The Electoral Commission

Media Handbook

Referendum on the United Kingdom's Membership of the European Union

23 June 2016

Media contacts and resources

Electoral Commission press office

London Mazida Khatun / Megan Phillips – Senior Media Relations Officers 020 7271 0704 press@electoralcommission.org.uk	Belfast Cahir Hughes – Senior Officer 02890 894 028 chughes@electoralcommission.org.uk
Edinburgh Sarah Mackie – Senior Officer 0131 225 0211 smackie@electoralcommission.org.uk	Cardiff Daneka Norman – Communications Officer 02920 346 800 dnorman@electoralcommission.org.uk

Out of office hours: 07789 920 414

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Websites

www.electoralcommission.org.uk

The Commission's website has a dedicated section for journalists featuring the Electoral Commission's news and views – including our press releases and statements. Our website has a dedicated section for the referendum and also has a 'Guidance' area containing information for campaigners at the referendum.

www.aboutmyvote.co.uk

This website provides information for the public on how to register and vote and forms they can print off to register and apply to vote by post or proxy. It includes a postcode search facility allowing people to find contact details for their local electoral registration office.

www.gov.uk/register-to-vote

This website is where people in Great Britain can apply online to register to vote. It's quick and easy to use. Since its launch in June 2014, millions of applications to register to vote have been submitted. We would encourage you to use this website address in as many articles about the election as possible so that your readers know where they can register.

People in Northern Ireland can register to vote by downloading a registration form from www.eoni.org.uk or www.aboutmyvote.co.uk . The form must be completed and returned to the Electoral Office for Northern Ireland.

Please note that this handbook only covers the administration of the referendum rules in the UK. Queries about the referendum as it pertains to Gibraltar and how to register to vote in Gibraltar should be directed to:

Gibraltar Parliament (+350) 20074186

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1 Who's who at the referendum and their responsibilities?

The European Union Referendum Act 2015, which received Royal Assent on 17 December 2015, provides for a referendum on the United Kingdom's membership of the European Union.

The referendum question is:

"Should the United Kingdom remain a member of the European Union or leave the European Union?"

Voters can answer with:

"Remain a member of the European Union"

"Leave the European Union"

The Electoral Commission was required to consider the wording of the referendum question and to publish a statement of its views as to the intelligibility of the question. The research undertaken by the Commission is available to read here.

An image of the ballot paper that voters will see is included in the Annex.

To see the Electoral Commission's briefings on key aspects of the European Union Referendum Bill as it made its way through the UK Parliament click <u>here</u>.

The Act sets out roles and responsibilities at the referendum:

1.1 Chief Counting Officer

The Chair of the Electoral Commission, or a person the Chair appoints, is the Chief Counting Officer (CCO) for the referendum and responsible for certifying the outcome of the referendum. The CCO for the EU Referendum is Jenny Watson, the Chair of the Electoral Commission The CCO can appoint a Deputy Chief Counting Officer, who for the purpose of this referendum is the Director of Electoral Administration at the Electoral Commission, Andrew Scallan.

At the referendum, the CCO is responsible for:

- The conduct of the poll;
- Providing guidance and direction to Counting Officers; and
- The overall counting of the votes and declaration of the result.

1.2 Regional Counting

Regional Counting Officers (RCOs), appointed by the CCO will be responsible for coordinating the delivery of the referendum in their electoral region and will collate the local totals into a regional total. RCOs have been appointed for each of the nine electoral regions in England, and one each in Scotland and Wales. Each RCO works in a local authority area and will also be a Counting Officer (see overleaf). The Chief

Electoral Officer is the Counting Officer for Northern Ireland. In addition to the Northern Ireland counting area, the 11 electoral regions across Great Britain are:

- Eastern
- East Midlands
- London
- North East
- North West
- Scotland
- South East
- South West and Gibraltar
- Wales
- West Midlands
- Yorkshire and the Humber

1.3 Counting Officers

Counting Officers (COs) are responsible for the voting process in their area. Their duties include issuing ballot papers, appointing poll staff to run polling stations and verifying and counting the votes cast. There are 382 COs for the referendum, one for each local government area in Great Britain. The Chief Electoral Officer is the CO for Northern Ireland.

1.4 Electoral Registration Officers

In Great Britain, Electoral Registration Officers (EROs) are responsible for the preparation and maintenance of the electoral register and the list of absent voters within their area. Every local authority is required to appoint an ERO. In Northern Ireland, the Chief Electoral Officer is responsible for electoral registration and the list of absent voters.

1.5 The Electoral Commission

The Electoral Commission is an independent body set up by the UK Parliament. At the referendum, it is responsible for:

- Commenting on the intelligibility of the referendum question
- Registering organisations or individuals who want to campaign in the referendum
- Considering and approving applications for designation as the lead campaign group for each referendum outcome
- Making grant payments to the approved designated organisations
- Monitoring spending on referendum campaigning, in line with the referendum spending limits imposed by the Act
- Providing advice and guidance on the rules to campaigners
- Monitoring and securing compliance with campaign donation, loan and spending controls
- Reporting on the administration of the referendum and referendum campaign spending

2 Referendum timetable

Event	Date
Campaigners can now register as a permitted participant with the Electoral Commission	Monday 1 February
Applications to the Electoral Commission to be a designated lead campaigner opens	Friday 4 March
Deadline for applications to the Electoral Commission to be a designated lead campaigner	Thursday 31 March
Deadline for Electoral Commission to announce its decision on designating lead campaigners	Thursday 14 April
Referendum period for campaigners begins	Friday 15 April
Deadline for first pre-poll donation and loan report to the Electoral Commission	Thursday 28 April (Electoral Commission to publish information on Wednesday 11 May)
Deadline for second pre-poll donation and loan report to the Electoral Commission	Thursday 19 May (Electoral Commission to publish information on Thursday 26 May)
Deadline for third pre-poll donation and loan report to the Electoral Commission	Thursday 16 June (Electoral Commission to publish information on Tuesday 21 June)
Deadline for fourth pre-poll donation and loan report to the Electoral Commission	Wednesday 29 June (Electoral Commission to publish information on Wednesday 6 July)
Deadline to register to vote	Tuesday 7 June
Deadline for applying for a postal vote	Northern Ireland – 5pm, 3 June
	Great Britain – 5pm, 8 June
Deadline for applying for a proxy vote (except for	Northern Ireland - 5pm, 3 June
emergency proxies)	Great Britain - 5pm, 15 June
Polling day	7am – 10pm, Thursday 23 June
Deadline for issuing replacement postal ballot	Northern Ireland – 5pm, 22 June
papers	Great Britain – 5pm, 23 June
Deadline for applying for an emergency proxy vote	Great Britain – 5pm, 23 June
Deadline for applying for a proxy vote on grounds of health or employment at the referendum	Northern Ireland – 5pm, 15 June
Referendum count	10pm, Thursday 23 June
Deadline for registered campaigners that have spent £250,000 or under to submit campaign spending returns	Friday 23 September 2016
Deadline for registered campaigners that have spent over £250,000 to submit campaign spending returns	Friday 23 December 2016

SECTION A – Campaigning at the referendum

3 Who can be a campaigner at the referendum?

Anyone can spend up to £10,000 on campaigning during the referendum period. The referendum period is when the rules on donations and spending apply and runs from 15 April 2016 up to and including polling day, 23 June 2016.

Anyone intending to spend more than £10,000 must register with the Electoral Commission to become a 'registered campaigner'.

3.1 Who can register as a campaigner at the referendum?

The following individuals or organisations can register as a campaigner at the referendum:

- an individual who is resident in the UK or registered on a UK electoral register
- an individual registered on the Gibraltar electoral register
- a UK- registered political party or a political party established in Gibraltar
- a UK-registered company which is incorporated in the EU and carries on business in the UK
- a Gibraltar-registered company which is incorporated in the EU and carries on business in Gibraltar
- a UK-registered or Gibraltar-registered trade union
- a UK-registered or Gibraltar-registered building society
- a UK-registered limited liability partnership which carries on business in the UK
- a Gibraltar-registered limited liability partnership which carries on business in Gibraltar
- a UK-registered friendly, industrial or provident society
- a UK-based unincorporated association that carries on the majority of its business or other activities in the UK
- a Gibraltar-based unincorporated association that carries on the majority of its business or other activities in Gibraltar
- a body incorporated by Royal Charter
- a UK charitable incorporated organisation
- a Scottish partnership which carries on business in the UK

Registered campaigners must tell the Commission the outcome for which they are campaigning. Campaigners must also appoint a 'responsible person' who is legally responsible for ensuring that the campaign complies with the rules for spending, donations and loans. Where parties (other than minor parties) register as campaigners at the referendum, their registered treasurer will be their 'responsible person'.

The register of referendum campaigners is <u>here</u>.

3.2 What benefits and responsibilities does an individual or group receive if they register with the Electoral Commission?

Registering as a campaigner with the Electoral Commission means the campaigner will have:

- a spending limit above £10,000 (spending limits are on page 10)
- access to the electoral register to help campaign within the UK and Gibraltar
- the right to appoint agents (i.e. representatives) to attend postal vote opening sessions, polling stations and the counting of votes
- responsibility for recording and reporting certain donation, loans and referendum spending

3.3 What are designated lead campaigners?

Registered campaigners can apply to the Electoral Commission to become the lead campaigner representing either side of the outcome. They then act as the lead campaign group on behalf of those campaigning for that outcome.

The European Union Referendum Act 2015 allows the Electoral Commission to designate lead campaign groups on both sides of the debate or for one side only. The Act states that the Commission can designate a lead campaigner on only one side of the referendum if we are not able to designate lead campaigners for both outcomes.

Subject to receiving applications by 31 March, the Commission is required by the EU Referendum Act to make its designation decision by 14 April at the latest. Following any decision regarding designation, the Commission will publish the applications considered and the final decision it has made on its website.

3.4 What are the benefits of being designated a lead campaigner?

The benefits of being a lead campaigner are:

- a higher spending limit of £7 million
- one free distribution of information to voters
- the use of certain public rooms
- referendum campaign broadcasts
- a grant of up to £600,000, to be used for certain spending including the administration costs associated with setting up and running a referendum campaign and the costs associated with the referendum campaign broadcasts and free mailing to voters that they are entitled to as lead campaigners

In addition to the statutory benefits, lead campaign groups can have:

 a dedicated page in the Commission's public information booklet which will be distributed to all households in the UK (in both English language and bilingual English/Welsh language versions) the inclusion in the booklet of a link to a page on the campaigner's website, which should include their opinion on what will happen in the event of either referendum result

If a lead campaign group is appointed on only one side of the referendum then that campaigner does **not** receive the grant of up to £600,000 or the referendum campaigner broadcasts, the content in the Commission's public awareness booklet or the link in the booklet to the campaigner's website.

3.5 What does a group need to do in order to apply to become a designated lead campaigner?

In order to become a designated lead campaigner, registered campaigners need to meet the statutory tests the Electoral Commission must apply (see 3.7). They must submit an application to the Electoral Commission that explains:

- the organisation's objectives and how they fit with the referendum outcome it supports
- the breadth of support amongst campaigners for the appointment of lead campaigner
- how the campaigner plans to represent other campaigners for the same outcome including how it would engage with them
- how the campaigner intends to convey its campaign message across to voters across the UK and Gibraltar including how it will make use of the lead campaign group benefits
- how the campaigner intends to deliver on its campaign objectives including how it plans to fund its campaign and how it will make use of both the higher spending limit and the publicly available funding

3.6 Does the Commission have to designate lead campaigners?

No. The Electoral Commission cannot designate lead campaign groups if:

- there are no applicants for an outcome.
- the Commission considers that no applicants adequately represent those campaigning for an outcome.

If the Commission is satisfied that at least one applicant can adequately represent one side of the outcome then it must designate for that outcome.

3.7 What criteria will the Commission use to assess applications to become a designated lead campaigner?

Under the Political Parties, Elections, and Referendums Act (2000), the Commission designates lead campaigners. The Commission must apply certain statutory tests when designating lead campaign groups in the run up to the EU Referendum.

Any registered campaigner can apply to the Commission to become a lead campaign group. Campaigners are assessed based on the statutory tests. The tests are:

- if there is only one applicant for an outcome, the Commission shall designate an applicant unless it is not satisfied that it adequately represents those campaigning for that outcome
- if there is more than one applicant for an outcome, the Commission shall designate whichever of the applicants appears to the Commission to represent to the greatest extent those campaigning for that outcome

3.8 When will the Electoral Commission announce who the lead campaigners are?

The application process opens on 4 March 2016 and the deadline for applications to the Electoral Commission to be a designated lead campaigner is 31 March 2016. The Commission will make its decision as soon as practicable within the period from 1 to 14 April 2016.

The Electoral Commission will publish all applications and the reasons for its decision in the interests of transparency. An operational note will be sent to all journalists to say when the Electoral Commission will be announcing its decision.

For more information on how the Electoral Commission designates lead campaigners click <u>here</u>.

4 Campaign spending limits

4.1 How much can campaigners spend at the referendum?

The campaign spending limits for the EU Referendum apply during the referendum period and are:

	Spending limits in the Act	2015 UK Parliamentary General Election vote share
Designated lead campaigners	£7,000,000	-
>30% share of the vote	£7,000,000	Conservative (36.8%)
>20 - 30% share of the vote	£5,500,000	Labour (29% ^[1])
>10 - 20% share of the vote	£4,000,000	UKIP (12.6%)
> 5 - 10% share of the vote	£3,000,000	Liberal Democrat (7.9%)
< 5% share of the vote	£700,000	SNP (4.7%) Green (3.8%) DUP (0.6%) Plaid Cymru (0.6%) Sinn Fein (0.6%) SDLP (0.3%) UUP (0.4%) Plus all other parties that stood at least one candidate at 2015 UKPGE
Other registered campaigners	£700,000	-

The limits apply to any reportable spending during the referendum period which runs from 15 April 2016 until the close of poll on 23 June 2016.

The limits also apply to spending that took place before the regulated period on campaign materials (such as leaflets) which are then used during this period.

4.2 What activities count towards the spending limit?

Referendum campaign spending is defined as spending on certain campaign activities that are intended to, or are otherwise in connection with, promote or bring about a particular outcome in the referendum.

These activities include:

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^[1] Labour Party share of the vote is adjusted because votes cast for joint candidates are divided by the number of parties the candidate is standing for i.e. Labour / Co-op candidates (PPERA Sch14, para 1(4))

- campaign broadcasts
- advertising of any kind. For example, street banners, websites or YouTube videos
- unsolicited material sent to voters. For example, letters or leaflets sent that aren't in response to specific queries
- other material about the referendum, such as setting out your campaign's arguments, setting out your expectations as to what would happen in the event of a particular outcome, or encouraging people to vote
- market research or other methods of finding out how people intend to vote;
- press conferences or other dealings with the media
- rallies and events, including the cost of people's attendance, and any goods, services or facilities provided
- transport in connection with publicising the campaign

4.3 Are there any activities that don't count towards the spending limit?

Yes. Activities that do not count include:

- volunteer time
- permanent, fixed term or temporary staff costs where the staff member has a direct employment contract with the campaigner
- people's travel, food and accommodation costs while they campaign, unless you reimburse them or pay for them directly
- costs incurred in providing security at a public rally or public event
- expenses (except adverts) in respect of publication in a newspaper, periodical, and certain broadcasts
- designated lead campaigners' use of public rooms or free mailing

4.4 Are there rules on spending for campaigners that are working together?

Campaigners that register with the Electoral Commission have their own individual spending limit, however there are specific rules on working together with other registered campaigners.

If a campaigner spends money as part of a coordinated plan or arrangement with one or more other **non-lead campaign groups** during the referendum period, then the total amount of referendum spending will count towards the spending limits for **each** campaigner involved.

Where one or more registered campaigners work together with a **designated lead campaigner**, the total amount of spending counts towards the **lead** campaign group's spending limit.

For more detailed information on the rules for campaigners who are working together see the Commission's guidance for campaigners here.

4.5 Who do campaigners report their regulated spending to and when?

Registered campaigners that spend more than £10,000 in the referendum period must report their campaign spending to the Electoral Commission.

There are reporting requirements for all registered campaigners before the poll to report donations received and loans over £7,500 on certain deadline dates (see page 14).

The deadline for registered campaigners that have spent £250,000 or under to submit campaign spending returns is **23 September 2016**.

The deadline for registered campaigners that have spent over £250,000 to submit campaign spending returns is **23 December 2016**.

Registered campaigners that spend £10,000 or less during the referendum period have to submit a declaration to the Electoral Commission to confirm that their total spending was £10,000 or less. They do not need to complete a return.

4.6 What happens if a campaigner exceeds their spending limit?

If a campaigner does not comply with legal or regulatory requirements they may be subject to civil or criminal sanctions.

4.7 What action can the Electoral Commission take if a campaigner's activities could exceed the spending limit?

Where the Electoral Commission has reasonable grounds to believe that a campaigner is about to exceed a spending limit, it has the power to order that campaigner to stop activity until it can satisfy the Commission that it is not going to exceed the limit.

This power can only be used where exceeding the spending limit would have a significant impact on public confidence in the regulation of referendum funding and spending.

The Electoral Commission has provided a range of guidance to help ensure campaigners follow the rules and will proactively work with them to ensure they understand the rules.

For more information on the Electoral Commission's enforcement powers, including its procedures for handling allegations which need to be made in writing, visit http://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation

5 Donations during the referendum

5.1 Is there a limit on donations that a campaigner can accept in the EU Referendum?

No. There is a limit to how much a campaigner can spend during the regulated period but no limit on the amount of donations it can accept.

Registered campaigners can only accept donations worth more than £500 towards their campaign spending from a permissible source.

5.2 Who can make donations to campaigners?

A 'permissible donor' is:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- an individual registered on the Gibraltar electoral register including those leaving bequests
- a UK-registered company which is incorporated in the EU and carries on business in the UK
- a Gibraltar-registered company which is incorporated in the EU and carries on business in Gibraltar
- a UK-registered or Gibraltar-registered trade union
- a UK-registered or Gibraltar-registered building society
- a UK-registered limited liability partnership which carries on business in the UK
- a Gibraltar-registered limited liability partnership which carries on business in Gibraltar
- a UK-registered friendly, industrial, provident or building society
- a UK-based unincorporated association that carries on the majority of its business or other activities in the UK
- a Gibraltar-based unincorporated association that carries on the majority of its business or other activities in Gibraltar
- a body incorporated by Royal Charter
- a UK-based charitable incorporated organisation
- a Scottish partnership which carries on business in the UK

Donations that are not from a permissible source must be returned within 30 days of it being received. If the registered campaigner does not return the donation within 30 days they will be deemed to have accepted it, and accepting an impermissible donation is a criminal offence. The campaigner they may be subject to forfeiture and fined.

Anyone can give an amount worth less than £500 to campaigners.

For an overview of the rules and more detail on what counts as a donation and accepting donations, see Electoral Commission guidance for campaigners here

5.3 Do campaigners need to report their donations and loans?

Registered campaigners who are not also registered political parties must report to the Electoral Commission all donations and loans over £7,500, dating back to when the reporting provisions come into force on 1 February 2016, until polling day. Voters will therefore be able to see who has financed the campaigners before they cast their vote.

The pre-poll reporting requirements only apply to donations and loans. There is no requirement for campaigners to report details of the spending incurred before the start of the referendum period.

Registered campaigners must also report all donations or loans above £7,500 that they have accepted in their campaign spending return after the referendum.

5.4 What are the pre-poll reporting dates?

Registered campaigners must complete four pre-poll donation and loan reports setting out what donations and loans they have received over £7,500 between 1 February 2016 and 23 June 2016.

Reporting period	Deadline for pre-poll reports	Date Electoral Commission anticipates publishing the pre-poll reports of donations and loans
1 February – 21 April	Thursday 28 April	Wednesday 11 May
22 April – 12 May	Thursday 19 May	Thursday 26 May
13 May – 9 June	Thursday 16 June	Tuesday 21 June
10 June – 22 June	Wednesday 29 June	Wednesday 6 July

After the referendum has taken place, registered campaigners (who are not political parties) will have to report all donations and loans over £7,500 that they accepted. All registered campaigners must report their campaign spending during the referendum period (15 April 2016 up to and including polling day, 23 June 2016).

5.5 What are the reporting requirements for political parties?

Campaigners that are also registered political parties do not report donations or loans during the referendum regulated period. This is because they already submit quarterly donations and loans returns to the Electoral Commission 30 days after the end of each calendar quarter.

Donations to political parties can be viewed on the Electoral Commission's website at https://pefonline.electoralcommission.org.uk/search/searchintro.aspx

6 The referendum campaign

6.1 What can campaigners say about one another during the referendum?

Campaign material is subject to general restrictions of criminal and civil liability law. For example, such material should not contain statements or comments that are defamatory; rules on copyright should be taken into account; and, under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material which is intended to stir up racial hatred.

6.2 Does the Electoral Commission have a role in regulating campaign material?

No. The Commission does not have any regulatory role in relation to the content of campaign material, as is the case at other elections and referendums. The police have responsibility for investigating allegations of specific referendum offences, whilst defamation issues are a matter for the civil courts.

6.3 Are there any rules regarding campaign materials?

Yes. By law, campaigners must use "imprints" on all their campaign material.

6.4 What is an "imprint"?

All printed material (i.e. posters, placards and leaflets) must include the name and address of the printer and promoter. This is so that electors can be clear about the source of campaign material.

Campaigners must include an imprint on electronic material, such as websites and emails, unless it is impracticable to do so.

For more information about what should or should not be on campaign materials, see Electoral Commission guidance for campaigners here

6.5 How many referendum broadcasts are the designated lead campaigners entitled to in the run up to the referendum vote?

The decision on how many broadcasts to allocate to the designated lead campaigners is for the broadcasters to decide.

The lead campaigners pay for and produce the content of the referendum broadcasts, which must observe the law – for example on copyright, defamation, contempt, obscenity and incitement to racial hatred or violence. They must comply with the Ofcom Broadcasting Code or the BBC Editorial Guidelines that relate to harm and offence and fairness and privacy.

More information about how referendum broadcasts are allocated will be available from the Broadcasters' Liaison Group, the group of broadcasters that discusses the

allocation of PEBs, visit <u>www.broadcastersliaisongroup.org.uk</u>. Relevant contact details for each broadcaster are also available on this site.

6.6 Are there rules on impartiality for the media during the referendum?

News reports, features and editorials in print or online media are not subject to electoral law, and the law does not require them to be impartial.

Political impartiality in broadcast media is covered by the editorial guidelines relevant to that particular broadcaster:

- The BBC's editorial guidelines on broadcasting during EU Referendum can be found at http://www.bbc.co.uk/editorialguidelines/guidelines/appendix8
- Commercial broadcasters are subject to the Ofcom Broadcasting Code, which can be found at http://stakeholders.ofcom.org.uk/broadcasting/broadcast-code

7 Electoral fraud

The European Union Referendum (Conduct) Regulations 2016 and the Representation of the People Act 1983 both specify a number of criminal offences relating to electoral fraud at the referendum. These offences mirror those which would normally apply at elections.

The police are responsible for investigating any allegations that an electoral fraud offence may have taken place. The Commission works with the police and Counting Officers to make sure robust plans are in place to tackle any allegations of fraud. You can find out more about what we do on our website.

Each police force has a designated Single Point of Contact officer (known as a SPOC) to lead on voting-related crime who will give advice to local police officers. Anyone making an allegation should be prepared to give the police a statement and substantiate their concerns.

Anyone, including campaigners, politicians and members of the public, who has evidence of voting fraud taking place should report it to the police immediately.

You can contact the police using the 101 non-emergency number, unless you witness a crime in progress in which case you should call 999.

If you do not want to contact the police, you can report electoral fraud anonymously by calling <u>Crimestoppers</u> on 0800 555 111 or using their online reporting service.

7.1 What are the different types of electoral fraud offences?

Offences include:

Personation

This is where an individual votes as someone else (whether that person is living or dead or is a fictitious person), either by post or at a polling station, in person or as a proxy.

Undue influence / Intimidation

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage, loss or harm, in order to induce or compel any voter to vote or refrain from voting or to impede or prevent the free exercise of a person's vote in the referendum.

Bribery

A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce that voter to vote or not vote.

A person is also guilty of bribery if they directly or indirectly give any money (or procure any office), or take any action in consequence of such gift (or procurement of office), in order to procure any particular outcome in the referendum.

Multiple voting and proxy voting offences

There are various offences regarding multiple voting and proxy voting, including voting (whether in person, by post or by proxy) when subject to a legal incapacity to vote and voting more than once in the referendum.

False registration information

It is an offence to supply false registration information to an Electoral Registration Officer. It is also an offence to supply false information in connection with an application for a postal or proxy vote.

7.2 Who is responsible for putting in place plans to deal with electoral fraud?

Primary responsibility for ensuring that robust plans to prevent and detect electoral fraud are in place lies with local Electoral Registration Officers and Counting Officers. They must work closely with their local police forces to assess the risk of electoral fraud and to ensure that their plans reflect their assessment of the level of risk locally.

The Chief Counting Officer has issued <u>guidance</u> to Counting Officers on the steps which should be taken to put in place plans and processes to identify any patterns of activity that might indicate potential electoral fraud.

7.3 Who is responsible for dealing with allegations about electoral fraud at the referendum?

Each of the UK's 45 police forces is responsible for investigating any allegations that an electoral fraud offence has been committed in the area which it covers. After investigating the allegation, the police will make a decision about the appropriate course of action, including considering with the prosecuting authorities whether to bring court proceedings against any suspects.

7.4 How will Counting Officers make sure a postal vote has been cast by the correct person?

Postal voters have to provide their signature and date of birth when they apply to vote by post, and also when casting their postal vote. Both records are checked. If they don't match, the ballot paper is not included in the count. This system has been in place across Great Britain since 2008.

7.5 Are campaigners allowed to handle people's postal votes?

The Electoral Commission has developed a <u>Code of Conduct for Campaigners</u> at elections and referendums in Great Britain which has been agreed by political parties represented on the UK Parliament Political Parties Panel. All registered campaigners at the referendum have been sent the Code of Conduct, and the Commission has made clear that it applies to them during the referendum campaign.

The Code states that campaigners should not:

- Touch or handle anyone else's ballot paper.
- Observe someone completing their ballot paper.
- Solicit the collection of any ballot paper.

The Code advises that where practical, voters should be encouraged to post or deliver completed ballot papers themselves. While campaigners may be approached for help by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time, other options for delivering the postal ballot pack – including relatives or neighbours, for example – should be explored before a campaigner agrees to take a postal ballot pack. Campaigners should immediately post the postal ballot pack, take it directly to the Counting Officer or their staff, or take it to a polling station.

Political parties in Northern Ireland have agreed to adhere to the Electoral Office for Northern Ireland's Code of Conduct for Canvassers.

7.6 What happens if a campaigner breaches the Code of Conduct?

The Electoral Commission will ask political parties or campaigners to investigate any reported breaches and take action to ensure that any problems are not repeated. This includes potentially taking disciplinary action against party members or campaign staff. There are no statutory sanctions for any breaches of the Code of Conduct.

SECTION B – The voter

The rules on who can vote at the referendum are set out in the European Union Referendum Act 2015. The Act states that those who are entitled to vote in UK Parliamentary General Elections are also entitled to vote in this referendum, in addition to members of the House of Lords and citizens of Gibraltar, who are able to vote at European Parliamentary Elections.

The Act can be viewed on the UK Government's legislation website here.

8 Registering to vote

8.1 Who can register to vote in the EU Referendum?

The European Union Referendum Act states that those who are entitled to vote in UK Parliamentary General Elections are also entitled to vote in this referendum. This includes:

- British, Irish and qualifying Commonwealth* citizens over the age of 18 who are resident in the UK
- UK nationals resident overseas, provided they appeared on the register of Parliamentary electors in the past 15 years. If they were too young to register when they left the UK, their parent or guardian must have been registered.
- an Irish citizen living overseas who was born in Northern Ireland and who has been registered to vote in Northern Ireland in the last 15 years

In addition, the Act provides that Peers and citizens of Gibraltar, who are able to vote at a European Parliamentary Election, can vote in this referendum.

*Qualifying Commonwealth citizens are those who have leave (permission) to enter or remain in the UK, do not need to have such leave or are treated as having such leave.

A full list of Commonwealth countries can be found here

8.2 What is the deadline to register to vote?

Applications to register to vote must be submitted to local Electoral Registration Officers in Great Britain, and the Electoral Office for Northern Ireland, by **midnight on Tuesday 7 June** in order to be able to vote on Thursday 23 June 2016.

8.3 What is the deadline for applying for postal and proxy voting?

The deadlines for applying for a postal vote at the referendum are:

Northern Ireland – 5pm, Friday 3 June 2016 Great Britain – 5pm, Wednesday 8 June 2016 The deadlines for applying for a proxy vote (except in the case of an emergency) are:

Northern Ireland – 5pm, Friday 3 June 2016 Great Britain – 5pm, Wednesday 15 June.

The deadline for applying for an emergency proxy vote in Great Britain is **5pm**, **Thursday 23 June 2016**.

In Northern Ireland, the deadline for applying to vote by post or proxy on the grounds of health or employment as a constable or by the Counting Officer is **5pm**, **Wednesday 15 June 2016**.

8.4 How does someone register to vote?

Anyone in Great Britain wishing to register to vote should go online to www.gov.uk/register-to-vote

In Northern Ireland, and for anyone who wants to complete a paper application, it is also possible to download a form at www.aboutmyvote.co.uk and return it to their local Area Electoral Office.

8.5 Can someone be registered at an address in the UK even if they do not live there are all time?

A person is resident at an address for the purposes of registration if that is their permanent home address. However, this does not mean that the person needs to be physically present at that address all the time - temporary absence does not necessarily mean that they are not resident.

For example, if a person is away from their permanent home as a result of the type of job they hold or because they are required to perform a duty away from their home address, they may still be deemed to be resident there – provided the property remains their permanent home.

If, because of their particular circumstances, a person has any doubts about whether or not they are 'resident' and therefore entitled to register, they should contact, in Great Britain, their local Electoral Registration Officer or, in Northern Ireland, their local Area Electoral Office for further advice.

It is an offence to supply false registration information to an Electoral Registration Officer or the Chief Electoral Officer in Northern Ireland.

8.6 Can someone be registered at two different addresses?

This depends on an individual's particular circumstances but it may be possible to be registered at more than one address, as long as the person is resident at each address. It is for, in Great Britain, the local Electoral Registration Officer or, in Northern Ireland, the local Area Electoral Office to make that decision.

For example, a full-time student may be able to register at both their term-time address and their home address. It is an offence for any person to vote twice at the referendum if registered at more than one address.

8.7 Can members of the armed services register to vote at the referendum?

Members of the Armed Forces, or their spouse or civil partner who are a British, Irish, or qualifying Commonwealth citizens can register to vote either as an ordinary voter or a service voter. The way they choose to register to vote will depend on their personal circumstances. In order to register as an ordinary voter the service person would need to be resident at an address in the UK.

Those who choose to make a service declaration and register as service voters are able to register for up to five years at a fixed address in the UK even if they are based outside of the UK or think that they may be posted outside of the UK in the next year.

8.8 What is being done to ensure that members of the armed services, based in the UK or overseas, who could take part in the referendum know how to register to vote?

The main public campaign will include activity targeted at all voters in the UK, with specific activity targeting voters in the armed forces. In addition to the main advertising campaign activity, the Commission also works with the Ministry of Defence (MOD) every year to encourage service personnel to register to vote, keep their registration details up to date and improve their awareness of the options for how to vote which are available to them.

The Commission is working with the MOD to put plans in place to ensure all eligible service personnel have access to the information they need in order to register to vote in the referendum.

8.9 Will UK citizens living overseas be able to vote in this referendum?

UK nationals resident overseas, provided they appeared on the register of Parliamentary electors in the past 15 years, are eligible to vote in the EU Referendum. Irish citizens living overseas who were born in Northern Ireland and who have been registered to vote in Northern Ireland in the last 15 years are also eligible to vote in this referendum.

In addition to the main public awareness campaign, the Commission is running a specific awareness campaign for UK citizens living overseas which will encourage them to register to vote and cast their vote in time to vote in the EU Referendum.

8.10 Can prisoners vote?

Remand prisoners (those who have not been convicted and sentenced) can vote. Convicted prisoners detained because of their sentence cannot. This reflects what happens at elections and other referendums in the UK.

8.11 What impact has the move to the new registration system had on the electoral registers?

Individual Electoral Registration (IER) was introduced in Great Britain in June 2014 and the vast majority of electors were automatically transferred to the new registration system. The move to IER was due to end with the publication of the electoral registers on 1 December 2016.

In October 2015, a UK Government Order to bring forward the end to the move to IER to 1 December 2015 was passed in the House of Lords. The Commission had recommended that the end to the move remain 1 December 2016 as was originally legislated for.

The Commission has recently published its report on the electoral registers as they stood on 1 December 2015. You can view the report here.

Between 1 December 2015 and 22 February 2016 1.3 million applications to register to vote had been made in Great Britain, following the significant registration activity that continues to take place in advance of the elections in May 2016.

8.12 What is being done to encourage anyone who may have come off the 1 December 2015 registers to re-register?

The Electoral Commission is running a national public awareness campaign supported by <u>a range of partners</u>, ahead of the elections taking place across the UK in May 2016 which precede the EU Referendum. This includes TV, radio and digital advertising.

Previous Electoral Commission analysis of the transition to IER has identified that students and home movers in particular have been less likely to be moved to the new registration system. The Commission is running a campaign to target these groups ahead of the May 2016 elections in addition to its main public awareness campaign.

There are simple actions that you can take to remind people to register to vote:

- Include a reminder at the end of articles Something as simple as adding
 a link to the online registration page (www.gov.uk/register-to-vote) at the end
 of an article is a good way of encouraging people to register.
- Mention online registration in broadcasts Reminders to register to vote during the leaders' debate in 2015 saw a spike in applications made via www.gov.uk/register-to-vote so please mention the website at any opportunity
- Add a link to your website You could also add a link to the online registration page (<u>www.gov.uk/register-to-vote</u>) as a reminder.
- **Include an e-mail banner** Adding an e-banner with a link to the online registration page to your e-mails is a good way to raise awareness. This can be set up in your automated responses, for example.

9 The voting process

9.1 When will polling stations be open?

All polling stations open at 7am and close at 10pm.

9.2 What happens if someone is still queuing to vote at a polling station at 10pm?

Any voter who arrives to vote before 10pm and is still waiting to vote at 10pm will be able to vote.

Legislation was changed by the UK Government to allow this to happen following a recommendation by the Electoral Commission.

9.3 What different ways are there for someone to vote in this referendum?

People can choose to vote in one of three ways in the EU Referendum on Thursday 23 June: in person, by post or by proxy.

9.4 In person

- Registered voters can visit their local polling station between 7am and 10pm on 23 June to cast their votes. Before polling day, voters will be sent a 'poll card' which includes details of where their polling station is.
- Voters can only vote at their allocated polling station as stated on this card.
- Polling station staff will be on hand to explain the voting process.
- Voters do not need to take their poll card with them to the polling station but doing so will speed up the process.
- Voters in Northern Ireland must present photographic identification at their polling station to confirm their identity. Voters must present one of the following to poll staff before they can be issued with a ballot paper:
 - o a UK, Irish or EU passport
 - a photographic Northern Ireland, Great Britain, Irish or EEA driving licence
 - a Translink Senior Smartpass
 - o a Translink 60+ Smartpass
 - o a Translink War Disabled Smartpass
 - o a Translink Blind Person's Smartpass
 - o an Electoral Identity Card

The identification does not need to be 'current' but the presiding officer must be satisfied that the photograph matches that of the person intending to vote.

9.5 By post

In Great Britain, if voters do not wish to, or are unable to go to a polling station, they may apply for a postal vote. Voters in Northern Ireland can apply for a postal vote but must provide a valid reason for their application such as:

- inability to attend due to illness
- blindness or other disability
- absence on the day of poll due to work commitments
- holiday arrangements

To vote by **post**, voters in Northern Ireland will need to submit a postal vote application by **5pm**, **Friday 3 June 2016**, while voters in Great Britain will have to submit a postal vote application by **5pm**, **Wednesday 8 June 2016**.

- Postal ballot papers will be sent directly to voters before polling day. Postal
 voters may choose to have their ballot paper sent to an address of their
 choice. Overseas voters on electoral registers in Northern Ireland must either
 appoint a proxy to vote on their behalf or vote in person if they will be in the
 UK, as they cannot vote by post.
- Voters should complete their postal ballot pack and return it to, in Great Britain, the Counting Officer or, in Northern Ireland, the Area Electoral Office. The postal ballot pack must be received by the Counting Officer or Area Electoral Office before 10pm on 23 June.
- Postal ballot packs received after 10pm on 23 June will not be counted.
- In Great Britain if voters don't leave enough time to post their vote, they can
 take it by hand to any polling station in their local authority area from 7am to
 10pm on polling day. There is no provision to return postal votes by hand to
 polling stations in Northern Ireland, however voters can take them to their
 local Area Electoral Office by 10pm on polling day.
- Voters must also complete the postal voting statement, or declaration of identity in Northern Ireland, with their signature and date of birth and return this with their ballot paper.

9.6 By proxy

Voters can also register for a 'proxy vote'. This means they ask someone they trust to vote on their behalf. To do this, voters need to complete and sign a form and return it, in Great Britain to their local Electoral Registration Office or, in Northern Ireland, to their local Area Electoral Office before the deadline. The deadline for applications to vote by proxy in Great Britain is **5pm, Wednesday 15 June**. The deadline for applications to vote by proxy in Northern Ireland is **5pm, Friday 3 June**.

9.7 How do voters complete their ballot paper?

Voters will be asked the question "Should the United Kingdom remain a member of the European Union or leave the European Union?"

Voters will need to mark an X in either the 'Remain a member of the European Union' box or the 'Leave the European Union' box.

9.8 Will there be an advertising campaign ahead of the referendum?

Yes. The Electoral Commission will launch a public awareness campaign on 15 May with two clear aims:

- 1) To ensure eligible electors know that they need to be registered in order to vote, that they know how to register and the deadline for doing so.
- 2) To ensure that people have enough information to be able to cast their vote confidently on polling day.

9.9 What activities will be part of the Electoral Commission's campaign?

Electoral Commission activities will include:

- A voter information booklet sent to all households across the UK which will provide information on registering to vote and voting in the referendum.
- A multi-media advertising campaign to raise awareness of the need to register to vote. It will also alert voters to the booklet that they will receive.

The main campaign will include activity targeted at all voters in the UK, with specific activity targeting voters overseas (primarily online) and in the armed forces. More information about the Commission's campaign is available in our latest <u>statement on progress and preparations for the referendum</u>.

9.10 What will be included in the Electoral Commission's booklet?

The Commission will send an information booklet to every household in the United Kingdom, which will provide information on how to register and cast their vote and – providing two lead campaigners are designated in sufficient time before printing – will also include a page from each campaigner setting out their position.

The designated lead campaigners will also have the option to provide a web address where voters can find more information about their opinion of the consequences of both outcomes.

10 The count

10.1 Who is responsible for the count and the announcement of the result?

The Chair of the Commission, Jenny Watson, is the Chief Counting Officer (CCO) for the referendum and will be responsible for the conduct of the referendum and for declaring the final outcome of the poll.

The CCO has appointed a Regional Counting Officer (RCO) for each of the 11 electoral regions in Great Britain. The Chief Electoral Officer for Northern Ireland will act as the Counting Officer for Northern Ireland.

RCOs will be responsible for coordinating the delivery of the referendum in their electoral region and will collate the local totals into a regional total. Each Counting Officer (CO) will relay the local total to their respective Regional Counting Officer who, if satisfied that they are accurate, will authorise the declaration of the local total. If you want to know what the arrangements are in a particular region, you should contact the relevant RCO (see page 30 for details).

The CCO has taken steps to ensure consistency of approach and confidence in the result by establishing the EU Referendum Management Board, which is chaired by the CCO and whose Board comprises the Deputy Chief Counting Officer, the RCO for each of the electoral regions in Great Britain and the CO for Northern Ireland.

10.2 When will the counts start?

The count will begin immediately after the close of poll – 22:00 BST on Thursday 23 June and continue throughout the night.

Polling stations in Gibraltar will be open from 07:00 - 22:00 local time but to ensure that all counts happen at the same time, they will only start counting at 23:00 local time (or 22:00 BST). The Chief Counting Officer will announce the result of the referendum which is expected on Friday 24 June.

10.3 How are the votes counted?

The four principal stages of the count process are:

- 1) Receipt of ballot boxes
 - At the close of poll, sealed ballot boxes and any postal votes handed in to polling stations are collected and transported to the count venue for each of the 382 local counting areas.

2) Verification

Ballot papers are verified by counting the number of ballot papers (but not the
actual votes at this stage) in each ballot box and the number of unused and
spoilt ballot papers. This is reconciled with the ballot paper account from the

polling station to ensure all ballot papers are accounted for. A local turnout figure can now be announced.

3) Counting of the votes

- Count staff can now begin to sort and count the ballot papers. Some 'doubtful' ballot papers will require to be adjudicated and may be rejected if the voter's intention cannot be determined. The Commission will provide guidance to all Counting Officers on how to deal with 'doubtful' ballot papers so that there is a consistent approach to these types of ballots.
- Once all the votes have been counted and doubtful ballot papers adjudicated, the Counting Officer will relay the local total to their respective Regional Counting Officer who, if satisfied that they are accurate, will approve the figures, authorising the declaration of the local total.
- 4) Declaration of local totals, regional totals and the result
 - Once this authorisation is given, the Counting Officer will make their local declaration.



 The Regional Counting Officer will collate all the local totals in their electoral region into a regional total and submit this to the CCO for approval. Once the CCO approves the regional total, the Regional Counting Officer will make a declaration of the regional total.



 The CCO will collate the regional totals. Once all the 11 regional totals and the total for Northern Ireland have been received, approved and declared, the Chief Counting Officer will declare the referendum result.

10.4 Will the local totals be announced by the Chief Counting Officer or by the local Counting Officers?

Counting Officers (COs) will submit local totals to their respective Regional Counting Officer (RCO) for approval. Once this approval has been given the CO will declare the total for their voting area.

The RCO will collate and submit the regional total to the CCO who will approve them. Once this approval has been given the RCO will declare the total for their region.

The CCO will only declare the national referendum result once all regional totals and the total for Northern Ireland have been approved and declared.

10.5 How will campaigners be able to satisfy themselves that the count has been conducted properly across the UK?

Campaigners may appoint counting agents to attend each count. Counting agents may observe the counting process on behalf of campaigners, to make sure that the count is undertaken in the correct manner. For example, counting agents can draw the attention of count staff to doubtful ballot papers or object to the rejection of ballot papers that count staff have identified as doubtful.

The law does not allow counting agents to handle ballot papers. Anyone who attends the count (or any election procedure) must respect the secrecy of the ballot.

10.6 Who can attend the local counts?

The following people are entitled by law to attend the verification and the counts:

- the CO and their staff
- the CCO and RCO
- Electoral Commission representatives
- Observers accredited by the Commission
- Referendum agents
- Counting agents appointed to attend
- Any other person permitted to attend by the Counting Officer

10.7 Where will the final referendum result be declared?

The Electoral Commission has already <u>announced</u> that the CCO will make her declaration of the national referendum result in Manchester. Each Counting Officer across the UK will declare their local total at their respective count event.

10.8 Is it possible to have a national recount?

The referendum rules do not provide for a national recount to be carried out in any circumstances. Any request for a recount of votes will be at local count level and is for the Counting Officer to determine. The referendum result is only subject to challenge by way of judicial review.

10.9 Can the referendum result be challenged after it has been announced?

The number of ballot papers counted or votes cast in the referendum, as certified by the CCO, an RCO or a CO, can only be challenged by an application for judicial review.

An application for judicial review would need to be lodged within six weeks of the certification that is being challenged being made.

10.10 How can I register to attend the national count event?

Members of the press who would like to attend the national referendum result event in Manchester will need to obtain accreditation. Journalists wishing to attend must apply for accreditation by midnight, 26 May 2016 at the following website:

https://www.eureferendumcountevent.org.uk/register/general/home.asp

Please be aware that demand for media accreditation is likely to far exceed available venue capacity and a strict prioritisation system will be in place. You will be informed if your application is successful or not, and sent further information at that point.

Please also note that there will be no physical counting of ballot papers at the result event in Manchester Town Hall. The count for Manchester will take place in Manchester Central Convention Centre and separate admittance arrangements apply.

10.11 How can I attend a regional count event?

Each regional count event will be organised by the respective Regional Counting Officer for that area in Great Britain, and the Chief Electoral Office in Northern Ireland. The details for each Regional Counting Officer and the Chief Electoral Officer for Northern Ireland press team are below and can be used to register interest in attending a regional count event:

Region	Local Authority	Contact	Email
East	Chelmsford	01245 606900	publicity@chelmsford.gov.uk
East Midlands	Kettering	01536 534 206	Mediaenquiries@kettering.gov.uk
London	London Councils	020 7934 9970	LCpress@londoncouncils.gov.uk
North East	Sunderland	0191 561 1137	media@sunderland.gov.uk
North West	Manchester	0161 234 1010	press.office@manchester.gov.uk
Northern Ireland	Electoral Office for Northern Ireland	028 9044 6688	media@eoni.org.uk

	(EONI)		
Scotland	Falkirk	01324 506055	pressoffice@falkirk.gov.uk
South East	Southampto n	02380 83 2000	communications@southampton.gov.uk
South West & Gibraltar	Poole Gibraltar Parliament	01202 633295 (+350) 20074186	communications@poole.gov.uk
Wales	Flintshire	01352 702112	corporate communications@flintshire. gov.uk
West Midlands	Birmingham	0121 303 3287	Press.office@birmingham.gov.uk
Yorkshire and the Humber	Leeds	0113 395 0244	communicationsteam@leeds.gov.uk

Annex

English language ballot paper

Referendum on the United Kingdom's membership of the European Union
Vote only once by putting a cross in the box next to your choice
Should the United Kingdom remain a member of the European Union or leave the European Union?
Remain a member of the European Union
Leave the European Union

Bilingual English-Welsh ballot paper

Referendum on the United Kingdom's membership of the European Union OFFICIAL MARK/				
Refferendwm ar aelodaeth y Deyrnas Unedig o'r Undeb Ewropeaidd	MARC SWYDDOGOL			
Vote only once by putting a cross x in the box next to your choice				
Pleidleisiwch unwaith yn unig drwy roi croes 🗶 yn y blwch wrth ymyl eich dewis				
Should the United Kingdom remain a member of the European Union or leave the European Union?				
A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?				
Remain a member of the European Union Aros yn aelod o'r Undeb Ewropeaidd				
Leave the Europea Gadael yr Undeb Ewr				