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## Referendums

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The Regional Assemblies (Preparations) Act 2003 provides for the holding of referendums in English regions on whether to adopt elected regional assemblies.

Additionally, the possibility of the UK holding a referendum on the European single currency continues to be a topic of intense media commentary.

This paper provides information about the legal framework governing the conduct of referendums.

### Previous UK referendums

There has only been one UK wide referendum. This was held in 1975 to help determine whether the UK should remain a member of the European Community. More recently, several referendums have been held on issues of governance in Scotland, Wales and Northern Ireland.

### New legislation

The Political Parties, Elections and Referendums Act (PPERA) 2000 gives The Electoral Commission responsibility for:

- commenting on the wording of the referendum question;
- registration of campaigners;
- designating lead campaign organisations;
- monitoring referendum expenditure limits and donations;
- the conduct of the poll; and
- the announcement of the result.

The Regional Assemblies (Preparations) Act 2003 provides for referendums to be held in English regions on establishing regional assemblies. Voters living in parts of the region that have both county and district councils (two tier areas) will be asked a second question. The second question will let voters choose between different options on how local authorities in their part of the region will be reorganised into a single tier. There will be no such reorganisation if an elected assembly is not established.

This legislation gives the Commission the following additional responsibilities:

- encouraging voting at regional referendums;
- explaining the local government options being presented to those living in two tier areas of a region; and
- presenting the yes and no arguments if designation is not possible.

### Timetable of the campaign

Before a referendum is held there is a formal campaigning period called the 'referendum period'. During this period restrictions surrounding campaign expenditure and publicity will apply.

From the first day of the referendum period the Commission will start to register those who intend to spend more than £10,000 campaigning, who will be known as 'permitted participants'.

#### A permitted participant

Campaigners who intend to spend more than £10,000 on referendum expenses are required to register with the Commission. Once registered, they become permitted participants.

A permitted participant can also apply to become the lead campaigner, known as the 'designated organisation', for one side of the debate. For the first four weeks of the

campaign the Commission will accept applications from campaigners wanting to become the designated organisation. After this a decision on whether to designate will be made. It is not possible for the Commission to appoint a designated organisation for only one outcome.

### **A designated organisation**

A permitted participant chosen by The Electoral Commission to be the lead campaign group for one of the possible outcomes to the referendum. Benefits associated with this are explained below.

### **Benefits for designated organisations**

Designated organisations qualify for an expenditure limit of £5 million; they also qualify for certain publicly funded assistance:

- free postal distribution of one piece of referendum literature to each household or elector;
- referendum TV campaign broadcasts;
- equal grants of public money of up to £600,000 (amount to be determined by the Commission); and
- free use of public rooms for meetings (except in Northern Ireland).

### **Referendum expenditure**

The amount that can be spent on campaigning at a referendum is limited by PPERA. For a UK wide referendum, the level of expenditure for political parties is based on the proportion of the electorate who voted for the party at the previous general election.

If a UK wide referendum were to be held based on the 2001 general election results, the Labour and Conservative parties would be entitled to spend up to £5 million each and the Liberal Democrats could spend up to £3 million. No other political parties would qualify for additional spending limits and so could each spend up to £500,000, the limit for other permitted participants.

Permitted participants would be required to submit expenditure and donation returns to the Commission following the referendum.

For a national or regional referendum the expenditure limits would be set out in further legislation.

### **The referendum question**

The Government is responsible for proposing the wording of any referendum question. The Commission has a duty to consider whether any question (and any preamble) is intelligible.

The Commission has developed a set of Question Assessment Guidelines to help assess a question once it is published. These Guidelines are available on the Commission's website.

The Commission has commented on the questions to be used at the referendums on regional assemblies in England. This comment is available on the Commission's website.

### **Publicity**

The Government and other bodies that are mainly publicly funded are prohibited from issuing any publicity material relating to a referendum in the 28 days immediately prior to the poll. However, this does not relate to material specifically sought by a member of the public, to factual information relating to the conduct of the poll or the issue of press notices.

The BBC and S4C are exempt from the restriction, as is the Commission.

Any individuals or groups publishing material relating to a referendum must include their name and address on their material.

### **Counting the votes**

The Chairman of the Commission, or another person appointed by the Chairman, would be the Chief Counting Officer (CCO) for any referendum held under PPERA.

## **Future referendums**

### *Regional referendums*

Following the enactment of the Regional Assemblies (Preparations) Act 2003, the Government announced local government reviews in the North East, the North West and Yorkshire and the Humber regions. Following the completion of these reviews it is anticipated that referendums on the establishment of elected regional assemblies (and local authority structure) will be held in the autumn of 2004.

### *UK wide referendums*

There are currently no UK wide referendums planned. However, the Government has indicated that the following issues could be the subject of referendums in the future.

1. European single currency – The Labour Party made a manifesto commitment in 2001 on holding a referendum on the issue of the European single currency.

In June 2003 the Government announced that the Treasury's five economic tests for entry into the European single currency had not been met, but would report back on progress towards meeting the tests in the 2004 budget.

2. Voting system – The Labour Party has made a manifesto commitment stating that a referendum is the right way to agree any changes to the voting system for Westminster.

### **Feedback**

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