

EU Referendum spending rules – how your organisation’s activities may be affected

Under the Political Parties, Elections and Referendums Act 2000, as amended by the European Union Referendum Act 2015, there are rules about spending on certain activities that are intended to, or otherwise in connection with bringing about a particular outcome at the referendum.

These rules apply to all organisations and individuals including companies, charities and campaigning organisations.

This factsheet provides an overview of how the referendum spending rules may apply to the activities of your organisation during the referendum period. This factsheet should be read in conjunction with our [guidance](#) on the EU referendum.

An overview of the EU referendum spending rules

Before the referendum, there is a formal campaigning period called the 'referendum period.' During this period, there are rules and spending limits that apply to certain activities.

The referendum period starts on 15 April 2016 and ends on 23 June 2016.

Referendum spending is expenditure on certain campaigning activities that are intended to or are otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

Referendum spending includes spending on:

- items or services used during the referendum period including those bought before the period begins
- items or services used during the referendum but paid for after it
- items or services given to you free of charge or at a non-commercial discount of more than 10%

You should read our [guidance](#) to understand what activities are covered by the rules and what spending counts towards your spending limit.

Any individual or organisation can spend up to £10,000 on referendum spending. You must not spend more than £10,000 on referendum spending during the referendum period unless you have

registered with us as a 'registered campaigner'. If you do, you may commit an offence. Our [guidance](#) explains who can register and how to register.

Registered campaigners have a higher spending limit and must follow the rules on donations and loans and report the details of their spending and donations to us.

Your organisation's activities and the referendum spending rules

As an organisation, you may be planning business as usual activities during the referendum period and other activities that relate directly or indirectly to the referendum.

Many of your activities will not meet the test for referendum spending. Business as usual activities are not usually aimed at voters and may not reach a value judgement on the two outcomes at the referendum or take a positive or negative tone towards a particular outcome. However, the activities may form part of your organisation's wider engagement in the referendum. They may also form part of your organisation's public support for a particular outcome.

If these activities are taking place during the referendum period, you will need to decide whether your spending is intended to, or is otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

The examples below explain how the referendum spending test may apply to some common activities:

- your annual report
- professional advice provided to clients about the referendum
- a research report or risk analysis specifically about the EU referendum
- an industry or sector event relating to the referendum
- polling and surveys

Company or organisation annual report

An annual report supplies information and describes key events which have taken place over the last year and gives a company overview to current or potential shareholders, investors, funders or supporters. A report may mention the potential risks for the organisation related to the EU referendum.

It is unlikely that a company's or organisation's annual report will be intended to or otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

If the risks of a particular outcome are described as part of a commentary in relation to the wider context in which the organisation will be operating, this will not be referendum spending. If the commentary is intended to influence voting choice by expressing a view on an outcome, this is likely to be referendum spending.

Professional advice provided to clients

If you are a business organisation, clients may ask for your professional advice in relation to future investments that may involve discussion about the implications of the result of the EU referendum.

Other organisations may also be asked for professional advice in the ordinary course of their work that has a direct or indirect connection with the referendum.

Providing professional advice is unlikely to be intended to or otherwise in connection with, promoting or bringing about a particular outcome in the referendum. This is because you are providing advice in a professional capacity to clients rather than to them as voters.

The advice may concern the referendum, but if this is in order to give a professional opinion that is part of the service your organisation provides, rather than in order to influence voting choice, this will not be referendum spending.

Research reports or risk analysis about the impact of the EU referendum

Spending on a research report or risk analysis will be referendum spending if it is intended to or otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

If the two outcomes are compared in the report, or a value judgement is made as to which outcome should be preferred, or the report uses positive or negative language rather than having a neutral, objective tone, this makes the

spending more likely to fall within the spending rules. For example, a report that compares the two outcomes in a neutral, objective tone and does not make a value judgement or use positive or negative language is unlikely to fall within the spending rules.

You should also consider who the intended audience of the report is. For example, if you promote the report only to your clients, or fellow academics, this may suggest that the intended audience is a professional one. If you promote the report more widely, for example on your website or to the media, this suggests that your intention is to influence the wider voting public.

If the report forms a part of a wider campaign that your organisation undertakes with the intention of promoting one side of the referendum debate, then it is more likely to be referendum spending.

Events about the referendum

Spending on events that are intended to, or are otherwise in connection with, promoting or bringing about a particular outcome in the referendum will be referendum spending. For example your organisation may hold an event that invites a politician or business or sector leader that supports one side of the outcome to speak about the referendum and the impact of the vote.

If, however, you hold an event where you invite speakers to represent both sides of the outcome and allow all those attending an equal opportunity to participate, so that the event is not intended to promote or otherwise bring about a particular outcome,

then your spending on the event is unlikely to be referendum spending.

If you hold an event for scenario planning on what organisations will do in the event of a particular outcome, or on how to prepare for that outcome, this may not be referendum spending. If the event makes a value judgement as to which outcome is preferred, then the spending is more likely to be referendum spending.

Surveys or polls

You may decide to poll or survey the public or your members to ascertain their views on the EU referendum. Spending on polling and surveys will be referendum spending if the poll or survey is intended to or is otherwise in connection with, promoting or bringing about a particular outcome in the referendum.

If, for example, a survey asks leading questions with the aim of obtaining a particular result, this will suggest that the survey is intending to influence how people vote and promoting a particular outcome.

If a survey gathers information and you then use it to promote an outcome, this will be referendum spending.

If the survey results remain internal to your organisation, then the costs of the survey are not likely to be referendum spending. If you publish and promote the results of the survey more widely, or use it as part of a campaign or other work where you set out your views on the referendum outcomes, it is more likely to be referendum spending.

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
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