

The Electoral Commission

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09 January 2015

Dear Mr Hazell,

European Parliamentary Elections 2014 and status of your party

Thank you for your letter to the Commission of 7 January. You raise two concerns, to which I respond to below.

1. Conduct of the May 2014 European election: mass disenfranchisement of voters:

You refer in your letter to the ‘unlawful mass disenfranchisement of voters’ at the European Parliamentary elections in May 2014. You further suggest that the Commission has not complied with Article 20(2)(b) of the Treaty on the Functioning of the European Union although you have not explained the grounds on which you allege the Commission to be in breach of this Treaty.

With regards to the eligibility of non-British EU citizens to vote at a European Parliamentary election in the UK, the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 sets out entitlement to register, and vote, at European Parliamentary elections. If you have any queries such should be raised with the Cabinet Office as the appropriate government department for these regulations.

Your letter suggests that the Commission’s statutory report on the May 2014 European Parliamentary elections included speculation about your party. In fact, our report very clearly states that, despite complaints the names and description

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used by your party had confused voters who had intended to vote for UKIP, it would be very hard to draw such definitive conclusions from the available data.

Your letter also asks whether the Electoral Commission had any prior knowledge of the way in which the Regional Returning Officer (RRO) for the London electoral region announced the list of parties standing candidates for the May 2014 European Parliament elections. I can confirm that this was not the case and that such arrangements are the statutory responsibility of the relevant RRO to take.

2. Your party name:

We note your comments.

We wrote on 27 October 2014 to your party (plus a number of others) informing that under our review of the registers following the European Parliamentary Elections last May your party name (and some descriptions) do not comply with the statutory requirements for registration. We explained that this is because voters would in our opinion be likely to be misled in terms of casting their vote on ballot papers. Further, there is also a likely confusion of voter aspect arising from 'UK EPP'. This is consistent with our policy approach set out in the Commission's published guidance

(http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/107694/to-names-rp.pdf); which in the case of your party relates primarily to use of a number as a numeral and an acronym in the party name and certain descriptions. We explained that we were, therefore, minded to remove the party name (and descriptions) from the register, invited representations on that, and suggested that there were / are alternative variations of name that the party could discuss with or submit to us, should the party wish to remain as a registered party.

However, your party replied on 21 November 2014 to inform us that it wanted to keep the current name, and did not offer for our consideration of any variation or alternative name.

As a result, we wrote again in December saying we would be removing the current party name on 12 January 2015. Again we gave your party opportunity for discussion or to make an application for an alternative or varied name.

In response, your party threatened a judicial review challenge without providing us with any detail of a basis for such a review, and asked for a reply by 8 January

2015. We acknowledged receipt of the letter and wrote on 7 January 2015 to inform our position remained that the decision to remove the party name and associated descriptions is reasonable and proper; and that we had given the party sufficient notice, explanation of our decision and opportunity to discuss or make an application for an alternative or varied name.

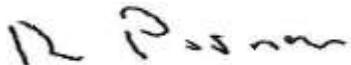
We would encourage your party to consider and discuss with us an alternative or variation to the current party name that we could register. We note your concerns about the 'EPP brand' and (without prejudice to the consideration and determination of any application) would comment for example that a party name 'European People's Party' perhaps followed in brackets with 'EPP', could be discussed with us for potential registration. In summary, we consider your party can engage with us, as other parties have, to reach a party name that can be registered under the legislation.

Requests for Information:

In your letter you make two requests for information from the Commission, one relating to non-voting British EU citizens on the electoral register and the other relating to information held by the Commission relating to your party. These will be treated as requests under the Freedom of Information Act 2000, and we will revert to you separately in that regard.

Whilst I appreciate you will not agree with all of the Commission's reply to your letter, I trust that it does usefully clarify important aspects for you and enables a constructive way forward for your party.

Yours sincerely



Bob Posner
Legal Counsel and Director of Party and Election Finance
Electoral Commission