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Presidential bill regarding the amendment of the act on local referendum - a step to improve the institution or an attempt to silence local authorities?

On August 30, 2013, a bill concerning the cooperation in the local government for local and regional development, as well as the changes in some acts was brought before the lower chamber of Parliament - Sejm - by the President of Poland. One of the abovementioned acts was the Act of 15 September 2000 on local referendum. The proposer suggests amendments to many substantial regulations of this normative act, postulating, for instance, a modification of attendance thresholds required for the referendum to be valid. Currently, there is a rule that the voting is conclusive provided that at least 30% of those who are eligible to vote have cast their votes. A referendum concerning the countermand of a local governmental authority which has been chosen in direct elections is an exception to that rule – for such a referendum to be valid the attendance of at least 3/5 of those who voted in the elections to such a body is required. The presidential bill posits making the validity of referendums independent, in principle, on the number of eligible participants. While the 30% attendance threshold is to be maintained as a requirement for the validity of referendums concerning self-taxation, the validity of referendums regarding the countermand of a local governmental authority chosen in direct elections shall require at least the same number of referendum participants as the number of those who have voted in the elections to that body. Considerations regarding the justness of this legislative initiative comprise the subject matter of this paper. After a short introduction, the author presents the evolution of legal regulations which provide for the local referendums to fulfill the requirement of a certain attendance threshold in order to be valid. Then, the author proceeds to present the statistical data that illustrate the application of a discussed institution. The reader is provided with details of the presidential bill, and afterwards the proposal of amendment of the act on local referendum is thoroughly discussed by the author. The paper is closed with a recapitulation in which the author summarizes his considerations and presents some *de lege ferenda* postulates.

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