



Commission on Civil Society and Democratic Engagement

Request for written submissions to be given to the Commission, for possible inclusion in their report to Parliamentarians by **close of business – Thursday Oct 24th 2013**

Question: What sort of campaigning activity does your organisation want to do ahead of elections (irrespective of regulation at this stage)?

VSO volunteers return to the UK with a passion for encouraging the UK Government to play an active part in development following on from their experience of life and work in developing countries. VSO will be engaging candidates across the political spectrum on international development issues which are of interest to the UK public for example on the rights of women to participate in and influence decisions which impact upon their lives, and on the rights of people living in poverty to have access to quality jobs. We would undertake this engagement both directly through a small number of staff and more widely through our volunteer and supporter networks. We would encourage VSO volunteers to share their honest experiences of life and work in developing countries with candidates.

Question: Is policy campaigning important ahead of elections in a democracy? If so why, and what is your organisation trying to achieve?

As an international development charity committed to tackling poverty, it is important that we examine and are committed to tackling the root causes, as well as the symptoms of this poverty. Through our development programmes we are engaged with millions of people around the world and we have a valuable insight into the issues affecting their lives. VSO should be able to raise these concerns both as general concerns about an issue area, for example the rights of women in developing countries, or about a specific policy decision, for example the ongoing commitment to spend 0.7% of GDP on overseas development. In organising and supporting our volunteers and supporters to campaign prior to elections we would seek to ensure that the views, concerns and interests of this passionate and experienced group are heard by candidates.

Question: Is it right that voluntary organisations try to influence the policy positions of parties, elected politicians and candidates?

VSO and our volunteers have front-line experience delivering services of enormous importance such as health and education, both in the UK and overseas. As such voluntary organisations are extremely well placed to inform political and policy debate and, hopefully, to be used as a source to inform decisions which politicians make. VSO can support by offering access to all of the data, experience and insight of voluntary organisations and their volunteers.

Question: Is it right that voters should understand politicians' policy positions and what voluntary organisations think about these positions? – or would that information unduly influence politicians?

If voters also want to understand a perspective or insight of charities who have expertise on specific issues which are of interest to or have an impact on them, it is important that they can access relevant information.

Question: What are the principles that regulation of third-party campaigning should be based on?

Regulation of third party campaigning should seek to secure that campaigning by third parties remains non-partisan, transparent and reflective of organisations' values, expertise and connected to its charitable objectives.

Question: Do you think the existing law regulating third party campaigning works – or are changes needed? What changes, if any, would you propose?

VSO share the concerns of the NCVO about how charities working in coalition are regulated under the current 2000 act. At the moment expenditure by coalitions is aggregated (this means that each member has to account for the full amount spent for the joint campaign, regardless of their individual contribution). This requirement is already problematic for many organisations and as a result of the lowered spending threshold will force the larger organisations to leave many joint campaigns, while also deterring smaller charities and voluntary organisations to work together for fearing of dealing with the financial and administrative burden. This could be solved by requiring each member of the coalition to account only for their direct financial contribution.

Question: Part 2 of the Lobbying Bill proposes to introduce changes to the current regulation of non-party campaigning ahead of elections – how do you think they would affect your organisation's campaigning activity? You may wish to draw on plans for the next general election, or on campaigns you ran at the last election.

It is important that charities and other voluntary organisations have absolute clarity on whether and when their campaigning activities will count towards controlled expenditure and therefore be regulated by the Electoral Commission. Currently, the question remains open whether or not legitimate non-partisan campaigning by charities and other voluntary groups, and awareness-raising on policy issues, would be caught by the new rules.

The definition of controlled expenditure also cannot be isolated from the list of activities to which it is potentially applied. As the NCVO have highlighted, this has been significantly expanded under the bill. The list in Schedule 3 includes not only 'election material' (such as advertising, leaflets sent to the public, manifestos and policy documents, and websites) but a broad range of activities such as press conferences and media events, transport, market research and canvassing, rallies and public events. All relevant costs are covered, including staff costs (which are not regulated for political parties).

These changes, combined with reduced expenditure and limits, are likely to result in more charities and voluntary organisations being required to register with the Electoral Commission, despite their activity remaining non-partisan, and more exceeding the maximum limits on controlled expenditure.

Action: Please can you gather specific examples of campaigning activity that is planned or happened at the last election that:

- a. Could not happen under the Lobbying Bill
- b. Would be much more difficult
- c. You feel your organisation would be deterred from carrying out as a result of the prospect of falling close to / foul of the law

(Please let me know ASAP if you would like to have a conversation with one of the lawyers working with 38 Degrees to check any specifics of your case studies)

In 2010 VSO ran several regional hustings events with candidates, where we sought their support to commit to spending 0.7% of international development spending on aid. Under the proposed legislation as it stands, we would be deterred from carrying out these activities.

Question: Do you agree with the thresholds set for third parties needing to be registered with the Electoral Commission as set out in the Bill? Do you have any suggestions for what the thresholds should be?

We share the concerns of NCVO and Bond about thresholds set out in the bill- both regarding the proposed amount to be spent, and the time periods covered by the proposed legislation.

Question: Do you think there should be a pause in the passage of this legislation? How long do you think this pause should be?

Like many charities, we have concerns about the lack of pre-legislative scrutiny and the lack of consultation with organisations that might be affected by the changes in order to ensure they are clear and workable. As the NCVO has highlighted, Government is committed to the national Compact which states that 'where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach.'

Question: If this Bill passes, how long do you think the Electoral Commission should take to consult civil society on its guidance?

Please see above.

For further information please contact Clare Hammacott, Commission Secretariat manager: clare.hammacott@civilsocietycommission.info 07841 114999

For information: Guidance about what campaigning will be regulated

This is how the Electoral Commission currently interprets the types of material which are caught by the existing law. If you apply this test to the wider set of activities which the Bill will cover (including public rallies, press activity, research, staff time etc), you will get a feel for the kinds of expenditure which may go towards the new threshold of £5,000 in England (£2,000 in the devolved nations), after which registration and regulation will be required:

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.

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*