

PE1483/C

Mr Andrew Howlett
Assistant Clerk to the Public Petitions Committee
The Scottish Parliament
Edinburgh
EH9 1SX

23 October 2013

Dear Mr Howlett

Petition PE1483: Bilingual ballot paper

Thank you for your letter of 23 September inviting for the Commission's views on the issues that may be raised by the use of Gaelic on the ballot paper at next year's independence referendum.

Firstly, we believe it is for Parliament to decide which languages appear on any ballot paper and the Commission does not take a view on this. Our priority is that, regardless of the language or languages used, voters should find it easy to understand the question proposed on the ballot paper and understand how to answer it. Voters should also be able to mark their ballot papers easily, and be confident that they have voted the way they intended to.

As the Committee will be aware, the Commission has established guidelines for assessing the intelligibility of referendum questions which we used to assess the referendum question initially proposed for the independence referendum. We laid a report on our views before the Scottish Parliament on 30 January this year.

The Commission has also developed a set of standards for government policy makers and electoral administrators on the accessibility, design and usability of ballot papers. The 'Making your mark' good practice design guidance, published in 2009, was developed following qualitative research with voters both in focus groups and one-to-one usability interviews and includes guidance on developing bilingual voter materials in English and Welsh. While we would expect government policy makers to follow the guidelines when developing a referendum question and ballot paper, the only way to be

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certain that the proposed question and ballot paper do not present any usability issues is by carrying out user testing with voters before the question and ballot paper are used in any referendum.

As the Committee are aware, when we undertook our assessment of the referendum question proposed by the Scottish Government we did not test a Gaelic version of the question or a bilingual ballot paper, and we were not asked to do so. Consequently, if the intention of Parliament was to require the use of a bilingual (English/Gaelic) ballot paper at the referendum, then we would recommend that an assessment of the revised question and ballot paper be undertaken. This should be informed by research with voters to test the revised question and ballot paper and this should include participants who have either English or Gaelic as a first language as well as those whose with other first languages. Assuming it was the Commission who undertook such research we would also want to seek the views of political parties and campaign groups associated with the referendum and ask for advice from experts on accessibility and plain language as well as from the Bòrd na Gàidhlig.

We should be able to provide Parliament with our views on the revised question and ballot paper around 10 weeks after being requested to undertake the assessment. This includes eight weeks to carry out public opinion research, based on getting at least two weeks' notice of the date when we will be given the exact wording of the question so that arrangements for the testing could be made.

I trust this response has been helpful for the Committee's consideration of the petition in question. Please get in touch if I can be of further assistance.

Yours sincerely

Andy O'Neill
Head of Office, Scotland