



Citizens' Chamber

in the canton of Vaud

CITIZENS' CHAMBER

IN THE CANTON OF VAUD

Introduction by Marcin Gerwin

What you will find below is the first text that I know of, written in legal language, that introduces a randomly selected Citizens' Chamber into the existing constitution. As I sat down to write it, there was no reference, no previous text to see how others did it. This is one of the reasons why creating it was so exciting. It was a bit like discovering new lands.

The model for the Citizens' Chamber that is presented here was specifically adapted to the Swiss context and the constitution of the canton of Vaud. There were dozens of comments from a number of people on the draft version of the text, so the final version of it was very much co-created with them.

You may be wondering why introduce a Citizens' Chamber in the canton of Vaud, since referendums and initiatives followed by a popular vote are in regular use in Switzerland? The reason for this is that a Citizens' Chamber is something more than just voting. It is a creative process that allows citizens to come together, to look for solutions to the problem they are dealing with, and then to write and adopt a new law that includes the solutions they consider to be the best. It is a new form of democracy that is very different from how direct and representative democracy works.

In this model, the mechanisms of direct and representative democracy remain in place, meaning there will still be general elections, referendums and initiatives for potential use. At the same time, however, it will be possible to adopt some of the cantonal laws through the Citizens' Chamber.

A Citizens' Chamber is not a permanent body. It is a body that can be initiated as needed, to deal with a specific issue. It can be initiated either by the citizens collecting a certain number of signatures or by the new (and permanent) body - a Citizens' Senate that is composed of the former members of the Citizens' Chamber.

A Citizens' Chamber consists of 200 people that are selected at random in such a way that a number of demographic criteria are taken into account, such as gender, age and level of education. The idea is that a Citizens' Chamber constitutes a canton of Vaud in miniature in terms of reflecting a set of demographic criteria. Any person from the canton of Vaud who is able to participate in elections may receive a personal invitation to become a member of a Citizens' Chamber. Participation in a Citizens' Chamber is voluntary, so people can accept the invitation or reject it. Among those who register to become members of a Citizens' Chamber, a final random selection is carried out.

The process by which a law is created by a Citizens' Chamber is open, which means any person from the canton of Vaud may participate in it, even if they were not randomly selected to participate in the Citizens' Chamber - they can send comments and proposals for solutions in writing. What is more, stakeholders such as NGOs and public or academic institutions that are related to the topic the Citizens' Chamber is addressing may present their perspectives in person, during the meetings of the Chamber. The whole learning phase, with presentations by experts and stakeholders, is transmitted live and recorded so that anyone can see what information was presented to the members of the Chamber.

The Citizens' Chamber doesn't work on its own, though. There are several support institutions that accompany it and facilitate how it functions. In this way a high-quality process can be achieved, such as with the Centre for Deliberative Democracy or the Standards and Procedures Council. It will be their role, for example, to create quality standards and detailed procedures for the Citizens' Chamber.

This constitutional text provides only the basic framework. It regulates, among other things, the relationship between the Citizens' Chamber and the Grand Council. In this model, decisions of the Citizens' Chamber are of "higher rank" than those of the Grand Council. This means that laws created by the Citizens' Chamber cannot be changed by the Grand Council, unless approved by the Citizens' Senate. The reason for this is that the decisions of the Citizens' Chamber are considered of higher quality due to how the deliberative process is designed and run. The detailed design of the process is not a part of the constitutional text. It is something to be created at a later stage.

Switzerland is among those countries where it is possible to change the constitution of the country or a canton through a popular vote. The proposal

for this change may come from the citizens themselves, who are required to collect a certain number of signatures. In Switzerland this mechanism is called an initiative.

The text below in legal language was created to accompany the initiative prepared by the citizens of the canton of Vaud, from the group AG!SSONS, who propose to introduce the Citizens' Chamber into the constitution of their canton. It is an example of what the outcome of amending the constitution could look like if the proposal is approved by the citizens in a popular vote.

Cover art: Katarzyna Kozakiewicz

Center for Blue Democracy

bluedemocracy.pl

September 2022

A CONSTITUTIONAL TEXT

Table of Contents

Title V Cantonal authorities	5
Chapter III Citizens' Chamber	5
Section I Principles	5
Section II Composition	5
Section III Status of members	7
Section IV Organisation	9
Section V Competencies	14
Other articles for updating	17

Title V Cantonal authorities

Chapter III Citizens' Chamber

Section I Principles

Art.

¹ The Citizens' Chamber is an authority with legislative and decision-making power.

² A Citizens' Chamber is, each time, initiated to address a particular topic. Each topic requires that a separate Citizens' Chamber be established.

³ There may be several Citizens' Chambers operating at the same time, addressing different topics.

⁴ The functioning of the Citizens' Chamber is accompanied by the following support institutions:

- a. the Citizens' Senate;
- b. the Coordination Centre for Deliberative Democracy;
- c. the Standards and Procedures Council; and
- d. the Legal Bureau of the Citizens' Chamber.

Section II Composition

Art. Size of the Citizens' Chamber

¹ The Citizens' Chamber consists of 200 members selected at random for the particular topic that the Chamber is tasked to address.

Art. Socio-demographic composition

¹ The composition of the Citizens' Chamber shall be representative of the canton's population in terms of selected demographic criteria, including:

- a. gender;
- b. age;
- c. level of education;

- d. residence in rural and urban areas;
- e. category of occupation; and
- f. income.

² Additional demographic or opinion-related criteria may be selected by the Standards and Procedures Council for each composition of the Citizens' Chamber in order to ensure the credibility of the group of members of the Chamber.

³ The demographic composition of the Citizens' Chamber may be less than perfect in terms of reflecting the demographic criteria if the demographic features of people who accepted the invitation to participate in it are such that a perfect demographic composition is not possible.

Art. Membership

¹ Every person eligible to take part in the cantonal elections may potentially receive an invitation to participate in the Citizens' Chamber.

² Citizens may only be a member of one Citizens' Chamber at a time.

³ Ineligibility criteria for becoming a member of the Citizens' Chamber are established by the Standards and Procedures Council.

Art. Random selection process

¹ Random selection is carried out in two stages: the first is inviting randomly selected citizens to participate, and the second is randomly selecting the final group of members of the Citizens' Chamber, including substitute members.

² Invitations to participate in the Citizens' Chamber are sent to randomly selected individuals by mail.

³ Random selection is conducted anew for each Citizens' Chamber.

⁴ The process of the random selection of the members of the Citizens' Chamber is conducted in a transparent manner by the Coordination Centre for Deliberative Democracy.

Section III Status of members

Art. Members' rights

¹ Each member of the Citizens' Chamber has the right to:

- a. take part in all meetings organised as part of the Citizens' Chamber;
- b. ask questions to presenters during the meetings, within the time allowed;
- c. request additional opinions from experts and stakeholders between meetings;
- d. submit motions to invite additional experts;
- e. submit proposals for directives and values related to the topic the Citizens' Chamber is dealing with;
- f. participate in the discussion on the directives and values;
- g. participate in voting on the adoption of the decisions of the Citizens' Chamber.

² Additional rights of the members of the Citizens' Chamber may be provided in the Rulebook of the Citizens' Chamber.

Art. Voluntary participation

¹ Participation in the Citizens' Chamber is voluntary.

Art. Exemption from work

¹ Members of the Citizens' Chamber are exempt from work or other duties in order to be able to participate in the meetings of the Citizens' Chamber.

Art. Independence

¹ Members of the Citizens' Chamber are independent in stating their opinions and making decisions.

Art. Immunity

¹ The members of the Citizens' Chamber may express themselves freely during the course of the Citizens' Chamber. They can only be prosecuted for their statements in the manner provided for by law.

Art. Stipend and reimbursement

¹ Members of the Citizens' Chamber are entitled to remuneration, reimbursement of costs of travel and accommodation and other expenditures, as specified in the Rulebook of the Citizens' Chamber.

Art Identity protection

¹ The personal data of the members of the Citizens' Chamber is not disclosed by the support institutions.

² The identity of the members of the Citizens' Chamber shall be disclosed after the Citizens' Chamber has completed its activities.

Art Substitute members

¹ Substitute members of the Citizens' Chamber are randomly selected to substitute for members of the Citizens' Chamber who are not able to participate in the Citizens' Chamber. Procedures and conditions for replacing a member of the Citizens' Chamber shall be specified in the Rulebook of the Citizens' Chamber.

² The number of substitute members of the Citizens' Chamber is established by the Coordination Centre for Deliberative Democracy.

³ Substitute members of the Citizens' Chamber have the same rights as members of the Citizens' Chamber, with the exception of Art. ... 1 g. Substitute members of the Citizens' Chamber may participate in voting on the adoption of the decisions of the Citizens' Chamber only if they are substituting for a member of the Citizens' Chamber.

Art Contacting experts and stakeholders

¹ Members of the Citizens' Chamber may contact experts and stakeholders only in accordance with the procedures described in the Rulebook of the Citizens' Chamber.

² Members of the Citizens' Chamber who shall contact experts and stakeholders on matters related to the topic of the Citizens' Chamber outside of the procedures presented in the Rulebook of the Citizens' Chamber shall be excluded.

Art Media appearances

¹ Members of the Citizens' Chamber may contact the media only after the process of the Citizens' Chamber is concluded. Exceptions can be made with the approval of the Coordination Centre for Deliberative Democracy and the Standards and Procedures Council.

Art Spokesperson for the Citizens' Chamber

¹ Members of the Citizens' Chamber may appoint a spokesperson to speak on their behalf. A spokesperson may not be a member of the Citizens' Chamber.

Section IV Organisation

Art. Autonomy and financing

¹ The Citizens' Chamber and its support institutions are autonomous in matters of organisation, administration and finance.

² An appropriate budget is ensured by the Grand Council to allow for the effective functioning of the Citizens' Chamber and its support institutions. The proposal for the yearly budget is calculated by the Coordination Centre for Deliberative Democracy.

Art. Initiating the Citizens' Chamber

¹ The Citizens' Senate may select up to two topics for the Citizens' Chamber for every half of the year.

² The Citizens' Chamber may be initiated by collecting 10,000 signatures within six months. The initiating group is composed of three persons.

³ The Citizens' Chamber is initiated at the earliest convenient date, no later than two years from the date the required number of signatures was submitted.

⁴ The details of the process of initiating the Citizens' Chamber shall be specified in the Rulebook of the Citizens' Chamber.

Art. Criteria for the topic

¹ Proposals for the topics for the Citizens' Chamber must meet the following criteria:

- a. the scope of the topic makes it possible to present it in the time allocated to the learning phase;
- b. the proposal is clearly formulated;
- c. respectful language is used;
- d. the proposal comes with a description of the problem that is to be solved; and
- e. the way the topic is formulated is impartial; no specific solution is proposed or emphasised.

² Additional criteria for the topics that are suitable for the Citizens' Chamber may be created and adopted by the Standards and Procedures Council. The Coordination Centre for Deliberative Democracy provides feedback on the proposal for creating additional criteria.

³ Any additional criteria for the topic for the Citizens' Chamber may be rejected by a majority of 70 percent of the members of the Citizens' Senate.

Art. Approval of the topic for the Citizens' Chamber

¹ All proposals for topics for the Citizens' Chamber require approval by the Standards and Procedures Council, subject to points 2 and 3.

² If the Standards and Procedures Council rejects a proposal for a topic submitted by the initiating group, the initiating group may file an appeal to the appropriate committee of the Citizens' Senate, which will then make a final decision in this matter.

³ If the Standards and Procedures Council rejects the topic proposed by the initiative of the Citizens' Senate, a majority of at least 70 percent members of the Citizens' Senate is required to approve it.

Art. Standards and guiding principles

¹ The standards and guiding principles for the Citizens' Chamber are adopted by the Citizens' Senate.

² Proposals for the standards and guiding principles for the Citizens' Chamber are created by the Standards and Procedures Council. The Coordination Centre for Deliberative Democracy provides feedback on the proposal for the standards and guiding principles.

Art. Rulebook of the Citizens' Chamber

¹ Rules and procedures for the organisation and proceedings of the Citizens' Chamber are described in the Rulebook of the Citizens' Chamber.

² The Rulebook of the Citizens' Chamber is created and adopted by the Coordination Centre for Deliberative Democracy. The Standards and Procedures Council provides feedback on the proposal for the Rulebook.

³ A 70 percent majority of the members of the Citizens' Senate may reject any point of the Rulebook of the Citizens' Chamber after considering the opinion of the Standards and Procedures Council.

Art. Transparency

¹ All presentations during the learning phase of the meetings of the Citizens' Chamber shall be transmitted live and recorded.

² All materials presented to members of the Citizens' Chamber shall be made available to the public.

Art. Citizens' Senate

¹ The Citizens' Senate is composed of 150 former members of the Citizens' Chamber.

² If there is not a sufficient number of former members of the Citizens' Chamber willing to become members of the Citizens' Senate, members of the Citizens' Senate are selected at random from persons who are eligible to take part in the cantonal elections.

³ The composition of the Citizens' Senate shall be representative of the canton's population in terms of the following demographic criteria:

- a. gender; and
- b. age.

⁴ The demographic composition of the Citizens' Senate may be less than perfect in terms of reflecting the demographic criteria if the demographic features of the people who accepted the invitation to participate in it are such that a perfect demographic composition is not possible.

⁵ The Citizens' Senate is selected at random for a one-year term of office. The term of office begins with the start of the calendar year.

⁶ Recruitment to the Citizens' Senate is organised by the Coordination Centre for Deliberative Democracy.

⁷ Participation in the Citizens' Senate is voluntary.

⁸ Rules and procedures for the organisation and proceedings of the Citizens' Senate are described in the Rulebook of the Citizens' Senate.

⁹ Members of the Citizens' Senate are exempt from work or other duties in order to be able to participate in the meetings of the Citizens' Senate.

¹⁰ Members of the Citizens' Senate are entitled to remuneration, reimbursement of costs of travel and accommodation, and other expenditures, as specified in the Rulebook of the Citizens' Senate.

¹¹ In order for the voting decisions of the Citizens' Senate to be valid, at least 100 members of the Citizens' Senate need to participate in the voting.

¹² The Rulebook of the Citizens' Senate is created and adopted by the Coordination Centre for Deliberative Democracy. The Standards and Procedures Council provides feedback on the proposal for the Rulebook of the Citizens' Senate.

¹³ A 70 percent majority of the members of the Citizens' Senate may reject any point of the Rulebook of the Citizens' Senate after considering the opinion of the Standards and Procedures Council.

Art. Coordination Centre for Deliberative Democracy

¹ The Coordination Centre for Deliberative Democracy is the institution responsible for preparing and conducting the meetings of the Citizens' Chamber and the Citizens' Senate.

² The director of the Coordination Centre for Deliberative Democracy is appointed by the Citizens' Senate for a four-year term of office. Members of the Citizens' Senate assess both the competences and trustworthiness of the candidates.

³ The recruitment of the director of the Coordination Centre for Deliberative Democracy is facilitated by a human resources specialist selected by the Standards and Procedures Council.

⁴ The director of the Coordination Centre for Deliberative Democracy may be recalled by a majority of members of the Citizens' Senate at any point of the term of office.

⁵ The Coordination Centre for Deliberative Democracy serves as the contact point for the Citizens' Chamber and the Citizens' Senate.

Art. Standards and Procedures Council

¹ The Standards and Procedures Council is tasked with the role of monitoring the compliance of the Chamber's process with the standards and procedures.

² The Standards and Procedures Council is composed of five impartial and independent experts in democracy.

³ The Standards and Procedures Council is appointed by the Citizens' Senate for a four-year term of office. Members of the Citizens' Senate assess both the competences and trustworthiness of the candidates.

⁴ The recruitment of the members of the Standards and Procedures Council is facilitated by the Coordination Centre for Deliberative Democracy.

⁵ The Standards and Procedures Council settles disputes over matters related to the Chamber's process.

⁶ Any member of the Standards and Procedures Council may be recalled by a majority of members of the Citizens' Senate at any point of the term of office.

Art. Legal Bureau of the Citizens' Chamber

¹ The Legal Bureau of the Citizens' Chamber is the institution responsible for supporting the Citizens' Chamber and the Citizens' Senate with the drafting of the bills and providing advice on all legal matters.

² The director of the Legal Bureau of the Citizens' Chamber is appointed by the Citizens' Senate for a four-year term of office. Members of the Citizens' Senate assess both the competences and trustworthiness of the candidates.

³ The recruitment of the director of the Legal Bureau of the Citizens' Chamber is facilitated by the Coordination Centre for Deliberative Democracy.

⁴ The director of the Legal Bureau of the Citizens' Chamber may be recalled by a majority of members of the Citizens' Senate at any point of the term of office.

Section V Competencies

Art. Legislation

¹ The Citizens' Chamber adopts laws and decrees.

Art. Form of acts

¹ The Citizens' Chamber exercises its powers in the form of:

- a. laws for general and abstract rules of indefinite duration;
- b. decrees for other acts.

² The Citizens' Chamber may also express its opinion by means of a resolution.

Art Creation of legal acts

¹ The Citizens' Chamber creates legal acts in the following steps:

- a. The Citizens' Chamber adopts directives and values for the legal act.
- b. The Legal Bureau of the Citizens' Chamber creates the draft legal act.
- c. The Citizens' Chamber, in cooperation with experts, verifies whether the draft legal act matches its directives and values.
- d. The draft legal act is presented to the public and to the Grand Council in order to collect proposals for amendments.
- e. The Citizens' Chamber reviews the proposed amendments in cooperation with experts on the topic and the Legal Bureau of the Citizens' Chamber. A proposal for an amendment submitted by at least 15 deputies from the Grand Council is subject to a vote by the Citizens' Chamber.
- f. The draft legal act is presented to the Conseil d'Etat in order to collect proposals for amendments.
- g. The Citizens' Chamber reviews the proposed amendments in cooperation with experts on the topic and the Legal Bureau of the Citizens' Chamber. Proposals for amendments submitted by the Conseil d'Etat are subject to a vote by the Citizens' Chamber.
- h. The Citizens' Chamber votes on adopting the legal act.

² Deadlines for submitting proposals for amendments shall be set in the Rulebook of the Citizens' Chamber.

Art. Primacy principle

¹ If the Grand Council and the Citizens' Chamber wish to address the same topic, the legal acts created by the Citizens' Chamber are final.

Art. Decision-making

¹ The Citizens' Chamber makes decisions by means of a secret ballot. Decisions related to the process of a Citizens' Chamber may be made in a different manner, as specified in the Rulebook of the Citizens' Chamber.

² Voting by the Citizens' Chamber is done by selecting one of the following options for each proposal:

- a. I strongly agree;
- b. I agree;
- c. I agree, although I have some reservations;
- d. I have many doubts;
- e. I rather disagree;
- f. I disagree;
- g. I strongly disagree;

where options a-c indicate support for the proposal and options d-g indicate a lack of support.

⁴ For each vote, points are granted as follows:

- a. I strongly agree - 3 points;
- b. I agree - 2 points;
- c. I agree, although I have some reservations - 1 point.

⁵ An arithmetic mean is calculated for the points granted in accordance with item 4.

⁶ A proposal is considered as approved by the Citizens' Chamber when:

- a. it receives the support of at least 75 percent of Chamber Members participating in the vote, and
- b. the arithmetic mean of the points granted to it is at least 1.75.

⁷ In order for the vote to be valid, at least 150 members of the Citizens' Chamber need to participate in the voting.

⁸ Additional rules for voting and decision-making shall be set in the Rulebook of the Citizens' Chamber.

Art. Changes to the acts created by the Citizens' Chamber

¹ Acts created by the Citizens' Chamber may be changed by another Citizens' Chamber or through a popular initiative.

² The Grand Council may change an act created by the Citizens' Chamber only with the approval of at least a 75 percent majority of the members of the Citizens' Senate participating in the vote.

Art. Popular referendum

¹ Any law or a decree created by the Citizens' Chamber may be revoked through a popular referendum.

Art. Referendum campaign

¹ The members of a Citizens' Chamber who took part in creating an act which is contested through a popular referendum may initiate a campaign in support of their decisions.

² For the purpose of a referendum campaign, members of the Citizens' Chamber who took part in creating an act which is contested through a popular referendum appoint a spokesperson to speak on their behalf throughout the campaign. A spokesperson may not be a member of the Citizens' Chamber.

³ A referendum campaign in support of the decisions of the Citizens' Chamber is run by the Coordination Centre for Deliberative Democracy and is funded from the public budget.

Other articles for updating

Art. 1 The Canton of Vaud

² People are sovereign. People exercise their power:

- a. directly through universal suffrage;
- b. indirectly through their representatives;
- c. by a randomly selected and demographically representative Citizens' Chamber.

Art. 75 Contents of political rights

¹ The political rights include:

- a. participation in elections and voting;
- b. eligibility to initiate and to sign the demands for an initiative and referendum;
- c. eligibility of being randomly selected as a member of the Citizens' Chamber;
- d. eligibility to initiate and to sign the demand for the Citizens' Chamber;
- e. eligibility of being randomly selected as a member of the Citizens' Senate.

Art. 91

² The authority of the Grand Council does not apply to the acts created by the Citizens' Chamber, subject to Art. ... point. ...

Art. 90 Incompatibilities

⁵ The law as well as the Rulebook of the Citizens' Chamber and the Rulebook of the Citizens' Senate may specify other incompatibilities.

Art. 89 Separation of powers

³ The legislative power is exercised by the Grand Council and the Citizens' Chamber.

Art. 173 Total revision

¹ A total revision may be requested by the Grand Council, by the Citizens' Chamber or by popular initiative.

² The request is submitted to the electorate, which decides whether the total revision should take place and, alternatively, whether it should be entrusted to the Grand Council or a constitutional assembly.

Art. 174 Partial revision

¹ A partial revision may be proposed by the Grand Council, by the Citizens' Chamber or requested by means of a popular initiative.