

EU referendum: Campaigner update No. 4

December 2015

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The UK Government has introduced legislation to hold a referendum on the UK's membership of the EU by the end of 2017. The exact date of the referendum is not yet known.

The Bill which sets out how the referendum will be run and the rules campaigners must follow, has now received Royal Assent.

We are the regulator of political funding and spending. Our objective is to ensure integrity and

transparency of campaign funding and spending for voters.

We register campaigners and regulate their spending and donations at referendums.

We will be publishing guidance for campaigners and will continue with these updates to keep you informed.

About this update

This update is based on the European Union Referendum Act 2015 (the Act). Our earlier updates were based on the European Union Referendum Bill (the Bill) which has undergone a number of amendments during its passage through Parliament. The information provided in this update is based on the final wording and may therefore be different from earlier updates.

This fourth update covers:

- status of the Act
- how we are publishing our guidance
- May 2016 elections: Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly elections
- counting of votes at the EU referendum
- where you can find more information

Status of the Act

[The Act](#) received Royal Assent on Thursday, 17 December 2015 after its passage through Parliament. We provided briefings on the Bill and you can find these [here](#).

The Act has not yet been brought into force and the government will also make regulations to provide further details on the rules for campaigners including timing for the designation process, the length of the referendum period and the date of the referendum. We have published a current assessment of our [preparation and readiness for delivering the EU Referendum](#). We will keep you updated on the

secondary legislation and an updated assessment of readiness on our website and through these updates.

How we are publishing our guidance

We are publishing our guidance for the EU Referendum in stages. This is because the Act does not set out all of the rules. The government will commence the provisions in the Act at a later stage and will also make regulations that set out further rules and dates. We do not yet know when the provisions will be commenced or the regulations made but we will publish guidance shortly after this happens. Importantly, the registration provisions have not yet been commenced and **campaigners cannot register with us until this happens**.

We will publish initial guidance in early January. This guidance will explain the referendum rules set out in the Act, how to register and designation. This guidance will be on this [page](#). It covers:

- An overview of the rules
- How to register as a campaigner
- The designation process

The next stage of guidance, which we will publish after the additional regulations have been laid in Parliament, will cover:

- Timetables and deadlines
- Managing spending
- Working together with other referendum campaigners
- The rules on donations and loans

- The requirements of pre poll reporting
- Public bodies and referendum material

May 2016 elections: Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly elections

Campaigners who are already campaigning for an outcome at the EU referendum should be aware that there is also a regulated period for the following elections that starts on 5 January 2016 and ends on polling day on 5 May 2016:

- Scottish Parliament
- National Assembly for Wales and Police and Crime Commissioners in Wales
- Northern Ireland Assembly

The regulated period applies in Scotland, Wales and Northern Ireland only.

The non-party campaigning rules apply to spending on certain types of campaigning activity.

Spending on referendum campaigning may be regulated in the run up to the May 2016 elections if it can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates, including political parties or categories of candidates who support or do not support particular policies or issues (we call this the 'purpose test') at the elections.

As well as meeting the purpose test, spending must also be aimed at, seen or heard by, or involve the public (we call this the 'public test').

To assess whether your campaign meets the purpose test you should consider:

Tone. For example, is the tone of your campaign negative or positive towards a political party or parties, or category of candidate, or a policy that a party or category of candidate supports or does not support?

Context and timing. The EU referendum is likely to be a prominent issue where there are clear areas of difference between political parties. You should consider whether you are campaigning as a reaction to a policy or position of a political party. Are you campaigning close to the date of an election (campaigning very close to an election may make it more likely that you will pass the purpose test)?

Call to action. For example, is your campaign asking people (whether explicitly or implicitly) to vote for a particular political party, parties or category of candidate at election?

How a reasonable person would see your activity. Would a reasonable person regard your campaign as intended to influence people's voting choice at the May polls?

These factors should be considered as a whole rather than individually. If, on balance, the answer to these questions is yes, it is more likely your campaigning activity will meet the **purpose test**.

Further information on the non-party campaigner rules can be found in our [guidance](#).

Please [contact us](#) for advice if your campaigning may fall within the non-party campaigner rules.

Counting of votes at the EU referendum

On 28 August, the Chief Counting Officer (CCO) and Chair of the Electoral Commission, Jenny Watson, commenced a [consultation on the proposed approach to managing the EU referendum](#). The consultation looked at the timing of the counting of the votes, in particular seeking views from voters, broadcasters, campaigners and political parties on a potential direction to Counting Officers to ensure that the verification and counting of votes at the referendum is commenced as soon as reasonably practicable after the close of the poll.

Publishing her response to the consultation, the CCO made clear that she will issue directions that include:

- confirming the count processes must be carried out overnight, starting at the close of poll (10pm)
- ballot papers must be white
- a polling station should not have more than 2,500 electors allocated to it
- arrangements must be put in place by Counting Officers that ensure overseas and UK postal ballot packs are issued in good time

The full response is available [here](#).

The Commission has also recently announced that the result of the final referendum will be announced in Manchester. You can find out more [here](#).

Where you can find more information

We are always happy to give prospective campaigners advice on how to comply with the rules. Please contact us on 0333 103 1928 pef@electoralcommission.org.uk

Alternatively use the email addresses below.

- England: pef@electoralcommission.org.uk
- Scotland: infoscotland@electoralcommission.org.uk
- Wales: 0333 103 1929 infowales@electoralcommission.org.uk
- Northern Ireland: infonorthernireland@electoralcommission.org.uk

For other information about the referendum

On our website, www.electoralcommission.org.uk, you can find:

- more information about our role in referendums
- our key principles for running referendums
- our approach to assessing referendum questions
- our findings on the referendum question

- briefings on the Bill explaining our position on provisions where appropriate