

How to Evaluate the February 18th Referendum Results

Klavs Zichmanis

The referendum result "On the amendment to the Constitution to include Russian as Latvia's second official language" has now been made public. 70% of eligible voters took part, of which 25% voted for the change and 75% opposed. The result of the vote by district is as follows:

District	For		Against	
	# of Voters	%	# of Voters	%
Latvia	273,347	24.9	821,722	74.8
Riga	127,784	36.0	225,437	63.6
Vidzeme	35,164	11.8	262,643	88.0
Latgale	78,736	55.6	62,369	44.0
Kurzeme	12,282	8.5	132,708	91.4
Zemgale	19,381	12.2	138,565	87.4

Amendment supporters and fans deliberately confused the concepts of *voter* and *citizen* and *resident* to include ineligible non-citizens to be able to say the result meant that over 30% of Latvia's residents want Russian as the second official language. If that were true, it would be difficult for Latvia to ignore the wishes of so significant a number of people.

Does the pro-amendment supporter interpretation reflect reality and the requirements of the Constitution? The Constitution recognizes the result of a referendum as legitimate if more than half of eligible voters vote for a proposed amendment. This requirement is a must if the proposed amendment changes Articles 1 to 4, 6, or 77 (Article 77).

Constitutional amendments not involving the above mentioned Articles require a less stringent standard: only more than half of the voters participating in the last parliamentary election (Article 74) must support the change to be legitimate, but this version does not apply to the February 18th referendum. That amendment not only recommends changes to Article 4, but also 18, 21, 101, and 104 to include the words *Russian language* in the text. So all the suggested amendments in the referendum are based on the change to Article 4 and thus the referendum results must be assessed by the method described in Article 77.

Does evaluating the outcome of the referendum using voter turnout really show voter desire for constitutional change? Constitutional amendments in all countries are held to a higher threshold of legitimacy than any other changes in state law. This referendum is such a case: it is important to know how many citizens actually support this amendment to the Constitution. Knowing how many voted against, abstained, spoiled ballots or ignored the referendum altogether is irrelevant; only the pro votes are important.

Comparing the results based on voter turnout versus eligible voters (Article 77) shows considerably different outcomes:

District	% for amendment based on:		% Difference + or -
	Voter turnout	Eligible voters	
Latvia	24.9	17.7	- 7.2
Riga	36.0	27.6	- 8.4
Vidzeme	11.8	6.8	- 3.2
Latgale	55.6	33.4	- 22.2
Kurzeme	8.5	6.0	- 2.5
Zemgale	12.2	8.4	- 3.8

Calculating on eligible voters, amendment supporters in Latvia decline from 25% to 18%, in Riga from 36% to 28%, Vidzeme, Kurzeme and Zemgale are below 10%. In Latgale support falls from over half to a third. Even towns that are a concern to Latvians such as Daugavpils fall from 85% to 55%, Rezekne from 60% to 45% and Zilupe from 90% to 51%. Minorities make up about 27% of all eligible voters. If voting was largely along ethnic lines as many observers believe, judging by voter turnout 93% of minorities supported the amendment (27% -25%). But the amendment support is only 67% of eligible minority voters.

The President, government, Parliament, public institutions and citizens should defend the legal (Article 77) and logical interpretation of the results and not make concessions to vested interests or accept their interpretations of the results. There was no legal requirement or basis to vote against the amendment, but politically it was necessary to do so to avoid the result being used for propaganda purposes. Using the result based on voter turnout the SC mayor of Rezekne has already managed to demand Russian be instituted as a "regional language".

Although Article 77 based data can be found on the CVK (Central Election Commission) website (<http://www.tn2012.cvk.lv/>), it visually emphasizes the voter turnout version making it easy, either innocently or by design, to misinterpret the result. If the CVK's Mr. Cimdars does not correct this and visually display the result as the Constitution defines it, he should be made accountable for his actions. It is unacceptable to present incomplete data by government officials and for the citizenry to miss this opportunity to raise the performance standards of government employees.