



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**

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

We will be promoting two forms of campaigns ahead of the elections. The first will be on-going campaigns which happen to overlap with an election period. We also hope to engage in campaigning which is oriented to the election process. This is to take advantage of the increased public, media and political interest in policy priorities for the next period of government. Both types of campaign will have some public (as opposed to private/supporter based) profile. All our campaigns have specific policy recommendations as without such recommendations campaigning is ineffective and a waste of money.

Non election campaigning will involve the publication of reports, media work, lobbying, energising supporters, and engaging the public through our web site, banner adverts on the internet, use of social media, newspaper advertisements, billboards.

Election specific campaigning may include launching a “manifesto” of policy recommendations for the next government, analysis and comparison of the international development sections of election manifestos, publicity stunts and photo opportunities to gain media coverage, posters in charity shop or supporter windows, working in coalitions with like minded organisations to present a common front on key issues, asking supporters to contact candidates to inquire about their views, contacting candidates directly to educate them about Oxfam and our issues and organising hustings in local constituencies.

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

Governments command huge resources, financial and regulatory, and make decisions which directly affect our beneficiaries. The commitments political parties and candidates make during elections shape the policy priorities for the next period of government. Seeking to influence this prioritisation of policies is both defensive – to protect commitments already made – and progressive, to encourage political parties and candidates commit to further action to protect and enhance the lives of our

beneficiaries. It is important to note that what we are ultimately trying to achieve here is consensus. We do not have a view on who should win an election, but we do take the view that we would like whoever wins to take forward policy that helps our beneficiaries.

We seek to do this in two ways: through private lobbying to influence policy makers of the utility and policy benefits of supporting our cause and publicly through demonstrating that our cause has public support.

Election campaigns are prolonged periods of public engagement in policy issues. It is a time of national debate as well as a contest between parties, and organisations with legitimate public policy concerns should be able to obtain profile for their causes during an election both the public, politicians and media.

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

Voluntary organisations have limited resources and can only do as much as their resources allow in directly furthering their cause. Governments have great resource and reach. Influencing public policy in favour of the cause you represent can achieve much more than can voluntary organisations themselves.

4. **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?

All policy propositions, whether advocated by politicians, think tanks, commercial or voluntary organisations need to be subject to challenge to test their robustness and value. Voluntary organisations often have unique expertise in an area based on the evidence and insights gained by delivering services and working directly with affected parties. They therefore have an important role to be able to challenge policy propositions of politicians in the public arena as a means of testing their intent and utility.

Parties and politicians should also consider the secondary impact that the engagement of organisations like Oxfam has on their relationship with voters. In many cases we play an enhancing role. Through mobilising supporters around an issue we also turn supporters (particularly young supporters) "on" to politics and engaging with politicians in general, in contrast to the general trend away from formal politics.

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

There needs to be a balance between allowing "disinterested" third parties to engage with public and political opinion with limited restrictions during elections while controlling third party expenditure incurred by private interests. Most voluntary

sector expenditure is easily identifiable and related to specific causes which the electorate can easily identify and assess. Third party expenditure by more vested private interests may not be easily recognisable and may involve considerably greater expenditure than that incurred by voluntary organisations.

6. **Question:** What transparency is needed in relation to donors who give money towards a campaign run by a voluntary organisation? (i.e. registration thresholds and how burdensome reporting should be – size of organisation, timescale ahead of elections)

Given the voluntary nature of the organisations concerned and the public voluntary nature of the donations made there are two points of view to consider: Firstly, is there enough transparency to the public (who fund voluntary organisations) about the use of their donations? And secondly, what sort of expenditure by voluntary organisations on policy issues caught by the regulations has actually been incurred? Current rules double count expenditure by voluntary organisations who work in coalitions (often to pool scarce funds) and many receive celebrity support or heavy discounts on production of communications. Reportable donations should therefore only include cash expenditure by the individual voluntary organisation. Issues of transparency and accountability are not served by double counting expenditure in coalitions, nor in giving notional cash value to gifts in kind.

Any form of reporting expenditure to the Electoral Commission should be in the format that takes into account the voluntary nature of the organisations being subject to regulation. Template forms covering key activities should be provided plus guidance notes.

7. **Question:** Are you concerned about a current lack of transparency?

No.

8. **Question:** Should regulation of voluntary organisations be based on those for political parties? If so, why? E.g. Should spending limits for voluntary organisations be based on a percentage of political party spending? If so why?

No comment

9. **Question:** Should definitions of campaigning activity for voluntary organisations be based on a percentage of political party spending? If so why? And do you have any thoughts about what the percentage should be?

No comment

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

We would propose that you exclude independent not for profit organisations from the definition of third party campaigner. Only include commercial organisations or not for profit organisations controlled, funded or directed by commercial or party political interests.

11. **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.

Please see attached briefing which includes case studies and examples.

12. **Action:** Please can you gather specific examples of campaigning activity that is planned or happened at the last election that:
- Could not happen under the Lobbying Bill
 - Would be much more difficult
 - 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)

Please see attached briefing which includes case studies and examples.

13. **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?

There is no justification for any changes to the current levels. See also 10

14. **Question:** Do you agree with the limits on constituency spending by third parties set out in the Bill? If you do not think the limits set out are right, what would be appropriate?

The introduction of constituency spending levels will have the same impact on constituency based campaigning as the rules on hustings expenditure has had on holding independent meetings of candidates in constituencies which have practically ceased

15. **Question:** What do you think the particular effects of Part 2 of the Lobbying Bill will be on your campaigning in Scotland/Wales/NI?

Our Wales office has given oral evidence separately.

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

The Bill should undergo proper pre legislative scrutiny and public consultation.

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

The Electoral Commission are constrained as to the length of time they can consult as the provisions of the Bill/Act will come into force in May 2014. They should though base their guidance on “intent” rather than “effect” when trying to identify material and activities which are caught by the Bill

18. **Action:** Please share any other thoughts which you feel your organisation would like to share with the Commission on Civil Society and Democratic Engagement

See attached annex

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*