



24 August 2015

The Chair
Electoral Commission
3 Bunhill Row
EC1Y 8YZ

Dear Madam,

After we emerged as the top non-incumbent in London in the 2014 European election, the Electoral Commission unlawfully stopped us from contesting the 2015 General Election and censored the branding of Europe's leading political family, the EPP. No wrongdoing on our part was alleged.

In this open letter (and also the chronological attachment which more fully illustrates relevant aspects of deteriorating conduct of elections on your long watch), "you" may mean you personally and/or the Electoral Commission.

As the Electoral Commission and you personally know, our retained Queen's Counsel's reaction to your conduct was unqualified in our favour. We now know you unlawfully bullied our small party even having received consistent advice from your own external Counsel. Having considered litigation, we concluded that securing evidence (including evidence of the concealment we could expect from you in litigation) through Freedom of Information ("Fol") would better serve the public interest.

Unlawful discrimination - against a registered pro-European political party before the forthcoming EU referendum - looks partisan. Fol documents also suggest you may have been too close to Ministers.

Your shockingly muted reaction to administratively inspired mass disenfranchisement of non-British EU nationals in the 2014 European election casts further doubt on the Electoral Commission's impartiality and is a precedent for governments to disenfranchise other minorities in future. **Was Article 20(2)(b) of the Treaty on the Functioning of the European Union ("TFEU"), giving non-British EU nationals the right to vote "under the same conditions" as British nationals, breached?**

Despite your bias, we do not share UKIP's view that the Electoral Commission should be abolished. We seek a reformed Commission competently, independently and transparently regulating political parties and the electoral process. Your censorship of the leading Europe-wide political brand - "EPP" - from all British ballot papers leads us to various conclusions on the Commission's governance:

Section 3A of the Political Parties, Elections and Referendums Act 2000 ("PPERA"), allowing major parties to nominate their own Commissioners, should be repealed. Compared to economic regulators, the Electoral Commission's interaction with its regulated community - political parties - is discriminatory. Instead of asymmetric and hidden pressures from currently incumbent political parties, your engagement with the regulated community must instead be transparent, with demonstrably impartial Commissioners;

the Commissioners' core skill set should be judicial and regulatory expertise so that your focus shifts to correct implementation of PERA; and

the Electoral Commission must urgently learn best practice from other regulators.

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Your claim to put voters first is at odds with your unlawful restriction on the supply of legitimate political parties. We are entitled, in our patriotic endeavour of seeking to represent the pro-EU centre/centre-right abandoned by the Conservative Party, to expect organs of state to obey the law.

The core substantive disputed issue was your unlawful censorship of "EPP" from all British ballot papers and Freepost literature (as you know, we explored with you - to no avail - alternative formulations such as "EPP UK"). Voters were not misled by our party's name including "EPP". Voters were misled during the 2014 European election by de-emphasis in the UK, until after polling day, of the election's presidential character as envisaged by Article 17(7) Treaty on European Union ("TEU").

Our formula of combining a local/British name with the primary acronym branding of our associated EU political family constitutes best compliance with the substance and spirit of both PPERA and also, for example, Article 10(4) TEU.

If other parties lawfully choose not to adopt this formula, that is for them to explain to the electorate. However, in a context where, for example, the Prime Minister has been coy about his party's recent alliance with Putin's party rather than Merkel's, at least some voters would be offered significantly better transparency if the Conservative Party were registered as "Conservative Party (ECR)", Labour as "Labour Party (PES)" and so on.

Our exclusive licence in the UK from the EPP to use the established and registered EPP branding is a lawful core USP and we are entitled to build our British branding without your unlawful disruption.

The 2019 European elections, even more than those of 2014, will probably be contested on a presidential basis with pan-EU branding: in our case, "EPP".

In 2019 - whatever the Conservative Party's view - the ECR may offer a candidate, and Labour might support PES' candidate. By denying us an opportunity to project our "EPP" brand in the UK's main political contest between now and 2019 - the 2015 General Election - the Electoral Commission has already discriminated against us in the most probable context of the 2019 European election.

When you register a party under PPERA, details include the party's name and also its emblems and descriptions, with one of each appearing on ballot papers and also in the Freepost Election Address.

The Electoral Commission's original and correct position from 2012 until after the 2014 European election was that under PPERA "EPP" was a permitted acronym counting as only one of the permitted six words. We require immediate restoration of the *status quo ante* in terms of our grandfathered rights to use our "EPP" acronym without also reproducing *European People's Party*. Our motive is not concealment but practical:

as you know, the acronym is the dominant component of the EPP's branding; and
party names and party descriptions are confined by PPERA to six words, while the emblem as reproduced on ballot papers is very small (our UK EPP emblem as approved by the Electoral Commission in 2012 is a textbook model of fitness for purpose).

In what looks to us like what became your determination to exclude us from effective participation in the 2015 General Election, the Electoral Commission's position careered between:

wanting to ban the acronym altogether;

requiring it to count as three words;

failing to respond on possible treatment of 'UKEPP' or 'EPPUK' as a 'made-up' word (another legal category you were required to pursue with us);

your current position of demanding the four word formula "EPP" plus "European People's Party";

not challenging the UK EPP emblem; and

not registering the revised UK EPP emblem even with changes you yourselves then sought.

A party's emblem appears on ballot papers and Freepost literature. In January our emblem was unlawfully and discriminatorily removed from your website and has not, eight months later, been reinstated. You subsequently ignored pertinent queries about the design of emblems and other parties' emblems containing only an acronym. Your silence constitutes agreement with us so please immediately restore the *status quo ante* on our emblem.

Please see [...] for an electronic version of this letter and attachment which in turn provides easier links to our cited online material.

We reserve all rights against the Electoral Commission corporately and you personally.

Yours faithfully,

A handwritten signature in blue ink that reads "Dirk Hazell". The signature is written in a cursive style and is positioned above a short horizontal line.

Dirk Hazell
Leader
Attachment

SUMMARY CHRONOLOGY & FURTHER QUESTIONS

1 REGISTRATION OF OUR PARTY

We registered our party with you in 2012, well ahead of the 2014 European election. If there was any legitimate issue with “EPP” and/or “UK EPP”, that was when you were empowered by section 28(4) PPERA to raise it. Even if your subsequent policy changed, we have invested time and expense in developing our core brand and our rights are grandfathered.

We are the only British party authorised by the EPP - Europe’s leading political family - to use their branding, and we regard our core branding, “UK EPP”, as a USP. You agreed in 2012 and, we now know, again after the 2014 European election that this branding is without reservation compatible with PPERA.

Our secondary branding is the other part of our name, which we anticipated that we might sometimes change. Before the 2014 European election, the Conservative Party emulated UKIP’s stance on immigration, so we changed the secondary component of our name to provide even clearer distinction between ourselves and the Tories/UKIP: “UK in Europe” became “4 Freedoms”.

Again, there was no demurralsⁱ at the relevant time from you: the combination of “4 Freedoms Party” with “UK EPP” is lawful and clear political branding. On 17 March 2014, when you approved the change to our secondary branding, we now know you had correctly, specifically and unreservedly accepted that the name ‘4 Freedoms Party (UK EPP) would:-

not be likely to result in electors confusing us with another registered party;

not offend the six word rule as “EPP” was a recognised acronym; and

not be likely to result in a voter being misled as to the effect of a vote or hinder instructions for voting.

You had no lawful basis to start covertly conspiring, almost immediately after the 2014 election, to discriminate against us and to disqualify us from future elections under EPP branding.

2 CONTESTING 2014 EUROPEAN ELECTION IN LONDON

Contesting the 2014 European election in London, we emerged as the top non-incumbent despite two prejudicial factors:-

- a pressure applied on the media to suppress until after the election its presidential character. This misled the public as to the effect of voting and compromised us as the only British political party supporting a presidential candidate who could win, a significant USP; and
- b mass disqualification of non-British EU voters: New Europeans estimate that, in inner-London target areas, more than 80% of such voters were disenfranchised. Paradoxically, the extent of this mass disqualification demonstrated our latent traction with British voters.

(Although you subsequently alleged to us that you had no responsibility for the enormous increase in disqualification in 2014 compared to 2009, your websiteⁱⁱ still alleges that *We run public awareness campaigns in the run-up to elections and referendums to make sure people know ... how to register to vote and by when they need to register in order to be able to vote.*)

Although we know of a party with a similar experience of their Returning Officer in the 2015 General Election, we presume the London Regional Returning Officer’s omission of “UK EPP” from our Party’s name when the list of parties in London was first published was accidental. However, the error has disturbing similarities with your emerging discriminatory position on the acronym “EPP”.

i http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/7r-2014-03-17_4_freedomsparty_uk_epp_approval_record_rp3_party_name_change.pdf

ii <http://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-in-elections-and-referendums>

3 YOUR COVERT PREPARATIONS AGAINST US

We now know, via your internal paper of 11 June 2014, that immediately after the election UKIP threatened you with judicial review regarding our name and that of another party. **Is UKIP's threat to sue linked to your subsequent appeasement of UKIP by bullying us? In the context of a prospective EU referendum how can you now be regarded as an impartial regulator?**

We also now know that a crude minor letter-writing campaign against us was initiated after the European election. In your replies ⁱⁱⁱ, you correctly stated, in considering our name and that of UKIP:

We decided that although the word 'UK' is common to both acronyms, the party name overall was sufficiently different to mean that in our opinion voters were not likely to confuse them with the UKIP name or any of its registered descriptions ... The party was formerly registered with the Commission under the name UK in Europe Party (UK EPP). The party chooses to align itself with the EPP European People's Party, one of the political groupings of the European Parliament, which is where the acronym comes from.

Your subsequent conduct (including dissembling and acting to censor "EPP" from all British ballot papers) must be construed in the context of your clear knowledge as to the meaning of "EPP".

You subsequently relied on a PwC audit which appears to have been conducted just after the 2014 election: however, Appendix 1 ^{iv} of their report raised no issues of our name, descriptions and emblem being similar to those of other parties. The only issues related to your own internal documentation, providing no lawful basis for your subsequent discrimination against us.

a Commissioners' meeting of 23 July 2014

We learned in 2015 of Agenda Item 8 ^v of the Commission's meeting on 23 July 2014. **As an innocent but directly impacted regulated entity, best regulatory practice would obviously have been for you to inform us of this matter before the meeting, as our views could then have been considered by the Commission, and not seven months after: why did you as Chair fail to ensure this happened?**

The thrust of cited recommendations of the Butler review of the 2014 European election relates to future registrations of parties. However, at clauses 4.3 to 4.6 agenda paper you introduced retrospective de-registration of "party names, descriptions and emblems" with a slanted interpretation of PPERA. You admit at 4.4 that there is no retrospective power in PPERA to de-register so you rely in 4.5 on "purposive public policy intent". Despite knowing "EPP" was not misleading and - in a context where you know the law says you must not do what the law does not permit you to do - despite knowing your retrospective power was at the absolute best very doubtful, you persisted with extreme and discriminatory bullying of a blameless and small regulated entity.

(We would, by the way, consider your proposal at 3.14 to remove party descriptions from ballot papers to be most unhelpful to the voters you claim to want to put first.)

Although in most elections the surname of the candidate determines position on the ballot paper, there was also speculation at this meeting about parties choosing names to place themselves higher up the list. However, no shortcoming with our registration seems to have been demonstrated.

Para 8.2 of the Minutes of this meeting of the Electoral Commission state that concern focussed on the importance of consulting political parties in relation to any significant change that might follow the Commission's recommendation in its post-election report that in the light of experience at the May 2014 elections there was a case for reforming the rules on party descriptions. **Why did you never consult us on the review of party identifiers?**

iii pp9-12: http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/174a_-_complaint_stats_-_redact.pdf

iv http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/11r-2014-06-24_-_ecac_18_14_-_audit_of_party_registrations.pdf

v http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/13r-2014-07-23_-_ec_57_14_-_registration_of_party_names_descriptions_and_emblems_-_options.pdf

b your outgoing CEO

We now know that, between 24 July and 19 August 2014, there was an internal email exchange ^{vi} involving your outgoing CEO. Despite your knowledge about “EPP”, he “asked” if “EPP” was a recognised acronym: **was this a “hint” to subordinates that they should ban “EPP”?** Indeed, as of 15 August 2014, and with no consultation with us of the type envisaged at para 8.2 of the Commission’s meeting of 23 July 2014 having occurred, your outgoing CEO said of us that *I realise this is almost certainly going to be struck off*. Many months were to elapse before we had the slightest inkling of the unlawful *fait accompli* you were covertly preparing.

The evidence now available to us is consistent with your emerging pattern of unlawful discrimination appearing to be driven by political pressure rather than regulatory considerations.

It is however clear - and here we slightly break the chronological approach - that by 23 October 2014 he realised both that your approach had been dilatory ^{vii} - *I realise that we’ve taken rather a long time to get our letters written* (albeit, still, with no prior consultation of us) - and also that, in the context of another deadline still undisclosed to us, imposing a two week deadline on us could expose you to legitimate complaint.

You, with your £23 million taxpayer-funded 2014-15 subsidy, were to take five months from the European election to contact us (and even then in misleading terms) as a new and small party accused of no wrongdoing but you expected us to reply within two weeks, an intimidatory pattern you were to repeat at Christmas 2014: how do you justify this asymmetry and untransparency?

c Speaker’s Committee

We learned in 2015 that in early September 2014 you had briefed the Speaker’s Committee ^{viii} (where, of course, our Party has no representation) on the PwC exercise. This illustrates a difficulty with your current governance: our political opponents knew months before we did that you contemplated some sort of action against us. Even so, we choose to assume that your disclosure to the Speaker’s Committee did not extend to your unlawful plan to censor Europe’s premier political brand, long established in the UK, from all British ballot papers.

d undated internal paper

We learned in 2015 both that you have an internal Senior Advisory Group and of an undated paper - perhaps from August 2014 - addressed to it about the “Party identifier review”.

This paper discloses an emerging internal opinion at clause 2.4 that acronyms only be allowed where they are well known (as, of course, is “EPP”) and the party intends the acronym to be used to represent the meaning (as do we). Despite your registrations of us since 2012 and what you had written to third parties since the European election, at page 9 it was asserted (following your CEO’s “hint”) that “EPP” was misleading and that voters could confuse “UK EPP” with “UKIP”.

The first recommendation, implying covert debate with Ministers, was *to wait until any legislative change is confirmed before contacting the party*: in other words, you proposed both to conceal your alleged concerns from us, but not our political opponents, and also to disregard the allegedly more consultative sentiment of the 23 July 2014 meeting of the Commissioners. Failing legislation, you were to contact us to confirm the meaning of “EPP”: as if you did not already know! **Were you in fact fabricating a case against us in response to political pressure?**

vi http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/4r-re_4_freedomsparty_uk_epp_1r5oaddv.pdf

vii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/61r-fw_registration_letters_101_pdf

viii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/63r-fw_speaker_s_cttee_briefing_pack.pdf

e looking for trouble

We learned, again in 2015 after FoI disclosures, of what appears in the early autumn of 2014 to have been a growing effort within the Electoral Commission to compromise us, in this instance by looking for trouble on compliance issues ^{ix} although you well knew our relevant officer, the late Miss Rossi, was exceptionally diligent in her enquiries as to what you required on compliance. Phrases like *I've done detective work on everything I can think of and can't see many issues* or *It may factor into how we might write to the party* could, especially in the context of other aspects of your conduct, imply a deliberately intimidatory approach. There seems also to be a reference from the Government of seeking to contact us about the Freepost component of our election campaign: **what is the exact scope and nature of the Cabinet Office's involvement ^x?**

f your ongoing knowledge of meaning of EPP

We learned, again in 2015 that, despite your disingenuous internal "discussion" as to the meaning of "EPP", you still plainly knew on 23 September 2014 what EPP means and that we clearly projected this to voters ^{xi}: *The London region campaign leaflet from 4 Freedoms Party argues that they want a strong economy with opportunity for the young, alongside protection and dignity for the vulnerable. They argue that as party of the European People's Party they can exert greater influence over the EU.*

4 YOUR INCOMPLETELY AND INCORRECTLY STATED POSITION: UNLAWFUL DEREGISTRATION OF OUR PARTY

On 20 October 2014 you purported to promulgate new guidance and on 27 October 2014 you wrote "requesting" us to make a number of changes ^{xii}. (You also wrote simultaneously to the dead de-registered officer of our de-registered Northern Ireland party.)

You made unsubstantiated assertions about our party name and some of our descriptions: you were silent on our emblem. In the interest of harmony, we were willing to accommodate most changes "requested" even though we considered them manifestly unfounded and partisan.

As regards our party name, you made a *request* that we apply (following a change of your internal policy which you did not trouble to relate to an alleged relevant power under PPERA) to change our registered name - 4 Freedoms Party (UK EPP). Although section 28 (4)(b) PPERA limits party names to six words, your General Counsel's exact proposal - *Changing the number currently displayed as the numeral '4' to the word 'four' and spelling out the acronym 'EPP' to 'European People's Party'* that is to change the name to "Four Freedoms Party (UK European People's Party)" - amounted to an invitation to us to propose an unlawful formulation of seven words.

Our retained Queen's Counsel saw nothing in PPERA to justify your demands, for example, to abandon the "EPP" acronym and we now know this view seems to have been shared by your own external Counsel ^{xiii} as your internal paper says: *This issue (and this particular description) was discussed with counsel ... He wasn't sure, neither am I, how the use of an acronym that isn't well known meets the statutory condition ... The fact that a voter might not know what the letters stand for does not, on its own, seem sufficient to mislead.* **Again, were you seeking to deliver not lawful regulation but a politically motivated outcome?**

As Miss Rossi had died early on 27 October 2014, there was an agreed short delay in our response. Our letter ^{xiv} dated 21 November 2014 raised many pertinent matters on the disclosed advice of our retained Queen's Counsel. You have since proved more than reluctant to respond.

ix http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/50r-fw_can_you_check_these_parties_for_any_outstanding_compliance_action.pdf

X http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/51r-fw_contact_addresses_of_parties_-_cabinet_office_royal_mail_mailings_info_session.pdf

xi http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/166r-rpt_event_cm_report_2014epe.pdf

xii [http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/2014-10-27_4_freedoms_\(uk_epp\)_intention_to_deregister_name.pdf](http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/2014-10-27_4_freedoms_(uk_epp)_intention_to_deregister_name.pdf)

xiii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/138ra-201410174_freedoms_uk_eep_intention_to_deregister_name_v2_rgcomments.pdf

xiv http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/141121_electoral_commission.pdf

SUMMARY CHRONOLOGY & FURTHER QUESTIONS

Our letter made clear that we did not consider you had demonstrated that you had acted lawfully. We detailed both some underlying law (for example relating to PPERA and your breach of Article 1 of the First Protocol to the European Convention on Human Rights) and also our particular concern about retaining Europe's premier political brand, "EPP". Presumably because you know you cannot, you have never properly related your new policy on acronyms to s.28(4)(a)(ii) PPERA.

We learned in 2015 of an internal email dated 10 December ^{xv} about a draft letter eventually sent to us on 22 December. In our view, this email betrays your inappropriate approach to a regulated entity accused of no wrongdoing: no *genuine new material considerations* were explained to us and there is no evidence you took *on board* [our] *representations before taking* [your] decision. As your internal email correctly noted, albeit with understatement, you were *running a difficult argument here* against us. Again, your imprecise statement of position and failure to respond to pertinent points raised by our QC makes your conduct appear more political than regulatory.

Your letter ^{xvi} dated 22 December 2014 was most exceptionable in its substance and manner: it is inconsistent with your governance being fit for purpose and it evidences actionable conduct.

Despite coming from your General Counsel, the letter failed to respond to our substantive legal points raised a month before and indicated that we would be removed from the register on 12 January, meaning we could contest no elections in the UK. You censored the acronym "EPP" and claimed it counted as three words.

By acting in such a way immediately before Christmas, for practical purposes the Electoral Commission imposed an immediate deadline. Your evidenced objective ^{xvii} (internal Memorandum of 5 January 2015 stating we would be removed from the register of parties on 12 January: you seem to have been operating to an internal timetable not disclosed as required by FoI, so please now disclose it) was manifestly to disqualify us from elections by removing us from the register, a matter still not properly rectified eight months later. There is no evidence of your ever having intended to consult as allegedly envisaged by the Commissioners in July 2014. Again, the Electoral Commission never presented - we know you cannot - a coherent legal case relevant to your power under PPERA.

Even if you could have amended a past decision under PPERA through the "purposive" approach, you still knew that *In cases where we come to the conclusion that the identifier fails one of the PPERA tests because the Commission has changed its approach [!], the question of whether the Commission has the power to remove the identifier from a register will need to be considered very carefully in relation to the specific facts of the situation.* There is no evidence of such care. **Indeed, which "decisions pathway" ^{xviii} do you claim you applied to us?**

Your letter 22 December was significant in a number of further ways, for example:

contrary to your own letter of 20 October proposing *inter alia* an unlawful new party name with seven words, you now alleged that re-ordering the revised name you had authorised earlier in 2014 - "4 Freedoms Party (UK EPP)" - into "UK EPP: 4 Freedoms Party" *contains more than the six words allowed under the legislation*; and

you indicated that our emblem would be de-registered although your letter of 20 October had raised no concern about it.

We wrote to you personally on 7 January 2015 and 9 January 2015. Our letters to you went beyond particularities of our case to wider issues of process relevant to any Chair. **Why you did not respond?**

xv http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/124r_-re_draft_of_4_freedomsparty_letter_ccm_0160492.pdf

xvi http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/2014-12-22-4_freedomsparty_uk_epp.pdf

xvii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/57r-fw_parties_that_will_be_removed_from_the_register_on_12_january_2015_46_.pdf

xviii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/95r-outline_of_letters_-_identifier_review.pdf

SUMMARY CHRONOLOGY & FURTHER QUESTIONS

Your General Counsel on 9 January wrote in highly selective terms ^{xix} which are significant in a number of ways, for example:-

the second paragraph of the first bullet point on the first page deflects to the Cabinet Office blame for mass disqualification of voters in the 2014 European election;

the third paragraph re-states your scepticism that voters were misled by our name into not voting for UKIP but you follow this in the second bullet point with the inconsistent allegation that *voters would in our opinion be likely to be misled ... likely confusion of voter aspect arising from 'UK EPP'*;

you started to allege that 'EPP' needed to be accompanied by 'European People's Party' in our name i.e. using four words, leaving only one word spare if we continued to include "UK". Your evolving discrimination is inconsistent with the content of your letter of 22 December which would have meant "EPP European People's Party" counted as six words; and

in our view, your letter copied to the Speaker misrepresented aspects of our response.

We then learned that as of 12 January 2015 you had disqualified us from standing in any British election (*removed for containing an acronym*), censoring "EPP" from all British ballot papers ^{xx}.

Our suspicion that discovery during litigation might not have yielded what we have since learned via FoI is also corroborated: as of 30 December 2014, rather than secure the right outcome you were wary ^{xxi} of our *obtaining further points which [we] could then use in any subsequent litigation*. **Who decided and when that it was more important to proceed to the ultimate sanction - deregistration - than to make proper disclosure to and engage with us as a legitimate regulated entity?**

We wrote ^{xxii} again to you on 13 January, warning that we would act in response to our disqualification from standing in elections and noting that *Your conduct is manifestly discriminatory. We were required to change our party name so it did not start with a number: a matter on which we promptly signalled willingness to compromise. As of this morning, six parties remain on the register despite their names starting with a number: 100% Registration Campaign, 1001 Campaign, 2015 Constitutionalists UK, 21st Century Conservative Democrats, 21st Democracy and 38 Degrees*.

By letter ^{xxiii} of 19 January, we proposed another holding name to your General Counsel and noted that no query had originally been raised over our registered emblem. I wrote yet again to you on that day, raising matters of direct concern to the chair of a regulator: again, no reply from you.

By letter ^{xxiv} of 20 January, purporting to terminate correspondence, and without your having set out a coherent and legally relevant case, your General Counsel advanced a number of contentions.

Without disclosing that he was (as we later learned) effectively "the Commission", for the purpose of approving party names he stated: *Your letter to me of 19 January, suggests your party might (although reserving your rights) apply to the Commission for the party name 'All Freedoms: UK EPP'. Regrettably that proposal is unlikely to be approved by the Commission for reasons that on ballot papers, the unexplained and not in the opinion of the Commission sufficiently familiar to UK voters acronym 'EPP' being part of the name is likely to mislead voters; and the term 'UK EPP' is likely to confuse voters with the name of 'UKIP' a prior registered party. However, we have suggested to you that a party name which included 'European People's Party' perhaps followed in brackets with 'EPP', could be discussed with us for potential registration*. This is of course wholly inconsistent with your internal and public statements even following the 2014 European election.

xix <http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/2015-01-09-posnerb-to-hazell.pdf>

xx http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/53r-fw_email_update_about_removal_from_the_register_of_political_particonvert_es.pdf

xxi http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/68r-fw_your_ref_8154589_55_.pdf

xxii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/150113_electoral_commission.pdf

xxiii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/150119_counsel_electoral_commission.pdf

xxiv http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/reply_to_mr_hazell4.pdf

Who decided, when and on what basis that our name was *likely to confuse voters* and what is your definition of “likely”?

Particularly when you knew the matter was time sensitive, why did your letter of 22 December not propose the formula of “European People’s Party” plus “EPP”?

What is your alleged threshold for an acronym being *sufficiently familiar* and how do you claim this is measured?

How many voters do you think know what “UKIP” means and how many voters (including non-British EU nationals) do you think know what “EPP” means and where is your evidence?

Quite apart from the discriminatory nature of your test, how do you make the jump from your subjective and irrelevant test of alleged unfamiliarity with our brand to “likely” confusion of voters as envisaged by s.28(4)(a)(ii) PPERA?

My letter of 20 January to your General Counsel rehearsed a number of matters and suggested another name on a strictly holding basis - “All Freedoms European People’s Party” provided the EPP acronym continued to appear in descriptions and emblems without further explanation. Once again we asked why you now objected to our emblem. On use of our acronym in our emblem, we asked: *And are you seriously suggesting that “EPP” is less well known than “FRAG”, “GMB”, “TUSP”, “WFS2014 Ltd” which are all examples currently appearing on your register?*

We subsequently learned of your email chain of late January 2015 where your internal chaos - three months after first writing to us - on the treatment of our emblem emerges. It appears that your General Counsel was over-ruling the advice of operational officials, aware of discriminatory conduct, to leave our emblem undisturbed^{xxv}: *In our correspondence we indicated that their emblem would be protected, as required under PPERA. I believe we should ask them to spell it out, but the impact would likely involve altering over 100 other emblems on the basis of consistency. Again, is the primary driver behind imposition of discriminatory and retroactive change on us (but not 100 others) political rather than legitimately regulatory?*

On 28 January, you were internally considering a revised name UK European People’s Party (UK EPP): Ms Shah, your internal lawyer, stated: *I note that the party, if the name is approved, be able to come before UKIP on the ballot paper. Isn’t this one of the concerns raised ...? By whom, how and when was this “concern” raised and what is the alleged legal relevance of this “concern”?*

We wrote to you personally on 16 March - again, no reply of course - noting your on-going failure to restore us to the Electoral Commission’s register and making the point that *Even if our Party were now immediately re-instated to the register (until your next contrived exclusion of Europe’s main party from British ballot papers?), it is now as a purely practical matter too late to have freepost Election Addresses approved and printed and then despatched to the Royal Mail on a basis guaranteed to arrive before postal ballots are issued as Returning Officers are entitled to do immediately after 9 April.* You had by now without doubt moved beyond any pretence of not excluding us from effective participation in the General Election with our USP of EPP branding.

Although you did not trouble to tell us, we appear to have been restored to the register on 23 March with the somewhat unsatisfactory holding name of “Alliance EPP: European People’s Party UK”. This name fails to achieve our lawful core branding objectives. It is not an acceptable outcome.

Further, you have still not restored to your website our party emblem as required by the Royal Mail (for Freepost) and Returning Officers (for ballot papers). (You have registered the EPP’s generic logo - but we contest British elections as a national party affiliated to and supporting the EPP, not as the EPP itself.)

SUMMARY CHRONOLOGY & FURTHER QUESTIONS

By letter dated 26 March to your General Counsel, to which there has been no response, we raised a number of matters. For example, we noted that while “EPP” had been censored, you still sustained on your register as of that date a party called “TUSP”, apparently “the United Socialist Party”. I also noted that while you had required of us *acronyms to be spelt out on the ballot paper* and had since January outlawed our UK EPP logo as approved by you in 2012 -



you nonetheless still *inter alia* sustained on your register ID 732 (curiously similar to the Europe-wide registered brand “EPP” and to Europe’s largest youth movement, “YEPP”, the Young EPP) as well as UKIP’s logo, each containing only an acronym:-



You have still not restored to your website the UK EPP emblem you unlawfully de-registered in January. You have imposed eight months of unlawful deregistration including through a General Election, and we are still unable to use our emblem in any election. **On what basis would you claim not to be in breach, *inter alia*, of s. 29 (2)(5) PPERA?**

On 27 April ^{xxvi} I noted by further letter to your General Counsel that, in contrast to the ongoing unlawful banning of our emblem and while TUSP seemed to have disappeared from your register, TUSC (“Trade Union & Socialist Coalition”) did contest the General Election (with a result significantly weaker than ours in the 2014 European election which can be construed as further evidence of your extreme bias against us) and was still allowed on your register ^{xxvii} as an emblem (id 606) reliant only on the acronym:-



Why do you so favour TUSC over UK EPP?

xxvi http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/150427_electoral_commission.pdf

xxvii http://www.4freedomsparty.eu/uploads/1/5/0/3/15038738/150425_electoral_commission_tusc.pdf