

[REDACTED]

From: FOI
Sent: 20 May 2016 17:57
To: [REDACTED]
Subject: FOI 37/16 - Foreign Entities
Attachments: 1. Meeting with the EU Commission and Parliament 2 March.pdf; 2. Email exchange with European Parliament.pdf; 3. Query from Europe of Freedom and Direct Democracy.pdf; BassettC-to-PenroseJ-Public-Awareness-Activity-2016-03-10 (redacted).pdf; leaflet - complaints about imprint rules (redacted).pdf

Dear [REDACTED]

Our Ref: FOI 37/16

Thank you for your request under the Freedom of Information Act 2000 dated 18th April 2016.

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.

You have requested:

1) What steps are you taking to ensure that foreign entities unable to take part in the UK referendum campaign do not spend more than the allowable £10 k during the period from 15th April ---23rd June.

I am particularly interested in the activities of the European Commission, European Parliament, Political Groups such as the EPP, ALDE etc, pan European Parties and their associated foundations and think tanks.

2) what steps are you taking to ensure that broadcast media such as the BBC provide impartial and independent information during the relevant period ? They have for long been biased.

3) how did the selection of Vote Leave as the lead out campaign group get leaked? Will there be an inquiry into this? Why was the official announcement brought forward from 15th April.

4) may I see copies of all correspondence , including emails and telephone transcripts , between the Electoral Commission and the Cabinet Office regarding the HMG booklet delivered to all households.

5) may I see copies of all correspondence between the Electoral Commission and European Public Bodies such as the European Commission and Parliament explaining the restrictions on expenditure during the referendum campaign.

6) if there wasn't any correspondence under 5 above an explanation as to why there wasn't.

Our response is as follows:

The Commission does hold information relevant to your request.

1) What steps are you taking to ensure that foreign entities unable to take part in the UK referendum campaign do not spend more than the allowable £10 k during the period from 15th April ---23rd June.

I am particularly interested in the activities of the European Commission, European Parliament, Political Groups such as the EPP, ALDE etc, pan European Parties and their associated foundations and think tanks.

The Commission has published guidance for campaigners covering the list of individuals and organisations that are able to register and the list of individuals and organisations that are permissible donors at the EU Referendum. These lists do not include groups within the European Parliament. Our guidance is available here: <http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/campaigners-in-referendums>

The Commission has no regulatory remit in relation to non-UK entities. However, we have made contact with some non-UK bodies where we deemed it appropriate to do so, to advise them of the controls on spending in the referendum. We are also monitoring campaign activity throughout the campaign and will take appropriate action if we identify any campaign activity that we consider may contravene the rules.

**2) what steps are you taking to ensure that broadcast media such as the BBC provide impartial and independent information during the relevant period ?
They have for long been biased.**

The Commission has no regulatory role in relation to the BBC or other broadcasters. Ofcom regulates all broadcasters except the BBC, which is subject to oversight by the BBC Trust.

3) how did the selection of Vote Leave as the lead out campaign group get leaked? Will there be an inquiry into this? Why was the official announcement brought forward from 15th April.

The Commission was required by law to designate lead campaigners for the referendum by Thursday 14 April 2016. The designation decision was taken by at a meeting of the Commission Board which ended at 10.20am on Wednesday 13 April. The minutes from that meeting are available on the Commission's website at http://www.electoralcommission.org.uk/data/assets/pdf_file/0012/200910/2016-04-13-Board-minutes-EU-Ref-designation.pdf.

The announcement of the Commission's decision was not brought forward. It was announced publicly at 3pm on the same day as the Commission Board meeting, and the press release announcing the decision is available on our website at <http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/electoral-commission-designates-vote-leave-ltd-and-the-in-campaign-ltd-as-lead-campaigners-at-eu-referendum>.

We are aware that there was some speculation on social media before the meeting of the Commission Board on 13 April about the outcome of the designation application process. Since the Commission had not made a decision at that point there can have been no leak. We therefore do not intend to initiate any inquiry into this speculation.

4) may I see copies of all correspondence , including emails and telephone transcripts,

between the Electoral Commission and the Cabinet Office regarding the HMG booklet delivered to all households.

The Commission issued a news release on 7 April 2016 regarding the information booklet produced and distributed by the UK Government:

<http://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-referendums/electoral-commission-statement-on-uk-government-leaflet-ahead-of-eu-referendum?>

We hold further information which we are providing to you; specifically a letter from the Chief Executive of the Commission to John Penrose MP, and an email from the Commission to the Cabinet Office. We hold some further information we are not disclosing as we consider it exempt from disclosure for the following reasons.

Section 36(2)(c)

The Commission holds further information however, we consider that s. 36(2)(c) of FOIA is engaged in relation to the requested information. Section 36(2)(c) provides that information is exempt if in the reasonable opinion of the qualified person, disclosure of the information would, or would be likely to, prejudice the effective conduct of public affairs.

The Commission's qualified person for the purpose of this request is our Deputy Chief Executive, Carolyn Hughes and she has decided that the exemption applies in this case. This is because disclosing the information could undermine our relationship with government and discourage the free and open discussion of matters.

There is strong public interest in the Commission working effectively with government and having space to discuss matters, and any disclosure would have a detrimental effect these relationships and would have a chilling effect on any such communication.

Exemptions under s.36 of FOIA are subject to the public interest test, where information must be disclosed if the public interest in disclosure outweighs the public interest in maintaining the exemption. On balance, the qualified person has confirmed that the public interest falls in favour of not releasing this information.

5) may I see copies of all correspondence between the Electoral Commission and European Public Bodies such as the European Commission and Parliament explaining the restrictions on expenditure during the referendum campaign.

Attached is a note of a meeting with the European Commission Representation in United Kingdom and the European Parliament Information Office in the UK. Also attached is an email exchange with the European Parliament Information Office in the UK, and a query received from Europe of Freedom and Direct Democracy.

Section 36(2)(c)

The Commission holds further information however, we consider that s. 36(2)(c) of FOIA is engaged in relation to the requested information. Section 36(2)(c) provides that information is exempt if in the reasonable opinion of the qualified person, disclosure of the information would, or would be likely to, prejudice the effective conduct of public affairs.

The Commission's qualified person for the purpose of this request is our Deputy Chief Executive, Carolyn Hughes and she has decided that the exemption applies in this case. This is because

disclosing the information could undermine our relationship with the public bodies concerned and discourage them from proactively approaching us in future to ensure adherence to guidance.

There is strong public interest in the Commission working effectively with all public bodies and having space to discuss potential scenarios to ensure that the regulatory regime operates effectively. Any release would have a detrimental effect these relationships and would have a chilling effect on any such communication.

Exemptions under s.36 of FOIA are subject to the public interest test, where information must be disclosed if the public interest in disclosure outweighs the public interest in maintaining the exemption. On balance, the qualified person has confirmed that the public interest falls in favour of not releasing this information.

Section 40(2) and (3)(a)(i) of the FOI Act

In the information we are releasing, we have redacted some of the information in the documents. Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2000 (DPA), and where release of the information requested 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 section 1 of the DPA because the information relates directly to an identifiable living individual.

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: <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)

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

Tel: 020 7271 [REDACTED]

Fax: 020 7271 0665

www.electoralcommission.org.uk

www.aboutmyvote.co.uk

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THE 2016
EU
REFERENDUM

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2 March 2016

Meeting with the European Commission Representation in United Kingdom and the European Parliament Information Office in the UK

Attendees:

Electoral Commission

Vicky Fox

Louise Edwards

Kevin Molloy

European Commission

Jacqueline Minor - Head of Representation of the European Commission in the UK

Daniel Ambrus - Head of Communication, Networks and Partnerships

And others

European Parliament

Björn Kjellström - Head of UK Office

Dominic Brett - Head of Public Affairs

Olga Dziewulska - Press Attachée

And others

Vicky Fox – gave a presentation on the following topics

- Referendum period
- Designation
- Overlapping regulatory periods
- General campaigning rules
- Spending limits
- Spending rules
- Working together
- Reporting
- Section 125 restrictions on publications

Louise Edwards - gave presentation on the following topics

- Enforcement powers
- Enforcement policy
- Reporting offences
- Other powers

Discussion

- Section 125 restrictions
 - Not applicable to European institutions but they want to conform
 - Discussed restrictions in practice
 - Discussed MEP examples
- Discussed registration requirements and the need to declare outcomes
- Discussed our approach to allegations
- Discussed running of the referendum



From: Kevin Molloy
Sent: 24 February 2016 12:37
To: 'FLOOD Michelle'
Cc: KJELLSTROM Bjorn; BRETT Dominic
Subject: RE: Re request for a meeting room - referendum debate
Sensitivity: Confidential

Dear all,

As discussed with Michelle now, Jeremy Haywood the Cabinet secretary wrote to the Permanent Secretaries yesterday providing guidance for the Civil Service and for Special Advisors on a number of issues including ministerial visits. As the Section 125 restrictions covering ministers and government departments are also restrictions in the Civil Service Code this letter may provide a useful guide. The letter can be found [here](#).

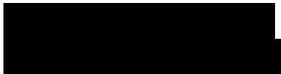
The Independent Parliamentary Standards Authority has in the past published guidance for MPs on Party Political uses of offices which also may provide a guide in terms of what MPs can and cannot do in their offices. The guidance for the 2015 UK Parliamentary General Election can be found [here](#).

As you are endeavouring to meet the requirements of the Section 125 restrictions the above information should be helpful to you in formulating policy.

I hope the above is helpful to you. If you do have any further questions, please let me know.

Kind regards,

Kevin Molloy
Guidance Adviser
Party and Election Finance
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ



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P Please consider the environment before printing this email.

From: FLOOD Michelle [REDACTED]
Sent: 23 February 2016 17:35
To: Kevin Molloy
Cc: KJELLSTROM Bjorn; BRETT Dominic
Subject: RE: Re request for a meeting room - referendum debate
Sensitivity: Confidential

Dear Kevin

Thank you for your reply.

We are struggling to understand the first paragraph. When you refer to the European Parliament speaking at the event do you mean an MEP or a civil servant of the EP? Molly Scott Cato MEP will be speaking at the event.

Also, the analogy we would like to draw is the rules governing political parties using meeting rooms in the House of Commons on the subject of the referendum. Would these rules not be comparable?

Many thanks for any clarity on the above.

Best,

Michelle

Michelle FLOOD

Information/Research

European Parliament Information Office in the UK

32 Smith Square

London SW1P 3EU

[REDACTED]
www.europarl.org.uk

www.europarl.europa.eu

From: Kevin Molloy [REDACTED]
Sent: 23 February 2016 16:47
To: FLOOD Michelle
Cc: KJELLSTROM Bjorn; BRETT Dominic
Subject: RE: Re request for a meeting room - referendum debate
Sensitivity: Confidential

Dear all,

I am sorry for our delay in getting back to you.

The restrictions covered Public Bodies under Section 125 of Political Parties, Elections and Referendums Act 2000 would not apply in this case unless the European Parliament were also planning on speaking at the event or providing information to attendees. However, allowing the think tank to hold a regulated event in your offices free of charge would constitute notional spending and be reportable by the Green House think tank to us.

Notional spending is the difference in value between the commercial rate for an item or service and the price you actually pay for it. Where there is no clear commercial rate (i.e. in this case, because your office does not usually hire out the room), a campaigner should make an honest assessment of the value of the room – for example, you could look at the cost of room hire in comparable premises.

It may also be a donation from the European Parliament Information Office to the Green House think tank and would need to be recorded and reported as such by the Green House think tank. Green House think tank can only accept donations over £500 from certain sources as listed on page 8 of our [guidance](#). If the European Parliament Information Office in the UK is not a permissible donor then Green House think tank would not be able to accept the donation.

I hope the above is helpful to you. If you do have any further questions, please do not hesitate to contact the party and election finance advice line on 0333 103 1928 or e-mail the party and election finance inbox at pef@electoralcommission.org.uk.

Kind regards,

Kevin Molloy

Guidance Adviser

Party and Election Finance

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

www.electoralcommission.org.uk

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P Please consider the environment before printing this email.

From: FLOOD Michelle [REDACTED]
Sent: 23 February 2016 11:02
To: Kevin Molloy

Cc: KJELLSTROM Bjorn; BRETT Dominic
Subject: RE: Re request for a meeting room - referendum debate
Sensitivity: Confidential

Dear Kevin

Would you be able to provide advice on this as soon as possible?

Many thanks in advance.

Michelle

Michelle FLOOD

Information/Research

European Parliament Information Office in the UK

32 Smith Square

London SW1P 3EU

www.euoparl.org.uk

www.euoparl.europa.eu

From: BRETT Dominic
Sent: 17 February 2016 18:18
To: Kevin Molloy
Cc: KJELLSTROM Bjorn; FLOOD Michelle
Subject: Re: Re request for a meeting room - referendum debate
Sensitivity: Confidential

No, Kevin, MEPs/EP political groups do not pay to use the conference or meeting rooms at Europe House (in fact, no one does). They are responsible for their own catering unless they're taking part in an event organized by our office (which is not the case here).

Regards,
Dominic

On 17 Feb 2016, at 6:11 pm, Kevin Molloy [REDACTED] wrote:

Dear all,

Thank you for your follow up email.

Can I confirm, before I respond in full, whether the Green think tank will be paying you for the room?

Kind regards,

Kevin

Kevin Molloy
Guidance Adviser
Party and Election Finance
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

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From: BRETT Dominic [REDACTED]
Sent: 17 February 2016 14:32
To: Kevin Molloy
Cc: KJELLSTROM Bjorn; FLOOD Michelle
Subject: RE: Re request for a meeting room - referendum debate
Sensitivity: Confidential

Dear Kevin,
Further to Michelle's email yesterday, we would indeed be grateful for prompt guidance that we can then pass on to MEPs and others about the rules for both the regulated period and purdah proper.
The issue for us is really the dividing line between legitimate standard campaign activities (which logically you would expect MEPs to engage in) and their use of EU civil service staff, meeting rooms and resources.
We will communicate the recommendations or rules that you provide us with to UK delegation leaders in the EP and clarity – especially on the different constraints governing the regulated period and purdah – would be much appreciated by all.
Many thanks,
Dominic Brett

Dear Kevin

Thank you for taking my call just now. As discussed, we have had a request to provide a meeting room on 2nd June at Europe House for a panel debate involving Molly Scott Cato MEP entitled "How should Greens vote in the UK EU Referendum?" organised by Green House think tank. Please see the request enclosed.

Any advice you can provide on whether we would be breaking purdah rules by providing the room would be greatly appreciated.

As mentioned, I shall be on leave for the rest of the week but Bjorn and Dominic are aware of this request.

Best wishes

Michelle

<image001.png>

Michelle FLOOD

Information/Research

European Parliament Information Office in the UK

32 Smith Square

London SW1P 3EU



www.europarl.org.uk

www.europarl.europa.eu



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

From: PEF Inbox

Received: 13/04/2016 08:45

To: [REDACTED]

Subject: RE: EFDD referendum spending

[REDACTED]

Dear [REDACTED]

Thank you for your email, and for confirming that the EFDD Group will not be spending money on referendum campaigning in the referendum period.

I have forwarded your email on to our Information team and you will receive a reply in due course.

Kind regards,

[REDACTED]
Guidance Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

[REDACTED]
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P Please consider the environment before printing this email

From: [REDACTED] [REDACTED]

Sent: 12 April 2016 23:57

To: PEF Inbox

Cc: [REDACTED]

Subject: Re: EFDD referendum spending

Dear [REDACTED]

Thanks for clarification. In view of what have written to date all spending by the European Parliament, EFDD Group on referendum information will cease as of Friday 15th April and we will not even spend the £10k allowed.

However I fear other groups within the EP , the EP itself and the European Commission may do so. Any adverts, leaflets or other EU promotional material. What steps is EIComm taking to ensure this doesn't happen ?

If you feel it necessary should I submit a FOI request ?

Has EIComm been in touch with these groups to explain that non UK funds may not be spent on referendum information in the relevant period. As such expenditure is allowed under EP rules they may not be aware of the restrictions imposed under PPRA. Of course any money spent here derives originally from UK public funds.

Given the potential for innocent breach of UK rules I feel it is incumbent on you to proactively engage with them for any breach could affect the outcome. There are many reasons to suggest that they may view the EP and EC rules as supreme.

Regards

[REDACTED] FCA
Special Advisor to UK MEPs in the EFDD Group

Sent from my iPad

On 12 Apr 2016, at 16:41, PEF Inbox <PEF@electoralcommission.org.uk> wrote:

Dear [REDACTED]

My apologies – that should have read “UK public funds” – the bodies covered are listed in [s160 of PPERA](#).

Kind regards,

[REDACTED]
Guidance Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

[REDACTED]
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P Please consider the environment before printing this email

From: [REDACTED]
Sent: 12 April 2016 12:27
To: PEF Inbox
Subject: Re: EFDD referendum spending

Thanks [REDACTED]. Of course money spent by the European Parliament, EFDD Group is public money. May adopt the same rules as HMG and spend until 27th May? Regards [REDACTED]

Sent from my iPhone

On 12 Apr 2016, at 13:15, PEF Inbox <PEF@electoralcommission.org.uk> wrote:

Dear [REDACTED]

Thank you for your emails regarding the UK Government's EU Referendum booklet.

As you know, the rules on EU referendum spending apply during the regulated period which starts on 15 April and ends on polling day, 23 June. The rules exclude spending that is met out of public funds, which includes spending by the UK government on the UK government's information booklet.

After the referendum on Scottish independence the Electoral Commission recommended that governments should conduct no taxpayer funded advertising activity during the regulated period. However, Parliament decided not to put any legal restrictions on government activity until 28 days before the poll, the 27th May. These are the same rules that were in place for other recent referendums.

If you wish to raise your concern about the government booklet, you should contact the Cabinet Office. You can contact the Cabinet Office on this email address: publiccorrespondence@cabinetoffice.gov.uk

Kind regards,

[REDACTED]
Guidance Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

[REDACTED]
www.electoralcommission.org.uk

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P Please consider the environment before printing this email

From: [REDACTED]
Sent: 07 April 2016 22:39
To: PEF Inbox
Subject: RE: EFDD referendum spending

Dear [REDACTED]

Whilst I was raising queries regarding spending petty cash I see HMG acting in a cavalier fashion outside the spirit of legislation.
It stinks.

Best

[REDACTED]

[REDACTED]

April 7, 2016 at 5:02 pm

[Comments \(39\)](#)

<image001.png>

**ELECTORAL COMMISSION: £9
MILLION TAXPAYER CASH
GIVES REMAIN “UNFAIR
ADVANTAGE”**

<image002.png>

Here is the Electoral Commission's view on Dave's [£9 million of extra taxpayer cash](#) for pro-EU leaflets:

“We don't think the government should have done it... [it gives Remain an] unfair advantage... undermines the principle [of spending limits]”

A major intervention - this is very strong language from the usually diplomatic Electoral Commission.

Meanwhile multiple sources report that a whole team of Whitehall civil servants have in the last week or so been seconded from their departmental jobs to help the Remain campaign. Taxpayer-funded officials from the Cabinet Office, Treasury and Foreign Office are said to have been moved to campaign roles. *The slanted rules say such activity from publicly-paid staff is banned if they want to help the Leave campaign...*

UPDATE: *Stronger In* stress no one is being seconded from Whitehall to work for them. The speculation doing the rounds is that the seconded civil servants are working on the campaign in Downing Street.

From: PEF Inbox [<mailto:PEF@electoralcommission.org.uk>]

Sent: 29 March 2016 10:27

To: [REDACTED]

Subject: EFDD referendum spending

Dear [REDACTED]

Thank you for your query and your time on the telephone.

You said that the EFDD was planning to release a series of information videos on social media during the regulated period before the referendum (between 15 April 2016 and 23 June 2016). You also said that the EFDD-branded bus would continue to drive around the country giving out information and leaflets. You asked how this planned activity fits in with the referendum rules in the Political Parties, Elections and Referendums Act 2000 (PPERA) and whether the EFDD would have to register with the Electoral Commission.

Registration

As I said on the phone last week, since the EFDD is not based in the UK, it is not eligible to register as a permitted participant in the EU referendum. This means that the EFDD must not spend more than £10,000 on referendum spending during the regulated period. Spending over £10,000 would be an offence under PERA.

You asked about what happens in the event of a breach. If we have evidence causing us to reasonably suspect that you have breached the £10,000 limit on your campaign spending – including by way of a joint campaign (please see below) – we can investigate. If you have committed an offence, we can impose a sanction including a penalty of up to £20,000. Further information on our enforcement activities can be found [here](#).

Referendum spending

You said that the EFDD activities in the regulated period would be primarily giving information and not explicitly telling people which way to vote in the referendum, but that overall the activity would be weighted more to one side than the other. This meant that it was consistent with the rules of the European Parliament for granting money under the information budget.

As I said in our first conversation, your activity is very likely to count as referendum spending under PERA. Giving out general information relating to the referendum, or information about what would happen in the event of either outcome, will be regulated if the activity is intended to, or is otherwise in connection with, promoting or bringing about a particular outcome in the referendum. Please our [spending guidance](#) for more details.

Working together

You should also be aware of the rules on working together with other campaigners. If two campaigners (neither of which is the designated lead

campaigner) work together spending money on a referendum campaign, then both organisations must count each other's spending towards their own spending total. See our [working together guidance](#) for more details.

Working together means spending money as a result of a coordinated plan or arrangement between two or more campaigners during the referendum period that is intended to, or is otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

In our view, you are highly likely to be working together if, for example:

- you coordinate your spending with another campaigner – for example, if you agree that you should each cover particular areas, arguments or voters
- another campaigner can approve or has significant influence over your spending or the content of your campaign

You can still be working together with another campaigner even if the campaign only carries one campaigner's branding.

You said on the phone that you are not planning to carry out any campaigns jointly with UKIP in the referendum. However, given the very close links between your organisations and the fact that there will be some overlap of personnel, you should take special care over the working together rules. If you are working together with UKIP on your campaign, for example by coordinating your campaign messages, then UKIP's campaign spending will also count towards the total for the EFDD, meaning that the threshold of £10,000 will be reached much faster.

Your campaign

To answer your question about your proposed campaign, the EFDD can carry out the activity you have described during the referendum period, but any money spent on the videos, the bus, any other referendum campaign and any joint campaigning, will count towards the EFDD's spending total. This total must not go over £10,000.

If you have any further queries, please do not hesitate to get back in touch, either on my direct line below, on 0333 103 1928, or at pef@electoralcommission.org.uk.

Kind regards,


Guidance Adviser
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ


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John Penrose MP
Cabinet Office
70 Whitehall
London
SW1A 2AS

By email to: [REDACTED]

10 March 2016

Electoral Commission public awareness activity for the elections in May 2016 and the EU Referendum

Dear Minister

Further to Jenny's letter thanking you for your very supportive approach to the referendum in recent legislation I am writing to update you on the Electoral Commission's public awareness plans in advance of the elections scheduled for this May and for the EU referendum in June. I also wanted to raise an ongoing concern about one of our recommendations that was not adopted.

I hope the update annexed to this letter is useful. We have sent similar letters to Ministers in Scotland, Wales and Northern Ireland to highlight our approach, and we have also placed the update on our website so that we can point any queries to it ourselves.

The area we remain concerned about relates to one of our recommendations following the 2014 Scottish independence referendum. In our December 2014 statutory report on the referendum we recommended that, for future referendums, *"relevant governments, not only in Scotland but also those in other parts of the UK, should publicly commit to and refrain from in practise any paid advertising, including the delivery of booklets to households, which promotes a particular referendum outcome for the full duration of the referendum period"*.

We are, of course, aware that there are no legal restrictions on the Government undertaking this sort of activity prior to 27 May, when the 28-day period covered by Section 125 of the Political Parties Elections and Referendum Act applies, but I wanted to draw your attention to our recommendation given the potential interest there will be in Government activity of this type and our concern that the risks identified in December 2014 remain very real.

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

Tel: 0333 103 1928
Fax: 020 7271 0505
pef@electoralcommission.org.uk
www.electoralcommission.org.uk

The Electoral Commission

We set out in our report on the Scottish referendum that the reason for this recommendation was that, *"it undermines the principle of having spending limits for registered campaigners if governments can spend unlimited funds on paid advertising during the period when campaigners are restricted in the amount they can spend"*. We also highlighted that *"this has the potential to be particularly significant in the case of a potential referendum on the UK's membership of the European Union where there will be four governments with views on the issue being debated"*.

There is also the risk that voters could get confused about the status of any information provided by any of the UK Governments, particularly if this was provided via a booklet, given that our own national television campaign will focus on reminding voters to look out for the impartial booklet we are sending. Our public awareness plans have also been shared with Counting Officers in local authorities to inform the planning for their own activity and any central government public awareness work could disrupt their plans.

We are grateful that so many of our recommendations from our Scottish referendum report were accepted by the Government as part of the legislation providing for the EU referendum. I wanted to highlight this recommendation as well as it is in the public domain and we would anticipate pointing to it if we were asked for our view on any such activity.

I'd be happy to discuss this when Jenny and I meet with you on Monday next week if that would be helpful. We are writing in similar terms to the Scottish, Welsh and Northern Ireland Governments.

Yours sincerely



Claire Bassett
Chief Executive

Electoral Commission public awareness update

The Commission will launch its full public awareness campaign for the elections in May on Monday 14 March, including advertising on TV, radio and online. This will highlight to voters that they must be registered by 18 April if they wish to vote on 5 May and will be particularly targeted at groups least likely to be registered to vote. In addition to our main campaign, we are again working with a range of partners across the UK to help get the registration message out there. Specific activity includes:

- A UK wide partnership with the Channel 4 show Hollyoaks that will help us target students and young people.
- Working closely with London Elects to ensure our public awareness plans link effectively with activity they have planned in London.
- Working with NUS organisations across the UK on our #RegAFriend campaign to encourage students to register to vote
- Conducting the #ReadyToVote digital campaign across Schools in Scotland to target newly enfranchised 16 and 17 year olds.
- Issuing booklets to households across Scotland and Wales with information about the elections there.
- Additional activity in Northern Ireland to ensure that in addition to knowing about registration, voters remember to bring the photo id they will need on polling day.

After the 18 April, the Commission plans to cease our activity around voter registration. This to avoid any misconception among voters that, if they register, they will also be able to vote on 5 May. We will, however, continue reminding voters about what they need to do to cast their vote safely and securely at the May polls.

After polling day on 5 May, the focus of our public awareness activity will turn to the EU Referendum. The centre piece of our campaign will be a booklet sent to all households in the UK containing impartial information about the referendum, including a copy of the ballot paper, the question, registration deadline and how to apply for different methods of voting, such as proxy and postal votes. We will also be offering the two lead designated campaigners a page each in the booklet to set out their arguments, as we did for the lead campaigners in the Scottish Referendum in 2014.

Our main campaign will start on 15 May and will focus on asking voters to look out for their booklet, whilst reiterating the registration deadline until this passes on 7 June. The approach we will take is closely modelled on the successful campaign we ran before the Scottish referendum in 2014. We will also be running a digital registration campaign specifically targeted at overseas voters and are in close contact with the Foreign Office and your officials regarding our plans.

[REDACTED]

From: [REDACTED]
Sent: 14 April 2016 17:00
To: [REDACTED]
Subject: leaflet - complaints about imprint rules

Hi [REDACTED]

We spoke this morning about the complaints and media enquiry that the Commission received about the HMG leaflet and whether it has breached the law on imprints on referendum material.

We have now responded to the journalist and our response was as follows:

The rules on imprints appearing on referendum campaign material apply during the regulated period, which begins tomorrow (Friday 15 April). Whilst we have reminded government that they should set out more explicitly on the document the name and address of the printer, the promoter and who it is promoting; it is clear who the document is from and that it is published by the government. In that context we would not consider that any further action is required.

Our press team also directed the journalist to the Cabinet Office as he wanted to know which body has responsibility for electoral law.

With best wishes

[REDACTED]
Policy Manager (Lead on regulation of party and election finance)
The Electoral Commission