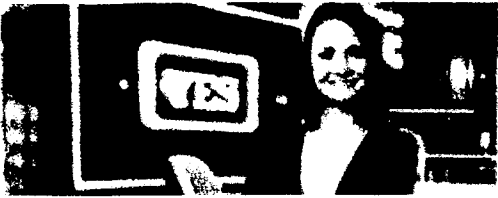


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JULY 22, 2013 COUNCIL MEETING**

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POLITICS BRIEF

# The people's voice

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Is the growing use of referendums a threat to democracy or its salvation? The fifth article in our series on changes in mature democracies examines the experience so far, and the arguments for and against letting voters decide political questions directly

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Dictators of all stripes have continued to use phony referendums to justify their hold on power. And yet this fact has not stopped a steady growth in the use of genuine referendums, held under free and fair conditions, by both established and aspiring democracies. Referendums have been instrumental in the dismantling of communism and the transition to democracy in countries throughout the former Soviet empire. They have also successfully eased democratic transitions in Spain, Greece, South Africa, Brazil and Chile, among other countries.

In most established democracies, direct appeals to voters are now part of the machinery for constitutional change. Their use to resolve the most intractable or divisive public issues has also grown. In the 17 major democracies of Western Europe, only three—

Belgium, the Netherlands and Norway—make no provision for referendums in their constitution. Only six major democracies—the Netherlands, the United States, Japan, India, Israel and the Federal Republic of Germany—have never held a nationwide referendum.

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Frustrated voters in Italy and New Zealand have in recent years used referendums to force radical changes to voting systems and other political institutions on a reluctant political elite. Referendums have also been used regularly in Australia, where voters go to the polls this November to decide whether to cut their country's formal link with the British crown. In Switzerland and several American states, referendums are a central feature of the political system, rivalling legislatures in significance.

Outside the United States and Switzerland, referendums are most often called by governments only when they are certain of victory, and to win endorsement of a policy they intend to implement in any case. This is how they are currently being used in Britain by Tony Blair's government.

But voters do not always behave as predicted, and they have delivered some notable rebuffs. Charles de Gaulle skilfully used referendums to establish the legitimacy of France's Fifth Republic and to expand his own powers as president, but then felt compelled to resign in 1969 after an unexpected referendum defeat.

François Mitterrand's decision to call a referendum on the Maastricht treaty in 1992 brought the European Union to the brink of breakdown when only 51% of those voting backed the treaty. Denmark's voters rejected the same treaty, despite the fact that it was supported by four out of five members of the Danish parliament. The Danish government was able to sign the treaty only after renegotiating its terms and narrowly winning a second referendum. That same year, Canada's government was not so lucky. Canadian voters unexpectedly rejected a painstakingly negotiated constitutional accord designed to placate Quebec.


Referendums come in many different forms. **Advisory referendums** test public opinion on an important issue. Governments or legislators then translate their results into new laws or policies as they see fit. Although advisory referendums can carry great weight in


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Both advisory and mandatory referendums can usually be called only by those in office—sometimes by the president, sometimes by parliamentarians, most often by the government of the day. But in a few countries, petitions by voters themselves can put a referendum on the ballot. These are known as **initiatives**. Sometimes these can only repeal an already existing law—so-called “**abrogative**” initiatives such as those in Italy. Elsewhere, initiatives can also be used to propose and pass new legislation, as in Switzerland and many American states. In this form they can be powerful and unpredictable political tools.

The rules for conducting and winning referendums also vary greatly from country to country. Regulations on the drafting of ballot papers and the financing of Yes and No campaigns are different everywhere, and these exert a great influence over how referendums are used, and how often.

The hurdle required for victory can be a critical feature. A simple majority of those voting is the usual rule. But a low turnout can make such victories seem illegitimate. So a percentage of eligible voters, as well as a majority of those voting, is sometimes required to approve a proposal.

Such hurdles, of course, also make failure more likely. In 1978 Britain's government was forced to abandon plans to set up a Scottish parliament when a referendum victory in Scotland failed to clear a 40% hurdle of eligible voters. Referendums have also failed in Denmark and Italy (most recently in April) because of similar voter-turnout requirements. To ensure a wide geographic consensus, Switzerland and Australia require a “double majority”, of individual voters and of cantons or states, for constitutional amendments.

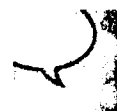
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One of the best single books on referendums—“Referendums Around the World” edited by David Butler and Austin Ranney, published by Macmillan—argues that many assumptions about them are mistaken. They are not usually habit-forming, as those opposed to them claim. Many countries have used them to settle a specific issue, or even engaged in a series of them, and then turned away from referendums for long periods. But this is mostly because politicians decide whether referendums will be held. Where groups of voters can also put initiatives on the ballot, as in Switzerland and the United States, they have become addictive and their use has grown in recent years.

Messrs Butler and Ranney also point out that referendums are not usually vehicles for radical change, as is widely believed. Although they were used in this way in Italy and New Zealand, referendums have more often been used to support the status quo or to endorse changes already agreed by political parties. Most referendums, even those initiated by voters, fail. In Australia, 34 of 42 proposals to amend the constitution have been rejected by voters. According to an analysis by David Magleby, a professor at Brigham Young University in Utah, 62% of the 1,732 initiatives which reached the ballot in American states between 1898 and 1992 were rejected.

Arguments for and against referendums go to the heart of what is meant by democracy. Proponents of referendums maintain that consulting citizens directly is the only truly democratic way to determine policy. If popular sovereignty is really to mean anything, voters must have the right to set the agenda, discuss the issues and then themselves directly make the final decisions. Delegating these tasks to elected politicians, who have interests of their own, inevitably distorts the wishes of voters.

Referendums, their advocates say, can discipline representatives, and put the stamp of legitimacy on the most important political questions of the day. They also encourage

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participation by citizens in the governing of their own societies, and political participation is the source of most other civic virtues.

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Those sceptical of referendums agree that popular sovereignty, majority rule and consulting voters are the basic building blocks of democracy, but believe that representative democracy achieves these goals much better than referendums. Genuine direct democracy, they say, is feasible only for political groups so small that all citizens can meet face-to-face—a small town perhaps. In large, modern societies, the full participation of every citizen is impossible.

Referendum opponents maintain that representatives, as full-time decision-makers, can weigh conflicting priorities, negotiate compromises among different groups and make wellinformed decisions. Citizens voting in single-issue referendums have difficulty in doing any of these things. And as the bluntest of majoritarian devices, referendums encourage voters to brush aside the concerns of minority groups. Finally, the frequent use of referendums can actually undermine democracy by encouraging elected legislators to sidestep difficult issues, thus damaging the prestige and authority of representative institutions, which must continue to perform most of the business of government even if referendums are used frequently.

Testing any of these claims or counter-claims is difficult. Most countries do not, in fact, use referendums regularly enough to bear out either the hopes of proponents or the fears of opponents. The two exceptions are Switzerland and some American states, where citizen initiatives are frequent enough to draw tentative conclusions on some of these points, although both examples fall far short of full-fledged direct democracy.

Voters in both countries seem to believe that referendums do, in fact, lend legitimacy to important decisions. The Swiss are unlikely now to make a big national decision without a referendum. Swiss voters have rejected both UN membership and links with the EU in referendums, against the advice of their political leaders. Similarly, American polls show healthy majorities favouring referendums and believing that they are more likely to produce policies that most people want. Polls also show support for the introduction of referendums on the national level.

The claim that referendums increase citizen participation is more problematic. Some referendum campaigns ignite enormous public interest and media attention. Initiatives

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Many of the fears of those opposed to referendums have not been realised in either country. Initiatives have not usually been used to oppress minorities. A proposal to limit the number of foreigners allowed to live in Switzerland was rejected by two-thirds of voters in 1988. In 1992 Colorado's voters did approve an initiative overturning local ordinances protecting gays from discrimination, but more extreme anti-gay initiatives in Colorado and California have been defeated by large majorities. Since 1990 voters have consistently upheld certain abortion rights in initiative ballots. Minorities and immigrants have been the targets of initiatives in some states, but voters have generally rejected extreme measures and have often proven themselves no more illiberal than legislators. Most initiatives are, in fact, about tax and economic questions, not civil liberties or social issues, although the latter often gain more attention.

While the frequent use of initiatives has not destroyed representative government, as some feared, it has changed it. Party loyalty among Swiss voters is strong at general elections, but evaporates when it comes to referendum voting. Initiatives, and the threat of mounting one, have become an integral part of the legislative process in Switzerland, as they have in California, Oregon and the other American states where they are most used. Referendums now often set the political agenda in both countries. In the United States they are frequently seen, rightly or wrongly, as a barometer of the national mood. And they can occasionally spark a political revolution. California's Proposition 13, for example, a 1978 initiative lowering local property taxes, set off a tax revolt across America. Elected officials themselves are often active in launching initiatives, and relatively successful in getting their proposals approved, which hardly indicates that voters have lost all faith in their politicians. Initiatives have made legislating more complicated, but also more responsive to the public's concerns.

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The Swiss and American experience suggests that in the future there is unlikely to be a headlong rush away from representative to direct democracy anywhere, but that, even so, the use of referendums is likely to grow. The Internet and other technological advances have not yet had much impact on referendums, but they should eventually make it easier to hold them, and to inform voters of the issues they are being asked to decide upon.

Representative institutions are likely to survive because of the sheer volume of legislation in modern societies, and the need for full-time officials to run the extensive machinery of government. Nevertheless in an age of mass communication and information, confining the powers of citizens to voting in elections every few years seems a crude approach, a throwback to an earlier era. In a political system based on popular sovereignty, it will become increasingly difficult to justify a failure to consult the voters directly on a wider range of issues.

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## POLITICS BRIEF

# The people's voice

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Aug 12th 1999 | From the print edition

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From the print edition: Brief

**Motion** by Williams, seconded by Diehm, to close the Public Hearing and to waive the reading of Resolution Numbers 2013-64, there being ample copies available to the public. Upon Vote: All ayes. **Motion Carried.**

**Motion** by Williams, seconded by Diehm, to adopt Resolution Numbers 2013-64, being Resolutions of the City Council of the City of Columbia Heights approving revocation pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(A) of the rental licenses listed. Upon Vote: All ayes. **Motion Carried.**

## **7. ITEMS FOR CONSIDERATION**

- A. Other Ordinances and Resolutions - none
- B. Bid Considerations - none
- C. New Business and Reports - none

## **8. ADMINISTRATIVE REPORTS**

Report of the City Manager –

Fehst stated that Malcolm Watson was here earlier tonight to talk about how far the City has come since he worked here. Watson served as the City Engineer from 1951-1957 and then from 1957-1977 as the City Manager. Fehst believes he was possibly the best City Manager the City has had and indicated he literally built/designed the roads in the city. Fehst stated if anyone wants a copy of the article that was written about Watson, they can call Fehst at 763-706-3608 and he will give them a copy. Fehst reminded everyone about the Community Picnic at Huset Park and informed the Council that there is an HRA meeting to update everyone on Aeon.

Nawrocki commented he received a copy of a letter on the conditions from the proposed buyer/seller of the building on 40<sup>th</sup>. Personally, he is not in favor of building a new city hall and although a new library would be nice, he also opposes building a new library. He feels building a new library needs to go to a vote of the City. He also received the auditor's report and there are some concerns that we should be aware of. Property taxes over last 10 years have almost doubled. Fehst stated that in 2003, half of the money came from state aid and the state has taken that money away. That's why taxes went up. Nawrocki questioned again, when meals and travel expenses were added back into the budget and to what the City of Fridley's policy was on reimbursement of meals. Fehst reiterated that he had already answered these questions.

Schmitt brought up a comment that Council Member Andrew Peters from Lake City was talking about on LGA and how their city was close to going bankrupt five years ago. Their city started to put aside the money from the State and ended up turning the city's finances around. Schmitt also stated it is good to go to these meetings to get input from other city officials and take away what is being said and learn how we can incorporate it in our own cities. Williams brought up that we should comment on all we have done in the city. Our crime is the lowest since 2005. We have done a lot of positive things in our city and he is proud to live here. Diehm indicated she would like to bring up three items. First, street rehabilitation in northern part is going to be starting soon and staff did a great job getting information out to residents. Second, she continues to receive feedback from people in regards to library and feels it would be useful to ask staff to look into some funding options and sources for the project. Thirdly, she reminded residents that it is warm out and people need to get outside and meet their neighbors.

Nawrocki wanted to talk again about the loss of LGA. Peterson responded it is better now than it

was 10 years ago and he is proud of the way the City is today.

Report of the City Attorney - None

## **9. CITIZENS FORUM**

Catherine Vesley, 5135 Matterhorn Drive, thanked the Council for all they do and for giving a pep talk on the City. Vesley feels that it is very important for staff and Council to go to outside meetings for the networking. Vesley complimented City Engineer/Public Works Director Kevin Hansen on the great job he and his staff did informing the people about the upcoming street rehabilitation project going on in their neighborhood. Vesley commented that she did some research on referendums and put it with their packets. She feels that people think that referendums are what the general public wants, but referendums have become more difficult and it is not as easy as saying this is or is not what people want. There seems to always be a fall out on them. There was a fall out with the Community Center one. She feels the money, time, and effort that is spent on the referendum should go towards the project instead. If you lose it is dead, if you win, there is nothing. All you have done is won a referendum. Feels it should be voted on by the Council.

Nile Harper, 1347 Glacier, invited everyone to a neighborhood gathering in his neighborhood taking place on August 6<sup>th</sup> for National Night Out located at Rainier Pass off of Innsbrook. There will be about 50 people in attendance. He would like to have the Council and Mayor stop out between 5:30 – 7:30 PM if possible. Nawrocki commented that he has participated in National Night Out for many years. Fehst responded all the Council Members and the Mayor attend National Night Out and try and get to as many as neighborhoods as they can.

Joyce Meier, 4931 Jackson Street, stated she is upset about the inspections that have been done on her property. Feels big government has taken over.

Constance Kuppe, 5000 Johnson Street NE, stated she is representing Joyce Meyers in regards to an incident this morning and has requested an informal meeting to discuss complaint issues, threats, removing property such as wild flowers, but has not had a response as of yet. Constance Kuppe handed Leonhardt an envelope that she indicated contained affidavits and stated the City should be hearing from the Federal Trial Attorney.

## **10. ADJOURNMENT**

Mayor Peterson asked that we do not forget our service men and women and keep them in our thoughts and prayers. Do not take life too seriously and try and do a random act of kindness. Peterson adjourned the meeting at 8:15 PM.

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Tori Leonhardt, City Clerk/Council Secretary