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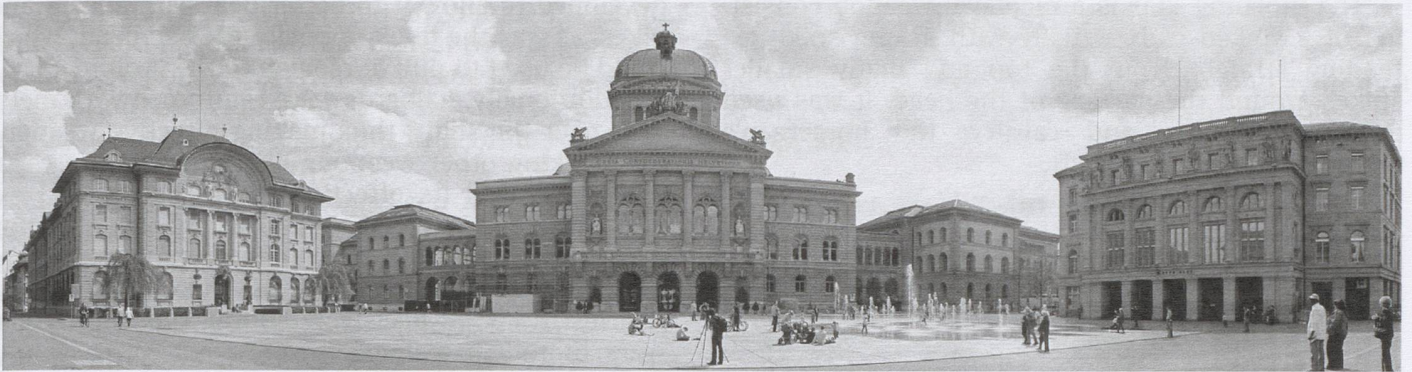
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# Direct Democracy in Switzerland



Bundeshaus Bern

The Federal Constitution adopted in 1848 is the legal foundation of the modern federal state. It is among the oldest constitutions in the world. A new Constitution was adopted in 1999, but did not introduce notable changes to the federal structure. It outlines basic and political rights of individuals and citizen participation in public affairs, divides the powers between the Confederation and the cantons and defines federal jurisdiction and authority.

There are three main governing bodies on the federal level:

- the bicameral parliament (legislative)
- the Federal Council (executive)
- the Federal Court (judicial).

The **Swiss Parliament** consists of two houses: the Council of States which has 46 representatives (two from each canton and one from each half-canton) who are elected under a system determined by each canton, and the National Council, which consists of 200 members who are elected under a system of proportional representation, depending on the population of each canton. Members of both houses serve for 4 years. When both houses are in joint session, they are known collectively as the Federal Assembly. Through referendums, citizens may challenge any law passed by parliament and through initiatives, introduce amendments to the federal constitution, thus making Switzerland a direct democracy.

The **Federal Council** constitutes the federal government, directs the federal administration and serves as collective Head of State. It is a collegial body of seven members, elected for a four-year mandate by the Federal Assembly which also exercises oversight over the Council. The President of the Confederation is elected by the Assembly from among the seven members, traditionally in rotation and for a one-year term; the President chairs the government and assumes representative functions. However, the president is a *primus inter pares* with no additional powers, and remains the head of a department within the administration.

The Swiss government has been a coalition of the four major political parties since 1959, each party

having a number of seats that roughly reflects its share of electorate and representation in the federal parliament. The classic distribution of 2 CVP/PDC, 2 SPS/PSS, 2 FDP/PRD and 1 SVP/UDC as it stood from 1959 to 2003 was known as the "magic formula". In the 2007 Federal Council elections the Christian Democrats (CVP) lost one of their two seats to the Swiss People's Party, which now has 2 seats.

The function of the **Federal Supreme Court** is to hear appeals against rulings of cantonal or federal courts. The judges are elected by the Federal Assembly for six-year terms. It is located in Lausanne.

According to the Constitution of Switzerland, the court has jurisdiction over violations of federal law, public international law, intercantonal law, cantonal constitutional rights, autonomy of municipalities, and other guarantees granted by the Cantons to public corporate bodies and federal and cantonal provisions concerning political rights.

Because of an emphasis on direct democracy through referendum, the Constitution precludes the court from reviewing acts of the Federal Parliament, unless such review is specifically provided for by statute.

By calling a **federal referendum** a group of citizens may challenge a law that has been passed by Parliament, if they can gather 50,000 signatures against the law within 100 days. If so, a national vote is scheduled where voters decide by a simple majority whether to accept or reject the law. Eight cantons together can also call a referendum on a federal law.

Similarly, the **federal constitutional initiative** allows citizens to put a constitutional amendment to a national vote, if they can get 100,000 voters to sign the proposed amendment within 18 months. Parliament can supplement the proposed amendment with a counter-proposal, with voters having to indicate a preference on the ballot in case both proposals are accepted. Constitutional amendments, whether introduced by initiative or in Parliament, must be accepted by a double majority of both the national popular vote and a majority of the cantonal popular votes.