

# The Electoral Commission's advice to Parliament about the wording of any referendum question on the European Union shows welcome progress in its thinking

By Democratic Audit

Yesterday the Electoral Commission published their advice on the question to be put to the public in the event of the proposed 2017 referendum on the United Kingdom's membership of the European Union. **Sean Kippin** and **Richard Berry** show how their research echoed several criticisms made by Democratic Audit earlier this year. Ensuring that the question neutrally makes clear the economic, social and legal implications of a British withdrawal still needs more debate.

In July this year, the Conservative MP James Wharton [presented](#) a European Referendum Bill 2013-14 to the House of Commons for its Second Reading. The Bill had the support of the Conservative frontbench, and proposes to enact a referendum on Britain's membership of the European Union before the end of 2017. With the Liberal Democrats and Labour refusing to oppose the Bill, it is almost certain that it will pass. At the time of its publication, concerns were [aired](#) by Democratic Audit's Co-Director, Professor Patrick Dunleavy, who particular questioned the wording of the proposition that would be put to voters, which the Bill says should be this: *"Do you think that the United Kingdom should be a member of the European Union?"*



*Could the UK leave the EU on the back of a poorly phrased referendum question? (Credit: magnusfrankson, CC BY)*

Professor Dunleavy argued:

*"This question is highly misleading in two dimensions. First, it implicitly suggests to voters:*

- Either that the UK is not already a member of the European Union.*
- Or that our membership is up for renewal in some kind of routine, regular or unprompted way. Either way the question actively contributes to misinforming voters."*

He also raised the issue of whether any referendum question should be presented in a traditional Yes/No format so far used in previous referendums. Professor Dunleavy argued this format is inappropriate: "Any Yes/No question cannot be balanced – it must inherently 'lead' voters by effectively suggesting one course of action." As an alternative, he suggested "Should the United Kingdom stay a member of the European Union? Or should the UK leave the European Union?" with the options 'Stay' and 'Leave' on the ballot paper.

Yesterday, the [Electoral Commission](#) gave [evidence](#) to Parliament that substantially confirmed Professor Dunleavy's concerns that the proposition risked misleading voters.

*"The research showed that a few people did not know whether or not the UK is currently a member of the EU and this presented a risk of misunderstanding. However, amending the question to make the UK's current membership status clear while retaining 'Yes' and 'No' answers presented difficulties with some element of perceived bias remaining in each version tested."*

According to the [Electoral Commission research](#), voters feel under-informed about both the European Union as an institution and the arguments for and against membership, so clarity in the referendum question is essential. In view of this, the Electoral Commission provided two alternative wordings which would offer greater clarity to voters, one retaining the 'yes/no' format:

*"Should the United Kingdom remain a member of the European Union?" [Answer options Yes or No]*

The other proposal abandons the previous Yes/No format in favour of the more neutral:

*"Should the United Kingdom remain a member of the European Union or leave the European Union?" [with answer options "remain" or "Leave"]*

Clearly the Electoral Commission are now fully alive to the potential of a seismic decision being made about the future of the UK but using a clumsily drafted and misleading referendum question. Their second proposal of giving voters a Remain or Leave choice is especially welcome and a huge advance in their thinking.

However, some further considerations are still to be explored. In particular, it is debatable whether the proposed new questions give enough information about the extent of the impact of this decision. In his critique of Wharton's question formulation, Professor Dunleavy argued that potential change in the citizenship rights of UK citizens was sizeable, and had to be reflected in the referendum question:

*"Any remotely fair eventual EU referendum question must make perfectly 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, not only from the voter concerned but from their children or other family members, and all other members of UK society."*

Some recent opinion poll questions show that UK voters are waking up to a consideration of the implications of their positions on the EU – for instance, asking if people would want to limit immigration from the EU countries if that also means that British citizens cannot emigrate and work so easily in the rest of the Union. We are going to have to have a lot more debate on these lines, if voters are not to be involved in clouded decision-making on a fundamentally important issue. So the Electoral Commission has made great advances in their thinking – but there is much more still to be done if the referendum is to be fair and voters are to be clear about their choices.

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