

Democratic Participation: A Broken Promise?

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Can We Improve Discourse in Referendum Campaigns?

Alan Renwick, Constitution Unit and Department of Political Science, University College London

The campaign that preceded the United Kingdom’s referendum in June 2016 on whether the country should remain a member of the European Union or leave was a scarring experience for many of those concerned. Both sides put out messages that were misleading or downright false, and many voters were left bewildered and angry. This experience has prompted the Constitution Unit – which exists to research problems in the operation of the political system (primarily though not exclusively in the UK) and assess possible reforms – to launch a set of interconnected research projects on the role and conduct of referendums in contemporary democracies. These projects are still in their early stages. The purpose of this paper is not to present findings, but to set out the issues and options that we are looking at and the questions we are asking. I hope that the discussion it provokes may help shape our ongoing research. Many of the problems that we are considering are not exclusive to referendums: they apply to candidate elections as well, and, indeed, they have been amply illustrated by some prominent recent elections. I hope these matters will therefore be of wide interest.

The paper has four sections. The first describes the background to our work: the concerns that have been expressed about recent referendums and the nature of the existing academic literature on these topics. The second sets out the various issues that receive primary attention in relation to referendums and highlights the particular focus of this paper and the ongoing research that it relates to: namely, the problem of how the quality of discourse during referendum campaigns might be improved. The third outlines various approaches to tackling this problem that have been attempted or proposed, looking at what we know about them and what questions remain unanswered. The fourth sums up by crystallizing the questions that we currently have and the approach that we plan to take in future research.

I emphasize that all of this work is at an early stage and that I look forward to receiving your feedback.

Background: Existing Concerns

The UK’s referendum on EU membership in June 2016 provoked widespread concern and dismay. “How foul this referendum is”, wrote the author Robert Harris: “the most depressing, divisive, duplicitous political event of my lifetime.” Serious concerns were expressed on both sides of the referendum debate. The former *Telegraph* editor Charles Moore (a Brexit supporter) commented that “The rules of referendums proved dangerously loose”, while the Remain side criticized misleading statements by the Leave campaign. The Conservative peer and political scientist Lord Norton of Louth said, “We need to take action, not to trigger another referendum but to address what rules should apply on future occasions, not only in terms of when to hold a referendum but in terms of the means by which information is provided to electors.” A petition calling for a second referendum attracted

over 4 million signatories, many of whom thought the result was illegitimate because it was based on such widespread misinformation. Research conducted by the Electoral Commission after the referendum found that only 34 per cent of respondents agreed that ‘the conduct of the referendum was fair and balanced’, while 52 per cent disagreed; 49 per cent agreed that ‘the referendum was not covered in a fair and balanced way in media and broadcasting’, while only 37 per cent disagreed (Electoral Commission 2016: 48).

Two specific areas of concern have often been voiced. One concerns the high level of misinformation. Particular ire has been directed at the Leave campaign which claimed that the UK sends £350 million to the EU per week in membership fees; this figure took no account of the UK’s budget rebate, negotiated in the 1980s, or of the EU funding that returns to the UK via many programmes. The Leave campaign also falsely claimed that Turkey was “set” to join the EU, that this would mean an immediate large influx of migrants, and that the EU would create its own army whether the UK wanted it or not.

At the same time, the Remain campaign promoted misinformation too. An analysis published by the Treasury said:

The analysis in this document comes to a clear central conclusion: a vote to leave would represent an immediate and profound shock to our economy. That shock would push our economy into a recession and lead to an increase in unemployment of around 500,000, GDP would be 3.6% smaller, average real wages would be lower, inflation higher, sterling weaker, house prices would be hit and public borrowing would rise compared with a vote to remain. (HM Government 2016b: 3)

While these projections were in line with the expectations of many economists, the document gave no indication of how uncertain they were. In fact, the economy since the Brexit vote has continued to grow. The Treasury also said “British families are £4,300 better off in the EU” (HM Government 2016a: 12). It based this on a central estimate that, if the UK left the EU and entered a bilateral trade deal with the EU, its GDP would be lower after fifteen years than it would otherwise have been by an amount equivalent to £4,300 per household. But government ministers again often used the figure without indicating how uncertain it was; nor did the figure acknowledge that much of GDP does not end up in household incomes or that the number of households will change; and voters might have been forgiven for thinking the claim was that they would be worse off than today by this amount, rather than that they would be less well off than they would otherwise have been.

Summing up these issues, the House of Commons Treasury Committee – whose members campaigned on both sides in the referendum – said, “The public debate is being poorly served by inconsistent, unqualified and, in some cases, misleading claims and counter-claims. Members of both the ‘leave’ and ‘remain’ camps are making such claims.” (House of Commons Treasury Committee 2016: 4).

The second area of concern related to balance. The UK has quite strict rules on balance during referendum campaigns. Broadcasters must maintain “due impartiality” in their coverage of political matters at all times. In the context of referendums, they interpret this strictly to require complete balance between the two sides. There are spending limits on campaigners to help prevent either side from vastly outspending the other. During the final four weeks before the vote, government resources cannot be used to promote either side. Despite these restrictions, various concerns were raised. As the documents cited above attest, the government though constrained in the final month, felt no inhibition in throwing the resources of the state at the campaign before that. Great controversy was caused when, in April 2016, £9 million of public money was used to send a leaflet setting out the pro-EU case to all voters. In addition, whether broadcasters – particularly the BBC – fulfil their duty to

remain impartial is a matter of eternal debate in the UK, and the campaign period raised it to fever pitch. Beyond the usual allegations of bias, one issue concerned the appropriate definition of “impartiality”: the degree to which it ought to imply strict neutrality between the two sides at all times, or rather an objective assessment of the arguments on both sides. The BBC and others did sometimes call out claims as incorrect, but they nevertheless remained wary of straying far from simply allowing each side to make its case.

Concerns such as these are not unique to the UK’s referendum on Brexit: they have been heard in other referendums too. They were strongly apparent in the previous nationwide referendum in the UK: the 2011 referendum on whether to change the Westminster electoral system from first past the post to alternative vote (Renwick and Lamb 2013). They have been seen too, for example, in studies of a referendum in Ontario on the same topic in 2007 (LeDuc 2011; Pilon 2009).

Such concerns have, however, received only limited attention in the wider scholarly literature on referendums. The biggest debate in that literature has concerned the degree to which voting in referendums is based on the substance of the issues at stake or, rather, on cues from politicians and other opinion-leaders (e.g., Franklin 2002; Franklin, Marsh, and Wlezien 1994; Lupia 1994; Lupia and McCubbins 1998; Siune and Svensson 1993; Svensson 2002; 2007). Yet that debate has left largely (if not entirely) to one side the question of whether issue voting is based on an accurate understanding of the issues. This is an important omission.

Nevertheless, at least two authors have considered the issue of the quality of referendum campaign discourse in some depth, both coming from the perspective of deliberative democratic theory. First, Chambers (2009: 331–2) argued:

While referendums are often not very deliberative they can be more or less deliberative. ... [W]e can look at the processes by which citizens come to their preferences or take a position on an issue (or indeed fail to take a position on an issue) from the point of view of deliberation. In what sense or to what degree were citizens engaged in any critical exchanges? How was information communicated to them? How passive was their participation? Was there any engagement at all? Thus, while the mass public does not engage in bounded deliberation, we can use deliberation as a yardstick to evaluate opinion formation.

Second, LeDuc (2015) also examines the difficult relationship between referendums and deliberative democracy and asks, ‘how can the institutions and processes of direct democracy be made to more closely approximate a deliberative model?’ (140).

Issues of Contention

We can distil from the debates briefly outlined in the preceding section three broad aspects of referendums that are up for discussion in the UK and other contemporary democracies: first, relating to the place of referendums in such democracies; second, relating to questions of balance in referendums; and, third, relating to quality of discourse during referendum campaigns.

The *place of referendums in contemporary democracies* encapsulates two broad issues. First, how can referendums be triggered: by whom, following what mechanisms, on what topics, asking what kinds of questions? Second, what effects do they have: are they legally binding or not; what thresholds must be met before they are valid and before the propositions within them pass?

The issue of balance encompasses both a matter of principle and a set of practicalities. The question of principle is whether balance is needed in referendum campaigns and, if so, what form it should

take. The Venice Commission's guidelines on referendums presume that balance should be sought. They set out a detailed set of provisions designed to promote "equality of opportunity":

- a. Equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on. This entails a neutral attitude by administrative authorities, in particular with regard to:
 - i. the referendum campaign;
 - ii. coverage by the media, in particular by the publicly owned media;
 - iii. public funding of campaign and its actors;
 - iv. billposting and advertising;
 - v. the right to demonstrate on public thoroughfares.
- b. In public radio and television broadcasts on the referendum campaign, it is advisable that equality be ensured between the proposal's supporters and opponents.
- c. Balanced coverage must be guaranteed to the proposal's supporters and opponents in other public mass media broadcasts, especially news broadcasts. Account may be taken of the number of political parties supporting each option or their election results.
- d. Equality must be ensured in terms of public subsidies and other forms of backing. ... (European Commission for Democracy through Law (Venice Commission) 2007: section 2.2)

On the other hand, few countries implement that principle fully (Reidy and Suiter 2015), and there are legitimate reasons for questioning it. If a proposal has very few backers, allowing them 50 per cent of all coverage and attention may give a false impression of the debate. And it is not obvious why the only approaches to decision-making that should be thought acceptable are either that representatives make the decisions themselves through the legislature or that they recuse themselves entirely from that decision by calling a referendum in which they play no institutional role: why we should rule out a middle way in which the government puts its case to the electorate is not clear.

Turning nevertheless to practicalities, if balance is thought desirable, this raises many issues. How are referendum questions best worded – and by what procedure is their wording best decided – in order to maximize balance? How should campaign finance be regulated? How can governments most effectively be constrained from campaigning on one side? To what degree should balance be sought in the media, what form should this take, and how should that be promoted?

In regard, finally, to the *quality of discourse*, we can take our lead from the literature on deliberative democracy to define what good quality debate looks like. Fishkin (2009: 33–4) sets out five dimensions of 'the *quality* of a deliberative process': the availability of 'reasonably accurate' and relevant information; 'substantive balance' among perspectives; the presence in the deliberative process of the full diversity of views that can be found among voters; the conscientiousness of those taking part in 'sincerely weigh[ing] the merits of the arguments'; and the 'equal consideration' of arguments on their merits, without regard to the identities of those who advocate them. The second and third of these are encompassed by the discussion of balance above. The first leads to two important issues: first to what degree is good quality – accurate and relevant – information readily available to voters; second to what degree is poor quality – inaccurate or irrelevant – information also available? The fourth and fifth points relate to a broader question: what space exists for genuine public deliberation:

either discussion that takes in public that is genuinely deliberative in its character; or discussion that involves the public directly that is of similar character?

As indicated in the title of and introduction to this paper, I will not attempt to address all of these issues here. Rather, I focus on the third set, relating to the quality of discourse. In the remaining sections, I examine mechanisms that have been employed or proposed to advance quality discourse during referendum (and, in some cases, election) campaigns, in each case considering their appropriateness, utility, and feasibility. As I stated in the introduction, the Constitution Unit's research into these matters is at an early stage, so my primary purpose here is to consider what questions we need to ask about these mechanisms in order to come to a judgement on their potential wider value.

Mechanisms for Improving Discourse in Referendum Campaigns

I shall consider six broad approaches to improving discourse during referendum campaigns. This categorization does not constitute a rigorous typology, but will nevertheless serve as a useful framework for analysing the options. The first two primarily focus on constraining misinformation, the third involves promoting quality information, while the fourth and fifth concentrate on public deliberation; the sixth is more indirect. In most cases, however, the effects of these mechanisms and the purposes to which they might be put are broader than these simple characterizations suggest.

Directly Banning False Statements

The first and most direct approach is directly to ban campaigners in the period preceding a referendum from making false or misleading statements. This is an idea that has attracted some attention in the UK since the Brexit referendum. An “early day motion” tabled in July 2016 and signed by fifty MPs supported a call made in a petition that attracted 160,000 signatures “for the establishment of an independent Office of Electoral Integrity (OEI) to factually verify the truthfulness of claims made during political campaigns, with powers to issue clarifications and fines where appropriate”.¹

Mechanisms of this kind do exist in some jurisdictions. As of 2001, ten US states prohibited false speech about ballot questions and seventeen prohibited false speech about candidates (Kruse 2001: 163). In California, for example, a pamphlet is sent to all registered electors before any vote, which includes, alongside official information, statements from each of the campaigns. The whole pamphlet is opened to public examination before it is sent out, and anyone can seek judicial review of its content. The courts have, at least once, ordered the deletion of campaigners' arguments because they were false or misleading.² This does not apply to other advertising, but it may be expected to have some ripple effect. In Oregon, there is a similar but much broader provision: campaigners can be sued for making false claims in any campaign materials.³ In New Zealand, the electoral law states that:

Every person is guilty of a corrupt practice who, with the intention of influencing the vote of any elector, at any time on polling day before the close of the poll, or at any time on any of the 2 days immediately preceding polling day, publishes, distributes, broadcasts, or exhibits, or

¹ [Early day motion 278](#) of session 2016–17, tabled 4 July 2016. Note that early day motions are typically not debated or voted on. They simply provide a mechanism for MPs to draw attention to an issue and express a view on it.

² *Patterson v. Board of Supervisors* (1988) [202 Cal. App. 3d 22](#).

³ [ORS 260.532](#).

causes to be published, distributed, broadcast, or exhibited, in or in view of any public place a statement of fact that the person knows is false in a material particular.⁴

The law in South Australia says that “A person who authorises, causes or permits the publication of an electoral advertisement ... is guilty of an offence if the advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.”⁵ Laws preventing false statements are very widely applied outside politics: for example, in non-political advertising or in the financial reporting of companies.

On the other hand, concerns about such provisions, when applied to political campaigning, are widespread. Many of the US state laws have in recent years been struck down as violating the constitutional protection of free speech (for example, in Washington in 2007, Minnesota and Ohio in 2014, and Massachusetts in 2015). The New Zealand law just cited is restricted to the final two days of the campaign. A law in Australia that on its face looks far-reaching is in practice interpreted as covering only statements that seek to influence how people mark their ballot paper, not those seeking to shape their preferences.

Three basic kinds of concern are most widely expressed. One is that such provisions may have a chilling effect upon free speech. What claims are true or false is often a matter of legitimate contestation. Laws against lying might be used (consciously or unconsciously) in a way that privileges establishment views. The second is that such provisions are likely to be largely ineffective, as many statements that are misleading are not strictly false and therefore could not be stopped. There is some interaction between this point and the first one: the more unambiguous falsehood has to be before it is banned, the more limited is likely to be any chilling effect upon free speech, but also the easier will it continue to be for campaigners to mislead voters. The third concern, finally, which has been raised to prominence by the events of the past year, is that such rules may backfire: for “establishment” judges (or other regulators) to tell anti-establishment campaigners what they can and cannot say might only strengthen those campaigners’ appeal.

Questions demanding further research arise in relation to each of these concerns. Where anti-lying laws exist, how are they applied in practice? Is there evidence of chilling effects? Is there evidence of greater honesty in campaign discourse? Is there evidence of effects upon the depth of voter understanding? Is there evidence of any backlash? Are there some false statements that it is less problematic to ban than others? In the 2016 Brexit referendum, for example, one of the campaign groups issued a leaflet headed “Official information about the referendum on 23 June 2016”: might it be appropriate to ban statements such as this without seeking to intervene in respect of claims on the substance of the debate?

Offering Commentary on Truthfulness

The second approach still targets false or misleading statements, but this time does so more subtly: it seeks not to ban them, but simply to expose them. The Brexit referendum was the most “fact-checked” referendum ever (Goss and Renwick 2016), and campaigners on both sides were frequently called out for making statements that were false or partially false or potentially misleading. In some countries, this fact-checking role is assigned to an official body: in New Zealand the Electoral Commission and in Ireland the ad hoc Referendum Commissions that are established for each referendum have from time to time come out publicly to say that a false or misleading claim is being made and to urge campaigners to stop making it. They have no formal powers to enforce such

⁴ New Zealand [Electoral Act 1993](#), section 199A.

⁵ South Australia [Electoral Act 1985](#), section 113.

exhortations, but they may be able to exert some moral authority and their judgements may shape coverage by public sector broadcasters and, potentially, other media outlets. A similar role emerged during the Brexit referendum for the UK Statistics Authority, which has responsibility for ensuring that public statistical information is presented and interpreted appropriately – but this role was ad hoc and limited in scope.

Concerns may again arise here, and two are particularly important. One relates to whether fact-checking bodies – whether private or official – are truly impartial and unbiased. Even a body that strives very hard for impartiality may struggle to maintain it in the heat of a contentious referendum campaign, where passions may be raised. As noted above, facts are often contested, as are the boundaries of reasonable contestation. A fact-checker that seeks to make clear and definite judgements may risk succumbing to group-think; but a fact-checker that prefers to hedge may fail to aid public understanding of which claims are stronger or weaker.

The second concern relates to effectiveness. Important recent research suggests that fact-checking may not always improve public understanding and that it may indeed backfire: citizens may come to believe false statements more rather than less after their falsehood has been pointed out (Nyhan and Reifler 2010); even if citizens recognize that a statement is false, it may still leave an “echo” in their thinking (Thorson 2016). Such findings remain contested (e.g., Wood and Porter 2016), but recent experiences in the Brexit referendum and the 2016 US presidential election lend them much intuitive plausibility.

These concerns again lead to a series of questions. If reforms to official referendum processes are being considered, we can ask how official fact-checkers – as in Ireland and New Zealand – have been constituted, how they have operated, and how campaigners, commentators, and the broader public have reacted to their statements. How is their impartiality protected? How do they decide when to admonish campaigners and in what terms to do so? To what extent are their pronouncements respected, scorned, or ignored? We can also seek to learn from and contribute to the experimental and observational literature on the efficacy of fact-checking.

Provision of Impartial Information

The third approach takes a different tack. Rather than target misinformation, it seeks to promote the availability – and ready accessibility to voters – of quality information. The aim may be not only to increase the presence of quality information, but also to crowd out misinformation and to give voters better resources for interpreting misinformation themselves.

Many jurisdictions provide some amount of impartial information during referendum campaigns. In the UK’s 2011 referendum on the voting system, the Electoral Commission sent out a short pamphlet to all voters that included brief descriptions of the options available (though it did not repeat this intervention in 2016). In California, the voter information guide includes (alongside statements by the campaign groups themselves) an analysis of the effects of voting for or against each proposition that is prepared by the Legislative Analyst; this must be impartial and is vetted for clarity and ease of understanding by a panel that must include an education specialist, a bilingual member, and a professional writer. Similarly, voters in Switzerland are sent a booklet before each referendum that begins with an impartial description of the background to the proposals before providing position statements by a variety of actors. In Ireland, each Referendum Commission publishes a booklet giving background information and stating the arguments on either side of the issue.

To my knowledge, however, by far the most extensive public information campaign preceding a referendum was in New Zealand’s referendum on the electoral system 2011. Here, the Electoral

Commission not only described each of the (five) options that voters could choose among, but also set out various criteria that voters might want to use in order to judge these options, and provided discussion of how each of the options performed against each criterion. No attempt was made to advise voters as to the weight that they should attach to each criterion or, therefore, what their overall judgement should be. Nevertheless, the materials were exceptional in the extent to which they sought to aid voters in making sense of a complex debate. Furthermore, the Electoral Commission worked hard to publicize these materials and make them accessible to the widest possible audience: it sent them in a well-formatted brochure to all voters; it also provided a DVD version; its website included tools allowing voters to provide their own weighting of the criteria and suggesting which options might therefore be closer to their preferences; and the political scientists who, with marketing experts, prepared the materials toured the country speaking at public meetings.

The concerns and therefore the questions that arise in relation to such interventions are very similar to those for the second approach, above. First, can impartiality be sufficiently ensured? Second, are such interventions effective or do they either go largely unnoticed or in fact, at least in some circumstances, backfire? There is considerable evidence that the New Zealand experiment was a success: the impartiality of the Electoral Commission's materials was never questioned; those materials did contribute significantly to the public debate during the referendum campaign; the quality of campaign discourse was high (Renwick and Vowles 2017).

Additionally, we can ask whether the impartial information approach can be further improved upon in comparison with the applications just described. For example, all of the examples mentioned above are static: impartial experts produce materials before the start of the campaign; these then remain unaltered as the vote approaches. A more dynamic approach might allow those producing the materials to provide new information and generate new analysis as its salience becomes apparent over the course of the campaign.

Use of Deliberative Mini-Publics

The fourth approach emphasises not just information, but also the quality of public engagement with that information: it seeks to promote deliberative discussion. At the same time, it also incorporates elements of the second and third approaches. It is best exemplified by the citizen initiative reviews that have been held in Oregon since 2010. Under these provisions, for some (but not all) ballot propositions, a citizens' panel is convened for up to five days. The panel consists of a representative sample of the state's electorate. Representativeness is required in terms of place of residence, party affiliation, voting history and age, and may also be sought in terms of gender, ethnicity, and other characteristics that may be thought relevant to the particular case. The panel hears from campaigners, experts, and other interested parties and then deliberates on the issues. Finally, it produces statements for and against the measure (or only one of these if it is unanimous), together with a summary of the number of panel members considering a series of key claims relevant to the initiative to be correct or incorrect. These materials are included, alongside statements by campaigners, in the information pamphlet that is sent to all voters. Thus, the intention is that the panel participants can engage in high quality deliberation and that the conclusions of this deliberation are widely available to all voters.

Studies of the first (pilot) panels, in 2010, found that they did engage in high quality deliberation (Gastil and Knobloch n.d.) and that they had a significant impact upon voters: 42 per cent of voters said they were aware of them, and between 18 and 29 per cent of voters (depending on the issue) said they had found the panel statements useful (Gastil, Richards, and Knobloch 2014: 66). Further studies are needed to verify and build upon these findings. Is deliberative quality consistently high? Can it be

ensured that panel members are not unduly influenced by any biases among organizers? Do campaigners and commentators treat panels with respect, or do they dismiss them as consisting of unrepresentative dupes, as has happened with some other deliberative mini-publics? Are voters always appreciative?

There have been or will soon be unofficial experiments using such citizen panels in other US states: in Colorado in 2014, Arizona in 2014 and 2016, Massachusetts in 2016, and California forthcoming in 2017; Washington state has also considered legislation for such procedures. If the use of deliberative mini-publics such as citizen panels during referendum campaigns is to be considered outside Oregon and, indeed, outside the United States, a range of questions should be asked. Are such panels likely to be equally effective on all issues, or are they more suited to some than to others. For example, are some issues too contentious – with opinion too polarized – for genuine, open deliberation to occur? What are the circumstances in which the statements produced by a citizens' panel are more or less likely to have an effect? In Oregon, there are typically many initiatives on the ballot and voting takes place at the same time as a series of candidate elections. Attention on any particular initiative is therefore limited, and the voter information pamphlet may be one of the few sources of information that many voters have to help them make up their minds. By contrast, a vote such as the Brexit referendum in 2016 consumed the political world and the media for several months. Whether the statements of a citizens' panel could cut through this cacophony is unclear. But could more be done in order to raise the panel's voice? In Oregon the panel statements are buried within a drily formatted pamphlet over one hundred pages long. Taking a leaf out of the New Zealanders' book, much more could be done to promote the panels' conclusions and render them accessible to the wider public.

We can also ask whether deliberative mini-publics could be integrated further into the second and third approaches discussed above. The Oregon citizens' panels are used to provide the testimony of "expert citizens". Deliberative mini-publics could be used for other purposes too. For example, they could act as juries, offering a perspective on whether claims made by campaigners are accurate. They could also be used to guide impartial experts: in New Zealand, the political scientists who worked on the Electoral Commission's materials in 2011 selected criteria themselves, drawing on political science literature and past debates in New Zealand; an alternative approach would give this task to a deliberative mini-public. This could help allay concerns that "experts" are pursuing their own agendas and ignoring issues that matter to the wider public.

Thus, beyond the use of deliberative mini-publics that has been seen in Oregon to date, a range of innovative ways of integrating such mechanisms into the development of quality information during referendum campaigns can be considered and assessed.

Mass Public Deliberation

The fifth approach extends the deliberative approach from mini-publics to the public at large. It has never been implemented and, indeed, is unlikely ever to be implemented in full, given the costs and logistical challenges involved. Nevertheless, it corresponds closely to the idea of a "Deliberation Day", as proposed by Ackerman and Fishkin (2004) for presidential elections in the United States. It is worth mentioning because it describes an ideal to which more feasible options might usefully be compared.

What it illustrates above all is that mere information provision, on its own, is not sufficient: it is the degree to which voters are able, practicably and cognitively, to engage genuinely and openly with that information that matters. I will not consider this approach further here. But it does lead on to the sixth and final approach: if, as the subsections above have repeatedly hinted, the efficacy of any attempt to intervene within the context of a particular referendum campaign is limited by political

cultures, media systems, and voters' cognitive habits, perhaps the primary focus of those concerned to improve the democratic quality of referendum (and election) campaigns should be not upon relatively small-scale institutional reforms, but rather upon the bigger picture of politics and society as a whole.

Changing Education and Culture

I will not attempt to rehearse the arguments relating to this macro approach here: they fall outside the scope of the Constitution Unit's current research, and they are in any case probably familiar. From the perspective of the Constitution Unit at present, we must consider what reforms we might be able to recommend to procedures for the conduct of referendums in the UK *given* that the UK has a particularly vitriolic tabloid media culture that is happy to propagate misinformation and trash those who question it and given that there is little awareness of or focus upon the need to identify and reflect upon one's subconscious biases. A broader approach, however, would not need to consider such conditions as fixed parameters.

Reflections and Conclusions

Policy-makers in the UK frequently decry the quality of debate during referendum campaigns. But they also generally assume that nothing can be done about this: that referendums inherently present binary choices and that, in this context, debate will inevitably be conducted with a ruthless focus on doing whatever works. Yet a range of jurisdictions do employ mechanisms that are designed to inject greater honesty and accuracy into referendum campaigns. There is evidence that at least some of these – such as in New Zealand – have been successful. Our core question concerns whether the UK – and other democracies – can learn from these practices.

I have suggested in preceding pages that answering that question requires, in part, a practical focus on the details of how these mechanisms have operated in particular countries. What problems have been encountered and how have they been overcome? How have obvious objections and concerns been dealt with?

In part, there are also large questions of generalizability. What works in a low-salience referendum in the relatively benign political and media culture of New Zealand may not work in a high-salience vote in a rumbustious culture such as is found in the UK or the US. And what worked even five years ago might not work today, as the social media revolutionize the ways in which people receive information about politics.

We are still working out how exactly we should meet these challenges. I look forward very much to hearing your ideas.

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