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Summary

From 7 to 9 March 2013 a non-binding plebiscite was held in Vienna. Citizens were asked to vote on four issues: the management of parking spaces; a possible bid to host the 2028 Olympic Summer Games; preventing the privatisation of local authority services; and the continuation of the renewable energy projects with citizen participation. The initiators were the government coalition partners: the SPÖ and the Greens. 443,781 voters (38.7% of the eligible electorate) took part in the non-binding plebiscite. 97% of the votes were postal votes.

Final results:

1. Management of parking spaces: Option A: 36.52%; Option B: 63.48%
2. Hosting the Olympic Games: YES: 28%; NO: 72%
3. Prevent privatisation: YES: 87.17%; NO: 12.83%
4. Renewable energy projects: YES: 67.06%; NO: 32.94%

This report analyses the legal basis and the course of the procedure. The conclusions:

- I. As the decision was non-binding, it offered citizens only the illusion of participation. Voters were asked to vote on substantive issues, but could not be sure that their choices would be subsequently respected.
- II. The non-binding plebiscite was used by the government parties as a tool “by the parties for the parties”. The direct-democratic procedure was used merely as a means of mobilising their own voters.
- III. The wording of the questions is suggestive and promotional. With the exception of the second question, all the questions are either unclear in their wording or manipulative. Whilst feigning neutrality, their wording conveys to voters the stances of the government parties - in some cases, party campaign slogans could even be found on the ballot papers.
- IV. In addition, the procedure was marked by striking defects. The period of grace for postal votes violates fundamental electoral principles and creates an opportunity for manipulation. It is impossible to understand why the grace period was not abolished as part of the latest amendment to the constitution.
- V. The issues were subjected to intense discussion in the media. However, in contrast to the January 2013 non-binding plebiscite on compulsory military service, civil society groups were not actively involved - an indication of the relative triviality of the issues.
- VI. For the above reasons the whole procedure is rated as “unfair”. In this case it is not possible to speak of “direct democracy”, but rather of a democracy “steered” by the government parties.

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Introduction**Background to the non-binding plebiscite**

The vote resulted from a long drawn out debate about increasing the number of metered short-term parking spaces. The ÖVP wanted to launch a non-binding plebiscite by collecting signatures, but this was rejected on the grounds that the issue of taxes and charges is excluded under the law from being the subject of a non-binding plebiscite.

However, public pressure caused the government parties to carry out their own vote on the issue -

using different wording. The parties also added three other issues: the 2028 Olympic Games, privatisation, and renewable energy projects.

The coalition parties held the same views on all the issues, with the exception only of the management of parking spaces. The choice of issues, and their relevance, led to a fierce debate between the government and the opposition which was reported on in detail by the media.

Translation: The German word for the procedure is *Volksbefragung* – which is somehow appropriate to express the non-binding nature of this decision. In this report it is translated as *non-binding plebiscite* to avoid the term referendum. The latter is inappropriate for this kind of procedure which is definitely only a "semi direct-democratic" procedure - because it is not controlled by the people. The report will show this.

Background to this report

The European movement for direct democracy has been monitoring such processes for many years. The primary focus is on the quality of the procedure, since citizen participation can only reveal its positive effects if the procedure is well designed. In evaluating the different categories, attention is paid to whether the voters were in a position to make an informed choice, and also whether both sides of the debate had an equal opportunity to gain a majority in the non-binding plebiscite.

In assessing the various points of view, we divided them into four categories:

- I. Legal basis
- II. Timescale
- III. Financial rules
- IV. Campaigning rules

Rating	Fair		Partially Fair		Unfair
	YES	NO	YES	NO	NO
Voters were able to make their choice on a well-informed basis.	YES	NO	YES	NO	NO
Both sides had equal opportunities. No partisan influence or taking of special advantage was detected.	YES	YES	NO	NO	NO

The report is based on the legal provisions, on Internet sites, interviews, other materials, and media reports.

Most of the research - including evidence from the websites - took place in the week before the non-binding plebiscite.

The criteria and ratings borrow from work carried out by the Initiative and Referendum Institute Europe. Democracy International and Mehr Demokratie have previously published a number of such reports.

This report is published by Democracy International and mehr demokratie!österreich.

I) Legal basis

1 Who can launch the non-binding plebiscite - unfair

In Vienna non-binding plebiscites can be initiated by a decision of the Municipal Council (§2 WVBefrG – Law on Non-Binding Plebiscites in Vienna) or by citizens (§3 WVBefrG). In the case of the “Wien wills wissen” (Vienna wants to know) case, the process was launched by the government coalition parties, the SPÖ and Greens. The final announcement of the vote is made by the mayor of Vienna after the application has been checked. The background: in 2012 the ÖVP collected more than 150,000 signatures for a vote on the issue of an extension of the metered short-term parking zones. The application was rejected because of the legal restrictions, which do not allow referendums on taxes and charges. However, the pressure of the public debate induced the government itself to launch a non-binding plebiscite on the issue - though with a differently worded question. At the same time, three other issues were added - of which only the issue of whether to bid for the 2028 Olympics was a matter of dispute. There were no current privatisation plans, and there was no dispute about the extension of the renewable energy projects with co-financing by private citizens. It seems as if the government parties wanted to distract attention from the metered parking zone issue by adding these extra questions. Political scientist Peter Filzmeier spoke of a “clear political strategy” on the part of the SPÖ and Greens. The government parties could expect to score successes for themselves on the less controversial issues: privatisation for the SPÖ and renewable energy for the Greens.

2 Type of decision - unfair

The plebiscite is non-binding. As with the national non-binding plebiscite on compulsory military service, citizens are asked to express their view on a particular subject - but they cannot make a decision that is binding on the government. After the vote, the governing parties are not obliged to respect the outcome of the vote and implement the majority decision.

On the other hand, a binding referendum - allowing the citizens to decide directly - would have been possible within the framework of the Vienna city constitution, although according to §112g (1) of the constitution, the outcome would only be valid if at least 50% of the city's registered voters had taken part. A participation quorum of this kind is fundamentally problematic because it creates a massive incentive for one side or the other to carry out a boycott: if the boycott works, turnout will be low and the opposing side will succeed in blocking the proposal. The impracticality of the quorum is shown by the fact that the required participation level has never been achieved in any Viennese city non-binding plebiscite to date.

3 Special majority requirements - fair

For this procedure there is no special majority quorum. Both supporters and opponents must canvass votes in the same way.

4 Accuracy of the voter lists - fair

The voter lists for the non-binding plebiscite are determined according to the following criteria: all Viennese citizens possessing Austrian citizenship as of 28 January 2013 and who were at least 16 years old on the last day of the non-binding plebiscite voting period (9 March 2013) were entitled to vote.

5 Secrecy of the vote - fair

The principle of voting secrecy is ensured by the provisions of Vienna's municipal electoral rules (GWO 1996).

6 *Vote counting procedure - partially fair*

The counting procedure is governed by paragraphs 17-19 of the Law on Non-Binding Plebiscites in Vienna (WVBefrG). Vote counting begins immediately after the voting centres close. The problematic element concerns postal voting, which is governed by §58a of the GWO 1996. The 8-day grace period set out there for the receipt of postal votes creates the possibility that voting could be manipulated, because it means that votes can still be cast after the voting booths are closed. Although the rules specify that voters have to state in writing that they have cast their vote before the end of the voting period, there is no way that this can be verified. It means, therefore, in relation to this particular non-binding plebiscite, that although the voting centres closed at 18.00 on 9 March 2013, postal voting would have still been possible up to 14.00 on 18 March. The grace period has been under fire for a long time. At the national level, the grace period - which also existed for regular elections - was abolished before the non-binding plebiscite on conscription. It is difficult to understand why it was not also dispensed with in Vienna, especially as the constitution had to be changed for this vote in any case. This problem could have been dealt with at the same time. In 2010, when the Greens were in opposition, they were very critical of the grace period.

7 *Possibility to appeal against the procedure and the result - unfair*

The option to appeal against the procedure and the result is set out in §18a (5) of the Law on Non-Binding plebiscites in Vienna (WVBefrG). An appeal can only be made against the vote count. There is disagreement as to whether an appeal against the admissibility of the questions and their wording is permitted at all. But in the current debate over this particular decision, it is precisely the wording of the questions that is controversial. That is why we have rated this point as ‘unfair’. According to the WVBefrG, individual citizens have no possibility of making an appeal. Only parties with representatives in the municipal council or in the district offices, members of the district electoral authorities, and the spokespersons and representatives of an application for the non-binding plebiscite have the right of appeal. The legal check is the responsibility of the city’s electoral authority, which is also responsible for correcting any mistakes. The Constitutional Court can decide on non-binding plebiscites at the national level. In doing so it can refer to the decision it made in relation to the non-binding plebiscite in Graz:

“Although the quoted laws relate only to direct-democratic procedures at the national level, a challenge to initiatives, consultative and other non-binding plebiscites which have been carried out

according to national rules is permissible”.

Thus appeals can be submitted against “any unlawful aspect of the procedure”. It is unclear, however, what are the applicable norms for an appeal in the Viennese city-state. At the federal level, at least 500 eligible voters must lend their support to an appeal. Whether this ruling could be transferred to this non-binding plebiscite remains an open question. The appeal rules need to be made more specific, in order to achieve a legally secure foundation.

8 Opportunity to take part - partially fair

The non-binding plebiscite procedure makes it possible for there to be a high turnout. The package is sent out to all eligible voters two weeks before the vote, without anyone having to request it (§ 6 WVBefrG). Voting can be done in person, by post, or at mobile voting centres. The fact that no separate application for postal voting is required is a particularly positive feature.

However, EU citizens living in Vienna were not eligible to take part even if they had the right to vote at the municipal level and even though in formal legal terms the vote was at the municipal level. The official argument is that the EU guideline only provides for participation at the local council elections, but not for taking part in other forms of participatory democracy such as non-binding plebiscites and other kinds of direct-democratic instruments. EU citizens are allowed to sign a declaration of support in advance of the vote, but may not take part in the non-binding plebiscite itself. This conflicts with the idea that European Union citizenship confers basic rights.

9 Fairness of the question - unfair

There were four questions to be voted on. §15-16 of the WVBefrG governs the issue of the validity of the vote. It is not necessary to answer all the questions for the vote to be valid.

The questions:

- * 1. How should the parking spaces situation and the quality of life of citizens be improved?
 - A) Parking regulations should be introduced for every district of Vienna.
 - B) There should be solutions for individual [some] districts (taking into account the interests of the neighbouring districts)

- * 2. Should the city make a bid to hold the 2028 Summer Olympics?
 - * Yes/No

- * 3. The local authority operations provide important services for the residents of Vienna. For example water supply, sewage, refuse collection, gas and electricity, hospitals, public housing and public transport. Are you in favour of these operations being protected against privatisation?

* Yes/No

- * 4. Should the city develop further renewable energy projects - along the lines of the “BürgerInnen-Solarkraftwerke” - which will be implemented with the financial participation of the residents?

* Yes/No

There was considerable debate over the wording of the questions. The questions were submitted on 14 December 2012 by the local councillors Christian Deutsch (SPÖ), Rudolf Schicker (SPÖ), David Ellensohn (Greens) and Dr. Jennifer Kickert (Greens).

The media and political commentators were critical of the questions, especially because of their suggestive wording. The “vague and confusing way in which the questions were worded” , as well as the fact that it was not clear what the outcomes would be, conflicts with §112a (5) of the Vienna City Constitution (WSTV), which states that the various options must be set out in an unambiguous way. Wordings such as “protect against privatisation” and “the local authority operations provide [...] important services” convey a clear message which presents the status quo as guaranteeing security and suggests that the privatisation alternative would be risky. This value-laden formulation makes it more difficult for voters to make a decision based on their own preferences. In 2000, the Austrian Constitutional Court issued the following statement in relation to the 1997 non-binding plebiscite in Graz:

“Institutions of direct democracy in particular require that the substrate of what is presented to the voters to decide upon should be clear and unambiguous, in order to prevent manipulation and exclude, as far as possible, misunderstandings”.

Thus the Constitutional Court had already reprimanded such a procedure. The powers of the Court do not extend to Vienna’s city constitution, so that its judgement is not transferable to this case; nonetheless, that judgement shows that clear and objective wording is a prerequisite for reaching a decision. The second question - about a possible Olympic bid - is the only one that meets the criteria. The other questions are either unintelligible (question 1), or are manipulative and are being used as a vehicle for conveying the political views of the government parties (questions 3 and 4).

In addition to the criticism of the wording, there are doubts about the admissibility of the question relating to the management of parking spaces. According to the city's constitution, non-binding plebiscites cannot be held on elections to the organs of the municipality, on municipal taxes, tariffs, matters relating to personnel and the affairs of the authorities, plus measures that would infringe the basic human and civil rights protected by the constitution (§112a(2)). For these reasons and in particular because of the reference to municipal taxes and tariffs, the ÖVP's formulation of the question on parking space management was rejected. It is illogical, therefore, that the governing parties' wording on this issue - and the 2010 non-binding plebiscite on the proposed congestion charge - were permitted. An indirect link between the parking space question and the topic of charges and tariffs can be established. Comparative political science research shows that public budgets are in better shape and that people are more likely to pay their taxes honestly if they are able to take part in the decision-making on financial and taxation issues. For this reason, the ban on charges and tariffs as permissible topics for non-binding plebiscites should be lifted. Moreover, implementation of Option A - the comprehensive management of parking spaces for the entire city - would require an amendment to the constitution, because competence for such matters rests at the district level.

II) Timing

1 Who decides the date? - fair

The fixed dates - 7-9 March 2013 - were set by the Mayor of Vienna, Dr. Michael Häupl, in accordance with §2 of the Law on Non-Binding Plebiscites in Vienna (WVBefrG), based on the decision by the municipal council of 14 December 2012 that the non-binding plebiscite should be held in March 2013.

2 The chosen date - fair

No other votes of any kind were held in Vienna or the rest of Austria on the non-binding plebiscite days. Nonetheless, the decision to hold the vote at the beginning of March required an amendment to §112b(2) of the Viennese constitution, which had hitherto banned non-binding plebiscites from being held in Vienna within the two months before any national popular initiative. So the two months was reduced to one. The Mayor justified the change on the grounds that there had been an increase in direct-democratic procedures in recent years.

3 Time between announcement and non-binding plebiscite - fair

The Vienna municipal council decided on 14 December 2012 to hold the vote. The specific dates were announced on 10 January 2013. There was thus a gap of 12 weeks between the announcement and the non-binding plebiscite - an adequate length of time for a wide-ranging lively debate.

4 Time allowed for voting - fair

Three consecutive weekdays were allowed for voting. The polling stations were open each day for between 10 and 12 hours. As no non-working day was included, it could be more difficult for those in work to go in person to one of the polling stations. But this disadvantage was offset by the availability of postal voting and by the - otherwise problematic - grace period for postal votes.

III) Financial rules

1 No limits to campaign expenditure, no duty of disclosure - unfair

There is no provision for a duty of disclosure in respect of money spent on campaigning. It is therefore impossible for citizens to find out what financial and other resources the two sides have. There are also no limits to the amount of money that can be spent. If spending were capped, this would tend towards greater equality of opportunity for the two sides.

2 Transparency in the use of public money - fair

The city of Vienna is responsible for the management and financing of the non-binding plebiscite. Public money and resources may not be used in a partisan way to campaign for the positions of parties and interest groups. According to Andreas Berger, media spokesperson for the Vienna municipal council, the overall cost to the city of the procedure was around 6.9 million euros. Around 3.9 million euros were spent on informational and publicity materials, with a further 3 million euros going to administration and other sundry expenses. No financial or other support was given to the political parties.

3 Donations and campaign budgets - partially fair

The parties are not obliged to divulge any information about their campaign expenditure and activities. They did, however, respond - with certain limitations - to a request for information from Democracy International.

Vienna SPÖ made use of triangular stands, posters, leaflet distribution and radio adverts in their campaign. Classic PR methods and social media such as Facebook and Twitter were also used. One week of the campaign was devoted to a specific effort to make personal contact with citizens. According to Claudia Nekvasil-Kelnhofner, head of media, communications and publicity for the SPÖ, this was the main focus of the campaign. There were other publicity stunts - such as organising a “public water tasting” event and holding up banners at busy street intersections when the lights were on red. The SPÖ was not prepared to divulge how much money it had spent on the campaign. The number and variety of campaign measures shows that the SPÖ carried out a strong and broadly-based campaign - from which one may assume that considerable financial resources were available to the party.

The Greens were also not prepared to put a figure on their expenditure. They stated that they had set

up a campaign website for the non-binding plebiscite, taken part in panel discussions, and promoted their campaign in four press conferences. They had also used press releases, brochure distribution, informations stands and even a film showing to get across their message. In addition, the party organised and arranged a “future conference” on the subject of democracy. According to Gerhard Ladstätter, team coordinator and event and project manager in the political communication team of the Vienna Greens, around 150 people had taken part in the conference.

ÖVP Vienna stated that they had spent around 170,000 euros on their campaign, which was based on stands in public places, posters at the bus and tram stops, and on advertising in various print media on 2nd and 3rd March 2013.

FPÖ Vienna used their own triangular stands and organised regular information stalls in public places. In addition, Johann Gudenus, the leader of the party’s parliamentary group took part in a number of discussions on TV and in evening events. According to the party, its budget for the campaign was 7,200 euros.

IV) Campaign Rules

1 *The role of the media - fair*

The media reported in an objective and accurate way on the Vienna non-binding plebiscite. They gave space to a variety of opinions and interests and thus fulfilled their remit. Citizens interested in the issues were able to form a balanced view of the various positions. It is noteworthy that the media also expressed criticism of the procedure.

Their critique was directly especially at the wording of the questions, the grace period for postal votes, and the issue of the (non-)admissibility of certain topics. The questions and their background and implications were dealt with in detail, and explanations given as to the consequences of a ‘yes’ or ‘no’ vote. Criticism was directed especially at question 1 on the management of parking spaces, which the media characterised as “non self-explanatory” and “confusing” for voters.

2 *The role of the government - unfair*

In the final analysis, the non-binding plebiscite was a tool used by the parties for the parties. The governing parties launched the non-binding plebiscite and thus made themselves the major actors in the political debate. They were responsible for the choice of procedure, the selection of issues, and

the wording of the questions. As a result, they were heavily criticised.

As already mentioned, the non-binding nature of this vote and the failure to upgrade the procedure by abolishing the grace period deserve criticism. In addition, the non-binding plebiscite issues have doubtful relevance and the chosen wording of the questions is a clear misuse of the non-binding plebiscite instrument.

By adding other issues to that of how to manage parking spaces, the two governing parties were able to distract attention from the parking issue. And those extra issues allowed the coalition parties to present themselves in a positive light.

SPÖ:

The SPÖ conducted a strong campaign for the non-binding plebiscite. There was a special focus on question 3 - the issue of privatisation. Through such slogans as “The SPÖ protects against privatisation” and “The SPÖ protects Vienna’s water”, the party injected an emotional element into the subject, despite that fact that none of the parties in Vienna is proposing or planning the privatisation of municipal services, nor are there any leanings towards such an idea. The party’s slogan was reproduced almost word for word on the ballot paper.

Question 1: The SPÖ is in favour of option B. The districts should retain their right to decide on the management of parking spaces. On this issue, the SPÖ differs from its coalition partner in government, the Greens.

Question 2: The SPÖ is in favour of Vienna making a bid for the 2028 Summer Olympics.

Question 3: The SPÖ wishes to prevent the privatisation of municipal services and thus focuses heavily on this issue. Its political campaign for the non-binding plebiscite concentrated on this question.

Question 4: The SPÖ is in favour of continuing the renewable energy projects.

GREENS:

Party sources stated that the Greens had refrained from mounting a campaign for the non-binding plebiscite and had carried out no advertising using posters etc. The aim was to prevent “party political wrangling”. However, Green members of the government did issue recommendations on the questions.

Question 1: The Greens indicated clearly that they were in favour of Option A i.e. for the centralised management of parking spaces - in particular Councillor Maria Vassilakou, with responsibility for transport, who made her support for Option A very clear.

Question 2: The Greens support the plans for an Olympic bid.

Question 3: Like the SPÖ, the Greens wish to prevent privatisation of the municipal services. Maria Vassilakou stated: “Every few years, a new challenge to public ownership is made - precisely by those who want to make a profit out of it. With this question, the people of Vienna have an opportunity to bar the door to these highly dangerous plans”.

Question 4: It's very obvious that this question plays right into the Greens' hands. The introduction of the citizen-backed solar power plants is seen as a great success by the party. No one is arguing against the continuation of these projects.

3 Information booklet - partially fair

The information campaign for the non-binding plebiscite cost 3.7 million euros. In addition to posters and other informational materials - such as the online discussion forum at www.wienwillswissen.at - a 32-page special booklet was printed by the wien.at newspaper and distributed to every Viennese household around a month before the vote. The distribution of an information booklet represented a significant improvement on the federal non-binding plebiscite on compulsory military service. However, the objectivity of such a booklet's contents must be ensured. Viennese lawyer and expert on media law Gerald Otto had his doubts. The information given in the booklet could not be rated as neutral. Each question was given a double-page spread, where the issue was explained and the views of individual citizens were quoted. There was also a double-page spread for each question which outlined the consequences of a 'Yes' or 'No' majority vote. The procedure and all the practical aspects of the non-binding plebiscite were explained in detail. However the pro and contra arguments were not juxtaposed and contrasted, something that an official booklet should have done, if voters were to be fully informed. The focus was on the procedure rather than on the issues themselves.

4 The role of the non-governmental political parties - fair

ÖVP:

In 2012, the ÖVP had collected 150,000 signatures for a non-binding plebiscite on the parking management issue. Because their own application was rejected, they saw the March plebiscite as an abuse of direct democracy in which the really important questions were not on the agenda. ÖVP party head for Vienna Manfred Juraczka stated: “There's no real voting choice here. The questions are only about organisational matters; that's not on”. And on its campaign posters the ÖVP carries

the slogan: “Dear Mr. Mayor, a non-binding plebiscite isn’t a joke - but your questions certainly are”.

Question 1: the ÖVP called for voters not to answer the question - because it didn’t have anything to do with the real problem complex. As a result, the party’s political campaign was specially directed against the introduction of the so-called “Park-Pickerl” (residents’ parking permit).

Question 2: the ÖVP’s view is that the coalition parties have no clear plan for an Olympic bid and that there are many unanswered questions on the issue - so no voting recommendation was given.

Question 3: Like all the other parties, the ÖVP is against privatisation. It stressed the fact that it saw no danger of privatisation happening, because the EU would not try to impose it - so there was no basis for holding a non-binding plebiscite on the subject.

Question 4: The ÖVP supports the expansion of the renewable energy projects. However, it pointed to the contradiction inherent in questions 3 and 4 - because in being based on a form of share ownership (by citizens), the projects are a form of privatisation. Anyone voting against privatisation ought also to vote against the (citizen-owned) solar power plants.

FPÖ:

The FPÖ considered the non-binding plebiscite to be a farce - so it called upon the citizens not to vote and to tear up their ballot papers. “While people are suffering from record levels of poverty and unemployment, and are being forced to pay higher charges than ever before, Red-Green [the government coalition] is asking them questions that have already been answered”. The party actively campaigned for a boycott using posters and information stalls, describing the non-binding plebiscite questions as “wishy-washy”. The FPÖ had submitted its own questions for the non-binding plebiscite, but these were rejected by the city council. Expressing his opinion of the non-binding plebiscite, the party’s leader at both national and Viennese level, Heinz-Christian Strache, said: “A definite ‘Yes’ to direct democracy as a binding popular initiative right; but a definite ‘No’ to the Red-Green parties’ taking the piss out of the citizens”.

Question 1: The FPÖ described the vote options as a choice between “the plague and cholera” and therefore called for a complete boycott of the non-binding plebiscite.

Question 2: The FPÖ wants to block Vienna’s bid to host the 2028 Olympic Games, because the bid itself would cost the taxpayers millions, and the eventual cost if the Games were actually held would run into the billions. The party also casts doubt on the claimed promotional and income benefits for Vienna.

Question 3: The FPÖ also opposes a privatisation of the municipal services and sees the question as a purely alarmist manoeuvre by the government parties – especially the SPÖ.

Question 4: The FPÖ supports the expansion of the renewable energy projects with public shareholding; but it wonders why the question is even being asked, since it believes that the continuation of the scheme was agreed long ago. It also shares the ÖVP's view that there is a contradiction inherent in questions 3 and 4.

NEOs:

The NEOs party announced that after the non-binding plebiscite was over it intended to raise an appeal against the procedure with the Constitutional Court. The party was only founded in October 2012 and will contest the federal parliamentary elections in 2013.

According to party chair Matthias Strolz: "The questions are in part illegal, manipulative and suggestive; in part nonsensical; and in places unconstitutional".

Strolz referred to the judgement by the Constitutional Court in 2000 on the non-binding plebiscite in Graz, when the procedure was declared to be invalid. The party was hoping to get the same result for Vienna. The party also planned to protest against the non-binding plebiscite using posters.

The Pirate Party:

The party used the occasion of the non-binding plebiscite to collect and evaluate questions from members of the public, using the internet site: www.bessereFragen.at. On 7 March, there was also the opportunity to vote on the submitted questions in a polling booth that had been set up on the Stephansplatz in Vienna. The most popular question had attracted 93 supporters, and there were photos of the stunt on Facebook.

Summary of the criteria and ratings

I) Legal basis

- 1 Initiator of the non-binding plebiscite - unfair
- 2 Type of decision - unfair
- 3 Special majority requirements - fair
- 4 Accuracy of the electoral rolls - fair
- 5 Secrecy of the vote - fair
- 6 Counting procedure - partially fair
- 7 Appeal against the procedure and result - unfair
- 8 Options for participation - partially fair
- 9 Fairness of the question - unfair

II) Timescale

- 1 Who determines the date - fair
- 2 The date itself - fair
- 3 Period between the announcement and the non-binding plebiscite - fair
- 4 Time allowed for voting - fair

III) Financial rules

- 1 Lack of limits to expenditure and absence of mandatory disclosure - unfair
- 2 Transparency in the use of public funds - fair
- 3 Donations and campaign budgets - partially fair

IV) Campaign rules

- 1 The role of the media - fair
- 2 The role of the government - unfair
- 3 The information booklet - partially fair
- 4 The role of the non-governmental political parties - fair

List of abbreviations

FPÖ – Freiheitliche Partei Österreichs (Freedom Party of Austria)

Grüne – Die Grünen / Die grüne Alternative (Partei) (The Greens / The Green Alternative)

GWO 1996 - Wiener Gemeindewahlordnung 1996 (Vienna Municipal Voting Rules 1996)

NEOs - Neos - Das neue Österreich (New Austria Party)

ÖVP – Österreichische Volkspartei (Austrian People's Party)

SPÖ – Sozialdemokratische Partei Österreichs (Social Democratic Party of Austria)

WSTV - Wiener Stadtverfassung (Constitution of Vienna City)

WVBefrG - Wiener Volksbefragungsgesetz (Law on Non-Binding Plebiscites in Vienna)