**THE IN-OUT REFERENDUM**

The Scottish referendum asked the wrong question, so we got the wrong answer, and we are now reaping the consequences. Likewise, the 2011 referendum on electoral reform asked the wrong question, and we still don’t know the opinions of the UK electorate on PR.

The UK’s membership of the EU is not a two-option question. If the EU referendum offers only two options, the outcome may well be an inaccurate reflection of the collective will. The democratic process should not be one by which those in power control everything, subject to the people’s ratification. Rather, it should allow the people (or its parliament) to decide, and then the executive, the government, should execute that decision.

Accordingly, this article first critiques a few previous referendums – Scotland in 2014, electoral reform (sic) in 2011, and, as an outside example, France’s 2005 plebiscite on the European Constitution. It then considers the proposed UK referendum on the EU, before outlining a better methodology.

**Scotland, 2014**

The debate consisted of three options: (a) independence, (b) ‘devo-max’ and (c) the *status quo*. When the Edinburgh Agreement was signed, however, David Cameron stipulated that the ballot paper was to list only (a) and (c), thereby putting any (b) supporters into a bit of a quandary.

When the opinion polls indicated growing support for (a), the Westminster parties changed (c) into (b). But because (b) was not on the ballot paper, the levels of support for both (a) and/or (c) were artificially high. If ‘devo-max’ had been included in a three-option ballot, it would probably have won by a huge margin. Furthermore, the Scots (and everyone else) would have obtained a much clearer understanding of Scottish public opinion.

**Electoral Reform, 2011**

The debate consisted of many options; there are, after all, over 300 electoral systems to choose from. But again, Mr. Cameron decided that the choice should be restricted to just two of them: first-past-the-post, FPTP, and the alternative vote, AV. For any supporter of PR, however, that question – “Would you like FPTP or AV?” – was as nonsensical as that of the waiter who asks the vegetarian, “Beef or lamb?”

When New Zealand debated the same topic of electoral reform 25 years ago, much to the horror of the political establishment, they first had a public enquiry, as a result of which a multi-option ballot of five electoral systems was presented to the people: AV and FPTP, two forms of PR, and one in the middle. Four proposals meant change, and one, FPTP, was the status quo. A majority voted for change, so then, in a second round – the most popular option versus that status quo – a majority again voted for change. So New Zealand now has multi-member proportional, MMP, the German system (and they also have lots of coalition governments).

In the UK, however, there is a huge reluctance to consider multi-option voting. The Electoral Commission, which is charged by law to consider the fairness of any referendum question, decreed that both of the above questions were fair; multi-option voting, in their book, is off-limits. Similarly, in a one-hour documentary on referendums just prior to the 2011 poll, and despite my prompting prior to the broadcast, the BBC refused to even mention multi-option ballots, let alone discuss the New Zealand example. And various academics also refuse to ponder the merits of a more plural form of decision-making, thereby perpetuating the false notion that, to be democratic, decisions must be taken by a (simple or weighted) majority; so questions must be dichotomous; so politics must be adversarial. An inclusive political structure is just not on their agenda.

**France, 2005, the European Constitution referendum**

The question was *“Approuvez-vous?”* ‘*oui ou non?*’ So those who liked the (EU and the) treaty said *oui*, while those who did not approve of either the treaty, and/or the EU *per se*, and/or Jacques Chirac, and/or McDonalds, and/or *je ne sais quo*i, all voted *non*. So *non* won 54.7 to 45.3 per cent.

At the very least, the ballot should have consisted of two positive questions: “would you like the EU to adopt the new constitution – the EU *comme ci*?” or “would you like the EU to continue as at present – the EU *comme ça*?”

Better still, of course, would have been a multi-option poll, which brings us to the present.

**The UK and the EU**

The UK’s relationship with the EU is multi-optional. The obvious option is the status quo: membership as is. A second option may well be membership as David Cameron re-negotiated, with opt-outs or whatever. A third is an arrangement, similar to that negotiated by Norway or Switzerland for their relationships with the EU. And a fourth might be no relationship at all.

**A Better Methodology**

As in New Zealand, therefore, the more democratic approach would be to ask an independent commission to consider what option(s) might be presented in any referendum. The public (and the political parties) would be allowed to make submissions and, on this basis, the commission would draw up a list of about four to six options, which would then be presented to the electorate. The decision of the people would then be implemented by the government.

There are many forms of multi-option voting. In some, voters may cast only a single preference; in others, they may choose a few options; while in a third category, people can cast preferences on all of the options. Obviously, the more information the voter can express, the more accurate might be any analysis of their opinions; and one of the preferential procedures – the modified Borda count, MBC – enables and indeed encourages the voter to cast a full slate of preferences. At best, then, the analysis can identify that option which is most acceptable to all, namely, the option with the highest average preference. And an average, of course, involves everybody, not just a majority: such an outcome is the most accurate assessment of the collective will.

**Conclusion**

In a plural democracy, as it were by definition, nearly every question will prompt a plurality of possible solutions; furthermore, on those occasions when the question is definitely dichotomous, as in Sweden’s 1955 referendum on the question, “which side of the road shall we drive on?” there can still be more than two options on the ballot paper: in this instance, it was a three-option poll: ‘left’, ‘right’ and ‘blank’. Accordingly, on any contentious issue, and in what should therefore be a multi-option scenario, there should always be a multiple-choice ballot. A referendum cannot be fair, if someone has restricted the choice to a binary (and divisive) question.

It has been decided that the people will vote, in a free and fair referendum, on what is to be the future relationship of the UK in the EU. If that vote is to be truly free, it must not be restricted by Mr. Cameron or anyone else to a binary choice of just two options.

In an MBC, no-body votes ‘*against’* anything. Instead, albeit in their order of preference, people vote *‘for’* the various options. Furthermore, politicians and others may argue, not only for their favoured option, but also for their second choice. A divisive two-option referendum often causes tensions, as in Scotland; bitterness, as in Ireland’s divorce referendum; or even violence, as in the Balkans, where “all the wars in the former Yugoslavia started with a referendum,” (*Oslobodjenje*, 7.2.1999). In contrast, a multi-option poll is likely to be the catalyst of a much more tolerant campaign, and a much more accurate calculation of “the will of the people”.

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