

Overview of non-party campaign material

This document explains what campaign material is and the rules that you may need to follow.

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Terms and expressions we use

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

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Our approach to enforcement

If you do not comply with legal or regulatory requirements you or your organisation may be subject to civil or criminal sanctions. You can find more information about the Commission's approach to enforcement at www.electoralcommission.org.uk/party-finance/enforcement.

Overview of non-party campaign material

Who this document is for:

Non-party campaigners who want to understand if they are producing regulated campaign material.

The document covers:

- An introduction to campaign material
- What counts as campaign material
- Working with a party or candidate

Related documents:

- [Introduction for non-party campaigners](#)
- [Overview of non-party campaigns](#)
- [Situations and procedures: Managing non-party campaign spending](#)
- [Situations and procedures: Hustings events](#)

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Summary

Under the Political Parties Elections and Referendums Act 2000, there are rules on what non-party campaigners can spend on their campaign material in the run-up to certain elections.

This guidance sets out what we mean by 'campaign material'.

Introduction

Non-party campaigners are individuals or organisations that campaign at elections, but are not standing as political parties or candidates.

There are rules about how much non-party campaigners can spend on producing and distributing campaign material to the public.

There are two types of campaign – ‘general campaigns’ and ‘local campaigns’.

For a general campaign, anyone can spend up to £10,000 in England, or £5,000 in Scotland, Wales or Northern Ireland on campaign material. If you want to spend more than that, you must register with us as a ‘recognised third party’.

This guidance explains what we mean by ‘campaign material’. You need to understand whether you are producing campaign material to know if you are covered by the rules on general campaigns, and if you need to register with us as a ‘recognised third party’.

The rules for local campaigns are slightly different. You can find more information on the two types of campaign in our [Overview of non-party campaigns](#).

For more information see this document:

- [Overview of non-party campaigns](#)

What material is covered by the rules?

Campaign material is communications (such as leaflets, adverts and websites) that can reasonably be regarded as intended to influence people’s voting choice.

An item can be campaign material even if you also intend it to achieve something else, such as raising awareness of an issue.

Whether an item counts as campaign material will depend on the facts. To be campaign material, it must meet two tests:

- the purpose test
- **and**
- the publicity test

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The purpose test

Material will meet this test if it promotes or opposes:

- specific political parties
- parties or candidates that support particular policies or issues, or
- types of candidates – for example, candidates in a certain age group

The material does not need to name a particular party or candidate. For example, it could be campaigning for a policy that is associated with one or more parties.

Applying the purpose test

In almost all cases, an item will be campaign material if it:

- identifies candidates or parties who support or oppose your campaign's aims
- sets out or compares the positions of particular parties or candidates on a policy that you are promoting
- promotes or opposes policies which are so closely and publicly associated with a party or parties that it is not reasonable to argue that the item isn't campaign material

Sometimes, a political party may publicly adopt policies that you are already campaigning for.

Your material will not become campaign material as a result of the party's decision, unless you:

- publicise the political party's support in your subsequent campaigning, or
- alter or increase your campaigning activity on the policy as a result of their support

The publicity test

Material will meet this test if you make it available to the public.

Material that you send to your members or committed supporters

Your organisation may have official members, or people who support your organisation in the same way as members. We call these people 'committed supporters'.

Material you send to members or committed supporters does not count as election material, as long as it deals with issues that fall within your organisation's aims and objectives.

The exact nature of a 'committed supporter' will vary between organisations, but they could include:

- Regular donors by direct debit;
- People with an annual subscription; or
- People who are actively involved in your organisation.

We do not consider people to be committed supporters if they:

- Have signed up to social networking sites or tools. For example, Facebook groups or Twitter feeds.
- Appear on mailing lists that have been compiled for general commercial purposes. For example, a business's customer records

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Deciding what counts as campaign material

If you are not sure whether material you are producing will count as campaign material you should ask yourself why you are producing it and how it might be seen by others. You should bear the 'purpose test' and the 'publicity test' in mind, and make an honest assessment.

If it will seem to people to be at least partly intended to influence people's voting choice, or gives information about particular parties, policies or candidates, it is likely to count as campaign material.

If you are not sure, call us for advice. We're here to help.

Websites as campaign material

Website content only counts as campaign material if it is advertised (or otherwise promoted) to the public in connection with your campaign.

Advertising or promoting could include:

- giving the website address as a source for more information on other election material
- enhancing the website's position in search engine result lists
- placing links on other websites
- organised viral marketing or similar activities

Working with a party or candidate

If you are working with a party or candidate, this may affect whether campaign spending counts towards your campaign spending, or the party's or candidate's spending.

You will need to consider who is authorising the campaign spending.

If the spending is authorised by the party or candidate, it counts towards **their** spend.

If the spending is not authorised by the party or candidate, it counts towards **your** spend.

For more information on authorising spending, see this document:

- [Situations and procedures: Managing non-party campaign spending](#)

How do you decide who authorised campaign spending?

Spending that is authorised by the party or candidate

Your campaign spending is very likely to be seen as authorised by the party or candidate if:

- You coordinate your campaign with the party or candidate. For example, if you agree that you should each cover particular areas, issues or voters.
- The party or candidate has approval of your leaflets, websites or other campaign materials.

Spending that is authorised by you as a non-party campaigner

Campaign spending is likely to be seen as authorised by you, as a non-party campaigner if:

- You let the party or candidate know that you are going to campaign for them, but you don't discuss your plans with them in any detail.
- You don't consult the party or candidate about what you should say in your campaign, or how you organise your campaign.

If you aren't sure about who you think the spending has been authorised by, please call us for advice

How we can help

You can find more information in the guidance documents we have suggested in this document, or you can view our full range of guidance and up-to-date resources on our website.

If it's easier, you can also contact us on one of the phone numbers or email addresses below. We are here to help, so please get in touch.

Call us on:

- **England:** 020 7271 0616
pef@electoralcommission.org.uk

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- **Scotland:** 0131 225 0200
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- **Wales:** 029 2034 6800
infowales@electoralcommission.org.uk
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Visit us at www.electoralcommission.org.uk

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

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