

The people have spoken. Or have they? Doing referendums differently after the EU vote

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*Referendums have become a central feature of our politics, writes **Will Brett**. In this extract from the **Electoral Reform Society's** [report](#) on the lessons learned from the Brexit vote, he sets out the shortcomings of the EU referendum and proposes how to improve the quality of debate next time – including intervention when campaigners make misleading claims, a ‘toolkit’ for voters and more deliberative, less confrontational media debates.*



Those committed to improving our democracy can no longer ignore the elephant in the room. Referendums have become a central feature of our politics. Since 2011 we have had two UK-wide referendums (on voting reform and membership of the European Union), a Scottish independence referendum, and a Welsh referendum on further devolution of powers.

That represents a significant acceleration from previous years – there was only one prior UK-wide referendum (on membership of the European Community in 1975), and other referendums on devolution to the nations are mainly concentrated into the two years after the 1997 Labour government came to power with its promises of devolution.

The UK is in an extended period of constitutional flux, and is showing few signs of coming out the other side any time soon. The terms of Brexit must be decided, and conceivably ratified by Parliament, the public or both; Scotland looks ever closer to independence; devolution of power to more local levels of government than Westminster is widely supported, but the path is unclear; the question of English governance remains live; and so on. Given this state of uncertainty about our constitution, it is a fairly safe bet that we will see referendums again in the near future.

Referendums are a rich source of learning about public attitudes to politics and democracy. They expose views and feelings that are not given true expression or representation at general elections, given our distorted electoral system. At the Electoral Reform Society we have heard time and again from members of the public for whom 23 June was the first time their vote had truly counted.



David Cameron talks to an employee at the Asda store in Hayes in May as he warned of rising household grocery bills in the event of Brexit.
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But there are also serious questions to be asked about the place of referendums in our politics. How do they sit alongside other aspects of our democracy, particularly our parliamentary system? Should there be an agreed trigger for referendums? How should they be conducted and regulated so as to ensure they are more of a positive contribution to our democracy than a negative one? Do we accept that constitutional issues are principally a matter for governing parties (acting on manifesto commitments or coalition deals) or should we consistently seek a citizen-led approach? And when referendums happen, how do we ensure high quality public information and debate before people actually get to the polling booth? Finally, what are the wider conditions in our political culture which would provide the best foundations for referendums to take place in the future?

Our report is an initial attempt at addressing some of these questions. It does so through a detailed analysis of this year's EU referendum, focusing particularly on how the campaigns were received by the public and on alternative methods and platforms for public engagement. Our main findings are:

1. **Information** People felt consistently ill-informed – yet this was not for lack of interest: voters expressed high levels of interest throughout the campaign. This shows a need for action in future to ensure that rates of interest are matched by extensive public information campaigns and a vibrant deliberative debate, including the possibility of holding official Citizens' Assemblies during the campaign.
2. **Personalities** The 'big beasts' largely failed to engage or convince voters to their side, with many voters appearing switched off by the 'usual suspects'. This suggests that far more important than major political figures being wheeled out is having a strong narrative based on policies not personalities, which inspires people to debate the issues for themselves.
3. **Negative campaigning** As the race wore on, the public viewed both sides as increasingly negative. It is not clear that either side gained from this approach.
4. **The need for real deliberation** There is an appetite for informed, face-to-face discussion about the issues, but this can only be nurtured within the context of a longer campaign.

Above all, our analysis has demonstrated the need for a much greater level of citizen involvement and deliberation, not only during referendums themselves but throughout the workings of our wider democracy. An informed and engaged electorate is the first step towards a political system that can tolerate the divisive aspects of a binary referendum debate. We should therefore do everything we can to foster higher levels of deliberation and

engagement, both during referendum campaigns and in our wider political culture.

Given our findings, we are calling for a root and branch inquiry into the conduct of referendums in the UK. Within that inquiry, we would like to see the following specific recommendations to be considered:

Laying the groundwork

- There should be **mandatory pre-legislative scrutiny** for any parliamentary Bill introducing a referendum, lasting at least three months. This should include real citizen involvement through a randomly selected Citizens' Select Committee and/or a wider consultation process. *This would give citizens and all parties an opportunity to shape the referendum process and rules in order to maximise the chances for an informed and engaged campaign.*
- All referendums should have a **minimum six-month regulated campaign period**. *This will allow the public enough time to get to grips with the issues and make a low-information, low-deliberation referendum campaign less likely.*
- As soon as possible after a referendum Bill has been passed, The Electoral Commission should **publish an official 'rulebook'** setting out the timetable, rules for campaigners and all other technical aspects of the vote. *This should be the 'bible' for the referendum, to minimise controversy around the administration of the vote.*

Better information

- **Citizenship education** should be extended in primary and secondary schools, alongside the extension of **votes at 16** to all public elections and referendums, and accompanied by a key role for schools in voter registration. *This would lay the groundwork for a more informed and engaged electorate better equipped to deliberate on the issues around a referendum.*
- At the start of the regulated period the Electoral Commission, or a specially commissioned independent body, should **publish a website with a 'minimum data set'** containing the basic data relevant to the vote in **one convenient place**. *A major source of complaint about the conduct of the referendum was the supposed lack of independent information available about the vote. While there are real difficulties in separating out fact from political argument in these cases, a minimum data set ought to be possible.*
- An official body – either the Electoral Commission or an appropriate alternative – should be **empowered to intervene when overtly misleading information is disseminated** by the official campaigns. *Misleading claims by the official campaigns in the EU referendum were widely seen as disrupting people's ability to make informed and deliberate choices. Other countries including New Zealand have successfully regulated campaign claims – the UK should follow suit.*

More deliberation

- There should be an official, publicly funded **resource for stimulating deliberative discussion** and debate about the referendum. *Initiatives which equip people with the information and platforms needed to deliberate on the issues around the referendum should receive official support.*
- The Electoral Commission or an appropriate alternative should provide a **toolkit** for members of the public to host their own deliberative discussions about the referendum. *Our 'Better Referendum' intervention demonstrated a widespread appetite for members of the public to get together in a high-information environment to discuss the issues. Similar deliberative tools should be rolled out as part of any public engagement initiative.*
- **Public broadcasters should consider more deliberative – rather than combative – formats** for referendum-related programming. And Ofcom should conduct a review into the appropriate role for broadcasters in referendums. *While there is clearly a place in our politics for TV debates and traditional*

political journalism, the binary nature of referendums demands more space to be made for more reflective and discursive formats.

The EU referendum result was decisive, formally unchallenged and with a relatively high turnout. The public's decision was clear. But there are many concerns about the way the campaigns conducted themselves, the nature of the question being put to the British people, and the relationship between the result of the referendum and the ongoing proceedings of Britain's parliamentary democracy. These doubts have raised serious questions about the place of referendums in our politics. Our report sets out the conditions for helping ensure that referendums are a positive aspect of our democracy. Given the increasing frequency of their use in the UK, it is more important than ever that we look at the EU vote and ask: **how do we ensure future referendums in the UK are the best they can be?**

This post represents the views of the author and not those of the Brexit blog, nor the LSE. It is an extract from the Electoral Reform Society's referendum report, [It's Good to Talk](#) (pdf).

[Will Brett](#) is Head of Campaigns and Communications at the Electoral Reform Society.

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