

## Factsheet for non-party campaigners: Common campaigning techniques: Campaign later adopted by a political party or candidates at an election

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Under the Political Parties, Elections and Referendums Act (PPERA), there are rules on what non-party campaigners can spend on regulated campaign activity in the run-up to certain elections.

are later adopted by a political party.

Our [guidance](#) explains what campaign activity is regulated and the rules non-party campaigners may need to follow. You should read the guidance before you read this factsheet.

This factsheet explains how to apply the purpose and public tests to policies you are campaigning on that

## What is covered by the rules?

The non-party campaigning rules apply to spending on what we call '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 (such as leaflets, adverts and websites)
- canvassing and market research (including the use of phone banks)
- public rallies and public events

You can find more information on the purpose and public tests in [Overview of regulated non-party campaigning](#).

## Policies you are campaigning on that are later adopted by a political party or category of candidates at an election

Sometimes, a political party may publicly adopt policies that you are already campaigning for.

If your campaign was not previously regulated, your subsequent campaign activity is unlikely to become regulated campaign activity simply because a party has changed its position. However, it may become regulated campaign activity if, for example, you:

- publicise the political party's support in your subsequent campaigning, or
- alter or increase your campaigning activity on the policy as a result of their support.

To decide whether spending on a campaign is likely to be regulated you will need to decide whether it meets the **purpose** and **public** tests.

## Example

A victim support group has been running a campaign over the last four years demanding the repeal of a piece of legislation which it claims is unfair to victims of crime. During this time, there is no clear support for or against the repeal of this legislation by any political party or category of candidates.

Two months before the election, the main opposition party announces that it is strongly committed to

repealing this legislation and turns the issue into a key plank of its election campaign. The party in government publicly states that it does not support the repeal of the legislation. This prompts a surge of media interest in the issue and repealing the legislation becomes very closely and publicly associated with the opposition party.

As a result of the opposition party's announcement, the group decides to place paid-for advertisements in national media to build momentum around the campaign and establish this as a key concern in the minds of voters in advance of the election. The message in the advertisements urges voters to support the repeal of the legislation and support victims.

## What does this mean for the campaigner?

Spending on the advertisements will be regulated as election material if it meets both the purpose and public tests.

The advertisement is placed in a national newspaper, so it will meet the **public** test.

### How to determine whether the campaign meets the purpose test

You should consider:

#### Tone

The campaign message focuses on repealing a law. It does not explicitly name a particular political party, category of candidates or the upcoming election.

If it had focussed on particular parties or candidates who supported or did not support this law, and

compared their positions to that of the group, it would be likely that the campaign would meet the purpose test. However, because it did not do this other factors need to be considered.

#### Context and timing

This is an issue that is prominent in public debate and clearly represents an area of difference between political parties standing candidates at the upcoming election. The advert is taken out close to polling day and in reaction to a position adopted by a political party contesting the election.

These factors point towards the purpose test being met.

#### Call to action

The campaign has asked voters to support the repeal of a specific piece of legislation, but is not asking voters to vote for a particular political party or category of candidates.

If the campaign had asked voters to vote for political parties or categories of candidates who support repealing the legislation then this would have met the purpose test.

#### How a reasonable person would see the activity

The repeal of the legislation has become so closely and publicly connected with the opposition party that a reasonable person is likely to think that campaigning in support of repealing the legislation is intended to influence people's voting choice.

Taking all the factors into account, it is likely that the activity meets the **purpose** test.

If the group had continued with their activities as planned, it is unlikely that the campaign would have met

the purpose test. In addition, if the group only chose to produce and distribute a press release to the media welcoming the opposition party's pledge, this would not generally be regulated because it does not meet the public test.

However, because they increased and changed their campaign activity as a result of the support given to the repeal of the legislation by the opposition party, and the policy had become so closely associated with that party, a reasonable person would be likely to think that the campaign was intending to influence who voters vote for.

## Where you can find more information

We publish a suite of guidance for non-party campaigners which can be found at

<http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/non-party-campaigners>.

We also offer an advice service and you can contact us on one of the phone numbers or email addresses below. We are here to help, so please get in touch.

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