

Overview

UK Parliamentary general election 2019: Non-party campaigners

This document is for non-party campaigners who want to know the details of the regulated period, spending limits and reporting requirements for the UK Parliamentary general election on 12 December 2019

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 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

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.

We use advice and guidance proactively in order to secure compliance. And we take enforcement action, using our investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aims and objectives. If you do not comply with legal 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

UK Parliamentary general election 2019: 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 UK Parliamentary general election on 12 December 2019.

The document covers:

- the regulated period
- spending limits
- reporting requirements
- key dates and events

Related documents

- [Registering as a non-party campaigner](#)
- [Overview of non-party campaigns](#)
- [Overview of regulated non-party campaigning](#)
- [Managing non-party campaign spending](#)
- [UK Parliamentary general election: Focused constituency campaigning](#)
- [UK Parliamentary general election: Pre-poll reporting for non-party campaigners](#)
- [UK Parliamentary general election: Overview of accounts for non-party campaigners](#)

Summary

2

Under the Political Parties, Elections and Referendums Act 2000 (PPERA) there are rules on what non-party campaigners can spend on regulated campaign activity in the run-up to elections.

This document sets out the details of the regulated period, spending limits and reporting requirements for the UK Parliamentary general election 2019.

Introduction

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 is for the UK Parliamentary general election (UKPGE) in 2019.

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’.

You may want to campaign on particular issues, or for or against particular parties or candidates.

There is an overlap between the regulated period for the European Parliamentary elections held on 23 May and the regulated period for the UKPGE on 12 December. This guidance sets out how the rules apply when this occurs.

If you are unsure about how the rules work then please call or [email us](#) for advice.

4

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.

General campaigns are regulated by the Electoral Commission. If you are running, or planning to run, a general campaign, you may need to [register](#) with us.

This document is about the rules for general campaigns in the regulated period leading up to the UKPGE on 12 December.

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

[Overview of non-party campaigns](#)

An overview of the rules

Leading up to the UKPGE on 12 December 2019, there is a **regulated period**, during which the spending and donations rules apply.

In this period, **spending** on an activity is **regulated** if it meets two tests, the purpose test and the public test.

The **purpose test** is met if the activity can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates

The **public test** is met if the activity is directed at the public.

Your regulated spending counts towards your total in the regulated period. There are four kinds of **spending limit**:

- how much you can spend if you are **not registered**
- if you are registered, how much you can spend in each of the four **regions of the UK**
- how much you can spend in a particular **constituency**
- how much you can spend in support of a particular **political party**

For each of these limits, any regulated spending in the regulated period counts, including spending that was incurred in relation to the European Parliamentary elections held on 23 May 2019, local elections held on 2 May 2019, and any by-elections.

After the election, registered campaigners must **report** certain spending and donations to us.

They must also report to us certain donations they receive before the election – this is known as '**pre-poll reporting**'.

6

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.

The regulated period for non-party campaigners at the 2019 UKPGE began on 13 December 2018 and will end on polling day, 12 December 2019.



This period is set out in the legislation.

There is an overlap between the regulated period for the UKPGE on 12 December 2019 and the regulated period for the European Parliamentary elections held on 23 May 2019.

Spending

During the UKPGE regulated period, non-party campaigners are subject to limits on their spending 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**')

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

Any spending incurred on these activities by a non-party campaigner during the regulated period which meets these two tests will be regulated and count towards the campaigner's regulated spending total.

You can find more information on what counts as regulated campaign activity in our guidance:

[Overview of regulated non-party campaigning](#)

 Important

Spending before the UKPGE was announced

The retrospective nature of the regulated period may concern campaigners due to uncertainty about whether the rules apply. However, most campaign activity undertaken before an election is announced is unlikely to meet the purpose test.

This is because you are unlikely to be reasonably regarded as intending to influence people to vote in an election when you do not know or expect that the election is happening.

The likely exceptions to this are:

- you ran campaigns which met the purpose test in a different election in the regulated period – see list below
- you anticipated or made reference to the future election before it was announced – for example “Vote Conservative in the coming election”, or “Unseat MPs who voted for austerity”.

Spending in elections in May 2019

Any spending you have incurred during the regulated period on activities which meet the purpose test and the public test will count towards your regulated spending total.

This includes any money spent on regulated activity relating to elections other than the UKPGE but falling within the regulated period. This includes spending in any by-elections during this period. Other elections in the regulated period were:

- European Parliamentary elections
- Local government elections in England
- Local government elections in Northern Ireland
- Combined authority mayoral elections in England
- Any by-elections

If you have already reported your regulated spending for the European Parliamentary elections you will not have to report it again except as a total on your UKPGE return. The spending will count towards your spending limit in the regulated period for the 2019 UKPGE.

If you have spent money on regulated activity prior to the announcement of the UKPGE, which now falls within the regulated period, you should determine whether that spending is close to or already over the threshold for registering with us. You should then consider whether your planned spending for the UKPGE will mean you exceed the registration threshold.

We advise you to register if that is the case. Registering will ensure that your spending is reported and therefore transparent, and that there is no risk of you beginning or continuing to spend in excess of the registration threshold without being registered.

We are unlikely to consider enforcement action against non-party campaigners that have taken prompt steps to register, even if their regulated spending is already in excess of the registration threshold.

If you have any questions about campaign activity you conducted before the UKPGE was called, please contact us.

Registration

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 are not registered, including if you are not eligible to register, you cannot spend more than **£20,000 in England or £10,000 in any of Scotland, Wales or Northern Ireland** during a regulated period on regulated campaign activity.

Spending on regulated activity that you incurred in the regulated period for any by-elections, the European Parliamentary elections on 23 May 2019, and for the other May 2019 elections, also counts towards your spending total in calculating whether you need to register.

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

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

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

Spending limits

During the regulated period for the UKPGE on 12 December 2019, there are spending limits for the different **parts of the United Kingdom**:

Part of the UK	Spending limit
England	£479,550
Scotland	£73,400
Wales	£55,259
Northern Ireland	£37,550

There were also limits on spending in place for the regulated period for the European Parliamentary elections held on 23 May 2019. The regulated period for the 2019 UKPGE covers the time that these spending limits were in place.

The spending limits in the table above are therefore the total of the spending limit for the 2019 European Parliamentary elections and the spending limit for the 2019 UKPGE.

As well as registration thresholds and spending limits in each region of the UK, there are also spending limits during the regulated period for:

- ‘focused constituency campaigning’ on regulated campaign activity in a particular parliamentary constituency. The limit is £9,750.
- ‘targeted spending’ on regulated campaign activity that can reasonably be regarded as intended to influence voters to vote for one particular registered political party or any of its candidates.

Limits on spending in each constituency

During the regulated period for the UKPGE, a non-party campaigner cannot spend more than £9,750 on regulated campaign activity in a particular parliamentary constituency.

We call regulated campaign activity whose effects are wholly or substantially confined to a particular constituency or constituencies ‘focused constituency campaigning’.

Spending in the elections in May 2019 will count towards your constituency limit. If you need assistance with spending in these polls please [contact us](#).

Attributing your spending

If you are a registered non-party campaigner, there are rules on how your spending must be attributed across the different parts of the UK and to parliamentary constituencies. We refer to these as the ‘attribution rules’.

The attribution rules for parliamentary constituencies say that you must attribute your spending on regulated campaign activity to each constituency in which it has an effect.

You must attribute spending on a UK-wide campaign equally to each of the UK’s 650 constituencies.

If you are campaigning in only one part of the UK, you must attribute equally to each constituency in that part.

The spending attributed to each constituency counts towards the £9,750 limit for each constituency. This includes spending in the elections in May 2019.

If you spend the whole £9,750 on focused constituency campaigning in a particular constituency, you will breach the constituency spending limit in that constituency if you then spend anything on any other regulated campaign activity that must be attributed to that constituency. For more information, please see [Managing non-party campaign spending](#).

There are 533 parliamentary constituencies in England, 59 in Scotland, 40 Wales and 18 in Northern Ireland.

UK-wide spending

Because of the way the attribution rules apply, a campaign run across the whole UK would have its spending capped at £584,817.07, rather than the total sum of the spending limits in the four parts of the UK which is £645,759.

This is because at £584,817.07, the campaign spend attributed to England under the rules would have reached the £479,550 spending limit in England.

You can only spend up to £645,759 if you have separate campaigns which are not run across the whole of the UK.

Targeting your spending in support of a political party

There are limits on how much a registered non-party campaigner can spend in a UKPGE regulated period on 'targeted spending'.

Targeted spending is spending on regulated campaign activity that can reasonably be regarded as intended to influence voters to vote for one particular registered political party or any of its candidates, and not for any other party or any of its candidates.

The limits depend on whether a registered political party has authorised you to incur the targeted spending or not.

These limits apply to any targeted spending you incur or have incurred in the regulated period between 13 December 2018 and 12 December 2019, including targeted spending in the elections in May 2019.

Limits when a registered political party authorises targeted spending:

If the registered political party which you want to influence people to vote for authorises you to incur an amount of targeted campaign spending, you may spend up to any limit (or 'cap') authorised by that political party.

You must not exceed the national or constituency spending limits, even if the political party authorises you to spend more than these amounts

Limits when a registered political party does not authorise targeted spending:

If the registered political party which you want to influence people to vote for does not authorise you to incur an amount of targeted campaign spending, you may only spend up to the following amounts ('targeted spending limits') on regulated campaign activity targeting a particular party during a UK Parliamentary general election regulated period:

Part of the UK	Targeted spending limits
England	£31,980
Scotland	£3,540
Wales	£2,400
Northern Ireland	£1,080



Important

It is an **offence** to spend over the targeted spending limits without authorisation from the party.

More information on targeting your spending in support of a political party is available in our guidance:

[UK Parliamentary general election: Targeted spending in support of a political party](#)

Reporting requirements

Donations

Once you have registered as a non-party campaigner, you must comply with the rules on donations and spending. These rules apply during the regulated period.

Pre poll reporting

If you are campaigning during the UKPGE regulated period, you must report donations you **receive** over a certain value to us **before** the date of the poll. This is called 'pre-poll reporting'.

After the election

You must also report donations to us after the election, as part of your spending return. We publish these reports on our website.

What is a donation?

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

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

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

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

16

What type of donations do the rules cover?

The rules cover all donations that are given towards your regulated campaign spending even if you receive them before the start of the regulated period.

The rules do not cover money given for unregulated campaign activity.

When do you ‘receive’ a donation?

You usually ‘receive’ a donation on the day you take ownership of it. For example:

- if you are given free leaflets, you receive the donation when the leaflets are handed over to you
- if you are given a cheque, you receive the donation on the date that the cheque clears
- if a donation is transferred directly into your bank account, you receive the donation on the date that it is received into your account

How do you decide if you can accept a donation?

When you receive any donation of more than £500, you must immediately make sure that you know who the donor is and start checking their permissibility.

When you receive a donation, you have 30 days to decide whether to accept or refuse the donation.

You ‘accept’ a donation once you have completed all the permissibility checks and you are satisfied that the donation is from a permissible source, or if you don’t return the donation by the end of the 30-day period.

For more information on donations and permissibility, see:

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

Pre-poll reporting for registered campaigners

Between the dissolution of Parliament and polling day you **must** submit weekly reports of donations that you have **received** from a single source that add up to over £7,500. You must report donations you have received even if you have not yet accepted them – you may receive a donation but subsequently refuse it if, for example, it does not come from a permissible donor.

Once Parliament has been dissolved, you must start reporting donations received every week.



The table below sets out the reporting periods and deadline dates. You can report using our online system [PFR online](#) or a paper form can be found [here](#).

Reporting period	Return is due by
6 November – 12 November	19 November
13 November – 19 November	26 November
20 November – 26 November	3 December
27 November – 3 December	10 December
4 December – 10 December	17 December
11 December – 12 December (shorter than 7 days)	19 December

Time limits for receiving and paying invoices after the election

Receiving invoices from suppliers

You must obtain all your invoices from suppliers by 13 January 2020.

If you do not get an invoice within 30 days, you must not pay it after that time 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 by 10 February 2020.

If you do not pay an invoice within 60 days, you must get a court order to be able to do so.

Reporting requirements 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 £20,000 in England or £10,000 in any of Scotland, Wales or Northern Ireland during the regulated period.

Your report is made by submitting a spending return to us.

What you need to report
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.

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).

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).

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

Important

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

If an item has a value of more than £500, 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 for non-party campaigners](#)

Your spending return must include the following:

- the election or elections that the return relates to
- records of your spending and donations
- invoices and receipts for any payment over £200
- details of any unpaid or disputed claims
- details of any notional spending
- the declaration from the 'responsible person' to say that the return is complete and correct

 Important

It is a criminal offence to make a false declaration.

For each item of spending you must include:

- the name and address of the supplier
- the amount of spending incurred
- the date the spending occurred
- the date the claim for payment was made
- the date the payment was made

You can find forms for your spending and donations at [Non-party campaigners – Electoral Commission](#).

Constituency reporting

You must report a list of all constituencies where you spent more than £7,800, along with an itemised list of expenses incurred in those constituencies.

This includes spending that you incurred in relation to by-elections, European Parliamentary elections and other May 2019 elections, even if that spending has already been reported.

Spending you have already reported

Apart from the constituency reporting requirement mentioned above, if you have already reported spending after the European Parliamentary elections in May 2019, you do not need to itemise that spending in your return for the UKPGE. You should however tell us your total spend for those elections.

This spending does count towards the spending limits in the UKPGE, including the limits for a constituency and for targeted spending.

For more information see:

- [Auditor's report template](#)

Auditor's report

If during the regulated period you have spent over £250,000 on your regulated activity (including any spending in relation to by-

elections, European Parliamentary and other May 2019 elections), you will also need to send us a qualified auditor's report on your spending return.

Statement of accounts

You may also need to send us a statement of accounts for the regulated period. You will be exempt from submitting a statement of accounts to us if:

- you are already legally required to submit a statement of accounts that we are able to inspect; and
- that statement of accounts contains the following information:
 - an income and expenditure account for the regulated period
 - a balance sheet, showing assets and liabilities of the organisation as at the end of the regulated period

More information is available in our guidance:

[Accounts for non-party campaigners](#)

You will also be exempt if you are

- registered with us as an individual non-party campaigner
- a UK-registered political party who submits accounts to us

An auditor's report will be required on the statement of accounts if any of the following was over £250,000 during the regulated period:

- your spending on regulated activity (including any spending in relation to by-elections, European Parliamentary elections or other May 2019 elections);
- your gross recorded income from all sources;
- your total expenditure, including on activity that was not regulated

Donations

Your spending return will also include a report of the donations you have received. More details can be found in [Overview of donations to non-party campaigners](#).

When you need to report

The deadline for reporting your regulated campaign spending and donations after the election will depend on how much you have spent during the regulated period. This will include any spending in relation to the European Parliamentary elections that you have already reported.

Apart from spending of over £7,800 in a particular constituency (see page 21), spending that has been reported for these elections does not need to be itemised and reported again but may affect when your spending return is due.

You must calculate the date your return is due based on your spending in the regulated period for the UKPGE, including spending in relation to by-elections, European Parliamentary elections and other May 2019 elections.

If you require assistance please phone or [email us](#) for advice.

If you have spent £250,000 or under

The deadline for reporting if your regulated campaign spending was £250,000 or under is 12 March 2020.

The deadline for submitting your statement of accounts, unless you are exempt, is 12 September 2020.

If you have spent over £250,000

The deadline for reporting if your regulated campaign spending was £250,000 or over is 12 June 2020. You also need to have your campaign spending return [audited](#).

The deadline for submitting your statement of accounts, unless you are exempt, is 12 December 2020.

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:

- England: 0333 103 1928
pef@electoralcommission.org.uk
- Scotland: 0333 103 1928
infoscotland@electoralcommission.org.uk
- Wales: 0333 103 1929
infowales@electoralcommission.org.uk
- Northern Ireland: 0333 103 1928
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Visit us at www.electoralcommission.org.uk

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