

Dear [REDACTED],

Our Ref: FOI 123/18

Thank you for your email to the Electoral Commission dated **30 July 2018**.

The Commission aims to respond to requests for information promptly and regrets that we have not done so on this occasion.

Your request is in bold below followed by our response.

(1) How many complaints have the Electoral Commission (EC) received and/or been asked to investigate in respect of any of the Leave Campaigns over alleged Electoral offences.

(1) (a) How many time have the EC investigated such complaints?

(2) How many complaints have the Electoral Commission (EC) received and/or been asked to investigate in respect of any of the Remain Campaigns over alleged Electoral offences.

(2) (a) How many time have the EC investigated such complaints?

(3) Given the criticism by the Independent Commission on Referendums over the spending of £9m of taxpayers money by the Government, has the EC considered any evidence as to whether this placed the Remain Campaign at an unfair advantage, regardless of the actual result.

(4) Are the EC intending to seek any reform of Electoral Law with regards to Q3 above.

Our response is as follows:

We hold some information which is relevant to your request.

In response to questions (1), (1)(a), (2) and (2)(a) as set out above, we can confirm the following.

We do not categorise incoming emails and letters as 'complaints'. We categorise them based on the issues raised. For example, if they relate to 'donations' or 'spending'. Therefore, we do not hold information on the number of complaints.

The following is a breakdown of the number of investigations we have conducted and closed on EU referendum campaigners. Some of those will have come from complaints, but many other have come from our own proactive compliance work:

- 'leave' – 31 closed, of which offences were found in 25 investigations
- 'remain' – 17 closed, of which offence were found in 15 investigations

We publish information about recently closed cases on the third Tuesday of each month, including the potential breach we considered, our finding, and any action taken. See further the sanctions table on our website here:

https://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/151659/Cases-publication.pdf

(3) Given the criticism by the Independent Commission on Referendums over the spending of £9m of taxpayers money by the Government, has the EC considered any evidence as to whether this placed the Remain Campaign at an unfair advantage, regardless of the actual result.

Please see our report on the 2016 EU referendum, which we published in September 2016. This is available on our website at

https://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/215279/2016-EU-referendum-report.pdf

Our report considered:

- The pre-referendum debate about the rules for activities by Governments and other publicly funded bodies during the referendum (page 26, paragraphs 2.25 to 2.34)
- The experience of regulating those rules during the referendum and evidence on voters' views about the booklet sent to households by the UK Government (pages 99 to 104, paragraphs 5.46 to 5.76)
- What lessons can be learnt for future referendums (pages 112 to 118, paragraphs 5.125 to 5.151)

(4) Are the EC intending to seek any reform of Electoral Law with regards to Q3 above.

We made several recommendations for changes to the rules for future referendums in our September 2016 report. These included a specific recommendation about the rules for activities by Governments and other publicly funded bodies during the referendum period:

Recommendation 15: The UK Government should consult on options for redrafting section 125 PPERA to clarify the nature, scope and enforcement of the restrictions

Section 125 of PPERA should be significantly redrafted to clarify the nature and scope of the restriction on activities by Governments and other publicly funded bodies during the referendum period. It should be clear which activities are restricted, and whether there are any specific exemptions; it should be clear when the restrictions apply; and it should be clear who is responsible for

enforcing the restrictions, and what the penalties would be for any breach of the restrictions.

The UK Government should consult on options for redrafting section 125 of PPERA, with a view to introducing amending legislation as soon as practicable, sufficiently ahead of any specific legislation for a future referendum.

The UK Government responded to our report and recommendations in December 2017. Its response is available online at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/669702/Gov_Response_to_EC_Report_on_EU_Referendum.pdf

I trust that this information satisfies your request. If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at:

<http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>

Yours sincerely,



Access to Information Officer (FOI & DPA)