

Overview

# Agents at the EU Referendum

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This document is for campaigners who want to know about the appointment of agents and attend key proceedings at the referendum on UK membership of the EU

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## Translations and other formats

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Email: [publications@electoralcommission.org.uk](mailto:publications@electoralcommission.org.uk)

## Terms and expressions we use

We use '**must**' when we refer to a specific legal or regulatory requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal requirements.

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

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## Agents at the EU Referendum

### This document explains:

The process for appointing agents for the referendum on the UK's membership of the European Union, the deadlines for notifying Counting Officers of their appointment, and what agents, once appointed, can expect to see at key referendum proceedings.

### The document covers:

- appointment of referendum agents
- appointment of other agents
- a summary of what proceedings agents are entitled to attend

### Related documents:

- [Attending key EU Referendum proceedings](#)
  - [Campaigning dos and don'ts for campaigners](#)
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# Summary

If campaigners wish to attend key referendum proceedings they need to appoint a referendum agent in the voting area where they want to attend.

Once the appointment has been notified to the relevant Counting Officer, the referendum agent can observe the opening of postal votes, the poll and the count in that area.

Additionally, referendum agents can appoint other agents to attend these proceedings too.

This document takes you through key information on appointing referendum agents and other agents and what they can expect to see at the proceedings they are entitled to attend.

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## Introduction

1.1 All registered campaigners must have a 'responsible person'. This person is responsible for making sure that the campaigner's finances comply with the rules on spending, donations and loans. The 'responsible person' (or a person authorised in writing by them) is also the person who can appoint **referendum agents** on behalf of the registered campaigner. For further information on the 'responsible person', see our document on [Campaigning and registering for EU Referendum campaigners](#).

1.2 The deadline for notifying Counting Officers of the appointment of referendum agents is **12 noon on 31 May 2016**. Do not miss this deadline. If a Counting Officer is not notified of the appointment by the deadline, you will not be able to attend any of the key referendum proceedings in that Counting Officer's voting area.



1.3 In Great Britain, each local authority is a voting area. Northern Ireland and Gibraltar are each one voting area.

1.4 The local government Returning Officer for each local authority in Great Britain is the Counting Officer for that area. In England and Wales, contact details can be obtained from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Scotland, you can contact the Counting Officers through the elections office at each local council.

1.5 The Chief Electoral Officer is the Counting Officer for Northern Ireland, and the Clerk to the Gibraltar Parliament is the Counting Officer for Gibraltar.

1.6 The notice of appointment given to the relevant Counting Officer must be in writing and we have made a [template notice for notifying the appointment of referendum agents](#) available on our website.

# Referendum agents

1.7 Once appointed for a specific voting area, referendum agents can attend the following referendum proceedings in that area:

- the opening of postal votes (and the issue of postal votes in Northern Ireland)
- the poll
- the verification and count

## Who can be a referendum agent?

1.8 There are no particular qualifications needed to be a referendum agent, although it should be someone who is trusted to carry out the responsibilities attached to the role. The 'responsible person' can appoint themselves as a referendum agent if they wish.

1.9 However, the following people are not allowed to be referendum agents:

- the Chief Counting Officer, any Regional Counting Officer or any Counting Officer
- any deputy or clerk of the Chief Counting Officer, a Regional Counting Officer or a Counting Officer, or a member of their staff
- an officer of a local authority whose services have been placed at the disposal of a Regional Counting Officer or Counting Officer

## Appointing a referendum agent

1.10 Each registered campaigner can appoint a referendum agent for each voting area in the UK and Gibraltar. The 'responsible person' of a registered campaigner (or a person authorised in writing by them) must notify the Counting Officer of the appointment by **12 noon on 31 May 2016**.

1.11 The notification must be made in writing and give the name and home or business address of both the registered campaigner and the referendum agent. It must also be signed

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by the responsible person (or someone authorised in writing on their behalf).

1.12 The Counting Officer may provide a notification form. Alternatively, the [template notice for the appointment of referendum agents](#) available on the Commission's website can be used.

1.13 In England and Wales, contact details for Counting Officers can be obtained from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Scotland, you can contact the Counting Officers through the elections office at each local council.

1.14 The Chief Electoral Officer is the Counting Officer for Northern Ireland and can be contacted via the Electoral Office for Northern Ireland at [www.eoni.org.uk/Utility/Contact-Us](http://www.eoni.org.uk/Utility/Contact-Us). The Clerk to the Gibraltar Parliament is the Counting Officer for Gibraltar. You can contact him at [paul.martinez@parliament.gi](mailto:paul.martinez@parliament.gi).

1.15 The Counting Officer will give public notice of the name and address of the referendum agent and the name of the registered campaigner as soon as practicable after they receive the notification.

## Other agents

1.16 Once the appointment of the referendum agent has been notified to the Counting Officer, the referendum agent can appoint other agents to observe the following key processes in that voting area:

- the opening of postal votes (and the issue of postal votes in Northern Ireland)
- the poll
- the verification and count in the voting area

1.17 A referendum agent is also entitled to do, or assist in doing, anything that an agent is authorised to do without the need of an official appointment.

1.18 Anyone, can be appointed as a postal vote, polling or counting agent apart from:

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- the Chief Counting Officer, any Regional Counting Officer or any Counting Officer
- any deputy or clerk of the Chief Counting Officer, a Regional Counting Officer or a Counting Officer, or a member of their staff
- an officer of a local authority whose services have been placed at the disposal of a Regional Counting Officer or Counting Officer

## Limits on the number of agents who may be appointed

1.19 A referendum agent can appoint any number of polling agents to attend each polling station, but only one polling agent for each registered campaigner can be present in a polling station at any time. The same polling agent can be appointed to attend multiple polling stations.

1.20 The Counting Officer will tell the referendum agent the maximum number of postal voting and counting agents they can appoint. All referendum agents will be allowed to appoint exactly the same number.

1.21 At the count, unless there are special circumstances, the number of counting agents that can be appointed by each referendum agent will not be less than the number obtained by dividing the number of counting assistants (i.e. those staff employed on the counting) by the number of referendum agents for that voting area.

## Counting agents designated to request recounts

1.22 One counting agent may be designated per registered campaigner in each voting area to request any recounts in the voting area. Such designations must be made in writing by the referendum agent at the time that the counting agent appointment is made.

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## Appointing postal voting, polling and counting agents

1.23 The request to appoint these agents must be made in writing to the Counting Officer. It must contain the names and addresses of the people being appointed. The Counting Officer will provide forms the referendum agent can use for this purpose. Alternatively, you can find [postal voting](#), [polling](#) and [counting agent](#) appointment forms on our website.

1.24 The deadline for appointing these agents will depend on the process they are to attend. Polling and counting agents must be appointed by not later than **16 June 2016**.

1.25 However, appointment forms for postal voting agents only need to be submitted to the Counting Officer by the time fixed for the opening of postal votes they want to attend. The Counting Officer will give referendum agents at least 48 hours' notice in writing of the time and location of each postal vote opening.

1.26 If a polling or counting agent dies or becomes incapable of acting, the referendum agent may appoint another agent in their place by submitting the relevant appointment form to the Counting Officer.

1.27 More information on what agents can and cannot do and what they can expect to see at postal vote opening (and, in Northern Ireland, issue) sessions, polling stations and the count is set out in [Attending key EU Referendum proceedings](#).

Referendum and postal voting agents have no right to attend the **issue** of postal votes in Great Britain. Not so in Northern Ireland, where agents are also entitled to attend the postal vote issuing process. Referendum agents will be given at least 48 hours' notice in writing of the time and location of the first issue of postal votes and notified as soon as practicable of any subsequent issues. Appointment forms need to be submitted to the Counting Officer by the time fixed for the issue they wish to attend.