

Communication by the authorities in the run-up to popular votes

**Summary of the report of the Parliamentary Control of the
Administration to the National Council Control Committee**

of 19 June 2023

Key terms



Free opinion formation

The Federal Constitution (Art. 34 para. 2) guarantees citizens the freedom to form an opinion. This objective requires the authorities to respect certain legal principles in their communications in the run-up to popular votes, such as comprehensiveness, objectivity, transparency and proportionality.

The Federal Council's explanatory voting brochure

The Federal Council is required to provide objective explanations to accompany the proposals submitted to a popular vote, and to set out the views of minorities. This voting brochure is produced by the Federal Chancellery in collaboration with the departments.



Public statements

The Federal Council holds a press conference to inform the electorate about the issues submitted to a popular vote and of its positions. Department heads may then speak on behalf of the Federal Council in the media, at meetings or in debates.

Publications on social media

The authorities have various official accounts on a large number of social media platforms, with the aim of disseminating information and discussing issues with a wider audience.



Summary

Communication by the authorities in the run-up to popular votes is partially appropriate. The Federal Council's explanatory voting brochure is widely used by the population. The Federal Chancellery's instructions for drafting the explanatory texts in the brochure are adequate, but the departments make little use of them. The latter have heterogeneous notions and practices on how to communicate prior to popular votes. Nevertheless, the legal principles are observed, with a few exceptions.

In January 2022, the Control Committees (CCs) of the Federal Parliament commissioned the Parliamentary Control of the Administration (PCA) to carry out an evaluation of the authorities' communications in the run-up to popular votes.

At its meeting on 25 May 2022, the competent FDJP/FCh sub-committee of the CC-N decided that the evaluation should focus on the guidelines, strategies and processes for communicating in the run-up to popular votes and how they are applied. The evaluation was also to focus on the content of communication in four popular votes in which the authorities had been criticised for their communication, and on differences in the intensity of the authorities' communication efforts and on how voters used the information provided.

To this end, the PCA reviewed the documents used by the authorities as a basis for the information communicated in the run-up to the popular votes. It also conducted some twenty interviews with members of the Federal Administration. The PCA also commissioned an external legal advisor to help it draw up an analysis grid, which was used in particular to study the content of communication during the four controversial popular votes. In addition, statistical analyses were carried out to assess differences in the intensity of the communications and the use of their content by the population. The most important results are presented below.

The Federal Council's explanatory voting brochure plays an important role in forming public opinion, while social media play a subordinate role

The CPA's analyses show that the Federal Council's explanatory voting brochure, along with newspaper articles, is of great importance in forming public opinion. This is true for all age groups, levels of education and across the political spectrum. Social media, on the other hand, are a much less important source of information on popular votes, even for young adults (section 6.1). In addition, the Federal Council's voting explanations enjoy a high level of public trust, although they are not easy to understand, as the legal requirements make it difficult to simplify the texts (section 6.2).

The Federal Council's instructions for drafting the voting explanations are adequate, but the departments make little use of them

The Federal Administration has drawn up a number of documents that form the basis for communication by the authorities in the run-up to popular votes. These are coherent and fairly clear (section 3.1). While the principles to be observed in communication in the run-up to popular votes remain abstract in the general guidelines, they are adequately spelled out in the instructions for drafting the Federal

Council's voting explanations (section 3.2). However, the departments involved make little use of them, because they assume that the Federal Chancellery (FCh) will monitor compliance with the legal rules. This lack of accountability tends to lengthen the drafting process (section 4.1). The departments check that the communication contents prepared by their offices is in order, but a cross-check by people with the necessary technical expertise is not always carried out (section 4.3).

The division of responsibilities is not fully regulated in the instructions that form that basis for communication, but in practice coordination is adequate

The FCh is responsible for editing the Federal Council's explanatory voting brochure, while the relevant department is responsible for its content. This division of tasks allows a balance between the FCh's responsibility for ensuring that the information complies with the legal requirements and the departments' responsibility for providing accurate, up-to-date and detailed contents, although there is a grey area between editing and content. On the whole, the FCh's professionalism in the editing process is recognised, and its editorial changes aim to ensure compliance with the legal principles. When it comes to public statements or publications on social media, the instructions do not clarify which authority should communicate on which aspect. In practice, media communications are coordinated on a daily basis within the Conference of Information Services (CIS). This is also a useful platform for discussing strategy and exchanging best practices (section 3.3 and 4.2).

The contents of communication mostly comply with the legal principles, with occasional exceptions

In the four votes analysed in detail, the contents of communication in the run-up to popular votes generally complied with the legal principles, i.e. they were comprehensive, objective, transparent and proportionate. However, specific shortcomings were identified in relation to each of the principles, often corresponding to the criticisms of the communications made in the media in these four cases: the explanatory voting brochure for the referendum on the Film Act was not comprehensive and not entirely transparent; in the explanatory voting brochure for the referendum on raising child tax deductions, the detailed presentation of the subject contained one point that was formulated more argumentatively than objectively; in the case of the pesticides initiative, public statements and publications on social media were not always objective; and the way in which communication was conducted during the 'Responsible Business' initiative called into question both the transparency and proportionality of communications, as we shall see in the next section (section 5.1).

The departments have different notions of proportionate communication and of the boundary between informing and campaigning

There are striking differences in the way departments view proportionate communication in the run-up to popular votes: some take a narrow view of proportionality, which generally leads them to communicate little more than what is required by default for all votes; others, on the other hand, interpret the principle of proportionality more broadly, leading them, for certain votes, to participate in numerous media and public events, as well as to be active on social media. The PCA's

analyses show that the boundary between providing information and campaigning is viewed very differently by the various departments (section 4.1). The instructions on which the authorities base their communication in the run-up to popular votes prohibit 'campaigning', although this term is not precisely defined (section 3.2). In the vote on the 'Responsible Business' initiative, the department planned a communication focused more on rejecting the initiative than on informing the electorate. The PCA took the view that the intended method of communication crossed the boundary between informing and campaigning, and thus does not comply with a proportionate communication (section 5.1).

Communication by the authorities in the run-up to popular votes varies in intensity, but is generally proportionate in comparison with media coverage

Although there are different notions of proportionality among the various departments, communication by the authorities in the run-up to popular votes generally reflected the intensity of media coverage. The Federal Council did not have a dominant position, even in cases where the authorities communicated intensively, as in the case of the 'Responsible Business' initiative. This suggests that the principle of proportionality is generally respected (section 5.2).

The full report is available in French, German and Italian (www.parl.ch).