

Overview

The Standards of Conduct Committee is undertaking an inquiry into the current arrangements relating to lobbying at the National Assembly for Wales and will be carrying out a consultation regarding lobbying and the third sector.

The Electoral Commission plays a role in the regulation of non-party campaigners (also known as third party campaigners), at elections. We register non-party campaigners and provide them with guidance regarding the controls on their spending and related donations for each election. As a result of the part the Commission plays in the regulation of campaign spending, and the fact that some stakeholders associate such campaigning with the phrase 'lobbying', it is possible that some of the feedback that the Committee will receive may be in relation to our regulatory role. This background note provides some context for this.

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 ("the Lobbying Act") was an amendment to the Political Parties, Elections and Referendums Act 2000 (PPERA), which is regulated by the Electoral Commission. The Act became known by the term "the Lobbying Act", although only one of the three Parts of the Act was about regulation of lobbying.

Part 1 of the Act was to do with the prohibition of consultant lobbying unless those entities had been registered.

Part 2 of the Act included changing and expanding some of the PERA spending controls on non-party campaigners, who are not standing for election, but are spending money on campaigns to influence electoral outcomes and voters' choices.

You can view the Explanatory Notes regarding the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 here:
<http://www.legislation.gov.uk/ukpga/2014/4/notes/division/5/1>

The role of The Electoral Commission and work with Non-Party Campaigners

The Electoral Commission regulates the spending of non-party campaigners at elections. The law is intended to provide transparency about the spending of all types of election campaigners, whether they are candidates, political parties or non-party campaigners. This ensures that the public can see what campaigners spent on seeking to influence voters' choices and the outcome of an election, as well as know who donated to those campaigns. Non-party campaigners must register with the Electoral Commission prior to spending over a threshold set in legislation, and must not breach the spending limit for that election. Campaigners must complete a spending return for their campaigning during the election period, and this is submitted to the Commission.

Campaigners must ensure that any activities that meet the definition of "campaigning" at elections, where money has been spent to try to influence the voters' choice, must be included within their spending return. The Electoral Commission will then publish spending returns to "PEF Online", which is an online searchable database available to the public for inspection¹.

To ensure that campaigners are aware of the rules that they must follow, the Commission publishes guidance prior to each election. This includes how and when to register as a campaigner, what counts as campaign spending, and how to report spending post-poll. We have also offered campaigner briefing sessions, to talk to campaigners prior to elections about the rules as set out in our guidance.

The Standards of Conduct Committee consultation

The letter from the Standards of Conduct Committee, includes questions such as, "How is lobbying regulated at the moment?" It is possible that some respondents could associate this inquiry with the passage of the so-called

¹ Registers of campaigners, donations, loans and spending are published via our website database. The Electoral Commission, PEF Online, <http://search.electoralcommission.org.uk>

“Lobbying Act” during Autumn 2013, which introduced both a register of consultant lobbyists and legislative changes to the UK’s regulation of non-party campaign spending prior to elections. As a result, some of the feedback that is received by the Committee may include reference to the changes introduced by that Act and the regulatory functions carried out by the Commission.

The Electoral Commission would welcome being informed of any feedback from the consultation which refers to the rules set out in the Political Parties, Elections and Referendums Act or Part 2 of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, including any functions which are part of the Commission’s regulatory role.