

**From:** FOI  
**Sent:** 19 July 2016 13:07  
**To:** [REDACTED]  
**Subject:** FOI 102/16 - Dead voters in the EU Referendum

Dear [REDACTED]

**Our Ref: FOI 102/16**

Thank you for your request under the Freedom of Information Act 2000 dated 27<sup>th</sup> June 2016.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response to each question.

**1. Please provide the total number of cases of electoral fraud identified during the 2016 EU Referendum.**

The Electoral Commission works with the National Police Chiefs' Council (NPCC – formerly ACPO, the Association of Chief Police Officers) to collect data from police forces about cases of alleged electoral fraud and receive monthly returns from all 45 territorial police forces across England, Scotland, Wales and Northern Ireland. Each year we have published and analysed this data. You can download the data and our analysis reports from our website at:

<http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/data-and-analysis>

We are still collecting data from police forces on allegations of electoral fraud reported during 2016, which will include allegations of electoral fraud relating to the EU referendum, and will publish the quality assured data in February 2017.

**2. Please provide copies of all emails sent by or received by the Electoral Commission between 30 May 2016 and 24 June 2016 relating to "Leonard Moore".**

We hold no information on this.

**3. Please confirm whether the vote of Leonard Moore of London (see article below) was counted in the 2016 EU referendum? You may wish to refer to**

<http://www.dailymail.co.uk/news/article-3651460/Grieving-family-reveal-war-veteran-s-dying-wish-post-Leave-vote-fighting-country-end.html>

The 'marked' register is the term given to the copy of the electoral register used in polling stations which is marked when electors vote. The marked absent voters' lists are the equivalent documents for those who have voted by post or by proxy.

These documents are not held by the Electoral Commission. In England and Wales, the marked registers and lists are held by the Electoral Registration Officer (ERO) for each voting area. They are available for inspection by any person for one year after the referendum.

If you wish to confirm whether a person has voted or not, you should contact the relevant ERO to ask to inspect the marked register. Contact details for EROs can be found on [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk).

Your request will need to be in writing and set out who will be inspecting the documents, whether you prefer to inspect the documents in printed or electronic data format, and the purpose for which the information will be used. You must state why the inspection of a copy of the full register or unmarked list(s) would not be sufficient to achieve your purpose.

Where an ERO receives a valid request, they must make the documents available within 10 days of the receipt of the request.

Only handwritten notes of the marked register of electors and the marked absent voters lists can be made; laptop computers and other recording/copying equipment cannot be used.

Any information obtained through the inspection of the referendum documentation may only be used for: research purposes within the meaning of Section 33 of the Data Protection Act 1998 (research, history and statistics); electoral purposes; or any purpose in connection with the referendum.

Inspection of the marked register of electors and the marked absent voters lists can only tell you whether a person has voted, not how they voted or whether their vote was valid.

**4. Please confirm whether the claim by the Daily Mail that an electoral spokesman had said "An Electoral Commission spokesman said: 'Once it has been sent off, it is a valid vote.'"**

In response to a general query about postal votes, not a specific case, a member of the Commission's press office confirmed to the Daily Mail that once a postal vote has been posted it will be dealt with at the count like any other postal vote and counted unless it has not been completed properly.

**5. You will be aware of the wording of s.60(1) of the Representation of the People Act 1983 ("A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation").**

**Furthermore you will also be aware of s60(2)(i) "votes in person or by post... (b) for a person whom he knows or has reasonable grounds for supposing to be dead...".**

The Commission is aware of Section 60 (reproduced below) of the Representation of the People Act 1983, which was applied to the referendum by paragraph 13 of Schedule 1 of the European Union Referendum (Conduct) Regulations 2016.

60.— Personation.

(1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person shall be deemed to be guilty of personation in the referendum if he—

(a) votes in person or by post as some other person, whether or not as proxy, and whether that other person is living or dead or is a fictitious person; or

(b) votes in person or by post as proxy—

(i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or

(ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

As explained in our [guidance](#) for campaigners, 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.

If you have evidence that an individual voted as someone else either by post or in person at a polling station, you should contact the police immediately.

Personation is a serious offence, and the police are responsible for investigating any instances of electoral fraud. If anyone has evidence that an offence has been committed, they should contact the police immediately using the 101 non-emergency number. If they do not want to give a statement to the police, they can report their concerns anonymously on the [Crimestoppers website](#) or by calling Crimestoppers on 0800 555 111.

There is no legislative provision for a ballot paper to be removed from the count where an elector has died after voting, whether that vote was cast in a polling station or by post.

**7. Please confirm whether any referrals to the police have been made in respect of potential criminality in respect of the 2016 EU Referendum?**

**8. Please confirm how many referrals to the police have been made in respect of potential offences of personation have been made in respect of the 2016 EU Referendum?**

The Electoral Commission has not made any referrals to the police in respect of general criminality or specific offences of personation relating to the EU referendum. We advise that anyone who has evidence that electoral fraud has taken place should provide their evidence to the local police as soon as possible, so that the police can commence appropriate inquiries. We have not been provided with any evidence of electoral fraud relating to the referendum, and it has therefore not been necessary for us to make any referrals.

**9. Does the Electoral Commission support the inclusion of deceased voters in UK elections and referendums?**

The Commission gives guidance on the lines explained above.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

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

Yours sincerely

**Paul O'Malley**  
**Information Adviser (Records Management)**

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