



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Electoral Commission invitation to interested organisations to submit views on the intelligibility of the proposed question for the referendum on the voting system for UK Parliamentary elections

1. Introduction

- 1.1. This is a formal response from the Association of Electoral Administrators (AEA) to the Electoral Commission invitation to interested organisations to submit views on the referendum question published in the *Parliamentary Voting System and Constituencies Bill* on 22 July 2010.
- 1.2. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1648 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.3. The AEA encourages and provides education and training in electoral administration, in addition to delivering a range of commercial and professional services.
- 1.4. The key **aims** of the AEA are to:
 - contribute positively to electoral reform within the UK;
 - foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
 - raise the profile of electoral administration both within the UK and internationally;
 - enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.5. The AEA supports and advocates the principle that all those with a role in organising elections should consider the voters' interests above all other considerations.
- 1.6. The proposed referendum question, in English and Welsh, is given below¹ :

¹ Text taken from *The Parliamentary Voting System and Constituencies Bill*, introduced to Parliament on 22 July 2010, <http://services.parliament.uk/bills/2010-11/parliamentaryvotingsystemandconstituencies.html>

English

Do you want the United Kingdom to adopt the “alternative vote” system instead of the current “first past the post” system for electing Members of Parliament to the House of Commons?

Yes

No

Welsh

Ydych chi am i'r Deyrnas Unedig ddilyn y system “pleidlais amgen” yn lle'r system gyfredol “y cyntaf i'r felin” ar gyfer ethol Aelodau Seneddol i Doe'r Cyffredin?

Ydw

Nac ydw

- 1.7 In responding to this invitation to submit views and, in accordance with the AEA's non-partisan and neutral position, this response does not offer any views on the qualities or impact of either of the voting systems referred to in the proposed referendum question.

2. The impact of the proposed wording of the referendum question on the administration of the poll

- 2.1. The Electoral Commission has issued Referendum question assessment guidelines. In general terms, the AEA would expect the assessment of the question to also consider the wording of the ballot paper as a whole, and have regard to the associated documents and instructions to voters both in postal ballot stationery and in polling station notices. These documents contain vital information and set the context within which the question is presented to voters.
- 2.2. The Electoral Commission guidelines include a checklist to help them assess the intelligibility of the question. This includes consideration of whether the question is written in plain language and describes the characteristics of plain language as using short sentences; being simple, direct and concise; and using familiar words, and *avoiding jargon or technical terms that would not be easily understood by most people* [our emphasis].
- 2.3. The wording of the question does not seem to comply with ‘plain language’ as it uses expressions such as ‘adopt’ and ‘current’, as well as ‘alternative vote’ and ‘first-past-the-post’. The latter is correctly known as the ‘simple majority’ system, and we recognise that ‘first-past-the-post’ is a term that is likely to be slightly more recognisable to voters than the correct term.
- 2.4. The AEA is concerned that the use of the terms ‘first-past-the-post’ and ‘alternative vote’ to describe the systems for electing Members of the UK Parliament to the House of Commons may not be understood by most people. This is likely to be the case particularly as regards the term ‘alternative vote’.

- 2.5 Given that these terms and the implications of the two systems will need to be explained to voters, it is vital that clear and neutral explanations are set out, in English and in Welsh, in relevant election stationery and communications so that voters can understand the choice being put to them at the referendum.
- 2.6 These explanations should be available to voters in advance of the poll but also in polling stations and with postal vote stationery.
- 2.7 Counting Officers, electoral services staff and polling station staff are likely to be approached to give an explanation of these terms and, in order to preserve the neutrality of election staff and the consistency of information to voters, it is vital that clear and neutral explanations of the two voting systems are available. There must also be clear guidance for Counting Officers on handling such enquiries.
- 2.8 In drafting these explanations there will need to be a rigorous assessment of their intelligibility. It is our view that:
- these should be assessed in the same way as the referendum question;
 - all voter materials should undergo appropriate usability analysis in order to ensure equal access to the electoral process.

3. Welsh translation of the referendum question

- 3.1. It is noted that there is no direct Welsh translation for 'first-past-the-post'. However, the AEA is of the view that the translation set out in the *Parliamentary Voting System and Constituencies Bill* is as good as it can be.

4. Reference to 'Parliament' in the proposed referendum question

- 4.1. The UK Government plans to hold the proposed referendum on a change to the voting system at UK Parliamentary elections on 5 May 2011, the same day on which elections to the Scottish Parliament are also due to take place.
- 4.2. With this timetabling in mind, the AEA is concerned that, although there is reference to the United Kingdom in the proposed question, both the proposed question and the form of ballot paper² do not make it explicit that the referendum applies in respect of the *United Kingdom Parliament*. The referendum question refers to 'Members of Parliament' which may be confusing to voters in Scotland who will be voting on 5 May 2011 to elect 'Members of the Scottish Parliament'.
- 4.3. It is notable that the prescribed form of postal voting statement, declaration of identity (Northern Ireland) and poll cards all contain the wording, "Referendum on the voting system for United Kingdom parliamentary elections"

² Prescribed in the *Parliamentary Voting System and Constituencies Bill*, Schedule 2, Part 2, Forms referred to in referendum rules.

4.4. It is the AEA's view that the referendum question and the ballot paper should be amended accordingly to ensure clarity.

Karen Quaintmere
Assistant Chief Executive

19 August 2010

Ms Christie Dennehy
The Electoral Commission
Trevelyan House
Great Peter Street
London SW1P 2HW

18 August 2010

Dear Ms Dennehy,

Referendum on Electoral Reform – Response from Clarity

I am writing to you on behalf of Clarity, the international association for plain language in the law.

Thank you for asking Clarity to comment on the proposed question for UK voters on 5 May 2011:

"Do you want the United Kingdom to adopt the "alternative vote" system instead of the current "first past the post" system for electing Members of Parliament to the House of Commons?" Yes/No.

Here, with thanks to the 45 members of Clarity who contributed their views, is our response, and our suggested alternative.

- **Length.** At 31 words, this sentence is longer than most readers can comfortably understand at first sight, and longer than the Electoral Commission's guideline length of 15-20 words.
- **Unfamiliar words.** Some of the words in the question are less familiar to the general public than they need to be. For example, "adopt" is widely used in relation to childcare, but less so in the sense intended here.
- **"Members of Parliament".** People talk about MPs, not Members of Parliament. We suggest using the more familiar, less formal, expression, which is also shorter. In the context of voting and elections there is no danger of confusion with other possible meanings of MP.
- **"House of Commons".** There is no need to mention the House of Commons. MPs cannot be MEPs or members of the House of Lords.
- **"United Kingdom".** For the same reason, you do not need to mention the United Kingdom. (If you did, why not call it the UK? Widely used, equally well understood, and shorter.)

- **Naming the 2 systems.** The referendum question should use the most common name for each voting system. We believe the proposed question has correctly identified these.
- **Describing the 2 systems.** "First past the post" and "alternative vote" are names, not descriptions. Neither explains how you count the votes and identify the winner. If possible, a short, plain, neutral summary of the two systems should appear on the ballot paper, just before the referendum question, to identify each system by description and make clear the difference between them.
- **Neutrality.** The question should be neutral as well as easy to understand. Identifying one alternative as the current system improves clarity by introducing bias; that is, it simplifies the choice by presenting it as a vote for or against change. That is not neutral. The question or ballot paper should identify each system by description. Or, if we are to rely on public debate to explain "alternative vote", it is only fair to rely on public debate to identify the current system.

Clarity proposes two alternative questions (attached). One tries to identify the two systems by description. The other relies on public debate, or a description on the ballot paper, to identify them.

Yours sincerely,

Daphne Perry
(Clarity committee member)

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<http://www.clarity-international.net/index.htm>

Proposed question for referendum on 5 May 2011

Version A – no description

(Public debate or a description on the ballot paper identifies the systems)

Which system do you want for electing MPs? (Tick one box.)

First past the post

Alternative vote

Version B – some description within the question

Which system do you want for electing MPs? (Tick one box.)

First past the post - we elect the candidate who has more votes than any other.

Alternative vote - we elect the candidate who has more votes than all the others put together. This system involves redistributing second and later-preference votes.

Proposed by Clarity, the international association for plain language in the law

<http://www.clarity-international.net/index.htm>



**The Electoral Commission
Referendum on Electoral Reform:
Question Assessment**

**Disability Action's Response
August 2010**

Any enquiry concerning this document should be made to
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INTRODUCTION

- 1 Disability Action is a pioneering Northern Ireland charity working with and for people with disabilities. We work with our members to provide information, training, transport awareness programmes and representation for people regardless of their disability; whether that is physical, mental, sensory, hidden or learning disability.
- 2 21% (369,390) of adults and 6% (105,540) of children in Northern Ireland have a disability and the incidence is higher here than in the rest of the United Kingdom. Over one quarter of all families here are affected.
- 3 As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community. In pursuit of our aims we serve 45,000 people each year.
- 4 Our network of services is provided via our Headquarters in Belfast and in three regional offices in Carrickfergus, Derry and Dungannon.
- 5 Disability Action welcomes the opportunity to respond to this draft and to aid our response has put the relevant page/paragraph of the draft in brackets at the end of our comments.

SPECIFIC COMMENTARY

- 6 The terms 'alternative vote' and 'first past the post' would need to be explained to people. Both these terms may not be understood by a wide range of people, including disabled people.
- 7 It is important that voters are made aware of the difference between the two systems and how the new system can effect the outcome of the election
- 8 Northern Ireland would need a specific voter education programme as we already have a PR system operating for Assembly and European Elections. Disability Action's understanding is that one new system for Westminster Elections would be different to the STV system currently used here. Before any referendum, communication would be required to ensure the electorate fully understand the system they are being asked to consider.
- 9 Disability Action delivered the Count Us In project, which was funded by the Electoral Commission. As part of this Disability Action delivered a training programme for people with disabilities on how the electoral process works. From our evaluation it was clear there was a low level of understanding of how the SVT system actually worked in practice.

- 10 In undertaking voter education training for people with disabilities Disability Action had to ensure that information was accessible. This included information in Easy Read, Audio, Large Print, Braille and electronically. It is imperative that any communication developed to ensure people are aware of the terminology in the question is accessible to disabled people.
- 11 Finally, in summary, the question as it stands would need further explanation to ensure that people are able to make an informed choice in any referendum.

CONCLUSION

- 12 Disability Action has welcomed the opportunity to make a submission. Disability Action looks forward to continued dialogue on this and other issues of major significance to people with disabilities throughout Northern Ireland.

There are different ways to decide who is an MP after an election.

A First past the post

You can vote for only ONE person. You mark an X on the voting paper against the name of the person you want to vote for.

Mr Brown	
Mr Smith	X
Mrs Evans	
Mrs Black	
Mr Johnstone	

All the votes are counted. The person who gets the most votes wins and becomes the MP.

This is the system we use just now.

B Alternative vote

You vote for more than one person. You say who you want to win in order of preference. So if there are 5 candidates, you mark them from 1 to 5. Put a 1 against the name of the person you want first, then a 2 against who you want next, then a 3 against who you want next and so on.

Mr Brown	3
Mr Smith	1
Mrs Evans	5
Mrs Black	2
Mr Johnstone	4

All the first (1) votes are counted. If someone gets more than half the votes then they win.

If no-one gets more than half the votes then they take all the votes for the person who came last and look at all the second (2) votes on these papers. They add the second votes to the first votes for the other people.

They do this until someone gets more than half the votes. That person is the winner.

Do you want to change the way MPs are elected in the United Kingdom?

Do you want to move from a 'First past the post' system to an 'Alternative vote' system?

Yes	
No	

Or

Place an X next to the system you want for electing MPs

First past the post	
Alternative vote	

20 AUG 2010

Ms Sarah Mackie
Senior Officer - Scotland
The Electoral Commission
38 Thistle Street
Edinburgh EH2 1EN

Please ask for: Ms Michelle Morris
Direct Dial: 01463 702845
Our Ref: MM/DD:
Your Ref:
Date: 19th August 2010

Dear Ms Mackie

REFERENDUM FOR ELECTORAL REFORM OF THE UK PARLIAMENT

I refer to your email of 4th August, 2010 regarding the above and note below the response from the Highland Council.

The Referendum Question is set out in Part 2 to Schedule 2 of the Parliamentary Voting System and Constituencies Bill. The Electoral Commission have invited views on the intelligibility of the question to be submitted to them by 20 August 2010.

The form of the ballot paper is as follows:-

Referendum on the voting system for parliamentary elections Vote (X) once only	
Do you want the United Kingdom to adopt the "alternative vote" system instead of the current "first past the post" system for electing Members of Parliament to the House of Commons?	
YES	
NO	

The Referendum heading should be specific and state the UK or United Kingdom Parliament.

...../

In the Question, reference to the United Kingdom should be deleted as it seems to imply that the system of voting would apply to all elections across the country.

“alternative vote” – will need extensive and detailed explanation.

“first past the post” – will need an extensive and detailed explanation on the difference to the systems.

The phrase “Members of Parliament” should refer to Members of the UK or United Kingdom Parliament

There is no need to refer to the House of Commons as there are no elections to the Second Chamber.

The ballot paper should be amended with all text being justified to the left, as follows:

Referendum on the voting system for United Kingdom parliamentary elections.	
Vote (X) once only	
Do you want to adopt the “alternative vote” system instead of the current “first past the post” system for electing Members of the United Kingdom Parliament?	
	YES
	NO

If you require any further information please do not hesitate to contact to me

Yours sincerely

Michelle Morris

Michelle Morris
Depute Returning Officer

Elections

Scotland

The Interim Electoral Management Board for Scotland

Tom Aitchison
Convener of the Board

Sarah Mackie
Senior Officer - Scotland
The Electoral Commission
38 Thistle Street
Edinburgh
EH2 1EN
SMackie@electoralcommission.org.uk

Our Ref: election\2010\refrequestconsult

Your Ref:

Date: 19 August 2010

Dear Ms Mackie

RESPONSE TO THE ELECTORAL COMMISSION'S CONSULTATION ON THE INTELLIGIBILITY OF THE PROPOSED QUESTION FOR THE REFERENDUM ON THE VOTING SYSTEM FOR UK PARLIAMENTARY ELECTIONS

I write with reference to your email of 22 July regarding the above. While I would have preferred to discuss this at a meeting of the Board, due to your deadline for responses this has not been possible. I therefore contacted the members of the Board to seek their views on the proposed question. As the Board includes representatives of the Association of Electoral Administrators (AEA) I shared with colleagues the response that the AEA had drafted to your consultation. The Board also includes a representative from the Society of Local Authority Lawyers & Administrators (SOLAR) in Scotland and through that representative views were also provided from that body.

The comments that I have been given indicate that the Interim Electoral Management Board for Scotland strongly supports the comments made by the AEA in their response. Their paper addresses important issues with respect to the intelligibility of the language and the choice of vocabulary.

While agreeing with the comments made by the AEA, the Board would wish to stress the following points in any discussion regarding the question:

- **The need for context and explanation** – there is a concern that voters will not understand the question. A clear need exists for an explanation as to what the alternative vote system is and what it offers in comparison to the traditional method. Any lack of understanding could lead to pressures on Polling staff who may have to respond to confused voters who are unsure of the issues and who might seek guidance.



- **Plain English** – colleagues expressed concerns that the wording does not comply with the standards of 'plain English'. It uses equivocal expressions such as 'adopt' and 'current', as well as what could be termed as technical jargon: ' "alternative vote" ' and ' "first past the post" '. If voters are to express a clear view on the question many of them would need this language to be simplified.
- **Confusion in the context of the elections to the Scottish Parliament** – There is the potential for greater confusion due to the combination of the referendum with the elections to the Scottish Parliament. It is the current intention of the UK Government to hold the referendum on the same day as the elections to the Scottish Parliament. Successful candidates in those elections are styled 'Members of the Scottish Parliament' or more usually 'MSP'. This may add to the confusion for some electors as the term 'Members of Parliament' is proposed to be used in the question.

I trust that these points are useful and will be taken into account as you develop the Electoral Commission's comments on the intelligibility of the proposed question. Your aim of looking at the proposed question from the perspective of voters, to see if it is written in a way that means they are likely to understand it coincides with the major concern of the Interim Electoral Management Board for Scotland – that of putting the voters interests first in all electoral matters. On behalf of the Board I am grateful that you have given the opportunity to contribute to this consultation exercise.

Yours sincerely



TOM AITCHISON

Convener of the Interim Electoral Management Board for Scotland

Plain Language Commission

Martin Cutts

I'd like to offer the following suggestion about the question, which is that 'first past the post' should not be used. Although media people tend to use this term, it is a misnomer. Also, I think 'method' would be closer to the intended meaning (which is 'way') than 'system'.

So I suggest you say:

Should the United Kingdom use the 'alternative vote' method instead of the current 'outright winner' method for electing Members of Parliament to the House of Commons?

OR

At present, the United Kingdom uses the 'outright winner' method to elect MPs to the House of Commons. Should the 'alternative vote' method be used instead?

It would at least be worth testing with a small sample of typical voters whether these versions are better understood. In any case, of course, 'alternative vote' will need explanation – which I'm sure it will get.

Ruth Thornton

Here are a few comments on the question:

Do you want the United Kingdom to adopt the "alternative vote" system instead of the current "first past the post" system for electing Members of Parliament to the House of Commons?

1. The problem for me (and for so many people I've asked) is whether voters will understand the key terms in this question: alternative vote and first past the post. Many simply do not understand what the terms mean, or misunderstand them.

Nearer the time, it may well be that campaigns will have clarified these terms for most people.

2. The abbreviation 'MP' is more familiar to most people than 'Member of Parliament'.
3. The sentence length is longish; possible to split?

Gwilym Morris, Pollenshop

Why is the United Kingdom in the questions, as AV is not being adopted across the UK – there are different systems in at different elections

A better question would be

Should an “alternative vote” system be used instead of the current “first past the post” system for electing Members of Parliament to the House of Commons?

Emails received from members of the public (anonymised)

Email 1

Dear Sirs re. AV referendum. May I suggest that two extra words ought to be added to the proposed referendum wording? "Do you want the United Kingdom to adopt the 'alternative vote' system instead of the current 'first past the post' system for electing Members of Parliament to the House of Commons OR NOT?" When I was studying for a DMS they told us that when asking a survey question, it should always be presented in a form that does not bias the respondent to one answer or the other.

Email 2

I would like to comment on the proposed question for the Alternative Vote Referendum to be held on May 5th 2011. As outlined in the Government White Paper, the question to be asked is: 'Do you want the United Kingdom to adopt the "alternative vote" system instead of the current "first past the post" system for electing Members of Parliament to the House of Commons?'. As I live in Wales, this question will be translated into Welsh as "Ydych chi am i'r Deyrnas Unedig ddilyn y system "pleidlais amgen" yn lle'r system gyfredol "y cyntaf i'r felin" ar gyfer ethol Aelodau Seneddol i Doe'r Cyffredin?" and will also be translated in Gaelic for voters in Scotland. As a result of these translated options, I believe the ballot paper will be overwhelmed by the question and would like to recommend a smaller question.

I am aware that all questions put in referenda have to be "neutral" (that is not favouring one side or the other) and would therefore like to suggest the following question (for consideration by the Commission)

"The British Government believes that "alternative vote" should be used to elect MP's to Westminster. Do you agree?"

This question is significantly shorter than the government's proposed question (allowing for less space to be taken up by translation) and yet still asks the question "Do you believe that the United Kingdom should adopt the "alternative vote" system?" and as such I would like to formally ask the Commission to consider the above question

Email 3

Hi, according to the BBC the proposed question for the proposed referendum on May 5, 2011 is:

"Do you want the United Kingdom to adopt the 'alternative vote' system instead of the current 'first past the post' system for electing Members of Parliament to the House of Commons?"

I wish complain that this proposed wording is ambiguous as there are two different types of AV - optional preferences and compulsory preferences.

Which is being introduced? The proposed question does not make any mention of this and therefore I would not be able to make a considered choice.

Wales Council for the Blind

2nd Floor, Hallinans House

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W C B



C C D

Cyngor Cymru i'r Deillion

2^{ail} Llawr, Tŷ Hallinans

22 Heol Casnewydd

Caerdydd CF24 0TD

enabling and empowering

Galluogi a rhoi hawliau

Christie Dennehy
The Electoral Commission
Trevelyan House,
Great Peter Street
London SW1P 2HW

Monday, 02 August 2010

Dear Christie

Thank you for a chance to comment on the Electoral Commission's proposed Referendum on the law-making powers for the National Assembly for Wales.

Wales Council for the Blind is an umbrella agency, representing 63 agencies in Wales working alongside people with a visual impairment. WCB distributed your question to these agencies, asking them to respond with their views. We had 4 respondents, from agencies representing over 700 visually impaired people in Wales.

The response to the question, and its layout are as follows.

It was felt that the question was written in plain language that was neutral in tone, and free from judgement or opinion.

The layout of the question is very poor. The use of vertical parallel paragraphs is inaccessible for people with a visual impairment. It would be far better to have the Welsh and English versions running above and below each other.

(cont)

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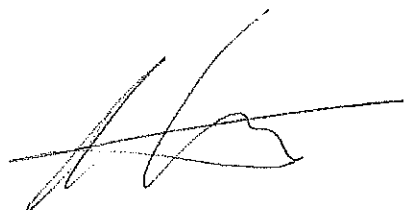
www.wcb-ccd.org.uk

Registered Charity No/Rhif Elusen: 1045841

The font of the question is too small. Font size should be of a minimum of size 14. Non serif font is more accessible than the current selected font.

We trust these will be taken into consideration, and the final version will present a version that meets the requirement of people with a visual impairment.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Phil Stevens', written in a cursive style with a long horizontal stroke extending to the right.

Phil Stevens

Director, Wales Council for the Blind

Gwyn Jones, Welsh Language Board

Thank you for your letter dated 27 July 2010 regarding the referendum question on electoral reform.

I'm happy with the wording as it is, apart from the typing mistake in the Welsh question: it should read ... i Dŷ'r Cyffredin', not '...i Doe'r Cyffredin'. In my opinion, with this one change, the question is impartial and those who know the meaning of the "alternative vote" and "first past the post" systems should be able to understand it clearly. Following campaigning from either side, those who wish to know should understand the question correctly when it come to voting.