

## Caitlin Lindenberg

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**From:** FOI  
**Sent:** 28 June 2016 09:27  
**To:** [REDACTED]  
**Subject:** RE: FOI 103/16 - Fraud against the British public

Dear [REDACTED]

### **Our Ref: FOI 103/16**

Thank you for your request under the Freedom of Information Act 2000 dated 27 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.

You have requested:

- 1. What rules apply to the veracity of political and economic claims a candidate or campaign can make? When is fraud, fraud?**
- 2. As an independent body, can the Commission null the vote and ask for it to be re-taken? Or can it refer it to another legal authority?**
- 3. Can the Commission - in order to prevent future fraud - request that certain candidates be prevented from standing for the greater public good? And has it ever done so?**

Our response is as follows:

- 1. What rules apply to the veracity of political and economic claims a candidate or campaign can make? When is fraud, fraud?**

Section 106 of the Representation of the People Act 1983 specifies that it is an illegal practice to make or publish any false statement of fact in relation to the personal character or conduct of a candidate at an election. Any evidence that such an offence may have been committed should be provided to the police, who will investigate to determine whether or not an offence has been committed.

There are no other rules which apply to the truthfulness of political or economic claims made by candidates or campaigners. Political advertising is not subject to the advertising codes which are regulated by the Advertising Standards Authority.

- 2. As an independent body, can the Commission null the vote and ask for it to be re-taken? Or can it refer it to another legal authority?**

The Electoral Commission has no powers to require a referendum to be invalidated or re-run. Only Parliament can decide to hold a referendum and determine the rules for the conduct of that referendum.

- 3. Can the Commission - in order to prevent future fraud - request that certain candidates be prevented from standing for the greater public good? And has it ever done so?**

The Electoral Commission has no powers to prevent candidates from standing for election. Parliament has passed legislation which sets out the rules for specific elections, including the qualifications and disqualifications which apply to candidates at those elections.

I trust that this information satisfies your request.

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

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

Yours sincerely

**Jo Crofton-Diggins**  
**Information Manager**

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### Putting voters first

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**From:** FOI  
**Sent:** 27 June 2016 14:30  
**To:** [REDACTED]  
**Subject:** FOI 103/16 - Fraud against the British public

Dear [REDACTED]

**Our Ref: FOI 103/16**

Thank you for your request under the Freedom of Information Act dated 25<sup>th</sup> June 2016, received by the Commission on 27<sup>th</sup> June 2016, concerning:

**Can you please, therefore, Under the Freedom of Information Act, advise me on the following:**

- 1. What rules apply to the veracity of political and economic claims a candidate or campaign can make? When is fraud, fraud?**
- 2. As an independent body, can the Commission null the vote and ask for it to be re-taken? Or can it refer it to another legal authority?**

**3. Can the Commission - in order to prevent future fraud - request that certain candidates be prevented from standing for the greater public good? And has it ever done so?**

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

You may expect to receive a reply sent from the Commission by 25<sup>th</sup> July 2016

Yours sincerely

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

The Electoral Commission

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[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

[www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

**Putting voters first**

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