

Campaigning during the General Election

An introduction to charity campaigning

Campaigning and advocacy are core parts of charitable activity, a fact recently recognised by the House of Lords Select Committee on Charities when it said:

“Charities are the eyes, ears and conscience of any society; advocacy is a central part of their work and a sign of a healthy democracy.”¹

ACEVO has campaigned for changes to be made to legislation on third party campaigning in order to make it less restrictive and clearer. However it is important for all our members to be aware that there are not currently any legal or regulatory blanket bans on campaigning. During the general election campaign it is important for the voices of your beneficiaries to be heard by politicians if doing so would further your charitable purpose.

There are however restrictions on specific types of campaigning, especially with regards to partisan political activity. Charities should familiarise themselves with the relevant guidance and legislation so that they can campaign with confidence.

The purpose of this document

This document is an introduction to the legislation and regulation that guides charity campaigning but **it is not legal advice**. Should you require bespoke advice or if you have specific questions around your charity's campaigning activity, contact the Charity Commission, the Electoral Commission or seek independent legal advice. At the end of this document there is also a list of resources which provide additional detail.

Can charities campaign politically?

As a general principle, charities may undertake campaigning and political activity provided:

- It is in furtherance of their charitable purposes
- It is permitted subject to the terms of their governing documents
- They do not engage in any form of party political activity and
- They retain their independence and political neutrality

Which legislation and regulation do I need to be aware of?

The two key pieces of legislation on electoral law to familiarise yourself with are [the Transparency of Lobbying, Non-Party Campaigning and Trade Union Association Act 2014](#) (The Lobbying Act) and [The Political Parties, Elections and Referendums Act 2000](#) (PPERA)

The relevant regulatory guidance produced by the Charity Commission is [Speaking out: guidance on campaigning and political activity by charities](#) (CC9).

Who does the regulation apply to?

The Lobbying Act and PPERA apply to all third party campaigners. CC9 only applies to registered charities.

¹ House of Lords Select Committee on Charities *Stronger charities for a stronger society* Available at <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldchar/133/133.pdf>

What is a third party campaigner?

Third parties are defined widely but are essentially any organisation or individual engaging in activities that may influence how people vote. For some third party campaigners this may mean campaigning for or against a political party or candidates. However as charities cannot campaign politically it will apply to those campaigning on an issue that some candidates or political parties support or oppose.

Does my charity need to register with the Electoral Commission?

If you meet the following criteria then you may need to register with the Electoral Commission:

- If you plan to spend money during the 'regulated period'
- If you plan to spend money on 'regulated activity'
- If that activity could reasonably be seen as intending to influence people's voting choices
- If you plan on (a) individually spending more than £20,000 in England or £10,000 in any of Scotland, Wales and Northern Ireland or (b) working with other organisations whereby you all cumulatively spend the aforementioned sums of money

Is there a spending limit?

Yes. Once registered with the Electoral Commission, you need to keep spending on regulated activity within the following spending limits:

- England: £319,800
- Scotland: £55,000
- Wales: £44,000
- Northern Ireland: £30,800

Up to £9,750 of the national spending limit can be spent on campaigning targeted at a particular constituency. However reporting requirements stipulate that all national spending, which is not targeted at specific constituencies, needs to be spread evenly across all constituencies. This means that spending of £63,300 on a nationwide campaign would also count as expenditure of £100 towards the limit in each of the 633 constituencies.

The regulated period

The term 'regulated period' applies to the period of time during which the provisions of the Lobbying Act and PPERA apply. This period varies from election to election. CC9 applies to all charity activity at whatever point in a national or local election cycle.

When does the regulated period start?

The Lobbying Act says that for a general election the regulated period for charities should begin 12 months before an election. Guidance produced by the Electoral Commission after this coming election had been called confirmed that the regulated period for the 2017 election will also be 12 months long. This means that it started on 9 June 2016.

This may mean that you have already incurred expenses relating to regulated activity. If you feel this may be the case, and you are in danger of approaching registration criteria, the Electoral Commission has urged charities to look to register as soon as possible.

What is regulated activity?

Any activity defined as 'controlled expenditure' is regulated. Controlled expenditure means costs incurred by carrying out any of the activities listed in the legislation Section 85 and schedule 8A of PPERA list a variety of activities upon which expenditure can amount to 'qualifying expenses'. The list can be found on

pages 9-16 of [this guidance](#). Such expenses qualify only if they would be reasonably regarded as intending to influence people's voting choices and involve communicating with the general public.

What is meant by intending to influence people's voting choices?

In deciding whether activity should be regulated, the Electoral Commission apply both a *purpose test* and a *public test*. Activity will probably meet the purpose test if it:

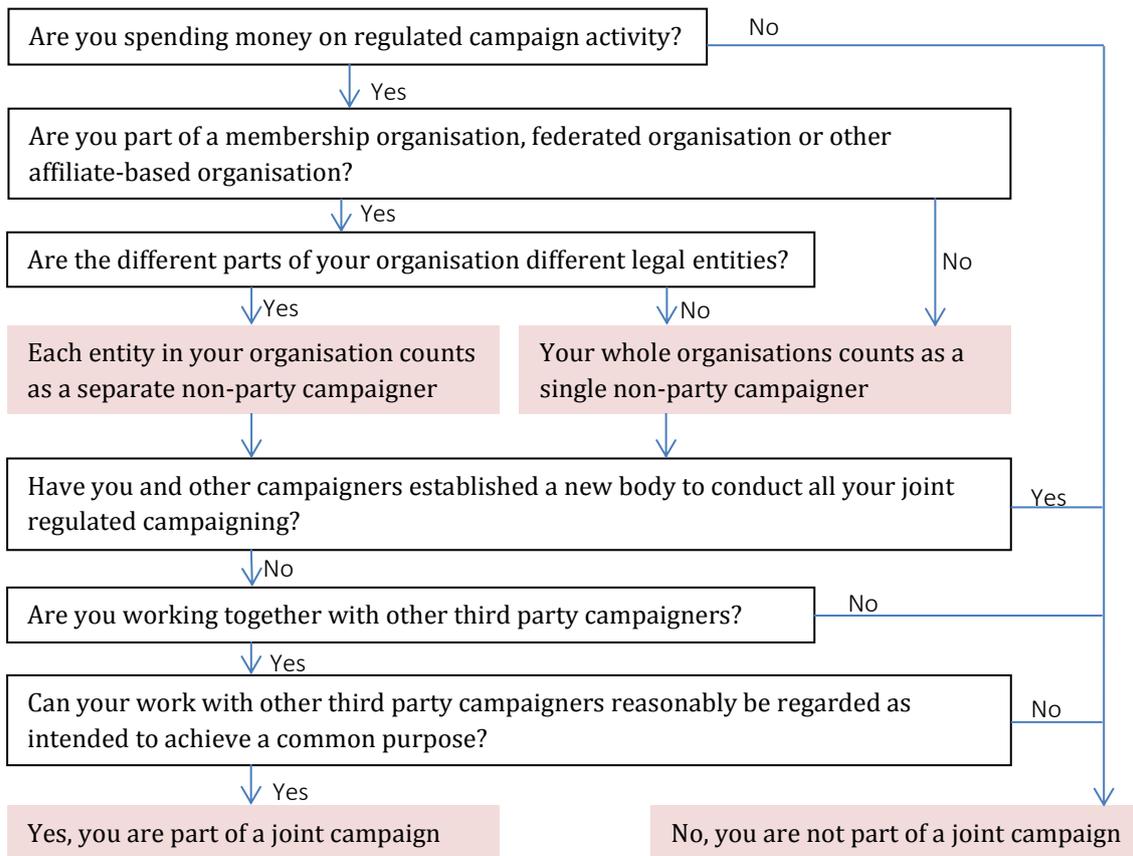
- Identifies candidates or parties who support your aims
- Compares the position of candidates or parties to a policy you are promoting
- Has a noticeably positive or negative tone towards a party or candidate
- Campaigns on an issue which clearly divides parties and/or candidates
- Promotes or opposes policies which are so closely associated with a particular party as to be synonymous (for example, Scottish independence and the SNP)

Activity will meet the public test if it is aimed at, seen or heard by, or involves the public. This does not include members of your organisation, or 'committed supporters' such as those who donate regularly by direct debit or hold an annual subscription.

Further guidance on regulated activity can be found on pages 6 and 7 of [this guidance](#).

Joint campaigning

If you are part of a joint campaign, you may also need to register with the Electoral Commission. The flow chart below provides a guide to whether you are part of a joint campaign.



Other useful sources of information

Much of the information in this document is taken from the four following highly detailed documents.

[UK Parliamentary General Election 2017: Non-Party Campaigners](#)

[Electoral Commission guide to charity campaigning](#)

[Electoral Commission overview of regulated non-party campaigning](#)

[Third party election campaigning: review](#) carried out by Lord Hodgson

Ask an expert

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