

Senedd election 2021

# Guidance for Candidates and agents

Part 3 of 6 – Spending  
and donations

## 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

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The Welsh version of this document can be found [here](#)

## 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.

## What happens if you don't follow the rules?

If you do not comply with the legal or regulatory requirements you may be subject to criminal sanctions. If you win the election and someone succeeds in an election petition against your campaign activities or reporting, you could be barred from holding office.

If you take donations that you can't legally accept, we may apply to the courts for them to be forfeited.

You can find more information about the Commission's regulatory role at:

<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-enforcement-work>

# Spending and donations

## This document explains:

The rules on spending and donations for candidates and agents in the run up to the Senedd elections on 6 May 2021.

## The document covers:

- key guidance changes
- types of candidates
- the regulated period
- how much you can spend
- the activities covered by the rules
- which donations you can accept
- how to check donations you receive
- recording and reporting spending

## Forms and explanations:

- [Return of candidate spending and donations](#)
- [Candidate's declaration](#)
- [Agent's declaration](#)
- [Party List declaration form](#)

## 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 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.

<b>Issue</b>	<b>Change</b>	<b>Page</b>
Dates for 2021	Regulated period	9
	Reporting	70
Donations rules	<p>The rules on which companies are permissible donors will change on 31 December, following the UK's exit from the EU.</p> <p>Under the new rules a permissible company must be incorporated in the UK, rather than in an EU member state.</p>	53
Exemptions from the spending rules	<p>The following costs will no longer count as election expenses for candidates at the Senedd elections:</p> <ul style="list-style-type: none"> <li>• Reasonable translation costs</li> <li>• Costs that are reasonably attributable to a candidate's disability</li> </ul>	31
General updates made to guidance	More detail on what costs are or are not included under each category of spending	13-29
	New examples: Staff costs	24
	New examples: Mobile phones	28
	New examples: Candidate or party spending	39-43
	New examples: Material distributed across a number of electoral areas	42-43

# Introduction

Candidates and their agents at a Senedd elections must follow certain rules about how much they can spend, who they can accept donations from and what they must report after the elections.

This document explains the rules for the Senedd election on 6 May 2021.

**Section A** sets out the rules on what you can spend, the activities covered by the rules and what information needs to be recorded.

**Section B** sets out the rules on donations, how to check if you can accept them and what records you must keep. Donations include contributions of money, goods or services towards your spending.

**Section C** explains how to report your campaign finances after the election. **Even if you don't spend any money, you must still submit a report.**

If an election agent is appointed, they have the main responsibility for complying with these rules.

However, after the elections, both the candidate and agent must sign declarations to say that their spending and donations return is complete to the best of their knowledge.

This means that the candidates also need to be fully aware of the rules and ensure that their agent is following them.

We use 'you' to cover both the candidate and the agent.

This document is part of our suite of guidance for candidates and agents.

You can find out more about other aspects of standing for election on our [guidance page for candidates and agents](#).

Party candidates standing for election on a regional list will only have to submit a declaration of personal expenses.

Spending on promoting regional party list candidates must be reported by the party.

For more information see our [guidance on party spending](#).

# Section A - Your spending

This section explains the types of candidates that can stand for election at the Senedd elections, the rules on what a candidate can spend, the activities covered by the rules and what information needs to be recorded.

## An overview of the rules

The rules on spending apply to spending on activities to promote your candidacy, or to criticise other candidates, during the regulated period.

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

There are different types of candidates at Senedd elections with different spending limits and reporting obligations.

Candidate spending includes any expenses incurred, whether on goods, services, property or facilities, for the purposes of the candidate's election during the regulated period.

This includes:

- items or services bought before the regulated period begins, but used during it
- the value of items or services given to you free of charge or given to you at a non-commercial discount of more than 10% - known as 'notional spending'

There are rules covering:

- who can authorise spending and pay for items and service
- how much you can spend
- which activities count towards your spending limit
- deadlines for receiving and paying invoices
- what records you must keep
- how and when you report your spending

It is **your** responsibility to fully and accurately report candidate spending. You should ensure you understand the rules and that all spending is properly authorised, recorded and reported.



Important

Candidate spending is often known as 'expenses'.

Sometimes, people think this means that spending can be reclaimed from the local council, or from us. This is not the case. You are not entitled to recover any spending from public funds.



Important



## Types of candidate

At the Senedd elections you can stand for election as:

- a constituency candidate
- a regional party list candidate
- an independent regional candidate
- a dual candidate (a candidate that stands as a constituency and a regional candidate)

**Constituency candidates** are candidates standing for election within one of the 40 constituencies in Wales.

**Regional party list candidates** are candidates standing on a party list for one of the 20 regional seats in Wales. A party can list up to 12 regional candidates in each of the 5 regions.

**Independent regional candidates** who are not standing on behalf of a party, can stand for election in one of the 5 regions in Wales.

There are 20 regional seats in total. There are 4 seats in each of the 5 regions.

For constituency candidates and independent regional candidates, the election agent is responsible for recording and reporting all campaign spending and donations.

For regional party list candidates, campaign spending and donations are recorded and reported by the **party**, and any spending will count towards the party spending limit. For this reason, most of the candidate spending rules in this guidance document do not apply to party list candidates.

Regional party list candidates must submit a declaration, stating that the party spending return is complete and correct to the best of your knowledge, and includes any campaign spending to promote your candidacy within the region that you contested.

A candidate can stand as a constituency candidate and also as a regional candidate simultaneously- This is called '**Dual candidacy**'

However you can only stand in a constituency within the region you are standing in as a regional candidate.



For the rules on party spending, please see our [guidance for political parties at the Senedd election](#).

### **Dual candidates**

If you are standing as a dual candidate, all campaign spending and donations to promote your candidacy in the constituency seat must be recorded and reported by your election agent.

If you are standing as a regional party list candidate and a constituency candidate, all campaign spending towards your regional candidacy will be regarded as party campaign spending and must be reported by the party.

If you are standing as an independent regional candidate and a constituency candidate, your election agent will need to keep separate records of campaign spending and donations to promote your regional and constituency candidacies. This is because you need to submit separate returns for your constituency and regional campaigns.

You may find that you need to split your costs between activities and materials that count as campaign spending for your constituency and regional candidacy. For more information on splitting spending, please see page 37.

## When do the candidate spending and donation rules apply?

Candidate spending and donations rules apply during the regulated period.

### The regulated period

The regulated period for the Senedd elections, begins **the day after** you officially become a candidate, and ends on polling day, 6 May 2021.

You must keep within the spending limit during the regulated period. You must keep records of all your spending and donations during the regulated period.

The earliest date you can officially become a candidate is 6 April 2021.

You will become a candidate on this date if you or others have already announced your intention to stand. For example, your party may have issued a press release when you were selected, or you might have announced your intention at a residents' meeting.

If your intention to stand has not been announced by 6 April 2021, you will officially become a candidate on the earlier of:

- the date you or another person declare your intention to stand
- the date when you are nominated

This must be prior to the close of nominations, which is on Thursday 8 April 2021.

If you start spending money on campaigning but later decide not to stand as a candidate, or your nomination is rejected for any reason, you will not need to account for your expenses during the regulated period or submit a return.

More information on becoming a candidate is available on our website:

[Guidance for candidates and agents](#)

## How much can I spend?

The spending limit for constituency candidates and independent regional candidates, is calculated by adding together a base amount and a variable top up, that takes into account the number of registered electors in the constituency or region you are contesting.

You must keep within the spending limit. You must keep records of your spending and donations so that you can complete your spending and donations return after the election.

The table below sets out the fixed amount along with the variable amounts that apply to different types of candidates:

Type of candidate	Fixed amount	Variable amounts
<b>Constituency candidates</b>	£8,700	6p per registered elector in a borough constituency, <b>or</b> 9p per registered elector in a county constituency
<b>Independent regional candidates</b>		The total of the maximum limit for each constituency in the region
<b>Regional party list candidates</b>		Spending will be included in the party spending limit Party guidance can be found <a href="#">here</a>

### Important

A regional party list candidate **does not** have to report campaign expenditure, as this is recorded and reported by the party.

Constituency candidates and independent regional candidates must record and report on **all** campaign spending and donations.

Your local elections office will be able to give you current elector numbers on request, which will help you to plan your expenses.

You can find contact details for your local elections office on our [website](#).

Dual candidates are subject to limits from both types of candidate:

Type of candidate	Fixed amount	Variable amounts
<b>Independent dual candidate</b>	£8,700	6p per registered elector in a borough constituency, <b>or</b> 9p per registered elector in a county constituency
	The total of the maximum limit for each constituency in the region	
<b>Party dual candidate</b>	£8,700	6p per registered elector in a borough constituency, <b>or</b> 9p per registered elector in a county constituency
	Spending will be included in the party spending limit Party guidance can be found <a href="#">here</a>	

Your local elections office will be able to tell you if your constituency is a borough or county constituency.

The number of electors in a particular constituency is based on the electoral register as it stands on the last date for publication of the notice of election, 29 March 2021.

## What counts as candidate spending?

Candidate spending includes the costs of:

- **advertising of any kind.** For example, posters, newspaper adverts, websites or YouTube videos.
- **unsolicited material sent to voters.** For example, letters, leaflets or emails you send that aren't in response to specific queries.
- **transport for you or your campaigners.** For example, hire cars or public transport for you or your campaigners.
- **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 the use of databases.

Payments made for digital campaigning must be reported. The same rules apply to candidate spending on advertising whether you are using long standing techniques, such as printed mailshots, or newer ones such as online adverts.



For each activity, you must include all the associated costs. For example, if you are producing leaflets or advertising, you must include the design and distribution costs.

More details on each category are given on the following pages.

## Advertising of any kind

### General costs:

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 candidate
- designing and building the website
- a portion of any website or material that is set up to obtain funds for the candidate but also promotes the candidate 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 candidate via any kind of social media channel or platform

For example, the costs of producing advertising material promoting the candidate 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 will count as candidate 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 that 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:

- 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 the candidate's election campaign, except where:

- the equipment was acquired by the candidate principally for the candidate's own personal use
- it is provided by another individual, the equipment was acquired by that individual for their own personal use and the candidate is not charged for the use of it

Where paper, photocopying equipment or a printer is purchased or hired principally for use in the campaign, the full cost must be reported.

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

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

It includes the cost of food and/or accommodation for any individual who provides services in connection with advertising material for the candidate that is paid for or reimbursed by the candidate, the candidate's party or another third 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 in a specific electoral area and the cost of modelling by an 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, including a political 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 the unsolicited material by distribution or other means, 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 candidate 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, hire or use of:

- photocopying equipment
- printing equipment

for use in the candidate's election campaign, except where:

- the equipment was acquired by the candidate principally for the candidate's own personal use
- it is provided by another individual, the equipment was acquired by that individual for their own personal use and the candidate is not charged for the use of it

Where paper, photocopying equipment or a printer is purchased or hired principally for use in the campaign, the full cost must be reported.

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

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

It includes the cost of food and/or accommodation for any individual who provides service in connection with unsolicited material for the candidate that is paid for or reimbursed by the candidate, the candidate's party or another third party.

### **Costs that are excluded**

It does not include the postage costs of the free electoral address.

It does not include any cost associated with the obtaining of data as permitted under any statute or regulation.

For example, candidates are entitled to a copy of the electoral register.

## Transport costs

It includes the cost of transport for the agent where they are reimbursed by the candidate, the candidate's party or another third party.

### **Transport of volunteers and campaigners**

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 candidate.

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 candidate, the political party or a third party, where the individuals being transported were campaigning or undertaking activities associated with the campaign for the candidate.

### **Transport to an event**

It includes the cost of transporting attendees to an event promoting the candidate where that cost is reimbursed or paid for by the candidate, the candidate's party or another third party.

**Transport that is promoting the candidate**

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

- design and application of the design to the vehicle or form of transport
- driving or moving a vehicle around a specific electoral area
- parking fees where a vehicle is used to display material

**Costs that are excluded**

The following costs are excluded:

- where the cost is paid for by the individual who used the transport, where that payment is not reimbursed, or
- where transport is provided free of charge by any other individual if the means of transport was acquired by that person principally for their own personal use

'Personal expenses' include the reasonable travelling expenses of the candidate in relation to the election.

Where a transport cost is a personal expense and is paid by the candidate, this must be recorded as a personal expense in the spending return. Personal expenses do not count towards the spending limit.

See page 32 for more on personal expenses.

## Public meetings of any kind

### **Services, premises, facilities or equipment provided by others**

This includes the cost of the 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 public meeting
- holding or conducting a public meeting to promote the candidate
- live streaming or broadcasting a public meeting by any means

### **Other costs under public meetings**

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 candidate
- live streaming or broadcasting a public meeting by any means

It includes the cost of accommodation and other expenses for any attendee where that cost is reimbursed or paid for by the candidate, the candidate's party or another third party.



**Costs you do not need to include**

You do not need to include:

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

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](#) guidance which explains when the spending rules may apply to these events.

## Staff costs

### Agent costs

This includes any remuneration, including allowances, paid to the agent.

### Staff who are employed by a political party

It includes the cost of any staff member of a political party who provides services to the candidate that are for the purposes of the candidate's election during the regulated period, or provides services to the candidate that are for the purposes of the candidate's election prior to that time which are then used during the regulated period.

Some examples of costs associated with political party staff:

- A staff member of a political party spends their paid working hours coordinating volunteers campaigning for a candidate in a specific constituency. Their work time is to be regarded as for the purposes of the candidate's election. If it is made use of by or on behalf of the candidate, then the costs of paying that staff member must appear in the candidate return as notional spending.
- A staff member of a political party spends their paid working hours on a number of different campaigning activities, including both promoting the party generally and promoting a specific candidate. The proportion of their work time that is spent promoting the candidate is to be regarded as for the purposes of that candidate's election. If it is made use of by or on behalf of the candidate, then that proportion of the costs of paying that staff member must appear in the candidate return as notional spending.

By way of contrast:

- A number of candidates attend a briefing on the party's manifesto pledges given by paid party staff. Because the focus is on national party manifesto pledges, the briefing is not to be regarded as given for the purposes of their election as candidates. Therefore no spending needs to appear in the candidate returns.

**Staff monitoring social media and other press activities**

It includes the cost of staff engaged in the management and monitoring of social media channels or platforms and the obtaining of data to allow targeted campaigning. This includes hiring staff to analyse and sort the data and the cost of staff to monitor and post or respond to any kind of social media or other account.

It includes the cost of staff engaged in the management of press activities of any kind, including staff who are liaising with, managing or monitoring any kind of media activity by any means in connection with the candidate's election.

**Any other person whose services are engaged**

It includes the cost of any other person whose services are engaged in connection with the candidate's election.

**Volunteer time**

It does not include the cost for services of an agent or any other person who is a volunteer.

You also do not have include the costs of people's travel, food and accommodation costs while they campaign on your behalf, if they meet the costs themselves.

However, any expenses you meet for them, or reimburse them for, such as transport or accommodation, do count as your spending.

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, it is likely this will be notional spending. See page 34 for more details.

## Accommodation and administrative costs

### **Office space and equipment**

This includes the rental cost of office space, including business rates, for the candidate's campaign, whether newly rented or under an existing rental agreement, and so notional spending will be incurred where such office space is provided free of charge or at a discount by a political party or a third party.

It includes the cost of office space where that office space is being shared. An apportionment must be made and an amount that reasonably reflects the use by the candidate in campaigning must be included in the return for the candidate. This amount will count towards the spending limit of the candidate.

It includes the cost of purchase, use or hire of any general office equipment for the candidate's campaign, and so notional spending will be incurred where such equipment is provided free of charge or at a discount by a political party or a third party.

For example, desks, chairs and computers provided by a party for use in the candidate's campaign.

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

- mobile phones or other hand-held devices
- the associated contracts

for use in the campaign by the candidate, agent and any other staff or volunteer, where that equipment and/or associated costs are paid for by the candidate, the candidate's party or another third party except where:

- the equipment was acquired by the candidate principally for the candidate's own personal use and the costs are not more than would usually be incurred outside of an election period.

- it is provided by another individual, the equipment was acquired by that individual for their own personal use, the costs are not more than would usually be incurred outside of an election period and the candidate is not charged for the use of it.

Some examples of costs associated with mobile phones:

- If a SIM card with a data and calls allowance is bought for a candidate to use in their campaign, this would count as candidate spending.
- If a volunteer's mobile phone is used to co-ordinate other volunteers, and a portion of the phone contract charges are reimbursed by the candidate to the volunteer, this would count as candidate spending.
- If the candidate uses their own phone which they acquired for their own personal use, and no further costs are incurred beyond the usual monthly charge for calls, data etc, this does not count as candidate spending.

### **Overheads**

It includes the cost of:

- electricity
- phone lines and internet access

for use in the candidate's campaign.

It includes the subscription cost for media monitoring services, press wire and press release services.

**Costs associated with agents, volunteers and employees**

It includes the cost of accommodation for the agent where it is reimbursed by the candidate, the candidate's party or another third party.

It includes the cost of volunteers, employees and party employees campaigning for the candidate in a specific electoral area, including their accommodation costs if they are reimbursed by the candidate, the candidate's party or another third party.

**Costs which are excluded**

It does not include the cost of childcare for a candidate or their agent or a volunteer.

It does not include the cost of water, gas or council tax.

It does not include the provision by any other individual of accommodation which is the sole or main residence of the individual if the provision is made free of charge.

'Personal expenses' include the reasonable accommodation costs of the candidate in relation to the election.

Where an accommodation cost is a personal expense for the candidate, this does not count towards the spending limit. If it is paid by the candidate, it must be recorded as a personal expense in the spending return.

See page 32 for more on personal expenses.

## Use of items

When you use an item for the first time, you must include the cost.

### **Items that are not used**

You do not have to report spending on items that are not used (for example if leaflets are never distributed) and this does not count against the spending limit.

You should retain the unused material or evidence it was destroyed.

If you use the leftover items at a later election, you must report the spending on those items at that later election.

### **Re-use of items**

Where you have paid for an item, you must report the full cost at the time of first use, even if you intend to use it again at a future election.

If you do use it again at a subsequent election, you do not have to report the original payment again. There may be some associated costs which must be reported at that election, for example for storage or cleaning.



## What doesn't count as candidate spending?



- payment of a candidate's deposit
- anything (except adverts) appearing in a newspaper or on a licensed broadcast channel
- facilities you use because you are entitled to do so as a candidate, such as a public room for a meeting
- volunteer time including time spent by your staff that you do not pay them for
- use of someone's main residence, provided free of charge
- use of someone's personal car or other means of transport
- general computer equipment bought for the candidate's personal use
- postage costs relating to the free election address
- any reasonable costs relating to translating from English to Welsh or visa versa

For example, hiring a translator to translate campaign material from English into Welsh

- reasonable costs attributable to a candidate's disability

For example, a BSL interpreter at a campaign event for a candidate with a hearing impairment

**Access to Elected Office Fund Wales**

There is a fund to support disabled candidates with costs relating to their disability.

For details please see their website here:

<http://www.disabilitywales.org/projects/access-to-elected-office-fund-wales/>

## Personal expenses

Personal expenses include the reasonable travel and living expenses (such as hotel costs) of the candidate. Personal expenses do **not** count towards your spending limit, but you **must** 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 if 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.

Candidates can pay up to a certain amount in personal expenses on travel and accommodation. The election agent must pay any sums above this amount:

Constituency candidates	£600
Independent regional candidates	£900
Party list candidates	£900

Dual candidates have separate personal expenses for their constituency campaign and their regional campaign, and may need to split costs accordingly – see page 38 for more on splitting spending.

After the election, all candidates must provide a written statement of the personal expenses they paid for to the agent within 21 days of the result being declared.

For constituency, independent regional and dual candidates, their personal expenses must be reported in the spending return.

For regional party list candidates, the party will submit the return. The candidate must submit a declaration form, stating to the best of your knowledge, the return is correct.

## Local campaigning

Organisations or individuals, who are not standing as candidates at the elections, but are campaigning for or against a constituency candidate in a constituency or an independent regional candidate in a region are known as 'local non-party campaigners'.

Local non-party campaigners can spend up to a certain amount campaigning for or against:

a constituency candidate in a constituency	£500
an independent regional candidate in a region	£1000

A local non-party campaigner cannot spend more than these amounts without your authorisation in writing to incur the additional spending.

Any spending authorised by you and incurred by local non-party campaigners must be reported by the local non-party campaigner to the Returning Officer within 21 days of the result being declared.

The authorised expenses must be included in your candidate spending return. Money that is incurred by campaigners in local campaigns that has been authorised by you is candidate spending and counts towards the spending limit.

### **Campaigning for or against party list candidates**

Organisations or individuals, who are not standing as candidates at the elections, but are campaigning for or against one or more party list candidates, count as campaigning for or against the party.

They are not covered by the local non-party campaign rules.

Instead, they are covered by the general non-party campaign rules. More details on these rules can be found in our [guidance for non-party campaigners at the 2021 Senedd elections](#).

## Items received free of charge or at a discount and 'notional spending'

Sometimes you may find that you pay for items or activities at a lower cost than their commercial value, or be given them for free.

If you then make use of them in your campaign, the full commercial value counts towards your spending limit, as if you had paid for it in full..

The full amount is treated as though it had been incurred by the candidate.

For example:

- a supplier who supports your campaign gives you goods or services at a reduced value
- your party lets you use an office or other facilities, or pays for leaflets on your behalf

You must record the **full** commercial value of these items or activities as candidate spending if:

- they are provided for your use free of charge or at a non-commercial discount of more than 10% and;
- the difference in value between the commercial value and what you pay is more than £50
- they are made use of by or on behalf of the candidate

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.

The difference between the commercial value and the price you pay is called 'notional spending'. See our [factsheet on notional spending](#) for more details and examples.

**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 are given by suppliers. This includes any special rate which is not available on the open market.

Notional spending with a value of more than £50 is also a donation. You can find out more about the rules on donations in Section B of this guidance.

### 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.

After the elections, the agent must make a declaration of the value of each item of notional spending. The value you declare must be a fair and honest assessment of the commercial value.

You must also include the price you paid (if any) in your spending return.

If you are not sure how to value something, please [email](#) or call us for advice.

### For example:

A local printer's normal commercial rate to print 12,000 A5 double sided colour leaflets is £600.

The printer supports your campaign so they give you a 30% discount (£180) on the cost of the leaflets. You only pay £420. This discount is **not** available to other customers.

Commercial value	Price you pay	Notional spending
£600	£420	£180

You will need to record notional spending of £180 towards your spending limit as well as the £420 that you paid.

**Valuing seconded staff**

If an employer seconded 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. You will need to include the value of any expenses, such as travel or food, that you or the employer refunds.

## Splitting Spending

Sometimes, you may need to split your costs between activities that count as candidate spending and those that don't.

For example, between:

- items used both before and during the regulated period
- spending on your campaign and spending on other activities such as an office that you share with your local party

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

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.

It is your responsibility to fully and accurately report your candidate spending. You should ensure you understand the rules and that all spending is properly authorised, recorded and reported.

After the election, you will have to sign a return to declare that it is complete and correct to the best of your knowledge and belief.

It is an offence to knowingly make a false declaration.

If you are still not sure, call or [email us](#) for advice.

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

[Expert paper: Splitting Spending](#)

 Important



**Splitting spending for dual candidates**

Candidates standing for election in a constituency and a region will need to split their spending based on whether it promotes their regional or constituency campaign.

Party candidates standing for election in both a constituency and a region will need to make an honest assessment of whether the items used promotes their constituency or regional campaign. Items used in the constituency campaign must be reported by the candidate after the election, and items used to promote the candidate in the region must be reported by the party.

Independent candidates standing for election in both a constituency and a region must make a honest assessment of whether items used to promote their candidacy counts towards their regional or constituency campaign and must be reported in the correct spending return after the election.

Sometimes you may need to split the costs and report some in each return.

You may also need to split your personal expenses between your constituency return and the regional return. See page 32 for more on personal expenses.

## Political party campaign spending

Political parties also have spending limits for campaigning. These are separate from a candidate's regulated period and campaign spending limits.



The regulated period for political parties for the Senedd election begins on **6 January 2021** and ends on polling day, **6 May 2021**.

For more information on political party campaign spending, see our [guidance on party campaign spending](#).

### **Deciding if an item is candidate spending or party spending**

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

In general:

- items that promote the candidate contesting a constituency seat, or an independent regional candidate contesting a regional seat, will count towards the candidate's spending limit
- items that promote the party, including a regional party list of candidates for a regional seat, and do not promote any particular constituency or independent regional candidate, will be covered by the rules on party campaign expenditure

There are cases and circumstances at a Senedd 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 Senedd 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 Wales 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 Wales 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.

## Who is responsible for candidate spending?

There are rules to make sure that spending can be controlled and accurately recorded and reported.

### For party list candidates

Spending on promoting party list candidates does not fall under the candidate spending rules. It counts as party spending, and so is the responsibility of the party treasurer or campaigns officer.

### For constituency and independent regional candidates

It is **your** responsibility to fully and accurately report candidate spending. You should ensure you understand the rules and that all spending is properly authorised, recorded and reported.

During the regulated period, only the following people are allowed to **incur** election spending. By '**incur**' we mean making a legal commitment to spend the money:

- the agent
- the candidate, and;
- anyone authorised by the candidate or agent

If you authorise someone to incur candidate spending, you must do so in writing and be clear how much they can spend and on what.

The agent rather than the candidate must **make payments** for most candidate spending during the regulated period. There are three exceptions:

- the candidate can pay for items before the agent is appointed;
- constituency candidates can pay for up to £600 in personal expenses, and regional candidates (both independents and party list) can pay for up to £900 in personal expenses;

A different type of spending, notional spending, occurs when you make use of something that was provided for free or at less than the commercial price.

In this case, the notional spending is treated as though it had been incurred by the candidate.

For more on notional spending, see pages 34-36.

 Important

In county constituencies only, an election agent can appoint a sub-agent to assist them in their work.

Separate guidance on the appointment of an election agents and sub-agents is available on our [website](#).

- the agent can authorise in writing someone to pay for minor expenses such as stationery or postage. The authorisation must include the amount of the payment.

Candidates can also act as their own election agents.

Independent candidates standing for election in both a constituency and a region can appoint the same agent for both campaigns.

You should make sure that your volunteers and campaigners are aware of these rules and know who can and cannot incur or pay costs.



## The records you must keep

Constituency candidates and independent regional candidates must record **all** of their candidate spending and donations. You will need to include this information in your spending return after the elections.

Once appointed, the agent is responsible for all payments and must keep invoices or receipts for any payments of £20 or over.

The agent may want to also keep copies of each example of campaign material (such as letter or leaflets) used in case there is a need to refer back to it.

Spending on promoting regional party list candidates is party spending, and reported by the party. Please see the table below.

Type of candidate	Campaign spending and donations	Personal expenses
<b>Constituency candidates</b>	The candidate or agent is responsible for reporting	The candidate or agent is responsible for recording and reporting
<b>Independent regional candidates</b>	The candidate or agent is responsible for reporting	The candidate or agent is responsible for recording and reporting
<b>Regional party list candidates</b>	The party reports campaign spending & donations.	The candidate completes a declaration form stating that the expenses in the party return are correct

## What you need to record

For each item of candidate spending and personal expenses, you should record the following information to put 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

Remember that you must include the full commercial value of items or services given free of charge or at a non-commercial discount of more than 10% where you have made use of them in your campaign and the value of the item is more than £50.

See page 34 on notional spending for more information.

 Important

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

## After the election

After the election, the agent must meet deadlines for:

- receiving and paying invoices; and
- sending a spending and donations return to the Returning Officer.

Both the agent and the candidate must also submit declarations that the return is complete and accurate.

You must still submit a spending return and the declarations, even if you haven't spent any money. This is called a 'nil return'.

You can find these deadlines, and more information on reporting, in Section C of this guidance.

# Section B – Your donations

This section explains the rules on donations, how to check if a donation can be accepted and what information needs to be recorded.

## An overview of the rules

Candidates can only accept donations of money, items or services towards their campaign spending, from certain mainly UK-based sources, and must report them to the Returning Officer, after the elections.

This includes donations from your own political party.

The candidate and election agent may both receive donations towards candidate spending, but once an election agent is appointed, donations must be passed to them as quickly as possible. The election agent must check whether or not the donation can be accepted.

Both the candidate and agent must sign a declaration with their spending return, to say that the donation section is complete and correct to the best of their knowledge. So the candidate needs to make sure that their agent is following the rules.

If no agent has been appointed, the candidate is responsible for handling and checking donations.

In this section, we use 'you' to refer to the person who is responsible at the time for dealing with donations.

This section of the guidance has two parts:

Part One explains the rules on donations, and who you can accept them from.

Part Two explains the checks you need to make on different types of donor, and the information you need to record.

You can find out more about reporting donations after the election in Section C.

## Part One - About donations

### What counts as a donation?

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

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

and has a value of over £50. Anything with a value of £50 or less does not count as a donation.

Some examples of donations include:

- a gift of money or other property
- payment of an invoice for candidate spending that would otherwise be paid by you
- a loan that is not on commercial terms
- sponsorship of an event or publication
- free or specially discounted use of property or facilities, for example the free use of an office

 Important

Any donation made to a regional party list candidate is regarded as a donation to the party. The party will declare this donation if it falls within the party rules on donations, on their quarterly donations and loans return.

**Local party fighting funds**

Many political parties run local fighting funds for candidates. If the fund is managed and controlled by the party and not the candidate, donations to the fund are usually treated as made to the party and you do not need to treat them as donations to the candidate, unless the donations are specially made towards your election campaign.

However, you will need to report donations from the local party that are made for the purpose of meeting your campaign spending.

Any donations held on your behalf must be made available for your use. This includes donations held on your behalf by your political party or someone else.

**Crowdfunding**

Candidates can raise donations from crowdfunding websites towards their campaign. The candidate must know who the money comes from so that they can carry out the permissibility checks, and ensure that there are measures in place to return donations that are from impermissible sources. For more information please see our factsheet on [crowdfunding](#).

## Who can you accept a donation from?

You must only accept donations from a permissible source. A permissible source is:

- an individual registered on a UK electoral register, including overseas electors
- a Great Britain registered political party
- a UK registered company which is incorporated in the UK and carries on business in the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the U
- a UK-registered friendly society
- a UK-based unincorporated association, that is based in and carries on business or other activities in the UK

You can also accept donations from some types of trust and from bequests. The rules on these donations are complicated, so please get in touch with us for more information.

### Important

Although you can legally accept donations from charities that are registered companies, charities are not usually allowed to make political donations under charity law. You should check that any charity offering a donation has taken advice from the relevant UK charity regulator before accepting it.



## How do you decide if you can accept a donation?

When you receive any donation of more than £50, you must immediately make sure that you know who the donor is and that the donation is from a permissible source.

When you receive a donation, you have 30 days to decide if you can accept it.

You should ask yourself:

- 'am I sure that I know who this donation is from?'
- 'is the donor permissible?'

If:

- the donation is not from a permissible donor, or
- for any reason you cannot be sure of the true identity of the source

you must return it within the 30-day period. If you don't, you will be deemed to have accepted it, you may commit a criminal offence and we may apply to the courts to have the donation forfeited.

If you've accepted an impermissible donation, you should tell us as soon as possible.

## Donations given on behalf of others

If you are given a donation on behalf of someone else, the person giving you the donation (the agent) must tell you:

- that the donation is on behalf of someone else
- the actual donor's details

An example of someone acting as an agent is where an event organiser is handing over the proceeds from a dinner held specifically to raise funds for your organisation.

If you have reason to believe that someone might be acting as an agent but has not told you, you should find out the facts so that you can make the right checks. If you are uncertain who the actual donor is you must not accept the donation

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 this 30-day period.

## 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 return a donation?

If you know who the donor is, you must return it to them within 30 days of receiving the donation.

If the donation is from an unidentified source (for example, an anonymous £100 cash donation), you must return it within 30 days of receiving the donation to:

- the person who transferred the donation to you; or
- the financial institution used to transfer the donation

If you do not return the donation within the 30 days, you must send the donation to us. We will pay it into the Government's consolidated fund.

## How do you value a donation?

You must put a value on any donation that is not money. The value of a donation is the difference between the value of what you receive and the amount (if any) you pay for it.

If you are given property, goods or services free of charge, or at a non-commercial discount of more than 10%, you must value them at the market rate.

**For example:**

	<b>Market rate of goods</b>	<b>Price you pay</b>	<b>Value of donation</b>
	£200	£100	£100
<b>Or:</b>			
	<b>Market rate of services</b>	<b>Price you pay</b>	<b>Value of donation</b>
	£150	£0	£150

If the donor 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 property, goods or services and use this as the commercial value.

If you are still not sure how to value a particular donation, please [email](#) or call us for advice.

**You should keep a record of how you reached your valuation.**

 **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 are given by suppliers. This includes any special rate that is not available on the open market

### Valuing a donation by sponsorship

If someone sponsors a publication or event on the candidate's behalf, the value of the donation is the full amount that they pay.

You must not make any deduction for any benefit that they receive from the sponsorship.

### Valuing other types of donation

You can find more information on valuing office space and seconded staff in [Expert paper: Splitting campaign spending](#).

More information is available in our

[Factsheet: Sponsorship](#)

## What records do you need to keep?

### Donations you have accepted

If you accept a donation over £50, you must record these details:

- the donor's name and address
- if the donor is a company, their registered company number
- the amount (for a monetary donation) or nature and the value of the donation (for a non-monetary donation)
- the date on which you received the donation
- the date on which the donation was accepted

If the donor is an individual, you must record their address as it is shown on the relevant electoral register. If the donor is an overseas elector, you must record their home address. This is because no address will appear on the electoral register.

If the donor is a company, you must record the donor's registered address and company number as it is shown on the Companies House register.

If the donor is an unincorporated association, you must record the main office address. This is because there is no register of unincorporated associations to refer to.

For more information on how to check donations, see Part 2 of this section.

### Donations you have returned

If you receive a donation from an impermissible source the election agent must return it or pay it to the Commission to be paid into the Consolidated fund (see earlier) and record these details:

- the amount (for a monetary donation) or nature and value (for a non-monetary donation)
- if you could not establish the donors identity, details of how the donation was made
- if you have established the donors identity, but the donor was not permissible at the relevant time, the donor's name and address
- the date you received the donation
- the date you returned the donation
- the action you took to return the donation (for example, the person or institution you returned it to)

If you receive a donation from a source which you cannot identify (for example an anonymous cash donation of £100), you must return it to either:

- the person who transferred the donation to you; or
- the financial institution used to transfer the donation

### After the election

You will need to report these details in your spending and donations return. You can find more information about the return, and when you need to submit it, in Section C.



If you cannot identify either the person who transferred the donation to you, or the financial institution used to transfer the donation, you must send the donation to us. We will pay it into the Government's consolidated fund.

## Candidates who are party members or holders of elected office

If you are a member of a registered political party or you already hold some relevant elected office, you need to follow rules about donations and loans to you, that relate to political activity before the regulated period. For instance, you may be given donations to help fund your campaign to be selected as a candidate, or to cover campaigning activity before the start of the regulated period.

Holders of elective office are:

- a member of the UK Parliament
- a member of the Scottish Parliament
- a member of the Senedd
- a member of the Northern Ireland Assembly
- a member of any local authority in the UK, excluding parish or community councils
- a member of the Greater London Authority
- the Mayor of London or any other elected mayor, or
- a Police and Crime Commissioner

We call these individuals 'regulated donees'. If you are a regulated donee and you receive certain donations or loans of more than £500, you can only accept them from permissible sources. You have 30 days from receipt to decide whether to accept them.

If you accept a donation or loan of more than £1,500 (or donations or loans from one source that in aggregate amount to more than £1,500), you must report it to us within 30 days of accepting it.

If you hold one of these elected offices and intend to stand in the Senedd elections, you should make sure that neither office disqualifies you from holding the other.

More information about disqualifications is available in our guidance on [standing for election](#)



If you are elected you will also be covered by these rules, after you are elected.

[You can find our guidance on these rules, on our website.](#)

## Part Two - How to check that you can accept a donation

Before you accept any donation of more than £50 for the purpose of meeting candidate spending, you must take all reasonable steps to:

- make sure you know the identity of the true source
- check that the source is permissible

You have 30 days to do this, and return the donation if you can't accept it. If you keep a donation longer than 30 days, you are deemed to have accepted it. If you keep an impermissible donation after this time, you may commit a criminal offence and we may apply to the courts to have it forfeited to us.



## Donations from individuals

### What makes an individual permissible?

Individuals must be on a UK electoral register at the time of the donation. This includes overseas electors.

### How do you check permissibility?

You can use the electoral register to check if an individual is permissible. Candidates and their agents are entitled to a free copy of the full electoral register in the run-up to an election. You must only use the register for checking if a donor is permissible or other electoral purposes. You must not pass it on to anyone else.

To obtain a copy of the register, you must contact the electoral registration department at your local council, explaining that you are asking for it as a candidate at an election, or as the election agent on behalf of the candidate.

You should also ask them to send you all the updates to the register. This is important because an elector may be removed from the register and so at the time of making the donation not be a permissible donor.

You must check the register and updates carefully, to make sure that the person is on the register on the date you received the donation.

### What information must you record?

You must record:

- the full name of the donor
- the address as it is shown on the electoral register, or if the person is an overseas elector, their home address

You may find it helpful to note the donor's electoral number as a record of your check.

### Important

In special circumstances, people have an anonymous registration. If a donor is anonymously registered, please contact us for advice.

## Donations from companies

### What makes a company a permissible donor?

A company is permissible if it is:

- registered as a company at Companies House
- incorporated in the UK, and;
- is carrying on business in the UK



You must be sure that the company meets **all three** criteria.

### How do I check company registration?

You should check the register at Companies House, using the free Webcheck service at [www.gov.uk/companies-house](http://www.gov.uk/companies-house).

You should look at the full register entry for the company.

To check that the company is permissible, you need to look at its registered number. Some companies will have a number only. Other companies have a letter as a prefix to the number.

The table below shows you if a company with a particular prefix is permissible, as long as it is also carrying on business in the UK.

Prefix letter	Is it permissible?
None	Yes
NI, SC	Yes
OC, SO,NC	Yes, as a limited liability partnership – see separate section below
IP, SP, NP,NO	Maybe – see industrial and provident societies in the ‘Other types of donor’ section on page 41.
Any other prefix	No

### **How do you check if the company is carrying out business in the UK?**

You must be satisfied that the company is carrying on business in the UK. The business can be non-profit-making.

Even if you have direct personal knowledge of the company, you should check the Companies House register to see if:

- the company is in liquidation, dormant, or about to be struck off
- the company's accounts and annual return are overdue

A company may still be carrying on business if it is in liquidation, dormant or late in filing documents, but you should make extra checks to satisfy yourself that this is the case.

For any company, you should consider looking at:

- the company's website
- relevant trade, telephone directories or reputable websites
- the latest accounts filed at Companies House

If after carrying out your checks you are still uncertain that a company is permissible, please [email](#) or call us for advice

### **What information must you record?**

You must record:

- the name as it is shown on the Companies House register
- the company's registered office address; and
- the registered company number

## Donations from Limited Liability partnerships

### **What makes a limited liability partnership a permissible donor?**

A limited liability partnership (LLP) is a permissible donor if it is:

- registered as an LLP at Companies House
- carrying on business in the UK

### **How do you check permissibility?**

You should check the register at Companies House, using the free Webcheck service at [www.gov.uk/companies-house](http://www.gov.uk/companies-house).

You need to look at the LLP's registered number. Only numbers beginning with OC, SO or NC are permissible LLPs.

As with companies, you must be satisfied that the LLP is carrying on business in the UK. You can find more information in the previous section 'How do you check if the company is carrying on business in the UK?' on page 64.

### **What information must you record?**

You must record:

- the name as it is shown on the register
- the LLP's registered office address

You should also record the LLP's registered number.

## Donations from unincorporated associations

### **What makes an unincorporated association a permissible donor?**

An unincorporated association is a permissible donor if:

- it has more than one member
- the main office is in the UK
- it is carrying on business or other activities in the UK

### **How do you check permissibility?**

There is no register of unincorporated associations. Permissibility is a matter of fact in each case.

In general, an unincorporated association has more than one member and is likely to have:

- an identifiable membership
- a separate existence from its members

For example, members' clubs are sometimes unincorporated associations.

You must check that the unincorporated association is carrying on business or other activities in the UK. You can find more information on carrying on business in the previous section 'How do you check if the company is carrying on business in the UK?' on page 64.

If you are not sure that an association meets the criteria, you should consider whether the donation is actually from individuals within it (rather than the association) or if someone within the association is acting as an agent for others.

If you think this is the case, you must check the permissibility of all individuals who have contributed more than £50 and treat them as the donors.

If you are not sure you should make further enquiry and not accept the donation unless you are satisfied who the true donor is.

**What information must you record?**

You must record:

- the name of the unincorporated association
- the unincorporated association's main address

If you would like more guidance on permissibility and unincorporated associations, please [email](#) or call us for advice.

## Other types of donor

The table below shows how you check permissibility for other types of donor.

Type of donor	Requirement	Where to check
Political party	If you are standing for election in Great Britain, the party must be registered on the Great Britain register of political parties.	The Electoral Commission <a href="http://www.electoralcommission.org.uk">http://www.electoralcommission.org.uk</a>
Trade union	Listed as a trade union by the Certification Officer.	The Certification Officer <a href="http://www.certoffice.org">www.certoffice.org</a>
Building society	A building society within the meaning of the Building Societies Act 1986.	The Financial Conduct Authority <a href="http://mutuals.fsa.gov.uk">http://mutuals.fsa.gov.uk</a>
Friendly/ industrial provident society	Registered under the Friendly Societies Act 1974 or the Industrial and Provident Societies Act 1965.	The Financial Conduct Authority <a href="http://mutuals.fsa.gov.uk">http://mutuals.fsa.gov.uk</a>

### What information must you record?

You must record:

- the name of the donor
- the address, as shown, in the relevant register

# Section C – After the election

This section explains how to report your campaign finances after the election.



## After the election

After the election, the **agents** for constituency candidates, and independent regional candidates must make sure that:

- all invoices are received within **21 days** of the election result being declared,
- all invoices are paid within **28 days** of the election result being declared, and
- details of the candidate's spending and donations are reported to the Returning Officer, within **35 days** of the election result being declared, together with a declaration that the return is complete and correct.

### Important

You must still submit a return even if you haven't spent any money. This is called a 'nil return'

Constituency candidates, independent regional candidates, and their agents, must submit declarations confirming that the returns are complete and correct to the Returning Officer. These can be submitted with the spending return, or within 7 working days of the return being submitted.

If the candidate is outside the United Kingdom when the declaration is due, the deadline is extended to 14 days after they return to the UK.

Regional party list candidates must submit a declaration form, stating that the party campaign spending return is correct to the best of their knowledge.

	Latest date to		
Date result is declared	Receive your invoices	Pay your invoices	Submit your return
6 May 2021	27 May 2021	3 June 2021	10 June 2021
7 May 2021	28 May 2021	4 June 2021	11 June 2021
8, 9 or 10 May 2021	1 June 2021	7 June 2021	14 June 2021

**Invoices received or paid outside of the deadlines**

We call claims (invoices for your candidate spending) that are not received by the election agent within the 21 day deadline, **unpaid claims**.

Unpaid claims cannot legally be paid unless a court order is gained granting leave to pay the claim.

We call claims that were submitted within the deadline of 21 days but remain unpaid later than the deadline of 28 days, **disputed claims**.

Disputed claims cannot legally be paid without a court order first being gained granting leave to pay the claim.

Any claim paid:

- after the 21 day deadline for receipt: or
- after the 28- day deadline for payments,

following a **successful** application to the court, and **after** the deadline for submission of election spending returns, **must** be reported in writing to the Returning Officer within **seven days** of payment, and be accompanied by a copy of the court order.

You should also forward a copy of the Order to the Electoral Commission.

 **Important**

It is an offence to pay an unpaid claim without a court order.

## Completing your return

The spending and donations report is known as a 'return'. The return must show spending that has been incurred during the regulated period, and must include the following for each item of spending:

- what the spending was for – for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- details of any unpaid or disputed claims
- details of any notional spending, and a declaration of its value
- invoices and receipts for any payment of £20 and above

The return must also include:

- details of all donations over £50
- the total amount of all donations of less than £50

You can find more information on the details you must report for each donation in Section B of this guidance document.

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.

### Important

Regional party list candidates are required to complete a [declaration form](#) confirming that the party campaign spending return includes any spending associated with their candidacy, and is to the best of their knowledge, correct.

### Important

## Where you can find the return and declaration forms

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

## 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 also contact us on one of the phone number or email addresses below. We are here to help, so please get in touch.

Call us on:

- Wales: 0333 103 1929

[infowales@electoralcommission.org.uk](mailto:infowales@electoralcommission.org.uk)

Visit us at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

We welcome feedback on our guidance – just email us at:  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)