

Situations and procedures

Northern Ireland Assembly Election March 2017: Political parties

This document is for political parties
campaigning at the Northern Ireland
Assembly election in 2017

Forms you might need:

RP11

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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:

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

Terms and expressions we use

You will normally be doing enough to comply with the law if you follow this guidance.

We use '**must**' when we refer to a specific legal requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

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.

Wherever possible, we use advice and guidance proactively in order to secure compliance. And we regulate in a way that is effective, proportionate and fair.

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

Northern Ireland Assembly Election 2017

This document explains:

The rules on spending for political parties in the run up to the Northern Ireland Assembly election in 2017.

The document covers:

- the regulated period
- spending limits
- campaign spending
- reporting requirements
- key dates and events

Related documents:

- [Overview of party campaign spending](#)
- [Introduction to being a party treasurer](#)
- [Overview of donations to parties \(NI\)](#)
- [Overview of loans to parties \(NI\)](#)

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Summary

Under the Political Parties, Elections and Referendums Act 2000 (PPERA) there are rules on spending and fundraising that political parties must follow in the run-up to elections.

This document explains the main rules for the Northern Ireland Assembly election to be held on 2 March 2017.

It covers the regulated period, spending limits, campaign spending, reporting requirements and the deadlines.

Introduction

Under PPERA, there are rules on fundraising and spending that political parties must follow in the run-up to certain elections.

This guidance provides information on the regulated period, spending limits, campaign spending, reporting requirements and deadlines for the Northern Ireland Assembly election to be held on 2 March 2017.

In this guidance, we use 'you' or 'the responsible person', to refer to the person who is responsible for campaign spending.

You should read this guidance alongside the related documents we refer to. They provide important information which will help you follow the rules.

This guidance and the related documents we refer to apply to political parties **only**. The rules for candidates are different. We issue separate guidance for candidates and their agents contesting the Northern Ireland Assembly election in 2017.



Our guidance for candidates and agents contesting the Northern Ireland Assembly election is available here:

[Guidance for candidates and agents: Northern Ireland Assembly Election](#)

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The regulated period

Campaign spending is what your party spends on activities to promote the party or criticise other parties during a particular period in the run-up to the election.

This period is called the 'regulated period'. Where we use the term regulated period we mean the time when the spending limits and rules apply.

The regulated period for the 2017 Northern Ireland Assembly election begins on **16 January** and ends on polling day, **2 March 2017**.

 Important

As this is an extraordinary general election to the Northern Ireland Assembly the normal 4 month regulated period does not apply.

The spending limit

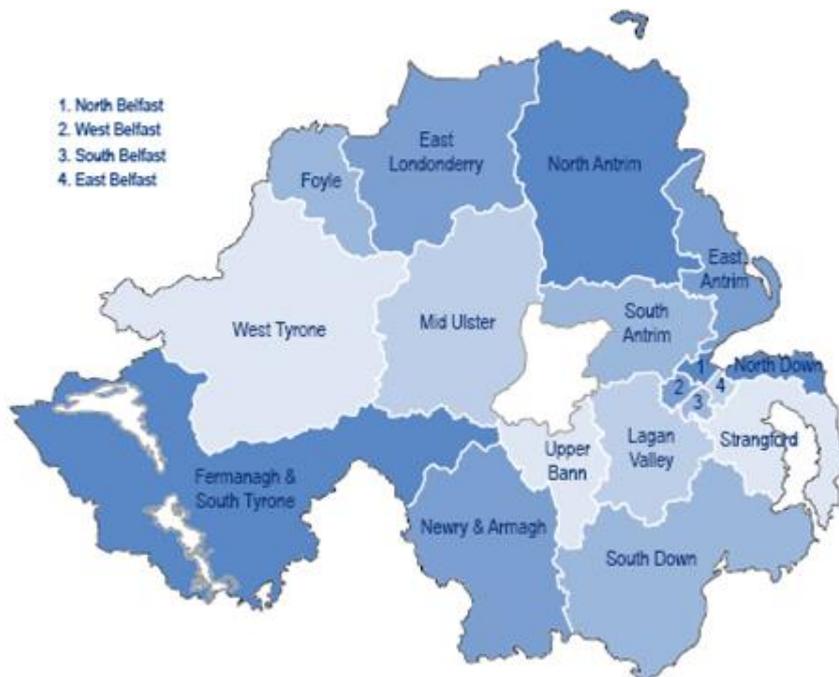
The maximum amount you can spend on campaigning in the regulated period depends on how many constituencies your party is contesting in the election.

The spending limit is £17,000 x the number of constituencies your party is contesting.

There are 18 constituencies in Northern Ireland.

If your party is contesting all 18 constituencies your spending limit will be:

$$\text{£17,000} \times 18 = \text{£306,000}$$



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Campaign spending

Campaign spending is what the party spends on certain activities to promote itself, or criticise other parties, during the regulated period.

It includes:

- items or services bought before the regulated period begins, but used during it
- items or services given to the party free of charge or at a non-commercial discount of more than 10% (see 'Notional spending' on page 12)

All party spending must be reported to the Electoral Commission after the election.

Donations are reported by parties on a quarterly basis when they exceed a certain threshold or are impermissible.

There are no additional requirements for parties to report donations and loans during the regulated period for the Northern Ireland Assembly election.

For more information about permissibility and donations and loans please see our guidance:

- [Overview of donations to parties \(NI\)](#)
- [Overview of loans to parties \(NI\)](#)

Managing campaign spending

Who is responsible for party campaign spending?

A party's registered treasurer is usually responsible for making sure that the party follows the rules on campaign spending. However, if a party has registered a campaigns officer, this person is responsible for campaign spending instead.

In this guidance, we use 'you' or the term 'responsible person' to refer to the person who is responsible for campaign spending. This will be the campaigns officer if one has been appointed, or the registered treasurer if not.

You can appoint deputies to help with some of your responsibilities. You can do this using [form RP5](#).

For more information about party treasurers, see this document:

[Introduction to being a party treasurer](#)

Authorising and paying campaign expenses

Only the 'responsible person' registered with us and people authorised in writing by the responsible person can incur campaign spending.

For example, someone may be authorised to spend money on particular items, or up to a particular amount.

These rules are in place to make sure that spending can be controlled and accurately recorded and reported.

You should make sure that your volunteers and campaigners know who can and cannot incur costs.

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

Types of election spending

There are different types of spending by or on behalf of parties at elections. These are:

- spending on campaigning to promote the party and its policies generally

For example newspaper adverts for the party, or leaflets explaining party policy.

- spending on campaigning to promote a particular candidate or candidates in their local area.

For example, leaflets or websites that focus on one or more candidates and their views.

Different rules apply to the two types of spending.

This guidance covers party campaign spending only.

Allocating spending between the party and the candidate

Party spending will usually fall into the category of either promoting the party or promoting the candidate. If you are not immediately sure whether something is promoting the party or the candidate, you must make an honest and reasonable assessment, based on the facts, as to whether the campaign spending should be allocated to the party or the candidate.

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You should only divide the cost of an item between the party and the candidate spending limits if you are sure that it is reasonable to do so.

You should not split costs if an item is produced mainly to promote a candidate, and uses the party's name or refers to the party's policies purely in support of that aim.

For example, if a leaflet focuses on a candidate but includes some of the party's key policy pledges as a way of telling voters what the candidate stands for, this will count towards the candidate's spending limit, if it has been authorised by the candidate's agent.

If you are still not sure how you should allocate an item of spending, please call or [email](#) us for advice.

What activities count as spending?

Activities included in campaign spending are:

- advertising of any kind. For example, street banners, websites or YouTube videos
- unsolicited material sent to voters. For example, letters or leaflets you send that aren't in response to specific queries
- the manifesto and other documents setting out your party's policies
- market research or other methods of finding out how people intend to vote
- press conferences or other dealings with the media
- rallies and events, including the cost of people's attendance, and any goods, services or facilities provided
- transport in connection with publicising your campaign

Which costs are included?

You must include all the costs associated with each activity. For example, if you are producing leaflets or advertising, you must include the design and distribution costs.

You must also include overheads or administrative costs which are associated with each activity. For example, this could include increased telephone bills for your office.

You must make an honest assessment on the facts of the amount you need to record.

Downloadable material

If you put material on a website for people to print off for their personal use, such as window posters or petition forms, the design and website costs count as campaign spending. You do not need to count people's print costs against your spending limit, as the costs will be very low.

Important

All costs should include VAT, even if you can recover VAT payments.

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If the material could be printed and distributed to voters – for instance a leaflet – you will need to make it clear how you expect people to use it. If you authorise wider use of the material, the production costs may count as campaign spending whoever does the printing.

Party election broadcasts

If you are entitled to party election broadcasts, you must include the production costs as campaign spending. You do not need to include the value of the airtime.

What doesn't count as spending?

Activities **not** included in campaign spending are:

- permanent, fixed term or temporary staff costs where the staff member has a direct employment contract with the party
- volunteer time
- office running costs, except costs that are higher than usual because of campaigning, such as telephone bills
- people's travel, food and accommodation costs while they campaign, unless you reimburse them
- expenses met out of public funds. For example, security costs for VIP visits
- material sent only to your members
- party conferences
- local newsletters about elected representatives or prospective candidates
- anything which a candidate properly declares on their spending return

Volunteer time

Sometimes you may not be sure if someone is a volunteer or if their time should be treated as notional spending. For example, they may offer similar services professionally to the ones they are performing for you.

They will be a volunteer if:

- their employer is not paying them for the time they spend on your campaign, or
- they are using their annual leave, or
- where they are self-employed, you won't benefit from any professional insurances they hold

If they use specialist equipment or materials, you should consider whether their use is notional spending, using the principles in the next section.

Notional spending

Sometimes you may receive items or services free or at a non-commercial discount. This may occur if another person or organisation supports your campaign.

Notional spending is the difference in value between the commercial rate for an item or service and the price you pay.

If you use any items or services that are given to you free, or at a non-commercial discount of more than 10%, in undertaking your regulated campaign activities, the value of the notional spending may count towards your spending limit and be reportable in your spending return.

You must record the full commercial value of these items or activities if:

- you receive the item free of charge or at a non-commercial discount of more than 10%, **and**
- the difference in value between the commercial rate and what you pay is over £200

If you receive a discount of 10% or less, or the difference in value is £200 or less, you only need to record the amount you paid.

Valuing notional spending

If the supplier is a commercial provider, you should use the rates they charge other customers. If this information is not available, you should find out what similar providers charge for the same goods or services and use this as the commercial value.

You should keep a record of how you reached your valuation and keep copies of any quotes you receive.

The value you declare in your spending return must be an honest and reasonable assessment of the commercial value.



Commercial discounts are those available to other similar customers, such as discounts for bulk orders or seasonal reductions.

Non-commercial discounts are special discounts that you, specifically, are given by suppliers.

For example:

You are provided office accommodation to run your campaign free of charge, which you use for 6 weeks during a regulated period.

You would calculate and report the notional spending as set out below:

Commercial rate for weekly rent:	Commercial value of six weeks rent:	Notional spending to be reported:
£300	$£300 \times 6 = £1,800$	£1,800

Seconded staff

If an employer secondes a member of staff to your campaign, you must record their gross salary and any additional allowances as the notional value.

You do not need to include the employer's national insurance or pension contributions.

Splitting spending

Why you may need to split spending

You may need to split your costs between activities and materials that count as campaign spending and those that don't.

Here are two common examples of where you need to split spending:

- if you use your office as a base for telephone canvassing, you will need to split the phone bill between canvassing calls, and calls made for non-campaign purposes
- if you use design work for campaigning before the regulated period begins, and continue to use it after it has begun, you will need to split the design costs between the two periods

For example:

You commission design work for a campaign logo for your party that you use on your website, other social media and on all your campaign material for 4 weeks before a regulated period starts and for 6 weeks during a regulated period.

You should split the cost of the design equally across the entire time that you use it in this way.

The design work cost £5,000, and you used it over a 10 week period. The cost per week is $£5,000 \div 10 = £500$ a week.

The regulated period covers the final 6 weeks, so the cost of spending during the regulated period is:

$$6 \times £500 = £3,000$$

£3,000 must be recorded as party campaign spending.

You may also need to split your costs between the party and a candidate in a particular constituency, if the spending has been authorised by the candidate's agent.

For more information on splitting spending, see this document:

[Expert paper: Splitting spending](#)

For example, you might hire a car for a staff member who spends some of their time working on the party's national campaign, and the rest working for a candidate in a particular constituency.

The honest assessment principle

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

For example, your telephone bill may only provide a breakdown of the cost of calls over a certain value.

In these cases, you should consider the best way of making an honest assessment of the information you have. For example, you could compare the bill with one that does not cover a regulated period.

If you are still not sure, call or [email](#) us for advice.

Important

You must sign to declare the return is complete and correct to the best of your knowledge and belief.

It is an offence to make a false declaration knowingly or recklessly.

Reporting to us

Political parties contesting the Northern Ireland Assembly election must report the details of their campaign spending to the Electoral Commission after the election.

Donations and loans

Donations and loans are reported by parties on a quarterly basis when they exceed a certain threshold or are impermissible.

There are no additional requirements on parties for reporting donations and loans at the Northern Ireland Assembly election.

Recording campaign spending

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

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

What you need to record

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

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- the date that you spent the money



Our guidance on managing donations and loans for parties in Northern Ireland is available on [this page](#) of our website

**Items given free of charge**

If you receive items free of charge you must record the full market value of the item if it's more than £200 (see notional spending, page 12).

Items given at a non-commercial discount

If you receive items at a non-commercial discount of more than 10% and the difference in value is more than £200, you must include the full market value of the item (see notional spending, page 12).

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 be a donation.

For more information see this document:

[Overview of donations to political parties \(NI\)](#)

Time limits for receiving and paying invoices

There are time limits by which the responsible person **must** receive all invoices for your campaign spending.

Receiving invoices from suppliers

You must obtain all your invoices from suppliers within 30 days of the election. The last day for receiving invoices from your suppliers is 3 April 2017.

We call claims (invoices for campaign spending) that are not received within the 30 day deadline, **unpaid claims**. If you do not get an invoice within 30 days, you must not pay it without getting a court order to do so. You should make your suppliers aware of this.

Paying invoices from suppliers

You must pay all your invoices from suppliers within 60 days of the election. The last day for paying invoices is 2 May 2017.

We call claims (invoices for campaign spending) that are not paid within the 60 day deadline, **disputed claims**. If you do not pay an invoice within 60 days, you must then get a court order to be able to do so.

It is an offence to breach these rules without reasonable excuse.

Final decisions on prosecution for receiving and paying late invoices are made by the Public Prosecution Service for Northern Ireland.

We may issue a civil sanction for a breach of these rules.

However, we will not usually consider taking enforcement action where the delay or amounts are small.

Reporting after the election

You must report your campaign spending to us after the election.

Your spending return must include the following:

- details of your spending
- invoices and receipts for any payment over £200
- a declaration from the 'responsible person' to say that the return is complete and correct

You can report your campaign spending via PEF Online. Visit: <https://pefonline.electoralcommission.org.uk/Default.aspx>

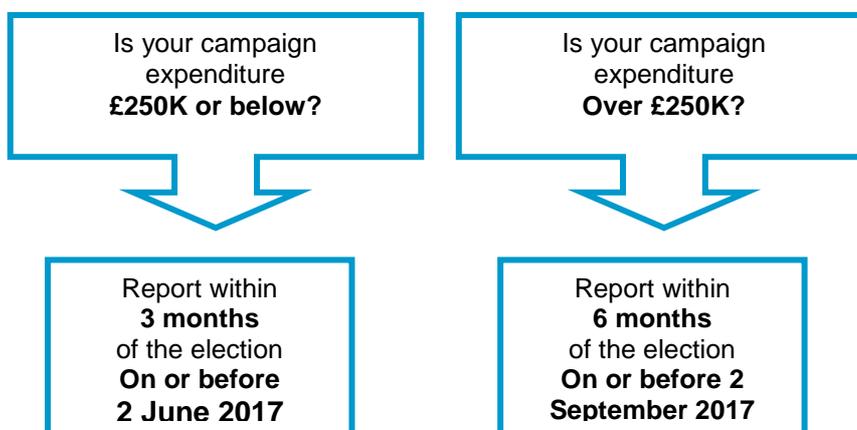
We also produce [forms](#) and [explanatory notes](#) you can use for this. They cover all the information you must include.

 Important

It is a criminal offence to make a false declaration knowingly or recklessly.

Campaign reporting deadlines

The date by which you must report to us depends on how much you spent on your campaign. The deadlines for 2017 are shown below.



 Important

If your campaign expenditure is over £250K you'll also need to include an independent auditor's report.

For more information see this document

[Auditor's report template](#)

You may be liable for a penalty if you don't submit your return on time.

Event	Date	Action
Regulated period begins	Monday 16 January 2017	Ensure you have systems in place to record all your spending
Polling day and end of regulated period	Thursday 2 March 2017	
Deadline to receive invoices	Monday 3 April 2017	You must receive all your invoices from your suppliers on or before this date. You or your supplier must apply for a court order to pay invoices received after this date
Deadline to pay invoices	Tuesday 2 May 2017	You must pay all your invoices on or before this date. You or your supplier must apply for a court order to pay invoices after this date
Deadline to submit your spending return if you spent £250,000 or less	Friday 2 June 2017	Submit your spending return to us on or before 2 June 2017
Deadline to submit your spending return if you spent over £250,000	Saturday 2 September 2017	Ensure your spending return is audited and submit it to us on or before 2 September 2017

Table of provisions

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Donations and loans	Part 4 & 4A

* This is correct as at 16 January 2017. Any significant changes to legislation will be updated on our website.

How we can help

You can view our full range of guidance and up-to-date resources on our website. You can contact us on the phone number below or via email on the addresses below. We are here to help, so please get in touch.

Call us on 0333 103 1928

Or email:

- Northern Ireland:
infonorthernireland@electoralcommission.org.uk

- General
pef@electoralcommission.org.uk

Visit us at <http://www.electoralcommission.org.uk>

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