

Situations and procedures

Working together for EU referendum campaigners

This document is for referendum campaigners who want to know about the rules on working together during the referendum on the United Kingdom's membership of the European Union

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Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version please contact the Electoral Commission:

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Email: publications@electoralcommission.org.uk

Terms and expressions we use

We use '**must**' when we refer to a specific legal or regulatory requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal requirements. You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Our approach to enforcement

The Commission regulates political funding and spending. We are committed to providing those we regulate with a clear understanding of their regulatory obligations through our guidance documents and advice service. If you are unsure of how any of the rules apply to you, please call us for advice. We are happy to help, so please get in touch.

We use advice and guidance proactively in order to secure compliance. And we take enforcement action, using our investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aims and objectives.

If you do not comply with legal or regulatory requirements you or your organisation may be subject to civil or criminal sanctions. You can find more information about the Commission's approach to enforcement at www.electoralcommission.org.uk/party-finance/enforcement

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Working together for EU referendum campaigners

This document explains:

The rules on working together and spending during the referendum on the United Kingdom's membership of the European Union.

The document covers:

- working together with other campaigners
- spending rules when you are working together
- Recording referendum spending
- reporting after the referendum

Related documents:

- [Campaigning and registering for EU referendum campaigners](#)
- [Pre-poll reporting for EU referendum campaigners](#)
- [Timetable and reporting deadlines for EU referendum campaigners](#)
- [The designation process for the EU referendum](#)

Campaign spending returns

- [PEF Online](#)

Expert papers

- [Splitting spending](#)

Summary

Referendum campaign spending is regulated under the Political, Parties Elections and Referendums Act 2000 (PPERA) as amended by the European Union Referendum Act 2015.

This overview will give you an understanding of how working together with other campaigners affects spending towards your limit and what you need to record and report to us.

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Introduction

Under PPERA as amended by the European Union Referendum Act 2015 (“the Act”) we have certain statutory responsibilities in relation to the referendum on the UK’s membership of the EU.

Our objectives for the referendum are:

- it should be well-run and produce results that are accepted
- there should be integrity in and transparency of campaign funding and spending

Before a referendum is held, there is a formal campaigning period called the “referendum period”. During this period, certain rules on campaigning and spending apply.

The referendum period starts on 15 April and ends on 23 June 2016. The working together rules and spending limits apply during this period.

Working together with other campaigners

You may choose to work with other campaigners as part of a coordinated plan or arrangement. Working with other campaigners can contribute to effective campaigning for a particular outcome.

There are spending rules that apply if you or a campaigner that you are working with spends money as part of a coordinated plan or arrangement. We call these the “working together” rules.

Campaigners need to be very careful that they understand the rules on working together. If campaigners don’t follow the rules they may breach their spending limits.

 Important

What we mean by ‘working together’

Working together means spending money as a result of a coordinated plan or arrangement between two or more campaigners during the referendum period that is intended to, or is otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

We use the words working together and joint campaigning to indicate when campaigners spend money with other campaigners as part of a coordinated plan or arrangement.

For further information on spending during the EU referendum see our [guidance](#).

The guiding principle

The guiding principle is that, in all cases, you should make an honest assessment, based on the facts, whether you or another campaigner are spending money as part of a coordinated plan or arrangement.

This will be straightforward for some spending. However, in some situations it may be difficult to decide when you are spending money as part of a common plan or arrangement.

For more information on referendum spending see our guidance:

- [Spending for EU referendum campaigners](#)

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You should make an honest assessment based on all the circumstances. You should keep records of your campaign plans to show how you have arrived at your assessment.

In our view, you are highly likely to be working together if, for example:

- you spend money on joint advertising campaigns, leaflets or events
- you coordinate your spending 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 spending including leaflets, websites, telephone scripts or other campaign materials

If you are not sure whether or not you are working together with other campaigners, please call or [email us](#) for advice.

In our view, you are not working together if, for example:

- you have discussions with other campaigners that do not involve decision making or coordinating your plans
- you speak at an event organised by another campaigner, but do not participate in any other way
- you do not consult other campaigners about what you should say in your campaign or how you should organise it

Spending rules when you are working together

If you are spending money during the referendum period when working together with one or more campaigners then there are certain rules you need to follow on recording and reporting this spending. These rules vary depending on if you are working with a designated lead campaign group or a non-lead campaign group.

It is important that when you engage in any joint campaigning with other campaigners that you have discussed and planned the work in detail and that you should ensure that you have a written record of the common plan or arrangement and a clear audit trail of decision making and any spending.



Important

Your record of working together must include authorisation of spending on joint campaigning including:

- who is authorised to incur spending
- the scope of what is authorised; and
- how much they are authorised to spend.

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Working together with other campaigners that are not a designated lead campaign group

If you work together with other non-lead campaign groups then the combined amount of referendum spending you each incur will count towards the spending limits for **each** campaigner involved.

If you are planning on spending over £10,000 on joint campaigning with another campaigner or campaigners, each of you must register with us as registered referendum campaigners even if any of you spend less than £10,000 on the campaign. This is because your combined spending will be above the registration threshold of £10,000.

After the referendum registered referendum campaigners must report:

- your own spending that you do separately from any joint campaign
- the names of the campaigners you've worked together with
- details of any spending you incurred as part of the joint campaign
- the total amount spent by the other campaigner or campaigners
- the spending total which includes the joint campaign spend and any spending that you do separately from any joint campaign

 Important

Referendum spending includes the full commercial value of items or services given free of charge or at a non-commercial discount of more than 10%. See our guidance for more information on notional spending:

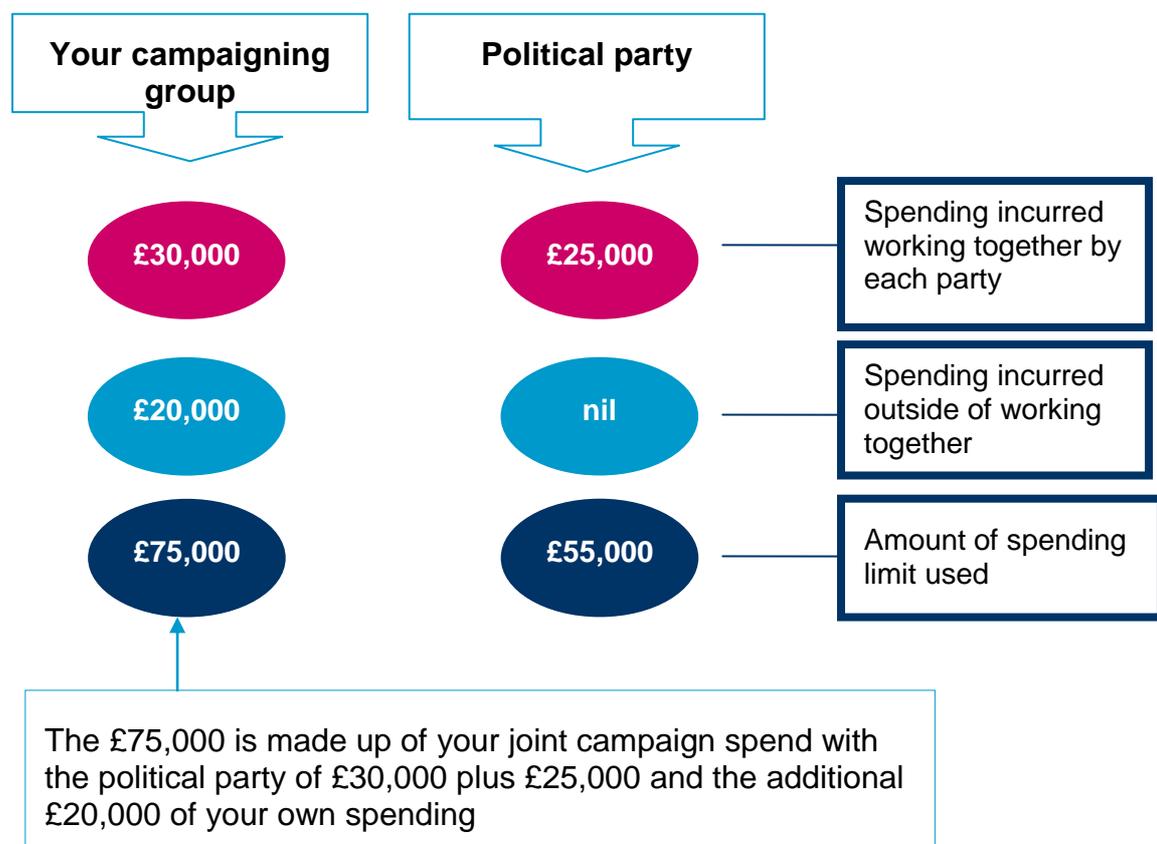
- [Spending for EU referendum campaigners](#)

Example A

Your campaigning group and a political party agree to work together to produce an advertising campaign on behalf of both campaigners that involves designing, producing and distributing campaigning leaflets. You spend £30,000 on the design, and the political party spends £25,000.

You also spend £20,000 on your own campaign which is not part of any joint campaign.

As you will be spending more than £10,000, which includes the amounts that both you and the political party are spending on the joint campaign, you must both register as campaigners before you spend above £10,000



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You must report:

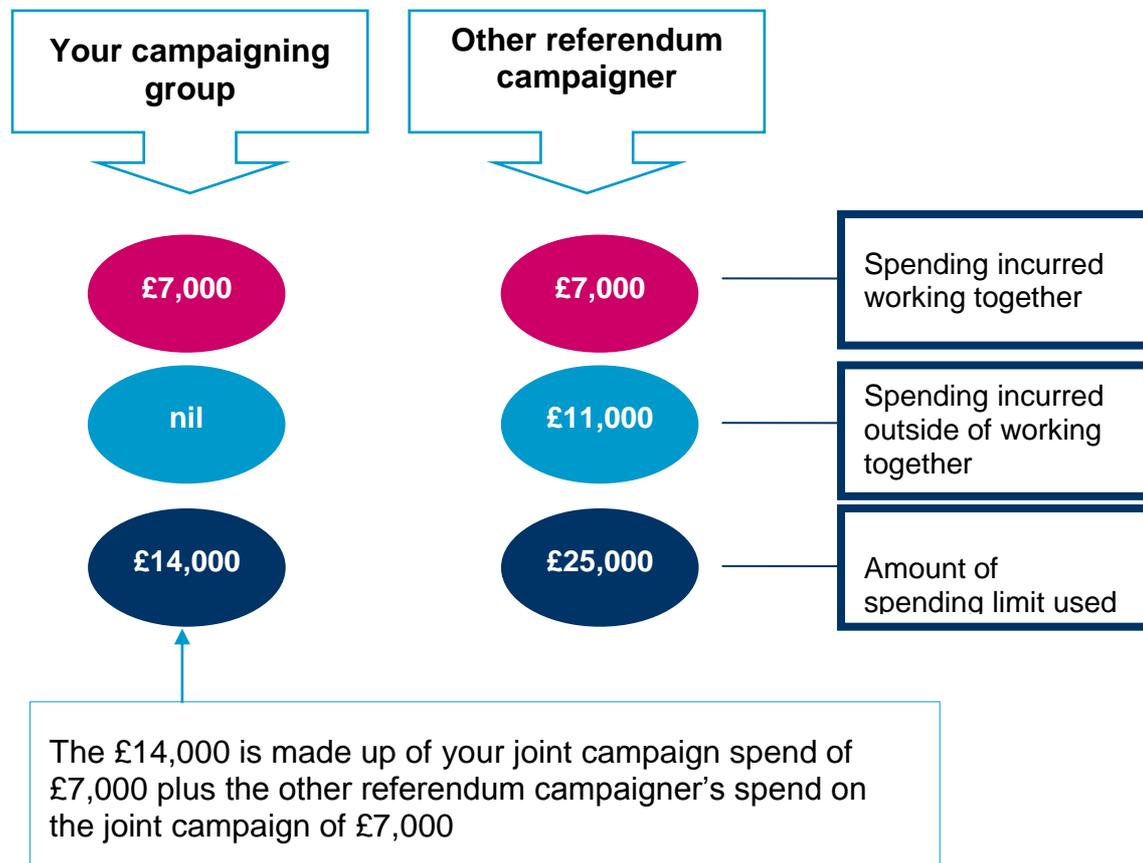
- your own spending of £20,000 that you do separately from any joint campaign
- the name of the political party
- details of the £30,000 you spent as part of the joint campaign
- the total spending amount of £25,000 by the political party on the joint campaign
- the overall spending total of £75,000, made up of your own spending and the joint campaign spending total

Example B

You and another referendum campaigner each agree to spend £7,000 on a joint campaign across the UK and Gibraltar during the referendum period. So, the total amount that you both spend working together is £14,000.

The other referendum campaigner also spends £11,000 on their own campaign which is not part of any joint campaign.

As you will be spending more than £10,000, which includes the amounts that both you and the other campaigner are spending on the joint campaign, you must both register as campaigners before you spend above £10,000.



You must report after the referendum:

- the name of the campaigner you've worked together with
- details of the £7,000 you incurred as part of the joint campaign
- the spending total only of £7,000 by the other campaigner spent as part of the joint campaign
- the overall spending total of £14,000, made up of your own spending and the joint spending total

Working with a designated lead campaign group

When you work together in a joint campaign with a designated lead campaigner **all** the spending counts towards the lead campaign group's spending limit. However, you may still be subject to reporting requirements depending on how much you spend on joint campaigning and any of your own campaigning. None of the spending that you incur as part of working together with the designated lead campaigner counts towards your individual campaigning spending limit. The lead campaign group must count all of the spending of all the campaigners it works together with towards its own limit.

This is to help to enable designated lead campaign groups work with those campaigning for the outcome it supports effectively and efficiently.

Reporting for non-lead registered campaigners

- your own spending that you do separately from any joint campaign
- the names of the campaigners you've worked together with
- details of any spending you incurred as part of the joint campaign
- the total spending limit of any spending that you do separately from a joint campaign with the lead campaigner and **excludes** the joint campaign spend you did with the lead campaigner

If you are a non-lead campaigner working with a lead campaigner and you want to spend over £10,000 towards a joint campaign with a lead campaigner then you must register with us before you spend over £10,000.



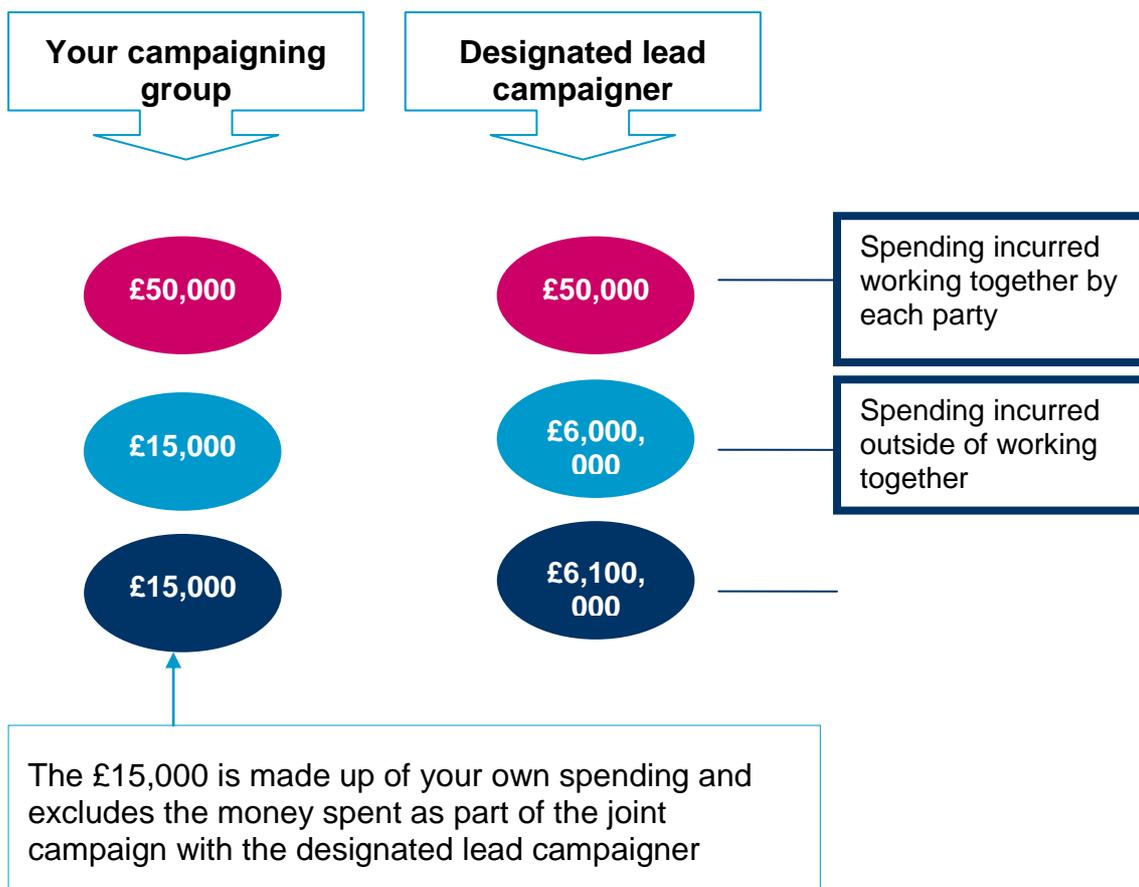
You must register before you spend more than £10,000 on referendum campaigning whether on your own campaign or together with another campaigner. It is an offence to spend more than £10,000 before you register. If you spend more than £10,000 on a joint campaign with the designated lead campaigner and you are not registered, the joint campaign spending will count towards the spending limit for **you** and the designated lead campaigner.

Example A

You and the designated lead referendum campaigner each agree to spend £50,000 on a joint campaign across the UK and Gibraltar during the referendum period. So, the total spending as part of the common plan is £100,000.

You also spend £15,000 towards a leaflet that you issue independently of the designated lead campaigner. The designated lead campaigner spends an additional £6,000,000 during the referendum period.

As the cost of your campaigning, including your spending on the joint campaign is more than £10,000, you must register with us as a registered referendum campaigner.



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After the referendum you must report:

- your own spending of £15,000 that you do separately outside of the joint campaign
- the name of the lead campaigner you've worked together with
- the spending you incurred as part of the joint campaign with the lead campaigner
- your overall total spending limit made up of £15,000 that excludes the amount that you spent with the lead campaign group

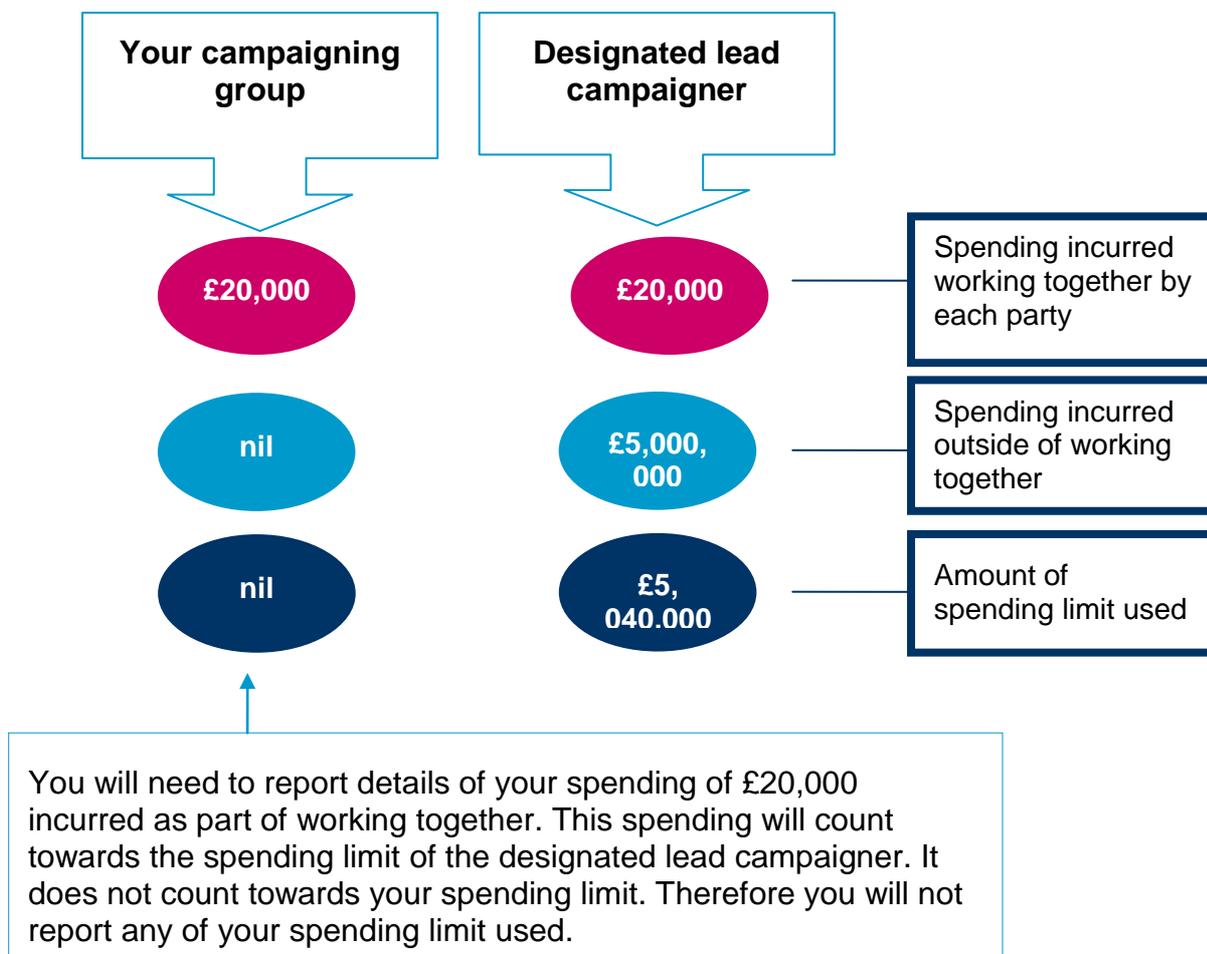
You do not need to report the total amount spent by the lead campaigner

Example B

You are an unregistered campaigner and you and the lead campaigner agree to spend £20,000 each on a joint campaign across the UK on an advertising campaign. The total spend of the joint campaign is £40,000.

The designated lead campaigner spends an additional £5,000,000 during the referendum period.

As you are planning to spend over £10,000 you must register with us before incurring the spending.



After the referendum you must report:

- the name of the campaigner you worked with
- details of any spending you incurred as part of the joint campaign

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Working together for lead campaign groups

The working together rules on reporting are different if you are a designated lead campaign group. You can find out more about designated lead campaigners [here](#).

When designated lead campaigners work together with other campaigners all the spending counts towards the lead campaign group's spending limit.

Reporting for designated lead campaigners

- your own spending that you do separately from any joint campaign
- the names of the campaigners you've worked together with
- details of any spending you incurred as part of the joint campaign
- the total amount spent by the other campaigner or campaigners
- the total spending limit which includes the joint campaign spend and any spending that you do separately from any joint campaign

Interacting with other campaigners

Donating to another campaigner

Making donations to another campaigner is not working together.

However UK-registered political parties and political parties established in Gibraltar cannot make donations to other registered campaigners, except to the designated lead campaign groups.

If you are a campaigner who is receiving donations, there are rules on accepting and reporting donations. Further information on these rules can be found in [Donations for EU referendum campaigners](#).

A donation is money, goods, property or services which is given:

- towards a campaigner's campaign spending, and
- without charge or on non-commercial terms and has a value of over £500

Under PPERA, anything with a value of £500 or less is not a donation.

Establishing a new organisation to run a campaign

If you work with a number of other referendum campaigners, you may decide to establish a new body or organisation to conduct a campaign. The new body could be, for example, a company or an unincorporated association.

Provided that the new body is separate and distinct from the organisations that created it, then the body is likely to be treated as a different organisation from the campaigners that created the new body. This may be the case even if members of organisations that created the new body are part of its managing structure.

Campaign activity undertaken by the new body will not be part of a joint campaign unless the new organisation works together with other referendum campaigners. Making a donation to the new body is not working together.

If the new organisation spends or plans to spend more than £10,000 on regulated activity during the referendum period, it must register with us and follow the rules on donations, spending and reporting.

Splitting spending

You may need to split costs between different campaigners when you are working together. You may also need to split your costs between items used before the referendum period began, and those used during it or between items which count as referendum spending and those that don't

In all cases, you should make an honest assessment, based on facts, of the proportion of expenditure that can be fairly attributed to your referendum campaign spending.

You can find more information in our factsheet: [Splitting spending](#).

Only certain types of organisation can register with us as a referendum campaigner. For more information see:

- [Campaigning and registering for EU referendum campaigners](#)

Important

The responsible person must be able to declare that your spending return is complete and that it is correct to the best of their knowledge and belief.

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Recording referendum spending

You must record all your referendum spending. You will need to send us this information in your spending return after the referendum.

When you are working together with other campaigners it will help you to meet your reporting requirements if you plan together and establish clear audit trails.

What you need to record

For each item of spending you incur, you must record the following information to put into your spending return:

- the name and address of the supplier
- the amount or value

You must also keep invoices or receipts for any spending over £200.

You must also record the total amount spent by the other campaigner or campaigners as part of working together. You do not need to include details of their spending or the total amount they spent outside of working together.

Authorising and paying referendum spending

For a registered campaigner, only the 'responsible person' registered with us and people authorised in writing by the responsible person can incur costs relating to referendum spending. These rules are in place to make sure that spending can be controlled and accurately recorded and reported.

Important

If an item has a value of more than £500, and it is given free of charge or at a non-commercial discount, it may also be donation.

For more information see:

- [Donations for EU referendum campaigners](#)

By 'incur' we mean make a legal commitment to spend money, such as confirming an order.

If you are:

- an unregistered campaigner, you must have a person responsible for authorising the spending
- a registered political party that is not a registered campaigner, your treasurer or deputy treasurer must authorise the spending

Authorisations can relate to spending on particular items, or up to a particular amount, but it should be clear what spending has been authorised.

The person that is responsible for authorising spending must also authorise any joint spending by the other campaigner you are working together with as part of a common plan. You should keep records to show that you were authorised to spend money campaigning on behalf of another campaigner.

You should also keep records to show that you were authorised to spend money on joint campaigning by the other campaigner. This is because spending on a joint campaign with you will count towards your spending limit and you must ensure that you do not exceed your spending limit.

You should make sure that your volunteers and campaigners are aware of who can and cannot incur costs.



Reporting after the referendum

Campaign spending £10,000 or less

If you are a registered campaigner and you spend £10,000 or less campaigning individually or as part of a joint campaign with another campaigner at the referendum then you do not complete a referendum campaign expenditure return.

Instead, you must make a declaration to us that your total spending was less than £10,000. You can do this [online](#) or by completing [EUR3A– declaration of spending less than £10,000](#).

Important

If you didn't incur any referendum spending, you still need to notify us either [online](#) or by completing [form EUR3A](#).

Campaign spending more than £10,000 with other campaigner

If you spend more than £10,000 campaigning individually or as working together with another campaigner at the referendum then you must report your campaign spending to us in your campaign expenditure return.

Your spending return must include the following:

- records of your spending and donations
- invoices and receipts for any payment over £200
- a declaration from the 'responsible person' to say that the return is complete and correct
- name of any other campaigners you worked with
- the total spending that the other campaigner(s) incurred as part of the joint campaign

If your campaign expenditure is over £250k you'll also need to return a [qualified auditor's report](#).

If you are working together with the lead campaigner and you spend over £10,000 outside of that joint campaign then you would report your spending limit as the total spending you incurred separately or with other non-lead campaigners. You do not include the spending you incurred working with the lead campaigner, only the lead campaigner reports this against their spending limit.

You can do this [online](#) or by completing and returning form [EUR3B - referendum campaign spending return](#).

If you have spent over £250,000 on your referendum campaign, you will also need to include a qualified auditor's report.

Further information on reporting dates can be found in [Timetable and reporting deadlines at the EU referendum.](#)

How we can help

You can find more information in the guidance documents we have suggested in this document, or you can view our full range of guidance and up-to-date resources on our website.

You can contact us on one of the phone numbers or email addresses below. We are here to help, so please get in touch.

Call or email us on:

- England: 0333 103 1928
pef@electoralcommission.org.uk
- Scotland: 0333 103 1928
infoscotland@electoralcommission.org.uk
- Wales: 0333 103 1929
infowales@electoralcommission.org.uk
- Northern Ireland: 0333 103 1928
infonorthernireland@electoralcommission.org.uk

Visit us at www.electoralcommission.org.uk

We welcome feedback on our guidance – just email us at:
pef@electoralcommission.org.uk