

Situations and procedures

# Campaigning dos and don'ts for EU Referendum campaigners

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This document contains key information about what referendum campaigners can and cannot do whilst campaigning at the referendum on UK membership of the EU

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## Translations and other formats

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## 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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## Campaigning dos and don'ts for EU Referendum campaigners

### This document explains:

Key information about what referendum campaigners can and cannot do whilst campaigning at the referendum on the UK's membership of the European Union.

### This document covers:

- Dos and don'ts during the campaign period
- Use of the electoral register and lists of absent voters
- Use of schools and rooms for public meetings
- Polling day dos and don'ts
- Electoral offences

### Related documents:

- [Campaigning and registering for EU Referendum campaigners](#)
- [Agents at the EU Referendum](#)

# Summary

This document takes you through key information about what referendum campaigners can and cannot do while campaigning at the referendum.

It also sets out the entitlements that all registered campaigners are entitled to receive to help them campaign, as well those that are only afforded to the designated lead campaigners.

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## Campaigners at the EU Referendum

1.1 We encourage active participation by campaigners as part of a healthy democracy. During the referendum, anyone, individuals or organisations, can campaign for a particular outcome as long as they do not spend more than £10,000 in the referendum period.

1.2 Anyone spending more than this amount must register with the Commission as a permitted participant unless they are working with a designated organisation (see paragraph 1.6 below). Throughout this guidance we refer to permitted participants as ‘registered campaigners’.

1.3 You can find out more about registering as a campaigner for the referendum in our guidance [Campaigning and registering for EU Referendum campaigners](#).

1.4 To help them campaign, all registered campaigners at the referendum are entitled to a free copy of the full electoral registers and the lists of absent voters which show those electors who are registered to vote by post or proxy. For more information on the use of the electoral register and lists of absent voters see paragraphs 1.7 to 1.18.

1.5 Registered campaigners are also entitled to appoint referendum agents. Each referendum campaigner may appoint one referendum agent for each voting area who, in turn, can appoint other agents to observe the opening of postal votes, the poll and the count. It is the ‘responsible person’ for the campaigner, or a person authorised in writing by them, who can make the appointment of the referendum agent by delivering a notice of their appointment to the relevant Counting Officer by not later than **12 noon on 31 May**. More information on appointing agents can be found in our document [Agents at the EU Referendum](#).

1.6 Lead campaign groups have certain benefits in addition to those given to other registered campaigners. ‘The In Campaign Ltd’ and ‘Vote Leave Ltd’ have been appointed by the

Commission as lead campaigners for the “Remain” and “Leave” campaign outcome respectively. As such, they will be entitled to use publicly funded rooms and schools for public meetings (see paragraphs **1.19** to **1.24**) and send one communication to voters free of charge (see paragraphs **1.25** and **1.26** below.)

### During the campaign, you may...

- Encourage people who are not on the electoral register to apply for registration. The deadline for registering to vote in time for the referendum is **7 June 2016**.

**In Great Britain**, individuals can now register online at <https://www.gov.uk/register-to-vote>.

Individuals living in **Northern Ireland** need to register using a paper form. Further information can be found on the website of the [Electoral Office for Northern Ireland](#).

Individuals living in **Gibraltar** can register using a form published by the European Electoral Registration Officer for Gibraltar and available on the [Gibraltar Parliament's website](#).

You can find out more about who can register to vote at the referendum at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

- Help voters with information about postal and proxy voting – you can find information at [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

**In Great Britain**, the deadline for applying for a postal vote for the referendum is **5pm on 8 June 2016**. The deadline for applying for a proxy vote for the referendum is **5 pm on 15 June 2016**, although in certain circumstances electors may apply for an emergency proxy up to 5pm on polling day. An elector can apply for an emergency proxy if, after 5pm on 15 June 2016, they have had a medical emergency or have been called away on business.

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**In Northern Ireland**, the deadline for applying for a postal or proxy vote for the referendum is **5pm on 3 June 2016**. The deadline for applying to vote by post or proxy on the grounds of health, or employment as a constable or by the Counting Officer, is **5pm on 15 June 2016**.

**In Gibraltar**, the deadline for applying for a postal vote for the referendum is **5pm on 8 June 2016**. The deadline for applying for a proxy vote for the referendum is **5pm on 15 June 2016**.

## During the campaign, you should...

- If you choose to encourage your supporters to apply for a postal vote in Great Britain, use the Commission's forms, which are available on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Northern Ireland, forms are available on the Electoral Office for Northern Ireland's website. In Gibraltar, forms can be downloaded from the [Gibraltar Parliament's website](#).
- If you develop your own absent vote application forms, make sure they include all the required information, or the applications will be rejected. In particular you must make sure that the signature and date of birth fields on postal and proxy application forms are in the correct format. In Great Britain you should use our absent voting application forms on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk) as a guide. In Northern Ireland, visit the website of the [Electoral Office for Northern Ireland](#) for more information. In Gibraltar, visit the website of [the Gibraltar Parliament](#) for more information. You should consider liaising with the Electoral Registration Officer for the voting area(s) you are campaigning in who may be able to provide you with forms you can use.
- Follow the [Code of conduct for campaigners](#) – this will help you avoid situations where your honesty or integrity or those of your supporters could be questioned. The Code sets out what is, and is not, considered acceptable behaviour in the run-up to polling day and at polling stations, and you should ensure that this is followed by your supporters. The standards of

behaviour covered by the Code also apply to the 5 May scheduled elections and any by-elections before the referendum.

- Make sure your supporters are courteous when dealing with campaigners for a different outcome to the referendum.
- If you are a registered campaigner, be aware of the deadline for appointing a referendum agent (**12 noon on 31 May**), and agents to attend postal vote opening sessions, polling stations and the count. See also [Agents at the EU Referendum](#).
- If you are an agent check our guidance on how postal vote openings, the voting process and the count will work so that you know what you can expect to happen and when (see our guidance [Attending key EU Referendum proceedings](#)).

### During the campaign, you must not...

- Pay canvassers. Canvassing means trying to persuade an elector to vote for a particular outcome in the referendum.

More information on offences and how to report these can be found in the appendix at the end of this document

Campaigners, who have made a mistake and have acted in contravention of the rules, can apply for relief from the consequences of having made a mistake. See the appendix for more information.

We do not regulate these offences. Any complaints should be made to the police.

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## Use of the electoral register and lists of absent voters

1.7 **Registered campaigners** are entitled to receive a free copy of the full electoral registers and they are also entitled to the lists of people voting by post or proxy ('the lists of absent voters').

### Restrictions on the use of the information contained in the electoral register and lists of absent voters

1.8 The full electoral register and lists of absent voters contain people's personal data and so their use is very carefully controlled.

1.9 Registered campaigners can use them to:

- help their campaign
- check that donations and loans from individuals are permissible

1.10 Registered campaigners must not release to any person any details that appear only in the full register and not on the open register, which is available for general sale. They must not:

- use the full register and lists of absent voters for any other purpose not listed above, or
- pass copies on to anyone outside the campaign (except for certain data processing companies).

1.11 If registered campaigners have supplied a copy of the register or lists of absent voters to campaign workers, they must also comply with the requirements above.

Any person found breaching the restrictions on use of the electoral register could face a fine and/or up to a year's imprisonment.

## Applying for a copy of the electoral register and the lists of absent voters

1.12 Copies of the register and lists of absent voters can be obtained from the relevant Electoral Registration Officer.

1.13 In respect of England, Wales and Scotland contact details are available on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). Register requests and requests for lists of absent voters in respect of Gibraltar should be made via the Electoral Registration Officer of the Borough of Poole.

1.14 In respect of Northern Ireland, contact details are available on [www.eoni.org.uk/Utility/Contact-Us](http://www.eoni.org.uk/Utility/Contact-Us). Make sure you have appointed a referendum agent in Northern Ireland when making the request, as absent voting lists may only be supplied to the agent.

1.15 The request must be made in writing and we have made a [register request form](#) and [absent voters' list request form](#) available for this purpose on our website.

1.16 The register and lists will be supplied in electronic format unless a paper copy is specifically requested.

1.17 The version of the registers and lists supplied will be the ones current at the time of application, although the request may also include a request for the supply of updates to the registers and lists that are published in the lead-up to the poll, including the list of newly registered electors when it is published on 15 June 2016.

## Additional lead campaigner benefits

### Using schools and rooms for public meetings

1.18 Campaigners may want to engage with the public at public meetings, promoting your views and responding to questions from the audience.

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1.19 In Great Britain, persons authorised by a **lead campaigner** are entitled to use certain schools and public rooms free of charge at reasonable times during the 28 calendar days prior to the referendum. In Northern Ireland and Gibraltar, there is no provision to use schools for public meetings. However, in Northern Ireland and Gibraltar, a person authorised by a lead campaigner is entitled to use a meeting room whose maintenance is funded wholly or partly through public funds.

1.20 The Electoral Registration Officer of each local authority in England and Wales, and each proper officer in Scotland keeps a list of the location and availability of meeting rooms in their area. They will make this list available for inspection to persons authorised by a lead campaigner. Contact details for Electoral Registration Officers can be found on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In Northern Ireland, contact the [Electoral Office for Northern Ireland](#). In Gibraltar, contact the Clerk of [the Gibraltar Parliament](#) for more information.

1.21 Persons authorised by a lead campaigner to use such rooms should contact the owner of the premises to make a booking, giving reasonable notice to reduce the risk of the request being refused.

1.22 There is no hire charge for using these rooms, but any expenses incurred, such as heating, lighting and cleaning and for any damage to the premises must be paid for.

1.23 The right to use rooms does not include hours during which a school is used for educational purposes. Equally, any prior letting of a meeting room must take precedence.

## Freepost

1.24 Lead campaigners are entitled to free postage on a referendum address to electors in the referendum. The address must only contain matters relating to the referendum.

1.25 You may have postage paid on either:

- one unaddressed referendum communication of up to 60 grams to every postal address, or

- one referendum communication of up to 60 grams addressed to each elector at the referendum

1.1 If you are considering exercising this right, you should contact [Royal Mail](#) to make arrangements. Royal Mail's terms and conditions must be complied with.

## Campaign publicity dos and don'ts

1.26 You must:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. Detailed guidance on imprints is included in [Campaigning and registering for EU Referendum campaigners](#).
- Comply with planning rules relating to advertising hoardings and large banners – you should ask the relevant local authority for advice.
- Make sure that outdoor posters are removed promptly after the referendum (in England, this must be done within 14 calendar days of the referendum) – you should check with the relevant local authority or council to see what their policy is on outdoor posters.

1.27 You should:

- Include an imprint on all non-printed campaign material, including websites.
- Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language isn't English or, in Wales, Welsh. You may want to make contact with disability groups for advice.

1.28 You must not:

- Produce material that looks like the poll cards sent to voters.
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- Pay people to display your adverts (unless they display adverts as part of their normal business).

## Polling day dos and don'ts

### You should:

- Make sure that any tellers working for you follow our [tellers dos and don'ts](#) and any guidance issued by the CCO or CO.
- Follow the [Code of conduct for campaigners](#), which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community and make sure campaign workers are aware of the code. The Code is clear that campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places. You should be careful, however, to ensure that your approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters. In all cases, campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.
- Make sure that any agents who are attending polling stations, postal vote opening sessions or the count understand the rules about the secrecy of the ballot. For more information, see our documents setting out the secrecy requirements for [the poll](#), [postal voting](#) and [the count](#). For Wales, we have produced the secrecy requirements for [the poll](#), [postal voting](#) and [the count](#) bilingually in English and Welsh.
- Comply with requests by polling station staff and the COs about campaigning near polling stations.

Tellers are volunteers who stand outside polling stations and record the elector numbers of electors who have voted.

### You must not:

- Campaign near polling places in a way that could be seen by voters as aggressive or intimidating (for

example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material). You should, however, be allowed to put your message to voters on polling day, including in public spaces outside polling places.

- Breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously. In particular, persons attending postal vote opening sessions must not seek to identify and publicise how votes have been marked on individual ballot papers.
  - Before the close of poll, publish exit polls or any other data based on information given by people about how they voted after they have cast their vote, including a postal vote.
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# Appendix

## List of offences

1.29 You should be aware of a number of electoral and non-electoral offences, and should seek your own legal advice where necessary.

### Bribery

1.30 The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

### Treating

1.31 A person is guilty of treating if either before, during or after an referendum they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality.

### Undue influence

1.32 A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting.

1.33 A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful.

1.34 Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that threatens to make use of force in order to induce a voter to vote in a particular way could also be undue influence.

We do not regulate any of these offences.

For details of how to report any allegations of electoral malpractice see paragraph 1.43.

## Personation

1.35 Personation is where an individual votes as someone else either by post or in person at a polling station, as an elector or as a proxy. This offence applies if the person that is being personated is living, dead or fictitious. Aiding, abetting, counselling or procuring the offence of personation is also an offence.

## False registration information and false postal/proxy voting application

1.36 It is an offence to supply false information on a registration, postal vote or proxy vote application form. False information includes a false signature.

## False application to vote by post or by proxy

1.37 A person is guilty of an offence if they apply to vote by post or proxy to gain a vote to which they are not entitled or to deprive someone else of their vote.

## Multiple voting and proxy voting offences

1.38 There are various offences regarding multiple voting and proxy voting, including voting by post as an elector or proxy when subject to a legal incapacity to vote and inducing or procuring another to commit the offence.

## Breaches of the secrecy of the ballot

1.39 Everyone involved in the referendum process or attending certain proceedings must maintain the secrecy of the ballot. The Counting Officer will give a copy of the official secrecy requirements to everyone who attends the opening of postal votes or the counting of ballot papers, and to polling agents.

## Campaign publicity material

1.40 Certain offences relate specifically to referendum campaign publicity material. Printed referendum campaign publicity material must contain an imprint and not resemble a poll card.

We do not regulate the content of campaign material and are not able to comment on the legality of any particular referendum material beyond what is covered in this guidance.

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## Racial hatred

1.41 Under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material that is intended to stir up racial hatred or which is likely to stir up racial hatred.

## Police officers as canvassers

1.42 Members of a police force are not allowed to canvass and would be committing an offence if they did. Members of a police force may not persuade any person to vote or dissuade them from voting.

## Reporting allegations of electoral fraud

1.43 If you are concerned that electoral fraud may have been committed, you should first speak to the relevant Electoral Registration Officer or Counting Officer.

1.44 They may be able to explain whether or not electoral fraud has been committed, and can refer your concerns to the police if necessary. They can also provide you with the details of the police contact for the relevant police force so that you can report the allegation yourself.

1.45 If you have evidence that an electoral offence has been committed you should contact the police **immediately**, using the 101 non-emergency number unless there is a crime in progress. Every police force has a dedicated Single Point of Contact Officer who will be able to provide advice to ensure that your allegations are properly investigated. You should be prepared to give them a statement and substantiate your allegation.

1.46 You can find contact details of Electoral Registration Officers in Great Britain on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk). In England and Wales, these will also be the contact details of Counting Officers. In Scotland, you can contact the relevant Counting Officer through the elections office at the council.

1.47 In respect of Northern Ireland contact details are available <http://www.eoni.org.uk/Utility/Contact-Us>.

1.48 In Gibraltar, contact the [Clerk to the Gibraltar Parliament](#).

1.49 Please note that if your allegation relates to campaigner finance matters, such as spending or donations, then you should follow the advice given at the following link: [www.electoralcommission.org.uk/party-finance/enforcement/making-allegations](http://www.electoralcommission.org.uk/party-finance/enforcement/making-allegations).

## What if you have made a mistake?

1.50 Where you have mistakenly acted in contravention of the referendum rules you can apply for relief from the penalties for any offence.

1.51 You should always seek legal advice if considering applying for relief.

1.52 In England, Wales and Northern Ireland the application for relief must be made to the High Court or a County Court. In Scotland, the application for relief must be made to the Sheriff or Court of Session. In Gibraltar, the application for relief must be made to a court.

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