



# Report on the referendum on the law-making powers of the National Assembly for Wales

3 March 2011

June 2011

# Contents

	Foreword	1
1	Introduction	2
2	Information for voters about the referendum	8
3	Voters' experience	17
4	Campaigning at the referendum	26
5	Delivering the referendum	42
	Appendices	60
	Appendix A – Referendum results	
	Appendix B – Registered campaigners	
	Appendix C – Research methodology	

## Foreword

Only rarely are voters in the UK asked to decide on a government proposal by voting in a referendum. Voters in Wales had that opportunity twice in 2011. On 3 March they were asked to decide on the law-making powers of the National Assembly for Wales and on 5 May, to decide on the voting system used to elect MPs to the House of Commons, at the same time as voting in Assembly elections.

This report is our factual account of how the Wales referendum was run. Because there were two referendums within three months of each other, we will draw together key issues raised and lessons learnt from both referendums in a further report, to be published in autumn 2011. We will consider whether or not to make any recommendations for changes in referendum legislation to the UK Government and whether we should revise our own policies or practice in the light of experience at both referendums.

The Electoral Commission had a range of responsibilities in the referendum on 3 March. This report explains what those were and gives our account of how we fulfilled them, including feedback we have received. As an independent public body, we are accountable directly to the UK Parliament, but stand ready to report on issues concerning the referendum and our role to the National Assembly for Wales.

As Chair of the Commission, I was Chief Counting Officer; that means I was ultimately responsible for certifying and declaring the result. I appointed Bryn Parry-Jones, Chief Executive of Pembrokeshire County Council, as Deputy Chief Counting Officer. The referendum was administered in the 22 voting areas of Wales by local Counting Officers and their staff. My priority was that, in the conduct of the referendum, voters' interests should be put first. I am very grateful for all the hard work of the Deputy Chief Counting Officer, local Counting Officers and their staff in ensuring that the referendum went smoothly. As our public opinion research shows, voters in Wales were overwhelmingly positive about their experience of voting in polling stations or by post.

Our report covers all the major themes of the referendum: what information was available for voters; their experience of registering to vote and voting; the referendum campaigns; and the delivery of the referendum, including its cost. For the record, we include full details of the results and related data. We hope that our report will provide a transparent and comprehensive assessment of the referendum for voters and all interested parties.

**Jenny Watson**

**Chair of the Electoral Commission and Chief Counting Officer**

# 1 Introduction

## About our report

1.1 A referendum was held in Wales on 3 March 2011 on the law-making powers of the National Assembly for Wales. This report is about the administration of the referendum.

1.2 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate party and election finance and set standards for well-run elections and electoral registration. We are responsible for publishing reports on the administration of referendums and elections.

1.3 We have specific responsibilities for conducting referendums held under the framework of the Political Parties, Elections and Referendums Act 2000 (PPERA). The referendum in Wales was conducted under that framework. In such a referendum, we are responsible for:

- giving our views on the referendum question
- registering campaigners who want to spend significant amounts in the referendum
- where appropriate, appointing lead campaign groups for each outcome
- providing lead campaign groups with grants that we determine within statutory limits
- monitoring and taking steps necessary to ensure compliance with the rules on referendum expenditure and making public, after the referendum, how much registered campaigners spent

1.4 In this referendum, we were also responsible for promoting public awareness of the referendum, its subject matter, and how to participate in it. We were responsible too for giving advice to the Secretary of State for Wales on spending limits for referendum campaigners.

1.5 The Chair of the Commission, or someone she appoints, is Chief Counting Officer for a referendum conducted under the PPERA framework.

## About the referendum

1.6 The referendum was on whether the Assembly should be able to make laws on **all** matters in 20 subject areas for which it already had powers, without needing any further agreement from the UK Parliament. Prior to the referendum,

the Assembly had powers to make laws on **some** matters within the 20 subject areas, but not all. Voters were asked:

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

## The referendum result

1.7 The outcome of the referendum was:

- 815,628 people voted, that is 35.6% of those registered to vote, in the referendum.
- 63.5% of voters, that is 517,132 people, voted 'Yes'.
- 36.5% of voters, that is 297,380 people, voted 'No'.
- All but one of the 22 voting areas voted 'Yes', with Monmouthshire voting 'No'.

1.8 Detailed results for all voting areas are attached in Appendix A of this report.

## The law on referendums

1.9 The legal framework for referendums held in the whole of the UK, or in Wales, Scotland, Northern Ireland or a region of England, is contained in PPERA. That legislation, which also established the Electoral Commission, gives us our particular role in referendums and creates a framework for how referendums are run.

1.10 Before any referendum can take place, however, specific legislation is needed. The Government of Wales Act 2006 (GWA 2006) provided that a referendum on the law-making powers of the National Assembly for Wales would be triggered if two-thirds of Assembly Members voted in favour of it.<sup>1</sup>

1.11 There are no generic rules on the detailed conduct of a referendum that are ready to be used should any referendum be called, although we recommended that the UK Government should make generic rules after a referendum was held in the North-East of England in 2004.<sup>2</sup> The lack of any rules being in place ahead of the Wales referendum being called, together with the

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<sup>1</sup> Section 104, Government of Wales Act 2006.

<sup>2</sup> The Electoral Commission, *The 2004 North East regional assembly and local government referendums* (November 2005). The UK Government has not formally responded to this recommendation.

relatively short amount of time available for making detailed legislation containing the rules, resulted in uncertainty for those planning to campaign in the referendum and for those delivering it.

1.12 In the case of the Wales referendum, four sets of secondary legislation had to be made. The first Order contained the referendum question, the date and the rules for how it would be conducted. Another Order set limits on campaigners' expenditure, and the third updated the GWA 2006 to list the subjects on which the Assembly could legislate in the event of a 'Yes' vote in the referendum.<sup>3</sup> The final legislation concerned funding associated with the referendum.

1.13 Our report explores in further detail later the significant consequences the lack of pre-existing referendum rules had for the Wales referendum.

## Frequency of referendums

1.14 Referendums are rare events. A UK-wide referendum was held on 5 May 2011 on the UK Parliamentary voting system. The only UK-wide referendum prior to that was in 1975, on whether the UK should stay in the European Economic Community (now the European Union). Referendums on devolution were held in Wales and Scotland in 1979 and 1997. The 1997 referendums resulted in the establishment of the National Assembly for Wales and the Scottish Parliament. There were referendums in Northern Ireland in 1973 and 1998, the latter resulting in the establishment of the Northern Ireland Assembly after the adoption of the Good Friday Agreement.

1.15 The current framework for running referendums was introduced by the UK Parliament after the referendums in 1997 and 1998.<sup>4</sup> Prior to the referendum in Wales in 2011, just one referendum had been held under the current framework, that is, in the North East region of England in 2004.<sup>5</sup> The infrequent nature of referendums is a significant factor to take account of in assessing how they should be run.

1.16 While similar to elections in many ways, referendums are different in a number of others. Particularly significant differences are:

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<sup>3</sup> National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum, Etc) Order 2010; National Assembly for Wales Referendum (Assembly Act Provisions) (Limits on Referendum Expenses Etc) Order 2010; National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010.

<sup>4</sup> Following recommendations by The Committee on Standards in Public Life, *Standards in Public Life – The funding of Political Parties in the United Kingdom* (October 1998).

<sup>5</sup> The Electoral Commission, *The 2004 North East regional assembly and local government referendums* (November 2005).

- Voters have very limited experience of referendums compared with elections. This has an impact on the nature and extent of the public information needed. The extent of voters' understanding of the subject of the referendum became an issue in Wales.
- The nature of campaigning. Although mainstream political parties campaign in referendums, each referendum has its own unique mix of campaigners, which may offer very different reasons from political parties for voting for a particular outcome. Referendum campaigners have differing degrees of campaign experience. PPERA provides a specific regulatory framework for the campaigns. The nature of the framework for regulating referendum campaigns itself became something of an issue in the Wales referendum.
- A referendum has one national result; in this case the constituency was the whole of Wales. The referendum result is achieved by a building-block approach, where local totals are tallied to arrive at a single result. This is unlike most elections with their many individual local contests and results. The only elections in which Wales forms one constituency are European Parliamentary elections.
- Because a referendum has one national result, achieved by tallying local results, a referendum has a different management and accountability structure compared with an election. PPERA requires that it has a Chief Counting Officer, who is the Chair of the Electoral Commission or someone she appoints. This contrasts with elections, where the Commission is in the position of giving advice and guidance to those who conduct elections but does not normally have an operational role in the administration of the poll.

1.17 These issues are explored in greater detail later in this report.

## Roles and responsibilities

1.18 The responsibility for making legislation to support the Wales referendum was shared by UK-wide and Welsh governments. The Secretary of State for Wales was responsible for drafting the secondary legislation that governed the conduct of the referendum. The National Assembly for Wales was required to vote on it as were both Houses of the UK Parliament. The Welsh Assembly Government was responsible for meeting the costs of local Counting Officers in running the referendum and for making the legislation that enabled them to claim their fees and charges.

1.19 The Commission's role in the conduct of the referendum is summarised above. Specifically, the Chair of the Commission, Jenny Watson, was the Chief Counting Officer for the referendum. She appointed Bryn Parry-Jones, Chief Executive of Pembrokeshire County Council and European Parliamentary

Regional Returning Officer for Wales, as Deputy Chief Counting Officer. Electoral Commissioner Max Caller CBE was the deputy for Jenny Watson in the event of her incapacity. The Chief Counting Officer appointed 22 Counting Officers in local authorities, equivalent to Returning Officers in other elections in Wales.

## Our approach to referendums

1.20 In 2009, with the prospect of a referendum in Wales becoming increasingly likely,<sup>6</sup> we reviewed our approach to running referendums. At that time, five years had passed since the only referendum held under the legislative framework in PPERA.<sup>7</sup>

1.21 We wanted to make sure we had learnt from the experience of 2004 as well as taken account of developments in how elections were run over the subsequent five years. We also thought it important to make public a summary of our views and the principles that we would use to make decisions in areas where we have a role in a referendum.

1.22 Firstly, we published our preferred approach to assessing the intelligibility of referendum questions, along with issuing revised guidelines for assessing referendum questions, in November 2009.<sup>8</sup>

1.23 Secondly, we published a summary of the key principles that would underpin our approach to referendums, in February 2010. We sought to follow these principles in the matters for which we were responsible in the Wales referendum. The principles are set out below.

### **Voters**

Our focus is on voters and on putting their interests first. There should be no barriers to voters taking part. This means that:

- 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, that distribution of any public support and access to media is fair, and that any rule-breaking will be dealt with.
- The voting process should be easy to take part in and well-run.

<sup>6</sup> All Wales Convention, *Report* (November 2009).

<sup>7</sup> The Electoral Commission, *The 2004 North East regional assembly and local government referendums* (November 2005).

<sup>8</sup> [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0006/82626/Referendum-Question-guidelines-final.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/82626/Referendum-Question-guidelines-final.pdf).

- 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 the media) is easy to understand, and accepted as fair.

### **Administration**

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
- 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 was run

## Reviewing the referendum

1.24 This report reviews each of these areas – the experience of voters, the referendum campaign and the delivery of the referendum.

1.25 Before polling day in Wales on 3 March, campaigns formally began on 16 February for the UK-wide referendum on the voting system for UK Parliamentary elections, held on 5 May 2011. We will publish a report on the UK-wide referendum, as well as the scheduled elections with which that referendum was combined, in autumn 2011.

1.26 Our autumn report will draw together the issues raised and lessons learnt from both referendums. We will consider whether or not to make any recommendations for changes in referendum legislation to the UK Government and whether we should revise our own referendum policies or practice in the light of experience at both referendums and the feedback we receive.

## 2 Information for voters about the referendum

2.1 This chapter looks at how much voters said they knew about the referendum, its subject matter and how to take part in it, and what public information was available to help them find out more.

### The referendum question

2.2 The purpose of a referendum is to ask the public to vote on a proposal. At the heart of the referendum is the question voters are asked.

2.3 We are responsible for giving our views to on the intelligibility of referendum questions. The Secretary of State for Wales was responsible for drafting legislation containing the referendum question and seeking our views.

2.4 We published our preferred approach to assessing referendum questions in November 2009. We advised that our preferred approach would take around 10 weeks to complete, based on a minimum of two weeks' notice as to when we would receive a question for assessment.

2.5 We also published guidelines to help those drafting referendum questions and to help us assess them. Our guidelines say that referendum questions 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

2.6 The Secretary of State, Rt Hon Cheryl Gillan MP, formally consulted us on 23 June 2010 on a proposed question that voters would be asked in the referendum. We followed our preferred approach to assessing the proposed question by:

- undertaking public opinion research through focus groups and in-depth interviews
- writing to interested parties (including the main political parties) and would-be campaigners to seek their views, and offering meetings to hear from them

- seeking advice from experts on plain language and accessibility and from the Welsh Language Board.

2.7 We gave our views to the Secretary of State in early September 2010.<sup>9</sup> Our assessment of the proposed question, based on user-testing and comments from interested parties, was that the preamble to the question and the wording of the question itself were not easy to understand and were ambiguous. Some particular words, phrases and terminology had to be revised if the question was to be understood by voters. The preamble needed to be less densely worded and the format easier to read and more accessible.

2.8 It emerged from our research that the Welsh language version of the question was overly complex and insufficiently clear. Participants in our research and others giving their views to us felt that the question should be simplified and use concise forms of Welsh that are commonly spoken. The Welsh Language Board advised us in detail on the Welsh language version of the question.

2.9 We took the step of proposing a redraft of the preamble and question. Our redraft intended to show how the issues we found in the draft could be addressed. The varying and strongly held views of senior political commentators and academics meant that whatever question was proposed was unlikely to gain support from every quarter. There had been a number of deconstructions of the draft by commentators, but no complete proposals put to us that would be capable of attracting wider support or being understood by voters. The complexity of the subject matter meant that the question was difficult to draft in everyday language accessible to all voters. Our priority was a question that voters could understand, so that they knew what they were voting on.

2.10 The Secretary of State accepted our report in full and included our suggested redraft of the preamble and question in the legislation that was made.<sup>10</sup>

2.11 We comment on lessons learnt about the process of assessing referendum questions in Chapter 5 of this report.

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<sup>9</sup> The Electoral Commission, *Referendum on law-making powers of the National Assembly for Wales: Report of views of the Electoral Commission on the proposed referendum question* (September 2010).

<sup>10</sup> National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum, Etc) Order 2010.

## Lessons learnt about public awareness from assessing the referendum question

2.12 As part of our approach to assessing the referendum question, we undertook public opinion research to see if it was written in a way that meant voters were likely to understand it. As we identified in our published report on the referendum question, we found a low level of public awareness that a referendum on the law-making powers of the Assembly was to be held, what the referendum was about or, what a referendum actually was.

2.13 The subject of the referendum was a challenging one to communicate to voters. Our report on question assessment identified the challenge clearly to potential referendum campaigners and all interested parties, including the media.

## Public information for voters

2.14 There were broadly two strands to voter information in the referendum: public information, that is, factual information from impartial sources, and campaign material explaining why people should vote a particular way. Here we review the availability of public information for voters and in the next chapter we look at the availability of campaign material for voters.

2.15 Knowing that initial public awareness of the referendum and its subject was low meant that providing impartial information to the public was going to be vital to help people to take part in it. The Commission was required to take such steps as we thought appropriate to promote public awareness in Wales about the referendum, its subject matter and how to participate in it.<sup>11</sup> That meant we had a key role in trying to bridge the knowledge gap.

2.16 The formal referendum campaign period began on 16 December 2010. A critical time for public information to reach people was from the end of January to 16 February because that was the deadline to register to vote and for people to apply for a postal vote. We planned our public information campaign to begin at the end of January.

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<sup>11</sup> Section 16, National Assembly for Wales (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc) Order 2010.

## Levels of voter awareness

2.17 We undertook public opinion research to establish levels of public awareness about the referendum, immediately prior to launching our public information campaign.<sup>12</sup>

2.18 Just under a quarter of people surveyed in mid-January were aware there was a referendum. Only 5% were able to say spontaneously that the date of the referendum was 3 March. Two per cent more knew it was in early March and a further 9% knew it would take place sometime in March.

2.19 Only 28% knew that the referendum would consist of a single question to which they would answer 'yes' or 'no', while over half did not know what form the referendum question would be. This was despite the fact that 41% of people surveyed said that they were aware of publicity about the referendum, including 32% who were aware of television programmes or news on the subject.

## Our public information campaign

2.20 The referendum was a single electoral event, not being held at the same time as any other across the UK. This had both advantages and challenges for raising public awareness. One challenge was that there was no publicity or campaigning for other elections that would have raised public awareness of voting taking place on a particular day. An advantage, however, was that publicity and campaigning was focused on the referendum issue alone and there was no cross-campaigning that could confuse the issues being voted on.

2.21 Reflecting this, we ran a public information campaign across Wales focused solely on the referendum. Our campaign aims were to ensure that voters:

- were aware that the referendum was taking place
- knew what the referendum was about
- had all the information they needed to be able to understand how to vote

2.22 The focal point of our campaign was an information booklet, to be distributed to every household in Wales. Drafted in plain language and available in a variety of accessible formats, it contained information on what the referendum was about, including the question voters would be asked, and practical information on how to take part.

2.23 Distribution of the leaflet by the Royal Mail's Door to Door service was planned to be completed by 16 February. This was the last date to register to vote and to apply for a postal vote.

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<sup>12</sup> GfK NOP interviewed 518 adults 11–17 January 2011.

2.24 Our distribution plan for the delivery of the booklets covered every postcode sector in Wales. We were aware that for a mailing of this kind to every household it would be very difficult to ensure perfect coverage. We were contacted by some individuals who said they had not received a booklet. There were occasions when the booklet may not have been delivered locally or it may have arrived with other forms of promotional mail shots (seen as junk mail) and been inadvertently discarded. Any individuals who contacted us to say they had not received a copy were sent a booklet through first class mail.

2.25 We evaluated the distribution of the booklet and found a calculated delivery rate of 91%, which compares well with household mailshots of this type.<sup>13</sup>

2.26 We also launched a comprehensive media campaign on 28 January, which featured adverts on television, local radio, in newspapers and online. The specific aim of this campaign was to inform the public that a referendum was due to take place in Wales on 3 March and to alert people that an information booklet was on its way to them.

2.27 A second phase of the campaign, from 14 February, aimed to reinforce the same information while also ensuring that anyone without a copy of the booklet for whatever reason was directed to download a version from our website, [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). We also advertised a helpline number, specifically for Wales referendum queries. Over 1,200 calls were dealt with by our helpline staff and our public information team, with 150 booklets and 354 voter registration forms distributed.

2.28 A special section of our voter website, [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk), provided information about the referendum. From mid-December, when the referendum period began, we displayed text on the subject matter of the referendum that later formed a section of the booklet. Our voter website received 26,169 hits during the referendum period.

2.29 We give the costs of our public information campaign in Chapter 6 of this report, along with other referendum costs.

## Levels of public awareness after our public information campaign

2.30 We evaluated the levels of public awareness about the referendum by conducting opinion research during and after our public information campaign.<sup>14</sup> This was so that we could compare with levels assessed before our campaign began. Public awareness would have been influenced, of course, not only by

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<sup>13</sup> Survey conducted by Front Door Market Research.

<sup>14</sup> Mid-wave 28 February to 2 March 2011 (107 adults); Post-wave 4–22 March 2011 (408 adults).

our public information campaign but by media coverage of the referendum and material from campaigners. In light of the relatively low prominence of campaign material, however (which we explore in the following chapter), there was likely to have been a greater reliance on our public information in the Wales referendum than would normally be the case in major elections.

2.31 In evaluating our public information campaign, including the booklet to all households, our survey found that by 3 March:

- 75% said they were aware that there was to be a referendum, compared with 24% immediately prior to our public information campaign.
- 58% said they knew enough about what the referendum was about, compared with just over a third (34%) of electors before the start of our public information campaign.
- 49% said that they had enough information to be able to make an informed decision on whether to vote 'Yes' or 'No' by 3 March, compared with just over a quarter (28%) before the start of our public information campaign.
- 78% said that they knew what they needed to do to cast their vote, compared with 47% before the start of our public information campaign.

2.32 Looking particularly at the impact of our public information advertising, excluding the booklet, our survey found:

- Over three-quarters (76%) recognised at least one element of the advertising campaign (TV, radio, press or online).
- Of those who recognised at least one element of the campaign, 31% said that they voted as a result of seeing or hearing the advertising.
- 16% said they talked to friends, family, or colleagues about the advertising.
- 14% said they had read the booklet they saw in the advertising and 11% said they looked out for the booklet because of the advertising.

## Other sources of public information

### Local authorities and interested groups

2.33 We also produced a variety of resources that could be used by local authorities and other interested groups. We made these available on our website [www.dopolitics.co.uk](http://www.dopolitics.co.uk) and publicised them to local authorities, student unions and charities. We regularly provide resources to local authorities to help them meet their statutory duty to promote voter registration and participation in elections and so we used our existing networks to promote use of the referendum materials.

2.34 The resources were free to download from our website and included: template press releases, posters, press advertisements, email signatures, an image gallery, props that could be loaned to use in local photography and downloadable versions of the booklet.

2.35 We monitored the usage of these resources by local authorities and the take up of them by the press. Our monitoring of media coverage of the referendum identified that at least 50 separate news items were carried in press titles across Wales, as a result of usage of our template press releases by local authorities.

### **Information from other government and national sources**

2.36 The Secretary of State for Wales, responding to the low levels of public awareness identified in our report on the referendum question, convened discussions on the issue between relevant organisations, including representatives of the National Assembly for Wales, Welsh Assembly Government and ourselves.

2.37 The purpose was to share information about each organisation's communications plans and to ensure that public messages about the referendum from each organisation complemented each other. The outcome of that collaboration was a consistent approach to voter information by each body, within the scope of its particular remit. The National Assembly for Wales in particular undertook promotional activities with a campaign entitled 'Vote 2011', seeking to raise public awareness of the referendum and encourage participation in it. The Wales Office, Welsh Assembly Government and the National Assembly all provided links from their own websites to [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) as the key source of voter information.

### **Prohibition on publicity about the referendum**

2.38 During the last 28 days of the referendum campaign, the Commission was the only public body, by law, that could put out publicity about the referendum. The law is designed to prevent governments, local authorities and public bodies using their resources to promote a particular outcome during the referendum campaign.

2.39 The Political Parties, Referendums and Elections Act 2000 (PPERA) prohibits publicity about the referendum during the last 28 days of the referendum period by any government department, government minister or local authority.<sup>15</sup> The prohibition also applies to any other person or body whose expenses come wholly or mainly out of public funds or from any local authority (excluding the BBC or S4C and the Commission itself).

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<sup>15</sup> Section 125, PERA.

2.40 Prohibited material is that which:

- provides general information about a referendum
- deals with any of the issues raised by the referendum question
- puts any arguments for or against any particular answer to the referendum question
- is designed to encourage voting at the referendum

2.41 The restriction does not apply to:

- material made available in response to specific requests for information or to access to information by people specifically seeking it
- the publication of information related to the holding of the poll and the issue of press notices

2.42 Following lessons learnt at the North East referendum in 2004, we asked the Welsh Assembly Government and the Secretary of State for Wales to adopt a voluntary ban on publicity about the referendum not just for the 28-day statutory period, but during the whole of the campaign period. The purpose was to ensure that no questions would be raised about the use of government resources to influence the outcome of the referendum while campaigning was underway. The First Minister agreed to adopt the voluntary ban, with the effect that the Welsh Assembly Government undertook no promotional role in relation to the referendum from 16 December 2010. The Secretary of State and the UK Government did not adopt the voluntary ban, but the Secretary of State declared a neutral position in relation to the outcome of the referendum.

2.43 The Welsh Assembly Government also provided advice and additional information to those voluntary sector groups who were funded completely or mainly through public sources. This information explained the publicity restrictions and advised groups with any particular concerns to seek their own legal advice.

2.44 We published a factsheet about the publicity restrictions on our website and circulated it to relevant bodies. We also gave specific advice about the prohibition in relation to queries about its application in particular circumstances.

### **Lessons learnt about publicity in the final 28 days of the referendum campaign**

2.45 An issue arose in relation to the 28-day prohibition. The prohibition is intended to prevent publicly funded bodies using their influence during a critical period of the referendum campaign, but it also affects any impartial activities local authorities could undertake in promoting public awareness of the referendum amongst their local electorate.

2.46 To avoid the position that no local public awareness activities were undertaken in the 28 days before the referendum, we asked Counting Officers in

local authorities instead to carry out certain tasks to assist us in the discharge of our statutory public awareness function.

2.47 The same issue arose in relation to the UK-wide referendum on the UK Parliamentary voting system on 5 May 2011. In our report on the polls held in May, which we will publish in autumn 2011, we will draw together lessons from both referendums and consider how the impact of the prohibition on local, impartial public awareness activities can be effectively addressed. While it is clearly important that publicly funded bodies are not seen to be improperly using their resources to influence the outcome of a referendum, it is also important that participation in any referendum can be effectively promoted locally.

## 3 Voters' experience

3.1 This chapter looks at the experience of voters in the referendum, including their experience of registering to vote and voting by post or in polling stations.

### Registering to vote

3.2 A complete and accurate electoral register underpins any referendum or election because inclusion in the register of electors is essential for people to be able to vote.

3.3 The main focus of electoral registration activity is the annual canvass – the registration of electors within households which is undertaken annually in the autumn. Individuals may also register or amend their existing details at any time of the year, a process known as 'rolling registration', usually as a result of moving home or having missed the annual canvass.

### Who could vote

3.4 The franchise for the referendum was the local government electorate. This meant you could vote in the referendum if you were registered to do so at an address in Wales, were aged 18 or over on 3 March 2011, and were a British, Irish, European Union or qualifying Commonwealth citizen (that is, with leave to remain or not requiring leave to remain) living in the UK.

3.5 The majority of calls received at our advertised telephone helpline were from people wanting to know whether they were eligible to vote in the referendum. We sent out a total of 354 registration forms as a result of these queries.

3.6 The electoral registers for the referendum on 3 March 2011 contained a total of 2,289,044 entries. This compares with 2,105,379 at the local elections in Wales in May 2008 and 2,248,122 at the elections to the National Assembly for Wales in 2007, which have the same franchise as that used for the referendum. It also represents an increase of 7,514 since the annual publication of the relevant electoral register on 1 December 2010. Some of that increase would include those who reached the age of 18 after 1 December 2010.

3.7 The size of the increase suggests that publicity about the referendum and voter information encouraged more people to register to vote. The deadline for applications to be included in the register was 16 February. A total of 6,168 people took advantage of the chance to register up to 11 days before polling

day. We know that about 800 people tried to register after the deadline had passed. A total of 50 people chose to register anonymously in Wales.<sup>16</sup>

## People's experiences of registering to vote

3.8 Our public opinion research, conducted by Ipsos MORI following the referendum, shows that people generally know about the process of how to register to vote. Almost nine in 10 adults in Wales, that is 87%, said that they were confident that they knew how to register to vote. Two-thirds of respondents said that they were very confident, while only 4% said that they were not at all confident. As shown in the table below, confidence in knowing how to register varies with age, with older age groups more likely to say they are very confident than their younger counterparts.

### Percentage of people who are very confident they know how to go about registering to vote

Age category	Very confident (%)
Overall	66
18–24	30
25–34	57
35–44	61
45–54	72
55–64	77
65+	82

**Note:** These data are based on a sample of 1,005 adults aged 18+ across Wales. Interviews took place between 5 and 9 March 2011.

**Source:** Ipsos MORI, National Assembly Wales Referendum Research, March 2011.

**Question:** How confident, if at all, are you that you know how to go about registering to vote? Would you say...

**Base:** All respondents (1,005) Wales.

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<sup>16</sup> As at 1 December 2010.

## Voting at the referendum

3.9 A total of 815,628 people voted in the referendum, that is, 35.6% of those eligible to vote. Seventy per cent voted in person at 2,506 polling stations across Wales, which were open between 7am and 10pm. Nearly all the remainder voted by post, with just 0.13% of people appointing a proxy to vote on their behalf.

## Who voted – the characteristics of voters

3.10 The public opinion research that we conducted immediately after the referendum provides us with self-reported turnout according to gender and age, as shown in the table below. The table indicates who was more or less likely to vote in the referendum. The figures themselves should be treated with caution as they are based on self-reported turnout, which was higher than actual turnout at the referendum. There are no absolute figures for who voted, since voting is secret.

Group	Turnout (%)
Men	59
Women	61
18–24	39
25–34	45
35–44	46
45–54	61
55–64	73
65+	81

**Note:** These data are based on a sample of 1,005 adults aged 18+ across Wales. Interviews took place between 5 and 9 March 2011. See Appendix C for research methodology.

3.11 While men and women were almost equally likely to vote, there were significant differences among the various age groups. Only 39% of 18–24 year olds said that they voted in the referendum compared to 81% of those aged 65 and over. This reflects trends at elections, where young people are the least likely of any group in society to vote. Reflecting patterns of voting behaviour at

previous elections, there was an association between turnout and socio-economic profile with people in professional, managerial and administrative occupations being the most likely to vote.

3.12 There were also variations in turnout in different voting areas, with the highest turnouts in Carmarthenshire (44.4%), and Ceredigion (44.1%) and lowest in Newport (27.9%) and Wrexham (27%). The differential turnouts are likely to be attributable to a number of factors, including:

- in general, people living in rural areas are more likely to vote than those living in urban areas
- local campaigning: a reported active local campaign in Carmarthenshire, for example, probably contributed to that county having the highest turnout

## Why people did and did not vote

3.13 Our public opinion research explored why people did and did not vote at the referendum.

3.14 In common with previous post-election research, the most common reasons given for voting related to a sense of having a duty to vote and feeling that it is important to do so. Forty-four per cent of voters cited these types of reasons. This was followed by voters wanting to have their say (25%); to support devolution (16%) and feeling it was their right to vote (15%).

3.15 Again reflecting post-election surveys, the most common reason that people gave for not voting was that circumstances prevented them from doing so on the day. Forty-seven per cent of respondents cited this as a reason.

3.16 Just over a fifth of non-voters said that they did not vote because of lack of information about the referendum, not being clear about what the referendum was about or even knowing that a referendum was taking place. This reflects what we already knew about low levels of public awareness of the referendum and its subject matter.

3.17 However, almost two-thirds of all respondents said that they knew a 'great deal' (17%) or a 'fair amount' (46%) about what the referendum was about. Those who had voted were more likely to know a great deal or a fair amount about the referendum (80% compared to 37% of non-voters). Of those who said they knew 'not very much' or 'nothing at all', 28% said not very much and 8% nothing at all. Non-voters were more likely to know not very much or nothing at all – 63% compared to 19% of voters.

3.18 Awareness of what the referendum was about was lower among younger age groups with less than half (47%) of 18–24 year olds saying that they knew a great deal or a fair amount. This compares with 79% of 55–64 year olds and 77% of those aged 65 and over who did so.

3.19 Chapter 2 describes our own voter information campaign, aimed at raising awareness of the referendum, and reports on the evaluation of that campaign.

## People's experience of voting at the referendum

### The experience of people who voted in polling stations

3.20 According to our public opinion research, people who voted in polling stations were more likely to be people who were working and living in rural areas.

3.21 Ninety-six per cent of in-person voters were very satisfied with the process of voting at the polling station. This figure has remained relatively consistent over the last few years.

3.22 Ninety-two per cent of in-person voters also rated it as being a convenient method of voting. Of those voting, 99% said they found their polling station very or fairly easy to get inside to vote.

3.23 Most in-person voters rated the help and support available from polling staff and the written instructions on how to vote as being very or fairly useful (80% and 78% respectively), though 17% said that they did not use either source of help.

3.24 Young people were more likely than older adults to say that they found the support offered by polling station staff useful – 93% of 18–24 year olds.

3.25 The satisfaction level of those voting in polling stations is very high. The accessibility of polling stations in Wales has improved steadily, year on year. This year, the Chief Counting Officer sought to ensure that voters' needs were addressed locally by giving directions to local Counting Officers on a number of specific practical matters, which we outline in Chapter 5. These included providing template polling station notices, poll cards and other materials used by voters. These steps resulted in further improvements in accessibility this year. At the time of compiling this report, the Commission has not been alerted to any complaints from voters about the accessibility of polling stations at the referendum.

3.26 Nevertheless, there remains a small, diminishing number of polling stations in Wales that are in locations that are difficult to access or where access within the polling station is restricted. These are generally in localities where there are very limited alternative options or where using a more accessible building would be at the expense of it being within easy distance of most voters in the local area. We encourage local authorities to keep their polling station provision under continual review and they work hard to do so. A four-yearly cycle of statutory reviews of polling places will have been completed across

Wales by the end of 2011, which we expect to lead to further improvements in accessibility.

## The experience of people who voted by post

3.27 After the introduction of postal voting 'on demand' in 2001, the number of people in Wales who chose to vote by post increased significantly. However, levels of postal voting have steadied over the last couple of years. Of the electorate for the referendum, 16.6% were issued with a postal vote, compared with 16.4% of voters in Wales at the UK Parliamentary general election in 2010 and 15.0% at the European Parliamentary elections in 2009.

3.28 Postal voters continue to be much more likely than other electors as a whole to vote. Of those registered to vote by post at the referendum, 67.4% did so, accounting for 30.4% of all votes.

3.29 Our survey found that postal voters tended to be people with a disability and/or aged 65+ who may have difficulty in getting to their polling station to vote, and those who are not working. The vast majority were able to sign their own postal vote, and just 0.71% of postal voters used the facility to waive their signature.

3.30 Overall, people who voted by post were satisfied with it as a method of voting. Ninety-seven per cent of postal voters said they were satisfied with the process. The same proportion found it a convenient method of voting.

3.31 There were few problems with people completing and returning their postal vote. Almost all (96%) of postal voters said it was either 'very easy' (71%) or 'fairly easy' (25%) to understand what they had to do to complete and return their postal vote. The same high proportion (96%) of postal voters thought that the written instructions on how to complete their postal vote and how to return it were very or fairly useful.

3.32 What people said in our survey was reflected in the actual numbers of postal votes completed accurately. From more than 250,000 returned postal votes, nearly 8,500, or 3.3% of the total returned (equating to 2.2% of the total issued), had to be rejected. This compares with around 5% of returned postal votes being rejected at the UK Parliamentary general election in 2010.

3.33 Postal votes were rejected because the personal details supplied by voters and returned with their postal vote could not be successfully matched with those provided on their postal vote application. There is a legal requirement to match these personal identifiers, designed to prevent voting fraud. The Chief Counting Officer directed local Counting Officers to plan to verify 100% of postal vote statements, containing signatures and dates of birth. In the event, all Counting Officers verified 100% of postal vote statements.

3.34 The table below shows the number of postal votes that were rejected and the reasons for rejection. A significant proportion of rejections occurred because

either the postal voting statement or the ballot paper was not returned. Another significant proportion had to be rejected because the date of birth or the signature did not match the records. The reasons for this include:

- people giving the date that they completed the postal vote rather than their date of birth
- change of name, such as on marriage
- changes in signatures over time

3.35 While it is clearly important that measures are in place that are effective in detecting and preventing fraud, these measures should not inadvertently disenfranchise voters who simply make mistakes on their postal voting statements.

3.36 We have previously recommended to the UK Government a number of changes that would help to address these problems, including allowing election Returning Officers to request a refreshed identifying signature, and also provide electors with feedback if their identifier has been rejected. We expect the UK Government to explain how and when it intends to take these measures forward.

#### Reasons for postal vote rejection across Wales at the referendum<sup>17</sup>

Rejection reason	Number	%
Want of signature	540	6
Want of date of birth	739	9
Want of both	373	4
Mismatched signature	1,398	17
Mismatched date of birth	2,178	26
Both mismatched signature and date of birth	547	7
Missing postal voting statement or ballot paper	2,629	31

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<sup>17</sup> These figures are based upon data received from 21 of the 22 local authorities in Wales. Due to rounding the total percentage exceeds 100%.

## Completing the ballot paper

3.37 Ninety-seven per cent of voters said that they found the ballot paper very easy (86%) or fairly easy (11%) to complete. Polling station voters and those who voted by post were equally likely to say that they found it was easy to complete their referendum ballot paper – 98% compared to 97%.

## People's confidence that their votes were counted

3.38 People were confident that their vote was included in the count, with only 2% of people saying that they were not confident. Postal voters and polling station voters were equally confident that their vote was included in the count, although polling station voters were more likely to say that they were *very* confident – 78% compared to 65%.

## Electoral fraud

3.39 Over half of our survey respondents said that they knew hardly anything or nothing at all about fraud relating to elections and voting.

3.40 Nevertheless, 27% of those surveyed said that they were very or fairly concerned that fraud and abuse had taken place on polling day, with non-voters being more concerned than voters – 33% compared with 23%. This compares with a third of people who said they were very or fairly concerned that fraud and abuse took place at the UK Parliamentary general election in 2010.

3.41 The most commonly cited reasons why people were concerned that electoral fraud took place at the referendum related to a distrust in politicians and elections (23%). Other common reasons were a feeling that you can't trust anyone (13%) or a lack of trust in the system (10%).

3.42 We work with the Association of Chief Police Officers to collect data on the number of allegations of malpractice reported to the police in order to enhance our understanding of the scale and nature of electoral malpractice at UK elections and referendums. Data is collected locally by Single Point of Contact Officers (SPOCs) and sent to the Police National Information and Coordination Centre (PNICC). Each SPOC returns information to PNICC on a monthly basis on any instances of alleged malpractice.

3.43 An additional return for Wales was submitted shortly after the referendum to determine if any alleged malpractice had taken place. To date we are aware of no instances of alleged malpractice at the referendum that have been reported to the police.

## Confidence and satisfaction with the way the referendum was run

3.44 Despite the very positive findings about people's experience of voting and registering to vote, only two-thirds of all respondents said that they were very or fairly confident with the way the referendum was run. Voters were more confident that it was well run, with 77% of all voters giving that response. A slightly lower proportion of voters in Wales, 73%, thought that the UK Parliamentary general election was well run in 2010.

3.45 Our survey did not probe why voters thought the referendum was well run or not. It is likely that a number of factors contributed to the public's overall view of the referendum. One of those factors is likely to have been concerned with issues surrounding the referendum campaigns, which we explore in our next chapter.

## 4 Campaigning at the referendum

4.1 This chapter explores the experience of those who campaigned in the referendum. It explains the legal framework that regulated their campaigns and how registered campaigners could apply to the Commission to be designated as lead campaign organisations. It describes our decision-making process for designating lead campaign organisations and its outcome.

4.2 There were no official 'Yes' and 'No' campaign organisations for the referendum because we were unable to designate them under the rules of the Political Parties, Elections and Referendums Act 2000 (PPERA). This became the single significant issue that was raised about the referendum rules during the conduct of the referendum. It led some commentators to question the suitability of the rules.<sup>18</sup>

### Referendum campaign finance and spending

4.3 Campaigning in relation to a referendum can begin at any time in the run-up to the referendum. However, before a referendum is held, there is a formal campaigning period called the 'referendum period',<sup>19</sup> during which restrictions on campaign spending apply. The legislation for the Wales referendum specified that the 'referendum period' began the day after the legislation was made, that is, 16 December 2010, and continued until polling day on 3 March 2011.<sup>20</sup>

4.4 Anyone could spend up to £10,000 on campaigning during the referendum period without registering with the Commission. Anyone planning to spend or who did spend, more than £10,000 on campaigning during the period from 16 December 2010 to 3 March 2011 had to register with us.

4.5 All registered campaigners, including political parties, must state which outcome they will campaign for, and comply with the rules on spending and

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<sup>18</sup> For example, John Osmond, Director of the Institute of Welsh Affairs, [www.clickonwales.org/2011/02/yes-campaign-stifled-by-parliaments-rules/](http://www.clickonwales.org/2011/02/yes-campaign-stifled-by-parliaments-rules/).

<sup>19</sup> Part 7, PERA.

<sup>20</sup> Section 5, National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc) Order 2010.

donations in PPERA. There are limits on how much registered campaigners can spend, and the sources from which they can accept donations. Each registered campaigner must appoint a 'responsible person' who is responsible for making sure that the finance and spending rules are followed.<sup>21</sup>

4.6 In total, 23 groups or individuals registered with us to campaign (see Appendix B for a full list of campaigners). We were able to process their applications to register in an average of three working days, compared to our aim of processing them within five working days. They were all processed within the five-day target.

4.7 All campaign donations and spending must be reported to the Commission after the referendum. We published details of campaign spending at the referendum in late June 2011.

## Expenditure limits

4.8 There were specified limits on how much registered campaigners could spend on campaigning during the referendum period. These were contained in legislation that had to be specifically made for the Wales referendum.<sup>22</sup>

4.9 PPERA sets spending limits for a UK-wide referendum, but not for a referendum in Wales, Scotland or Northern Ireland or a region of England.

4.10 The Secretary of State for Wales was responsible for the legislation containing the spending limits for the Wales referendum. Before making the legislation the Secretary of State was required to seek and have regard to the views of the Commission on what the spending limits should be.

4.11 We considered it important that spending limits for the Wales referendum should be resolved at an early stage, both to avoid debate about the issue delaying the progress of legislation and to help campaigners plan their campaigns.

4.12 In March 2010, we were formally consulted and responded on the question of spending limits by the then Secretary of State for Wales, Rt Hon Peter Hain MP. However, very soon after that a UK Parliamentary general election was called, meaning that legislation could not be completed.

4.13 At the same time as we responded to the Secretary of State's consultation, we made public our views and our approach to spending limits through a statement on our website. In arriving at our approach, we had sought views of the four main political parties in Wales, who were broadly supportive, and took

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<sup>21</sup> If the campaigner is a political party, the registered treasurer is the 'responsible person'.

<sup>22</sup> The National Assembly for Wales Referendum (Assembly Act Provisions) (Limit on Referendum Expenses Etc.) Order 2010.

informal soundings from the referendum campaign groups which were starting to emerge at the time. With their limited early experience, it is fair to say that such feedback as we received from prospective campaigners focused more on requests for our advice on what aspects of campaigning were covered by the rules on spending than on a principled view of what the limits should be.

4.14 Our view was that, for referendums in Wales, Scotland and Northern Ireland:

- The maximum spending limit should be set by reference to the expenditure limits applying to elections to the National Assembly for Wales, Scottish Parliament or Northern Ireland Assembly as appropriate.
- Where we designate lead campaign organisations, the maximum spending limit should apply to them.
- The limit applying to registered campaigners, other than lead campaign organisations and political parties, should be set at a minimum of £100,000 or 10% of the limit for lead campaign organisations, whichever is higher.
- The limit applying to political parties that register to campaign should reflect the structure set out in PPERA, which provides higher spending limits for those political parties with a track record of electoral support than other registered campaigners.<sup>23</sup>
- The track record of electoral support for political parties should be assessed on the basis of the most recent relevant election. In the case of the Wales referendum, our view was that this was the Assembly elections in 2007.

4.15 We were consulted afresh in July 2011 by the new Secretary of State, Rt Hon Cheryl Gillan MP, following the change of UK Government in May 2010 and reiterated our recommendations.<sup>24</sup>

4.16 The Secretary of State accepted our views and the legislation that was subsequently made specified the relevant limits accordingly. This meant that political parties that registered as campaigners had campaign expenditure limits based on their share of the vote in the 2007 elections to the National Assembly for Wales. Meanwhile any parties who had five per cent share of the vote or less, and all other registered campaigners except designated lead campaigners, had a spending limit of £100,000.

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<sup>23</sup> Schedule 14, PPERA.

<sup>24</sup> The Electoral Commission, [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0017/102635/Watson-Gillan-Spending-Limits-22\\_7\\_10-Final.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0017/102635/Watson-Gillan-Spending-Limits-22_7_10-Final.pdf) (July 2010).

4.17 In practice, this meant the following limits applied to campaigners who registered for the referendum:

### Spending limits applying to campaigners who registered for the referendum

Campaigner	Spending limit
The Labour Party (more than 30% vote share)	£600,000
Plaid Cymru (20–30% vote share)	£480,000
Liberal Democrats (10–30% vote share)	£360,000
Other registered campaigners	£100,000

4.18 The Conservative Party, which had 20–30% share of the vote at the Assembly elections in 2007, did not register to campaign.

4.19 We were unable to designate lead campaign organisations for the referendum. This raised a question about whether the approach to spending limits for referendum campaigners, contained in PPERA, is appropriate in cases where there are no designated organisations. The issue and the background to the designation decision are discussed later in this chapter.

## Advice and guidance

4.20 We published initial guidance for prospective campaigners on 1 November 2010, before the referendum legislation was finalised. This was so that people could understand the nature of the rules relating to campaigning in good time before the start of the regulated period. We then published definitive guidance as soon as the referendum legislation was approved.

4.21 The guidance we published followed the Commission's new, principles-based format, with top-level introductory documents linking into more detailed guidance on particular aspects of the rules.<sup>25</sup>

4.22 During the run-up to the start of the regulated period, we worked with individuals and groups interested in campaigning to ensure that they

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<sup>25</sup> The Electoral Commission, <http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/campaigners-in-referendums/national-assembly-for-wales-referendum-2011> (December 2010).

understood the rules they would have to follow. We notified potential campaigners of the publication of our written guidance by post, telephone and email. In addition, we also held separate briefings for potential 'Yes' and 'No' campaigners at our office in Cardiff in early November. We also provided further guidance as required by phone, email or at one-to-one meetings.

4.23 From December 2010 to March 2011 we received 75 queries relating to our guidance on referendums to be held in 2011. We responded to all but one of these queries within our target period of five working days. We received 31 more complex queries during that period, and completed giving advice on all of these within our target period of 30 working days.

4.24 After the referendum we sent a survey to all registered campaigners to gather their views on the referendum process, and the Commission's role. Six registered campaigners replied. All those who responded said that they used the Commission's written guidance when registering or during the campaign period. All but one used Commission briefings and half made a telephone enquiry to Commission staff, although all were aware that these methods could be used. One respondent noted that it would have been easier if all advice and guidance was available as part of one document.

4.25 All six respondents to our survey said they were satisfied with the advice and guidance provided by the Commission, with three being 'very satisfied' with the advice provided, and three 'fairly satisfied'.

## Designation of lead campaign groups

4.26 At a referendum, we may designate registered campaigners to be lead campaign groups on each side of the referendum question. We must designate a lead campaign group on each side of the referendum question, or not designate at all.<sup>26</sup>

4.27 Designated lead campaign groups are entitled to:

- a higher spending limit than most other campaigners
- free distribution of campaign material to voters
- referendum campaign broadcasts
- free use of certain public rooms (for example, to use for public events)
- a publicly funded grant from us, the Electoral Commission

4.28 The spending limit for designated lead campaign groups was £600,000. This was the same as the limit for political parties that registered to campaign

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<sup>26</sup> Section 108, PPERA.

and had more than 30% share of the vote at the last elections to the National Assembly for Wales in May 2007.<sup>27</sup>

4.29 The maximum grant that was to be made available to each designated lead campaign group was set at £70,000. We set the value of the grant with reference to the terms applying to the grant's use, the geographic area of the referendum and the length of the referendum period. No issues were raised with us by any campaigners about the value of the grants.

4.30 We are responsible for setting the terms and conditions applying to the grants. Before making a final decision on what the grants would cover, we sought the views on our proposals from the four main political parties in Wales and from groups who had contacted us as likely to campaign in the referendum. We proposed to make grants available for infrastructure costs, in line with the recommendation of the Committee on Standards in Public Life (the Neill Report of 1998)<sup>28</sup> that the amount of the grant should be enough to cover the establishment of a campaign headquarters for each side, with basic equipment and staff.<sup>29</sup>

4.31 Most of those that gave us views agreed that the grants should be available for campaign infrastructure costs. True Wales submitted a request to us that the grants should be available for the costs of direct campaigning, such as the production of printed materials:

'We in True Wales would argue that ensuring that voters have adequate access to both sides of the argument is fundamental to this principle. In this age of the internet, buildings and offices are far less important than campaigning materials.

Both the 'yes' and 'no' campaigns, I am sure, would be willing to forego office space and accompanying costs if it meant that they could, instead, use funding for campaign purposes.

If the two campaigns are unable, due to lack of funding, to disseminate literature to convey their arguments to individual households, the 'reach' of the referendum debate will be much reduced. Such an information deficit could also serve adversely to affect voter turnout; we understand that the Electoral Commission has done a lot of good work to find ways of engaging the voting public.'<sup>30</sup>

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<sup>27</sup> See earlier section on 'Expenditure limits' for explanation.

<sup>28</sup> The Committee on Standards in Public Life, *The Funding of Political Parties in the UK* (1998)

<sup>29</sup> The Electoral Commission, *Key Principles for Referendums*, [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0004/87412/Referendum-Principles-Paper-2010-06-02-FINAL.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/87412/Referendum-Principles-Paper-2010-06-02-FINAL.pdf) (March 2010).

<sup>30</sup> True Wales to Kay Jenkins, Head of the Electoral Commission's Wales Office, 29 March 2010.

4.32 After careful consideration of the comments received, we decided to follow the Committee on Standards in Public Life's recommendation. This meant that our grants would have been available to cover the infrastructure costs of running campaign offices during the referendum period.<sup>31</sup> They would not have been available to use for campaigning purposes.

4.33 We defined infrastructure costs as including:

- some staff costs
- costs of property, equipment and office supplies
- IT software and hardware costs and utilities

4.34 True Wales later told us that the fact that the grants did not cover the costs of campaign materials influenced their decision not to apply for designation as a lead campaign organisation, since they were relying on the grant to help fund the costs of such materials. We had, however, made clear what the grants could be used for before the referendum campaign period began in our initial guidance for campaigners, which we published on 1 November 2010. We also published a summary of the terms and conditions that would apply to the grant on 6 December and published the terms and conditions themselves on 15 December, before the regulated period began. We report on the designation process further below in reviewing the impact of there being no lead campaign groups.

## The designation process

4.35 PPERA sets out the test we must consider when assessing applications for designation.<sup>32</sup> If there is only one applicant in relation to a particular outcome, the Commission shall designate that applicant unless it is not satisfied that it adequately represents those campaigning for that outcome. If there is more than one applicant in relation to a particular outcome, the Commission shall designate whichever of the applicants appears to the Commission to represent to the greatest extent those campaigning for that outcome.

4.36 In November 2010, we published guidance and application forms for applicants, before the referendum campaign period began.<sup>33</sup> We also provided specific advice to prospective campaigners, including True Wales and Yes for Wales, in briefings and meetings before the period began.

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<sup>31</sup> The Electoral Commission, *Terms and Conditions for Lead Campaigners*, [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0015/102705/doc-terms-wales-lc.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0015/102705/doc-terms-wales-lc.pdf), (accessed 11 May 2011).

<sup>32</sup> Section 109, PPERA.

<sup>33</sup> The Electoral Commission, [www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/campaigners-in-referendums/national-assembly-for-wales-referendum-2011](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/campaigners-in-referendums/national-assembly-for-wales-referendum-2011) (November 2010).

4.37 The period for applications for designation as a lead campaign group, set out in legislation, opened on 16 December 2010 and closed at midnight on 19 January 2011. We were required by the legislation to make a decision by 2 February 2011.

## Designation outcome

4.38 We received two applications for designation as lead campaigner. One group – ‘Yes for Wales’ – submitted an application to become the lead ‘Yes’ campaigner and one individual – David Alwyn ap Huw Humphreys – submitted an application to become the lead ‘No’ campaigner.

4.39 Although we considered that the applicant to become the lead ‘Yes’ campaigner adequately represented those campaigning for that outcome, the applicant for the lead ‘No’ campaigner did not meet the statutory test. As a result we announced, on 28 January 2011, our decision that we could not designate ‘lead campaigners’ for the referendum. We published all the documentation that informed our decision, including the applications, on our website.<sup>34</sup>

4.40 Our inability to designate lead campaign organisations had significant consequences for the referendum campaigns and how they put their arguments to voters. We set out these consequences later in this chapter, but first describe what action we took after the designation decision to help convey campaigners’ arguments to voters.

## Our role in providing voter information on campaign arguments

4.41 In the event that we did not designate lead campaign organisations in relation to each possible outcome of the referendum, the law enabled us to take such steps as we thought appropriate to provide information to promote public awareness of the arguments for and against each answer to the referendum question.<sup>35</sup>

4.42 Given that we had already identified low levels of public awareness of the referendum and its subject,<sup>36</sup> we considered it important in these circumstances to help voters access the arguments for each answer to the referendum

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<sup>34</sup> The Electoral Commission, [www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/wales/referendum#Campaigning](http://www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/wales/referendum#Campaigning) (January 2011).

<sup>35</sup> Schedule 6, Section 8, Government of Wales Act.

<sup>36</sup> The Electoral Commission, *Referendum on law-making powers of the National Assembly for Wales: Report of views of the Electoral Commission on the proposed referendum question* (September 2010).

question, in addition to our public awareness campaign that was already underway. We knew that a consequence of being unable to designate lead campaign groups was that campaigners would not receive public assistance to put their arguments to voters. In particular, there would be no referendum broadcasts and no free mailshots from campaigners to voters.

4.43 At the point in the referendum timetable when the designation decision was made (28 January) there was just over a month to go to polling day. It was not therefore feasible in the time that remained for us to prepare and deliver additional material direct to voters, such as a booklet setting out the arguments for voting 'Yes' or 'No'.

4.44 We considered what options were available to provide additional voter information within the limited time available. Our existing public awareness campaign was directing people to go to our website [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) to get more information about the referendum. We considered whether we should ourselves seek to describe the basic arguments for both 'Yes' and 'No' votes on our voter website. We decided against doing so on the grounds that, in this instance, we would be unlikely to be able to both inform and engage voters without compromising our independence.

4.45 We contacted all the campaigners who were registered with us at the time and asked them to give us their views on the merits of the Commission giving voters access to campaign information and on the options of:

- the Commission establishing a page on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) that would provide links to the websites of all the registered campaigners in the referendum
- in addition, the Commission giving campaigners the opportunity to place a limited amount of text on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

4.46 None of the campaigners objected to either of the options we proposed, with most responding positively. We decided to offer all registered campaigners the opportunity to place a 200-word statement in both English and Welsh and/or a link to their website from ours. We published the reasons for our decision on 1 February, and asked those campaigners registered with us to provide us with statements and/or links by 3 February. We also provided guidelines that campaigners had to follow in submitting their statements.<sup>37</sup>

4.47 On 7 February, one week after we announced our decision that we were unable to designate lead campaign organisations, the dedicated page for statements from campaigners on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) went live. In total 11

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<sup>37</sup> The Electoral Commission, [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0020/108317/EC1111-Wales-referendum-voter-information.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/108317/EC1111-Wales-referendum-voter-information.pdf), February 2011.

campaigners from a total of 23 provided us with statements and/or links. The page remained live until polling day and beyond.

4.48 The total number of website visits to our dedicated pages for campaigners' statements, during the referendum campaign period, was 10,162. The total number of website visits from individuals to our Wales referendum pages (in English and Welsh) on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) was 26,169, suggesting that about four in 10 people that visited the website went on to look at at least one statement from a registered campaigner.

4.49 The table below shows the number of website visits to the dedicated pages on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) for campaigners' statements, during the referendum campaign period.

#### Number of website visits during the campaign period

Registered campaigner	English language pages	Welsh language pages
True Wales	1,564	
Mark Beech	1,469	
Vote No Day	1,459	
Yes for Wales	1,249	2
Plaid Cymru	733	
Unison	719	
Welsh Liberal Democrats	662	
Cymru Yfory	637	3
Richard Wayne Jenkins	631	7
Cardiff Says Yes	585	1
Rhondda Says Yes	411	

## Impact of inability to designate lead campaign groups

### Availability of public assistance

4.50 The main impact of our inability to designate lead campaign groups was that campaigners on both sides did not receive the public assistance to put their arguments to voters that they would have received if we had been able to designate.<sup>38</sup>

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<sup>38</sup> See paragraph 4.27 for what public assistance would have been available.

4.51 This raises some fundamental issues about the framework in PPERA for the designation of lead campaign groups. The lack of suitable applicants for designation on one side of a referendum debate, for whatever reason, removes important public assistance from both sides of the debate.

4.52 The PPERA framework is open to campaign groups on one side of a referendum debate deciding not to apply for designation for tactical reasons, to limit the public assistance available to campaigners on both sides of the debate.

4.53 At the same time, the personal and organisational cost and risk involved in leading a referendum campaign may deter volunteer groups from applying for designation, with the effect that public assistance is not available at all.

### Referendum broadcasts

4.54 Designated lead campaign groups would have been allocated television and radio broadcasts to put their arguments to the public. We cannot be certain that referendum broadcasts would have been used by campaigners, however, if they had been designated. Although the airtime is provided free by broadcasters, campaigners must fund the production of the broadcasts.

### Free mailings of campaign material

4.55 There was no free mailing of referendum campaign material to voters. Again, we cannot be certain that such material would have been produced by campaigners on both sides if they had been designated, or on what scale. Although the postage of distributing an item of material to each voter or household is free, the campaigners must fund the production costs themselves. There was a resultant saving to Welsh Assembly Government of the cost that would have been required to fund the free mailings.

### The timing of the designation decision

4.56 The impact of our inability to designate and reducing the help available to campaigners was compounded by the statutory timing of the designation decision. The referendum period, including the timetable for designation, was determined by the Wales referendum legislation. The referendum period was very much at the short end of the spectrum allowed in PPERA, which anticipates a referendum period of between 10 weeks and six months. Because the legislation was not made until 16 December, the referendum period was only slightly longer than the minimum statutory length.

4.57 The deadline for campaigners to apply for designation was 19 January. Although we announced our decision on designation on 25 January, ahead of the statutory deadline of 2 February, that was only about five weeks before polling day. There was little or no time for campaigners to make other arrangements in terms of fundraising and using alternative channels of communication with voters.

4.58 In our own contingency plans for providing voter information in the event that we were not able to designate, we had always been aware that it would be impossible in the time available to arrange for a further Commission booklet to be produced and sent direct to voters. While it could be argued that campaigners should always have had contingency plans in place in the event that they were not designated as lead campaigners, there is also the question of campaigners' capacity to function effectively without any public assistance.

## Spending limits

4.59 The amounts that registered campaigners, other than designated lead campaigners, were allowed to spend in the referendum became an issue because of the designation outcome. The expenditure limit for registered campaigners that are not political parties was £100,000. Only a comparatively limited amount of campaigning material could have been produced and distributed within the limit.

## Number of registered campaigners

4.60 Another impact was on the number of campaigners who registered. The overall number of registered campaigners in the referendum was 23. Of those, 16 registered after we had announced that we were unable to designate. Of these, 11 were local campaigns for a 'Yes' vote that it appears may have been otherwise likely to have been part of the umbrella 'Yes for Wales' campaign.<sup>39</sup> We conclude that being unable to designate lead organisations probably led to an increase in the number of registered campaigners, each with their own niche or local message.

## Grants

4.61 The grants that would have been available from the Commission to support infrastructure costs were not used. This represented a potential saving of up to £140,000, although we cannot be certain that the grants would have been claimed in full if we had designated. Our costs, which would have included the grants, are met directly from the UK Government's Consolidated Fund.

## Conclusion

4.62 It is difficult to quantify the impact on voters of having no lead campaign organisations. We do conclude, however, that there must have been an impact on how easily voters could get information on the reasons to vote 'Yes' or 'No' in the referendum.

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<sup>39</sup> These were: 'Rhondda says Yes', 'Cardiff says Yes', 'Torfaen says Yes', 'Ie Ynys Mon', 'Aberavon Yes for Wales', 'Arfon Ie dros Gymru', 'Bridgend & Ogmore Yes Campaign', 'Monmouthshire says Yes', 'Neath says Yes', 'Yes for Wales Swansea' and 'Ymgyrch Ie yng Ngheredigion'.

4.63 There were at times dire predictions in the media as to what effect this would have on voter turnout at the referendum.<sup>40</sup> In the event, turnout was higher than many commentators expected at 35.6%.

## Questions about the designation rules

4.64 Our inability to designate lead campaign organisations sparked much controversy. The main campaign group for a ‘No’ vote, True Wales, had been widely expected to apply for designated status. It announced its decision not to do so on the day of the deadline for applications, 19 January. The BBC’s political editor for Wales, Betsan Powys, blogged:

‘True Wales had until midnight tonight to submit their bid to the Electoral Commission to become the designated – official – lead No campaign. They’ve decided to say no to that chance. Some months ago we thought they might take this course but they’ve made it clear both publicly and privately that they were going to go for it.’<sup>41</sup>

4.65 True Wales confirmed that they had intended to apply for designation in a submission to the Commission after the referendum, also issued to and reported in the press.<sup>42</sup> They said:

‘We had never at any point intended to accept all of the funding from the Electoral Commission – although, right up until the last days of the Electoral Commission deadline, we were absolutely determined to apply to be the lead campaign.’

4.66 What occurred led campaigners on both sides of the referendum campaign, along with other commentators, to question the rules on designation in PPERA.<sup>43</sup>

4.67 The submission from True Wales questioned the designation rules:

‘We suggest that there were significant barriers to participation in [the designation] process, as laid out by the Political Parties, Elections and Referendums Act (PPERA), for a grassroots campaign like ours.

... We did not, therefore, decide to abstain from applying in order to scupper the ‘Yes’ campaign but because the funding on offer under the rules would not have benefited us as a No campaign.

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<sup>40</sup> For example, Western Mail on 28 February 2011, [www.walesonline.co.uk/news/wales-news/2011/02/28/assembly-legitimacy-will-be-damaged-by-low-turnout-91466-28247449/](http://www.walesonline.co.uk/news/wales-news/2011/02/28/assembly-legitimacy-will-be-damaged-by-low-turnout-91466-28247449/), and Institute of Welsh Affairs, [www.clickonwales.org/2011/03/wales-votes-yes-by-two-to-one/](http://www.clickonwales.org/2011/03/wales-votes-yes-by-two-to-one/).

<sup>41</sup> BBC Wales Politics, 19 January 2010.

<sup>42</sup> Submission from Diane Banner, True Wales Secretary, to the Commission, 21 March 2010.

<sup>43</sup> [www.clickonwales.org/2011/02/yes-campaign-stifled-by-parliaments-rules/](http://www.clickonwales.org/2011/02/yes-campaign-stifled-by-parliaments-rules/).

The statement in the guidelines that the “extent to which the applicant is an ‘umbrella organisation coordinating the activities of a number of member organisations’ would be considered in the designation of campaigns, played a minor part in our decision. ...However, the fact that we could not describe ourselves as an ‘umbrella group’ left us vulnerable to the damage that would have been inflicted if our application had been turned down. This was, though, a risk that we would have been prepared to take....

A major factor in our decision not to apply for lead campaign status was that funding was to be released to the campaign teams too late for us to make maximum effective use of it, and was too heavily tied up with restrictions on its use to allow the No campaign to use it to deliver its own strategy. The funding could only be used to cover infrastructure costs – that is “staff and office costs”, but “not the costs of campaigning materials” ...Had it been possible to spend some of the funding on campaign literature, our decision might have been different.’

Diane Banner, True Wales Secretary, statement  
21 March 2010

4.68 On the question of True Wales being unable to describe itself as an ‘umbrella’ organisation, our published guidance for campaigners specifically recognises that it would not always be possible to show ‘umbrella’ status. We provide application forms for campaigners to apply for designated status and accompanying notes. The notes include the following advice:

‘This section will help us to assess the extent to which you represent a range of campaigners for the outcome you support. We can only designate lead campaign groups if we consider that they can adequately represent those campaigning for the same outcome. We recognise that at some referendums, there may not be any established, easily identifiable groups campaigning for a particular outcome. In such cases we will consider the level of your support in this context and will place particular weight on your response in Section 4.’<sup>44</sup>

4.69 We also explained these issues in more detail in briefings for prospective campaigners before the referendum period began, as well as during it.

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<sup>44</sup> The Electoral Commission, *Application for Lead Campaign Group Status*, [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0007/102697/doc-application-wales-lc.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0007/102697/doc-application-wales-lc.pdf).

4.70 The reasons given by True Wales for not applying for lead campaign status also include the length of the referendum period and the terms and conditions of our grants, as already described in this chapter. We note, however, that even if our grants had been available to spend on campaign material, the value of the grant at £70,000 would have been unlikely to have been sufficient in itself to run a meaningful campaign. Fundraising from other sources would have been essential in any event.

4.71 We have received no submission from Yes for Wales relating to the designation process or on any other campaign issue, although we invited it and reminded them of this invitation several times. One of the registered 'Yes' campaigners told us, in their response to our post-referendum survey of campaigners, that 'the fact that one side of the argument can ensure that there is not a designated campaign on the other is very problematic'.

## Campaign monitoring

4.72 As part of our statutory role in monitoring compliance with the rules on referendum expenditure, we undertook a programme of campaign monitoring. Our monitoring work covered press and online activity, and campaigner advertising in newspapers and on websites, and through printed leaflets.

4.73 The purpose of the work was to promote compliance with the law by obtaining information on campaign activity that we could refer to when reviewing campaign spending returns. At the time of writing, before campaign spending returns were submitted to us, we are not aware of any allegations of impropriety regarding any campaigner's spending or fundraising.

## Lessons learnt

4.74 Before polling day in Wales on 3 March, campaigns formally began on 16 February for the UK-wide referendum on the voting system for UK Parliamentary elections, held on 5 May 2011. We will publish a report on the UK-wide referendum, as well as the scheduled elections with which that referendum was combined, in autumn 2011.

4.75 Our autumn report will draw together the issues raised and lessons learnt from both referendums. We will consider whether or not to make any recommendations for changes in referendums legislation to the UK Government and whether we should revise our own policies or practice in respect of referendums in the light of experience at both referendums and the feedback we receive from campaigners and others.

4.76 Topics that we expect the report to address, in respect of both referendums, include:

**Embargoed** until 09:30am Wednesday 13 July 2011

- whether the statutory timetable for campaigning at the referendum was appropriate, including whether the period between the designation decision and polling day was adequate
- how the statutory designation test and process worked in practice
- how the outcome of the designation process affected the information available to voters
- whether the value and scope of the publicly funded grants available to lead campaign organisations were appropriate

## 5 Delivering the referendum

5.1 This chapter looks at the organisation and management of the referendum, including how the legal rules were made that governed the conduct of the referendum. It includes feedback received from those who were involved and identifies what lessons can be learnt from the process as a whole.

5.2 A single factor had significant consequences for the planning and delivery of the referendum, at a number of different levels. That was the lack of any generic rules for the conduct of the referendum, meaning that the rules had to be made after the referendum was called. Examples of the consequences and the lessons learnt are described in this chapter.

### Preparation of legislation

5.3 Under the current framework for running referendums, specific legislation has to be made that contains the rules detailing how it will be run. There are no generic rules that are ready to be used when a referendum is called. We have called on the UK Government to make such generic rules since the North East of England referendum in 2004. The House of Lords Constitution Committee recently recommended to the UK Government that the legislative changes that we recommended following lessons learnt in 2004 should be implemented.<sup>45</sup>

5.4 The lack of any rules being in place ahead of the referendum being called, together with the relatively short amount of time available for making detailed legislation containing the rules, meant that the date of the referendum could not readily be set. In turn this caused difficulties for those planning to campaign in the referendum and for those who would be required to deliver the referendum. These difficulties posed a risk that voters would not know enough from campaigners about the issues in the referendum and a risk that the poll would not be well run.

5.5 Under the Government of Wales Act 2006 (GWA 2006), which provided for the referendum, the Secretary of State for Wales was responsible for the relevant legislation. The legislation ultimately had to be voted on by the National Assembly for Wales and by the UK Parliament. This process, formally commenced in March 2010, was eventually complete when the legislation was made by the Privy Council on 15 December 2010 and came into effect the next day.

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<sup>45</sup> House of Lords, Select Committee on the Constitution, *Referendums in the United Kingdom*, (March 2010).

5.6 Four sets of secondary legislation had to be made. The first contained the referendum question, the date and the rules for how it would be conducted. Another set limits on campaigners' expenditure, and a third updated the GWA 2006 to list the subjects on which the Assembly could legislate in the event of a 'Yes' vote in the referendum. The final set governed the amounts Counting Officers in local authorities could recover for their costs in running the referendum and was the responsibility of Welsh Assembly Government.

5.7 After the Assembly voted on 9 February 2010 to trigger the referendum, the First Minister was required to send notice in writing of the Assembly resolution to the Secretary of State for Wales (at the time, the Rt Hon Peter Hain MP). The receipt of this resolution by the Secretary of State meant that a statutory 120-day period began, during which a draft referendum Order was to be laid before both Houses of Parliament, or the Secretary of State was required to give notice in writing to the First Minister for his 'refusal to do so' and the reasons for it.<sup>46</sup>

5.8 The immediate problem that occurred in relation to the legislation being complete within 120 days was that a UK Parliamentary general election was due to be held by June 2010. The expected date was 6 May. This meant that, whether or not there was a change of UK government after the election, there would at the very least be disruption to Parliament's legislative programme that would impact on the statutory 120-day timetable for making legislation.

5.9 Before the general election was called, the then Secretary of State set up a project board to coordinate the work on the referendum legislation. Convened and led by Secretary of State for Wales Office officials and meeting regularly from March 2010, it included officials from Welsh Assembly Government, the Electoral Commission, UK Government Cabinet Office,<sup>47</sup> the National Assembly for Wales Commission and the Welsh Language Board.

5.10 Work on the main referendum Order was led by Wales Office and Welsh Assembly Government lawyers and policy officials. The Wales Office handled the legislation stipulating spending limits and the start of the referendum period, and Welsh Assembly Government officials were responsible for Counting Officers' fees and charges and associated funding.

5.11 The project board proved to be a constructive and effective forum for highlighting policy issues that needed to be resolved and for progressing the legislation. We commend it as a model for dealing with electoral legislation. All parties involved were positive about the process of joint working. Nevertheless, drafting the legislation was a tortuous process, for a number of reasons.

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<sup>46</sup> Section 104, GWA 2006.

<sup>47</sup> Prior to the change of UK Government in May 2010, the Ministry of Justice.

5.12 The reasons included:

- Government lawyers and officials started with reviewing other relevant legislation to create suitable rules. Sheer complexity, given that electoral rules in the UK are typically detailed and prescriptive, meant this was a substantial task.
- As there were legislative processes to complete in both Houses of the UK Parliament and in the National Assembly for Wales and resources of only a small dedicated team of lawyers and policy officials from the Wales Office and Welsh Assembly Government, the task was always going to be one of months rather than weeks.
- The UK Parliamentary general election on 6 May 2010 and a change of government meant a delay to the legislative process. Some significant policy issues, such as determining the referendum question and the campaign spending limits were put on hold for resolution by the new UK Government.
- The main referendum Order had to contain the referendum question. This entailed a separate legislative process,<sup>48</sup> involving formal consultation with the Commission. We had published our preferred approach to assessing referendum questions, along with guidelines for referendum questions, in November 2009. We had asked for 10 weeks to assess a draft question, including time for public opinion research to see what people thought of the question. This consultation was not commenced until after the UK general election, in June 2010.
- A significant further complication occurred with the introduction of the UK Parliamentary Voting System and Constituencies (PVSC) Bill by the UK Government, in July 2010. The Bill provided for a UK-wide referendum. Work on the referendum rules in the Bill was undertaken by UK Cabinet Office policy officials and lawyers.
- The consequence of work on the PVSC Bill was that many detailed issues in the Wales referendum rules, at the time at a late stage of drafting, had to be revisited to ensure that the two sets of referendum rules were aligned. In some cases, alignment was not possible; while the PVSC Bill, as primary legislation, could introduce some more substantive changes, these could not be achieved through secondary legislation for the Wales referendum.
- In some limited instances the differences in the two sets of referendum legislation were substantive. For example, the PVSC Bill prohibited the

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<sup>48</sup> Section 104, Political Parties, Elections and Referendums Act 2000, and Schedule 6 (3), GWA 2006.

aggregation of spending limits by registered campaigners working to a common plan and the regulation of loans to campaigners. These primary legislative provisions could not be included in the Wales referendum Order, meaning that different rules applied to registered campaigners in the two referendums.

- The late revisions to legislative drafting caused consequential late revisions to the guidance that the Commission was preparing for both prospective referendum campaigners and Counting Officers who were making arrangements to run the referendum locally.

5.13 All of these factors had an impact on the date that the referendum could be held. This meant that governmental decision-making on when the referendum could be held was constrained. Political calls for the referendum to be held in October 2010 could not be met, even if that had been the will of government, because the legislation could not have been completed in time under the circumstances.

5.14 Similarly, the time we needed to assess the referendum question also became an issue in relation to the timing of the referendum. Before we had assessed the question, the Commission was blamed in the public domain by some politicians and commentators for causing a delay in needing 10 weeks. After we had tested the question by undertaking research with voters and reported on the outcomes, however, the need for the 10-week period was accepted.

## Lessons learnt

5.15 Based on the difficulties caused for the Wales referendum by the lack of generic rules for the conduct of any referendum, it is essential in our view that our recommendation from 2004 be implemented by the UK Government and that generic conduct rules are introduced.

5.16 Introducing generic conduct rules would:

- mean that the legislation that is specific to each particular referendum need concentrate only on the substance of that referendum, when it will be held and the referendum question(s) to be asked of voters
- speed up the legislative process, enabling a referendum to be held more quickly
- bring clarity for those planning to campaign in the referendum and for those running the referendum, and allow planning and preparation to commence sooner
- remove any scope for amending rules for political reasons during the process of calling a referendum

5.17 Our experience in assessing the referendum question and the subsequent acceptance of our report and recommended redraft leads us to conclude that our preferred approach to assessing referendum questions was appropriate for the task. That approach (which we outline in Chapter 2) takes around 10 weeks to complete, where we have at least two weeks' notice of when we will receive the referendum question for assessment. Having a generic set of conduct rules would ensure that time does not also have to be devoted to constructing referendum rules for each specific referendum potentially at the expense of properly assessing the referendum question.

## Management of the referendum

5.18 A referendum has a different management and accountability structure compared to any election. The Chair of the Commission, Jenny Watson, was the Chief Counting Officer for the referendum. The main responsibilities of this role were to:

- appoint a Counting Officer for each of 22 local authority or 'voting areas' in Wales
- certify and declare the total number of ballot papers counted
- certify and declare the total number of votes cast in favour of each answer to the referendum question (the result)

5.19 We asked the Secretary of State for Wales to include in the draft referendum legislation provision for appointment of a Deputy Chief Counting Officer, and this was agreed. The Chief Counting Officer appointed Bryn Parry-Jones, Chief Executive of Pembrokeshire County Council and European Parliamentary Regional Returning Officer for Wales, as Deputy Chief Counting Officer. He was able to exercise any function authorised by the Chief Counting Officer to ensure that the referendum was conducted effectually.

5.20 This included, in conjunction with the Commission:

- giving directions to Counting Officers on behalf of the Chief Counting Officer
- assessing and monitoring Counting Officer preparedness and promoting good practice
- delivering election seminars, briefings and training activities

5.21 Electoral Commissioner Max Caller CBE was appointed to deputise for Jenny Watson in the event of her incapacity.

5.22 The 22 Counting Officers in local authorities were the equivalent to Returning Officers in elections.

5.23 Counting Officers in each voting area were responsible for:

- running the poll in their voting area
- making sure that all ballot papers that had been properly completed were included in the count
- counting the votes cast in their voting area
- certifying the number of votes cast in favour of each answer to the referendum question, and passing that information to the Chief Counting Officer

5.24 Because the legislation was not finalised until two and a half months before the referendum, all the appointments of electoral officials managing the referendum in local authorities had to be done on a provisional basis in early November 2010, subject to the legislation being made. Similarly, local authorities had to commit significant resources to planning for the referendum without the certainty of legislation being in place. The Commission arranged insurance and indemnities to cover their liabilities. This in itself was a substantial process that required UK Cabinet Office and Treasury agreement and the submission of a Parliamentary Minute.

## Achieving consistency across Wales

5.25 A referendum has one overall result, unlike elections that comprise a series of individual contests between candidates. A central aim of the Chief Counting Officer was to achieve a consistent approach across Wales to the counting of votes and the delivery of the referendum.

5.26 One means of achieving that was through issuing instructions and directions to local Counting Officers. We asked the Secretary of State for Wales to include a power of direction for the Chief Counting Officer in the draft referendum legislation and this was agreed. The referendum rules required local Counting Officers to discharge their functions in accordance with the Chief Counting Officer's directions.<sup>49</sup>

5.27 In December 2010, the Chief Counting Officer published a set of directions and instructions to Counting Officers. The purpose of the instructions was to assist Counting Officers in the discharge of their functions and to ensure consistency of practice in delivering the referendum.

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<sup>49</sup> NAFW Referendum Order, Article 11(1).

5.28 Each set of instructions referred to different stages in the administration of the referendum including:

- planning and organisation
- administering the referendum
- absent voting
- verification and count
- after the declaration of result

5.29 A key principle that underpinned the instructions was that the voting process should be easy to take part in and well run, with voters' needs put first.

## Accessibility for all voters

5.30 The instructions and directions prioritised making the voting process accessible to all voters. For example, the directions included matters such as the maximum number of voters to be allocated to polling stations and the ratio of staff to voters that must be employed in polling stations. This was aimed in part at avoiding any queues occurring at polling stations, as had happened in some parts of England at the UK Parliamentary general election in 2010.

5.31 Similarly, we provided resources to assist with the layout and set-up of polling stations and instructed Counting Officers to take account of accessibility and the flow of voters from entry to exit. We instructed Counting Officers to cover these issues when training their polling station staff and to advise them on assisting voters with disabilities, using our template training materials. Counting Officers were also required to employ a minimum number of polling station inspectors to monitor polling stations throughout polling day to ensure that polling stations were properly set up, fully equipped and accessible to all voters.

5.32 We instructed Counting Officers to evaluate the suitability of polling stations and take account of any accessibility issues. They were instructed that: *'Where access problems exist, documentary evidence of the action taken to try to remedy these issues must be retained.'*<sup>50</sup> We published all the Chief Counting Officer's instructions and directions on our website.

5.33 We also issued a comprehensive set of template resources and materials for Counting Officers to use, including referendum project plans, risk registers, referendum stationery such as poll cards, postal vote materials and polling station notices and handbooks for polling station staff. The polling station handbook included a checklist on accessibility (produced after consultation with disability groups) and advice on assisting voters with disabilities.

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<sup>50</sup> The Electoral Commission, *Planning and organisation*, Chief Counting Officer's instructions (2011).

5.34 In 2009, we published best practice design specifications for election stationery (our publication *Making your mark*), which followed consultation with disability groups, plain language experts and the Welsh Language Board, and user-testing of different formats of election stationery.<sup>51</sup> The referendum template materials followed the design specifications in *Making your mark*.

5.35 The design of the ballot paper was fixed by the referendum legislation, following consultation with us by the Secretary of State for Wales, and met the specifications in *Making your mark*. This meant that wherever a person voted in Wales, the ballot paper they used was the same.

## Exceptions

5.36 The directions made by the Chief Counting Officer covered tasks that must be carried out. If a Counting Officer felt they had a legitimate reason not to follow a direction they could apply for an exception. There were just two applications for exceptions. Both these applications were associated with the direction on the numbers of poll clerks appointed to a polling station. One application was declined and the other granted, based on the evidence and circumstances of each case.

## Performance monitoring

5.37 Another means the Chief Counting Officer adopted to achieve consistency of delivery was performance monitoring. At elections, where we have no operational role or power of direction, we have reported on the performance of Returning Officers against published standards after the event. At the referendum, we adopted a different approach and monitored the performance of local Counting Officers as the referendum progressed. This enabled us, with the Deputy Chief Counting Officer, to intervene quickly if circumstances required.

5.38 For example, we directed all Counting Officers to send us a copy of their referendum project plan and risk register. We analysed these documents to check that they appropriately covered all the key tasks outlined in the instructions.

5.39 In addition to the analysis of plans and risk registers, we also monitored compliance with instructions by asking Counting Officers for confirmation that tasks had been carried out at the time required. For example, Counting Officers were asked to confirm that they had published the notice of referendum on time, that their referendum stationery was based on our templates, and that postal

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<sup>51</sup> The Electoral Commission, *Making your mark* (2009), available at [www.dopolitics.org.uk/making-your-mark](http://www.dopolitics.org.uk/making-your-mark).

votes had been issued on time. We also monitored, for example, the numbers of staff appointed to work in polling stations and at the count, arrangements for counting votes and local contingency plans in case of severe weather on polling day.

5.40 Our monitoring of the delivery of the referendum in conjunction with the Deputy Chief Counting Officer, enabled us actively to intervene in several instances during the referendum period to deal with specific issues and to avert potential difficulties. We were able very quickly to give particular guidance and support where it was needed.

## Lessons learnt about the management of the referendum

5.41 The management and accountability structure for the referendum was different to that used in elections and we learnt a number of lessons from the experience. We learnt much from our analysis of performance monitoring information. We received feedback from local Counting Officers and electoral services staff during the referendum planning period, which we responded to by revising our approach on some detailed matters. Our post-referendum seminar and written survey provided us with feedback. The feedback from Counting Officers in Wales, which we much appreciated, helped us improve and refine our approach to the management of the UK-wide referendum held on 5 May.

5.42 A comment in our survey of Counting Officers summed up some general feedback we received.

‘Overall, we felt that the directions of the Chief Counting Officer were fair and reasonable and did assist in standardising the project planning approach taken by [electoral] administrators across Wales, which must be applauded.

However, the directions really needed to have been provided earlier... Much confusion and unnecessary uncertainty could have also been avoided if the process of providing electoral stationery templates had been better managed and organised and legislation laid at an early stage...

We would urge the Commission not to lose faith and continue providing these resources not just for referendums but for all election types also and simply learn from the mistakes made.’

5.43 We have highlighted earlier in this chapter the difficulties caused by not having rules for the conduct of the referendum, to assist those running the referendum. The Chief Counting Officer’s instructions and directions are based on the conduct rules. She developed them while the legislation was being drafted and while simultaneously commenting on working drafts of the

legislation prepared by Wales Office and Welsh Assembly Government lawyers and officials. It would have been beneficial for Counting Officers had her instructions been issued earlier, along with the templates she issued for referendum stationery. These two issues are inter-related; generic conduct rules would enable us to have a generic set of referendum planning tools and instructions to be used when any referendum is called.

5.44 Asking Counting Officers and electoral services managers to follow our template referendum stationery, with the aim of achieving documents and notices that meet accessibility guidelines, proved to be a more challenging direction than we had anticipated. In part, this was because we were too short of time to test our templates with electoral services managers, printers and suppliers to ensure that they would be able to use them easily. In part, however, it was also because some election stationery in use locally does not comply with our design guidance *Making your mark*. Font sizes used locally were too small and form designs were not user-friendly. This meant that more comprehensive changes needed to comply with the templates in some localities were not achieved, or not achievable, in the time available before stationery went to print.

5.45 We also received feedback about the way in which we issued instructions and directions, which was by publishing them on our website, along with email circulation of resources. Counting Officers and electoral services managers found the materials not always easy to find and that email delivery meant that instructions or directions could be missed. We will review how we provide guidance in future taking into account this feedback and the feedback we will also receive on the May 2011 referendum and combined elections.

5.46 Our monitoring of the delivery of the referendum enabled the Chief Counting Officer to reach conclusions on the preparedness of local Counting Officers across Wales for the poll on 3 March and to be assured as to the consistency of approach. Our monitoring enabled us, with the Deputy Chief Counting Officer, to intervene quickly to deal with specific issues. Based on the feedback we received from Counting Officers and electoral services managers, we will in future also confirm that we are content with submissions made to us rather than intervening only when we are not.

5.47 The outcome of monitoring was that all Counting Officers in Wales had comprehensive plans in place for the referendum and that Wales-wide and local risks to the successful conduct of the referendum were suitably managed. Stationery and notices used and seen by voters were also produced to a better standard of accessibility than has previously been achieved, although there are still improvements to be made. There were no problems of any note in the administration of the referendum. Wales-wide and local risks to its successful conduct were well managed.

5.48 We will build on the lessons learnt from the Wales referendum, along with those learnt from the May 2011 combined referendum and elections, for the management of forthcoming electoral events. In particular, we will revise our performance standards scheme for election Returning Officers to take account

of the lessons we have learnt at the referendum by monitoring performance in real time.

## The counting of votes

5.49 The result of the referendum was to be achieved by a building-block approach, where local totals were tallied to arrive at a single result. The Chief Counting Officer's priority was to achieve an accurate result, through an efficient and effective count that voters and campaigners could have confidence in.

5.50 This meant that that all votes had to be verified and counted at the same time throughout Wales.

## The timing of the count

5.51 We decided to seek the views of interested parties, including voters, on the timing of the count. We did so at an early stage (November 2010) to assist effective planning by all concerned. We sought views by contacting the four main political parties, referendum campaigners, broadcasters and Counting Officers and by enabling members of the public to submit views through our website.

5.52 The referendum rules enabled the counting of votes to take place the day after the poll if the Chief Counting Officer made a direction to that effect.

5.53 In seeking views, we pointed out that counting votes in a national referendum is different to counting votes in an election, in a number of ways:

- Although the overall result is a collation of local results, the count is a national one. The outcome is not known until the last vote has been counted and the last local result declared. That will be after any local recounts have been undertaken and completed.
- This impacts on broadcasters' results programmes and viewers watching them, given that there are no local candidate contests to follow.
- No local candidates or political party list representatives are involved, unlike elections where the results have personal impact on individuals.
- The election of a government or local council is not dependent on the outcome, so there is not the same pressing need to provide for the continuing governance of the nation or local authority, or the success or otherwise of an individual candidate's campaign, as soon as possible after polls close.

5.54 All ballot boxes have to be brought to local count venues from polling stations after the close of poll at 10pm. Ballot boxes would not be received in

local count centres from some rural areas of Wales until around midnight. This meant that an overnight count was unlikely to produce a national result before around 4am.

5.55 Turnout at the referendum is a factor affecting the time taken to achieve a result, with a higher turnout taking longer to count and a lower turnout being quicker. Many factors affect voter turnout and no firm assumptions could be made at the planning stage.

5.56 The number of recounts would also be a factor affecting the length of time taken to produce a result. The number of recounts could not be predicted but since at elections some recounts invariably take place, some local recounts had to be assumed for planning purposes.

5.57 Broadcast results programmes and broadcast news were likely to be the quickest means by which most people will find out the result of the referendum, followed by print media and internet. A results programme or news programme that broadcasts the referendum outcome some time between 4am and 6am is likely to have low numbers of viewers. A results programme or news programme that broadcasts the referendum outcome sometime between late morning and early afternoon could have much better potential to reach viewers and listeners.

5.58 We sought views on two options:

- Option 1: Overnight verification of votes and count
- Option 2: Verification of votes and count on the day after voting

5.59 The Chief Counting Officer's declared preference was for the second option.

5.60 We received a mixture of views and opinions. As far as those delivering the referendum were concerned, some Counting Officers favoured a Friday count, while others preferred overnight, for reasons of practicality in their local area. A significant planning concern for the Chief Counting Officer and Deputy Chief Counting Officer, raised by some counting officers, was that adverse weather in March could cause delays to the transport of ballot boxes to count centres in some localities. If this happened, even in a small number of areas of Wales, it could significantly delay the completion of the count into the following morning.

5.61 All four main political parties called for an overnight count, on the basis that it was a tried and tested method for elections which the public was familiar with.

5.62 All the main broadcasters (BBC Cymru Wales, ITV Wales and S4C) favoured a Friday count, on the grounds that it would facilitate an event likely to attract a larger viewing audience, thus generating the greatest possible public access.

5.63 Having considered all the views submitted, the Chief Counting Officer decided to direct Counting Officers that the counting of votes must not begin before 9am on the day following the close of poll.

5.64 The reasons underpinning the Chief Counting Officer's decision were:

- An efficient and effective count that voters could have confidence in
- Verification and counting of the votes could start in a coordinated manner across Wales when all ballot boxes had been received at all count centres, unaffected by any adverse weather possible in early March.
- Staff would also be fresh and more likely to complete processes efficiently.
- Greater public access to the democratic process. A count during the day provided a greater opportunity to ensure that the delivery of the result was a democratic event in itself, which could be showcased by the media in Wales. This would ensure greater public access to the process. BBC Cymru Wales, in its response to the Commission, commented that 'the average audience during the results programme would be much higher if the counting was on Friday....during the likely key results slot of around 4am/4pm, the television audience could be three times higher'.

5.65 After the referendum, the BBC kindly supplied us with viewing figures for their referendum results programmes, comparing the daytime referendum results programme with a late night election results programme. The audience during the main referendum results window between 2pm and 3pm on 4 March was 70,000 on BBC1 Wales and 11,000 on S4C. In contrast, the audience for the results of the UK Parliamentary general election was much lower. Looking again at the time when most of the general election results were coming through, which was between 2.30am and 3.30am on the morning of 7 May, the audience was 15,000 on BBC1 Wales and 2,000 on S4C.

## Results event

5.66 We considered that, owing to the nature of the referendum, it would be appropriate to hold a results event that could bring together all of the interested parties and campaigners at a recognised national venue, whilst working with the media to ensure that the public in Wales could also access the proceedings.

5.67 We considered a number of potential venues but were pleased that the home of the National Assembly for Wales at the Senedd was able to be the location for collating and announcing the referendum results. We are most grateful to the Presiding Officer, Chief Executive and all the staff at the National Assembly for Wales for their support in making the live results event an eventual success.

5.68 We used our results collation software to collate total numbers of verified votes and count totals from Counting Officers. We trained local electoral staff on operating the software and ran a full 'dress rehearsal' at the Senedd and in local authorities on 14 February. Lessons learnt at the dress rehearsal were fed in to the final planning for the count event.

5.69 The Deputy Chief Counting Officer ensured a consistent approach to the verification and counting of votes through the central collation of results at the Senedd. No local verification or count totals could be announced until he and the Chief Counting Officer were satisfied that the relevant processes had been completed satisfactorily. We published a count protocol that explained the processes that all Counting Officers were required to follow.

5.70 Each of the 22 local totals was declared locally by Counting Officers, with the Chief Counting Officer also announcing the local totals as they came in to the Senedd. We displayed local totals on large and small visual display screens in the Senedd to support announcements made by the Chief Counting Officer on a stage.

5.71 We worked with broadcasters and other media in Wales throughout the planning process to ensure that suitable arrangements could be made for results and news programmes, as the key means by which the public are engaged in and informed about the referendum results. As well as a media area in the Senedd, BBC Cymru Wales broadcast directly from outside the Senedd and ITV Wales broadcast from a studio within the Senedd. Over 130 media representatives in total attended the event.

5.72 We enabled any individual or group to attend the count event, by applying to us for accreditation. Most registered campaigners were represented and the event was attended by around 300 people.

## Publishing the results

5.73 We developed a dedicated website to publish, in real time, totals from each voting area and how these added to the overall referendum result as the count progressed.

5.74 For the delegates attending our central count event, we also developed a web application that was fed on to display screens around the Senedd.

5.75 The purpose of the website was to publish live information, in English and Welsh, in a simple numerical and graphical format that would be visually appealing to a public audience.

5.76 In developing the website, we tested it with non-technical users, in a group consisting of demographically diverse individuals. The key findings from the usability test found a broad positive response to the website, in terms of both design and ease of navigation a good balance of text and imagery to show the

local totals and overall result and no obvious navigation problems. Younger respondents especially liked the map as a visual aid, compared with reading text.

5.77 On 4 March, the day of the count, the website was visited over 7,000 times, with an average visit time of 13 minutes. At the time of compiling this report (mid-May) there have been over 12,000 visits to the site.

5.78 We received high praise from members of the public on the day via Twitter and no negative feedback. For example:

The Electoral Commission has a great visualisation of the Welsh referendum results as they come in.

Twitter user

I think the real winners today are the Electoral Commission for having an amazing results website.

Twitter user

## Time taken to count votes

5.79 The central collation of results and the results collation software we used provided a rich record of data on the time taken to count votes. In reviewing the data below, it is important to note:

- Counting began in the morning when staff were fresh and alert, meaning they may have counted more quickly and accurately than would be the case with overnight counting
- Only one type of ballot paper had to be verified and there was only one choice out of two for voters to make. This meant verification and counting would be quicker by comparison with some electoral events. In elections and referendums where more than one ballot paper is involved, the separation of ballot papers during verification can take time. The counting of ballot papers where there are more than two choices for voters also takes longer, since votes have to be separated into piles for each choice.

5.80 Ballot papers began being verified across Wales at 9am. The first verification figures were received from three voting areas just over an hour from the start of verification. Verification of all votes was complete by 12 noon.

5.81 Provisional totals of counted votes were again scrutinised by the Deputy Chief Counting Officer, to ensure that the count had been completed according to the Chief Counting Officer's protocol and that he was satisfied with its accuracy. The Deputy Chief Counting Officer gave the Counting Officer permission to discuss the result with any referendum agents present locally once he was content with the figures. Permission to certify and declare local

totals then followed. The Chief Counting Officer announced local totals in the Senedd and we published all results, as they were announced, on our website.

## Declaration

5.82 The first voting area to certify and declare was Blaenau Gwent at 11.53am where it took just over two hours 50 minutes to verify and count 17,257 ballot papers. The final voting area to certify and declare was Cardiff at 3:18pm, where it took about six hours to verify and count 87,228 ballot papers. As Cardiff was the last area to be ready to declare, the announcement of their result was coordinated with the announcement of the overall result for Wales by the Chief Counting Officer at 3:18pm.

5.83 There was one recount, in Monmouthshire, at the request of referendum counting agents.

5.84 The table below shows the time taken to verify and count votes by voting area. Overall times taken are approximate, as times shown include time taken to prepare for announcements to be declared as well as counting ballot papers.

5.85 On the whole, voting areas with more votes to count took longer. However, this was not always the pattern with some areas with larger numbers of votes counting more quickly than smaller areas.

5.86 We have considered whether there is any correlation between numbers of staff employed at the count and time taken that might explain the anomalies, but there is no discernible trend. This is the first time that such a comprehensive set of data has been available on times taken to complete counts. We will work with Counting Officers and electoral staff to look further at count methodologies adopted, to see what lessons can be learnt for future practice at election counts.

Voting area	Verified votes	Turnout	Verification complete (hr:min)	Time declared (hr:min)	Time from 9 am (approx. overall time taken) (hr:min)
Blaenau Gwent	17,257	32.44%	10:11	11:53	02:53
Denbighshire	25,605	34.47%	10:12	11:58	02:58
Wrexham	27,525	27.04%	10:09	12:37	03:37
Newport	29,215	27.90%	10:42	12.40	03.40
Isle of Anglesey	21,656	43.83%	10:37	13:00	04:00
Swansea	60,966	32.90%	11:43	13.17	04.17
Conwy	30,812	33.79%	10:53	13:17	04:17
Pembrokeshire	35,673	38.73%	10:35	13:20	04:20
Caerphilly	44,232	34.55%	11:35	13.26	04:23
Vale of Glamorgan	37,008	40.10%	11:48	13.23	04:23
Powys	40,859	39.68%	10:52	13:24	04:24
Merthyr Tydfil	13,287	30.12%	10:23	13:33	04:33
Neath Port Talbot	41,094	38.00%	10:58	13:33	04:33
Flintshire	34,069	29.45%	10:49	13:45	04:45
Torfaen	23,377	33.82%	11:23	13:49	04:49
Ceredigion	24,964	44.07%	11:36	14:00	05:00
Bridgend	36,834	35.64%	11:18	14:01	05:01
Carmarthenshire	60,778	44.36%	11:32	14:12	05:12
Rhondda Cynon Taff	60,963	34.62%	11:00	14:15	05:15
Monmouth	25,108	35.83%	11:06	14:25	05:25 <sup>52</sup>
Gwynedd	37,118	43.39%	11:54	14:34	05:34
Cardiff	87,228	35.16%	12:00	15:18	06:18

## The cost of the referendum

5.87 The total cost of the referendum was £5.89 million. This figure includes costs that Counting Officers in local authorities incurred in running the referendum, which at the time of compiling this report are not yet finalised, and our own costs, including our public information campaign.

5.88 Our costs were £1.4 million.<sup>53</sup> Our costs are met from the UK Consolidated Fund, after having been agreed and scrutinised by the Speaker's Committee in the UK Parliament.

<sup>52</sup> Includes time taken for a recount.

<sup>53</sup> The Electoral Commission's costs for 2010–11 are subject to audit.

5.89 Our original projected budget, estimated at a time when we were making plans for a referendum to be held in October 2010, was £2.7 million. When it became clear that the likely date for the referendum would be March 2011, we were able to review our costs. We were also able to take advantage of the opportunity to combine the funding of some activities for the Wales referendum with activities that were also needed for the UK-wide referendum, announced by the UK Government in July 2010 and held in May 2011.

5.90 Our original projected budget had allowed for a total of £300,000 for grants to designated lead campaign organisations, based on the maximum six-month campaign period that could be allowed for in legislation. We were able to reduce this to £140,000 when we knew how long the referendum campaign period would be (16 December 2010 to 3 March 2011). In the event, as we were unable to designate lead campaign organisations, none of this money was spent.

5.91 The total cost of producing our voter information booklet and distributing it to all households was £190,000. The total cost of the supporting media campaign was £280,000, comprised of:

- TV advertising at £43,500
- radio advertising at £40,000
- press advertising at £60,000 and online advertising at £70,000

5.92 The Welsh Assembly Government was responsible for meeting local Counting Officers' costs in running the referendum. This includes costs incurred locally on items such as: postal voting; ballot papers; election stationery and notices; polling stations; equipment; count venues; polling station and count staff.

5.93 The maximum recoverable amount that Counting Officers could claim for services and expenses incurred for the conduct of the referendum was set out in legislation made for the purpose.<sup>54</sup> The maximum total amount that could be claimed was £4.49 million. The final costs will be known after all accounts have been submitted by Counting Officers by November 2011.

5.94 The Welsh Assembly Government would also have had to meet the costs for a postal provider to distribute a freepost leaflet for designated lead 'Yes' and 'No' campaigns. No such costs were incurred as it was not possible for the Commission to designate a lead campaign on both sides of the referendum debate.

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<sup>54</sup> National Assembly for Wales Referendum (Assembly Act Provisions) (Counting Officers' Charges) Order 2010.

# Appendix A – Referendum results

Authority	Votes Cast	Turnout	Yes	%	No	%	Spoilt ballot papers
Anglesey	21,656	43.83%	14,011	64.77%	7,620	35.23%	25
Blaenau Gwent	17,257	32.44%	11,869	68.87%	5,366	31.13%	22
Bridgend	36,834	35.64%	25,063	68.11%	11,736	31.89%	36
Caerphilly	44,232	34.55%	28,431	64.35%	15,751	35.65%	50
Cardiff	87,228	35.16%	53,427	61.39%	33,606	38.61%	177
Carmarthenshire	60,778	44.36%	42,979	70.82%	17,712	29.18%	87
Ceredigion	24,964	44.07%	16,505	66.24%	8,412	33.76%	44
Conwy	30,812	33.79%	18,368	59.72%	12,390	40.28%	48
Denbighshire	25,605	34.47%	15,793	61.85%	9,742	38.15%	70
Flintshire	34,069	29.45%	21,119	62.06%	12,913	37.94%	35
Gwynedd	37,118	43.39%	28,200	76.03%	8,891	23.97%	41
Merthyr Tydfil	13,287	30.12%	9,136	68.86%	4,132	31.14%	19
Monmouthshire	25,108	35.83%	12,381	49.36%	12,701	50.64%	26
Neath Port Talbot	41,094	38.00%	29,957	73.00%	11,079	27.00%	48
Newport	29,215	27.90%	15,983	54.76%	13,204	45.24%	28
Pembrokeshire	35,673	38.73%	19,600	54.98%	16,050	45.02%	21
Powys	40,859	39.68%	21,072	51.64%	19,730	48.36%	54
Rhondda Cynon Taff	60,963	34.62%	43,051	70.71%	17,834	29.29%	78
Swansea	60,966	32.90%	38,496	63.21%	22,409	36.79%	61
Torfaen	23,377	33.82%	14,655	62.78%	8,688	37.22%	32
Vale of Glamorgan	37,008	40.10%	19,430	52.54%	17,551	47.46%	27
Wrexham	27,525	27.04%	17,606	64.09%	9,863	35.91%	56
<b>Totals</b>	<b>815,628</b>	<b>35.63%</b>	<b>517,132</b>	<b>63.49%</b>	<b>297,380</b>	<b>36.51%</b>	<b>1,085</b>

# Appendix B – Registered campaigners

Aberavon Yes for Wales
Arfon Ie dros Gymru
Bridgend & Ogmore Yes Campaign
Cardiff says Yes
Cymru Yfory
David Alwyn ap Huw Humphreys
Ie Ynys Mon
Labour Party (The)
Liberal Democrats
March 3 is Vote No Day
Mark William Beech
Monmouthshire Says Yes
Neath Says Yes
Plaid Cymru
Richard Wayne Jenkins
Rhondda Says Yes
Torfaen Says Yes
True Wales
Wales TUC
UNISON
Yes for Wales Ltd.
Yes for Wales Swansea
Ymgyrch Ie yng Ngheredigion

# Appendix C – Research methodology

## Public opinion research

For this research, Ipsos MORI interviewed a sample of 1,005 adults in Wales between 5 and 9 March 2011. The data were weighted to the known national population profile in Wales. Findings are statistically significant at the 95% confidence level or above. A technical report is available upon request.

Caution should be taken when inferring statistical differences between comparative survey results, for example, comparing the findings of public opinion research undertaken after the referendum in Wales on 3 March 2011 and public opinion research undertaken after the UK Parliamentary general election in 2010.

## Campaign tracking

For this research, Gfk NOP interviewed 518 adults at the pre-wave (11 to 27 January 2011), 107 adults at the mid-wave (28 February to 2 March 2011), and 408 adults at the post-wave (4 to 20 March 2011). Respondents were aged 18+, eligible to vote in Wales and were interviewed face-to-face in-home, with the sample drawn using random location sampling. The data were weighted to bring the samples in line with the demographic composition of adults aged 18+ in Wales. Further technical information is available upon request.

## Electoral data

The Commission collected data from Counting Officers, including data relating to electoral registration, turnout, absent voting and rejected ballots.

## Translations and other formats

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