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**Direct Democracy at the local level:  
a comparison of eight municipalities  
from four countries around Lake Constance**

Paper presented at the conference  
“Direct democracy in local politics in European countries”  
in Marburg/Germany, 19-21 April 2007

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# 1 Introduction

Municipalities/local authorities are the foundation stones of the superstructure of the state. Municipalities<sup>1</sup> function, on the one hand, as the lowest level of state administration; and on the other, they are also the vehicles of the idea of communal self-government. Municipalities thus serve to resolve local problems on the one hand, while on the other they mediate between the individual level and the remoter organs of the state. They thus represent the most immediate and direct point of reference in the citizens' relationship with the state. It would seem reasonable to assume, at least as a preliminary working hypothesis, that similar social problem sets (against a relatively homogeneous socio-economic background) will find solutions in similar institutional-political models ("bottom-up" hypothesis). If the hypothesis is correct, we would expect to find a large degree of conformity within the present sample in terms of the forms of local direct democracy.

A systemic approach, in which the local authorities are seen as sub-systems of the national political system, would produce a contrary hypothesis: that the national, or, in a federal state, the regional political system exercises a much greater influence on direct democracy than the local problem-set ("top-down" hypothesis). The assumption then would be that the institutional forms of direct democracy within the observed local authorities would vary considerably as a result of the national differences.

We begin by examining to what extent the selected local authorities have similar forms of direct democracy, and to what extent these differ.<sup>2</sup> Using this evaluation, we then attempt to answer the question raised by the opposing hypotheses as to whether it is primarily local or national/regional factors which determine the forms of the direct-democratic provisions in the eight local authorities selected.

Choosing the area around Lake Constance as a geographical focus allowed us to compare the situation in four separate but neighbouring states, with added sub-state/regional differences.

In addition to selecting the local authorities for our sample there was also the question as to what time period the investigation should cover. Since it was to be expected that in some of the local authorities the use of direct-democratic rights is rather infrequent, it was necessary to take a reasonably long period of time in order to even out random peaks and troughs in individual years. On the other hand, however, there were limits both to the amount of material that could be processed and to the demands that could be

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<sup>1</sup> In German-speaking countries, the lowest tier of government/administration is called the *Gemeinde* – a word with several layers of meaning: commune, community, church congregation, local authority area, municipality. The *Gemeinde* can be very small – a village of 100 souls; or very large – a city of several million. Other countries have often very different structures, and differing distributions of power. The English words *municipality* and *local authority* have been selected as the most appropriate, though they both lack the sense of human community which the word *Gemeinde* conveys.

<sup>2</sup> Special thank to Manuel Frick who did much of the collecting of data and information.

placed on the local authorities. For these reasons the years 1995 to 2005 were chosen as the period of investigation.

## **2 Selection of local authorities**

### **2.1 Selection criteria**

The Lake Constance “Euregio” (cross-border European region) comprises the following: the administrative districts (*Landkreis*) of Oberallgäu, Kempten, Lindau, Ravensburg, Bodenseekreis, Sigmaringen and Konstanz (close to Lake Constance and belonging to the two German states of Bavaria and Baden-Württemberg); the Austrian state of Vorarlberg; the Swiss cantons of Schaffhausen, Thurgau, St. Gallen, Zürich, Appenzell Innerrhoden and Appenzell Ausserrhoden; the Principality of Liechtenstein. The canton of Graubünden was also included in the study, since – like St. Gallen and Vorarlberg – it also borders on Liechtenstein. From these areas only those local authorities were selected which are close to Lake Constance or which lie along the Upper Rhine. Due to its more distant location, the canton of Schaffhausen was not included in the study.

In order to limit the range of variation in the chosen municipalities, the size and structure of the latter were taken into account, in addition to their geographical distribution. They should not exhibit any one-sidedness in terms of their economic or employment structure, so that, for example, Vaduz - as the capital and financial centre of Liechtenstein - had to be ruled out, as did communities around Lake Constance which are predominantly focused around tourism. Since none of those communities in Liechtenstein which met the requirements of the study has a population in excess of around 5,000, it was clear that the population size of the selected communities would necessarily lie within the range 4,000 to 6,000 (or, if clearly necessary, within an extended range of 3-7,000).

### **2.2 The eight local authorities**

We had a very positive response in general from the local authorities. With the sole exception of the two authorities from Appenzell Ausserrhoden (Teufen: not interested in taking part; and Heiden: no information provided), all the local authority representatives – in most cases the secretary of the authority or the mayor – were very happy to cooperate. We decided not to look for alternatives in Appenzell Ausserrhoden, since we already had four Swiss municipalities from four different cantons.

Ultimately, then, the following eight municipalities were included in our study: Heimenkirch (Bavaria/D), Eriskirch (Baden-Württemberg/D), Koblach (Vorarlberg/A), Sennwald (St. Gallen/CH), Sulgen (Thurgau/CH), Zizers (Graubünden/CH), Rüte (Appenzell Innerrhoden/CH), Balzers (Liechtenstein/LI).

**Table 1: Structural data on the selected municipalities**

|                                 | Balzers LI | Zizers CH/GB | Sennwald CH/SG | Rüte CH/AI | Sulgen CH/TG | Koblach A | Eriskirch D/BW | Heimenkirch D/BA |
|---------------------------------|------------|--------------|----------------|------------|--------------|-----------|----------------|------------------|
| Population                      | 4436       | 3064         | 4686           | 3056       | 3400         | 4157      | 4444           | 3730             |
| Surface area (km <sup>2</sup> ) | 19.7       | 11.0         | 41.5           | 40.9       | 9.1          | 10.2      | 14.6           | 21.2             |

*Source: Statistical Services (websites) of the relevant countries, federal states, cantons and local authorities. Information provided by the local authority administrations.*

### **2.3 Geographical location**

To qualify for selection the municipalities had to satisfy the requirements relating to size and structure and also be in as close geographical proximity to each other as possible. For the German states this meant a location close to Lake Constance and not far from Lindau. For the Vorarlberg and Swiss contenders, proximity to Lake Constance or the Upper Rhine was desirable. The maximum distance between any two of the chosen municipalities is no greater than 100 kilometres.

**Fig.1 Geographical location of the eight chosen municipalities**



Source: <http://www.bodenseekonferenz.org>. Marking of the municipalities by the authors.

### **3 Organisation of the municipalities and participatory rights**

As noted above in footnote 1, the word *Gemeinde* can be used for different forms of community (including a church community or congregation, a school community, a local community etc.). The comparative study which follows refers solely to the sense of *Gemeinde* as a political unit – reflected in the English word *municipality*.

There are three different forms in which citizens can participate in decision-making on substantive issues beyond the election of representatives:

- direct citizen participation in local affairs through community/municipal/popular assemblies and the like, at which decisions are taken in the presence of the voters;
- direct-democratic participation through referendum ballots;
- non-binding forms of participation through formal or informal channels – such as community/municipal council meetings which are open to the public, round table discussions and the like.

### 3.1 Superordinate rules

Municipalities are subject to formal rules of organisation set out in legal provisions administered either by the state (Liechtenstein), the cantons (Switzerland) or the federal states (Germany, Austria). There are differences in the extent and complexity of the rules. In general, the rules specify the municipal organs and their various powers: municipalities are usually allowed to decide for themselves whether to be governed by bye-laws or by a municipal constitution.

It is generally true to say that the cantonal bye-laws give individual Swiss municipalities greater room for manoeuvre than is the case for the municipalities in the other states included in the study. This is true both for the organisational form of the municipalities (the municipal organs of administration) and for the elements of direct democracy (procedures, substantive powers). Nonetheless, despite all the differences in the legislative frameworks, direct-democratic rights at the local level are provided for in the superordinate (state/canton) legislation for all the eight municipalities in the study. These are by no means limited solely to consultative procedures, but can all – under different names – be classed either as initiative rights, referendum rights (in certain cases), and, in the case of Vorarlberg, also recall rights.

Voting and electoral rights are also set out in cantonal law and in the bye-laws of the German and Austrian federal states. These reveal significant differences in respect of the electoral rights of foreigners; in the two countries which are member states of the EU (Germany and Austria), the tendency is for foreigners to be granted voting rights at the local level. A further difference lies in whether a distinction is made between residents (*Einwohner*) and those who have acquired formal municipal citizenship (*Gemeindebürger*).

**Table 2: Voting and electoral rights**

|                      | Balzers LI   | Zizers CH/GB             | Sennwald CH/SG           | Rüte CH/AI               | Sulgen CH/TG             | Koblach A   | Eriskirch D/BW   | Heimenkirch D/BA |
|----------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|---|--|------------------|
| <b>Voting rights</b> | Liechtenstein residents (for citizenship applications only citizens of the municipality) | Residents of Switzerland | Residents of Switzerland | Residents of Switzerland | Residents of Switzerland | Austrian residents and foreign citizens from other EU member states | German residents and citizens of other EU member states who have been resident for at least 3 months | German residents |

Source: *Bye-laws and other regulations of the federal states, cantons etc.*

### 3.2 Assembly democracy

The details of the organs of administration, their various powers, and the direct-democratic rights of the citizens are set out in the bye-laws or constitutions of the individual municipalities.

Direct democracy in the form of local/municipal assemblies is only provided for in the Swiss and Liechtenstein municipalities. However, no such decision-making assemblies have taken place in Balzers (LI) since the 1970s. Direct-democratic decisions are now made through the ballot box. In the two German municipalities, assemblies are provided for – but only for information and consultation.

**Table 3: Form of municipal organisation and composition of the representative municipal organ**

|               | Balzers LI  | Zizers CH/GB                                     | Sennwald CH/SG                                       | Rüte CH/AI                                 | Sulgen CH/TG   | Koblach A   | Eriskirch D/BW   | Heimenkirch D/BA  |
|---------------|---|--|--|--|--|---|--|---|
| Legislative   | Municipal assembly<br><i>Gemeindeversammlung</i><br><br>Municipal council<br><i>Gemeinderat</i> | Municipal assembly<br><i>Gemeindeversammlung</i> | Popular assembly<br><i>Bürgerversammlung</i>         | District council<br><i>Bezirksgemeinde</i> | Municipal assembly<br><i>Gemeindevertretung</i>      | Local parliament; 24 members<br><i>Gemeindevertretung</i> | Popular assembly; no decision-making powers<br><i>Bürgerversammlung</i><br><br>Municipal council<br><i>Gemeinderat</i> | Popular assembly; no decision-making powers<br><i>Bürgerversammlung</i><br><br>Municipal council<br><i>Marktgemeinderat</i> |
| Executive     | Municipal council<br><i>Gemeinderat</i>   | Executive committee<br><i>Gemeindevorstand</i>   | Municipal council<br><i>Gemeinderat</i>              | District council<br><i>Bezirksrat</i>      | Municipal council<br><i>Gemeinderat</i>              | Executive committee<br><i>Gemeindevorstand</i>            | [Municipal council]<br><i>[Gemeinderat]</i>  | [Municipal council]<br><i>[Gemeinderat]</i>   |
| - seats       | 13  | 7  | 5  | 9  | 7  | 7   | 15   | 17  |
| - chairperson | Principal / provost<br><i>Vorsteher</i>   | President<br><i>Gemeindevorsteher</i>            | 'Ammann' – council chief<br><i>Gemeindevorsteher</i> | District chief<br><i>Bezirkshauptmann</i>  | 'Ammann' – council chief<br><i>Gemeindevorsteher</i> | Mayor<br><i>Bürgermeister</i>                             | Mayor<br><i>Bürgermeister</i>  | Mayor<br><i>Bürgermeister</i>   |

Source: Information services (Websites) of the relevant municipalities. Information from the municipal administrations.

The conditions for an obligatory decision by the municipal assembly vary considerably between the four Swiss municipalities from four different cantons. In Zizers, for example, a mandatory decision is triggered by any new, non-recurrent, expenditure of 100,000 Swiss francs or more, whereas in Sennwald the threshold is 1 million francs.

**Table 4: Public assembly powers in the Swiss municipalities**

|                                   | Zizers  | Sennwald   | Rüte                        | Sulgen           |
|-----------------------------------|---|--|-----------------------------|------------------|
| Expenditure limit – non-recurrent | 100,000 CHF<br>(2006 < 1% of public expenditure)  | 1,000,000 CHF<br>(2007 < 8% of public expenditure) | > 10% of public expenditure | > 3 % of taxes   |
| Expenditure limit – recurrent     | 10,000 CHF<br>(2006 < 0.1% of public expenditure) | 100,000 CHF<br>(2007 < 0.8% of public expenditure) | > 1 % of public expenditure | > 0.5 % of taxes |

Source: data provided by the municipal administration and/or set out in the bye-laws.

There is also considerable variation in the frequency of assembly decisions. Between 1995 and 2005 there were only 11 assembly votes on municipal affairs in each of Sennwald and Rütli, whereas there were 20 in Sulgen and 44 in Zizers.

**Table 5: Assemblies and subject-matter of assembly votes in the selected Swiss municipalities between 1995 and 2005**

|                            | Zizers | Sennwald | Rüte | Sulgen | Total |
|----------------------------|--------|----------|------|--------|-------|
| Number of assemblies       | 44     | 11       | 11   | 20     | 86    |
| Subject-matter             | 171    | 72       | 52   | 109    | 359   |
| - Finance                  | 40     | 22       | 23   | 25     | 110   |
| - Infrastructure           | 60     | 2        | 13   | 25     | 100   |
| - Citizenship applications | 0      | 47       | 0    | 35     | 82    |
| - Bye-laws                 | 20     | 0        | 3    | 8      | 31    |
| - Municipal area           | 12     | 0        | 11   | 3      | 26    |
| - Acquisitions/purchases   | 10     | 0        | 2    | 1      | 13    |
| - Functional unions        | 1      | 1        | 0    | 4      | 6     |
| - Rates/charges/tariffs    | 0      | 0        | 0    | 4      | 4     |
| - Other                    | 28     | 0        | 0    | 4      | 32    |

Source: data provided by the municipal authorities.

Assembly democracy – often portrayed as the ideal form of democracy – has a downside if voter turnout is considered. Less than 5% of the registered voters take part in the municipal assemblies in Zizers on average. Turnout is somewhat higher in other municipalities, but is nowhere greater than about 20%.

**Table 6: Voter turnout at assemblies in the selected Swiss communities 1995 to 2005**

|                      | Zizers | Sennwald  | Rüte    | Sulgen |
|----------------------|--------|-----------|---------|--------|
| Turnout (percentage) | < 5 %  | not known | c. 20 % | 7.9 %  |

Source: data provided by the municipal authorities (including minutes of meetings etc).

### 3.3 Initiative, referendum, popular vote

The regulations regarding direct-democratic rights (exercised by the collection of signatures, and ballot votes) in the municipalities covered by the study vary very widely. Rüte and Sulgen do not have the right of initiative and referendum at the local level, since these two municipalities practise assembly democracy.

Zizers and Sennwald, which also have the direct-democratic institution of the municipal assembly, have in addition both initiative and referendum rights.

In Zizers, 600 signatures are required for an initiative (currently 6.6% of the registered voters) and 150 signatures for a referendum (4.9%). In Zizers there is also a long list of issues which cannot be decided upon in the municipal assembly (*Bürgerversammlung*), but have to be decided at the ballot box: the passing, amendment to or repeal of constitutional and legislative provisions; approval of new, non-recurrent, expenditure and liabilities of more than 200,000 francs and of new, recurrent, expenditure and liabilities in excess of 50,000 francs; the purchase, sale or mortgaging of municipally owned real estate, as well as the granting and termination of easements and commitments, where such dispensations exceed the financial authority of the municipal assembly; the conferral of water rights, the granting of other special usage rights, and the exercise of reversion in the context of water rights' legislation where the one-off value (or the capitalised value at 5%) exceeds 2 million francs; decisions of the municipal assembly against which a referendum has been launched.

In Sennwald the quorum for signature collection is set at 10% of the registered voters for the initiative and 5% for the referendum. As in Zizers, there are also certain issues which may not be decided in the municipal assembly: any business falling under Art. 8, where the decision has been taken at the assembly to have a ballot vote; requests for a referendum according to Arts. 24 and 26; new, non-recurrent expenditure which exceeds 1 million francs; initiative proposals, unless they concern the municipal by-laws.

In theory, Balzers has assembly democracy. But no use is made of it. The right of initiative and referendum, on the other hand, is not only provided for in law, but is also made use of in practice. There is a marked difference in the level of the signature quorum between the two Swiss municipalities with initiative and referendum rights and the municipality of Balzers in Liechtenstein. Whereas quorums of between 5 and 10 percent of the registered voters (depending on the particular instrument and municipality) are required in Zizers and Sennwald, the signature threshold for launching either an initiative or a referendum in Balzers is one-sixth (16.7%) of the electorate. It should be mentioned that, in general, voting rights apply to all Liechtenstein citizens living in the municipality. This does not, however, apply to referendum votes on citizenship applications. In such cases, voting rights apply only to the citizens of the municipality (not all Liechtenstein residents) resident in the municipality.

In Eriskirch, direct-democratic rights appear under the label of the *Bürgerbegehren* (literally 'citizens' demand') and the *Bürgerantrag* (citizens' submission) provided for in the municipal bye-laws of Baden-Württemberg. These allow for submissions aimed both at proposing changes (initiative) and at reversing a decision by the municipal council (referendum). An initiative proposal requires the signatures of 10% of the citizens of the municipality. The list of exceptions (non-permissible subject-matter) for initiatives includes: decisions which according to the law are reserved for the mayor;

issues to do with the internal organisation of the municipal administration; laws relating to the budget; the annual accounts; development planning rules; public building regulations etc. A ‘citizens’ submission’ (referendum) can be launched to oppose a decision by the municipal council. The submission (giving reasons for the objection) has to be handed in within two weeks of the publication of the municipal council decision, together with the signatures of at least 30% of the registered citizens of the municipality. In addition, there is the municipal council’s right (dependent on a two-thirds majority) to put a decision to a public vote in a referendum (authorities’ referendum).<sup>3</sup> Baden-Württemberg’s municipal bye-laws further enjoin the municipal authorities to discuss important local matters with the local residents. As a rule, the municipal council is expected to arrange a residents’ meeting at least once a year (plus extra meetings if necessary). These meetings can be restricted to portions of the municipality – parts of towns, smaller districts, and villages, for example.

In Heimenkirch the *Bürgerbegehren* is based on the bye-laws of the Free State of Bavaria, which provide for only the right of initiative, known in Bavaria as the *Bürgerbegehren*. To launch the citizens’ initiative requires the signatures of 10% of the registered citizens. The outcome of a citizens’ referendum is equivalent in effect to a decision of the municipal council: it can only be amended within a year by another referendum. Neither the authorities’ referendum nor the facultative referendum launched by citizens exist. There are similar subject-matter restrictions to those in Eriskirch. In addition, the Bavarian bye-laws require the principal mayor to call a citizens’ meeting at least once a year (and more frequently if the municipal council requests it) to discuss municipal affairs. In larger municipalities, the meetings should be restricted to portions of the municipal area. A public assembly can also be called if 5% of the registered citizens request one. Recommendations arising from the citizens’ assembly must be dealt with in the municipal council within three months. It is also possible for 1% of the registered citizens to submit a *Bürgerantrag* – a well-founded request for a specific matter to be dealt with by one of the organs of the municipality.

Citizens of Koblach also have direct-democratic rights, which are set out in the bye-laws of the state of Vorarlberg<sup>4</sup>. One-fifth of the citizens of the municipality can submit a *Volksbegehren* (an initiative). The initiative must be dealt with by the municipal authorities, but they are not obliged to decide in favour of the initiative proposal. A fifth of the citizens can also call for a referendum, known as a *Volksabstimmung*. Referendums can also be called by the mayor or by a decision of the municipal authorities. The mayor can also call a referendum on a proposal which he has previously made to the municipal authorities but which has been rejected by them. On the other

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<sup>3</sup> The legal basis is Art. 21 of the municipal bye-laws, Art. 41 of the local electoral law and Art. 53 of the Baden-Württemberg local electoral law.

<sup>4</sup> Arts. 20 to 25 of the Vorarlberg municipal law.

hand, the municipal council can decide by simple majority to organise a recall referendum to try to remove the mayor from his post. There is, finally, the option of a *Volksbefragung* – a general consultation – if such is requested by a fifth of the registered citizens or if the municipal council decides that one should be held. Such consultations can also be arranged for parts of the municipal area.

**Table 7: Legal provisions for popular referendums**

|                                | Balzers LI                        | Zizers CH/GB                      | Sennwald CH/SG                     | Rüte CH/AI | Sulgen CH/TG | Koblach A  | Eriskirch D/BW                                      | Heimenkirch D/BA  |
|--------------------------------|-----------------------------------|-----------------------------------|------------------------------------|------------|--------------|--|---|---|
| <b>Initiative</b>              | <i>Initiative</i>                 | <i>Initiative</i>                 | <i>Initiative</i>                  | -          | -            | <i>Volksbegehren</i>   | <i>Gemeindebegehren</i>                             | <i>Gemeindebegehren</i>   |
| Signature quorum               | 16.7 %                            | 6.6 %                             | 10 %                               | -          | -            | 20 %   | 10 %  | 10 %  |
| Period of time before ballot   |                                   |                                   |                                    |            |              |  | 3 years   | 1 year for community council                                    |
| <b>Obligatory referendum</b>   | Referendum                        | Referendum                        | Referendum                         | -          | -            | -  | -   | -   |
| Threshold                      | 35 % of budget (c. 7 million CHF) | 2 million CHF (c. 15 % of budget) | 1 million CHF (c. 3.5 % of budget) | -          | -            | -  | -   | -   |
| <b>Facultative referendum</b>  | Referendum                        | Referendum                        | Referendum                         |            |              |  | Submission by citizens within 2 weeks               |   |
| Signature quorum               | 16.7 %                            | 4.9 %                             | 5 %                                |            |              |  | 30 %  |   |
| <b>Authorities' referendum</b> |                                   |                                   |                                    |            |              | Referendum if decreed by mayor or municipal representative council     | Referendum if requested by 2/3 of municipal council | Referendum if requested by simple majority of municipal council |
| <b>Participation quorum</b>    | None                              | None                              | None                               | None       | None         | None   | None  | 20 % approval quorum  |
| <b>Recall</b>                  |                                   |                                   |                                    |            |              | Referendum vote on recall of mayor after decision by municipal council |   |   |

Source: Information services (Websites) of the relevant municipalities. Information from the municipal administrations.

There are also differences between the eight municipalities in their practical use of the direct-democratic instruments. Zizers has a clear lead with 43 ballot votes at local level, followed by Balzers with 8 referendum votes (plus another 15 votes restricted to registered citizens only). During the investigation period only 4 referendum votes were carried out in Sennwald at the local level.

**Table 8: Referendum ballot votes at local level and subject-matter 1995 to 2005**

|                               | Balzers<br>LI     | Zizers<br>CH/GB | Sennwald<br>CH/SG | Rüte<br>CH/AI | Sulgen<br>CH/TG | Koblach A | Eriskirch<br>D/BW | Heimen-<br>kirch<br>D/BA |
|-------------------------------|-------------------|-----------------|-------------------|---------------|-----------------|-----------|-------------------|--------------------------|
| citizenship applications      | [11] <sup>5</sup> |                 |                   |               |                 |           |                   |                          |
| bye-laws                      | 5 <sup>6</sup>    | 31              | 1                 |               |                 |           |                   |                          |
| Infrastructure                | 2                 | 8               | 3                 |               |                 |           |                   |                          |
| administrative partnerships * | 1                 | 3               |                   |               |                 |           |                   |                          |
| other                         |                   | 1               |                   |               |                 |           |                   |                          |
| TOTAL                         | 8                 | 43              | 4                 | no provision  | no provision    | 0         | 0                 | 0                        |

\* German *Zweckverband*: a functional union between (usually neighbouring) local authorities for a specific purpose

Source: Information services (Websites) of the relevant municipalities. Information from the municipal administrations.

## 4 Conclusions: the use of direct-democracy at the local government level

This appraisal of direct-democratic rights and their practical use in the eight municipalities studied reveals wide differences within what is culturally a largely homogeneous region centred around Lake Constance. The national differences (from one country to another) are significantly greater than those between different municipalities in the same state. The facts clearly suggest that the “top-down” hypothesis offers a better explanation for the form of the direct-democratic instruments than the alternative “bottom-up” hypothesis. However, the relatively small size of the sample does not allow any definitive conclusions to be drawn. Nonetheless, in terms of a first interim finding the following observations are justified.

It is hardly surprising to discover that the Swiss municipalities show the largest number of direct-democratic decisions at all levels – local, regional and national. The municipality representing Liechtenstein comes second in this respect – but much further behind – while little or no use was made of direct-democratic decision-making procedures in the Austrian and German municipalities.

<sup>5</sup> 11 votes on citizenship applications have been held. Only the registered citizens have the right to vote.

<sup>6</sup> Four further bye-laws dealing with the organisation of the citizens' association (*Bürgergenossenschaft*) were voted on exclusively by the registered citizens.

**Table 9: Assembly democracy and ballots**

|  | Balzers<br>LI        | Zizers<br>CH/GB | Sennwal<br>d CH/SG | Rüte<br>CH/AI       | Sulgen<br>CH/TG | Koblach<br>A    | Eriskirch<br>D/BW | Heimen-<br>kirch<br>D/BA |
|--|----------------------|-----------------|--------------------|---------------------|-----------------|-----------------|-------------------|--------------------------|
| Number of issues<br>voted on in<br>assemblies        | not used             | 153             | 49                 | 52                  | 105             | no<br>provision | no<br>provision   | no<br>provision          |
| Number of issues<br>voted on in local<br>referendums | 23                   | 43              | 4                  | no<br>provision     | no<br>provision | 0               | 0                 | 0                        |
| National<br>referendums                              | 12                   | > 100           | > 100              | > 100               | > 100           | 0               | no<br>provision   | no<br>provision          |
| Regional/federal<br>state referendums                | no federal<br>states | c. 80           | c. 40              | popular<br>assembly | c. 20           | 0               | 0                 | 8                        |
| Total direct-<br>democratic votes                    | 35                   | > 376           | >193               | >152                | >225            | 0               | 0                 | 8                        |

Source: Information services (Websites) of the relevant municipalities. Information from the municipal administrations.

However, it must not be forgotten that – depending on the particular point of view chosen – more *direct* democracy does not necessarily mean more democracy as such. The case of Zizers, in particular, shows that an exceptionally high number of direct-democratic decisions was accompanied by a disconcertingly low voter turnout. Between 1995 and 2005, around 200 local and a further 200 cantonal or national referendum votes were held in Zizers. The average turnout for the 153 assembly votes at the local level was under 5%.

Other municipalities attempt to offset the weakness of direct-democratic decision-making procedures or their under-developed use in part by offering alternative forms of participation. In Heimenkirch, for example, the municipal council meetings are open to the public and regular “citizen consultation sessions” (*Bürgerfragestunden*) are held.<sup>7</sup> In Eriskirch there are annual residents’ meetings and other information-giving events, in some cases through the course of lengthy planning processes, also take place.<sup>8</sup> The meetings of the municipal council in Koblach are also open to the public.<sup>9</sup>

This presentation of direct-democratic rights in eight municipalities from four countries and seven sub-national entities invites a number of questions relating to: the historical background to the creation and evolution of the direct-democratic rules in the various municipalities; the relationship between direct-democratic rights at local, regional and national levels; the reasons for the widely divergent frequency of use of the direct-democratic instruments; and, finally, the influence of direct democracy on the level of interest in and satisfaction with politics, on the responsiveness and the efficiency of municipalities – and thus on the quality of democracy on both the input and output sides. This paper did not take these factors into account. An attempt to include them

<sup>7</sup> Information given by Georg Bockhart, head of the finance section. Cf. Bye-laws of Bavaria.

<sup>8</sup> Information given by the mayor Markus Spieth. Cf. Bye-laws of Baden-Württemberg.

<sup>9</sup> Cf. Bye-laws of Vorarlberg.

would present some methodological problems – such as how to measure municipal efficiency – and would require specific comparative data which are not currently available in the necessary quantity and quality.

## 5 References

### Literature

- Bühlmann, Marc* (2006) Politische Partizipation im kommunalen Kontext. Der Einfluss lokaler Kontexteigenschaften auf individuelles politisches Partizipationsverhalten. Bern/Stuttgart/Wien. Haupt.
- Bühlmann, Marc/Ladner, Andreas* (2007) Demokratie in den Gemeinden. Der Einfluss der Gemeindegrösse und anderer Faktoren auf die Qualität der lokalen Demokratie. Zürich/Chur. Rüegger.
- Bundesamt für Statistik BFS* (2004) Gemeindetypen (9) nach dem Zentrum-Peripherie-Modell von 2000. ThemaKart. Neuchâtel.
- Bundesamt für Statistik BFS* (2005) Die Raumgliederung der Schweiz. Eidgenössische Volkszählung 2000. Bearb.: Martin Schuler, Pierre Desmont, Dominique Joye. Neuchâtel.
- Bussjäger, Peter* (2004) Landesverfassung und Landespolitik 1848 – 2002. Feldkirch/Graz. W. Neugebauer Verlag.
- Ladner, Andreas* (1991) Direkte Demokratie auf kommunaler Ebene – die Beteiligung an der Gemeindeversammlung, in: Schweizerisches Jahrbuch für Politische Wissenschaft (Bd. 31). S. 63-68. Bern. Haupt.
- Linder, Wolfgang* (2005) Schweizerische Demokratie. Institutionen, Prozesse, Perspektiven. Bern. Paul Haupt.
- Marxer, Wilfried* (i.Ersch.) Direkte Demokratie in Liechtenstein – Entwicklung, Analyse, Perspektiven. Verlag der Liechtensteinische Akademischen Gesellschaft. Vaduz.
- Mathis, Franz/Weber, Wolfgang* (Hrsg.) (2000) Vorarlberg. Geschichte der österreichischen Bundesländer seit 1945 – Zwischen Fussach und Flint, Alemannentum und Weltoffenheit. Wien/Köln/Weimar. Böhlau.
- Bogumil, Jörg* (Hrsg.) (2002) Kommunale Entscheidungsprozesse im Wandel. Opladen. Leske+Budrich.
- Pernthaler, Peter* (Hrsg.) (1980) Direkte Demokratie in den Ländern und Gemeinden. Wien. Braumüller.
- Schiller, Theo* (Hrsg.) (1999) Direkte Demokratie in Theorie und kommunaler Praxis. Studien zur Demokratieforschung Bd. 2. Frankfurt/New York. Campus.

### Weblinks

Association for More Democracy (Germany): [www.mehr-demokratie.de](http://www.mehr-demokratie.de)

Swiss federal of statistics: [www.bfs.admin.ch](http://www.bfs.admin.ch)

Canton of Appenzell: [www.ai.ch](http://www.ai.ch)

Canton of Graubünden: [www.gb.ch](http://www.gb.ch)

Principality of Liechtenstein: [www.liechtenstein.li](http://www.liechtenstein.li)

Local authority websites:

Balzers (Liechtenstein): [www.balzers.li](http://www.balzers.li)  
Koblach (Austria): [www.koblach.at](http://www.koblach.at)  
Sulgen (Switzerland): [www.sulgen.ch](http://www.sulgen.ch)  
Eriskirch (Germany): [www.eriskirch.de](http://www.eriskirch.de)  
Heimenkirch (Germany): [www.heimenkirch.de](http://www.heimenkirch.de)  
Sennwald (Switzerland): [www.sennwald.ch](http://www.sennwald.ch)  
Zizers (Switzerland): [www.zizers.ch](http://www.zizers.ch)  
Rüte (Switzerland): [www.rüte.ch](http://www.rüte.ch)

## **State law**

Gemeindeordnung für den Freistaat Bayern (Gemeindeordnung GO) in der Fassung der Bekanntmachung vom 22. August 1998 (GVBl 1998, S. 796), zuletzt geändert am 8.12.2006 (GVBl 2006, S. 975).  
Gemeindeordnung von Baden-Württemberg in der Fassung vom 3.10.1983 (GBl. S. 578), zuletzt geändert durch Gesetz vom 14.2.2006 (GBl. S. 20) m.W.v. 18.2.2006.  
Gesetz über die Organisation der Gemeindeverwaltung (Gemeindeverwaltung – GG), LGBl Nr. 45/1965 in der neu kundgemachten Fassung Nr. 40/1985, 69/1997, 3/1998, 62/1998, 58/2001, 6/2004, 20/2004.  
Gemeindegesezt vom 20. März 1996, Liechtensteinisches Landesgesetzblatt LGBl. 1996 Nr. 76.  
Gemeindegesezt des Kantons St. Gallen vom 23. August 1979 inkl. Abänderungen bis 21. November 2006.  
Gemeindegesezt des Kantons Graubünden 28. April 1974, einschliesslich der Änderungen bis 7. Dezember 2005.  
Gemeindegesezt vom 5. Mai 1999 des Kantons Thurgau.  
Verfassung für den Eidgenössischen stand Appenzell Inner Rhoden vom 24. November 1872, BBl 1872 842; SR 131.224.2, mit Revisionen bis 29. April 2001.

## **Local government codes (bye-laws)**

Bezirksreglement des Bezirks Rüte vom 7. Mai 2006 (district ordinance, Rüte, 07/05/06).  
Gemeindeordnung der Politischen Gemeinde Sulgen vom 25. November 2002 (bye-law, Sulgen, 25/11/02).  
Gemeindeordnung der Politischen Gemeinde Sennwald vom 23. August 1979 (bye-law Sennwald, 23/08/1979).  
Gemeindeordnung der Gemeinde Balzers vom 20. März 1996 (bye-law, Balzers, 20/03/1996).  
Geschäftsordnung für den Marktgemeinderat Heimenkirch vom 6. Mai 2002 (rules of procedure, Heimenkirch Community Council, 06/05/2002).  
Verfassung der Gemeinde Zizers vom 13. November 1994 inkl. Revisionen bis 22. September 2002 (constitution of Zizers of 13/11/1994 incl. amendments of 22/09/2002).

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