

Public Administration and Constitutional Affairs Committee

Oral evidence: The work of the Electoral Commission, HC 43

Tuesday 20 July 2021

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; Rachel Hopkins; Mr David Jones; John McDonnell; David Mundell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson.

Questions 161 - 213

Witnesses

I: Dr Jess Garland, Director of Policy and Research, Electoral Reform Society; Peter Geoghegan, Investigations Editor, openDemocracy; and Lord Hodgson.

II: Dave Timms, Head of Political Affairs, Friends of the Earth; Chloe Hardy, Director of Policy and Communications, Sheila McKechnie Foundation; Dr Rowan Popplewell, Policy Manager—Civic Space, Bond; and Chris Weavers, Acting Head of National Official Campaigns, Policy and Communications, NASUWT—The Teachers' Union.

Written evidence from witnesses:

– [Electoral Reform Society](#)

Examination of witnesses

Witnesses: Dr Jess Garland, Peter Geoghegan and Lord Hodgson.

Q161 **Chair:** Good morning and welcome to the Public Administration and Constitutional Affairs Committee. Today we continue our inquiry into the Electoral Commission, particularly looking at third-party campaigners. We have two panels of witnesses this morning. I will ask the first panel to introduce themselves.

Dr Garland: Good morning. I am Jess Garland, Director of Policy and Research at the Electoral Reform Society.

Peter Geoghegan: Good morning. I am Peter Geoghegan, the Investigations Editor at openDemocracy UK.



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Lord Hodgson: I am Robin Hodgson, aka Lord Hodgson of Astley Abbots. I am a Conservative peer. I have carried out a number of reviews for the Government of various aspects of the voluntary sector and charities and, of particular relevance to this morning's session, part 2 of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill.

Q162 **Chair:** Thank you very much indeed. I am going to come to Peter Geoghegan and then put the same question to Jess Garland. Could you describe how online campaigning by third parties has changed in recent years?

Peter Geoghegan: Thank you, Chair. Before I come on to that specific question I want to take a quick opportunity to lay out the approach I have been taking to the general area of third-party campaigners.

It is worth recognising that the Electoral Commission has done a lot of good work, but from my research and my reporting in recent years I think it is clear that there are significant reasons to be concerned about the role of third-party campaigners in British elections. There is a surfeit of evidence that third-party campaigners are being used to spend money anonymously during political campaigns. During the general election in 2019 around a dozen third-party campaigners spent more than £700,000, without declaring any donations. Almost all these groups were created just a few weeks before the vote and most of them disappeared just afterwards. It is not hard to see how this kind of what we call dark money risks undermining the integrity of the electoral process at a time when surveys are showing us that there is growing discontent with democracy in the western world. At the same time, though, there are many legitimate third-party campaigners who are not linked to existing parties and have a lot to contribute to the democratic process. In general, I believe that it is important that our laws prevent dark money from entering politics but protect transparent, legitimate, non-party campaigners.

To address the specific questions you have asked, we have recently seen a sharp increase in online campaigning by third-party campaigners. During the Brexit referendum, non-party campaigners spent millions campaigning, both "leave" and "remain". Much of this money was spent online, and a number of these campaigns were later found to be in breach of the electoral laws. The £700,000 I mentioned earlier was from the 2019 general election; it was spent almost entirely on Facebook ads run by groups with names like the Campaign Against Corbynism and Capitalist Worker. One pro-landlord campaign, which was run by a former Conservative Party intern, spent £65,000 on Facebook ads but refused to say who spent any of this money. I think you can see where the issues are there.

It is no surprise, but it is worth recognising that there are two reasons why these groups are overwhelmingly spending money online and campaigning online. One is that there is very little evidence that most of



these groups have any real members, any real traction. I have been researching some of these groups. They seem to emerge out of nowhere and have very little grassroots support. Online allows you to leverage up. Even if you don't have members, you don't have activism, you can use online to get more traction. This campaigning allows these small groups or purposeful actors with money to have an outside influence on our political events.

The other thing worth recognising, and one of the reasons why I think online campaigning has become a big part of third parties, is that our electoral law is really outdated. PPERA was drafted when the internet was in its infancy; we have analogue election laws for a digital age. That is one of the reasons why we are seeing this big increase in online campaigning.

Q163 Chair: Thank you. There are 61 non-party campaigners registered with the Electoral Commission and they spent just over £6 million between them at the 2019 general election. How significant would you suggest are those who are not registered and go beyond that £6 million? Could you quantify it?

Peter Geoghegan: It is difficult because the scale of third-party campaigns is not easy to measure. Campaigns have to register only if they hit or expect to hit spending thresholds, so it is hard to judge how much is happening that we can't see. There is some anecdotal evidence that there might be some things, but I am not aware of evidence that suggests there are huge sums that have been missed by the commission.

The second part of your question about the significance of third-party campaigners is more important. One of the reasons why they are important and it is important to think about them is that third-party campaigns can be very effective at framing narratives. They can push out messages that traditional political parties would not want to push out; maybe they are too hard-nosed, but maybe they are trying to shape political narratives around political events. What do I mean by that? Academic research has been done that shows that if voters are exposed to messages that come from political parties, they react to them based on their previous political leanings, which is not surprising. If you are a Labour voter and you see a message from Labour you react one way; if you saw the exact same message from the Conservatives, you might react differently.

When people see messages from third-party campaigns or non-party campaigns—campaigns they don't have a feeling for—they are more likely to identify them as independent and impartial, even if they are giving the exact same message as a political party. It is not hard to see then how third-party campaigns can have real significance in political events that allow even just the amount of money that they are spending.

Q164 Chair: Thank you very much indeed. Going to Jess Garland, how would you describe how online campaigning by third-party campaigners has



changed in recent years?

Dr Garland: We have seen huge growth, as Peter touched on there, in the number of third-party campaigns, which doubled between 2015 and 2019, but also in the amount that is being spent, and a lot of that is online. A few groups have spent 70% upwards of their campaign spend online. Looking at Facebook alone, in 2017 third-party campaigns spent about £96,000 on Facebook; in 2019 it was £1.6 million. To put that into context, political parties spent about £5.5 million, so we are looking at about a third of the amount of spend of political parties. Clearly that type of campaigning is a very important part of elections and is playing quite a large role.

Having third parties involved in campaigns and democracy and elections is not a bad thing in itself. A thriving democracy needs a diversity of voices; often, groups raise issues that are not part of the debate already. That is an important part, because they they can encourage more people to take part in an election. That is not a bad thing on its own, but we are seeing—Peter touched on this, too—a change from organisations and campaign groups that are household names, where it is very clear what they campaign for, they campaign all year round, they have longevity. If you don't know about them already and want to know about them, you can go to their websites. They have a year-round presence and a reputation. The organisations that appear from nowhere at the start of an election, spend a huge amount of money and then disappear afterwards create a lot of issues for voters in understanding who is in the space, and for the Electoral Commission in providing sufficient levels of transparency.

Q165 **Chair:** What evidence is there for political parties or other actors seeking to influence elections by circumventing rules through so-called shadow third-party campaigns? What evidence do you suggest there is?

Dr Garland: We know from the Electoral Commission's database about the donations and spending of those who have reported, but of course we don't know about those who have not. It is possible that there are groups under the thresholds that are not reporting. The number of groups registered as non-party campaigners with Facebook during the 2019 election was 88, so slightly more than the Electoral Commission's list, but they could be under the spending thresholds or they could perhaps not meet the purpose test; it does not necessarily mean that they are not reporting when they should be.

There is a lot of activity, though, and it is very hard to tell at the moment who is behind the ads, specifically where the money is coming from, and whether there is perhaps some co-ordinated activity either with political parties or between the groups behind the scenes. We don't have that information available. The social media companies have gone some way to adding levels of transparency, particularly the database of ads that some have offered. That is really important. We need a lot more consistency and a lot more information to enable people to get under the



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skin of what is going on. We need a lot more information and the Electoral Commission needs a lot more information as well to really know what is happening.

Q166 **Rachel Hopkins:** Thanks, Jess. I will build on what you were saying. What challenges does the rise in digital campaigning by third-party campaigners pose for the Electoral Commission in ensuring the transparency and accountability of campaign funding and spending by third-party, non-party campaigners?

Dr Garland: I think the challenges for the Electoral Commission with non-party campaigners are similar to the challenges of online campaigning generally, but the bar for getting involved is much lower. You can have a lot more reach for small amounts of money, and it is hard to know exactly who is out there and what they are doing because you only see what is being sent to certain people, unless they are in libraries.

The issue of groups that exist only for elections creates very specific challenges. There is no reputational risk; if you exist only for an election you don't have to worry what people will think about you afterwards if you break the rules. There is very little financial risk because the fines that the Electoral Commission can raise are so small compared to the amounts of money being spent. With no reputational risk or financial risk, the reasons for not breaking rules seem to me to be very small.

Taking action after an election is important, but really we want these things to not happen during the course of an election and after the election or referendum it is too late. There has to be that level of deterrent to wrongdoing in the first place and there is a particular challenge with non-party campaigners where there is no follow-up.

Q167 **Rachel Hopkins:** Thanks. Peter, I can see you nodding. Would you like to add anything?

Peter Geoghegan: Yes. I want to very much support all that Jess is saying. The issue of a deterrent is a real problem with this, because these groups can emerge from almost nowhere four, five, six weeks before an election. It is basically pop-up campaigning. It is really noticeable that it is often the same small group of actors that is setting up a lot of these groups. Most of the transparency we can get is from either Facebook or the small amount of registration details that are needed with the Electoral Commission, but the people who are involved with them are often very similar.

I did some work on the most recent Holyrood Scottish election, in 2021. I was very surprised to see many of the same issues we are talking about, despite new legislation that is supposed to be applying in Scotland around imprints, many of the same kind of things we are seeing around Facebook ads being bought very late in campaigns by groups that seem to have almost no footprint, as Jess said, with no reputational risk by breaching the legislation. I was also struck by often the exact same



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actors, the exact same people, who bought ads in the 2019 general election now buying mainly unionist types of voting ad in Holyrood, especially in the last 72 hours, which suggests there is a small group of people who understand how the system works, who have seen the limits and how little reputational damage there is to be gained from breaching the laws around this, and who are continuing to do it.

That is the real problem in some ways if we are always addressing this after the fact. Some of the stories I mentioned at the start came out 15 months down the line, because that is how long it can take it for what are called small disclosures, below £250,000, to filter through the Electoral Commission's spending database and then be published. That is so long after the fact that you can't even see the horse at that stage while you are bolting the stable door.

Q168 Rachel Hopkins: That has led nicely into some of the other questions I have. Are the current reporting requirements sufficient, is regulating spend still the best measure for tackling undue influence, and is a regulated period for limiting spend still relevant? If there is anything to add, what do you think?

Peter Geoghegan: I thought the Committee on Standards in Public Life's recommendations on third-party campaigns that were made earlier this month in its review of electoral finance were all really good and useful. When a third-party campaign that wants to take part registers with the Electoral Commission, it should have a brief description of what the purpose of the campaign is, where it is based, whether it is part of a joint campaign, whether there is a website address, but it is not just information; it is also the issue of timing, as I mentioned before. We should be looking to have information published as quickly as possible. During general elections we get contemporaneous donation spends. That is how you get those news stories in the four weeks leading up to a general election about where political parties are getting money from. It is doable, but it begs the question why it can take more than a year, by which stage a lot of whatever deterrent there was from publication has gone.

On the point of whether regulation spend is the best way to regulate politics, I am not really sure if there is an alternative to regulation spending or what it might look like, but the last thing we want is less financial transparency and unlimited spending. One idea is you could potentially raise spending limits in line with inflation, but I still struggle to see what regulation of a different focus on money would look like. There are a lot of areas around transparency in political finance that key into third parties that need a lot more work.

There is a huge issue with unincorporated associations, which were flagged up in the Committee on Standards in Public Life report as a potential conduit for anonymous donations and even for foreign money. It noticed that a lot of third parties are what we call unincorporated associations that don't have a legal standing. A lot of money goes into



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British politics from unincorporated associations. At openDemocracy, we recently did a tally and it was about £15 million over the last few years. A lot of that is very innocuous, but some of it can come from groups that we don't have any information on. I thought it was striking that Lord Evans talked about this danger of what he called shadowy groups, these unincorporated associations donating anonymously into politics. Rather than taking the emphasis away from spending, I think we almost need to broaden it.

On the last point about whether the regulated period is sufficient, there is clearly a need to think about how politics is done now. The idea that politics just happens around election time does not seem to reflect the reality of where we are. Thinking about third-party campaigners within that context and saying, "If you are going to be involved in politics, you need to be telling us how you are spending all the way through," there is also a need to join that up with the rest of electoral law. The last two elections have been snap elections. It is very likely that the next election will be a snap election too. You would not want to see a situation where campaigners could not get involved in politics because they had already maxed out spending when spending limits to do with general elections kick in because of the long and short periods of campaigns. It is possible to work around it but that is one caveat with that. I think it would help if we had more transparency around how money is being spent across the day-to-day life of politics, rather than just focusing on one-off electoral events.

Dr Garland: I very much support what Peter said there. On the timeliness of the information, of course during the election campaign would be the best time to be getting that information, particularly for transparency for voters; there are practicalities, but some of that information is available in real time. That is really important for giving voters the information they need. One area that has been lacking in transparency is detail on digital invoices. A lot of digital spend has just come under advertising, and that creates very specific problems with seeing what is national spend and what is local spend, and for the Electoral Commission determining whether the laws have been breached. More detail there would be really helpful for making sure that the rules are not being breached.

On undue influence, it is not just the spend; it is also the money in. Everything Peter said about the legal loopholes we have around unincorporated associations, and companies who are funding parties that might not be making their money in the UK—all these issues are part of the wider picture. That is particularly important for voters because we know that they find campaign finance to be the area of most concern. Only 14% of people think that campaign funding is transparent, and that has been in decline since 2011, when the question was first asked. Clearly that is an area where more transparency would be good for voters. So tying up those loopholes is not just about what people are spending, but about where the money comes from.



On regulated periods, campaigns are definitely going on all year round, but we know that there is a problem for organisations if a year is applied retrospectively, as Peter said, particularly as we have had snap elections and the Fixed-term Parliaments Act has not provided certainty around elections. I think there are risks of extending it, and we have mentioned that it is the groups that spring up during a campaign that are providing the least information. A balance needs to be struck there.

Lord Hodgson: I have a couple of points. My report came out in March 2016, so it is stone age stuff now, but Peter Geoghegan is right that it is not even a new Act. It is an amendment to the 2000 PPERA, so it is not surprising that it is struggling a bit to keep pace with modern developments.

As far as the Electoral Commission is concerned, there is quite a lot that ought to be done. I think we will discuss this more in a later question, but it has not really found a way to begin to get its mind around how third-party campaigners work and the different methodologies they use. A lot could be done by some work in between elections about: how the practice is developing; importantly, providing a much more user friendly and informative website, which would cover where you are going to campaign, what you are going to campaign about and which constituencies you are going to go into; and a bit more proactive regulation or surveillance by the Electoral Commission—thinking about, “Where are the pinch points of this election? Where are the real marginal seats? What are the issues that are likely going to blow up in a big way that we need to keep an eye on and see who is getting involved in whatever way?”—as a means of getting this balance right.

It is very easy to say we need more controls, more controls, more controls, but you have to allow people freedom to say what they think. It may be uncomfortable, it may be difficult, political parties may find single-issue campaigning hard to deal with, but it is part of the vibrancy of our lives and we should not allow it to slip away in trying to create too neat a structure.

Q169 **Karin Smyth:** Lord Hodgson, continuing with your report, you said that 2016 seems like a long time ago, but you anticipated much of what we are talking about in terms of how radically online campaigning has transformed. To remind others, you said that the Government and the Electoral Commission need “to be vigilant as to emerging trends in campaigning methodologies so as to ensure that the regulatory framework continues to strike the right balance”. You have started to expand on that, but five years on, which of the recommendations in your report do you think are most urgent now? You mentioned the Electoral Commission, but where is the balance between the Government and the Electoral Commission now in taking those urgent recommendations from your report?

Lord Hodgson: I have three top picks. Digital imprints on electronic media is critical and should have been done a long time ago, so that



people see where stuff is coming from. Anybody who registers with the Electoral Commission should be required to say on their home page if they are registered for this election, so you begin to get your arms around the digital output. The definition of "members" is definitely analogue, and we are now digital. As members of the Committee will realise, you can contact without any constraint on your spending, and you can build your membership very fast by sending out an e-mail saying, "Tick at the bottom if you want to be a member," and maybe even later on have what they call a negative pledge, "If you don't tick, you are a member." That is a way of building your membership and your ability to influence people outside the system very easily. There needs to be another look at that. It should have been looked at when I had an idea of what I call a committed supporter. That was not good enough; we needed a constitutional member who had some involvement, but it was not for me to decide.

I put forward three ideas: rights of participation in the organisation and some way of voting, an established procedure for having to reaffirm your commitment to the purposes of the body, or maybe some form of meaningful subscription. That would cut off the ability to build very fast outside the provisions of the Act. Most controversially, of course, is moving from the intent test to the actual test. You are familiar with the words, "Expenditure can reasonably be regarded as intended to promote or procure electoral success," which have caused a lot of angst, not all of it justified. Some of it has been lawyers saying you need to be very careful in a way that is not really necessary, but on balance that undoubtedly needs to be changed.

There are three options. There is the Representation of the People Act 1983 and there is part 7 of PPERA, which is concerned with referendums but you could use that for general voting. Either of those could be transposed into law—in particular, the RPA has quite a long experience and some decent precedents and some anti-avoidance provisions—or alternatively a code produced by the Electoral Commission to be approved by Parliament. I personally favour that last because you can do it more quickly and I believe that Parliament should take control of the situation. Parliamentarians should be deciding how this operates, not the courts. Parliament should approve a code and then, of course, that is a statutory defence for the way you behave. Parliament is at the forefront of this and ought to be leading the charge and ensuring this happens, but the ability to produce a code in this area would require fresh legislation.

Q170 **Karin Smyth:** That is really helpful. To clarify the first couple—forgive my ignorance—is the digital imprints an issue with the Electoral Commission?

Lord Hodgson: I think it is in the Elections Bill, which I have not fully grabbed.

Q171 **Karin Smyth:** Those are the responsibility of the Electoral Commission, but the latter issues clearly require amendments or changes to legislation



to be brought forward?

Lord Hodgson: Yes. The Electoral Commission can produce a code on expenses that may be included. It has the ability to do one code, but not a code as regards the actual situation of the purpose or the public test.

Q172 **Ronnie Cowan:** I am just mulling over the previous answers. There is an awful lot in there to take on board. Let me start with Jess Garland. Where we currently are, does the Electoral Commission have the appropriate powers, capacity and expertise to effectively monitor compliance within the rules and enforce any breaches?

Dr Garland: I think we have heard from the Electoral Commission and a number of other reports that it does not have the right powers at the moment, and it needs things like the ability to request information outside an investigation. As I said before, the size of the fines is not acting as a deterrent in the current environment and with the increase in spending. Changes need to be made to give the Electoral Commission the tools that it needs, but we are seeing in the Elections Bill a suggestion that it should have less power and less independence. If we are really serious about having strong electoral rules and making sure that people are not breaking them, having a strong and independent Electoral Commission is absolutely essential.

Q173 **Ronnie Cowan:** We seem to be deal with this in hindsight; people are asking for forgiveness rather than permission, and we can slap a fine on them but by that time the damage is done. Could powers reasonably be given to the Electoral Commission, obviously protecting the freedom of speech, so it could bring down the rogue websites or whatever during an election campaign?

Dr Garland: I think some of the issue here is the relationship between social media companies as well. A lot of these things are in the gift of the social media companies, and unless the Government legislate for the social media companies to do things like have a consistent ad database. We mentioned imprints there and there is provision for that in the Elections Bill, but it is one thing to say that the Electoral Commission and the police should be checking whether campaigners have an imprint; it is another thing to say social media companies should make sure that the people who are giving them money to place these adverts have put them on in the first place. Again, it is shifting the focus on to what happens before the election and being aware that the Electoral Commission does not have all the powers here. The social media companies have a huge amount of power themselves.

Q174 **Ronnie Cowan:** I understand that, but I am still concerned. You used the words "social media" and "police" and as soon as you start using that language, people will kick off, and understandably, "I have a right to express what I want to say and to spend my money in such a manner." How do you stop that getting to a level where—it may be beyond this remit because it is possible that foreign agencies spend vast amounts of



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money and try to influence what is happening within the United Kingdom. Is that a job for the Electoral Commission or are we going beyond its remit?

Dr Garland: A lot of these things cut across different agencies and we have seen that some investigations have been passed on to Serious Crime, so there is lots of overlap. One of the things the Electoral Commission should be given is the ability to share information with these other organisations. There are national security risks in some of these issues, so no, not everything falls to the Electoral Commission. We also have the situation where there are two bits of legislation and some things fall with the Electoral Commission and others fall with the police. That has created some issues, as we have seen. There is a question about whether the police should be pursuing all of these issues, given all the other things that they have to be dealing with. The Electoral Commission is the expert on elections and it is the right place for a lot of the challenges, but we want a regulator that has independence and teeth if we are serious about protecting our democracy.

Q175 **Ronnie Cowan:** Lord Hodgson, your report stressed the importance of the Electoral Commission taking a “more proactive and risk-based approach” in its engagement and monitoring of third parties. Do you think this statement still holds?

Lord Hodgson: In fairness, you do these reports and I have not sat on the Electoral Commission; for all I know it has done everything I said it should do, but I don’t think it has. From what I can understand, the situation is partially about the powers it has and it is partially about approach, because it is dealing with a very fast-moving situation. I think it needs new powers. It also needs a new approach that is more front foot rather than back foot, more proactive, making sure the website looks better and is more real time. The financial return of six or nine months after the election, as somebody has already said, is all very well, but if the horse has bolted it is a long way down the street by that point.

It is attitude and approach as well as powers, and I don’t think the police are able to handle this easily. I talked to the police when I did my review and they felt they were going to get themselves into politics, because some of these will be semi-political decisions about which line has been crossed where, and it is not very easy to draw sharp lines, cliff edges. They are very keen to make sure that they maintain their trust in the communities and around the country, and they are not keen at all on getting involved in what some people will see as a “political squabble”. They will act if asked to, but they won’t do the investigation themselves.

Q176 **Ronnie Cowan:** What did you mean by more risk-based?

Lord Hodgson: What I mean by risk-based is there will be constituencies where there are particularly fiercely fought campaigns for one reason or another and some of them will be marginal. Constituencies where the majority is below 500 are quite numerous and money deployed, skills



deployed, could shift that number of votes and make a difference. They should be looking in particular at the areas where either issues or marginality are likely to play a particular part, for example.

Q177 **Ronnie Cowan:** Peter Geoghegan, should non-party campaigners have to disclose more information about themselves when they register with the Electoral Commission so that there is more publicly available information before the electors?

Peter Geoghegan: Yes, I think it is quite clear that that is what needs to happen, as well as the Committee on Standards in Public Life recommendations. One of the things that we don't know anything near enough about—it is something that Lord Hodgson touched on slightly—is the data that non-party and third-party campaigners have. As well as looking for things like where they are based, a summary of what they do and whether they are in a joint campaign, they should also have to disclose their data—what data they hold, how they got it, how they intend to use it, how much they spent acquiring the data—as well as a summary of their assets and liabilities.

It is not that onerous really. Charities have to carry out anti-money laundering checks, but political parties don't and neither do campaigners. I think a bit more transparency and information being provided by third-party campaigners would not be that onerous and would not dissuade too many campaigners, but it would give us a lot more information, and give voters a lot more information about exactly who these third-party campaigners are—especially the kind of third-party campaigners that I have looked at and that I think we are all concerned about, who emerge from nowhere and seem to be able to spend large sums of money.

Lord Hodgson: I will add one thing on that. If you are a charity and you register as a charity you have to have a public benefit objective, a public benefit. I was anxious to suggest in the report that we could have a similar public benefit test for third-party campaigners. It would not be called a public benefit test, of course, but it would be: what is your objective, what are you about, what are you trying to do? Part of the vibrancy of our society is being strong enough to stand up and say, "This is what I believe in and this is what I am campaigning for," and who could object to that? That is largely hidden at the moment, and it could easily be introduced by the Electoral Commission as part of its requirements of people registering with it.

Q178 **Ronnie Cowan:** Thank you. Peter, does the Electoral Commission effectively hold non-party campaigners to account after an electoral event?

Peter Geoghegan: This is one of the big issues. The Electoral Commission can tell campaigners to stop doing things. It is able to issue stop notices, but that does not happen very often. At the moment, the maximum fine for breaking electoral law—it is likely to change—is £20,000, but it is really a sliding scale to £20,000, and that is for the



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most egregious breach of electoral law, so when it comes to third-party campaigners you are often talking about £500 as a fine for a breach of the law, or nothing at all. That is a real part of it too. The commission is trying to hold these campaigners to account afterwards, maybe by issuing fines, but there is not a huge reputational risk, as Jess Garland mentioned, and there is not a huge monetary risk.

There is also an issue within the commission. At times it feels like the commission adopts a very legalistic approach to third-party campaigns and their wrongdoing, with almost requirement to prove beyond a reasonable doubt that a breach has taken place. Often this can involve chronic offenders who time and again in different elections and different jurisdictions are using third-party campaigns, and I would argue probably knowingly abusing the rules, at least on the balance of probabilities. The commission is not going to send people to prison for setting up shadow campaigns for breaching the law.

Perhaps at times we should take a slightly more probabilistic approach to enforcement and say, "These two campaigns have been run by almost identical people. They are sending the same message out"—I have seen this in my own research and from sending freedom of information requests—"They are at times using identical unique language in their data with the Electoral Commission. Are these groups connected?" Well, I think on the balance of probabilities they are, but often the commission will err on the side of legalism and say, no, they are not.

Q179 David Mundell: Lord Hodgson, I will begin with you and your 2016 report, which emphasised the need to balance transparency and clarity on significant campaigning activities, especially any with an underlying party political motivation, with the need for the regulatory system to be comprehensible, proportionate and not discourage third parties from campaigning. Do you think that the Government's proposed changes to the rules for non-party campaigners set out in the Elections Bill are likely to achieve the balance that you identified?

Lord Hodgson: Let me be candid. Don't let me try to fool you that I have been through the Elections Bill and cross-checked it against what I recommended in 2016. Some aspects of it seem to me at high level to be a good idea. The reduction of the requirement to register to £10,000 seems to me to be a good thing, because that is roughly the old individual constituency level; that seems to be a good idea. I think there is work to do with the proposals on digital imprints, but it is not entirely clear to me how that will actually work.

I don't see any real attempt to deal with the intent question, which is at the heart of a lot of people's concerns. That will be a very fiercely fought political issue, and I am not sure, from what I can see of the Bill, that we have necessarily got a situation where the Electoral Commission has the tools to carry out the work. It is no good saying it needs a different approach. Approach will follow its ability to carry out the work, and I am not sure whether the Elections Bill as currently drafted gives them those



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necessary powers, as Peter Geoghegan said, to chase the rabbits down the hole everywhere and see who connects up underground one way or another.

Equally, we need to be aware of how difficult it is to catch this will-o'-the-wisp. As part of the report, I asked to do an analysis of the Bradford West campaign in the 2015 election. It was a very bitter, unpleasant, fiercely fought campaign. I asked for an analysis of all the Twitter users who mentioned candidates' names—there were 35,000 of them—and, where they revealed their location, where they came from. Well, only 330 were in Bradford; 12,000 were in London and 500 were in Pakistan. We are talking about trying to pick up quicksilver—it is moving about all over the place. It is easy to say the Electoral Commission should do more, but it is not always easy to see exactly where it can grasp this particular nettle because it is all over the place, as evidenced by that piece of research we did.

Q180 David Mundell: Paul and Jess, I will ask you a similar question but specifically in responding could you also say if you have any thoughts on the lower tier registration threshold for third-party campaigners that is being proposed, the proposed rules on joint spending for non-party campaigners potentially with political parties, and the digital imprint that Lord Hodgson touched on.

Dr Garland: There are some good measures in the Elections Bill. It is great to see imprints coming through finally. They are not the silver bullet, they are not going to solve everything, but it is a starting point. In other parts of the Bill, there seem to be some good measures around joint working, but we are seeing a lot of the focus on the activity, the spend and the registering and not so much focus on where the money is coming from, which is a really important part of understanding what is going on.

A fortnight ago, the CSPL report, which has been mentioned by the other witnesses, has done a really comprehensive review of everything that could be changed in a very balanced way across the piece. There is a risk of addressing some issues and not others, tidying up part of the law over here and then leaving some large loopholes on the other side. I think that is a real risk. It is a bit of a shame that we saw the Elections Bill come through before that really important report from the CSPL was published, because there are some good, balanced suggestions in there.

Peter Geoghegan: I agree that there are some good suggestions within the Bill. The key is the independence of the Electoral Commission and there are concerns that it could be impinged upon by this Bill. I don't think we should have a Government giving the regulator of elections a mission statement that they are accountable for. There are some concerns about that.

I am also slightly concerned about whether the Bill could make it harder for third-party campaigners in some aspects. The lower tier, for example,



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is broadly to be welcomed and I am not sure if the new threshold will add in any huge meaningful way to the administrative burden on third parties.

I am a little bit concerned about the language of lower tier. It seems to be slightly unclear exactly what those transparency requirements will be and how they are different to other third parties. I wonder why we don't make £10,000 the threshold for spending anywhere in the United Kingdom for a third-party campaigner as that is the level at which you register, and then you get whatever are the transparency measures—I think they should be boosted—across the piece. Adding a lower tier and that language almost can add to the complexity of electoral law.

I think the imprint is definitely to be welcomed. It is long overdue. Anybody who has been involved in elections knows this is overdue. We should not overstate the idea that it might be sufficient to ensure public trust in the future of political events. We should not overstate it. It will be useful. It will allow citizens to see more about who is targeting them and it will help in that respect, but I would not overstate the extent to which it will build trust within the political system.

In some ways, as Jess mentioned, in studies of how people feel about political transparency, sometimes there is a tendency to say that if we are more transparent about political finance, the public will see it is not as bad as they think it is and it will build trust. That might happen when you draw back the curtain, but it might not, and we should not always just approach trust as the only metric for why we do something. The digital imprint is a useful thing and it might do something towards building trust, but the key in many ways is transparency and accountability, and there needs to be more on that.

The Scottish election in 2021 is a useful test case. We did have digital imprints, but as my reporting and reporting of others showed, third-party campaigners were still ignoring the imprints. They were able to post the ads without imprints, they were providing scant information so you could not find out who was behind them, and once again it will probably be about this time next year before we have any more information on that. That is probably the crux of the issue.

Q181 **David Mundell:** My final question to each of you is: what measures are necessary to ensure electoral integrity and instil public confidence, or trust as you characterise it, in third-party campaigning? Peter, how do you respond to that?

Peter Geoghegan: One issue is bringing the threshold for third-party campaigners down to £10,000. I don't think we need tiers, we just need to make that apply across the United Kingdom and the devolved nations as a start. We should look seriously at registration requirements for third parties to be all the year round. We should stop assuming that politics only happens at election time when we can see that lots of politics is happening all around it. Finally, building on Lord Hodgson's concepts around intention, I think we need far more transparency of the intention



behind third-party campaigns. A lot of the requirements for disclosure would really help with that, and if they went from not just the baseline requirements we currently have with a name, at times there is not even an e-mail address. You can see organisations spending tens of thousands of pounds without even an e-mail address. That should all change.

Dr Garland: I agree with what Peter was saying earlier about sometimes with transparency, it is not just enough to have the information there and trust is very difficult to restore. We need a shift to focus on the deterrent side and making sure rules are not broken during elections and only picked up months and months later, because that does not damage necessarily the organisation involved; it just damages people's faith in the process and democracy generally. Having a strong independent regulator and a focus on making sure people are deterred from wrongdoing in the first place goes a long way to making sure that the faith there is is not damaged further. People need to trust the system to take part in it and that is hugely important.

Imprints are important and they will add a certain level of additional information, but we can't expect all voters to be going down the rabbit holes as we expect our regulators to be doing. We know that people's big concern is the financing of things, so just looking at what is happening and getting people to say what they are doing is one thing, but knowing where the money comes from is an important part of that picture.

Q182 **David Mundell:** Lord Hodgson, if you were doing your report now, what do you think would be different in it, five years on?

Lord Hodgson: I would increase the powers of the Electoral Commission along the lines we have been discussing. I would certainly deal with the membership issue and the intent issue, but we need an Electoral Commission that is prepared to speak truth to power. The role of the chairman of the Electoral Commission is not a comfortable one. That is an issue that is not just about the powers; it is about the ability to use the power if you have it, not being immediately popular with political parties or others as you go along.

The only other thing about the evidence from five years ago about people out there—I bow to the other two witnesses if they say it has all changed. On this call we are all interested in politics and the way politics operates; it absorbs our lives. Out there in the saloon bar of the Dog and Duck, they are not jumping up and down about electoral this and that. Close to an election their antennae might tune in a bit, but most of the evidence that I got was that people were more likely to listen to tweets and information from friends or people they respected than from organisations—that organisations whacking out a lot of stuff might pick up a few people but what really got people going was recommendations from people they trusted and particularly from friends. We need to bear in mind that just sending out hundreds of thousands of e-mails may not have quite the appearance it looks like to those of us who are concerned about politics every day. We had a look at—this is a hero from the past—



through Russell Brand. He took a great interest in the election but we could find no evidence that Russell Brand's tweets or views on political matters had any real impact on the way people thought or voted.

David Mundell: Interesting. Perhaps, Chair, we could have a Committee visit to the Dog and Duck so that we could ascertain public opinion.

Lord Hodgson: I will join that one.

David Mundell: I will conclude on that basis. Thank you.

Chair: Thank you very much for that. That presumes that we won't need a Covid pass to do so, but that is a different inquiry, Mr Mundell. I thank our first panel for their attendance and for sharing their expertise and insight with us this morning. It is greatly appreciated.

Examination of witnesses

Witnesses: Dave Timms, Chloe Hardy, Dr Rowan Popplewell and Chris Weavers.

Q183 **Chair:** By aid of modern technology, our second panel should be populating the screen in front of me as we speak—which they are, which is a delight to see. We will move seamlessly to them and I will ask them to introduce themselves for the record.

Chloe Hardy: I am Chloe Hardy, Director of Policy and Communications at the Sheila McKechnie Foundation.

Dr Popplewell: I am Rowan Popplewell, a policy manager at Bond, which is the UK network for organisations working in international development.

Dave Timms: Good morning. I am Dave Timms, the Head of Political Affairs at Friends of the Earth England, Wales and Northern Ireland.

Chris Weavers: Good morning. I'm Chris Weavers, Acting Head of National Official Campaigns, Policy and Communications at NASUWT—The Teacher's Union.

Q184 **Chair:** Thank you. I want to get the views of all four of you on the quality of the Electoral Commission's guidance and documents for non-party campaigners, particularly how helpful you find the commission's guidance in enabling you to ensure that your organisations or bodies comply with the rules and also, if it is applicable, your thoughts on how clear they are for joint spending provisions.

Dave Timms: Thank you very much for inviting us to give evidence. We worked quite closely with the Electoral Commission, at its request, on the redraft of the guidance that happened between 2017 and 2019. It was kind enough to share a draft of that guidance with us, which we fed back on. Our view is that it is considerably clearer. It provides an improved sense of the boundaries between some of the regulated and non-regulated spending. The addition of case studies, one of which includes



us at a previous election, was very welcome. It started to give a much greater sense that the commission understood the nature of third-party campaigning. I think one of the problems with the guidance previously was that the commission seemed to be locked into either you are engaging in partisan political campaigning or you are not campaigning at all, but the sense that you would be campaigning very strongly around an issue in a non-partisan sense did not come out of its previous guidance. I think it comes out now in this one. There is a lot greater sense of the kind of activities that NGOs and third-party campaigners would be engaged in.

Having said that the guidance is clearer, there are still some considerable problems with it, although we accept that they have worked very hard to make it better. They have gone down a bit of a rabbit hole in the difference in the purpose test between implicit and explicit intention, which has resulted in an slightly unpalatable word salad that I think is still incredibly confusing for non-governmental organisations and third-party campaigners. There are some things that can still be ironed out—too many PDFs, too many documents with similar sounding titles that it is easy to get lost in—but those are all minor.

You asked specifically about the joint working laws. That is one of the areas where I think the guidance is most clear, but that has not done anything to reduce the concern we have about the rules themselves. It reminds me a little of that old Eric Morecambe joke about playing all of the right notes but not necessarily in the right order. The boundaries are now much clearer, but they are in completely the wrong place. I think we will talk more about the joint working laws later. We find them probably the most problematic and most worrying aspect of the legislation's impact on legitimate civil society activity.

Of course the clearer the rules and guidance get, the more we can see that the problems we are faced with are not of the Electoral Commission's creation. They are down to a piece of legislation that is fundamentally flawed and well overdue to be seriously addressed. It is a matter of huge disappointment that the Government completely ignored Lord Hodgson's review, completely ignored the recommendations of the Select Committee on Charities, and completely ignored Lord Harries when he did his review. We hope that they will apply a very different approach to Lord Evans's Committee on Standards in Public Life and to this inquiry, which are engaging seriously in these issues in a way that Government do not seem to want to.

One final thing is that in a way Friends of the Earth engages with this guidance a lot, but the organisations whose impression of this guidance is most important are those who engage with the Electoral Commission the least.

Q185 **Chair:** Thank you very much. Chris Weavers, I put the same question to you. What is your view of the guidance that you are issued with and how



it helps you comply with the rules, and your thoughts on joint spending provisions?

Chris Weavers: To add to what Dave was saying, I think the quality of the guidance has improved in recent years. However, again as Dave indicated, there is a limit to how useful it can be when the legislation to which it refers is poorly drafted, often rushed through and incoherent. I think there is a real argument for a wholesale review of election law, possibly even in the form of a consolidation Bill. At the moment, it can be a minefield, and because it is so poorly drafted it is often reliant on subsequent case law to clarify the meaning. That means that a lot of the guidance tends to be written in what I would term as legalese. That is possibly fine for those of us who work in this area regularly; we can make sense of that, we understand what the meaning of the legislation is, but for smaller organisations, for non-experts, it can be a real barrier to participation and create almost a culture of fear, where people shy away from undertaking legitimate activity because they are not quite sure where the boundaries are and nobody wants to be the test case.

Beyond that, it is a recognition that most organisations want to comply, even where they believe that the framework is overly burdensome. Certainly from a trade union point of view, but I also know from charities, there is no more transparent funding out there. We are regulated by the certification officer or by the Charity Commission. It is very clear where our money comes from and it is very clear where we spend it. Without jumping ahead to the issue of digital imprints, we don't seek to hide how we spend our money and how we campaign around elections or political issues. We actively want our members and the public to know we are campaigning on those issues. We are trying to sway opinion and we are not hiding what we are doing, but we find that as efforts are made to restrict the activity of some of the organisations that spring up around elections and to try to regulate those, that burdens fall on legitimate, long-term campaign organisations that are unduly burdensome.

Q186 **Chair:** Thank you very much. I will go to Chloe Hardy. What are your views on the guidance, how it helps organisations involved with complying with the rules and a thought on the joint spending provisions?

Chloe Hardy: I echo pretty much everything that both Dave and Chris have said, so I will not repeat that. The additional thing I would contribute is that certainly the guidance has improved. We carry out an annual survey of civil society campaigners and changemakers and we ask them to identify risks of concern to them. The Lobbying Act has always appeared quite highly since it came into force. Concern about that slightly dropped just after the guidelines were changed in late 2019, but still around 50% of campaigners and changemakers found it an issue of concern.

The joint spending provisions are basically the same thing. It is clearer what is included, but it is very hard to see how the cost that is paid by us in organisations simply just stepping away is proportionate to the



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problem it is supposedly there to solve. Again, we need to take a step back and review what the problem is we want to solve, what kind of transparency we are after, where it is already provided for in other forms of regulation and legislation and maybe come up with some more coherent transparency legislation.

Q187 **Chair:** Last but not least, Dr Popplewell, do you have anything to add to this question?

Dr Popplewell: The main thing is that Bond, along with two other charity infrastructure bodies, the NCVO and ACEVO, worked very closely with the Electoral Commission on the revised guidance. It was a very consultative process and I think it has improved as much as it possibly can because of that.

One thing I would add to what Dave said about the improvements is the tone of the guidance. It is much more positive and it is focused on what charities and other non-party campaigners can do at elections, rather than what they cannot, and that is very helpful. However, there are still outstanding issues and I think the revised guidance has exposed those: they are the purpose test or the question around intent, as Lord Hodgson put it, and also the joint spending rules. They are clearer, but they are still problematic, and those problems are embedded in the legislation.

Q188 **John Stevenson:** Could I start with Dave? You have touched upon the fact that you have worked closely with the Electoral Commission. Have you asked them directly for advice and, if so, what was the quality and timeliness of that advice?

Dave Timms: We have asked extensively for advice, certainly during my time in this role in the organisation and in 2017 and 2019. To give you some kind of idea of the sorts of things we asked about, we asked whether it would be okay for us to appear on a podcast that was hosted by a Member of Parliament, whether that would be regulated during the election campaign. We also asked whether our annual conference base camp that brings our activists together would be regulated, because some of the sessions would be ones that had a more political nature to them, and how would we apportion the spending for that. It is a massive event, and was all or parts of it going to be regulated? Those are a couple of examples.

We found that in 2017 the advice was pretty poor. This could have been a function of the snap election, but a large number of people seemed to have been taken on who did not understand the nature of our work. Again there was the assumption that either you are a partisan political campaigner or you are not campaigning at all. They did respond promptly to our enquiries, but the answer was much too often that they did not know. Often when we came to the commission with a specific example that we were looking for guidance on, we would merely have read back to us the guidance we had already prepared and told to take a judgment. It was not particularly helpful.



By 2019 that had significantly changed. The commission had a much greater sense of what we do; it was able to understand and give a greater steer as to whether something was likely or unlikely. It seemed more confident in trying to steer us into those directions and there was a much greater understanding. That was a dramatic improvement in that guidance and always responding promptly and with people who had a much better understanding of the legislation and their own guidance.

That said, we still have to rewrite the guidance that they put out, the written guidance, for our own local groups to help their understanding. It is still too difficult. As somebody who has stuck my head above the parapet and been active on this issue, big organisations and other NGOs come and ask me questions because they do not feel confident to go directly to the Electoral Commission.

Q189 John Stevenson: On that point, have you found the Electoral Commission, when you are dealing with the guidance, good at helping you with ambiguities and issues that surround it?

Dave Timms: Up to a point. There are many permutations of different types of activity that could go on once you talk about how we could apportion local campaigning, say, within the constituency limits between national and local activity, so it cannot be prepared for everything. Often all it can do is say that something is likely or unlikely. You must be an organisation that has a very high tolerance for risk to feel comfortable to do that. We are quite a robust organisation and we operate in the public domain and are used to politics, but when you are thinking about charities that are primarily service delivery organisations, that are undertaking activity, to go to the Electoral Commission and be told that your activity would only be likely or unlikely to be regulated and that you would be likely or unlikely put yourself in a position where you could be breaking electoral law, you can see where that chilling effect comes from. Often these are not professional politicians. These are organisations that are serving the needs of marginalised or vulnerable communities.

Q190 John Stevenson: Are you saying that the Electoral Commission could be far more effective in the advice that they give?

Dave Timms: The advice is good but it is the nature of not being able to say with real certainty that is a problem.

Q191 John Stevenson: When dealing with the Electoral Commission, have you had a direct point of contact that is a regular one, or is it more generic?

Dave Timms: No, we have had a named individual that we have had exchanges with. Again, in a way Friends of the Earth's experience is probably atypical; I think the attention should be on those that are only engaging with the commission occasionally, and whether they get to have that level of interaction and familiarity.

Q192 John Stevenson: I will turn to Chris now with exactly the same questions. What is your view?



Chris Weavers: It would be fair to say that we have sought advice significantly less frequently than Friends of the Earth, partly because our main objective when it comes to campaigning around elections is to enable our members to take an informed decision when they come to vote and to encourage them to vote. We encourage electoral registration particularly, for example, for newly qualified teachers who may have just moved away from university to a new place of work, because they are less likely to be registered. Subsequent to that we might, as we did in Wales and Scotland recently, organise virtual hustings or in England—

Q193 **John Stevenson:** Sorry, to go back to the focus of our investigation, it is about the Electoral Commission. Have you asked them for advice and what is the quality of that advice and has it been given to you in a timely fashion?

Chris Weavers: Yes, it has been in a timely fashion previously. The quality has been fine. It has not always addressed the concerns or the questions we have had, but I am not convinced that this is the fault of the Electoral Commission. As I mentioned in my previous remarks, where legislation is vague the Electoral Commission does not have the power to interpret it fully. That must be done through the courts. The commission can give you a sense of the likelihood of you falling foul of the law, but they cannot say with any certainty whether you can or cannot do this on a certain issue, because that can only be tested in the courts unless legislation is tightened or clarified. No, we do not always get the answer to our questions but I am not necessarily sure that the Electoral Commission is in a position to give those answers.

Q194 **John Stevenson:** Okay. Have you had a direct point of contact when you have been dealing with the Electoral Commission?

Chris Weavers: No, we have not but I think that is because our contact has been less frequent, so we have not built up that detailed relationship.

Dr Popplewell: The quality of the advice has improved; that is what our members tell us, but they also find it very frustrating because, as the other panellists have said, the Electoral Commission cannot tell you with certainty whether an activity is or is not regulated. They can only say it is likely or unlikely that it will be regulated, and that is not enough for a lot of our members. They find the rules very confusing and complicated and they are scared about getting it wrong. They do not want to inadvertently fall foul of the law and be fined, or to come across as being overly political when they are not and be reported to the Charity Commission. They are worried about all those things, and if they do not get the certainty that they need, they step a long way back from any activity that could even potentially be regulated. That does have a chilling effect and I do not think that is good for democratic debate at elections.

Q195 **John Stevenson:** What about the timeliness of the advice that you get from the Electoral Commission? Are they responding in a timely manner?



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Dr Popplewell: Yes, it is timely, but the main issue is they cannot provide campaigners with the certainty they need to make the decisions they need to make.

Q196 **John Stevenson:** Have you had a direct point of contact with the Electoral Commission?

Dr Popplewell: We have not, and most of our members have not either.

Chloe Hardy: We have not dealt directly with the Electoral Commission in the same way as others, so all I would add is that the comments from previous contributors reflect conversations that I have had with organisations in our own network.

Q197 **John McDonnell:** I will ask you in turn what is your organisation's experience of the commission's monitoring and enforcement functions, and do you think it is exercising its powers appropriately? Dave, can we start with you again?

Dave Timms: We have had considerable experience of their enforcement, being on the end of it. In 2015, having campaigned strongly against the provisions of the Lobbying Act, we were unfortunately one of the first organisations to be fined £1,000 for breaching the provisions and failing to register in time. That was due to the joint working provisions, so as an organisation that was all over this legislation, we still managed to fall foul of the joint working provisions. The money that was incurred with another organisation pushed us over that limit. We felt that £1,000 was a bit steep as a fine, not because of the amount but because it was an administrative error. The Electoral Commission accepted that we had engaged with them in good faith and had reported the potential breach to them ourselves and then done everything we could to rectify it. At that time we were very worried about the impact of that and the negative press coverage and reputational damage that it did to us, so we understand the impact it would have on other organisations.

In 2017 we were fined again, £250, for another administrative error. We sent in a spending return late and were fined for that. That is the minimum fine you can get. Our regulated spend on that election was £46,700 and in 2019 we registered with a regulated spend of £36,000. Interestingly, to come back to what your previous panel said about spend, all but £480 of that was staff time from Friends of the Earth, so you talk about the amount that some organisations that are operating spend on advertising, but ours is almost entirely staff time.

For completeness, in the 2021 elections for the Senedd elections that are regulated under this legislation, we estimated we spent £6,394, which is below the threshold for submission returns but we were already registered from the previous election, so that gives you an idea of our expenditure and enforcement experience.

Q198 **John McDonnell:** From that experience of a series of misdemeanours,



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what is your answer to the question?

Dave Timms: Can you remind me of it?

John McDonnell: Are they operating their enforcement and monitoring powers appropriately?

Dave Timms: I think there is a problem in that organisations are concerned about registering in case they get something wrong. For non-professional organisations, for NGOs, for charity campaigners, possibly for small organisations, it is the fear of having an administrative error that leaves you able to be described as having broken election law in a context—we have to look at the context here—where campaigning by a civil society organisation, especially charities, has been demonised in the press and charities have been attacked for it, for example, the Runnymede Trust. That is especially true if you are an organisation representing some of the most vulnerable in society, or you have very powerful and well-resourced political opponents who might have access to the media who will smear you with the notion that you have breached electoral law, as that could have an impact on your funders.

There is a problem here in that when you are a possibly under-resourced regulator, there is a danger that what you do is go for the misdemeanours that are accidental and that is what you end up policing, whereas what you should be doing as a regulator is having the resources to engage in the kind of investigations of the bits of electoral activity that are operating entirely in the shadows, as so eloquently explained by Peter Geoghegan in the previous panel. That is where we would like to see a strong regulator that is independent and has the resources to focus its policing efforts on those that are entirely ignoring the legislation or coming up with the sort of campaigning that we all agree is problematic, rather than having small organisations in fear of administrative errors because of how that will be represented and the damage that would do to their reputation, which is far disproportionate to the amounts of money.

As others have said, the amounts of money that are imposed as a fine are not significant enough, it seems, to deter those who are determined to have an influence operating in the shadows, but the political context within which civil society campaigners are operating means that to be found to be breaking electoral law can be a damaging thing to happen to a small organisation, or one that does not have significant resources.

Q199 **John McDonnell:** Yours would be the Electoral Commission focusing on what some would describe as malevolence rather than error?

Dave Timms: That would be accurate.

Chris Weavers: I am glad to say that we have not been on the sharp end of enforcement from the Electoral Commission and that is because certainly we take compliance with the law, even where we have concerns, very seriously. I think that is true for the wider trade union movement and the third sector in general.



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I make two remarks. One is to echo Dave's point that the malpractice that is going on is not within what I would term as the legitimate third sector, which year round undertakes a variety of service delivery and campaign activity, has a public profile and people know what those organisations are about and what they are seeking to achieve. There seems to be a problem where there is often the temptation to go for the low-hanging fruit and those organisations that are quite public about what they do end up being targeted rather than the shadowy organisations we heard about from the previous group of witnesses.

The second point is that I think there might be a benefit from having greater separation between the guidance and enforcement powers within the commission, so organisations can have confidence that when they go to seek advice, what they are not doing is highlighting something that the commission may come after them for subsequently. If they think they are on the boundary, they are seeking advice so that they can comply with the law. I think some of those smaller, risk-averse organisations worry about that they are highlighting an area that the commission may want to come and have a look at subsequently. That might deter some organisations seeking guidance and have a broader chilling effect on creative campaigning.

Dr Popplewell: We do not have any experience of the Electoral Commission's enforcement powers but I support what Dave and Chris have said. Organisations are concerned about getting it wrong and making administrative errors and being punished for that, and that is why they are reluctant to approach the Electoral Commission and reluctant to register.

Chloe Hardy: I back up exactly what everyone else has said. There is a deep fear of getting it wrong in an incredibly minor way and taking massive reputational damage.

Q200 **Tom Randall:** Building on John McDonnell's question, can I get the panel's views on whether the current balance of regulation for non-party campaigners is right? Also, it would be useful if the panel members could talk us through the compliance costs and the challenges that you generally face through your organisations in this sphere. Can I come to Chloe Hardy first?

Chloe Hardy: I am answering with a particular focus on established civil society organisations, which already have a year-round presence, regulation and reputations that they need to protect, all of which already contribute to the transparency that people need when they are looking at the outputs that this regulates.

On whether the current balance is right, I find that question almost impossible to answer, mainly because the problem with charities and voluntary organisations that this aspect of the Lobbying Act is supposed to solve remains unclear, so we cannot have a great deal of clarity about whether the regulation is either proportionate or effective. The original



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legislation and further changes the Government are now seeking feel like a very blunt solution to a very vague problem. We know that it is important that the cost of the solution does not outweigh its benefits, because one of the biggest costs is to the quality of our democratic debate.

To give you a bit more concrete information on the direct impact on civil society organisations, in 2018 we conducted research about the Lobbying Act. It covered 92 organisations, mostly charities, and it was a mixture of online survey, focus group and telephone interviews. It was a long report but the key impacts we found were that people's voices were going missing from the political debate. The burden of regulation and fear of getting it wrong reduced the capacity of those organisations to represent the issues that affect the people they work for and to support people to engage in political debate themselves. Secondly, it made it harder for charities and voluntary organisations to pursue their missions or purpose, which is what they are required to do, especially those who are working on politically sensitive issues—things like welfare, disability, immigration—which were seen as much higher risk. As previous contributors have said, the political context is also important to this.

It has stopped some activity completely. We found clear instances of activity being cancelled. That affected smaller organisations and churches, for example, who were in fear of coalition rules, which was incredibly sad because they depend on that kind of collaboration. They cannot do that work alone, so a lot of them were stepping out. It also diverted quite a lot of time and money away from their core work and towards compliance. I know that some of my fellow panellists are able to talk more directly to the specific costs of compliance and the impact of that.

Worryingly, lots of organisations are now steering clear of taking part in our national conversation just in case, basically. The cause is much less to do with regulation and a lot more to do with the grey areas and uncertainty around the legislation and the wider political environment. The Charity Commission is clear in its guidance that charities absolutely have the right to undertake campaigning and political activity, so long as they are not politically partisan or party political. It says that those sorts of activities can absolutely be legitimate and valuable and it already regulates them.

In their responses to the criticism of the Lobbying Act, the Government often point out that there is nothing in the Act that specifically stops charities and voluntary organisations undertaking regulated activity, so there is nothing to worry about, but there is a big difference between having the right to do something and having the capacity. The Act as it is written puts a massive strain on civil society organisations' capacity in time, money and, crucially, expertise.



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As other people have said, very often these organisations primarily might work in service delivery, but have something really important to inject into our national debate. When you add to this a much more febrile tone to part of our political debate at the moment, which has recently often ended in public attacks on charities that might choose to address issues that some regard as controversial, even though it is part of their mission to talk about them, we have quite a toxic mix of bad legislation, partial double-regulation and divisive rhetoric.

It is important to be clear that when organisations choose to step away from our national conversation, it is a rational response to bad legislation. It is legislation that no amount of changes to the approach of the Electoral Commission and even further tweaks to guidance can improve enough, and sadly the cost is to the quality of our democratic debate. That cost is paid mainly by the people who are directly affected. You might see slower progress or people will feel unable to make their voices and experiences heard. They will find that much more difficult.

I have said before that we need to focus less on the detail of regulation and more on our overall approach to electoral transparency. That needs to start by defining the problem that the legislation needs to solve. Only then can we know whether it is working.

Q201 **Tom Randall:** Thank you. Rowan Popplewell, what is your experience of this?

Dr Popplewell: I fully endorse everything that Chloe said. The purpose of electoral law is that we want it to improve transparency. That is incredibly important, but we also want it to support vibrant, open and informed democratic debate. The trouble with the current laws is that it is not doing either of those things. It has strong impacts on issue-based campaigners like registered charities.

I can go into detail about a couple of areas of the law as it stands which are preventing them from engaging in democratic debate. The biggest one is the purpose test and the way that that is written. If you are working out whether an activity incurs regulated spend, you need to decide whether it passes two tests. The first is the public test, which is relatively easy to work out—whether your activity will be seen by the public or not. The second is the purpose test and that is not straightforward for campaigners to understand.

To pass the purpose test you must decide if any particular activity could reasonably be regarded as intended to influence voters to vote for or against a political party, a candidate or a group of political parties and candidates that support or do not support a particular policy. The part of that that is tricky for campaigners to understand is the “reasonably regarded as intended to influence”. It is very confusing and very ambiguous for them. That is partly because it is not your intent that matters here. It is how your activity could be perceived by someone else, and they find that very tricky to get their heads around. Basically you



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could be very clear that your activity is not designed in any way to influence voters, but it could still be regulated or it could still incur regulated spend.

That is just too risky for a lot of campaigners. They need certainty and the rules do not give them that. There are steps that they can take to mitigate that, such as avoiding the use of colours associated with a political party in any materials that they produce, but that often is not enough for them. They need certainty and the way the purpose test is written at present is problematic.

The other issue is around compliance. Compliance is incredibly burdensome, especially for those organisations that register, but it is problematic even for organisations that do not register. We have never registered as a campaigner with the Electoral Commission because we have never met the spending threshold, but we still have to track all our spend. We divide our spend up into three areas. We track activities that we think are definitely regulated, activities that could potentially be regulated and activities that are definitely not regulated. We must track all our spend towards the first two of them, even as an organisation that has not registered. That is a very burdensome thing to do. We are a relatively well-resourced organisation and we find that burdensome. I can only imagine what it is like for some of our smaller members who do want to campaign at elections and just do not have the resources to do that. We know from the SNP research that that puts off a lot of organisations from coming anywhere close to anything that could be defined as regulated at an election.

Q202 Tom Randall: In your experience, would you say that the burden is from the rules themselves, not from your interaction with the Electoral Commission or the advice you are getting from them? It is the rules that are the barrier?

Dr Popplewell: Yes, the problems are locked in the rules. I think the Electoral Commission does what it can to help. The new guidance is helpful in that it takes a very positive tone and it does try to encourage organisations to campaign. We also provide our members with lots of advice and try to encourage them to campaign at elections because we think it is important, but the law is the law and that is where the problems are.

Q203 Tom Randall: Thank you. Dave Timms, what is your view on the balance of regulation and the compliance costs and challenges.

Dave Timms: To deal very precisely with the compliance costs, we did an audit of how much it cost us to comply for the 2017 general election. Our regulated spend was £46,730. We spent over £17,000 of staff time to comply with the regulation, partly because we had been fined in 2015 and we wanted to try to get it right this time. We have a lot of campaigners; they are distributed around the country, around the nations. We brought them all to London, we did training. We had to write



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guidance for our local groups—we had to write our own internal guidance, because as Rowan says the Electoral Commission’s guidance is still too complicated. It was an extraordinary amount of money. In 2019 we cut that down dramatically but it still meant that we had two members of staff for whom most of their time was spent on compliance during that election campaign.

The other organisation that has put a compliance number into the public domain is the Quakers. They sent this as evidence to the Committee on Standards in Public Life, so I am sure they will not mind me reading it. They spent £76,000 on regulated spend in 2018 in the election, of which they spent £3,000 on compliance, so that is the money that we are not spending on our core activity as an organisation.

You will have to remind me of the first part of your question, because I have been focusing on reading those numbers out correctly.

Q204 Tom Randall: The first part was whether you think broadly speaking the balance of regulation for non-party campaigners is right.

Dave Timms: I will be quick, because I agree entirely with Chloe and Rowan. We think the balance of regulation is entirely wrong and that the 2014 legislation left us with an almost entirely unregulated corporate lobbying world. Lobbying was supposed to be one part of it but it left corporate lobbying operating almost entirely unregulated.

It has not dealt with any kinds of problems that others pointed out in the previous panel, to do with campaigns with large amounts of dark money sloshing around at election time, yet places a huge regulatory burden on organisations that everybody has accepted have a right to be involved—even if you do not agree with Friends of the Earth about everything, hopefully you will accept that we have an absolute right and the democratic process is richer for our involvement around general elections and campaigning. It ties up organisations in absolute knots and is hugely detrimental to campaigning, especially when it is put in the wider context of attacks on civil society. Hopefully we will talk in more specific terms about joint working and the problems with that in a moment.

Q205 Tom Randall: Yes, I think we will get on to that later but first, Chris Weavers, your thoughts on these points.

Chris Weavers: I would not demur from anything the previous witnesses have said. For me it is not so much about balance of cost versus benefit per se, but whether the legislation succeeds in regulating the expenditure that is most opaque. To my mind there are broadly three categories. There are large organisations that are publicly well known that were acting in good faith previously, who have now had to take on additional burdens, not of complying but of evidencing that compliance, accounting for staff time and so on. That attracts costs.

You then have smaller organisations that have effectively been chilled out of the political process completely, because either they do not have the



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expertise or the resources to meet those costs or they are scared of falling foul of the law.

The third category is that minority of organisations that have been talked about over the course of this morning, who are always seeking to evade scrutiny and to remain in the shade. They will continue to do so and it is very difficult to see how recent legislation has done anything to deter that sort of activity.

Q206 Tom Randall: Do you have any further thoughts on the compliance costs?

Chris Weavers: I think they are a greater deterrent to smaller organisations. We are one of the largest trade unions in the TUC. We have finance and legal teams and so on who can support this work alongside our campaign staff. That said, it is still a burden for us when we engage in regulated third-party activity. It is a cost that we bear that could be better used serving the needs of our members.

Q207 Mr David Jones: As Mr Timms anticipated, I want to talk about joint working, which some of you have already touched on. Could you each say how important joint working and coalition building are to the organisations that you represent? Have the joint spending rules ever prevented or impeded coalition building for your organisation?

Chris Weavers: Joint campaigning is important to us, both during electoral periods but also outside. Two examples come to mind. Work with the TUC and wider trade union movement on public sector pensions has been a significant issue for the last decade. Beyond that we would be campaigning against the far right where coalitions and organisations come together to campaign against, for example, the BNP because that is a campaign against a political party and that falls within the remit of the legislation. We have certainly been more cautious around joint campaigning since the introduction of legislation. It has not precluded being involved at all, but there is certainly a concern that when expenditure is potentially outside our direct control, we may become liable for expenditure that we were not aware of and could not actively be controlled, so it does have an effect. The smaller organisations that are less able to manage those relationships actively will be more fearful than us, but it is a concern across the board.

Dave Timms: Working in coalition is absolutely an essential part of what Friends of the Earth does. I am sure you have all been on the receiving end of letters that we have jointly signed with organisations, or mass lobbies or a whole number of different ways of expressing that. Currently climate change, the police Bill, the Environment Bill are all subject to large amounts of joint working that we are involved in, and our experience of the provisions of the legislation is that they provide almost a de facto ban on joint regulated activity at election times. Considering that these kinds of provisions were supposed to be an anti-avoidance measure, so that somebody could not take up a large sum of money that



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they could not otherwise spend and put it into pots and continue to spend it, this has placed significant limits on coalitions who work together to pool their resources, with shared interests ceasing to operate in the same way during a regulated period. We accept why they are talking about a year-round regulated period, but we would have huge fears.

To give you an example, we will send out to coalitions that we work with a cease and desist letter that says we have entered a regulated period, "Unless we explicitly authorise you to spend as part of a joint plan we will not be working with this coalition during this period unless it is explicitly authorised by us" and we receive those from other parties within other coalitions.

Often the nature of coalition work is that there will be some coalitions where you are heavily involved as a core group, and there will be other organisations that work on trust and they add their name to something. The way that civil society works together is put under huge pressure because unless you are part of the coalition and you are absolutely keeping an eye on it and you have strictly agreed ways of working, strictly agreed plans, spending provisions, you have to withdraw from it. Otherwise you could find yourselves with another organisation's activity pushing you over a registration limit and being fined, as we did in 2015. It has a hugely detrimental impact on coalition working, which is very problematic, and it is baked into the legislation.

Q208 Mr David Jones: To be clear, when you send those cease and desist letters, you would otherwise have wished to continue to campaign jointly?

Dave Timms: Yes, we would carry on. We may not be involved in everything. We may turn up to some meetings or not, but we would not have the ability to carry on campaigning within that coalition unless we were heavily involved with it, so we have to make choices between those coalitions that we want to be part of a core group and those we monitor. Even then other organisations might not want to do that. So many organisations that we work with around election time will say, "We are simply not undertaking regulated spend." A coalition that might have carried on and undertaken something that was regulated, it is not that they do not want to undertake regulated spend below the threshold because they do not want to register, but they will say they are not undertaking any regulated spend and the coalition will come up with a plan for the election activity, which ensures there is no zero regulated spend, in other words massively reducing the impact of the saliency of that issue at the general election, or they will say they do not want to register at all.

It is important to understand that for many civil society organisations, the upper cap on spending is not the upper cap in the legislation of hundreds of thousands of pounds; it is the registration threshold. So many organisations do not want to be seen as political. They are frightened of what that says about them, so they will say they are not



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going to register. When there is talk of reducing the registration cap we only see that as providing a further chilling effect on civil society.

Q209 **Mr David Jones:** If you take that across the entire country, across the entire campaign, that is an awful lot of organisations who might otherwise want to be involved who are not involved at all; is that right?

Dave Timms: That is absolutely right. Joint working is an essential part of what civil society does across shared and common interests, to pool resources and to have a greater impact. We talked a lot about smaller organisations. One of the reassurances supposedly of the legislation is that you can operate as long as you do not breach the threshold for registration, and then you only get the bigger regulatory burdens if you breach the threshold regulation. That does not apply if you are in joint working because you can spend almost nothing—you can spend £50 and have to register because somebody else within the coalition has registered by virtue of the fact that the combined activity has pushed them above the registration threshold. It becomes incredibly complicated.

Organisations within a coalition must have a shared understanding of what is and is not regulated. We have had this ourselves where another organisation has come to a different conclusion, looking at the same guidance, as to whether activity is regulated or not. We cannot both be right. We must draw a conclusion, because otherwise we will end up possibly breaching a limit or failing or falling foul of the regulation and then be subjected to enforcement. It acts almost as a de facto ban I think on regulated joint working.

Chloe Hardy: When we undertook our research in 2018 we found that the joint working provisions affected organisations of every size, from tiny local groups to national household name charities. That is worrying because, as Dave has explained, even very large organisations have trouble navigating this and find the sensible decision is simply to step away during that period from that kind of work. The impact of that for larger organisations is on the value of this coalition working where you are talking about cross-cutting issues—things like climate change but also things like child wellbeing. You can imagine children's charities, health charities, housing charities, all working together under an umbrella to demonstrate just how deep and broad some of the issues that need to be tackled are. We are losing that during regulated periods.

For smaller organisations, it is the difference between being able to do the work or not. They do not have the resources themselves and rely on partnership working. A lot of the faith groups and churches that we spoke to talked about their traditional election activity, which is partly about enabling local people to come together and discuss some of those issues. That halted altogether, which is very sad. I would remind the Committee about what Dave Timms mentioned earlier, that when we talk about the spending limits it includes staff time. Even organisations with a very small activity budget who might not be putting even more than a few hundred pounds into regulated work, if one of the coalition members invests a lot



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more staff time than expected suddenly, without them knowing or possibly being able to know, they could be in breach of election law and that could be an existential threat to them as an organisation.

Dr Popplewell: I concur with everything my fellow panellists have said. Joint working is incredibly important for civil society. It is fundamental to the way we operate. It makes our campaigning more strategic, more coordinated, more effective and we do it daily. When we are in a regulated period, it is hugely problematic and we have a lot of anecdotal evidence from Bond members about how it impacts them.

I would divide that up into how it impacts our larger members and then our smaller members. Larger members often work across multiple issues, so, they are members of several different coalitions, maybe 10 or 20. They find it impossible to track the spend across all of those, so they adopt a strategy very similar to what Dave from Friends of the Earth described. They issue cease and desist letters to several coalitions saying that they are not going to take part in them during the course of the regulated period or as a coalition they will decide they are not going to undertake any regulated activity together. There is a huge chilling effect there.

For smaller organisations, as Chloe said, it is even more problematic. Smaller organisations are so worried about engaging with a larger organisation and, as Dave said, they could spend £50 on regulated activity or they could spend nothing, but they would still have to register with the Electoral Commission because they are working with a much larger organisation who has spent over the threshold. That is hugely problematic for them. We see small organisations withdrawing from any form of joint working whatsoever in the run-up to elections and not engaging in any form of activity that could even potentially be regulated. That is hugely damaging.

Q210 **Jackie Doyle-Price:** I have been listening with increasing dismay to all your evidence, because it seems that there is a chilling effect from what we have already, let alone with what might come down the track.

Starting with Mr Timms, the Committee on Standards in Public Life has endorsed the recommendation from Lord Hodgson's committee that if the Electoral Commission could issue statutory codes of practice they might provide a safe harbour for organisations. Would that be helpful or would you support that?

Dave Timms: I am worried that having waited right to the end I am going to disappoint you with my answer. This is only relatively recent legislation. We have been so focused on other campaigning activity that I have had very little time to look at the Elections Bill. I am going to only be able to say that it sounds like a good idea, but our concern might be—and parliamentarians will know this much better than me—if it gives the Government the ability to interfere with that guidance in any way that would worry me. I am afraid that is unsatisfactory because I have not



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had the time to look at the new proposals, which are definitely something we will have to look at quite soon.

Q211 Jackie Doyle-Price: One of the aspects of the new proposals is a lower tier registration threshold from £20,000 to £10,000, which from what you said about staff time and how that accounts for costs would be a bigger barrier to you, would it?

Dave Timms: It would not necessarily be a big barrier to us, although it would have an impact if we were reporting more. It would divert resources away from our day-to-day activities, so we would be worried about that. It is important to recognise that the registration threshold is treated by a lot of organisations as an upper limit. As I understand it, the idea is to have something where there is not reporting but registration and transparency.

Please don't get us wrong, we absolutely want to see greater transparency. We are incredibly sympathetic to the issues that were pointed out by Jess Garland, Peter Geoghegan and Lord Hodgson, but would be concerned about whether there was a disproportionate burden on small organisations. It sounds like that is not the intent but we would have to look at it.

Q212 Jackie Doyle-Price: In that sense, it is challenging about whether we are achieving transparency more than anything else. I was struck by your account earlier that a self-confessed administrative error yielded a fine, when what was the benefit of that? It was not wilful wrongdoing and you had been very transparent about that. I guess that is where we are coming from. Can I invite the other witnesses, starting with Rowan Popplewell, for any observations on the proposals?

Dr Popplewell: I think we have looked at the Elections Bill a bit more than others have, so I can say a bit about it. The first thing I would like to note is that we are concerned that there was no or very limited consultation with civil society on this Bill ahead of it being published. Bond, along with a couple of other charity infrastructure bodies, was invited to a meeting with the Cabinet Office a couple of weeks before the Bill was published where we were told what was going to be in the Bill, but it was not an opportunity for consultation. There was no opportunity for dialogue. They were not there to listen to what we had to say on it. They essentially just told us what was going to be in the legislation.

The problem is that we have the Bill that we have and the result is that the Bill has potential unintended consequences for registered charities and other non-party campaigners. We are particularly concerned about the lowering of the registration threshold to £10,000, of creating this new lower-tier registration category. £10,000 does sound like quite a lot, and it is a lot for some organisations, but once you take staff time into account and once you take into account that is spread across a 12-month period and also that the purpose test is so vague, you have to count anything that could be potentially regulated towards that £10,000, so you



could reach that even as a small organisation very easily. You will get a lot of organisations having to register as lower-tier campaigners. It also adds another layer of complexity to what is already a complicated and complex area of legislation that most civil society organisations do not understand at all. That will have a chilling effect.

What we are asking for is an exemption for registered charities and for community interest companies from this specific clause in the Bill, so part 4 of clause 24 of the Bill. The Bill is designed to increase transparency but as plenty of people have already said in this session, registered charities already have to say who their trustees are, community interest companies already have to say who their directors are, we have to publish accounts so we do not believe that exempting registered charities would be an issue. We also think it is unlikely that anyone who is seeking to evade the rules would register as a charity to evade them, because you have to invest a huge amount of resources and time in registering and you expose yourself to even greater transparency than you would under these new proposals. We are asking the Government to consider that because we think that would mitigate the impact on that group of campaigners and it would not help others. Fundamentally, I think the law needs to be reworked. It is out of date and it needs to be changed entirely.

Q213 Jackie Doyle-Price: Thank you. That is hugely helpful. It seems to me that the people we want to go after are those falling outside regulation already, rather than putting more regulation on organisations that are already facing burdensome regulation, for one reason or another. Chris Weavers, could I invite your perspective on the issue of safe harbours as well as what is also in the Bill?

Chris Weavers: I am going to start by agreeing with the previous comments about the lack of consultation on this. Sadly, this is a repeat of the Lobbying Bill and we have ended up with a piece of legislation or potential piece of legislation where nobody is clear what the problem was that it is trying to solve. It would be much better had there been proper consultation in advance.

On the issue of the statutory codes of practice, certainly I think we would welcome greater clarity, and therefore greater certainty, being provided to third-party campaigners. We would be open-minded as to whether statutory codes of practice are the way forward or whether there are other alternatives, but recognising my previous comments that the way the legislation is crafted, it will ultimately depend upon case law and nobody wants to be that case, so it will still have a deterrent effect.

We are very worried about some of the changes around the political influence in the Elections Bill, the Speaker's Committee and there being direct lines of accountability to Government. Parliamentary scrutiny of any body such as this is important, but it is also critical that it maintains its independence and is seen to be independent, for it to remain credible.



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That is a significant concern for us, that some are advocating moving along that line.

On the proposed thresholds, it is not clear to me what the problem is it is trying to solve. The evidence cited to us earlier of organisations springing up just before the elections and spending very significant sums of money does nothing to touch those, and that seems to me to be the biggest problem within our electoral system at the moment with dark money. Lots of small organisations carrying out legitimate campaigning activity does not seem to be an issue that needs to be resolved.

Finally on the digital imprint scheme, and I touched on this earlier, we as a union actively want our members to know that we are campaigning on the issues that matter to them in their working lives. We have never hidden our campaigning activity. We would welcome some of those that are more evasive having to be more public about who they are and why they are campaigning how they are, particularly online.

Chloe Hardy: On safe harbours, I echo that whatever mechanism is used the independence of the Electoral Commission needs to be preserved. That is fundamental.

On the £10,000 limit, again I agree with previous contributors. Tinkering with already out-of-date legislation that did not do very well at solving the problem it was apparently put in to solve will yield both benefits and damage and it will do it in a very clumpy and broad-brush way. We would be extremely concerned that people would step even further out of our national conversation at a time when we need people to be stepping in. We need people to bring their experience of the last 18 months on the ground working with people being affected by lots of different things. We would rather not see that £10,000 in there for civil society organisations, but we also understand that clumsy legislation requires clumsy tinkering, if that is the only place that we are going to be doing it.

Jackie Doyle-Price: We end up with clumsy tinkering and perhaps we need a bit more wholesale reform, recognising the world has changed. Thank you for that.

Chair: Thank you very much indeed. I thank the four witnesses from our second panel for giving their time and insight today. We are very grateful and we look forward to producing our report in due course.