REFERENDUM (SCOTLAND) BILL

THE SCOTLAND ACT 1998 (MODIFICATION OF SCHEDULE 5) ORDER 2013
[draft]

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We have a problem. The Scottish Government and the UK Government have agreed that “there must be only one ballot paper at the referendum, and the ballot paper must give the voter a choice between only two responses”. The problem is that this agreed approach will result in large numbers of voters not being able to indicate their support for the constitutional option they really want. The outcome of the referendum will, therefore, be anything but clear, fair and decisive.

For those who insist on “only one question” it may be an inconvenient fact, but it is a fact that there is significant support among the referendum electors for three possible constitutional options for Scotland. The three options with significant support are: “Status quo”, “More devolution” and “Independence”. Support for a “No devolution” option is so low that there would be no need to include it in any referendum to know that it would be rejected by the overwhelming majority of likely voters.

That the views of the electorate are clustered around these three options may be seen from the answers to a variety of questions asked in successive Scottish Social Attitudes Surveys and from public opinion polls that have asked relevant questions in various ways. The levels of support for the various options have varied from time to time and across the customary demographic classifications, but consistently there has been and there is significant support for each of these three constitutional options.

With only one ballot paper and a choice between only two responses, it is inevitable that large numbers of voters will be denied the opportunity to indicate their support for the constitutional option they really want. This will be the result no matter which
two options are presented on the one ballot paper and no matter how the question is worded.

It is just not possible with one simple, ‘two-responses’ question to obtain a result that is clear and decisive when there are three possible constitutional options all with significant support.

When we are faced with making a three-option decision it is essential to ask two questions. There are several ways of asking the required questions that could deliver a result that would be both clear and decisive. The practical ways of doing that have been set out in a paper that was submitted in response to the referendum consultations of the Scottish Government and of the UK Government: “Three positions need two questions”. The details are not reproduced here because the paper is available on the respective websites.

So the challenge to the Committee is to find a way to square this circle and overcome this problem, given the constraints imposed by the inter-governmental agreement.

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Disclaimer: Dr James Gilmour is a member of the Electoral Reform Society and of the Fairshare Voting Reform Campaign Committee, but he has prepared this paper in a personal capacity. Dr James Gilmour is not and never has been a member of any political party.

References

Ipsos MORI 21 June 2012
Increased powers is the favoured option for Scotland’s future

Three Positions Need Two Questions
Response to UK Government’s Consultation
http://www.scotlandoffice.gov.uk/files/rc/acad/2122_Acad_Dr+James+Gilmour.pdf

Three Positions Need Two Questions
Response to Scottish Government’s Consultation