

Referendum on membership of the European Union

Assessment of the Electoral
Commission on the proposed
referendum question

September 2015

Translations and other formats

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Tel: 0333 103 1928

Email: publications@electoralcommission.org.uk

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

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Summary of our assessment

The European Union Referendum Bill as introduced into parliament sets out the proposed referendum question:

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

A ddylai'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd?

The Political Parties, Referendums and Elections Act 2000 (PPERA) requires the Commission to consider the wording of this referendum question and publish a statement of our views as to its intelligibility.

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

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

We found that the question is written in plain language and is easy for people to understand and answer. However, we have concerns, based on our assessment, about the proposed question. This is because of what we heard through the consultation and research about the perception that the question encourages voters to consider one response more favourably than the other. These views raise concerns about the potential legitimacy, in the eyes of those campaigning to leave and some members of the public, of the referendum result – particularly if there was a vote to remain a member of the European Union.

We have previously recommended the possibility of either a yes/no or a non-yes/no question for use at a referendum on European Union membership. However, in this assessment we have heard clearer views, particularly from potential campaigners to leave the European Union, about their concerns regarding the proposed yes/no question.

In addition, we have not as part of this assessment heard significant concerns from campaigners about campaigning on a non-yes/no question.

Our assessment suggests that it is possible to ask a question which would not cause concerns about neutrality, whilst also being easily understood.

Our recommendation

The referendum result should be one that all voters and referendum campaigners can accept and have confidence in. For that reason, we recommend changing the way the question is asked, so that it is more neutral. We recommend the following wording:

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

Remain a member of the European Union

Leave the European Union

Our recommended Welsh version of this question would be:

A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?

Aros yn aelod o'r Undeb Ewropeaidd

Gadael yr Undeb Ewropeaidd

1 Background

Our role

1.1 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 referendums. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

1.2 On 28 May 2015, the UK Government introduced the European Union Referendum Bill to Parliament. The Bill makes provision for a referendum by the end of 2017 on the United Kingdom's membership of the European Union. The Bill contains the following referendum question:

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

Yes

No

1.3 In the 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 reporting on campaign spending
- reporting on the administration of the referendum

1.4 The Chair of the Commission will be Chief Counting Officer for the referendum on the UK's membership of the European Union.

Legal framework

1.5 Where a referendum question is set out in a Bill providing for a referendum, as in the case of the European Union (Referendum) Bill, the Political Parties, Referendums and Elections Act 2000 (PPERA)¹ requires the Commission to consider the wording of the referendum question and publish a statement of our views as to its intelligibility:

- as soon as is reasonably practical after the Bill is introduced and
- in such manner as the Commission may determine.

¹ Section 104(1) and (2).

1.6 The introduction of the European Union (Referendum) Bill triggered our duty to consider the intelligibility of the referendum question.

Publication of our views

1.7 As the independent body charged with giving our views on the referendum question, we want to ensure that our approach is open and transparent. We are publishing this report of our views on the referendum question as soon as concluding our question assessment process.

Question assessment process

1.8 Our responsibility is to consider the intelligibility of the referendum question. We want to make sure that the question is one that voters can understand, so that they know what they are voting on.

1.9 When referring to 'referendum question' in this report, we mean the question and the choice of responses on the ballot paper. Where we have comments particular to the question or the responses, we make this clear.

1.10 We published our preferred approach to assessing referendum questions and our revised question assessment guidelines in November 2009. These are at Appendices 2 and 3 to this report. These guidelines, and our current assessment methodology, have been used to inform seven previous question assessments we have undertaken, including for our earlier assessment of a possible European Union referendum question in 2013.

1.11 We know that our assessments identify important issues in relation to proposed referendum questions and our advice is usually accepted. In some cases it has not been accepted in its entirety. For example, in the case of the question for council tax referendums, our recommended question wording was not fully implemented.² The first referendum using this question in 2015 subsequently encountered many of the issues we raised in our assessment report.

1.12 We developed our guidelines to:

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

1.13 We have followed our published preferred approach to assessing referendum questions by:

² http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/145327/GfK-NOP-Council-Tax-Referendum-Report_Final.pdf

- Carrying out qualitative public opinion research with people from different backgrounds and demographics across the UK, through focus groups and one-to-one in-depth interviews
- Asking for advice from experts on accessibility and plain language
- Writing to interested parties including political parties and would-be campaigners, to seek their views and to offer meetings to hear from them
- Receiving views and comments from individual people or organisations who contacted us, having seen from our website or otherwise heard that we were undertaking the question assessment

1.14 A report of the findings of our public opinion research, including the methodology adopted, is available on our website.³

1.15 A list of respondents who gave us their views through correspondence or in meetings held for the purpose of contributing to the question assessment is available on our website. The views we have received from these respondents are addressed where relevant in this report. We much appreciate the time taken by individuals and organisations in giving their views to us.

1.16 We have previously reported on a question included in a previous Private Member's Bill for a European Union referendum.⁴ Where relevant we reference findings from that previous research throughout this report.

Scope of our advice on 'intelligibility'

1.17 We interpret the scope of our responsibility to give advice on 'intelligibility' as going further than simply looking at whether people understand the language used in the referendum question. Where we have a statutory duty to give views on referendums in the UK,⁵ we have powers to suggest alternative drafting or to offer suggestions as to how a particular question might be reframed. We advised on the wording and intelligibility of the independence referendum question in Scotland in the same way.

1.18 We have confined our suggestions to changes in the language or structure and framing of the question, again reflecting our statutory duty in other referendums. This does not extend to suggesting alterations that would change the substance of the question or introduce new factors which might alter the nature of the debate.

³ <http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/upcoming-elections-and-referendums/eu-referendum/eu-referendum-question-assessment>

⁴ Referendum on the United Kingdom's membership of the European Union - Advice of the Electoral Commission on the referendum question included in the European Union (Referendum) Bill:
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/163282/EU-referendum-question-assessment-report.pdf

⁵ Section 104 PPERA

This report

1.19 Chapter 2 of this report sets out the referendum question in context, including the background to previous research.

1.20 Chapter 3 sets out the findings from the public opinion research we conducted to support this assessment.

1.21 Chapter 4 presents the views of those who responded to our consultation. This includes would-be campaigners, accessibility and language experts and members of the public.

1.22 In chapter 5 we present our assessment of the proposed question against our question assessment criteria. We make our recommendation for the question to be used at a referendum on the United Kingdom's membership of the European Union, as well as our views on the information that should be made available to voters.

2 The referendum question in context

2.1 This chapter outlines the context for our question assessment. It sets out the findings from the testing of a previous proposal for a European Union referendum question and the recommendations that resulted from that.

Previous testing and recommendations

2.2 The Commission has previously assessed the wording of a question for a referendum on the United Kingdom's membership of the European Union,⁶ which was included in a Private Members' Bill introduced in 2013 by James Wharton MP.⁷ That question was:

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

Yes

No

2.3 Our research and consultation found that, although the question used brief and straightforward language, the phrase 'be a member of the European Union' to describe the referendum choice was not sufficiently clear to ensure a full understanding of the referendum as a whole. This was because some participants in our research did not know that the United Kingdom is currently a member of the European Union while others who did know thought the question suggested the United Kingdom was not a member.

2.4 We recommended, in October 2013, that the proposed question wording should be amended to reduce the risk of misunderstanding or ambiguity about the current membership status of the United Kingdom within the European Union. We also recommended making the question more to the point by removing 'Do you think...'.

2.5 We recommended amending the question to:

Should the United Kingdom remain a member of the European Union

Yes

No

⁶ <http://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/upcoming-elections-and-referendums/eu-referendum/eu-referendum-question-assessment>

⁷ We also tested Welsh versions of the question.

2.6 However, it was clear from our research that some people will perceive either positive or negative associations with the phrase ‘remain a member of the European Union’, although there was no evidence to suggest that this wording resulted in participants changing their voting preference in any way. Our testing suggested that, in the context of a referendum on the UK’s membership of the EU, question wordings using ‘Yes’ and ‘No’ as response options may not be able to fully resolve these complex issues.

2.7 We therefore provided a second recommended question wording which included both options (to remain and leave the EU) to reduce the risk of bias for either outcome. We indicated that this highlighted an important decision for Parliament about retaining or moving away from the UK’s recent experience of referendum questions using ‘Yes’ and ‘No’ as response options. This second question was considered the most neutral of all those we tested and asked:

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

Remain a member of the European Union

Leave the European Union

2.8 However, we also highlighted in October 2013 that we had not been able to fully test the second of these two alternative question wordings in the time available to us before we reported. We therefore made clear that, if Parliament amended the question in the Bill to include this wording, the Commission would undertake further work to check whether this wording raised any new issues of intelligibility.

2.9 The question wording included in the Private Members’ Bill was then amended in Parliament to “Should the United Kingdom remain a member of the European Union or leave the European Union?”, and we therefore carried out this further research in early 2014. Taking into account the results of that research, we were satisfied that the amended question wording (using “Remain a member of the European Union” and “Leave the European Union” as response options) was not only clear and straightforward for voters but was, at that time, also thought to be the most neutral wording from the range of options we had considered and tested.

2.10 At that time we also sought evidence from potential referendum campaigners about the impact of this question wording for them. Unfortunately, at that stage, we received no responses to our request. Therefore, while we were satisfied that the question wording would be clear and straightforward for voters, we recognised that the absence of evidence about the potential implications for referendum campaigners represented a gap in our ability to assess the intelligibility of question in the widest possible sense. This new assessment has sought to address that gap as well as providing further, updated evidence of public views on the question.

Membership of the European Union

2.11 At the time of undertaking our question assessment, we know that the Government has committed to a process of negotiation on the United Kingdom's membership of the European Union. That process is not yet complete. There is therefore a level of uncertainty about some of the specific issues which will frame the vote and what impact or otherwise these may have on how people approach the question.

2.12 There is also uncertainty about the precise steps that will be taken immediately following a referendum. There would be likely to be discussions following the referendum on how any change would be implemented.

2.13 In some other referendums in the UK, such as that on the voting system for the UK Parliament held in May 2011 and on the law-making powers of the National Assembly for Wales held in March 2011, the referendums were linked to legislation made by the UK Parliament that was ready to be implemented in the event of a 'Yes' vote.⁸

2.14 This referendum is therefore more similar to the referendum on independence for Scotland, in terms of outcomes, than to those held in 2011.

Informing people

2.15 There are therefore different views about what continued membership of the European Union or leaving the European Union would mean for the United Kingdom.

2.16 At this referendum, campaigners will promote their views about what membership of the European Union means, what rejection of it would mean, and what they believe will happen after the referendum, depending on the result.

2.17 Referendum campaigners have a key role to play in informing people what the issues are in a referendum. The campaigns are the main source for highlighting to potential voters the implications of each potential outcome, encouraging people to vote and influencing how they vote. In addition, others will be discussing and debating the issue and putting forward opinions including commentators, constitutional experts and the media.

2.18 Although referendum campaigners and others will promote their views and highlight the issues, this may not necessarily lead to greater clarity for potential voters ahead of the referendum. There may be claims and counter-claims, information and misinformation.

⁸ In the case of the referendum on the alternative vote, the legislation would have been implemented, following a 'yes' vote, depending on a separate vote to approve proposed boundary changes.

2.19 There can be a place in referendums for public information from a trusted source separate from the referendum campaigns. However, beyond the provision of factual information related to voting processes, for example how to cast a vote, the Electoral Commission will not be providing additional independent information on the arguments for and against membership of the European Union.

2.20 The significance of public information can vary depending on the nature of the referendum and the extent to which complex issues might need to be explained. The Venice Commission Code of Practice for referendums says that ‘the authorities must provide objective information’ in advance of voting.⁹

2.21 For example, in the referendum on the voting system for the UK Parliament held in May 2011, factual information was available about the voting systems that people were being asked to decide on, as the rules of each voting system were set out in legislation already on the statute books. This meant it was possible to provide voters with neutral, factual information about what would happen after each referendum, which the Commission included as part of its public awareness campaign.

2.22 In Scotland, where the arguments about the impact of a yes or no vote were significantly more complicated than in other recent referendums, we recommended that the UK and Scottish Governments should clarify what process will follow the referendum in sufficient detail to inform people what will happen if most voters vote ‘Yes’ and what will happen if most voters vote ‘No’.

2.23 Specifically, we recommended that both Governments should agree a joint position, if possible, so that voters have access to agreed information about what would follow the referendum. This was because the alternative - two different explanations – could have caused confusion for voters rather than make things clearer. This joint statement was agreed and included in the booklet the Commission produced to be sent to all households ahead of the referendum. The booklet also contained information about how to register to vote and how to vote.

2.24 Chapter 4 sets out the information that participants in our public opinion research reported as being important to them when deciding how to vote in this referendum. This was not the main focus of the research we carried out but when discussing the question participants naturally expressed opinions on what sort of information they would expect and would find helpful. We then make specific recommendations in chapter 5 about what type of public information could usefully be provided.

⁹ European Commission for Democracy Through Law (Venice Commission) ‘Code of Good Practice on Referendums’ (2006)

3 Research findings

3.1 We appointed the independent research agency GfK to carry out a qualitative research exercise to see how people reacted to and understood the proposed question. This has given us an evidence base for our conclusions and the revised question wording we are proposing. GfK also conducted our two previous research projects focused on European Union referendum questions.¹⁰

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

3.3 This research also provides an update to the previous research findings from 2013 and early 2014.

3.4 The full report from GfK is available on our website.¹¹ The report describes who took part in the research and where. The research included participants from a wide range of backgrounds, of different ages, across the United Kingdom. It also specifically included participants who may have more difficulty voting including those with a lower level of literacy, learning difficulties, English as a second language and visual impairments.

Key areas considered in our public opinion research

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

¹⁰ <http://www.electoralcommission.org.uk/our-work/our-research/referendum-question-testing>

¹¹ Ibid

The research methodology and approach

3.5 This research approach has also been used for the seven previous question assessments we have undertaken using this methodology, including for our earlier assessment of a possible EU referendum question in 2013. Full details of the research approach and methodology are contained in the research report. The research used a combination of one-to-one in-depth interviews and focus groups to test the question.

3.6 A qualitative approach was chosen for this research because its purpose was to identify any problems with the question, explore the reasons for those problems and explore ways in which they might be solved, so that we had evidence for any changes we might want to recommend.

3.7 This was not therefore a quantitative exercise and we were not attempting to estimate the proportion of voters who may, for example, give a particular response, interpret the question a certain way or misunderstand particular wording. We were also not attempting to measure the neutrality of the question in a numerical or absolute sense. Rather, we explored people's perceptions of the neutrality of the proposed question.

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

3.9 It should be noted that whilst qualitative research can identify participant reported views regarding neutrality of question wording based on participant perceptions, the approach does not capture any unconscious impact of question wording and structure. It is thus possible that questions might influence participants to answer in a particular way without them being aware of it.

3.10 As set out elsewhere in this report, the research was designed to build on the previous research carried out on a proposed European Union referendum question, particularly to check if anything had changed in public perceptions and views since that work was conducted.

Testing alternative question wording

3.11 We have previous experience of assessing referendum questions, including carrying out research with voters. In the past we have found that research participants may find it difficult to suggest specifically how questions could be re-worded to address problems that they have identified. We therefore developed some alternative versions of the question with revised wording and where participants had concerns about the question, we were able to probe on these alternative words and questions.

3.12 The purpose of developing alternative wording was to allow us to test potential changes to the wording and see whether or not they improved the question, in terms of making it easier for people to understand and answer and its neutrality. This would provide an evidence base for any recommendations for change we may want to make. The main aim of this element of the research was not therefore for the research participants to choose one of the versions they were shown as ‘the best’. Instead, providing different versions that could be compared and contrasted during fieldwork was intended to help participants to identify what factors improve or worsen a question’s wording and intelligibility for them.

3.13 Across the three research projects a total of 11 versions of the question have been tested.

3.14 The following questions were tested in the 2015 public research:¹²

	Question wording	Previously tested?
1	Should the United Kingdom remain a member of the European Union? Yes/No	Also tested in 2013 research
2	Should the United Kingdom remain a member of the European Union or leave the European Union? Remain a member of the European Union / Leave the European Union	Also tested in 2013 and 2014 research
3	Should the United Kingdom stay a member of the European Union or leave the European Union? Stay a member of the European Union/ Leave the European Union	New version for 2015
4	Should the United Kingdom remain a member of the European Union or leave the European Union? Remain in the European Union/ Leave the European Union	New version for 2015

¹² Other questions were tested during the fieldwork through use of prompts and stimulus materials. For example, “Should the United Kingdom be a member of the European Union”. Although these questions were not given out on mocked up ballot papers for voting the wording etc was explored with participants.

3.15 These questions were tested in either the 2013 and/or 2014 public research:

	Question wording	Tested in
5	Do you think the United Kingdom should be a member of the European Union? Yes/No	2013 research
6	Should the United Kingdom continue to be a member of the European Union? Yes/No	2013 research
7	The United Kingdom is a member of the European Union. Do you think the United Kingdom should be a member of the European Union? Yes/No	2013 research
8	Should the United Kingdom leave the European Union? Yes/No	2013 research
9	Should the United Kingdom stay a member of the European Union or get out of the European Union? Stay in the European Union / Get out of the European Union	2014 research
10	Should the United Kingdom remain a member of the European Union (EU) or leave the EU? Remain a member of the European Union / Leave the European Union	2014 research
11	Should the United Kingdom remain a member of the European Union or leave the European Union? Remain / Leave	2014 research

3.16 In each interview or focus group, one question was used as the main 'test' question (that is, participants were given this question at the beginning of the interview and asked to mark their vote), with other versions used as comparators to help elicit participant's views on the main version being tested.

3.17 In this report we focus primarily on the findings from the most recent research, noting previous findings as appropriate.

What we have previously concluded about the proposed question

3.18 Overall the proposed question in the 2015 Bill was regarded as easy to understand, to the point and unambiguous. In particular, the question clarifies the current status of the UK within the EU which is necessary to help voters better understand the choice of actions proposed, and to reduce the risk of ambiguity about the consequences of the referendum. Participants in the research were able to vote according to their intentions when presented with this question.

3.19 However, we found that some participants perceived either positive or negative associations with the phrase ‘remain a member of the European Union’ and this could potentially introduce some risk of perceived bias. With this in mind, overall, participants preferred a question that paired both options of ‘remain’ and ‘leave’, since this resulted in a balanced and more neutral question that treated both voting options equally. However, there was no evidence to suggest that the wording changes resulted in participants in the research changing their voting preference in any way.

3.20 We recommended that Parliament should consider very carefully whether it wishes to retain the approach of a referendum question which uses ‘Yes’ and ‘No’ as response options, taking into account the risk of a perception of bias which might be associated with the question wording.

What we found in this assessment

3.21 As set out above, we began with testing the question in the European Union Referendum Bill (2015) as the main question (referred to as the proposed question). Alongside this we used alternatives, as set out above, to draw out participants views. As particular issues emerged during fieldwork, we also developed alternatives as solutions to these. We then tested these alternatives fully as well, to ensure that other problems were not identified when participants viewed them as the first question in the research.

3.22 The analysis below focuses on responses to a ‘yes’/‘no’ question and a question with non-yes/no answer options (centred around remain/stay or leave).

Contextual understanding of the European Union

3.23 As we found in previous research, contextual knowledge of the EU varied across participants. The vast majority were aware that the UK is currently a member of the European Union, with only a small number of participants querying this. These participants reported very low levels of engagement in politics and political issues and noted that they tended not to read newspapers or keep up with current affairs.

3.24 However, it was clear from this testing that our previous finding, that the question needs to clarify current membership status, is still valid (see paragraphs 3.51-3.53 for full details). This is not just because of the few who do not know whether the UK is a member or not but also because a question which is not clear (e.g. "Should the United Kingdom be a member...?") risks confusing some who know the UK is a member of the European Union but feel the question is misleading because it does not clarify this membership status.

3.25 Whilst overall awareness of the UK's membership of the EU was found to be relatively high, many reported that more contextual information would be required regarding the voting outcomes. Particular queries included what a vote to remain a member would mean in terms of membership status: continuation of current terms of membership or something different? A small number of participants thought that a majority vote to stay would result in the UK becoming a member of the Eurozone.

3.26 There were similar queries about what a vote to leave would mean in terms of membership status: completely leaving the EU or some other form of membership?

3.27 Those who were undecided about how to vote were particularly likely to report a lack of contextual information enabling them to make an informed vote. They reported a lack of clarity regarding what each voting outcome would mean in practice. This is considered in more detail later in this chapter.

Understanding of the Government's proposed question

3.28 Overall, we did not hear concerns from participants in relation to their understanding of the proposed 'yes' or 'no' question. Participants felt that the question used clear and straightforward language and was easy to understand. This mirrors the findings from previous research on the same question. Participants also noted that the question was short and concise.

3.29 Some participants liked the 'yes' and 'no' answer options as they were regarded as simple and succinct: 'That one is giving you the question and a simple yes or no...it's more simple.' (mini-depth, Stirling, 45-59 years).

3.30 However, others felt that the question lacked contextual information as it does not state both leave and remain options. There was also a view that the

yes/ no answer options were vague when compared to the fuller answer options (e.g. remain / stay or leave):

On the yes/no for someone who doesn't really know what the European Union is you wouldn't really know what you're saying yes to or no to. However leave the European Union – a box for that and then stay in the European Union, you know exactly what you're voting for and you'll be confident filling it [ballot paper] out. (Mini-depth, Norwich, 17-24 years).

Neutrality of the proposed question

3.31 Some participants felt that this question lacked neutrality. They believed that it could be seen to favour 'remain' by only including this option in the question, '...it's not making you think about either side it's only making you think about remaining cos it doesn't say anything about leaving.' (Mini-depth, Norwich, 17-24 years)

3.32 There was a view amongst some that using the word 'remain' could suggest maintaining the status quo which could be perceived in a positive or negative light and therefore potentially influence voter decision. This was particularly a concern for the proposed question which does not include the other possible outcome (leaving the European Union) in the question. However, as with the previous findings, there was no evidence to suggest that the wording changes resulted in participants in the research changing their voting preference in any way.¹³

3.33 One option that was highlighted in the consultation responses was to use 'leave' instead of 'remain' (for example, 'should the UK leave the EU'). However, previous research strongly indicated that the word 'leave' was not preferred by participants in the context of a yes/no question.¹⁴ Some noted that not mentioning the word 'leave' was a positive element of the proposed question, as they felt that 'leave' was a strong word with potentially negative connotations and therefore including this word (instead of remain) could influence the voter decision (in favour of remaining).

¹³ Although as noted earlier in this chapter qualitative research can identify participant's reported views regarding neutrality of question wording based on perceptions but it cannot capture the unconscious impact of question wording and structure. It is thus possible that questions might influence participants to answer in a particular way without them being aware of it.

¹⁴ The question 'Should the United Kingdom leave the European Union?' was tested previously. See page 43-44 of the Electoral Commission's report on this: http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/163282/EU-referendum-question-assessment-report.pdf

Understanding of non-yes/no questions

3.34 Our previous preference when reporting on the EU referendum question was: 'Should the United Kingdom remain a member of the European Union or leave the European Union?' with answer options of: 'Remain a member of the European Union' and 'Leave the European Union'.

3.35 In previous research this question had been regarded as straightforward and clear as well as neutral and balanced, although some had also regarded it as overly wordy.¹⁵

3.36 This recent wave of public opinion research began by testing the question in the Bill as the first question presented to participants. Once it was clear there were continuing concerns about its neutrality, we introduced the remain/leave question into the research for full testing (i.e. in rotation with the proposed Bill question).

3.37 As we had found previously, the remain/leave question was considered straightforward and easy to understand. Participants noted that it was particularly clear as it shows the two voting options, and thereby avoids any potential confusion in the answer options:

It gives you the effect of what you're doing rather than just saying yes or no. If you cross this box you are leaving, if you cross this box you would like to stay, so I think that's a really good point. (Mini-group, Sunderland, 25-44 years)

3.38 This is reflected in the preference for this question by some participants with English as a second language, low literacy and learning disability participants. They regarded the question as simpler and more easy to understand than the 'yes' or 'no' question above.

3.39 The length of the question (when compared to the 'yes' or 'no' question) was seen by some participants as, 'overdoing it...it's telling you what exactly you're voting for but again, you'd probably know before you come [to vote].' (Mini-group, Sunderland, 25-44 years). However, in previous research this emerged as more of an issue when the non-yes/no question was directly compared to shorter questions rather than when it was seen in isolation. Also, in this and previous research even those who preferred a more concise question did not feel that the length of this question affected their ability to mark their ballot paper as intended.

¹⁵ Some participants in our 2013 research had regarded this question as wordy when considered in context of a yes/no option. When reviewed in isolation in our 2014 research, this view did not feature in the research findings. (Page 6)
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/166613/Referendum-on-the-membership-of-the-European-Union-Further-question-testing-April-2014.pdf

Neutrality of non-yes/no questions

3.40 Participants felt that this question format ('remain'/'stay' or 'leave') was more balanced and neutral than the proposed 'yes' or 'no' question as it provided both options within the question and the answer. The question was not seen to be biased towards any specific voting option: 'It's not like it's biased towards any side, it's just saying stay a member or leave.' (Mini-depth, Norwich, male, 60+ years)

3.41 While participants were positive about including both options, a few noted that the word 'leave' had potentially negative connotations. Some felt that this could encourage people to vote for the UK to remain a member of the EU, especially if they feared the unknown or changing the status quo. However, this was found to be a mild concern.

3.42 Some others felt that the phrase 'member of the European Union' could convey positive feelings of inclusivity and therefore that the phrase was not neutral (this was also noted in discussions about the 'yes' or 'no' question). Issues identified with this wording are discussed in full in paragraphs 3.54-3.60.

3.43 In contrast, a couple of participants suggested that 'leave' as the last part of the question could result in a 'recency' effect, encouraging people to vote for the UK to leave the EU.

3.44 Overall, however, these were minor concerns and this question format was felt this to be a more balanced question than the 'yes' or 'no' one.

Other issues

The word 'remain' or 'stay'

3.45 During the first stage of this 2015 research, some participants spontaneously suggested changing 'remain' to 'stay'. We then tested the 'remain' or 'leave' question, replacing the word 'stay' for 'remain': 'Should the United Kingdom stay a member of the European Union or leave the European Union?' The corresponding answer option was: 'Stay a member of the European Union'.

3.46 There was no clear preference for using 'remain' or 'stay' in the question. Some participants noted that it did not matter which was used as they both mean the same thing. Overall, however, there was a slightly stronger preference for the word 'remain'.

3.47 Those who preferred 'remain' felt that it was more formal or professional, and therefore more suited to a referendum question. A couple of those who preferred 'remain' suggested that 'stay' felt like a 'command' word – feeling it was strong and directive. However, participants who expressed a preference for 'remain' also noted that using the word 'stay' would not affect their understanding of the question or their own voting behaviour.

3.48 Those who preferred 'stay' felt it was more everyday language and an easier word to understand. A couple of participants felt that the word 'remain' was too formal and therefore sounded too 'harsh'. However, they also noted that using the word 'remain' would not affect their understanding of the question or voting behaviour.

3.49 The research also found no clear preference for 'remain' or 'stay' amongst those with English as a second language, low literacy or participants with learning difficulties.

3.50 It appeared from the research, therefore, that the reason some people preferred 'stay' (less formal, more everyday language) was the same reason that others preferred 'remain' (more formal, more suitable for a referendum question). Overall, participants agreed that whether the word was 'remain' or 'stay', it was important to include one of these options in the question in order to clarify current UK membership of the EU.

'be a member'

3.51 We used stimulus to explore the following variation of the 'yes' or 'no' question: 'Should the United Kingdom be a member of the European Union?' Although this was the preference of a significant proportion of those who responded to our consultation, this question option was not favoured by participants in the research reflecting the findings of the previous research.

3.52 Inclusion of the word 'remain' was seen to clarify that the UK is currently a member of the EU. Participants felt that this is an important fact to convey in the question. Without the word 'remain', participants felt that the question lacked clarity. Those who were unaware of current UK membership felt that the question suggested that the UK is not currently a member, and therefore thought the question was asking whether the UK should join the EU. Even those aware of the UK's membership of the EU felt that the question was confusing as it did not clarify this fact.

3.53 Although some participants regarded this question as more neutral than the 'yes' or 'no' question proposed in the Bill, due to the absence of a word such as remain or stay which created a perception of bias, it was strongly agreed overall that the question should convey current membership status in order to avoid misleading voters.

'Member'

3.54 At the start of the research, some participants noted that the word 'member' was a positive word, conveying a sense of inclusivity and belonging. A few participants noted that, in the remain/leave question, this word was only attached to the 'remain' option, which could encourage people to vote for remaining a member of the EU. Although none felt that this would influence their own personal voting behaviour.

3.55 Based on this feedback, we also tested (through prompting on wording changes and with a new question) the 'yes' or 'no' question without the word member: 'Should the United Kingdom remain in the European Union' and a version of the 'remain' or 'leave' question that similarly did not include the

word 'member': Should the United Kingdom remain in the European Union or leave the European Union?'. The answer option was: 'Remain in the European Union'. We did likewise for the version of this question that included 'stay' rather than 'remain'.

3.56 We also tested a version of the 'remain' or 'leave' version which included 'member' in the wording of the question but not in the answer option (see table on pages 13-14 above).

3.57 Overall, therefore, we did not fully explore how participants responded to versions of the questions that did not include the word 'member'.

3.58 Those who preferred the word 'member' to be included felt that it added clarity to the question by making it clear that the UK is currently a member of the EU. These participants felt that 'in the European Union' was too vague. This was particularly the case for the 'yes' or 'no' question: "There's just a bit more substance to it with the word member in it rather than just 'in'". (Mini-group, Sunderland, 25-44 years, C2DE)

3.59 Those who preferred not to include the word 'member' felt it was unnecessary and added a superfluous word, 'The member bit, I didn't see that as needed... I think that people who would be voting would know' (Mini-depth, Norwich, female, 25-44 years, C2DE).

3.60 Participants generally agreed that there should be consistency in terms of including or excluding the word 'member' from the first part of the question and the associated answer option (e.g. so 'remain a member of the European Union or leave...' in the question and 'Remain a member of the European Union' as the answer option).

European Union or EU

3.61 The abbreviation 'EU' had been included in previous EU referendum question research. While many participants had not felt strongly about the inclusion of the abbreviation (in addition to, not instead of, 'European Union'), some felt that other may be it could add clarity to the question for those unaware that 'EU' stood for 'European Union'. Similarly, some low literacy and English as a second language participants had felt that the abbreviation was more easily recognised and clarifies that EU is the European Union.

3.62 For this research, none of the participants who saw the abbreviation felt it would be personally useful. Overall, participants reflected that the abbreviation 'EU' could be useful for those who are more familiar with this abbreviation than the full term 'European Union'. However, some participants – including those with low literacy, learning difficulties and English as a second language – noted that including the abbreviation could be confusing. This difference to the previous findings may suggest that overall there may be greater recognition of the term 'European Union', meaning that the inclusion of 'EU' is not necessary.

Welsh language version of the question and responses

3.63 We also tested Welsh versions of these questions during fieldwork. Below we note any issues which specifically arose in relation to the Welsh versions. Unless otherwise noted, other feedback on these questions, eg on neutrality, was the same as for the English variants.

3.64 We tested the Welsh language version of the proposed question: 'A ddylai'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd?' with corresponding answer options of 'Dylai' and 'Na Ddylai'.

3.65 We then tested the Welsh language version of the 'remain' or 'leave' question: 'A ddylai'r Deyrnas Unedig bara i fod yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?' With corresponding answer options of 'Para i fod yn aelod o'r Undeb Ewropeaidd' and 'Gadael yr Undeb Ewropeaidd'.

3.66 The research found that overall participants did not like the word 'para' (which sounded like other words such as parachute) or the mutated version 'bara' (which is the Welsh word for bread). They also did not like the alternative word 'barhau'/'parhau'.

3.67 We also tested a version of the 'remain' or 'leave' question that replaced 'remain' with 'stay': 'A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?' With corresponding answer options of, 'Aros yn yr Undeb Ewropeaidd' and 'Gadael yr Undeb Ewropeaidd'.¹⁶

3.68 Some participants preferred the word 'aros', as used in this version of the question. This reflected consultation responses (see chapter 4) that also suggested the word 'aros' in place of 'bara i fod'. The preference for 'aros' tended to be determined by personal preference. Some others preferred 'ddal i fod', again driven by personal preference.

3.69 While a couple of participants raised neutrality concerns around the words 'para'/'parhau', 'bara'/'barhau', 'aros' or 'ddal i fod', most did not cite any issues regarding neutrality of these words.

3.70 Most participants noted that either 'aros' or 'ddal i fod' could be used in the referendum question. Both options are considered to work well alongside the English options of 'remain' or 'stay' as they are both synonyms for both English words.

¹⁶ A Welsh version of the remain/leave question which removed 'a member' from the answer options was also tested (as it was in English). There were no additional Welsh specific issues related to this question

Information preferences

3.71 Participants expected to be provided with information around the time of the referendum that would enable them to gain a greater understanding of the implications of voting to remain a member of the European Union or to leave the European Union. Moreover, the majority agreed that greater contextual information about the outcomes of a referendum would be needed to help them make an informed voting decision. Set out below are the key areas that participants identified as wanting answers to.

What will the outcome of a vote be either way?

3.72 Participants were not clear about what the terms of membership would be for the United Kingdom if there was a majority 'yes' or a majority 'no' vote. As one person put it: 'If you're not a member of the European Union, what would you be then?' (mini-depth, Norwich, female, 25-44 years)

3.73 Participants wanted to know whether a majority vote to remain a member of the European Union would mean: continuation of current terms of membership; continued membership with different terms of membership; or continued membership and adoption of the Euro.

3.74 Similarly, participants wanted to know whether a majority vote to leave the European Union would mean: entire separation from the European Union; renegotiated terms of membership; some kind of partial membership; or a relationship with European Union with trade agreements similar to other European countries that are not part of the European Union.

3.75 Participants indicated they wanted answers to the following questions:

- Will a majority 'yes/ remain/ stay' vote mean:
 - Continuation of current terms of membership?
 - Continued membership with different terms of membership?
- Will a majority 'no/ leave' vote mean:
 - Entire separation from the European Union?
 - Renegotiated terms of membership?
 - 'What's the consequences of saying no? What's the next option if you say no? Is it partial membership?' (Mini-group, London, 45-59 years, BC1)
 - A relationship with the European Union with trade agreements similar to other European countries that are not part of the European Union?

The benefits of remaining a member or leaving the European Union

3.76 Across the research, participants felt information on the benefits and drawbacks of continued membership or ceasing membership would be essential for informing how they cast their vote.

3.77 This information was sought at a UK-wide level as well as a local level. For example, in Wales, participants wanted information on the impact for Wales, Welsh businesses and agriculture. In Northern Ireland – particularly Derry/Londonderry – participants wanted information regarding the impact or cultural and trade relationships between Northern Ireland and the Republic of Ireland.

3.78 Participants also wanted to understand the impact of the decision on individuals and what the result would mean for the typical person or family.

Key issues identified

3.79 Across the research, participants were keen to know what the consequence of the referendum would mean for a range of issues that were important to them or their local area, as well as key issues that they had heard about in the media. These were similar to issues that had been cited in the earlier research. This interest in the implications of the vote is also similar to what we found when assessing the question for the referendum on Scottish independence.

3.80 These areas of interest covered: finances (such as the cost of being a member); trade and the economy (such as the impact on trade agreements); immigration, travel and border control (including the impact on immigration numbers and the ability to work or travel in countries in the European Union); laws (such as which laws will be impacted); impact on jobs, working directives and housing; impact on public services (for example, the NHS, police and education) and the impact on the European Union (for example, on remaining members).

Information delivery

3.81 Participants were asked to consider how they would expect to receive or obtain this information. Some expected that the majority of information would come from campaigners in a similar format to information provided during a general election. These participants had the view that, whilst some factual information should be provided, most would probably be opinion-based. They also recognised that full details regarding the terms of membership may not be decided prior to the referendum itself.

3.82 Others struggled with the notion that there would be limited factual information and found it difficult to envisage making a voting decision without a clear understanding of what a majority vote either way would mean in

practice. In addition to information from campaigners, these participants also wanted to receive information from an independent organisation.

3.83 It was agreed generally that information from a broad spectrum would be valuable. This covered – government; campaigners; an independent organisation; independent experts (for example, economists and academics); and members of the public without a strong affiliation to a campaigning party.

3.84 Televised and local debates were often cited as an appropriate and engaging method for providing information, as well as news coverage. Others expected they would come across information when searching online.

3.85 Views were more mixed about pamphlets and leaflets, as some thought they would not read them. An easy read format was suggested by a participant with a learning disability, and others with low literacy said that written information would be useful as they struggled to follow debates. Some suggested any pamphlet or leaflet should be short and concise, detailing key facts and with links for where to find out more.

4 Respondents' views

4.1 We wrote to people, including the main political parties across the United Kingdom and would-be campaigners, to seek their views and to offer meetings to hear from them. This follows the standard approach we have used for our question assessments since 2009. A copy of the letter we issued is included at Appendix 4.

4.2 In addition, we received views and comments from individuals and groups who contacted us, having seen from our website or otherwise heard that we were undertaking the question assessment. We have also been aware of points raised by others in the media.

4.3 Respondents were broadly asked to provide views to help us to ensure we had identified all the main issues with the questions, and any alternatives, and to establish if there was any implication for the conduct of the campaign from the wording of the question.

4.4 A list of all those who responded to our consultation is available on our website. In total, we received almost 1,600 responses, the vast majority of which were from members of the public. We received 29 responses from elected representatives and accessibility or language experts, many of whom we had written to as part of our consultation.

4.5 We received official responses from several political parties: Democratic Unionist Party (DUP), Liberal Democrats, Plaid Cymru, Scottish National Party (SNP), UKIP and the Ulster Unionist Party (UUP). Therefore, from the parties represented at Westminster, we did not receive official party responses from the Conservative Party, Green Party, Labour Party, Sinn Fein or the Social and Democratic Labour Party (SDLP).

4.6 Some of these responses were on behalf of many others. For example, we heard representations from various political parties, as well as from Conservatives for Britain (who represent a number of Conservative MPs). We heard from a coalition of campaigning organisations (the Equality and Diversity Forum), as well as the charity Mencap.

4.7 We received a small number of responses in relation to the Welsh language version of the question, including from the Welsh Language Commissioner.

4.8 We received many submissions from members of the public which we believe were in response to the official UKIP submission. In some cases the public submissions stated that the person was a UKIP supporter and/or member, in others they used the same or similar text to that submitted by UKIP. While in many other cases submissions largely or partly reflected the sentiment of the official response we received from UKIP. We also received a significant number of these responses in the one to two days immediately following UKIP's submission. We have taken all of these responses into

account but it is important to be clear that public responses to the consultation are not necessarily representative of the views of the public as a whole.

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

4.10 Below we summarise the key themes raised by respondents.

The Government’s proposed question

Support for the Government’s question

4.11 We asked political parties and would-be campaigners about the question set out in the legislation:

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

Yes

No

4.12 A small number of MPs contacted us to set out their support for the current wording. In favour of the proposed question were the following: Caroline Flint MP (Labour); Dominic Grieve MP (Conservative) and Tommy Sheppard MP (SNP). We also heard support for the government’s question from the Liberal Democrats (via Lord Tyler); Plaid Cymru (via Rhuanedd Richards), the SNP (via Peter Murrell) and the Ulster Unionist Party (via Mike Nesbitt).

4.13 Dominic Grieve MP viewed the question as formulated by the Government to be an ‘appropriate one’. Similarly, Tommy Sheppard MP told us, ‘I have no issue with the question, and am certain of its intelligibility.’

4.14 Lord Tyler, responding on behalf of the Liberal Democrats, told us:

We strongly believe the first of the two options proposed is the strongest and simplest – the question must have a simple ‘yes’ or ‘no’ response. The alternative proposed, with long responses, really would be unnecessarily complex.

4.15 We wrote to a number of organisations who work with or represent particular groups of people. One of these, the Equality and Diversity Forum, a network of national organisations committed to equal opportunities, social justice and good community relations, told us that they considered the wording of the referendum question included in the Bill to be clear and easily understandable. They support its use in the forthcoming EU referendum.

4.16 These views were not, however, representative of the vast majority of responses we received. Most of those who contacted us had concerns about

the question in the Bill. Almost 1,400 respondents told us that the Government's question should be changed, compared to fewer than 100 who wanted to retain the question without changes. The majority of these were from members of the public who had heard the proposed Government question and wanted to raise their concerns with us although change was also suggested by others including the Democratic Unionist Party (DUP), UKIP and Conservatives for Britain.

Neutrality

4.17 The key reason for respondents choosing to recommend changes to the question in the Bill was their concern about its neutrality. Indeed, more than 1,000 respondents told us that they thought the current question is not neutral, with approximately 50 respondents supporting its use at the referendum (please note the points on overall representativeness raised in paragraph 4.8 above).

4.18 Many of the respondents were concerned about the neutrality of the question because of the word 'remain' rather than 'be', and this is considered in the section below. Other respondents were concerned that yes/no answer options are inherently biased – and this is also examined in more detail below.

4.19 Another key factor that explained concerns about this was the use of 'no' to represent a change. Professor Thom Brooks of Durham University was concerned about the lack of consistency when compared to previous referendum questions:

There is a convention that the answer “no” should be reserved for a verdict of no change – and “yes” for a verdict of change. The problem with the current question is that a “yes” vote is a verdict for no change. This is inconsistent with referendums on AV nationally and on independence in Scotland.

4.20 The Democratic Unionist Party expressed even stronger concerns about the potential bias of this:

It risks being seen as a clear attempt to give the pro-EU campaign the stronger positive basis for the referendum campaign...In a single question scenario, we note that it has been the much more common practice in referendums held within the United Kingdom for the non-status quo position to be the 'Yes' answer.

4.21 We also heard this sentiment from members of the public, one of whom told us:

The existing question gives a Yes vote to the status quo and does not reflect on any negotiated changes. Given that referenda tend to support the status quo anyway, this represents conscious bias in favour of the EU.

4.22 Another member of the public told us that she was, 'not at all happy with the way the question has been put.' She argued that: 'The balance of the question at present leans towards asking for a yes vote.'

4.23 This was a concern we heard from many members of the public who wrote to us. There was clearly a strong perception that the proposed question in the Bill is not neutral and would not lead to a fair outcome. This also led some respondents to warn that the legitimacy of the outcome would come under doubt :

If the question's neutrality cannot be agreed by *all sides* prior to the vote, then its outcome and legitimacy will forever be question. This will further increase the feelings of disconnection and disillusionment to politics that many voters feel.

4.24 The concern about the neutrality of the question and the consequences of this was reflected in the response we received from the Plain Language Commission.

It may be argued that putting 'Yes' first invites people to think this is the answer the questioner wants to hear and thus introduces a bias towards 'yes'. The Government is likely to recommend a 'yes' vote, so any assumed bias towards 'yes' may skew the results in the Government's favoured direction....There is also the question of possible bias in that 'yes' will probably be the positive or status quo response, which will allow the 'yes' campaign to paint itself as the positive or conservative option...

'Be' rather than 'remain'

4.25 A significant proportion of responses expressed a preference for replacing the word 'remain' in the Government's question with 'be':

'Should the United Kingdom be in the European Union?'

4.26 Almost 1,000 responses expressly mentioned either a preference for 'remain' or a preference for 'be'. The clear majority of these – more than 850 responses - preferred the latter. One of these responses was from Professor Matthew Turner of Warwick University, who told us:

By explicitly including language that only refers to the possibility of remaining (and not withdrawing) from the EU the question obviously breaks a conceptual symmetry and is almost certain to have a clear behavioural bias. I am sure that you are aware of this fact, which will be confirmed by any practicing behavioural psychologist.

4.27 Professor Turner preferred the question to include 'be', rather than 'remain'. This was the view of some of the elected politicians we heard from, including Kate Hoey, Labour MP, who wrote the '...question should be 'be' in the European Union rather than 'remain' in the European Union. Much more even-handed.'

4.28 Henry Smith, Conservative MP for Crawley, agreed: ‘In my opinion the UK EU membership referendum wording should read: “Should the United Kingdom be a member of the European Union?”’

4.29 We also heard this view from Conservatives for Britain. Co-chaired by Steve Baker MP and David Campbell-Bannerman MEP, Conservatives for Britain has the support of a number of Conservative MPs. They were concerned that the use of the word remain suffers from acquiescence bias:

The tendency to affirm is more instinctive than the tendency to reject and we observe that bias in related ICM polling. In our view, if the question is to require a yes/no answer, then it should be the question provided in the Bill introduced by James Wharton MP: “Do you think the United Kingdom should be a member of the European Union?” This question has been considered and approved twice by the House of Commons.

4.30 However, as with many of those who expressed a preference for ‘be’ rather than ‘remain’, Conservatives for Britain also expressed their support for a question that does not have yes/no answer options. This is considered in more detail in the section below.

4.31 We also heard from UKIP that, in their view, ‘be’ was a more neutral word than ‘remain’. Their chairman, Steve Crowther, told us:

Asking "Should the United Kingdom remain a member of the European Union?" gives a bias towards the status quo by using the question to emphasise the current position. The neutral formulation is "**Should the United Kingdom be a member of the European Union?**". UKIP considers that this is the correct and fair referendum question to ask if a 'Yes' or 'No' answer is required.

4.32 This is clearly a subject that many UKIP members feel strongly about, and we received hundreds of responses from them that expressed similar concerns about the use of the word ‘be’. However, a significant proportion of these also expressed support for a question which has the answer options based on ‘leave’ and ‘remain’ rather than yes or no. This is examined further below.

A question without yes/no answer options

4.33 We heard many views about the remain or leave question that we have previously recommended:

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

Remain a member of the European Union

Leave the European Union

4.34 Almost 450 of the responses we received set out a preference for the leave/remain option, with fewer than 300 respondents expressing a specific preference for yes/no. The remainder of responses did not specifically address this issue. As noted in the section above, while many of these responses were from members of the public there was also support for this type of question from Conservatives for Britain and UKIP.

4.35 Preference for this question was often because it was seen to be more balanced. In the words of one respondent, 'equal prominence should be given to leaving the EU.'

4.36 Indeed, many of the respondents felt strongly about this issue:

The proposed question is manifestly unfair and biased in favour of a Yes vote because it leads the voter to choose the status quo. Also the Yes case in any referendum has an inbuilt advantage because respondents like to be positive and say Yes rather than No. Why isn't the proposed question "Should the UK leave the EU?" To avoid this inbuilt bias, the question should ask "Remain or Leave".

4.37 Another told us that it would remove any confusion about the will of the electorate, as well as being a more neutral question:

"Should the United Kingdom remain a member of the European Union or leave the European Union?" is a far clearer alternative...having to answer "Leave the EU" or "Remain a member" it removes all possibility of confusion as to the will of the elector, and all bias that would be associated with a yes/no answer would thus be removed.

4.38 Indeed, many members of the public were not convinced of the need for yes/no on the ballot paper or for campaigns:

In my opinion the options should be made crystal clear, and the question should be "Should the United Kingdom remain a member of the European Union or leave the European Union?", and the options should be "Remain a member of the EU" or "Leave the EU". Why would it have to be a YES or NO answer?

4.39 However, there were others who preferred to keep a yes / no question. This was the view of Caroline Flint, Labour MP:

I have a strong preference for a question that can be answered by ticking YES or NO. This is far simpler for the electorate and for the rival campaigns in the Referendum than to have "remain" or "leave" as alternative propositions.

4.40 There was also the view among a number of respondents that, 'A yes/no question is preferable, as it leaves much less room for ambiguity.'

Intelligibility

4.41 While most of the preferences for the remain/leave question were based on the perception that it is more neutral, we also heard from Mencap that this was a preferable question amongst those people with learning difficulties that they consulted with.

4.42 Mencap told us that they consulted with a small number of their staff with a learning disability to find out their opinions and thoughts on the question in the Bill and the remain/leave question.

4.43 Most of those asked preferred the answers 'Remain a member of the European Union' and 'Leave the European Union' rather than a simple yes or no choice. Mencap suggested that these answer options were, in contrast to yes/no, seen to make the question 'fully accessible'.

4.44 We also heard this concern from a small number of other respondents, with one person telling us, 'A simple Yes/No answer can cause confusion, particularly with the old, partially literate and people that struggle with English as a first language.'

Other questions or changes

4.45 While the majority of those who contacted us did not recommend any specific alternatives to the question variations outlined above, a significant number (more than 250) did make further suggestions.

4.46 Some of these respondents were relatively satisfied with one of the versions already considered, but had additional ideas about how the question could be improved. While others believed none of the above questions to be suitable.

4.47 Moreover, while some respondents suggested a change to a word or two, for others it was important that a different structure or approach should be taken for the wording of the question.

4.48 Examples of the various alternatives are set out below.

Should the UK leave the European Union?

4.49 For some members of the public who felt that the 'yes' response should not be used to show support for the status quo option, the preferred alternative was to ask whether the UK should leave the EU. This is illustrated in the following response from a member of the public:

In my view I think it should be like the Scottish referendum. The ones who want to leave should be on the yes campaign, the ones who want to stay the no campaign. In conclusion I think the question should be along these lines – 'Should the UK leave the European Union?'

4.50 Similarly, another member of the public was of the view that:

... the question should be able to illicit [sic] an instant answer to the question, without the need for any undue analysis of the wording. To that end a yes or no answer is the best option. There is an argument for saying that as we are already in the union the question should be **'Should the United Kingdom leave the European Union'**. That after all is the driving force behind the original argument.

4.51 This question was therefore preferred among those who wanted a yes/no question but who had concerns about the 'yes' option reflecting the status quo. There was a perception amongst these respondents that the status quo should be represented by the 'no' campaign.

4.52 The Democratic Unionist Party told us that "in a single question scenario the question should be "Do you agree that the United Kingdom should leave the European Union?" However, that was not their preferred wording (see paragraph 4.68 below).

Take out 'member'

4.53 To make the Government's question simpler and shorter still, Lord Tyler, responding on behalf of the Liberal Democrats, suggested that taking out the word 'member' from the question in the Bill would be a modest improvement: 'The campaigns are likely to be characterised as 'in' and 'out', so this shorter wording would make the question even more intelligible to the voter.'

4.54 Whilst taking out the word 'member' but keeping the question otherwise the same was not a common theme in the responses we received, many people did make proposals for a version of the question that did not include the word 'member'. These included: 'Should Britain be in or out of the European Union?', 'Should the UK remain in the EU?' and 'Should the United Kingdom remain in the EU or leave the EU?'

'Stay' rather than 'remain'

4.55 Many people suggested alternative questions that included the word 'remain' or said they were satisfied with previously proposed questions that included 'remain'. However, others used the word 'stay' in their responses.

4.56 Whilst sometimes it was clear that they were proposing this as an alternative to the use of 'remain' in the question, for some responses the word 'stay' was part of a more substantive change. It was not always clear in these instances the extent to which 'stay' was preferred over remain.

4.57 For some respondents, 'stay' was a word used more in everyday language, and it was for this reason, in the words of one respondent, that , "stay in" is preferable to "remain".'

4.58 Some respondents mentioned this in relation to the question with 'remain' or 'leave' answer options. For example, Kate Hoey MP said she would, 'much prefer a question to have the opportunity to say either leave or stay rather than yes or no, which can become quite confusing.'

4.59 Similarly, we heard from local Tamworth Councillor Chris Cooke that: 'The options should not be "Yes" or "No". They should be "STAY IN" or "LEAVE". I am sure a perfectly sensible question can be drafted around that.'

4.60 We also received feedback from Mencap, who ran a small feedback session with some of their staff to ask them about the question. The people they asked felt that the word 'remain' was not accessible and would prefer the word 'stay'. 'Stay' was regarded as an easier word to understand and used in everyday language and conversation.

In/Out

4.61 We heard from several respondents about their preference for the words 'in' and 'out'. This was seen to be a clear, easily understood alternative that would mirror how the issue is discussed outside of the polling booth. As one member of the public explained:

I believe an 'in or 'out' answer question such as "Do you wish for the United Kingdom to be 'in or 'out' of the European Union" more straight forward. This format is completely unbiased and has total clarity. When the referendum is debated in the media, the option is always put as 'in' or 'out' not as 'yes' or 'no' and I see no reason why it should be different at the ballot box.

4.62 Another respondent noted that when the public had been, 'promised an in/out referendum, instead we've got a yes/no referendum'. He proposed a question worded along the lines of:

What position should the Government adopt regarding membership of the EU

IN

OUT

4.63 An 'in' or 'out' response was therefore seen by some to be direct and to reflect the essence of the referendum.

Two opposing statements

4.64 We received various suggestions for a question based on two separate statements. One person told us that to make the question fair, it should be:

- ONE BOX ONLY TO BE MARKED -

Should Britain be an independent sovereign country?

OR

Should Britain be a Member of the European Union?

4.65 Another respondent concurred with this approach, explaining that there should be, 'NO question to the electorate – just alternative statements set out on the ballot paper'. He added:

The ballot paper should I suggest have two statements, set out in two boxes equally placed on the ballot paper. Those statements should read: "I want the UK to accept (or remain) in membership of the European Union", AND "I want the UK to form a free trading self governing relationship with the European Union".

4.66 He regarded this question to be a much fairer and more balanced referendum option, presenting the electorate with a positive and clear alternative to remaining in the EU.

4.67 'Two clear choices' was how another member of the public described the question he advocated:

TICK One BOX

I want the United Kingdom to remain in the EU.

I want the United Kingdom to leave the EU.

4.68 The Democratic Unionist Party told us that their preference is for a ballot paper that uses a 'two option model':

Do you agree the United Kingdom should remain a member of the European Union?

or

Do you agree the United Kingdom should leave the European Union?

4.69 We received a range of alternative proposals based on such 'either/or' options. As these examples illustrate, opinions differed somewhat on what these options should be. Overall, however, those who submitted these suggestions believed that the question needed to present a range of options in order to provide a, 'truly unbiased choice'.

Abbreviation 'EU'

4.70 We also heard from some respondents that the question should include the abbreviation 'EU' as well as European Union. As one person explained, 'I believe the initials EU should be included in the question, perhaps as (EU), as this is how the entity is most presented to the public.'

4.71 Another respondent reworded the question to - 'Do you wish to remain in the European Union (EU)'. With yes / no answer options. He told us, 'I have put EU after the full title as these days most organisations are referenced to in these terms.'

4.72 A number of other proposals included the abbreviation 'EU' but did not specifically draw attention to this. It was not always clear, therefore, whether or not they were specifically advocating for this change or were using it as a short-hand.

Additional information on the ballot paper

4.73 Only a handful of the many responses we received mentioned adding additional information on to the ballot paper to explain the referendum. The consensus for a straightforward question is illustrated by the response of Conservatives for Britain: 'We welcome the absence of unnecessary preamble from the ballot paper, in contrast to the 1975 referendum.'

4.74 One of the few exceptions to this was received from Professor Patrick Dunleavy, responding on behalf of the Democratic Audit. Their view is that the Electoral Commission should consider how far the referendum question itself should spell out the consequences of the decision that voters are being asked to make:

At present all UK citizens are also European citizens with many attendant rights, which are of considerable economic and social value... In our view any remotely fair eventual EU referendum question must make plain to all those voting, at the point in the ballot box where the decision has to be made, that a UK decision to leave the EU will strip away those rights.

4.75 Overall, therefore, there was a broad consensus that the referendum question should be, 'simple and balanced'. Adding additional information about the referendum or views on what the consequences of a 'remain' or 'leave' vote would be was not asked for by respondents.

Welsh language question

4.76 The consultation asked respondents to comment on the Welsh language version of the question included in the Bill:

A ddylai'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd?

4.77 The consultation also included the Welsh language version of the leave or remain question that the Commission had previously recommended:

A ddylai'r Deyrnas Unedig bara i fod yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?

4.78 A small number of respondents contacted us with their views on the Welsh language question, with a couple of issues being raised for consideration.

4.79 We heard from the Vale of Glamorgan Council that 'aros' should be used for the word 'remain', to use the word 'ynteu' for 'or' and to substitute the word 'ymadael' for 'adael':

In English “Should the United Kingdom remain a member of the European Union?” and in Welsh: “A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd?”

The responses in English would be “Yes” and “No”, and in Welsh “Dylai” and “Na ddylai”

In English “Should the United Kingdom remain a member of the European Union or leave the European Union?” and in Welsh “A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd ynteu ymadael â'r Undeb Ewropeaidd?”

The responses in English would be “Remain a member of the European Union”a “Leave the European Union” and in Welsh “Aros yn aelod o'r Undeb Ewropeaidd” and “Ymadael â'r Undeb Ewropeaidd”

4.80 The Welsh Language Commissioner was also concerned about the suitability of 'neu' (for 'or'), with 'ynteu' also mentioned as a possible alternative.

4.81 The Welsh Language Commissioner also commented that while 'dal i fod' and 'para i fod' are grammatically correct, it should be noted that some people would consider that they would be better suited for oral or informal use.

5 Our assessment

5.1 We have considered the question proposed by the UK Government against our guidelines for assessing referendum questions that we published in November 2009.

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

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

5.3 In arriving at our assessment, we have taken account of the context for the referendum question and all the evidence we have received.

Our conclusions

5.4 Set out below is our assessment of the referendum question in the Bill (Should the United Kingdom remain a member of the European Union?):

Is the question easy to understand?

5.5 We mostly heard that the question ‘Should the United Kingdom remain a member of the European Union’ was easy to understand. The majority of our consultation responses did not have concerns about comprehension and this was also the case for those who participated in the research.

5.6 However, our research did find that some participants with English as a second language, lower literacy and learning difficulties found the non-yes/no questions easier to understand. Through our consultation we also heard this, in relation to those with learning disabilities, from Mencap who told us the answer options which did not use yes and no were more accessible.

5.7 Consequently, whilst we regard the question as generally easy to understand, we are concerned that there may be some people who struggle to answer it as they intend.

Is the question to the point?

5.8 The question was regarded as to the point. Research participants noted that it was short and concise and we did not receive any other evidence to the contrary. We have no concerns about this.

Is the question unambiguous?

5.9 The words used in the question were not found to be ambiguous and we feel that the question itself is therefore sufficiently unambiguous.

5.10 However, it is clear that the consequences of the question remain unclear. This means that any ambiguity relating to the question was generally part of a wider ambiguity relating to the consequences of the referendum, rather than anything that can be addressed in the question itself.

5.11 We also heard from some respondents to our consultation/research that the proposed 'yes/no' question was less clear about the consequences of the referendum than a question based on 'either/or' answer options.

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

5.12 There were no participants in our research who felt that the wording of this question affected their own personal voting intention. However, some felt that the question lacked neutrality. As noted previously this research can identify participant's reported views regarding neutrality of question wording but it cannot capture any unconscious impact of wording and structure. It is thus possible that questions might influence participants to answer in a particular way without them being aware of it. Many respondents to our consultation also perceived the question in the Bill to be biased.

5.13 There were two main reasons why consultation respondents and research participants viewed the question as biased – it only sets out the 'remain' option in the question, and the 'yes' response is for the status quo.

5.14 Consequently, while the question is not significantly leading, we have concerns about the perception that this question will encourage voters to consider one response more favourably than another. Importantly, some respondents to our consultation, particularly those likely to campaign or vote to leave the European Union, believed this perception could undermine the legitimacy of the referendum result in the event of a 'yes' vote. While we cannot know if this is a concern that would be shared by the general public as a whole we are concerned about the risk of using a question at this referendum which is not accepted as valid by one side of the debate.

Does the question avoid misleading voters?

5.15 The question is clear that the United Kingdom is currently a member of the European Union and we do not have concerns that it would mislead voters.

Our recommendation

5.16 We have concerns, based on our assessment, about the proposed 'yes/no' question. This is because of what we heard through the consultation and research about the perception that the question encourages voters to consider one response more favourably than the other. These views raise concerns about the potential legitimacy, in the eyes of those campaigning to leave and some members of the public, of the referendum result – particularly if there was a vote to remain a member of the European Union.

5.17 Our assessment suggests that it is possible to ask a question which would not cause comparable concerns about neutrality, whilst also being easily understood.

5.18 We have previously recommended both a yes/no and a non-yes/no question for use at a referendum on European Union membership. However, in this assessment we have heard clearer views, particularly from potential campaigners to leave the European Union, about their concerns regarding the proposed yes/no question.

5.19 In addition, we have not as part of this assessment heard significant concerns from campaigners about campaigning on a non-yes/no question.

5.20 We also found, through the research and consultation, concerns that some people, such as those with lower levels of literacy, may find it easier to answer a non-yes/no question.

5.21 Our proposed question retains the word 'member' because the research found views to be mixed about the advantages and disadvantages of asking about membership or staying/remaining 'in' the European Union. On balance we think it is preferable for the question to be specific about what voters are being asked to give their views on.

5.22 We recommend that the following question be used at the referendum on the United Kingdom's membership of the European Union:

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

Remain a member of the European Union

Leave the European Union

5.23 We have assessed this recommended question against our referendum guidelines.

Is the question easy to understand?

5.24 The question is easy to understand. Research participants indicated that the question was clear, simple and easy to understand. Whilst some felt that

this question was longer when compared to the 'yes/no' question, none felt that this would impact on their understanding of it. Many participants noted that the 'yes / no' answer options are vague when compared to the fuller answer options used in this question. A small number of stakeholders who responded to the consultation made the case for the 'yes/no' question being simpler.

5.25 Both this and our previous assessment found that both of the words 'remain' and 'stay' were easy to understand and plain English. There was also no significant distinction between them in terms of the Welsh version of the question. It is therefore a fine judgment which would be better for use in the referendum question. The research did find that, while easy to understand, 'remain' is a more formal word than 'stay' and therefore some participants considered it more suited to use in a referendum question. Separately, we heard via our consultation that some people such as those with learning disabilities may find 'stay' a more accessible word than 'remain', although this was not found in our research and the advice we received from the Plain Language Commission said that 'the crucial word 'remain' is shown in vocabulary lists as being familiar to the average nine-year-old. Apart from people with exceptionally low levels of literacy, the electorate should have little difficulty...'. On balance, based on the evidence available, the Commission concluded that 'remain' was preferable for the question.

Is the question to the point?

5.26 This is a longer question and answer than the 'yes/no' option. This was noticed in the research when compared directly with the 'yes/no' question. When participants considered this question in isolation, the research did not find concerns about the length of this question.

5.27 A small number of stakeholders also noted, through the consultation, that this was a longer question than the proposed 'yes/no' one. However, no-one in the research felt the length of the question would influence their voting behaviour or understanding and we believe the question is sufficiently to the point.

Is the question unambiguous?

5.28 The question was not regarded as ambiguous. Ambiguity was not a notable concern in either the consultation or the research.

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

5.29 We did not hear from respondents to the consultation that this question encouraged one response to be viewed more favourably than another. Participants in the research also considered this formulation of question to be more balanced.

5.30 We are therefore confident that this question avoids encouraging voters to consider one response more favourably than another. We did not hear any substantive concerns about this question being biased or leading. Both options are set out in the answer options, giving a clearer balance compared to the 'yes/no' option.

Does the question avoid misleading voters?

5.31 We did not hear concerns that this question is misleading for voters. Respondents to the consultation and participants in the research made the case that a question with 'either/or' answer options was clearer about the option being presented to voters.

Welsh language version of the question

5.32 As with the English version of the question, research participants who saw this question in Welsh did not raise significant issues with its intelligibility or neutrality.

5.33 As set out above, the significant amendment identified through the research was to replace the word 'para' or 'bara' with either 'aros' or 'ddal i fod'. Support for either was based on personal preference and was mixed. Overall, participants agreed that either 'ddal i fod' or 'aros' could be used as synonyms alongside the English word 'remain'.

5.34 We have recommended the use of 'aros':

A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?

Aros yn aelod o'r Undeb Ewropeaidd

Gadael yr Undeb Ewropeaidd

Moving away from a 'yes/no' question

5.35 We are aware in making this recommendation that we are recommending a change from a 'yes/no' question to one that has longer answer options based on the specific action to be taken.

5.36 This would not be the first time that a referendum in part of the UK has not used a 'yes/no' question. The most recent national referendums not to use 'yes/no' were those held in Scotland and Wales in 1997.

5.37 The Scotland referendum asked two questions. The first question presented two answer options, asking voters to mark either, 'I agree that there should be a Scottish Parliament' or 'I do not agree that there should be a Scottish Parliament'. The second question to voters asked them to mark

either, 'I agree that a Scottish Parliament should have tax-varying powers' or 'I do not agree that a Scottish Parliament should have tax-varying powers'.

5.38 The 1997 Wales referendum asked voters to mark either, 'I agree that there should be a Welsh Assembly' or 'I do not agree that there should be a Welsh Assembly'.

5.39 A few stakeholders raised concerns about campaigning on a 'remain/leave' question. For example, Caroline Flint MP said a yes/no question would be preferable for campaigning. However, this was not a theme that was raised as a concern by most of the potential campaigners we heard from.

5.40 The Commission always seeks to put the voter first. We received many responses from members of the public expressing concerns about the use of a 'yes/no' question, with only a small number of exceptions to this. We have taken serious consideration of their views in reaching our recommendation.

Ballot paper format

5.41 Our recommended redraft of the question, in ballot paper format, is:

Referendum on the United Kingdom's membership of the European Union	
Vote only once by putting a cross [X] in the box next to your choice	
Should the United Kingdom remain a member of the European Union or leave the European Union?	
Remain a member of the European Union	<input type="checkbox"/>
Leave the European Union	<input type="checkbox"/>

5.42 This recommended ballot amends the title from "Referendum on whether the United Kingdom should remain a member of the European Union" to "Referendum on the United Kingdom's membership of the European Union". We think this is preferable to a long title which mirrors our recommended question (as is the case in the currently proposed ballot paper title).

Ballot paper for Wales

5.43 Our recommended Welsh language question is also set out below:

Refferendwm ar aelodaeth y Deyrnas Unedig o'r Undeb Ewropeaidd	
Pleidleisiwch unwaith yn unig drwy rhoi croes [X] yn y blwch nesaf at eich dewis	
A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?	
Aros yn aelod o'r Undeb Ewropeaidd	<input type="checkbox"/>
Gadael yr Undeb Ewropeaidd	<input type="checkbox"/>

What happens next?

5.44 It is for Parliament to make the final decision about the question to be included European Union Referendum Bill. We have aimed to provide a constructive recommendation based on the evidence now available and hope that this is helpful when decisions are made.

5.45 The wording of the referendum question currently included in the European Union Referendum Bill is broadly intelligible. However, we have heard from many campaigners and members of the public, including participants in our research study, that the question is not as balanced as it could be.

5.46 The alternative we have proposed is intended to address this concern so that there can be no doubts about the legitimacy of the referendum result.

Voters' information needs

5.47 At the time of undertaking this assessment, we know that the Government has committed to a process of negotiation on the United Kingdom's membership of the European Union. That process is not yet complete. There is therefore a level of uncertainty about some of the specific issues which will frame the vote and what impact or otherwise these may

have on how people approach the question. There is also uncertainty about the precise steps that will be taken immediately following a referendum.

5.48 As indicated in Chapter 3, our research has shown that there is clearly an appetite from members of the public for detailed and clear information about the implications of any decision to either remain a member or leave the European Union. As many of those requesting this information also acknowledged, however, it is likely that much of the information that voters would like will not be simply factual in nature, but will sit at the heart of the campaign arguments put forward by those on both sides of the referendum debate. We do not think it would be appropriate in these circumstances for the Commission to attempt to provide this type of information ourselves.

5.49 The questions that voters identified as the most important to receive information about were:

- What will a majority 'yes/ remain/ stay' vote mean? For example, will it mean:
 - Continuation of current terms of membership?
 - Continued membership with different terms of membership?
- What will a majority 'no/ leave' vote mean? For example, will it mean:
 - Entire separation from the European Union?
 - Renegotiated terms of membership?
 - A relationship with the European Union with trade agreements similar to other European countries that are not part of the European Union?

5.50 It is likely that the Government will give its views on these questions ahead of the poll. In addition, **we recommend that all campaigners' websites include a section with their answers to these questions, highlighting any wider sources that they have relied upon in formulating their response.** We will highlight these questions to campaigners as they register with us so that they are aware of this recommendation.

5.51 If two lead campaign groups, one for each referendum outcome, are designated by the Commission, we will in due course provide the links to where any information they provide is hosted on our voter information website, www.aboutmyvote.co.uk, alongside the background to this recommendation.

5.52 In addition to providing the links online, if the lead campaigners are both able to prepare their responses in sufficient time, we will also include the links to both of their websites in the public information leaflet that we will send to all households across the UK. The Commission's booklet will include factual, impartial information about how voters can properly cast their vote, including an image of the ballot paper.

5.53 There were a number of more general questions that voters indicated they expected to see answers to before casting their vote. A full list of these can be found at Appendix 3. Many of these relate to issues that will inevitably

form part of the wider debate that takes place before polling day and we will highlight them to all campaigners as they register with us so that they can consider how to respond to them as part of their campaign plans.

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

November 2009

The
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Our approach to assessing the intelligibility of referendum questions

Our responsibilities

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

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

Our aim and approach

Our aim is to look at a proposed question from the perspective of voters,⁴ to see if it is written in a way that means they are likely to understand it. This includes whether or not they can understand how to answer it. It is important that voters can mark their ballot papers easily, and that they are confident that they

have voted the way they intended to. Governments may make important decisions based on the outcome of a referendum, and so that outcome needs to be an accurate reflection of what voters want. This means that the question should present the options to voters clearly, simply and neutrally.

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

- carrying out research with the public (see next section for more details)
- asking for advice from experts on accessibility and plain language
- talking to other people, for example political parties and campaign groups associated with the referendum, and other key groups or individuals who have an interest in the referendum and its outcome

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

Research with the public

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

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

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

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

Timetable

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

- 1 This statement only covers referendums on proposals put forward by governments, although referendums can be held on other issues. By 'government' we mean the UK Government, the Scottish Government, the Welsh Assembly Government or the Northern Ireland Executive.
- 2 The requirement is set out in the Political Parties, Elections and Referendums Act 2000 (PPERA). Our responsibility relates to referendums held under the framework of PERA.
- 3 Under Section 45 (8A)–(8D) of the Local Government Act 2000, inserted by Schedule 21 of PERA.
- 4 By 'voters' we mean people who would be eligible to vote in that referendum.
- 5 We produced our original guidelines in 2002 and have recently reviewed and updated them. The guidelines are available at www.electoralcommission.org.uk/elections/referendums

Feedback

Please contact:

Tom Hawthorn
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

Tel: 020 7271 0712
Fax: 020 7271 0505
Email: thawthorn@electoralcommission.org.uk
www.electoralcommission.org.uk

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For information on obtaining this publication in another language or in a large-print or Braille version please contact the Electoral Commission:

Tel: 020 7271 0500
Email: publications@electoralcommission.org.uk

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

November 2009

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Referendum question assessment guidelines

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

We have developed these guidelines to:

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

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

Guidelines for assessing referendum questions

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

- be easy to understand
- be to the point

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

Checklist

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

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

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

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

Feedback

Please contact:
Tom Hawthorn
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

Tel: 020 7271 0712
Fax: 020 7271 0505
Email: thawthorn@electoralcommission.org.uk
www.electoralcommission.org.uk

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Appendix 3 Public information – detailed issues raised by research participants

A range of issues were mentioned across the research with participants who were keen to know how they would be affected by a majority vote either way. These issues tended to be those that participants personally felt were important to them or their local area, or key issues that they had heard were impacted by European Union decisions in the media. Key questions mentioned were similar to those cited in the previous research:

- Finances:
 - What does being a member of the European Union cost the United Kingdom?
 - What is the financial saving for the United Kingdom if it leaves the European Union?
 - What is the funding received and what projects are financially supported by the European Union?
- Trade and economy:
 - What impact will leaving the EU have on trade agreements and how does this compare to current trade agreements?
 - What impact will leaving the EU have on any 'bail out' role for supporting struggling economies in the European Union and how does this compare to the UK's current/ likely role in any 'bail out' for struggling economies in the EU? (this was specifically mentioned as the research happened around the time of the Greek referendum);
 - What is the likelihood of the United Kingdom adopting the Euro if staying in the EU? (this was only cited by a few participants).
- Immigration, travel and border control:
 - What impact will leaving the EU have on immigration numbers and how does this compare to current numbers?
 - What impact will leaving the EU have on the ability to work/ travel in countries in the European Union?
 - What impact will leaving the EU have on British people living in European countries?
- Laws:
 - How does law making within the European Union currently work?

- Which laws will be impacted by remaining in or leaving the European Union?
- What is the impact on jobs, working directives and housing of staying or leaving the EU?
- What impact will leaving the EU have on public services? (e.g. NHS, police and education)
- Impact on the European Union:
 - Which other countries are members?
 - What will the impact on the remaining members/ the European Union be if the United Kingdom leaves?

Appendix 4 Consultation letter

European Union Referendum Bill – referendum question assessment

I am writing following the introduction of the European Union Referendum Bill in the House of Commons on Thursday 28 May to invite comments on the proposed wording of the referendum question included in the Bill. Under the Political Parties, Elections and Referendums Act (PPERA), the Electoral Commission is required to assess and comment on the intelligibility of any question included in a Bill for a UK-wide referendum.

As well as looking at the wording of the question ourselves, we will gather evidence to help us with our assessment. This will include:

- Carrying out research with voters from different backgrounds and across different areas, through focus groups and one to one interviews.
- Asking for advice from experts on accessibility and plain language.
- Talking to potential campaign groups, other interested groups and individuals, including political parties.

In order to inform our assessment, we are seeking your views on the wording of the referendum question which has been included in the Bill, which is as follows:

“Should the United Kingdom remain a member of the European Union?”

In Wales the following Welsh language version of the question wording would also appear on the ballot paper:

“A ddylai'r Deyrnas Unedig ddal i fod yn aelod o'r Undeb Ewropeaidd?”

We have produced referendum question guidelines that we use to assess whether a proposed question is clear, simple and neutral. These guidelines can be found on our website [here](#) and it would be helpful if you consider the question in the context of these guidelines when giving us your views.

The Commission has previously assessed the wording of a question for a referendum on the United Kingdom's membership of the European Union, which was included in a Private Members' Bill introduced in 2013. We recommended in October 2013 that the proposed question wording should be amended to reduce the risk of misunderstanding or ambiguity about the current membership status of the UK within the EU. We provided two alternative question wordings for Parliament to consider:

- **“Should the United Kingdom remain a member of the European Union?”**
The response options would be **“Yes”** and **“No”**
- **“Should the United Kingdom remain a member of the European Union or leave the European Union?”**
The response options would be **“Remain a member of the European Union”** and **“Leave the European Union”**.

However, we also highlighted in October 2013 that we had not been able to fully test the second of these two alternative question wordings in the time available to us before we reported. We therefore made clear that, if Parliament amended the question in the Bill to include this wording, the Commission would undertake further work to check whether this wording raised any new issues of intelligibility.

Following further research which we carried out in early 2014, after the question wording included in the Bill had been amended to “Should the United Kingdom remain a member of the European Union or leave the European Union?”, we were satisfied that this question wording was clear and straightforward for voters and was also the most neutral wording from the range of options we had considered and tested.

A link to information about our previous question assessments and recommendations can be found on our website [here](#).

We are undertaking further research and consultation now because of the time which has passed since our previous research and assessment, and in order to ensure we have a clear understanding from campaigners about the impact of the question wording on their ability to campaign in support of or against either outcome. We would particularly welcome any comments and views on the implications for campaigners of using alternatives to “Yes” and “No” as response options in any question wording.

If you would like to give us your views on the intelligibility of the proposed referendum question, you can write to us at the address shown on this letter or email ReferendumQuestion@electoralcommission.org.uk. In order that we can consider your views as part of our assessment process, please reply not later than **Friday 19 June 2015**.

If you would like to put your views to us in a meeting, please contact us by **Friday 5 June 2015**. We will aim to hold any meeting not later than 19 June 2015. **Please note that the Commission may use extracts from named responses in its report on the question unless you let us know that you wish your comments to be considered confidential.**

We will report our views on the question to the UK Parliament and will make our findings public at the same time.