

Fact Sheet Combination of sortition-based citizens' assemblies and direct democracy at the federal level

1. Appropriate Forms of direct democracy

At the federal level, the following three forms of direct democracy are particularly useful:

- a) In the case of three-stage popular legislation, a referendum is initiated by the citizens themselves via signature collection. The three stages are: agenda-setting initiative (100,000 signatures) - citizens' initiative (1 million signatures) - Referendum.
- b) A corrective popular initiative (optional referendum / popular objection) is directed against a law passed by parliament. A certain number of persons entitled to vote (500,000 signatures) can request a referendum on whether the law should enter into force.
- c) Compulsory referenda are referenda on constitutional changes, transfers of sovereign rights or similar, which are mandatory and automatic. This is preceded by a corresponding parliamentary decision.

2. Sortition-based citizens' assemblies

Irish-style sortition-based citizens' assemblies aim to include citizens in the shaping and planning processes. However, the decision remains with the Bundestag.

If citizens' assemblies are initiated from below, certain requirements apply:

- The content is within the competence of the German Bundestag.
- The signatures will be submitted with a question (on a delimited topic) and justification to the Bundestagpräsidium or an administrative department unit for citizen participation.
- At the request of the Bundestagpräsidium, the Federal Constitutional Court shall decide within six months on the compatibility of the question with the Basic Law (control of norms).
- The initiators shall have the right to speak in the responsible committee.
- For further procedural proposals see Fact Sheet "Institutionalisation of lottery-based citizens' assemblies".

3. Possible combinations for popular initiative, petition for a referendum, referendum

3.1. Before the referendum

Two variants are conceivable:

A Compulsory citizens' assemblies after the citizens initiative: After each citizens' initiative, an automatic lottery-based Bürgerrat on the subject of the citizens' initiative takes place.

- a) The Bundestag can then adopt the results of the citizens' assembly.

If this does not take place,

- b) the initiators have the right to request a popular initiative with the original request or with the results of the Bürgerrat (see 3.1. a)).

Additional variant: If the initiators request a popular initiative with their original demand, the results of the Citizens' assembly will automatically be added to the vote as an alternative option after the successful popular initiative.

B Citizens' assembly initiative optional to the citizens' initiative: Parallel to a citizens' initiative with 100,000 signatures an alternative approach will be introduced: Instead of a citizens' initiative, a citizens' assembly initiative with 100,000 signatures can be submitted (see Fact Sheet Citizens' assembly Initiative). In case of non-acceptance of the results of the citizens' assembly initiative by the Bundestag, the initiators have the right to start a popular initiative (1 million signatures) in order to bring about a referendum on the recommendations of the citizens' assembly.

3.2. After the popular initiative

Lottery-based citizens' assemblies could also only be set up after one popular initiative. After a successful popular initiative the Bundestag may decide to accept the proposal of the popular initiative. If it is not adopted, a referendum will be held. Citizens' assemblies can help with the preparation:

- a) An alternative proposal shall be prepared by a citizens' assembly: After a referendum, ideally, the Bundestag and Bundesrat have the possibility of submitting an alternative proposal parallel to the proposal of the popular initiative for a vote. This increases the options for the voters. For the preparation of an alternative proposal, the Bundestag can also convene a lottery-based citizens' assembly.
- b) A statement is prepared by a citizens' assembly: Before a referendum, ideally a voting booklet with the arguments of the initiative and the Bundestag is sent out. Now, a further statement is prepared by a lottery-based Committee. A proven and successful process from Oregon (USA) could be adopted in modified form for this purpose:
 - o In the US state of Oregon, numerous citizens' initiatives are voted on every year. Some were complicated and polls showed that too many voters did not fully understand what they were voting on. Since 2011, a citizens' panel is required by law, which prepares a statement before the referendum.
 - o 20-24 citizens selected by lot - who are representative, based on certain criteria, of Oregon - spend four days dealing with the contents of the popular initiatives and then formulate information and their position on it on a DIN A4 page: the Citizen Review Statement.
 - o Content of the statement: What is the impact of the proposed measure? How many participants are in favor and why? How many are against it and why? The most important pro and contra arguments are noted.
 - o This statement is also printed and distributed in the voting brochure.

4. Possible combinations for optional referenda

- With the optional referendum, citizens can request a referendum within 100 days of laws passed by the Bundestag on the given law(s). To do this, a certain number of signatures must be collected. Proposal: 500,000 signatures.
- If 500,000 signatures are collected, a referendum will be held. If designated that the Parliament, although the law to be put to the vote was adopted by it, can submit a second draft for vote (which takes up the criticism from civil society), this alternative draft could be prepared by a citizens' assembly.
- The procedure described under 3.2. is also conceivable.

5. Combination based on the Irish model

In Ireland, there is good experience of Parliament employing lottery-based citizens' assemblies on specific issues (www.citizensassembly.ie). The prepared recommendations are received by the Parliament, discussed in the usual parliamentary procedures and, possibly, adopted. In the case of changes to the Irish Constitution an additional mandatory referendum is held (e.g. Marriage for All 2015 - Abortion Law 2018). This scheme has been enshrined in the Irish Constitution since 1937.