

Written evidence from Reboot GB¹ (TEB 27)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

Although much deeply concerns us in the Elections Bill as introduced, we have chosen to focus on the impact on small organisations. We share our perspective on the serious consequences of extending the range of organisations captured by the proposed upper limit of £700.

The Bill's extension of spending limits for a 365-day period to the level of £700 will capture a large number of small organisations, such as ours, and place on them onerous requirements to classify activity and keep records of all expenditure in case an election is called. Most of these organisations will have to change the way they work to hope to comply.

1. Part 4, Section 22, The Elections Bill specifies a new paragraph 89A of the PPERA, which sets an upper limit of £700 on the expenses that may be incurred on behalf of a Third Party during a regulated period. The limit set would capture minor expenditures that might be made to support a campaign on a specific issue adopted by a Third Party as part of their election campaign. This would mean that, for example, a small charity or other group campaigning on a specific issue might be unaware of the duty when their expenditure was made. This amendment to the PPERA would capture that expenditure and place a burden on them to report. The longer-term effect of this will create fear of any involvement, which would stifle legitimate local political campaigning on specific issues. Suppression of such activity would limit democratic freedom to campaign on a wide range of legitimate campaign targets, for example, the closure of a local hospital or library.
2. When an election is announced, an organisation like ours would be subject to regulation and reporting requirements for any regulated activity we would undertake during the 365 days before election day. In future, should the Dissolution and Calling of Parliament Bill become law, elections will be unexpected and regulated periods have been applied retrospectively. Low budget campaigning groups would be placed in the invidious position of assessing past activities to decide whether they meet the definition of 'electioneering' and whether, therefore, they should be included in an election expenditure return. We share this concern with Best for Britain.
3. Small organisations do not have specialist skills to assess the terms of legislation, nor do they have the funds to buy in such assistance. This extension of election expenditure control to micro-businesses goes against what this government has previously said about reducing the burden of 'red tape'.
4. The Dissolution and Calling of Parliament Bill currently being considered by Parliament changes the entire dynamic for all organisations working in the democracy

¹ RebootGB (www.rebootgb.today) is a national volunteer-run and funded intervention campaigning for comprehensive constitutional, economic and social reform. We were formed in November 2020 and are open to members of the public and those from all parties. As part of its outreach, RebootGB plans to work locally to encourage registration by under-represented groups, particularly 18- to 24-year-olds, and provide information about the importance of involvement in the democratic process. We are not a charity, nor are we registered with the Electoral Commission as a third-party campaigner. We do not intend to be electioneering, but we would like to support candidates that support our policy objectives.

and advocacy space. Moving the entry point for registration and reporting to a £700 spend level requires a 365-day registration period before an election. **That means that no election could be called within one year from the time of enactment and as a matter of natural justice.** To do otherwise would mean ‘backdating’ the law, which would be open to legal challenge. Any and all future elections would require 365 days’ notice so that all campaigning organisations can regulate their spending in full knowledge of the timing of the election. A condition in law cannot be applied retroactively or without reasonable notice. If a snap election were called (e.g. at less than 365 days’ notice) then it would be impossible, for example, to un-spend monies that had already been spent.

5. As the interpretation of electioneering is now open, this rule may have unintended consequences on many parties that have no experience submitting expenses. Indeed, for the unincorporated campaign, they may have no audited accounts of any kind.
6. The risk of undue influence that the Bill purports to guard against this has to be set against the heavy regulatory burden that the Bill intends to impose. We judge that the bar for involvement in election expenses returns needs to be raised to only include those organisations spending **more than £7500 during a 90 period before any Election.** This change would make the Bill consistent with the limit required for declaring personal political donations.

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