

26 March 2015

Dear Panel Member,

## **The Electoral Commission's principles for referendums in the UK**

I am writing in advance of the dissolution of the UK Parliament before the May 2015 UK Parliamentary general election to set out and explain the Electoral Commission's principles for the way referendums in the UK should be run. The Commission recognises that proposals for referendums may be put forward by candidates and political parties in the coming weeks, and we want to ensure that our position on important questions relating to the administration and regulation of referendums is clear.

The legislation underpinning referendums in the UK, the Political Parties, Elections and Referendums Act 2000 (PPERA), specifies a number of functions and responsibilities which would be carried out by the Electoral Commission in relation to a referendum held across the UK or in any part of the UK:

- Commenting on the intelligibility of the referendum question proposed by the Government in a referendum Bill.
- 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 PERA.
- Considering applications for designation as lead campaign groups for each referendum outcome.

The Chair of the Electoral Commission, or someone appointed by the Chair, would also act as the Chief Counting Officer for a referendum - except for a referendum held only in Northern Ireland, when the Chief Electoral Officer would be the Chief Counting Officer.

The Commission's approach to planning for any future referendums will be underpinned by principles that we agreed and published in 2009, and which informed our approach to the UK-wide and Wales referendums held in 2011 and the Scottish independence referendum in 2014. We are confident that the principles continue to be useful and

relevant and we have updated them to reflect the experience of those referendums, including incorporating recommendations that we made following each referendum.

I have enclosed a copy of the Commission's principles for the way referendums in the UK should be run. I want to highlight two specific recommendations for future referendums, which the Commission made in our statutory report on the Scottish independence referendum, and which have now been incorporated in our principles.

First, any legislation required for a referendum (including secondary legislation) should be clear at least six months before it is required to be implemented or complied with by campaigners, the Chief Counting Officer, Counting Officers or Electoral Registration Officers. Governments should also ensure that the timetable for developing and introducing legislation provides sufficient opportunity for legislatures to properly scrutinise the proposals, including advice from the Electoral Commission about the referendum question

Second, in a high-profile referendum where there is likely to be significant campaigning across party lines (such as a referendum on the UK's membership of the EU), the referendum poll should not be held on the same day as the poll for an election. This will help voters and campaigners take part more easily, with less confusion.

A copy of this letter is being sent to all members of the relevant parliamentary and assembly panels for Westminster, Scotland, Wales and Northern Ireland, and will also be published on the Commission's website.

Yours sincerely

A handwritten signature in black ink that reads "Andrew Scallan". The signature is written in a cursive, flowing style.

**Andrew Scallan**  
**Director of Electoral Administration**

The key principles that should inform the way referendums are run

- Our focus is on voters and on putting their interests first, and that underpins everything we do.
- Referendums should be administered in a way that engenders confidence, is credible, transparent, and open to scrutiny.
- Our objectives for referendums are:
  - they should be well-run and produce results that are accepted
  - there should be integrity and transparency of campaign funding and expenditure

In that context, we set out here the principles we believe should inform the way referendums are run.

## **Voters**

- There should be no barriers to voters taking part. This means:
  - those eligible can register to vote
  - voters can easily understand the question (and its implications)
  - voters are informed about the possible outcomes, and can easily understand the campaign arguments
  - voters can have confidence that:
    - campaign funding is transparent
    - distribution of any public support and access to media is fair
    - any rule-breaking will be dealt with
  - the voting process should be easy to take part in and well-run

- the result and its implications should be clear and understood

## **Campaigners**

- There should be no barriers to campaigners putting forward arguments for any of the possible outcomes. This means that:
  - it is easy to register as a permitted participant and to take part in campaigning
  - the rules that govern campaign spending and fund-raising activity are clear and fair
  - the process for designating lead campaign organisations for each outcome (and consequent distribution of public funds and access to media) is easy to understand, and accepted as fair
- Governments should not pay for advertising about their views during the referendum campaign period

## **Administration**

- In a high-profile referendum where there is likely to be significant campaigning across party lines (such as a referendum on the UK's membership of the EU), the referendum poll should not be held on the same day as the poll for an election. This will help voters and campaigners take part more easily, with less confusion.
- The referendum should be administered efficiently and produce results that are accepted. This needs:
  - a clear legal framework with clear roles and responsibilities communicated to those who are bound by them
  - Governments to ensure that the timetable for developing and introducing legislation provides sufficient opportunity for legislatures to properly scrutinise the proposals, including advice from the Electoral Commission about the referendum question

- referendum legislation to be clear at least six months before it is required to be implemented or complied with by campaigners, the Chief Counting Officer, Counting Officers or Electoral Registration Officers
- clear guidance and efficient procedures for voters, campaigners and administrators
- Performance standards against which the performance of Electoral Registration Officers and Counting Officers at referendums is evaluated
- an efficient process for distributing funds to campaigners and administrators
- rapid and clear reporting on campaign funding and spending
- a timely and persuasive report on how the referendum worked
- In a high-profile referendum where there is likely to be significant campaigning across party lines (such as a referendum on the UK's membership of the EU), the referendum poll should not be held on the same day as the poll for an election. This will help voters and campaigners take part more easily, with less confusion.