


Understanding electoral campaigning rules

Briefing paper

A decorative graphic consisting of a horizontal band of red dots of varying sizes, with some dots scattered above and below the band.

An active civil society is critical to our democracy. Bond members have a long and proud history of running impactful campaigns that have delivered positive change.

Bond members can continue to campaign ahead of an election under charity and electoral law, but you must understand the rules. This briefing paper will help you do that and focuses on electoral law. For more information on charity law please refer to the [Charity Commission Campaigning and political activity guidance for charities \(CC9\)](#) and [Charities, Elections and Referendums Guidance](#).

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Background

The electoral law sets out rules for charities, NGOs and campaigning groups undertaking public-facing campaigns in the run up to national and devolved elections.

Electoral law is set out in the Political Parties, Elections and Referendums Act 2000, which was amended by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, (more commonly known as ‘the Lobbying Act’) and the Elections Act 2022.

The Lobbying Act rules have applied to several previous elections, including the 2017 and 2019 General Elections and the 2021 elections for the Scottish Parliament and Welsh Assembly, and Northern Ireland Assembly in 2022. This means that many Bond members will already have experience of campaigning within the rules of the Lobbying Act.

While the Election Act introduced voter ID requirements, which were in place for some 2023 local elections, rules impacting non-party campaigners only came into force in November 2023, so it is worth taking time to familiarise yourself with the changes they made ahead of the next General Election.

Bond encourages organisations to continue to speak out during the electoral period on issues that they have a history of working on. Campaigning is a normal, legitimate, and vital part of what charities do, and is critical for ensuring the all voices are heard at election time.

This document is designed to help Bond’s members:

- **Understand** electoral law so that organisations avoid being unnecessarily constrained or restricted from undertaking legitimate campaigning because they misunderstand the law and/or the Electoral Commission’s guidance
- **Practice good governance** by undertaking internal planning and have in place any necessary internal structures that will be helpful to call on in the case they need to engage with the Electoral Commission

This document is not legal advice: This document should be read in conjunction with the Electoral Commission’s [guidance for non-party campaigners](#). On areas of uncertainty or where greater clarity is needed, Bond recommends you seek legal advice or contact the Electoral Commission.

The important role of campaigners

Both the Charity Commission and the Electoral Commission have made statements about the importance of campaigning:

“I will robustly defend charities’ right to campaign lawfully, even where such campaigning covers sensitive or politically divisive ground.”

- *Orlando Fraser, Chair, Charity Commission*

“non-party campaigners are vital to a healthy democracy, and we encourage active participation by campaigners”

- *Electoral Commission*

“A general election is on the horizon and we understand that many of you, as charity leaders and trustees, will see this as a critical moment to speak up for your beneficiaries and highlight your causes. Charities have a proud record of engaging in public debate and campaigning on behalf of their purposes which is entirely legitimate.”

- *Chairs, Charity Commission and Electoral Commission*

Both commissions have also clarified that, simply **by registering as a non-party campaigner, a charity will not be in breach of charity law** or of the Charity Commission guidance on campaigning and political activities (CC9).

This does not automatically mean that if you are planning to undertake campaigning activities in the lead up to the General Election that your organisation will need to register as a non-party campaigner with the Electoral Commission. Rather, a charity needs to review their plans and make a decision as to whether any of them may fall under the provisions of electoral law.

Generally, if you continue to campaign on issues that you have worked on previously, and these campaigns are in no way ‘party political’ campaigns, it is unlikely that they will be considered regulated activity. In addition, if you are a charity and abiding by charity law in most circumstances your activities are less likely to be regulated. However, under electoral law, regardless of your aims, some campaigning activities may be ‘reasonably regarded as intended to influence how people vote’, for example, if you campaign on a policy or issue strongly associated with a specific party or candidate.

Bond encourages all members to review and monitor their campaigning plans in light of electoral law and most importantly, keep on campaigning.

Key things to know

Political Parties, Elections and Referendums Act (PPERA)

PPERA provides a set of rules to govern people and organisations that publicly campaign on issues in the run up to elections, but are not standing as a political party or candidate. These people or organisations are referred to as “non-party campaigners”. A non-party campaigner may be a campaigning

organisation, a charity, a faith group, a union, company or an individual. The rules seek to ensure that no one individual or organisation can have an undue influence over an election.

Many Bond members have a long tradition of running impactful public campaigns, including using elections as a key moment to push all parties to agree specific campaign asks. In many cases, these campaigns and activities will not be regulated by electoral law. However, where spending on certain campaigning activities could be seen as reasonably intended to influence voters to vote for or against a political party or a category of candidates, the rules will apply.

PPERA comes into force 365 days ahead of a scheduled election. The latest date for the next general election is January 2025, which means we are already in a regulated period. When a snap general election is called, the rules will apply retrospectively.

However, the [Electoral Commission](#) is clear “most campaign activity undertaken before an election is announced is unlikely to meet the purpose test.” The Electoral Commission notes two exceptions to this:

- you ran campaigns which met the purpose test in a different election in the regulated period – for example, you campaigned in local elections earlier in the regulated period
- you anticipated or made reference to the future election before it was announced – for example “Vote Conservative in the coming election”, or “Unseat MPs who voted for austerity”

Recent regulatory developments

The Elections Act, passed in 2022, made further changes to the rules for campaigning and campaign spending and funding in the run up to a UK parliamentary general election or Northern Ireland Assembly elections. It made changes to when you need to report your spending and introduced digital imprints (details on both below).

The role of the Charity Commission

Charities’ campaigning must comply with charity law at all times, which is set out in the Charity Commission’s [campaigning and political activity guidance](#) (also referred to as CC9). Under CC9, charities are allowed to campaign in support of their charitable purpose. This includes undertaking political activity (such as campaigning on legislation, policies or political decisions). However, a charity’s campaigning can never be party political.

The Charity Commission also releases [Charities, Elections and Referendums Guidance](#) – which only comes into force between the announcement of an election and election day – and is updated for each election. Useful points to bare in mind from the most recent guidance for the 2019 General Election:

- At elections, charities must be, and be seen to be, independent from party politics.
- You can have a similar policy position to a political party, and continue to campaign for this policy, as long as you stress your independence and do nothing to encourage support for the party.
- A charity can publicise its views on issues that relate to its charitable purpose, and you may publicise the views of candidates on these issues to stimulate debate. However, you can not explicitly compare your views with those of political parties or candidates, or encourage people

to vote for or against parties.

- You can publish a manifesto if you aim to encourage political parties to adopt certain policies or raise the public profile of your issues, but not if your aim is to influence voter choice.

The role of the Electoral Commission

The Electoral Commission is the body responsible for providing guidance and regulating compliance with the rules, including dealing with possible breaches of the rules. The Electoral Commission have produced several documents to help people understand the rules, to decide whether or not they need to register, and if they register, to help them understand what the reporting requirements are:

Non-party campaigners: UK Parliamentary general election

Non-party campaigners: case studies

Bond encourages members to use their guidance and seek advice directly if needed.

Contact the Electoral Commission

England: pef@electoralcommission.org.uk

Scotland: infoscotland@electoralcommission.org.uk

Wales: infowales@electoralcommission.org.uk

Northern Ireland: infonorthernireland@electoralcommission.org.uk

Telephone (all devolved nations): 0333 1031 928

Deciding if you need to register with the Electoral Commission

There are different factors that influence whether spending on an activity is regulated and if you will need to register with the Electoral Commission: whether the activity may be considered ‘regulated campaigning activity’, what you are planning on doing and who your target audience is, and how much you are planning to spend.

What is ‘regulated campaign activity’?

Activities which may be regulated include:

- Production or publication of materials, that are made available to the public or a

section of the public

- Canvassing, or market research seeking views or information from, members of the public
- Press conference or media events organised by you or on your behalf
- Transport used to publicise your campaign
- Public rallies or public events

What are you planning to do and who is your target audience?

In deciding if the activity you are undertaking falls within the scope of the regulations, the Electoral Commission looks at whether it meets the ‘purpose test’ and whether the activity is ‘made available to the public’.

The Purpose Test

The purpose test is essentially whether an activity can be reasonably regarded as intending to influence voters in a certain way. The Electoral Commission’s [guidelines](#) are clear:

“Spending on campaign activities by non-party campaigners is only regulated if it can be reasonably regarded as intended to promote or procure the electoral success of:

- one or more political parties
- political parties or candidates who support or do not support particular policies or
- another particular category of candidates

****Important note on the purpose test****

- campaign activity may meet the purpose test if it is closely and publicly associated with one or more political parties, even if it does not name a particular party or candidate
- even if you intend your campaign activity to achieve something else, such as raising awareness of an issue, it may still meet the purpose test

Meaning of ‘the public’

Campaign activity must also communicate with the general public to meet the requirement for regulation. Campaign materials that are only made available to a closed group of members or people who have chosen to receive the information will not be regulated. Similarly, if access to an event is limited so that the general public cannot participate or view the event then it will not be regulated.

But if you hold a rally or event that is open to or can be viewed by the general public or if you produce campaign materials that are available to the general public, then it would be considered regulated campaign activity.

How much are you planning to spend?

Any organisation can spend up to £700 on regulated activity **without having to register with the Electoral Commission.**

Organisations with sufficient UK connection¹ can spend up to £10,000 on regulated activity **without having to notify or register with the Electoral Commission.**

Organisations that intend to spend more than £10,000 on regulated activity before a UK Parliament General Election or Northern Ireland Assembly election **must notify and register with the Electoral Commission before reaching this amount**– this is called the ‘notification threshold’. At the time of notification, you can inform that Electoral Commission that you do not intend to spend more than the ‘reporting threshold’.

Organisations who spend more than £20,000 in England or £10,000 in Scotland, Wales or Northern Ireland **must record and report their spending and donations to the Electoral Commission** – this is called the ‘reporting threshold’. You must inform the Electoral Commission before you reach the reporting threshold.

It is important to note if you only intend to spend money on regulated activities in Scotland, Wales or Northern Ireland then the notification threshold (£10,000) and reporting threshold (£10,000 in Scotland, Wales or Northern Ireland) are the same.

You do not need to register if you:

- Are planning to spend less than the threshold of £10,000
- Are not spending money on regulated campaigning activities (i.e. not spending money on activities that pass both the public and purpose tests)
- Are campaigning outside of the regulated period

Assessing if activities pass the purpose test or are considered ‘public’

Applying the purpose test

The most problematic question for non-party campaigners is whether an issue-based campaign meets the purpose test. To assess whether a campaign meets the purpose test, the Electoral Commission guidance identifies four factors that campaigners should consider when deciding whether an activity passes the purpose test.

¹ Sufficient UK connection means that “Individuals and organisations that are not based in the UK or are not on a UK electoral register are not permitted to spend more than £700 on regulated campaign activity”. See the [Electoral Commission](#) for more information. This means that international charities must have a separate legal entity in the UK if they are to be able to spend over £700 on regulated activity.

According to the Electoral Commission: “No single factor on its own will determine whether or not a particular campaign activity meets the purpose test. Rather all of the relevant factors taken together will determine whether a campaign activity meets the purpose test.”

The four factors are:

- **Call to action:** For example, is your campaign asking people (whether explicitly or implicitly) to vote for a particular political party, parties or category of candidate at an upcoming election? A public campaign that includes call to action which encourages voters to vote in a certain way or promotes particular parties or candidates is likely to pass the purpose test. Conversely, the Electoral Commission states that: “It is unlikely that a public campaign without an explicit or implicit call to action will meet the purpose test.”
- **Tone:** For example, is the tone of the campaign positive or negative towards a political party or parties, or category of candidate, or a policy that is “closely and publicly associated with” a party or candidate? According to the Electoral Commission “A campaign that makes a voter think of a particular political party or category of candidates is likely to be regarded as intended to influence voters to vote in a particular way and so meets the purpose test.”
- **Context and timing:** For example, are you campaigning on an issue that is prominent in public debate? Are you campaigning on an issue that clearly represents an area of difference between political parties? Are you campaigning as a reaction to a policy or position of a political party? Are you campaigning close to the date of an election? If so, you could pass the purpose test, especially if other factors are also met. However, the Electoral Commission is clear that “An ongoing campaign is unlikely to be reasonably regarded as encouraging voters to vote in a certain way”.
- **How a reasonable person would see the activity.** Would a reasonable person regard your campaign as intended to influence people’s voting choices? A campaign will only pass the purpose test if a reasonable person thinks it could encourage voters to vote in a certain way.

When activities are considered ‘public’

If a campaign activity is aimed at, seen, or heard by the public, or a section of the public, it will be considered ‘made available to the public’. This is more likely to be met for the following activities:

- canvassing and market research
- public rallies and events
- campaign materials (including both print and digital materials)

According to the Electoral Commission, **canvassing and market research** that meets the purpose test “will only be regulated campaign activity if it seeks the views of or information from the general public”. It goes on to note that if this “is conducted only with your organisation’s members or supporters, it will not be regulated campaign activity because it

does not involve the general public.”

Public rallies and events that meet the purpose test “will only be regulated campaign activity if they are open for anyone to hear, see or attend”. If the general public are not able to participate, it would not be regulated. Exceptions include your organisation’s annual conference and non-selective hustings, which do not promote or oppose certain parties or candidates.

The Electoral Commission states that “**Campaign material** will only be regulated campaign activity if the material is made available to the public or any section of the public by the non-party campaigner.” If the public is unable to access the campaign material, or where access is restricted to people who have signed up to receive that material, it would not be considered regulated.

What activities are not regulated?

Spending on the following activities is **not covered** by the rules on non-party campaigning:

- material that you send to your members or people who have signed up to receive that material
- volunteer time, including time spent by your staff that you do not pay them for
- people’s travel or personal expenses linked to the campaign if you do not reimburse them
- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- annual conferences
- public processions or protest meetings in Northern Ireland, where notice has been given under the Public Processions (Northern Ireland) Act 1998
- providing security at a public rally or public event
- translating material from English to Welsh or vice versa
- reasonable costs incurred that are attributable to an individual’s disability

Coalition campaigning /joint working

There are specific rules for coalition campaigning or joint working. If you are working with other organisations and spending money on regulated campaign activities during the regulated period, you will need to consider these rules. The Electoral Commission refers to this as “joint campaigning”.

According to the Electoral Commission, joint campaigning takes place where all the following criteria are met:

- There is a plan or other arrangement between one or more campaigner
- All the campaigners involved intend to spend money on regulated activities as part

- of the plan
- One or more campaigners actually spend money on regulated activities as part of the plan
- The plan or arrangement can “reasonably be regarded as intending to achieve a common purpose” i.e. there is agreement about the scope and purpose of the campaign

You are not working together if you:

- Endorse another campaign by allowing your name, brand or logo to be used
- Add your signature to a joint letter
- Have informal discussions with other campaigners that do not involve decision-making or coordination of plans
- Speak at an event organised by another campaigner, but do not participate in any other way
- make a donation to another campaigner

You are very likely to be working together if:

- you have joint advertising campaigns, leaflets, digital materials or events
- you coordinate your regulated campaign activity 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 leaflets, digital material, or other campaign activity.

If you are planning to undertake coalition work that you think may pass both the public and purpose tests, please read the Electoral Commission’s [guidance on joint campaigning](#).

Notification and registration

If you decide to [register](#) as a non-party campaigner:

- You can register at any point during the regulated period.
- You need to notify the Electoral Commission and register if you intend to spend more than £10,000 on regulated campaign activity.
- You can make an online notification by visiting [PFR Online](#) or filling in [Form TP1](#).
- You will need to appoint a ‘responsible person’ who will be responsible for ensuring that the organisation follows electoral law.
- Once you have submitted a notification, you will appear on the register of notifications and will be a ‘registered non-party campaigner’.
- In your notification, you can declare if you your spending will fall below the reporting thresholds (£20,000 in England and £10,000 in Scotland, Wales or Northern Ireland).
- If you make this declaration, and do not spend more than the report thresholds, you still

need to ensure that donations are from permissible sources and have a system in place to monitor spending on regulated campaign activity, but you are exempt from reporting obligations.

- If you want to spend above the reporting threshold, you must inform the Electoral Commission that you plan to do this before you reach the threshold. Once registered you will need to adhere to the more detailed reporting requirements.
- All registered non-party campaigners must include **digital imprints** on election material, which the Electoral Commission defines as “material that can be reasonably regarded as intended to promote an outcome in an election.”

You can find information on how to register, what forms are required to report financial information to the Electoral Commission, and how to notify the Electoral Commission if you are the lead campaigner of a joint campaign [here](#).

Spending limits

Once registered, you need to keep spending on regulated activity within the national and constituency spending limits. Note that these have increased significantly since the last election – you can find out more from [Bates Wells](#):

National spending:

- England: £586,548.60
- Scotland: £81571.40
- Wales: £54,566.40
- Northern Ireland: £39,433.600

Constituency spending:

Up to £17,533.25 of the national spending limit can be spent on campaigning targeted at a particular constituency. However, reporting requirement stipulates **that all national spending needs to be spread evenly across all constituencies**.

Compliance

The Electoral Commission’s stated approach to compliance is first and foremost to help non-party campaigners to understand the rules. If an organisation doesn’t follow the rules their first step will be to help the organisation understand and operate within the rules.

If an organisation repeatedly fails to operate within the rules, then they will be issued with compliance notices and, if not implemented, monetary penalties.

Preparing your organisation

Below are measures that some organisations are putting in place so that they can actively make decisions about regulated spending, and to equip themselves in case of complaint.

Review your plans and seek advice

- Make yourself familiar with the Electoral Commission guidance. You can view the guidance online. The Commission also run webinars for non-party campaigners ahead of elections.
- Review your campaign plans to identify if they will pass the 'gateway tests' and be seen as regulated activity.
- If you have outstanding questions, seek legal advice from charity or election lawyers. You can also call the Electoral Commission.

Involve your Board

- Seek Board approval of your organisation's approach to campaigning ahead of elections, including endorsement of your decision to register or not.

Internal Training

- Run internal sessions to ensure that all relevant staff understand the rules which apply for campaigners ahead of elections, what does and doesn't count as regulated spending, and your organisation's approach.

Update your sign-off procedures

- Review your sign-off procedures to ensure that relevant staff are empowered to make decisions about whether communications or activities could pass the 'purpose' test.

Set up a recording system

- If needed, set up a system to record all staff time and campaign costs of regulated activity – broken down by constituencies as well as nations. The Electoral Commission has produced a [spending calculator](#) for non-party campaigners.
- Agree one person, or a small number of people, who can authorise spending on regulated activity to ensure that any spending is well managed.

Keep Management Teams and Boards Updated

- Share monthly reports with your management team of actual and projected regulated spending.
- Flag any concerns and risks as they arise and develop a plan to respond to them.

Staff and political parties

- Review any existing policies around your staff and their engagement in political parties and ensure that staff understand them. Further guidance can be found in [CC9](#).

Be ready to manage complaints

- Decide in advance who in your organisation needs to be involved in fielding any problems.
- Prepare key messages for the media and your supporters in advance.
- Have records of spending up to date and document key decisions so you can demonstrate transparency and due process.

Support each other

- Bond is here to provide support to our members so please don't hesitate to get in touch.
- Please also support one another, share your approach and advice, ask questions.
- Be ready to respond to unfair or wrongful complaints levelled at other organisations with a collective voice.



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