**Public consultation - review of electoral regulation**

The Committee on Standards in Public Life (CSPL) is undertaking a review of electoral regulation in the UK.

The Electoral Commission was established by the Political Parties, Elections and Referendums Act 2000 (PPERA), following recommendations made by the CSPL in our report, *The Funding of Political Parties in the United Kingdom,1998.*

The CSPL reviewed the Electoral Commission in 2007. Since that time, digital campaigning has transformed the way in which parties and campaigners engage with voters, creating challenges for the regulation of election and referendum campaigns.

With the Electoral Commission approaching its twentieth anniversary, the CSPL believes the time is right to return its focus to the regulator. The review will focus on an important aspect of the Electoral Commission’s role - the regulation of donations and campaign expenditure by political parties and non-party campaigners under PPERA. It will also consider how this interacts with the separate regime under the Representation of People Act 1983 (RPA) for the regulation of candidate expenditure. The review will look at what the regulation of election finance should achieve and how it is regulated.

The successful regulation of the money that is spent to influence the outcome of elections in the UK is vital to public confidence in the operation of our democracy.

As part of this review, the Committee is holding a public consultation. The consultation is open from 09:00 on Monday 8 June 2020 and closes at 17:00 on Friday 21 August 2020.

**Terms of reference**

This consultation should be read alongside the terms of reference for the review.

**Consultation questions**

The Committee invites responses to the following consultation questions. Submissions do not need to respond to every question.

*The fundamental values that should underpin the regulation of election finance in the UK*

Q1 What values do you think should underpin the regulation of donations and loans, and campaign expenditure by candidates, political parties and non-party campaigners in the UK, and why? Such values may include, though are not limited to, concepts such as transparency, fairness and accountability.

*The regulatory remit of the Electoral Commission*

The Commission has a duty to:

1. maintain registers of political parties and campaigners;
2. publish financial returns from political parties and campaigners, covering spending at elections, statements of accounts and reports of donations and loans; and
3. monitor and take all reasonable steps to secure compliance with the campaign finance laws. Under this duty, the Commission publishes guidance on the law, provides advice in response to queries from parties, campaigners and the public and conducts investigations.

Q2 Does the Electoral Commission have the powers it needs to fulfil its role as a regulator of election finance under PPERA? It would be helpful if responses would consider the Commission’s role in a) monitoring and b) investigating those it regulates.

Q3 What could the Electoral Commission do differently to allow it to perform its role as a regulator of election finance more effectively?

Q4 Are there aspects of the Electoral Commission’s role which detract from its function as a regulator of election finance?

Q5 Are there aspects of the rules which affect or detract from effective regulation of election finance?

Q6 What are the Electoral Commission’s strengths and weaknesses as a regulator of election finance?

*The enforcement regime for election finance offences*

The police may investigate offences under PPERA and RPA. In 2019, the police investigated 585 cases under the RPA; two led to a conviction and one individual was given a police caution. There have been no convictions for offences under PPERA.

The Electoral Commission has powers to investigate breaches of election finance rules and can issue fines (civil sanctions) up to a maximum of £20,000 for certain offences under PPERA.

Q7 Are the Electoral Commission’s civil sanctions powers to fine up to £20,000 adequate?

Q8 Does the Commission’s civil sanctions regime interact with the police criminal prosecution regime to form an effective and coherent system for deterring and punishing breaches of election finance laws?

Q9 In what circumstances would the regulatory regime be strengthened by the Commission bringing prosecutions before the courts for potential offences under election finance laws?

*Enforcement of candidate finance laws*

There are different regulatory frameworks for political parties and candidates. The Electoral Commission has the power to investigate and sanction political parties and non-party campaigners for breaches of the rules. Under the RPA, civil sanctions are not available for candidates and criminal prosecution is the only enforcement approach available.

Q10 Should the Electoral Commission’s regulatory powers be expanded to include the enforcement of candidate finance laws?

**Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

**How to make a submission**

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

● State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;

● Include a brief introduction about yourself/your organisation and your reason for submitting evidence;

● Be in word, rtf, or odt format, not PDF;

● Be concise – we recommend no more than 2,000 words in length; and

● Contain a contact email address.

Submissions should:

● Have numbered paragraphs; and

● Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions will be published online with any contact information (for example, email addresses) removed.

The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals are removed) where a respondent makes a reasonable request to do so.

Submissions sent to the Committee after the deadline of 17:00 on 21 August 2020 may not be considered.

Given remote working due to the coronavirus, we can only accept submissions via email. Please email your submission to: public@public-standards.gov.uk

If you have any questions, please contact the Committee’s Secretariat by email (public@public-standards.gov.uk). If you have any questions you would prefer to discuss by telephone, please include your contact number in the email.