

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

Progress and preparations for the referendum

This briefing sets out the Electoral Commission's current assessment of preparation and readiness for delivering the referendum on the United Kingdom's membership of the European Union, following the announcement that the proposed date for the referendum is 23 June 2016.

We have issued this updated briefing and assessment of readiness ahead of debates in Parliament on the secondary legislation required to confirm the proposed date of the referendum poll and the referendum period, and the detailed rules for the conduct of the referendum.

Summary

Our overall assessment is that arrangements for the delivery of a well-run referendum on the UK's membership of the European Union are well-advanced, and can be finalised now that the proposed date for the referendum is known.

We are aware that strong views have been expressed regarding the proximity of the referendum to other scheduled elections and that the UK Parliament will want to consider these when it debates the order. We are satisfied from an administrative and campaigner regulation perspective, however, that the proposed date of the referendum on 23 June 2016 does not pose a significant risk to a well-run referendum, and we have been able to mitigate as far as possible any foreseeable risks.

In reaching our view on the current state of progress we have considered evidence against our established principles for well-run referendums¹; progress towards implementing recommendations from our reports on previous referendums in 2004, 2011 and 2014; and our September 2015 report on the proposed referendum question wording.

We have considered the legal framework for the referendum set out in the [European Union Referendum Act 2015](#), as well as the secondary legislation that has now been laid for approval by Parliament: the [European Union Referendum \(Date of](#)

¹ http://www.electoralcommission.org.uk/data/assets/pdf_file/0007/183742/Referendums-Principles-Letter-Parties-Panels-26-03-2015.pdf

[Referendum etc.\) Regulations 2016](#) which specify the date of the poll and other dates and deadlines, and the [European Union Referendum \(Conduct\) Regulations 2016](#) which set out the detailed rules for the referendum.

We have also considered the preparatory work which has been carried out by the Chair of the Electoral Commission as the Chief Counting Officer for the referendum, including establishing a management framework with Regional Counting Officers, confirming directions to Counting Officers on the delivery of the referendum, and publishing guidance for Counting Officers.

We have taken steps to mitigate any risks caused by uncertainty about the date of the referendum, and all preparatory activities which were unaffected by the date of the poll have progressed well. We put plans in place to ensure that remaining activities can begin now that the proposed date for the referendum has been announced.

Background

During the May 2015 Queen's Speech it was announced that the UK 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 Bill received its first reading in the House of Commons on 28 May 2015, and it received Royal Assent on 17 December 2015. The referendum provided for in the European Union Referendum Act must take place no later than 31 December 2017.

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). Our responsibilities under PERA include:

- 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
- 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, or a person the Chair appoints, is the Chief Counting Officer (CCO) for the referendum and will be responsible for certifying the outcome of the referendum.

Date of the referendum and the referendum period

Our assessment of the implications of the proposed referendum date

The Electoral Commission has previously highlighted that if the referendum is held on any date in June 2016 the referendum campaign period will overlap with the May election campaign periods. We also highlighted that there could be an impact on voter understanding of substantive issues in the campaign, and on people's awareness of what they need to do to register, apply for a postal or proxy vote if needed, and vote in the referendum.

We are aware that strong views have been expressed regarding the proximity of the referendum to other scheduled elections and that the UK Parliament will want to consider these when it debates the order. **We are satisfied from an administrative and campaigner regulation perspective, however, that the proposed date of the referendum on 23 June 2016 does not pose a significant risk to a well-run referendum, and we have been able to mitigate as far as possible any foreseeable risks.**

We are pleased that the Government has not proposed holding the referendum on either 2 or 9 June 2016, dates which we have specifically highlighted as having the greatest potential overlap with campaigner and administrative activities linked to the May 2016 elections, and which we therefore asked the Government to avoid.

Our assessment of the implications of the proposed referendum period

The Government's proposal is for the referendum period to run from 15 April 2016 to polling day on 23 June 2016. The referendum period is the statutory period in the run up to a referendum poll when the majority of the regulatory controls on campaigners apply. For example, this is the period where the referendum spending limits apply and when pre-poll donation and loans reports are submitted and published.

Prior to the referendum period, the process for designating lead referendum campaigners will take place. Any campaigners who wish to apply to be a lead campaigner for either outcome will have four weeks to compile and submit their applications, from 4 March 2016 to 31 March 2016. Following the end of this application period, the statutory deadline for the Commission to appoint lead campaigners is 14 April 2016, which is the day before the start of the referendum period.

We are pleased that the Government has accepted the Commission's recommendation, based on our experience of regulating the 2011 referendum on the voting system for UK Parliamentary elections and the Scottish independence referendum in 2014, that either:

- the referendum period should be extended to 16 weeks; or
- the Commission be enabled by the regulations to make the appointment decision shortly before, rather than during the first six weeks of, the referendum period.

The referendum timetable outlined in the European Union Referendum (Date of Referendum etc.) Regulations 2016 provide for the second option that we recommended.

The designation process and the time available after appointment are important aspects of the referendum. The timetable that Parliament ultimately agrees will have implications for potential campaigners to make their case to be appointed as a lead campaigner and on the information available to voters.

When considering the secondary legislation for the EU referendum, it will be important for Parliament to think carefully about whether the combined timetable for the designation process and referendum period is sufficient to:

- Enable campaign groups to establish and plan how they intend to engage with other campaigners after the campaign issues become clear. This is necessary to enable them to provide evidence of how they meet the statutory designation test.
- Enable any lead campaigners to make the most effective use of the additional benefits available to them after appointment to get their campaign messages to voters. Once designated, amongst other things, lead campaigners need time to finalise planning and produce leaflets for their nationwide mailing, as well as their campaign broadcasts. This will include liaising with both the Royal Mail and television broadcasters. Voters also need sufficient time to access campaign messages to enable them to make an informed decision when they cast their vote.

The Commission's view is that the Government's proposals for the designation timetable and referendum period are sufficient to meet these requirements.

We are pleased that the Government also proposes a period of two weeks to enable the Commission to consider and apply the statutory designation tests to all applicants, which is based on the timetable for designation set out in PPERA. This process may be complex, particularly if there are competing applications, and we would not support any reduction in the two week period currently allowed under PPERA.

Legislation for the referendum

A well-run referendum which produces a result that voters and campaigners can have confidence in is underpinned by a clear and certain legal framework. Good legislation provides clarity about the roles and responsibilities of those administering the referendum and sets out fair rules governing campaign spending and fundraising.

The European Referendum Act 2015

In reaching our assessment of the legislative framework for the referendum we have considered the progress of the European Referendum Bill as it has been considered and debated in Parliament. We are pleased that the Government incorporated in the

Bill many of our previous recommendations for changes to the legislative framework for referendums, based on our reports on referendums held in 2011 and 2014.

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, 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 restrictions (specified in section 125 of PPERA) 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.

The [European Referendum Act 2015](#) provides a good basis for the delivery of a well-run referendum and the effective regulation of referendum campaigners. You can read all of our briefings on the Bill as it progressed through Parliament [here](#).

Commencement and secondary legislation for the referendum

The Act was commenced on 1 February 2016. Several pieces of secondary legislation must now be debated and approved by Parliament before the referendum can take place, including:

- The [European Union Referendum \(Date of Referendum etc.\) Regulations 2016](#), which specify the date of the referendum poll, set the length of the referendum period during which spending by campaigners will be regulated, set the requirements for campaigners to report on the sources of funding before the poll, and allow campaigners to apply to the Commission to be designated as the lead campaigner for each side of the referendum debate.
- The [European Union Referendum \(Conduct\) Regulations 2016](#), which specify the detailed rules for the administration of the poll. The Cabinet Office published draft regulations for the conduct of the referendum poll during summer 2015, which were largely modelled on the rules used for the May 2011 referendum on the voting system for UK Parliamentary elections. The draft regulations have been updated to reflect relevant changes made to electoral rules since then, and also to take account of recommendations made by the Commission in our reports on referendums held since then. We are pleased that Welsh language forms will be published as soon as possible after the English language versions, and therefore will be available in good time for Welsh Counting Officers to use to deliver the referendum in Wales.

Timing of the referendum legislation

Our report on the 2014 Scottish Independence Referendum highlighted the benefits for voters, campaigners and electoral administrators of early confirmation of the legislative framework for the referendum, which was clear almost 10 months before the referendum date. We continue to recommend that best practice for referendums is that all legislation should be clear (whether by Royal Assent to a Bill or the introduction of regulations to Parliament for approval) at least six months before it is required to be implemented or complied with by campaigners, the Chief Counting Officer, Counting Officer or Electoral Registration Officers.

While there will now be four months before polling day for the referendum poll, rather than the six months that we have recommended, we are satisfied that the steps that we have been able to take up to this point have minimised the risks of allowing less time for campaigners, Counting Officers and the Electoral Commission to prepare. We have set out below our assessment of progress and preparation in the important areas of delivering the referendum, campaigning at the referendum and public awareness.

Delivering the referendum

The approach to managing the administration of the referendum builds on the experience and lessons learned from the successful delivery of referendums held in Wales and across the UK in 2011, and the Scottish independence referendum in 2014.

Management structure for the administration of the referendum

The Chief Counting Officer, Counting Officers and Regional Counting Officers

In accordance with the framework set out in PPERA, as applied by the EU Referendum Act, the Chair of the Electoral Commission will be the Chief Counting Officer for the referendum, with overall responsibility for managing the referendum poll and certifying the result of the referendum. Jenny Watson, the Chair of the Commission, has appointed Andrew Scallan CBE, the Commission's Director of Electoral Administration, to act as Deputy Chief Counting Officer for the referendum.

The EU Referendum Act provides that the Returning Officer for each local authority in Great Britain will act as Counting Officers for the referendum. In Northern Ireland, the Chief Electoral Officer will be the Counting Officer, and in Gibraltar the Clerk to the Gibraltar Parliament will be the Counting Officer.

The Act also provides that the Chief Counting Officer may appoint a Regional Counting Officer for each electoral region in Great Britain² which she has now done. The Chief Counting Officer and Regional Counting Officers have powers to direct Counting Officers on matters relating to the discharge of their functions and preparations for the referendum, and any such directions must be complied with.

² Including Scotland, Wales and nine electoral regions for England.

The EU Referendum Management Board and Delivery Group

The EU Referendum Management Board has been established to advise and support the Chief Counting Officer in the management of the referendum poll.³ The Chief Counting Officer chairs the Board and its membership includes the Deputy Chief Counting Officer, the Regional Counting Officers for each of the electoral regions in Great Britain and the Chief Electoral Officer for Northern Ireland. Officials from the Cabinet Office and Foreign and Commonwealth Office have been invited to attend meetings as observers.

The EU Referendum Delivery Group has been established to advise and support the Chief Counting Officer and Deputy Chief Counting Officer in overseeing the practical administration of the referendum poll. Members have been nominated by, and represent, the 11 Regional Counting Officers and the Chief Electoral Officer for Northern Ireland. The Group works alongside the EU Referendum Management Board and focusses on practical planning for delivering the referendum.

Management and administration of the referendum poll

Chief Counting Officer's directions and guidance

In August 2015, the Chief Counting Officer commenced a consultation on the proposed approach to managing the referendum, including the approach to issuing directions to Counting Officers, providing guidance and the timing of the count. The directions were agreed by the EU Referendum Management Board and confirmed to Counting Officers in November 2015,⁴ although the CCO may issue supplementary directions if necessary. Providing clarity on the approach at this stage has supported Counting Officers with making initial preparations for the poll at a local level.

The Chief Counting Officer's approach focuses on a small number of key areas where consistency is most needed in order to achieve the overall objective of ensuring confidence in the result, based on an accessible, consistent and efficient electoral process operated to the highest standards of integrity. The guidance and support for Counting Officers mirrors that which has been produced for previous electoral events in both approach and content, except where the specific circumstances of the referendum or the legislation or directions require it to be different.

The Chief Counting Officer has already made available guidance to support Counting Officers with taking forward planning and early preparations for the delivery of the referendum. This guidance, which was published at the end of January 2016, reflects the draft conduct rules for the referendum which were published in July 2015, and will be updated and re-published as appropriate once the final legislation is confirmed.

³ The members of the European Union Referendum Management Board which includes the CCO, her Deputy and the Regional Counting Officers can be found [here](#).

⁴ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/194108/Approach-to-management-of-EU-referendum-consultation-response-paper.pdf

The directions and context of this referendum have also been discussed with both Royal Mail and print suppliers to ensure that they are prepared and able to deliver their role in the event.

The Chief Counting Officer and Regional Counting Officers have also held a series of briefing events for Counting Officers across the UK, focusing on the approach to managing the referendum and the delivery of key aspects of the process. The Chief Counting Officer is continuing to work closely with the EU Referendum Management Board and the EU Referendum Delivery Group on the development of further resources to support the effective delivery of the poll.

Timing of the referendum count and announcement of the result

The Chief Counting Officer also consulted on the proposed timing of the counting of votes and announcement of the result of the referendum, and has directed that the count processes must be carried out overnight, starting at the close of poll (10pm).⁵ Undertaking an overnight count will ensure that voters and campaigners will know the outcome of the referendum as quickly as possible.

Totals for each individual local authority voting area will be certified and announced locally, and Regional Counting Officers will ensure that certified totals are communicated to the Chief Counting Officer using a web-based results collation system. Regional Counting Officers will also announce totals for each electoral region. 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.⁶ Combining this event with one of the regional count collation centres, rather than hosting a separate event, will ensure better value for money.

Campaigning at the referendum

Updated regulatory controls included in the legislation

Following previous referendums, including most recently the Scottish Independence Referendum, the Electoral Commission made a number of recommendations for the regulation of campaigners at referendums in future. After the European Union Referendum Bill was announced in the 2015 Queen's Speech, we also made a number of specific recommendations to the Government to improve the regulatory framework for the prospective referendum. We are therefore pleased that the majority of our key recommendations were accepted by the Government and Parliament, and have been included in the European Union Referendum Act.

Campaigner guidance

As part of good regulatory practice, we aim to publish guidance three months before the start of a referendum period. On 8 January 2016 we published guidance for

⁵ <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-corporate/overnight-count-at-eu-referendum-will-take-place>

⁶ <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/final-eu-referendum-result-will-be-declared-in-manchester-as-electoral-commission-partners-with-manchester-city-council-for-historic-event>

campaigners which covers an introduction to referendums, how to register to campaign at the referendum and the designation process.

We published our registration form for campaigners on 29 January ahead of the commencement of the Act, and our second phase of guidance on donation, loans and permissibility for campaigners on 5 February. We have also published guidance for Northern Ireland political parties on permissibility.

Following the confirmation of the referendum date, the referendum period and the dates for designating lead campaigners, we will shortly publish guidance covering spending rules, working together rules, pre-poll reporting, restrictions on public bodies under Section 125 and the rules for campaigning in Gibraltar. We will also shortly publish the application form and guidance for organisations applying to be the designated lead campaigner.

The date of the referendum period (15 April to 23 June) will overlap with regulatory timeframes for the May 2016 polls, which means that some campaigners may have to comply with more than one set of regulatory rules. The Commission will now publish guidance on the impact of overlapping regulatory periods to advise campaigners on how to understand which set of rules apply to their spending. The guidance will explain how campaigners should approach the reporting of their spending if both the election and referendum rules apply to it.

Campaigners who are already campaigning for an outcome at the EU referendum may fall within the non-party campaigning rules set out in PPERA which apply for the Scottish Parliament, National Assembly for Wales and PCC elections in Wales, and Northern Ireland Assembly elections being held on 5 May 2016. The regulated period started on 5 January 2016 and will end on polling day 5 May 2016, and applies in Scotland, Wales and Northern Ireland.

We began registering referendum campaigners from 1 February 2016. We have also advised referendum campaigners that they may need to register with us as a non-party campaigner and follow the rules on campaign spending, donations and reporting if their spending on referendum campaign activity falls within these rules.

We have published a series of campaigner update papers⁷ to inform prospective campaigners of the progress of the Act and secondary legislation as well as potential impact on the regulation of campaigning. To complement this we have already set up an advice service for campaigners.

Pre-poll donation and loan reporting periods and relevant submission dates

Following the Scottish Independence Referendum, the Commission recommended that in addition to post-poll reporting requirements, where campaigners are required to submit spending returns either three or six months after the poll (depending on how much they have spent), there should also be a requirement for pre-poll reporting. As part of our commitment to transparency in electoral events, this change

⁷ <http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/campaigners-in-referendums/sign-up-for-updates>

would enable the public to see who has made significant donations to campaigners before the poll that are used for referendum purposes. We are therefore pleased that this recommendation has been included in the European Union Referendum Act.

The European Union Referendum Act provides for the first pre-poll report to be submitted by registered campaigners by the end of the first week of the referendum period. The European Union Referendum (Date of Referendum etc.) Regulations would provide for subsequent pre-poll reports to be submitted by registered campaigners by 19 May 2016 and 16 June 2016. A final report would be required to be submitted by all registered campaigners after the poll (by 29 June 2016) to cover any donations received and loans entered into in the final weeks before the poll. The proposals would also provide for the first pre-poll report that a campaigner submits after it registers to include information on all the donations and loans it has received towards its campaign back to 1 February 2016.

The Electoral Commission supports the Government's proposed timetable for pre-poll reporting of donations and loans. These provisions are an important addition to the transparency of referendum campaign funding and it will be the first time that voters at a UK-wide referendum have information on significant levels of campaign funding before they cast their vote.

Public awareness at the referendum

As set out in the European Union Referendum Act, the Electoral Commission must take whatever steps we think appropriate to promote public awareness about the referendum and how to vote in it.

Building on our experience of managing publicity campaigns for the previous referendums in 2011 and 2014, the 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. Our work with partners will help ensure clarity on the franchise for specific groups who will be affected and our public information will also make the franchise clear.

The research undertaken to inform our question assessment showed there is an appetite from members of the public for detailed and clear information about the implications of any decision to either remain a member or leave the European Union.

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 a remain/leave decision. The booklet will be distributed in both English and English/Welsh languages, and will also be available online in a number of alternative and accessible formats, including Easy Read, large print and a range of languages.

The booklet will serve as the focal point for the public awareness campaign, which will start approximately six weeks prior to the referendum date, after the May 2016 polls. Exact media is to be confirmed, but likely to include TV, billboard, radio, press and online advertising.

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.

In addition to the main advertising campaign activity, we also work 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 need to register and the options which are available to them to do so.

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. We are also working with the Foreign and Commonwealth Office (FCO) and, via the FCO, staff in consulates and embassies to reach British citizens living overseas. Our partnership activity will also provide additional reach to under-registered and disengaged groups in the UK.

The Chief Counting Officer (CCO) and Regional Counting Officers (RCOs) – who will be responsible for running the referendum – will also have an important role to play in their local areas in promoting public awareness of the referendum and how to participate in it. The Commission will provide RCOs with guidance and resources to support their local public awareness activities and to ensure consistency of information for voters across the United Kingdom.

February 2016