



Bob Posner
Chief Executive
Electoral Commission
3 Bunhill Row
London, EC1Y 8YZ

20 May 2020

Dear Bob,

As you may be aware, we at the UCL Constitution Unit have teamed up with partner institutions in Belfast and Dublin to establish the Working Group on Unification Referendums on the Island of Ireland. This is examining how any future referendum on the constitutional status of Northern Ireland (often known as a 'border poll') would best be designed and conducted. We aim to produce an interim report in the autumn and a final report early next year. Full details of the Working Group are available on our [website](#).

I should like to emphasise that the project is not looking at, and will not take a view on, whether such a vote would be desirable or what the outcome should be. Rather, its starting point is that a referendum of this kind might happen in the coming years, and it is important to consider in advance how it might be conducted. The Northern Ireland Act 1998 provides very few details, but the risks associated with a badly designed process are severe.

In connection with this work, may I ask whether the Electoral Commission would be happy to answer a number of questions that have arisen in the course of the Working Group's deliberations relating to the practical running of any referendum on this topic? The questions that we have are the following:

1. Deviations from PPERA
 - a. Given the Electoral Commission's experience of operating the current PPERA rules relating to referendums, what changes would the Commission now recommend be made in advance of any referendum, whether in Northern Ireland or elsewhere?
 - b. In particular, to what extent is the Commission concerned about the susceptibility of referendums in the UK to foreign interference, and what measures would it propose to address this?
 - c. To what extent would the rule changes that the Commission advocates require primary legislation?
2. Rules for a referendum in a part of the UK

The Constitution Unit

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- a. Did the Commission conduct any analysis in preparation for the 2004 North East referendum, the 2011 Welsh referendum, or the 2014 Scottish referendum as to how the PPERA rules might need to be adapted for a referendum taking place in only part of the UK?
 - b. If so, what conclusions did it reach?
 - c. Has the Commission done any planning for the possibility that a referendum might at some point in the future be called under the terms of the Northern Ireland Act 1998 section 1?
3. Question testing for a referendum on Northern Ireland's constitutional future
 - a. Would the Commission envisage taking the same approach to question testing for a referendum on Northern Ireland's constitutional future as it has in previous referendums, in terms of both methodology and assessment criteria?
 - b. Has the Commission previously conducted question testing in Northern Ireland? If so, have any particular circumstances been encountered there that might affect the process?
 - c. A referendum in Northern Ireland could happen simultaneously

regulatory difficulties in this circumstance? If so, how would it recommend they be resolved?