
Report of our views on the proposed referendum question

Referendum on the law-making powers of the National Assembly for Wales

We assessed the clarity of a proposed question for a referendum on the law-making powers of the National Assembly for Wales. We carried out research to find out how well the question could be understood by voters, and we have used the findings to suggest improvements to the question.

Overview

We want to make sure that the referendum question voters are asked to consider on polling day is easy to understand so that people know what they are voting on. The Secretary of State for Wales asked us on 23 June 2010 to consider the clarity of the proposed referendum question (which includes an explanatory introduction) found on the back page of this summary.

To assess the proposed question, we carried out research with voters, took advice from accessibility and plain language specialists and asked would-be campaigners, politicians and other interested people to comment on the wording. We asked for 10 weeks to carry out this work and appreciate that the Secretary of State allowed us this time.

Challenges with the wording of the question

Our voter research revealed issues with the proposed question that it would have been difficult to anticipate without testing it thoroughly. One of the main challenges the drafters of the question faced was complexity: the referendum is about a constitutional process that is unfamiliar to most people. Many people are unaware of the referendum, what it is about, or even what a referendum is. This lack of awareness caused research participants problems when trying to answer the proposed question. After reading the

question, most people said that they had voted in the way they wanted to, but many still did not understand what the referendum was about and its possible outcomes. A few people said that if they had understood the true meaning of the question and the scope of the powers they were voting on, they would have voted differently.

Summary of our findings

Is it easy to understand?

People could not easily understand the question. Background awareness of the referendum is low, so people relied on the introduction for an explanation. The research showed:

- The question does not explain clearly what happens now, what could happen in the future, and the differences between them.
- The language is not clear and simple. People struggled to understand some words and phrases, both in English and in Welsh.
- The term ‘devolved areas’ is problematic. People did not recognise it and struggled to understand it at all, or misunderstood it to mean ‘deprived’ or ‘developing’ (geographical) areas of Wales. They thought the referendum was about the Assembly having more powers in these areas.
- Official-sounding terminology such as ‘Parliament of the United Kingdom (Parliament)’ was not familiar or easily understood.
- In Welsh, ‘bob yn damaid’ (‘bit by bit’) was not a term that most people were familiar with.
- Some people had mistaken ideas of what the referendum was about (such as the Assembly getting tax-raising powers), which did not change even after they read the question.
- Even people who already had some knowledge of what the referendum was about became confused after reading the question.

Is it to the point?

- People liked the question structure. It consists of a title; an introduction explaining the current situation and what happens if there is a ‘yes’ or ‘no’ vote; and a question – they preferred the question to be short.
- The introduction is quite wordy, with some long and complicated sentences that are hard to read and absorb.
- Voters thought there was unnecessary repetition of information, and of particular words and phrases.

Is it unambiguous?

In our view, the question is not intentionally ambiguous. But because it is not written clearly, people did not understand what they are being asked to vote on or the choices they have. This is due to the language and the structure of the question. The research showed:

- Some words are ambiguous. For example the sentence ‘The Assembly can gain further powers’ could mean either ‘The Assembly is currently able to’ gain further powers or ‘could in the future’. In the Welsh question, the word used is ‘Caiff’ (‘can’ or ‘may’), which is also ambiguous.
- There are three different descriptions of what happens at the moment, in the first and second paragraphs, and in the question itself. This was seen as confusing.
- Inconsistent wording was also confusing. The phrases ‘subject by subject’ and ‘bit by bit’ were intended to mean the same thing, but the different wording led people to think they may not be the same. In Welsh, ‘bob yn damaid’ (‘bit by bit’) was not a term that most people were familiar with.

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

When asked, voters identified some parts of the question that could be leading:

- People felt the question wording 'Do you agree'/'Ydych chi'n cytuno' was not impartial because it was really asking 'Do you agree with me...?' They felt this made 'No, I do not agree' a less easy option to choose.
- The presentation of the two options is not balanced: the 'Yes' vote description seemed more simple and straightforward than the long, complicated 'No' vote description. People thought this encouraged them to consider the 'No' response more negatively.

Conclusion

Our assessment showed that particular words, phrases and terminology must be redrafted so that voters can understand the question. The introduction should be less densely worded and the format must be easier to read and more accessible.

Because all of these issues are linked, rather than recommending changing individual words or phrases, or adding new text, we are proposing a redraft of the introduction and question. Drafting a question for this referendum is not easy and our redraft is intended to show how the difficulties we have found with the current draft could be addressed. Our suggested redraft is on the next page and we will send this with our full report of our findings to the Secretary of State for Wales, who is responsible for deciding the final question wording.

Our redraft suggests changes such as using:

- Sub-headings to make clear what follows and to break up the text.
- Everyday language familiar to most people, rather than formal language used in official documents. For example, we have used 'What happens at the moment' rather than 'Current arrangements'.
- Bold to emphasise key differences.
- A broader list of examples of the 20 subject areas the Assembly is responsible for, and bullet points to make it easier to read.
- Examples of subject areas that the Assembly is not responsible for.
- Repeated information only if it helps to make the question clear.
- Consistent wording throughout the question.

[You can read our full report here](#)

[You can read the research report here](#)

Further information

Please contact:

The Electoral Commission
Caradog House
1-6 Saint Andrews Place
CArdiff CF10 3BE

Tel: 029 2034 6800

Fax: 029 2034 6805

Email: infowales@electoralcommission.org.uk

www.electoralcommission.org.uk

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The
Electoral
Commission

Ein cynnig ar ail-ddrafftio'r cwestiwn arfaethedig

Cynulliad Cenedlaethol Cymru: yr hyn sy'n digwydd ar hyn o bryd

Mae gan y Cynulliad y pwerau i lunio deddfau mewn 20 maes pwnc, megis:

- amaethyddiaeth
- addysg
- yr amgylchedd
- iechyd
- tai
- llywodraeth leol

Mae'r Cynulliad yn gallu llunio deddfau ar **rai** materion ym mhob maes pwnc ond nid ar faterion eraill. Er mwyn llunio deddfau ar unrhywun o'r materion eraill hyn, mae'n rhaid i'r Cynulliad ofyn am gytundeb Senedd y DU. Yna, mae Senedd y DU yn penderfynu bob tro a gaiff y Cynulliad lunio'r deddfau hyn neu beidio.

Ni all y Cynulliad lunio deddfau mewn meysydd pwnc fel amddiffyn, trethi neu fudd-daliadau lles, beth bynnag fo canlyniad y bleidlais hon.

Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio 'ydw'

Bydd y Cynulliad yn gallu llunio deddfau ar **bob** mater yn yr 20 maes pwnc y mae ganddo bwerau ynddynt, heb orfod cael cytundeb Senedd y DU.

Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio 'nac ydw'

Bydd yr hyn sy'n digwydd ar hyn o bryd yn parhau.

Cwestiwn

A ydych yn dymuno i'r Cynulliad allu llunio deddfau ar **bob** mater yn yr 20 maes pwnc y mae ganddo bwerau ynddynt?

Ydw

Nac ydw

The National Assembly for Wales: what happens at the moment

The Assembly has powers to make laws on 20 subject areas, such as:

- agriculture
- education
- the environment
- health
- housing
- local government

In each subject area, the Assembly can make laws on **some** matters, but not others. To make laws on any of these other matters, the Assembly must ask the UK Parliament for its agreement. The UK Parliament then decides each time whether or not the Assembly can make these laws.

The Assembly cannot make laws on subject areas such as defence, tax or welfare benefits, whatever the result of this vote.

If most voters vote 'yes'

The Assembly will be able to make laws on **all** matters in the 20 subject areas it has powers for, without needing the UK Parliament's agreement.

If most voters vote 'no'

What happens at the moment will continue.

Question

Do you want the Assembly now to be able to make laws on **all** matters in the 20 subject areas it has powers for?

Yes

No

'Cwestiwn arfaethedig' y bu Ysgrifennydd Gwladol Cymru yn ymgynghori â ni amdano

Refferendwm ar bwerau deddfu Cynulliad Cenedlaethol Cymru

Referendum on law-making powers of the National Assembly for Wales

Ar hyn o bryd, mae gan y Cynulliad Cenedlaethol (y Cynulliad) y pwerau i ddeddfu ar gyfer Cymru ar rai pynciau mewn meysydd sydd wedi'u datganoli. Mae'r meysydd sydd wedi'u datganoli yn cynnwys iechyd, addysg, gwasanaethau cymdeithasol, llywodraeth leol a'r amgylchedd. Caiff y Cynulliad ennill mwy o bwerau i ddeddfu mewn meysydd sydd wedi'u datganoli trwy gael cytundeb gan Senedd y Deyrnas Unedig, a hynny fesul pwnc.

At present, the National Assembly for Wales (the Assembly) has powers to make laws for Wales on some subjects within devolved areas. Devolved areas include health, education, social services, local government and environment. The Assembly can gain further powers to make laws in devolved areas with the agreement of the Parliament of the United Kingdom (Parliament) on a subject by subject basis.

Os bydd y rhan fwyaf o bobl yn pleidleisio 'Ydw' yn y refferendwm hwn, bydd y Cynulliad yn ennill pwerau i ddeddfu ar bob pwnc yn y meysydd sydd wedi'u datganoli. Os bydd y rhan fwyaf yn pleidleisio 'Nac Ydw', bydd y trefniadau presennol - sef trosglwyddo'r hawl i ddeddfu bob yn ddaid, gyda chytundeb Senedd y Deyrnas Unedig bob tro - yn parhau.

If most people vote Yes in this referendum, the Assembly will gain powers to pass laws on all subjects in the devolved areas. If most people vote No, then the present arrangements, which transfer that law-making power bit by bit, with the agreement of Parliament each time, will continue.

Ydych chi'n cytuno y dylai'r Cynulliad gael pwerau yn awr i ddeddfu ar yr holl bynciau yn y meysydd sydd wedi'u datganoli heb fod angen cytundeb Senedd y Deyrnas Unedig yn gyntaf?

Do you agree that the Assembly should now have powers to pass laws on all subjects in the devolved areas without needing the agreement of Parliament first?

RHOWCH X MEWN UN BLWCH YN UNIG

PUT AN X IN ONE BOX ONLY

Ydw, rydw i'n cytuno - Yes, I agree

Nac ydw, dydw i ddim yn cytuno - No, I do not agree

'Proposed question' that the Secretary of State for Wales consulted us on.

**Refferendwm ar bwerau deddfu
Cynulliad Cenedlaethol Cymru**

**Referendum on law-making powers of the
National Assembly for Wales**

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Do you agree that the Assembly should now have powers to pass laws on all subjects in the devolved areas without needing the agreement of Parliament first?

**RHOWCH X MEWN UN BLWCH
YN UNIG**

PUT AN X IN ONE BOX ONLY

Ydw, rydw i'n cytuno - Yes, I agree

Nac ydw, dydw i ddim yn cytuno - No, I do not agree