From: FOI

**Sent:** 25 September 2018 16:43

To:I

Subject: FOI 130/18 - BBC Spotlight, Brexit, Dark Money and the DUP' - Response

Dear

Our Ref: FOI 130/18

Thank you for your email to the Electoral Commission dated 05 August 2018.

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

Your request is in bold below followed by our response.

- 1) All internal correspondence and communications held by the Electoral Commission that mentions, or refers to, BBC Spotlight.
- 2) All external correspondence and communications held by the Electoral Commission that mentions, or refers to BBC Spotlight. I expect this to include correspondence and communications between the Electoral Commission and representatives of the DUP, as well as correspondence and communications between the Electoral Commission and representatives of the Constitutional Research Council.

I define correspondence and communications as including (but not limited to) the following:

- Emails
- Letters
- Notes taken when watching BBC Spotlight's programme 'Brexit, Dark Money and the DUP'
- Assessments, including responses and draft responses
- Memos
- Briefings
- Research documents
- Press inquiries
- Press clippings
- Invitations
- Presentation slides
- Notes taken during telephone conversations
- Case files

Our response is as follows:

We hold some of the information you have requested but are not able to release it all.

Due to the large number of attachments for this response, we have employed the use of our secure cloud-based document storage system 'Objective Connect'. You will receive an 'Invitation to **Objective Connect** Email Notification' (sent to the inbox of

) . This notification will

contain a link to enable you to start using **Objective Connect**. Please find below details on how to access the specific area we have set up for your documents.

- **1.** You will be prompted to set up your username and password. Your username will be your email address, and your password can be whatever you like.
- 2. With your username and password, enter both details at the login screen and click 'login'.
- 3. You will now see your personal page, which will show the Share 'FOI 130/18 BBC Spotlight, Brexit, Dark Money and the DUP.
- 4. By clicking on the share, you will then find the folder 'supporting documentation'.
- **5.** Within this folder you will find 30 documents which are relevant to the FOI request. You may view any of these documents by selecting the 'download' option, and then 'open'.
- **6.** In addition you may download a copy to your personal computer by selecting the 'download' option and then 'save as'.

This service will be closed 1 month [25 October 2018] after the official response has been dispatched.

## **Exemptions under 71E PPERA:**

We cannot confirm or deny that we hold information relevant to your request under section 71E of the Political Parties Elections and Referendum Act 2000.

71E of the Political Parties Elections and Referendum Act 2000 (PPERA) places a duty of confidentiality on the Commission in relation to information that relates to donations from Northern Ireland recipients or information relating to our function in this area. Section 44 exempts from disclosure any information if its disclosure is prohibited by any enactment. As stated, the information requested is specifically prohibited from being released by section 71E of PPERA. The ICO recently upheld the Commissions use of Section 71E of PPERA within the last 12 months.

## **Exemptions under section 40(2)**

You will notice that certain personal details have been redacted from the documents we are releasing. Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requests would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by Part 1 of the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances.

## **Exemption under Section 30 and 31:**

The Commission has a statutory function to conduct investigations into potential breaches of the reporting requirements in Political Parties, Elections and Referendums Act 2000 ("PPERA").

Section 30(1)(a)(i) of the Freedom of Information Act 2000 (FOI) provides for exemption from disclosure of information which has been held at any time by a public authority for the purpose of any investigation which the authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.

Moreover, section 31(1)(a) of the FOI Act provides for an exemption from disclosure of information which would prejudice the prevention or detection or crime.

A further exemption from disclosure can be found in section 31(1)(b) of the FOI Act, where information which would prejudice the apprehension or prosecution of offenders is exempt.

The Commission considers that disclosure of the information you have requested would prejudice the exercise of the Commission's statutory functions and its ability to conduct investigation such as in this matter.

Having carefully weighed the public interest relating to possible disclosure of the information requested under sections 30(1)(a)(i), 1(1)(a) and 31(1)(b) of the FOI Act we are satisfied that it is not appropriate at this time to disclose the information which the Commission holds. The Commission is satisfied that maintaining the exemption outweighs the public interest in disclosure.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

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: <a href="http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-l-make-an-foi-request">http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-l-make-an-foi-request</a>

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: <a href="https://ico.org.uk/">https://ico.org.uk/</a>

Yours sincerely,

Access to Information Officer (FOI and DPA)

**The Electoral Commission** 

FOI@electoralcommission.org.uk electoralcommission.org.uk

**Sent:** 27 June 2018 09:33

To:

Subject: BBC program



Last night there was a programme on BBC in Northern Ireland about Vote Leave and the DUP – it might be interesting for you to watch now it's on iplayer?

https://www.bbc.co.uk/iplayer/episode/b0b7mmt4/spotlight-brexit-dark-money-the-dup

Thanks,

## Senior Communications Officer (Media relations)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

Sent:

16 July 2018 11:36

To:

**Subject:** FW: BBC Northern Ireland Spotlight

FYI – he's from a paper in Exeter but asked us what we're doing about the allegations.

Thanks,



From:

**Sent:** 16 July 2018 11:35

То

Subject: BBC Northern Ireland Spotlight



Thanks for your call earlier regarding the BBC Northern Ireland Spotlight programme. Please see our comment below.

An Electoral Commission spokesperson said: "We have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. To date the BBC has not provided us with that evidence."

Thanks again,

Senior Communications Officer (Media relations)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

**Sent:** 17 July 2018 09:13

To:

**Subject:** RE: BBC Northern Ireland Spotlight

Follow Up Flag: Follow up Flag Status: Completed



You are very busy. I understand. I will leave you deal with todays news about BeLeave etc. Talk to you on Thursday when maybe the fog has cleared a bit.



From:

Sent: Monday, July 16, 2018 11:35

To:

Subject: BBC Northern Ireland Spotlight



Thanks for your call earlier regarding the BBC Northern Ireland Spotlight programme. Please see our comment below.

An Electoral Commission spokesperson said: "We have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. To date the BBC has not provided us with that evidence."

Thanks again,



**Senior Communications Officer (Media relations)** 

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From: 17 July 2018 12:27 Sent: To: Cc: Subject: RE: BBC Northern Ireland Spotlight Not to worry – thanks Seems this person is known to us and is on the case. From: Sent: 17 July 2018 12:20 Subject: RE: BBC Northern Ireland Spotlight Hi Im not sure there is much more than can be added to what you have already told him. As far as Im aware both enforcement and legal watched the programme a few times and are fully aware of the allegations made in the programme. Im not sure there is much benefit getting into such a discussion about this though. From: Sent: 16 July 2018 14:07 To: Cc: Subject: FW: BBC Northern Ireland Spotlight I alerted you to this earlier, but please see response below. Are you okay to look at this, when you are back of course, please? Thanks, From: Sent: 16 July 2018 14:04

There is a move afoot in Scotland to supress the programme. The position expressed by the spokesperson below is pure bureaucratic sitting on hands. Further, it is an abandonment of the EC's statutory duty. The least you can do, before the crooks remove the programme is to secure a copy in your files, officially. I have asked the BBC to send you a CD. Finally, in order to ensure that the programme is not supressed I am making a formal complain t, based on the prima facie evidence broadcast in the programme, to you at the EC, in Norther Ireland. If that is inadequate please inform me immediately what else I need to do to ensure that evidence in the programme is formally recorded with, and addressed by the EC.

Subject: RE: BBC Northern Ireland Spotlight

## Warm regards

From:

Sent: Monday, July 16, 2018 11:35

To:

**Subject:** BBC Northern Ireland Spotlight



Thanks for your call earlier regarding the BBC Northern Ireland Spotlight programme. Please see our comment below.

An Electoral Commission spokesperson said: "We have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. To date the BBC has not provided us with that evidence."

Thanks again,

Senior Communications Officer (Media relations)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

Sent:

16 July 2018 10:12

To:

**Subject:** Spotlight line

Hi

Just checking this is still the current line to use for queries about the NI Spotlight programme and allegations:

"We have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. To date the BBC has not provided us with that evidence."

Thanks,



Senior Communications Officer (Media relations)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From: Sent: 21 June 2018 11:39 To: Subject: RE: CRC - action required please Thanks much. From: Sent: 21 June 2018 11:07 To: Cc: Subject: RE: CRC - action required please Certainly. I'll aim to put a document together by midday tomorrow and circulate. From: Sent: 21 June 2018 11:04 To: Cc: Subject: RE: CRC - action required please I can then fill in the part re our actions towards the end of the process if helpful. Monitoring and Analysis Manager The Electoral Commission 3 Bunhill Row London EC1Y 8YZ I am normally in the office Monday, Wednesday and Friday. I work at home on Tuesday and Thursday, and you can reach me by email or on my mobile number. Office: Mobile: electoralcommission.org.uk yourvotematters.co.uk Twitter | Facebook | Blog From: Sent: 21 June 2018 10:58 To: Cc:

Subject: RE: CRC - action required please

Can you assist with the drafting of this document, please?

#### Thanks



From:

Sent: 21 June 2018 10:55

To:

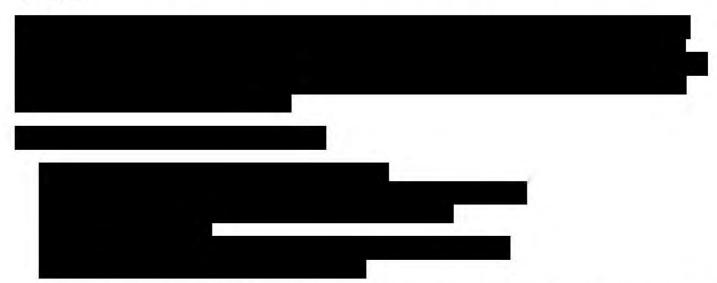
Cc:

Subject: CRC - action required please

Importance: High

Hi both

has let me know that the CRC are going to feature in a BBC Spotlight programme on Tuesday next week. Some of the allegations are those we have seen before. Some are new. The new ones relate to whether the CRC was working with the DUP on its referendum campaign rather than just being a donor, and whether the CRC may have had illegitimate sources of funding in the past.



Could someone from one of your teams please put this together? And then send it to me and It would be brilliant to have this by tomorrow but we really need it by **Monday morning**.

Thanks very much and do give me a call if you want to discuss.

**Head of Regulation** 

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

From:	
Sent: To:	27 June 2018 10:53
Cc: Subject:	RE: BBC NI Spotlight - reactive lines
Hi	
I would prefer us to u	use no (2) please.
the alleged electoral itself did say that	think it is, that we have asked the BBC for any evidence it holds that supports offences raised in the programme? I seem to recall that in the programme at the journalist should give us evidence if he has it. If so, then I think we no (2) that says (do re-draft if you don't think this language works):
	BBC to provide us with copies of any evidence it holds of the electoral d in the programme. To date the BBC has not provided us with that evidence."
This would put the p	ressure (rightly) on the BBC to provide us, the regulator, with the evidence.
BTW if we haven't as	sked the BBC this yet, I think we should do so.
Thanks	
From:	20
Sent: 27 June 2018 10:2	<u> </u>
CG:	adiaba assasisa lisaa
Subject: RE: BBC NI Sp	otlight - reactive lines
	the Irish News asking if we are doing anything in response to Spotlight last check which of these are you more comfortable with us saying:
these in line w	of the allegations made by the BBC Spotlight programme and will consider with our enforcement policy.  er any evidence of breaches of the rules in line with our enforcement policy
From:	
Sent: 27 June 2018 08:50	
То:	

Cc

Subject: RE: BBC NI Spotlight - reactive lines



Thanks for this helpful summary. I've now watched the programme as well.

Some of it was clearly outside our remit. I do think a discussion on some of the points raised is needed though, to decide if action is appropriate and if so what type of action. I am not sure in my own mind at this point whether this is looking back at potential offences under our legislation or some other, looking forward at the fact that both the DUP and CRC continue to be present on the UK political scene or (more likely) a mixture of the two.

I'll arrange a meeting with the relevant people in the room to discuss. For the time being, though, I don't think anything in the programme changes our agreed LTT.

I thought came across very well.

Thanks

From:

Sent: 2/ June 2018 00:31

To:

Cc:

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

Spotlight has just finished on BBC1 NI. The two main allegations to emerge from it are that Vote Leave and the DUP were part of a co-ordinated campaign in the referendum and that Richard Cooks financial affairs involved large scale fraud relating to waste management.

Summary of the main allegations made below:

# Joint working between Vote Leave and the DUP

- It alleges that CRC is no more than a front for Vote Leave. Richard Cook booked the Metro
  wraparound advert and as such he was directing DUP spend. It is suggested that because the
  advert was placed days before the referendum the DUP were the front for this advert so Vote
  Leave wouldn't breach its spending limit.
- DUP posters and flyers used in Edinburgh were handed out by canvassers who had also canvassed for Vote Leave. The posters and leaflets looked similar to Vote Leave material (the DUP poster was red and said Vote to Leave but had same brand colours etc). All of this material came from Snoopa Doopa and the Director of the company was unable to name who the DUP contact was that purchased these materials.
- A similar point is made that Aggregate IQ was unable to name the DUP contact and Christopher Wylie claims Vote Leave introduced the DUP to AIQ and that it was considered part of the same campaign. AIQ deny this allegation and say all DUP records were recorded separately. However Chris Vickery – a cyber security expert – looked at the leaked AIQ data and could see nothing from DUP.
- It is alleged that Lee Reynolds was directing the DUP spend at the EU referendum and that he
  was the contact with Aggregate IQ. Lee Reynolds is a DUP Belfast City Councillor but took

leave from the party to be the Vote Leave Northern Ireland Director in the lead up to the referendum. It is suggested that as he was directing spend for DUP then this is evidence of joint working with Vote Leave. Lee Reynolds denies that he directed any spending for the DUP during his time as Vote Leave NI Director. The DUP also deny that Lee Reynolds directed any spending but do not confirm who was the contact for spending with Snoppa Dooopa and AIQ.

 As many of you know Lee Reynolds is the DUP contact on the NI APP (this was not mentioned in programme but worth flagging)

## Richard Cook financial affairs

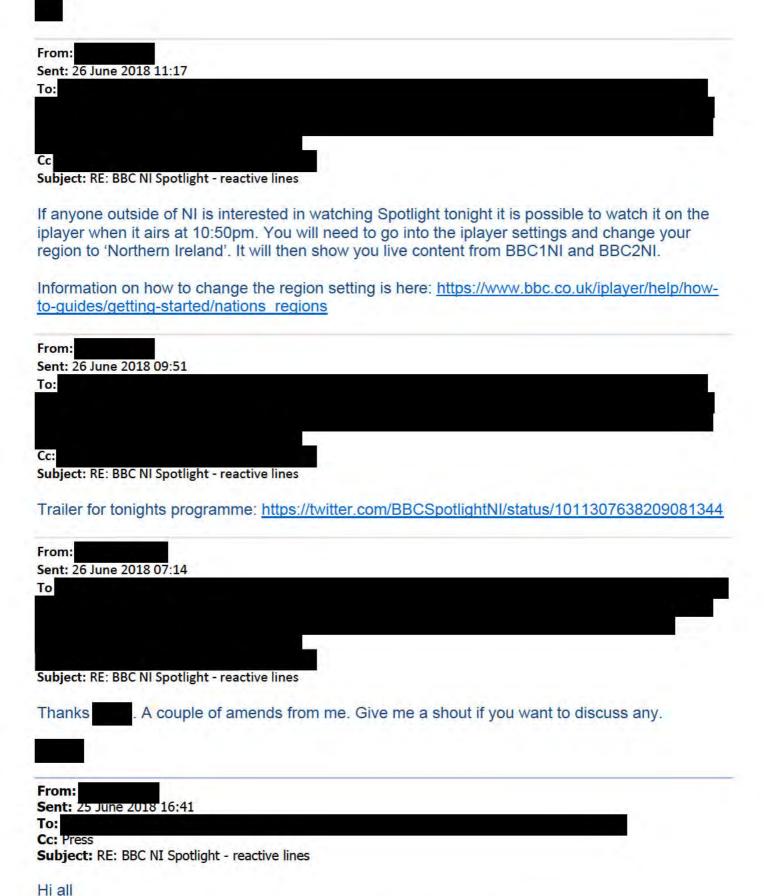
- Richard Cook was Director of a Waste Management Company DRD Recycling and it is alleged that the company was involved in dumping illegal waste on an international multimillion dollar scale. The company no longer exists but it is claimed Richard Cook had involvement with the company up until 2014.
- Richard Cook was involved in a \$80 million dollar contract to dispose of old rail tracks in Ukraine.
   An individual named Hans Basitan was also involved in this. He is a convicted fraudster. In the programme Chris Coleman a former FBI agent and of Wolf of Wall Street fame felt there was sufficient evidence to warrant an investigation in New York.
- The programme says there is no way of knowing if any of the monies made from these activities made its way to the CRC and to the DUP.
- It is claimed that CRC was fined £6000 by the Electoral Commission for failing to register as an unincorporated association. We have never confirmed this but as you may recall a similar claim was also made by Open Democracy some time back. Reference is then made to the fact that the Commission wants publication of donations from January 2014.

## Few other points worth noting:

- Electoral Law expert Gavin Millar believes that there is sufficient proof that the DUP and Vote Leave were engaged in joint working at the EU referendum and that the Electoral Commission should launch an investigation into it using our full range of powers.
- An audio recording from Gregory Campbell the DUP registered Treasurer suggests that he
  does not believe it is his job to check who is making donations and that it is the job of the
  Electoral Commission to do this. If the Commission had any issues with the source of
  donations then it would have come to the party and then the party would have looked into it.
- Both Vote Leave and the DUP deny any wrong doing. The DUP said that they met all of their legal obligations and strongly reject any allegations suggesting otherwise.

Hope this is helpful – the programme should hopefully be up on the iplayer by the morning.

From:	
Sent: 26 June 20	18 13:00
То:	
Cc: Subject: RE: BBC	NI Spotlight - reactive lines
Hi all – thanks	for drafting the lines and to everyone else for contributing.
Tomorrow working day, bu	will be leading on dealing with any queries from the media in NI. Tomorrow is my non at I'm available on mobile if needed



LTT have been updated following our discussion. Any issues let me know.

4

Sent: 25 June 2018 11:04

To:

Subject: BBC NI Spotlight - reactive lines

Hi all

Following a discussion with I have drafted some reactive LTT ahead of the Spotlight programme:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-59312985-477

I don't think there is much we can really say as we're either prohibited from doing so under s71e or we wouldn't want to speculate ahead of any potential enforcement issues.

Let me know if you feel something is glaringly amiss.

Saniar Otticar

Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

org.uk

yourvotematters.co.uk

From: Louise Edwards
Sent: 02 July 2018 13:04

To: Ann Watt

**Subject:** RE: Referendum and funding for DUP and Vote Leave

Hi

I think the obvious come back is to ask why we can't open an investigation off the back of the programme. I wonder if it would help to tweak the last sentence of the first para so it reads: "Once we have received this evidence, we will consider it carefully in line with our Enforcement Policy."

In terms of the public statement, has Comms agreed that we will do that? If so then fine, but that wasn't explicitly agreed at External Issues this morning.

Ta

#### Louise

-----Original Message-----

From: Ann Watt

Sent: 02 July 2018 12:43 To: Louise Edwards

Subject: FW: Referendum and funding for DUP and Vote Leave

Louise - are you happy with this as a response to from me?

Dear

Thank you for your email.

We are aware of the allegations made by the BBC Spotlight programme. We have asked the programme makers to provide us with copies of any evidence they hold of the electoral offences alleged in the programme. We will consider any evidence of breaches of the rules in line with our enforcement policy.

You can find more information on our enforcement policy and how we deal with allegations here: https://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation

We will make a public statement in due course on this matter.

Ann Watt

-----Original Message-----

From:

Sent: 02 July 2018 09:41

To: Ann Watt Louise Edwards

Subject: FW: Referendum and funding for DUP and Vote Leave

# Hi both

Please see below from the Chair of Stronger in Europe for Northern Ireland. We have a line for this but think it might be better if response comes from Ann. Let me know what you think
Original Message From: Sent: 28 June 2018 14:05 To: infonorthernireland <infonorthernireland@electoralcommission.org.uk> Subject: Referendum and funding for DUP and Vote Leave</infonorthernireland@electoralcommission.org.uk>
Dear Commissioner, My name is I was the Chairman of the Stronger in Europe campaign in Northern Ireland. Having watched the recent BBC Spotlight programme I wish to make a formal complaint to the Commission and respectively ask that you launch an investigation into the Spotlight revelations of the apparent overlap between the DUP and the expenditure on behalf of Vote Leave and that party during the referendum. There is a belief that this matter warrants a prima facie investigation by both you and the PSNI as it's possible there has been a breach of the electoral law. I look forward to hearing from you.  With all good wishes, Yours sincerely,

Sent from my iPad

From: Louise Edwards
Sent: 10 July 2018 07:45
To:

Cc: Ann Watt;

Subject: Letter from Gregory Campbell

<a href="http://ecscrm11/CCM/userdefined/edit.aspx?etc=4202&id=%7bCC748A0E-0C84-E811-8E9A-005056A70053%7d">http://ecscrm11/CCM/userdefined/edit.aspx?etc=4202&id=%7bCC748A0E-0C84-E811-8E9A-005056A70053%7d></a>

Hi all

I've had a response from Gregory Campbell to our letter after the BBC NI Spotlight programme. My thought was simply to acknowledge receipt, note the contents and remind him that if he does ever have questions about permissibility or donations more widely, he can always ask us.

Any other thoughts, please let me know.

**Thanks** 

Louise

From:

Sent:

To:

Subject:

Louise Edwards

11 July 2018 07:06

EE: July sanctions - sign off

Hi

A few thoughts from me in the press release, mainly stylistic. Hope they help.

As discussed with Niki yesterday, I think there is a strong case to push this back by, say, a week (or whatever day is more convenient). It would keep a clear focus. Just to throw into the mix as well, I think we need to pencil in a date (perhaps the week after next) for saying something about (a) the Priti Patel complaint and (b) the BBC NI Spotlight programme. I have some thoughts on that, which may or may not be sensible.

#### Thanks

## Louise

From: Sent: 10 July 2018 17:03 To: Niki Nixon; Louise Edwards

Subject: FW: July sanctions - sign off

Just one thing to consider – this is due to go out on Tuesday 17<sup>th</sup>. But that could clash with any other annoucements we may be making around that date; and voter ID is Thursday 19<sup>th</sup>.

We have a precedence for moving this regular sanction publication, but I can't quite remember what we said at the time for why it was moved. Anyway, something to consider when reviewing.

From: Sent: 10 July 2018 13:45

To Louise Edwards < LEdwards@electoralcommission.org.uk >

Cc:

Subject: July sanctions - sign off

Hi Niki and Louise.

We're put together the release and LTT for July's sanctions update, which will be published on Tuesday 17 July. It would be great if you can please review the two documents, and let me know your thoughts before this goes to Bob for final sign off at 3pm tomorrow.

#### Press release:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-2086666271-2687

LTT: http://skynet/dm/Functions/media/ layouts/15/DocldRedir.aspx?ID=TX6SW6SUV4E4-2086666271-2688

Thanks for all your help,

Senior Communications Officer (Media relations)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

From:

Sent:

To:

Cc:

Louise Edwards

11 July 2018 15:21

Bob Posner

Subject: RE: RIG Agenda for meeting on Thursday 12 July

Yes, no problem I can update.

#### Louise

From:

Sent: 11 July 2018 15:19 To: Louise Edwards Cc: Bob Posner

Subject: FW: RIG Agenda for meeting on Thursday 12 July

#### Hi Louise

It's a bank holiday in Northern Ireland tomorrow but sent this through and said you'd be able to update RIG.

Many thanks,

From:

Sent: 06 July 2018 12:59

To:

Cc: Bob Posner < BPosner@electoralcommission.org.uk > Subject: FW: RIG Agenda for meeting on Thursday 12 July

Hi Veronica,

12 July is a bank holiday in Northern Ireland so no one form this office will be attending the RIG meeting. In terms of updates/ current issues

So I think

Louise will be able to update on that. should also be able to update if Louise is not at the meeting.

The attached email summarises action so far and Bob was included in the distribution.

Can you please give my apologies.

Regards

From:

Sent: 06 July 2018 12:25

To: RIG - May 2017/Future polls < <u>UKPGEregulatoryissuesgroup@electoralcommission.org.uk</u>>

Subject: RIG Agenda for meeting on Thursday 12 July

## Good afternoon,

Please refer to the agenda for next week's meeting to be held next Thursday 12 July at 2pm in the Martin Room.

## RIG agenda 12Jul18.docx

To enable us to progress matters at RIG please send a briefed deputy or update a colleague attending in advance of the meeting if you are unable to attend. You may also wish to review the issues and action logs.

Many thanks,

Executive Assistant
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From: Sent: To: Cc: Subject:	Louise Edwards 17 July 2018 10:07 Ann Watt RE: Spotlight	
	But I'm not hugely surprised.  and I will pick this up with the BBC. I still think though	ı that absent anvthing
• •	k we need to draw a line.	, 3
From: Ann Watt Sent: 17 July 2018 09:33 To: Louise Edwards Cc: Subject: RE: Spotlight		
Thanks Louise.		
	nothing from the BBC. We could contact the journalist di ad various conversations with him about the set-up for t	
Don't know if you've see brexit-programme-3711	en this <a href="https://www.belfasttelegraph.co.uk/news/uk/tory7103.html">https://www.belfasttelegraph.co.uk/news/uk/tory7103.html</a>	<u>⁄-to-sue-bbcni-over-</u>
Ann		
From: Louise Edwards Sent: 16 July 2018 13:44 To: Ann Watt < AWatt@ele Subject: RE: Spotlight	ectoralcommission.org.uk>	
Hi		
_	ning from the BBC that I'm aware of. I've just asked I n case they have replied to him and ignored his out	
similar statement we w	a short statement next Monday to draw a line. It play vant to make on the complaint Priti Patel made about s merit I think in doing the two together.	, ,
That's as far as we got the BBC have sent	t. Let's talk about it tomorrow. By then I'll have confinent anything.	mation for sure whethe
Hope you had a good	holiday.	

Louise

From: Ann Watt

Sent: 16 July 2018 13:13

To: Louise Edwards < LEdwards@electoralcommission.org.uk >

Subject: Spotlight

Hi Louise – just back from a week's leave. What's the latest with Spotlight follow-up? I saw it on External Issues agenda so wondering where we are at.

I'm only here until 1:30pm today, so drop me a line or we can speak tomorrow

Ann

From: Louise Edwards
Sent: 26 July 2018 13:15

To:

**Subject:** RE: A067769 - BBC Spotlight

Yes I'll pick that up. I'll also speak with Comms and the NI Office about any proactive publicity we wish to do.

Thanks for this. Good to have it dealt with in a timely way.

### Louise

From

Sent: 26 July 2018 12:59

To:

Cc: Louise Edwards

Subject: RE: A067769 - BBC Spotlight



I have now reviewed this and agree that we should not investigate.

Louise – am I right in thinking that you intend to write to the BBC?

## **Thanks**

From:

Sent: 24 July 2018 10:27

To:

Subject: A067769 - BBC Spotlight

Importance: High

Hi.

Please see the following assessment regarding the BBC Spotlight matter, as discussed. I understand Louise is preparing to draft the response to the BBC.



The Electoral Commission

3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From: Louise Edwards

Sent: 31 July 2018 12:21

To: Claire Bassett

Cc: Bob Posner; Craig Westwood

Subject: FW: Priti Patel and BBC complaints about campaigners

#### Hi Claire

Below are links to the letters to Priti Patel and to BBC NI. Bob and Craig, and others, have commented. I'd welcome any comments you have.

We are ready to go with the letters to the two campaigners we will investigate. We are primed to send those letters shortly before we publish these ones.

#### Thanks

#### Louise

From: Louise Edwards Sent: 30 July 2018 06:52

To: Bob Posner < BPosner@electoralcommission.org.uk >; Craig Westwood

<CWestwood@electoralcommission.org.uk>

Cc:

Subject: Priti Patel and BBC complaints about campaigners

## Hi both

http://skynet/dm/Functions/CaseworkInvestigations/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-1668264703-2187

http://skynet/dm/Functions/CaseworkInvestigations/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-1668264703-2189

#### Attached are links to two letters:

- One to Priti Patel about her complaint about 'remain' campaigners. You will see that we are not going to investigate Stronger In, or any of the allegations of them coordinating with campaigners that registered late in the campaign. But we are going to investigate two smaller campaigners for possible undeclared joint spending.
- One to BBC NI about the Spotlight programme, in which we decline to investigate the various allegations made.

can point you to the incoming letters if you want to see them. Both sets of complaints have been assessed. These are basically the letters to the complainants. We talked about publishing them, possibly together. If you had any thoughts on the letters themselves please let me know. Otherwise, does it make sense to aim to publish these at some point this week?

Note that will need to have written to the two campaigners under investigation first.

**Thanks** 

## Louise

Louise Edwards Head of Regulation

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

25 June 2018 11:04

Sent: To:

Ann Watt; Louise Edwards;

**Subject:** 

BBC NI Spotlight - reactive lines

Hi all

Following a discussion with Ann I have drafted some reactive LTT ahead of the Spotlight programme:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-59312985-477

Niki Nixon

I don't think there is much we can really say as we're either prohibited from doing so under s71e or we wouldn't want to speculate ahead of any potential enforcement issues.

Let me know if you feel something is glaringly amiss.

Sonior Officer

Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

**Sent:** 27 June 2018 09:27

To:

Press

Subject:

RE: BBC NI Spotlight - reactive lines

Link to programme on iplayer for In the News:

https://www.bbc.co.uk/iplayer/episode/b0b7mmt4/spotlight-brexit-dark-money-the-dup

From: Louise Edwards Sent: 27 June 2018 08:50

To: ; Ann Watt ;

; Niki Nixon ;

; Craig Westwood ;

; Bob Posner Cc: Press ; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Hi

Thanks for this helpful summary. I've now watched the programme as well.

Some of it was clearly outside our remit. I do think a discussion on some of the points raised is needed though, to decide if action is appropriate and if so what type of action. I am not sure in my own mind at this point whether this is looking back at potential offences under our legislation or some other, looking forward at the fact that both the DUP and CRC continue to be present on the UK political scene or (more likely) a mixture of the two.

I'll arrange a meeting with the relevant people in the room to discuss. For the time being, though, I don't think anything in the programme changes our agreed LTT.

I thought Ann came across very well.

Thanks

Louise

From: Sent: 27 June 2018 00:31

To: Ann Watt; Louise Edwards; ; ; Niki Nixon; ; Craig Westwood

Cc: Press; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

Spotlight has just finished on BBC1 NI. The two main allegations to emerge from it are that Vote Leave and the DUP were part of a co-ordinated campaign in the referendum and that Richard Cooks financial affairs involved large scale fraud relating to waste management.

Summary of the main allegations made below:

## Joint working between Vote Leave and the DUP

- It alleges that CRC is no more than a front for Vote Leave. Richard Cook booked the Metro
  wraparound advert and as such he was directing DUP spend. It is suggested that because the
  advert was placed days before the referendum the DUP were the front for this advert so Vote
  Leave wouldn't breach its spending limit.
- DUP posters and flyers used in Edinburgh were handed out by canvassers who had also canvassed for Vote Leave. The posters and leaflets looked similar to Vote Leave material (the DUP poster was red and said Vote to Leave but had same brand colours etc). All of this material came from Snoopa Doopa and the Director of the company was unable to name who the DUP contact was that purchased these materials.
- A similar point is made that Aggregate IQ was unable to name the DUP contact and Christopher Wylie claims Vote Leave introduced the DUP to AIQ and that it was considered part of the same campaign. AIQ deny this allegation and say all DUP records were recorded separately. However Chris Vickery – a cyber security expert – looked at the leaked AIQ data and could see nothing from DUP.

- It is alleged that Lee Reynolds was directing the DUP spend at the EU referendum and that he was the contact with Aggregate IQ. Lee Reynolds is a DUP Belfast City Councillor but took leave from the party to be the Vote Leave Northern Ireland Director in the lead up to the referendum. It is suggested that as he was directing spend for DUP then this is evidence of joint working with Vote Leave. Lee Reynolds denies that he directed any spending for the DUP during his time as Vote Leave NI Director. The DUP also deny that Lee Reynolds directed any spending but do not confirm who was the contact for spending with Snoppa Dooopa and AIQ.
- As many of you know Lee Reynolds is the DUP contact on the NI APP (this was not mentioned) in programme but worth flagging)

## Richard Cook financial affairs

- Richard Cook was Director of a Waste Management Company DRD Recycling and it is alleged that the company was involved in dumping illegal waste on an international multimillion dollar scale. The company no longer exists but it is claimed Richard Cook had involvement with the company up until 2014.
- Richard Cook was involved in a \$80 million dollar contract to dispose of old rail tracks in Ukraine. An individual named Hans Basitan was also involved in this. He is a convicted fraudster. In the programme Chris Coleman - a former FBI agent and of Wolf of Wall Street fame - felt there was sufficient evidence to warrant an investigation in New York.
- The programme says there is no way of knowing if any of the monies made from these activities made its way to the CRC and to the DUP.
- It is claimed that CRC was fined £6000 by the Electoral Commission for failing to register as an unincorporated association. We have never confirmed this but as you may recall a similar claim was also made by Open Democracy some time back. Reference is then made to the fact that the Commission wants publication of donations from January 2014.

Few other points worth noting:

- Electoral Law expert Gavin Millar believes that there is sufficient proof that the DUP and Vote Leave were engaged in joint working at the EU referendum and that the Electoral Commission should launch an investigation into it using our full range of powers.
- An audio recording from Gregory Campbell the DUP registered Treasurer suggests that he does not believe it is his job to check who is making donations and that it is the job of the Electoral Commission to do this. If the Commission had any issues with the source of donations then it would have come to the party and then the party would have looked into it.
- Both Vote Leave and the DUP deny any wrong doing. The DUP said that they met all of their legal obligations and strongly reject any allegations suggesting otherwise.

Hope this is helpful - the programme should hopefully be up on the iplayer by the morning.

From: Ann Watt	
Sent: 26 June 2018 13:00	
To:	Louise Edwards
<ledwards@electoralcommission.or< p=""></ledwards@electoralcommission.or<>	g.uk>
	; Niki Nixon < NNixon@electoralcommission.org.uk >;
	Craig Westwood < CWestwood@electoralcommission.org.uk >
Cc: Press <pre><pre>press@electoralcommission</pre></pre>	on.org.uk>
Subject: RE: BBC NI Spotlight - reactive	ve lines
Hi all - thanks for drafting the	ne lines and to everyone else for contributing.
Tomorrow will be leading or	dealing with any queries from the media in NI. Tomorrow is my non
working day, but I'm available on	mobile if needed
Ann	
From	

Sent: 26 June 2018 11:17

To: Louise Edwards < LEdwards@electoralcommission.org.uk>; Ann Watt < AWatt@electoralcommission.org.uk>;

<CWestwood@electoralcommission.org.uk>

Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines

If anyone outside of NI is interested in watching Spotlight tonight it is possible to watch it on the iplayer when it airs at 10:50pm. You will need to go into the iplayer settings and change your region to 'Northern Ireland'. It will then show you live content from BBC1NI and BBC2NI.

Information on how to change the region setting is here: https://www.bbc.co.uk/iplayer/help/howto-guides/getting-started/nations regions

From

Sent: 26 June 2018 09:51

To: Louise Edwards LEdwards@electoralcommission.org.uk>; Ann Watt <a href="mailto:AWatt@electoralcommission.org.uk">AWatt@electoralcommission.org.uk</a>;

Nixon <NNixon@electoralcommission.org.uk>

Craig Westwood

<CWestwood@electoralcommission.org.uk> Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines

Trailer for tonights programme: <a href="https://twitter.com/BBCSpotlightNI/status/1011307638209081344">https://twitter.com/BBCSpotlightNI/status/1011307638209081344</a>

From: Louise Edwards Sent: 26 June 2018 07:14

To: Ann Watt < AWatt@electoralcommission.org.uk>

Niki Nixon

<NNixon@electoralcommission.org.uk>;

Craig Westwood

<CWestwood@electoralcommission.org.uk> Cc: Press press@electoralcommission.org.uk>

Subject: RE: BBC NI Spotlight - reactive lines

Thanks . A couple of amends from me. Give me a shout if you want to discuss any.

Louise

From:

Sent: 25 June 2018 16:41

To: Ann Watt; Louise Edwards; Niki Nixon; Craig Westwood

Cc: Press

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

LTT have been updated following our discussion. Any issues let me know.

From:

Sent: 25 June 2018 11:04

To: Ann Watt < AWatt@electoralcommission.org.uk >; Louise Edwards < LEdwards@electoralcommission.org.uk >;

: Niki

Nixon <NNixon@electoralcommission.org.uk>

Subject: BBC NI Spotlight - reactive lines

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Let me know if you feel something is glaringly amiss.

Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland

Ground Floor, 4 Cromac Place

The Gasworks

Belfast BT7 2JB

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From:	
Sent:	27 June 2018 11:14
То:	Louise Edwards; Ann Watt  Craig Westwood;  Bob Posner
Cc:	Press
Subject:	RE: BBC NI Spotlight - reactive lines
"We will consider a have asked BBC S offences mentioned At this stage Im no remark in the interval I am happy to spea	k to Jim Fitzpatrick directly in the first instance and ask him to send evidence to be saying this to media). But if more appropriate for colleagues in enforcement
From Sent: 27 June 2018 11: To: Louise Edwards ; A ; Bob Posne Cc: Press Subject: RE: BBC NI Sp Other than what Ar evidence they have	; Niki Nixon; ; Craig Westwood; ; Craig Westwood
From: Louise Edwards	
Sent: 27 June 2018 10:	
To:	Ann Watt < <u>AWatt@electoralcommission.org.uk</u> >; Niki Nixon
<nnixon@electoralcon< td=""><td></td></nnixon@electoralcon<>	
<cwestwood@elector< td=""><td></td></cwestwood@elector<>	
	ctoralcommission.org.uk>
Cc: Press < press@elec	toralcommission.org.uk>; Ailsa Irvine <airvine@electoralcommission.org.uk></airvine@electoralcommission.org.uk>
Subject: RE: BBC NI Sp	otlight - reactive lines
Hi	Towns Art. 123 Tollands
Is it right to say, as the alleged electoral itself Ann did say the should add a line to "We have asked the offences it mention. This would put the	I think it is, that we have asked the BBC for any evidence it holds that supports al offences raised in the programme? I seem to recall that in the programme nat the journalist should give us evidence if he has it. If so, then I think we no (2) that says (do re-draft if you don't think this language works): e BBC to provide us with copies of any evidence it holds of the electoral ed in the programme. To date the BBC has not provided us with that evidence pressure (rightly) on the BBC to provide us, the regulator, with the evidence asked the BBC this yet, I think we should do so.
From:	
Sent: 27 June 2018 10	0:29
<b>To:</b> Louise Edwards; A Bob Posne	nn Watt; Craig Westwood;

Cc: Press; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Ive had a query from the Irish News asking if we are doing anything in response to Spotlight last night. Just to double check which of these are you more comfortable with us saying:

- 1. We are aware of the allegations made by the BBC Spotlight programme and will consider these in line with our enforcement policy.
- 2. We will consider any evidence of breaches of the rules in line with our enforcement policy

From: Louise Edwards Sent: 27 June 2018 08:50

Ann Watt < AWatt@electoralcommission.org.uk >

Niki Nixon

Bob

<NNixon@electoralcommission.org.uk>

Craig Westwood <CWestwood@electoralcommission.org.uk>;

Posner < BPosner@electoralcommission.org.uk>

Cc: Press cress@electoralcommission.org.uk; Ailsa Irvine <airvine@electoralcommission.org.uk</pre>

Subject: RE: BBC NI Spotlight - reactive lines

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Thanks Louise

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Cc: Press; Ailsa Irvine

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## **Richard Cook financial affairs**

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Hope this is helpful – the programme should hopefully be up on the iplayer by the morning.

From: Ann Watt	t e
Sent: 26 June 20	018 13:00
То	Louise Edwards
<ledwards@ele< td=""><td>ectoralcommission.org.uk&gt;;</td></ledwards@ele<>	ectoralcommission.org.uk>;
	Niki Nixon < NNixon@electoralcommission.org.uk >
	Craig Westwood < <a href="mailto:CWestwood@electoralcommission.org.uk">CWestwood@electoralcommission.org.uk</a>
Cc: Press < press	s@electoralcommission.org.uk>
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From

Sent: 26 June 2018 09:51

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Niki

Nixon <NNixon@electoralcommission.org.uk>

Craig Westwood

<<u>CWestwood@electoralcommission.org.uk</u>>
Cc: Press <<u>press@electoralcommission.org.uk</u>>
Subject: RE: BBC NI Spotlight - reactive lines

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Niki Nixon

<NNixon@electoralcommission.org.uk>;

Craig Westwood

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Thanks . A couple of amends from me. Give me a shout if you want to discuss any.

Louise

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Cc: Press

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The Electoral Commission, Northern Ireland

Ground Floor, 4 Cromac Place

The Gasworks

## Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk

**Sent:** <u>27 June 2018</u> 14:45

To:

**Subject:** RE: BBC Spotlight programme - next steps

Thanks . I'm still minded to go with reactive lines only. Would you be happy with that?

From:

**Sent:** 27 June 2018 14:14

To: Louise Edwards; Bob Posner; Craig Westwood; Ann Watt; Niki Nixon

**Subject:** Re: BBC Spotlight programme - next steps

For info - Alliance leader has called for EC investigation:

 $\underline{https://allianceparty.org/article/2018/0011824/long-calls-for-electoral-commission-to-investigate-dup-brexit-allegations}$ 

From: Louise Edwards Sent: 27 June 2018 12:49:48

To: Bob Posner; Craig Westwood; Ann Watt; Niki Nixon;

Subject: BBC Spotlight programme - next steps

Hi all

This email summarises our next steps in relation to the BBS Spotlight programme last night on the DUP and the Constitutional Research Council. If I've missed anyone off this who has an interest in the matter, please do forward it on.

Me, Ann, and and have discussed, and I've also talked to Niki. has done a very useful summary of the programme, which is attached. We've got comprehensive LTT in place that should address any gueries that we get off the back of the programme.

From our perspective the programme boils down to three issues:

- 1. Allegations about Richard Cook's (the chair of the CRC) financial affairs and that this might have meant 'dirty' money entered the UK political finance system. As Ann said in her interview for the programme, specific allegations of financial impropriety levelled against Mr Cook are not for us. On the general point about the vulnerability of the political finance system to foreign money, we feel that we have said a lot very recently about our position (and this is reflected in the LTT). The programme didn't raise any new issues that we feel we need to address separately. No further action on this.
- 2. Allegations that Gregory Campbell, the treasurer of the DUP, denied he had to check the permissibility of donations to the DUP as that was a matter for the Electoral Commission. Note the programme only broadcast partial comments, with no context. Nonetheless we think that what he appears to have said is sufficient for us to have concerns. We are preparing a letter to Mr Campbell to go in my name that reminds him very clearly of his legal responsibilities under the permissibility rules. This letter will go to Mr Campbell today.

3. Allegations that the DUP and Vote Leave were 'working together' during the EU referendum campaign. Vote Leave didn't report any joint spending with the DUP. As note explains, a number of different (and fairly disparate) points were made by the BBC in support of this allegation. The majority we have seen before. We have, as new evidence has come to light, revisited this issue on several occasions. On the last occasion, in April, we reviewed all the evidence we held about this and took a decision that we did not have grounds to include the DUP in our investigation into joint spending by Vote Leave. We will now review the matter again, looking at the bits of new information raised in the programme. We are very mindful, in doing so, of the current position of our Vote Leave investigation. There are two actions to take on this. First, one of our Senior Investigators is reviewing the programme to determine if it in itself provides evidence that we should take action on. Secondly, we are writing to the BBC to request copies of the evidence they hold in support of their allegations.

Niki and I discussed whether there is a need to put anything out proactively on our actions arising from the programme. As noted above, we are well placed to respond to any queries we get reactively. We took the view that at this point we will continue to respond reactively. Once the two letters (to Mr Campbell and the BBC) have gone later today Niki will look at the extent and type of media queries we have received on this during the day and take a decision on whether we need to do anything more with the media.

Please come find me if you want to discuss or know more.

**Thanks** 

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

Sent: <u>27 June 2018</u> 15:08

To:

Subject: RE: BBC Spotlight programme - next steps

Agreed, I think that's the point at which we do something proactive.

From:

Sent: 27 June 2018 15:05

To: Niki Nixon

Subject: Re: BBC Spotlight programme - next steps

Yes - hasn't been many queries and I don't think we need to do this. We will likely have to say something though when we make a decision on taking action or not.

From: Niki Nixon

Sent: 27 June 2018 14:44:30

To

Subject: RE: BBC Spotlight programme - next steps

Thanks . I'm still minded to go with reactive lines only. Would you be happy with that?

From:

Sent: 27 June 2018 14:14

To: Louise Edwards < LEdwards@electoralcommission.org.uk >; Bob Posner < BPosner@electoralcommission.org.uk >; Craig Westwood < CWestwood@electoralcommission.org.uk >; Ann Watt < AWatt@electoralcommission.org.uk >; Niki Nixon < NNixon@electoralcommission.org.uk >

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- 1. Allegations about Richard Cook's (the chair of the CRC) financial affairs and that this might have meant 'dirty' money entered the UK political finance system. As Ann said in her interview for the programme, specific allegations of financial impropriety levelled against Mr Cook are not for us. On the general point about the vulnerability of the political finance system to foreign money, we feel that we have said a lot very recently about our position (and this is reflected in the LTT). The programme didn't raise any new issues that we feel we need to address separately. No further action on this.
- 2. Allegations that Gregory Campbell, the treasurer of the DUP, denied he had to check the permissibility of donations to the DUP as that was a matter for the Electoral Commission. Note the programme only broadcast partial comments, with no context. Nonetheless we think that what he appears to have said is sufficient for us to have concerns. We are preparing a letter to Mr Campbell to go in my name that reminds him very clearly of his legal responsibilities under the permissibility rules. This letter will go to Mr Campbell today.
- 3. Allegations that the DUP and Vote Leave were 'working together' during the EU referendum campaign. Vote Leave didn't report any joint spending with the DUP. As note explains, a number of different (and fairly disparate) points were made by the BBC in support of this allegation. The majority we have seen before. We have, as new evidence has come to light, revisited this issue on several occasions. On the last occasion, in April, we reviewed all the evidence we held about this and took a decision that we did not have grounds to include the DUP in our investigation into joint spending by Vote Leave. We will now review the matter again, looking at the bits of new information raised in the programme. We are very mindful, in doing so, of the current position of our Vote Leave investigation. There are two actions to take on this. First, one of our Senior Investigators is reviewing the programme to determine if it in itself provides evidence that we should take action on. Secondly, we are writing to the BBC to request copies of the evidence they hold in support of their allegations.

Niki and I discussed whether there is a need to put anything out proactively on our actions arising from the programme. As noted above, we are well placed to respond to any queries we get reactively. We took the view that at this point we will continue to respond reactively. Once the two letters (to Mr Campbell and the BBC) have gone later today Niki will look at the extent and type of media queries we have received on this during the day and take a decision on whether we need to do anything more with the media.

Please come find me if you want to discuss or know more.

Thanks

Louise

Louise Edwards
Head of Regulation
The Electoral Commission

3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From:

Sent:

27 June 2018 15:04

To:

Louise Edwards; Bob Posner; Craig Westwood; Ann Watt; Niki Nixon;

Subject:

Re: BBC Spotlight programme - next steps

Yes Naomi Long was in the office around a fortnight. She was there mainly to ask questions about fundraising in USA and Friends of Sinn Fein. She said that she heard that Gregory Campbell had said it wasn't his job to check donations. We confirmed what treasurer is required to do in terms of permissibility checks.

From:

Sent: 27 June 2018 14:43:49

To: Louise Edwards; Bob Posner; Craig Westwood; Ann Watt; Niki Nixon;

Subject: RE: BBC Spotlight programme - next steps

Have the Alliance previously contacted us about this... "Alliance recently raised with the Electoral Commission comments from the DUP saying it wasn't their problem to identify the original source of the donation..."

Thanks

From:

Sent: 27 June 2018 14:14

To: Louise Edwards < LEdwards@electoralcommission.org.uk >; Bob Posner

<BPosner@electoralcommission.org.uk>; Craig Westwood

<CWestwood@electoralcommission.org.uk>; Ann Watt <AWatt@electoralcommission.org.uk>;

Niki Nixon <NNixon@electoralcommission.org.uk>;

Subject: Re: BBC Spotlight programme - next steps

For info - Alliance leader has called for EC investigation:

https://allianceparty.org/article/2018/0011824/long-calls-for-electoral-commission-to-investigate-dup-brexit-allegations

From: Louise Edwards

Sent: 27 June 2018 12:49:48

To: Bob Posner; Craig Westwood; Ann Watt; Niki Nixon;

Subject: BBC Spotlight programme - next steps

#### Hi all

This email summarises our next steps in relation to the BBS Spotlight programme last night on the DUP and the Constitutional Research Council. If I've missed anyone off this who has an interest in the matter, please do forward it on.

Me, Ann, and and have discussed, and I've also talked to Niki. has done a very useful summary of the programme, which is attached. We've got comprehensive LTT in place that should address any queries that we get off the back of the programme.

From our perspective the programme boils down to three issues:

- 1. Allegations about Richard Cook's (the chair of the CRC) financial affairs and that this might have meant 'dirty' money entered the UK political finance system. As Ann said in her interview for the programme, specific allegations of financial impropriety levelled against Mr Cook are not for us. On the general point about the vulnerability of the political finance system to foreign money, we feel that we have said a lot very recently about our position (and this is reflected in the LTT). The programme didn't raise any new issues that we feel we need to address separately. No further action on this.
- 2. Allegations that Gregory Campbell, the treasurer of the DUP, denied he had to check the permissibility of donations to the DUP as that was a matter for the Electoral Commission. Note the programme only broadcast partial comments, with no context. Nonetheless we think that what he appears to have said is sufficient for us to have concerns. We are preparing a letter to Mr Campbell to go in my name that reminds him very clearly of his legal responsibilities under the permissibility rules. This letter will go to Mr Campbell today.
- 3. Allegations that the DUP and Vote Leave were 'working together' during the EU referendum campaign. Vote Leave didn't report any joint spending with the DUP. As number of different (and fairly disparate) points were made by the BBC in support of this allegation. The majority we have seen before. We have, as new evidence has come to light, revisited this issue on several occasions. On the last occasion, in April, we reviewed all the evidence we held about this and took a decision that we did not have grounds to include the DUP in our investigation into joint spending by Vote Leave. We will now review the matter again, looking at the bits of new information raised in the programme. We are very mindful, in doing so, of the current position of our Vote Leave investigation. There are two actions to take on this. First, one of our Senior Investigators is reviewing the programme to determine if it in itself provides evidence that we should take action on. Secondly, we are writing to the BBC to request copies of the evidence they hold in support of their allegations.

Niki and I discussed whether there is a need to put anything out proactively on our actions arising from the programme. As noted above, we are well placed to respond to any queries we get reactively. We took the view that at this point we will continue to respond reactively. Once the two letters (to Mr Campbell and the BBC) have gone later today Niki will look at the extent and type of media queries we have received on this during the day and take a decision on whether we need to do anything more with the media.

Please come find me if you want to discuss or know more.

**Thanks** 

## Louise

Louise Edwards Head of Regulation The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk<a href="https://www.electoralcommission.org.uk/">https://www.electoralcommission.org.uk/</a>
yourvotematters.co.uk<a href="https://www.yourvotematters.co.uk/">https://www.yourvotematters.co.uk/>

Twitter<https://twitter.com/ElectoralCommUK> | Facebook<https://www.facebook.com/electoralcommissionuk> | Blog<http://ukelectoralcommission.wordpress.com/>

**Sent:** <u>27 June 2018 15:44</u>

To:

Subject: RE: BBC NI

**Attachments:** Request to BBC.docx

From

**Sent:** 27 June 2018 15:29

To: Niki Nixon Subject: BBC NI

Hi Niki

Are you happy with this request?

thanks

**Enforcement Manager** 

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

Tel:

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

**Sent:** <u>28 June 2018</u> 15:40

To:

Subject: RE: External issues

Great, thanks



I'll add that to the list.

From:

Sent: 28 June 2018 15:39

To: Niki Nixon

Subject: RE: External issues

Hi Niki

Yeah I can call in.

On a different topic we'll be launching the consultation on the review of the electoral observer scheme on 6 August. Im the activity lead but getting a comms lead sorted



From: Niki Nixon

Sent: 28 June 2018 15:37

To: Press craig Vestwoodcraig Vestwood@electoralcommission.org.uk

Subject: External issues

Hi all,

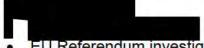
I'll be sending out the external issues agenda and log tomorrow at noon, so if you have anything to add please let me know before then.



I thought we could check in on the Spotlight allegation, are you free to VC in?

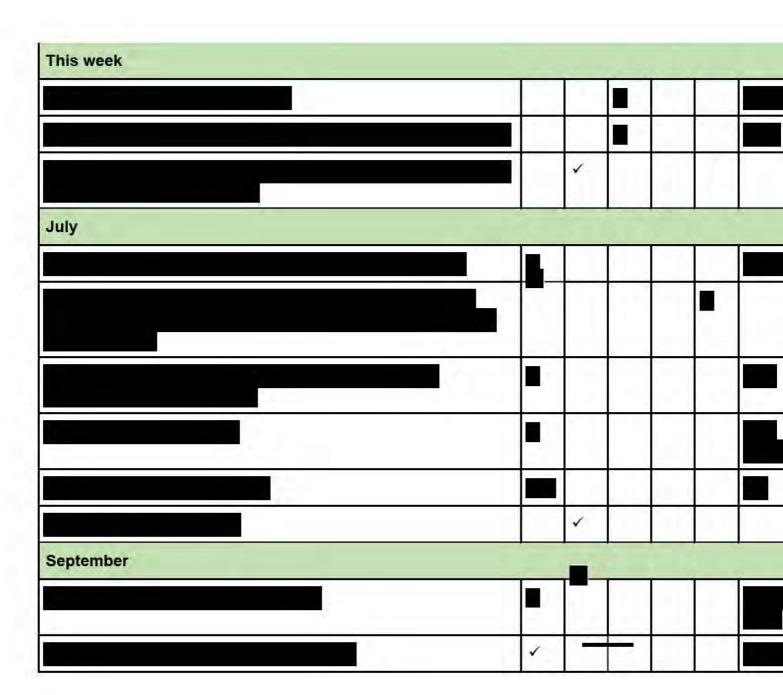
# EXTERNAL ISSUES MEETING 2 July 2018

## Agenda



- EU Referendum investigations, including Spotlight allegations
- AOB

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## Niki Nixon Head of External Communications

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

From:

Sent:

02 July 2018 12:56

To:

Louise Edwards; Andy O'Neill; Bob Posner;

Cc:

Niki Nixon

Subject:

RE: newsdirect: mention in SNP press release about Conservative funding

And just to confirm, media line I propose the below – Louise / Niki / Andy – does that work for you. So far the journalist at the Ferret keeps emailing about this, but suspect could need to use this line with other journalists over the next few days. It's our standard line apart from adding SUAT to it.

## Electoral Commission spokesperson said:

An investigation has been opened to determine whether the Scottish Unionist Association Trust complied with their reporting requirements as set out in law. The time taken to complete an investigation varies on a case-by-case basis. Once the investigation is complete, the Commission will decide whether any breaches have occurred and, if so, what further action may be appropriate, in line with its enforcement policy. The Commission does not comment on live investigations."

**Ends** 

From

Sent: 02 July 2018 11:19

To: Louise Edwards; Andy O'Neill; Bob Posner;

Cc:

Niki Nixon

Subject: RE: newsdirect: mention in SNP press release about Conservative funding

I'm happy to have a go at drafting the letter if you like?

I think we can state that we are aware that the organisation have made donations to the CUP and AUs and that we have a current investigation open concerning whether there have been any associated failures to comply with PPERA, which we are not able to comment on.

The investigation concerns that SUAT appear to have failed to comply with the UA reporting requirements, since the year dot.

Re the MP's impermissibility point; SUAT's 'trust creator status' has been reported by the CUP as being that it is an unincorporated association, and so the donations would be permissible. SUAT is not an incorporated company and has an address, and so are likely to be a UA. There is nothing we're aware of to suggest that they are not a UA and we're operating on that basis. But, as we do have an open investigation with SUAT and have asked them about their make up to establish whether they are subject to the MA reporting requirements too, I think it would be prudent for me to send them an additional letter (or ask follow up questions when they respond) so that we can be sure that they are in fact a UA as reported and assumed. If we decide to do that now, we can say to the MP that seeking to establish that SUAT is a UA as reported is part of our enquiries.

From: Louise Edwards Sent: 02 July 2018 09:43

To: Andy O'Neill <aoneill@electoralcommission.org.uk>; Bob Posner <BPosner@electoralcommission.org.uk>;

Cc:

Niki

Nixon <NNixon@electoralcommission.org.uk>

Subject: RE: newsdirect: mention in SNP press release about Conservative funding

Hi Andy

Thanks for this. No problem we can respond direct. There's an investigation open so we can explain that. And yes, as and when key developments occur we'll keep you in the loop.

let's have a quick chat later today about the letter.
 Bob let me know if you want the letter to come from someone other than me.

Thanks Louise

From: Andy O'Neill Sent: 02 July 2018 09:37

To: Bob Posner; Louise Edwards;

Cc:

Subject: FW: newsdirect: mention in SNP press release about Conservative funding

Bob/Louise

The letter from Pete Wishart MP asking us to investigate SUAT has arrived in the office. Attached is a copy. An SNP press release about it is below. You will have seen it's in a couple of papers in Scotland today.

I assume you will lead on all of this as usual and involve the SDO where necessary? Will you respond/acknowledge the letter?

Andy

From:

Sent: 02 July 2018 09:23

Subject: newsdirect: mention in SNP press release about Conservative funding

Good morning,

Please find below a SNP press release about Conservative funding that mentions the Electoral Commission.

RUTH DAVIDSON TOLD TO COME CLEAN OVER TRAIL OF MURKY DONATIONS

SNP MP Martin Docherty-Hughes has set out three key questions that Ruth Davidson must answer over the trail of murky donations leading "straight to her door."

In a letter to the Scottish Tory leader, the SNP MP urged Ruth Davidson "to be honest with the electorate about who funds her party, and why it chooses to obscure donations."

Last week, an investigation by BBC Spotlight Northern Ireland reported the practices of Richard Cook, the chairman of the Constitutional Research Council and former vice chairman of the Conservative Party in Scotland.

It revealed that Cook was behind the DUP's £435,000 donation during the EU referendum, and has "a trail of involvement in illegal activity and foreign money."

The Ferret website has revealed evidence suggesting that Scottish Unionist Association Trust - which has bankrolled the Scottish Tories to the tune of nearly £320,000 - does not meet the criteria that they are an 'exempt trust'.

The SNP's Pete Wishart MP is awaiting a response from the Electoral Commission following his calls for an in-depth investigation into SUAT in relation to its funding of Ruth Davidson's party.

However, Mr Wishart warned that the scandal surrounding Cook is just 'the tip of the iceberg' when it comes to the conduct of the Tory party and its funding.

Commenting, Martin Docherty-Hughes MP said:

"Ruth Davidson has serious questions to answer over these revelations, as it seems her party has been bankrolled by murky donations.

"She can no longer operate in the shadows and avoid the growing calls for clarity over the trail of dark money leading straight to her door.

"These findings raise some serious concerns, and she must now make clear what checks the Scottish Tory party had in place before accepting such large donations? Is Richard Cook the ultimate source of the donations set out, and is he still a member of the Scottish Tory party? And, whether or not the party still has a policy of accepting donations from the Constitutional Research Council?

"I urge Ms Davidson to be honest with the electorate about who funds her party, and why it has chosen to obscure donations in this way."

**ENDS** 

Notes for editors -

Letter from SNP MP Martin Docherty-Hughes to Ruth Davidson is available upon request.

The dark money driving the Scottish Tory surge: <a href="https://www.opendemocracy.net/uk/brexitinc/adam-ramsay-peter-geoghegan/dark-money-driving-scottish-tory-surge">https://www.opendemocracy.net/uk/brexitinc/adam-ramsay-peter-geoghegan/dark-money-driving-scottish-tory-surge</a>

Electoral Commission probes £319,000 Tory 'dark money' trust: <a href="https://theferret.scot/secretive-trust-scottish-tories-dark-money/">https://theferret.scot/secretive-trust-scottish-tories-dark-money/</a>





#### newsdirect®

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Sent: 02 July 2018 13:11

To: Vestwood; Bob Posner;
Westwood; Bob Posner;

Louise Edwards;

Subject: FW: 2 July - External issues

Hi all,

Below are the notes from today's external issues meeting:

**Cambodia visit** – The visit is taking place on Wednesday. Sir John will host, Harriet will provide a PEF overview and Ben will cover public awareness. The delegation is visiting the Foreign Office today.

- Voter ID pilot evaluation The evaluation will be published before recess. The publication date is likely to be confirmed this week. Craig will be the spokesperson for all media work.
- EU Referendum investigations and PEF
  - Vote Leave Deadline for reps is tomorrow.
  - SUAT as an unincorporated association, SUAT hasn't made the necessary notifications, prompting accusations of "dark money". We are investigating. We have received a letter from Pete Wishaw asking us to investigate.
  - o **DUP** We have received some public enquiries about the Spotlight allegations against the DUP and has written to us to complain. The BBC's Spotlight programme alone does not provide us with enough information to open an investigation, so we have requested evidence from the programme's producers but have yet to receive it. We have written to the DUP treasurer to remind him of his responsibilities for checking the permissibility of donations.
  - Stephen Kinnock John has worked with Stephen Kinnock previously and has suggested a meeting to allay some of the concerns Kinnock's has recently voiced. We are considering contacting Kinnock proactively to arrange a meeting between them. We would potentially contact him before the publication of the Vote Leave investigation conclusions, but arrange for the meeting to take place for September, after publication. John will be unable to discuss investigations as these are operational issues and so should be accompanied by someone from the enforcement team.

Thanks, Niki

From: Niki Nixon

Sent: 29 June 2018 11:48

To: Niki Nixon; Andy O'Neill; Ailsa Irvine; Ann Watt; Bob Posner;

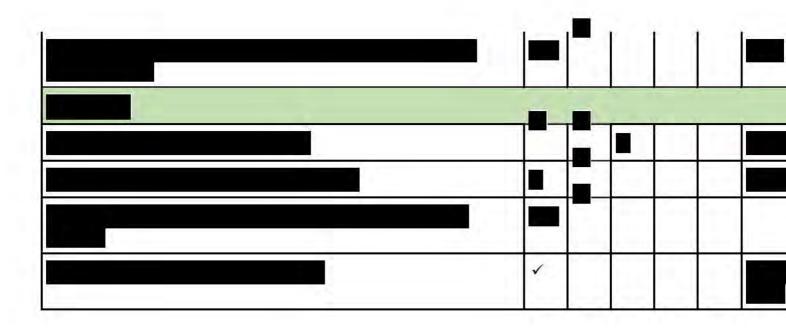
Subject: 2 July - External issues

EXTERNAL ISSUES MEETING 2 July 2018

## Agenda

- EU Referendum investigations, including Spotlight allegations
  AOB

	Publications	Parliamentary business	Meetings and events	Deadlines	External	Com
This week						
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## Niki Nixon Head of External Communications

The Electoral Commission 3 Bunhill Row

electoralcommission.org.uk yourvotematters.co.uk

From:

Ann Watt

Sent:

02 July 2018 14:54

To:

Louise Edwards; Niki Nixon

Subject:

FW: Referendum and funding for DUP and Vote Leave

#### For info

----Original Message-----

From: Ann Watt

Sent: 02 July 2018 14:53

To:

Subject: RE: Referendum and funding for DUP and Vote Leave



Thank you for your email. I am responding as Head of the Electoral Commission, Northern Ireland, on behalf of Anna Carragher, the Commissioner for Northern Ireland.

We are aware of the allegations made by the BBC Spotlight programme. We have asked the programme makers to provide us with copies of any evidence they hold of the electoral offences alleged in the programme. Once we have received this evidence, we will consider it carefully in line with our Enforcement Policy.

You can find more information on our Enforcement Policy and how we deal with allegations here: https://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation

We will make a public statement in due course on this matter.

Yours sincerely

Ann Watt

Ann Watt

Head of Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

www.electoralcommission.org.uk www.aboutmyvote.co.uk

----Original Message----

From:

Sent: 28 June 2018 14:05

To: infonorthernireland <infonorthernireland@electoralcommission.org.uk>

Subject: Referendum and funding for DUP and Vote Leave

Dear Commissioner,

My name is I was the Chairman of the Stronger in Europe campaign in Northern Ireland. Having watched the recent BBC Spotlight programme I wish to make a formal complaint to the Commission and respectively ask that you launch an investigation into the Spotlight revelations of the apparent overlap between the DUP and the expenditure on behalf of Vote Leave and that party during the referendum. There is a belief that this matter warrants a prima facie investigation by both you and the PSNI as it's possible there has been a breach of the electoral law. I look forward to hearing from you. With all good wishes, Yours sincerely,



Sent from my iPad

 Sent:
 05 July 2018 12:45

 To:
 Craig Westwood

Subject: FW: BBC Spotlight investigation on BBC News Channel tonight

#### FYI

From: Ann Watt

Sent: 05 July 2018 12:18 To: ; Niki Nixon

Cc:

Subject: BBC Spotlight investigation on BBC News Channel tonight

## https://twitter.com/BBCSpotlightNI/status/1014827132298711042

Spotlight programme 'Brexit, dark money and the DUP' is being shown on BBC News Channel tonight at 11:15pm. Given this is a repeat, I wouldn't expect many media queries as a result, but whoever is on call should be aware given it is going out UK-wide for the first time.

From:	Niki Nixon
Sent:	10 July 2018 14:40
To: Cc:	
Subject:	RE: MPs correspondence for reply:  - funding of the leave campaign by DUP
	e made some small changes and it just needs the para about government and referendum decisions not us. should be able to help you find this.
Thanks, Niki	
From: Sent: 10 July 2018 11: To: Niki Nixon	37
Subject: RE: MPs corre	espondence for reply: funding of the leave campaign by DUP
Niki,	
I've put together a	rough first draft for the letter, in line with the statement you sent over:
http://skynet/dm/Fu 4-1128640409-154	unctions/CommsPublicAffairs/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E
Best,	
From:	
Sent: 10 July 2018 10: To: Niki Nixon	22
	espondence for reply: - funding of the leave campaign by DUP
Hiya – forgot to res	spond to this yesterday. Yes, I'm on it!
Best,	
From: Niki Nixon Sent: 09 July 2018 16:	37
To: Public Affairs Tear Subject: RE: MPs corre	n < <u>PublicAffairsTeam@electoralcommission.org.uk</u> > espondence for reply
	Tallally of the leave callpagn by both
Could I see a first	draft of the response to this by Thursday?

1

Below is our current statement on the topic:

We are aware of the allegations made by the BBC Spotlight programme. We have asked the programme makers to provide us with copies of any evidence they hold of the electoral offences alleged in the programme. Once we have received this evidence, we will consider it carefully in line with our Enforcement Policy.

You can find more information on our Enforcement Policy and how we deal with allegations here: <a href="https://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation">https://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation</a>

Thanks very much, Niki

From

Sent: 09 July 2018 15:01

To: Public Affairs Team < Public Affairs Team @electoral commission.org.uk >

Subject: MPs correspondence for reply: - funding of the leave campaign by DUP

Hi

Email below came in to Claire while she was on leave – about the Spotlight programme and the DUP. I've saved it to SkyNet.

Deadline for reply is 23 July Response can go from Bob

From

Sent: 05 July 2018 11:04

To: Claire Bassett < CBassett@electoralcommission.org.uk>

Subject: Leave campaign funding by the DUP (Case Ref: GD14271)

Dear Ms Bassett.

I have received the below correspondence from my constituent, regarding funding of the Leave campaign by the Democratic Unionist Party, as highlighted in a recent BBC documentary.

I would be grateful if you would ensure that this matter is investigated and advise me of the outcome as soon as possible.

Many Thanks

MP for Swansea West

From

Sent: 27 June 2018 17:47

To:

Subject: Spotlight, Dark Money & the DUP BBC Northern Treland

My postal address is as follows



The following program aired last night on BBC Northern Ireland

Spotlight, Brexit, Dark Money & the DUP:

www.bbc.co.uk/iplayer/episode/b0b7mmt4http://www.bbc.co.uk/iplayer/episode/b0b7mmt4 via @bbciplayer

I am deeply concerned about the corruption that this investigative journalist found, he followed the trail of money that eventually found its way to the DUP, who then went on to spend said money on advertisement for the leave campaign on UK mainland, I could write more but I strongly suggest you watch the program using the link above which will take you to BBC iPlayer.

Can I ask that you pass my concerns on to any relevant departments for further investigation. I really can't understand why, with all this knowledge, why the EU referendum hasn't been declared null and void.

Yours sincerely,

UK Parliament Disclaimer: This e-mail is confidential to the intended recipient. If you have received it in error, please notify the sender and delete it from your system. Any unauthorised use, disclosure, or copying is not permitted. This e-mail has been checked for viruses, but no liability is accepted for any damage caused by any virus transmitted by this e-mail. This e-mail address is not secure, is not encrypted and should not be used for sensitive data.

**Sent:** 11 July 2018 10:<u>14</u>

**To:** Louise Edwards;

**Subject:** RE: July sanctions - sign off

I agree it's a good idea to push this back by a week.

And thanks for flagging the other two issues. I'll add these to the external issue log and agenda so we can discuss

From: Louise Edwards
Sent: 11 July 2018 07:06
To: ; Niki Nixon

Subject: RE: July sanctions - sign off

Hi

A few thoughts from me in the press release, mainly stylistic. Hope they help.

As discussed with Niki yesterday, I think there is a strong case to push this back by, say, a week (or whatever day is more convenient). It would keep a clear focus. Just to throw into the mix as well, I think we need to pencil in a date (perhaps the week after next) for saying something about (a) the Priti Patel complaint and (b) the BBC NI Spotlight programme. I have some thoughts on that, which may or may not be sensible.

#### **Thanks**

#### Louise

From:

**Sent:** 10 July 2018 17:03 **To:** Niki Nixon; Louise Edwards

Subject: FW: July sanctions - sign off

Just one thing to consider – this is due to go out on Tuesday 17<sup>th</sup>. But that could clash with any other annoucements we may be making around that date; and voter ID is Thursday 19<sup>th</sup>.

We have a precedence for moving this regular sanction publication, but I can't quite remember what we said at the time for why it was moved. Anyway, something to consider when reviewing.

From:

Sent: 10 July 2018 13:45

To: Niki Nixon <NNixon@electoralcommission.org.uk>; Louise Edwards <LEdwards@electoralcommission.org.uk>

Cc:

Subject: July sanctions - sign off

Hi Niki and Louise,

We're put together the release and LTT for July's sanctions update, which will be published on Tuesday 17 July. It would be great if you can please review the two documents, and let me know your thoughts before this goes to Bob for final sign off at 3pm tomorrow.

#### Press release:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-2086666271-2687

**LTT:** http://skynet/dm/Functions/media/ layouts/15/DocldRedir.aspx?ID=TX6SW6SUV4E4-2086666271-2688

Thanks for all your help,

Senior Communications Officer (Media relations)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

Sent:12 July 2018 10:10To:Louise EdwardsSubject:FW: External issues

FYI. I've added both Priti Patel and the Spotlight programme. I'm not going to change the date of the donee publication / sanction updates. I'll let the team know it's changing on Monday morning.

From: Niki Nixon

Sent: 12 July 2018 10:08

To: Press

Subject: External issues

Hi all,

Anything to add to the external issues agenda and log? I'll be circulating more widely tomorrow.

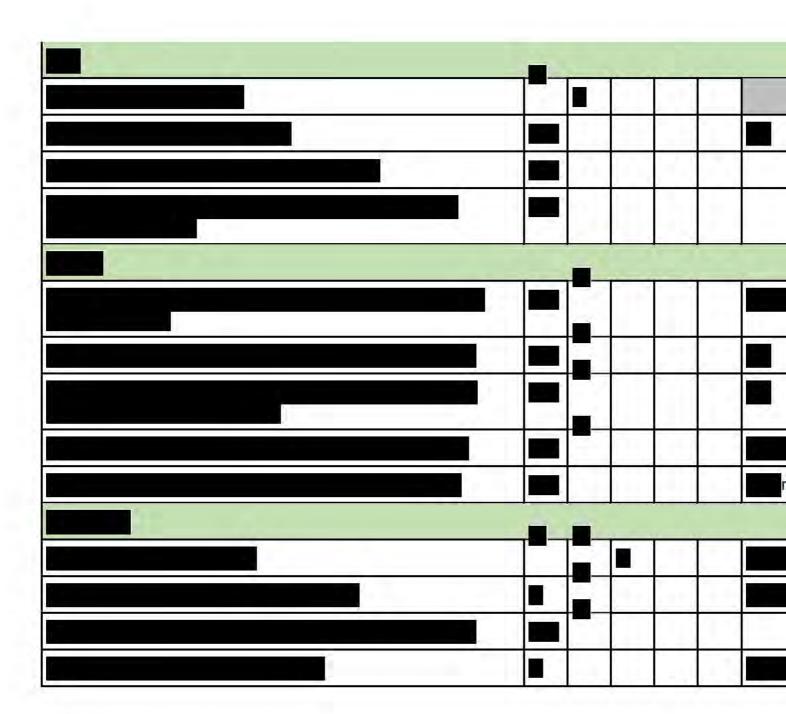
Thanks, Niki

## EXTERNAL ISSUES MEETING 16 July 2018

## Agenda

Response to allegations made in BBC NI Spotlight programme - Louise

| Publications / announcement | Parliamentary | Parliamen



## Niki Nixon Head of External Communications

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk





12 July 2018

Your ref: GD14271

Dear ,

## RE: Leave campaign funding

Thank you for your email of 5 July 2018 to Claire Bassett, regarding your constituent's concerns about funding of the Leave campaign by the Democratic Unionist Party. Ms Bassett has asked me to respond to you on her behalf.

We are aware of the allegations made by the BBC Spotlight programme and have asked the programme makers to provide us with copies of any evidence they hold which may substantiate the content in the programme, including of alleged electoral offences. We have not to date received this from them. Providing we do, we will consider it carefully in line with our <a href="Enforcement Policy">Enforcement Policy</a>.

The Commission does not have a statutory role in determining the legitimacy of election or referendum results. Parliament provided in legislation that the EU referendum result could within six weeks of the certification of the ballot papers counted and votes cast have been challenged in the courts. You will know it is now a matter for government and parliament how they proceed on the result.

I hope you and your constituent find this reply helpful.

Yours sincerely,

Bob Posner
Director of Political Finance and Regulation & Legal Counsel

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

From: Sent: To: Subject: Attachments:	12 July 2018 14:25  RE: Leave campaign funding  Posner-B-to-Davies-G-2018-07-10-leave-campaign-funding.pdf				
Dear ,					
Thank you for your email.					
Find attached a response fro Counsel, who has replied or	om Bob Posner, Director of Political Finance and Regulation & Legal behalf of Ms Bassett.				
I hope you and your constitu	ent find it helpful.				
Best wishes,					
Communications Officer The Electoral Commission 3 Bunhill Row London EC1Y 8YZ  electoralcommission.org.uk yourvotematters.co.uk  Twitter   Facebook   Blog					
From: Sent: 05 July 2018 11:04 To: Claire Bassett < CBassett@election Company					
Dear Ms Bassett,					
I have received the below correspondence from my constituent recent BBC documentary.					
I would be grateful if you would er possible.	nsure that this matter is investigated and advise me of the outcome as soon as				
Many Thanks					
, MP for Swansea West					
From	<del></del>				

Sent: 27 June 2018 17:47

To:

Subject: Spotlight, Dark Money & the DUP BBC Northern Ireland

My postal address is as follows



The following program aired last night on BBC Northern Ireland

Spotlight, Brexit, Dark Money & the DUP: www.bbc.co.uk/iplayer/episode/b0b7mmt4 via @bbciplayer www.bbc.co.uk/iplayer/episode/b0b7mmt4 via @bbciplayer

I am deeply concerned about the corruption that this investigative journalist found, he followed the trail of money that eventually found its way to the DUP, who then went on to spend said money on advertisement for the leave campaign on UK mainland, I could write more but I strongly suggest you watch the program using the link above which will take you to BBC iPlayer.

Can I ask that you pass my concerns on to any relevant departments for further investigation. I really can't understand why, with all this knowledge, why the EU referendum hasn't been declared null and void.

Yours sincerely,

UK Parliament Disclaimer: This e-mail is confidential to the intended recipient. If you have received it in error, please notify the sender and delete it from your system. Any unauthorised use, disclosure, or copying is not permitted. This e-mail has been checked for viruses, but no liability is accepted for any damage caused by any virus transmitted by this e-mail. This e-mail address is not secure, is not encrypted and should not be used for sensitive data.

From:

Niki Nixon

Sent:

16 July 2018 13:36

To:

10 7417 20 10 10

Subject:

RE: 16 June - External issues

#### Will do.

, given the focus for Louise and I in the next few days, we're likely to pick this up at the end of the week. I'll make sure we involve you in our conversations.

#### Thanks, Niki

From:

Sent: 16 July 2018 13:06

To: Niki Nixon

Cc:

Subject: RE: 16 June - External issues

Hi Niki,

On the Priti Patel letter publication for next week – could you (or whoever will lead on this from your team) please keep in the loop? I'm out of the office on Thurs/Fri and then all of next week so will lead our team in my absence.

I'm assuming the letter will be file we'll want to add to the website so you can link to it in the statement, so Ben will need to get someone in the team to do that once it's ready.

## Thanks,

From: Niki Nixon

Sent: 16 July 2018 12:53

To: Claire Bassett; Craig Westwood;

Bob Posner; Louise Edwards

Subject: FW: 16 June - External issues

### Hi all,

#### Notes form this morning's external issues meeting:



• Priti Patel and Spotlight allegations – We have carried out a lengthy assessment into the issues raised in Priti Patel's complaint. We have requested additional information from Priti Patel and from the campaigners she references. We will be responding to the complaint soon and will publish our response letter. If by this point we have not received the evidence we have requested from the BBC Spotlight programme on DUP / Vote Leave, we will combine the announcement that we are not investigating the claims made in the programme, with our statement on the response to Priti Patel. This will be ready to publish early next week. The press team will work on LTT.

Thanks, Niki

From: Niki Nixon

Sent: 13 July 2018 13:13

To: Niki Nixon <a href="mailto:NikiNixon@electoralcommission.org.uk">Niki Nixon <a href="mailto:NikiNixon@electoralcommission.org.uk">Niki Nixon@electoralcommission.org.uk</a>;

Andy O'Neill <a href="mailto:Aoneill@electoralcommission.org.uk">Aoneill@electoralcommission.org.uk</a>;

Bob Posner <a href="mailto:BPosner@electoralcommission.org.uk">Bob Posner@electoralcommission.org.uk</a>;

Subject: 16 June - External issues

## EXTERNAL ISSUES MEETING 16 July 2018

## Agenda

Response to allegations made in BBC NI Spotlight programme - Louise



### Niki Nixon Head of External Communications

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

Twitter | Facebook | Blog

From: Niki Nixon

**Sent:** <u>17 July 2018 15:34</u>

To:

**Subject:** RE: Irish News query - Vote Leave / DUP

Looks great thanks

From:

**Sent:** 17 July 2018 15:24 **To:** Niki Nixon ;

Subject: RE: Irish News query - Vote Leave / DUP

Not sure I'd want to bring the BBC Spotlight programme or Aggregate IQ into it as he doesn't mention it (although that tweet he linked to was one he posted the night it was broadcast).

Are you happy with just saying this:

"The DUP were not part of our investigation into Vote Leave and as such we have not investigated whether the DUP were working together with Vote Leave. Where evidence emerges that the rules may have been broken we will consider this in line with our enforcement policy".

From: Niki Nixon

Sent: 17 July 2018 15:10

To:

Subject: RE: Irish News query - Vote Leave / DUP

Hi

The info from the LTT on the DUP is below. You may be able to use the first two.

### The DUP also used Aggregate IQ. Have you investigated them?

We have not investigated whether the DUP were working together with Vote Leave. We are an evidence-based regulator. Any decision to investigate is based on evidence. It is allowed for two campaigners to use the same supplier. That in itself is not enough for us to investigate.

BBC Spotlight has alleged that the DUP and Vote Leave were working together, and broadcast evidence. Is that not enough for you to investigate?

The programme makes some serious allegations. We have contacted the BBC to ask it to provide us with the evidence it holds indicating electoral offences. When we get that evidence, we will look at it in line with our Enforcement Policy.

The BBC has acknowledged our request but has not yet replied.

### Any question about the Constitutional Research Council, the CRC or Richard Cook

I am prohibited by law from discussing anything to do with donations made prior to 1 July 2017 to any Northern Ireland political party. This is something which we have pressed the Government to change.

----Original Message----

From:

Sent: 17 July 2018 15:02

To: Niki Nixon <NNixon@electoralcommission.org.uk> Subject: FW: Irish News query - Vote Leave / DUP Hi Niki I don't have access to the LTT for today - did anything about the DUP get included that I could use in response to the ----Original Message----From: Sent: 17 July 2018 14:40 Subject: Irish News query - Vote Leave / DUP here from Irish News. Following the Electoral Commission's findings that Vote Leave broke electoral law, may I ask: 1. The Electoral Commission says Vote Leave exceeded its spending limit by funnelling cash through BeLeave. It is widely suspected that other Brexit campaign groups, including the DUP's campaign, were used in a similar way to breach electoral law. Here's a quick list of the links between DUP and Vote Leave: https://twitter.com/brendanhughes64/status/1011753578908831744 - Given this finding by the watchdog, will EC now be investigating the DUP, and/or Vote Leave's links to the DUP? What aspects of this will EC be examining? - If not, why not (given that there are numerous links between the campaigns which may suggest undeclared campaign coordination that would breach electoral law)? .. and any other comments you have. Please let me know if you receive this. It would be great to get a response before 4pm. Thanks again,

The Irish News

# Commission's investigation into Vote Leave LTT for Claire Bassett

### Contents

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ONE PAGE SUMMARY	2
TOP LINES	3
DUP/BBC SPOTLIGHT PROGRAMME	17
WHO'S WHO	24

### ONE PAGE SUMMARY

Following an investigation carried out in line with its duty under the Political Parties, Elections and Referendums Act 2000 (PPERA) and it's Enforcement Policy, the Electoral Commission has determined:

The responsible person for Vote Leave, David Alan Halsall, has committed the following offences:

- Exceeded the spending limit prescribed for a designated campaigner.
   Vote Leave also committed this offence.
- Delivered a referendum spending return that (a) failed to declare more than £675,000 of joint spending and (b) inaccurate reported nearly £240,000.
- Delivered a spending return that did not include all the required invoices.
- Failed to comply with an investigation notice.

Darren Grimes has committed the following offences:

- Exceeded the spending limit for a non-registered campaigner called BeLeave by more than £666,000. BeLeave also committed this offence.
- Delivered an inaccurate referendum spending return that claimed he, as an individual campaigner, spent more than £675,000 when this was actually BeLeave's spending.

The responsible person for Veterans for Britain, David Banks, has committed the following offences:

Delivered a referendum spending return that reported a donation inaccurately.

For the offences listed above, the Electoral Commission has fined:

- Vote Leave a total of £61,000.
- Darren Grimes a total of £20,000
- Veterans for Britain a total of £250

The level of fine has been constrained by the limitation on the Commission's ability to fine higher.

The Electoral Commission's investigation found that BeLeave's spending on referendum campaigning was incurred under a common plan with Vote Leave.

The Commission has reasonable grounds to suspect that Mr Halsall and Mr Grimes committed a criminal offence of making a false declaration. It has referred them to the Metropolitan Police. The Commission has also asked the police to review the actions of certain other individuals from Vote Leave who may have committed related offences.

### **TOP LINES**

- The Electoral Commission's investigation found that:
  - Vote Leave exceeded its EU referendum spending limit by almost £500,000.
  - Vote Leave and BeLeave worked together under a common plan to commission the services of Aggregate IQ
  - Darren Grimes incurred spending of over £675,000 for his BeLeave campaign without registering it as a campaigner.
  - Both Vote Leave and Darren Grimes failed to provide accurate and / or complete spending returns.
- The Electoral Commission has referred David Halsall and Darren Grimes to the Metropolitan Police for possible criminal offences relating to their spending returns.
- It has also shared its investigation files with the Metropolitan Police in relation to whether any persons have committed related offences which lie outside the Commission's regulatory remit.
- The Electoral Commission has fined Vote Leave £61,000 and Darren Grimes £20,000 for these offences. The Electoral Commission is currently unable to fine more than £20,000 for each offence.

### INVESTIGATION FINDINGS - HEADLINES

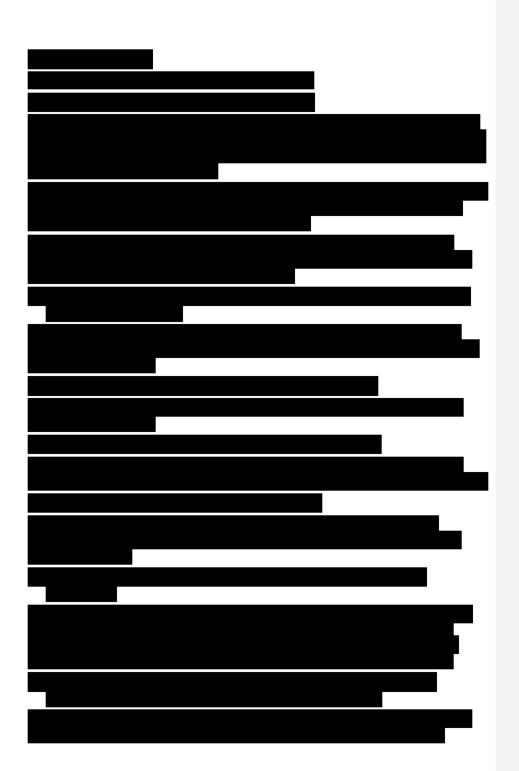
See page five of the report

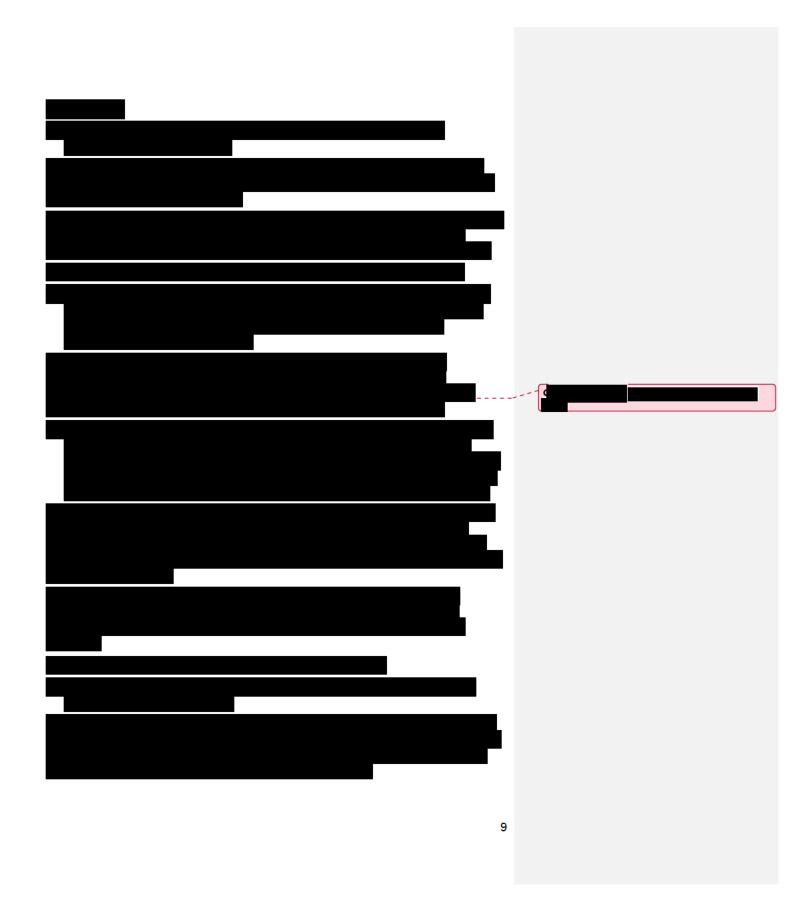
Group or individual	Offence	Fine
David Halsall	Under section 122(4)(b) PPERA, Mr Halsall failed, without reasonable excuse to deliver a referendum spending return for Vote Leave that was a complete statement of all payments made. Mr Halsall reported nearly £250,000 inaccurately. He also failed to report common plan spending of £676,015.87.	£20,000
	Under section 122(4)(b) PPERA, Mr Halsall failed, without reasonable excuse, to deliver a referendum spending return for Vote Leave that was accompanied by all the required invoices and receipts. Supporting invoices were missing for eight items totalling £12,849.99.	£1,000
	Under section 118(2)(c)(i) PPERA, Mr Halsall incurred spending of £449,000 which he knew or ought reasonably to have known was in excess of the statutory spending limit for Vote Leave.	£20,000
Vote Leave	Under schedule 19B paragraph 13(1) PPERA, Vote Leave failed, without reasonable excuse, to comply with a requirement imposed by the Commission to produce documents by a specified date.	£20,000
	Under section 118(2)(c)(ii), exceeded its statutory spending limit.	No fine as fined for s118(2)(c)(i)
		Total: £61,000
Darren Grimes	Under section 117(3) PPERA, Mr Grimes incurred spending on behalf of BeLeave that exceeded by £666,000 the statutory limit for a non-registered campaigner. BeLeave has also committed this offence.	£20,000
	Under section 122(4)(b), Mr Grimes failed, without reasonable excuse, to deliver a referendum spending return as an individual registered campaigner that was a complete statement of all his referendum spending.	No fine, due to the above listed offence.
		Total: £20,000
BeLeave	Under section 117(4) PPERA, exceeded the statutory spending limit for a non-registered campaigner.	No fine, due to fine on Mr Grimes

		Total: £0
David Banks	Under section 122(4)(b) PPERA, Mr Banks failed, without reasonable excuse, to deliver a referendum spending return that included an accurate report of relevant donations received.	£250
	·	Total: £250









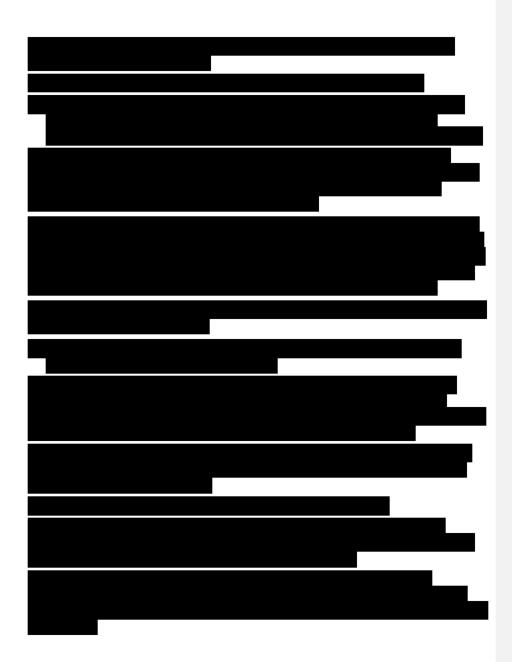












### **DUP/BBC SPOTLIGHT PROGRAMME**

### 40. The DUP also used Aggregate IQ. Have you investigated them?

We have not investigated whether the DUP were working together with Vote Leave. We are an evidence-based regulator. Any decision to investigate is based on evidence. It is allowed for two campaigners to use the same supplier. That in itself is not enough for us to investigate.

## 41. BBC Spotlight has alleged that the DUP and Vote Leave were working together, and broadcast evidence. Is that not enough for you to investigate?

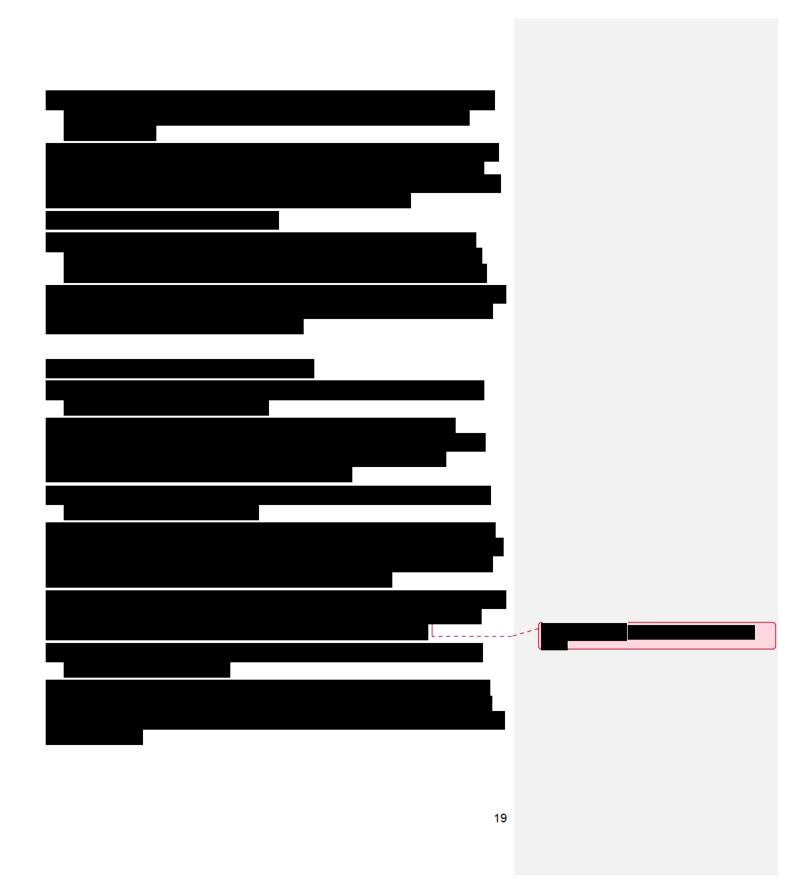
The programme makes some serious allegations. We have contacted the BBC to ask it to provide us with the evidence it holds indicating electoral offences. When we get that evidence, we will look at it in line with our Enforcement Policy.

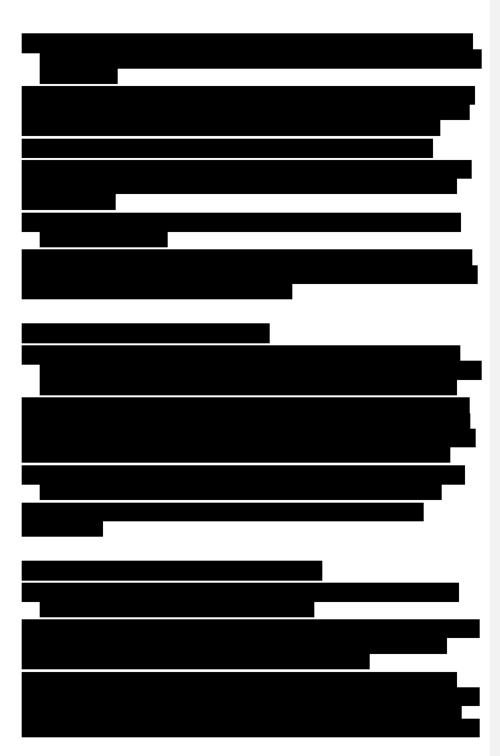
The BBC has acknowledged our request but has not yet replied.

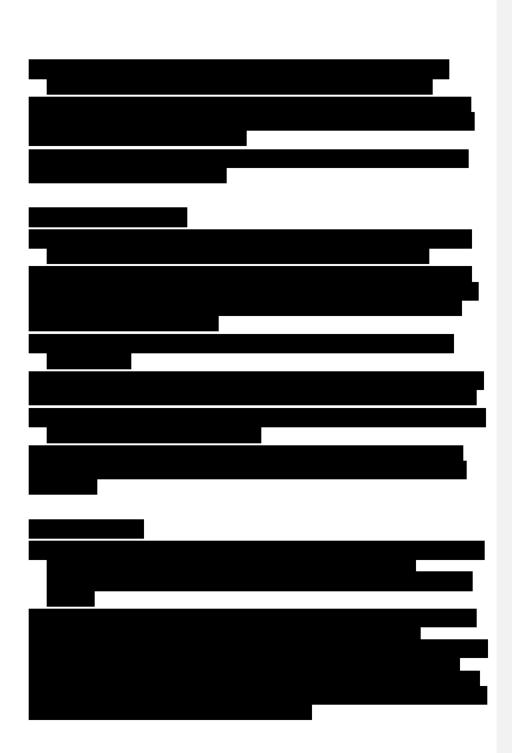
### 42. Any question about the Constitutional Research Council, the CRC or Richard Cook

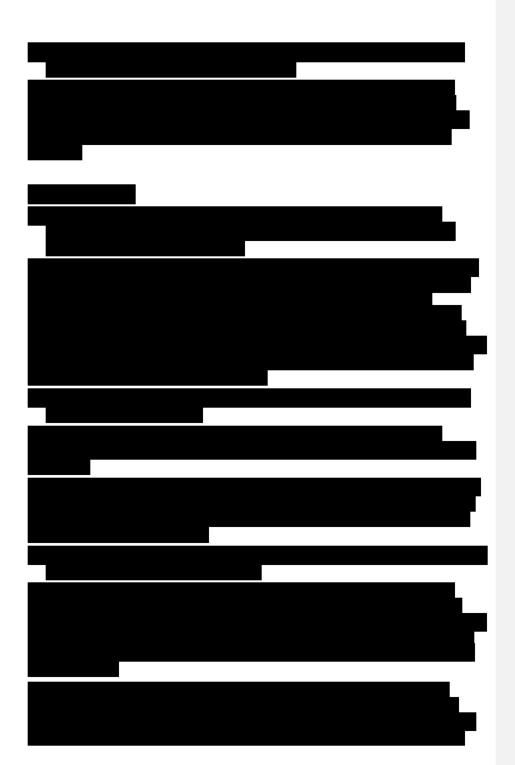
I am prohibited by law from discussing anything to do with donations made prior to 1 July 2017 to any Northern Ireland political party. This is something which we have pressed the Government to change.

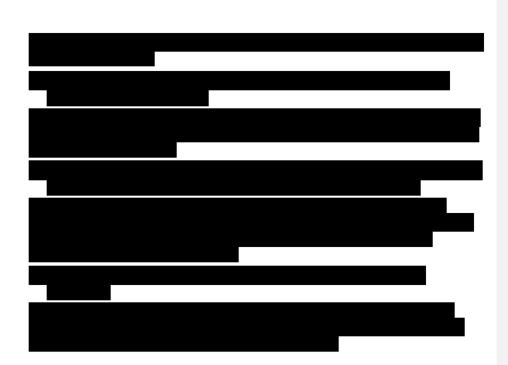












### WHO'S WHO

### **Vote Leave**

DAVID ALAN HALSALL - Responsible Person

MATTHEW ELLIOT - CEO

DOMINIC CUMMINGS - Campaign Director

VICTORIA WOODCOCK - Operations Director

ANTONIA FLOCKTON - Finance Director

CLEO WATSON - Head of Outreach

STEPHEN PARKINSON - National Organiser (not referenced in our report)

BORIS JOHNSON MP/MICHAEL GOVE MP - prominent Vote Leave campaigners

GISELA STUART - former MP, Vote Leave Board member

WILLIAM NORTON - Head of Legal

### Grimes/BeLeave

DARREN GRIMES - individual campaigner, responsible person for BeLeave

SHAHMIR SANNI – BeLeave treasurer, and 'whistle-blower' (see below)

### **Veterans for Britain**

DAVID BANKS – Responsible Person (no relation we are aware of to Arron Banks)

### 'Whistle-blowers'

CHRIS WYLIE - claimed early involvement in BeLeave

MARK GETTLESON - Vote Leave contractor, left before regulated period

SHAHMIR SANNI – Vote Leave volunteer and BeLeave treasurer

TAMSIN ALLEN/BINDMANS SOLICITORS – lawyers for Wylie, Gettleson and Sanni

### Other

ANTHONY CLAKE - donated £50,000 to BeLeave

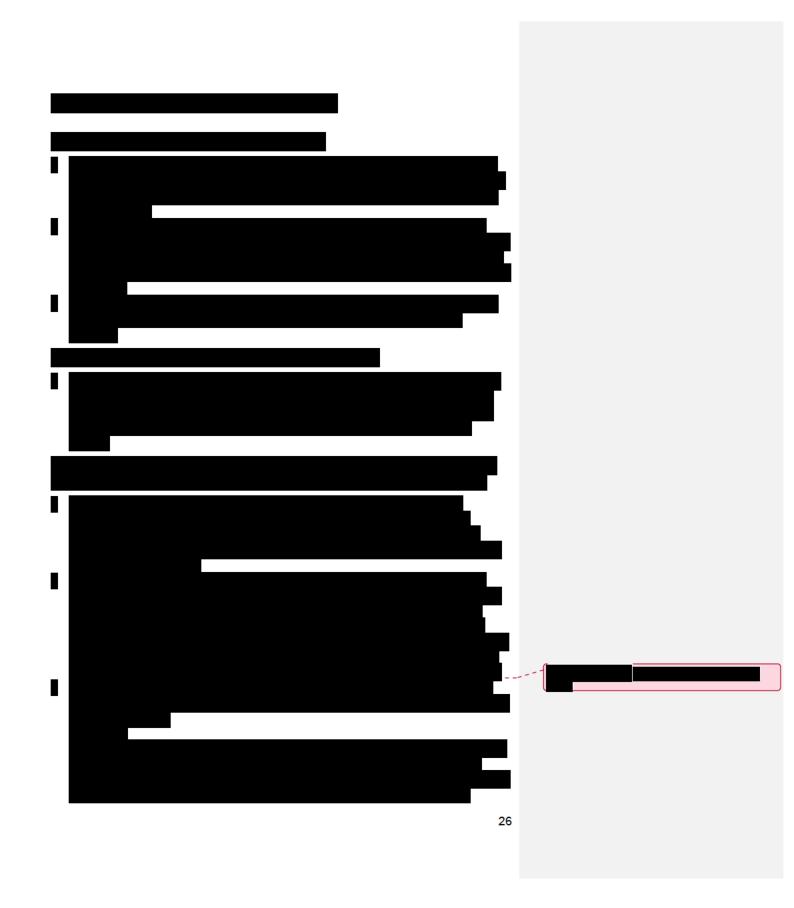
JEFF SILVESTER - Aggregate IQ CEO

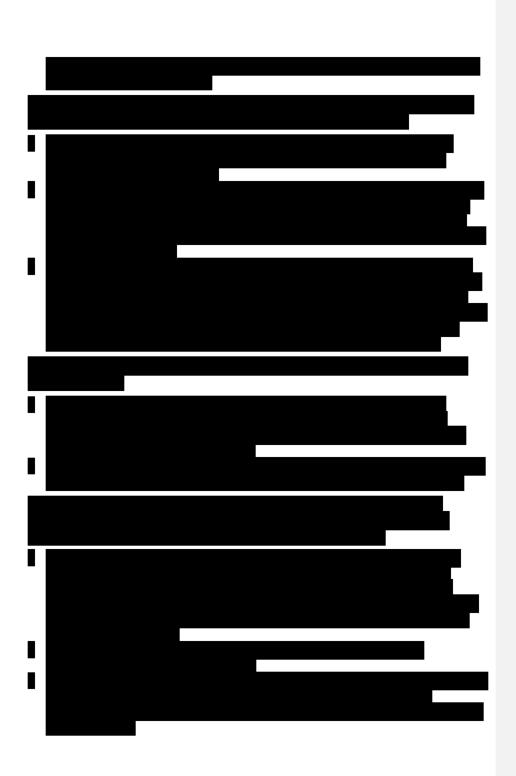
ZACK MASSINGHAM - Aggregate IQ rep based in Vote Leave office

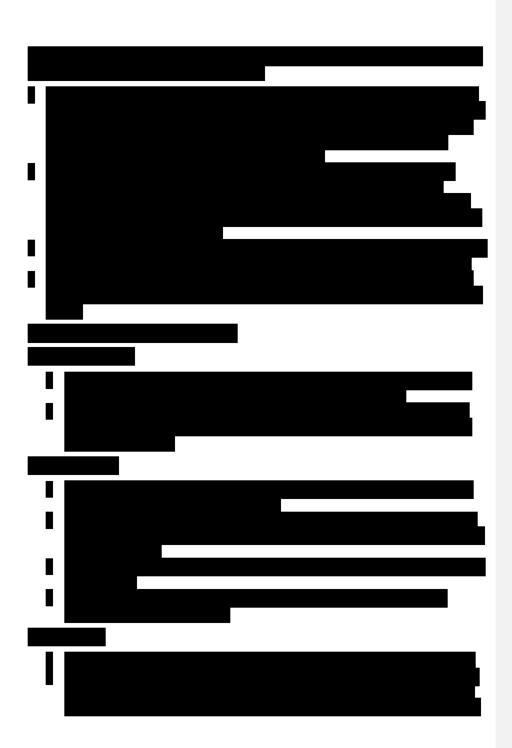
ALEXANDER NIX – former CEO of Cambridge Analytica

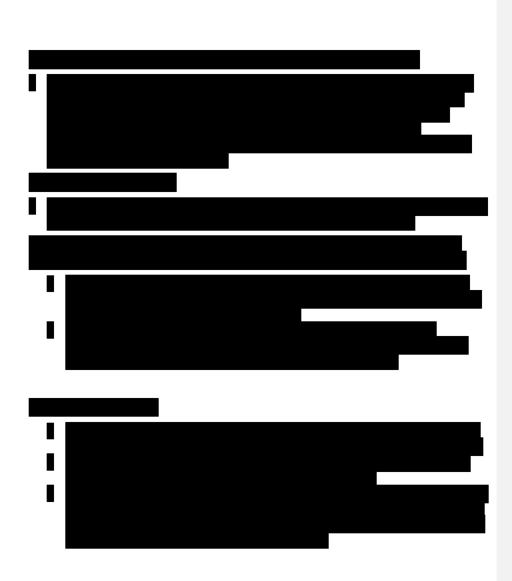
JOLYON MAUGHAM QC – Good Law Project founder

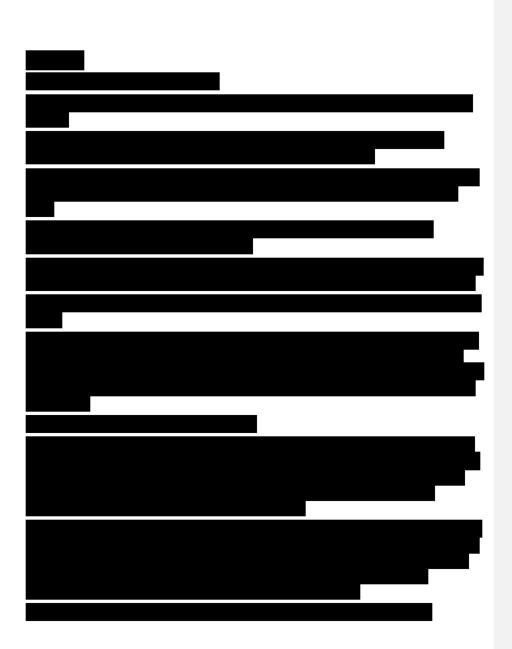
DAMIEN COLLINS MP – Chair of the DCMS Select Committee











From: Niki Nixon

**Sent:** 23 July 2018 1<u>2:47</u>

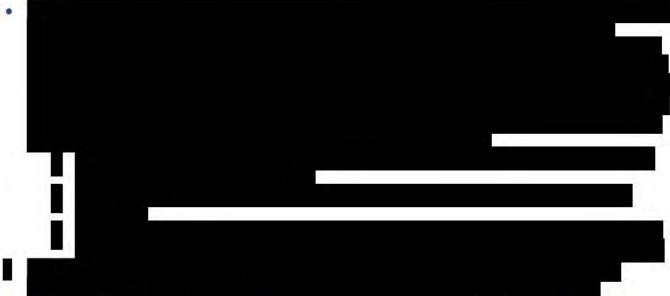
To: <u>Claire Bassett</u>;

Craig Westwood;

**Subject:** FW: 23 July - External issues

Hi all,

Here are the notes from this morning's meeting.



BBC Spotlight programme – We have now received a letter from the BBC Spotlight
programme, following our request for evidence on the allegations they made against the
DUP. We are carrying out an assessment and will make and communicate our decision late
this week / early next week. Now that the BBC have been in touch with us, the press team
will update the media lines on this.

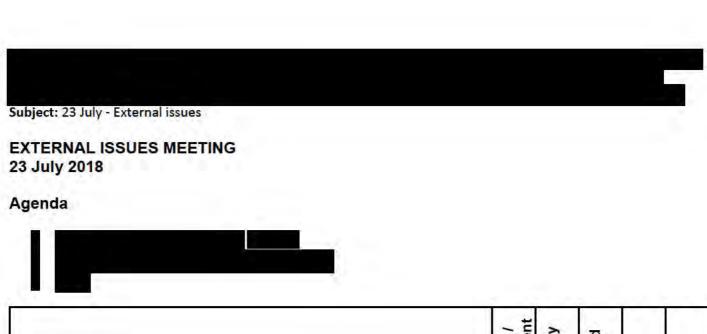


### Thanks, Niki

From: Niki Nixon

Sent: 20 July 2018 12:28

To: Niki Nixon Ailsa Irvine Ail



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## Niki Nixon Head of External Communications

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>





23 July 2018

Dear

RE: Formal complaint of delay and inadequacy at the Electoral Commission.

Thank you for your follow up letter of July 9 2018. Sir John Holmes has asked me to respond on his behalf.

I refer to my colleague Bob Posner's response dated July 9 2018 which outlined the Commission's statutory remit and provided an update on the Commission's work since the 2016 EU Referendum.

I acknowledge the supplementary points you have made. We have now published the conclusions of our investigation into the campaign spending of Vote Leave and a number of other campaigners. A copy of the <u>investigation report</u> is available to read on our website. We have issued fines and referred the responsible person for Vote Leave, and the responsible person for BeLeave, to the Metropolitan Police in relation to false declarations of campaign spending and have also shared our investigation files with the police in relation to whether any persons have committed related offences which lie outside the Commission's regulatory remit.

I can confirm we are aware of the content of the BBC NI Spotlight programme. We have asked BBC Spotlight to provide us with copies of any evidence it holds of the alleged electoral offences mentioned in the programme. We will consider any evidence of breaches of the rules in line with our <u>Enforcement Policy</u>.

I trust this letter is helpful to you. Please be aware that many of the matters you have raised are beyond the statutory remit of the Commission. You can find <u>clarification about the Commission's role and responsibilities</u> given to it by Parliament on our website.

Yours sincerely,

**Kieran Rix Director of Finance and Corporate Services** 

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ From:

Niki Nixon

Sent:

26 July 2018 13:44

To:

Subject:

FW: External issues



It looks like the Priti Patel / Spotlight announcement will now happen while I'm away next week, so can I ask you to lead on it please?

Any problems, just let me know.

## Thanks, Niki

From: Niki Nixon

Sent: 26 July 2018 13:36 To: Press ; Craig Westwood Subject: External issues

Hi all,

The draft external issues agenda and log is below, please let me know by 11am tomorrow if you have anything to add or update.

Thanks, Niki

# EXTERNAL ISSUES MEETING 30 July 2018

## Agenda





# Niki Nixon Head of External Communications

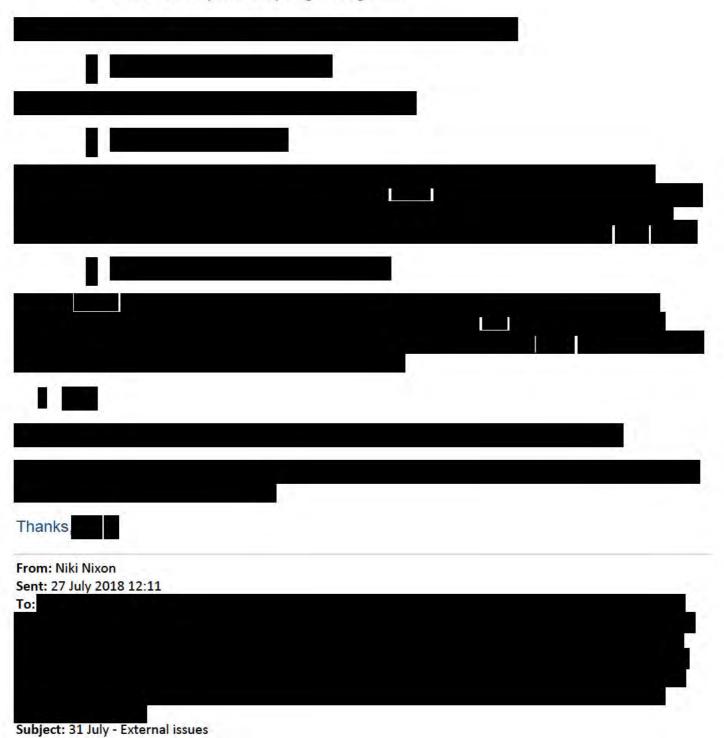
The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

From:
Sent: 01 August 2018 15:21
To: Niki Nixon
Subject: RE: 31 July - External issues

Hi Niki, I didn't write a note of External Issues as Claire attended the meeting. But probably helpful for you to see a note as you catch up when you're back from leave!!

o Priti Patel response / Spotlight allegations



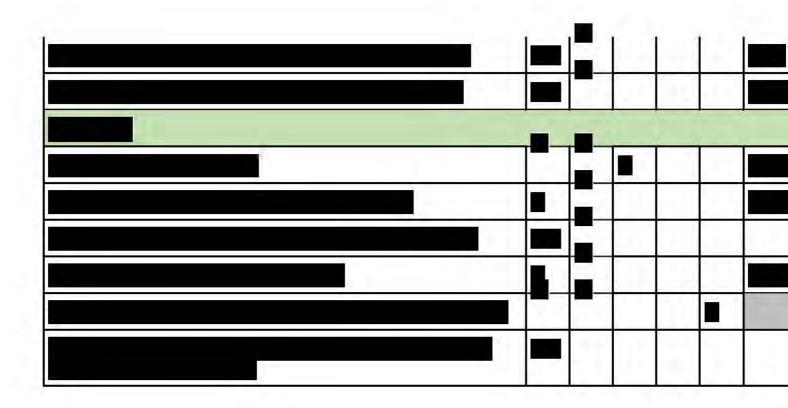
As a number of people are attending plain English training on Monday, the external issues meeting will be held on Tuesday 31 July at 10.30 in the Martin Room. will chair.

Thanks, Niki

# EXTERNAL ISSUES MEETING 31 July 2018

# Agenda

Next fortnight's activity: o Priti Patel response / Spotlight allegations



## Niki Nixon Head of External Communications

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk

From:

Sent:

O1 August 2018 14:22

To:

Nixon

Subject:

RE: Media statement, letters and plan for tomorrow

Hi

E-signatures added. Just to note that the letter to Ms Patel does not have the swear word redacted, but I noticed that it had been 'asterisked' in the press release. I leave it to others whether you want to redact that word too.

If there are any last minute issues, I'm around on the phone tomorrow morning.

#### Thanks

### Louise

Hi guys,

Media Statement for tomorrow is here:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E 4-2086666271-2700

I will issue it at 12pm to UK political journalists; will issue to NI journalists.

#### Prior to being issued:

- At approximately 10am, PFR will send letters to the two 'remain' campaigners that are now being investigated.
- At 11.30am, will send PP letter
- At 11.30am, will send Spotlight letter
- At 12.00pm, media statement issued.

#### PP letter:

http://skynet/dm/Functions/CaseworkInvestigations/\_layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-1668264703-2187

#### Spotlight letter:

http://skynet/dm/Functions/CaseworkInvestigations/\_layouts/15/DocIdRedir.aspx?ID=TX6SW6SU V4E4-1668264703-2189

#### Actions:

- Louise to e-sig her letters.

- Abi to upload letters to the website and they are to be published at 12.00pm. They should both have Louise e-sig email address and Louise's email address removed before being uploaded.

to prepare one factual tweet to mark an<u>nounce</u>ment to be posted around 12.00pm

to upload press release to the website ( s working on the Welsh translation at the moment)

Kind regards

Media Relations and Public Information Manager
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

www.electoralcommission.org.uk

Press office: 020 7271 0704

Out of office hours: 07789 920 414

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From:

Sent: To:

**Subject:** 

03 August 2018 10:23

All EC Staff - All Sites; Commissioners Protected

In the News - Friday 3 August



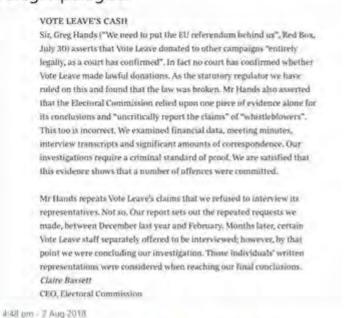
# **Electoral Commission letter re. Vote Leave investigation**

Craig posted a newsfeed item earlier this week with our letter to **The Times** refuting claims made by an MP about our investigation into Vote Leave. The letter has been published today and is getting considerable attention on Twitter today, particularly following a quote tweet by this individual:



falsehoods to mislead the public into believing VoteLeave didn't really break the law during the referendum campaign & that @ElectoralCommUK treated them unfairly. CEO @Claireerbassett has humiliated Hands with her crisp response.

# Greg! Apologise!



O 30 13 570 0 724

# <u>Electoral Commission concludes assessments into allegations regarding certain EU Ref campaigners</u>

Yesterday, the Commission announced the conclusion of assessments into allegations regarding certain EU Referendum campaigners. More details in the <u>press release</u> we issued. Widespread coverage of our announcement.

Remain EU Referendum campaign spending claims rejected BBC News Online

Article reports our findings and also includes parts of the letter that we sent to the complainant in which the Commission asserted its independence and impartiality. BBC News Online Northern Ireland have also covered our announcement, focusing on our decision not to take further allegations made by the Spotlight programme. Article includes a response from the BBC.

Daily Telegraph (page 2, paywall), Daily Express (page 6, in brief and online)

Further online coverage of our announcement on <u>PoliticsHome</u>, <u>Business Insider</u>, <u>Daily Mirror Online</u>, <u>ITV.com</u>, <u>Independent Online</u>, <u>Guido Fawkes</u>, <u>Total Politics Online</u>

<u>Guardian Online</u> focus on the Commission not taking further action against the DUP following an assessment of the BBC Spotlight programme. It too picks out sections of our letter to the MP (who made allegations about Britain Stronger in Europe) about our impartiality. Also in <u>Irish News</u>

(page 8 and online), includes quotes from politicians in Northern Ireland. And also <u>Belfast</u> <u>Telegraph</u> (page 2 and online)

Separately, the <u>Sun Online</u> has a report on the fine paid by Veterans for Britain following the recent conclusion of our investigation.

## Statement of Accounts under £250k

'British National Party pinning hopes on money from wills' BBC News Online

Journalist has gone through the BNP's accounts and focused on where their income in 2017.

Coverage in The Irish News about the SDLP accounts.

# PFR allegations in Scotland

<u>'David Mundell's election campaign financed by Tory "dark money" fund</u> The Herald (page 1 and online)

Following the Commission's publication of the Statement of accounts, the paper reports donations made by the Scottish Unionist Association Trust to the accounting unit of the MP.

# On this day

1914: The first ship passed through the Panama Canal.

## Today's front pages

Media Relations and Public Information Manager

The Electoral Commission 3 Bunhill Row

www.electoralcommission.org.uk

Press office: 020 7271 0704

Out of office hours: 07789 920 414

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From:

**Sent:** 03 August 2018 10:54

**To:** Bob Posner; Louise Edwards; Niki Nixon

Cc: Ann Watt; Ailsa Irvine;

**Subject:** RE: Sinn Fein meeting

Thanks Bob – I think they know all that but they are probably looking to get a bit of PR out of it to say they met the Commission to share their concerns. However I'll send them the statement and the letter sent to BBC and make clear we wont have anything further to add.



From: Bob Posner

Sent: 03 August 2018 10:49

To: ; Louise Edwards ; Niki Nixon

Cc: Ann Watt ; Ailsa Irvine ;

Subject: RE: Sinn Fein meeting

Thank and of course fine on recall petition. However, I think it would be right to let them know in advance that Commission staff will not add any comment to that already said in our public statement on the decision not to investigate the Spotlight allegations. Such would not be appropriate. We can point them to our Enforcement Policy, and if they want to submit evidence for our consideration we can consider that.

#### Bob.

From:

**Sent:** 03 August 2018 10:29

To: Bob Posner <BPosner@electoralcommission.org.uk>; Louise Edwards <LEdwards@electoralcommission.org.uk>;

Niki Nixon <NNixon@electoralcommission.org.uk>

**Cc:** Ann Watt < <u>AWatt@electoralcommission.org.uk</u>>; Ailsa Irvine < <u>airvine@electoralcommission.org.uk</u>>;



Subject: Sinn Fein meeting

Hi

Sinn Fein have requested a meeting with us to cover a number of recent issues. The main issues seem to be the recall petition and our decision not to investigate the Spotlight allegations. I doubt there is much we can say on this but we can listen to what they have to say.

Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

# <u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From:

Sent: 02 August 2018 11:05

To:

Subject:

RE: Links for media statement

Yes, you start uploading. Thanks.

http://skynet/dm/Functions/media/Press%20releases/Media%20Statement%20August%2018%20update%20on%20PFR%20allegations.docx

From:

Sent: 02 August 2018 11:01

To

Subject: RE: Links for media statement

Not a problem! The letters page is all ready to go live. Is the press release ready to be uploaded?

From:

Sent: 02 August 2018 10:54

To:

Subject: RE: Links for media statement

THANK YOU!!

From:

Sent: 02 August 2018 10:54

To:

Subject: Links for media statement

Spotlight: http://www.electoralcommission.org.uk/ data/assets/pdf file/0007/245392/2018-07-30-Letter-to-BBC-NI-.pdf

Patel: https://www.electoralcommission.org.uk/ data/assets/pdf file/0008/245393/2018-07-24-Patel-letter-.pdf

From: Louise Edwards Sent: 01 August 2018 14:22

To:

Ann Watt < AWatt@electoralcommission.org.uk >; Craig Westwood

<<u>CWestwood@electoralcommission.org.uk</u>>; Sioned Wyn <<u>SWyn@electoralcommission.org.uk</u>>; Niki Nixon

<NNixon@electoralcommission.org.uk>

Subject: RE: Media statement, letters and plan for tomorrow

Hi

E-signatures added. Just to note that the letter to Ms Patel does not have the swear word redacted, but I noticed that it had been 'asterisked' in the press release. I leave it to others whether you want to redact that word too.

If there are any last minute issues, I'm around on the phone tomorrow morning.

## Thanks

#### Louise

From:

Sent: 01 August 2018 14:02

To:

Ann Watt < AWatt@electoralcommission.org.uk >; Craig Westwood

< CWestwood@electoralcommission.org.uk >; Louise Edwards < LEdwards@electoralcommission.org.uk >

Niki Nixon < NNixon@electoralcommission.org.uk >

Subject: Media statement, letters and plan for tomorrow

Hi guys,

Media Statement for tomorrow is here:

http://skynet/dm/Functions/media/ layouts/15/DocldRedir.aspx?ID=TX6SW6SUV4E 4-208666271-2700

I will issue it at 12pm to UK political journalists; will issue to NI journalists.

# Prior to being issued:

- At approximately 10am, PFR will send letters to the two 'remain' campaigners that are now being investigated.
- At 11.30am, will send PP letter
- At 11.30am, will send Spotlight letter
- At 12.00pm, media statement issued.

#### PP letter:

http://skynet/dm/Functions/CaseworkInvestigations/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-1668264703-2187

#### Spotlight letter:

http://skynet/dm/Functions/CaseworkInvestigations/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SU V4E4-1668264703-2189

## Actions:

- Louise to e-sig her letters.
- Abi to upload letters to the website and they are to be published at 12.00pm. They should both have Louise e-sig, Laura's email address and Louise's email address removed before being uploaded.
- to prepare one factual tweet to mark announcement to be posted around 12.00pm
- o upload press release to the website ( is working on the Welsh translation at the moment)

#### Kind regards

# Media Relations and Public Information Manager

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

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From:
Sent:
To:
Subject:

RE: Your enquiry - donation limits

Yes, the threshold is also £7,500

Thanks,

From:
Sent: 23 May 2017 15:07

Subject: RE: Your enquiry - donation limits

Thanks I wasn't asking about candidates. I'm interested in members' associations – a group of MPs that club together on some shared interest. The particular one I'm looking at is the European Research Group. But I suppose it's the same bar - £7,500 before a donation has to be reported?

Producer - Spotlight

From: Sent: 23 May 2017 11:13

To:

Subject: RE: Your enquiry - donation limits

H

To:

I'll also include our guidelines for party donations, which sets out that only permissible donations over £7,500 need be reported –

https://www.electoralcommission.org.uk/ data/assets/pdf file/0014/102263/to-donations-rp.pdf

Kind regards,

From: Sent: 23 May 2017 10:54

To:

Subject: Your enquiry - donation limits

Dear

Thanks for your call, I've lifted the following out of our media handbook -

### 5.8 Is there a limit on donations a candidate can accept in the UKPGE?

No. However, candidates can only accept donations of money, items or services worth more than £50 towards their campaign spending from a permissible source (see section 5.9).

All donations worth more than £50 must be published in the candidate's spending return. They do not need to declare donations with a value of £50 or less.

#### 5.9 Who can make donations to candidates?

Anyone can make a donation worth less than £50 to candidates.

Candidates must ensure they only accept donations of more than £50 from a permissible source. Donations that are not from a permissible source must be returned to the donor within 30 days. After that, the donation may be forfeited.

Permissible donors in the UK are defined as:

an individual on a UK electoral register
a GB registered political party
a UK registered company which is incorporated within the EU and carries on business in the UK
a UK registered trade union
a UK registered building society
a UK registered limited liability partnership
a UK registered friendly society
a UK based unincorporated association

Also our <u>Guidance for candidates and agents on spending and donations</u> may be of interest to you, particularly pp. 19 - 29.

Kind regards,



Communications Officer (Public Affairs)

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

electoralcommission.org.uk yourvotematters.co.uk



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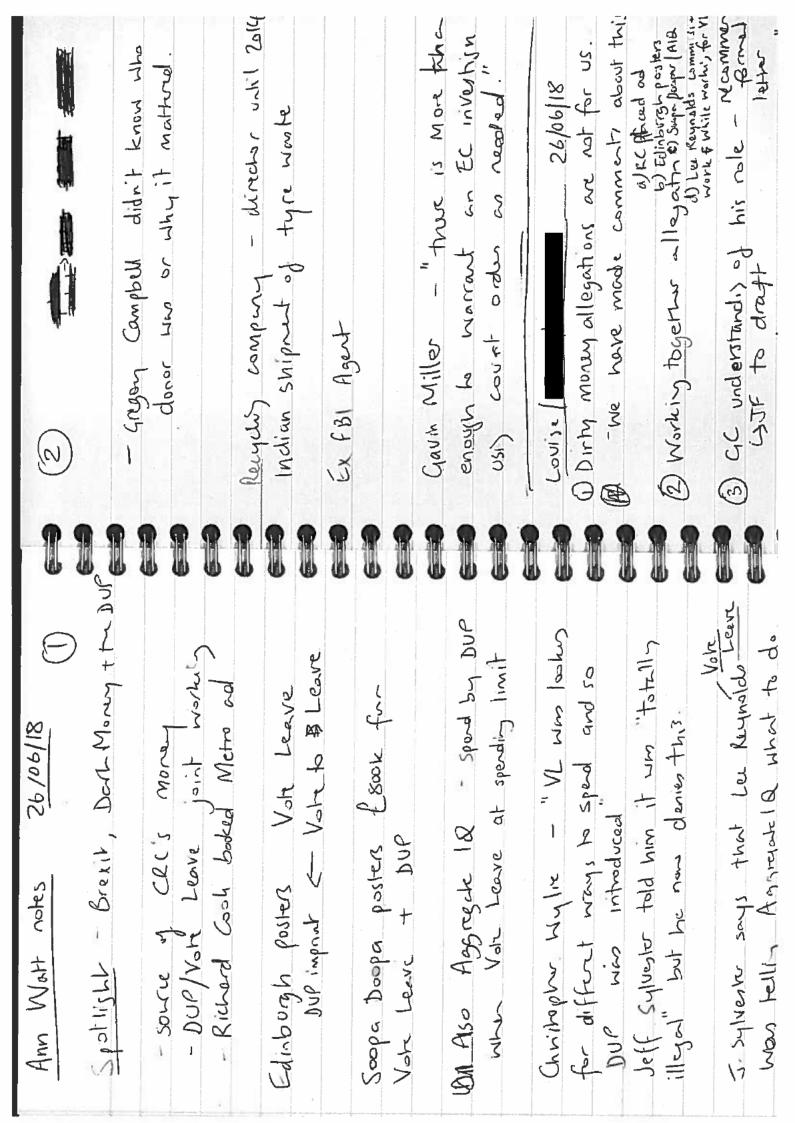
HAND VILLAREN NOTE (I)- story Shypy ulegal works - \$ Evenule - Ukraine - Che is a front for Vote Leave - Javen Millar - Glectoral lawyer . Money oyel last days / conjuga - Jan Murphy - & Know Recland God - Netor abovek broked by Kisled Cook Reded Cool is derecting Dell yard - Sugget EC are energyly - AW sup we vul enestade évidence - Dup malared - Galerley Loopy leba Iste Leave - Vde Lowe Vde to house - Dup posos were ordered - Ely Snoope Doops - don't record who hygregte IP Duf contact - just another same

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b) MR to re-ward Sportight to
assess joint works allegns
c) Mile to write to BBC formalis
d) Step Medic statement? LE to work
d) Step Medic statement?

(2)

From: Niki Nixon

 Sent:
 22 June 2018 08:58

 To:
 Craig Westwood

**Subject:** FW: BBC Spotlight interview

From:

Sent: 06 June 2018 15:59

To: Niki Nixon Cc: Ann Watt

Subject: RE: BBC Spotlight interview

### 50 mins long!!!!

Tough questioning but Ann covered everything really well. The main issues covered were:

- The rules around accepting donations and the legal responsibilities of a treasurer
- Joint working by campaigners
- Corrupt financial concerns (made clear this was a policing matter)
- The DUP and Constitutional Research Council we cant comment on this but we were asked so that point could be made
- Backdating transparency to 2014

The programme is scheduled to go on air on 26 June – it'll likely only air on BBC NI but sometimes they do run it on other BBC platforms. It will definitely be on iplayer so I can send a link after it airs. Journalist told me they are also interviewing the ICO and an academic.

Give me a call if you want to discuss further.

From: Niki Nixon

**Sent:** 06 June 2018 15:51

Subject: RE: BBC Spotlight interview

Hey

How did the interview go?

From:

**Sent:** 05 June 2018 11:01

To: Niki Nixon <NNixon@electoralcommission.org.uk>;

Subject: BBC Spotlight interview

#### Hi both

Just want to make you aware that Ann will be doing a pre-record interview for BBC Spotlight later today. Spotlight is local current affairs investigative programme and we have done stuff with them before. It'll be about the EU referendum (and I suspect the DUP) and Ann will be giving an

overview of the rules and pushing our point on transparency from 2014. Ive spoken to the journalist and he understands we wont be commenting on any investigations or donations pre July 2017.

Any questions let me know



Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

From: Ann Watt 22 June 2018 12:05 Sent: Niki Nixon: To: Cc: FW: CRC - action required please Subject: Importance: High Hi Niki and - to be aware of BBC Spotlight programme below, due to be aired in Northern Ireland on Tuesday 26th evening. I did a pre-record for this a few weeks ago. The programme is likely to include serious allegations, some related to our regulatory role. They will probably trail the programme in BBC NI news during Tuesday. We will lead on putting together some responsive lines early next week. We will as usual be very limited in what we can say by PPERA 71E. Ann From: Louise Edwards Sent: 21 June 2018 10:55 To: Cc: Ann Watt Subject: CRC - action required please Importance: High Hi both Ann has let me know that the CRC are going to feature in a BBC Spotlight programme on Tuesday next week. Some of the allegations are those we have seen before. Some are new

Could someone from one of your teams please put this together? And then send it to me and Ann. It would be brilliant to have this by tomorrow but we really need it by **Monday morning**.

Thanks very much and do give me a call if you want to discuss.

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From:
Sent:
01 June 2018 10:05
To:
Subject:
RE: BBC interview

## Can do 12:00 on Tuesday

From:

**Sent:** 01 June 2018 10:00

To:

Subject: RE: BBC interview

Hi

#### The broad areas are:

- 1. The legislation pertaining to political donations in Northern Ireland. How things were at the time of EU ref, how they've changed and how the EC might like them to change further.
- 2. The process for ensuring donations are permissible.
- 3. The responsibilities of political parties in this regard.
- 4. Issues around EU ref existing EC investigations completed and ongoing (realise Ann is limited in what she can say in relation to the ongoing investigation)

If we can make Tuesday work that would be great because I fear our schedule is about to get quite hectic. We will set up somewhere convenient for you and be ready to roll at the appointed time. You should leave an hour for this to allow for all the usual that current affairs to demands.

Give me a call if you've any questions.



From:

**Sent:** 01 June 2018 09:49

To:

Subject: RE: BBC interview



Monday is out Im afraid and Tuesday isn't great but will see if things can be moved about.

Can you give me a bit more detail on what you want to ask Ann so I can pull together info for her. Im assuming you'll want her to explain the rules and express our views on publishing back to 2014?



From:

Sent: 01 June 2018 09:38

To:

Subject: BBC interview



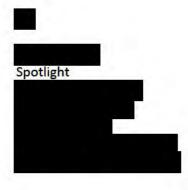
Hope all's well.

Following our discussion some weeks ago, I'm just chasing up the possibility of an interview with Ann Watt. I understand that there are specifics that she can't go into, but there are also some broad areas which need reflected in this programme and it would be important for us to have the Electoral Commission's voice.

We could possibly do something Monday or Tuesday if that worked.

Give me a call when free.

Thanks,



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From:

Sent: 01 June 2018 10:01

To:

Ann Watt

Subject:

FW: BBC interview

## I think we should go ahead

From:

Sent: 01 June 2018 10:00

To

Subject: RE: BBC interview



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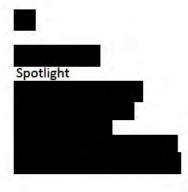
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From: Sent: 01 June 2018 15:26 To: Subject: RE: BBC interview Ok - Im out of the office on Monday morning for some training. Will be back around 2:30 so can speak after then Have a good weekend Sent: 01 June 2018 15:09 Subject: RE: BBC interview We've booked a room for Tuesday in Union Theological College and will be ready to roll from 12. Let's chat on Monday. From: Sent: 01 June 2018 10:05 To: Subject: RE: BBC interview

Can do 12:00 on Tuesday

From:

Sent: 01 June 2018 10:00

To:

Subject: RE: BBC interview

Hi

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Sent: 01 June 2018 15:26

To:

Ann Watt

Subject:

FW: BBC interview

# FYI - I will definitely be with you for this one!

From

Sent: 01 June 2018 15:09

To:

Subject: RE: BBC interview



We've booked a room for Tuesday in Union Theological College and will be ready to roll from 12. Let's chat on Monday.

### UNION THEOLOGICAL COLLEGE



From:

Sent: 01 June 2018 10:05

To:

Subject: RE: BBC interview

Can do 12:00 on Tuesday

From:

Sent: 01 June 2018 10:00

To

Subject: RE: BBC interview



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From: 04 June 2018 17:53 Sent: To: Subject: Re: tomorrow Hi Yes let's speak in the morning From: Sent: 04 June 2018 16:38:02 To Subject: tomorrow I hope all's good for tomorrow. We'll be set up in Union Theological College in Botanic read to roll at 12. I may be called into a meeting a moment, so if it's easier to speak in the morning please just give me a shout on the mobile. Jim Fitzpatrick Spotlight

From: Niki Nixon

**Sent:** <u>06 June 2018</u> 17:52

To:

Cc: Ann Watt

**Subject:** RE: BBC Spotlight interview

Sounds heavy going, but really pleased it went well.

Would be great to get the iPlayer link once it's available, if only to improve my understanding of this area of work.

Thanks, Niki

From:

**Sent:** 06 June 2018 15:59

To: Niki Nixon Cc: Ann Watt

Subject: RE: BBC Spotlight interview

50 mins long!!!!

Tough questioning but Ann covered everything really well. The main issues covered were:

- The rules around accepting donations and the legal responsibilities of a treasurer
- Joint working by campaigners
- Corrupt financial concerns (made clear this was a policing matter)
- The DUP and Constitutional Research Council we cant comment on this but we were asked so that point could be made
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Give me a call if you want to discuss further.

From: Niki Nixon

Sent: 06 June 2018 15:51

To:

Subject: RE: BBC Spotlight interview

Hey

How did the interview go?

From:

**Sent:** 05 June 2018 11:01

To: Niki Nixon < NNixon@electoralcommission.org.uk >;

Subject: BBC Spotlight interview

### Hi both

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Any questions let me know



Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

**Sent:** 25 June 2018 10:42

To: Ann Watt

**Subject:** RE: CRC - action required please

I think that's right – I doubt we would be in any position on Wednesday to some anything more. I'll circulate these lines now



Sent: 25 June 2018 10:41

To:

Subject: RE: CRC - action required please

Hi — thanks, I think these are fine. As usual on this issues, it's a case of lots of questions, but mostly the same answer!

One more question to add following my conversation earlier with Umar. I have cut and paste an answer from below, but we should speak to Louise later about whether we say anything more specific about this allegation if it is made in the programme:

• Is the Electoral Commission concerned that the Metro wraparound ad paid for by the DUP was actually placed by Richard Cook? Is this a breach of the rules?

The rules relating to political finance are set out in the Political Parties, Elections and Referendums Act 2000. If we find evidence that these rules have been broken we are able to investigate and impose sanctions when people do break the rules. We consider all breaches of the rule in line with our enforcement policy (send link).

Please can you send round the draft lines ahead of our meeting at 3:30

Ann

From

**Sent:** 25 June 2018 10:30

To: Ann Watt <AWatt@electoralcommission.org.uk>

Subject: RE: CRC - action required please

# Morning Ann

As discussed - Have kept the answers to these brief as I don't really think there is a lot we can say. Basically we're restricted by s71e and not speculating on potential enforcement issues. I've drafted some lines below to each of your questions but I think they may cover all bases. Let me know what you think

From: Ann Watt

Sent: 22 June 2018 12:13

To:

Subject: FW: CRC - action required please

Importance: High

H — on Monday can you pull together some lines please, to be cleared by Louise, Niki/ by close on Tues.

## Some suggested Qs:

• What is the Electoral Commission's views on the allegations about CRC's money coming from illegal activities?

The rules relating to political finance are set out in the Political Parties, Elections and Referendums Act 2000. If we find evidence that these rules have been broken we are able to investigate and impose sanctions when people do break the rules. We consider all breaches of the rule in line with our enforcement policy (send link).

# The police are responsible for investigating illegal financial activities

What has the Electoral Commission done to check the true source of the donations to the DUP?

The Electoral Commission is prohibited by law from commenting on any donations received by a political party in Northern Ireland before 1 July 2017. (I don't think we should mention our views on going back to 2014 here)

If pushed – we can confirm that we do permissibility checks on 100% of all donation reports made to the Commission.

• Will the Electoral Commission be investigating the allegations in the Spotlight programme?

We will consider any breaches of the rules in line with our enforcement policy.

• Will be the Electoral Commission be investigating whether there was joint working between Vote Leave and DUP?

The rules in relation to joint working apply if campaigners work and spend money together as part of a coordinated plan or arrangement.

The DUP is not part of our investigation into Vote Leave. However we will consider any new evidence in line with our enforcement policy

• Is the Electoral Commission concerned that the DUP Treasurer appeared not to have checked the true source of a donation to their EU referendum campaign?

The rules are clear that the party treasurer of a political party must be satisfied of the true source of any donations received by the political party. Our guidance to political parties makes this clear and we continue to work with political parties to ensure that they understand and comply with the rules

etc etc

In all of this we need of course to re-state the importance of transparency from 2014.

I'm in Bunhill on Monday, back here on Tues morning.

# Thank you!

### Ann

From: Ann Watt

Sent: 22 June 2018 12:05

To: Niki Nixon < NNixon@electoralcommission.org.uk>

Cc:

Subject: FW: CRC - action required please

Importance: High

Hi Niki and — to be aware of BBC Spotlight programme below, due to be aired in Northern Ireland on Tuesday 26th evening. I did a pre-record for this a few weeks ago.

The programme is likely to include serious allegations, some related to our regulatory role. They will probably trail the programme in BBC NI news during Tuesday.

We will lead on putting together some responsive lines early next week. We will as usual be very limited in what we can say by PPERA 71E.

#### Ann

From: Louise Edwards Sent: 21 June 2018 10:55

To:

Cc: Ann Watt < AWatt@electoralcommission.org.uk >

Subject: CRC - action required please

Importance: High

### Hi both

Ann has let me know that the CRC are going to feature in a BBC Spotlight programme on Tuesday next week. Some of the allegations are those we have seen before. Some are new. The new ones relate to whether the CRC was working with the DUP on its referendum campaign rather than just being a donor, and whether the CRC may have had illegitimate sources of funding in the past.



Could someone from one of your teams please put this together? And then send it to me and Ann. It would be brilliant to have this by tomorrow but we really need it by **Monday morning**.

Thanks very much and do give me a call if you want to discuss.

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

# What is the Electoral Commission's views on the allegations about CRC's money coming from illegal activities?

The rules relating to political finance are set out in the Political Parties, Elections and Referendums Act 2000. If we find evidence that these rules have been broken we are able to investigate and impose sanctions when people do break the rules.

We consider all evidence of breaches of the rules in line with our enforcement policy (send link) OR We are aware of the allegations made by the BBC Spotlight programme and will consider these in line with our enforcement policy.

We have today (Tuesday 26<sup>th</sup> June) published our report on Digital Campaigning. In this report, we make a number of recommendations that will help to increase transparency for voters on how campaigns are funded.

In the report, we have said that the UK Government and Parliament should consider with us how to improve the controls on donations and loans to prevent foreign money being used in UK politics. Approaches for enhanced due diligence and risk assessment could be adapted from recent money laundering regulations.

The police are responsible for investigating illegal financial activities.

Is the Electoral Commission concerned that the Metro wraparound ad paid for by the DUP was actually placed by Richard Cook? Is this a breach of the rules?

It's not clear why Mr Cook simply placing the ad would be against the rules, but if we find or are given evidence that the rules have been broken we will look at this in line with our Enforcement Policy.

OR We are aware of the allegations made by the BBC Spotlight programme and will consider these in line with our enforcement policy.

# What has the Electoral Commission done to check the true source of the donations to the DUP?

The Electoral Commission is prohibited by law from commenting on any donations received by a political party in Northern Ireland before 1 July 2017.

We take our role as regulator very seriously and it is important that the public can have confidence that the rules on political finance are been complied with. We do permissibility checks on 100% of all donation reports from Northern Ireland recipients.

The Commission continues to call on the Secretary of State to introduce legislation for the publication of donations and loans in Northern Ireland between January 2014 and July 2017.

Commented [LE1]: This is if the programme makes clear what they are alleging in this context rather than it being something vague.

# Will the Electoral Commission be investigating the allegations in the Spotlight programme?

We will consider any evidence of breaches of the rules in line with our enforcement policy.

# Will be the Electoral Commission be investigating whether there was joint working between Vote Leave and DUP?

The rules in relation to joint working apply if campaigners work and spend money together as part of a coordinated plan or arrangement.

We are not investigating the DUP for potential unreported joint spending with Vote Leave. However we will consider any new evidence in line with our enforcement policy.

# Is the Electoral Commission concerned that the DUP Treasurer appeared not to have checked the true source of a donation to their EU referendum campaign?

The rules are clear that the party treasurer of a political party must be satisfied that donations received by the political party must come from a permissible donor. Our guidance to political parties makes this clear and we continue to work with political parties to ensure that they understand and comply with the rules.

**Sent:** 26 June 2018 09:51

To:

Louise Edwards; Ann Watt;

Niki Nixon;

Craig Westwood

Press

Cc: Subject:

RE: BBC NI Spotlight - reactive lines

Trailer for tonights programme: https://twitter.com/BBCSpotlightNI/status/1011307638209081344

From: Louise Edwards

Sent: 26 June 2018 07:14

To: ; Ann Watt ;

Niki Nixon;

Craig Westwood

Cc: Press

Subject: RE: BBC NI Spotlight - reactive lines

**Thanks** 

A couple of amends from me. Give me a shout if you want to discuss any.

Louise

From:

Sent: 25 June 2018 16:41

To: Ann Watt; Louise Edwards;

Niki Nixon;

Craig Westwood

Cc: Press

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

LTT have been updated following our discussion. Any issues let me know.

From:

Sent: 25 June 2018 11:04

To: Ann Watt <AWatt@electoralcommission.org.uk>; Louise Edwards <LEdwards@electoralcommission.org.uk>;

· Nik

Nixon < NNixon@electoralcommission.org.uk>

Subject: BBC NI Spotlight - reactive lines

Hi all

Following a discussion with Ann I have drafted some reactive LTT ahead of the Spotlight programme:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-59312985-477

I don't think there is much we can really say as we're either prohibited from doing so under s71e or we wouldn't want to speculate ahead of any potential enforcement issues.

Let me know if you feel something is glaringly amiss.

# Senior Officer (Communications and Electoral Administration) The Electoral Commission, Northern Ireland

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk

From:	
Sent:	26 June 2018 11:17
To:	Louise Edwards; Ann Watt; Niki Nixon;
	Craig Westwood
Cc:	Press
Subject:	RE: BBC NI Spotlight - reactive lines
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From:	
Sent: 26 June 2018 09:	51
To: Louise Edwards ; A	nn Watt ; ; Craig Westwood
Cc: Press	
Subject: RE: BBC NI Sp	otlight - reactive lines
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From: Louise Edwards	
Sent: 26 June 2018 07:	
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<nnixon@electoralcon< td=""><td>Niki Nixon  mmission.org.uk&gt;;  Craig Westwood</td></nnixon@electoralcon<>	Niki Nixon  mmission.org.uk>;  Craig Westwood
<a href="mailto:color:green;">CWestwood@elector</a>	
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The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

**Sent:** 27 June 2018 00:31

**To:** Ann Watt; Louise Edwards; Niki Nixon

Craig Westwood Press: Ailsa Irvine

**Subject:** RE: BBC NI Spotlight - reactive lines

Hi all

Cc:

Spotlight has just finished on BBC1 NI. The two main allegations to emerge from it are that Vote Leave and the DUP were part of a co-ordinated campaign in the referendum and that Richard Cooks financial affairs involved large scale fraud relating to waste management.

Summary of the main allegations made below:

# Joint working between Vote Leave and the DUP

- It alleges that CRC is no more than a front for Vote Leave. Richard Cook booked the Metro
  wraparound advert and as such he was directing DUP spend. It is suggested that because the
  advert was placed days before the referendum the DUP were the front for this advert so Vote
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- DUP posters and flyers used in Edinburgh were handed out by canvassers who had also canvassed for Vote Leave. The posters and leaflets looked similar to Vote Leave material (the DUP poster was red and said Vote to Leave but had same brand colours etc). All of this material came from Snoopa Doopa and the Director of the company was unable to name who the DUP contact was that purchased these materials.
- A similar point is made that Aggregate IQ was unable to name the DUP contact and Christopher Wylie claims Vote Leave introduced the DUP to AIQ and that it was considered part of the same campaign. AIQ deny this allegation and say all DUP records were recorded separately. However Chris Vickery – a cyber security expert – looked at the leaked AIQ data and could see nothing from DUP.
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- As many of you know Lee Reynolds is the DUP contact on the NI APP (this was not mentioned in programme but worth flagging)

### **Richard Cook financial affairs**

- Richard Cook was Director of a Waste Management Company DRD Recycling and it is alleged that the company was involved in dumping illegal waste on an international multimillion dollar scale. The company no longer exists but it is claimed Richard Cook had involvement with the company up until 2014.
- Richard Cook was involved in a \$80 million dollar contract to dispose of old rail tracks in Ukraine. An individual named Hans Basitan was also involved in this. He is a convicted fraudster. In the programme Chris Coleman a former FBI agent and of Wolf of Wall Street fame felt there was sufficient evidence to warrant an investigation in New York.

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  claim was also made by Open Democracy some time back. Reference is then made to the fact
  that the Commission wants publication of donations from January 2014.

# Few other points worth noting:

- Electoral Law expert Gavin Millar believes that there is sufficient proof that the DUP and Vote Leave were engaged in joint working at the EU referendum and that the Electoral Commission should launch an investigation into it using our full range of powers.
- An audio recording from Gregory Campbell the DUP registered Treasurer suggests that he
  does not believe it is his job to check who is making donations and that it is the job of the
  Electoral Commission to do this. If the Commission had any issues with the source of
  donations then it would have come to the party and then the party would have looked into it.
- Both Vote Leave and the DUP deny any wrong doing. The DUP said that they met all of their legal obligations and strongly reject any allegations suggesting otherwise.

Hope this is helpful – the programme should hopefully be up on the iplayer by the morning.

From: Ann Watt		
Sent: 26 June 2018 13:00		
To ; Louise Edwards ;	; Niki Nixon;	Craig Westwood
Cc: Press		
Subject: RE: BBC NI Spotlight - reactive lines		
Hi all – thanks for drafting the lines and to ev	eryone else for contribut	ing.
Tomorrow will be leading on dealing with any working day, but I'm available on mobile if needed		in NI. Tomorrow is my non
Ann		
From:		
Sent: 26 June 2018 11:17		
To: Louise Edwards < LEdwards@electoralcommission.com	org.uk>; Ann Watt < AWatt@	electoralcommission.org.uk>;
		Niki
Nixon < NNixon@electoralcommission.org.uk >;		Craig Westwood
< <u>CWestwood@electoralcommission.org.uk</u> >		
Cc: Press < press@electoralcommission.org.uk >		
Subject: RE: BBC NI Spotlight - reactive lines		

If anyone outside of NI is interested in watching Spotlight tonight it is possible to watch it on the iplayer when it airs at 10:50pm. You will need to go into the iplayer settings and change your region to 'Northern Ireland'. It will then show you live content from BBC1NI and BBC2NI.

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From: Sent: 26 June 2018 09:51

To: Louise Edwards >; Ann Watt Nixon Craig Westwood Cc: Press cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines Trailer for tonights programme: https://twitter.com/BBCSpotlightNI/status/1011307638209081344 From: Louise Edwards Sent: 26 June 2018 07:14 **Ann Watt** To: Niki Nixon Craig Westwood Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines A couple of amends from me. Give me a shout if you want to discuss any. Thanks Louise From: Sent: 25 June 2018 16:41 To: Ann Watt; Louise Edwards; Craig Westwood Cc: Press Subject: RE: BBC NI Spotlight - reactive lines Hi all LTT have been updated following our discussion. Any issues let me know. From: Sent: 25 June 2018 11:04 To: Ann Watt Louise Edwards Subject: BBC NI Spotlight - reactive lines

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The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From: Ann Watt

**Sent:** <u>27 June 2018</u> 07:10

To:

**Subject:** Re: BBC NI Spotlight - reactive lines

Excellent summary , many thanks.

No mention on GMU so far this morning

Sent from my iPhone

On 27 Jun 2018, at 00:32,

wrote:

Hi all

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Hope this is helpful - the programme should hopefully be up on the iplayer by the morning.

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Sent: 26 June 2018 13:00
To Louise Edwards
<ledwards@electoralcommission.org.uk></ledwards@electoralcommission.org.uk>
Niki Nixon
< <u>NNixon@electoralcommission.org.uk</u> >;
Westwood < CWestwood@electoralcommission.org.uk >
Cc: Press <pre>cress@electoralcommission.org.uk&gt;</pre>
Subject: RE: BBC NI Spotlight - reactive lines
Hi all – thanks for drafting the lines and to everyone else for contributing.
Tomorrow will be leading on dealing with any queries from the media in NI.
Tomorrow is my non working day, but I'm available on mobile if needed
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From: 2018 11:17
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To: Louise Edwards < LEdwards@electoralcommission.org.uk >; Ann Watt
<a href="mailto:&lt;/a&gt; &lt;a href=" mailto:awatt@electoralcommission.org.uk"="">AWatt@electoralcommission.org.uk</a> ;  Niki Nixon
<a href="mailto:www.neadest.com/mission.org.uk">mnission.org.uk</a> Craig
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to-guides/getting-started/nations regions
# 7-14 (1816)
From:
Sent: 26 June 2018 09:51
To: Louise Edwards < LEdwards@electoralcommission.org.uk >; Ann Watt
<awatt@electoralcommission.org.uk>;</awatt@electoralcommission.org.uk>
Niki Nixon
< <u>NNixon@electoralcommission.org.uk</u> >; ; Craig
Westwood < CWestwood@electoralcommission.org.uk >
Cc: Press <pre><pre><pre><pre>Cc: Press <pre><pre><pre><pre><pre><pre><pre><pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre></pre>

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Craig

Westwood < CWestwood@electoralcommission.org.uk >

Cc: Press < press@electoralcommission.org.uk > Subject: RE: BBC NI Spotlight - reactive lines

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Ground Floor, 4 Cromac Place

The Gasworks Belfast BT7 2JB

electoralcommission.org.uk

yourvotematters.co.uk

From: Ann Watt

 Sent:
 27 June 2018 09:06

 To:
 Louise Edwards

Cc:

**Subject:** Re: BBC NI Spotlight - reactive lines

### Thanks Louise

I was about to call you but you have covered everything I would have asked!

I would like to be at the meeting, so if it is today I will try to dial in altho may not be possible depending on time

Two things are at the front of my mind

- new evidence that might indicate joint working between DUP and VL
- DUP Treasurer's comments about his role with respect to the source of the donation

Ann

Sent from my iPhone

On 27 Jun 2018, at 08:49, Louise Edwards <LEdwards@electoralcommission.org.uk> wrote:

Н

Thanks for this helpful summary. I've now watched the programme as well.

Some of it was clearly outside our remit. I do think a discussion on some of the points raised is needed though, to decide if action is appropriate and if so what type of action. I am not sure in my own mind at this point whether this is looking back at potential offences under our legislation or some other, looking forward at the fact that both the DUP and CRC continue to be present on the UK political scene or (more likely) a mixture of the two.

I'll arrange a meeting with the relevant people in the room to discuss. For the time being, though, I don't think anything in the programme changes our agreed LTT.

I thought Ann came across very well.

Thanks Louise

From:

**Sent:** 27 June 2018 00:31

To: Ann Watt; Louise Edwards; Niki Nixon; Craig Westwood

Cc: Press; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

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Cc: Press cpress@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines

or drafting the lines and to everyone else for contributing. Hi all - thanks

will be leading on dealing with any queries from the media in NI. Tomorrow is my non working day, but I'm available on mobile if needed Ann From: Sent: 26 June 2018 11:17 To: Louise Edwards < LEdwards@electoralcommission.org.uk >; Ann Watt <AWatt@electoralcommission.org.uk>; Niki Nixon <NNixon@electoralcommission.org.uk>; Craig Westwood < CWestwood@electoralcommission.org.uk > Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines If anyone outside of NI is interested in watching Spotlight tonight it is possible to watch it on the iplayer when it airs at 10:50pm. You will need to go into the iplayer settings and change your region to 'Northern Ireland'. It will then show you live content from BBC1NI and BBC2NI. Information on how to change the region setting is here: <a href="https://www.bbc.co.uk/iplayer/help/how-">https://www.bbc.co.uk/iplayer/help/how-</a> to-guides/getting-started/nations regions From Sent: 26 June 2018 09:51 To: Louise Edwards < LEdwards@electoralcommission.org.uk >; Ann Watt <AWatt@electoralcommission.org.uk>; Niki Nixon <NNixon@electoralcommission.org.uk>; Craig Westwood < CWestwood@electoralcommission.org.uk > Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines Trailer for tonights programme: https://twitter.com/BBCSpotlightNI/status/1011307638209081344 From: Louise Edwards Sent: 26 June 2018 07:14 To: Ann Watt <AWatt@electoralcommission.org.uk>; Niki Nixon <NNixon@electoralcommission.org.uk>; Craig Westwood < CWestwood@electoralcommission.org.uk > Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines Thanks . A couple of amends from me. Give me a shout if you want to discuss any. Louise From: Sent: 25 June 2018 16:41 To: Ann Watt; Louise Edwards; Niki Nixon; Craig Westwood Cc: Press Subject: RE: BBC NI Spotlight - reactive lines LTT have been updated following our discussion. Any issues let me know. From Sent: 25 June 2018 11:04 To: Ann Watt < AWatt@electoralcommission.org.uk >; Louise Edwards <LEdwards@electoralcommission.org.uk>; Niki Nixon <NNixon@electoralcommission.org.uk>; Subject: BBC NI Spotlight - reactive lines

3

Hi all

Following a discussion with Ann I have drafted some reactive LTT ahead of the Spotlight programme: <a href="http://skynet/dm/Functions/media/layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-59312985-477">http://skynet/dm/Functions/media/layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-59312985-477</a>

I don't think there is much we can really say as we're either prohibited from doing so under s71e or we wouldn't want to speculate ahead of any potential enforcement issues.

Let me know if you feel something is glaringly amiss.

Senior Officer (Communications and Electoral Administration)
The Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
The Gasworks
Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk Twitter | Facebook | Blog

Sent:

27 June 2018 11:43

To:

**Subject:** 

EC line



This is our line for now. If it changes though I'll let you know.

In response to the BBC Spotlight programme an Electoral Commission spokesperson said: "We will consider any evidence of breaches of the rules in line with our enforcement policy"

For info our enforcement policy is here:

https://www.electoralcommission.org.uk/ data/assets/pdf file/0011/199703/April-2016-Enforcement-Policy.pdf



Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

From:
Sent: 27 June 2018 12:40
To: Louise Edwards; Ann Watt
Subject: Re: BBC NI Spotlight - reactive lines
H <del>i</del>
I have not spoken to or anyone associated with the programme today. The contact details are:
If you need anything else let me know
If you need anything else let me know
From:
Sent: 27 June 2018 12:09:41
To: Louise Edwards; Ann Watt
Subject: RE: BBC NI Spotlight - reactive lines
Hi
From below, I conclude you have not requested the evidence as yet?
We've had a discussion, and the decision is that I will send a formal request in my name for any relevant evidence.
If you could pass on his details that would be great. Thanks
Inanks
From: 27 June 2018 11:14
Sent: 27 June 2018 11:14  To: Louise Edwards ; Ann Watt ; Section 1   Section 2   Section 3   Section
; Bob Posner
Cc: Press
Subject: RE: BBC NI Spotlight - reactive lines
Assuming we make contact with BBC this morning then our line is:
"We will consider any evidence of breaches of the rules in line with our enforcement policy. We have asked BBC
Spotlight to provide us with any copies of any evidence it holds of the electoral offences mentioned in the
programme".
At this stage Im not sure we want to say they haven't provided anything based only on Anns remark in the interview
I am happy to speak to directly in the first instance and ask him to send evidence to us (and that we
will be saying this to media). But if more appropriate for colleagues in enforcement to do it I can pass on his details.
From Control of the C
Sent: 27 June 2018 11:01
To: Louise Edwards < LEdwards@electoralcommission.org.uk>; Ann Watt < AWatt@electoralcommission.org.uk>;
Nices (NN) and October 1 and 1
Nixon < NNixon@electoralcommission.org.uk >; Craig Westwood@electoralcommission.org.uk >; Bob
< <u>CWestwood@electoralcommission.org.uk</u> >;  Posner <bposner@electoralcommission.org.uk></bposner@electoralcommission.org.uk>
Cc: Press <pre>press@electoralcommission.org.uk&gt;</pre>
Subject: RE: BBC NI Spotlight - reactive lines

Other than what Ann said in the programme we have not asked the BBC to provide us with the evidence they have

From: Louise Edwards Sent: 27 June 2018 10:53

To Ann Watt <AWatt@electoralcommission.org.uk>;

<NNixon@electoralcommission.org.uk>;

<CWestwood@electoralcommission.org.uk>

; Craig Westwood Bob

Posner <BPosner@electoralcommission.org.uk>

Cc: Press cress@electoralcommission.org.uk>; Ailsa Irvine <airvine@electoralcommission.org.uk>

Subject: RE: BBC NI Spotlight - reactive lines

I would prefer us to use no (2) please.

Is it right to say, as I think it is, that we have asked the BBC for any evidence it holds that supports the alleged electoral offences raised in the programme? I seem to recall that in the programme itself Ann did say that the journalist should give us evidence if he has it. If so, then I think we should add a line to no (2) that says (do re-draft if you don't think this language works):

"We have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. To date the BBC has not provided us with that evidence."

This would put the pressure (rightly) on the BBC to provide us, the regulator, with the evidence.

BTW if we haven't asked the BBC this yet, I think we should do so.

Thanks

Lousie

From Sent: 27 June 2018 10:29

To: Louise Edwards; Ann Watt;

Niki Nixon;

Craig Westwood;

**Bob Posner** 

Cc: Press; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Louise

Ive had a query from the Irish News asking if we are doing anything in response to Spotlight last night. Just to double check which of these are you more comfortable with us saying:

- 1. We are aware of the allegations made by the BBC Spotlight programme and will consider these in line with our enforcement policy.
- 2. We will consider any evidence of breaches of the rules in line with our enforcement policy

From: Louise Edwards

Sent: 27 June 2018 08:50 To:

Ann Watt < AWatt@electoralcommission.org.uk >

Niki Nixon

Bob

<<u>NNixon@electoralcommission.org.uk</u>>;

Craig Westwood

<<a>CWestwood@electoralcommission.org.uk>;</a>

Posner <BPosner@electoralcommission.org.uk>

Cc: Press cress@electoralcommission.org.uk>; Ailsa Irvine <airvine@electoralcommission.org.uk>

Subject: RE: BBC NI Spotlight - reactive lines

Н

Thanks for this helpful summary. I've now watched the programme as well.

Some of it was clearly outside our remit. I do think a discussion on some of the points raised is needed though, to decide if action is appropriate and if so what type of action. I am not sure in my own mind at this point whether this is looking back at potential offences under our legislation or some other, looking forward at the fact that both the DUP and CRC continue to be present on the UK political scene or (more likely) a mixture of the two.

I'll arrange a meeting with the relevant people in the room to discuss. For the time being, though, I don't think anything in the programme changes our agreed LTT.

I thought Ann came across very well.

Thanks

Louise

**Sent:** 27 June 2018 00:31

**To:** Ann Watt; Louise Edwards; Niki Nixon; Craig Westwood

Cc: Press; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

Spotlight has just finished on BBC1 NI. The two main allegations to emerge from it are that Vote Leave and the DUP were part of a co-ordinated campaign in the referendum and that Richard Cooks financial affairs involved large scale fraud relating to waste management.

Summary of the main allegations made below:

## Joint working between Vote Leave and the DUP

- It alleges that CRC is no more than a front for Vote Leave. Richard Cook booked the Metro wraparound advert and as such he was directing DUP spend. It is suggested that because the advert was placed days before the referendum the DUP were the front for this advert so Vote Leave wouldn't breach its spending limit.
- DUP posters and flyers used in Edinburgh were handed out by canvassers who had also canvassed for Vote Leave. The posters and leaflets looked similar to Vote Leave material (the DUP poster was red and said Vote to Leave but had same brand colours etc). All of this material came from Snoopa Doopa and the Director of the company was unable to name who the DUP contact was that purchased these materials.
- A similar point is made that Aggregate IQ was unable to name the DUP contact and Christopher Wylie claims Vote Leave introduced the DUP to AIQ and that it was considered part of the same campaign. AIQ deny this allegation and say all DUP records were recorded separately. However Chris Vickery a cyber security expert looked at the leaked AIQ data and could see nothing from DUP.
- It is alleged that Lee Reynolds was directing the DUP spend at the EU referendum and that he was the contact with Aggregate IQ. Lee Reynolds is a DUP Belfast City Councillor but took leave from the party to be the Vote Leave Northern Ireland Director in the lead up to the referendum. It is suggested that as he was directing spend for DUP then this is evidence of joint working with Vote Leave. Lee Reynolds denies that he directed any spending for the DUP during his time as Vote Leave NI Director. The DUP also deny that Lee Reynolds directed any spending but do not confirm who was the contact for spending with Snoppa Dooopa and AIQ.
- As many of you know Lee Reynolds is the DUP contact on the NI APP (this was not mentioned in programme but worth flagging)

## **Richard Cook financial affairs**

- Richard Cook was Director of a Waste Management Company DRD Recycling and it is alleged that the company
  was involved in dumping illegal waste on an international multi-million dollar scale. The company no longer
  exists but it is claimed Richard Cook had involvement with the company up until 2014.
- Richard Cook was involved in a \$80 million dollar contract to dispose of old rail tracks in Ukraine. An individual named Hans Basitan was also involved in this. He is a convicted fraudster. In the programme Chris Coleman a former FBI agent and of Wolf of Wall Street fame felt there was sufficient evidence to warrant an investigation in New York.
- The programme says there is no way of knowing if any of the monies made from these activities made its way to the CRC and to the DUP.
- It is claimed that CRC was fined £6000 by the Electoral Commission for failing to register as an unincorporated association. We have never confirmed this but as you may recall a similar claim was also made by Open Democracy some time back. Reference is then made to the fact that the Commission wants publication of donations from January 2014.

Few other points worth noting:

- Electoral Law expert Gavin Millar believes that there is sufficient proof that the DUP and Vote Leave were engaged in joint working at the EU referendum and that the Electoral Commission should launch an investigation into it using our full range of powers.
- An audio recording from Gregory Campbell the DUP registered Treasurer suggests that he does not believe it is
  his job to check who is making donations and that it is the job of the Electoral Commission to do this. If the
  Commission had any issues with the source of donations then it would have come to the party and then the
  party would have looked into it.
- Both Vote Leave and the DUP deny any wrong doing. The DUP said that they met all of their legal obligations and strongly reject any allegations suggesting otherwise.

Hope this is helpful - the programme should hopefully be up on the iplayer by the morning. From: Ann Watt Sent: 26 June 2018 13:00 Louise Edwards To: <LEdwards@electoralcommission.org.uk> ; Niki Nixon <NNixon@electoralcommission.org.uk>; Craig Westwood < CWestwood@electoralcommission.org.uk> Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines for drafting the lines and to everyone else for contributing. Hi all - thanks Tomorrow will be leading on dealing with any queries from the media in NI. Tomorrow is my non working day, but I'm available on mobile if needed Ann From: Sent: 26 June 2018 11:17 To: Louise Edwards <LEdwards@electoralcommission.org.uk>; Ann Watt <AWatt@electoralcommission.org.uk>; Craig Westwood Nixon < NNixon@electoralcommission.org.uk >; <CWestwood@electoralcommission.org.uk> Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines If anyone outside of NI is interested in watching Spotlight tonight it is possible to watch it on the iplayer when it airs at 10:50pm. You will need to go into the iplayer settings and change your region to 'Northern Ireland'. It will then show you live content from BBC1NI and BBC2NI. Information on how to change the region setting is here: https://www.bbc.co.uk/iplayer/help/how-toguides/getting-started/nations regions Sent: 26 June 2018 09:51 To: Louise Edwards <LEdwards@electoralcommission.org.uk>; Ann Watt <AWatt@electoralcommission.org.uk>; Nixon <NNixon@electoralcommission.org.uk>; Craig Westwood <CWestwood@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines Trailer for tonights programme: https://twitter.com/BBCSpotlightNI/status/1011307638209081344 From: Louise Edwards Sent: 26 June 2018 07:14 To Ann Watt <AWatt@electoralcommission.org.uk>; Niki Nixon <NNixon@electoralcommission.org.uk> Craig Westwood <<u>CWestwood@electoralcommission.org.uk</u>> Cc: Press press@electoralcommission.org.uk> Subject: RE: BBC NI Spotlight - reactive lines . A couple of amends from me. Give me a shout if you want to discuss any. Thanks Louise From: Sent: 25 June 2018 16:41 Craig Westwood To: Ann Watt; Louise Edwards; Niki Nixon; Cc: Press Subject: RE: BBC NI Spotlight - reactive lines LTT have been updated following our discussion. Any issues let me know.

Sent: 25 June 2018 11:04

To: Ann Watt <AWatt@electoralcommission.org.uk>; Louise Edwards <LEdwards@electoralcommission.org.uk>;

Niki

Nixon < NNixon@electoralcommission.org.uk>

Subject: BBC NI Spotlight - reactive lines

Hi all

Following a discussion with Ann I have drafted some reactive LTT ahead of the Spotlight programme: http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-59312985-477

I don't think there is much we can really say as we're either prohibited from doing so under s71e or we wouldn't want to speculate ahead of any potential enforcement issues.

Let me know if you feel something is glaringly amiss.

Senior Officer (Communications and Electoral Administration)
The Electoral Commission, Northern Ireland
Ground Floor, 4 Cromac Place
The Gasworks
Belfast BT7 2JB

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From		
Sent:		27 June 2018 14:14
To:		Louise Edwards; Bob Posner; Craiq Westwood; Ann Watt; Niki Nixon;
Subje	ect:	Re: BBC Spotlight programme - next steps
https:		s called for EC investigation: le/2018/0011824/long-calls-for-electoral-commission-to-investigate-dup-
From:	: Louise Edwards	
	27 June 2018 12:49:48	
To: Bo	ob Posner; Craig Westwoo	d; Ann Watt; Niki Nixon;
Subje Hi all	ct: BBC Spotlight program	me - next steps
Const on. Me, A	itutional Research Counci	steps in relation to the BBS Spotlight programme last night on the DUP and the I. If I've missed anyone off this who has an interest in the matter, please do forward it ave discussed, and I've also talked to Niki.
	rogramme, which is attack If the back of the program	ned. We've got comprehensive LTT in place that should address any queries that we me.
From	our perspective the progr	ramme boils down to three issues:
1.	'dirty' money entered to specific allegations of f about the vulnerability recently about our pos	and Cook's (the chair of the CRC) financial affairs and that this might have meant the UK political finance system. As Ann said in her interview for the programme, nancial impropriety levelled against Mr Cook are not for us. On the general point of the political finance system to foreign money, we feel that we have said a lot very tion (and this is reflected in the LTT). The programme didn't raise any new issues that tress separately. No further action on this.
2.	donations to the DUP a broadcast partial comm sufficient for us to have	y Campbell, the treasurer of the DUP, denied he had to check the permissibility of s that was a matter for the Electoral Commission. Note the programme only nents, with no context. Nonetheless we think that what he appears to have said is a concerns. We are preparing a letter to Mr Campbell to go in my name that reminds egal responsibilities under the permissibility rules. This letter will go to Mr Campbell
3.	Leave didn't report any fairly disparate) points	P and Vote Leave were 'working together' during the EU referendum campaign. Vote joint spending with the DUP. As note explains, a number of different (and were made by the BBC in support of this allegation. The majority we have seen we evidence has come to light, revisited this issue on several occasions. On the last

occasion, in April, we reviewed all the evidence we held about this and took a decision that we did not have grounds to include the DUP in our investigation into joint spending by Vote Leave. We will now review the matter again, looking at the bits of new information raised in the programme. We are very mindful, in doing

so, of the current position of our Vote Leave investigation. There are two actions to take on this. First, one of our Senior Investigators is reviewing the programme to determine if it in itself provides evidence that we should take action on. Secondly, we are writing to the BBC to request copies of the evidence they hold in support of their allegations.

Niki and I discussed whether there is a need to put anything out proactively on our actions arising from the programme. As noted above, we are well placed to respond to any queries we get reactively. We took the view that at this point we will continue to respond reactively. Once the two letters (to Mr Campbell and the BBC) have gone later today Niki will look at the extent and type of media queries we have received on this during the day and take a decision on whether we need to do anything more with the media.

Please come find me if you want to discuss or know more.

**Thanks** 

Louise

Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

<u>electoralcommission.org.uk</u> <u>yourvotematters.co.uk</u>

From:

Sent:

28 June 2018 11:43

To:

**Subject:** RE: Re Spotlight programme on BBC NI

Dear

Thank you for contacting the Electoral Commission.

We are reviewing the Spotlight programme and will consider any evidence of breaches of the rules in line with our enforcement policy.

Regards

Senior Officer (Communications and Electoral Administration) The Electoral Commission, Northern Ireland electoralcommission.org.uk yourvotematters.co.uk

Twitter | Facebook | Blog

----Original Message-----

From

Sent: 27 June 2018 19:51

To: Public Info <Info@electoralcommission.org.uk>; infonorthernireland

<infonorthernireland@electoralcommission.org.uk>

Subject: Re Spotlight programme on BBC NI

I have just watched the programme aired on BBC NI, 'Brexit, Dark Money and the DUP'. It raises some very concerning issues and I would like to know what action is being taken in light of this programme, and also similar issues revealed in the investigative journalism of Carole Cadwalladr?

I am very alarmed that no legal proceedings seem to be underway, given the enormity of the upheaval that the UK is going through at the moment, as a consequence of what appears to be significant fraudulent activities.

Regards

From:

Sent:

28 June 2018 11:44

To:

**Subject:** RE: DUP funding for EU leave promo materials

Dear

Thank you for contacting the Electoral Commission.

We are reviewing the Spotlight programme and will consider any evidence of breaches of the rules in line with our enforcement policy.

Regards

Senior Officer (Communications and Electoral Administration)
The Electoral Commission, Northern Ireland
electoralcommission.org.uk
yourvotematters.co.uk

Twitter | Facebook | Blog

From

Sent: 27 June 2018 16:39 To: infonorthernireland

Subject: DUP funding for EU leave promo materials



Dear Sir/Madam,

I watched the regional Spotlight programme last night and was alarmed at what I saw and heard. I would like to request that this be investigated comprehensively as some of the information would suggest prima facie illegality by some local politicians and others in the UK and elsewhere. The political obfuscation over the source of the DUP funding in this matter is also of concern, and would suggest that the timing of transparency of political donations coming about after that 'donation' was a deliberate attempt to hide a transaction, the legality of which might be in doubt.

I feel that examining this is crucial if we are to restore **any** credibility in our system of government, something which is under severe strain at present and which scandals of this nature, if proven, can but exacerbate.

Yours sincerely,

Sent from my iPad

From:

**Sent:** 28 June 2018 15:43

To: Cc:

Ann Watt; Louise Edwards;

**Subject:** 

RE: Call from Sunday Times Scotland re. BBC Spotlight

Thanks



Ann has suggested a slight amend to the line which I think is sensible:

"We will consider any evidence of breaches of the rules in line with our enforcement policy. We have asked BBC Spotlight to provide us with any copies of any evidence it holds of the electoral offences mentioned alleged in the programme".

From:

Sent: 28 June 2018 15:24

To

Cc: Ann Watt; Louise Edwards;

Subject: RE: Call from Sunday Times Scotland re. BBC Spotlight



I have, and they have confirmed receipt of the request.

## **Thanks**



From:

**Sent:** 28 June 2018 15:15

To:

Cc: Ann Watt <AWatt@electoralcommission.org.uk>; Louise Edwards <LEdwards@electoralcommission.org.uk>;

Subject: RE: Call from Sunday Times Scotland re. BBC Spotlight

H

We updated our line yesterday to say we were asking the BBC for evidence but haven't used it yet. Karim has got the below query and I just wanted to check if you've made contact yet before responding.

The updated line is: "We will consider any evidence of breaches of the rules in line with our enforcement policy. We have asked BBC Spotlight to provide us with any copies of any evidence it holds of the electoral offences mentioned in the programme".



From:

Sent: 28 June 2018 13:23

To:

Subject: Call from Sunday Times Scotland re. BBC Spotlight

Hi and, I took a call from a second at the Sunday Times Scotland – he's basically following up on BBC Spotlight, probably focusing a bit more on Richard Cook side of things. I didn't know if we had made that approach to BBC yet.

Are you ok to go back to him with a line?

His email is

Media Relations and Public Information Manager

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

www.electoralcommission.org.uk

Press office: 020 7271 0704

Out of office hours: 07789 920 414

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From: Sent: To:

28 June 2018 16:15

Subject:

EC query



I understand you were speaking to my colleague regarding the allegations made on the BBC Spotlight programme. Here's are our line on it:

"We will consider any evidence of breaches of the rules in line with our enforcement policy. We have asked BBC Spotlight to provide us with any copies of any evidence it holds of the electoral offences alleged in the programme".

For info our enforcement policy is here:

https://www.electoralcommission.org.uk/ data/assets/pdf file/0011/199703/April-2016-Enforcement-Policy.pdf

If you would like any further information let me know

## Regards



Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk

Twitter | Facebook | Blog

From: Sent:  O2 July 2018 09:55  To: Subject:  FW: Referendum and funding for DUP and Vote Leave
Hi <b>de la companya di salah sa</b>
Please see below - would welcome your thoughts on how we should proceed with this
Thanks
Original Message From: Ann Watt Sent: 02 July 2018 09:48 To Louise Edwards <ledwards@electoralcommission.org.uk> Subject: RE: Referendum and funding for DUP and Vote Leave</ledwards@electoralcommission.org.uk>
Thanks
I am happy to respond. Please send Louise and me a draft reply.
As he frames this as a complaint, please can you speak to about the process for dealing with it as such. In the first instance we need to know whether it is actually a complaint as defined by the Commission. It reads more like a strongly worded request than a complaint to me.
We also need to inform Anna since the email is addressed to her.
thanks
Ann
Original Message From: Sent: 02 July 2018 09:41 To: Ann Watt <awatt@electoralcommission.org.uk>; Louise Edwards <ledwards@electoralcommission.org.uk> Subject: FW: Referendum and funding for DUP and Vote Leave</ledwards@electoralcommission.org.uk></awatt@electoralcommission.org.uk>
Hi both
Please see below from the Chair of Stronger in Europe for Northern Ireland. We have a line for this but think it might be better if response comes from Ann. Let me know what you thin
Original Message From: Sent: 28 June 2018 14:05

To: infonorthernireland <infonorthernireland@electoralcommission.org.uk> Subject: Referendum and funding for DUP and Vote Leave

Dear Commissioner,
My name is I was the Chairman of the Stronger in Europe campaign in Northern
Ireland. Having watched the recent BBC Spotlight programme I wish to make a formal complaint
to the Commission and respectively ask that you launch an investigation into the Spotlight
revelations of the apparent overlap between the DUP and the expenditure on behalf of Vote
Leave and that party during the referendum. There is a belief that this matter warrants a prima
facie investigation by both you and the PSNI as it's possible there has been a breach of the
electoral law. I look forward to hearing from you.
With all good wishes,
Yours sincerely,

Sent from my iPad

From: Sent: To: Subject:	02 July 2018 11:43 Ann Watt RE: Referendum and funding for DUP and Vote Leave
Suggested reply:	
Dear	
Thank you for your email.	
programme makers to provide	ons made by the BBC Spotlight programme. We have asked the de us with any copies of any evidence it holds of the electoral offences. We will consider any evidence of breaches of the rules in line with our
	on on our enforcement policy and how we deal with allegations here: ssion.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-aking-an-allegation
We will make a public staten at this stage?)	nent in due course on this matter (not sure if we want to commit to this
Regards Ann Watt	
Original Message From: Ann Watt Sent: 02 July 2018 09:48 To: <ledwards@electoralcomm ar<="" re:="" referendum="" subject:="" td=""><td>Louise Edwards ission.org.uk&gt; nd funding for DUP and Vote Leave</td></ledwards@electoralcomm>	Louise Edwards ission.org.uk> nd funding for DUP and Vote Leave
Thanks	
I am happy to respond. Plea	se send Louise and me a draft reply.
with it as such. In the first in	plaint, please can you speak to about the process for dealing stance we need to know whether it is actually a complaint as defined more like a strongly worded request than a complaint to me.
We also need to inform	a since the email is addressed to her.
thanks	
Ann	

----Original Message----From: Sent: 02 July 2018 09:41 To: Ann Watt <AWatt@electoralcommission.org.uk>; Louise Edwards <LEdwards@electoralcommission.org.uk> Subject: FW: Referendum and funding for DUP and Vote Leave Hi both - the Chair of Stronger in Europe for Northern Ireland. We have Please see below from a line for this but think it might be better if response comes from Ann. Let me know what you think ----Original Message-----From: Sent: 28 June 2018 14:05 To: infonorthernireland <infonorthernireland@electoralcommission.org.uk> Subject: Referendum and funding for DUP and Vote Leave Dear Commissioner, I was the Chairman of the Stronger in Europe campaign in Northern My name is Ireland. Having watched the recent BBC Spotlight programme I wish to make a formal complaint to the Commission and respectively ask that you launch an investigation into the Spotlight revelations of the apparent overlap between the DUP and the expenditure on behalf of Vote Leave and that party during the referendum. There is a belief that this matter warrants a prima facie investigation by both you and the PSNI as it's possible there has been a breach of the electoral law. I look forward to hearing from you. With all good wishes,

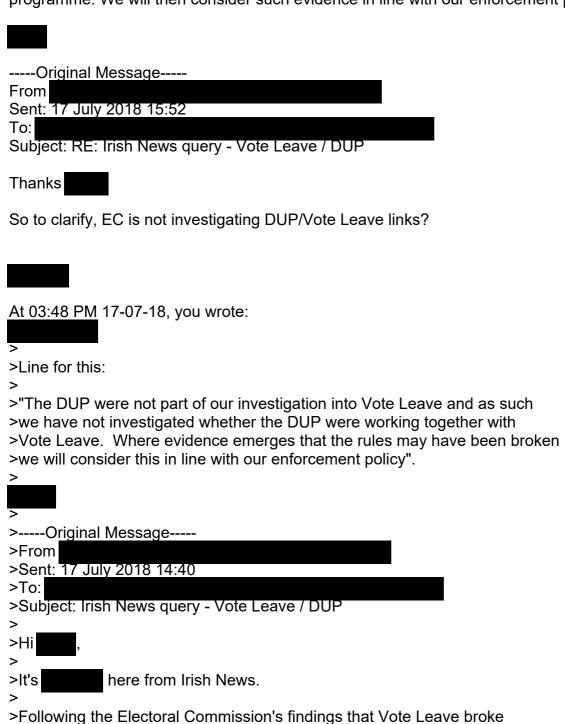
Sent from my iPad

Yours sincerely,

From:
Sent:
17 July 2018 15:58
To:
Subject:
RE: Irish News query - Vote Leave / DUP

No - we are not investigating if the DUP and Vote Leave worked together at the referendum.

Its probably worth adding that following the recent Spotlight programme we have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. We will then consider such evidence in line with our enforcement policy.



>electoral law, may I ask:

>

>1. >The Electoral Commission says Vote Leave exceeded its spending limit by >funnelling cash through BeLeave. It is widely suspected that other >Brexit campaign groups, including the DUP's campaign, were used in a >similar way to breach electoral law.
>
>Here's a quick list of the links between DUP and Vote Leave: > <https: 1011753578908831744="" brendanhughes64="" status="" twitter.com="">https:/ &gt;/twitter.com/brendanhughes64/status/1011753578908831744 &gt;</https:>
>- Given this finding by the watchdog, will EC now be investigating the >DUP, and/or Vote Leave's links to the DUP? What aspects of this will EC >be examining?
>- If not, why not (given that there are numerous links between the >campaigns which may suggest undeclared campaign coordination that would >breach electoral law)?
>and any other comments you have.
>
>
>Please let me know if you receive this. It would be great to get a >response before 4pm.
>
>
>Thanks again,
>
>
>
>
>The Irish News
>
>
The Irish News

From:

Sent:

02 August 2018 11:42

To:

Subject:

BBC Spotlight - response letter

Attachments: 2018-08-02 Letter to BBC NI Spotlight.pdf



Please find attached letter from Louise Edwards – Head of Regulation at the Electoral Commission – in response to the allegations raised in your recent Spotlight programme.

We'll be issuing a media statement today on this and also publishing this letter on our website.



# Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk

Twitter | Facebook | Blog

From:

Sent: 02 August 2018 12:37

To:

Subject: RE: Media statement, letters and plan for tomorrow

Just to let you know

has confirmed receipt of the letter

From:

Sent: 02 August 2018 11:35

To:

Subject: FW: Media statement, letters and plan for tomorrow

Hi

As per below, my understanding was that you would send the Spotlight letter?

# Thanks

From:

Sent: 01 August 2018 14:02

To:

Cc:
Ann Watt
Craig Westwood
Louise Edwards
Niki Nixon

Subject: Media statement, letters and plan for tomorrow

Hi guys,

Media Statement for tomorrow is here:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E 4-2086666271-2700

I will issue it at 12pm to UK political journalists; Cahir will issue to NI journalists.

# Prior to being issued:

- At approximately 10am, PFR will send letters to the two 'remain' campaigners that are now being investigated.
- At 11.30am, will send PP letter
- At 11.30am, will send Spotlight letter
- At 12.00pm, media statement issued.

### PP letter:

http://skynet/dm/Functions/CaseworkInvestigations/\_layouts/15/DocIdRedir.aspx?ID=TX6SW6SU\_V4E4-1668264703-2187

## Spotlight letter:

http://skynet/dm/Functions/CaseworkInvestigations/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E4-1668264703-2189

## Actions:

- Louise to e-sig her letters.
- Abi to upload letters to the website and they are to be published at 12.00pm. They should both have Louise e-sig, Laura's email address and Louise's email address removed before being uploaded.
- Abi to prepare one factual tweet to mark announcement to be posted around 12.00pm
- Abi to upload press release to the website (Sioned is working on the Welsh translation at the moment)

# Kind regards



The Electoral Commission 3 Bunhill Row London EC1Y 8YZ

www.electoralcommission.org.uk

Press office: 020 7271 0704

Out of office hours: 07789 920 414

You can now register to vote online

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From:

Sent: 02 August 2018 15:10

To:

Subject: RE: Belfast Telegraph



We sent out a statement out earlier today – I can send it to you if you didn't get it but we have nothing further to add to it



From:

Sent: 02 August 2018 15:09

To:

Subject: Belfast Telegraph

Good afternoon,

Does the Electoral Commission have a statement about the decision not to investigate after claims made in a BBC Spotlight programme about the DUP's referendum campaign?

The programme asked questions about whether or not the DUP had declared any joint spending with other vote leave campaign groups.

Kind regards,



From: Sent:

02 August <u>20</u>18 15:17

To: Subject: Ann Watt; BBC report

DUP line included in this: <a href="https://www.bbc.com/news/uk-northern-ireland-45046316">https://www.bbc.com/news/uk-northern-ireland-45046316</a>

Alliance has also published a statement: <a href="https://allianceparty.org/article/2018/0011890/farry-says-dup-not-exonerated-by-electoral-commission-brexit-money-decision">https://allianceparty.org/article/2018/0011890/farry-says-dup-not-exonerated-by-electoral-commission-brexit-money-decision</a>

# Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk

Twitter | Facebook | Blog

From: Sent:

02 August 2018 16:21

To: Subject:

FW: DUP statement

Ann Watt;

From:

Sent: 02 August 2018 16:20

To:

Subject: DUP statement



See below a press release from the DUP press office regarding the electoral commission statement.

Regards,



# **BBC** caught out again: Campbell

East Londonderry MP Gregory Campbell said,

"The Electoral Commission has issued a statement after an issue was raised about 'Brexit spending' by the DUP following a so called 'investigative journalism' programme by the BBC NI Spotlight team. The Commission said they "do not have grounds" to open an investigation.

This latest embarrassment for the BBC comes after a series of official complaints levelled against the BBC in Northern Ireland at the highest level in London about their political bias.

This now begs a series of questions for the publicly funded BBC.

Will there be a detailed breakdown of the amount of public money spent on producing the programme? What Countries were visited in the course of making this programme, how long was spent there and by whom? Why was the programme fronted by a self-confessed 'EU Remain' campaigner? The programme included an interview with me which was not authorised by me or provided by me for the programme, was there payment made for the interview?

There needs to be a commitment to vigorously examine how they misled the public in the broadcast and will there be an apology from the BBC for their erroneous broadcast?"

From: Ann Watt Sent: 21 August 2018 12:21 To: Subject: FW: Spotlight ----Original Message-----From: Ann Watt Sent: 27 June 2018 07:59 To: Claire Bassett Subject: Re: Spotlight Hi Claire, I thought the most compelling point they made was on possible joint working. There was new information there. Louise is watching it this morning so it is for her/Bob to consider whether we strengthen our media lines re any follow up. No coverage on local media this morning apart from a bit on Twitter. But I expect a lot of queries this morning so it may build up during day. Ann Sent from my iPhone > On 27 Jun 2018, at 07:39, Claire Bassett wrote: > > Hi > This was my train entertainment this morning- well done thought you can across really well. Great to get points across about transparency so clearly too. > Is it getting much traction? To my mind programme did seem to conflate a number of things and in doing so risked adding 2 and 2 together and getting 12! > Will be interesting to see what Anna thinks when see her later > Claire >

> Sent from my iPhone

_	-	_

 From:
 Louise Edwards

 Sent:
 27 June 2018 09:10

To:

**Subject:** FW: BBC NI Spotlight - reactive lines

Categories: Transferred to Skynet

I'm aiming for a time for us and Ann to speak. This is an early discussion and I leave it to you if you want to attend or ask someone from your teams to go.

I'm just checking with Ann if she could dial in at 11:30.

From: Ann Watt

Sent: 27 June 2018 09:06 To: Louise Edwards

Cc:

Subject: Re: BBC NI Spotlight - reactive lines

Thanks Louise

I was about to call you but you have covered everything I would have asked!

I would like to be at the meeting, so if it is today I will try to dial in altho may not be possible depending on time

Two things are at the front of my mind

- new evidence that might indicate joint working between DUP and VL

Ann

Sent from my iPhone

On 27 Jun 2018, at 08:49, Louise Edwards

wrote:



Thanks for this helpful summary. I've now watched the programme as well.

Some of it was clearly outside our remit. I do think a discussion on some of the points raised is needed though, to decide if action is appropriate and if so what type of action. I am not sure in my own mind at this point whether this is looking back at potential offences under our legislation or some other, looking forward at the fact that both the DUP and CRC continue to be present on the UK political scene or (more likely) a mixture of the two.

I'll arrange a meeting with the relevant people in the room to discuss. For the time being, though, I don't think anything in the programme changes our agreed LTT.

I thought Ann came across very well.

Thanks

From: Sent: 27 June 2018 00:31

**To:** Ann Watt; Louise Edwards; Niki Nixon; Craig Westwood

Cc: Press; Ailsa Irvine

Subject: RE: BBC NI Spotlight - reactive lines

Hi all

Spotlight has just finished on BBC1 NI. The two main allegations to emerge from it are that Vote Leave and the DUP were part of a co-ordinated campaign in the referendum and that Richard Cooks financial affairs involved large scale fraud relating to waste management.

Summary of the main allegations made below:

# Joint working between Vote Leave and the DUP

- It alleges that CRC is no more than a front for Vote Leave. Richard Cook booked the Metro wraparound advert and as such he was directing DUP spend. It is suggested that because the advert was placed days before the referendum the DUP were the front for this advert so Vote Leave wouldn't breach its spending limit.
- DUP posters and flyers used in Edinburgh were handed out by canvassers who had also canvassed for Vote Leave. The posters and leaflets looked similar to Vote Leave material (the DUP poster was red and said Vote to Leave but had same brand colours etc). All of this material came from Snoopa Doopa and the Director of the company was unable to name who the DUP contact was that purchased these materials.
- A similar point is made that Aggregate IQ was unable to name the DUP contact and Christopher Wylie claims Vote Leave introduced the DUP to AIQ and that it was considered part of the same campaign. AIQ deny this allegation and say all DUP records were recorded separately. However Chris Vickery – a cyber security expert – looked at the leaked AIQ data and could see nothing from DUP.
- It is alleged that Lee Reynolds was directing the DUP spend at the EU referendum and that he was the contact with Aggregate IQ. Lee Reynolds is a DUP Belfast City Councillor but took leave from the party to be the Vote Leave Northern Ireland Director in the lead up to the referendum. It is suggested that as he was directing spend for DUP then this is evidence of joint working with Vote Leave. Lee Reynolds denies that he directed any spending for the DUP during his time as Vote Leave NI Director. The DUP also deny that Lee Reynolds directed any spending but do not confirm who was the contact for spending with Snoppa Dooopa and AIQ.
- As many of you know Lee Reynolds is the DUP contact on the NI APP (this was not mentioned in programme but worth flagging)

### **Richard Cook financial affairs**

- Richard Cook was Director of a Waste Management Company DRD Recycling and it is alleged that the company was involved in dumping illegal waste on an international multi-million dollar scale. The company no longer exists but it is claimed Richard Cook had involvement with the company up until 2014.
- Richard Cook was involved in a \$80 million dollar contract to dispose of old rail tracks in Ukraine. An individual named Hans Basitan was also involved in this. He is a convicted fraudster. In the programme Chris Coleman a former FBI

- agent and of Wolf of Wall Street fame felt there was sufficient evidence to warrant an investigation in New York.
- The programme says there is no way of knowing if any of the monies made from these activities made its way to the CRC and to the DUP.
- It is claimed that CRC was fined £6000 by the Electoral Commission for failing to register as an unincorporated association. We have never confirmed this but as you may recall a similar claim was also made by Open Democracy some time back. Reference is then made to the fact that the Commission wants publication of donations from January 2014.

# Few other points worth noting:

- Electoral Law expert Gavin Millar believes that there is sufficient proof that the DUP and Vote Leave were engaged in joint working at the EU referendum and that the Electoral Commission should launch an investigation into it using our full range of powers.
- An audio recording from Gregory Campbell the DUP registered Treasurer suggests that he does not believe it is his job to check who is making donations and that it is the job of the Electoral Commission to do this. If the Commission had any issues with the source of donations then it would have come to the party and then the party would have looked into it.
- Both Vote Leave and the DUP deny any wrong doing. The DUP said that they met all of their legal obligations and strongly reject any allegations suggesting otherwise.

Hope this is helpful – the programme should hopefully be up on the iplayer by the morning.

rom: Ann Watt		
Sent: 26 June 2018 13	:00	
Го:	Louise Ed	lwards
	Niki Nixon	
		Craig
<b>Nestwood</b>		
c: Press <pre>press@elec</pre>	toralcommission.org.uk>	
Subject: RE: BBC NI Sp	otlight - reactive lines	
	be leading on dealing with any queries from working day, but I'm available on mobile i	
Tomorrow is my non	I WOIKING day, but I III available on mobile i	necaca
Tomorrow is my non	r working day, but i in available on mobile i	Heeded
Ann		The caca
Ann From Sent: 26 June 2018 11		
Ann From Sent: 26 June 2018 11	:17	
Ann	:17 Ann V	
Ann From Sent: 26 June 2018 11	:17	

Cc: Press < <u>press@electoralcommission.org.uk</u>>
Subject: RE: BBC NI Spotlight - reactive lines

If anyone outside of NI is interested in watching Spotlight tonight it is possible to watch it on the iplayer when it airs at 10:50pm. You will need to go into the iplayer settings and change your region to 'Northern Ireland'. It will then show you live content from BBC1NI and BBC2NI.

Information on how to change the region setting is here: <a href="https://www.bbc.co.uk/iplayer/help/how-to-guides/getting-started/nations">https://www.bbc.co.uk/iplayer/help/how-to-guides/getting-started/nations</a> regions

From:		
Sent: 26 June 2018 09:51	has an a	
To: Louise Edwards	Ann Watt	
	Niki Nixon	
		Craig
Westwood		
Cc: Press < press@electoralcommission.c		
Subject: RE: BBC NI Spotlight - reactive li	ines	
Trailer for tenighte programme:		
Trailer for tonights programme: https://twitter.com/BBCSpotlightNl	1/etatus/1011307638200081344	
Thtps://twitter.com/BBCSpotlightiv	//status/1011301030203001344	
From: Louise Edwards		
Sent: 26 June 2018 07:14		
То	Ann Watt	
7		
	Niki Nixon	
		Craig
Westwood Cc: Press <pre>cpress@electoralcommission.cc</pre>	arg uls	
Subject: RE: BBC NI Spotlight - reactive li		
Thanks A couple of amend	s from me. Give me a shout if y	ou want to discuss
any.		
1		
Louise		
Table 1		
From: Sent: 25 June 2018 16:41		
To: Ann Watt; Louise Edwards;	; Niki Nixon;	Craig Westwood
Cc: Press		
Subject: RE: BBC NI Spotlight - reactive	lines	
Hi all		
rii ali		
LTT have been updated following	our discussion. Any issues let r	me know.
	Manage and and arrange to the State of the and and	
From:		
Sent: 25 June 2018 11:04		
To: Ann Watt	; Louise Edwards	

Subject: BBC NI Spotlight - reactive lines

Hi all

Following a discussion with Ann I have drafted some reactive LTT ahead of the Spotlight programme:

http://skynet/dm/Functions/media/ layouts/15/DocIdRedir.aspx?ID=TX6SW6SUV4E 4-59312985-477

I don't think there is much we can really say as we're either prohibited from doing so under s71e or we wouldn't want to speculate ahead of any potential enforcement issues.

Let me know if you feel something is glaringly amiss.

Senior Officer (Communications and Electoral Administration)

The Electoral Commission, Northern Ireland Ground Floor, 4 Cromac Place The Gasworks Belfast BT7 2JB

electoralcommission.org.uk yourvotematters.co.uk

Twitter | Facebook | Blog

From:

Sent:

To:

Subject:

Attachments:

Louise Edwards

27 June 2018 15:11

Ann Watt

2018-06-27-PFR-to-DUP

2018-06-27-PFR-to-DUP.docx

Thanks I think you've got the tone spot on. A few thoughts from me.

If this ends up going tomorrow morning that is not a huge problem, as I know we both need to leave at 4. But good to get it out today if we can.

**Thanks** 

Louise

From: Ann Watt

**Sent:** 16 July 2018 10:<u>22</u>

To: Louise Edwards;

Cc:

Subject: RE: Letter from Gregory Campbell

Thanks Louise, I agree with your suggested approach.

#### Ann

From: Louise Edwards Sent: 10 July 2018 07:45

To:

Cc: Ann Watt

Subject: Letter from Gregory Campbell

<a href="http://ecscrm11/CCM/userdefined/edit.aspx?etc=4202&id=%7bCC748A0E-0C84-E811-8E9A-005056A70053%7d">http://ecscrm11/CCM/userdefined/edit.aspx?etc=4202&id=%7bCC748A0E-0C84-E811-8E9A-005056A70053%7d</a>

Hi all

I've had a response from Gregory Campbell to our letter after the BBC NI Spotlight programme. My thought was simply to acknowledge receipt, note the contents and remind him that if he does ever have questions about permissibility or donations more widely, he can always ask us.

Any other thoughts, please let me know.

**Thanks** 

Louise

From:
Louise Edwards
Sent:
27 June 2018 15:47
To:
App West:

To: Ann Watt;

**Subject:** RE: 2018-06-27-PFR-to-DUP

Agreed. do you have my e-signature or you could pp it in my name?

From: Ann Watt

**Sent:** 27 June 2018 15:26

To:

Cc: Louise Edwards

Subject: Re: 2018-06-27-PFR-to-DUP

I suggest both

Sent from my iPhone

On 27 Jun 2018, at 15:25, wrote:

Ann/Louise

How, by post, pdf attached to e-mail or both?

**Thanks** 

From: Ann Watt

Sent: 27 June 2018 15:24

To: Louise Edwards < LEdwards@electoralcommission.org.uk >

Сс

Subject: Re: 2018-06-27-PFR-to-DUP

- likewise I think this is spot on

Two typos - capital P for Party in 1st para

- para 3, 4th line: remove "to"

Happy for this to go

Ann

Sent from my iPhone

On 27 Jun 2018, at 15:10, Louise Edwards wrote:

Thanks I think you've got the tone spot on. A few thoughts from me.

If this ends up going tomorrow morning that is not a huge problem, as I know we both need to leave at 4. But good to get it out today if we can.

Thanks

Louise

From: 17 July 2018 12:07 Sent: To: Subject: RE: BBC Spotlight: Brexit, Dark Money and the DUP Thanks Responded on those terms earlier. From: Sent: 17 July 2018 12:07 To: Louise Edwards Subject: RE: BBC Spotlight: Brexit, Dark Money and the DUP Our media line pretty much reflects what Louise has said An Electoral Commission spokesperson said: "We have asked the BBC to provide us with copies of any evidence it holds of the electoral offences it mentioned in the programme. To date the BBC has not provided us with that evidence." From: Louise Edwards Sent: 17 July 2018 06:44 To: Subject: RE: BBC Spotlight: Brexit, Dark Money and the DUP will be able to give you the actual press line, but the short answer is as follows: The programme raises serious allegations about breaches of electoral law. We've written formally to the BBC to request that they give us copies of the evidence on which they based these allegations. To date we have not received anything from the BBC. We are not, therefore, investigating at this time. If and when we receive anything from the BBC we'll consider it in line with our Enforcement Policy. Hope this helps. Louise From: Sent: 16 July 2018 15:33 To: Louise Edwards

Hi all

Subject: BBC Spotlight: Brexit, Dark Money and the DUP

took a call earlier from a spotlight investigation in to Brexit, Dark Money and the DUP. I think he has received an enquiry/complaint about the matter and is preparing a preliminary briefing. Essentially he wants to know what, if anything, has been reported to the Commission in relation to the matter and whether or not we are investigating. Presumably there is a line to be taken on this? Can you advise before I go back to

I am happy to call him back thereafter.

Senior Adviser Elections and Campaigners, Scotland
The Electoral Commission
Council Chambers
High Street
Edinburgh EH1 1YJ

<u>electoralcommission.org.uk</u> yourvotematters.co.uk

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Mr Gregory Campbell MP Treasurer Democratic Unionist Party 91 Dundela Avenue Belfast BT4 3BU

27 June 2018

# Dear Mr Campbell

I am writing to you as the registered treasurer of the Democratic Unionist Party as I have concerns about comments attributed to you and broadcast on the BBC Spotlight documentary aired last night in Northern Ireland.

The programme alleged that you were not concerned with the law on permissibility of donations. In support it broadcast extracts of a recording that it said was of you discussing the receipt of a donation. Whilst these were only a small part of any interview you may have had with a journalist and no wider context was given, the comments that were broadcast are a sufficient cause for concern for me to write to remind you of you legal obligations under the Political Parties, Elections and Referendums Act 2000 (PPERA).

There is a duty on the party and you as registered treasurer to ensure that any donation accepted by the party is from a permissible source (section 56 PPERA). If the party and treasurer do not comply with the legislation relating to the permissibility, and the acceptance or return of a donation, the party and the registered treasurer may each be quilty of a criminal offence.

When reporting donations to the Commission, you as the registered treasurer are required to make a declaration as to the completeness and accuracy of the report that you are delivering to us. Anyone knowingly or recklessly making a false declaration under this section commits an offence.

The Electoral Commission 3 Bunhill Row London EC1Y 8YZ



As you will appreciate from this reminder of your legal obligations as treasurer, it is not correct to say that the Electoral Commission is responsible for ensuring your party only accepts permissible donations.

I trust this letter assists you. If you have any further questions regarding your obligations as registered treasurer, regarding donations or any other aspect of the rules, please do not hesitate to contact our advice service on 0333 103 1928.

Yours sincerely

Louise Edwards

Head of Regulation

# Democratic Unionist Party



Louise Edwards
Head of Regulation
The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

3rd July 2018

# Dear Ms Edwards

Thank you for your letter dated 27th June. I am disappointed that you felt the need to write to me on the basis of elements of a BBC Northern Ireland Spotlight programme broadcast on 26th June, which attempted to attribute a meaning to a part of an interview given by me to an individual not associated with the BBC. I also regret that you appear (albeit to a limited degree) to be relying on biased BBC output in arriving at a point where you indicate in your letter that you have sufficient cause for concern.

For my part I am clear that what was broadcast was both out of context and used in the programme in an attempt to convey an incorrect impression that I am not familiar with my responsibilities as a registered treasurer of a registered political party under the Political Parties, Elections and Referendums Act 2000 (PPERA 2000).

For the avoidance of any doubt I am fully aware of both my legal duties as registered treasurer and that of the Democratic Unionist Party in relation to the permissibility of donations and the associated declaration to be made to the Electoral Commission, and indeed indicated that I was, in an untransmitted section of the aforesaid interview.

91 Dundela Avenue BELFAST BT4 3BU I trust this clarification addresses any concerns that the inaccurate selected excerpts may have given the Electoral Commission.

Yours sincerely



Gregory Campbell MP Treasurer Democratic Unionist Party

> 91 Dundela Avenue BELFAST BT4 3BU