

## *Local Referendums in the Czech Republic, Hungary and Poland as Starting Points for Legislative Changes to Local Referendums in Slovakia*

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This article examines utilizing the institution of local referendums in the Visegrad Four (V4) countries. The aim is to compare selected aspects that influence its implementation

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in the Czech Republic, Poland, Hungary and Slovakia. The analysis focuses on four key areas. A comparative analysis of the abovementioned aspects in selected countries identifies the strengths and weaknesses of local referendums. In the conclusion of the article, we synthesize the positive and negative aspects of this institution in order to provide suggestions that could be a valuable source of insights for countries seeking to modernize and improve this instrument of direct democracy. The comparison shows that the Slovak Republic is lagging behind in legislative clarity and effectiveness of this instrument and could draw inspiration from Czech and Hungarian models of the local referendum institution.

*Keywords:* direct democracy, local referendum, quorum, comparative analysis, Visegrad Four countries

## 1. Introduction

In most democratic states, decision-making by political elites is conducted with a minimum of democracy, and therefore the citizens of these states have generally lost trust in the democratic nature of institutions (Merkel, 2014; Armingeon & Guthmann, 2014; Smolka, 2021). This is also pointed out by J. Verhulst and A. Nijeboer (2007), who examined the application of elements of direct democracy in the political systems of representative democracy in the member states of the European Union. In modern democracies, direct democracy is characterised by its complementarity to representative democracy. One of the most important instruments of direct democracy is the referendum, which can be considered a complementary instrument of democratic legitimation of political decisions (Trellová, 2021). A referendum is characterized by three basic features: direct participation of citizens in the voting, the possession of one vote for each voter and a decisive majority to confirm the will (Marczewska-Rytko, 2001). C. Lord (2021) reflects on what referendums can mean for democracy, also expressing concerns that referendums bring manipulation or political unaccountability. He expresses doubt that any democratic system could do without some sort of referendum provision.

This article focuses specifically on the use of referendums at the local level of government in the Visegrad Four (V4) countries. The aim of the article is to examine and compare the functioning of the institution of local

referendum in the V4 countries (the Czech Republic, Slovakia, Poland, Hungary) through a comparative analysis. A separate chapter dealing with the methodological procedure is included in the article. Based on a comparative analysis, we identify the strengths and weaknesses of local referendums in each country. In the conclusion of the article, we synthesize the positive and negative aspects of this institution in order to suggest examples of good practice that could contribute to a more effective functioning of the local referendum. The results of the paper can be a valuable source of knowledge for countries seeking to modernize and improve this instrument of direct democracy.

## 1.1. Local Referendums in Europe

In continental Europe, the institution of the referendum is only a complement to representative democracy, and this drives the prevailing view that the instruments of direct democracy (especially the referendum) should be a complement to representative government, but also a form of citizen control of the authorities, and not an alternative to governance (Węglarz, 2023). The referendums that are currently being implemented do not represent pure direct democracy, and therefore we cannot examine the effects of referendums as elements of direct democracy, as they are not actually used for the purposes of self-government or citizen empowerment, but are rather used as a tool to bridge the widening gap between representatives and citizens (Olsson, 2014). Government-initiated referendums are often deliberative, which means that even if citizens make a decision that reflects the general will, the elected representatives can manipulate it to suit their own purposes (Setälä, 2006).

In terms of the conditions of implementation, a referendum can be characterized as either decision-making or advisory, i.e. its implementation produces immediate effects of the decision, or it is only a means of testing general opinion before the decision is in fact reached, i.e. it is a non-binding opinion (Klíma, 2006). While the result of a consultative referendum is only advisory, in the case of a deliberative referendum, a further distinction can be made as to whether it has direct validity – a decimating referendum (e.g. when a law is adopted in this way), or requires implementation in the form of a law that has yet to be adopted by the representative body – an imperative referendum (Pechanec, 2011).

According to their purpose, non-compulsory referendums can be further categorized into several groups. One important group comprises partici-

patory referendums, which are used by 17 EU countries. Another group comprises blocking referendums (seven EU countries), which can be called for, again on the initiative of various institutions or groups of voters, to block or repeal a law or international treaty that has just been adopted, although this restriction does not apply in all countries. An important group are initiative referendums, where the referendum is legally regulated so that it can be initiated by a set number of voters or MPs without the need for further institutional approval of the proposal. It exists in six EU countries – Bulgaria, Hungary, Latvia, Lithuania, Slovakia and, since 2015, in France. A rationalisation is a type of referendum which is called for by the executive in order to approve a specific decision that would otherwise have to be approved by parliament, i.e. a representative body. It is a way of bypassing parliament and can only be held in two countries, France and Croatia. A referendum is optional when the law does not prescribe it for a specific case but allows it if a pre-determined institution or group within the democratic system requests it. The subjects who can initiate such a referendum are fixed, usually directly in the Constitution (citizens by petition, Parliament, the Government, the Head of State or another public authority). An optional referendum can only have an advisory role for public authorities, which does not preclude public authorities from being guided by a decision taken by citizens in a referendum, even without such an obligation enshrined in the legal order. Mandatory and optional referendums are not mutually exclusive; both are proclaimed in different cases in the same countries (Mikeš & Rytíř, 2019).

However, the country most closely associated with direct democracy in Europe is Switzerland, where citizen participation in local decision-making has been a central feature of Swiss local democracy for many decades. In Switzerland, voting at local level is not only frequent, but almost continuous, with the municipal authorities ensuring that several issues are voted on simultaneously almost every two months. Individual proposals can also be submitted by individuals. In small municipalities, organizational and administrative decisions are made by voting at the People's Assembly (Jeřábek, 2008).

For almost two centuries, the United Kingdom has also had a tradition of local referendums. Today, the main local authorities in the UK have the ability to hold an advisory referendum on any issue relating to their services, financial provisions and other matters relevant to the area. However, legislation in England and Wales obliges local authorities to hold referendums in certain circumstances and abide by the results. (Qvortrup, 2006).

The Scandinavian countries of Denmark, Norway, Sweden and Finland also have a long tradition of local referendums. Their common denominator is that they are all optional local referendums. While the main subject of local referendums in Norway was the sale of alcohol in the community for almost 100 years, it is now a matter of teaching language in primary school. In Finland, an amendment to the Finnish Constitution in 1990 made it possible to initiate consultative local referendums. Referendums are most often called for when municipal boundaries are changed. Denmark also has the use of local referendums enshrined in constitutional law. At local level, the municipal council has a free hand in organising local referendums on all issues falling within its competence. However, such referendums have an advisory function only (Kersting, 2015).

## 1.2. Unifying and Differentiating Features of Local Referendums

The unifying feature of local referendums is the way they are initiated: compulsory referendums required by law, referendums called for by the local authority and referendums at the request of a part of the electorate. Referendums can be initiated by the municipal authority at local level in Belgium, the Czech Republic, Estonia, Finland, Ireland, Luxembourg and North Macedonia. In Hungary or the Slovak Republic, only the municipal council can call for a local referendum; in Bulgaria, in addition to the members of the municipal council, the mayor of the municipality can also call for a local referendum. For referendums requested by a section of the electorate, each country applies its own rules on the number, method and form of collecting signatures. Most often, the quorum of the required number of participating eligible persons varies from 10% or more. In Estonia, e.g., it is 1% but at least five signatures, and in Finland it is 5% of registered voters. In these countries, however, the local government does not have to call for a local referendum on the basis of a petition. On the contrary, the number of required signatures tends to be higher in countries where a valid petition for a local referendum must automatically be followed by a referendum vote (Slovak Republic and Czech Republic 30%, Hungary 25%, North Macedonia 20%).

Another common element is the required quorum for the validity of the local referendum and the validity of the vote of the persons entitled to vote, although these quorums differ in size. The Venice Commission (2020) recommends not setting a quorum for participation in a referen-

dum (threshold, minimum percentage), as this assimilates abstainers with those who vote against. According to the Commission, even a minimum number of signatures for voter-initiated referendums already causes a minimum interest in the subject of the referendum. It also advises against setting the approval quorum (approval by a minimum percentage of registered voters) below the threshold required for a proposal to be adopted by a simple majority, and also against setting the threshold so high as to make it difficult for a change to be adopted by referendum. Despite these recommendations, quorum requirements in local referendums are quite uncommon. Albania, Estonia, Finland, France, Georgia, Italy, Spain, Sweden and Switzerland do not require a quorum. In Bulgaria, Croatia, the Czech Republic, Malta and Russia, a quorum of 50% of the electorate is required. In Poland, the quorum is 30% and in Belgium 10 to 20%. In Portugal, referendums are legally binding only if the turnout is above 50%. Other countries set a quorum for the referendum decision to be approved. In Armenia, a third of registered voters are required to approve the text. In Ireland, rejection of the text requires a third of registered voters.

The most common subjects of local referendums include changes to the boundaries of local government units, even in countries where the final decision is a matter of national law (Albania, Croatia, Estonia, Hungary, the Netherlands, Austria, Norway, Finland and Russia). By contrast, referendums on geographical boundaries cannot be held in Belgium. Local recall referendums of elected representatives of local authorities are a separate chapter. This popular vote gives voters the power to recall either the mayor or the local representative body directly. As stated by the Venice Commission (2020), it is a political instrument that removes the mandate of an elected body, e.g., if they have committed an illegal or criminal act. At regional level, recall by referendum is possible in Switzerland (Uri, Bern, Solothurn, Schaffhausen, Thurgau, Ticino), Germany (Bavaria, Rheinland-Pfalz, Brandenburg, Berlin and Bremen), Russia, Croatia, Poland and the Slovak Republic. Appeals at local level are slightly more common, with the most frequent being initiated against mayors (Croatia, Germany, Romania, Poland, Russia, the Slovak Republic, Switzerland, Ukraine, Spain, Moldova, Austria). For the recall of mayors, the Venice Commission (2020) recommends the introduction of an approval quorum, i.e., setting a minimum percentage of registered voters or requiring that the number of voters be at least as high as the number of those who voted in the mayoral election. Recall thresholds generally must be high enough to ensure that the removal of a mayor from office is not contingent on the minority losing the election.

## 2. Research Methodology

The research methodology consists of collecting and evaluating data, which we primarily draw from the statistical offices of the selected countries. At the same time, we rely on the works of domestic and foreign authors dealing with the issue of referendum and direct democracy. News articles are also an important part of gathering information on the specifics of local referendums of the V4 countries, but we subjected them to the criterion of publication through official state news agencies. This was the only way to ensure credibility and verification of the information. The treatment of the issue is based on a methodological anchoring, and it was carried out in several stages.

The methodological approach was designed to provide a comprehensive overview of the aspects under study, and identify the strengths and weaknesses of local referendum systems in each country. The article uses comparative analysis, which is the basic methodological approach in examining the differences and similarities in legal and practical aspects of local referendums in the four V4 countries. This approach allows for a systematic comparison based on predefined criteria, thus supporting the identification of factors influencing the effectiveness of this instrument of direct democracy. We have identified four key areas that we believe influence the implementation of local referendums and have compared them across the countries studied, firstly, the “subject matter of the local referendum”. By this we mean the identification of the subject areas that can be decided in local referendums. Next, it is the “method of initiating a local referendum”, i.e. the possibilities of initiating a referendum by citizens (petition) and local authorities (municipal council). The third area is “quorum” which is understood as the minimum number of eligible voters to call for a referendum. The last area is the “binding nature of the results of the vote” on the decision-making bodies. Each of these areas constitutes a separate stage of the study.

The data were obtained from legal documents that contained the relevant legislative norms governing local referendums in each country (e.g. the Local Referendum Act). The legislative environment and specific legal norms were analysed in order to establish a basic framework for systemic settings of local referendums in the V4 countries. Furthermore, we relied on statistical data, which represented data on the turnout of eligible voters and the success rate of referendums. The primary statistical data with which we worked in comparing the selected aspects were obtained from Eurostat databases. Subsequently, we focused on the processing of secondary sources in the form of available publications in domestic and foreign literature that deal with the issue under study. Thus, we have incorporated the views of several authors with which we argue, and we used

the acquired information to achieve the set objectives. At the same time, we also drew on published news articles, which we subjected to the criterion of being published exclusively through official state news agencies. Finally, the results of the analysis were synthesized in order to identify positive and negative aspects of the functioning of local referendums in each country. These findings were then used to draft recommendations and identify examples of good practice. The proposed methodology provides a systematic framework for comparing the legal and practical aspects of local referendums in the V4 countries. This approach allows us not only to understand the differences between the different systems, but also identify concrete improvements that could increase the effectiveness and accessibility of this instrument of direct democracy.

### 3. Local Referendums in the V4 Countries

The Visegrad Four is a community of four Central European countries – the Czech Republic, Hungary, Poland and the Slovak Republic – which has been known by this name since 1993. However, the Community was founded on 15 February 1991 by three states, one of which was the now defunct Czech and Slovak Federal Republic. The aim of the Community was to provide mutual support in the countries' joint efforts to become members of the European Union, which they achieved in 2004, and the cooperation of the countries of the Central European region in a number of areas of common interest within the framework of pan-European integration. The individual countries differ from each other in terms of size, population and local government structure.

Table 1: *Member countries of the V4 Community*

State	Area in km <sup>2</sup>	Population	Number of municipalities	Average number of inhabitants of a municipality
Slovak Republic	49,034	5,449,270	2,890	1,870
Czech Republic	78,866	10,206,000	6,258	1,650
Hungary	93,029	10,030,000	3,114	3,170
Poland	312,685	38,116,000	2,478	15,380

Source: Authors, based on Eurostat data.



The political system in the Slovak Republic, as well as in the other V4 countries, is based on a representative form of democracy. However, the constitutions of these countries also allow for the direct exercise of political power by citizens, not only at national but also at local level. Local referendums can be initiated at all levels of local government in the countries under review, with the original legislative anchorage in the 1990 Municipal Laws, in addition to the national constitutions.

Local referendums in the V4 countries can only be called for by law by the decision-making bodies of local government, i.e. municipal or city councils. In addition to these local authorities, citizens can also initiate a referendum by petition.

Table 2: *Number of local referendums in the V4 countries 1990–2022*

State	Number of municipalities as of 31. 12. 2022	Number of local referendums 1989–2022
Slovak Republic	2,890	1,005
Czech Republic	6,258	2,632
Hungary	3,114	383
Poland	2,477	1,034

Source: Authors, based on Špok (2006), Smith (2007), Šimíček (2016), Transparency.cz (2016), Cieśliński (2016), Rulka (2016), Siejka-Wieczerzycka (2016), Zakrzewski (2020), Klonowski & Onasz (2022) and the authors' research.

In the 1990s, a strong process of municipal disintegration took place in the Czech Republic and the Slovak Republic, resulting in the creation of hundreds of new municipalities in both countries by division or merger (255 municipalities in the Slovak Republic, 2,171 municipalities in the Czech Republic). This is also reflected in the total number of local referendums held in the period 1990–2022, as shown in Table 2. The disintegration process in these countries was definitively completed after 2001, which also evened out the differences in the number of local referendums held between the countries under consideration.

Table 3: *Number of local referendums in the V4 countries 2000–2022*

State	Number of municipalities as of 31. 12. 2022	Number of local referendums 2000–2022
Slovak Republic	2,890	155
Czech Republic	6,258	443

Hungary	3,114	258
Poland	2,477	815

Source: Authors, based on Špok (2006), Smith (2007), Šimíček (2016), Transparency.cz (2016), Cieśliński (2016), Rulka (2016), Siejka-Wieczerycka (2016), Zakrzewski (2020), Klonowski & Onasz (2022) and Kopúnek (2019).

As shown in Table 3, the Slovak Republic has had the fewest local referendums among the V4 countries over the 22-year period. The aim of this research is to find out why this most preferred form of direct democracy is not used more in the Slovak Republic. The authors focused on a comparison of the four common features of local referendums mentioned above: the range of topics, the manner of initiation, the individual quorums set and the binding nature of the result of a valid vote of the eligible persons.

### 3.1. Subject of the Local Referendum

In all V4 countries, a local referendum can be held on any issue related to municipal government except local taxes and the municipal budget (the Slovak Republic, the Czech Republic, Hungary), on the approval, amendment or repeal of a general binding municipal ordinance (the Slovak Republic, the Czech Republic), and on the election or removal of elected or appointed municipal officials (the Czech Republic, Hungary). In the Slovak Republic, the inhabitants of a municipality can recall the mayor of the municipality in a referendum, in Poland they can also recall a representative body. For comparison, Table 4 compiles what can be the subject of a local referendum in the V4 countries.

Table 4: Differences between the V4 countries on the subjects of local referendums

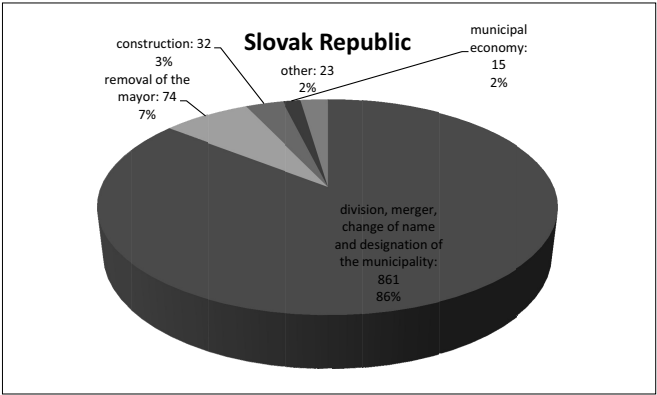
state	Local referendum	
	mandatory	optional
Slovak Republic	merger, division or dissolution of a municipality, change of the name of a municipality, change of the designation of a municipality	dismissal of the mayor by resolution of the municipal council
	removal of the mayor by petition	the most important issues in the life and development of the municipality
	citizens' initiative	
	if provided for by a special law	

Czech Republic	separation, merger, annexation of municipalities	matters that fall within the independent competence of a municipality or statutory city
	citizens' initiative	
Poland	removal of a municipal or town council	on the manner of dealing with a municipal matter falling within its competence and the competence of its bodies
	removal of the mayor, mayor, president of the city	on other important matters relating to the social, economic or cultural ties linking the community
	self-taxation of municipal residents	
	citizens' initiative	
Hungary	division, establishment of a new municipality	in a matter falling within the statutory functions and powers of local government
	transfer of a municipality to another administrative region	
	citizens' initiative	
	a question on which a local referendum is required by law or local government ordinance	

Source: Authors, based on relevant V4 legislation.

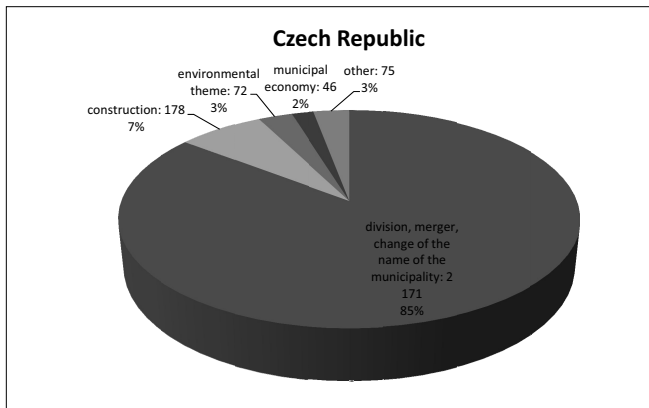
The V4 countries also differ in their preference for individual subjects for local referendums. The differences are presented in the following graphical representations.

Chart 1: Local referendums in the Slovak Republic by type of focus 1990–2022



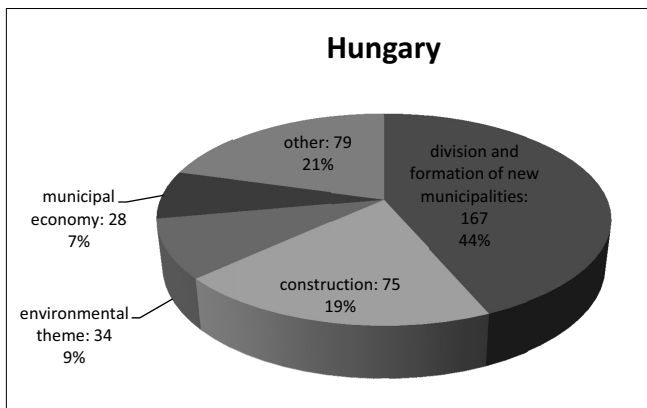
Source: Authors.

Chart 2: *Local referendums in the Czech Republic by type of focus 1990–2022*



Source: Authors, based on Smith (2007), Šimíček (2016), mvcr.cz.

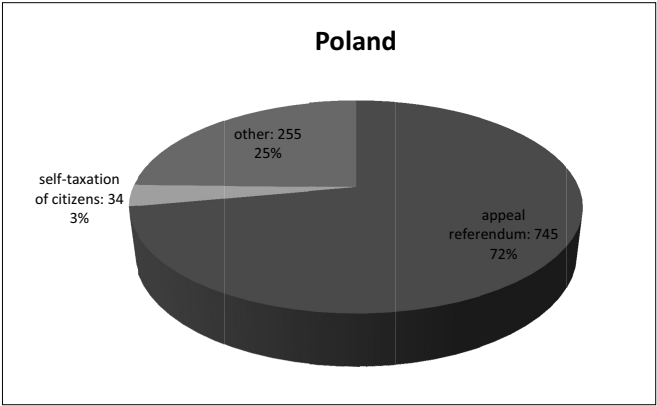
Chart 3: *Local referendums in Hungary by type of focus 1990–2022*



Source: Authors, based on <https://www.valasztas.hu/teruleti-es-helyi-nepszavazasok>, [https://www.ksh.hu/teruletiatlasz\\_telepulesek](https://www.ksh.hu/teruletiatlasz_telepulesek).

Based on research, we can document that referendums initiated for the purpose of splitting or merging municipalities, or creating new municipalities or changing their names dominated in Hungary, the Czech Republic and Slovakia between 1990 and 2022. In Poland, the so-called recall referendums were the most dominant, which were the second most frequently initiated in Slovakia. In Hungary and the Czech Republic, referendums on construction or environmental concerns were the most frequently initiated.

Chart 4: Local referendums in Poland by type of focus 1990–2022



Source: Authors, based on Cieśliński (2016), Rulka (2016), Siejka-Wieczerycka (2016), Zakrzewski (2020), Klonowski & Onasz (2022).

3.2. Initiating a Local Referendum

In the V4 countries, local referendums can be initiated by municipal councils in cases determined or authorised by law, either by an absolute majority of councillors (the Slovak Republic, the Czech Republic, Poland) or by a quarter of all councillors (Hungary). A local referendum may also be initiated by the inhabitants of a municipality by petitioning for a local referendum, which must be signed by a number of eligible voters determined by law. This quorum varies from country to country. In Slovakia, a local referendum can be initiated by petition signed by at least 30% of the eligible voters residing in a given municipality regardless of its size; in the Czech Republic, this quorum is adapted to the size of the municipality in terms of population (Table 5). In Hungary, the number of signatures of eligible persons is left to the decision of the municipality, which is obliged to determine the number of signatures in a municipal ordinance. The minimum number of voters can be 10% of the electorate, the maximum 25%. In Poland, two quorums are required for citizens to initiate a local referendum: 10% of eligible persons in the case of a municipality or a city and 5% in the case of a voivodeship.

Table 5: *Quorum for initiating a local referendum in the Czech Republic*

Size of municipality by population	Number of authorised signatures required
up to 3,000 inhabitants	30%
up to 20,000 inhabitants	20%
up to 200,000 inhabitants	10%
over 200,000 inhabitants	6%

Source: Authors

It follows from the above that the conditions for initiating a local referendum by citizens in the form of a petition are the strictest in the Slovak Republic, as the quorum of 30% applies equally to a municipality with 15 inhabitants or a city with more than 200,000 inhabitants.

### 3.3. Referendum Quorum

In addition to the quorum required for initiating a local referendum, municipal residents in the V4 countries must also meet other statutory quorums. For a local referendum to be valid in Poland, 30% of eligible voters must participate; in the case of a recall referendum, this must be 3/5 of all eligible voters who took part in the election of the body to be recalled. In the Czech Republic, the quorum for a valid local referendum is set at 35% of eligible voters, in the Slovak Republic and Hungary it is 50%.

For a local referendum to be valid in the Slovak Republic, a supermajority of the eligible persons participating in the referendum must vote in favour of one of the answers to the referendum question. In the Czech Republic, the decision in a local referendum is binding for the municipal council and the municipality/city authorities. However, it is conditional on a quorum of a supermajority of eligible persons voting in favour of one of the answers, and also on the further condition that this supermajority of eligible persons is an aggregate of at least 25% of all eligible persons living in the municipality in question. In the case of a local referendum on the separation of a part of a municipality or the merger of a municipality, the decision is only taken by a supermajority of the eligible persons registered in the list of eligible persons in the part of the municipality to be separated or merged (Kopecký, 2016).

In order for a local referendum to be valid in Hungary, the legislator sets two conditions at the same time: the vote of a supermajority of voters and the validity of the vote. A local referendum is valid if the question formulated is answered in the same way by an absolute majority of the eligible persons who have validly voted. Only a valid and effective referendum shall be binding for the representative body for a period of one year from the date of the local referendum. If the result of the local referendum is an obligation to make an ordinance, then it will be binding since the promulgation of the ordinance. In Poland, the result of a local referendum is accepted if one of the solutions to the referendum question receives the support of a majority of the valid votes of the persons in the electoral register. The result of a local referendum on self-taxation of residents for public purposes is valid if at least 2/3 of the valid votes of the persons in the electoral register in favour of self-taxation. The results of the local referendum are binding for the municipal authorities.

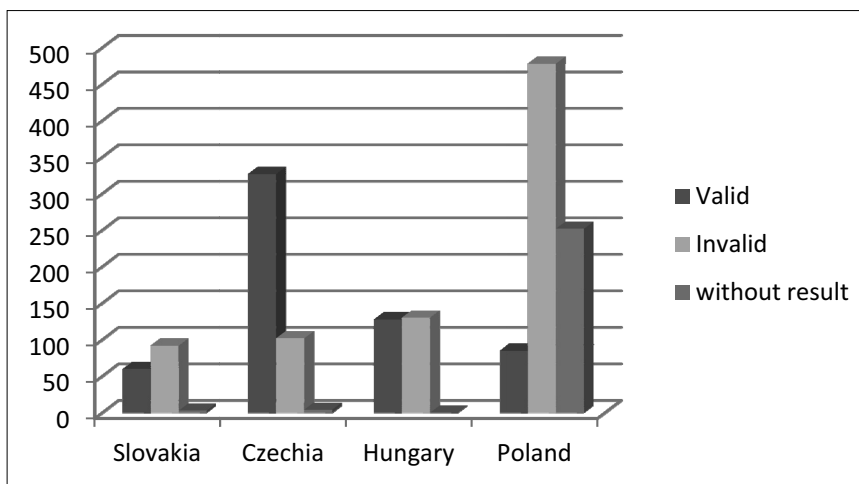
Table 6: *Established quorums for the initiation, validity and effectiveness of a local referendum in the V4 countries*

State	Quorum		
	initiating	validity	efficiency
Slovak Republic	30%	50% + 1 vote	50% + 1 vote
Czech Republic	10 – 30%	35%	50% + 1 vote Participation requirement of 25% of eligible voters on the electoral rolls
Hungary	10 – 25%	50% + 1 vote	50% + 1 vote
Poland	10 (5)%	30%, 3/5 in the recall referendum	50%, 2/3 of the valid votes of eligible persons in the case of self-taxation

Source: Authors, based on Act No. 369/1990 Coll., Act No. CLXXXIX of 2011, Act No. CCXXXVIII of 2013, Act No. 22/2004 Coll., Dz.U. 2000 Nr 88 poz. 985.

As can be seen from Table 6, the legislation in Slovak Republic and Hungary has the strictest quorums, resulting in the fewest local referendums among the countries surveyed. The level of quorums also has an impact on another important indicator, which is the success rate of local referendums.

Chart 5: *Success rate of local referendums in the V4 countries 2000–2022*



Source: Authors, based on Špok (2006), Smith (2007), Šimíček (2016), Transparency.cz (2016), Cieślinski (2016), Rulka (2016), Siejka-Wieczerycka (2016), Zakrzewski (2020), Klonowski & Onasz (2022) and Kopúnek (2019).

In the period under review, out of a total of 155 local referendums in the Slovak Republic, 60 were valid and 92 were invalid. The Czech Republic is the only V4 country where the number of valid local referendums (327) exceeded the number of invalid ones (102), and in Hungary the ratio was almost equal: 128 local referendums were valid and 130 were invalid. The highest number of local referendums took place in Poland, but only more detailed data on recall referendums are available. Nevertheless, the number of unsuccessful local referendums in Poland (478) exceeds by many times the number of successful ones (85). In the case of the Slovak Republic, three local referendums ended without a result. The unknown result in four cases in the Czech Republic is related to missing data on the local referendum. For Poland, the group “no result” consists of 189 thematic local referendums, 34 local referendums on self-taxation and 29 appeal local referendums for which the authors could not find the results.

### 3.4. Bindingness of the Result of a Valid Local Referendum Vote

However, the fulfilment of the condition of two quorums of an absolute majority does not guarantee the binding character of the result of the vote



in a local referendum for the municipal authorities in the Slovak Republic. Act No. 369/1990 Coll. on Municipal Establishment does not address the issue of bindingness, does not provide for any imperative force against the municipal council, nor does it state whether the local referendum is advisory. Only in the case of a local referendum on the dismissal of the mayor does the law provide that the mayor's mandate ceases upon the announcement of the result of the vote of the inhabitants of the municipality who decided on the dismissal of the mayor. The municipal council should also respect the results of another type of valid local referendum. However, the feasibility of such a procedure of the municipal council is legally unfeasible (Krunková, 2020). Machyniak (2019) has the same opinion on the issue, according to which the results of the referendum are valuable information for directly elected representatives of the local government. In this context, they should at least take into account the expressed will of the referendum participants in their decision-making. However, the degree of consideration is entirely within the competence of public officials. In her research, Trellová (2021) analysed the responses of 525 municipalities and towns, of which up to 87% did not consider the result of the local referendum to be legally binding.

In the Czech Republic, the results of a local referendum are binding for the municipal council and other municipal bodies according to Art. 49 of the Local Referendum Act. In Hungary, the decision of a valid and effective local referendum is also legally binding for the representative body for a period of one year from the date of the local referendum. If a local referendum gives rise to an obligation to create a relevant ordinance, it does so from the promulgation of the ordinance. If a local referendum in Poland results in a decisive outcome on a matter submitted to the referendum vote, the competent local government body shall immediately take steps to implement the referendum decision. The results of the local referendum shall be binding for the local government authorities.

### 3. 5. Local Referendum and its Limits in Slovakia

Each country surveyed has its own referendum rules. These norms do not differ from those in other European countries. On the contrary, the decision of the citizens of the V4 countries carries more weight than the decision of the citizens of e.g. the Scandinavian countries, where the result of a local referendum is considered as a complementary opinion of the citizens to the planned decision of the local authority. A similar situation

applies in the Slovak Republic, where the result of a local referendum, with the exception of the vote on the dismissal of the mayor of a municipality, is not binding for the municipal council. Therefore, the number of local referendums in the Slovak Republic is the lowest among the other V4 countries. This is also due to the high quotas required for the initiation, validity and effectiveness of a local referendum. Nevertheless, the level of participation is higher than in the V4 countries where the rules for local referendums are more lenient or the decision of the voters is binding for the municipal council.

So how can we ensure that the interest of the inhabitants of local government units in the Slovak Republic to participate in decision-making is reflected in an increased number of local referendums held? One solution is to adjust the quorum downwards,i.e., the quorum for the validity of a citizens' petition could be adapted to the Czech model by scaling the quorum according to the number of inhabitants of the municipality.

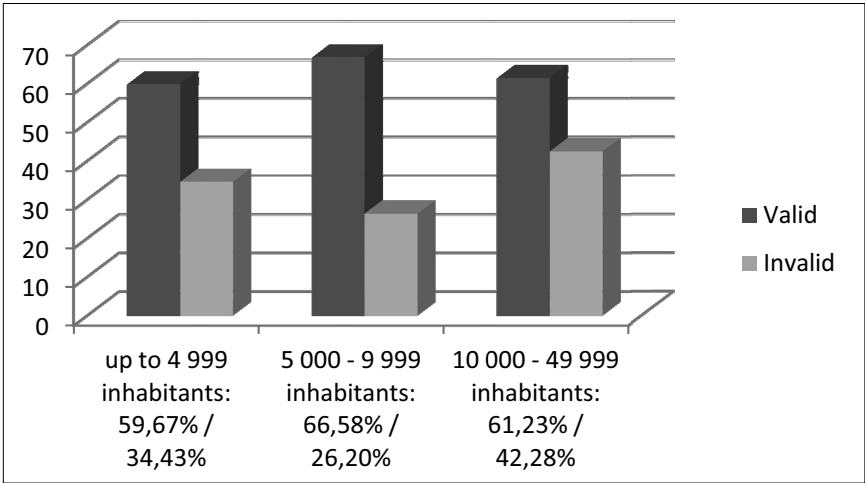
Table 7: *Proposed quorum for initiating a local referendum in Slovakia*

Size of the municipality by population	Required number of signatures of authorised persons
up to 3,000 inhabitants	25%
up to 20,000 inhabitants	20%
up to 200 000 inhabitants	15%
over 200 000 inhabitants	10%

Source: Authors.

Considering the average voter turnout in local referendums (44.08%) and the average voter turnout in municipal elections in 2022 in the Slovak Republic (46.19%), the supermajority quorum is strict and does not correspond to reality. Therefore, the quorum for a successful local referendum should also be reduced from a supermajority of eligible persons participating to 30%, which is just below the average turnout of eligible voters in unsuccessful local referendums in the Slovak Republic (31.33%). This would increase the number of valid local referendums, especially in the category of municipalities with a population of up to 5,000 inhabitants, which dominate the settlement structure of the Slovak Republic.

Chart 6: *Average voter turnout in % in local referendums in Slovakia between 2000 and 2022 by municipality size based on population*



Source: Authors.

The quorum of a supermajority of eligible voters ensuring the validity of a vote in a local referendum is equally enshrined in the legislation of all V4 countries, but in adjusting its level, we could take inspiration from, e.g., Armenia or Portugal, where the participation of 1/3 of registered voters is necessary for the validity of the vote. Alternatively, it could be adjusted to a supermajority of the number of eligible voters who participated in the local elections immediately preceding the announcement of the local referendum.

However, adjusting the quorum downwards does not guarantee that the number of local referendums in Slovakia will automatically increase. A major obstacle is the legislative bindingness of a valid vote in a local referendum for the municipal council. We therefore consider it essential that the result of the local referendum be legally binding for all municipal authorities. Respect for the results of the local referendum by the municipal authorities and their subsequent translation into a generally binding municipal regulation is a manifestation of the political responsibility of the municipal authorities towards the inhabitants of the municipality.

Based on the above, we propose improving the system of local referendum in Slovakia by introducing a variable quorum similar to the Czech model, which would reflect the size of the municipality and the number of its inhabitants, and reducing the universal quorum from the current 30%

to a level that would motivate citizens to participate more, e.g., to a level of 20%. Last but not least, strengthening the education and availability of information on the process of initiating a referendum would also contribute to an increase of civic engagement.

## 4. Discussion

A comparative analysis of local referendums in the Visegrad Group (V4) countries has shown that this instrument of direct democracy plays an important role in involving citizens in decision-making processes at the local level. Despite the common historical and geographical context, differences in the legislative framework and the practical implementation of local referendums were evident in each of the analysed countries.

Local referendums in the V4 countries can be initiated by municipal councils or by the residents themselves through a petition. Differences in the rules for initiating a referendum, in particular in the quorums needed to call for a referendum, reflect the different approaches to the promotion of direct democracy in these countries. In all V4 countries, municipal councils have the power to call for a local referendum on the basis of a decision by a majority of their members. While a supermajority is required in Slovakia, the Czech Republic and Poland, a quarter of all councillors is sufficient to initiate a referendum in Hungary. This difference suggests that Hungary gives councils more flexibility in deciding on referendum questions.

Residents of a municipality may initiate a local referendum by petition, which must be signed by a specified number of eligible voters. However, the quorum required for a local referendum varies considerably from one country to another. In Slovakia, the quorum for initiating a referendum is uniform for all municipalities and amounts to 30% of eligible voters. This universal threshold does not take into account the size of the municipality, which in practice can mean significant differences in the difficulty of reaching the quorum; e.g. in a small municipality of 15 inhabitants, it may be administratively easier to initiate a referendum than in a city of more than 200,000 inhabitants, where more than 60,000 signatures are required. In the Czech Republic, on the other hand, the quorum for initiating a referendum is variable and adapted to the size of the municipality. Smaller municipalities (up to 3,000 inhabitants) require 30% of signatures, while 6% of voters are sufficient in larger cities (over 200,000

inhabitants). This system is more flexible and reduces administrative barriers to initiating a referendum in larger cities. Hungarian municipalities have the power to set the quorum for initiating a referendum in a municipal ordinance, with the law setting the threshold between 10% and 25% of eligible voters. This approach gives municipalities a considerable degree of autonomy but can lead to an uneven playing field between municipalities. In the case of Poland, quotas are differentiated according to the level of local government. At the level of municipalities and towns, 10% of eligible voters are required, while 5% is sufficient for voivodships. This lower threshold may motivate citizens to participate more actively at regional level.

The data show that the conditions for citizens to initiate a referendum are the strictest in the Slovak Republic. The universal quorum of 30% does not take into account differences in the size of municipalities, which creates a disproportion in the difficulty of collecting signatures. In contrast, variable quorums in the Czech Republic and flexibility in Hungary contribute to reducing barriers, especially in larger cities. Poland, on the other hand, lowers the quorum at regional level, thus encouraging the initiation of referendums in a wider geographical context.

Another important aspect examined is the legal binding nature of the results of the local referendum. In the Slovak Republic, the legal bindingness of local referendum results is not generally regulated. The results of the referendum are rather seen as recommendations for the municipal authorities, with the exception of the referendum on the recall of the mayor, where the law clearly provides for the termination of the mayor's mandate after its successful outcome. This legal shortcoming creates room for subjective interpretation and the possibility that the municipal council will not respect the results of the referendum, which undermines citizens' trust in the institution of direct democracy. In the other V4 countries studied, the results of local referendums are legally binding for local authorities. In the Czech Republic, the law clearly determines the binding nature of the results for municipal councils. In Hungary, referendum decisions are binding for a period of one year. In Poland, local authorities must implement the results of a valid referendum without delay.

Similarly, an analysis of the average voter turnout in local referendums in the V4 countries for the period 2000 to 2022 shows significant differences. Meanwhile, Slovakia and Hungary show the highest voter turnout, indicating a greater interest of citizens in participating in local decision-making, despite stricter conditions. Poland, where referendums are

legally binding but the conditions for holding them are relatively simple, has the lowest turnout. This points to the low effectiveness of referendums as a tool for citizen participation.

## 5. Conclusion and recommendations

The comparative analysis carried out shows that the low participation in local referendums in some countries may be due to factors such as the organisation of referendums for partisan reasons (local conflicts, electoral retaliation), lack of motivation of citizens due to the perception of the referendum as an ineffective tool, or administrative barriers and legal ambiguity (e.g. Slovakia). The authors believe that the Slovak Republic should legislate to make the results of local referendums legally binding for all types of voting. This would increase citizens' confidence in this institution. Poland should explore mechanisms to increase civic engagement, e.g. through better information or education campaigns. The authors further note that an important element for the successful functioning of local referendums is the introduction of mechanisms that prevent the abuse of referendums for the promotion of particularistic interests.

In terms of how referendums are initiated, more flexible mechanisms have shown to lead to a greater degree of citizen participation. However, the quorum requirements for a referendum to be valid are often an obstacle that limits its use as an effective decision-making tool. The binding nature of referendum results varies from country to country, with the greatest weight given to decisions where the legal framework allows for their direct implementation in practice.

In conclusion, local referendums have the potential to promote citizen participation, but their success depends on appropriately set legislative conditions. Examples of good practice from individual countries suggest that reducing administrative barriers, an adequate quorum and strengthening the binding nature of the results can increase the effectiveness and credibility of this institution.

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## LOCAL REFERENDUMS IN THE CZECH REPUBLIC, HUNGARY AND POLAND AS STARTING POINTS FOR LEGISLATIVE CHANGES TO LOCAL REFERENDUMS IN SLOVAKIA

### *Summary*

*The local referendum is the most frequently used institution of direct democracy in the European Union countries, including the Slovak Republic. Since 2000, however, it has been implemented to a limited extent compared to other countries. The present comparative analysis examines the reasons for this situation within the Visegrad Four countries, which jointly returned to democratic standards of local self-government after 1989. The paper also analyses and compares the legal regulation of local referendums in the Visegrad Four countries and maps the areas and reasons for initiating local referendums in these countries. In particular, the thesis focuses on the most discussed topic – the level of quorum for initiating, validity and effectiveness of local referendum results. Based on the results of the comparative analysis, Slovakia could benefit from a modification of the legislation in favour of greater flexibility and a reduction of administrative obstacles. Taking inspiration from the Czech model of variable quorum, or the Hungarian autonomy in organizing a referendum, would contribute to a better functioning of the local referendum institution and increase its accessibility for citizens. The thesis is the only one of its kind to present comprehensive data on local referendums held in the Visegrad Four countries from their establishment in the period from 1991 to 2022.*

*Keywords: direct democracy, local referendum, quorum, comparative analysis, Visegrad Four*

## LOKALNI REFERENDUMI U ČEŠKOJ, MAĐARSKOJ I POLJSKOJ KAO POLAZNA TOČKA ZA ZAKONSKE PROMJENE LOKALNOG REFERENDUMA U SLOVAČKOJ

### Sažetak

Lokalni referendum najčešće je korišten institut izravne demokracije u zemljama Europske unije, pa tako i u Slovačkoj Republici. Od 2000. godine, međutim, provodi se u ograničenoj mjeri u usporedbi s drugim zemljama. Ova komparativna analiza ispituje razloge takva stanja u zemljama Višegradske skupine (četvorke), koje su se istodobno vratile demokratskim standardima lokalne samouprave nakon 1989. godine. U radu se analizira i uspoređuje zakonski okvir lokalnih referenduma u zemljama Višegradske četvorke te identificiraju područja i razlozi za pokretanje lokalnih referenduma u tim zemljama. Rad se posebno fokusira na najvažnije teme – kvorume za pokretanje, valjanost i važenje rezultata lokalnog referenduma. Slovačka bi mogla imati koristi od izmjene zakonodavstva u smjeru veće fleksibilnosti i smanjenja administrativnih zapreka. Inspiracija češkim modelom promjenjivog kvoruma ili mađarskom autonomijom u organiziranju referenduma pridonijela bi boljem funkcioniranju instituta lokalnog referenduma i povećala njegovu dostupnost građanima. Ovaj rad, kao jedini takve vrste, prikazuje sveobuhvatne podatke o lokalnim referendumima održanima u zemljama Višegradske četvorke od njihova osnutka u razdoblju od 1991. do 2022.

Ključne riječi: izravna demokracija, lokalni referendum, kvorum, komparativna analiza, zemlje Višegradske skupine