

**1. Do you agree with the Government that there is a perception of ‘undue influence’ by third parties during election periods? Can you name examples of when you have seen this happen in previous elections?**

The perception of undue influence is focussed on trade unions and big business. The cash-for-questions scandals have shown a real threat to a fair and transparent democracy. As far as we have seen, people do not oppose voluntary or charitable organisations expressing their views. It is a normal part of a functioning democracy. We of course agree that when problems with lobbying arise, they should be solved, but bringing in such expansive regulation for many organisations whose conduct is not only acceptable but extremely valuable, is not going to solve any problems. There needs to be evidence of widespread misconduct before any further regulation is brought in.

**2. Where do you think the line between issue focussed campaigning and campaigning for the electoral success of a party or candidate should fall? Can you name examples? E.g. Should a document setting out what parties or candidates think about a policy issue - but not calling for the electorate to vote for a party or candidate - be caught by regulation?**

As a non-partisan organisation, we never actively condone any political party. Nevertheless, our membership includes politicians and political activists as well as many interested voters; it is only right that they know the policies of political parties in order to continue their participation in the political system. We campaign on issues such as EU withdrawal, free market economics, freedom of speech and lower public spending – it is an assault on our organisation’s freedom to be forbidden from providing our members and readers the basic information of what certain politicians think about these issues. We want our members to be able to make informed decisions in their political activities.

For a democracy to function effectively, accurate and relevant information needs to be provided to the voters. Limitation of this information amounts to a further widening of the gap between people and their elected representatives. Many candidates do not toe the party line, and we should be able to express these views to voters. People often vote on the basis of one issue, and they should be given the information of what position candidates take on it. For example, during the 2010 election, it was made known which candidates had signed up to our “Better Off Out” campaign (such as Gordon Henderson in Sittingbourne and Sheppey). The idea that people knowing about political policies would unduly influence politicians is the antithesis of healthy democracy – voters *should* influence politicians in whatever way they can. The proposed regulations seem to imply a disdain for voters’ participation in the political system, which is an extremely worrying sign for a pluralistic democracy.

Therefore, it is our belief that campaigns should be able to inform, discuss and criticise policy decisions and positions. Obvious support of a candidate or party should be subject to regulation. However, we do think criticism should be allowed as it means that voluntary organisations can help in scrutiny of elected politicians, who must remain accountable in order for our representative democracy to be truly representative.

Political campaigns are often very reactive – for example our opposition to the Royal Charter, which only came about as a result of the legislative proposal in the first place – and this would be inherently curtailed because our campaigns might be seen to oppose or support certain politicians. The political agenda is often defined by awareness-raising by a certain party or politician. As civil

society and campaign organisations such as ourselves wish to contribute to that debate, we would undoubtedly have to limit our freedom of speech by avoiding mention of politicians and parties.

Our campaigns such as the long-running “Better Off Out” campaign have to enlist the support of MPs, and it is in the interests of the body-politic for voters to know where their candidates and elected representatives stand on key issues. Parliamentarians form a key part in raising the understanding of an issue and should not be unable to raise their views or support campaigns because of undue regulation. To coordinate opinion and raise awareness of the EU issue, the Better Off Out campaign has a parliamentary Better Off Out group which is set up and co-ordinated by our supporters in Parliament. This means that parliamentarians and other elected representatives form a key arm of our campaigning – both within and outside Parliament. Some are listed on our website, with their words of support below. This helps to give credibility and legitimacy to our cause and raise awareness in the public of what each individual stands for. Without their input, we would find campaigning and raising awareness of issues concerning the EU much more difficult and both other parliamentarians and the public would not be as informed of either their position or ours.

British democracy should be as open and pluralistic as possible. It is every citizen’s right to express their views to parliamentarians and campaign for change, no matter what their position is. We are simply one of many channels through which citizens can effectively make their views known to politicians. As our elected representatives, it is not optional for MPs to listen to voters – it is their primary duty. Without easy channels of communication between MPs and voters, how can a representative democracy function on any level above a superficial appearance of people power? Any regulation should be carefully balanced so as not to adversely affect the possibility of popular participation in political discourse through democratic methods.

### **3. Which campaigning activities do you think should be regulated? Which do you think should not be regulated? E.g. Do you think staffing costs or opinion polls should be subject to regulation?**

Our campaigning runs along several lines: distribution and sale of campaign literature, lobbying of politicians and other organisations, organising debates and speeches from politicians or other supporters of our organisation, informal events such as pub quizzes, social media campaigning, publishing blogs and online articles. We also hold large conference events: we attend party conferences, setting up the “Freedom Zone” where debates over political issues take place; we also plan to hold an inaugural yearly conference in March 2014, which will focus on political and philosophical debates featuring politicians and commentators.

One of our most salient worries is about ownership of materials. We publish a lot of campaign literature, which we either sell on or distribute to members and supporters. We feel that use of our materials would be restricted by these regulations. Presumably, our supporters in Parliament would be forbidden from openly advocating our work, which is another key way in which we raise awareness of both our organisation and our campaigns. We feel that restricting this, lessens rather than enhances the democratic debate.

We have many worries over spending limits and what costs are included in spending limits. We are so far unclear on exactly what will be included. But staffing costs, costs of ensuring our volunteers can travel to campaign areas, opinion polls and international travel should all be exempt from spending limits as they are indirect campaign costs. Similarly, many of our costs are “in-kind”, as we work with regular supporters or partners on our campaigns. As this is a significant way of us reducing our costs, we hope that this would not be covered by any spending limits or thresholds. The

inclusion of staffing costs would surely take any organisation with employed staff over the registration threshold. Regulation should focus on direct campaigning costs, rather than seeking to catch out earnest campaign groups, who incur normal costs.

Regulation of third-party campaigning should be viable and appropriate. Smaller organisations should not have their campaigning capacity lowered by the imposition of onerous regulations, and no organisation should be regulated to the level that democratic participation is discouraged or made impossible. The regulations, we hope, are intended to increase transparency in democracy. However, political participation should not be sacrificed on the altar of regulatory saturation. We should do all we can to encourage further participation in our democratic system, rather than enforcing a bureaucratic system, which will only serve as a further “turn-off” for voters. Transparency is important, but not at so great a cost. Regulation should ensure that voters find it simple to contribute to democratic discussion in our country.

**4. How do you think appropriate thresholds for registration should be judged? What threshold do you think is appropriate? For info, the Government is currently proposing changing the threshold from £10,000 to £5,000 in England, and from £5,000 to £2,000 in Scotland, Wales and Northern Ireland.**

Bearing in mind inflation, the £10000 registration threshold set out in PPERA in 2000 is now equivalent to £14254 in real terms. Changing the limit to £5000 amounts to almost a third of the original amount, which poses a huge regulatory burden on smaller organisations. We believe that the threshold should return to the initial level of PPERA in 2000, adjusted for inflation (i.e. £14254) until there has been consultation and a proper review into what levels should be. Given the unfair advantage conferred on political parties, it might mean that many organisations simply register as political parties in order to raise their spending limits significantly and to campaign much more openly. This would surely be an undesirable outcome of this legislation. Likewise, if charities are given exemption from this bill, then campaign organisations would register as charities to side-step these regulations. There should be a level-playing field for campaign groups, charities and political parties so that they are all allowed to campaign to the same levels. That is a basic requirement for a fair and equal democracy.

We think that the government should do all it can to allow and promote democratic participation from groups that are not party-political – therefore, in the long-term, we support a significant raise in the threshold for registration so as not to discourage smaller organisations or campaigns contributing to healthy democratic discussions in the country. Larger campaigns will be able to cope with registration and greater administrative burdens much more effectively than small organisations. Given the government’s apparent support for competition and choice, small organisations should be encouraged to stop large campaign groups from dominating the political arena too heavily. This bill will only serve to concentrate influence in a few, large groups rather than promoting pluralism.

**5. How do you think the spending limit for non-party campaigning should be judged? Should there be a limit? What if any cap should there be? E.g. The previous limit was 5% of the political party spending limit. Do you think a proportion of political party limits is an appropriate way to decide? What other ways might there be of deciding?**

Voluntary organisations function independently of political parties, and should have the freedom to exercise their resources as they wish. Since regulation is already being proposed surrounding mutual independence of charities and politicians, it seems strange then to tie third-sector activity to political party activity. The Freedom Association is a non-partisan organisation and should have the ability to debate and take positions on issues, as long as we campaign on them in a way that does not directly promote any one political party.

If there is a limit, it must be shown to be necessary and evidence-based, rather than simply a number picked arbitrarily or based on the methods of political parties. Civil society organisations run differently and along different campaign lines; they should have the freedom to spend their resources as they wish. As a free market campaign group, we are against the principle of spending limits, but if there has to be a spending limit, it should at least equal that of political parties, so that all campaign groups are on a level-playing field. As mentioned before, we believe that charities should have the same limits as campaign groups because it will simply cause more problems as organisations register as charities. Forcing organisations into using loopholes will undermine transparency.

#### **6. Do you think non-party campaigning in coalition should be restricted? How do you think non-party campaigners working in coalitions should be regulated?**

Coalitions should not be treated as one campaign group, but rather as an agglomeration of several different groups, who are regulated separately. Otherwise, one campaign group's spending might restrict the spending of another even though they are not run through the same management team. Organisations often work together to pool resources, but that does not mean that they become one organisation which can effectively co-ordinate their different members with ease.

Many organisations form multiple separate coalitions and should be able to do so as they wish. If each organisation has an overall coalition spending limit, then it would severely limit to co-operate with other groups. Spending limits for coalitions should be done on a case-by-case basis rather than enforcing an arbitrary level for all coalitions.

We think it is a positive thing for campaign groups to work together, because they can all then mutually benefit from increased influence and thereby increase their scrutiny and pressure on politicians. This therefore means that our members, most of whom are voting members of the public, would benefit from coalitions that we form on certain issues. This should not be discouraged.

#### **7. Do you think that non-party campaigning organisations should be limited on what they can spend in a single constituency? Do you think accounting for spending in individual constituencies is workable?**

The idea of imposing a blanket rule for all constituency is patently ludicrous. Many political campaigns such as "StopHS2" and the debate over a third runway at Heathrow are extremely localised debates, which might need much more resource spending than the current limits imply. The huge variation in constituency size also make this plan unworkable: the fact that constituency electorate size varies from around 20,000 in Na h-Eileanan an Iar to over 110,000 for the Isle of Wight mean that resources would be under much more strain in some constituencies. Furthermore, factors such as seclusion of some rural areas, postage costs and internet access would make the cost of campaigning vary significantly between different constituencies.

The differences in certain constituencies and their relevance to particular debates make this part of the Bill, in our view, completely unworkable. Organisations should be free to allocate resources where they see fit. If an issue is particularly important for a certain constituency, it is only right that an MP feels particular pressure from civil society groups surrounding that issue. That is their job.

#### **8. What should the reporting requirements for non-party campaigners be? Where should the balance between transparency and bureaucracy fall?**

Given that there are spending limits being imposed by current and proposed legislation, it does not seem relevant where each organisation gets their funding from. We are funded by membership fees, book sales and voluntary donations – we do not see why any of this information should be given to any regulatory bodies. This would threaten the autonomy of our organisation, the privacy of our members and therefore pose a risk to the overall functioning of our organisation. If you force all organisations to publish information on donations, this will drive away donors who wish to remain anonymous and thereby cut off valuable funding for these voluntary organisations. While it may not mean transparency, the alternative is to suffocate small organisations ability to enhance democratic discussion.

One prominent question over transparency is how private businesses campaign and lobby parliamentarians. We feel this is an area where there certainly should be more transparency. However, it is difficult to enforce as any private company, which reaches a spending limit could simply set up another company to continue their campaign. For example, if The Freedom Association had reached its spending limit but wished to continue campaigning, it could simply set up a second company with a different name to continue its campaigns. This would be an unwanted but inevitable result of these stringent regulations.

Transparency is an important aspect of democracy, but it is not more important than participation, which is the basis for a legitimately democratic system. If organisations cannot undertake campaigns because their time has been diverted to filling out forms, we feel that this would be a worse outcome than knowing exactly where all the money for a civil society organisation comes from in the first place. It is impossible to have the best of both worlds.

#### **9. How long should the regulated period for non-party campaigning be? How should the length of this period be arrived at?**

Since much campaigning is reactive and based on policy decisions or political debates of the day, campaign groups should not be restricted for campaigning on these issues simply because of the timing. Politicians could bring up a series of controversial proposals or policies in the year running up to an election in the knowledge that they would face less opposition than at other times of the electoral cycle.

We thus feel that shortening the regulated period to just the period covering election season (i.e. the parliamentary recess running up to an election) would be appropriate. This is the only period of the political calendar when campaigns are certainly designed to influence elections. Of course, there may be debates and campaigns before that time which define elections, but there is no certainty that the proposed 12-month period is the right one in any case. This is indicative of the arbitrariness of the regulation, which has suffered from a persistent lack of consultation.

