

General Election 2024: Guidance around regulated activity and non-party campaigning

Overview

- During all elections the activity of political parties and other non-party groups – including organisations like trade unions and business representative bodies – are governed by a set of laws that restrict what can be spent on certain activities in the run-up to polling day, this is set out in the [Political Parties, Elections and Referendums Act 2000 \('PPERA'\)](#).
- Any activities aiming to influence voters for or against particular candidates, groups of candidates or political parties are covered by these laws and are determined to be regulated activities. The length of time for which these restrictions apply before an election is called the 'regulated period'.
- Registered non-party campaigners who spend more than £20,000 in England, or £10,000 in Scotland, Wales or Northern Ireland on regulated activity must record and report their spending and donations.
- The regulated period for non-party campaigners at a UK General Election is the 365 day period leading up to and including polling day, it is retrospectively applied after an election is called.

What tests are used to determine regulated activity

- **"Public Test"**: messaging and activity aimed at the public such as through, events, media appearances, speeches, documents on your website etc...
- **"Purpose Test"**: is what you are doing likely to be reasonably regarded as intended to influence voters for or against a candidate, a group of candidates or a political party standing in an election? The risk of a planned activity being judged to have met the purpose test is greater if the issue or policy being discussed is closely associated with a particular candidate or party. This is because there is a greater risk of the planned activity being deemed to have the purpose of influencing voters.
- In order for an activity to be judged as being regulated, **both of these criteria need to be met.**
- If you conduct regulated activity, the cost of that activity will go towards your spending threshold that may require you to register as a Non-Party Campaigner with the Electoral Commission.

How to determine if an activity passes the purpose test

While these are not set out in PPERA, there are a number of factors that can help to determine whether campaign activity can be reasonably regarded as intended to influence voters to vote in a particular way at an upcoming election. These are:

1. **Call to action** – *is there a call to action that's aligned with specific parties, candidates or policies?*
2. **Tone** – *is the messaging or activity overly negative or positive towards a candidate or political party or with policies associated to a party?*
3. **Context and timing** – *is the timing of the messaging or activity linked to the election?*
4. **How a reasonable person would see the activity** – *would a reasonable person say it was attempting to influence voters?*

Tips to ensure compliance

1. **Seek independent legal advice:** If you are unsure of your duties in complying with PPERA you should seek legal guidance to discuss the Act, your processes and plans for compliance.
2. **Ensure you have a process for compliance and internal communications to raise awareness:** Understand who in your business is responsible for your compliance mechanism. What actions you are taking to ensure compliance and address high risk activity. Consider issuing internal guidance based on the Electoral Commission's advice to your staff.
3. **Audit your events, activity and messaging:** You may want to conduct an audit of your organisations planned activity and messaging to ensure compliant or what might need changed to become compliant and to not be considered regulated activity.
4. **Ensure political balance:** When organising your regular programme of activities, events, attending third party events or publishing material, staff should be mindful to ensure no single political party is favoured or criticised in coverage, either expressly or through reasonable implication.
5. **Don't compare and contrast:** Political parties and their policies should not be ranked or compared like-for-like. For example, a 'red/green/amber' board comparing policies would likely be defined as regulated activity.

Further reading and guidance

- [Electoral Commission – Code of Practice \(non-party campaigner\)](#)
- [Electoral Commission – what is a non-party campaigner?](#)
- [Electoral Commission - Overview of non-party campaigner requirements](#)