

Sharing information about cases of alleged electoral fraud at the EU referendum

The UK is holding a referendum on membership of the European Union on 23 June 2016. The referendum is different to elections: there is only one referendum result, and all the votes from across the UK and Gibraltar will count towards the totals which will be announced by the Chief Counting Officer.

This protocol recognises that police forces, Electoral Registration Officers, Counting Officers, Regional Counting Officers and the Chief Counting Officer all share the need for accurate and timely information about allegations of electoral fraud at the referendum. In particular, it recognises that allegations of electoral fraud in any part of the UK have the potential to affect confidence in the result of the referendum across the whole of the UK.

It also recognises that clear and consistent communications about the status of allegations and any investigatory activity will help to maintain public confidence in the outcome of the referendum.

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Roles and responsibilities at the EU referendum

Police forces and prosecutors

- Police forces are responsible for the investigation of criminal offences, and, where appropriate, referring those investigations to the Crown Prosecution Service in England and Wales, the Crown Office in Scotland, or the Public Prosecution Service in Northern Ireland for advice and/or a charging decision.
- Where the police assess that an electoral fraud offence may have been committed under [the Representation of the People Act 1983](#) (RPA 1983), [the European Union Referendum \(Conduct\) Regulations 2016](#) or other relevant electoral legislation, they will conduct a proportionate investigation to assist prosecutors in their consideration of whether criminal charge(s) should be brought against any individual or organisation.

Electoral Registration Officers

- Electoral Registration Officers (EROs) are responsible for compiling and maintaining the register of electors for each local authority area. EROs are responsible for receiving and processing applications to register to vote, including applications made via the digital service.
- EROs are also responsible for receiving and processing applications to vote by post or proxy, and applications from people who wish to register to vote anonymously.

Counting Officers

- Counting Officers are responsible for the management of the referendum poll in each local counting area. There is a single voting area covering the whole of Northern Ireland, and the Counting Officer is the Chief Electoral Officer.
- Counting Officers' duties include: issuing and receiving postal ballot packs; establishing and staffing polling stations and ensuring the safe return of ballot boxes; counting ballot papers and declaring the totals for each counting area.

Regional Counting Officers

- The Chief Counting Officer has appointed Regional Counting Officers for Scotland, Wales and each electoral region of England.
- Regional Counting Officers will be responsible for coordinating the delivery of the referendum within their electoral region, and will collate the local totals into a regional total.

The Chief Counting Officer

- The Chief Counting Officer for the EU referendum is Jenny Watson, the Chair of the Electoral Commission.
- The Chief Counting Officer is responsible for the overall conduct of the referendum poll, including providing guidance and direction to Counting Officers.
- The Chief Counting Officer is responsible for certifying and declaring the overall result of the referendum.

1. Allegations made to the police (including allegations passed to the police by Crimestoppers, Electoral Registration Officers, Counting Officers or the Electoral Commission)

- 1.1 Police forces receiving allegations of electoral fraud will commence appropriate inquiries (including, for example, contacting the complainant, identifying witnesses, evaluating evidence) in a timely manner.
- 1.2 Police forces will update the Electoral Commission on the last working day of each month (i.e. 31 May 2016, 30 June 2016 etc) with details of cases of alleged electoral fraud reported to them up to that point, using the established NPCC election SPOC reporting form.
- 1.3 Police forces will also inform the relevant Electoral Registration Officer (ERO) or Counting Officer and the Electoral Commission about the status of any cases involving significant allegations of electoral fraud **immediately after receiving the allegation**. The Commission and NPCC expect that SPOCs will use their judgment to decide whether a case involves significant allegations, but SPOCs should consider both the number of electors, voters or votes which could be affected by the allegations, the proximity of the allegations to the date of the referendum, and also the potential wider impact of the allegations on public confidence in the referendum.
- 1.4 Police forces will inform the relevant Electoral Registration Officer (ERO) or Counting Officer and the Electoral Commission about the conclusion of any cases involving significant allegations of electoral fraud which result in no further action being taken **as soon as practicable after the conclusion of the case**.
- 1.5 Police forces, EROs, Counting Officers and the Electoral Commission will only respond to media enquiries about specific allegations to confirm whether or not a complaint has been made, and whether inquiries have commenced.

2. Allegations made to Electoral Registration Officers or Counting Officers

- 2.1 EROs or Counting Officers receiving allegations of electoral fraud will consider whether the allegation can be dealt with initially by providing information to clarify whether the activity could involve an electoral fraud offence or not. For example, the ERO or Counting Officer may be able to confirm to an elector who is concerned that their postal vote may have been stolen whether or not they were in fact registered to vote by post.
- 2.2 If the ERO or Counting Officer concludes that it is possible that an electoral fraud offence may have been committed, they will provide all necessary information (i.e. details of the complainant and any evidence about the complaint) to the relevant police force **immediately after receiving the allegation**.

- 2.3 Where the ERO or Counting Officer has provided information about allegations to the police they will inform the complainant **immediately after doing so**. They will also inform the Electoral Commission.
- 2.4 EROs, Counting Officers and the Electoral Commission will only respond to media enquiries about specific allegations to confirm whether or not they have passed information to the police and, if known, whether inquiries have commenced.

3. Allegations made to the Electoral Commission

- 3.1 The Electoral Commission will consider whether any allegations it receives can be dealt with by providing information to clarify whether the activity could involve an electoral fraud offence or not. This may include asking the relevant ERO or Counting Officer to provide further information about the specific issue. Where the Electoral Commission receives general allegations with no supporting evidence, they will make clear to the complainant that they need to provide evidence to enable the relevant police force to investigate their concerns.
- 3.2 If the Electoral Commission concludes from the evidence provided that it is possible that an electoral fraud offence may have been committed, they will contact the relevant ERO or Counting Officer **immediately** to agree how to provide the necessary information (i.e. details of the complainant and any evidence about the complaint) to the relevant police force.
- 3.3 Where the Electoral Commission has provided information about allegations to the police they will inform the complainant **immediately after doing so**. They will also inform the relevant ERO or Counting Officer.
- 3.4 Where the Electoral Commission receives information from an ERO or Counting Officer which suggests that an electoral fraud offence may have been committed, they will encourage the ERO or Counting Officer to provide any evidence to the relevant police force. The Commission will contact the ERO or Counting Officer to confirm what action has been taken by them **within two working days of receiving the information**.
- 3.5 The Electoral Commission will only respond to media enquiries about specific allegations to confirm whether or not they have passed information to the police and, if known, whether inquiries have commenced.

4. Responding to allegations made in or via the media

- 4.1 The Chief Counting Officer will not comment on any specific allegations of electoral fraud made in or via the media, but may issue general statements about how to prevent or report electoral fraud, in consultation with the NPCC lead for election-related crime. Where appropriate, the Chief Counting officer and the NPCC lead for election-related crime may also issue joint statements in response to allegations made in or via the media.