

Factsheet for non-party campaigners: Common campaigning techniques: Social media

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.

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

This factsheet explains how to apply the purpose and public tests to activity which involves the use of social media.

What is covered by these 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](#).

Social media

Generally, all material published on social media as part of a campaign will meet the **public test**. You will also need to consider whether it meets the **purpose test**.

In many cases, the costs of posting material on a social media site, for example sending an individual tweet or updating a Facebook page, will be negligible. However, in some cases the costs may be more significant.

For example, you may employ a staff member who spends a significant proportion of their time creating and posting material that meets the purpose test on a social media site, or you incur costs in producing or designing material, e.g. images or an e-flyer, that meet the purpose test and are posted on social media sites.

Example

A grassroots community organisation which operates across England campaigns against a political party which it sees as promoting policies counter to its own aims.

The organisation is hoping to stop the party winning any seats in the forthcoming UK Parliamentary general election. The campaign is largely online and mostly uses social media to get its message across to voters.

To highlight its opposition to the party's policies, the organisation produces a campaign video which it promotes through social media. The focus of this video is to explain why it considers that the party's policies are wrong and to encourage members of the public not to vote for the party.

The organisation also seeks to raise awareness and promote scrutiny of the views of candidates standing on behalf of the party by tweeting quotes and statements they make in the run-up to the election. The message in the tweets is asking

members of the public which side will they be on at the election.

With two months to go until the election, the organisation canvasses members of the public on whether they would consider not voting for the party after having a better idea of the party's policies in key areas.

The results of the canvassing are used as part of an online petition which is distributed through social media. This encourages the public to sign in order to take a stand against the party and share it further among their networks.

What does this mean for the campaigner?

Material made available through social media will meet the **public** test. It will meet the **purpose** test if it contains content that can reasonably be regarded as intended to influence voters.

Tone

The campaign expressly identifies a political party which does not support its aims. The tone is negative towards the particular party and its candidates, and seeks to prejudice their electoral prospects. This is a very strong factor pointing towards the purpose test being met.

Context and timing

The timing of the campaign aims to tie in with and capitalise on the forthcoming election. With the election on the immediate horizon, the principal objective is to mobilise support against the party and its candidates.

Call to action

The call to action is directly linked to the election and targets a specific political party and its candidates. It is explicitly asking voters to vote against a particular party or category of candidates at the election. This makes it likely that the campaign will pass the purpose test.

How a reasonable person would see

It is obvious by the tone, context and timing and its call to action that a reasonable person would think the campaign is intending to influence who voters vote for at the election.

Therefore, the campaign meets both the purpose and public tests, and the spending on these activities would be regulated.

What spending does the campaigner need to report?

In this scenario, the campaigner will need to account for the costs related to the various campaign activities it carried out which involve the use of social media.

This will include:

- costs arising from the design and production of the campaign video that is posted on and promoted through the social media site
- costs related to the updating of the campaign's Twitter feed (e.g. staff time spent on monitoring and responding to comments posted)
- canvassing costs (e.g. telephone costs)

- costs related to the production of the online petition, including promotion costs from adding links to the petition on other websites to increase its reach and fees of a consultancy agency commissioned to process the data of petition signers
- staff costs related to the various activities

Only costs that are **directly associated** with a particular regulated campaign activity need to be counted. For example, if the campaigner had commissioned research to inform the messages of their election material, spending on this research would be covered by the rules.

However, if the research had been commissioned a couple of years for a different purpose, it would not be regulated unless it directly contributed to the production of the election material. The campaigner must apportion all relevant costs by making an honest assessment of the costs that are directly attribute to the material.

In each case, you must consider the particular facts in order to reach an honest and reasonable assessment of the costs associated with regulated campaign activity.

If the total regulated spending incurred exceeds the £20,000 registration threshold in England, the campaigner will need to register with the Electoral Commission as a non-party campaigner.

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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