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Mr William Wragg MP
Chair, PACAC
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London
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**Committee on
Standards in
Public Life**

**25
years**

Accountability
Honesty
Integrity
Objectivity
Selflessness
Openness
Leadership

26 May 2020

Dear Mr Wragg,

I am writing to inform you that the next review of the Committee on Standards in Public Life will be on electoral regulation, specifically the regulation of election finance. The review will be launched on 8 June 2020 and is expected to report in the summer 2021.

The review will start from first principles and will look at what the regulation of election finance should achieve, how it is currently regulated and whether there needs to be change. In doing so the review will examine a central aspect of the Electoral Commission's role - the regulation of donations and campaign expenditure by candidates, political parties and non-party campaigners.

The Committee's terms of reference for its review into electoral regulation are attached for your information.

I am copying this letter to Helen MacNamara, Deputy Cabinet Secretary.

I have written in similar terms to the Prime Minister.

Yours,



Lord Evans of Weardale KCB DL

Terms of reference

1. The terms of reference for the Committee's review into electoral regulation are to:
 - a. Identify the principles and values that should underpin the regulation of donations and campaign expenditure by candidates, political parties and non-party campaigners in election and referendum campaigns.
 - b. Examine the Electoral Commission's remit as a regulator of election finance and associated electoral law. This will include consideration of whether the Electoral Commission requires new powers to allow it to fulfil its role as a robust regulator, including powers to compel the provision of documents by third parties such as social media companies, to require greater transparency on party spending on campaign activity and to protect the electoral process from the influence of foreign players.
 - c. Examine the enforcement regime for election finance offences committed by candidates, parties and non-party campaigners. The review will examine how the civil sanctions regime interacts with the prosecution regime and consider whether it works effectively as a complete system. This will include consideration of the role of the Electoral Commission, the police and the relevant prosecuting authorities in handling breaches of election finance laws.
 - d. Consider whether the Electoral Commission should play a role in criminal prosecutions for breaches of election finance laws.
 - e. Consider whether the Electoral Commission's civil sanction regime should be expanded to cover the enforcement of candidate finance laws, in addition to its current civil sanctions powers that apply to party and non-party campaigner finance laws, under a single regulatory framework for candidates, parties and non-party campaigners.

Scope

2. The following areas are within the scope of this inquiry:
 - a. The regulatory functions and powers of the Electoral Commission.
 - b. The relevant functions of the police and the relevant prosecuting authorities.
3. The following issues are outside the scope of this inquiry:
 - a. Matters relating to the arrangements for funding political parties.

- b. Matters relating to the regulation of elections that are devolved, although where applicable, lessons will be learnt from experiences in the devolved administrations.¹
- c. Matters relating to the Electoral Commission's role in overseeing elections and developing public awareness campaigns.

¹ The Scotland Act 2016 and Wales Act 2017 devolved responsibility for Scottish and Welsh election spending rules. Responsibility for UK and NI elections, and for party registration, donations and annual accounts is reserved). In line with the Committee's terms of reference as amended by the Triennial Review, the Committee can only consider devolved matters with the agreement of the devolved administrations. This does not preclude the Committee's examination of aspects of the devolved administrations' regimes for electoral regulation, for comparative purposes.