

Overview

Northern Ireland Assembly election March 2017: Non- party campaigners

This document is for non-party
campaigners campaigning at the
Northern Ireland Assembly election in
2017

Forms you might need:

Campaign Expenditure report
Return of donations

Contents:

The regulated period

Spending limits

Reporting requirements

Key dates and events

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

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

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

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Northern Ireland Assembly election March 2017: Non-party campaigners

This document explains:

The rules on campaign spending, donations and reporting requirements for non-party campaigners in the run-up to the Northern Ireland Assembly election in March 2017.

This document covers:

- the regulated period
- spending limits
- donations
- when you must register with us
- reporting requirements
- key dates and events

Related documents:

This guidance gives an overview of the rules in relation to the Northern Ireland Assembly election. You should refer to the guidance documents below for more detailed explanations of the rules. These documents may make references to 2016 but the same rules apply to this election in 2017. If you require assistance or clarification please contact us via [email](#) or on 0333 103 1928.

- [Overview of non-party campaigns](#)
- [Registering as a non-party campaigner](#)
- [Managing non-party campaign spending](#)
- [Overview of regulated non-party campaigning](#)
- [Joint campaigning for non-party campaigners](#)

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Forms you may need:

- [Campaign Expenditure report by a non-party campaigner](#)
- [Return of donations by a non-party campaigner](#)

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Summary

Political parties, candidates and non-party campaigners are vital to a healthy democracy and we encourage active participation by campaigners. Where there is significant spending on campaigning, there are rules that must be followed to ensure that there is transparency in the system.

Under the Political Parties Elections and Referendums Act 2000 (PPERA), there are rules on how much non-party campaigners can spend on regulated campaign activity in the run-up to certain elections and reporting of donations and spending after the election.

This document sets out the PERA rules on the regulated periods, spending limits and reporting requirements in the run-up to the Northern Ireland Assembly election.

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Introduction

Non-party campaigners are individuals or organisations that campaign in the run-up to elections, but are not standing as political parties or candidates. In electoral law, these individuals or organisations are called ‘third parties’. Where non-party campaigners have registered with the Electoral Commission they are called “recognised third parties”. In our guidance we call recognised third parties ‘registered non-party campaigners’.

Before elections, we publish specific guidance for non-party campaigners which sets out the spending limits, regulated period and reporting deadlines for the particular election being held. This guidance covers the rules in the run up to the Northern Ireland Assembly election in 2017.

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The types of non-party campaigns

There are two types of non-party campaigns. These are:

- **local campaigns:** non-party campaigns for or against one or more candidates in a particular constituency, ward or other electoral area.
- **general campaigns:** non-party campaigns for or against a political party, or particular categories of candidate, including campaigns on policies or issues closely associated with a particular party or category of candidates (for example, candidates in a certain age group).

Different rules apply to these two types of campaigns. This document covers the basic rules on general campaigns.

The rules on local campaigns also apply to the election being held in Northern Ireland on 2 March 2017.

You can find more information on the two types of campaigns in our guidance

[Overview of non-party campaigns](#)

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Who regulates campaigns?

Local campaigns

Campaigning for or against one or more candidates in a particular ward or constituency is covered by Article 3 and Schedule 1 of the Northern Ireland Assembly (Elections) Order 2001 as amended.

Complaints about breaches of the rules that apply to local campaigns should be made to the police. The Electoral Commission does not regulate local campaigning and this guidance does not cover the local campaigning rules in detail. However, you will find a brief overview of local campaigning rules in our guidance: [Overview of Non-party campaigns](#)

General campaigns

General campaigns are regulated by the Electoral Commission. If you are campaigning for or against political parties or categories of candidates, or policies or issues closely associated with a particular party or category of candidates (for example, candidates in a certain age group) you may need to register with us and follow the rules on campaign spending, donations and reporting.

This guidance covers the rules on general campaigning at the Northern Ireland Assembly election in 2017.

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The regulated period

In the run up to certain elections, there is a set time when the rules on spending and donations apply. We call this time the 'regulated period'. The rules will differ, depending on which election is being held.

Spending on regulated campaign activity is regulated in the run-up to the Northern Ireland Assembly election. The regulated period for the Northern Ireland Assembly election starts on **16 January 2017** and ends on **2 March 2017**.

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

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What counts as regulated campaign spending?

During the regulated period there are rules about how much non-party campaigners can spend on 'regulated campaign activity'.

The following will be regulated campaign activity if they can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates, including political parties or categories of candidates who support or do not support particular policies or issues (we call this the '**purpose test**')

- press conferences or other media events that you organise
- transport in connection with publicising your campaign

As well as meeting the purpose test, spending on the following activities is only regulated if the activities are **also** aimed at, seen or heard by, or involve the public (we call this the '**public test**'): This applies to:

- the production or publication of election material
- canvassing and market research (including the use of phone banks)
- public rallies and public events

Spending on any of these activities will be regulated if the activity can reasonably be regarded as intended to influence voters to vote for or against a political party, or categories of candidates, including campaigns on policies or issues closely associated with a particular party or category of candidates. We call this 'regulated campaign spending'.

You can find out more information on what counts as regulated campaign activity in our guidance: [Overview of regulated non-party campaigning](#)

 Important

Regulated campaign activity does not include public processions or protest meetings in Northern Ireland where notice has been given under the Public Processions (Northern Ireland) Act 1998

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Spending Limits

Your spending limit will depend on whether you register with the Electoral Commission as a registered non-party campaigner. Only certain types of individuals and organisations can register with us.

If you do not register, or are not eligible to register, you cannot spend more than **£10,000 in Northern Ireland** during the regulated period on regulated campaign activity.

If you register with us, you will have a spending limit of **£15,300 in Northern Ireland** during the regulated period.

More information on applying to register as a non-party campaigner is available in our guidance:

[Registering as a non-party campaigner](#)

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Registering with us

Who can register

Only the following types of individuals or organisations can register and become a registered non-party campaigner:

- an individual registered on a UK electoral register or resident in the UK
- a UK-registered political party (including 'minor parties')
- a UK-registered company which is incorporated in the EU and carries on business in the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered Limited Liability partnership which carries on business in the UK
- a UK-registered friendly, industrial, provident or building society
- a UK-based unincorporated association that carries on the majority of its business or other activities in the UK
- a body incorporated by Royal Charter
- a UK charitable incorporated organisation
- a Scottish partnership which carries on business in the UK

If you register with us, you will have a higher spending limit. Once you are registered, there are rules you must follow on donations, spending and reporting.

For further information about registering as a non-party campaigner see:

[Situations and procedures: registering as a non-party campaigner](#)

When you must register with us

If you are:

- spending on regulated campaign activity **and**
- you plan to spend more than **£10,000 in Northern Ireland** during the regulated period,

you must register with us as a non-party campaigner. You can find more information about registering with us in our guidance: [Registering as a non-party campaigner.](#)

You can register with us at any time before or during the regulated period, but you **must** register with us **before** you spend more than £10,000 in Northern Ireland on regulated campaign activity during a regulated period.

If you do not register, or you are not eligible to register, you cannot spend more than **£10,000 in Northern Ireland** on regulated campaign activity during a regulated period.

If you think you may spend more than **£10,000 in Northern Ireland**, you should keep records of your spending and donations in case you register later in the regulated period.

You do not need to register with us if you:

- are not spending money on regulated campaign activity, or;
- spend less than £10,000 in Northern Ireland during the regulated period, or;
- are campaigning outside a regulated period

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If you are registered with us

Your registration lasts for 15 months from the date on which you are registered, but if it is due to expire during a regulated period it will be automatically extended until the end of that regulated period.

If you want to renew your registration, you can use [PEF online](#) or send us a [Form TP3](#) no sooner than one month prior to the 12 month anniversary of your original notification and no later than three months after that date. Your registration will expire if you do not submit your renewal to us during this time.

How to apply to become a registered non-party campaigner

If you want to register, you can make an online application by visiting [PEF Online](#). Alternatively, you can register with us by filling in [Form TP1](#) and posting it to us. We can also accept a scanned copy of the form by email.

When we receive your application, we will consider the information you have provided and confirm in writing when your notification is in force.

Your registration lasts for 15 months from the date on which you are registered.

What do you need to do after you have registered?

Once you have registered with us, you must comply with spending and donations controls and reporting requirements.

As an overview, you must:

- have a system in place for authorising spending on regulated campaign activity
- keep invoices or receipts for payments over £200 made as part of your spending on regulated campaign activity

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- report to us after the election your spending on regulated campaign activity if you have spent more than £10,000 in Northern Ireland
- check that you can accept any donations you receive that are over £500 and record them
- comply with the reporting requirements for donations you receive for spending on regulated campaign activity

For more information on how to register, please see our guidance: [Registering as a non-party campaigner](#)

You can find out more information on donations and the reporting requirements in the following guidance documents:

- [Managing non-party campaign spending](#)
- [Overview of donations for non-party campaigners](#)

Joint campaigns

If you work together with other non-party campaigners, this may affect the amount you have to spend towards the spending limit and whether you need to register as a non-party campaigner.

You may decide to work together with other non-party campaigners on regulated campaigning as part of a coordinated plan or arrangement that is intended to achieve a common purpose. We call these campaigns 'joint campaigns'.

There are a number of different ways you can work together with other campaigners as part of a joint campaign:

- you can be a non-party campaigner working with other campaigners
- you can be involved in a 'lead campaign' as either a 'lead campaigner' or a 'minor campaigner'
- you can be a non-party campaigner working with other campaigners where there is at least one lead campaigner and minor campaigner

If non-party campaigners work together as part of a joint campaign, their combined regulated campaign spending will count towards the spending limit of each non-party campaigner involved.

Different rules will apply depending on how you work with other non-party campaigners in your joint campaign. For more information on joint campaigns see our guidance: [Joint campaigning for non-party campaigners](#)

Donations

As part of the application to become a registered non-party campaigner, you must appoint a responsible person. The responsible person is responsible for compliance with the rules under PPERA and must ensure that the rules on donations are followed.

This includes maintaining suitable systems to ensure that donations are dealt with correctly. You must ensure that you have systems to check whether you can accept the donations and to record details of donations so that you can report them in the spending return after the election.

What is a donation?

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

- towards your regulated campaign spending
- without charge or on non-commercial terms

and has a value of over £500.

Some examples of donations include:

- a gift of money or other property
- sponsorship of an event or publication
- subscription or affiliation payments
- free or specially discounted use of property, or facilities, for example the free use of an office

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

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What type of donations do the rules cover?

The rules cover all donations that are given towards your spending on regulated.

The rules on donations cover donations you receive towards regulated campaign spending:

- received during the regulated period
- whether or not you receive them before you register with us as a registered non-party campaigner

You must check that you can accept these donations. If you use these donations on spending on regulated campaign activity you must report them in your campaign spending return after the election. For this reason, you must keep records of donations that you receive.

The rules do not cover:

- money that you receive towards spending that is not regulated. For example, leaflets you produce and use before the regulated period begins
- money given for unregulated campaign activity

You can find out more about donations in our guidance:

[Overview of donations for non-party campaigners](#)

Who can you accept donations from?

You must only accept donations from a permissible source.

A permissible source is:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- a UK-registered company which is incorporated within the European Union and carries on business within the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the UK
- a UK-registered friendly society
- a UK unincorporated association that is based and carries on business or other activities in the UK

You must not accept donations from an impermissible source, this includes a political party.

For more information on donations, please see our guidance:

- [Overview of donations to non-party campaigners](#)
- [Situations and Procedures: Permissibility for non-party campaigners](#)

Reporting regulated campaign spending and donations

If you spend or plan to spend more than £10,000 in Northern Ireland you must register with us as a non-party campaigner and report all your regulated campaign spending to us.

In your records, you should include which category of spending each item falls into. You must send us this information in your spending return after the election. You must also keep invoices or receipts for any payments over £200.

Reporting requirements for spending

For each item of spending, you must report the following information in 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

Items given free of charge

If you receive items free of charge you must report the full market value of the item (the notional spending).

You can find out how to do this in our guidance: [Managing non party campaign spending](#)

Items given at a non-commercial discount

Similarly if you receive items at a non-commercial discount of more than 10% and it is valued at more than £200, you must report the full market value of the item (the notional spending).

More information on reporting your spending to us after the election is available in our guidance on:

[Managing non-party campaign spending](#)

Notional spending with a value of more than £500 will also be a donation. You can find more information on donations in this document

[Overview of donations to non-party campaigners](#)

Reporting requirements for donations

Certain donations must be reported to us as part of your spending return. We publish these reports on our website. We don't publish the addresses of individuals who donate.

After the election you must report:

- details of all impermissible donations
- all accepted donations over £7,500
- all accepted donations that add up to over £7,500 from the same donor
- the total of all other accepted donations that were worth more than £500 and less than or equal to £7,500. You do not need to provide any more information about these donations.

Reporting requirements and deadlines after the election

If you have registered with the Electoral Commission as a non-party campaigner, you must report your donations and spending to us after the election if you spend more than **£10,000 in Northern Ireland**.

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Time limits for receiving and paying invoices

There are time limits by which the responsible person:

- you, if you are an individual campaigner; or
- the individual nominated in your application to register, if you are an organisation

must receive and pay all invoices for your campaign spending.

You must receive all invoices on or before **3 April 2017**.

You must pay all invoices on or before **2 May 2017**.

Reporting spending and donations

You must report your regulated campaign spending and donations after the election.

The deadline for reporting your campaign spending and donations is **Friday 2 June 2017**.

If you are posting your return, we recommend that you post it in time to arrive no later than the last working day before the deadline.

More information about reporting your spending and donations after the election is available in our guidance: [Managing non-party campaign spending](#)

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

You can also use these forms to report your spending and donations to us after the election:

- [Campaign Expenditure report by a non-party campaigner](#)
- [Return of donations by a non-party campaigner](#)

Key dates and events

The table shows the key dates and events for non-party campaigners at the Northern Ireland Assembly election in March 2017.

Event	Date	Action
Regulated period begins	16 January 2017	Ensure you have systems in place to record all your spending
Polling day and end of Regulated Period	2 March 2017	
Deadline to receive invoices	3 April 2017	Make sure you have received all your invoices on or before this date
Deadline to pay invoices	2 May 2017	Make sure you have paid all your invoices on or before this date
Deadline for submitting your spending return	2 June 2017	You must submit your spending return to us by this date

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 us on:

- Northern Ireland: 0333 103 1928
infonorthernireland@electoralcommission.org.uk
- General: 0333 103 1928
pef@electoralcommission.org.uk

Visit us at www.electoralcommission.org.uk

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