

## GENERAL ELECTION 2017

### Guidance on campaigning during elections

For information

The Prime Minister has announced that there will be a General Election on 8 June: Parliament will be dissolved on Wednesday 3 May. The House of Commons Library has published a useful [guide on the implications of the election for Parliament](#).

Campaigning by charities during elections and referendums is governed by the Political Parties, Elections and Referendums Act 2000 and the Charity Commission has published [guidance](#) on Charities, Elections and Referendums.

The principal issue for churches is holding hustings that satisfy the terms of the 2000 Act: we covered the issue in previous Circulars, most recently in Circular 2014/17, revised 9 October 2014, as follows:

#### *Hustings*

Local regulated selective hustings: In principle, a church that is holding a regulated hustings should invite every political party or independent candidate. In practice, a church can decide not to invite particular candidates, but if it does, it must have a clear objective reason which it is prepared to make public and, if necessary, defend. Possible reasons are as follows:

- that the individuals not invited are likely to obtain very few votes;
- that those invited are the candidates most likely to win in the constituency;
- that there are a very large number of candidates and it is impracticable to invite all of them;
- that a particular candidate or candidates present a public order risk.

Mere disagreement with the political views of one or other of the parties or candidates (however repulsive) is not a sufficient reason not to invite them to the hustings.

Moreover, if you do not invite every political party or independent candidate and you cannot demonstrate what the Electoral Commission judges to be “an objective reason for not doing so”, your event may count as a donation to towards those parties or candidates who were invited. If the cost is above £50 it would then need to be recorded by the invited candidates

as a political donation – and you would then have fallen foul of charity law because it is axiomatic that charities may not make political donations.

In short: before arranging a hustings, think very carefully about whom you are inviting and why.

### ***Selective hustings***

It is also possible lawfully to hold a selective hustings outside the regulation, even though the candidates invited are chosen for reasons which are not objective as described by the Electoral Commission. That is, provided that the cost of such a meeting was less than £50. However, although such a meeting would fall outside of the PPERA regulation, it would not be lawful where under Charity Commission guidance the party advocates policies in contravention of the charity's objects. Regarding the cost of a hustings for the purpose of assessing whether it is regulated and whether it gives rise to a donation, you therefore need to take into account:

- the cost of the venue (the church itself would not, presumably, be hired to outside organisations – but do you make a letting charge for the church hall?);
- costs of any advertising or flyers;
- staff costs (if any); and
- refreshment costs (if any).

### ***Generally***

We concluded Circular 2014/17 with the statement that the Electoral Commission seemed to unlikely to take a tough approach about breaches that were a genuine oversight. However, today, the Electoral Commission announced that it had fined Friends of the Earth and Greenpeace for breaking campaigning rules during the 2015 General Election: Greenpeace was fined £30,000 for failing to register and Friends of the Earth was fined £1,000 after it was late registering.

As we said in 2014, it is clear that ignorance of the law is no excuse; and CLAS members need to read the guidance carefully and proceed with caution.

[CLAS summary – 19 April]