Scottish Popular Sovereignty

and

Modern Direct Democracy (DD)

Contents

Foreword

Why Direct Democracy Matters - A Case Study

The most striking recent example of Direct Democracy (DD) in Scotland is one that succeeded in keeping Scotland's water clean in the 1990s. The following case study recalls how one Scottish Region - Strathclyde - launched an exceptional Referendum to effectively defeat Westminster's proposed law. In the context of a future Scottish Constitution based on DD, one could ask:

*"Shouldn't the **People** always have the right to launch a referendum against proposed legislation which is obviously against their will? In such cases, shouldn't it be up to the **People**, rather than the Local Authority, to act in accordance with their DD Political Rights?"*

However, to be realistic, the People can't organise referendums all on their own and that's why we've called the necessary cooperation between People and Regions Decentralised Direct Democracy (DDD). Here's how the **People** and Region, working together, overcame Central Government:

Clean water is an essential public good and a prerequisite for public health. In 1850s London, John Snow traced a deadly cholera outbreak to a Soho water pump with research that linked the disease to dirty water. A few years later, businessman turned politician Joseph Chamberlain warned that turning a nation's water supply over to private companies would be a disaster since they would put profit above public health.

A century later, in 1989, Margaret Thatcher's government sold off England's ten public water utilities to the private sector. English water companies are now owned by foreign governments, pension funds and private equity investors, who have boosted shareholder dividends - £72 billion since privatisation - with complex corporate structures involving offshore tax havens. The companies are lumbered with billions in debt and water prices have risen 40% in real terms. Infrastructure underinvestment means 20% of all water is lost to leakages and 86% of English rivers fail to meet safe standards due to rampant sewage dumping.

England is the only nation in the world to have fully privatised its water supply. By contrast, Scotland's water has remained publicly owned and Scots enjoy far cleaner and cheaper water as a result.

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In 1994, the Conservative Government in London planned to sell off Scotland's water. It passed the Local Government Scotland Act of 1994, which removed regional council control over the water supply and set up three regional water authorities as a prelude to privatisation. However, polls showed that around 90% of Scots strongly opposed the sell-off.

The Strathclyde Regional Council, Scotland's largest, most powerful council containing half of Scotland's population, took note and organised a postal referendum of residents asking them if they agreed with the UK government's proposal. 71.5% of all voters - 1.2 million people - took part and 97.2% voted NO in what was the biggest council referendum ever held in the UK. The government backed down and Scotland's water stayed in public hands.

Two years later, John Major's government abolished Strathclyde Regional Council, removing a rival political power centre and consolidating Westminster's stranglehold over Scotland.

The Strathclyde water referendum showed that if the People are allowed a voice and a mechanism to exercise their voice, their will can prevail, serve as a check on political power and hold politicians to account. But had the Strathclyde Regional Council not taken the initiative, Scotland's water would have been privatised like England's. That's why a governance model based on Popular Sovereignty would guarantee that the People always have the last word.

Scotland's constitution, embodied in the 1689 Claim of Right, says that the People are Sovereign, but we've lost the institutions and mechanisms that would reanimate Scottish popular sovereignty. Scotland urgently needs a Political Rights Act to embed DD governance practices in the country's legislative framework. Such an act would, for the first time, give real meaning to the oft-quoted House of Commons resolution of 4th July 2018: *"That this House…..acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs."*

Leah Gunn Barrett
Edinburgh, Scotland

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1. Introduction

As Scotland inches its way towards a Constitutional Convention, it's time for the Scottish People to move into action but that's difficult, given the lack of Political Rights - particularly the **direct** rights referred to below.

With the exception of the rights to launch and sign Petitions and stand for election, the Scottish People currently have no **direct** Political Rights on national matters such as the right to Initiatives (to launch proposed constitutional changes) or to Referendums (to accept or refuse proposed legislation). Over time, such political levers would allow the People to shape the future of their nation.

In large part thanks to the efforts of Salvo-Liberation, the Scottish electorate is becoming increasingly aware that its constitutional future will be built on a foundation of Popular Sovereignty. The Scottish government, in its June 2023 publication "Creating a modern constitution for an independent Scotland", has emphatically embraced Popular Sovereignty (referred to in the following pages as Modern Direct Democracy ("DD")) so there can be little doubt about Scotland's national direction of travel.

In order to properly reflect the popular will, it is essential that, from the outset, the future Constitution ensure that the system of National Governance is fit for purpose and the People have a critical role to play in its definition and the manner in which it is kept up to date. However, as of right now, the Scottish electorate is badly informed as to (i) what Popular Sovereignty can actually mean in reality, and (ii) how one can go about designing and implementing such a system.

To help fill this information gap, the following pages guide the reader through the various forms of DD throughout the world, including the many available democratic tools, such as Initiatives and Referendums, and then describes the DD model as it has been applied for many years in the country with the most practical experience - Switzerland.

Amongst the very first questions the Scottish electorate should consider when reading about the Swiss model is where the future Scottish Constitution should place the country's political centre of gravity – in Edinburgh / Holyrood or with the People and the Regions? We've called the answer to that question, which is clearly demonstrated by the Scottish water case study described previously, Decentralised Direct Democracy or, in short, DDD.

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To illustrate how the People's direct Political Rights can influence National Governance, the Swiss framework is summarised as follows (Population thresholds are shown for their proportional Scottish equivalent; Direct & Decentralised Democracy in blue, Parliamentary Democracy in red):

- *The People control the Constitution*
  100,000 (proportionally 80,000 in Scotland) may propose a totally new Constitution within 18 months from official publication of their Initiative; a majority popular vote is required to approve the proposal. This is the cornerstone of Popular Sovereignty (Direct Democracy (DD)) through which new National or Cantonal Constitutions are developed (i.e. Constitutional Conventions).

- *The People and Regions jointly control changes to the Constitution*
  100,000 (80,000 in Scotland) may propose partial changes to the Constitution within 18 months; a double majority of People and 26 Cantons *(Regions)* is required to approve such changes. This is what is often referred to as Decentralised Direct Democracy (DDD).

- *Parliament and Government draft legislation and statutory instruments*
  Parliament and Government draft laws and statutory instruments to implement approved constitutional changes and other normal business of government.

- *The People and Regions control Parliament and Government*
  50,000 (40,000 in Scotland) voters or any 8 Cantons *(Regions)* may launch a referendum contesting virtually all proposed legislation or certain statutory instruments within 100 days from official publication of the approved Bill; a majority popular vote is required to approve or reject proposals.

The above constitutional framework, which ensures that the People and Regions control the entire political process from A to Z, 365 days per year, would almost certainly tick all the Scottish Claim of Right compatibility boxes.

At the same time as the reader is thinking about the political centre of gravity mentioned previously, he or she might also like to reflect on the issue of where sovereignty lies in the formal sense. The Swiss model firmly anchors sovereignty with the two decentralised players - the People (*implicit* in the overall popular control of the Constitution) and the Regions (*explicitly* mentioned as Sovereign in the Constitution) - leaving Parliament and Central Government to perform the tasks assigned to them by the Constitution - and no more - within the constitutionally defined framework of National Governance.

Finally, it's worth emphasising that the accompanying pages are entirely non-political. They set out DD and DDD processes and tools which can be adopted and implemented by parties of any political persuasion.

Henry B. Ferguson
Sion, Switzerland

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The Scottish Government is to be congratulated for its timely publication (June 2023) "Creating a modern constitution for an independent Scotland" in which it states (Pg. 12):

In the Scottish constitutional tradition, the people are sovereign.

This means that the ultimate source of political power should be people in Scotland themselves, and that those who exercise power should do so on their behalf and with their consent.

When setting out what could be in a future constitution, the government paper goes on to say (pg. 29):

That sovereignty lies with the people will be the fundamental political, constitutional and legal organising principle of an independent Scotland.

It is a principle charged with historical resonance, affirming the historic Scots constitutional tradition that Monarchs and parliaments are the servants of the people.

And, finally, the paper refers to Political Rights as follows (pg. 39):

The Constitutional Convention may also want to consider further provisions on public participation, reflecting the right to public participation in public affairs as expressed in Article 25 of the International Covenant on Civil and Political Rights.

For the reader's information, Art. 25 - which is not quoted in the government paper - states:

*Every citizen shall have the right and the opportunity … to take part in the conduct of public affairs, **directly or through freely chosen representatives.***

2. Our Point of View

We believe it is the right of every citizen to take part **directly** in the conduct of public affairs whereas the Scottish Government, in the above publication, has implicitly opted to retain the existing system under which citizens' political rights are exercised, **by unrestricted proxy, through freely chosen representatives.**

The Government paper makes no mention of what is commonly referred to as Modern Direct Democracy (DD) and the objective of the following pages is to inform the Scottish electorate and politicians what such an alternative system of National Governance would mean for the Scottish People and its elected representatives.

3. What does DD mean?

Popular Sovereignty is the fundamental principle underlying Scotland's Constitution, and Direct Democracy describes the collection of instruments and processes which implement that principle. Like the International Covenant on Civil and Political Rights mentioned previously in the ScotGov paper, The Universal Declaration of Human Rights states:

"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives."

This declaration is the starting point for each of the two Direct Democracy passports presented in the following pages.

3.1 A three-step introduction to DD

An introductory overview of DD is presented through the use of two virtual passports – one Global and the other Swiss – which, together, provide comprehensive easy-to-read information on the topic. A third resource, addressed to the reader who's looking for more in-depth information, analyses, case-studies and historical background, the "Guidebook to Modern Direct Democracy in Switzerland and Beyond…," can be considered as the definitive reference on the subject. This guidebook is included in the Further Reading section at the end of this DD education space.

3.2 National Governance

From a first reading of the above material it may not be immediately evident how important the system of National Governance is to successful DD. The pervasive effect of the "background music" should not be underestimated. There is little doubt that for DD to function well, the current conflictual political model in Scotland (i.e. Government vs Opposition parties) is not optimal because it is inherently unstable. Additionally, there are little or no constitutional safeguards against the appointment of inexperienced or, even worse, incompetent Ministers.

Under the current system, Governments and Ministers come and go over a relatively short period of time whereas National Governance is a long-term business. Ideally, therefore, DD would be implemented in a more consensual political environment possibly involving, as in many countries around the world, government by some form of coalition.

Most European nations use a form of proportional representation that allows other political parties and points of view to emerge, unlike the UK's 'first-past-the-post' system that precludes a diversity of voices and fuels political conflict rather than compromise.

A number of European countries successfully operate using coalition governments - Germany immediately comes to mind - and, in at least one, Switzerland, the coalition format is imposed by the People in the Constitution. Rather than speak of government by coalition, the attached SwissInfo article and video describing The Magic Formula emphasises government by consensus.

Switzerland's system of National Governance is perhaps best summed up by the Federal Chancellor's words in his introduction to "The Swiss Confederation – a brief guide 2023":

*"In Switzerland you don't have to topple a government or dissolve Parliament to shift political course – all you have to do is stand on the street and gather signatures to trigger a referendum. Or, to put it more succinctly: **other countries cling firmly to their constitution and change their governments. We hold on to our government and instead change the constitution**."*

The entire booklet can be accessed through the Further Reading section at the end of this education space.

4. A global overview of DD and a national example

DD comes in a number of shapes and sizes and in this section the reader will find information on global DD - what are the various models practised around the world and where - and will be able to make up his or her own mind as to where best to look for further information.

For reasons that will become apparent as one reads the Global DD Passport below, we have chosen to use Switzerland as the best example of DD in practice. The Swiss DD Passport provides specific details on how that works in a country like Scotland, which has Popular Sovereignty as its fundamental governance principle.

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4.1 Global passport to modern direct democracy

The Global Passport to Modern Direct Democracy offers basic information about the tools of modern DD. It introduces key definitions, describes various tools, and includes recommendations on how to use initiatives, referendums and plebiscites.

It also highlights that, according to International IDEA's Direct Democracy Database, between1980 and mid-2017, a total of 1,707 nationwide popular votes on substantive issues had taken place worldwide: 1,042 in Europe (including 627 in Switzerland), 187 in Africa, 185 in Asia, 176 in the Americas and 113 in Oceania. So, Switzerland clearly has the most experience worldwide with successful DD.

After exploring the available DD toolkit (Referendums, Initiatives, Recall, etc.), the Passport offers seven simple recommendations to assist readers as they interact, in whatever capacity (citizen, legislator, administrator, journalist, etc.), with modern DD procedures and practices.

The Passport then concludes with some useful internet addresses for further research and cites Switzerland as a natural reference point and support centre.

4.2 Swiss Democracy Passport

The 2nd edition (2022-2023) of the Swiss DD passport provides an excellent description of the major factors behind successful DD today and is a must-read for both ordinary citizens and politicians alike.

It includes interesting historical information and international comparisons about wellbeing and trust in government. In particular, the passport highlights the interplay of direct (citizen-driven) and indirect (parliamentary) democracy by explaining DD principles, procedures and practices on all political levels.

The Presidential Foreword sets the tone: *"…As a longstanding direct democracy and multi-cultural society, the case of Switzerland highlights what direct democracy can achieve. It increases popular support for political decisions. It also forces all stakeholders to compromise in order to assure popular majorities on specific issues."*

The following Pages 14 - 23 are particularly recommended: *"Switzerland's fascinating interplay between direct and indirect democracy"* is essential reading for Scottish citizens and politicians alike.

Likewise, the section *"Why Do the Swiss Trust their National Government?"* (Pgs. 28 - 30) should make for interesting reading for both citizens and MSPs. And readers will certainly be interested to see that, of the 43 countries rated in the OECD-Gallup Poll 2019 survey of popular trust in their national government, Switzerland was rated No. 1 and the UK 25th (unfortunately Scotland is not separately rated).

This passport is packed with interesting and useful information and the 30-40 minutes involved in reading the entire booklet is time well spent.

5. The Swiss DD toolkit

Switzerland's DD toolkit comprises Popular Initiatives and Referendums (Art. 136 of the Swiss federal constitution):

5.1 Popular initiative

Should the population, or any part of it, feel that Parliament is ignoring an important - often strategic - issue, then a Popular Initiative can be launched proposing either partial amendment or even a total revision to the existing Constitution. To allow sufficient public debate, the timing is longer than for a referendum (18 months) and the launching signature threshold is higher (100,000). Initiatives to partially amend the Constitution are subject to the double majority whereas a total revision requires only a majority vote of the People. Successful initiatives are immediately incorporated in the Constitution although implementation may take longer.

The most frequent initiative themes are healthcare, taxes, welfare, drug policy, public transport, immigration, asylum, and education, although, since the constitution is extremely comprehensive, there are virtually no limits to topics which can be raised.

5.2 Referendums

5.2.1 Mandatory Referendum

The current Constitution, approved by the People in 1999 (prior to that, 1874 and 1848), enshrines the right to launch a popular vote (referendum) however, in the case of *government-proposed constitutional amendments, accession to security and supranational entities and certain emergency legislation,* these must be approved by a "double majority" of the People and the Cantons under what is called a Mandatory Referendum.

If the government proposal is accepted, no further popular action is required. However, if the proposal is rejected, then it is either dropped or an acceptable political compromise is found.

The French, Italian and Romansh-speaking Swiss minorities view the double majority requirement for constitutional amendments as an essential protection against the 70% German-speaking majority. A future independent Scotland could adopt a similar mechanism to protect the interests of the Highlands and Islands and/or Orkney and Shetlands.

5.2.2 Optional Referendum

Both the People and any eight Cantons may also launch an Optional Referendum attacking *any proposed new law, certain government decrees and certain international treaties.* The referendum aspect of the People's power is therefore one of rejection and, because the issue concerned has already been discussed in Parliament and media, the time required for launching a referendum is short (100 days after approval of the new law by Parliament) although the launching signature requirement (50,000) is relatively easy to reach. Taking account of Switzerland's higher population (8.7 million compared to Scotland's 5.5), comparable signature thresholds for Scotland would probably be around 40,000 and 80,000 for referendums and initiatives, respectively.

6. National Governance

For the DD tools to function successfully it's essential that all players concerned - People, Cantons *(Councils or Regions in Scotland)*, Parliament and Government - sing off the same song sheet and that everyone recognises that the most productive song is one entitled "Consensus and Mutual Respect." By so doing, they collectively subscribe to the notion of what in Scotland was at one time referred to as the "Common Good." - everyone recognises that they are all working in the national interest.

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The Swiss version of Common Good ultimately leads, for example, to a society in which business owners and trade unions refer to each other as "Social Partners" (and, by common consent, strikes are therefore virtually unknown) and ALL Politicians - including the President - refer to the People as "The Sovereign".

The Swiss National Governance framework in which the People and Regions hold all the levers of power from A to Z, 365 days a year, works as follows (references are to the Swiss Constitution available under Further Reading. Direct & Decentralised Democracy in blue, Parliamentary Democracy in red):

- *The People control the Constitution (Art. 138)*
  100,000 (proportionally 80,000 in Scotland) voters may propose a totally new Constitution within 18 months from official publication of their Initiative; a majority popular vote is required to approve the proposal. This is the cornerstone of Popular Sovereignty (Direct Democracy (DD)) through which new National or Cantonal *(Regional)* Constitutions are developed (i.e. Constitutional Conventions).

- *The People and Regions jointly control changes to the Constitution (Arts. 139 & 140)*
  100,000 (80,000 in Scotland) voters may propose partial changes to the Constitution within 18 months; a double majority of People and 26 Cantons *(Regions)* is required to approve such changes. This is what is often referred to as Decentralised Direct Democracy (DDD).

- *Parliament and Government draft legislation and statutory instruments*
  Parliament and Government draft laws and statutory instruments to implement approved constitutional changes and other normal business of government.

- *The People and Regions control Parliament and Government (Art. 141)*
  50,000 (40,000 in Scotland) voters or any 8 Cantons *(Regions)* may launch a referendum contesting virtually all proposed legislation or certain statutory instruments within 100 days from official publication of the Bill approved by Parliament; a majority popular vote is required to approve or reject proposals.

Four key elements, also defined by the People and the Cantons *(Regions)* in the Constitution, support this framework:

- An imposed seven-member Government;
- A two-house Federal Assembly (Parliament: People and Cantons);
- Government members elected by the Parliament every four years;
- A Presidency rotating annually among the seven members.

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The seven-member government is a multi-party coalition in which the four main political parties are represented. The allocation to parties is based on a long-standing gentleman's agreement between the four main parties from socialist (left) to ("moderate") far right and referred to as [The Magic Formula.](#) This system condemns the seven members to work together, in a collegial fashion, in the national interest.

Parliament can select government members (referred to as Ministers) from the entire electorate, not only from MPs, so each party picks its best and most representative candidates. In electing the Government, Parliament must ensure that the various geographical and language regions of the country are appropriately represented. Government ministers are competent and experienced individuals - usually seasoned politicians - and turnover is extremely low. "Sacking" by Parliament is almost unheard of (only four times since 1848, most recently in 2007) and each minister is in charge of one department of which there are therefore only seven.

Parliamentary seats are attributed to Cantons based on a constitutionally defined allocation - 200 representatives for the National Council (People) and 46 for the Council of States (Cantons). Members of the popular assembly are elected according to the party preferences of the electorate and, at least in principle, they are part-timers.

The Presidency rotates annually and the President's main task is to chair the weekly government meetings - he or she has no additional powers and is merely a first among equals. In terms of protocol, the President is the country's international representative but, each within his or her departmental competence, all ministers maintain international relations. There is no "First Minister" as such - only the President - so each minister is transparently and entirely responsible for his or her department. The system works well and avoids the "prima donna" First or Prime Minister factor embedded in the current Scottish and UK parliamentary systems, respectively.

Conclusion

No perfect national governance model exists. But if one believes the People should exercise ultimate control over their government, then Direct Democracy is the only system that gives them that ability. Direct Democracy inverts the power pyramid and puts the People where they belong - on top.

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7. Further Reading & Resources

The reader may find the following additional sources of information useful:

7.1 *Human & Political Rights in Scotland*

Clearing the smoke.pdf

Universal Declaration of Human Rights 1948.pdf

International Covenant on Civil and Political Rights 1976.pdf

UN Committee on Human Rights, General Comment 25 1996.pdf

7.2 *The most informed and detailed reference on Modern DD:*

Guidebook to Direct Democracy in Switzerland and Beyond.pdf

7.3 *Comparative legal forms of Direct Democracy in over 100 countries:*

Direct Democracy Navigator

7.4 *Swiss DD fundamentals:*

The framework of Swiss National Governance.pdf

The strengths of a 'weak' Swiss government

The Swiss Confederation - a brief guide 2023.pdf

Study - The Structures of Popular Sovereignty.pdf

Flyer - A Brief Summary of the Swiss Constitution.pdf

Swiss Federal Constitution (as of 01.01.2024).pdf

Swiss Federal Act on Political Rights (as of 23.10.2022).pdf

ABC of Swiss Political Rights (2012).pdf

7.5 *Global Forum on Modern Direct Democracy:*

Global Forum on Direct Democracy 15-18 May, 2024

7.6 *Democracy Tours to Switzerland:*

Study and briefing tours on modern participatory and direct democracy

8. Political Rights and Direct Democracy - Glossary of Terms
(Special thanks to Alex Thorburn of Salvo-Liberation for his assistance)

A

Abrogative referendum

A popular referendum by means of which voters may retain or repeal a law or decree that has been agreed and promulgated by the legislature and already implemented.

Such a referendum is known as the people's veto in the U.S. state of Maine.

Accumulating

In electoral constituencies that are allocated more than one seat in the Swiss National Council, entering the name of the same candidate twice on a ballot paper.

Additional vote

Vote counted for a blank line on a ballot paper that contains fewer valid votes for candidates than the number of seats to be allocated in the constituency, which is given to the electoral list whose designation or reference number is entered on the ballot paper.

Administrative referendum

A popular referendum on an administrative or governmental decision made by parliament.

The Finance referendum is one kind of administrative referendum widely used in Swiss cantons and municipalities.

Admissibility of initiative

The legal right to conduct an initiative within the powers of the decision-maker to whom the initiative is addressed. In the context of international law and human rights the admissibility factor is dealt with very differently under different jurisdictions.

Whereas in Germany or Hungary, for example, the check on admissibility is carried out before an initiative is registered, in Switzerland (by parliament) or the US (by courts) this is done after the submission of an initiative.

Advance voting

Voting on days before the polling day permitted by Swiss cantonal law, which allows the polling stations to open for a certain time or permits persons eligible to vote to hand in their ballot papers in a sealed envelope at a public office.

Agenda (setting) initiative

An agenda initiative is the right of a specified number of eligible voters to propose to a competent authority the adoption of a law or measure; the addressee of this proposal and request is not the whole electorate but a representative authority. In contrast to the popular initiative, it is this authority which decides what is going to happen to the proposal.

An agenda initiative can be institutionalized in a variety of ways: for example, as an agenda initiative without a popular vote; as an agenda initiative followed by a consultative or binding plebiscite; or as a popular submission ("Volksmotion"). The popular submission can be the equivalent of a parliamentary motion; if adopted, it can also be treated like a popular initiative (this is the case in the Swiss canton of Obwalden).

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Alternative proposal - See counter-proposal.

Approval quorum

A requirement for passing a popular vote which takes the form of a minimum number or percentage of the entire electorate whose support is necessary for a proposal to be passed.

Assembly democracy

Democratic system where eligible voters exercise their political rights in an assembly. Assembly democracy – the original form of democracy in ancient Greece – is widespread in Switzerland.

There are citizens' assemblies in the majority of communes. In two Swiss cantons (Glarus and Appenzell Inner-Rhodes), popular assemblies are held at the cantonal level.

In Appenzell Outer-Rhodes the citizens rejected in June 2010 an initiative to reinstall the popular assembly.

Authorities' minority initiative

A popular vote procedure and a political right that allows a specified minority of an authority (e.g. one third of the parliament) to put its own proposal on the political agenda and let the people decide on it by a popular vote.

Authorities' minority referendum

A popular vote procedure characterized by the right of a minority of a representative authority to put a decision made by the majority in the same authority before the voters for approval or rejection. This procedure enables a minority of a representative authority to step on the brakes and give the final say to the voters.

B

Ballot initiative

Term used in the U.S. to describe a citizens' initiative. See Popular Initiative.

Ballot measure

An issue brought forward to a popular vote by all three types of Modern Direct Democracy: Initiatives, Referendums and Plebiscites.

Ballot paper

a) The official ballot paper, on which voters mark or indicate their choice, e.g. indicate with a Yes or No whether they accept or reject the referendum proposal.

b) For elections: the official form which eligible voters must use for elections.

For the elections to the Swiss National Council, voters can fill out a special, non pre-printed form themselves, and may change the form or make additions to it.

Ballot text

Text which appears on the ballot paper, typically in the form of a question or a series of options. For a referendum it may be a specified question text, or a question seeking agreement or rejection of a text; for an initiative, a question asking for agreement or rejection of a proposal identified by the title of the popular initiative; for a recall, a question asking for agreement or rejection of the early termination of office of a specified office holder.

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Binding

Description of a popular vote where, if a proposal passes, the government or appropriate authority is legally compelled to implement it.

Bicameral system; two chamber system

Constitutional system in which parliament comprises two chambers, which was introduced in Switzerland on foundation of the Swiss federal state in 1848 based on the US constitutional system, and in which the larger chamber, the National Council, representing the People, and the smaller chamber, the Council of States, representing the Cantons, are of equal standing.

Bond measure

The term given in the U.S. to a measure – either a popular initiative or a measure referred by the legislative body – that asks voters to authorize borrowing. Bond measures are common in the country because of state and local restrictions on public borrowing without voter approval.

By-election

Election that is held during the legislative period in the Swiss National Council or Council of States when a seat becomes vacant because the former incumbent was elected under the first-past-the-post system and no substitute is therefore available.

C

Candidate

Person who stands for election and who satisfies the constitutional and legal requirements in order to do so.

Candidate vote; personal vote

Vote that a candidate receives when his or her name is written on the ballot paper.

Canton

A member state of the Swiss Confederation. The cantons – also frequently referred to in Switzerland as the "states" – are the original states which joined together in a federation in 1848.

Switzerland has 26 cantons.

Cantonal Initiative

Non-binding right of submission of a proposal by a Swiss canton. Any canton may submit a draft decree for approval by the Federal Assembly or suggest that a proposal be worked up into a formal bill. In a number of cantons, the cantonal initiative can be demanded via a popular initiative.

Cantonal Majority

In the case of a mandatory referendum in Switzerland, a majority of the cantons is required, in addition to a popular majority, in order for the proposal that has been submitted to the People to be accepted. It is accepted when the popular vote has been in favour of the proposal in a majority of the cantons.

In calculating the majority, the results in the cantons of Obwalden, Nidwalden, Basle City, Basle Country, Appenzell Outer-Rhodes and Appenzell Inner-Rhodes each count as half a cantonal vote.

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Chambers (of the bi-cameral parliament)

In Switzerland the Council of States and the National Council each form one chamber of the parliament.

Citizen-friendly

In the context of initiatives and referendums, the degree to which the rules on thresholds, hurdles, quorums, voting methods etc. make the process as free, fair and accessible as possible for the eligible voter.

Citizen-initiated referendum - See popular referendum

Citizens' initiative - See popular initiative

Collection of statements of support - See signature gathering

Compulsory voting

Duty of the eligible voters to participate in the election or referendum vote.

The voter may cast a blank vote, i.e. not choose any of the given options. In some countries where voting is considered a duty, voting has been made compulsory and sanctions on non-voters are imposed.

In Switzerland, compulsory voting is known in the canton of Schaffhausen. Non-voters face a fine of 3 Swiss Francs. A fine sanction for non-voters is also known in other countries, e.g. Austria, Australia, Belgium, Chile, Cyprus and Thailand. In some countries with compulsory voting the non-voter has to provide a legitimate reason for his/her abstention to avoid further sanctions, if any exist (e.g. in Egypt, Liechtenstein, Luxembourg, and Turkey).

Consensus democracy

A form of democracy which aims to involve as large a number of players (political parties, trade unions, minorities, social groups) in the political process as possible and to reach decisions by consensus.

Because it is relatively easy to overturn a parliamentary decision by means of a popular referendum, both parliament and – even before the matter is debated in parliament – also the government must look for compromise solutions which will satisfy all the important political groups capable of launching a referendum. It was the popular referendum which led historically to the formation of consensus democracy.

Consociational democracy

Democracy in which all the important political parties are included in the decision-making process and are represented in the main political posts and in leading positions in the administration, armed forces and judiciary in approximate proportion to their representation in parliament.

Constitutional referendum

Mandatory referendum required to approve any amendment to the Swiss Federal Constitution or a cantonal constitution.

Constructive referendum

A popular referendum combined with a popular counterproposal. The constructive referendum gives a certain number of eligible voters the right to present a counter-proposal to a decree which is subject to the optional referendum. The counter-proposal is presented together with the decree.

In Switzerland this possibility currently exists in the cantons of Berne, Nidwalden and Zurich. It is also known in the City of Lucerne.

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Council of States

The smaller chamber of the Federal Parliament (Federal Assembly) in Switzerland, comprising 46 members.

The Council of States is the chamber representing the cantons because its members act as delegates of their respective cantons.

Nowadays, the members of the Council of States are elected in their cantons by the citizens there who are eligible to vote, in the same way as the members of the National Council, but according to regulations laid down under cantonal law.

Counter-proposal

A proposal to be presented to a popular vote as an alternative to the proposal contained in a popular initiative or referendum. The counter-proposal may originate in the legislature or with a given number of citizens.

In Switzerland the Federal Assembly may submit a counter-proposal both to a general popular initiative and to a formulated popular initiative in the event that it wishes to address the concern raised in the popular initiative but wants to deal with the matter in a different way from that proposed by the authors of the initiative. In such a case, a vote is held in accordance with the rules on the "double yes" vote.

D

Deciding question

Where an original proposal and a counter-proposal are to be voted on in the same vote, there is the possibility of a "double yes" result, as voters may vote in favour of both proposals.

In such cases, the deciding question is used to determine which version should be implemented, should both proposals be approved.

Deletion

Alteration of a ballot paper by the voter by crossing out the names of candidates appearing on the list.

Direct counter proposal

Draft amendment to the Swiss Federal Constitution that the Federal Assembly may make in response to a popular initiative, provided the draft relates to the same subject matter and answers the same question as the initiative, with the result that the People and the cantons may, when voting on the initiative, approve both the initiative and the counterproposal as being preferable to the current law and then indicate in response to a deciding question which of the two proposals they prefer if both are approved.

Direct democracy

Direct democracy gives citizens the right to exercise popular sovereignty directly. There exist two types of direct democracy, modern and pre-modern.

Pre-modern direct democracy was born in ancient Athens and has been practiced in the form of classical assembly democracy.

Modern (direct) democracy differs in many ways: it is individualistic, not associational; it is seen as a universal human right, not as a privilege.

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Direct democracy procedure

Procedures which:

a) include the right of citizens to participate directly in the political decision-making process on issues, and

b) at the same time are designed and work as instruments of power-sharing which empower citizens.

Two types of procedure can be distinguished: initiative and referendum. Each type of procedure exists in different forms, and each form can be institutionalized (legal design) in various ways.

Forms of initiatives are: citizens' initiative (popular initiative), which may also be combined with a counterproposal (usually by parliament), agenda-setting initiative.

Forms of referendums are: citizen-initiated referendums (popular referendums), referendums initiated by a minority of a representative authority, obligatory (mandatory) referendums.

Direct election

Election directly by the People and not by already elected representatives.

Direct legislation

Traditional U.S. term for laws and constitutional amendments enacted directly by the people, either through ballot initiatives or legislative referendums.

Double majority

Requirement for a proposal to pass which includes both a majority of the overall total of votes cast and a majority of the votes in at least a specified proportion of defined electoral areas.

In Switzerland a double majority of People and States (cantons) is required for obligatory referendums. In other words, in order to be accepted, a majority of cantons must have voted in favour, in addition to an overall majority of all those citizens who voted. This means that all the votes cast are counted twice: once for the overall number, and then for each separate canton.

This is the key component of what is referred to as Decentralised Direct Democracy.

"Double yes"

If a counter-proposal in response to a popular initiative is submitted, the voters may approve both the counter-proposal and the initiative and at the same time indicate which of the two they would prefer if both are approved. The proposal (initiative or counterproposal) that is ultimately accepted is that which receives the most "Yes" votes.

E

Election

Procedure by which the members of certain public bodies or other public offices are appointed based on the votes cast in their favour by those eligible to vote or by the members of an electoral body (e.g. the Swiss Federal Assembly or the Federal Council).

Election based on proportional representation; election based on a system of proportional representation

Election in which the seats are allocated among the parties in proportion to the number of votes cast in their favour.

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Election based on the simple majority system; election based on the first-past-the-post system

Electoral system in which the seats to be allocated go to those obtaining either the most votes or more than half of the votes cast.

Election to the Council of States

Election based mainly on the first-past-the-post system according to which the cantons elect their representatives to the Swiss Council of States.

Election to the National Council; National Council election

Direct election by the People of the 200 members of the Swiss National Council based on a system of proportional representation.

Electorate

The People; voters. All those who have the right to vote.

Eligibility for election; right to be elected

The right of a citizen who has attained the age of majority to stand as a candidate for election (e.g. to the Swiss National Council, the Swiss Federal Council or the Swiss Federal Supreme Court).

Eligible voter

Person eligible to vote.

Person who exercises his/her right to vote in an election

Anyone who has the right to participate in elections also has the right to participate in popular votes, and to sign a popular initiative or referendum request.

Elimination vote; run-off vote

Second round of an election based on the first-past-the-post system, decided by a relative majority and held if an insufficient number of candidates have achieved an absolute majority in the first round of voting.

European citizens' initiative

The European Citizens' Initiative allows 1 million citizens from at least a quarter of the EU Member States to ask the European Commission to propose legislation in areas that fall within its competence. The organisers of a citizens' initiative – a citizens' committee composed of at least seven EU citizens, resident in at least seven different Member States – have one year to gather the necessary support.

E-voting

Form of voting where the voters are able to vote with the aid of a special electronic voting system by completing an "electronic ballot paper", which is then sent via a data network to the office responsible for the vote. Estonia is the first country in the world where legally binding e-elections have been made possible.

Executive power

According to the principle of the separation of powers, the power to implement the law made by parliament and to run the administration. In Switzerland, this power is exercised at federal level by the Federal Council, in the cantons by the cantonal councils, and in the communes by the communal councils.

Exercising the right to vote

Participation in elections to the Swiss National Council and in federal popular votes and signing popular initiatives and requests for referendums in federal matters.

F

Facultative referendum - See popular referendum

Federal Act

Act adopted by the Swiss Federal Assembly on the basis of an authorisation or mandate contained in the Federal Constitution or a proposal made by the People, the Parliament or the Federal Council, which is subject to a referendum and is normally unlimited in its duration, unless it is declared urgent and passed by the relevant procedure.

Federal Assembly; Federal Parliament

Supreme legislative authority of the Swiss Confederation, which comprises two chambers of equal standing, the National Council and the Council of States.

Federal Chancellery

As the general administrative office of the Swiss Federal Council, the Federal Chancellery coordinates Federal Council business and is also the office of the President of the Confederation.

In addition, it has special responsibility for political rights, is in charge of official publications (Federal Gazette, compilations of federal legislation) and coordinates the release of information to the public and the translation services for the Federal Administration. The Federal Chancellery is headed by the Federal Chancellor.

Federal Constitution of the Swiss Confederation; Swiss Federal Constitution; Federal Constitution

Supreme legislative act of the Confederation that forms the legal foundation for all other legislation and for the federal structure of the state, and which regulates the fundamental rights and duties of citizens and of the entire population as well as the structure and powers of the federal authorities. A total revision can be initiated by 100,000 eligible voters and approved by a majority of the People whereas any amendment thereof must be submitted to the People and the Cantons for approval (mandatory referendum subject to the Double Majority).

Federal Council (government)

The national government, i.e. the highest authority of the executive in the Swiss Confederation (executive power).

The Federal Council has seven members who are elected by the United Chambers of the Federal Assembly and has the task of managing and supervising the Federal Administration. The Federal Chancellor is head of the general administrative office of the government, the Federal Chancellery. The Federal President chairs the meetings of the Federal Council and serves for one year.

Federal Court

The highest authority of judicial power in the Swiss Confederation.

The Federal Supreme Court, as the supreme court of appeal, is responsible for ensuring that court decisions conform to the Constitution and is the only court with jurisdiction in federal law cases that cannot be dealt with by cantonal courts, e.g. those relating to certain criminal offences against the state.

The various chambers of the Federal Supreme Court are specialised courts in a variety of legal fields such as those of bankruptcy, civil, criminal and administrative law. The Federal Insurance Court in Lucerne has jurisdiction in cases relating to social insurance law.

Federal law / federal act; Federal decree / Decree of the Federal Assembly

A ruling by the Swiss Federal Assembly on constitutional provisions, important single acts and general decisions. A federal decree that is not subject to approval by referendum is called a "simple Federal decree".

Federal popular vote

Popular vote in which, in contrast to Swiss Federal Assembly votes, all citizens participate and which, in contrast to cantonal votes, is organised at the federal level.

Federal Supreme Court; Swiss Federal Supreme Court

Supreme judicial authority of the Confederation which has ultimate jurisdiction in almost every legal field and is responsible for ensuring the uniform application of federal law as well as protecting the constitutional rights of citizens.

Finance referendum

A popular referendum on parliamentary decisions on public expenditure, also referred to as the "referendum on public expenditure". Any parliamentary decision which involves the expenditure of public money can be the subject of a finance referendum.

Although the finance referendum does not exist at the Swiss national (federal) level, it is widely used at both cantonal and local levels.

Free voting procedures; voting freedom; electoral and voting freedom

Guarantee that the result of an election or vote reliably and truly expresses the free will of the voters.

Fundamental right; basic right

Inalienable right granted by the state to everyone, which, irrespective of the nationality of a person, is guaranteed by the Swiss Constitution or by international conventions in order to protect basic ways and necessities of life.

G

General election

Election held every four years to appoint the entire Swiss National Council and in practice, with the exception of the canton of Appenzell Innerrhoden, the Council of States, in which the current members may be re-elected.

I

Indirect Counter-proposal

A proposal which is not presented as a formal alternative to an original initiative proposal. In Switzerland the indirect counter-proposal may come from parliament or the government and enters the decision-making process at a different level than the original initiative, i.e. the initiative aims at making a change at the constitutional level, whereas the indirect counter-proposal is a proposal to change a law.

Individual Initiative

In the Swiss Canton of Zurich an initiative can be launched by a single individual. The initiative will go to (referendum) ballot if it is supported by the Cantonal Council.

Initiative

Generic term for various procedures by which a pre-determined minimum number of Swiss citizens who are eligible to vote may make a request in the form of a general proposal or of a specific draft of the provisions that an amendment be made to the Constitution, or by which a canton or any member of the Federal Assembly, a parliamentary group or committee proposes a Federal Assembly bill or the fundamental elements of such a bill.

Initiative committee

Group of persons who have authored a popular initiative, all of whom must be eligible to vote. In Switzerland an initiative must be submitted by a minimum of 7 and (since 1997) a maximum of 27 sponsors. The bigger number ensures that one representative from each canton can be part of the committee. An absolute majority of the sponsors has the right to withdraw the initiative.

Initiative Designates

A certain type of popular vote procedure (the IRI typology distinguishes three types: initiative, referendum, and plebiscite). Initiative procedures are characterized by the right of a minority, normally a specified number of citizens, to propose to the public the introduction of a new or renewed law. The decision on the proposal is made through a popular vote. Note: the agenda initiative fits into this type of procedure only with respect to its initial phase. What happens next is decided by a representative authority.

J

Judicial power

According to the principle of the separation of powers, the power to interpret and apply the law.

In Switzerland, judicial power is exercised at federal level by the Federal Supreme Court and the federal courts of first instance (Federal Administrative Court, Federal Criminal Court and Federal Patent Court), and in the cantons by the cantonal courts.

L

Legality check - See admissibility of initiative.

Legislative initiative

Popular initiative by which voters begin the legislative procedure by submitting a draft bill to the parliament of a Swiss canton. The legislative initiative at federal level was rejected in a national referendum in 2009.

Legislative power

According to the principle of the separation of powers, the power to make laws. In Switzerland, this power is exercised at federal level by the Federal Assembly, in the cantons by the cantonal parliaments, and in the communes by the communal assemblies or the communal parliaments.

M

Mandatory referendum - See obligatory referendum

Majoritarian democracy; competitive democracy

Parliamentary democracy in which one or more governing parties together hold the majority and carry out their policies, disregarding the view of the minority opposition.

Modern Direct Democracy

Modern Direct Democracy gives citizens the right to exercise popular sovereignty also between elections by voting on substantive issues.

Originally it meant direct legislation by the people through the right of initiative and referendum. Direct democracy decides on substantive issues, not on people (representatives).

In this perspective recall popular votes do not belong to direct democracy. Direct democracy is meant to empower people, not governments.

N

National Council

Larger chamber of the Swiss Federal Parliament (Federal Assembly), which is composed of 200 representatives of the Swiss people.

O

Obligatory referendum

This direct democracy procedure is triggered automatically by law (usually the constitution) which requires that certain issues must be put before the voters for approval or rejection.

A conditional obligatory referendum means that a specified issue must be put to the ballot only under certain conditions (for example, in Denmark the delegation of powers to international authorities is decided by popular vote if more than half but less than four-fifths of the parliament accept such a bill, and if the government maintains it).

Unconditional referendums are without loopholes (for example, in Switzerland changes to the constitution must always be decided by a popular vote and a majority of the cantons (double majority).

Optional referendum

Popular vote that is held if requested by 50,000 voters or eight cantons on a new or amended Swiss federal act, a decree, or certain international treaties. The referendum bill is approved if a majority of those voting vote in favour.

Optional referendum - See popular referendum

Organiser - See initiative committee

P

Parliamentary group

Group comprising at least five members of the same party or of parties holding similar views from one or both chambers of the Swiss Federal Assembly whose task is to discuss parliamentary business in advance in order to agree on a common line to take on the matter.

The Federal Assembly is, politically speaking, divided into parliamentary groups; these groups have the right to appoint members to parliamentary committees.

Participation quorum - See turnout quorum

Participatory democracy - See direct democracy

Party vote

Every candidate and additional vote that is cast for a single list.

People's initiative - See popular initiative

Petition

Petitions give citizens the right to express a concern in writing to the authority in charge of some matter and can take the form of a request, a demand or a simple suggestion. Under Article 33 of the Swiss Federal Constitution, anyone can start a petition. Whether the petition is launched on paper or online, it does not have any legal value per se. The authority to which the petition is addressed must acknowledge receipt of the petition but is not required to respond. However, Swiss authorities generally do consider petitions and respond.

Petition circulators - See signature gatherers.

Plebiscite

Designates a certain type of popular vote procedure (the IRI typology distinguishes three types: initiative, referendum, and plebiscite). A plebiscite is a public consultation controlled "from above". It is the powers that be (the president, prime minister, parliament) which decide when and on what subject the people will be asked to vote or give their opinion.

The IRI typology distinguishes between two forms of plebiscite: plebiscite and veto-plebiscite (Authorities' controlled popular vote) (ATP).

Political party; party

Permanent association of persons under private law whose members pursue common political aims in accordance with the party constitution and/or manifesto.

Political rights

Political rights are the fundamental rights of the People under democracy. They enable citizens of voting age to participate in the shaping of law and politics in the state. Political rights include the right to vote and the right to participate in elections, as well as the right to submit a popular initiative or referendum request and the right to sign such a request.

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Popular assembly

Assembly of eligible voters. One of the oldest (pre-modern) forms of democracy, still practised today in the Swiss cantons of Appenzell Inner-Rhodes and Glarus.

The eligible voters of a canton or a commune gather in the open air on a certain day in order to elect the government and reach decisions about laws and public expenditure. Everyone has the right to speak on any issue. Voting is by show of hands, which does not respect the secrecy of the vote. In Glarus and Appenzell Inner-Rhodes a secret vote can, however, be requested.

Popular election; election by the People

Election in which the electorate consists of all those who are eligible to vote and not a body (e.g. Parliament) that has been appointed by the electorate.

Popular initiative

A direct democracy procedure and a political right that allows a given number of citizens to put their own proposal on the political agenda. The proposal may be, for example, to amend the constitution or adopt a new law. The procedure is initiated by a prescribed number of eligible voters. The sponsors of a popular initiative can force a popular vote on their proposal (assuming that their initiative is formally adopted).

The initiative procedure may include a withdrawal clause, which gives the sponsors the possibility to withdraw their initiative, for example in the event that the legislature has taken sufficient action to address the demands of the initiative or at least an acceptable number of them.

This procedure may operate as a means of innovation and reform: it allows people to set the political agenda. In principle, initiatives enable people to get what they want. In practice, popular initiatives (like popular referendums) are a means of harmonising the citizens' and the politicians' views.

Popular initiative + authorities' counterproposal

Within the framework of a popular initiative process a representative authority (normally parliament) has the right to formulate a counter-proposal to the initiative proposal.

Both proposals are then decided on at the same time by a popular vote. If both proposals are accepted, the decision on whether the initiative proposal or the authority's counterproposal should be implemented can be made by means of a deciding question.

Popular referendum

A direct democracy procedure and a political right that allows a specified number of citizens to initiate a referendum and let the whole electorate decide whether, for example, a particular law should be enacted or repealed.

This procedure acts as a corrective to parliamentary decision-making in representative democracies and as a check on parliament and the government.

The people or "demos" (i.e. all those with the right to vote) has the right to decide in retrospect on decisions made by the legislature.

Whereas the popular initiative works like a gas pedal, the popular referendum gives people the possibility to step on the brakes. In practice, popular referendums (like popular initiatives) are a means of harmonising the citizens' and politicians' views.

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Popular referendum + counter-proposal

This direct democracy procedure combines a popular referendum against a decision by an authority with a referendum on a counter proposal.

If both proposals are accepted, the decision between the two can be made by means of a deciding question.

Popular request

Request for new legislation or a change in existing or planned legislation made by collecting signatures with the aim of forcing a popular vote. For example, a popular initiative (initiative request) or optional referendum (referendum request).

Popular submission

The "Volksmotion" (popular submission) is used in several Swiss cantons. The submission, bearing the signatures of a prescribed minimum number of registered voters, requests the cantonal government to draft legislation or adopt a particular measure.

In practice, the cantonal parliament treats the Volksmotion in the same way as it does a parliamentary motion (a motion signed by members of the cantonal parliament).

Popular vote, popular ballot

Procedure by which persons eligible to do so are called on to vote on matters placed before them by virtue of a mandatory or optional referendum or a popular initiative (in certain cases accompanied by a counter-proposal from the Swiss Federal Assembly).

Postal voting

Method of voting in which voters send their ballot papers to the office responsible for the vote by post instead of going to a polling station to vote.

Form of voting where the voters are able to vote with the aid of a special electronic voting system by completing an electronic "ballot paper", which is then sent via a data network.

President of the Swiss Confederation; President of the Confederation

Person elected by the United Federal Assembly from the members of the Federal Council for a term of office of one year, who chairs the weekly sessions of the Federal Council and carries out special ceremonial duties.

Proponents - See initiative committee

Proposal submitted to the vote of the People; proposal submitted to the People

Text that is submitted in written form to the vote of the Swiss People by the Federal Assembly in a referendum or popular initiative.

The text may concern a constitutional amendment, a legislative act or an international treaty.

Publication of the initiative

The act of making a proposal for an initiative public by the appropriate authority after it has been registered and checked for compliance with the substantive and formal requirements for registration.

Q

Qualified majority

A majority requirement demanding that for a proposal to be passed, it must receive a proportion of the vote in excess of 50% plus 1 – for example 2/3 or 3/4.

R

Recall

A procedure that allows a specified number of citizens to demand a vote on whether an elected holder of public office should be removed from that office before the end of his/her term of office.

Referendum

Designates a certain type of popular vote procedure (the IRI typology distinguishes three types: initiative, referendum, and plebiscite). The referendum is a direct democracy procedure which includes a popular vote on a substantive issue (ballot proposal) such as, for example, a constitutional amendment or a bill; the voters have the right to either accept or reject the ballot proposal.

The procedure is triggered either by law (obligatory referendum) by a specified number of citizens (popular referendum), or by a minority in an authority (authorities' minority referendum).

Note: a popular vote procedure, which is triggered and controlled exclusively by the authorities, is not a referendum but a plebiscite.

Referendum booklet, also known as the "Explanation from the Federal Council"

In Switzerland, a pamphlet or booklet in which the proposal(s) being submitted to the voters are explained and which includes the arguments of the committee responsible for the initiative or referendum together with the opinion of the Federal Council. It is published by the Federal Chancellery in the four official national languages and sent to all eligible voters via the communes (local authorities) along with the other voting documents three to four weeks before the voting day.

Referendum on federal matters; federal referendum; referendum

Popular vote by Swiss voters on Federal Assembly legislation, total or partial revisions of the Federal Constitution, international treaties or agreements on accession to international organisations.

Referendum on international treaties

At the Swiss national level, all international treaties which are of unlimited duration and which may not be terminated, provide for accession to international organisations or introduce a multilateral harmonisation of law are subject to the optional referendum. Accession to organisations for collective security or to supranational communities is subject to mandatory referendum.

Most cantons also have a special referendum dealing with sovereign treaties with other cantons or foreign states. In both the federal and cantonal cases, it is not the treaty as such which is subject to referendum, but parliament's agreement to the treaty.

Referendum on public expenditure - see Finance referendum

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Referendum proposal

This procedure is characterized by the right of a prescribed number of eligible voters to propose to a competent authority the calling of a popular vote on a specified issue; note that the demand is addressed to a representative authority (usually parliament – local or national) which decides about further action.

Referendum requested by the cantons

Optional referendum normally initiated by Swiss cantonal parliaments (or in certain cantons, the cantonal council or a cantonal request for a referendum), which is held when a minimum of eight cantons request a popular vote on a federal act, federal decree or international treaty.

Registration of a popular initiative

The act of depositing an initiative for publication and collection of signatures, whereby the legal process of the initiative is officially started. In Switzerland registration is made at the Federal Chancellery.

Rejective referendum

A popular referendum which may either retain or repeal a law or decree that has been agreed by the legislature but has not yet come into force.

In Switzerland referendums to amend or repeal Federal Laws are not permitted (in order to ensure legal certainty).

Representative democracy

Traditionally and conceptually representative democracy has been understood mainly as a purely indirect democracy, in which elected representatives make decisions on behalf of the citizens, monopolising the right to decide the political agenda and substantive political issues.

In practice and increasingly also conceptually, democracy is based on both indirect (parliamentarian) and direct or participative forms of agenda-setting and decision-making.

Hence a new understanding is emerging according to which a truly representative democracy is a democracy combining indirect and direct forms of citizen participation.

Right to elect; right to vote; right to vote in elections

At Swiss federal level, the right of citizens who have attained the age of majority to elect the 200 members of the National Council and the 46 members of the Council of States.

Right to participate in elections

Right of citizens who have attained the age of majority to participate in the elections to the Swiss National Council as voters (right to elect) or to stand as candidates for election (right to be elected).

Right to vote

Right of citizens who have attained the age of majority to participate in elections to the National Council and in popular votes, and to sign a popular initiative or referendum request.   At the Swiss national level, the right of citizens of voting age to participate in popular votes at the federal level.

S

Separation of powers

Principle according to which an excess of power is avoided by allocating power to three state authorities with different functions that are independent of each other and which supervise and limit each others' powers: the legislature, the executive and the judiciary.

In Switzerland, there is a strict separation of powers at a personal level but at an institutional level, state authorities share the three functions.

Signatory

An eligible person who signs or supports an initiative.

Signature gathering (or collection)

The process of gathering signatures. Often this process starts with the registration or filing of an initiative and ends after a certain amount of time or with the submission of signatures.

Signature gatherers / collectors

People who gather signatures in public. In the US most signature gatherers are paid, while this concept is still relatively unknown in the rest of the world.

Sovereign

The supreme political authority in a state. In Scotland and Switzerland the People are sovereign.

Splitting the vote; vote-splitting

In electoral constituencies that are allocated more than one seat in the Swiss National Council, entering names by hand on a pre-printed ballot paper of candidates from other lists pertaining to the same constituency and, if necessary, deleting the names of candidates that already appear on the paper.

Statements of support

The terminology used in the framework of the European Citizens' Initiative as a synonym for signatures.

Substitute; replacement candidate; substitute candidate

Non-elected candidate from the same electoral list as a member of the Swiss National Council, who is declared by the cantonal government to be elected in place of the member of the National Council if he or she ceases to be a member before completing his or her term of office.

Supplementary election

Election that is held when there are more seats to be allocated at an election to the Swiss National Council than there are candidates to fill them, or when a seat becomes vacant in the National Council without there being a substitute available to fill it.

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T

Tacit election

Electoral procedure at cantonal level in which the cantonal government declares all the persons named on the electoral lists for the Swiss National Council to be elected because the lists do not contain more candidates than there are mandates (seats) to be allocated in the canton concerned.

Teller

Member of the Swiss National Council or of the Council of States who determines the results of elections and votes of the Council or a person who is eligible to vote who counts the votes at the polling station.

The Swiss Confederation

The Swiss Confederation is the official name for Switzerland. In day-to-day Swiss usage, the full name is often abbreviated to "Confederation" (Eidgenossenschaft): it stands for the country as a whole – People, cantons and government at all levels.

When the reference is specifically to the government, parliament and authorities alone, the term "Federation" (Bund) is employed.

Title

The formal name given to the proposal in a popular initiative or citizen-initiated referendum. In U.S. states, it is often given along with a summary of the measure that appears on petitions and the ballot. In Switzerland, the proponents of an initiative can choose the title of the initiative as long as it respects certain legal requirements.

Turnout

The number of those who actually vote, usually expressed as a percentage.

Turnout quorum

The minimum number of voters that have to take part for a ballot to be valid.

U

United Federal Assembly; United Chambers of the Federal Assembly

Assembly of the two chambers of the Swiss Federal Parliament in a single meeting chaired by the President of the National Council, which is convened primarily for elections (of members of the Federal Council, the Federal Chancellor, judges of the federal courts, the Attorney General and. in times of war, the Commander-in-Chief ("the General"), etc.) but also for decisions on pardons and conflicts of jurisdiction between the highest federal authorities, as well as for special occasions (e. g. state receptions) and in order to hear declarations made by the Federal Council.

Unity of subject matter

When voting in referendums, Swiss voters have only two options (other than deciding not to vote at all): they can vote either "Yes" or "No". In order to ensure that voters' voting intentions are completely freely expressed and unequivocal, there is a requirement for the referendum issue/proposal to be reduced to a single political question. The principle of unity of subject matter applies to all referendums, regardless of whether they result from a popular initiative or are mandatory referendums.

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Universal suffrage; general right to vote and be elected

Right held equally by all Swiss citizens over the age of 18 to participate in popular votes, launch or sign initiatives or requests for referendums, and to vote or stand as a candidate for state bodies, unless they are under the full supervision of a welfare advocate due to mental illness or mental deficiency and thus permanently lack the required legal capacity.

V

Veto-plebiscite (authorities' controlled popular vote)

A popular vote procedure whose use lies exclusively within the control of the authorities. In this form the author of the ballot proposal and the initiator of the procedure are NOT the same. For example, a government or a president may oppose (veto) a decision of parliament and refer it to a popular vote; hence the name veto plebiscite.

Vote

Indication that a person gives orally (e.g. by shouting out), in writing (e.g. by completing a ballot paper), using an electronic voting system, or by making a gesture (e.g. by raising a hand) or some other movement (e.g. standing up) in order to approve or reject a proposal or an electoral candidate.

Vote électronique; e-voting

A form of voting which enables voters to vote on-line and permits authorities to send out information on elections and votes on-line.

Voter

Person who has the right to vote.

Voting at the polling station

Voting procedure by which the voter places his ballot paper in the ballot box at the polling station.

Voting by agent, proxy vote

Method of voting in which the ballot paper is completed by the voter but placed in the ballot box on behalf of the voter by another person.

Voting by persons with disabilities

Exercise of the right to vote by persons who, due to a disability or some other reason, are permanently incapable of carrying out the procedures required for voting and may therefore call on the assistance of another person or use other aids to overcome the difficulties caused by their disability.

Voting slip - See ballot paper

W

Withdrawal of an initiative

A procedure that allows the proponents of an initiative to withdraw their proposal. In Switzerland a popular initiative can be withdrawn by the initiative committee.

At the federal level, withdrawal is permitted only up to the time when the government announces the date for the referendum. An initiative presented as a general proposal can no longer be withdrawn once the Federal Assembly has approved it.

Women's right to vote; voting rights for women; women's suffrage

Right of female Swiss citizens to participate in votes and elections, which was introduced at federal level following a (male) popular vote on 7 February 1971.

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Modern Direct Democracy (DD)

About the author

Henry Ferguson is a dual national Swiss-UK who trained CA & ACMA in Glasgow in the early 1960s. Left Scotland in 1967 and subsequently worked 26 years with KPMG in Geneva and Paris as partner in charge of general audit and Swiss services to Government, MGOs and NGOs. Partner on the financial audits of the EFTA Secretariat in Geneva and Brussels and the EFTA Court in Luxembourg. Member of the KPMG Switzerland Board. After early retirement in 2000 he held several Non-Executive Director appointments in French Switzerland and taught Governance at Lausanne University-IDHEAP (Institute for Advanced Studies in Public Administration) and was an independent financial consultant. Member of the Steering Group of the Scottish National Congress during 2023 and currently, through wecollect.scot, associate member of Independence Forum Scotland (IFS).

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