

The Institutional Settings of Direct Democracy - II

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Outline of the Lecture

- ▶ The Legal Effects
 - ▶ Binding ballots
 - ▶ Non-binding (advisory, consultative) ballots
- ▶ Campaign Regulation
 - ▶ Independent monitoring body
 - ▶ Campaign spending
 - ▶ Public resources
- ▶ Discussions

The Legal Effects

- ▶ Binding Ballots
 - ▶ The voting results have legal effect
 - ▶ Dealing with important political/policy issues
 - ▶ Directly shaping decision-making of the government or the parliament
- ▶ Non-Binding Ballots
 - ▶ The voting results can be disregarded
 - ▶ Dealing with relatively less important/salient issues
 - ▶ Indirectly constraining decision-making of the government or the parliament

The Legal Effects

- ▶ The reality often lies between *de jure* non-binding ballots and *de facto* binding ballots
 - ▶ ‘most *de jure* advisory votes have been considered *de facto* as binding ones, whereas binding votes sometimes still allow scope for parliamentary manoeuvring.’ --Uleri (1996)
 - ▶ Gerber et al. (2000) *Stealing the Initiative: How State Government Responds to Direct Democracy*
- ▶ The political implications of a non-binding voting result
- ▶ Using the procedural approaches to delay (or even water down) the implementation of a binding vote

The Legal Effects

► Some examples

► The Norwegian referendum on joining the EC (1972)

- Turnout 79.2% and 'no' votes 53.5%
- Consultative in law but binding in reality
- Not only did Norway stay outside the EC/EU, but the government resigned after the referendum

► The Swedish referendum on the driving side (1955)

- Turnout 53.2%, and the proposal was vetoed by 82.9% 'no', 15.5% 'yes' and 1.6% blank ballot papers
- Sweden changed to right-hand driving in 1967 without holding another referendum

Campaign Regulation

- ▶ Independent Monitoring Body
 - ▶ The election (referendum) commission
 - ▶ The incumbent government is not suitable for such a role
- ▶ The responsibilities of the Monitory Body
 - ▶ Publicizing ballot proposal/question(s)
 - ▶ Distributing public funding
 - ▶ Monitoring referendum campaigns
 - ▶ Organizing ballot counting
 - ▶ Announcing voting results

Campaign Regulation

- ▶ Campaign Spending
 - ▶ Requirements on maximum campaign spending?
 - ▶ Publication of the sources of campaign fund
 - ▶ Rules on private (and foreign) donations/contributions
- ▶ Rules on campaign spending vary across countries
- ▶ Rules also vary according to the ballot issues

Campaign Regulation

- ▶ Providing Public Funding and Resources
 - ▶ Minimum financial support for each side (umbrella organization) of the referendum campaign
- ▶ Free use of public facilities
 - ▶ Postal services
 - ▶ Public broadcast
 - ▶ Office spaces
- ▶ Newspaper articles/columns devoting to the arguments of the two sides on an equal basis

Discussions

- ▶ Why doesn't the binding and non-binding legal effect of a popular ballot matter under certain circumstances?
- ▶ Should there be a ceiling on campaign spending in direct democracy?
- ▶ Why is it necessary to provide public resources to both sides of the referendum campaign?
- ▶ How do the institutional settings influence the behavior of campaigners and voters in direct democracy?

Suggested reading for next week's class

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2024/11/12

- ▶ Morel, Laurence (2001) 'The Rise of Government-Initiated Referendums in Consolidated Democracies', in *Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns*, Basingstoke: Palgrave Macmillan.