

Candidate spending at the UK parliamentary by-election in Northern Ireland 2013

This document is for candidates and agents who want to know more about the rules on spending in the run-up to the by-election in Northern Ireland.

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Terms and expressions we use

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

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.

Candidate spending

Who this document is for:

Candidates and agents who want to know about the rules on spending in the run-up to the Mid-Ulster Parliamentary by-election on 7 March 2013.

The document covers:

- The types of election spending
- The regulated period
- What candidate spending is
- Managing candidate spending
- Splitting candidate spending
- Recording and reporting spending

Related documents:

- [Overview of donations to candidates](#)
- [Hustings events](#)

Forms and explanations:

- [Return of candidate's spending: UK Parliamentary by-election in Northern Ireland](#)

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Summary

Candidate spending at the Mid-Ulster UK Parliamentary by-election in Northern Ireland on 7 March 2013 is regulated under the Representation of the People Act 1983.

This overview will give you an understanding of candidate spending and the rules you need to comply with.

Introduction

Candidates and agents at a Parliamentary by-election must follow certain rules on how they campaign, how much they can spend and who they can accept donations from.

This document explains the rules on how much candidates can spend, what information must be recorded and how to report spending after the election.

It includes information on:

- Rules on campaigning
- Donation controls

The Electoral Office for Northern Ireland issues guidance on becoming a candidate and appointing an election agent. You should look on their website for further information.

www.eoni.org.uk.

About our guidance

We use '**you**' to cover both the agent and the candidate. Where the legal obligation is on one and not on the other, we make this clear in the text. You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

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Who is responsible for candidate spending?

You must make sure that you do not spend more than the limit.
The agent must keep receipts for all payments of more than £20.
Only the candidate, the agent and people authorised by them can incur 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.

The regulated period

What is the 'regulated period'?

The 'regulated period' is the time during which candidate spending and donation rules apply.
At a Parliamentary by-election, the regulated period begins on the day that a vacancy occurs. The vacancy for this by-election occurred on 2 January 2013. If you or others had made it clear on or before that day you would be standing as a candidate, you became a candidate on 2 January 2013. Otherwise you become a candidate on the day you or others declare that you will stand or when you are formally nominated, whichever is the earlier.

What is the spending limit?

The limit applies to anyone who becomes a candidate at the election. You must make sure that you keep within the spending limit. **Your limit is £100,000.**

What is candidate spending?

Candidate spending is what you spend on certain activities to promote your candidacy, or criticise other candidates, during the regulated period.

It also includes:

- Items or services bought before the regulated period begins, but used during it.
- Items or services given to you free of charge or at a non-commercial discount of more than 10% (see 'Notional spending' on page 9).

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What activities count as spending?

Activities included in candidate spending are:

- Advertising of any kind. For example, posters, newspaper adverts, websites or YouTube videos.
- Unsolicited material sent to voters. For example, letters or leaflets you send that aren't in response to specific queries.
- Transport costs for you or your campaigners. For example, hire cars or public transport.
- Public meetings.
- Staff costs. For example, an agent's salary, or staff seconded to you by their employer. You do not need to include time spent on your campaign by volunteers.
- Accommodation. For example, your campaign office.
- Administrative costs. For example, telephone bills, stationery, photocopying and use of databases.

You do not need to include people's travel, food and accommodation costs while they campaign on your behalf, unless you reimburse them.

Public meetings

You do not need to include:

- Events that are for party members only
- Events held mainly for purposes other than your candidacy, where your attendance is incidental. For example, an annual social event at which you say a few words.

Sometimes, it may not be easy to decide if an event should be included. In these cases, you should make an honest assessment on the facts of whether the meeting is genuinely being held for other purposes.

You may also be invited to attend hustings events run by local organisations or community groups. We have published separate [hustings events](#) which explains when the spending rules may apply to these events.

Important

You do not need to count the following, if used free of charge:

- General computer equipment bought for personal use
- Someone's main residence
- Someone's personal car or other personal means of transport

Volunteer time

Sometimes you may not be sure if someone working for your campaign is a volunteer or if you should count their time towards your spending limit. 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.

Personal Expenses

Personal expenses are the reasonable travel and living expenses of the candidate. Reasonable personal expenses do not count towards your expenditure limit but you do have to report them on your spending return.

Personal expenses may include car hire for the candidate if the candidate does not already own a car, or their car is not suitable for campaigning. For example, if you are standing in a rural constituency, it may be reasonable to hire a four-wheel-drive vehicle to access remote areas.



If you are applying for, or have received a grant from the Access to Elected Office Fund, the rules on spending and donations still apply. Please contact us for further advice.

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

Important

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

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 candidate spending. You do not need to count people's print costs against your spending limit, as the costs will be very low.

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 candidate spending whoever does the printing.

Splitting spending

Why you may need to split spending

When working out which costs to report on your spending return, you may need to split your costs between activities and materials that count as candidate spending and those that don't.

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

- If you use part of your local party's office for your campaign, you will need to split costs between your campaign and the party's other activities.
- Items used both before and during the regulated period

The honest assessment principle

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

Sometimes, it may be difficult to make an exact split. For example, if you are sharing a party office, the 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 on 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.

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Notional spending

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

You may find that you pay for items or activities at a lower cost than their commercial value. For example:

- The supplier may support your campaign
- Your party lets you use an office or other facilities, or pays for leaflets on your behalf

However, 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 £50

If you receive a discount of 10% or less, or the difference in value is £50 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 isn't 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 must be a fair and honest assessment of the commercial value.

If you are not sure how to value something, please call or email us for advice.

Valuing 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.

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.

The internet is a good resource for finding out the market rate for goods and services.

Notional spending with a value of more than £50 is also treated as a donation.

For more information, see this document:

- [Overview of donations to candidates](#)

Managing campaign spending

You must keep invoices or receipts for all payments over £20. You do not need to get them for notional spending.

Time limits for receiving and paying invoices

Receiving invoices from suppliers

You must obtain all your invoices from suppliers within 21 calendar days of the result of the election being announced.

If you do not get an invoice within 21 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 28 calendar days of the result of the election being announced.

If you do not pay an invoice within 28 days, you must then get a court order to be able to do so.

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Recording candidate spending

You must record all your candidate spending. You will need to include this information in your spending return after the election.

You must also keep invoices or receipts for any payments over £20.

Important

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

What you need to record

For each item of spending, you must 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

Items given free of charge

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

You can find out how to do this on page 9.

Items given at a non-commercial discount

If you receive an item at a non-commercial discount of more than 10% **and** it is valued at more than £50, you must include the full market value of the item (the notional spending).

If an item has a value of more than £50, and it is given free of charge or at a non-commercial discount, it may also be a donation.

For more information see this document:

- [Overview of donations to candidates](#)

Reporting after the election

You must report your spending to the Chief Electoral Officer after the election.

The agent must complete a spending return. It must include the following for each item of spending:

- The name and address of the supplier
- Details of any unpaid or disputed amounts
- Details of any notional spending, and a declaration of its value
- Invoices and receipts for any payment over £20
- Details of all donations over £50 and the total amount of donations less than £50
- The candidate and agent must also sign a declaration that the return is complete and correct to the best of their knowledge and belief

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

We produce forms you can use for your spending returns and declarations. You can find these on our guidance page for [candidates and agents](#). They cover all the information you must include.

Reporting deadlines

The agent must submit the spending returns and their own declaration to the Chief Electoral Officer within 35 calendar days of the result of the election being announced.

If the result of the by-election is announced on 8 March 2013, this would mean that your return and agent's declaration must be submitted by 12 April 2013. The candidate's declaration must be submitted within 7 days of the return.

There are special arrangements if the candidate is not in the UK at the time. Please contact us for further advice.

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.

If it's easier, you can also contact us on 028 9089 4020 or inforthernireland@electoralcommission.org.uk. We are here to help, so please get in touch.

Visit us at www.electoralcommission.org.uk

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

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