

# Referendum design, quorum rules and turnout

Luís Aguiar-Conraria · Pedro C. Magalhães

Received: 3 August 2009 / Accepted: 26 August 2009 / Published online: 19 September 2009  
© Springer Science+Business Media, LLC 2009

**Abstract** In this article, we focus on the consequences of quorum requirements for turnout in referendums. We use a rational choice, decision theoretic voting model to demonstrate that participation quorums change the incentives some electors face, inducing those who oppose changes in the status quo and expect to be in the minority to abstain. As a result, paradoxically, participation quorums decrease electoral participation. We test our model's predictions using data for all referendums held in current European Union countries from 1970 until 2007, and show that the existence of a participation quorums increases abstention by more than ten percentage points.

**Keywords** Referendum design · Voter turnout

**JEL Classification** D72 · C25 · C20

## 1 Introduction

“What is the principle of wisdom, if not to abstain from all that is odious to God?”  
Pope Benedict XVI, in a speech made in June 8<sup>th</sup> 2005, four days before a referendum on *in vitro* fertilization in Italy.

In a June 2005 referendum, which would have allowed a change in the legislation regulating *in vitro* fertilization, most Italian voters ended up following the Pope's advice. Although about 90% of those who did vote supported the proposed changes, turnout was a mere 26%, below the 50% imposed by the Italian participation quorum rule, under which the results

---

L. Aguiar-Conraria (✉)  
Economics Department, NIPE and University of Minho, Campus de Gualtar, 4710-057 Braga, Portugal  
e-mail: [lfaguiar@eeg.uminho.pt](mailto:lfaguiar@eeg.uminho.pt)

P.C. Magalhães  
Social Sciences Institute, University of Lisbon, Av. Professor Aníbal de Bettencourt 9,  
Lisbon 1600-189, Portugal  
e-mail: [pedro.magalhaes@ics.ul.pt](mailto:pedro.magalhaes@ics.ul.pt)

of these sorts of referendums are deemed invalid. As a consequence, in vitro fertilization techniques remained restricted to heterosexual couples and embryos were still made holders of human rights, which meant that research on embryos and their cryogenic preservation remained banned. The role of the Catholic Church was seen as crucial for this outcome and Cardinal Camillo Ruini, the president of the Italian bishop's conference—with the help of the Pope himself—did his best to make sure that all those who opposed changes in the law abstained rather than voted “No”.<sup>1</sup>

Quorum rules such as those prevailing in the Italian system imply that the outcome of a given referendum is not exclusively determined by which option obtains the support of a majority of the actual voters. Instead, this simple majority requirement is coupled with specific thresholds regarding the share of the overall electorate that needs to participate or vote for any of the specific options. If there is a *participation quorum*, like in the Italian case above, changing the status quo (typically, a victory for the “Yes” option) requires the support of the majority of the voters and that a given percentage of registered voters take part in the vote. Conversely, if there is an *approval quorum*, changing the status quo requires the support of the majority of the voters and that such majority represents a certain percentage of the total electorate. Far from being a peculiarity of the Italian system, quorum rules in referendums are, in fact, relatively common in many established democracies. The most famous historical example is that of the 1919 Constitution of the German Weimar Republic, which established a 50% participation quorum for referendums. Today, 14 European Union member-states establish either participation or approval quorum rules for national referendums and initiatives. In most states of the German Federation, state and municipal referendums are valid only if an approval quorum is reached. Some American states, such as Wyoming and Minnesota (approval quorums) or Massachusetts, Mississippi, and Nebraska (turnout quorums) have similar restrictions. And quorum rules can also be found in places as diverse as Colombia, Belarus, Venezuela and Taiwan (Suksi 1993; Verhulst and Nijeboer 2008; Kaufmann et al. 2008).

The adoption of quorum rules is typically seen as a way of avoiding distortions in outcomes resulting from low turnout (LeDuc 2003: 172) and as a safeguard against minority exploitation of voter apathy (Qvortrup 2005: 173). But not all agree on the wisdom of such rules. Studies of the Italian case have suggested that participation quorums have turned abstention into a additional course of action for opponents of the referendum proposals (Uleri 2002). In its “Code of Good Practice on Referendums”, the European Commission for Democracy through Law, known as the Venice Commission, argues that, under participation quorum rules, minorities “need only desert the ballot box in order to impose their viewpoint”, a fact that, furthermore, tends to increase abstention (Venice Commission 2007: 22–23).

However, although the literature on voter turnout is quite extensive (for reviews, see Dhillon and Peralta 2002 and Blais 2006), there is surprisingly very little academic work on cross-national differences in voter turnout in referendums and even less theoretical or empirical work on the consequences of such a common phenomenon as quorum rules. One exception is Côte-Real and Pereira (2004), who examine quorum rules in referendums from the point of view of accurate representation, i.e., whether outcomes under different rules are consistent with the whole electorate revealing their true preferences through voting. Although their main concern was not to show how the existence of quorum rules changes the incentives to vote, one corollary of their formal analysis is that participation quorums do

<sup>1</sup> John L. Allen Jr., “Cardinal Ruini’s Victory: Low Voter Turnout for In Vitro Referendum is Ascribed to Church’s Political Muscle in Italy,” *National Catholic Reporter*, July 1st 2005.