannis (eds.) (2004) Handbook of Swiss Politics. Zurich: NZZ Publishing, p. 225.*

²⁶ *Tiziano Balmelli, Le financement des parties politiques et des campagnes électorales, Fribourg 2002, p. 330.*

Nonetheless, several provisions of the Federal Act on Radio and Television, adopted on the basis of articles 92 and 93 of the Federal Constitution, are particularly important during the referendum campaign.²⁷ This act mandates all radio and television stations to contribute to the free formation of opinion and to provide for varied and objective information of the public. The overall offering of programs in a region must not provide one-sided information in favor of particular parties, interests or opinions only. Broadcasted information has to be objective and representative of the variety of facts and opinions. Furthermore, opinions and commentaries have to be recognizable as such. Also, political advertising on radio and television is forbidden. Whereas this general prohibition of political advertising has been softened by the case law, it is still fully applicable during referendum campaigns.²⁸ Last but not least, the sponsoring of the news presentations as well as of any program related to the exercise of political rights is not allowed.

Each broadcaster has to install an independent mediator who deals with complaints about the program.²⁹ The mediators' decisions can then be reviewed by an independent authority for radio and television installed on the federal level.³⁰

Thus, although campaigners do not get free air time in Switzerland, and none withstanding the fact that there are no specific rules for the referendum campaign, it seems to be generally recognized by political actors that the regulation set down in the Federal Act on Radio and Television provides for a fair referendum debate in the media.

4.2. Referendum campaign financing in COE member countries

Regarding campaign financing regulation we can distinguish two dimensions: *form* and *content*. The *formal characteristics of a regulation* can be ordered according to the degree of *institutionalization*. By institutionalization we understand a process over time during which norms and rules are transformed into binding, sanctionable elements of a political system, mostly in the form of a legal framework. The more differentiated and binding the regulation, the higher is the degree of institutionalization. On the lowest level of this cascade of institutionalization there is the case of *no regulation at all*. One stage further, we can observe the *informal application of already existing laws*, in most cases electoral laws, for a referendum because this is the closest to a referendum regulation there is at hand. Going one step ahead there is *case-law based regulation* and then *ad-hoc regulation* (by parliament or the government) for each referendum. For countries with only limited referendum experience this is the type of formal arrangement we would expect. It might also occur if referendums had to be organized under time pressure or for the first time in the history of a country without knowing whether there will be sufficient referendum practice in the future to justify the elaboration of a separate law on referendums. The referendum law (or any equivalent regulation with reference to other already existing laws) represents the final stage of institutionalization.

Regarding the *content* of existing regulation we can distinguish between countries again with no regulation at all, the ones that forbid the use of public funds for campaigning, the ones that distribute task-bound, selective benefits to campaigners, and the ones that provide public

²⁷Article 3 paragraph 1 a, article 3 paragraph 2, article 4, article 18 paragraph 5 and article 19 paragraph 4 of the Federal Act on Radio and Television of 21st June 1991; http://www.admin.ch/ch/fr/rs/c784_40.html (french text).

²⁸Unabhängige Beschwerdeinstanz für Radio und Fernsehen, *Entscheid vom 27. Juni 2003 betreffend Schweizer Fernsehen DRS: Werbespot der Flüchtlingshilfe, ausgestrahlt am 15. Januar 2003; Eingabe von S vom 28. März 2003*; <http://www.ubi.admin.ch/presse/2003/de/03082801>.

²⁹Article 57 of the Federal Act on Radio and Television.

³⁰Articles 58 to 66 of the Federal Act on Radio and Television.

funds for campaigners (be it for political parties only or for campaigners as well). In the last category, we can distinguish states that provide public funds for campaigners on an ad hoc basis from those who have institutionalized the public support. In addition, we should check the existing regulation for clauses setting a limit on campaign spending and certain transparency rules for campaigners.

Among the states that have no regulation at all on the financing of referendum campaigns figures Luxembourg. The absence of campaign-specific regulation in this state can be explained by the fact that the recent referendum on the Treaty establishing a Constitution for Europe in July 2005 was the first referendum to be held since 1937.³¹ In post-communist Romania, where only two referendums have been held, one on the approval of the Constitution in 1991 and another on the revision of the Constitution on 19 October 2003, there are no rules on campaign financing neither.

Several states prohibit the use of public funds for campaigning. The Swiss regulation, which falls into this category, has already been examined above. Slovenia has rules on the financing of electoral campaigns, but the act on referendums does not provide for an analog solution for referendum campaigns. Therefore, in Slovenia, public funds must neither be used for propaganda by campaigners, nor for an official and neutral information campaign. According to the Slovenian Electoral Authority, there are projects to legislate in this field. In Malta, the Referenda Act³² states that the General Elections Act and the Electoral Polling Ordinance shall apply to the conduct of referenda, except for some specified provisions. The Electoral Polling Ordinance provides for the return of election expenses to electoral candidates.³³ However, according to the second schedule of the Referenda Act, these provisions shall not apply to referenda. As a result, no public funds are used for the referendum campaign in Malta. In Poland, finally, the Act on nation-wide referendum states that the subjects engaged in referendum shall cover expenses out of their own sources and in accordance with provisions on their financial activities.³⁴

A number of states distribute task-bound, selective benefits to campaigners, without granting direct financial support to them. In this field, Portugal has a far-reaching legislation.³⁵ Political parties and citizens groups which have registered for the campaign are entitled to do free political advertising, on public and private television and radio-stations, as well as in public buildings.³⁶ The modalities of such free advertising are fixed by the law. For example, the communes have to provide for places where campaigners can place their graphical propaganda.³⁷ Also, public buildings can be used for campaigning events. The hiring of theatres for political meetings is regulated by the law, including a limitation of the hiring fee. The hiring can be imposed on the private owners of theatres. The hiring of offices as headquarters for the organization of a particular group's propaganda campaign is also regulated by law. The campaigners are also entitled to have a phone installed for free.³⁸ In Macedonia, tax exemptions are granted for activities connected with a referendum.³⁹ In Moldova, local administrative authorities establish and guarantee a minimum of special places

³¹ *The referendum of July 2005 was governed by the Act on nationwide referendums of 4th February 2005 (Loi du 4 février 2005 relative au referendum au niveau national).*

³² *Article 10 of the Referenda Act of 20th July 1973; <http://www2.justice.gov.mt/lom/home.asp>.*

³³ *Article 50 of the Electoral Polling Ordinance.*

³⁴ *Article 47 of the Act of 14th March 2003 on nation-wide referendum (Dziennik Ustaw [Journal of Laws of the Republic of Poland] No. 57, item 507 and No. 85, item 782); <http://www.pkw.gov.pl/gallery/00/8.pdf>.*

³⁵ *Referendum Act of 3rd April 1998 (Lei n° 15-A/98 de 3 de Abril: Lei Orgânica do Regime do Referendo)*

³⁶ *Article 46 of the Referendum Act.*

³⁷ *Article 52 of the Referendum Act.*

³⁸ *See articles 65 to 70 of the Referendum Act.*

³⁹ *European Commission for Democracy through Law (Venice Commission), Referendums in Europe – an analysis of the legal rules in European states, CDL-AD (2005) 034, p. 18.*

for campaign posters and provide for places to organize and hold campaign meetings.⁴⁰

A last group of states grant public funds to campaigners for their propaganda activity. In most cases this is done on an ad hoc basis. In Spain, the Organic law for the regulation of referendums⁴¹ allows public funding for the government's impartial informative campaign only. Nonetheless, in January 2004 the parliament approved an extraordinary budget for the funding of political parties engaged in the referendum campaign on the European Constitution. The funds were distributed among the political parties represented in parliament, but no funds were granted to civic society organizations engaged in the campaign. Similarly, public funds have been used for campaign propaganda during the last referendums held in the Netherlands and in Estonia, in both cases on an ad hoc basis. In Estonia, public funds went to the government's impartial information campaign, but were also distributed among political parties and other campaigners of the civic society, representing both the No- and the Yes-campaign. Sweden, which does not have many referendums, went quite far in devising a formula for how to divide public money between official Yes and No camps during the referendum on EU membership in 1994.⁴² Only few states have institutionalized direct financial support to campaigners. According to San Marino's Law on referendums and legislative popular initiatives, both the official Yes- and the official No-committee receive public funds for their propaganda activity during the referendum campaign.⁴³

Independently from prohibiting the use of public funds for campaigns or from granting direct or indirect public support to campaigners, some states have adopted clauses setting a limit on campaign spending and certain transparency rules for campaigners.

In Poland, the Act on nation-wide referendum states that any propaganda for or against a draft proposal, published in press and television or by radio, shall bear an indication of who is the payer and who is the donor. Ignoring this rule exposes the responsible person to a fine.⁴⁴ In Portugal, the amount campaigners are allowed to spend for campaigning is limited. The Referendum Act refers to the limitation applicable to elections to the national Parliament, governed by the Act on the financing of political parties and electoral campaigns.⁴⁵ The spending limitation is calculated on the basis of the minimum wage.⁴⁶ Furthermore, political parties and citizens groups are responsible for holding an account on the referendum spending. These accounts have to be presented to the National Election Commission within 90 days from the publication of the referendum results.⁴⁷ In Spain, campaign spending of political parties is limited, but there is no control of the other campaigners' spending. All private donations have to be made to special bank accounts and donors have to reveal their identity. A donation must not exceed 6'000 euros.

4.3. Media access during referendum campaigns in COE member countries

There are five basic types of regulation we can find regarding media access rules during referendum campaigns: No regulation at all again, general provisions about fair access rules during a campaign, the prohibition of political advertising, free airtime for political parties

⁴⁰Article 163 read in combination with article 47 paragraph 6 of the Electoral Code of Moldova of 21st November 1997; <http://e-democracy.md/en/legislation/electoralcode/vi/>.

⁴¹Ley organica 2/1980 de 18 de enero, sobre regulacion de las distintas modalidades de referendum.

⁴²Information provided by the Swedish Electoral Authority.

⁴³Article 36 of the Law on referendums and legislative popular initiatives of 28th November 1994 (Legge n°101 del 28 novembre 1994: Nuove norme in material di referendum e iniziativa legislative popolare); <http://www.elezioni.sm/src/elezioni/index.php?id=170>.

⁴⁴Article 46 and article 82 of the Act on nation-wide referendum.

⁴⁵Lei n° 56/98 de 18 de Agosto: Financiamento dos partidos politicos e das campanhas eleitoralis.

⁴⁶Article 19 of the Act on the financing of political parties and electoral campaigns.

⁴⁷Articles 73 to 75 of the Referendum Act.

only, and free air time for all campaigners, including citizen groups. Furthermore we can make a distinction between regulation applying to the public media sector only or to both public and private sector.

Representatives of the group of states that have no regulation at all on media access by campaigners are Luxembourg and Slovenia. As explained above, in Luxembourg the absence of regulation might be due to the rare use of the referendum. In Slovenia, the lack of regulation is more surprising, since referendums are held quite regularly. However, rules for electoral campaigns exist, and in practice, air time is granted by the media during referendum campaigns too.

Some states know general provisions about fair access rules during a campaign, although without the granting of free air time for political advertising. In San Marino for instance, radio and television programs are guaranteed and supervised by the State Secretary for Internal Affairs during the referendum campaign. Different views have to be presented in a balanced manner.⁴⁸

Other states have forbidden political advertising on radio and television. We have already analyzed the Swiss legislation above. In Liechtenstein too, the Media law prohibits political advertising on radio and television. Notwithstanding the prohibition of political advertising, there can be general provisions on the fair media coverage of a campaign.

Another group of states grant free airtime to political parties only. In the Netherlands, political parties represented in Parliament can use the time allocated to them on the radio and television for the referendum campaign. In France too, only the parties represented in Parliament and those whose participation appears justified in view of the nature of the question asked may express their views. But both private and public media must provide supporters and opponents of the draft proposal with fair coverage.⁴⁹ In Slovakia, access to media is allowed only for political parties that are represented in the national Parliament.⁵⁰

Quite extensive rules have been developed by those states who grant free air time in the media to all campaigners, including both political parties and other civic society groups. In these cases, it is common that the official campaign period is limited by the law. In Portugal, beginning with the publication of the decree fixing the referendum date any kind of commercial political advertising in the media is forbidden.⁵¹ Any journalistic information on the referendum published in a state controlled media has to respect strict neutrality and treat the political opponents equally.⁵² Private media have to inform the National Election Commission on their reporting about the referendum. They also have to assure a fair journalistic treatment of the campaigning parties and citizens groups.⁵³ Journals of political parties, associations and citizens groups are exempted.⁵⁴ During a Portuguese referendum campaign, registered political parties and citizens groups have the right to free air time on radio and TV, both private and public.⁵⁵ Half of the slots have to be distributed among the parties represented in the national Parliament, the other half is to be distributed among the

⁴⁸ Article 7 of the Ordinance on Electoral Campaign Discipline of 14th March 1997 (*Regolamento per la disciplina della campagna elettorale, del 14 marzo 1997*).

⁴⁹ Décret n° 2005-238 du 17 mars 2005 relatif à la campagne en vue du référendum; Décision CC "Génération écologie" et autres, 7 avril 2005, cons. 4, JO du 9 avril 2005, p. 6458.

⁵⁰ Law on Referendum No. 564/1992 Coll.

⁵¹ Article 53 of the Referendum Act.

⁵² Article 54 of the Referendum Act.

⁵³ Article 55 of the Referendum Act.

⁵⁴ Article 56 of the Referendum Act.

⁵⁵ See articles 57 to 64 of the Referendum Act.

other campaigners. The order in which the political advertisements are presented is drawn by lottery. In particular cases, such as campaigners calling for violence or doing commercial advertising, the free air time can be suspended or withdrawn. In Poland, referendum campaigners who have previously registered with the National Electoral Commission have the right to referendum campaigning in radio and television. Both the recording of a referendum program as well as the broadcasting are free of charge. The referendum programs are broadcast on nationwide and regional channels. The total broadcasting time is fixed by the law. The broadcasting time is divided into equal parts amongst the entitled referendum campaigners. The sequence of referendum programs to be broadcast each day is determined by a lottery. In addition to public funded broadcasting, entitled campaigners may broadcast paid referendum advertisements emitted by radio and television during the referendum campaign.⁵⁶ The rates for paid advertisements are regulated by the law, and broadcasters cannot refuse such referendum programs. As a counterpart, the broadcasters are not responsible for the contents of the advertising.

5. Final remarks

The data collection and framework of analysis we presented in the preceding chapters of this paper are just first steps and represent intermediate results of an ongoing project within C2D. We can already affirm that there is a big variety of regulations among the Member states of the Council of Europe with regard both to campaign financing and to media access. Also, the analyzed data shows that many combinations are possible between the different regulation types we have described. Furthermore, most states do not fully comply with the rules on funding and media as set down in the guidelines for constitutional referendums elaborated by the Venice Commission. Either the national regulations do not cover all the relevant points, or they provide for solutions which are to some extent contradictory to the guidelines. However, from the absence of a perfect regulation one should not necessarily conclude to unfair referendum campaigns, since the analogous application of electoral laws as well as a particular state's political culture are also important.

⁵⁶ *Article 56 of the Act on nation-wide referendum.*

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Data Annex 1: Media Access and Campaign Financing Regulations in COE member countries

Country	Media Access	Campaign Financing
Albania	<ul style="list-style-type: none"> equal air time is given to the supporters and opponents of the draft proposal law states that you must organise unbiased programs on Albanian Radio and TV to educate the population 	
Armenia	<ul style="list-style-type: none"> The legislative framework for referenda does not ensure access of political parties to free campaign-time on public media, and the decision to provide access to various parties rests with the management of media outlets, including public TV channels TV and broadcasting law, article 11 Before and during referendum and election campaigns the RA law on elections and referendum regulates Television and Radio programs. During the above-mentioned period it is forbidden to broadcast political or other campaign materials in the form of information, editorial, documentary, column and other programs. Similar programs should be run with the "Political Advertisement" or "Election Campaign" title on the screen. In case of radio broadcast not less than three times during the program there should be a reminder about it. During the referendum and election campaign the television and radio broadcasting companies shall publicly inform about the rates for political advertisement and for the airtime. Everyone shall use the paid airtime based on contracts, and the conditions shall be the same for everyone. State and local self-governing bodies, members of the Constitutional Court and Judges, officials of the Ministry of Internal Affairs and National Security, officials of the Prosecutor's office, the military, charitable and religious organizations as well as foreign citizens and organizations must not campaign. 	<ul style="list-style-type: none"> Campaign funding must be done from a referendum fund, deposited at the Central bank of Armenia. State and local self-governing bodies, fiscal institutions, foreign private persons and legal entities, stateless persons, charitable and religious organizations, international organizations and NGO's as well as those organizations which have foreign means in the amount of more than 30% in their share capital have no right to contribute to the referendum fund. The general amount of contributions to the referendum fund is limited The Central bank informs the Central Commission regularly about the financial activities of the referendum funds. Special places for display of campaign posters are granted. The origin of campaign material has to be indicated
Azerbaijan	<ul style="list-style-type: none"> equal air time is given to the supporters and opponents of the draft proposal 	
Cyprus	<ul style="list-style-type: none"> equal air time is given to the supporters and opponents of the draft proposal in public and private media 	
Czech Republic		

Country	Media Access	Campaign Financing
Denmark		
Estonia	No rules	<ul style="list-style-type: none"> • No regulation, however, during the referendum on the adhesion to the EU, the government decided to use public funds for an impartial information campaign. • Public funds were also distributed among political parties and other campaigners of the civic society, both for the No- and the Yes-campaign. • No transparency rules.
France	<ul style="list-style-type: none"> • requires that the supporters and the opponents of the draft proposal be given "fair" coverage on radio and television. • private media must provide supporters and opponents of the draft proposal with fair coverage. • Only the parties represented in Parliament and those whose participation appears justified in view of the nature of the question asked may express their views 	
Georgia	<ul style="list-style-type: none"> • nothing stated in the referendum law 	?
Hungary		
Ireland	<ul style="list-style-type: none"> • a requirement to be fair • private media must provide supporters and opponents of the draft proposal with fair coverage. 	
Italy	<ul style="list-style-type: none"> • a balance must be ensured between the various groups participating in the campaign rather than between the supporters and the opponents. 	
Latvia	<ul style="list-style-type: none"> • Law on National Referendums and Legislative Initiatives does not contain regulation regarding media access. Central Election Commission is put in charge. 	<ul style="list-style-type: none"> • Law on National Referendums and Legislative Initiatives does not contain regulation regarding campaign financing. Central Election Commission is put in charge.
Liechtenstein	<ul style="list-style-type: none"> • According the Media Law: political advertising in radio and TV is forbidden 	<ul style="list-style-type: none"> • Party financing exists, however, not specifically linked to referendums • No transparency rules for referendum campaigns
Lithuania	<ul style="list-style-type: none"> • Equal air time is given to the supporters and opponents of the draft proposal 	<ul style="list-style-type: none"> • Art. 3 of the Law of the Republic of Lithuania on the referendum : Political parties, other political and public organisations and citizens

Country	Media Access	Campaign Financing
Luxembourg	<ul style="list-style-type: none"> • Fairness commission secured equal access to media (IRM 04/05) • No specific rules 	<ul style="list-style-type: none"> • may allocate their own funds for campaigning.
Malta	<ul style="list-style-type: none"> • A balance must be ensured between the various groups participating in the campaign 	<ul style="list-style-type: none"> • No specific rules • Public funds allowed for information purposes but not for campaigning (requirement of neutrality)
Moldova	<ul style="list-style-type: none"> • According to the electoral code: During campaigns, public media grant free air time • Additional (charged) air time in the public and private media is limited in time • Private media have to give equal opportunities (equal air time) to both sides if they organize debates • Control by the Central Electoral Commission 	<ul style="list-style-type: none"> • Electoral Code: <ul style="list-style-type: none"> • Public or private audiovisual institutions have to establish equal fees for campaigners. These fees may not exceed fees for commercials. • Local administrative authorities establish and guarantee a minimum of special places for campaign posters and provide for places to organize and hold campaign meetings.
Netherlands	<ul style="list-style-type: none"> • Political parties represented in Parliament can use the time allocated to them on the radio and television for the referendum campaign 	<ul style="list-style-type: none"> • Apparently no rules: <ul style="list-style-type: none"> • During the referendum on the European constitution, public funds were used for covering the referendum committees' neutral public information campaign • During the referendum on the European constitution, public funds were also used for the governments' Yes-campaign
Poland	<ul style="list-style-type: none"> • Act on nation-wide referendum: <ul style="list-style-type: none"> • Campaigners who have previously registered with the National Electoral Commission have the right to free referendum campaigning in radio and television. • During the campaign, broadcasting time is divided into equal parts amongst entitled campaigners. The sequence of referendum programs to be broadcast is determined by a lottery. • In addition to public funded broadcasting, private funded broadcasting is allowed. 	<ul style="list-style-type: none"> • According to the Act on nation-wide referendum, the subjects engaged in the referendum campaign have to cover expenses out of their own sources and in accordance with provisions on their financial activities • Fees for private funded broadcasting on radio and television are regulated by the law. • Any propaganda published in the press, on television or on the radio must bear an indication of who is the payer and who is the donor. • Granting a salary for collecting signatures or for signing a list supporting a motion is prohibited.
Portugal	<ul style="list-style-type: none"> • Referendum Act: <ul style="list-style-type: none"> • Political parties and citizens' groups (at least 5000 citizens) which have registered with the National Election Commission are entitled to free air time on public and private television and radio. • Half of the air time is to be distributed among political parties of the National Assembly; the other half of the air time is to be distributed among the other campaigners • The sequence of broadcastings is determined by a lottery. 	<ul style="list-style-type: none"> • Referendum Act and Electoral Code <ul style="list-style-type: none"> • During the official campaign, political parties and citizens' groups (at least 5000 citizens) can benefit from different kind of advantages: Free political advertising in some public buildings; Public places for posters; Use of public buildings and private theatres for campaigning events; Regulated hiring fees for campaign offices; Free installation of a phone in the campaign office. • Contrary to elections, no public funds are distributed for referendum

Country	Media Access	Campaign Financing
	<ul style="list-style-type: none"> Public media have to respect strict neutrality Private media have to assure a fair treatment of the campaigners. the same requirement for balance applies to other private media (the printed media), but only if they wish to insert campaign material 	<ul style="list-style-type: none"> The amount campaigners are allowed to spend is limited (limitation is calculated on the basis of the minimum wage) Mandatory accounts on the campaign spending have to be presented to the National Election Commission after the ballot day.
Romania	<ul style="list-style-type: none"> No rules 	<ul style="list-style-type: none"> No rules for referendums, just ad-hoc No public financing During the 2003 campaign, the side in favour of changing the Constitution (most of parliamentary parties, the government, the presidency and civil society groups) was supported by a campaign funded with public money. Political parties have to reveal referendum spending
San Marino	<p>Referendum Act and Electoral Code:</p> <ul style="list-style-type: none"> During the official campaign, radio and television programs are guaranteed by the State Secretary for Internal Affairs. Programs have to inform about the campaign and equal air time has to be given to the campaigners. 	<p>Referendum Act and Electoral Code:</p> <ul style="list-style-type: none"> Both the committee in favor and the committee opposed to the ballot question receive public funds for their campaigning. The committees, political parties, citizens, associations and social forces benefit from public places for posters
Slovakia	<p>Law on Referendum No. 564/1992 Coll.:</p> <ul style="list-style-type: none"> Access to media is given only to political parties represented in the national parliament 	<ul style="list-style-type: none"> There are no rules for financing of referendum campaign. Financing by public sources is made transparent after the voting only
Slovenia	<ul style="list-style-type: none"> Rules for electoral campaigns, not for referendum campaigns In practice, air time is granted by the media 	<ul style="list-style-type: none"> Rules for electoral campaigns, not for referendum campaigns No public funds for official information campaign
Spain	<p>Organic law for the regulation of referenda; Ad hoc regulation:</p> <ul style="list-style-type: none"> Public media grant free air time to political parties represented in parliament. this time is allocated in proportion to the parties' electoral strength. Other political groups have the right to campaign on their own costs. Control by Electoral Commission 	<ul style="list-style-type: none"> The referendum law allows public funding for the government's impartial informative campaign A proposal to introduce financing of parties engaged in a referendum campaign in the referendum law was rejected in 2004 (Public funds are granted for electoral campaigns) The parliament approved an extraordinary budget of 9 million Euro in January 2004 for the funding of political parties engaged in the referendum campaign on the European Constitution. Distribution according to each party's number of seats in parliament (8.1 million Euro for the pro-campaign, 0.9 million Euro for the no-campaign). No public funds for civil society organizations. Campaign spending of political parties is limited (but no control of spending by civil society organizations)

Country	Media Access	Campaign Financing
Sweden	<ul style="list-style-type: none"> • equal air time is given to the supporters and opponents of the draft proposal • No rules on media access 	<ul style="list-style-type: none"> • All private donations have to be made to special bank accounts and donors have to identify themselves. The limit per donor is 6000 Euro. • Authorities provide for free places for propaganda posters, as well as for localities for campaigning events. • Special fees for propaganda mailing • Extraordinary budget for the political parties' campaign spending
Switzerland	<p>Law on radio and television:</p> <ul style="list-style-type: none"> • Political propaganda on radio and television is prohibited (at least during the referendum campaign) • No free air time • General obligation for broadcasters to inform in a balanced way and to assure equal opportunities for different political views (not only during the referendum campaign) • Control by an independent authority for radio and television 	<ul style="list-style-type: none"> • In the last two referenda, the Swedish parliament (riksdagen) decided that both the yes-campaign and the no-campaign would receive state funds for informing the voters about the alternatives (ad hoc regulation) • No transparency rules
The former Yugoslav Republic of Macedonia	<ul style="list-style-type: none"> • Equal air time is given to the supporters and opponents of a draft proposal 	<ul style="list-style-type: none"> • Use of public funds for neutral information by authorities • Use of public funds for propaganda is prohibited • No public financial support for campaigners • No transparency rules • some case law
Ukraine	<ul style="list-style-type: none"> • No information yet 	<ul style="list-style-type: none"> • Use of public funds for or against a referendum issue is prohibited • Tax exemptions for activities connected with a referendum. • In general, there is a lack of clear legislative regulations for campaign financing and transparency • No information yet

Data Annex 2: Referendums held in COE member countries since 1995

Country	Date and Content of Referendum
Albania	22.11.1998 - Constitution 29.06.1997 – Form of government
Armenia	25.05.2003 - Constitutional reform 05.07.1995 - Constitution
Azerbaijan	24.08.2002 - Changes with the aim of a membership in the Council of Europe 24.08.2002 - Changes in regard to Azerbaijan membership to the European Human Rights Convention (EHRC) 24.08.2002 - Holding a referendum 24.08.2002 - Voting system of the Parliament 24.08.2002 - Electoral procedure of the President 24.08.2002 - Improvement of the authorities 24.08.2002 - Reform of justice 24.08.2002 - Different constitutional changes 05.11.1995 - Constitution
Cyprus	24.04.2004 - Referendum on the reunification
Czech Republic	14.06.2003 - Adhesion to European Union
Denmark	28.09.2000 - Accession to the single European currency 28.05.1998 - EU Treaty of Amsterdam
Estonia	14.09.2003 - Adhesion to European Union
France	29.05.2005 - Referendum on European constitution 24.09.2000 - Presidential Term from 7 to 5 years
Georgia	03.11.2003 - Reduction of the Parliament from 235 to 150 seats
Hungary	05.12.2004 - Referendum on the double nationality 05.12.2004 - Referendum on the privatization of hospitals 12.04.2003 - Adhesion to European Union 16.11.1997 - NATO membership
Ireland	11.06.2004 - Referendum on Irish citizenship - 27 amendment of the Constitutional Bill 2004 19.10.2002 - Ireland accepts the European Enlargement

Country	Date and Content of Referendum
	<p>06.03.2002 - Protection of Human life in Pregnancy 07.06.2001 - Prohibition of Death Penalty 07.06.2001 - Adhesion to the International Criminal Court 07.06.2001 - Ratification of the Nice Treaty 11.06.1999 - Recognition of the local authorities 22.05.1998 - EU Treaty of Amsterdam 22.05.1998 - Irish authorities on any part of the island of Ireland 30.10.1997 - Confidentiality of discussions at meetings of the Government 28.11.1996 - Release on bail rendered more difficult for suspected dangerous criminals 24.11.1995 - Introducing divorce laws</p>
Italy	<p>13.06.2005 - Question 1 - Limit to the clinical research and experiences on the embryos 13.06.2005 - Question 2 - Norms on the limits of access 13.06.2005 - Question 3 - Norms on the finality, subject rights and access limits 13.06.2005 - Question 4 - Prohibition of in vitro fertilization 15.06.2003 - Abolition of the obligation for estate owner to tolerate road right for circuit lines 15.06.2003 - Referendum on the article 18 of labour law 07.10.2001 - Amendment of the Title V, second Part, Constitution (Deepening of Italian Federalism) 21.05.2000 - Abrogation of the electoral system for the composition of the "Consiglio Superiore Della Magistratura" 21.05.2000 - Abrogation of the career link possibility between Prosecutor and Judge 21.05.2000 - Abrogation of the norm on the reintegration of the work place 21.05.2000 - Abolition of the wage deduction for trade union and worker association 21.05.2000 - Abolition for Civil servant to have an second gainful employment 21.05.2000 - Abolition of the proportional method of 25% in the attribution of the seat at the Parliament 21.05.2000 - Abolition of the reimbursement of the referendum and electoral campaign cost 18.04.1999 - Abrogation of 1/4 of the Parliament seats in the respect of the proportional representation 15.06.1997 - Dismantling the Ministry of Agriculture 15.06.1997 - Dismantling the Government Association of Journalists 15.06.1997 - Ending the right to additional, extra-judicial professions for members of the Judiciary 15.06.1997 - Ending the Treasury's "Golden Share" in privatized businesses 15.06.1997 - Ending restricted access to Civil Service 15.06.1997 - Ending the right to trespass private property when hunting 15.06.1997 - Ending the right to automatic promotion for civil servants 11.06.1995 - Ending the restriction of State concessions to public TV stations 11.06.1995 - Complete reorganization of the administrative assemblies 11.06.1995 - Partial reorganization of the administrative assemblies 11.06.1995 - Revoking the Prime Minister's powers in matters pertaining to the representation of labor unions 11.06.1995 - Restricting house arrest for mafiosi to their proper residence 11.06.1995 - Abolition of municipal powers regarding liquor licenses 11.06.1995 - Ending the direct deduction of contributions to labor unions from salaries and pensions</p>

Country	Date and Content of Referendum
	<p>11.06.1995 - Abolition of elections in two rounds for municipalities of over 15'000 inhabitants</p> <p>11.06.1995 - Abolition of municipal powers regarding shop hours</p> <p>11.06.1995 - Revoking the law limiting the possession of TV stations to three</p> <p>11.06.1995 - Abolition of advertising interrupting TV programs</p> <p>11.06.1995 - Limiting the number of TV stations an advertising agency may operate with to three</p>
Latvia	<p>21.09.2003 - Adhesion to European Union</p> <p>13.11.1999 - Changes to the pensions law</p> <p>03.10.1998 - Ending facilitated naturalization</p>
Liechtenstein	<p>27.11.2005 - "Pro Life" (with counter proposal)</p> <p>04.04.2004 - Financing for the extension of the police building</p> <p>04.04.2004 - Cancellation of the subsidy for non-professional accident insurance</p> <p>16.03.2003 - Extension of the power of Hans-Adam II</p> <p>29.09.2002 - Space design law</p> <p>10.03.2002 - Credit for the music festival "Little Big One"</p> <p>10.03.2002 - transport policy</p> <p>24.09.2000 - Agreement with Switzerland on the tax for heavy truck link to the prestation</p> <p>18.06.2000 - Law on citizenship</p> <p>27.02.2000 - Law on housing construction</p> <p>31.01.1999 - Diminution of the "prime" for health-insurance</p> <p>09.04.1995 - Joining the EEA</p>
Lithuania	<p>11.05.2003 - Adhesion to European Union</p> <p>10.11.1996 - Purchase of agricultural land by certain legal bodies</p> <p>20.10.1996 - Compensation for lost assets prior to 1990</p> <p>20.10.1996 - Reducing the number of seats in parliament from 141 to 111</p> <p>20.10.1996 - Parliamentary elections on the second Sunday of April every four years</p> <p>20.10.1996 - "At least half the State budget going to ""citizens' social needs"" such as health, education, social security"</p>
Luxembourg	<p>10.07.2005 - Referendum on the European constitution</p>
Malta	<p>08.03.2003 - Adhesion to European Union</p>
Moldova	<p>23.05.1999 - More power for the President</p>
Netherlands	<p>01.06.2005 - Referendum on the European constitution</p>
Poland	<p>08.06.2003 - Adhesion to European Union</p> <p>25.05.1997 - Constitution</p>

Country	Date and Content of Referendum
	<p>18.02.1996 - Privatization Program 18.02.1996 - Extending the scope of mass privatization (National Investment Funds) 18.02.1996 - Investing the profit generated by privatization in the public pension fund 18.02.1996 - Financing pensions with the profit generated by privatization 18.02.1996 - Privatization by means of coupons</p>
Portugal	<p>08.11.1998 - Regionalization 08.11.1998 - Amsterdam Treaty 28.06.1998 - Legalizing abortion</p>
Romania	<p>19.10.2003 - New constitution</p>
San Marino	<p>03.07.2005 - Participatory quorum of 40% for parliamentary plebiscites 03.07.2005 - Participatory quorum of 40% for legislative initiatives 03.07.2005 - Not more than two preferential votes in the case of an election 03.07.2005 - Members of the government from outside the parliament 03.08.2003 - Reduction of the preference voices of three on one 12.09.1999 - Law on citizenship 22.09.1996 - Revoking article 5 of the Hunting Regulations 22.09.1996 - Reducing the maximum number of votes from 6 to 3 22.09.1996 - Ending the reimbursement of travel expenses for citizens living abroad 22.09.1996 - Electoral procedure for citizens living abroad 26.10.1997 - Prohibition of real estate firms as shareholding societies</p>
Slovakia	<p>03.04.2004 - Early general elections 17.05.2003 - Adhesion to European Union 11.11.2000 - Early Elections 26.09.1998 - No privatizations of strategically important enterprises 24.05.1997 - NATO membership 24.05.1997 - Creating military bases 24.05.1997 - Stationing nuclear weaponry 24.05.1997 - Direct presidential elections</p>
Slovenia	<p>08.12.1996 - Electoral system for parliament 10.01.1999 - The third steam electricity power plant TET 3 17.06.2001 - Artificial insemination for unmarried women 19.01.2003 - No subdivision of the railroads 19.01.2003 - Entire restitution of the too much paid telephone fees 21.09.2003 - Only ten Sunday salers per year 23.03.2003 - Adhesion to European Union</p>

Country	Date and Content of Referendum
	23.03.2003 - Adhesion to NATO 04.04.2004 - Technical law on the re-registration of citizens removed from electoral lists in 1992 25.09.2005 - Law on the state channel RTV Slovenija
Spain	20.02.2005 - Referendum on the EU constitution
Sweden	14.09.2003 - Referendum concerning Euro
Switzerland	There have been 104 referendums since 1995: http://www.admin.ch/ch/f/pore/va/liste.html
The former Yugoslav Republic of Macedonia	07.11.2004 - Referendum on Macedonia's territorial organization for the local self-government
Ukraine	16.04.2000 - President may dissolve the Parliament when no parliamentary majority are constituted or when the Parliament fails to approve the State budget 16.04.2000 - Restriction of the parliamentary immunity for people's deputies of Ukraine 16.04.2000 - Reduction of Members of Parliament from 450 to 300 16.04.2000 - Formation of second Chamber of the Parliament (bicameral system) representing the Ukrainian regions

Sources: C2D database and Beat Müller, ETH Zurich.