

" THE SPANISH CONSULTATIVE REFERENDUM ON THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE."

1.-Normative on Referendums.

The 1978 spanish constitution establishes different kinds of referenda. In its Section 92.3 it is said that "An organic act shall lay down the terms and procedures for the different kinds of referendum provided for in this Constitution."

Organic Acts are regulated by article 81 of the spanish constitution.

1. Organic acts are those relating to the implementation of fundamental rights and public freedoms, those approving the Statutes of Autonomy and the general electoral system and other acts provided for in the Constitution.
2. **The approval, amendment or repeal of organic acts shall require the overall majority of the Members of Congress in a final vote on the bill as a whole.**

The different kinds of referendum are regulated, according to the Spanish constitution mandate, at the Organic Act 2/1980, january 18, which was enacted five years before the approval of the Organic Act 5/1985, of the General Electoral Regime, Electoral Act applicable at nation level Parliamentary Elections, Local Elections, European Parliament Elections, and, also to Referendums at those aspects do not regulated by the Organic Act 2/1980, january 18, on Referendums the different kinds of referendums.¹

The Organic Act 2/1980 regulates the following types of referendum:

1.1. Nation wide referendums.

Section 92

1. Political decisions of special importance may be submitted to all citizens in a consultative referendum.
2. The referendum shall be called by the King on the President of the Government's proposal after previous authorization by the Congress.

¹ <http://www.elecciones.mir.es/legisele/inicio1.htm>

1.2 Constitutional amendment referendums.

Section 167

1. Bills on constitutional amendments must be approved by a majority of three-fifths of members of each House. If there is no agreement between the Houses, an effort to reach it shall be made by setting up a Joint Committee of an equal number of Members of Congress and Senators which shall submit a text to be voted on by the Congress and the Senate.
2. If approval is not obtained by means of the procedure outlined in the foregoing subsection, and provided that the text has been passed by the overall majority of the members of the Senate, the Congress may pass the amendment by a two-thirds vote in favour.
3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum, if so requested by one tenth of the members of either House within fifteen days after its passage.

Section 168

1. If a total revision of the Constitution is proposed, or a partial revision thereof, affecting the Introductory Part, Chapter II, Division 1 of Part I, or Part II, the principle of the proposed reform shall be approved by a two-thirds majority of the members of each House, and the Cortes Generales shall immediately be dissolved.
2. The Houses elected thereupon must ratify the decision and proceed to examine the new constitutional text, which must be passed by a two-thirds majority of the members of each House.
3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum.

1.3 Referendums called on the score of the initiative for the autonomy process. Autonomous Communities.

Section 151.1 It shall not be necessary to wait for the five-year period referred to in section 148, subsection 2, to elapse when the initiative for the autonomy process is agreed upon within the time limit specified in section 143, subsection 2, not only by the corresponding Provincial Councils or inter-island bodies but also by three-quarters of the municipalities of each province concerned, representing at least the majority of the electorate of each one, and said initiative is ratified in a referendum by the overall majority of electors in each province, under the terms to be laid down by an organic act.

1.4 Referendum called in order to approve an Autonomous Community Statute.

Section 151

1. It shall not be necessary to wait for the five-year period referred to in section 148, subsection 2, to elapse when the initiative for the autonomy process is agreed upon within the time limit specified in section 143, subsection 2, not only by the corresponding Provincial Councils or inter-island bodies but also by three-quarters of the municipalities of each province concerned, representing at least the majority of the electorate of each one, and said initiative is ratified in a referendum by the overall majority of electors in each province, under the terms to be laid down by an organic act.
2. In the case referred to in the foregoing paragraph, procedure for drafting the Statute of Autonomy shall be as follows:
 - 1.º The Government shall convene all Members of Congress and Senators elected in the constituencies of the territory seeking self-Government, in order that they may set themselves up as an Assembly for the sole purpose of drawing up a Statute of Autonomy, to be adopted by the overall majority of its members.
 - 2.º Once the draft Statute has been passed by the Parliamentarians' Assembly, it is to be sent to the Constitutional Committee of the Congress which shall examine it within two months with the cooperation and assistance of a delegation from the Assembly which has proposed it, in order to decide by common agreement upon its final form.
 - 3.º If such agreement is reached, the resulting text shall be submitted in a referendum to the electorate in the provinces within the territory to be covered by the proposed Statute.
 - 4.º If the draft Statute is approved in each province by the majority of validly cast votes, it shall be referred to the Cortes Generales. Each House, in plenary sitting, shall decide upon the text by means of a vote of ratification. Once the Statute been passed, the King shall give his assent and promulgate it as an act.
 - 5.º If the agreement referred to in paragraph ii) of this subsection is not reached, the legislative process for the draft Statute in the Cortes Generales shall be the same as that for a bill. The text passed by the latter shall be submitted to a referendum of the electorate of the provinces within the territory to be covered by the draft Statute. In the event that it is approved by the majority of validly cast votes in each province, it shall be promulgated as provided in the foregoing paragraph.

1.5 Referendum called in case of amendment of an Autonomous Community Statute.

Section 152

1. In the case of Statutes passed by means of the procedure referred to in the foregoing section, the institutional self-Government organization shall be based on a Legislative Assembly elected by universal suffrage under a system of proportional representation which shall also assure the representation of the various areas of the territory; an Executive Council with executive and administrative functions and a President elected by the Assembly among its members and appointed by the King. The President shall assume leadership of the Executive Council, the supreme representation of the Community and the State's ordinary representation in the latter. The President and the members of the Executive Council shall be politically accountable to the Assembly. A High Court of Justice, without prejudice to the jurisdiction of the Supreme Court, shall be the head of Judicial Power in the territory of the Self-governing Community. The Statutes of Autonomy may make provision for the circumstances and the manner in which the Community is to take part in the setting-up of the judicial districts of the territory. Provided that they must conform to the provisions of the Organic Act on the Judicial Power and to the principles of unity and independence of the judicial power. Without prejudice to the provisions of section 123, successive proceedings, if any, shall be held before judicial bodies located in the same territory of the Self-governing Community in which the Court having jurisdiction in the first instance is located.
2. Once the Statutes have received the Royal Assent and been promulgated, they may be amended only by the procedure provided for therein and a referendum of registered electors in the Self-governing Community.

2.- Nation wide consultative and non binding referendums called in Spain. Section 92 Spanish Constitution 1978.²

2.1 NATO REFERENDUM. March 12, 1986.³

In 1986 a consultative and non binding referendum was called by the Royal Decree 214/1986, February 6, by which a national referendum on the political decision of the Government in relation to the NATO is called.

Complete text of the political decision subject of consultation:

"The Government estimates suitable, for national concerns, Spain remains in the Atlantic Alliance, and decides mentioned permanence is established in following terms:

1.º Participation of Spain in the Atlantic Alliance will not include its involvement into integrated militar structure.

2.º Prohibition of installing, storing or entering nuclear weapons in Spain will be kept.

3.º Progressive reduction of militar presence of the United States will be started."

Article 2. [Text of consultation]

In relation to mentioned decision the Electoral Body will have to answer following question:

"Do you estimate suitable for Spain to remain within the Atlantic Alliance in terms accorded by the Government of the Nation?"

Article 3. [Date of the consultation]

March 12 1986.

Results: Yes 52,49% . No 39,8 %. Blank votes 6,53% . Invalid votes 1,11% . Turn out 59,7%, abstention 40,7%

² **Section 92**

1. Political decisions of special importance may be submitted to all citizens in a consultative referendum.

2. The referendum shall be called by the King on the President of the Government's proposal after previous authorization by the Congress.

³ http://www.elecciones.mir.es/elecc77/indice_elecciones01.htm

2.2 February 20 2005. Referendum on the Treaty establishing a Constitution for Europe.

The Heads of State or Government and the Ministers for Foreign Affairs of the 25 Member States of the European Union signed the Treaty establishing a Constitution for Europe in Rome on 29 October 2004.

In a country in which neither entry into the Union in 1986 nor successive Treaties (Maastricht, Amsterdam and Nice) were submitted for consultation, the Government called a referendum taking into account that the formal and nominal aspirations of the new Treaty have been elevated to Constitutional standing.

The Constitutional Court⁴ was consulted by the Government in order to know whether the articles II-111 y II-112 of the European Constitution were contradictory at any point with the Spanish Constitution, on december 2004. The Constitutional Court stated on its Declaración de 13 de diciembre, that the Treaty Establishing a Constitution for Europe does not require any modification of the Spanish Constitution.

Previous to the ratification to be done by Parliament, according to article 93 od the Spanish Constitution⁵, the Government considered that the political relevance of the Treaty Establishing a Constitution for Europe, by laying the foundations for a new stage in the european integration process, as well as the need to make society part of this process, made reccomendable to consult the citizens so that they could freely express their opinion about the adoption of the Treaty before submitting it to ratification in Parliament which happened in the Congress of Deputies on April 28, 2005, with a result of 319 "Yes" against 19 "No", and in the Upper Chambe, Senate, on May 18, 2005 with a result of 225 "Yes" against 6 "No" and one abstention.

⁴ **Spanish Constitution 1978 Section 95**

1. The conclusion of an international treaty containing stipulations contrary to the Constitution shall require prior constitutional amendment.

2. The Government or either House may request the Constitutional Court to declare whether or not such a contradiction exists.

⁵ **Section 93**

Authorization may be granted by an organic act for concluding treaties by which powers derived from the Constitution shall be transferred to an international organization or institution. It is incumbent on the Cortes Generales or the Government, as the case may be, to ensure compliance with these treaties and with resolutions originating in the international and supranational organizations to which such powers have been so transferred.

3.- The Referendum on the Treaty Establishing a Constitution for Europe.

3.1 Normative.

The referendum held on 20 February, was called by Royal Decree 5/2005 on January 14, published the following day in the Official State Gazette.

- **By the Royal Decree 5/2005, January 14, a nation wide consultative referendum on the Treaty establishing a Constitution for Europe was called.**

Norms applicable to this referendum.

a) Organic Act 2/1980, January 18, which establishes the different kinds of referendum.

b) Organic Act 5/1985, June 19, of the General Electoral Regime.

c) Royal Decree 605/1999, April 16, which states de complementary regulation of the electoral processes.

d) The remaining reglamentary provisions on electoral processes, as well as those approved for this specific referendum. (i.e. Resolution February 2004, Electoral Census Office, on specific aspects of the management of the Electoral Census. Third instruction.)

- **Royal Decree 7/2005 of 14 January, by which determined aspects of the electoral procedure applicable to the referendum on the Treaty establishing a Constitution for Europe.**

The consultative referendum called by the Royal Decree 5/2005, January 14, will take place according to the conditions and procedures established in the Organic Act 2/1980, January 18, on the regulation of the different kinds of referendum.

This act, in its article 11.1, establishes that the referendum procedure will follow the rules established for elections in the Organic Act on the General Electoral Regime, in those aspects where it can be applied and do not oppose this Organic Act.

The Final Disposition of the Organic Act 2/1980, January 18, on the regulation of the different kinds of referendum, **allows Government to approve those norms needed in order to follow and execute this act.**

This Royal Decree 7/2005 has been approved following this habilitation, and its aim is to regulate the different aspects of the electoral process, applicable to the consultative referendum on the Treaty establishing a Constitution for Europe.

Taking into account that the denomination of the articles in this Royal Decree, except article one on Electoral Administration, is almost the same as the ones used in Chapter VI "Electoral Procedure", Title I "Common Dispositions for direct universal suffrage elections" of the Organic Act on the General Electoral Regime, the fifteen articles of this Royal Decree introduce some special regulations as regards procedure and electoral timing.

These provisions are due to the shorter duration of the referendum's process, 36 days, against 54 days of regular electoral processes, this affects activities such as the constitution of the Provincial and Zone Electoral Boards, the designation of the political parties' general and constituencies' representatives, the delimitation of the electoral sections, and polling stations, several aspects of the electoral campaign, electoral materials, ballot papers, vote by mail and the constitution of the polling stations.

Content of these Royal Decrees.

Royal Decree 5/2005, January 14, by which a nation wide consultative referendum on the Treaty establishing a Constitution for Europe is called.

Previous proposal of the President of the Government, previous deliberation of the Council of Ministers and with the authorization of the absolute majority of Congress, required by article 92 of the Spanish Constitution as well as by article 6 of the Organic Act 2/1980, January 18.

Article 1. Government agreement.

A consultative referendum is called amongst all Spanish citizens enfranchised being the question the following:

"Do you approve the Treaty establishing a Constitution for Europe?"

In those Autonomous Communities with co-official languages, this question will be written in both languages.

Article 2. Referendum day.

Polling day will be Sunday February 20th 2005.

Artículo 3. Institutional campaign.

According to article 50.1 of the Organic Act 5/1985, June 19, Of the General Electoral Regime, because of the referendum called by this Royal Decree, the General Administration of the State will launch an institutional campaign with the aim to inform all citizens about the polling day, the voting procedures, and the procedures to vote by mail. The Government will give the provisional results according to article 98.2 of the Organic Act 5/1985, June 19, Of the General Electoral Regime.

Article 4. Electoral Campaign.

According to article 15 of the Organic Act 2/1980, January 18, the electoral campaign, **lasts 15 days**. It began at midnight February 4th and ended at midnight February 18th.

Article 5. General Counting of the votes. (Final results.)

1. The General Counting will be done as established in article 17 Organic Act 2/1980, January 18, and, in a subsidiary way, in the following articles of the Organic Act 5/1985, June 19, of the General Electoral Regime: article 75.4 and 75.5 and articles 103 to 108.

2. The General Counting of the votes had to be done before February 27.

3. According to article 18 of the Organic Act 2/1980, January 18, the Central Electoral Commission, through its President, will declare official the referendum's results and will communicate them to the President of Government, as well as to the Presidents of the Senate and the Congress of Deputies.

Article 6. Procedure.

According to the Second Final Disposition of the Organic Act 2/1980, January 18, Government will approve the provisions needed for the referendum called by this Royal Decree.

Royal Decree 7/2005 of 14 January, by which determined aspects of the electoral procedure applicable to the referendum on the Treaty by which a European Constitution is established.

Political organization that wish to undertake an electoral campaign on the occasion of the Referendum

Article 6. Electoral Campaign.

1. The electoral campaign and the use of the publicly owned media will be ruled by the Organic Act 5/1985, June 19.

2. This electoral campaign will last 15 days.

3. This notwithstanding, and according to article 14.1.a) Organic Act 2/1980, January 18, the right to get free electoral broadcast time in the publicly owned media will correspond to those political parties that had obtained, in the last elections to Congress, at least, one deputy: those free spaces will be distributed in a proportional way, taking into account the total number of deputies that had obtained in those elections.

4. Political groups not included in the last paragraph can launch campaigns with their own funds and can reclaim at the Electoral Administration.

Article 9. Ballot papers.

1. The voters' choice can only be yes, no or blank. It will be considered invalid those ballot papers that do not comply with the official model, those that show a doubt about the voter's choice and those with writing on them.

2. It will also be considered as blank vote, the envelope which had not any ballot paper inside.

3. When an envelope contains more than one ballot paper of the same option, it will be considered a valid vote. On the contrary, when an envelope contains several ballot papers of different options, that vote will be considered invalid.

Article 10. Vote by mail.

Article 11. Apoderados and interventores. – National observers .-

2. The appointment of apoderados and interventors is a right that only have the political groups listed below as an Annex to this Royal Decree.

ANNEX

Partido Socialista Obrero Español.
Partit dels Socialistes de Catalunya.
Partido Popular.
Unión del Pueblo Navarro-PP.
Convergència i Unió.
Esquerra Republicana de Catalunya.
Eusko Alderdi Jeltzalea-Partido Nacionalista Vasco.
Izquierda Unida.
Iniciativa per Catalunya Verds-Esquerra Unida i Alternativa.
Coalición Canaria.
Bloque Nacionalista Galego.
Chunta Aragonesista.

Eusko Alkartasuna.
Nafarroa Bai.
Entesa Catalana de Progrès.

3.2 Electoral procedures.

3.2.1 Electoral Roll.

During the electoral period, a query service will be available online so that voters may consult their registration data in the electoral census.

For reasons of confidentiality, in order to facilitate this date, it is necessary to have the digital certificate issued by the National Factory of Coins and Stamps. Those who do not have this certificate may consult their town council or telephone 901.101.900.

The service will be available for the whole electoral period, initially with information from the query census, once the complaints have been resolved, with the voting electoral census.

The address where the query may be made is: <https://censoelectoral.ine.es>

In this Referendum could vote all the spanish electors living in Spain – Electoral Roll of spanish residents- as well as the spanish electors living abroad – Electoral Roll of spanish electors that do not reside in Spain -.

The spanish electors living in Spain can either vote at the polling station or vote by mail, sending to the Electoral Roll Office an application on this score. In the case of the spanish electors living abroad, the documentation needed to vote by mail is sent ex officio to their address in their country of residence.

According to article 39.1 of the Organic Act of the General Electoral Regime and article 3 or the Royal Decree 7/2005, January 14th, the electoral roll applicable for the Referendum is the one closed in December 1st 2004, which includes the movements communicated by Town Councils and Consulates before that day. The Electoral Roll Office updates monthly the Electoral Roll with the information sent by the Town Councils and the Consulates.

The Spanish electors living in Spain could apply for the vote by mail from January 15th up until February 10th. For this the elector needed to fulfill an application form available at every Spanish and address it to the Electoral Roll Office 's Provincial Delegation of the province where the elector was registered. The elector had to sign the application and check that the Spanish Mail civil servant puts the date and the correspondent stamp.

Those electors which apply to vote by mail cannot vote at the polling station on election day.

The correspondent Electoral Roll Office's Provincial Delegation sent to the electors, from february 1 to february 13, by certified mail, the documentation needed so that they can cast their vote by mail.

Once the electors receive the vote by mail documents, they must cast their vote by mail sending it, by certified mail, for free, addressed to the polling station, no later than february 16 th.

On february 7th, the representatives of the political parties, described in article 11.2 of the Organic Act 2/1980, could get, if they had previously applied for it, a copy of the Electoral Roll in a medium that allows informatic treatment.

The Electoral Census Office had a free call center 901.101.900.

The Electoral Roll Office also created a system to allow personal electoral roll consults on line, this system requires the use of a digital certificate.

3.2.2The campaign: institutional campaign, Government's information campaign and electoral campaign conducted by political parties.

The first country to attempt a test of public opinion on the Treaty Establishing a Constitution for Europe in a referendum was [Spain](#) and at that stage the campaign was framed simply as one of support for the European project, without much controversy about the particular form or content of the TCE.

a) The Government's information campaign: Ministry of Presidency and Ministry of Foreign Affairs and Cooperation.

On january 9th 57.000 brochures about the Treaty were distributed at the football match Real Madrid-Atlético de Madrid.

On january 7th was launched the Government's t.v. and radio dissemination campaign in which famous people read articles of the European Constitution.

The Ministry of Foreign Affairs and Cooperation signed several Memorandums of Understanding with different organizations i.e. the Professional Football League, the Spanish Youth Council, the Red Cross, or the Spanish Federation of Municipalities and Provinces.

On january 17th the Government distributed more than five millions of the Treaty Establishing a Constitution for Europe, that were given altogether with the most read newspapers.

A call center was set so that citizens could ask for a copy of the Treaty to be send to them by mail. The Government also published 20 millions brochures on the Treaty's content.

These brochures could also be downloaded from the special web site www.constitucioneuropea.es.

From January 23rd, the schools received a European Constitution kit.

Publicity through TV, radio, newspapers:

On Sunday January 16th citizens received for free a copy of the Constitution (without the annexes) when buying the newspaper.

The main protagonists of the campaign are well known and cherished journalists, ex-football players, singers, actors and writers. They read different articles from the constitution while Beethoven's 9th Symphony (the EU's hymn) is played in the background. Black and white ads.

Special debate programmes broadcasted by all main TV and radio stations.

Special website developed by the Ministry of Foreign Affairs and Co-operation:
www.constitucioneuropea.es

Content of Constitution available in Spanish and in all co-official languages: (Gallego, Euskera, Catalán, Valenciano).
Informative leaflets can be downloaded.

Open Forum on the European Constitution.

5 millions of informative leaflets made available at public institutions, libraries, universities, etc

57.000 leaflets distributed on January 9th at the football match Real Madrid vs Atlético de Madrid.

News Programmes during peak hours

In order to disseminate the Constitution's content, the MFA signed co-operation agreements with organisations from sectors as:

Business and Trade Unions
Municipalities and Provinces
Universities
Foundations and Special needs NGOs
Sports' Superior Council
Red Cross
Spanish Youth Council

1. Main goals:

To sensitise the Spanish society about Europe's achievements and Spain's gains after joining the EU.

To inform about the European Constitution's content.

For all this, Government had a budget of 96 million euros. Three millions for the Ministry of Presidency, three millions for the Ministry of Foreign Affairs and Cooperation, and 90 millions for the Ministry of the Interior, in charge of the Institutional Campaign.

b) Electoral campaign conducted by political parties.

This electoral campaign lasted 15 days, beginning on february 4th and ending on february 18th at midnight.

The experience of the NATO referendum showed that in order to make it fully possible for political parties to participate, public funding for the electoral campaign should be provided, just like in the case of elections.

According to Government, without this public funding, it would be impossible for political parties to run campaigns in national referendums.

The electoral normative establishes that government cannot run institutional campaigns in order to promote voter turnout, and that political parties which decide to run an electoral campaign, backing the yes, the no or the blank option, do not receive any funding, this caused financial problems to some political parties in the past: the NATO referendum held in 1986.

The Council of Ministers, passed on january 14th several dispositions related to the calling of the Referendum on the Treaty Establishing a Constitution for Europe. One of them was the grant of special funding for the political groups with parliamentary representation in Congress, with the aim to cope with the expenses of the dissemination campaign about the Treaty establishing a Constitution for Europe.

The amount of these special funding was 9 million euros and was distributed taking into account the number of seats and votes of the last Parliamentary Elections. The political parties received 8.571 euros for each seat in Congress, and 0,2442 euros for each vote cast for them in the Congress candidatures.

c) Institutional campaign: Ministry of the Interior.

.- The Ministry of the Interior sent to 33 millions of spaniards an envelope containing the three ballot papers: those of the yes, no and blank.

.- The Electoral Act 5/1985, Section 50.1. establishes that "The public powers that according to their legal competences call an electoral process can carry out during the electoral period an institutional campaign oriented to inform citizens about:

- the election day, the voting procedure.
- and the requirements and procedure for postal voting, without influencing, in any case, orientation of vote of the electors.

This institutional publicity will be carried out in free spaces of the public media of the geographical region corresponding to the electoral process, with enough extent to reach the aims of this campaigns.

•In the Referendum 2005 this EMB has signed public contracts with Publicity Agencies to design ads by which the electorate is informed about: (See www.elecciones.mir.es/referendum2005)

- the day of the election/referendum;
- the electoral census lists;
- how to vote by mail;
- and how to vote at the polling station.
- A special web site has been created by the EMB:<http://www.elecciones.mir.es/referendum2005>

.- E voting pilot.

From 1 to 18 February 2005 about two million voters in 52 Spanish municipalities – representing each of the country's 52 provinces – had the opportunity to participate in the largest Internet voting pilot ever held in Spain. This pilot, organized by the Ministry of Interior www.elecciones.mir.es, had been previously authorized by the Central Electoral Commission. 25/january/2005. (Electoral supervisory body).

The pilot, organised before the legally binding referendum carried out with traditional paper ballots on 20 February 2005, had no legal value. According to press reports, only 10,543 of the two million voters concerned –about 0.54% – effectively tried out the remote Internet voting system developed by Spanish company Indra. These were able to cast their vote online from any computer connected to the Internet, using a PIN code, or to cast their vote on line, using a smart card, using the computers set at each one of the 52 polling stations opened at the 52 municipalities.

Posters, brochures and surveys about the e-voting pilot, in spanish and in all the other co-official languages of the different Autonomous Communities, were disseminated before the pilot took place.

3.3.3 Central Electoral Commission.

Agreement of January 19th 2005.

The campaign to be carried out by the Government as part of the present referendum process must inform objectively on the contents of the Treaty. All value judgements and slogans previously used in TV, on websites and other media, i.e. "We are first with Europe", and statements that could, direct or indirectly, influence the position or attitude of the citizens, must be removed.

Instruction January 31 2005, further specifications about the Government's dissemination campaign.

Regardless of the institutional campaign that, according to article 50 of the Organic Act of the General Electoral Regime, is to be carried out by the Government once it has called the Referendum, the public powers, being these state level, autonomous level or local, can launch an information campaign about the Treaty, if this campaign only informs, in an objective way and in full respect to the principle of political neutrality, about the content of the Treaty, avoiding any kind of value judgements or mottos, such as "The first with Europe" or any other expressions that could, directly or indirectly, influence the position or attitude of the citizens.

4.- Results.⁶

As soon as this referendum was called, attention focused on voter turnout, which, it was assumed, would be low. Since a 'Yes' vote was virtually certain, the number of voters who would turn out to vote became the acid test for the treaty. The result was hardly a surprise, given the pessimistic predictions.

The referendum was not legally binding on the Government, but paved the way for parliamentary ratification of the constitutional treaty, which happened in the Congress of Deputies on April 28 2005, with a result of 319 "Yes" against 19 "No", and in the Upper Chamber on May 18, 2005 with a result of 225 "Yes" against 6 "No" and one abstention.

This referendum should be compared to other national or European referendums, rather than to the last European elections.

At the national level, we have two very useful yardsticks, one at the constitutional level and the other in international politics: on the one hand we have the

⁶ <http://www.realinstitutoelcano.org/analisis/717.asp>

José Ignacio Torreblanca <http://www.realinstitutoelcano.org/analisis/689.asp>

referendum for the Spanish Constitution in 1978 and on the other the referendum on Spain's entry into NATO in 1986. On both occasions turnout was much higher than in this last referendum: 67.11% for the Constitution and 59.43% for NATO. Turnout for this latest referendum was 17.11 points lower than in 1986, despite the complexity of the question then being posed.

ANEX.

SPANISH RATIFICATION MONITOR (WP)

WP 8/2005 -- Documents

José I. Torreblanca and Alicia Sorroza (3/2/2005)

<http://www.realinstitutoelcano.org/documentos/171.asp>

José Ignacio Torreblanca
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National Voter Turnout		
Total Voters	14,204,663 mill	42.32 %
Abstention	19,359,017 mill	57.8 %
Nation Wide Results		
YES	10,804,464	76.73 %
NO	2,428,409	17.24 %
Blank Vote	849,093	6.03 %

REFERÉNDUM DATA.

REFERÉNDUM 2005

ELECTORAL ROLL.

ELECTORAL ROLL OF ELECTORS LIVING IN SPAIN.	33.562.119
ELECTORAL ROLL OF ELECTORS LIVING ABROAD.	1.130.159
TOTAL	34.692.278

ELECTORAL ADMINISTRATION.

1.- Polling stations.

Polling stations.	57.055
Members of polling stations. (Titulars)	171.165
Members of polling stations. (Substitutes.)	342.330
Representatives of the Administration at the polling stations.	57.055
2.- Electoral materials.	
Ballot boxes.	57.055
Booths.	57.055
Ballot papers.	134.952
Envelopes.	44.984
Manual for the members of the polling stations.	873.500

Results:⁷

Youth Survey. Eurobarometer.⁸

⁷ http://www.europarl.es/constitucion_2004/resultados_electorales/default.html

⁸ http://ec.europa.eu/public_opinion/flash/fl_168_en.pdf