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Code of Practice has been issued by the Secretary of State under section 100B of the  
Political Parties, Elections and Referendums Act 2000 ('PPERA'). The draft Code was  
prepared by the Electoral Commission (the 'Commission') in accordance with sections  
100A and 100B PERA following consultation with interested persons and bodies  
including the Speaker's Committee and the Levelling Up, Housing and Communities  
Committee. The report on the consultation process can be found on the Commission's  
website. A draft was approved by the Secretary of State and laid before the UK  
Parliament in accordance with section 100B PERA. The Commission must have regard to  
this Code when exercising its functions under Part 6 PERA and may revise it from  
time to time in accordance with section 100A(3) PERA. Elections covered by this Code  
This Code applies to UK Parliamentary general elections (UKPGE) and Northern Ireland  
Assembly elections 1 . It does not apply to elections to the Senedd or Scottish  
Parliament unless the regulated period (the period when the spending laws apply) for  
either of those elections overlaps with the regulated period for a UKPGE (a 'combined  
regulated period'). Purpose of this Code This Code explains the operation of the  
expenditure controls in Part 6 PERA for third parties during the regulated period  
for a UKPGE or Northern Ireland Assembly election or a combined regulated period. The  
Commission and this Code calls third parties 'non party campaigners'. In particular,  
this Code sets out: what a non-party campaigner is what non-party campaigning is the  
kinds of expenses which are qualifying expenses the circumstances in which expenses  
are or are not to be regarded as incurred for the purpose of promoting or procuring  
electoral success the kinds of expenditure which will be dealt with as notional  
controlled expenditure or donations the circumstances which will be regarded as joint  
campaigning the operation of the rules on targeted controlled expenditure the  
recording and reporting requirements (including for combined regulated periods). This  
Code and other guidance published by the Commission This Code is statutory guidance.  
This Code is different from other types of guidance that the Commission publishes  
because it has been approved by Parliament. The Commission also publishes non-  
statutory guidance about expenses incurred by non-party campaigners and publishes up  
to date guidance about what elections are being held and which laws apply on its  
website. Where this Code or any related guidance says that something must be done,  
this means that it is a requirement in either primary or secondary legislation.  
Offences and defence Section 100A(5) PERA provides a defence for a non-party  
campaigner charged with an offence under Part 6 PERA. It is a defence for a non-  
party campaigner to show that they complied with this Code in determining whether  
their campaign activity was regulated 2 . What are the consequences of breaching this  
Code? Breaches of the laws explained in this Code may lead to an offence being  
committed by the non-party campaigner, the responsible person or the individual  
spending the money. Committing an offence may result in a fine or prosecution. What  
is a non-party campaigner? Some individuals and organisations that are not registered  
political parties campaign for or against political parties or candidates or on  
issues around elections, without standing candidates themselves. In electoral law,  
these individuals and organisations are defined as third parties. The Commission  
calls them non-party campaigners. There are laws that non-party campaigners must

follow on campaign spending, donations, and reporting. Many individuals and organisations campaign in the run up to elections and meet the definition of a non-party campaigner but are not covered by the regulatory regime. Who is covered by the law The laws on spending and donations apply to non-party campaigners who spend more than £700 on regulated campaign activity. Non-party campaigners intending to spend more than £10,000 on regulated campaign activity must submit a notification to the Commission following which they will appear on the register of notifications 3 . Only certain types of entities can submit a notification to the Commission. Registered non-party campaigners and the responsible person Once a non-party campaigner appears on the register of notifications, they are referred to as 'registered non-party campaigners'. When a non-party campaigner registers with the Commission, they must appoint a 'responsible person'. The responsible person is legally responsible for compliance with the laws in PPERA 4 . If an individual registers as a non-party campaigner, they are automatically the responsible person. Non-UK individuals and organisations Individuals and organisations that are not based in the UK or are not on a UK electoral register are not permitted to spend more than £700 on regulated campaign activity 5 . A non-party campaigner can only spend more than £700 on regulated campaign activity if they are: listed in section 88(2) PPERA as eligible to give a notification to the Commission or an unincorporated association with the requisite UK connection 6 . An unincorporated association has 'the requisite UK connection' if it consists of two or more persons, all of whom are registered overseas electors 7 . What is non-party campaigning? The non-party campaigning laws only apply to regulated campaign activity. Not all non-party campaign activities are regulated. Activities that may be regulated The following activities are regulated if they occur in relation to a general campaign during a regulated period and meet the purpose test: press conferences or other media events organised by the non-party campaigner transport in connection with publicising the campaign The following activities will only be regulated if they occur during the regulated period, meet the purpose test and are also made available to the public: production or publication of campaign material canvassing and market research public rallies and events 8 There are three elements that must all be considered when determining whether an activity is regulated campaign activity: the regulated period the purpose test whether the activity is made available to the public Regulated period Spending by non-party campaigners is regulated in the period before a UKPGE and Northern Ireland Assembly elections. This is defined in PPERA as the 'relevant period' but is commonly known as the 'regulated period'. UK Parliamentary general elections The regulated period for non-party campaigners at a UKPGE is the 365 day period leading up to and including polling day 9 . An election to the UK Parliament may be called at any time during the maximum five-year Parliamentary term. Where the period of time between the announcement of an election and polling day is shorter than the length of the regulated period, the regulated period will still run for 365 days. The regulated period will be applied retrospectively and will cover a period before the election was announced. Where a second UKPGE is held within 365 days of the previous election, the second regulated period will start on the day after the first polling day and will run up to and including the second polling day 10 . Northern Ireland Assembly elections The regulated period for non-party campaigners at a Northern Ireland Assembly general election is the four months immediately before polling day. In the event of an extraordinary election, the regulated period starts on the day on which the extraordinary poll is announced 11 . Senedd and Scottish Parliamentary elections The regulated period for a Senedd or Scottish Parliamentary election may be relevant

if it overlaps with the regulated period for a UKPGE. Where the two regulated periods overlap, a combined regulated period applies to the relevant part of the UK. This Code applies to combined regulated periods. Spending by non-party campaigners in the relevant part of the UK is regulated for the whole of the combined regulated period.

**Purpose test** Spending on campaign activities by non-party campaigners is only regulated if it can reasonably be regarded as intended to promote or procure the electoral success of: one or more political parties political parties or candidates who support or do not support particular policies or another particular category of candidates 12 by influencing voters at an upcoming election to vote in a particular way. This is commonly known as the 'purpose test'. The purpose test must be applied at the time, or in the event of a retrospective regulated period as if at the time, the activity takes place. There are a number of factors that will help to determine whether an activity can be reasonably regarded as intended to influence voters to vote in a particular way at an upcoming election: A campaign that involves a call to action to voters to vote in a particular way at an upcoming election is likely to be regarded as promoting electoral success for a particular party or category of candidates and so meet the purpose test. The call to action may be explicit, or implicit. A campaign that explicitly promotes particular parties or candidates, or implicitly promotes certain political parties or candidates over others, is likely to meet the purpose test. A campaign that is positive or negative towards a political party or parties, a category of candidates or a policy closely and publicly associated with a party or category of candidate is likely to be regarded as intending to influence voters to vote in a particular way and so meet the purpose test. A campaign that is intended to change political parties' or candidates' views on a policy or issue may meet the purpose test if the policy or issue is so closely or publicly linked to a party, parties or category of candidates, that it is reasonable to regard the campaign as intending to influence voters to vote in a particular way. An activity can achieve other aims as well as being intended to influence how people vote. However, when determining whether an activity meets the purpose test, it is immaterial whether that activity can be reasonably regarded as intended to achieve another purpose or purposes as well 13 .

**Retrospective regulated period** Where a regulated period is applied retrospectively, any pre-announcement activity will only be regulated if, at the time it was carried out, it could reasonably be regarded as intending to influence voters to vote in a particular way at a relevant election 14 . The following are relevant elections: UK parliamentary elections elections to the Scottish Parliament elections to the Senedd elections to the Northern Ireland Assembly elections of police and crime commissioners local government elections local elections in Northern Ireland If there are no upcoming elections, an ongoing campaign on a particular issue is unlikely to be reasonably regarded as intending to influence voters to vote in a particular way. See section on campaign activity before an election is announced. Public activities and material not publicly available 'Public' has no statutory definition and should be given its normal meaning. Activities or material that are made available for anyone to hear or see will be regulated campaign activity. Where access to those activities or material is restricted by the non-party campaigner to members or known supporters, this will not be regulated. Public activities that are regulated The following activities will only be regulated if they take place during the regulated period and meet the purpose test: canvassing and market research of the public public rallies and events Campaign material that is regulated Campaign material that meets the purpose test and take place during a regulated period will only be regarded as regulated campaign activity

if the material is made available to the public, or a section of the public 15 . This is sometimes referred to as the public test. Whether the material is made publicly available is determined by who has access to that material. Campaign material that is not regulated Where access to campaign material is limited in such a way that the general public would not be able to access that material, this is not regulated campaign activity. This applies regardless of the means by which the material is distributed . Where access to campaign material is restricted by the non-party campaigner, those activities will not be regulated. For example, where access is restricted to members, or supporters, this will not be regulated. Campaign material that is made available exclusively to individuals who have chosen to receive information from the non-party campaigner, will not be regulated. What are the notification and reporting requirements? Notification threshold Non-party campaigners intending to spend more than £10,000 on regulated campaign activity in the period before a UKPGE or a Northern Ireland Assembly election must notify the Commission 16 . Eligible non-party campaigners Only individuals or organisations described in s.88(2) PPERA are eligible to submit a notification to the Commission. Organisations are prohibited from registering as both a non-party campaigner and a political party 17 . Non-party campaigners are not permitted to spend more than £700 on regulated campaign activity unless they are: eligible to give a notification to the Commission by virtue of s.88(2) PPERA, or an unincorporated association with the requisite UK connection 18 . A non-party campaigner that is permitted to spend more than £700 on regulated campaign activity may spend up to £10,000 across the UK without notifying the Commission 19 . Before spending more than £10,000 on regulated campaign activity across the UK, a non-party campaigner must submit a notification to the Commission 20 . Reporting thresholds Registered non-party campaigners who spend more than: £20,000 in England, or £10,000 in Scotland, Wales or Northern Ireland must record and report their spending and donations 21 . These are known as the reporting thresholds. They are defined as the 'lower tier spending limits' in PPERA. At the time of notification, non-party campaigners may choose to notify the Commission that they do not intend to spend more than the reporting thresholds 22 . Registered non-party campaigners who include such a notification are not required to report their spending or donations as long as their spending does not exceed the reporting thresholds. They are still subject to the law on permissibility of donations. Once a non-party campaigner is registered, they may change their notification in relation to the reporting thresholds if their spending intentions change following registration. It is an offence to incur controlled expenditure in excess of the reporting thresholds if the non-party campaigner has notified the Commission that they would not spend more than those limits 23 . Maximum spending limit for non-party campaigners There are spending limits that restrict the total amount a non-party campaigner can spend on regulated campaign activity during a regulated period. These spending limits vary depending on the particular election and are set out in Schedule 10 PPERA. Reporting requirements All registered non-party campaigners must comply with the laws on spending and accepting donations. Only registered non-party campaigners who meet the reporting threshold must report their spending and donations. Spending up to £250,000 Registered non-party campaigners who meet the reporting threshold and who spend up to £250,000 must submit a spending return that details their spending on regulated campaign activity and any donations received during the regulated period 24 . The spending return must be submitted to the Commission within three months of the end of the relevant regulated period. More than £250,000 Registered non-party campaigners who spend more than £250,000 on regulated campaign activity must submit a spending

return that details their spending on regulated campaign activity and any donations received during the regulated period. In addition, the spending return must be accompanied by an auditors' report 25 . The spending return accompanied by an auditors' report must be submitted to the Commission within six months of the end of the relevant regulated period. Reporting donations Registered non-party campaigners who are required to submit a spending return must include any donations received during the regulated period 26 . See section on donations. UK parliamentary general elections Where a UK parliamentary term enters its fourth year, registered non-party campaigners who meet the reporting threshold, must submit quarterly donation reports to the Commission 27 . The quarterly report must include details of all reportable donations. If a non-party campaigner has not received any reportable donations during the relevant reporting period, no quarterly report is required 28 . In the period between the dissolution of Parliament for a general election and polling day, registered non-party campaigners must also submit weekly donation reports to the Commission 29 . The weekly donation report must include details of any relevant donations received with a value of more than £7,500 (a 'substantial donation') 30 . If a registered non-party campaigner does not receive any substantial donations during the relevant reporting period, no weekly report is required 31 . Weekly reports are not required by registered non-party campaigners who do not meet the reporting threshold. Statement of accounts A registered non-party campaigner who meets the reporting threshold at a UKPGE, must prepare a statement of accounts for the regulated period unless: the non-party campaigner is an individual the non-party campaigner has prepared a statement of accounts for another legal purpose that covers the regulated period 32 What type of spending is controlled expenditure? Controlled expenditure is any spending incurred in respect of regulated campaign activity. Schedule 8A PPERA sets out the list of qualifying expenses that fall within the regulatory regime. General guidance Campaign activity before an election is announced A long running campaign on a particular issue that was carried out before an election was announced is unlikely to be reasonably regarded as intending to influence voters to vote in a particular way at an upcoming election if there is no regulated period. If a long running campaign continues unchanged once the election is announced, it is unlikely to be considered regulated campaign activity. If activity around a long running campaign increases or is altered in the run up to an election in a way that could be reasonably regarded as intending to influence voters to vote in a particular way, it may be considered regulated campaign activity. From the point the campaign is considered regulated campaign activity, the costs associated with that campaign are likely to be controlled expenditure and must be treated as such. A campaign may still be considered regulated campaign activity where it is intended to achieve another purpose other than influencing voters if the campaign can be reasonably regarded as intending to influence voters to vote in a particular way at an upcoming election. Re-using items paid for and used at a previous election Non-party campaigners may re-use items from previous elections. Spending on items that were paid for and used at a previous election and were reported in full in a previous spending return do not need to be reported again in the spending return for the same non-party campaigner at the current election if they are used again without alteration. All new costs relating to their re-use, including storage, cleaning, or the cost of altering the items must appear in the spending return. Apportionment of items for subsequent elections Items that have been paid for and used during a regulated period cannot be apportioned or reported solely on the basis that they will be used again during a subsequent regulated period. The full value of the spending must be reported in the spending

return. Unused items Items that have been paid for by a non-party campaigner, but have not been used during the regulated period, do not need to be reported in the spending return. Items paid for prior to the commencement of the regulated period Where spending was incurred prior to the start of a regulated period on items that are used during the regulated period, the spending on those items must be reported in the spending return. Items provided free of charge or at a discount Where any items are provided free of charge or at a discount, the appropriate amount must be reported in the spending return as notional spending and/or a donation. Apportioning spending Where spending on an item or activity was incurred partly in connection with regulated campaign activity and partly in connection with non-regulated activity, the amount that must be reported is the proportion that reasonably reflects the amount spent in connection with the regulated campaign activity. Only the regulated campaign spending must be reported in the spending return. VAT Spending must be reported inclusive of VAT where applicable, even where VAT can be recovered. Overheads Overheads that are directly attributable to campaign activity must be reported. The amount that must be included in the spending return is the proportion that reasonably reflects usage during the campaign. The proportion that reasonably reflects usage is generally the cost that is incurred over and above the usual costs in a given period. Where an apportionment of overheads is necessary, an aggregated figure for each overhead is sufficient to meet the reporting obligations. Overheads include items such as: office space electricity bills the provision of phone lines and internet access mobile phones the provision of office equipment of any kind The cost of water, gas and council tax are not costs that fall to be reported as they are not sufficiently closely connected to the regulated activity. Staff costs Staff costs that are directly attributable to regulated activity must be reported. Where staff costs can only be partially attributed to regulated activity, the costs must be apportioned and only the portion attributed to regulated activity must be included in the spending return. Where an apportionment of a staff member's time is necessary, an aggregated figure for all staff time attributed to regulated activity is sufficient to meet the reporting obligations. The childcare costs of staff members are not expenses that fall to be reported as they are not sufficiently closely connected to the regulated activity 33 . Excluded items Any spending on campaign activity that falls to be reported in the spending return of a candidate or in the spending return of a registered political party, must not be reported in the spending return of a non-party campaigner. Schedule 8A Schedule 8A PPERA lists the qualifying expenses that fall within the regulatory regime. Expenses that fall outside the regulatory regime PPERA specifically excludes the following expenses from the reporting requirements: expenses incurred in respect of the publication of any matter relating to an election, other than an advertisement: in a newspaper or periodical as a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru or as a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996 expenses incurred in respect of, or in consequence of, the translation of anything from into Welsh or from Welsh into reasonable personal expenses incurred by an individual in travelling or in providing for the individual's accommodation or other personal needs reasonable expenses that are reasonably attributable to an individual's disability expenses incurred in respect of the provision of an individual's own services provided voluntarily in the individual's own time and free of charge 34 Expenses that fall within the regulatory regime PPERA specifically lists the following expenses as falling within the regulatory regime: the production or publication of material which is made available

to the public at large or any section of the public (in whatever form and by whatever means) canvassing, or market research seeking views or information from, members of the public press conferences, or other media events, organised by or on behalf of the non-party campaigner transport (by any means) of persons to any place or places with a view to obtaining publicity expenses in respect of the transport of such persons include the costs of hiring a particular means of transport public rallies or other public events, other than: annual conferences of the non-party campaigner any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998, in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings) Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them. But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property. Annex A sets out a non-exhaustive list of the kinds of expenses that do, or do not, fall within the meaning of qualifying expenses. What is targeted expenditure? Regulated campaign spending by all registered non-party campaigners during the regulated period for a UKPGE that is aimed at promoting the electoral success of one particular registered political party or any of its candidates is called targeted spending 35 . Campaign activity that names a political party or its candidates in a way that can be regarded as intended to influence voters to vote for only that political party will count as targeted spending. A campaign on a particular issue that is so closely and publicly linked to one particular political party that it is synonymous with that party is likely to be considered targeted spending. A negative campaign aimed at influencing voters not to vote for a particular political party or any of its candidates is not targeted spending. Targeted spending will count towards the overall spending limit for a non-party campaigner and is subject to the general laws on regulated campaign activity. Donations to registered political parties Donations to a registered political party do not fall within the definition of targeted spending. Spending limits All registered non-party campaigners are limited in how much targeted spending they can incur. The limits depend on whether or not the relevant political party has authorised the spending. Unauthorised spending Non-party campaigners can incur targeted spending up to the targeted spending limits without authorisation from the relevant political party. The targeted spending limits are set out in s.94D PPERA. All targeted spending counts towards the total spending limit for a non-party campaigner. Any spending in excess of the targeted spending limits must be authorised by the relevant registered political party. Authorised spending A registered political party may authorise a non-party campaigner to incur targeted spending. A non-party campaigner must not exceed the amount authorised. Authorisation by a registered political party: must be in writing must be signed by either the treasurer or the deputy treasurer of the party must specify the parts of the UK in which the targeted spending may be incurred may set a limit on the amount of targeted spending authorised 36 The registered political party must give a copy of the written authorisation to the Commission. The authorisation has no effect until a copy has been given to the Commission 37 . All targeted spending counts towards the total spending limit for a non-party campaigner. Any targeted spending in excess of the targeted spending limit up to the amount authorised by the relevant political party will also count towards the registered political party's campaign expenditure 38 . Withdrawal of authorisation Authorisation may be withdrawn by the registered

political party at any time. The withdrawal: must be in writing must be signed by the treasurer or deputy treasurer of the party 39 The withdrawal of authorisation has no effect until the registered political party has given a copy to the Commission 40 .

**Effect of withdrawal of authorisation** A non-party campaigner must not incur any additional targeted spending above the targeted spending limit if the relevant political party withdraws its authorisation. When authorisation is withdrawn, no retrospective offence will have been committed by the non-party campaigner in relation to targeted spending incurred in accordance with the authorisation that was in effect at the time.

**What is notional expenditure?** Non-party campaigners may sometimes use property, services or facilities in their campaign that they did not have to spend money on, because the item or the services were provided as a benefit in kind, for free, or at a non-commercial discount. This is called 'notional spending'.

**Discounts** Non-commercial discounts Non-commercial discounts are special discounts given to the non-party campaigner. This includes any special rates which are not available on the open market. When this happens, the full commercial value of the item or the services will count towards the spending limit and must be reported in the spending return. Commercial discounts Commercial discounts are those available to other similar customers, such as discounts for bulk orders or seasonal reductions. These are not treated as notional spending.

**Notional spending** Items or services used by or on behalf of a non-party campaigner will be treated as notional spending if: they are transferred or provided free of charge or at a discount of more than 10% for the use or benefit of the non-party campaigner the difference in value between the commercial rate and what is paid by the non-party campaigner is over £200 they are made use of by or on behalf of the non-party campaigner and if the expenses had been incurred by or on behalf of the non-party campaigner in respect of that use, they would have been controlled expenditure 41 . The items or services are only used on behalf of the non-party campaigner if that use is directed, authorised or encouraged by the non-party campaigner or the responsible person 42 . The value of the notional spending is the difference between the total value of what was transferred or provided and the amount that was paid, if anything. The non-party campaigner must record both: the value of the notional spending the total amount that was paid. Items or services will not be treated as notional spending if: received at a discount of 10% or less or the value of the discount is £200 or less

**Value of notional spending** Where an item is treated as notional spending, an 'appropriate amount' must be reported by the non-party campaigner as controlled expenditure. The appropriate amount is the proportion that is reasonably attributable to the use of the item, of either: its market value (where it is transferred free of charge) or the value of the discount The value of the notional spending is the difference in value between the commercial rate for an item or service and the price that was actually paid by the non-party campaigner.

**Donations** The goods, services or facilities must be provided or transferred to the non-party campaigner to be treated as notional spending. This means that any notional spending will also be a donation to the non-party campaigner. The difference in value between the commercial rate and the price paid, if any, must be dealt with in accordance with the laws on donations to non-party campaigners and may need to be reported to the Commission.

**Working with registered political parties** Non-party campaigners may also work with a registered political party, and provide goods, services or facilities free of charge or at a non-commercial discount. If the registered political party use the goods, services or facilities during their campaign, this should be treated as notional spending on behalf of the political party. It must be reported by the registered political party and will count towards



the party's spending limit. It will not count towards the non-party campaigner's spending limit and must not be recorded in the spending return for the non-party campaigner. What is joint campaigning? Working with other non-party campaigners Non-party campaigners may decide to work together on a campaign. The rules on joint campaigning apply to registered and un-registered non-party campaigners. A non-party campaigner takes part in joint campaigning where they: enter into a plan or other arrangement with one or more other non-party campaigners all non-party campaigners involved intend to incur controlled expenditure in pursuance of that plan or arrangement one or more of the non-party campaigners involved incurs controlled expenditure in pursuance of the plan or arrangement and that plan or arrangement can reasonably be regarded as intending to achieve a common purpose. All of the spending on the joint campaign counts towards the spending limit of each of the non-party campaigners involved in the joint campaign. What is joint campaigning There must be more than one non-party campaigner Forming a new organisation that constitutes a group of other organisations and then spending money is not joint campaigning. An existing umbrella organisation that makes decisions about their campaign activity independently will not be joint campaigning unless they enter into a plan or arrangement with another non-party campaigner in which they both intend to incur controlled expenditure. There must be an agreed understanding that controlled expenditure will be incurred to achieve the common purpose If there is no intention to incur expenditure there is no joint campaigning. For example, if it is agreed that all activity will be carried out by volunteers no spending will be incurred and there will be no joint campaigning. There must be an agreed understanding as to the scope and purpose of the campaign Non-party campaigners who happen to campaign about similar or related issues are not joint campaigners. There must be an agreed understanding between the non-party campaigners that each of them will incur controlled expenditure to achieve the common purpose All controlled expenditure incurred in pursuance of the plan or arrangement will fall within the joint campaigning rules. Joint campaigning is not simply transferring or lending items to another campaigner or providing money to another campaigner This must be treated as notional spending or a donation and dealt with in accordance with the appropriate rules. Even if one of the non-party campaigners involved in the plan or arrangement does not incur their share of agreed expenditure, any expenditure incurred will still be joint campaigning and must be reported by all non-party campaigners involved. Examples of joint campaigning A and campaigner B agree to run a campaign encouraging voters to vote for candidates who support a particular issue. Both campaigner A and campaigner B intend to incur controlled expenditure as part of the campaign. A and campaigner B both incur expenditure on the joint campaign. This is joint campaigning, and the spending should be treated as such. A and campaigner B agree to run a campaign encouraging voters to vote for a particular political party. Both intend to incur controlled expenditure as part of the joint campaign. A incurs expenditure on the joint campaign, but campaigner B never spends their intended share. This is joint campaigning, and the spending should be treated as such by both campaigner A and campaigner B. A and campaigner B agree to run a campaign encouraging voters to vote for a particular political party. Both intend to incur controlled expenditure as part of the joint campaign. Neither campaigner ends up incurring any controlled expenditure on the joint campaign. No joint campaigning has taken place. Activities that are joint campaigning Non-party campaigners who engage in the following, non-exhaustive list of activities are likely to be joint campaigners: A joint advertising campaign, whether digital, electronic or via other means, involving joint leaflets or

joint events. A co-ordinated campaign; for example where it is agreed which areas are to be covered, which issues raised or which voters targeted. Joint working where one party can veto or must approve another party's material. Activities that are not joint campaigning Non-party campaigners who engage in the following, non-exhaustive list of activities are unlikely to be joint campaigners: Endorsing another campaign by allowing your logo/brand to be used without any financial commitment or further involvement. Adding your signature to a letter alongside other non-party campaigners without any financial commitment. Speaking freely at an event organised by another non-party campaigner without any financial commitment. Holding discussions about areas of common interest without coordinating campaign activity. What are the donation controls? All registered non-party campaigners must comply with the donation controls in Schedule 11 PPERA that set out who can donate to non-party campaigners. Registered non-party campaigners that do not meet the reporting threshold must check whether the donation is from a permissible source, but they are not subject to the donation reporting requirements. Donations covered by the laws The laws on donations only apply to donations that are given to registered non-party campaigners, specifically towards their spending on regulated campaign activity. The laws do not cover money that is received for the organisation's general purposes. For the purposes of donations to non-party campaigners, a donation is: money, goods, property or services <sup>43</sup> given for the purpose of regulated campaign activity <sup>44</sup> and with a value of more than £500 <sup>45</sup> Anything with a value of £500 or less is not a donation for the purposes PPERA. Who can donate to a non-party campaigner Non-party campaigners can only accept donations from individuals or organisations that are based in the UK <sup>46</sup> . The list of permissible sources is set out in s.54(2) PPERA. Non-party campaigners must not accept donations from a registered political party <sup>47</sup> . Non-monetary donations Non-party campaigners must put a value on any non-monetary donation. The value of a donation is the difference between the value of what is received, and the amount, if any, that the non-party campaigner pays for it <sup>48</sup> . Items that are received for free or at a non-commercial discount, where the difference in the commercial value and what was actually paid for it is more than £500, is a donation for the purposes of PPERA. When a non-party campaigner receives a donation of more than £500, they must promptly check whether the donation is from a permissible source. Non-party campaigners have 30 days in which to decide whether they can accept the donation <sup>49</sup> . A donation that cannot be identified as being from a permissible source must be returned within the 30 day period. Non-party campaigners must keep records of the donations that are received, as well as donations that have been returned. These details must be included when the donation is reported to the Commission. Annex A This Annex sets out a non-exhaustive list of the kinds of expenses that do, or do not, fall within the meaning of 'qualifying expenses' in Schedule 8A PPERA (that may be regarded as 'controlled expenditure' within the meaning of section 85(2)). Expenses fall within the meaning of qualifying expenses if they are expenses incurred in respect of any of the matters set out in paragraph 1 of Schedule 8A. Schedule 8A, paragraph 1(1) The production or publication of material which is made available to the public at large or any section of the public (in whatever form and by whatever means). This paragraph includes: Services, equipment, facilities or premises provided by others This includes the cost of use, or hire, of any: agency, individual or organisation services provided by any agency, individual or organisation premises or facilities equipment that is used to: prepare, produce or publish material which is made available to the public at large or any section of the public 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 This 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 licencing fee for a software application for use on a device. It also includes 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. It includes the cost of preparing, producing or facilitating the production of advertising material for: download and use by others posting on and promoting material via any kind of social media channel or platform For example, the costs of producing advertising material promoting the campaign that is posted to a page on a social media channel encouraging followers to share it. It includes the cost of accessing, purchasing, developing and maintaining any digital or other network which: facilitates distribution or dissemination of material by any means promotes or increases the visibility of material by any means For example, the purchase of digital identities to make material appear as if it has been seen and approved by a high number of users on a social media platform. It includes the costs of: hosting, maintaining, designing or building a website or other electronic/digital material that promotes the outcome of the election any licensing or other rights fee for any image used in producing relevant material Other costs It includes the cost of purchase and use of any equipment used for: the preparation, production or facilitating the production of the material dissemination of the material by distribution or otherwise It includes the cost of: paper or any other medium on which material is printed physically displaying material in any location, for example cable ties or glue for putting up posters It includes the cost of printing material or the purchase, hire or use of: photocopying equipment printing equipment It 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 material to voters (for example, the purchase of email addresses) It includes the cost of accessing, obtaining, purchasing developing or maintaining data sets, including data analytics to target voters by whatever means, including the cost of agencies, organisations or others that identify groups of voters, by whatever means. For example, the cost of any agency paid to analyse social media content to facilitate targeting of voters across electoral areas and the cost of modelling by any agency based on that analysis. It includes 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 an external source, it includes the commercial cost of obtaining that information from the external source. It includes delivering material by any means including electronic means, for example the purchase of a system for sending emails or a licensing fee for a software application for use on a device, as well as physical distribution, for example the cost of envelopes and stamps. It includes oversight and maintenance of all social media, digital or other forms of distribution of material including the maintenance of all social media accounts whether or not maintained by another entity/individual. Schedule 8A, paragraph 1(2) Canvassing, or market research seeking views or information from, members of the public. This paragraph includes: Services, premises, facilities, or equipment provided by others 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: to prepare, produce, facilitate, conduct or co-ordinate canvassing or market research including recording or analysing or otherwise utilising the results of any market research or canvassing activity For example, the cost of using phone banks to contact voters, including the development of scripts for use by phone bank employees that are designed to influence voters. Costs of obtaining or maintaining data This includes the cost of accessing, purchasing, developing and maintaining: IT software or contact databases data sets, including the use of data analytics to facilitate or undertake market research or canvassing For example, it includes the cost of undertaking social media listening and analysing the result to analyse the intention of voters. Other costs It includes the cost of any purchase and use of any equipment required to: prepare, produce or facilitate canvassing or market research conduct or co-ordinate canvassing or market research record or analyse or otherwise utilise the results of any market research or canvassing activity For example, laptops or tablets if used for canvassing and mobile phones if used by the leader/co-ordinator of the canvassing where that equipment and/or associated costs are paid for or reimbursed by registered third party. Schedule 8, paragraph 1(3) Press conferences, or other media events, organised by or on behalf of the third party. This paragraph includes: Cost of press conferences or other dealings with the media This includes the cost of purchase, use or hire of any: agency, individual or organisation services provided by any agency, individual or organisation equipment premises or facilities used to prepare, produce, facilitate or conduct press conferences or other media events. Other costs It includes the costs of any rights or licensing fee for any image used in preparation, production, facilitating or conducting press conferences or other media events. It includes the cost of purchase and use of any equipment in connection with preparation, production, facilitating or conducting press conferences or other media events. Schedule 8, paragraph 1(4) Transport (by any means) of persons to any place or places with a view to obtaining publicity. Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport. This paragraph includes: Transport of volunteers or campaigners It includes the cost of transporting: volunteers members, including staff members others campaigning on behalf of the non-party campaigner around an electoral area, or to and from an electoral area, including the cost of: tickets for any transport, hiring of any transport fuel purchased for any transport parking for any transport where they are undertaking campaigning on behalf of the non-party campaigner. Other costs This includes the cost of use, or hire, of any vehicle or form of transport that displays material promoting the election result, including: design and application of the design to the vehicle or form of transport travelling between electoral areas travelling around an electoral area parking fees where a vehicle is used to display material Reportable costs include all transport costs associated with one of the other listed activities. For example, transporting someone to a rally. Schedule 8A, paragraph 1(5) Public rallies or other public events, other than— (a) annual conferences of the third party, or (b) any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998 , in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings). Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them. But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property. This paragraph includes: Services, premises, facilities or

equipment provided by others This includes the cost of use, or hire, of any: agency, individual or organisation services provided by any agency, individual or organisation premises or facilities equipment used in: promoting a rally or other event holding or conducting a rally or other event live streaming or broadcasting a rally or other event by any means Other costs It includes the cost of promoting or advertising the rally or event by any means. It includes the provision of any goods, services or facilities at the event, for example the cost of hiring seating. It includes the purchase of any equipment in connection with: holding or conducting a public meeting live streaming or broadcasting a public meeting by any means Costs that are excluded Reportable costs do not include the cost of providing specific security for any person appearing or attending at the event or the costs of providing general security for persons or property at the event. Annex B Definitions and key terms The following terms are used in this Code as they are defined in the legislation In this Code the following definitions apply: Appropriate amount Appropriate amount has the same meaning as in section 86 PPERA. Campaign expenditure Campaign expenditure has the same meaning as in section 72 PPERA. Candidate Candidate means a candidate at a relevant election under section 22 PPERA. Controlled expenditure Controlled expenditure has the same meaning as in section 85 PPERA. Donation Donation has the same meaning as in Schedule 11 PPERA. Notional expenditure Notional expenditure has the same meaning as in section 86 PPERA. means a party which is registered under Part II PPERA. Regulated period Regulated period means the 'relevant period' for an election as set out in Schedule 9A PPERA. Costs Costs has its ordinary meaning of the expense of, or associated with, an item. It includes the appropriate amount to be treated as incurred by the non-party campaigner under the laws on notional spending. Incur Incur means make a legal commitment to spend money. Non-party campaigner Non-party campaigner means an individual or organisation that campaigns around elections without standing candidates themselves. In the legislation, non-party campaigners are referred to as 'third parties'. Registered non-party campaigner Registered non-party campaigner means a non-party campaigner that is on the register held by the Commission pursuant to a notification given to the Commission under section 88 PPERA. Registered non-party campaigners are referred to as 'recognised third parties' in PPERA (see section 88 for the statutory definition). Reporting threshold Reporting threshold means the 'lower tier spending limits' set out in sections 85(5B) and 94(5) PPERA as £20,000 in England and £10,000 for each of Scotland, Wales and Northern Ireland. Spending return Spending return means a controlled expenditure return by a registered non-party campaigner as required under section 96 PPERA. 1. S.100A(1) Political Parties, Elections and Referendums Act 2000 (PPERA) ■ Back to content at footnote 1 2. S.100A(5) PPERA ■ Back to content at footnote 2 3. S.94(3) PPERA ■ Back to content at footnote 3 4. S.88(3)(c)(ii) PPERA ■ Back to content at footnote 4 5. S.89A PPERA ■ Back to content at footnote 5 6. S.89A(1) PPERA ■ Back to content at footnote 6 7. S.89A(6) PPERA ■ Back to content at footnote 7 8. Sch.8A para.1 PPERA ■ Back to content at footnote 8 9. Sch.10 para.3(3) PPERA ■ Back to content at footnote 9 10. Schedule 10, Part 2, para 3(3)(b) PPERA ■ Back to content at footnote 10 11. Sch.10 para.7 Northern Ireland Act 1998 ■ Back to content at footnote 11 12. S.85(3) PPERA ■ Back to content at footnote 12 13. S.85(4A) PPERA ■ Back to content at footnote 13 14. S.85(6) PPERA (s.22(5) PPERA) ■ Back to content at footnote 14 15. Sch.8A para.1 PPERA ■ Back to content at footnote 15 16. S.94(3) PPERA ■ Back to content at footnote 16 17. S.88 & s.28(7A) PPERA ■ Back to content at footnote 17 18. S.89A(2) PPERA (s.26 Elections Act 2022) ■ Back to content at footnote 18 19. S.89A(1) PPERA (s.26 Elections Act

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