

Situations and procedures

Scottish Parliamentary Election May 2021: Political Parties

This document is for political parties
campaigning at the Scottish
Parliamentary election in 2021

Forms you might need:

Campaign
spending return

Contents:

The regulated period

Spending limits

Campaign spending

Reporting requirements and deadlines

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:

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Email: publications@electoralcommission.org.uk

Terms and expressions we use

You will normally be doing enough to comply with the law if you follow this guidance.

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

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.

Wherever possible, we use advice and guidance proactively in order to secure compliance. And we regulate in a way that is effective, proportionate and fair.

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

Scottish Parliamentary Election May 2021

This document explains:

The rules on spending for political parties in the run up to the Scottish Parliamentary election in 2021.

The document covers:

- Key changes to guidance
- the regulated period
- spending limits
- campaign spending
- reporting requirements
- key dates and events

Links to related documents:

- [Overview of party campaign spending](#)
- [Introduction to being a party treasurer](#)
- [Overview of donations to parties \(GB\)](#)
- [Overview of loans to parties \(GB\)](#)

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Summary

Under the Political Parties, Elections and Referendums Act 2000 (PPERA) there are rules on spending and fundraising that political parties must follow in the run-up to elections.

This document explains the main rules for the Scottish Parliamentary election to be held in 2021.

It covers the regulated period, spending limits, campaign spending, reporting requirements and the deadlines.

Key guidance changes for May 2021

There are a number of changes to the guidance this year as a result of planned legislative changes.

The rules set out in this guidance reflect the law as we expect it to be at the start of the regulated period.

If the law does change, we will update the guidance and our website accordingly.

As well as the changes listed in the table below, the Scottish Government has updated the rules on imprints for political parties contesting Scottish Parliamentary elections to cover digital election material. You can find guidance on those rules [here](#).

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Key dates for 2021	Regulated period	50
	Payment and invoicing deadlines	47
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New exemptions from campaign spending	<p>The following costs will no longer count as campaign spending for political parties at Scottish Parliamentary elections:</p> <ul style="list-style-type: none"> • Reasonable security costs for public events • Reasonable translation costs • Costs that are reasonably attributable to a person's disability 	34-35
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Introduction

Under PPERA, there are rules on spending that political parties must follow in the run-up to certain elections.

This guidance provides information on the regulated period, spending limits, campaign spending, reporting requirements and deadlines for the Scottish Parliamentary election to be held on 6 May 2021.

In this guidance, we use 'you' or 'the responsible person', to refer to the person who is responsible for campaign spending.

You should read this guidance alongside the related documents we refer to. They provide important information which will help you to follow the rules.

Candidates at the Scottish Parliamentary election can stand as:

- a constituency candidate in one of the 73 constituencies
- an independent regional candidate in one of the 8 regions
- a regional party list candidate in one of the 8 regions

This guidance and the related documents we refer to apply to political parties and regional party list candidates **only**. The rules for constituency and independent regional candidates are different. We issue separate guidance for those candidates and their agents contesting the Scottish Parliamentary election 2021.

Our guidance for constituency and independent regional candidates and agents contesting the Scottish Parliamentary election is available here:

[Guidance for candidates and agents: Scottish Parliamentary Election 2021](#)

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This guidance has been written to reflect what we expect the law to be once the regulated period begins. We will issue an update on our website if there are any changes to the law.

The regulated period



Campaign spending is what your party spends on activities to promote the party or criticise other parties during a particular period in the run-up to the election.

This period is called the 'regulated period'. Where we use the term 'regulated period' we mean the time when the spending limits and rules apply.

The regulated period for the 2021 Scottish Parliamentary election begins on **6 January 2021** and ends on polling day, **6 May 2021**.

If your party is standing candidates on a regional list, party campaign spending will also include spending on activities to promote the party list candidates.

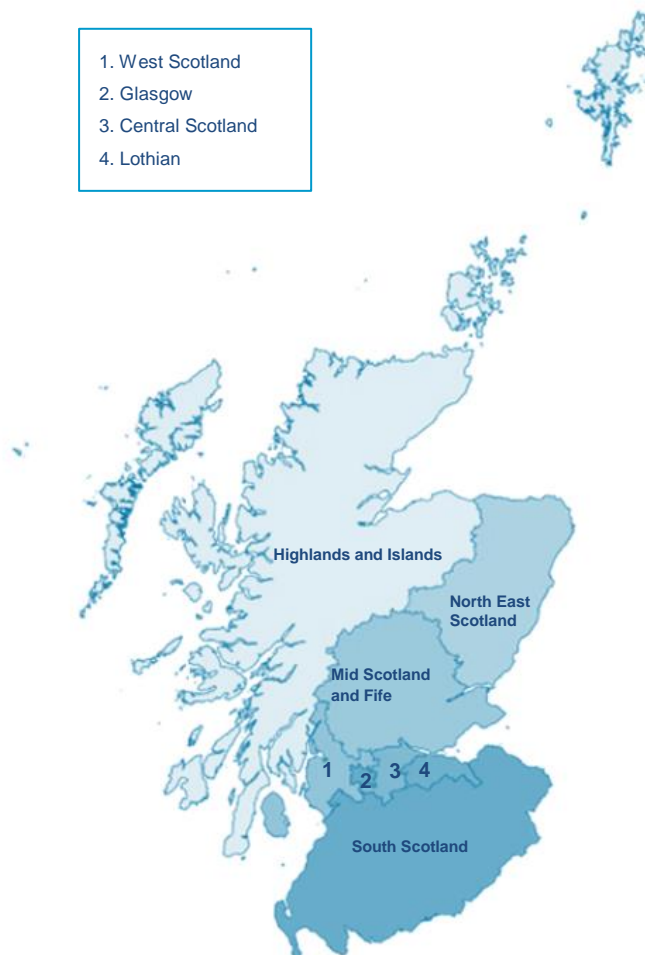
It is possible that these dates are extended given the Covid-19 pandemic. We will issue an update on our website if there are any changes to these dates made by the Scottish Parliament.

The spending limit

The maximum amount that you can spend on campaigning during the regulated period is based on how many constituencies and regions your party is contesting in the election.

There are 73 constituencies in Scotland and 8 regions. There are 7 seats in each of the 8 regions, making a total of 56 regional seats. A party can field up to 12 candidates per region.

The map shows the 8 regions for the Scottish Parliamentary election:



Your spending limit is £12,000 for **each constituency** your party contests, **plus** £80,000 for **each region** your party contests.

The regional spending limit applies even if you **do not** field a full list of candidates in the region.

The spending limit is a national limit, which means you do not have to attribute your spending between constituencies and regions.

If your party is contesting **every** constituency and region, the total spending limit will be **£1,516,000**:

£12,000 x 73 constituencies	£876,000 +
£80,000 x 8 regions	£640,000
Total	£1,516,000

For example

The example below shows how to calculate the spending limit for your party. You must calculate your party spending by working out how many constituencies and regions that your party will be contesting in the Scottish Parliamentary election, and multiplying these numbers by the spending limit for the constituency and/or region.

Number of constituencies / regions contesting	Calculation	Total £
25 constituencies	25 x £12,000	£300,000
3 regions	3 x £80,000	£240,000
Total spending limit		£540,000

It is possible that these limits are reviewed if the poll is postponed given the Covid-19 pandemic. We will issue an update on our website if there are any changes to these limits.

For more information on the 73 constituencies and 8 regions, please see the Boundaries Commission for Scotland's list of constituencies and regions for the Scottish Parliamentary election in 2021.

<http://www.bcomm-scotland.independent.gov.uk/>

Campaign spending

Campaign spending is what the party spends on certain activities to promote itself, or criticise other parties, during the regulated period.

If your party is standing candidates on a regional list, party campaign spending will also include spending on activities to promote the party list candidates. Spending incurred by party regional list candidates must be authorised by the party.

Campaign spending includes:

- items or services bought before the regulated period begins, but used during it.
- items or services given to the party free of charge or at a non-commercial discount of more than 10% (see notional spending on page 37)

All party spending must be reported to the Electoral Commission after the election.

Managing campaign spending

Who is responsible for party campaign spending?

A party's registered treasurer is usually responsible for making sure that the party follows the rules on campaign spending. However, if a party has registered a campaigns officer, this person is responsible for campaign spending instead.

In this guidance, we use 'you' or the term 'responsible person' to refer to the person who is responsible for campaign spending. This will be the campaigns officer if one has been appointed, or the registered treasurer if not.

You can appoint deputies to help with some of your responsibilities. You can do this using [Form RP5](#).

Authorising and paying campaign expenses

Only the 'responsible person' registered with us, registered deputy officers and people authorised in writing by the

For more information about party treasurers, see this document:

[Introduction to being a party treasurer](#)

responsible person can incur or pay party campaign spending. A person must have the authority of the responsible person or a registered deputy treasurer / campaigner officer to be able to incur campaign expenditure.

For example, someone may be authorised to spend money on particular items, or up to a particular amount.

Spending by or on behalf of the party promoting regional party list candidates will count as party campaign spending. Accordingly, these expenses must be authorised by an appropriate party officer.

By 'incur' we mean make a legal commitment to spend money, such as confirming an order.

These rules are in place to make sure that spending can be controlled by the parties responsible officers and accurately recorded and reported.

You should make sure that your volunteers and campaigners know who can and cannot incur and pay for campaign expenditure. It is an offence, without reasonable excuse, to incur or pay for campaign expenditure without the authority of an appropriate officer of the party.

Personal expenses

The treasurer must appoint an election agent for each region the party stands candidates in. The election agent is responsible for reporting personal expenses incurred by the regional party list candidates in the regulated period.

Personal expenses include the reasonable travel and living expenses (such as hotel costs) of the regional party list candidate.

Personal expenses also include expenses relating to the party list candidate's disability.

A regional party list candidate can only pay for personal expenses up to a cost of £900. The election agent is responsible for authorising personal expenses for regional party list candidates over £900.

Types of election spending

There are different types of spending by or on behalf of political parties at Scottish Parliamentary elections. These are:

- spending on campaigning to promote the party and its policies generally

For example, national newspaper adverts for the party, or leaflets explaining party policy.

- spending on campaigning to promote regional party list candidates.

For example, a public event in the region to promote the list candidates.

Party constituency candidates standing for election in a constituency are responsible for their own campaign spending. Spending on promoting their candidacy in the constituency will count towards their own candidate spending limit and not the party's. If a party candidate is standing in both a constituency and a region it is only the spending on promoting the candidate in the region that will count towards the party spending limit.



This guidance document covers **party campaign spending** and spending on **promoting regional party list candidates** only. For information on candidate spending, see our guidance for [candidates and agents](#).

Regional party list candidates and party spending

Spending on promoting the regional party list candidates counts towards the party campaign spending limit, and must be reported by the party.

Regional party list candidates **only** standing on a party list, may incur personal expenses. These expenses will only count towards the party spending limit, if the party reimburses the candidate for the personal expenses.

Regional party list candidates must give a written statement to their agent of personal expenses paid within 21 days of the election result being declared, and submit a declaration to the Regional Returning Officer confirming their personal expenses within 35 days after the day on which the result is declared.

Dual candidacy

Candidates can stand as a regional party list candidate and also as a constituency candidate for the Scottish Parliamentary election. We call this “**dual candidacy**”.

Regional party list candidates standing on a party list do not have a separate candidate spending limit, **unless** they stand as a constituency candidate at the same time. A dual candidate will have a separate spending limit for any constituency campaigning within the constituency that they are contesting.

If a candidate stands for more than one party in a constituency, the party spending limit for that constituency will be split between the parties.

Allocating campaign spending between the party and constituency candidates

Sometimes you may need to decide whether campaign spending should count towards the party spending limit, or the spending limit of a candidate standing for your party in a particular constituency.

Campaign spending does not count against both the party and candidate spending limits. It will usually fall into one category or the other.

If you are not immediately sure whether something is promoting the party (including regional party list candidates), or a constituency candidate, you must make an honest and reasonable assessment, based on the facts, as to whether the campaign spending should be allocated to the party or candidate.

You should only divide the costs of an item between the party and candidate spending limits if you are sure that it is reasonable to do so.

You should not divide the costs of an item if it is produced mainly to promote a constituency candidate, and uses the party's name or refers to the party's policies purely in support of that aim.

For example, if a leaflet focuses on a constituency candidate but includes some of the party's key pledges as a way of telling voters what the candidate stands for, this will count towards the candidate's spending limit, if it has been authorised by the candidate's agent or made use of by the candidate (see notional spending on p.37).

If you are still not sure how you should allocate an item of spending, please call or [email us](#) for advice.

For more information on splitting spending, please see our guidance:

[Expert paper: Splitting Spending](#)

What activities count as spending?

Activities included in campaign spending are:

- party advertising of any kind. For example, street banners, websites or YouTube videos
- unsolicited material sent to voters about the party. For example, letters or leaflets you send that are not in response to specific queries
- the manifesto and other documents setting out your party's policies
- market research or other methods of finding out which party people intend to vote (where the research involves identified candidates however, it may be candidate spending)
- party press conferences or other dealings with the media
- party rallies and events, including the cost of people's attendance, and any goods, services or facilities provided
- transport in connection with promoting or publicising your party

Please see pages 18 to 33 for more information regarding what costs do and do not fall within the above categories.

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 must include VAT even if you can recover VAT payments. Where VAT is charged on an item, the VAT amount will also count towards the spending limit.

Overhead and administrative costs

You must also include certain overheads or administrative costs which are closely connected with each activity. You should include the proportion that is incurred over and above the usual costs in a given period. This includes costs incurred towards:

- office space
- business rates
- electricity bills
- provision of phone lines and internet access
- mobile phones
- provision of office equipment of any kind

For example, you pay a standard amount per month for electricity. In the period in the lead up to the election your electricity costs increase above what you would ordinarily pay for that time of year. The extra amount is the amount that must be reported in your return.

You will not need to include the costs of water, gas, council tax and childcare in your return. These costs are not sufficiently closely connected with any activity above.

Party political election broadcastsIf you are entitled to party election broadcasts, you must include production costs in your spending return. This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

to prepare, produce or facilitate the production of the content or to broadcast the content. For example, a licensing fee for a software application for use in designing broadcast content

You do not need to include the value of the airtime.

Advertising of any kind

This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

that is used to:

- prepare, produce or facilitate the production of advertising material
- disseminate advertising material by distribution or otherwise

For example, the hire of a photographer and premises to produce images for use in advertising material.

Specific costs in connection with producing or disseminating digital or electronic advertising material

Software

It includes the cost of any software, of any kind, for use on any device to:

- design and produce advertising material in-house
- disseminate or facilitate dissemination of advertising material

whether that material is distributed digitally, electronically or via other means.

For example, a licensing fee for a software application for use on a device.

Services, facilities and equipment

It includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used to:

- prepare, produce or facilitate the production of digital or electronic advertising material
- distribute or facilitate the dissemination of that advertising material via any means

including any cost attributable to increasing the visibility of content by any means.

For example, the purchase of a more prominent position on a page within a search engine.

Websites and other digital material

It includes the costs of:

- hosting and maintaining a website or other electronic/digital material that promotes the party
- designing and building the website
- a portion of any website or material that is set up to obtain funds for the party but also promotes the party during the regulated period

Material for sharing

It includes the cost of preparing, producing or facilitating the production of advertising material for:

- downloading and use by others
- posting on and promoting the party via any kind of social media channel or platform

For example, the costs of producing advertising material promoting the party that is posted to a page on a social media channel encouraging followers to share it.

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, unless people are printing documents on your behalf.

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 campaign spending whoever does the printing.

Networks

It includes the cost of accessing, purchasing, developing and maintaining any digital or other network which:

- facilitates distribution or dissemination of advertising material by any means
- promotes or increases the visibility of advertising material by any means

For example, the purchase of digital identities used to make material appear as if it has been seen and approved by a high number of users on a social media platform.

Other costs which are included

It includes the cost of any rights or licensing fee for any image used in producing advertising material.

It includes the cost of purchase and use of any equipment in connection with:

- preparation, production or facilitating the production of the advertising material
- dissemination of the advertising material by distribution or otherwise

It includes the cost of:

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- paper or any other medium on which advertising material is printed
- physically displaying advertising in any location, for example cable ties or glue for putting up posters
- It includes the cost of purchase, hire or use of:
- photocopying equipment
- printing equipment

for use in printing advertising material.

It includes a relevant proportion of the cost of:

- office accommodation
- business rates
- electricity
- phone rental and internet access

in connection with:

- preparation, production or facilitating the production of the advertising material
- dissemination of the advertising material by distribution or otherwise

It includes the cost of food and/or accommodation for any individual who provides services in connection with advertising material for the party where that is paid for or reimbursed by the party.

Unsolicited material addressed to electors

Costs associated with obtaining information and targeting or identifying voters, including database costs

This includes the cost of accessing, obtaining, purchasing, developing or maintaining:

- IT software or contact databases
- any information, by whatever means,

that is used to facilitate the sending of unsolicited material to voters. For example, the purchase of email addresses.

It includes the cost of accessing, obtaining or developing data sets, including data analytics to target voters by whatever means, including the cost of agencies, organisations or others that identify groups of voters, by whatever means.

For example, the cost of any agency paid to analyse social media content to facilitate targeting of voters across electoral areas and the cost of modelling by any agency based on that analysis.

It includes the cost of any services to identify voters that are purchased, developed or provided before the regulated period, but are used to target voters during the regulated period.

Where information or access to information is obtained from a third party, the commercial cost of obtaining that information from the third party is included.

Costs associated with preparing, producing or distributing unsolicited material to voters, including via digital means

This includes the cost of use, or hire, of any:

- agency, individual or organisation

- services provided by any agency, individual or organisation
- premises or facilities
- equipment

that is used to:

- prepare, produce or facilitate the production of the unsolicited material
- disseminate by distribution or otherwise the unsolicited material, including any cost attributable to increasing the visibility of material via any means

It includes the cost of delivering material by any means including electronic means or the physical distribution of the material, for example the cost of envelopes and stamps or the purchase of a system for sending emails.

It includes the cost of accessing, developing and maintaining any digital or other network which promotes or increases the visibility of unsolicited material on any platform. For example, if a party pays a developer to create an app that facilitates targeting of their material on a social media channel.

It includes the cost of oversight and maintenance of all social media, digital or other forms of distribution of unsolicited material. This includes the maintenance of all social media accounts, including if they are maintained by another entity/individual.

Other costs that are included

It includes the cost of any rights or licensing fee for any image used in producing unsolicited material.

It includes the cost of paper or any other medium on which unsolicited material is printed.

It includes the cost of purchase and use of any equipment in connection with:

- preparation, production or facilitating the production of the unsolicited material
- dissemination by distribution or otherwise of the unsolicited material

It includes the cost of purchase, hire or use of:

- photocopying equipment
- printing equipment

for use in printing unsolicited material.

It includes a relevant proportion of the cost of:

- office accommodation
- business rates
- electricity
- phone rental and internet access

associated with the preparation, production, dissemination and distribution of unsolicited material.

It includes the cost of food and/or accommodation for any individual who provides services in connection with unsolicited material for the party where that is paid for by the party or reimbursed by the party.

Any manifesto or other document setting out the party's policy

Services, premises, facilities or equipment provided by others

This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used to:

- prepare, produce or facilitate the production of any manifesto or other document
- disseminate or distribute the manifesto or other document, via any means

including any cost attributable to increasing the visibility of content via any means. For example, the purchase of a more prominent position on a page within a search engine.

It includes the cost of making the manifesto or other document available in electronic or physical form and all means of disseminating it.

Other costs which are included

It includes the cost of any rights or licensing fee for any image used in producing a manifesto or other document.

It includes the cost of paper or any other medium on which the manifesto or other document is printed.

It includes the cost of purchase and use of any equipment in connection with:

- preparation, production or facilitating the production of the manifesto or other document

- dissemination by distribution or otherwise of the manifesto or other document

It includes the cost of purchase, or hire, of:

- photocopying equipment
- printing equipment

for use in printing the manifesto or other document.

It includes a relevant proportion of the cost of:

- office accommodation
- business rates
- electricity
- phone rental and internet access

associated with any in-house costs for design of the manifesto or other document and for its production and dissemination.

It includes the cost of food and/or accommodation for any individual who provides services in connection with the manifesto or other document for the party where that is paid for or reimbursed by the party.

Market research or canvassing to ascertain polling intentions

Services, premises, facilities or equipment provided by others

This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used to:

- prepare, produce or facilitate canvassing or market research
- conduct or co-ordinate canvassing or market research
- record or analyse or otherwise utilise the results of any market research or canvassing activity

For example, the cost of using phone banks to contact voters, including the development of scripts for use by phone bank employees that are designed to influence voters.

Costs of obtaining or maintaining data

This includes the cost of accessing, purchasing, developing and maintaining:

- IT software or contact databases
- data sets, including the use of data analytics

to facilitate or undertake market research or canvassing.

For example, it includes the cost of undertaking social media listening and analysing the result to analyse the intention of voters. It includes costs that are incurred prior to the regulated period where the data is then used during the regulated period.

Other costs which are included

It includes the cost of any purchase and use of any equipment required to:

- prepare, produce or facilitate canvassing or market research
- conduct or co-ordinate canvassing or market research
- record or analyse or otherwise utilise the results of any market research or canvassing activity

For example:

- laptops or tablets if used for canvassing
- mobile phones if used by the leader/co-ordinator of the canvassing

where that equipment and/or associated costs are paid for or reimbursed by the party or a third party.

It includes the cost of a relevant proportion of:

- office accommodation
- business rates
- electricity
- phone rental and internet access

associated with market research or canvassing.

It includes the cost of food and/or accommodation for any individual who provides services in connection with market research or canvassing for the party, where that is paid for or reimbursed by the party.

Press conferences or dealings with the media

This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used to prepare, produce, facilitate or conduct press conferences or other dealings with the media.

It includes the cost of specialist press or media software or subscriptions.

Other costs which are included

It includes the cost of any rights or licensing fee for any image used in preparation, production, facilitating or conducting press conferences or other dealings with the media.

It includes the cost of purchase and use of any equipment in connection with preparation, production, facilitating or conducting press conferences or other dealings with the media.

It includes a relevant proportion of the cost of:

- office accommodation
- business rates
- electricity
- phone rental and internet access

associated with dealing with the media, such as co-ordinating press conferences or media activity, or drafting press releases, or other media related activities, including where a party has existing press conference facilities on its premises.

It includes the cost of food and/or accommodation for any individual who provides services in connection with press conferences or other dealings with the media, for the party where that is paid for or reimbursed by the party.

Rallies and events

This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used in:

- promoting a rally or other event
- holding or conducting a rally or other event to promote the party
- live streaming or broadcasting a rally or other event by any means

Other costs which are included

It includes the cost of promoting or advertising the event, via any means.

It includes the cost of an event that is being held via a link of any kind or is being live streamed or broadcast, where that event is open to be viewed by users of a channel or platform or by other means.

It includes the cost of the provision of any goods, services or facilities at the event, for example the cost of hiring seating.

It includes the cost of purchase of any equipment in connection with:

- holding or conducting a public meeting to promote the party
- live streaming or broadcasting a public meeting by any means

It includes a relevant proportion of the cost of:

- office accommodation
- business rates
- electricity
- phone rental and internet access

associated with:

- promoting a rally or other event

- holding or conducting a rally or other event to promote the party
- live streaming or broadcasting a rally or other event by any means

It includes the cost of food and/or accommodation for any individual who provides services in connection with:

- promoting a rally or other event
- holding or conducting a rally or event to promote the party
- live streaming or broadcasting a rally or other event by any means

Transport in connection with promoting or publicising your party

It includes the cost of transporting:

- volunteers
- party members, including staff members
- other campaigners

around the electoral area, or to and from the electoral area, including the cost of:

- tickets for any transport, including any booking fee
- hiring of any transport
- fuel purchased for any transport
- parking for any transport

where they are undertaking campaigning on behalf of the party.

It includes the cost of transport paid for by any individual, political party or other third party that is paid for or reimbursed either by the political party or a third party, where the individuals being transported were campaigning or undertaking activities associated with the campaign for the party.

Other costs which are included

This includes the cost of use, or hire, of any vehicle or form of transport that displays material promoting the party, including any cost associated with:

- design and application of the design to the vehicle or form of transport
- travelling between electoral areas
- travelling around an electoral area
- parking fees where a vehicle is used to display material

It includes a portion of the cost of:

- office accommodation
- business rates
- electricity

- phone rental and internet access

when these are associated with planning, booking or using transport of any kind, or where a vehicle or form of transport is being prepared for use in electoral areas. For example, the cost of design and applying the design promoting the party to the side of a bus.

It includes all transport costs associated with other spending matters. For example, transporting someone to a rally.

What doesn't count as spending?

Activities **not** included in campaign spending are:

- permanent, fixed term or temporary staff costs where the staff member has a direct employment contract with the party
- volunteer time
- office running costs, except costs that are higher than usual because of campaigning, such as telephone bills
- people's travel, food and accommodation costs while they campaign, unless you reimburse them
- expenses met out of public funds. For example, security costs for VIP visits
- material sent only to your members
- party conferences
- local newsletters about elected representatives or prospective candidates
- anything which a constituency candidate properly declares on their spending return
- regional party list candidates' deposits
- Postage costs relating to the free election address prompting the party or regional party list candidates
- Costs relating to providing security at a public rally or public event

For example, hiring a security agency to provide security services at a party campaign rally

- Any reasonable costs relating to translating to another language from English

For example, hiring a translator to translate campaign material from English into any other language

- Reasonable costs attributable to a disability an individual may have. This exemption applies to any costs incurred to any individual campaigning for or on behalf of the party including a regional party list candidate

For example, providing a party canvasser with a sight disability specialist equipment or dual screens to assist them in telephone canvassing

Volunteer time

Sometimes you may not be sure if someone is a volunteer or if their time should be treated as notional spending. 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.

Unused items

Items paid for but not used at an election are not regarded as incurred for election purposes and do not need to be reported in the return. You should have processes to ensure you are able to identify when items are used or not used during the regulated period.

Reusing items used at previous elections

The full cost of an item which meets the usual criteria of campaign spending must be reported in the return at the election at which the item is first used.

The purchase cost of items that were:

- paid for in full (owned not hired)
- used at a previous election
- reported in full in the party's expenditure return at a previous election, and
- have not been altered in any way

do not need to be included in your spending return for the same political party at a subsequent election, nor do they count towards the spending limit for those elections.

However, all costs incurred in facilitating the re-use of an item at a subsequent election, including:

- cleaning
- alteration and/or addition
- maintenance
- redevelopment

must be reported in the return for the subsequent election where the items are used again.

For example, you purchase software that it uses to target voters. You use the software at a Scottish Parliament election. You must report it in its return for that election. In the time period between elections, you update and maintains the system. At the next election where the system is used, you report the cost of updating and maintaining the system.

Notional spending

Sometimes you may receive items or services free or at a non-commercial discount which you make use of during the regulated period. This may occur if another person or organisation supports your campaign.

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

If you use any items or services that are given to you free, or at a non-commercial discount of more than 10%, in undertaking your regulated campaign activities, the value of the notional spending will count towards your spending limit and be reportable in your spending return.

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 £200

If you receive a discount of 10% or less, or the difference in value is £200 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 is not available, you should find out what similar providers charge for the same goods or services and use this as the commercial value.

Notional spending with a value of more than £500 is also treated as a donation. For more information see our guidance on [donations](#).

You should keep a record of how you reached your valuation and keep copies of any quotes you receive.



Important

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 value you declare in your spending return must be an honest and reasonable assessment of the commercial value.

For example:

You are provided office accommodation from which to run your campaign free of charge, which you use for the full four months of the regulated period.

You would calculate and report the notional spending as set out below:

Commercial rate for monthly rent:	Commercial value of four month's rent:	Notional spending to be reported:
£1,200	£1,200 x 4 = £4,800	£4,800

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.

Splitting spending

Why you may need to split spending

You may need to split your costs between activities and materials that count as campaign spending and those that don't.

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

- if you use your office as a base for telephone canvassing, you will need to split the phone bill between canvassing calls, and calls made for non-campaign purposes
- if you use design work for campaigning before the regulated period begins, and continue to use it after it has begun, you will need to split the design costs between the two periods

For example:

You commission design work for a campaign logo for your party that you use on your website, other social media and on all your campaign material for a month before the regulated period starts and during the 4 month regulated period

You should split the cost of the design equally across the entire time that you use it in this way.

The design work cost £15,000, and you used it over a 5 month period, the cost per month is $£15,000 \div 5 = £3,000$ a month.

The regulated period covered the final 4 months, so the cost of spending during the regulated period is:

$$4 \times £3,000 = £12,000$$

£12,000 must be recorded as party campaign spending

You may also need to split your costs between the party and a constituency candidate, if the spending has been authorised by the candidate's agent.



For more information on splitting spending, see this document:

- [Expert paper: Splitting spending](#)

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.

For example, you might hire a car for a staff member who spends some of their time working on the party's regional campaign, and the rest working for a constituency candidate in a particular constituency.

The honest assessment principle

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

Sometimes, it may be difficult to make an exact split. For example, your 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.

Splitting candidate and party spending

Constituency candidates also have spending limits for campaigning during the long and short campaign. These are separate from the party regulated period spending limit. For more information on candidate spending limits for the Scottish Parliamentary elections, please see our guidance for candidates and agents.

Regional party list candidates do not have their own spending limit. Spending promoting a regional party list candidate will count as party spending for the Scottish Parliamentary elections.

Deciding if an item is candidate spending or party spending

Spending does not need to be counted against both the constituency candidate's and the party's spending limit. An item of spending will fall into one category or the other.

In general:

- spending on activity that promotes a constituency candidate is likely to count towards the candidate's spending limit
- spending on activity that promotes the party or a regional party list candidate and not a constituency candidate is likely to be covered by the rules on party campaign expenditure.

There are cases and circumstances at a Scottish Parliament election where something will be regarded as used wholly for the purposes of the candidate's election in a constituency.

For example, whenever the item:

- identifies the candidate standing in the constituency, or the candidate can be identified from the item and it does not promote party list candidates
- specifically identifies the constituency where the candidate is standing and does not promote the electoral region where the constituency sits

and, in either case, the item is aimed at voters solely in the constituency in which the candidate is standing to promote or secure the election of that candidate.

Examples where the full cost of the item is wholly attributable to the candidate:

- An independent candidate distributes a leaflet to all households in the constituency in which they are standing. The total costs of producing and distributing the leaflet must be included in the candidate spending return.
- A candidate standing on behalf of a political party distributes a leaflet to all households in the constituency in which they are standing. The leaflet includes a biography of the candidate and local issues that the candidate is concerned about. The political party's logo is featured but there is no mention of the regional election or the party's national policies. The total costs of producing and distributing the leaflet must be included in the candidate spending return.

By way of contrast:

- A political party produces a letter that sets out the party's policies and encourages voters to vote for the party. Although the letter is addressed to a household in the constituency, the letter itself does not identify the candidate or the constituency. This is not to be regarded as used for the purposes of the candidate's election. Therefore no spending needs to appear in the candidate return.

There are cases and circumstances at a Scottish Parliament election where something will be regarded as used partially for the purposes of the candidate's election in a constituency. For example, whenever the item:

- identifies the candidate standing in the constituency, or the candidate can be identified from the item, and the material also promotes party list candidates
- identifies the candidate standing in the constituency, or the candidate can be identified from the item, and the material promotes the party's policies

- identifies the constituency where the candidate is standing, and it also promotes the party in the electoral region where the constituency sits
- encourages a voter to use both their votes - one for the candidate standing in the constituency and the other for the party on the regional list - or where the voter is reminded to vote in both constituency and regional elections

Examples where the cost of the item is partially attributable to the candidate:

- A leaflet is circulated in a constituency. Side A promotes the constituency candidate (identifies the candidate and/or the constituency). Side B promotes the party list candidates. The cost of the item must be split between the candidate and party.
- A leaflet is circulated in a constituency. Side A promotes the constituency candidate (identifies the candidate and/or the constituency). Side B talks about the party's national policies. The cost of the item must be split between the candidate and party.
- A letter is circulated in a constituency. The letter is from a prominent party member. It talks about the party and its policies and why you should vote for that party. At the end of the letter, it asks the voter to vote for a candidate in a specific constituency. The constituency candidate and/ or the constituency is identified. The cost of the item must be split between the candidate and party.
- A leaflet is circulated across an entire electoral region. Side A promotes the party list candidates. Side B of the same leaflet identifies the relevant party list candidate that is also standing in that particular constituency (dual candidate). Side B of the leaflet will change depending on the constituency where the leaflets are distributed, and it will identify the relevant dual candidate in that constituency. The cost of the item must be split between the candidate and party.
- A calling card is circulated in a constituency, asking people to "use both votes for party X" on polling day. The

cost of the item must be split between the candidate and party.

- A party prepares a digital campaign for use in an electoral region in Scotland featuring a popular party member. The party member is standing as a constituency candidate within that electoral region. The material is targeted at voters in the electoral region and will appear in their social media feeds. The proportion of the campaign targeted in the party member's constituency is to be regarded as published for the purposes of their election as a candidate.

In all of the examples above, if the item is paid for by the party and is made use of by or on behalf of the candidate, then the costs must be split between the candidate and the party. The relevant proportion of the cost of the item must appear in the candidate return as notional spending.

By way of contrast:

- A party prepares a digital campaign for use across Scotland featuring a popular party member. The party member is standing as a constituency candidate. The material is not targeted but will appear if a particular set of words is typed into a search engine. It is not possible to ascertain how often or when this appeared to voters in the party member's constituency. This is not to be regarded as used for the purposes of their election as a candidate. Therefore no spending needs to appear in the candidate return.

If you are in any doubt as to whether spending is or will be candidate or party spending, you should contact us.

Reporting to us

Political parties contesting the Scottish Parliamentary election 2021 must report the details of their campaign spending to the Electoral Commission after the election.

Donations and loans

Donations and loans are reported by parties on a quarterly basis when they exceed a certain threshold or are impermissible.

There are no additional requirements on parties for reporting donations and loans at the Scottish Parliamentary election although you should ensure that you have systems in place for agents to provide all the necessary information about donations and loans intended for the use or benefit of the party and not their candidate.

Donations to regional party list candidates will be considered donations to the party. When you receive a donation, you must check that you can accept it, record it and in certain cases, report it to us. If the donation isn't from a permissible donor, or for any reason you can't be sure of the true identity of the source, you must return it within the 30-day of receipt and report it to the Electoral Commission.

Recording campaign spending

You must record all your campaign spending. You will need to send us this information in your spending return after the election.

This includes campaign spending for candidates standing on a regional party list.

You must also keep invoices or receipts for any payments over £200.

You do not need to report or send us details of regional party list candidates' **personal** expenses, unless the party has

Our guidance on managing donations and loans for parties in Great Britain is available here:

[Overview of donations to parties \(GB\)](#)

[Overview of loans to parties \(GB\)](#)

Regional party list candidates must submit a declaration of personal expenses to the returning officer within 35 days of the poll.

reimbursed the candidate. If the party reimburses the candidate this will be party spending and must be reported (see page 9).

What you need to record

For each item of spending, you should 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 if it's more than £200 (see Notional spending, page 38).

Items given at a non-commercial discount

If you receive items at a non-commercial discount of more than 10% and the difference in value is more than £200, you must include the full market value of the item (see Notional spending page 38).

Important

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 to political parties](#)

Time limits for receiving and paying invoices

There are time limits by which the responsible person **must** receive all invoices for your campaign spending.

Receiving invoices from suppliers

You must obtain all your invoices for your campaign spending from suppliers within 30 days of the election. The last day for receiving invoices from your suppliers is **7 June 2021**.

We call claims (invoices for campaign spending) that are not received within the 30 day deadline, **unpaid claims**. If you do not get an invoice within 30 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 60 days of the election. The last day for paying invoices is **5 July 2021**.

We call claims (invoices for campaign spending) that are not paid within the 60 day deadline, **disputed claims**. If you do not pay an invoice within 60 days, you must then get a court order to be able to do so.

It is an offence to breach these rules without reasonable excuse.

Final decisions on prosecution for receiving and paying late invoices are made by the Crown Office and Procurator Fiscal Service.

We may issue a civil sanction for a breach of these rules.

Reporting after the election

You must report your campaign spending to us after the election.

Your spending return must include the following:

- details of your spending
- invoices and receipts for any payment over £200
- a declaration from the 'responsible person' to say that the return is complete and correct

You can report your campaign spending via [PEF Online](#).

We also produce forms and explanatory notes you can use for this. They cover all the information you must include.

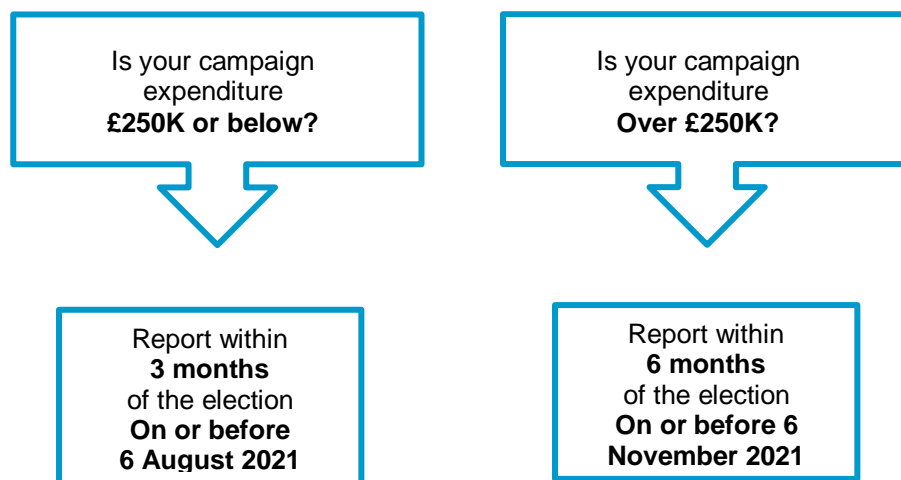
Regional party list candidates must submit a return of personal expenses to the Returning Officer within 35 days of the result being declared.

 Important

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

Campaign reporting deadlines

The date by which you must report to us depends on how much you spent on your campaign. The deadlines are shown below.



You may be liable for a penalty if you don't submit your return on time.

If your campaign expenditure is over £250k you must include an independent auditor's report.

For more information see this document:

- [Auditor's report template](#)

Event	Date	Action
Regulated period begins	6 January 2021	Ensure you have systems in place to record all your spending.
Polling day and end of Regulated Period	6 May 2021	
Deadline to receive invoices	7 June 2021	You must receive all your invoices from your suppliers on or before this date. You or your supplier must apply for a court order to pay invoices received after this date.
Deadline to pay invoices	5 July 2021	You must pay all your invoices on or before this date. You or your supplier must apply for a court order to pay invoices after this date.
Deadline for submitting your spending return, if you spent £250,000 or less	6 August 2021	Submit your spending return to us on or before 12 March 2020
Deadline to submit your spending return, if you spent over £250,000	6 November 2021	Ensure your spending return is audited and submit it to us on or before 12 June 2020

How we can help

You can view our full range of guidance and up-to-date resources on our website. You can contact us on the phone number below or via email on the addresses below. We are here to help, so please get in touch.

Call us on 0333 103 1928

Or email:

- Scotland: infoscotland@electoralcommission.org.uk
- General: pef@electoralcommission.org.uk

Visit us at <http://www.electoralcommission.org.uk>

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