

# Electoral Commission media briefing on the EU Referendum

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## 1. Background

During the May 2015 Queen's Speech it was announced that the Government would introduce a Bill to hold a referendum on whether the United Kingdom should remain a member of the European Union. The European Union Referendum Act ('the Act') received its first reading in the House of Commons on 28 May 2015, and it received Royal Assent on 17 December 2015. The substantive provisions of the Act have yet to be commenced.

## 2. Date of the Referendum

The referendum provided for in the Act must take place no later than 31 December 2017. To set the date of the referendum, the Government will need to table an order in both Houses of Parliament, which will then be debated on and approved.

Once the date Order has been approved, the legislation requires that there are a minimum of 10 weeks between the Order setting the date of the referendum and polling day itself. The Commission continues to recommend that [best practice for referendums](#) is that all legislation (including the introduction of regulations to Parliament for approval) should be clear at least six months before it is required to be implemented or complied with, although **this is not a legal requirement**.

We will monitor the development of the remaining secondary legislation required for the referendum, including the regulations specifying the date of the referendum, designation timetable and length of the referendum period. When these are laid in Parliament for approval we will provide an updated assessment of progress and readiness for the referendum to follow the [one produced at Royal Assent of the Act](#), and we will identify any specific issues associated with the proposed date for the referendum at that point.

### 3. Role of the Electoral Commission

The Electoral Commission has specific responsibilities and functions in relation to the delivery and regulation of referendums held under the Political Parties, Elections and Referendums Act 2000 (PPERA). These include:

- Commenting on the intelligibility of the referendum question
- Registering organisations or individuals who want to spend more than £10,000 on campaigning 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
- 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 regulation

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 outcome of the poll. The CCO has appointed our Director of Electoral Administration, Andrew Scallan, as the Deputy Chief Counting Officer.

The CCO has also appointed a Regional Counting Officer (RCO) for each electoral region in Great Britain. 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. The 12 count collation centres will correspond to the 11 electoral regions of Great Britain<sup>1</sup> and Gibraltar (whose count will be collated with the South West Region, as for European Parliament Elections), and Northern Ireland.

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<sup>1</sup> These are South West and Gibraltar; East Midlands; London; Eastern; South East; West Midlands; Wales; North West; North East; Yorkshire and the Humber; and Scotland

There will be 382 Counting Officers who are responsible for administering the voting process in their local area. Their duties include running polling stations, managing the postal vote process and counting the votes cast in that area. The CCO will issue directions to Counting Officers relating to the discharge of their functions and preparations for the referendum.

#### 4. Passage of legislation

Throughout the progress of the European Union Referendum Bill through Parliament, the Electoral Commission produced [briefings for parliamentarians](#) to consider, and made recommendations to improve the Bill. We set out our views on a small number of concerns arising from the Bill as it was introduced ahead of its Second Reading in the House of Commons in June 2015 and we are pleased that the Bill was amended during its passage through Parliament to address those concerns, and recommendations based on our reports on referendums held in 2011 and 2014, in particular:

- To ensure the referendum cannot be held on the same day as other scheduled polls in May 2016 and May 2017
- To revise the wording of the referendum question in line with our [September 2015 recommendations](#)
- To apply the existing PPERA restrictions on the publication of promotional material by governments and other public bodies for the referendum, which the Government had initially proposed to dis-apply in the Bill as it was introduced
- To provide for a minimum 10-week referendum period
- To improve the operation of regulatory controls, reduce burdens on campaigners and improve the information available to voters

#### **Commencement and secondary legislation for the referendum**

The substantive provisions of the Act have not yet been commenced, and several pieces of secondary legislation must be laid, debated and approved by Parliament before the referendum can take place. Regulations are required to:

- Specify the date of the referendum poll;
- Set the length of the referendum period during which spending by campaigners will be regulated, and set the requirements for campaigners to report on the sources of funding before the poll;
- Allow campaigners to register with the Commission, apply to the Commission to be designated as the lead campaigner for one side of the referendum debate; and
- Specify the detailed rules for the administration of the poll, and to provide funding for Counting Officers to deliver the referendum poll.

As noted in this section, the Commission will provide its views to Parliament on these pieces of legislation as appropriate.

## 5. The Franchise

The 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 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.

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

## 6. Rules on campaigning

Individuals and certain organisations that plan to spend more than £10,000 promoting an outcome at the referendum must register with the Commission stating the outcome they intend to campaign for. This requirement to register as a referendum campaigner also applies to political parties and to registered non-party campaigners. Registered campaigners are subject to controls on the sources of their funding and the amount they can spend campaigning. They are also required to report where their funding has come from and the amount they have spent campaigning.

There are no financial regulatory controls on those that spend less than £10,000.

The Act provides for the start of the referendum period to be set in further legislation, but it must be a minimum of 10 weeks ending on the date of the poll. Campaigners will be able to register with the Commission once the Government makes further legislation to commence the registration provisions in the Act.

Further information on campaigning at the referendum is available on our website [here](#).

### **Donations rules**

Registered referendum campaigners will only be able to accept donations or enter into loans with a value of more than £500 for referendum spending from certain 'permissible sources'.

Registered campaigners that accept impermissible donations may be committing a criminal offence and may be subject to a fine or in the most serious cases referred

for prosecution. The Commission can also take action to force a campaigner to forfeit any impermissible donations.

Campaigners will be required to publish details of the sources of their funding dating back to when the reporting rules come into force (see below) – voters will therefore be able to see who has financed the campaigners before they cast their vote.

Political parties are only regarded as ‘permissible’ donors when donating to designated lead campaigners. This means that other registered campaigners cannot accept donations from political parties.

Political parties that are also registered referendum campaigners will be able to receive donations from the full range of permissible donors under PPERA and this Act.

## **Spending**

Referendum spending includes money spent on:

- Campaign broadcasts (for a designated organisation)
- 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 ‘public’ documents about the referendum, such as setting out the campaign’s arguments
- 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

## **Reporting**

The Act provides for registered campaigners to report at certain points in the referendum period any donations and loans they receive over £7,500 towards their campaign.

The first pre-poll report will contain details of donations and loans dating back to when the reporting provisions come into force. Voters will therefore be able to see who has financed the campaigners before they cast their vote.

The date from which donations and loans must be reported will be set in further legislation to be made by the Government. The requirements for subsequent pre-poll reports, including the period they cover and the reporting deadlines will also be set in further legislation.

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.

After the referendum, registered campaigners are required to submit reports detailing:

- The campaign spending they incurred during the referendum period, and
- The donations and loans they accepted or declined from when they registered (except in the case of political parties).

## 7. Spending limits for political parties and campaigners

PPERA sets out the spending limits that apply during the regulated referendum period at UK-wide referendums. The limits for political parties are allocated according to the party's share of the vote at the last UK Parliamentary general election.

For this referendum, the Government increased the limits set out in PERA to take account of inflation. The new limits are also set out in the table below.

	<b>Spending limits in the Act</b>	<b>2015 UK general election vote share</b>
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% <sup>[1]</sup> )
>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	-

<sup>[1]</sup> 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))

## 8. Designation

The European Union Referendum Act provides that the Commission can designate lead campaigners for each outcome at the referendum, or just for one outcome. 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. We will consider all applications on their merit against a statutory test set by PPERA.

A designated lead campaigner is the lead campaign group for one side of the debate. It will act as the lead campaign group on behalf of those campaigning for that outcome.

Designated lead campaigners are entitled to a number of benefits in addition to those given to other registered campaigners. These include an increased spending limit, campaign broadcasts, a publicly funded grant of up to £600k, free mailing and access to meeting rooms. 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.

There is a statutory test in PPERA that the Commission must apply when assessing applications for designation:

- 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, and
- 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.

We will take the following considerations into account during the designation process for the EU Referendum:

- how the applicant's objectives fit with the referendum outcome it supports
- the level and type of support for the application
- how the applicant intends to engage with other campaigners
- the applicant's organisational capacity to represent those campaigning for the outcome, and
- the applicant's capacity to deliver their campaign (including its financial probity)

Further information on designation will be published on our website [here](#).

## 9. Public awareness

The Electoral Commission will run a public awareness campaign ahead of the referendum to provide voters with clear, neutral and accessible information to enable them to cast their vote confidently.

This will include ensuring all eligible voters understand that they need to be registered in order to vote, understand how to register and the deadline for doing so.

Part of our campaign will include producing a booklet that will be sent to every household across the UK containing:

- voter registration information
- the different options for casting a vote
- what to expect on the ballot paper

Our campaign will include activity targeted at all voters, with additional activity specifically targeted at those groups we know are under registered, including young people, students and overseas voters.

### **Information about the consequences of a ‘remain’ or ‘leave’ vote**

Our research to inform [the Commission’s statutory assessment of the referendum question included in the Bill](#) considered what information people needed to know to enable them to make an informed decision on how to vote in the referendum. We found that participants were not clear about what the consequences would be for the United Kingdom if there was a majority ‘remain’ or a majority ‘leave’ vote, and that there is an appetite for more detailed information about the implications of any decision to either remain a member of, or leave the European Union. As many of those requesting this information also acknowledged, it is likely that much of the information that voters would like would not be simply factual in nature, but would sit at the heart of the campaign arguments put forward by those on both sides of the referendum debate. We therefore recommended that all campaigners’ websites include a section with their answers to these questions, highlighting any wider sources that they have relied upon in formulating their response.

The Commission will draw attention to any such pages developed by designated campaigners’ on our aboutmyvote website and, depending on the timing of any designation decision, in our information booklet.

## **10. Timing of the count and declaration of result**

The Chief Counting Officer will direct that the count processes must be carried out overnight, starting at the close of poll (10pm). Undertaking an overnight count will ensure that voters and campaigners know the outcome of the referendum as quickly as possible.

The [declaration of the final referendum result](#) will be made in Manchester, at the same venue which will be used as the count collation centre for the North West electoral region.

Counting Officers are responsible for administering the voting process in their local area and counting the votes cast in that area. Regional Counting Officers will be

responsible for coordinating the delivery of the referendum in their electoral region and will collate the local totals into a regional total. There will be 12 count collation centres across the UK, with the totals from each of these returned to the Chief Counting Officer, who will oversee the collation of the totals and certify the overall result as accurate before making the announcement.

Details of how to register to attend the count event will be provided nearer the time when the date of the poll is known.

## 11. Contacts

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