

Integrity factsheet

This document is for campaigners who want to know

- about the offences at a referendum
- how to report any allegations of electoral malpractice
- how to challenge the outcome of a referendum

What this document covers

- offences under electoral law and other legislation
- how to apply for relief
- how to report allegations of electoral malpractice
- how to challenge the outcome of a referendum

Legislative extracts and Codes of conduct

- [Secrecy requirements](#)
- [Postal voting code of conduct](#)
- [Tellers' guidance for campaigners](#)
- [Tellers' dos and don'ts](#)

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Summary

Referendum processes must be transparent and open to scrutiny to ensure public confidence in the referendum and the results.

Campaigners have an important role in ensuring the referendum is conducted in this way.

This document provides information about the offences at a referendum and tells campaigners how to report any allegations of malpractice and how to challenge the referendum result.

What are the offences?

Campaigners must be aware of a number of offences under referendum law and general law during their campaign.

Bribery

A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce any voter to vote, or not vote, for a particular result; or to vote or refrain from voting.

Treating

A person is guilty of treating if either before, during or after a referendum they directly or indirectly give or provide any food, drink, entertainment or provision with the intention to corruptly influence any voter to vote or refrain from voting.

Undue influence

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 or harm in order to induce or compel any voter to vote or refrain from voting.

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

Personation

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

Aiding, abetting, counseling or procuring the offence of personation is also an offence.

This list of offences is not comprehensive and only includes electoral offences. There are other non-electoral offences which may be relevant.

Campaigners should seek their own legal advice where necessary.

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False registration information and false postal/proxy voting application

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

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

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; applying for a proxy without cancelling a previous proxy appointment; and inducing or procuring another to commit one of the above offences.

Breaches of the secrecy of the ballot

Everyone involved in the referendum process or attending any proceedings must maintain the secrecy of the ballot. The Counting Officer will give everyone who attends the opening of postal votes or the counting of ballot papers a copy of the [official secrecy requirements](#).

Codes of conduct

The activities of tellers

The Electoral Commission aims to ensure that tellers, campaigners and polling station staff know exactly what is and is not acceptable when campaigning in and around polling places. We have produced guidelines to promote appropriate standards of conduct to be maintained throughout the UK.

For more information see:

- [Tellers' guidance for campaigners](#)
- [Tellers' dos and don'ts](#)

Handling postal votes

One of the important roles that campaigners play in a referendum is to encourage voting. Postal voting is becoming ever more popular and there is a need to ensure that proper standards are observed in the postal voting process, just as they are at polling stations. The Commission has produced a code of conduct on the handling of postal votes, which it hopes campaigners will adhere to.

For more information see:

- [postal voting code of conduct](#)

The principles of these codes are:

- Campaigners **should** assist in the efficient and secure administration of elections and uphold the secrecy of the ballot.
- Campaigners **should not** place themselves in a situation where their honesty or integrity can be questioned.

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How can I apply for relief?

If any campaigner has mistakenly acted in contravention of the referendum rules, they can apply to the High Court for relief from the penalties for any offence.

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

For more information contact the Election Petitions Office at the Royal Courts of Justice using the details below:

Election Petition Office
Room E13
Strand
London W2A 2LL

Tel: 020 7947 7529

How do I report malpractice?

You should first **raise the matter with the Counting Officer** responsible for running the referendum in your area. If the issue is about the referendum process, it is likely they will be able to resolve it.

You can contact the Counting Officer for your area through the elections office at [your local council](#).

However, the Counting Officer may not be able to resolve the issue and a referendum offence may have been committed. **The police should then investigate this.** The Counting Officer should either:

- refer the issue to the police, or
- provide details of their police contact so that you can report your allegation to them.

Every police force has a single point of contact (SPOC) to deal with referendum and election matters. You must be prepared to provide the police with a statement to support your allegation.

If you would prefer to discuss your concerns with the Commission, please contact [your local Commission office](#).

The Electoral Commission does not have any powers to investigate suspected malpractice.

Any suspected offences should be investigated by the police.

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How do I challenge the referendum result?

The only way to challenge the result is through a **judicial review**. A judicial review claim form must be filed within six weeks of the Counting Officer certifying the number of ballot papers counted or the number of votes cast.

Anybody considering this should seek independent legal advice.

How we can help

You can find more information in our general referendum guidance documents, or you can view our full range of guidance and up-to-date resources on [our website](#).

If it's easier, you can also call us using the numbers below or email us. We are here to help, so please get in touch.

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Translations and other formats

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