

# **‘The unelected State’**

CIBUK members may be interested in the story of how the Electoral Commission – one of many quangos which now form part of the British State – went after two leading Brexit campaign groups following the 2016 Referendum result in a display of blatant power-abuse which casts our entire system of government under a dark and unaccountable shadow.

What follows is an account what happened to Alan Halsall, the man responsible for signing Vote Leave’s declaration to the Electoral Commission. The article, originally published in the New Statesman is reproduced here courtesy of Briefings for Britain.

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## **The battle after Brexit: an abuse of power**

**Written by Jonathan Rutherford**

Alan Halsall was persecuted by the Electoral Commission for his part in the Leave campaign. His story reveals the rotten state of British democracy.

I have always voted in elections, but the only vote that has meant something to me was voting to leave the European Union on 23 June 2016. Few of us thought we could beat the combined powers of the British establishment, but we did, even if the “we” was a mass of political contradictions. For the first time in British history, popular sovereignty overruled the wishes of parliament and the electorate instructed it to exit the EU.

So began the long and tortuous aftermath. When those who

believe they are entitled to rule are defeated, they will pursue their nemesis with a vengeance. This small, curious, readable book, part personal memoir, part political reportage, is about what this pursuit inflicted on one man.

Alan Halsall is a Conservative and a now-retired businessman from Lancashire. He believes in Church, Crown and family. He has always been conscious of his good fortune. He describes a halcyon childhood, but family life is overshadowed by the death of an uncle in World War Two. Then there is the emotional trauma of an ascetic boarding school steeped in a Darwinian culture. Here, as a small, bullied new boy, he is told by the head teacher that his beloved elder brother Robert has died suddenly. Shortly after, his father, a domineering presence, deserts his family for his secretary.

There can be no grieving in this unforgiving culture. Halsall puts his optimistic view of life down to his happy but "cruelly truncated" childhood. "Perhaps the fact that it came to an end too abruptly gave me a certain strength." He was going to need it. As the title, *Last Man Standing*, suggests, Halsall has fortitude, the gift to him of those who fought for England in both World Wars. He holds up their courage and sacrifice as a beacon of the future.

Halsall was a Eurosceptic from his students days, a fact that baffled his university friends. He joined the Business for Britain group in 2013, where he met "the supreme campaigner" Dominic Cummings. They got on well. When Vote Leave was launched, Halsall was asked to be the "responsible person for Vote Leave". "What does that mean?" he asked. His job was to take legal responsibility for signing the campaign's declaration to the Electoral Commission. Halsall said he'd do it.

Under electoral law, Vote Leave could financially support other smaller leave campaigns, but it couldn't share a "common plan" with them. To do so would mean the total spending on all

joint activity would have to come below the £7m limit. But what is a “common plan”? Halsall was anxious about overspending. He got in touch with the Commission. So long as Vote Leave had no say in how its donations to other campaigns were used, it advised, there would be no common plan. By early June 2016, Vote Leave had raised more than £7m. The excess was donated to Veterans for Britain and to BeLeave, a youth campaign run by a young, right-wing activist, Darren Grimes. Halsall established regulations in meeting with them to avoid any hint of a common plan.

And then on 23 June came the referendum and the elation of victory. “It was a glorious morning... David had slain Goliath,” writes Halsall. “But my life was soon to change dramatically for the worse.”

The first inkling of trouble came from Alastair Campbell, who tweeted, “EU law allows customers to withdraw from [a] contract if [the] contract [is] based on lies. Leave agenda was riddled with them. Lawyers on the case.” Then the media outlet *BuzzFeed* published allegations that Vote Leave had potentially been cheating the spending limits, insinuating a common plan with BeLeave. If true, Vote Leave would be liable to criminal prosecution.

The Electoral Commission announced an investigation but found no evidence of a common plan. The independent auditors signed off the campaign spending, which was less than £7m. By December 2016, Halsall felt confident to sign off the declaration of spending. He was looking forward to Christmas.

But it was only the beginning of persecution. In 2017 the Commission reopened its investigation. Vote Leave had used a Canadian digital marketing agency and BeLeave had used the same supplier. The Commission, however, could find no evidence of a common plan.

The Commission opened a third investigation. It had found

errors in the 1,708 invoices and receipts of the campaign's expense returns. Items of spending, trivial sums, had fallen outside legitimate referendum spending. Unused stock such as banners and promotional mugs had to be deducted from the amount declared as expenditure. Halsall itemised the stock. The Commission demanded the invoices. Halsall and his long-suffering volunteers trawled through them. He admitted some minors errors.

The Commission announced it was investigating a donation to the Bruges Group think tank. Once again, there was no evidence of a common plan. In June it alleged the failure of Vote Leave to obtain three invoices for goods and services within 30 days of the referendum. One invoice had been paid a day after the last day permitted. Halsall pointed out this had been resolved months ago. The Commission was beginning to fall over itself. But political pressure on it to find criminal wrongdoing was growing.

Ten months after the beginning of the third investigation, the Commission informed Halsall that Leave EU would be fined £21,000. "It was an ever-changing nightmare," he writes, "it felt as though they were out to get us."

Then, in November, the Commission "discovered" that Vote Leave had made a donation to Veterans for Britain, which had also used the same digital marketing supplier as Vote Leave and BeLeave. But the Commission had known about this donation 16 months earlier. The allegation was nonsense, but the stakes were getting higher.

The Commission had interviewed three whistleblowers. In a new notice it detailed their allegations and proposed £61,000 in penalties. These were shown to be flawed and contradictory, but the new accusation was leaked to the website openDemocracy, which reported that "the Commission is widely expected to find the biggest pro-Brexit campaign broke the law".

Clare Bassett, the Commission's CEO, went on the *Today* programme and announced she was referring Halsall and Grimes to the police. To do so meant she could prove beyond all reasonable doubt that they had committed a criminal offence. Halsall describes the moment: "A sort of fear had woven itself into my life – a fear which had to do with a sense of ongoing injustice." It felt as if the nightmare could continue indefinitely.

The police inquiry moved slowly. A group of MPs instructed a law firm to threaten a judicial review to pressure the inquiry into a decision. Seventy MPs wrote urging it to investigate Vote Leave "with urgency". The police issued a statement. The problem lay with the Electoral Commission, which had not forwarded the necessary documents. The Commission, it said, did not appear to be complying with the letter or the spirit of the law.

At last, on 7 May 2020, the police concluded there had been no wrongdoing by Halsall or by Grimes. It was over. Halsall's life had been consumed by years of anxiety. He had been defamed in the media and spent tens of thousands of pounds on his own legal defence.

There had never been a common plan. The Commission came to this conclusion in its first investigation, but it persisted with its campaign. It was answerable to no one. Halsall points out that there are 1,200 quangos like the Electoral Commission. They form a shadow-world inhabited by an ideologically uniform class of unelected technocrats. They have flourished in a state system in which bureaucratic process and judicial activism replaces accountable democratic decision.

Those who could not accept the outcome of the vote to leave the EU abused their positions within the state apparatus to try to overturn the result. In addition, alongside the attempt of the People's Vote to overturn the referendum result, there

were those who appeared to seek nothing more than political vengeance. These efforts revealed England's class rule. People know this about British democracy. Almost half of those eligible to vote in the 2024 general election didn't bother to turn up at the polls. Populism is flourishing. People do not trust the political classes, and they have lost faith in the institutions of our democracy. To understand why this is so, read Halsall's small book.

**Last Man Standing: Memoirs from the Front Line of the Brexit Referendum** Alan Halsall *Finito Publishing*

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