



Strasbourg, 1 June 2017

CDL(2017)022*

Study No. 887/2017

Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

STUDY ON REFERENDUMS
DRAFT QUESTIONNAIRE

On the basis on a contribution by

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QUESTIONNAIRE ON REFERENDUMS

[Each referendum must be the object of a separate questionnaire]

A. Date of the referendum

B. Question(s) put to referendum

1. 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]

1a. Was the vote on the adoption/abrogation of a specific constitutional/legal text if yes, which text in particular?

2. Was the principle of unity of content respected? (Code of Good Practice on Referendums¹ – hereafter Code -, III.2).

Please answer with a yes or no and explain briefly.

3. 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.

4. Did the formulation of the question suggest a clear answer?

Please rate from 1 - unclear to 10 - clear and explain briefly.

5. Were electors duly informed about the effects of the referendum?

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

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

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

C. 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 fraction of it...)?
- Held at the request of a section of the electorate (including following a popular initiative)?

¹ CDL-AD(2007)008rev.

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)

D. Rule of law and stability of the law

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)

E. Freedom of voters to form an opinion (Code, I.3.1 and par. 12ff)

1. Did the authorities – in particular the President and/or the Government – intervene in favour or against the proposal submitted to a referendum?

Please rate from 1 - did intervene to 10 - did not intervene and explain briefly.

2. Did they show enough neutrality so as not to be considered as providing excessive, one-sided campaigning?

Please rate from 1 - one sided to 10 - neutral and explain briefly.

3. Did the authorities provide objective information? (cf. Code, I.3.1.d)

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

4. Did the authorities use public funds for campaigning?

Please answer with a yes or no and explain briefly.

F. Access to media, financing and campaign (Code, I.2.2, and par. 8-10)

1. Was equality ensured in access to media, in particular radio and television broadcasts, including financial and other conditions for advertising?

Please rate from 1 - highly discriminated to 10 - equal treatment and explain briefly.

2. Was equality ensured in terms of public subsidies and other forms of backing? (Code, I.2.2.d)

Please rate from 1 - highly discriminated to 10 - equal treatment and explain briefly.

3. Was financing transparent? (Code, I.2.2.g) Who funded each side's campaigning?

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

4. How long was the referendum campaign?

5. On the basis of your replies to the previous questions, how would you assess the campaign overall?

Please rate from 1 - highly manipulated to 10 - absolutely free suffrage and explain briefly.

G. Quorum and turnout (cf. Code, III.7)

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

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

I. Effects of the referendum (Code, III.8)

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 approval?
3. Was the position of the authorities at stake?

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

J. 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 address the formulation of the question and/or the content of the text submitted to the people's vote?

K. Freedom of voters to express their wishes (Code, I.3.2)

How would you rate that aspect from a technical standpoint on a scale from 1 - openly biased suffrage to 10 - absolutely free suffrage? Please explain briefly.