

Minutes of the meeting of the Electoral Commission
held on Wednesday 22 September 2010 at 2.30
p.m.

Present: Jenny Watson (JW) Chair
Max Caller (MC)
Tony Hobman (TH)
Ian Kelsall (IK) (by teleconference)
John McCormick (by teleconference)

In attendance:
Carolyn Hughes (CH)
Stephen Rooney (SR)
Andrew Scallan (AS)
Kay Jenkins (KJ)
Tom Hawthorn (TH)
Alex Robertson (AR)
Louise Footner (LF)
Christie Dennehy (CD)
Gemma Rosenblatt (GR)
William Reburn (WR)
Kairen Zonena (KZ)

1 Apologies

Apologies were received from Henrietta Campbell.

JW thanked Commissioners for bearing with the change of date at short notice, caused by receiving a lengthy full research report which would be extremely difficult to read in the time between despatch and the original meeting date.

2 Declaration of Interests

The Chair declared to the Board that from 1996 to 1998 she was employed by Charter88, the Welsh arm of which was part of the 'yes' campaign during the last Welsh referendum in 1997. IK declared that

he had been Director for CBI Wales during the 1979 Wales Referendum and that CBI Wales had supported the 'no' campaign. It was agreed that these declarations did not make withdrawal from decision or discussion necessary. There were no other declarations of interest.

3 UK Referendum – question assessment (Briefing paper EC84/10, Draft report of views of the Electoral Commission on the proposed referendum question EC85/10, Topline research findings EC86/10, Final qualitative research by Define EC87/10)

3.1 KJ introduced the report by explaining that in contrast to the Wales referendum question assessment process, where it had been possible to do more by way of preparation before the start of the process, there had been less notice for setting up the research for this question assessment, and more fieldwork was required. .

3.2 In accordance with the Commission's criteria for assessing intelligibility described in Appendix 2 of the draft report (EC85/10), research had been undertaken on the original question (at Appendix 1, p27 of the draft report), and variations. One of the alternatives was a slightly revised question, referred to as a 'plain language' version (paragraph 4.9 of the report), was shown by the research to be easier for voters to understand than the proposed question.

3.3 In addition, an alternative (paragraph 4.13) which offered voters a positive choice appeared to avoid a slight perception in the original question of bias towards change, and enabled voters to feel more confident that they had marked the ballot paper in accordance with their true intentions. This question, while popular, had not been included as part of the original research brief nor comprehensively tested. There was therefore a risk that fieldwork would not have identified issues that might arise when people were asked to complete the question individually.

3.4 The plain language version, which read 'At present, the UK uses the "first past the post" system to elect MPs to the House of Commons. Should the "alternative vote" system be used instead? Yes/No', had been endorsed by the Plain Language Commission.

3.5 Commissioners asked a number of questions and points of clarification, on the size of the research sample, whether there was a duty on the Commission to assess any revisions which the government might subsequently propose, whether there was an established rationale for the positions of 'Yes' and 'No' boxes on the ballot paper and any inherent advantage in being first,, the linguistic problem posed by the Welsh language translation of the question (which used the word

'should'), and the clear need for information to enable people to make a choice.

- 3.6 The enthusiasm among voters for the options formulation, which presented the question by way of a positive choice for either first past the post, or alternative voting, was noted. But it was also noted that the Council of Europe had expressed a marginal preference for referendum questions to be framed in terms of Yes/No answers. There was felt to be an additional risk, that where a ballot paper offered a choice, people might infer that AV equalled a generic alternative to first past the post, or they might be tempted to add their own choices, and thereby spoil their vote.
- 3.7 In relation to publicity campaigns and information to be provided to voters, there was a brief discussion on whether and how to mention that implementation of the alternative vote system would be linked to the reduction of the number of MPs and the redrawing of electoral boundaries. It was acknowledged that this issue would need careful handling in the booklet, and did not need to be included in the report at this point.
- 3.8 A further version of the research report would be received on Friday 24 September, and circulated to Commissioners for their information that day. The intention was to publish the report on Wednesday 30 (the duty being to report to Parliament) with an embargoed copy to the Deputy Prime Minister and the Cabinet Office an hour before publication. There was some discussion about alternative approaches to publication, and it was agreed that this would be decided by JW in consultation with SR.
- 3.9 The Board wished to express their thanks to staff for producing an excellent, evidence-based report.

Agreed: That:

- (a) The plain language redraft of the question, reproduced at paragraph 3.4 above, be endorsed and recommended in the Commission's report;
- (b) the second sentence of paragraph 4.17 of the draft report be deleted, and careful consideration be given to inclusion of boundary reviews in public information put out by the Commission, and;
- (c) JW and SR agree the details of publication.

The meeting ended at 3.20 p.m.

EC 89/10

Signed:

Chair