

General Election restrictions

General campaigning rules

General campaigning rules apply to all organisations during the 'regulated period' and mean that charities might need to register to carry out certain types of campaigns. For General Elections, the regulated period is defined as 365 days before the polling day.

Often referred to as the 'purpose test', election law regulates spending on most publicly accessible activities which 'can reasonably be regarded as intended to promote or procure electoral success at any relevant election' for one or more political parties, political parties or candidates who support or do not support particular policies, or another particular category of parties or candidates.

The Code of Practice defines factors helping to determine whether campaign activity passes the 'purpose test' by considering the following aspects of the activity viewed together:

- Call to action,
- Tone,
- Context and timing,
- How a reasonable person would see the activity.

It is not necessary to name a party or type of candidate in your campaign materials – advocacy material could meet the purpose test if it is positive or negative about a policy that is closely connected with a particular political party in such a way that a reasonable person might think you are calling for the public to vote for or against that party. It does not matter what your actual intention is but how someone external could reasonably view the intention behind your activity.

However, the Electoral Commission recognises that "if you are a charity and abide by charity law and guidance from the relevant charity regulator, in most circumstances your campaign activity is unlikely to meet the purpose test."

This Macmillan poster from 2015 election does not pass the purpose test as while it encourages public to engage with the candidates, it is generic in nature and is not tied directly to any particular party policy or position.



UK based organisations may spend up to £10,000 on the regulated activity without

having to register with the Electoral Commission. It should be noted that the total expenditure incurred during the joint campaign with another organisation counts towards each organisation's spending total.

Charity Commission guidance CC9:

Charities can engage in political activity that supports their purpose and is in their best interests. However, charities must remain independent and must not give their support to a political party.

Trustees' duty is to uphold reputation of the charity and they should consider the impact of any political activity on a charity's assets and reputation, especially where it might attract significant public interest or criticism. The Charity Commission recommends organisations have an agreed approach to political commentary and campaigning activity, and for trustees to consider the risks of political activity and level of engagement they are comfortable with.

Trustees need to demonstrate that they considered the risks of using emotive or controversial materials and weigh them up against the potential benefits. This particularly concerns the use of social media, which can attract significant public interest or criticism. The Charity Commission recognises that charities can engage with political issues but says they should avoid perceptions of political bias. While charities cannot offer their support or opposition to any political parties, they are entitled to criticise politicians for their policy decisions, where to do so could reasonably help that charity's mission.

For example, the tweet below can be interpreted as party political but is also tied closely to RSPB's campaigning and is directly relevant to their work. Following one of RSPB trustee's public criticism, the tweet attracted a lot of attention on X and in mainstream media.

The Charity Commission's comment was that this tweet was 'a serious mistake'. This stems from the fact that the tweet and image can easily be viewed in isolation on X and not necessarily linked to RSPB's policies. Charity Commission CC9 guidance however recognises that charity campaign materials will frequently have an emotive content and this is perfectly acceptable as long as it has a well-founded evidence base and is factually accurate.

Case study: RSPB



LIARS!

@RishiSunak @michaelgove @theresecoffey you said you wouldn't weaken environmental protections.

And yet that's just what you are doing.

You lie, and you lie, and you lie again.

And we've had enough. 



We are in a nature and climate emergency and that demands urgent action. The RSPB is deeply frustrated by the government's renegeing on its environmental promises. But that frustration led us to attack the people not the policy.

This falls below the standard we set ourselves and for that we apologise. We will continue to campaign vigorously on behalf of nature but we will always do so in a polite and considered manner.



IOM3 specific scenarios

IOM3 has always been a neutral organisation and strives to continue to be so.

1. *IOM3 activities*

Speakers at conferences and events – ask political figures not to promote party political messages at IOM3 events, seek to engage equally with all major political parties.

Employees and ASVs asked to appear in mainstream media should notify the IOM3 communications team, especially if a contentious subject is likely to be raised.

If IOM3 is being paid for research – report should state the facts only, IOM3 report should not interpret the research to suit political agenda.

2. *Extreme scenarios*

Example: What is IOM3 position, if one of the parties decides to withdraw from Net Zero in their manifesto? IOM3 has previously invested in raising public awareness on Net Zero. As this type of campaigning furthers IOM3 charitable purpose, it may continue to advocate for Net Zero. This must however be done in a neutral manner, without naming any political parties or advocating IOM3 membership and general public to vote for either party.

3. *Social media*

Employees and ASVs are not prohibited from expressing their personal views on social media. However, where these could be interpreted as views condoned by IOM3, employees and ASVs should clearly state that these are their personal views and not those of IOM3. This particularly applies to senior employees and ASVs as their profiles are more likely to be associated with IOM3.

Additional resources

- Charity Commission CC9 guidance. In particular, see checklist for trustees in section 8 [Campaigning and political activity guidance for charities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/campaigning-and-political-activity-guidance-for-charities)
- Bates Wells webinar giving further mass media and social media campaign examples and Charity Commission responses [Webinar | Campaigning ahead of the next general election: the regulated period | 28 February 2024 \(vimeo.com\)](https://www.vimeo.com/812345678)
- Enclosed FAQs for further guidance/examples.

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