

Commission on Civil Society and Democratic Engagement
Joint response by the Christian Institute and National Secular Society to Commission's
2nd report consultation questions.
28 November 2013

Consultation questions and responses in bold

Question 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?

In terms of the constituencies we represent, we do not know of any undue influence. On the contrary, our perception is that there may already be considerable caution and self-censorship on the part of some who would like to play their full part in the democratic process, but are averse to the risk of being inadvertently caught up in the legislation governing third party campaigning. There is a risk of reputational damage if they are registered and regulated alongside groups that are plainly party-political when they themselves are not partisan but entirely issues-focused.

Question 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?

Activity should not be regulated if no party or candidate is named. A document that simply sets out in a fair way what parties or candidates think about a policy issue, but which does not call for the electorate to vote for a party or candidate should not be caught by regulation. This is an issue of freedom of expression, which includes the freedom to receive ideas as well as to express them. It is one thing to regulate those who campaign for named candidates or parties, but to regulate the promulgation of opinions on specific issues - especially where those opinions cut across party lines - is unduly restrictive.

Question 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?

Staffing costs or opinion polls ought not to be regulated if they are not promoting candidates or parties. To require non-partisan, issues-based campaign groups to account for such expenditure to the Electoral Commission when they are merely

promoting ideas without reference to individual candidates or party politics is excessive. It discourages political engagement at a time when there is already a widespread feeling of disengagement and disenfranchisement.

Question 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.

On the assumption of a one year regulatory period, we would argue that a threshold of something like £50,000 would be more realistic. If anyone were to establish a Super-PAC (which appears to be one of the government's concerns) the kind of serious spending they would have to engage in to influence an election would clearly be well over that threshold.

There should not be lower levels for devolved nations. £2,000 would not even cover a disabled person and carer travelling from, say, Belfast, or Edinburgh to London to see their MP, staying overnight and returning. Devolved nations' limits should arguably be higher, not lower. The same could be said for other more distant parts of England. Voters living in the southeast effectively have greater freedom to engage in activism in the run up to an election than those living in the southwest or the north. For the latter, travel and accomodation would make up a much greater proportion of expenditure, given how London-centric politics and the media are. By the same token, regulating staff time disproportionately affects organisations based outside of London whose staff may have to spend a full day travelling in order to make representations at a meeting in Parliament or in a studio TV debate in London.

Question 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?

Regulation should only apply where particular candidates or parties are mentioned. However, please see caveat #. Otherwise we think any other limits are unfair and unnecessary.

Question 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?

Making each member of a coalition responsible for the spending of every other group in the coalition, over whom they may have little or no control, is obviously unfair. It discourages coalitions which can be immensely effective and efficient.

Question 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?

No to both questions posed.

Question 8: Do you think that the devolved nations should have different registration thresholds and spending limits to England? How should these be set / determined? NB please specify whether your organisation campaigns in any or all of the devolved nations – ***yes, all nations.***

No, and non-applicable. (see answer to question 4)

Question 9: What should the reporting requirements for non-party campaigners be? Where should the balance between transparency and bureaucracy fall?

Only where political parties and candidates are named (subject to potential exception # below.)

Question 10: How long should the regulated period for non-party campaigning be? How should the length of this period be arrived at?

Maximum 2 months – major phase of election campaign.

ADDENDA

unresolved problem – we may need to make special provisions / exceptions to allow those who oppose racism to criticise racist political parties during the regulated period without crippling limits or bureaucracy. We are sorry we do not have any suggestions.

We wish to strengthen the Commission's determination not to accept exemption of charities or any other subgroup, leaving other, often smaller, NGOs who are not registered charities to suffer the consequences of this illiberal bill.

END

(Submitted by Keith Porteous wood on behalf of both organisations, and copied to Simon Calvert who was the joint compiler of the response.)