



Direct democracy and direct election in the Czech Republic

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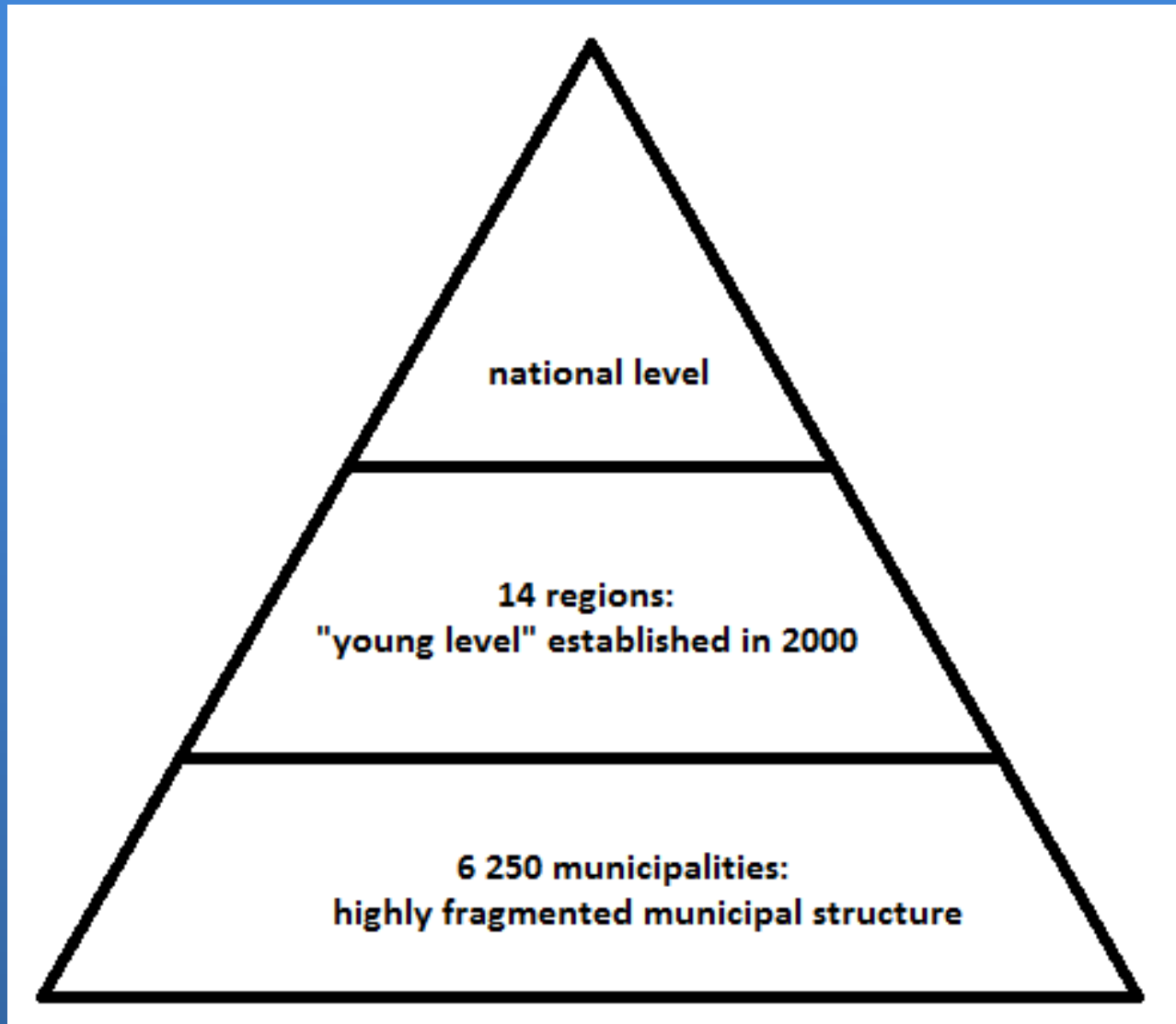
Questions on comparison of the Czech Republic and Lithuania

- ***Extreme different municipal structure:*** small and asymmetrical municipalities (78% municipalities under 1000 inhabitants)
- ***Lithuania and Czech Republic:*** direct presidential election combined with indirect mayor election







Aims of the conference paper

- Most important instruments of direct democracy
- Inclusion of direct elections
- Focus on all three levels of the Czech political system
- Need of usage of various methods and sources
- „Outsourcing“ of theoretical framework

Self-governmental levels in the Czech Republic



Research design: methodology & sources

	Referendum	Direct elections	
National level			Green: Analysis of laws, legislative proposals, governmental documents
Regional level			Red: Analysis of political parties attitudes
Local level			Yellow: Analysis of academic discussion White: Own empirical research

Local referendum: research design

- Missing register of held local referenda
- Municipal obligation to announce organizing of local referendum (since 2004 to Regional Office, since 2006 to Ministry of the Interior)
 - failure of Ministry of Interior in publishing lists of referenda since 2011 (the database is not complete)
- **Own research of local referenda**
 - researched period 1991-2011
 - way: electronic form through data box
 - sample: all municipalities (6 250) included in 2 stages
 - result: gaining information from 4 813 municipalities → 77 %

Elements of direct democracy and direct elections and their application in the Czech political system

Tools	Implementation in the Czech political system
referendum	yes
people's initiative	no
plebiscite	no
people's veto	no
recall	no
petition	yes
polls at the municipal level	yes
civil (public) assembly	no
expressing opinions at meetings of the municipal council in discussed matters in accordance with the rules of procedure	yes
direct election of president	yes
direct election of mayors and governons	no
commenting the draft of municipal budget and final account of the municipality for the past calendar year	yes

Types of referenda in the Czech political system

Level	Referendum	Validity of referendum	Requirements for legal binding	Initiation of referendum by Council	Citizen's initiation
national	no*	-	-	-	-
regional	yes	35 % turnout	50 % of participating voters and at least 25% of eligible voters	yes	6 % of voters
local	yes	35 % turnout	50 % of participating voters and at least 25% of eligible voters	yes	30 % - 6 % based on a size of municipality

* possibility of holding national referendum based on approval of the Constitutional Act

Referendum at national level

- ***Applicable*** only in the case of approval of the Constitutional Act
- ***Actual political discussions*** about the implementation of general referendum
- ***Practice:*** only one national referendum about accession of the Czech Republic to the EU (in 2003 according to special constitutional law)

Referendum at regional level

- The *Act on regional referendum* came into force on 1st January 2011
- *Arrangement of regional referenda* is similar to the local referendum
- Regional referendum has not taken place yet
- **Result:** binding in all cases (not advisory)
- **Excluded questions:** imposition of fines, regional budget, elections and dismissals of the Governor, his deputy, members of the Regional Council and other elected and appointed members of regional bodies, the establishment or abolition of regional and in question of generally binding ordinance, bodies, etc.

Referendum at local level

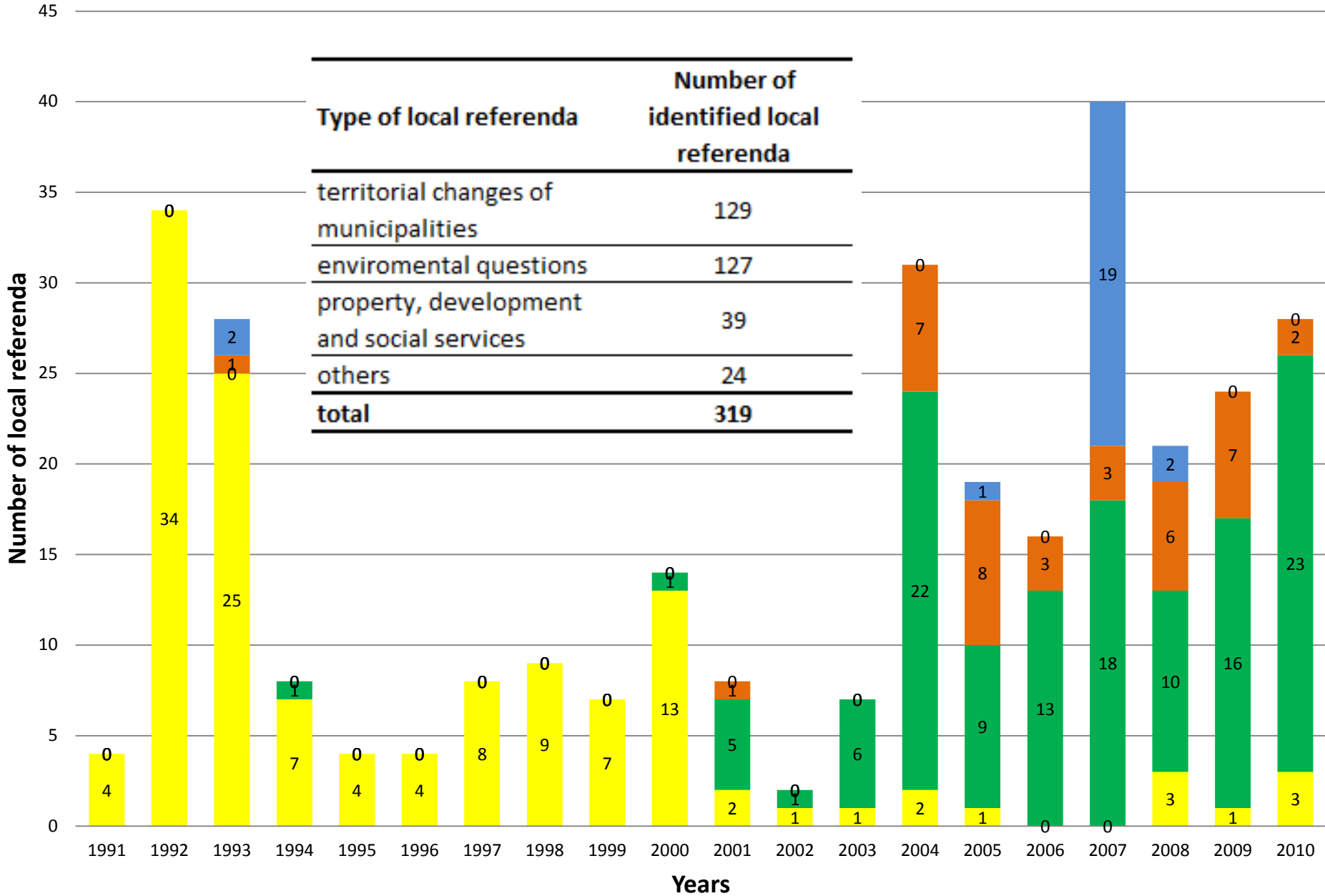
- Since 1990

Law	Validity	Requirements for legal binding
No. 298/1992	25% turnout	50% of participating voters
No. 22/2004	50% turnout	50 % of participating voters
No. 169/2008	35% turnout	50 % of participating voters and at least 25% of eligible voters
No. 142/2012	35% turnout	50 % of participating voters and at least 25% of eligible voters

- **Result:** binding in all cases (not advisory)
- **Excluded questions:** similar to regional referendum

Typology of local referenda (1991-2011)

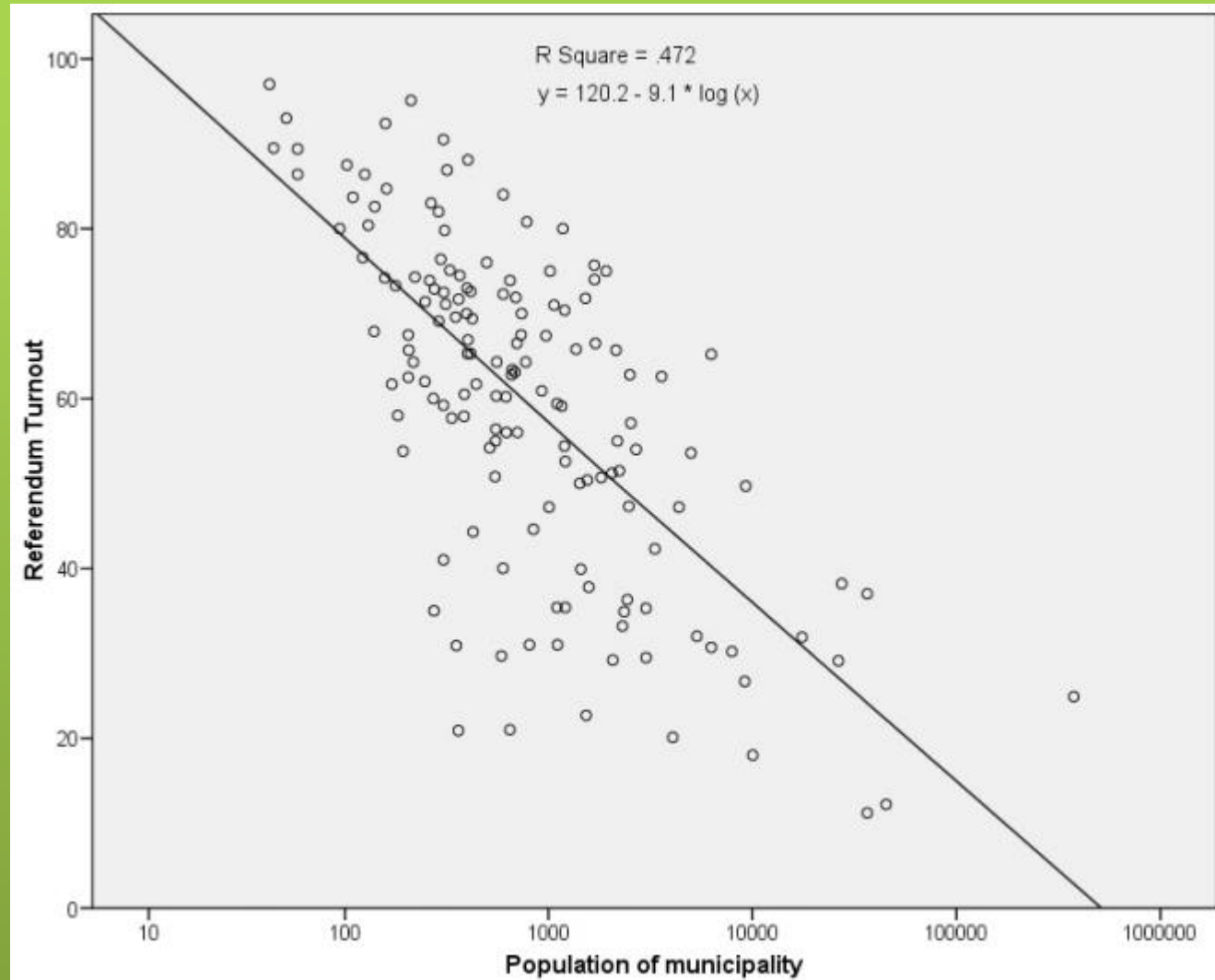
- Number of identified local referenda: 319 (112 according to the list of Ministry of Interior, 207 according to the communication with Municipal Offices and regional and local press)
- Proposal to divide referenda into 4 groups according its specifics
 1. Territorial changes of municipalities,
 2. Enviromental questions,
 3. Property, development and social services,
 4. Others (such as construction of memorials, crosses, locating a US radar base in the Central Bohemia Region, etc.).



Type of local referenda	Number of identified local referenda
territorial changes of municipalities	129
enviromental questions	127
property, development and social services	39
others	24
total	319

■ territorial changes of municipalities
 ■ enviromental questions
■ property, development and social services
 ■ other

Impact of municipal size on referendum turnout



Source:
Smith
2011: 42

Direct elections in the Czech political system

Level	Political discussion	Legislative proposals	Implementation	Modification of executive model
national	yes	yes	yes	no
regional	no	no	no	-
local	yes	yes	no	yes

Direct presidential election

- ***Relevant discussion*** since the time of last period of presidency of Václav Havel
- ***Legislative proposals*** from various groups of MP's
- ***Motivation***: missing favorite candidate for indirect elections, nontransparency of the indirect elections
- ***Implementation of direct election*** without changing the executive model
- ***Discussions*** about need of better definition of the presidential powers as result of the practise of Miloš Zeman

Direct elections of the governors

- *Missing* political discussions and legislative proposals
- *Czech governmental analysis*: direct elections on regional level in case of implementation of the direct mayor's election (uniform executive model within public administration)

Direct elections of mayors

- *Political discussions* inspired by small parties, liberal parties and mayors movements
- *Governmental decision (2010)* of implementation in small municipalities already for elections in 2014
- Proposal cancelled due to missing support in Parliament → not realised by the next (current) government
- All legislative proposals included extension of mayoral powers
- Weak quality of governmental analysis, inspiration by slovak model of direct election

Conclusion - referendum

- ***National level***: only political discussions led by left oriented and (since 2006) populist political parties
- ***Conditions on local level***: neither liberal, nor restrictive → referenda hold especially in small/medium sized municipalities
 - ***Main topics***: 90's → Territorial changes vs. after 2000 → Environmental questions
- ***Possible implementation of local referendum in Lithuania***: problems of initiative and turnout requirements connected with large municipalities

Conclusion - direct elections

- Missing general strategy (policy)
- Influence of tradition of collective decision-making
- Political parties have not been supporting direct elections actively, implementations mostly as result of political circumstances
- Uniform executive model is not used as argument in political discussion