

Written evidence submission –

APPG on Electoral Campaigning Transparency

Dear respondent,

As Chair and Vice-Chairs of the APPG on Electoral Campaigning Transparency, Stephen Kinnock MP, Ken Clarke MP, Caroline Lucas MP, Owen Smith MP, Jeremy Lefroy MP, Deirdre Brock MP, Wera Hobhouse MP and Lord Rennard are seeking your expertise for our inquiry into transparency, monitoring and deterrence of elections and campaigns.

This All-Party Parliamentary Group on Electoral Campaigning Transparency is about looking forward, not backward because we believe some things are bigger than Brexit. We want a better democracy for the next century - not just for the next few months. Thus, our work is not about - and will never be about - rehashing the outcome of the EU Referendum. We can all agree there was a great deal we learned about our democratic system not just from 2016 but also from the general elections of 2015 and 2017. It's time to act on those lessons to safeguard our democracy.

Our membership includes MPs from all parties of this House because our scope of work is intentionally focused on common sense, cross-partisan areas of concern:

-Transparency: How we ensure citizens have access to information about both online and offline aspects of election campaigns;

-Deterrence: How we ensure the EC has the level of armoury needed to deter and, if necessary, penalise adequately;

-Monitoring: How we ensure there is a process to review whether campaigning laws are up-to-date and can be reformed immediately when needed.

We as members have a responsibility to guarantee that our democracy works properly. Ensuring public confidence in elections is the first step to restore the general public confidence in our institutions and political system that has been low for too much time now.

Fair Vote UK last year proposed "quick win" reforms to electoral campaigning transparency including:

-Giving the Election Commission more powers to punish and deter offenders;

-Reporting campaign spending online;

-Ending financial transfers between aligned campaigning groups;

-Strengthening digital campaigning laws.

This APPG will build on that work, taking evidence from a diverse range of experts, organisations and interested parties to drive real change before any other elections take place.

The time to repair our democracy is now. We look forward to receiving your submission.

Many thanks,

Stephen Kinnock MP, Chair of the APPG on behalf of all committee members

PLEASE NOTE SUBMISSIONS CLOSE **FRIDAY 26 JULY AT 5PM**

Please direct any questions to appg@fairvote.uk

Your details

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By ticking below you acknowledge your data will be stored and used for the explicit purpose of the APPG's work. All submissions (excluding contact details) will be made public on the APPG website in line with our commitment to full transparency. We are unable to accept unpublishable submissions. *

I accept

Written evidence submission - APPG on Electoral Campaigning Transparency

Key Topics:

From your/your organisation's perspective, WHAT are the top issues we should be aware of with regard to each of the below:

Transparency

Publication of returns

Candidates and agent's election expenses returns, and declarations are held by the Returning Officer and made available for public inspection. The Returning Officer and their staff effectively act as intermediaries in the regulation of election finance, with their employing local authorities meeting the costs incurred.

We have recommended on several occasions that consideration should be given to developing an online facility for the submission of candidates' election expenses returns, with provision for both the candidate and agent to signify secure approval of the final return. Such a system should also provide a means for inspecting the returns, declarations and associated papers.

In the Government's response to our 2015 post-election report '[Elections and Individual Electoral Registration – The challenge of 2015](#)' when we made the following recommendation:

2015 Recommendation: The UK Government and the Electoral Commission should consider developing an online facility for submission of candidates election expenses returns with provision for both candidate and agent to give secure approval of the final return.

It is recognised that this would involve scanning all the receipts relevant to the return. Such a system should also provide a means for inspecting the returns and declarations, and associated receipts.

The Government highlighted that the development of such a facility would likely incur substantial cost as an online platform would need to be developed, established and maintained. However, it was prepared to consider the recommendation further with the Electoral Commission, in consultation with key stakeholders such as Electoral Registration Officers and political parties.

In addition, it should be noted that at a UK Parliamentary General Election within ten working days of the 35-day deadline for the submission of the expenses returns, Returning Officers are required to publicise in two newspapers circulating in their area the availability of the candidates and agents election expenses returns for inspection. They must also provide copies of these returns to the Electoral Commission, although in practice, the Commission does not request all of the documentation in every case.

In our 2016 post-election and EU referendum report '[Pushed to the absolute limit: 2016 – the electoral year never to forget](#)' we made the following recommendation:

2016 Recommendation 12-9: That the requirement on Returning Officers to publish the availability for inspection of candidates' election expenses returns in local newspapers at all applicable polls be revoked and that Returning Officers be placed under a new obligation to publicise their availability on the web.

The Association remains extremely disappointed as to the lack of progress being made on both these recommendations dating back to 2015 and 2016.

Deterrence

At a UK Parliamentary General Election and other elections, candidates and their agents are required to submit an election expenses return and declaration to the Returning Officer within 35 calendar days of the election result. It is an offence not to comply with these requirements. However, the Crown Prosecution Service has continually failed to prosecute in cases where candidates and agents have failed to comply. This begs the question whether the current legislation is either relevant or effective.

In our 2017 post-election report '[AEA post-elections report 2017: It's time for urgent and positive Government action](#)' we highlighted that an urgent review was required and, if the requirement to make such returns is maintained in its current or an adapted format, it be properly enforced by the authorities. We made the following recommendation:

2017 Recommendation – 26: A full and thorough review of the processes that deal with the recording of candidates' expenses should be undertaken, including consideration of the return to, and subsequent reporting of, expenses to Returning Officers and the possible provision of online reporting and inspection mechanisms.

Monitoring

The Association does not have a view on this proposal as the AEA is not responsible for monitoring, however we fully support the Electoral Commission in their monitoring role.

Recommendations:

From your/your organisation's perspective, HOW would you propose dealing with the top issues you raised in each area? Laws, regulations and specific recommendations are appreciated:

Transparency

Our responses above outline the recommendations we have made to the UK Government over the years which we have repeated below for ease of reference:

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Proposals

If not previously addressed, do you have specific thoughts on the below four proposals?

1. Provide the Electoral Commission with the resources they need to promptly investigate and prosecute those who break electoral law with specialised electoral offence officers. Fines for electoral offences should be unlimited rather than a maximum of £20,000, which is an insufficient deterrent.

The Association supports this proposal in light of the need to ensure that public trust on elections is maintained. In addition, offences should be made clearer and widened with consideration being given to include an offence of electoral interference.

2. Report campaign spending online. Even candidate campaigns should be required to declare their expenditures online. This includes creating a national database for election spending.

The Association supports this proposal.

3. End financial transfers from the designated campaign. The Electoral Commission's current rules in a referendum allow the designated campaign to give up to £700,000 to groups as long as they don't coordinate their work.

The Association does not have a view on this proposal.

4. Ensure parity between political offline and digital advertising in the election period. This includes creating an online repository of all digital ads, enforcing imprints on digital ads and making targeting and financing details less than two clicks away.

The Association supports this proposal.

Additional Thoughts

Is there anything else you would like to share with the APPG?

The Association of Electoral Administrators (AEA) would welcome the opportunity to work closely with the APPG, UK Government and other stakeholders in progressing the recommendations outlined in our response.