

Rt. Hon. Iain Duncan Smith MP
House of Commons
London
SW1A 0AA

Bernard Jenkin MP
House of Commons
London
SW1A 0AA

2 June 2016

Dear Mr Duncan Smith, Mr Jenkin,

Thank you for your letter. As Chief Counting Officer my priority is making sure that the referendum is well-run and I am working closely with the 11 Regional Counting Officers and 382 Counting Officers responsible for delivering the poll to ensure this happens. Any issues raised with us by campaigners or the public are taken seriously and being looked into.

It is important for everyone to understand what evidence there is of a reported problem and what is being done to address it before conclusions are reached about its extent.

Receipt of poll cards and postal votes

You will have seen the reports of the issue with the Polish elector at the London Borough of Kingston-upon-Thames who received a poll card for the referendum. This is because they stated on their application for registration that they were British even though they were Polish. This has now been dealt with by the Electoral Registration Officer (ERO) who has changed their nationality status to Polish and marked them on the register as ineligible to vote at the referendum. The issue is being referred to the police by the ERO who will be able to consider if a crime has been committed.

We also became aware late yesterday afternoon that there has been an issue with elections software used by a number of local authorities in England and Wales that has meant that a small number of EU citizens have mistakenly received poll cards and, in some instances, postal votes. We are working to confirm the exact number of electors who have been affected and will be able to confirm numbers tomorrow afternoon. The

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software provider has resolved the issue which means that, if any postal votes have been issued to these electors, they will be cancelled and none of these electors will be shown as eligible on the electoral registers to be used at polling stations on 23 June. All of the affected electors will also be written to with an explanation of what happened and will be told that they will not be able to vote at the referendum.

We have said that if anyone has evidence that someone who is ineligible to vote at the EU Referendum has received a poll card, they should forward the evidence to us at info@electoralcommission.org.uk. We are following up individual claims with the relevant Electoral Registration Officers to ensure that only those who are eligible are able to vote at the referendum.

Electoral registration

The electoral registration process being followed for the EU referendum is the same as the one for all other electoral events in the UK.

Providing false information on a registration application is a serious offence and this is made clear as part of the application process. Anyone who knowingly provides false information on an application faces six months imprisonment and/or an unlimited fine in England and Wales or a fine not exceeding £5,000 in Scotland. The police are responsible for investigating any instances of electoral fraud, so if anyone has evidence that an offence has been committed, they should contact the police immediately using the **101** non-emergency number. If they do not want to give a statement to the police, they can report their concerns anonymously on the Crimestoppers website or by calling Crimestoppers on **0800 555 111**.

The Commission has worked with the National Police Chiefs' Council to produce a protocol for the Commission, Electoral Registration Officers and Counting Officers on reporting allegations of electoral fraud at the referendum to the police and how information about allegations will be shared. If an Electoral Registration Officer or Counting Officer concludes that it is possible that an offence may have been committed, the protocol sets out that 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. Where information is provided to us and we conclude from the evidence provided that it is possible that an offence may have been

committed, we will contact the relevant Electoral Registration Officer 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.

As part of the registration application process, applicants are required to give their nationality. As you will be aware, Parliament decided that those who are entitled to vote in UK Parliamentary general elections, as well as Peers and citizens of Gibraltar are entitled to vote in this referendum. This means that EU citizens – unless they are British, Irish or citizens of Cyprus or Malta – are unable to vote at the referendum. Where an EU citizen holds dual nationality, they will be able to vote at the referendum if they also hold a nationality that would make them eligible to vote.

Before adding a person to the electoral register an Electoral Registration Officer must determine whether the applicant is eligible to be included on the electoral register. If the Electoral Registration Officer has any concerns in relation to a person's nationality, they have the power to require them to supply documentary evidence, such as a birth certificate or a certificate of naturalisation. If there are any doubts as to whether an applicant or registered elector is legally resident in the UK, the Electoral Registration Officer can request checks of a person's immigration status against Home Office records.

Once the Electoral Registration Officer is satisfied that a person meets the registration requirements, including in relation to nationality, the applicant's details will be included in the electoral register. If the Electoral Registration Officer determines that the elector is eligible to vote only at certain elections – for example, if they are an EU citizen – they will add the relevant franchise marker to the register to indicate this. This marker ensures that they will not be issued with a ballot paper at the referendum unless they are eligible to receive one.

Any elector may object to an entry in the electoral register if they believe that that person does not meet all of the requirements for registration. Electoral Registration Officers have a duty to ensure that, as far as is reasonably practicable, people who are not entitled to be registered are not registered and to enable them to do this, they can carry out a review of a person's entitlement to remain registered at any time. If, on completion of the review the Electoral Registration Officer determines that a person is

not entitled to remain registered, they will remove their details from the electoral register.

Given the public interest in this issue I am also placing this letter on the Electoral Commission's website.

Yours sincerely

A handwritten signature in black ink that reads "Jenny Watson". The signature is written in a cursive style with a large initial 'J' and 'W'.

Jenny Watson
Chair

The Electoral Commission