Referendum on the United Kingdom's membership of the European Union

Advice of the Electoral Commission on the referendum question included in the European Union (Referendum) Bill

October 2013

Translations and other formats

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We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

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Summary of our advice

We have a statutory duty to publish a statement of our views on the intelligibility of the proposed referendum question included in the European Union (Referendum) Bill currently before the UK Parliament, which is:

"Do you think that the United Kingdom should be a member of the European Union?"

To inform our assessment we carried out research with members of the public to see how well the proposed question meets our guidelines for intelligible questions, and whether it is easy for voters to use and understand. We also wrote to people and organisations including the main UK political parties, would-be campaigners and plain language experts, to seek their views on the proposed question. We took account of views expressed by other individuals and groups who contacted us.

Our assessment of the proposed question

Our referendum question assessment guidelines say that a question should be clear and simple, that is: easy to understand; to the point; and not ambiguous. It should also be neutral, which means it should not encourage voters to consider one response more favourably than another, or mislead voters.

We found that the wording of the question itself is brief, uses straightforward language, and is easy to understand and answer. Some people felt that the opening phrase "Do you think…" is too informal for a referendum question.

We also found, however, that the phrase 'be a member of the European Union' to describe the referendum choice is not sufficiently clear to ensure a full understanding of the referendum as a whole. Rewording the description of the referendum choice to more clearly reflect the current membership status of the UK within the EU would reduce the risk of ambiguity about the consequences of the referendum and reduce the risk of misleading voters.

Our recommendations

We recommend that the wording of the proposed referendum question included in the European Union (Referendum) Bill should be amended to make it more direct and to the point, and to improve clarity and understanding.

Our consultation, analysis and research with the public has not, however, identified a single preferred alternative question wording. Responses from participants in our research were complex, with varied levels of knowledge

and understanding about the current membership status of the UK within the EU, and there were some strong views on the neutrality of specific words or phrases. Our research suggests that currently, in the context of a referendum on the UK's membership of the EU, question wordings using 'Yes' and 'No' as response options (the approach of the proposed referendum question) would not be able to fully resolve these complex issues.

Recommendation 1 which retains the 'Yes' and 'No' response options makes the question shorter, more direct and to the point than the proposed question contained in the Bill. It also more clearly reflects the current position of the UK within the EU, reducing the risk of ambiguity about the consequences of the referendum.

Our recommendations highlight an important decision for Parliament about retaining or moving away from the UK's recent experience of referendum questions using 'Yes' and 'No' as response options. An amended referendum question not using 'Yes' and 'No' would require a further assessment of the intelligibility of this wording.

Recommendation 1: Amended referendum question retaining 'Yes' and 'No' response options

Making the question more direct and to the point
We recommend that the opening phrase "Do you think…" should be replaced with the word "Should…". This would make the question shorter, more direct and to the point. It would also reinforce the importance and significance of the referendum as a formal mechanism for seeking consent from the electorate.

Making the question clearer and improving understanding
We recommend that the description in the question of the referendum choice for the UK (currently "should be a member of the European Union") should be replaced with wording which more clearly reflects the current position of the UK within the European Union. Clarifying the current status of the UK within the EU is necessary to help voters better understand the choice of actions proposed for the UK, and would also reduce the risk of ambiguity about the consequences of the referendum which could mislead some voters.

We considered and tested a range of alternative approaches for amending the wording of the proposed question to more clearly reflect the current status of the UK within the EU. On balance, taking into account the views from participants in our research with the public, input from those who sent us their views and advice from plain language experts, we have concluded that the proposed referendum question would be improved by amending the description of the referendum choice to "remain a member of the European Union".

The wording of the referendum question under this recommendation would be:

"Should the United Kingdom remain a member of the European Union?"

The response options would be "YES" and "NO", retaining the approach used for the proposed question wording currently included in the Bill.

Providing a Welsh language version of the question and responses
Having tested Welsh language translations of the proposed referendum question and the alternative versions used during our research with voters, we are satisfied that the Welsh language translation of the question wording set out in Recommendation 1 will be clear and intelligible for voters in Wales.

The wording of the referendum question for ballot papers in Wales would be:

**"A ddylai'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd?
Should the United Kingdom remain a member of the European Union?"**

The response options would be "Dylai YES" and "Na Ddylai NO".

Recommendation 2: Amended referendum question not using 'Yes' and 'No' response options

It is clear from our research that some people will perceive either positive or negative associations with the phrase 'remain a member of the European Union', although there was no evidence to suggest that this wording resulted in participants changing their voting preference in any way.

We recommend that Parliament should consider very carefully whether it wishes to retain the approach of a referendum question which uses 'Yes' and 'No' as response options, taking into account the risk of a perception of bias which might be associated with the question wording set out in Recommendations 1 above. If Parliament decides not to retain a referendum question which uses 'Yes' and 'No' as response options, we recommend that the referendum question should be amended to reflect the alternative version of the wording included in our research with the public, which was considered to be the most neutral of the six versions tested. The wording of the referendum question under this recommendation would be:

"Should the United Kingdom remain a member of the European Union or leave the European Union?"

The response options would be "Remain a member of the European Union" and "Leave the European Union".

Providing a Welsh language version of the question and responses
The wording of the referendum question for ballot papers in Wales under this recommendation would be:

**"A ddylai'r Deyrnas Unedig bara i fod yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?
Should the United Kingdom remain a member of the European Union or leave the European Union?"**

The response options would be "Para i fod yn aelod o'r Undeb Ewropeaidd Remain a member of the European Union" and "Gadael yr Undeb Ewropeaidd Leave the European Union".

Further assessment of this amended wording
While we have tested this version of the question and probed on what refinements might improve it with members of the public, the iterative nature of the research meant that it was not possible in the time available to fully explore and user test the impact of any variations to the wording (such as using alternative answer responses such 'continue' or 'stay' instead of 'remain', or using shorter versions of the response options).

If the Bill is amended to include this version of the referendum question, we would therefore undertake a further assessment of the intelligibility of this wording, including research, consultation and further testing in Welsh. We would also seek evidence from potential referendum campaigners about the impact of this approach.

While we could commence this assessment immediately if the Bill is amended, it would not be possible for us to complete it in the relatively short time available before the Bill completes its passage through the House of Commons. Our assessment would, however, be published and made available to Parliament before the Bill completes its passage through the House of Lords.

1 Background

The European Union (Referendum) Bill

1.1   On 19 June 2013, James Wharton MP introduced into the UK Parliament his European Union (Referendum) Bill (referred to as 'the Bill' in this report), a Private Members' Bill which makes provision for a referendum to be held on the United Kingdom's membership of the European Union. On 5 July 2013, MPs voted 305 to 30 in favour of the Bill receiving its second reading.

1.2   The proposed question contained in the Bill as introduced to Parliament is:

"Do you think that the United Kingdom should be a member of the European Union?"

1.3   The Bill does not include a version of the question in Welsh, but provides for a version to be specified by order so that it can be included on bilingual ballot papers in Wales.

1.4   Following requests from James Wharton MP, however, we included in our question assessment process a version of the question in the Welsh language. Given that the Bill already provided for such a question to be included, this approach also enabled us to run as cost effective assessment process as possible by testing both versions of the question at the same time.

1.5   The translation of the proposed question in Welsh[1] which we have tested is:

"Ydych chi'n meddwl y dylai'r Deyrnas Unedig fod yn aelod o'r Undeb Ewropeaidd?"

1.6   This report contains the Electoral Commission's advice on the wording and intelligibility of these questions.

Our role in referendums

1.7   The Electoral Commission is an independent body which reports directly to the UK Parliament. We put voters first by working to support a healthy democracy, where elections and referendums are based on principles of trust,

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[1] The Electoral Commission employs an expert in the Welsh Language to ensure we provide accurate and impartial translations of our work as they are needed. Our expert provided a translation of the proposed question and the alternative wordings included in our research with members of the public.

participation, and no undue influence. We regulate party and election finance and set standards for well-run elections and referendums. We are also responsible for publishing reports on the administration of elections and referendums.

1.8   The Electoral Commission has a statutory responsibility under the Political Parties, Elections and Referendums Act 2000 (PPERA) to report on the intelligibility of a question included in a referendum Bill, as soon as practicable once it has been laid before the UK Parliament.[2] This is our ninth referendum question assessment report.[3] This is the first time that we have undertaken an assessment exercise for a question included in a Private Members' Bill (PMB). Our assessment process commenced once the Bill had received its second reading, on 5 July 2013.

1.9   Except where a referendum Bill makes specific provision to dis-apply the relevant provisions of the PPERA, the Commission will also have responsibility in any UK-wide referendum for:

- Registering organisations or individuals who want to campaign in the referendum.
- Monitoring spending on referendum campaigning, in line with the referendum spending limits imposed by the PPERA.
- Considering applications for designation as lead campaign groups for each referendum outcome.
- Ensuring that designated organisations (if appointed) have access to certain assistance.
- Reporting on the administration of the referendum and referendum campaign spending.

1.10   Under the provisions of the PPERA, the Chair of the Commission, or someone she appoints, must act as Chief Counting Officer for the referendum and will be responsible for certifying the outcome of the referendum.

Our question assessment process

1.11   Our priority is that referendum questions are written in a way that voters can understand, so that they know what they are voting on. In November 2009, we reviewed and revised our approach to question assessment and published *Our preferred approach to question assessment*, and our revised

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[2] Section 104 PPERA.
[3] The Commission has assessed the intelligibility of questions for the 2011 referendum on powers of the National Assembly for Wales, the 2011 UK-wide referendum on the parliamentary voting system, a range of local government referendums held in England since 2008, and the forthcoming referendum on independence for Scotland.

Referendum question assessment guidelines.[4] These are attached as Appendices 1 and 2 to this report.

1.12 We developed our guidelines to:

- Help us assess how intelligible proposed questions are.
- Help people draft intelligible referendum questions.

To respond to this consultation, we have followed our published preferred approach to assessing referendum questions by:

- Undertaking public opinion research through focus groups and one-to-one interviews.
- Writing to interested individuals and groups (including political parties represented in the UK Parliament) to seek their views.
- Seeking advice from experts on plain language and accessibility.

1.13 A report of the findings of our public opinion research, including the methodology adopted, is available on our website.[5]

1.14 A list of respondents who gave us their views through correspondence or in meetings held for the purpose is attached as Appendix 3 to this report. The views we have received from these respondents are addressed where relevant in this report. We much appreciate the time taken by individuals and organisations in giving their views to us.

Timescales

1.15 We have conducted our question assessment over the UK Parliament's summer and party conference recess periods, with the majority of this time spent on carrying out our research fieldwork and analysing the findings. We committed to publishing our assessment in advance of the earliest point that the Bill could return to parliament for its Report stage, which is scheduled for 8 November. This report fulfils that commitment.

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[4] Our approach is available to download from:
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/82625/Referendum-Question-statement-final.pdf; our guidelines are available to download from:
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/82626/Referendum-Question-guidelines-final.pdf
[5] http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/163283/GfK-NOP_EU20Referendum20Question20Testing20Research20Report-WEB.pdf

Scope of our advice on 'intelligibility'

1.16 We interpret the scope of our responsibility to give advice on 'intelligibility' as going further than simply looking at whether people understand the language used in the referendum question. We have a statutory duty to publish any views on the intelligibility of a referendum question, and we also consider within this duty whether alternative question wordings would help address any problems which our assessment has identified.

1.17 We have confined our suggestions to changes in the language or structure and the framing of the question. This does not extend to suggesting alterations that would change the substance of the question or introduce new factors which might alter the nature of the debate.

1.18 This assessment is based on the question as it is currently drafted and included in the Bill when it was introduced. If the wording of the question were to be changed during the Bill's passage through Parliament, our advice and any recommendations may not be applicable.

1.19 We expect that Parliament will consider our conclusions and the principles of our assessment in the event that any alternative phrasing or wording is proposed as the Bill progresses.

Publication of our views

1.20 As an independent body we want to ensure that our approach is open and transparent. Whilst this assessment will be submitted to the UK Parliament, we are also publishing it on our website, along with a more detailed report on the findings of our research with members of the public.

2 Views from the public

2.1   We appointed the independent research agency GfK NOP to carry out a qualitative research exercise to see how people reacted to and understood the proposed referendum question wording included in the Bill. This has given us an evidence base for our conclusions and any recommendations for the wording of the referendum question.

2.2   The research helped us find out people's understanding of the proposed question and the reasons for this. The research also helped us explore whether and how the question could be made more intelligible. It focused on the question itself and how it is written, rather than on how people would vote if a referendum were to take place.

2.3   The full report from GfK NOP is available on our website.[6] The report describes who participated and where the research took place.

Key areas considered in our public opinion research

- **Completion**: participants were asked to answer a proposed question as if for real and identify any words or phrases they found clear, or more difficult to understand.
- **Understanding**: participants discussed what they thought the question was asking and any difficulties they had with the question, and the reasons for this.
- **Neutrality**: participants were asked to consider whether they felt the question was encouraging people to vote in a particular way, and if so, why they felt that.
- **Improvements**: participants considered what improvements they would make to the question wording and discussed their suggestions.
- **Comparing alternatives**: participants were shown alternative question wording and asked to compare it to the original proposed question wording, and consider whether or not the changes improved the question.

The research methodology and approach

2.4   As with our previous eight referendum question assessment exercises, a qualitative approach was chosen for this research. The purpose for selecting this approach was to clearly identify any problems with people's understanding of the proposed question, explore the reasons for those

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[6] http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/163283/GfK-NOP_EU20Referendum20Question20Testing20Research20Report-WEB.pdf

problems and explore ways in which they might be solved, so that we have evidence for any changes we recommend to Parliament. Full details of the research approach and methodology are contained in the research report.

2.5   The testing used a combination of one-to-one in-depth interviews and focus groups to test the question among a sample of participants in a range of locations across the UK, to gather both rich insights and a broad range of feedback. This included a spread of members of the public with a broad range of demographic characteristics, voters and non-voters, differences in knowledge of, and attitudes to the European Union (EU), and those with low literacy and English as a second language. Welsh language versions of the proposed question and alternative wordings were also tested by some participants in Wales.

2.6   We were not attempting through this process to estimate the proportion of voters who might, for example, give a particular response, interpret the question in a certain way or misunderstand particular wording. We were also not attempting to measure the neutrality of the proposed question in a numerical or absolute sense. Rather, we explored people's perceptions of the question.

2.7   A quantitative approach to research with the public would not have provided the necessary depth of understanding of the key issues. It might have told us what people thought of particular issues but not why, and it would not have enabled us to find out how any problems they raised might be addressed.

Testing alternative question wordings

2.8   We have substantial previous experience of assessing referendum questions, including carrying out research with voters. This experience has indicated that research participants can find it difficult to suggest specifically how questions could be re-worded to address problems that they have identified.

2.9   We therefore carried out an initial assessment of the proposed referendum question against our question assessment guidelines to identify words or phrases that might potentially affect people's ability to understand and answer it, taking into account the findings of previous referendum question assessments we have carried out. We then developed a small number of alternative question wordings.

2.10 The purpose of developing alternative question wordings was to allow us to test possible changes to see whether or not they improved the intelligibility of the proposed question. This would provide an evidence base for any recommendations for change.

2.11 The main aim of this element of the research was not therefore for the research participants to choose one of the versions they were shown as 'the best' (either the proposed question as set out in the draft Bill, or any of the alternative wordings). Instead, providing different versions that could be

compared and contrasted during fieldwork was intended to help participants to identify which factors might improve or worsen the intelligibility of the question wording.

2.12 In total, six versions of the question were used during the research:

- The question, as set out in the European Union (Referendum) Bill (referred to throughout this report as 'the proposed question'):

  "Do you think that the United Kingdom should be a member of the European Union?"

And five alternative versions:

- *Should the United Kingdom remain a member of the European Union?* (referred to as 'version 2')
- *Should the United Kingdom continue to be a member of the European Union?* (referred to as 'version 3')
- *Should the United Kingdom remain a member of the European Union or leave the European Union?* with the response options 'Remain a member of the European Union' and 'Leave the European Union' (referred to as 'version 4')
- *The United Kingdom is a member of the European Union. Do you think that the United Kingdom should be a member of the European Union?* (referred to as 'version 5')
- *Should the United Kingdom leave the European Union?* (referred to as 'version 6')

2.13 What follows is a summary of the key insights from our research with members of the public. Where relevant we compare and contrast the findings that relate specifically to the proposed question and the alternative versions that we tested.

What we learnt from our research about the proposed question

Context and understanding of the European Union

2.14 Our research found that people's knowledge and understanding of the EU ranged from people who said that they had no knowledge up to those who had a moderate level of knowledge. The majority of participants in our research, regardless of their level of knowledge of the EU as a form of political and economic union between the countries of Europe, stated that their personal understanding of how the EU worked was low. They reported feeling under-informed about the EU as an institution, as well as about the arguments for and against the UK remaining a member.

2.15 Younger people, those with English as a second language, people with lower literacy levels, and people from lower socio-economic groups tended to have the lowest levels of knowledge about the EU. Although older people tended to have higher levels of knowledge, mainly because of their awareness of the historical development of the EU, this did not necessarily translate into a good understanding of the EU. For some participants, their own lack of knowledge and understanding about the EU meant that they found it difficult to cast a vote. They felt unclear about what voting for or against membership would mean and therefore felt unable to cast a vote without further information.

"I think before you vote on something like this that you need to, like I said before you to have at least a brief idea what the European Union is and how the United Kingdom are a part of it and how it affects the United Kingdom."
Female, aged 24, in-depth interview, Nottingham, Learning difficulties

2.16 There was an assumption among participants in our research that people would be able to access more information about the EU before being asked to vote in a referendum on this issue, and that more information about the EU and the outcome of a Yes or No vote could influence voting intentions.

Understanding the proposed question

2.17 People who took part in our research found the language used in the proposed question straightforward, accessible, concise and easy to understand. This was also true for those participants in Wales who considered the Welsh language version.[7]

2.18 No individual words caused any difficulties for the participants in terms of understanding what the question was asking, or how to answer it. The main concerns they had about the question related to their contextual understanding of the EU, rather than the language used.

2.19 However, there were issues with the phrases '*Do you think…?*' and to '*be a member of…*'.and these are detailed below.

Use of 'Do you think…?'
2.20 Views from participants on the opening phrase 'Do you think…' in the proposed question were split. Those who liked the wording thought it was neutral and personal, as if it was inviting someone's considered opinion and encouraging them to think about the question. Younger people were slightly more likely than older participants to express a preference for this phrasing, because it made them feel that their vote was important.

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[7] Unless stated otherwise the views presented are of those who considered both the English and the Welsh versions of the questions.

2.21 Other participants, however, did not like the use of this opening phrase because they thought it was too informal, and likened it to a question that would be asked in an opinion poll survey. Some participants thought that the phrase 'Do you think…' implied that no action would be taken as a result of the referendum vote.

Understanding of 'be a member of...'
2.22 Our research found that the use of the phrase 'be a member of…' made the question unclear for some people. It suggested to them that the UK is *not* currently a member of the EU, and that the question was asking them if the UK should now join the EU. Some respondents found it difficult to answer the question for this reason, and the phrasing was particularly problematic for participants with no knowledge of the EU.

2.23 These participants were uncertain as to why they were being asked this question and raised concerns that the current wording could cause errors in how people would vote in the referendum.

2.24 Consequently most participants in our research felt that the question would need to include further information or words to make clear that the UK is already a member of the EU. Participants spontaneously offered a number of suggestions, including inserting the words 'continue', 'remain', 'stay', or 'still be' a member of the EU.

Neutrality of the proposed question

2.25 While participants identified some perceived bias in all six versions of the question wording included in our research, some people felt that because the proposed question did not include a description of the current membership status of the UK within the EU it was actually a fair and neutral way to ask the question. This view, however, was expressed by participants who already clearly understood the current membership status of the UK within the EU, and who therefore did not need the clarification provided by further explanatory wording.

2.26 A few participants did think that the phrase 'should be a member' could potentially be biased towards a 'yes' vote because it could be interpreted as them being told that they '*should'* vote be a member of the EU. However, none of the participants said it would influence how they themselves would vote so their perceptions only related to how they thought other people could potentially be influenced.

What we learnt from our research about alternative question wordings

2.27 The purpose of developing and testing alternative question wordings is to see whether possible changes could improve the intelligibility of the proposed question. This helps to provide an evidence base for any recommendations for change to the proposed question.

Use of 'Should…' instead of 'Do you think…'

2.28 Four of the alternative questions included in the research (versions 2, 3, 4 and 6) included the use of the word 'Should…' in place of 'Do you think…'. This alternative question introduction did not affect people's ability to understand or answer the question according to their intentions, but some research participants preferred it because they felt it was asking them to state their choice or a decision about the issue, rather than their simply their opinion. These participants felt that the use of 'Should…' was more decisive and binding, and that the Government would take it more seriously, with action taken as a result.

Alternative wordings to clarify the current membership status of the UK

2.29 To allow us to test possible changes to the original proposed question to see whether or not they improved its intelligibility, we developed alternative question wordings as outlined above. These provide part of our evidence base for our recommendations for change.

Introducing the words 'remain' or 'continue'
2.30 Our research also tested amended versions of the proposed question with the words 'continue' or 'remain' (in versions 2 and 3 respectively[8]) inserted to make it clearer that the UK is currently a member of the EU. The word 'remain' was also tested in version 4, which used response options of 'Remain a member of the European Union' and 'Leave the European Union' rather than the 'Yes' and 'No'.

2.31 Participants broadly agreed that versions 2 and 3 of the question were clearer and easier to understand than the original proposed question because they both made it clearer that the UK is already a member of the EU. Participants were confident that they understood these questions, and that people would be able to vote in the way they intended to.

> *"This question [Q2] makes it clear that we are already in there [the EU]. That one [Q1] asks whether we should be. This one [Q2] is the best one for now. I would use this one [Q1] to ask people if they wanted to join Europe."*
> **Male, aged 60, in-depth interview, Aberystwyth**

2.32 There was no overall consensus among participants about whether they preferred either 'continue' or 'remain'. Many participants used 'remain' and 'continue' interchangeably; after seeing one of them they tended to spontaneously suggest the other as an alternative.

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[8] Versions 2 and 3 were not tested in the final stage of fieldwork. See the research report for full details.

2.33 Some participants thought that the word 'remain' might be difficult for some other people to understand, as they felt it was not as commonly used compared to the word 'continue'. There was no direct evidence from the research, however, that any of the participants had any difficulty in interpreting the word 'remain'. This was true of people with English as a second language and those with low literacy levels.

2.34 Some participants did express concern about the effect of including 'remain' and 'continue' on the neutrality of the question. Participants agreed that these words were needed to clarify the UK's current membership status within EU, but expressed concern that their inclusion could potentially introduce some risk of perceived bias precisely because they refer to the 'status quo'. Participants identified assumptions which they thought some voters might draw from information about the UK's current membership status: that maintaining the status quo would be seen in either a positive 'solid' or negative 'stagnant' light; or that the terms of the UK's membership of the EU would be the same at the time of the referendum as they are now in 2013.

2.35 There was no evidence, however, that participants in the research had been influenced by the wording of these revised question versions. Participants tended to associate these words either in a positive or negative light depending on their individual voting preferences. However, the concerns about potential bias arising from the use of 'remain' and 'continue' were not strong and it was clear that, regardless of which wording was used, participants understood the question and voted in the way they wanted to.

Introducing the word 'leave'

2.36 Although the proposed referendum question wording would ask voters to confirm the UK's current membership of the EU by voting 'Yes', some participants in the early stages of the research fieldwork also identified the option of framing the question in the opposite way: that voters could be asked to vote 'Yes' to the UK leaving the EU. Later stages of the research therefore tested the inclusion of the word 'leave' in version 6 of the question wording.[9] Version 4 of the question wording also included the word 'leave' in both the question and response options. As outlined in Chapter 3 below (para 3.11) there was also support from some potential campaign groups for including the word 'leave' in the question.

2.37 Participants in the research found version 6 of the question wording concise, to the point, and easy to answer. This view was typically driven by the short formulation of the question, especially for those with English as a second language and people with lower levels of literacy.

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[9] Version 4 of the question was tested in the second and final stages of the research fieldwork. Version 6 was only tested in the final stage. See the research report for full details.

2.38 Consistent with the response to versions 2 and 3 of the question wording, however, some participants expressed concern about the effect of including the word 'leave' on the neutrality of the question. Again, while they agreed that including the word 'leave' would help to clarify the UK's current membership status within EU, participants identified concerns that the word could be seen as leading. The word 'leave' itself was felt by participants to be overtly negative, and was also described by many participants as a 'strong' word which could push some voters to answer 'Yes' to the question.

2.39 As with versions 2 and 3, there was no evidence that participants in the research had been influenced by the wording of these revised question versions. It was clear that, regardless of their own perceptions of or associations with the word 'leave', participants understood the question and voted in the way they wanted to.

2.40 The perceived lack of neutrality, however, meant that most participants in the research felt it would not be appropriate to use 'leave' in the question as worded in version 6. While some participants in the research did not identify the word 'leave' as biased, they were in a minority of participants overall.

2.41 Concerns about the perceived neutrality of version 6 including the word 'leave' were more strongly expressed by participants in the research compared with the concerns about the use of the words 'remain' or 'continue' in versions 2 or 3, because they felt that the word 'leave' would elicit stronger feelings from people than either 'remain' or 'continue'. Concerns about the neutrality of the word 'leave' were also more strongly expressed in relation to its use in version 6 than in version 4, which also included the word 'remain' in both the question and response options.

Use of a preamble
2.42 Our research also tested an amended version of the proposed question (version 5) which included a preamble added to make it clearer that the UK is currently a member of the EU.[10]

2.43 The majority of participants felt that the inclusion of information about the UK's current membership was important and that it was a useful clarification for people who may not be clear about the UK's current membership status.

2.44 While participants overall found that the preamble and question used clear and simple language, some felt that it made the question more confusing because it appeared to be contradictory: while the preamble stated that the UK is a member of the EU, the phrase 'be a member' in the question implied to some people that the UK is not currently a member. As such it made it difficult for those people to feel confident about the answer they gave to the question.

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[10] This version of the question was tested in the final stage of fieldwork in a small number of full-depth and mini-depth interviews. See the research report for full details.

2.45 Despite this, version 5 was seen as neutral because it removed the need to use words describing the referendum choice as an action ('remain', 'continue' or 'leave', for example) which some participants thought could introduce some risk of perceived bias.

Using the words 'Remain' and 'Leave' as response options instead of 'Yes' and 'No'

2.46 Version 4 of the question wording included in our research used the words 'Remain' and 'Leave' as response options to the referendum question, instead of 'Yes' and 'No'. Participants in the research found the question to be simply worded and easy to understand. They also highlighted the neutrality of providing equal weighting to the terms 'Remain' and 'Leave'. Participants in the research considered version 4 to be the most balanced and neutral of the six versions included in the research.

2.47 Version 4 was criticised by some participants on the basis that it is lengthier and more long-winded than the other questions. This was more likely to be raised as an issue by participants with low literacy or English as a second language who had to reread it. Some also found it to be repetitive as the options were presented in both the question and in the answer. All participants understood what they were being asked and were able to answer it in the way they had intended.

2.48 There was no clear preference for using the words 'Remain' and 'Leave' as response options instead of 'Yes' and 'No'. Some thought that using 'Yes' and 'No' was simpler, while others thought that using 'Remain' and 'Leave' provided more clarity, allowing them to understand the meaning of each of the options.

2.49 Concerns about the neutrality of the word 'Leave' were much less significant in the context of version 4 of the question wording compared with version 6. Most participants felt that by pairing 'leave' with 'remain' in version 4 the question was balanced and more neutral, giving each term equal weighting.

Welsh language version of the question and responses

2.50 In considering the intelligibility of the proposed referendum question we have also assessed a Welsh language version of the referendum question, since in Wales the referendum ballot paper will be bilingual.

2.51 Views of participants in Wales largely mirrored those in England as described above. However, participants in Wales tended to favour the word 'remain' to 'continue' and when asked to choose between versions 2 and 3, the majority of Welsh-speaking participants preferred the wording 'ddal/dal' (remain) to 'bara' or 'barhau' (continue).

2.52 Using the word 'Should…' (translated as 'A ddylai…') to introduce the question included on the bilingual ballot paper would mean that the Welsh

language response options ('Dylai' and 'Na ddylai', meaning 'It should' and 'It should not' respectively) are not direct translations of the English response options ('Yes'/'Ydw' and 'No'/'Nac ydw'). This did not emerge as particularly problematic issue in our research, however, and participants did not identify any concerns about the impact of the question wording on referendum campaign activities.

2.53 The bilingual ballot paper used in Wales for the May 2011 UK-wide referendum on the voting system for UK Parliamentary elections also used the question wording 'Should…'/'A ddylai…' and the responses 'Yes'/'Dylai' or 'No'/'Na ddylai'. Our post-referendum research and analysis did not identify concerns that the use of 'Dylai' and 'Na ddylai' as response options caused any confusion for voters or campaigners at that referendum.

3   Respondents' views

3.1   We wrote to people including the main political parties represented in the UK Parliament to seek their views and to offer meetings to hear from them. We also wrote to prospective campaigners and other interested organisations.

3.2   We also received views and comments from individuals and groups who contacted us, having seen from our website or otherwise heard that we were undertaking this question assessment.

3.3   A list of people who responded with their views on the question is at Appendix 3. In total, we received 19 responses.

3.4   In this chapter, unless otherwise specified, we use the term 'respondents' (or similar terms such as 'people who responded'; 'response') generally to refer both to those people or organisations whose views we sought, and other people or organisations who chose to contact us to give us their views on the question.

3.5   The submissions we received reflected findings from our research with the public. Overall respondents found the proposed question itself to be straightforward and easy to understand. A majority of respondents found the wording to be broadly clear and concise, and did not consider the wording to be biased.

3.6   Four submissions were specifically concerned that the question as currently drafted fails to make the outcomes of yes/no vote clear. There was no support for the inclusion of a preamble on the ballot paper, but a few responses did strongly suggest the need for extensive and accessible public information in the run up to polling day.

"The danger of bias with ballot paper preambles not only relates to what is actually included in them but also to what is left out"

Democracy Movement

3.7   However, one response (from the Democracy Movement) raised concern that the question as currently phrased in the Bill would mark a significant departure from previous referendum questions where the vote for change has traditionally been represented by a 'yes' vote. They suggested that the question could be rephrased to address this, making it easier for voters who have been used to a 'change' to the status quo being initiated by a Yes vote.

"Referendums are inherently a question of whether to transform a current situation. The pro-change position requires, by definition, positive action to enact an alternative"'

Democracy Movement

3.8   Consistent with findings from our research with the public, most concerns centred around the use of 'Do you think' and the inclusion of '…be a member' in the question, as outlined below.

Use of 'Do you think…?'

3.9   One of the key issues was the formulation of 'do you think…' which was felt by a number of respondents to be asking people only what they thought should happen, as opposed to a direct action choice. As in our research some likened the current phrasing to an opinion poll.

"…[the] vagueness is encouraged by the fact that the question is framed as a general expression of opinion ("Do you think…"), more akin to a private consumer survey than a public referendum."

Business for Britain

'Be a member of…'

3.10 Several respondents felt that the use of 'be' in the question was ambiguous and potentially misleading to voters who may read from the question that the UK is not an existing member of the EU.

"The current proposal is a question more suited for the initial joining of the EU…"

Member of the public

3.11 Almost all of the submissions suggested the use of alternative wording or new formulations of the question. Key suggestions included replacing 'be a member of' with 'leave' or 'remain'; and 'do you think' with 'should'. Labour for a Referendum, Patrick Dunleavy, Democracy Movement, Head of UKIP Policy Unit and Business for Britain all suggested the inclusion of the word 'leave'.

"It makes it clearer that one of the outcomes involves departure from the EU (which the Wharton question does not, it only implies it), so it is more of a clear-cut choice."

Labour for a Referendum

Options versus Yes/No

3.12 We sought advice from the Plain Language Commission on 'Remain a member of the European Union' and 'Leave the European Union' as response options instead of 'Yes and 'No'. They acknowledge that while the question is clear in that it tells the readers that the UK is already a member of the EU and asks whether or not it should remain so, the repetition of 'European Union' and the inclusion of the two answers makes it wordy.

3.13 Overall, they found the words used basic and that despite the length if the question was phrased using these simple terms that it should not cause any comprehension difficulties for voters.

3.14 The Plain Language Commission noted the potential difficulties that the opposing campaigns could have to reflect the question. While the Plain Language Commission found that using 'Yes' and 'No' as answers could easily be reflected in a 'Yes' campaign and a 'No' campaign, they were unsure about how the opposing campaigns could use the words 'Remain/Leave' in the same way, and the effect that this may have on voters in understanding what the campaign stood for.

"'Vote yes' and 'vote no' are more speakable and memorable to voters than 'vote remain', and 'vote leave'"

Plain Language Commission

4 Our assessment of the referendum question

4.1   We have considered the question included in the European Union (Referendum) Bill against our referendum question assessment guidelines.

4.2   Our guidelines say that a referendum question should present the options clearly, simply and neutrally. So it should:

- Be easy to understand
- Be to the point
- Be unambiguous
- Avoid encouraging voters to consider one response more favourably than another
- Avoid misleading voters

4.3   In arriving at our assessment, we have taken account of the context for the proposed referendum question and the evidence and views we have received from the public and interested groups or individuals.

Our conclusions

Is the question easy to understand?

4.4   The wording of the question itself is easy to understand. Overall, the public and those who gave us their views agreed that the proposed question is straightforward and easy to understand. The wording and phasing of the question presented little difficulty for the public, including those for whom English is a second language and people with low levels of literacy or learning difficulties. There were also no major difficulties in understanding the Welsh language version of the question.

4.5   However, the phrase 'be a member of the European Union' to describe the referendum choice is not sufficiently clear to ensure a full understanding of the referendum as a whole. The question wording does not make it clear for some people what the current status of the UK is within the EU, and the referendum choice as expressed in the question is likely to lead to confusion for some voters, particularly those who have a limited knowledge of the EU and the UK's current membership status.

4.6   We conclude that rewording the description of the referendum choice in the question to reduce potential confusion about the current status of the UK within the EU would improve the intelligibility of the question.

Is the question to the point?

4.7   The question itself is brief. Overall, the brevity of the question was welcomed by the public and those who gave us their views felt that the wording was straightforward and to the point.

4.8   There were a mixture of views on the opening phrase 'Do you think', which some respondents and members of the public felt was too informal for a referendum question, On balance we conclude that a more direct opening phrase would improve the intelligibility of the question.

Is the question unambiguous?

4.9   The wording of the proposed question itself is not ambiguous. Participants in our research generally understood that the question was asking for their view on whether or not the UK should be a member of the EU. However, because the question does not make clear the current membership status of the UK within the EU, the wording introduced some ambiguity about the referendum choice overall for some participants.

4.10   While the detailed consequences and the practical implications of either a Yes or No vote in the referendum are not explained in the question wording, we do not consider that this compromises the intelligibility of the question. Amending the question wording to reduce potential confusion about the current status of the UK within the EU would also help reduce the risk of ambiguity about the consequences of the referendum.

Does the question avoid encouraging voters to consider one response more favourably than another?

4.11   There is no strong evidence to suggest that the question would encourage voters to consider one response more favourably than another. It was seen as balanced by the majority of the people who took part in our research, including among those who reported that they had prior views on the relationship between the UK and the EU. A majority of participants in our research stated that they already knew how they would answer the question, and confirmed that the wording would not cause them to change their vote.

Does the question avoid misleading voters?

4.12   While the question wording would not actively mislead voters, there is a risk that some voters could be misled because of a lack of knowledge about the current status of the UK within the EU. This risk would be reduced if the description of the referendum choice in the question was reworded to reduce potential confusion about the current status of the UK within the EU.

Our recommendations

4.13 We recommend that the wording of the proposed referendum question included in the European Union (Referendum) Bill should be amended to make it more direct and to the point, and to improve clarity and understanding.

4.14 Our consultation, analysis and research with the public has not, however, identified a single preferred alternative question wording. Responses from participants in our research were complex, with varied levels of knowledge and understanding about the current membership status of the UK within the EU, and some strong views on the neutrality of specific words or phrases. Our research suggests that currently, in the context of a referendum on the UK's membership of the EU, question wordings using 'Yes' and 'No' as response options (the approach of the proposed referendum question) would not be able to fully resolve these complex issues.

4.15 Our recommendations, set out in detail on pages 26 and 28 below, therefore highlight an important decision for Parliament about retaining or moving away from the UK's recent experience of referendum questions using 'Yes' and 'No' as response options. An amended referendum question not using 'Yes' and 'No' would require a further assessment of the intelligibility of this wording.

Improving the intelligibility of the proposed referendum question

Making the question more direct and to the point
4.16 We recommend that the opening phrase "Do you think…" should be replaced with the word "Should…". This would make the question shorter, more direct and to the point. It would also reinforce the importance and significance of the referendum as a formal mechanism for seeking consent from the electorate.

Making the question clearer and improving understanding
4.17 We recommend that the description in the question of the referendum choice for the UK (currently "should be a member of the European Union") should be replaced with wording which more clearly reflects the current membership status of the UK within the EU. Clarifying the current status of the UK within the EU is necessary to help voters better understand the choice of actions proposed for the UK, and would also reduce the risk of ambiguity about the consequences of the referendum which could mislead some voters.

4.18 We considered and tested a range of alternative approaches for amending the wording of the question to more clearly reflect the current status of the UK within the EU. These included adding a preamble to the question setting out the current status of the UK within the EU; including the words 'remain', 'continue', or 'leave' to describe the referendum choice; and also a more significant change to the proposed question wording which would use

'Remain a member of the European Union' and 'Leave the European Union' as response options instead of 'Yes and 'No'.

4.19 Participants in our research found the version of the question which included a preamble lengthy, repetitive and potentially confusing. We do not recommend that a preamble should be used.

4.20 Including the words 'remain', 'continue', or 'leave' to describe the referendum choice would make the question clearer, and would improve understanding of the referendum choice for the UK. There is no clear evidence from our research with the public that people would be influenced to answer the question differently than they had intended because of the introduction of one of these words. But it is inevitable that some people will have some negative or positive associations or perceptions related to the specific term used to describe the referendum choice.

4.21 Our research found that while the words 'remain' and 'continue' may prompt some positive or negative associations for some voters, participants were significantly less concerned about neutrality of these words compared with the word 'leave'. We do not recommend that the word 'leave' should be used in the referendum question.

4.22 There was no clear view from either our research nor from respondents on whether the word 'continue' would be preferred to the word 'remain' or vice versa. Many participants in our research used the words interchangeably and there were no significant concerns that either word would be misunderstood by voters. We have subsequently consulted the Plain Language Commission, which has advised that 'remain a member…' would be preferable because it is shorter and slightly simpler than to 'continue to be a member…'.

4.23 Participants in our research found the version of the question using the response options 'Remain a member of the European Union' and 'Leave the European Union' straightforward to understand and the most neutral of all the versions tested. A question which did not use 'Yes' and 'No' as the response options, however, would be a significant departure from the UK's recent referendum experience.[11]

4.24 In the absence of any recent experience from the UK it is difficult to gauge how campaigners might actually respond to a referendum question which did not use 'Yes' and 'No' as the response options. This approach was only suggested by one respondent to our public consultation, and we have not received any evidence or views on this approach from potential referendum campaigners.

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[11] Including the 1975 referendum on the UK's membership of the European Community, there has only been one referendum which used responses other than 'Yes' or 'No': the 1997 referendum on the establishment and powers of the Scottish Parliament used the response options 'I agree that there should be a Scottish Parliament' and 'I do not agree that there should be a Scottish Parliament'.

Our recommendations for the wording of the referendum question

Recommendation 1: Amended referendum question retaining 'Yes' and 'No' as response options

We recommend that the opening phrase "Do you think…" should be replaced with the word "Should…". This would make the question shorter, more direct and to the point. It would also reinforce the importance and significance of the referendum as a formal mechanism for seeking consent from the electorate.

We recommend that the description in the question of the referendum choice for the UK (currently "should be a member of the European Union") should be replaced with wording which more clearly reflects the current position of the UK within the European Union. Clarifying the current status of the UK within the EU is necessary to help voters better understand the choice of actions proposed for the UK, and would also reduce the risk of ambiguity about the consequences of the referendum which could mislead some voters.

We considered and tested a range of alternative approaches for amending the wording of the proposed question to more clearly reflect the current status of the UK within the EU. On balance, taking into account the views from participants in our research with the public, input from those who sent us their views and advice from plain language experts, we have concluded that the proposed referendum question would be improved by amending the description of the referendum choice to "remain a member of the European Union".

The wording of the referendum question under this recommendation, set out in the format it would be printed on the ballot paper, is shown in Figure 1 on page 27.

Having tested Welsh language translations of the proposed referendum question and the alternative versions used during our research with voters, we are satisfied that the Welsh language translation of the question wording set out in Figure 1 will be clear and intelligible for voters in Wales.

The wording of the referendum question for ballot papers in Wales is shown in Figure 2 on page 27.

Figure 1: Referendum ballot paper showing proposed question wording under Recommendation 1

Referendum on the UK's membership of the EU Vote (X) in one box only	
Should the United Kingdom remain a member of the European Union?	
YES	☐
NO	☐

Figure 2: Referendum ballot paper for Wales showing proposed question wording under Recommendation 1

Refferendwm ar aelodaeth y DU o'r UE Referendum on the UK's membership of the EU Pleidleisiwch (X) mewn un blwch yn unig Vote (X) in one box only	
A ddylai'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd? Should the United Kingdom remain a member of the European Union?	
Dylai YES	☐
Na Ddylai NO	☐

Recommendation 2: Amended referendum question not using 'Yes' and 'No' response options

It is clear from our research that some people will perceive either positive or negative associations with the phrase 'remain a member of the European Union', although there was no evidence to suggest that this wording resulted in participants changing their voting preference in any way.

We recommend that Parliament should consider very carefully whether it wishes to retain the approach of a referendum question which uses 'Yes' and 'No' as response options, taking into account the risk of a perception of bias which might be associated with the question wording set out in Recommendations 1 above. If Parliament decides not to retain a referendum question which uses 'Yes' and 'No' as response options, we recommend that the referendum question should be amended to reflect the alternative version of the wording included in our research with the public, which was considered to be the most neutral of the six versions tested. The wording of the referendum question under this recommendation is shown in the format it would be printed on the ballot paper in Figure 3 and Figure 4 (for the ballot paper in Wales) on page 29.

While we have tested this version of the question and probed on what refinements might improve it with members of the public, the iterative nature of the research meant that it was not possible in the time available to fully explore and user test the impact of any variations to the wording (such as using alternative answer responses such 'continue' or 'stay' instead of 'remain', or using shorter versions of the response options).

If the Bill is amended to include this version of the referendum question, we would therefore undertake a further assessment of the intelligibility of this wording, including research, consultation and further testing in Welsh. We would also seek evidence from potential referendum campaigners about the impact of this approach.

While we could commence this assessment immediately if the Bill is amended, it would not be possible for us to complete it in the relatively short time available before the Bill completes its passage through the House of Commons. Our assessment would, however, be published and made available to Parliament before the Bill completes its passage through the House of Lords.

Figure 3: Referendum ballot paper showing proposed question wording under Recommendation 2

Referendum on the UK's membership of the EU
Vote (X) in one box only
Should the United Kingdom remain a member of the European Union or leave the European Union?

Remain a member of the European Union	☐
Leave the European Union	☐

Figure 4: Referendum ballot paper for Wales showing proposed question wording under Recommendation 2

Refferendwm ar aelodaeth y DU o'r UE
Referendum on the UK's membership of the EU
Pleidleisiwch (X) mewn un blwch yn unig
Vote (X) in one box only
A ddylai'r Deyrnas Unedig bara i fod yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?
Should the United Kingdom remain a member of the European Union or leave the European Union?

Para i fod yn aelod o'r Undeb Ewropeaidd **Remain a member of the European Union**	☐
Gadael yr Undeb Ewropeaidd **Leave the European Union**	☐

What happens next?

4.25 The Bill is due to be debated at Report Stage in the House of Commons on 8 November 2013, following which there will be a vote on whether it should proceed further.

4.26 Should the Bill pass this vote and progress into consideration by the House of Lords, we will continue to brief Parliament on our views. This will include highlighting our assessment of the intelligibility of the proposed referendum question and our advice and recommendations set out in this report.

Layout and design of the ballot paper

4.27 Voters should be confident that they have voted the way they intended and that their vote will be counted. Our published guidance for government policy makers on designing voter materials[12] advises that the ballot paper should be designed in a way that makes it easy for voters to:

- Understand what the ballot paper is for.
- Mark their choice in such a way that their vote is valid and reflects their intention.

4.28 It should also be designed in a way that means the voter's choice can be clearly identified when votes are counted.

4.29 If the Bill receives Royal Assent and becomes law, the UK Government should ensure that the final designs for the ballot papers for the referendum (which will be specified in secondary legislation) have been tested with users, including voters as well as Counting Officers and electoral administrators.

Voters' information needs

4.30 Our research with the public identified that, regardless of their level of knowledge about the EU in general, most participants felt under-informed about the EU as an institution as well as the arguments for and against the UK remaining a member. For some participants, this meant they would find it difficult to cast a vote – while they clearly understood what the question was asking them, they felt unable to cast a vote without further information.

4.31 Feedback collected through our research with the public also showed that people wanted and expected factual information to be available in advance of the referendum. In particular they identified a desire for clear and

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[12] The Electoral Commission *Making your mark* (2009)

simple information detailing the benefits and drawbacks of UK membership of the EU.

4.32 While there was a strong desire among participants in our research for such information to be unbiased and neutral, many recognised that it would be difficult to ensure this was the case, and were unable to identify sources they would trust to provide completely unbiased information.

4.33 Referendum campaigners have a key role to play in informing people what the issues are in a referendum, and the campaigns will be the main source for highlighting to potential voters the implications of a 'yes or 'no' outcome at the referendum, encouraging people to vote and influencing how they vote. In this referendum, referendum campaigners will promote their views about what remaining a member of the EU would mean for the UK and what they believe will happen after the referendum, depending on the result.

4.34 It is not possible at this stage, with as long as four years before polling day for the referendum, to make any assessment about the degree to which campaigners will be able to provide information which meets the needs of voters ahead of the referendum. Any such assessment would need to take into account the precise context for the referendum including, for example, the extent to which the terms of continued membership of the EU have been renegotiated.

4.35 We will continue to keep under review the information needs of voters at the referendum, and will consider whether it is appropriate or necessary to include any further information in our public awareness campaign in advance of the referendum.

Date of the referendum

4.36 The Bill as introduced does not set a specific date for a referendum poll to be held; rather it would require that a referendum must be held before 31 December 2017.

4.37 This means that a referendum poll using the question included in the Bill could be held as long as four years' after this assessment. Levels of awareness of the referendum, and of the issues which will be debated during the referendum campaign, will almost certainly change during that period.

4.38 While we are confident that our assessment accurately reflects current views from the public and interested groups and individuals, we should note that those views may of course change during the period between now and any eventual referendum date. Parliament may wish to consider whether any further assessment of the intelligibility of the proposed question may be necessary closer to the date of the referendum.

Appendix 1: The Electoral Commission's approach to assessing the intelligibility of referendum questions

This document can be found on the following pages.

The
Electoral
Commission

Our approach to assessing the intelligibility of referendum questions

Our responsibilities

A referendum gives the public the opportunity to vote on a proposal put forward by government.[1] If a referendum is going to take place, a piece of legislation is written containing the proposed question. The law requires us to publish our views on the intelligibility of proposed questions for UK-wide, national or regional referendums.[2] The UK Government must also consult us on the intelligibility of proposed questions for local referendums in England and Wales on the way local authorities are run.[3]

This statement sets out the approach we will take to assess the intelligibility of referendum questions, including the timetable for this work.

Our aim and approach

Our aim is to look at a proposed question from the perspective of voters,[4] to see if it is written in a way that means they are likely to understand it. This includes whether or not they can understand how to answer it. It is important that voters can mark their ballot papers easily, and that they are confident that they have voted the way they intended to. Governments may make important decisions based on the outcome of a referendum, and so that outcome needs to be an accurate reflection of what voters want. This means that the question should present the options to voters clearly, simply and neutrally.

We have produced some referendum question guidelines that set out the criteria we will use to assess how intelligible a question is (see our referendum question guidelines).[5] As well as looking at the question ourselves, we will gather evidence to help us with our assessment. This will include:

- carrying out research with the public (see next section for more details)

- asking for advice from experts on accessibility and plain language

- talking to other people, for example political parties and campaign groups associated with the referendum, and other key groups or individuals who have an interest in the referendum and its outcome

We will publish the research reports and a summary of the other evidence we have gathered and used in our assessment.

Research with the public

Because we want to look at whether or not voters can understand a proposed referendum question, we would need to get evidence of this from voters themselves. The best way for us to get this evidence is by carrying out research to see how people react to and understand the question, and we would want to do this for any referendum question we are asked to assess.

The research would usually be done through focus groups and one-to-one interviews. This type of research will help us to find out people's understanding of a proposed referendum question, their attitudes towards it, and the reasons why they think or feel the way they do about it. It also helps to explain why people may find a question easy or difficult to understand, and to

Putting voters first

explore how the question could be made more intelligible. The research would focus on the question itself and how it is written, rather than on how people would vote.

We would include a wide range of people in the research, so that we can get the views of people with different backgrounds (e.g. people of different ages, gender, and levels of education), or people who live in different places.

Timetable

We should be able to publish our views on the intelligibility of a proposed referendum question around 10 weeks after finding out what the question is. This includes eight weeks to carry out public opinion research, based on getting at least two weeks' notice of the date when we will be given the exact wording of the question. We will do as much advance preparation as we can for the research – which is the part of our evidence-gathering that will take the longest – so that we can make sure it is completed as quickly as possible.

1 This statement only covers referendums on proposals put forward by governments, although referendums can be held on other issues. By 'government' we mean the UK Government, the Scottish Government, the Welsh Assembly Government or the Northern Ireland Executive.

2 The requirement is set out in the Political Parties, Elections and Referendums Act 2000 (PPERA). Our responsibility relates to referendums held under the framework of PPERA.

3 Under Section 45 (8A)–(8D) of the Local Government Act 2000, inserted by Schedule 21 of PPERA.

4 By 'voters' we mean people who would be eligible to vote in that referendum.

5 We produced our original guidelines in 2002 and have recently reviewed and updated them. The guidelines are available at www.electoralcommission.org.uk/ elections/referendums

Feedback

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The
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Appendix 2: The Electoral Commission's referendum question assessment guidelines

This document can be found on the following pages.

The Electoral Commission

Referendum question assessment guidelines

By law, the Electoral Commission must comment on the intelligibility of UK, national and regional referendum questions, and some local government referendum questions.[1] In this context, we mean referendums where voters are asked to vote on a proposal put forward by government. At this type of referendum, voters are given a ballot paper that contains the question and at least two possible responses to choose from.[2]

We have developed these guidelines to:

- help us assess how intelligible a proposed question is
- help people draft intelligible referendum questions

In this context, 'question' includes the question, the responses, and any statement that comes immediately before the question.

Guidelines for assessing referendum questions

A referendum question should present the options clearly, simply and neutrally. So it should:

- be easy to understand
- be to the point

- be unambiguous
- avoid encouraging voters to consider one response more favourably than another
- avoid misleading voters

Checklist

We will use the following checklist to help us assess how intelligible a question is.

- Is the question written in plain language? That is, language that:
  – uses short sentences (around 15–20 words)
  – is simple, direct, and concise
  – uses familiar words, and avoids jargon or technical terms that would not be easily understood by most people
- Is the question written in neutral language, avoiding words that suggest a judgement or opinion, either explicitly or implicitly?
- Is the information contained in the question factual, describing the question and the options clearly and accurately?
- Does the question avoid assuming anything about voters' views?

1 Under the Political Parties, Elections and Referendums Act 2000.

2 How many responses voters can vote for depends on the voting system used at that referendum.

Feedback

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Appendix 3: People who responded to us

We wrote to and invited views from all Members of Parliament; Members of the European Parliament; prospective campaigners; accessibility groups; groups representing people from black and minority ethnic groups; Plain English groups; academic, think tanks and other interested individuals or organisations

In total, we received 19 responses,[13] which are referred to where relevant in this report. We much appreciate the time taken by individuals and organisations in giving their views to us.

Name/organisation
Andrew Duff, MEP, East of England
Jonathan Edwards, MP for Carmarthen East and Dinefwr
Oliver Heald QC, MP for North East Hertfordshire
Gerald Howarth, MP for Aldershot
David Nuttall, MP for Bury North
Graham Stringer, MP for Blackley and Broughton
Nick Moon, Managing Director, GfK NOP
Dr.Thom Brooks, Durham University
Prof. Patrick Dunleavy, London School of Economics
Democracy Movement
UKIP Policy Unit
Business for Britain
Labour for a Referendum
Better Off Out
Scottish Nationalist Party
Derek Vaughan MEP (Welsh Labour)
Five members of the public

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[13] The submission from the Democracy Movement also included the view of David Nuttall, MP for Bury North and Graham Stringer, MP for Blackley and Broughton

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