



**C2D – Centre for Research on Direct Democracy
ZDA - Zentrum für Demokratie Aarau
University of Zurich**

C2D Working Paper Series

Slovak:

Country Report

**Eduard BÁRÁNY
Radoslava BRHLÍKOVÁ
Peter COLOTKA**

**Eduard Bárány
Radoslava Brhlíková
Peter Colotka**

**Slovak:
Country Report**

**C2D Working Paper Series
1/2000**

C2D – Centre for Research on Direct Democracy

Eduard, Bárány
Radoslava, Brhlíková
Peter, Colotka

Slovak:
Country Report

C2D Working Paper Series
1/2000

C2D – Centre for Research on Direct Democracy
ISSN 1662-8152

<http://www.c2d.ch>

ABSTRACT

The Slovak Republic belongs to a multifarious realm of states where written constitutions make provisions for referenda. Even before the adoption of the Constitution of the Slovak Republic in 1992, Slovakia had some legal provisions enabling local referenda. Thus one may point to the law No. 369 on municipal constitution from the 6th of September 1990. This law made a very first introduction of «referendum» into the Slovak legal system: According to the statement of the § 3.2b) an inhabitant of the municipality has the right to vote in «local referendum». In this way the institution of referendum» started to serve especially for the purpose of obligatory «popular vote» solution of some previously merely administratively solved questions, namely: merger, split and dissolution of a municipality and establishing/canceling official rates.

CONTENT

1. Introduction	1
2. Subject matters of popular votes.....	2
3. Techniques and procedures for popular votes.....	5
4. Plebiscites and Referenda	18
5. Political system and referendum.....	18
6. Participation and turnout	19
7. Tools and techniques of public mobilization used during the referendum' campaign, influence of political parties and other groups	20
8. Regional and local experiences	23

1. Introduction

2. Subject matters of popular votes

3. Techniques and procedures for popular votes

4. Plebiscites and Referenda

5. Political system and referendum

6. Participation and turnout

7. Tools and techniques of public mobilization used during the referendum' campaign, influence of political parties and other groups

8. Regional and local experiences

Direct democracy: country-report on the Slovak Republic

Eduard Bárány, Radoslava Brhlíková, Peter Colotka

1. Introduction

The Slovak Republic belongs to a multifarious realm of states where written constitutions make provisions for referenda.

Even before the adoption of the Constitution of the Slovak Republic in 1992, Slovakia had some legal provisions enabling local referenda. Thus one may point to the law No. 369 on municipal constitution from the 6th of September 1990. This law made a very first introduction of «referendum» into the Slovak legal system: According to the statement of the § 3.2b) an inhabitant of the municipality has the right to vote in «local referendum». In this way the institution of «referendum» started to serve especially for the purpose of obligatory «popular vote» solution of some previously merely administratively solved questions, namely: merger, split and dissolution of a municipality and establishing/canceling official rates. This «popular vote» (§ 11. 4 a, b, c) is obligatory also in the case of petition of 20% of voters of the municipality. Albeit this law had been several times amended, the basic idea remains.

Coming back on the constitutional law level one should admit that with regard to circumstances the Constitution of the Slovak Republic had passed in the Slovak National Council the 1st September 1992 in a period of very last few months of the existence of the common state of Czechs and Slovaks which had been known under the name Czechoslovakia. Even before the cession of the Czech and Slovak Federal Republic (CSFR), this federal state had on the federal constitutional law level one (and only one) remarkable Constitutional law which should be taken into account within the context. This was the Constitutional law No. 327 adopted by the CSFR Federal Assembly in July 1991 under the simple name «on referendum». A reference to this - although from various political reasons never applied - Constitutional law ought to be done both for its intended (or actual) consequences and (in some respects) clear diction. This concerns especially the statement of its article 3.3 which required that «unambiguous» and «intelligible» questions would be proposed in the referendum so that the President of the CSFR could within the fixed (15 days) delay (art. 3.1, 3.2) to reject the proposal to call a referendum if questions were not drawn in such manner. However, if the legislative assembly would insist on same questions, the President would call a referendum within the delay of 15 days since a repeated delivery of such proposal. It seems to us that above-mentioned requirement of «unambiguous» and «intelligible» questions that can be examined by the President remains very actual. Unfortunately the Slovak Republic did not took an inspiration from this important formula of the CSFR Constitutional law on referendum. As it had been already pointed the CSFR Constitutional law on referendum had been never applied. Despite the fact that it had been conceived in order to

address the question of legitimacy of the common federal state with consequences for its further existence or [its] cession, this question of highest importance had been not solved in accordance with its provisions which may be here shortly presented as follows.

- By this Constitutional law had been anticipated that some «principal questions» concerning the structure of the state and its legal organization «can be submitted to citizens» (art. 1.1). Since the citizens of the Czech Republic and the citizens of the Slovak Republic had been considered at the same time as the citizens of the CSFR on the basis of the Constitutional law on the Czechoslovak federation which became effective since the 1st of January 1969, the Constitutional law on referendum from the 8th of July 1991 stated that suffrage in the Czech Republic belongs to citizens - voters of the Czech National Council and that the suffrage in the Slovak Republic belongs to citizens - voters of the Slovak National Council (art. 1.3). The purpose of this scenario was to obtain an expression of view from two nations electorate or at least from one of them in order to know whether the CSFR has legitimacy based on two nations consensus or not (art. 6.2 even virtually envisaged a possibility of only one nation consensus on its secession from the federation, as well as its consequence - cession of the federal state and creation of two sovereign states within a period of the one year since the announcement of results). The President had been required to call a referendum in consequence of the proposal of the Federal Assembly or the Czech National Council or the Slovak National Council (art. 3.1,2). Such proposal were to be accepted when more than 50% of the votes of all voters were positive in both republics (art. 5.1) or in one of them (art. 5.2). Finally, no referendum on the same issue should be held sooner than within five years (art. 5.5). Thus the referendum on proposal of withdrawing of the Czech Republic or the Slovak Republic from the CSFR, a question which were to be solved only through the referendum (art. 1.2) could not be arbitrarily repeated.

Despite the statement that the question of the secession of the Slovak Republic or the Czech Republic from the CSFR were to be solved only through the referendum and despite the huge petition activities of citizens who pressed on the Federal Assembly in order to win its referendum proposal which should lead to the referendum called by the President of the CSFR, the cession of the CSFR came into force the 1st of January 1993 on the basis of the Constitutional law No. 542 adopted by the Federal Assembly the 26th of November 1992 (without any ratification by the referendum). Thus the federal Constitutional law on referendum was in the former Czechoslovakia (or Czecho-Slovakia) roughly put aside in such crucial matter that it could be sufficient to affect a considerable part of the electorate, as well as to have some other future consequences.

2. «Subject-matters of popular votes»

If someone would ask: «What subject-matters referendums are on? Or: «What can possibly be voted?» we could partially refer to our introduction (see above) but it seems to us that it will be better to present here above all the placement of the referendum within the frame of the valid Constitution of the Slovak Republic from the 1st of September 1992.

The all-state referendum is placed within the Head 5 concerning the legislative power. While the first section of this Head deals with the National Council of the Slovak Republic, its second section is dedicated to the referendum. Even from the placement of the referendum one may conclude that the legislative power in the Slovak Republic belongs both to the National Council of the Slovak Republic and citizens. This complies also with another statement of the Constitution, especially with the Art. 2.1 under which the state power originates from citizens which exert it either through elected representatives or directly. Unfortunately the popular initiative on the basis of which citizens would have the legislative initiative (or constitutional initiative) upon which the National Council of the Slovak Republic could make a decision within the legislative process had been not clearly articulated by the articles of the Constitution of the Slovak Republic.

The articles of the Constitution of the Slovak Republic dedicated to the all-state referendum start with the Article 93: «(1) A referendum will be used to confirm a constitutional law on entering into a state alliance with other states or on withdrawing from that alliance.» We should remark that in this paragraph we have to deal with the referendum which is obligatory and which has the character of ratification of the constitutional law. Such constitutional law is this time clearly conditioned by the results of the referendum. Nevertheless this statement seems to us bit insufficient for the vote for the membership of the Slovak Republic in the European Union which does not have the character of the «state».

«(2) A referendum can be used to decide also [on] other important questions of public interest.» There is not retaining point concerning the words «important questions of public interest». One may point that the official interpretation of these words is still missing. This could be due to the fact that up to now all referenda may be clearly considered as conform to the usual meaning of the words «important questions of public interest». Nevertheless, problems could arise with questions formulated in an inappropriate, e. g. ambiguous manner. In any case this statement relates to the facultative referendum.

«(3) Basic rights and liberties, taxes, levies and the state budget cannot be the subject of a referendum.» However, this is negative - prohibitive statement. (This prohibition formed the base of President`s refusal of petition requiring referendum about laws on the use of minority languages in 1999.) And there is also one another constitutional limit for subject-matters of referenda. In the words of the Article 99 (2): « A referendum on the same issue can be repeated after three years at the earliest».

The following issues had been the subject-matters of all-state referenda in the Slovak republic up to this time:

A. (1994): The adoption of the law, which would enact the obligatory transparency of the financial sources, used in auctions and privatization.

B. (1997)

a: «Are you in favor of joining NATO?»

b: «Are you in favor of placing nuclear weapons within the territory of the Slovak Republic?»

c: «Are you in favor of stationing military bases within the territory of the Slovak Republic?»

d: «Do you agree that the president of the Slovak republic should be elected directly by the citizens of the Slovak Republic according to the enclosed proposal of the constitutional law?»

C. (1998): The prohibition of the privatization of (so-called) strategic (energetic) enterprises by the constitutional law.

One has to remark that the Constitutional Court of the Slovak Republic in its ruling from the 21st of May 1997 published under the No. 139 took a view that it is not possible to change the Constitution of the Slovak republic directly on the ground of the result of the vote, that by the referendum citizens in a constitutionally relevant manner express their will to change the Constitution of the Slovak Republic how this will was revealed by the results of the referendum. Without any comment upon this ruling it seems to us that the articulation of some constitutional articles on referendum is hardly adequate to the placement of the referendum under the «legislative power». In order to overcome some inconveniences one has to rethink this problem in a manner that if the subject of the referendum were the Constitution or the constitutional law, the proposal approved in the referendum and published in the Collection of laws has the binding force of the constitutional law. Albeit this rethinking is perhaps already more connected with the another point of this paper it has been mentioned already here in order to have a certain vision of overcoming the present stage which does not endowed the referendum with the possibility of the constitutional change.

Furthermore, within the context of the direct democracy in Slovakia one may point out that the legal system of the Slovak Republic makes a distinction between the all-state referendum and the local referendum on the one hand and the popular vote on recall of the president of the Slovak Republic on the other. This has been introduced into the Slovak legal system in 1999 after thwarted of all-state referendum on the issue of the direct election of the president of the Slovak republic in 1997. It is done both on the constitutional law level and the ordinary public law level. On the constitutional law level it has some farreaching consequences. By the Constitutional law No. 9 adopted by the National Council of the Slovak Republic the 14th of January 1999 had been not only introduced a procedure of the direct election of the SR President (i. e. the change of the Art. 101 of the Constitution of the Slovak Republic which formerly stated the indirect election) but also the popular vote procedure concerning his or her recall. According to this change of the SR Constitution the President of the Slovak republic may be recalled from his or her office by the popular vote initiated by the National Council of the Slovak republic. Thus, after its resolution (adopted by the 3/5 majority of its members) the chief of this legislative body will be required to call a popular vote on the recall of the President of the Slovak Republic (i. e. the change of the Art. 106 of the Constitution of the Slovak Republic which formerly ascribed the competence relating to the recall of the President merely to the National Council of the Slovak Republic). Despite of some similarities to the referendum it is obvious that the Constitutional law No. 9/1999 sharply distinguish the referendum and the popular vote on the recall of the President

of the Slovak Republic. Thus, e. g. also in its addition to the Article 111 of the Constitution of the Slovak Republic which attributed the decision-making competence over complains against the result of the referendum to the Constitutional Court of the Slovak Republic it is articulated that this competence is related also to complains against the results of the popular vote on the recall of the President. Nevertheless there are also some similarities between the institute of referendum and that of the popular vote on recall of the President what can be illustrated on the binary YES/NO form of the ballot. Introduced by the paragraph 42.1b of the law No. 46 from the 18th of March 1999 this form may be presented as follows:

<input type="checkbox"/>	I am for the recall of the President of the Slovak Republic from his office.
<input type="checkbox"/>	I am against the recall of the President of the Slovak Republic from his office.

3. «Techniques and procedures for popular votes»

Although some questions relating to the «Techniques and procedures for popular votes» had been already presented (see above), we had to indicate here especially these points:

a) on the level of the Constitution of the Slovak Republic the Section «Referendum» reads as follows:

Article 93

(1) A referendum will be used to confirm a constitutional law on entering into a state alliance with other states or on withdrawing from that alliance.

(2) A referendum can be used to decide also [on] other important issues of public interest.

(3) Basic rights and liberties, taxes, levies and the state budget cannot be the subject of a referendum.

Article 94

Every citizen of the Slovak Republic who has the right to vote in election of the National Council of the Slovak Republic is entitled to participate in the referendum.

Article 95

The referendum is called by the president of the Slovak Republic if requested by a petition signed by a minimum of 350 000 citizens or on the basis of a resolution of the National Council of the Slovak Republic within 30 days after the receipt of the citizen` petition or the resolution of the National Council of the Slovak Republic.

Article 96

(1) The motion to pass a resolution of the National Council of the Slovak Republic on calling a referendum can be tabled by the deputies of the National Council of the Slovak Republic or by the Government of the Slovak Republic.

(2) The referendum will be held within 90 days after the President of the Slovak Republic calls it.

Article 97

(1) A referendum must not be held within 90 days prior to elections to the National Council of the Slovak Republic.

(2) A referendum may be held on the day of elections to the National Council of the Slovak Republic.

Article 98

(1) The results of the referendum are valid if more than 50 percent of eligible voters participated in it and if the decision was endorsed by more than 50 percent of the participants in the referendum.

(2) The National Council of the Slovak Republic will promulgate the proposals adopted in the referendum in the same way as it promulgates laws.

Article 99

(1) The National Council of the Slovak Republic can amend or annul the result of a referendum by means of a constitutional law, but it may not do so earlier than three years after the result of the referendum came into effect.

(2) A referendum on the same issue can be repeated after three years at the earliest.

Article 100

A law will establish the manner in which referendum will be carried out.

We guess that this concise constitutional text could be sufficient in order to reply at least to some basic questions;

b) accordingly to the Art. 100 of the Constitution of the Slovak Republic (see above) the law had been approved in order to regulate the details. This was the law No. 564/1992 from the 19th of November 1992 which passed under the title «on manner of execution of the referendum». As one could point: this law tried to solve also the problem connected with qualitative features of questions which should be considered as adequate for purpose of a «manner of execution of the referendum», i. e. «clear yes - no questions». Unfortunately the requirement «unambiguous» and «intelligible» questions implicating the margin of presidential appreciation to approve them and call the referendum or reject them and to expect public reactions is omitted (such procedure could be easily obtained through mere transcription of the appropriate part of the first, even federal constitutional law on referendum from 1991 - see above).

The law No. 564/1992 reads as follows:

Part one , Basic provisions, § 1

(1) This Law stipulates the way of holding referendum pursuant to Articles 93-99 of the Constitution of the Slovak Republic.

(2) The Chairman of the National Council of the Slovak Republic shall submit the proposal to call a referendum to the President of the Slovak Republic within 5 days after the National Council passed a decision on holding referendum.

(3) In the case the referendum is to be called on the basis of petition, the procedure provided by a special law will be followed¹. The citizens will turn to the President of the Slovak Republic with their petition asking for calling a referendum.

(4) The referendum question or questions must be clear yes - no questions. The questions cannot condition each other.

§ 2

(1) The referendum is called by publication in the Collection of laws.

(2) The publication shall include:

a) who proposed to call the referendum and the day of taking over the petition of the citizens or passing the decision of the National Council of the Slovak Republic,

b) what question or questions citizens will be asked to answer,

c) the day, or days of holding referendum,

d) the delay in which organs for referendum have to be set up for their first meeting,

e) the day of calling the referendum.

(3) If the issue of the referendum is rather comprehensive and the question asked needs an explanation, this shall be stated in an attachment to the question; the attachment is part of the publication pursuant to clause (2).

§ 3

Municipalities shall inform their citizens on the referendum no later than 15 days before holding the referendum, in way usual in the Municipality.

§ 4

(1) The referendum shall be held on the same day all over the territory of Slovakia. The President can decide that the referendum would be held on two days.

(2) The referendum shall be held from 7 a. m. till 10 p. m. on the determined day. If local conditions require it, the Mayor of the Municipality that is divided into City Wards, or the Mayor of the City Ward² (hereinafter referred to as «Mayors») can set the start of the referendum on an earlier hour.

¹ Law No. 85/1990 on Right of Petition

² § 13.1 and 24.2 of the Law of the SNC No. 369/1990 on Municipal organization as amended. § 17.1 of the Law of the SNC No. 377/1990 on the Capital City of Bratislava as amended. § 15.1 of the Law of the SNC No. 401/1990 on the City of Košice as amended.

(3) If the referendum is held on two days it shall start at 2 p. m. and end at 10 p.m. on first day. On second day it shall start at 7 a. m. and end at 2 p. m. If local conditions require it, the Mayor can set the start of the referendum on an earlier hour.

§ 5: Every citizen of the Slovak Republic who, according to the law of the Slovak National Council on Elections to the Slovak National Council³ (hereinafter referred to as «Election Law»), has the right to vote in the elections to the National Council (hereinafter referred to as «eligible citizen») has the right to vote in a referendum.

§ 6: Any obstacles in executing the right to vote in a referendum shall be dealt with pursuant to the respective provision of the Election Law⁴.

Part two, Referendum precincts and districts

§ 7

Referendum Precincts

(1) Referendum Precincts (hereinafter referred to as «Precincts») for voting (§ 18) and counting (§ 21) are established in Municipalities.

(2) No less than 10 days before holding the referendum the mayor shall determine the territory of the Precincts and the Polling Station in each Precincts.

(3) The Precincts are established in accordance with the provisions of the Election Law on Election Precincts⁵. Each Precinct can include up to 2000 eligible citizens.

§ 8: Referendum Districts

(1) For purpose of counting the results of the voting in Precincts the Referendum Districts shall be established.

(2) The territories of Districts provided by a special provision⁶ shall constitute the Referendum Districts.

Part Three: Referendum voter lists and voter`s cards

§ 9

For purpose of voting in the referendum the Municipality shall provide for the Lists of eligible citizens (hereinafter referred to as «Lists»). The Lists obey the provisions of the Election Law on Voter Lists⁷, only the deadline for publishing of the List will not be considered. However, the List must be posted in public places so that the eligible citizens have enough time to make themselves familiar with it, or raise objection.

§ 10

3 The Law of the SNC No. 80/1990 on Elections to the SNC as amended.

4 § 2.3 of the Law of the SNC No. 80/1990 on Elections to the SNC as amended.

5 § 10 of the Law of the SNC No. 80/1990

6 The Law of the SNC No. 517/1990 on Territorial Organization of the Slovak republic in the wording of the Law of the SNC No. 295/1992.

7 § 4 and § 5 of the Law of the SNC No. 80/1990

(1) On their request, the Municipality shall issue Voter`s Cards to the eligible citizens who will not be able to vote in the Precinct where they are registered in the List and at the same time it will delete them from the List and make a notice of issuing the Voter`s Cards.

(2) The Voter`s Card qualifies for being recorded into a List and voting in another Precinct.

Part Four: Referendum organs

§ 11: General Provisions

(1) For purpose of organizing the referendum and finding out its results the following referendum organs (hereinafter referred to as «Commissions») shall be established:

a) The Central Commission for Referendum of the Slovak republic (hereinafter referred to as «Central Commission»),

b) District Commissions for Referendum (hereinafter referred to as »District Commissions») for each District (§ 8),

c) Precinct Commissions for Referendum (hereinafter referred to as «Precinct Commissions») for each Precinct (§ 7).

(2) Only eligible citizen can become a Commission Member.

(3) The Commission member takes up his office by signing the following pledge: «I pledge to perform my function in a careful and non-partisan manner and in accordance with laws and other legislation. On my honor».

(4) The Commission has a quorum when a majority of its Members is present. A decision is passed if a majority of the Members present voted for it. If the votes equal, the proposal is considered overruled.

(5) If a Commission Member`s function ceased to exist, his function will be taken over by a Substitute. The Vice-Chairman of the Commission can by the law designate one of his employees to substitute him.

(6) For purpose of preparation of processing and processing of the results of the referendum voting the Central Commission and District Commission shall establish Expert (Summary) Section consisting of the workers designated for this purpose by the respective organ of the State Statistics. These workers shall committ a pledge pursuant to clause (3) and are subordinated to the Chairman of the respective Commission.

§ 12: Central Commission

(1) Every political party or movement represented in the National Council of the Slovak Republic shall appoint within the time stated in the publication on calling the referendum (§ 2.2 d)) 1 member and 1 substitute to the Central Commission and announce their names and last surnames to the Minister of Interior of the Slovak Republic.

(2) At the first meeting a draw will determine the Chairman and First Vice-Chairman of the Commission from among the Central Commission members. The draw is conducted by the oldest Central Commission member.

(3) Other Vice-Chairmen of the Central Commission are the Minister of Interior and the Chairman of the Slovak Statistical Office.

(4) The Vice-Chairman pursuant to clause (3) shall designate the necessary number of employees of their offices to fulfill the duties and for organizational and administrative work.

(5) The Minister of Interior of the Slovak republic shall call the first meeting of the Central Commission within the time stated in the publication on calling the referendum (§ 2.2d)).

(6) The Central Commission shall

a) control whether the legal provision are not violated during the preparation and holding of the referendum,

b) decide on complains of the procedure of the District Commission,

c) find out the results of the referendum voting,

d) submit the Minutes on the results of the voting to the National Council of the Slovak Republic,

e) fulfill other duties pursuant to this Law and other legal provisions.

§ 13: District Commissions

(1) Every political party or movement stated in § 12.1 can appoint within the delay stated in the publication on calling the referendum (§ 2.2 d)) 1 member and 1 substitute to each District Commission and announce their names and surnames to the Head of District Office.

(2) At the first meeting a draw will determine the Chairman and First Vice-Chairman of the Commission from among the District Commission members. The draw is conducted by the oldest District Commission member.

(3) Other Vice-Chairmen of the District Commission are the Head of the District Office and the Director of the respective District Branch of the Slovak Statistical office.

(4) The District Commission must have no less than 5 members. If the District Commission is not set up in a way pursuant to the clause (1) the rest of the District Commission members will be appointed by the Head of District office.

(5) The Vice-Chairmen pursuant to clause (4) shall designate the necessary number of employees of their offices to fulfill the duties and necessary organizational and administrative work.

(6) The first meeting of the District Commission shall be called by the Head of the District office of the Slovak republic within the delay stated in the publication on calling the referendum (§ 2.2d)).

(7) The District Commission shall

a) control whether the legal provision are not violated during the preparation and holding of the referendum,

b) decide on complains on the procedure of the Precinct Commission,

c) oversee finding out the results of the referendum voting in Precincts: it is authorized to ask Precinct Commissions for explanation or other information and can remove the errors found by itself after an agreement with the Precinct Commission or ask the Precinct Commission to remove them,

d) find out the results in the District,

e) submit the Minutes on the results of the voting to the Central Commission,

f) fulfill other duties pursuant to this Law and other legal provisions, and duties ordered by the Central Commission.

§14: Precinct Commissions

(1) Every political party or movement represented in the National Council of the Slovak republic or in Municipal Council or City Ward Council in the case of towns divided into City Wards can within the time stated in the publication on calling the referendum (§ 2.2 d)) appoint 1 member and 1 substitute to the Precinct Commission and announce their names and surnames to the Mayor.

(2) At the first meeting a draw will determine the Chairman and Vice-Chairman of the Commission from among the Precinct Commission members. The draw is conducted by the oldest Precinct Commission member.

(3) The Precinct Commission must have no less than 5 members. If the Precinct Commission is not set up in a way pursuant to the clause (1) the rest of the District Commission members will be appointed by the Mayor.

(4) The Mayor shall call the first meeting of the Precinct Commission within the delay stated in the publication on calling the referendum (§ 2.2d)).

(5) The Mayor shall also provide for the workers fulfilling the necessary organizational and administrative work.

(6) The Precinct Commission shall

a) provide for correct course of voting above all the correct casting of the ballots papers and order in the Polling station and its immediate surroundings,

b) perform the count of the votes (§ 21),

c) prepare and submit the Minutes on the results of the voting to the respective District Commission

d) fulfill other duties pursuant to this Law and other legal provisions, and duties ordered by the respective District or Central Commission.

Part five

Holding the referendum

First section - preparation of voting

§ 15: Ballots paper

(1) Ballots paper must include:

a) the day or days of the referendum

b) the question or questions; if there are more questions they will have ordinal numbers. Next to each question two little boxes will be printed with word « yes» above one of them and «no» above the other.,

c) a guidance on how to vote.

(2) Every ballot paper must bear a print of the Central Commission stamp and the stamp of the Municipality (City Ward).

(3) The Ministry of Interior shall provide for printing out and delivering of the ballots to Municipalities in necessary numbers.

(4) The Municipality shall provide for delivering the ballots to all Precinct Commissions on the referendum day.

(5) Eligible citizens shall get the ballot paper in the Polling Station on the referendum day.

§ 16

In a way usual in the Municipality, the Municipality shall inform eligible citizens on established Precincts, Polling Station and the time of voting, sufficiently in advance. At the same time the Municipality shall inform the eligible citizens on their duty to have an ID card with them.

Second section - Pre-referendum campaigning

§ 17

(1) The pre-referendum campaigning starts 12 days before and ends 48 hours before the referendum.

(2) The Slovak radio and the Slovak television shall devote 10 hours each of their broadcast time to the campaign pursuant to the clause (1). The broadcast time shall be equally distributed among the political parties and movements stated in § 12.1. The claim for broadcasting time must be asserted at least 3 days before the referendum.

(3) Any disputes over providing the broadcast time pursuant to clauses (1) and (2) shall be definitely decided by the Central Commission.

(4) The fees for using the communication facilities⁸ will be paid to the extent of the broadcast time provided pursuant to clause (2) from the State budget of the Slovak Republic.

(5) 48 hours before holding the referendum and during the referendum any form of persuading to vote in a certain way in the mass media is banned.

(6) During the referendum any persuading to vote in a certain way in buildings where the Precinct Commissions are seated and its immediate surroundings is banned.

(7) The results of opinion polls concerning the referendum questions can be published no later than 3 days before the referendum.

(3) The Commissions and workers of their Expert (Summary) Sections must not provide any information on the voting and partial results of the voting before the Minutes on the results of voting is signed.

(9) During the vote it is not allowed to publish the results of the preliminary polls.

Third Section - Voting

§ 18

⁸ The Law No. 110/1964 on Telecommunications in the Wording of the Law no. 150/1992

(1) An eligible citizen votes in person; no other person can vote for him.

(2) An eligible citizen answers the referendum question by marking with a little cross «yes» or «no» box next to the question and casting the ballot paper in a ballot box. The ballot is secret.

(3) If there are more referendum questions, each of them will follow the procedure stated in clause (2) separately.

§ 19

(1) The vote is void if any written material other than ballot paper was casted (§ 15).

(2) The ballot paper is void if it is torn in two or more parts or it is marked in any other way than provided by §18.2 or not marked at all.

(3) The Precinct Commission shall definitely decide whether both the voting and the ballot paper are valid.

§ 20

The provisions of the Election Law⁹ also regulate the preparation of the Polling Station, the area for marking the ballots, start of the vote, the vote, order in the Polling Station and its immediate surroundings, the interruption of the vote and close of the vote.

Part six

Finding out and announcing the referendum results

§ 21

The count at the Precinct Commission

(1) After opening the ballot box the Precinct Commission shall put away the cases of void voting (Article 19.1) and find out

- a) the total number of ballots cast,
- b) the number of void ballots (Article 19.2) and exclude them from further count,
- c) the number of valid ballots,
- d) the number of «yes» and «no» votes for every single question.

(2) The counting procedure at the Precinct Commission is regulated by the provisions of the Election Law on counting the votes at the Precinct Election Commission¹⁰

§ 22

Minutes on the voting and results of the voting at the Precinct

(1) The Precinct Commission shall prepare two copies of the Minutes on the results of the referendum voting at the Precinct signed by the Chairman, Vice-Chairman and other Commission members. If any of them refused to sign it, the reason why will be recorded.

(2) The Minutes must include:

- a) the time of the start and close of the vote or its interruption, if any,

⁹ Articles 26-31 of the Law of the SCN No. 80/1990

¹⁰ Article 33 of the Law of the SCN No. 80/1990

- b) the number of the eligible citizens registered in the voter lists within the Precinct,
- c) the number of the eligible voters who were given the ballots,
- d) the number of the ballots cast,
- e) the number of the valid ballots cast and the void ballots cast,
- f) the number of «yes» votes and the total number of «no» votes for each individual question.

(3) The Precinct Commission shall attach to the Minutes a brief report on the complaints that were raised to the Precinct Commission and the resolutions that the Commission passed on them.

(4) After signing both copies of the Minutes on the results of the referendum voting the PC Chairman shall submit one copy with no undue delay to the District Commission and wait for its order to close work of the PC.

(5) The PC shall seal the ballots cast and the vote lists and submits them along with other documents on the voting into custody of Municipality.

§ 23

Minutes of the District Election Commission

(1) The DC shall prepare two copies of the Minutes on the results of the referendum voting and the DEC Chairman, Vice-Chairmen and other DC members will sign it. If any of them refused to sign it the reasons will be recorded.

(2) The DC shall find out the results of the voting in the District by means of the Minutes on voting and results of the voting submitted by the PCs.

(3) The Minutes must include:

a) the number of the Precincts in the District and the number of PECs that submitted the Minutes on the results of the voting,

b) the total number of the eligible citizens registered in the referendum voter lists within the District,

c) the total number of the eligible voters in the District who were given the ballots,

d) the total number of the ballots within the District,

e) the total number of the valid ballots cast and the void ballots cast in the District,

f) the total number of «yes» votes and the total number of «no» votes for each individual question within the District.

(4) The District Commission shall attach to the Minutes a brief report on the complaints that were raised to the District Commission and the resolutions that the Commission passed on them, as well as the cases of violating the legal regulations during preparation and holding of the referendum.

(5) After signing both copies of the Minutes on the results of the referendum voting the DC Chairman shall submit one copy with no undue delay to the Central Commission and wait for its order to close work of the DC. He shall submit other documents into custody of the District office.

§ 24

Minutes of the Central Commission

(1) The CC shall review the Minutes of the District Commission and use them to find out the results of the referendum voting.

(2) The CC shall prepare two copies of the Minutes on the results of the referendum voting signed by the CC Chairman, Vice-Chairman and other members. If any of them refused to sign it, the reason why will be recorded.

(3) The CC shall state in the Minutes:

a) the total number of the Districts and Precincts and the number of PCs and DCs that submitted the Minutes on the results of the voting,

b) the total number of the eligible citizens registered in the referendum voter lists,

c) the total number of the eligible citizens who were given the ballots,

d) the total number of the ballots cast,

e) the total number of valid ballots cast and the total number of void ballots cast,

f) the total number of «yes» votes and the total number of «no» votes for each individual question.

(4) The Central Commission shall attach to the Minutes a brief report on the complaints that were raised to the Central Commission and the resolutions that the Commission passed on them, as well as the cases of violating the legal regulations during preparation and holding of the referendum.

(5) After signing all copies of the Minutes on the results of the referendum voting the CC Chairman shall submit one copy with no undue delay to the National Council of the Slovak Republic. He shall submit other documents on the work of the CC into custody of the Ministry of Interior.

(6) With no undue delay after submitting the minutes (clause (5)) the CC shall announce the results of the referendum voting via the Press Agency of the Slovak republic [clause (3) b), e), f)].

§ 25

Publication of the referendum result

The publication of the proposal passed in the referendum¹¹ shall include:

a) the day or days of holding the referendum,

b) the total number of the eligible citizens registered in the Referendum Voter List,

c) the total number of the eligible citizens who voted,

d) the total number of the eligible citizens who answered «yes» to the question or questions and the total number of the eligible citizens who answered «no» to the question or questions,

e) what proposal or proposals were passed in the Referendum.

Part seven

Organizational measures

§ 26

Providing for the subsidiary means

¹¹ Article 98 of the Constitution of the Slovak republic

(1) The subsidiary means, especially the rooms for voting and supplies for the vote will be provided for the PCs.

(2) The subsidiary means for DC`s will be provided for by the District offices.

§ 27

Cooperation of other organs and persons

(1) All State Organs and Municipalities are obliged to cooperate in enforcing this Law.

(2) Both Natural and Legal Persons running a business in printing industry are obliged to the extent of the technical capacity of their business and for reward to provide on request of the State organs or the municipalities fulfilling the duties pursuant to this Law for early and correct printing of the Ballots, Voter`s Cards and all other documents needed for the Referendum. This provision does not regulate the claims for damage done when fulfilling these duties.

§ 28

Claims of the Commission Members

The claims of the Commission Members are subjected to the provision of the Election Law on the claims of the Election Commission Members.¹²

§ 29

Reimbursement of the costs relating to the Referendum

(1) The costs relating to the preparation and holding of the Referendum and finding its results are reimbursed from the State Budget.

(2) The costs of clause (1) do not include the costs relating to the pre-referendum campaign, except for using the communications facilities (Article 17.4).

§ 30

Final Provision

(1) The Ministry of Interior of the Slovak Republic shall

- a) produce the examples of the Ballot Papers and provide for printing,
- b) regulate

- 1. establishing the Precincts for voting,
- 2. making up and maintaining the Voter Lists,
- 3. issuing the Voter`s Cards,
- 4. providing for and arranging the Polling Stations,
- 5. safekeeping the Ballots and other documents on the voting.

(2) The Slovak Statistical Office shall issue the methodology of the processing the voting results.

Article 31

This Law shall come into force as of the day of its publication.

¹² § 51 of the Law of the SNC No. 80/1999

The Law No. 564/1992 had been two times amended. For the first time by the Law No. 158/1994 and for the second time by the Law No. 26/1995. The Law No. 158/1994 specified some essential formal demands which should be fulfilled by petitions demanding the referendum (esp. personal data of its signatories, representatives in the Petition Committee etc.) and increased the presidential supervising over the petition's constitutionality and legality (when he finds some lacks of them he will refuse to call a referendum). This Law had been adopted after the second fall of the V. Mečiar government perhaps also in order to prevent hardly calculable activities of his HZDS (Movement for democratic Slovakia). After victorious postelective comeback of the HZDS the second amendment of the Law No. 564/1992 had passed in the National Council of the Slovak Republic in 1995. The political struggle between the President and contra HZDS located political parties and movements on the one hand and the HZDS and its political allies on the other continued. This time it had been projected into the Law No. 269/1995. According to its run the President became someone as an actor-outsider who could only wait for the decisions of the Chairman of the National Council of the Slovak Republic and of the National Council of the Slovak Republic itself (e.g. the petition had no more to be delivered to the President but to the Chairman of the National Council of the Slovak Republic which would provide which «organ or other institution» have to decide whether the petition meets requirements or not, etc.). However the President turned to the Constitutional Court of the Slovak Republic objecting among other statements of the Law No. 269/1995 its Art. 1 altering the older run of the paragraph 1c. This was namely this paragraph of the Law No. 269/1995, which made from the President someone as mere outsider of the referendum game:

The National Council of the Slovak Republic shall review whether the contents of the petition is in accordance with the Constitution and a special law [the Law on petition right]. The National Council of the Slovak Republic shall designate a respective State Organ or another institution to review whether the Petition includes all necessities. This Organ is obliged to announce its findings on the number of valid signatures to the National Council of the Slovak Republic within 15 days after it had been asked by the National Council of the Slovak Republic to review the Petition.

The National Council of the Slovak Republic shall announce its findings subject to clause (1) to the President of the Slovak Republic within 20 days after receiving the notice of submitting the Petition.

The President of the Slovak Republic shall call the referendum after the statement of the National Council of the Slovak Republic confirming that all conditions to call a referendum were fulfilled; if not the President will not call the referendum and will inform about that the agent of the Petition Committee.

In its finding from the 2nd of May 1996 the Constitutional Court decided that the paragraph 1c of the law No. 269/1995 is in contradiction with several statements of the SR Constitution, among others with the Article 95 of the Constitution:

Article 95

The referendum is called by the president of the Slovak republic if requested by a petition signed by a minimum of 350 000 citizens or on the basis of a resolution of the National Council of the Slovak republic within 30 days after the receipt of the citizen` petition or the resolution of the National Council of the Slovak republic.

4. Plebiscits or referenda

The legal system of the Slovak Republic does not use the word «plebiscite». Furthermore, even from the point of view of theoretically sophisticated works follows that there is some consensus in that, that in the international (public) law level «plebiscites» are connected with question concerning the popular vote on surrrounding of a demarcated territory. Our conviction is that all here depends on the context/tradition. Thus one may point that sometimes «plebiscite» and «referendum» are considered as having the same or very nearly the same meaning or that «plebiscites» are connected with certain personalization of the public power: sometimes it is held that it can be initiated by one individual. From this point of view one could remark that this initiative is - at least within present conditions done by legal system of the Slovak Republic - divided between two branches of the power of the state and citizens.

5. Political system and referendum

The system of the parliamentary democracy as it has been conceived in the Slovak Republic implicates that the referendum in Slovakia is expected to be only a complementary form of the democracy. The Slovak Republic is a parliamentary, representative, still not consolidated democracy to some extent based on former CSFR traditions. The 1992 Constitution provides a single-chamber, 150 member legislative assembly elected by the universal suffrage for a four-year terms. The President, who is head of the state is directly elected since 1999 for a maximum of two consecutive five-year term and appoints the Prime Minister who in turn appoints a body of ministers. Parliament is approving and controlling executive bodies, which are responsible to the legislative body. There is the division of powers coming from the classical idea, transformed from the first Constitution of the CSR from 1920. Elections are held every four years by universal suffrage. The election system is proportional - each party gets places in parliament according to percentage of votes they have got. Political parties which would like to run for elections have to declare either 10 000 members or 10 000 supporters (eventually 100 000 votes from the last elections). The threshold for entering parliament is 5% for political parties. Parties, which do not reach this limit, do not get places and their votes are divided between parties, which got to parliament in so-called second scrutiny. In the exceptional case when no political party reach 5% of total amount of votes, the treshold is reduced to 4%. The President entrusts the leader of the winning party to create a new government. The leader has to create a government, which will have majority in the parliament. It usually means some form of coalition with other parties. After creation of government the list is presented to the President who has the right to

reject the government completely or some members of it. When the President appoints the new government its members start to prepare Program declaration which has to be approved by parliament majority.

The relation of the political system to the institution of referendum we can read from how the independent state was created. The Slovak independence was not legitimized through the referendum. The most important decision in the history of the nation was made without referendum. The independent state and democratization in Slovakia did not start its existence by sufficiently legitimate way and we can say that the later development of a political system did verified this hypothesis related to the uncertainty about own statehood and uncertain democracy which are influencing each other in dynamics what is negatively reflected within a process of democratization. Later experiences with the referendum in Slovakia verify what is said above.

6. Participation and turnout?

From the point of view of participation or turnout the all-state referenda in Slovakia seem to be very poor. This could be illustrated by data of the Central Commission for referendum.

The turnout in all-state referenda:

Year	Issue	Turnout	«Yes» votes
	The adoption of the law, which would enact the obligatory transparency of the financial sources, used in auctions and privatization.	19.96%	93.64%

1997:

- 1.«Are you in favor of joining NATO?»
2. «Are you in favor of placing nuclear weapons within the territory of the Slovak republic?»
3. «Are you in favor of stationing military bases within the territory of the Slovak republic?»
4. «Do you agree that the president of the Slovak Republic should be elected directly by the citizens of the Slovak republic according to the enclosed proposal of the constitutional law?»

The prohibition of the privatization of (so-called) strategic (energetic) enterprises by the constitutional law.	44.25%	80.85%
--	--------	--------

They had been huge disputes over the composition of the 1997 referendum (referenda?) questions. As one may point there had been distributed ballot papers omitting the question No. 4 resulting from the petition of citizens. There had been even some District Commissions, which did not reach any ballot papers at all. This resulted into the »zero” turnout declared by the Central Commission for Referendum and had some further consequences including criminal investigations, new call for referendum with complete ballot papers by the President on 20 February, 1998 which was nevertheless cancelled by the Prime Minister V. Mečiar in March 1998 when the presidential office became vacant and the majority of his competencies was exercised by the Prime Minister.

One may conclude that while the all-state referenda from 1994 and 1998 can be hold simply as invalid, there is a strong feeling that the all-state referendum (referenda?) from 1997 was (were) not only invalid but thwarted by competent administrative authorities (what could be considered as some kind of offence but one has perhaps also take into account the principle of presumption of innocence and wait for appropriate judicial decision).

7. Tools and techniques of public mobilization used during the referendum' campaign, influence of political parties and other groups

Before the referendum 1994 (concerning the obligatory transparency of the financial sources used in auctions and privatization, popularly called «Ľupták's referendum» because of the name of the chief of Association of workers of Slovakia ZRS who was its main supporter) there was not a certainty that the resolution will be adopted by the parliament and so AWS started to collect petition signatures. Finally the referendum was proposed by the resolution of the NR SR. During the campaign there was used usual methods for mobilization as *shots in TV and some articles in newspapers*. The campaign was not very strong; in fact there was no campaign at all.

The referendum 1997 about joining NATO and the direct election of president (see above) became a hot topic of political struggle between coalition parties Movement for Democratic Slovakia (HZDS), Association of workers of Slovakia (ZRS), Slovak national party (SNS) and the opposition which had been especially in this case formed from Christiandemocratic party (KDH), Democratic union (DÚ), Democratic party (DS), Hungarian coalition (MK), Socialdemocratic party of Slovakia (SDSS). The whole campaign was aimed only at the question of NATO, there were few discussions about direct elections of president. The tools and methods for mobilization of voters used during the campaign were very broad and effective. We can divide them into two groups - tools used by political parties and tools used by nongovernmental organizations.

Political parties:

Opposition political parties /KDH, DÚ, DS, MK, SDSS/ except Party of Democratic Left (SDL) prepared a project of constitutional law for direct elections of president but this did not passed through the parliament. They organized a petition on the base of which president declared the referendum. Referendum on NATO was proclaimed on the basis of resolution of parliament. Both referenda had a strong support of opposition parties.

Political parties /all except SDL/ were associated and cooperated with nongovernmental movement «Common action for referendum»; they organized political discussions, meetings, round tables about the questions on TV (private TV Markiza), radio (mainly Twist) and on public. They used very effective approach - cooperation with existing NGOs and civic movements and new ad hoc created initiatives, movements.

HZDS kept a strange silence, it did not participated on referendum campaign and in the framework of it did not even support the joining of NATO (part of its own election and governmental programme).

SNS and ZRS were from the beginning opposed to the whole referendum. During the campaign they presented their resistance against joining NATO and presented the idea of neutrality of Slovakia. They did not support direct elections of President. For the presentation they used TV, radio and newspapers.

Non-governmental organizations:

During the campaign there was a great activity of «third sector» (NGOs); it dominated whole campaign (cooperation network. ad hoc activists from civil society, etc.). Lot of supporters of joining NATO and direct election of the President worked in the framework of NGOs. The TV shots and radio spots were too dull, too general, they did not provide concrete data. The traditional way of organizing meetings did not address too much, but direct targeting was more successful - for example through march «Slovakia into Europe too». The main ad hoc movements were *Common action for referendum* (Spoločná akcia za referendum) - in its framework worked political parties and civic movements and associations together and *Youth for referendum* (Mladí za referendum) - in its framework cooperated politically oriented youth organizations with a broad political range -from left to right including also young SĎĽ and HZDS members. Other civic movements and ad hoc associations had few or almost any connections with political parties (SFPA-Slovak foreign policy association, PAI -Proatlantic initiative, Foundation GEMMA or SKOI).

According to dates from *Gremium of third sector* and SFPA, NGOs printed together 58 000 posters, 122 000 labels, 1242 000 leaflets, 50 000 postcards, organized cca. 520 meetings and prepared broad campaign trough media.

Common action for referendum (Spoločná akcia za referendum) was created in the 24th of April 1997. Its origin is in activity of petition committee for direct election of President. The association represented political parties (KDH, DÚ, DS, SDSS, MK, SZS) and civic movements like - Zachráňme kultúru (Save the culture), Slovenský syndikát novinárov (Slovak syndicate of journalists), Fórum inteligencie Slovenska (Forum of Slovak Intelligence), Slovenský Helsinský výbor (Slovak Helsinki Committee), Grémium tretieho sektora (Gremium of third sector). They prepared 80 TV and radio spots and 120 meetings.

Foundation GEMMA was created in 1993. It organized relay march, started May 6, 1997, around Slovakia in three waves: 1. Main wave (660 km) from Vyšné Nemecké trough Michalovce, Košice, Rimavská Sobota, Banská Bystrica, Nitra to Bratislava, 2. North wave (780 km) from Snina trough Humenné, Poprad, valley of river Váh to Bratislava, 3. South wave (200 km) from Štúrovo through Komárno, Dunajská Streda to Bratislava. The march ended in Bratislava by the meeting «Better life in the heart of the Europe» on May 5, 1997. The participants visited cca 300 villages and towns. They organized several actions and meetings for supporting the idea of joining NATO. They distributed

posters and leaflets (65 000). They organized discussions with the regional personalities and they spoke directly to citizens. They were supported (financially) from the USAID, domestic political parties and private undertakers. Institute for public questions (*IVO*) published and distributed two books (cca 3000 pieces). The studies «Facts and illusions about neutrality» and «NATO and the price for security». Both publications were publicly presented and distributed to Members of Parliament (MPs), political parties, media, libraries, Internet and wide public. They were supported (financially) from the Open Society Institute (New York). *SKOI* (Stála konferencia občianskeho inštitútu) organized cca 300 discussions with politicians, scientists, scholars, and journalists and distributed 150 000 leaflets and postcards. *SFPA* organized round tables and seminars about joining NATO and conception of the Slovak foreign policy also with ambassadors of the USA, the Great Britain and officials of the EU. The regular meetings of SFPA were connected with the question of NATO during the referendum campaign in May. The president of SFPA M. Vašaryová sent a letter to every member of association in which she asked to vote for NATO and to influence friends and relatives if possible, several days before referendum started. *CEP* organized a discussion with students of Universities and distributed 100 000 labels «Slovakia into NATO». *PAI* organized a seminar with Milan Žitný from Radio Free Europe and Alexander Duleba from SFPA; and public discussion with Ján Fígel' (KDH MP), František Šebej (vice-president of DS) and Eduard Kukan (president of DU). *Youth for referendum* was a cooperation of youth organizations of different kind. This initiative became the only place where coalition and opposition groups really cooperated together. The aim was to influence young people to vote in the referendum. They organized meetings around Slovakia, distributed labels, T-shirts, own leaflets, advertisements. They presented themselves in TV and radio. They were supported (financially) from IRI (International republican institute) and USAID.

Opponents of joining NATO presented their opinions through official structures of some political subjects ZRS, SNS, Kresťanskosociálna únia, Slovenská zelená alternatíva. Two NGOs were only a supplement there. Stála konferencia slovenskej inteligencie Slovakia plus proposed negative answer to the NATO question. They were supported (financially) from the SR Ministry of Culture. Asociácia stúpcov neutrality organized press discussions, public meetings and seminars. It distributed several leaflets and participated on campaign in media (radio Twist, Roľnícke noviny).

Referendum 1998 was based on petition and resolution approved by Parliament shortly before parliamentary elections. It has broad political support only from members of coalition parties - mainly HZDS. However opposition parties had roughly rejected it. The tools and methods were used as usually - through media: TV, newspapers and radio. In fact the campaign was a part of election campaign of coalition parties.

So, as we can see the experience with the referendum may be bit confusing. The referendum became a tool for political struggle between the political parties if the issue asked in the referendum is for them important and they can gain a broad consensus and agreement from citizens. Political parties have a big influence on a manner of enacting referendum trough the parliamentary voting for laws

concerning the referendum and resolutions on calling it. It is clear that during the process of adoption of resolution to call the referendum they can influence the issue and the questions, which should be asked.

Later on they can influence the referendum through the referendum commissions because according to the law (see above) the Central Commission for Referendum (CC) consists of representatives of parliamentary political parties (see the Law No. 564/1992) and two ex officio members - the Minister of Interior and the Chairman of the Slovak Statistical Office. Clause 12.1 of the Law allows each political party represented in the SR National Council to have one representative in the CC. The same is valid for District and Precinct Commissions. Other possibility how to influence the referendum is through referendum campaign, if the submitted issue is important for political parties, so before the referendum 1997, they arranged a huge campaign. Nevertheless if they considered a matter as not identical with their interests, there is not a political will from their part to support it as it was during the referendum campaigns in 1994 and 1998. Opposition parties considered the referendum 1998 as election campaign tool of the HZDS to gain more votes and to win elections by larger majority.

Other important actors influencing the referendum are pressure groups coming from the civil society as so-called third sector groups. During the referendum campaign 1997 they started to be very influential. They produced a huge campaign for supporting NATO membership and affected the public opinion, as it can be clearly proved by public opinion polls.

8. Regional and local experiences

Although the local referendum had been chronologically the first kind of referendum introduced into the legal system of the Slovak Republic in 1990 by the Law No. 369 (see «Introduction» above) the constitutional base of the local referendum is done by the Article 67 of the Constitution of the Slovak Republic which runs as follows: *Every municipality is independent in making decisions about issues relating to its territorial self-government; any duties and restrictions imposed upon a municipality must be imposed only by the law. Inhabitant's assemblies, in local referendum or through municipal organs decide issues concerning the territorial self-government.*

Despite some amendments of the Law No. 369/1990 in 1991, 1992 and 1994 the basic idea introduced in 1990 remains the same. Only from the point of the articulation there had been a slow move from «popular vote» used by the § 11.4 of the Law No. 369/1990 to words «local referendum» used by the Law No. 130/1991. This Law only confirmed the subject of the obligatory »local referendum«, i.e. merger, split and dissolution of municipalities and establishing of local rates, as well as the statement that it has to be called on the petition of 20% voters of municipality by the Municipal Council. It also introduced one year delay: the Municipal Council can establish local rates within the one year after their rejection by the «popular vote» (§ 11.6). Later there had been a reverse move in favor of the words «popular vote» (e.g. Law No. 481/1992). Further amendments in 1994 are not

relevant from the point of view of our interest. Thus we may only add that the Municipal Council can submit for a popular vote decision also other important issues of municipal self-government (§11a6). There is not centralized record or survey of all local referenda held in the Slovak Republic. The Ministry of Interior registers only referenda about merger, split and dissolution in which a decision for change had been taken. There have been only seven cases of such decisions and the subject of all of them was the split of relatively small municipalities.

The turnout in 7 "successful" local referenda about split of municipalities had been high.

municipality	date of vote	turnout total / %	"YES" votes
České Brezovo	26. 4. 1997	244 / 62,40	54,96 %
Nová Baňa - Brehy	12.6. 1993	625 / 73,96	88,88 %
Sliač - Veľká lúka	14.1. 1995	209 / 65,11	90,43%
Notešice - Petrova lehota	28.12.1994	118 / 78,66	78,81 %
Humenné - Lackovce	14. 3. 1998	241 / 59,80	55,79 %
Nové sady - Čab	14.3. 1998	382 / 78,93	86,41 %
Medzev - Vyšný Medzev	9.8. 1997	309/71,36	69,64 %

Postscriptum: The failure of the all-state referendum in 1997 resulted into the local referendum in Šturovo, which had been called by its Municipal Council. In the 19th of April 1998 inhabitants of this town reached a possibility to vote with four question ballot papers. As a consequence of this symbolic but politically important event, new amendment of the Law No. 369/1990 concerning »popular vote» on other issues had been enacted: The Law No. 225/1998 added to the wording of the §11a 6 that »popular vote» is allowed only on the municipal issues while the local level »popular vote» on all other issues is prohibited.

It is obvious that the institute of the referendum is not merely a piece of the legal system but has some deep political connotations. The referendum was always used as a tool of political struggle for power between political parties and political elites what reflects also a low participation of voters (see referendum 1994 and 1998) who on the other hand very actively participate on parliamentary elections. One may suggest that the institute of referendum in Slovakia has a very low credibility among voters which perhaps consider it as a very expensive «public opinion poll». Nevertheless the desire to participate in the referendum 1997 proved that such suggestion is not generally valid.