



Extracted from *Direct Democracy: The International IDEA Handbook*
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International IDEA, Strömsborg, 103 34 Stockholm, Sweden
Phone +46-8-698 37 00, Fax: +46-8-20 24 22
E-mail: info@idea.int Web: www.idea.int

CHAPTER 6

CHAPTER 6

How citizens get involved – step by step

158. Within the set of direct democracy instruments, registered electors play an important role both as agenda setters and as decision makers. Under some procedures, citizens are able to trigger certain procedures, and even final decisions, by gathering a specified number of valid signatures. This chapter deals with the procedural aspects of such citizen-triggered direct democracy activities. It sets out the major steps in a citizen-initiated process and offers insights into the various processes found throughout the world today.

159. There are four distinct categories of citizen-initiated procedures available. Three of these – citizens' initiatives, citizen-demanded referendums and agenda initiatives – are introduced in chapters 3 and 4. These three procedures deal with substantive issues. A fourth procedure – recall – deals with elected representatives and is introduced in chapter 5. Citizen-triggered procedures do not offer fast tracks or short cuts towards a ballot vote. Most of these mechanisms 'from below' involve some interaction with the authorities and thus offer opportunities to make representative democracy more representative. In contrast, some direct democracy procedures 'from above' have shortcomings that could amount to manipulation of the electoral process.

160. Often citizen-triggered procedures involve many years of political work by both citizens and the authorities in order to prepare, initiate, conduct, verify, conclude and implement a process (see box 6.1). This is especially true for the various initiative mechanisms, which symbolize the right of a minority first to put an issue on the political agenda and then – in the case of citizens' initiatives – to have a ballot question answered by the electorate in a way that is binding on the political authorities. In this way initiatives offer a possibility for citizens to press a political accelerator. Citizen-demanded referendums and recall processes, on the other hand, enable citizens to control, brake or stop a certain issue put forward or decided by elected officials, or – in the case of recall – even the office-holders themselves.

Box 6.1. Switzerland: a lengthy debate, the initiative on Equal Rights for the Disabled

In May 2003, the Swiss electorate of just over 5 million was able to vote in the federal referendum on the popular initiative entitled Equal Rights for the Disabled, which proposed the addition of a new article to the federal constitution: ‘The law guarantees equal rights for disabled people. It provides for measures for removing and compensating for existing disadvantages. Access to buildings and other facilities and the use of institutions and services intended for the general public will be guaranteed, as long as the costs are within reasonable limits’ (article 8, §4). Between August 1998 and June 1999, more than 120,000 signatures were collected by no fewer than 35 organizations for the disabled. In the four years between the official submission of the initiative and the deciding referendum, the proposal was debated by the Swiss government (the Federal Council) and by both chambers of the federal parliament (the Federal Assembly). It was rejected by both, mainly on economic grounds. In its recommendation that the voters also reject the initiative proposal (which was included in the referendum booklet sent to all registered electors before the vote), the government argued that ‘A right of direct access to buildings would have significant financial consequences for both the public and private spheres’. The government also pointed out that a new law on the disabled, which was adopted almost unanimously by the Federal Assembly in December 2003, and which came into force on 1 January 2004, addressed many of these issues.

The Equal Rights for the Disabled initiative had little chance of success in the referendum vote on 18 May 2003. On a turnout of exactly 50 per cent, 62 per cent of the voters (1.4 million) voted against the proposal and 38 per cent (almost 900,000) voted in favour. Free access for the disabled to all areas of public life, for which the initiative had campaigned, was approved in only three of the 26 cantons – Geneva (by 59 per cent), Jura (by 55 per cent) and Ticino (by 54 per cent). For the initiative to have been accepted, a majority of the cantons would also have had to vote in favour as well as a simple majority of the total electorate, as is prescribed in Switzerland for all constitutional amendments. However, the example of the ‘Disabled Initiative’ shows that popular initiatives are not just put to the vote from one day to the next. Rather, they are part of a long-term process which may take up to a decade to complete. At the beginning there is usually an idea for radical change – in this case, redressing the inequality of opportunity of people with disabilities. At the end of such a long initiative process, the result is often a referendum defeat for the proposal (fewer than one out of ten initiatives in Switzerland are accepted). Yet in many cases the parliament goes some way to meeting the initiative’s aims with either a direct (where both proposals are voted on at the same time) or an indirect (as in the case of the initiative on the disabled) counter-proposal.

Source: Kaufmann, Bruno et al., *The Initiative and Referendum Institute Europe Guidebook to Direct Democracy in Switzerland and Beyond*, 2009 edn (Marburg/Brussels: IRI Europe, 2008)

161. It is possible to identify a series of common features of citizen-initiated direct democracy procedures, beginning with the availability of those procedures and their initial use by citizens. Interaction with official bodies often continues until the moment when an initiative, demand or recall is qualified for the ballot or, in the case of the agenda initiative, for consideration by the legislature. The story often does not end with a decision by the electorate or by the legislature, but may be followed by legal (e.g. appeal) or political (e.g. implementation) battles. This chapter deals with all these procedures, offers an overview of the various steps and the administrative issues involved in each of them, and creates a worldwide typology of the processes that qualify an initiative to go further to the ballot.

162. Direct democracy procedures are available in many jurisdictions throughout the world. They can vary in a number of ways, including the specific exclusion of certain types of issues, the number of signatures required and the predefined time frames for completing the various steps within the initiative/referendum/recall process. They can also be supported by certain opportunity structures provided by the authorities, such as assistance in drafting an initiative text, free access to public premises and infrastructure, or more proactive measures such as financial reimbursements for each signature or free air time and/or advertisements in the press provided to qualified initiative committees. This chapter looks into a range of possible interactions between initiators and governmental institutions, including judicial, legislative and executive bodies.

163. There also exist various hybrid processes by which an issue can be put to the ballot. In the US state of Alaska, for example, the state constitution provides that once every ten years citizens are automatically asked whether they wish to call a convention to revise the state's constitution. In two Canadian provinces (British Columbia and Ontario), a Citizens' Assembly was convened to first debate the issue of electoral reform and then recommend a proposal which would be put to a referendum vote (on Ontario, see box 6.2). Under this arrangement, the government organized and funded the assembly, but the formulation of a proposal and the decision to hold a referendum rested entirely with the Citizens' Assembly, not with the government. The 'citizens' assembly' model has also been used in the Netherlands (known as the *burgerforum*). In Australia, a proposal to replace the British monarch as Australia's head of state was first referred to a 'peoples' convention' before it was submitted to a binding referendum vote in 1999. In the UK, a 'citizens' jury' was recently held in Bristol to recommend proposals for reform in education and children's services, and there is increasing interest in this model in other jurisdictions. While these structures are different from those of an initiative process, they seek to retain many of the aspects of citizen involvement in the development of public policy that are commonly associated with citizens' initiatives or agenda initiatives.

Box 6.2. A hybrid process: Ontario's referendum on electoral reform

Reform of the electoral system has been widely discussed and debated in Canada in recent years. Because the parliament or legislature is not generally considered the most appropriate forum for a debate on political institutions, the government of the province of Ontario convened a 'Citizens' Assembly' to consider various proposals and ultimately to make a recommendation to be put to a referendum. The Citizens' Assembly consisted of 103 men and women whose names were selected at random from the electoral register, with provision for an equal representation of men and women and an appropriate distribution of age groups. One representative was selected by random draw from each of the 103 constituencies in the province. This unique model of deliberative democracy was similar to a process employed in the province of British Columbia two years earlier, and has also been used in the Netherlands.

The Citizens' Assembly met on alternate weekends in Toronto for eight months. It was chaired by a retired judge, and a prominent professor of political science served as its academic director. The first four months of its work involved what was called the 'education phase', in which members of the assembly studied the issue of electoral reform, read materials prepared by the research staff, and listened to lectures and panel discussions conducted by scholars, practitioners and other knowledgeable parties. The second phase of the assembly's work, the deliberation phase, consisted of discussion and debate among its members, as well as public hearings at which the general public and other interested parties were invited to present their views. At the conclusion of the process, the assembly voted by 94 votes to 8 to recommend that Ontario change to a Mixed Member Proportional (MMP) electoral system. This recommendation was sent to the government, and a referendum was scheduled to coincide with the provincial election held on 10 October 2007.

The question presented to voters was a choice between the Citizens' Assembly's recommendation of MMP and the existing First Past The Post (FPTP) electoral system. The referendum campaign suffered from a lack of information among the voters, in part because it was overshadowed by the election, but also because the Citizens' Assembly had received relatively little publicity over the course of its deliberations. The major political parties generally opposed the MMP proposal, and much of the press and the media lined up against it. There was no public financing of the campaigns, but the government allocated a sum of 6.5 million Canadian dollars for 'public education'. The public education campaign, however, was mandated to be strictly neutral, and therefore did relatively little to inform the public on the substance of the issue.

In the referendum, the MMP proposal was overwhelmingly defeated by 63 to 37 per cent. Although the referendum did not result in a change in Ontario's electoral system, the Citizens' Assembly process proved to be a unique and valuable mechanism for putting an issue on the electoral agenda and providing a forum in which ordinary citizens could debate a complex issue. Although the process itself is unique, it combines some elements of both the citizens' initiative and the agenda initiative models, while at the same time providing a forum in which more intensive deliberation of an issue by citizens can take place, and leaving the final decision to the voters.

164. While in many jurisdictions only a few of the procedures described below are of relevance, in some others there are additional intermediate steps linked to judicial reviews or checks. Often these are spelled out in a constitution or in an initiative and referendum law. The example from Lithuania (see box 6.3) suggests one way in which the process might be managed. However, the key steps identified in this Handbook offer a fairly comprehensive overview, guideline and checklist for designers, administrators, users and observers to assess the time and resources (both human and financial) that will be needed and the complexity of either active or passive involvement in such a process. Table 6.1 presents a summary of these steps.

Box 6.3. Managing the initiative and referendum process in Lithuania

The rules and procedures for conducting national referendums in Lithuania may be found in two legislative acts – the constitution of the Republic of Lithuania (articles 9, 69, 71, 148, 151–154) and the Referendum Law adopted in 2002.

Both mandatory and consultative referendums take place under identical rules, as a result of either a citizens' initiative or a proposal put forward by the Seimas (parliament). Initiatives may be proposed by (a) no less than one-quarter of the members of the Seimas or (b) at least 300,000 citizens who have the right to vote.

The Central Electoral Commission (CEC) administers referendums according to the 2002 Referendum Law. The CEC

- registers the group (a minimum of 15 persons) and issues signature collection forms to the group;

- verifies and determines whether 300,000 citizens' signatures have been properly collected;
- appoints city and regional referendum commissions;
- determines the official stamps and forms, the referendum ballot paper, and other documents to be used in the referendum;
- manages the state funds allotted for the referendum; and
- organizes the voting in and publishes the final results of the referendum.

A group may submit an application to the CEC. Their application must indicate the referendum type and the preliminary or final text of the resolution, and also designate a coordinator(s) for the group. The CEC must register the initiative group within a 15-day period and within the next five working days provide them with the forms for collecting the signatures of citizens.

A period of three months is allowed for signature collection, starting from the day the CEC issues the citizen signature sheets. The CEC must verify the signatures that have been collected within 15 days after the collection of signatures is over, and if the documents contain non-essential deficiencies or if the number of signatures falls only slightly short of the number required (up to 0.5 per cent), an additional 15-day period is given to allow the promoters of the initiative to correct these deficiencies. The CEC may refuse to register the initiative for a referendum if (a) the required number of citizens' signatures has not been collected or (b) the voluntary principle in collecting signatures has been violated. The initiative group can appeal against the CEC's decision to the Administrative Court of Lithuania within a period of one month.

The CEC officially publishes the results of the referendum in the *State Gazette* not later than within four days after the referendum vote. In addition, the CEC is obliged to present to the president of the republic the text of the resolution adopted by referendum not later than the day following the official publication of the final referendum results.

Steps, actors and events involved in direct democracy procedures

165. *Knowledge.* Before an issue can become part of a direct democracy procedure, it is essential that information about the instrument is publicly available. Certainly the frequent use of initiatives, demands or recalls is the best way to make the availability of these procedures well known. In jurisdictions where such instruments have only recently been introduced or where they are seldom used, they can be part of a dedicated

democratic infrastructure, for example, information available on the Internet, printed materials, educational efforts and media coverage. In many countries, electoral processes (including direct democracy instruments, if available) are a major subject of civic education efforts in both elementary and secondary schools.

166. *Idea.* The starting point of all citizen-initiated direct democracy procedures – the ‘idea’ – is especially important. Citizen-triggered procedures only come into practice when there is a group of people or an organization that wants to address a certain problem and formulate a proposal. This may be a totally new and radical idea, a very pragmatic and feasible reform, or just the determination to control the legislature by blocking one of its (old or new) decisions. This non-official phase often includes a good many meetings and discussion of strategies for promoting the idea. In New Zealand, one person may begin the process of registering an initiative under New Zealand’s Citizens Initiated Referenda Act, but just as often the process may involve an organization or a group formed for the purpose (see box 6.4).

Box 6.4. Steps for registering an initiative under New Zealand’s Citizens Initiated Referenda Act

The Citizens Initiated Referenda Act of 1993 allows any person in New Zealand to file an initiative asking that a national referendum be held on an issue. To start the process, a citizen presents a written proposal to the clerk of the House of Representatives, accompanied by a 500 New Zealand dollar fee. The clerk advertises the proposed question, and the public then has at least 28 days to make written comments to the clerk. The clerk then has three months to determine the final wording of the question.

Once the wording is determined, the clerk approves the form to be used to collect signatures. A period of 12 months is allowed in which to collect signatures. The initiative must have the signatures of at least 10 per cent of all eligible electors. When the required number of signatures has been delivered to the clerk, a two-month period is then allowed for checking the signatures and for the submission of additional signatures if needed. Following certification by the clerk, the proposal is first presented to the House of Representatives. The governor general has a month from the time the initiative is presented to the House to set a date for a referendum. The chief electoral officer will announce the final results of the referendum, and the government may or may not decide to act on the outcome, which is non-binding.

Examples

- On 30 June 1997, Margaret Robertson presented an initiative to the clerk

proposing that the size of the New Zealand parliament be reduced from 120 members to 99. Signature collection began on 21 August 1997 and the required number of signatures was obtained and certified within the prescribed one-year period of time. The initiative was presented to the House of Representatives on 17 February 1999 and the referendum date was set for 27 November 1999. The proposal received the support of 81.5 per cent of those voting in the referendum. Turnout was 85%. Parliament declined to act on the proposal.

- On 6 May 1999, Julie Waring presented an initiative to the clerk proposing that ‘the Government be required to reduce the number of unemployed to below one percent of the labour force’. Signature collection began on 12 August 1999 and the proposal lapsed when the required number of signatures was not obtained before the deadline of 12 August 2000.
- On 21 July 2004, the NZflag.com Trust presented an initiative to the clerk proposing that ‘the design of the New Zealand Flag should be changed’. Signature collection began on 13 October 2004. The initiative was withdrawn by the proposers on 1 August 2005.

167. *Organization.* The first persons to draft, deposit, sign and register an initiative/demand/recall document are the proponents. In order for a proposal to be registered, most jurisdictions require the establishment of a designated committee, which has to fulfil certain conditions. This is important because this group of individuals or organization will be the legal body responsible for dealing with the authorities and other actors during the subsequent steps. For example, in California just one proponent can write a first draft of an initiative proposal.

168. *Draft.* With the first written version of a text – the initial proposal – the initiative/demand/recall idea is transformed into a direct democracy instrument. One of the preconditions for registering a citizen-triggered proposal in most jurisdictions is the formulation of a legal or constitutional text. It is of course possible that at this early stage of the process the final text will already have been agreed. However, some jurisdictions provide official assistance with this task, including support for translations in multilingual polities. There is nevertheless always a danger of mistrust developing between the authorities and the initiative committee.

169. *Title.* A title must be found which will identify the proposal and will also convey a political message. In addition to the proposed legal or constitutional text, the title serves an important function in communicating its purpose. Because of its importance, the determination of the title is generally subject to certain regulations. There are different rules on who may be eligible to decide the actual title – for example,

the proponents of the initiative or the agency responsible for the administration of the process, or (in a few rare instances) even the legislature. Additionally, certain mistakes such as inconsistency with the content or the use of commercial or inflammatory statements may disqualify a proposed title. It is also important at this early stage in the process to take into consideration that the title chosen may be of importance for the later ballot question. For this reason, as the recommendations of the UK Electoral Commission show (see box 6.5), careful consideration of the title and the eventual wording of the ballot question are important. Although the advice provided is directed to the formulation of the ballot text for referendum questions in the UK, the points raised by the UK Electoral Commission are also useful for the initiative process, and have application in any jurisdiction that employs direct democracy procedures.

Box 6.5. The UK Electoral Commission's 'question assessment guidelines'

Under the Political Parties, Elections and Referendums Act 2000, The Electoral Commission has a statutory obligation to comment on the intelligibility of UK, national and regional referendum questions. In assessing intelligibility, the Commission will have regard to the question's effectiveness in presenting the options clearly, simply and neutrally. The Commission has developed these guidelines to facilitate the assessment of referendum questions and to try to achieve an acceptable level of intelligibility. We intend to keep them under review in order to ensure they remain relevant and applicable.

Guideline one: The question should prompt an immediate response. It should be clear what decision the voter is being asked to make. Voters should not have to work out, or try to interpret the question; the voter's preferred answer should be immediately identifiable. Voters should not have to re-read the question several times to understand its content. The question should be written in a way that encourages each reader to interpret it in the same way. To achieve this, clear and unambiguous language should be used. The response options should be phrased in terms that are consistent with those used in the question. For example, if the question contains the words 'agree' and 'disagree' the possible answers should also be 'agree' and 'disagree'.

Guideline two: Words and phrases used in the question should not have positive or negative connotations. Certain words or phrases may encourage support for one particular outcome. For example, words such as 'new' and 'approve' may in some instances imply that something is a positive concept. Equally, negative words and phrases should be avoided. For example, 'abolish', 'old' and 'reject' may in some instances imply that something is a negative concept. Attempts should be made to find unbiased descriptive words to replace such terms. Consideration should be given to perceptions that voters may have about the

subject matter and potential negative or positive connotations associated with particular words.

Guideline three: Words and phrases used in the question should not be intentionally leading.

The question should not be phrased so as to guide the voter towards one particular outcome.

Guideline four: Words and phrases used in the question should not be loaded. The question should be balanced and should not contain words or phrases which prompt one particular answer. Words and phrases that are, or could be perceived as, false or misleading should be avoided.

Guideline five: The question should not contain 'jargon'. Words, phrases and acronyms that are only commonly used and understood by specialist groups should be avoided.

Guideline six: The language used in the question should be consistent. If certain words or concepts are referred to once in a question or preamble, their use should be consistent throughout the entire text.

Guideline seven: Words and phrases used in the question should reflect the language used and understood by the voter. Consideration should be given to the language used during any informal campaigning that may have taken place prior to the referendum period commencing, providing this could not be perceived as potentially influencing the outcome.

Guideline eight: The question should not provide more information than is necessary to answer the question meaningfully. The question should not contain unnecessary detail about the options or subject matter.

The question should focus on the main issue(s), rather than less important consequences or implications. Policy alternatives that are not directly related to the referendum question should not be mentioned, as they will only make it less clear what the voter is being asked to do.

Guideline nine: The question should not be longer than necessary. The question should be sensitive to the level of public awareness surrounding the referendum issue. If there is limited public awareness of the subject, it may be appropriate to include more detail about the choices. Where the referendum issue is a complex one or an unfamiliar one, it may be appropriate to use a preamble to

explain the context and/or provide additional information to the voter, rather than have a long question.

Guideline ten: The question should be well structured. The text of any question should be carefully structured and easy for the voter to read. Questions should present the issues and key words in a logical and rational sequence.

This may involve the use of several short sentences and/or a preamble. Reverse wording or “double negatives” should be avoided as they can make it difficult for the voter to understand the question.

Source: UK Electoral Commission, Question Assessment Guidelines [no date], <<http://www.electoralcommission.org.uk/templates/search/document.cfm/8644>>, reproduced by kind permission.

170. *Registration.* The legal process officially starts with the presentation of an initiative/demand/recall for publication. With the first steps completed, it should now be possible to register the plan to trigger a citizen-initiated procedure. The process of filing the proposal generally also involves the formal registration of the responsible committee, thereby assigning it certain duties and rights. Such a step brings new responsibilities, including political ones. A registered committee may, later in the process, be able to withdraw an initiative.

171. *Legality check.* The legality and/or constitutionality of a proposal by a designated authority is often determined at this stage, although it may also be done earlier or later in the process of qualifying a citizens’ initiative (demand/recall) for the ballot. An early legality and/or constitutionality check implies both risks and opportunities. If the authorities are challenged, they may use an early legality check to stop a citizen procedure, even on weak grounds, before it even takes off. However it is also important not to allow a process which involves many people to advance further if, at the end, the proposal turns out to be invalid on legal or constitutional grounds. This determination may occur after registration of the initiative, after publication when the signatures are already collected, after the submission but before the vote, or, as in most US states, after the vote itself if an initiative has been passed.

172. *Launch.* After the publication of a proposal, initial registration and legality checks, it is time for the citizens to sign up and convince others to do so, typically within a certain time limit. This is the beginning of the public phase of the initiative process. Signature gathering officially begins after publication of the proposal in an official journal. At this stage it is very important to understand the rules on signature gathering (see the next step). The need to understand and follow established legal

procedures is illustrated in the example from the US state of Oregon (box 6.6). Oregon sets out its rules in an official *Initiative and Referendum Manual*.

Box 6.6. Initiative and referendum manuals and guidelines: the example of the US state of Oregon

Many US states provide official information and assistance to prospective initiative committees. Publications such as a state initiative and referendum manual can provide a full range of basic information, practical advice and even model initiative signature-gathering sheets for download. They often provide guidance on how to register an initiative, which constitutional requirements must be met, and where and how an initiative can be circulated, as well explaining how a citizen initiative can be withdrawn.

But, even though such manuals and guidelines are openly available, many initiative groups do not follow the rules, and this has raised concerns at the responsible governmental agency. A press release by the Oregon secretary of state, Bill Bradbury, on 24 July 2006 featured the following statement: ‘Chief petitioners and the companies they pay to gather signatures for initiative campaigns have again done a poor job of training circulators on how to follow state law, and have failed to check their own work for compliance with state law. “We’re seeing the same individuals from the same campaigns make big mistakes over and over again”, said Bradbury. “There is just no excuse for chief petitioners and businesses dedicated to signature gathering to operate this sloppily. In any other business sector this would be gross negligence.” Bradbury has repeatedly asked the legislature to require mandatory training for signature gatherers, and plans to ask again in the next legislative session. The Election Division’s initial review of petition signature sheets revealed that paid signature gathering firms have again failed to read the regulations published in the State Initiative and Referendum Manual and failed to train their employees in the basics of signature gathering. In some petitions, thousands of signatures were disqualified because circulators failed to follow simple rules relating to signing and dating their petition sheets’ (<http://www.sos.state.or.us/executive/pressreleases/2006/0724.html>). As a result of the problems identified, in 2007 the Oregon legislature tightened restrictions on signature gatherers.

173. *Signature collection.* Signing by hand has been and still is the most common method of formally supporting a proposal. However, there are electronic and digital methods available as well. All available and allowed methods of gathering signatures may be used in this phase to bring the numbers of supporting citizens up to the required number. While some jurisdictions only allow signatures by hand – and in some cases only collected at specified places – others also provide the possibility of

electronic signature gathering. In some countries it is explicitly forbidden to use paid signature gatherers for this work. While a citizens' initiative in Switzerland needs to gather 100,000 signatures (*c.* 2 per cent of the electorate) within 18 months, a citizen-demanded referendum to bring a legislative act to the decisive referendum requires 50,000 signatures within 100 days of the publication of the new law. Other jurisdictions may have considerably shorter time requirements. For example, in the German state of Bavaria, an initiative committee has just 14 days to gather the signatures of at least 10 per cent of the electorate. An additional hurdle is the restriction that these signatures can only be gathered within designated official premises. In contrast, in Switzerland, signatures can be gathered freely. Initiative committees often have their own strategies for gathering signatures (see box 6.7 for an example from a US state). It is also common in many of the US states to use paid signature gatherers, particularly when an initiative is sponsored by a well-funded organization or group.

Box 6.7. 'Smile and have fun!': an initiative committee in the US state of Ohio

'The Natural Law Party of Ohio needs 55,000 signatures to be on the ballot in the primary elections.

1) The person (circulator) collecting signatures

- A) Must be an Ohio registered voter.
- B) Cannot sign his/her own petition.
- C) Must be sure that each petition sheet contains only names from the same county.
- D) Can collect anywhere in Ohio.
- E) May turn in either full or partially filled petitions.
- F) Must complete and sign the Circulator Statement at the end of petition.

2) People signing the petition must

- A) Sign in ink
- B) Be a currently registered voter in Ohio (and may be of any political party).
- C) **SIGN** with the same signature used when registering; then if the signature is not readable, print the person's name above or to the side of the signature.
- D) Use the same address as used when they registered to vote (if they

have moved and want to use their new address, they must first fill out a new voter registration card).

...

HELPFUL HINTS FOR SIGNATURE GATHERING

Don't mind a no, keep on going

1. Family, friends, neighbors are the easiest to get. Tour your neighborhood.
2. Collect signatures in busy places such as in front of stores, parking lots, parks, malls, libraries and college campuses.
3. Use clipboards or cardboard backers to support the petition. Take plenty of pens.
4. Have more fun by going with someone. You can sign each other's petition because you can't sign your own.
5. Smile and have fun.
6. You will be the one that will make this happen. It is a tremendous job, can't be done with only a few. Bless you and Good Luck.'

Source: http://www.ohionlp.org/Files/Directions_SignatureGathering.html.

174. *Submission.* After gathering the required number of signatures, the proponents/registered committee will deposit the collected signatures with the proper authorities. This is called the submission of an initiative/demand/recall. Submitting a sufficient number of signatures is a major step in each citizen-triggered procedure as it signals the point at which the issue of the few becomes an issue of the many. At this moment, the initiative committee should be quite sure that the required threshold of signatures and all additional possible requirements have been met. This can be a problem if the time provided for the gathering of signatures is very short or if it has been difficult to collect the required number of signatures within the time provided.

175. *Validation.* The authorities then check that the submission is valid in order to ensure that the proposal and its qualifying process have conformed to all existing rules and regulations. Also at this stage the signatures submitted will have to be validated, generally by checking them against the official electoral register. Different methods of validation are used, depending on the structure of the particular polity and the methods used for identification. In some jurisdictions a sampling procedure

is used to validate signatures, while in others every signature must be checked. An important factor for the validity check is the method of voter registration. Different methods of validation may be required depending on whether the electoral register is updated continuously or set up anew at each election.

176. *Verification.* When the authorities have carried out the validity check and have established that the required number of valid signatures have been obtained, the proposal can be verified. Successful verification concludes the first phase of the qualification process. In the remaining steps, more actors will become involved. For the initiative committee, this means a new and even more challenging role, as it will have to interact with the authorities, the media and critics of the proposal in a more serious way than before verification. A verified initiative sometimes also qualifies for additional support and services provided by the authorities. While most citizens' initiatives (and agenda initiatives) will be considered by a legislature (to adopt them, for counter-proposals to be made or for the proposal to be debated), verified citizen-demanded and optional referendums as well as recalls will now, depending on the jurisdiction, qualify for the ballot. How much time is allowed for counter-proposals to be considered, or for an administration to prepare for and decide on the voting day, is in most jurisdictions written into the legal or regulatory acts that govern such procedures.

177. *Interaction.* It is possible that a legislature or parliament may itself decide to adopt the proposal, or it may offer its own alternative proposal on the issue. In the latter case, the possibility is opened up for the registered initiative committee to withdraw its proposal. The role of the legislature may be crucial in the remainder of the process, as it may offer its own proposal which may either meet the central aspects of the citizens' proposal, or form the basis for a counter-proposal. In some jurisdictions, such an alternative proposal can also be made even after the initial registration of an initiative. For all these options specific time limits may apply.

178. *Certification.* It is now up to the specified authority to determine that the citizen-triggered initiative/referendum/recall proposal has qualified to go forward to the ballot. Following the additional stage of possible counter-proposals and expressions of opinion under the 'interaction' step, it is finally time for a decision to be made at the ballot box. If an additional alternative proposal has been put forward, some jurisdictions qualify both proposals (that of the citizens and that of the legislature or other eligible authority) for the ballot (as in Switzerland), while others allow only the alternative proposal to be voted on (as in some German *länder*).

179. *Campaign.* At this stage the initiative becomes an electoral issue involving many different actors and sectors within the polity. This step is critical to ensuring that the public is well informed about the issue. The final campaign may offer many additional challenges to both sides in the decision-making process. In order to complete this step in accordance with global democratic standards, a growing number of countries have implemented campaign regulations regarding finances and media coverage.

Such regulations may also include more supportive aspects of campaigns, such as financial subsidies or free air time (see chapter 7). Germany provides reimbursements for verified signatures in a few states. In the state of Saxony, for example, the initiative committee gets approximately 0.05 euros (EUR) for each signature regardless of the final success or failure of the signature-gathering process. Some of the German states also have reimbursement schemes based on the number of votes cast in a referendum: in Schleswig-Holstein, the most northern state of Germany, each ‘Yes’ vote for a citizen-triggered proposal pays 0.28 EUR in subsidy.

180. *Voting.* Generally, voting on the proposal will follow the same rules and procedures as voting in elections. It may be possible to vote in advance, or by post before the actual voting day and up to the point when the polling stations close on voting day. During the voting phase, specific rules may apply for the various actors. These rules can include a prohibition on publishing opinion polls or even a prohibition on all campaigning activities for a specified period (typically the final 24 or 48 hours of the campaign period). However, both sides in the decision-making process may discover that many voters make up their minds well ahead of the final day, making last-minute campaign efforts more or less ineffective.

181. *Appeal.* While free and fair majority decisions must be respected, irregularities often have to be addressed and in some circumstances may be the subject of an appeal procedure. For an initiative committee, the publication of the ballot results may mean the end of its efforts or the beginning of new ones. This may include the right to restart an initiative on the same issue or a similar issue on the spot. In some jurisdictions, there are rules specifying a time period when initiatives on the same issue (or simply another initiative) are not allowed. In many jurisdictions, the rules of decision making in such votes include specific majority rules (e.g. double majorities in federal states). The initiative committee may have some scepticism about the freedom and fairness of the ballot process itself and choose to appeal to a court.

182. *Implementation.* It is not unusual for the work of a citizens’ initiative committee to continue even after the day of decision. It may become involved in a post-referendum appeal process, or it may begin to look forward to a future referendum or alternative political strategy. When the proposal is accepted by a majority at the ballot box, this may produce even more work for the original drafter of the new law or amendment to the constitution. In this case, a lengthy process follows during which (in most cases) the authorities will have the main responsibility for implementing the decision.

Table 6.1. Summary: the steps, actors and events involved in direct democracy procedures

	Step	Actor(s)	Event
1	Knowledge	EMB, educational and non-governmental organizations	Efforts to guarantee that information is provided on available procedures
2	Idea	Group of citizens and/or organizations	Depending on the exact procedure, this may include a totally new idea or a reaction to a new law
3	Organization	Group of citizens	The (in)formal establishment of an initiative/demand/recall committee
4	Draft	Committee, EMB	Agreement on a text (and possibly translations) for a new/change of law or amendment to the constitution
5	Title	Committee, EMB, legislative body	Setting a title for the proposal and the whole process to come
6	Registration	Committee, EMB	The formal step to register an initiative/demand/recall with the authorities
7	Legality (check)	Designated authority	Legality or constitutionality checks may take place at one or several points of the process, undertaken by one or several designated authorities
8	Launch	Committee	With the official start of signature gathering, the initiative/demand/recall enters its most critical phase
9	Signature collection	Citizens, committee, authorities	The signature-gathering process has to consider certain rules, options and restrictions
10	Submission	Committee, EMB	Delivery of the signatures that have been gathered to the authorities
11	Validation	Authorities	The authorities check the eligibility and validity of the signatures delivered
12	Verification	EMB	After the validity check, the initiative/demand/recall may be verified and either directly qualified for the ballot (demand/recall) or sent to the legislative body or government for consideration (initiatives)

	Step	Actor(s)	Event
13	Interaction	Legislature, government, president	Initiative proposal is now an 'official' matter. The legislative or governmental body may have the right to put an alternative proposal on the ballot and to make recommendations. As an element of interaction the initiative committee may have the right to withdraw its initiative in order to find a compromise
14	Certification	Designated authorities	Setting the ballot (time, final rules, campaign assistance)
15	Campaign	Citizens, groups, political parties	Campaign regulations for free and fair direct democracy procedures may be applicable
16	Voting	Registered electors	Voting may take different forms (personal voting, remote voting, e-voting) and can cover a period of several days or weeks
17	Appeal	Committee, authorities	In the event of irregularities, an appeal procedure may start. Otherwise the decision of the voters is final
18	Implementation	Authorities, others	Implementation of a new law or amendment to the constitution, to create new dynamics, possible hurdles and sometimes even the need for the initiative committee to remain active

183. The administrative procedures are critical to citizen- and user-friendly practice. The authorities have a role to play at almost every step of the process, including offering advice and support to the electorate. The most important actors, however, are the proponents/initiators of the process. Designers of citizen-triggered direct democracy procedures need to consider several aspects of the legal context, including the roles of both proponents and authorities. Consequently, direct democracy procedures should be assessed from at least three different perspectives – those of the administrators (the EMB, the courts etc.), the users (citizen groups) and the designers (politicians, legal experts).

184. Before an idea becomes an initiative, and an initiative qualifies for the ballot, a series of preconditions must be fulfilled, including:

- there must be basic legal provisions in place;

- there must be administrative readiness and infrastructure to deal with initiatives/ demands and recalls; and
- potential proponents must be free and able to launch an initiative process.

In sum, because citizen-triggered direct democracy procedures carry great expectations on the part of the citizens, careful design and good administrative practice are essential if such procedures are to lead to a ballot.