

Wayne David MP
House of Commons
London
SW1A 0AA

16 October 2014

Dear Mr David,

Regulation of social media

I am writing following your question to the Deputy Prime Minister on Tuesday 14 October about regulating the social media activity of charities under the new non-party campaigning rules. This letter sets out the Commission's approach and I trust will be of reassurance to you that the rules will be fairly and proportionally regulated by the Commission.

In the context of the forthcoming UK Parliamentary General Election, the rules require non-party campaigners to consider whether their campaign activities in the period that commenced on 19 September could be reasonably regarded as intended to influence voters. This includes content on social media which may count as election material as part of a campaign.

If the material falls within the above criteria, costs (including staff costs) that relate to the regulated campaign activity will count towards the spending limit on that non-party campaigner. Accordingly, where a charity or other type of campaigner is planning a large scale, multi-media campaign ahead of the election that can reasonably be regarded as intended to influence voters, then it is likely that the costs of running that campaign via social media, including a reasonable assessment of staff time producing content, will need to be accounted for.

We are providing support non-party campaigners through publication of detailed guidance, including clarification on how the rules work at the practical level, as well as responding to suggestions for additional information or advice that individuals or organisations may require. In response to feedback we received following the publication of our guidance, we have also produced a factsheet specifically focused on

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

Tel: 020 7271 0500
Fax: 020 7271 0505
info@electoralcommission.org.uk
www.electoralcommission.org.uk

Putting voters first

An independent body established by Act of the UK Parliament



social media, a copy of which is enclosed. This provides practical examples of when this type of activities may be regulated and the associated costs campaigners may incur.

We are clear that the rules are intended to apply where there is significant spending on campaigning in the run up to an election. As noted in the factsheet, the nature of activities on social media is such that, in many cases, the costs of posting material on a social media site will be negligible. On the other hand, where campaigners may incur more substantial costs, for example if they are employing a member of staff who spends a significant proportion of their time creating and posting material that is regulated on a social media site, such costs may need to be reported to us.

We do not envisage campaigners counting the number of tweets that are posted, or whether followers are being asked to share tweets or Facebook posts about a campaign. The assessment campaigners are required to make is about the time spent by a member of staff working on regulated campaign activities.

We have also advised campaigners that the time of staff or others tweeting or posting on Facebook in a personal capacity on their own accounts would not need to be counted. In addition to this, we will be looking to expand our Frequently Asked Questions section of the website over the coming weeks to provide further information and clarifications on these matters.

Finally, we are aware from our engagement leading up to the production of the guidance of concerns expressed by a number of campaigners about accounting for their costs on regulated campaign activities. I can assure you that when drawing up our published guidance and in the advice we provide to campaigners, our aim has been and remains that the rules are regulated effectively and in a proportionate way for campaigners while providing the required level of transparency.

I hope this letter is of assistance to you and I would of course be happy to discuss any of the issues I have touched on if that would be helpful. If you require any further information, please do not hesitate to contact Iredia Oboh in our public affairs team on 020 7271 0593 or ioboh@electoralcommission.org.uk.

I am also copying this letter to the Deputy Prime Minister and the Minister for the Constitution, for their information.

Yours sincerely,



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