

"Review of the Political Parties, Elections and Referendums Act 2000" consultation - Personal Response by Dr N Ben Fairweather

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This is a personal response to the 2003 UK Electoral Commission consultation entitled "Review of the Political Parties, Elections and Referendums Act 2000" (http://www.electoralcommission.gov.uk/files/dms/FinalPPERAResponseforweb_7756-6820__E__N__S__W__.pdf)

I have also prepared a separate response (<http://www.ccsr.cse.dmu.ac.uk/resources/general/responses/ppera2000-2.html>) on behalf of the Centre for Computing and Social Responsibility. *This* response covers issues that are outside the scope of the Centre. I responded to the 2002 review of the Political Parties, Elections and Referendums Act 2000 on behalf of the Centre (Fairweather, 2002), suggesting that any amendment to PPERA takes account of the possible implementation of electronic voting. As a members of the research team commissioned by, inter alia, the Electoral Commission to research the Implementation of Electronic Voting, we were pleased that there were explicit questions about relevant issues in the consultation on Ballot Papers, to which I have also prepared a response on behalf of the Centre for Computing and Social Responsibility (Fairweather, 2003).

Consultation Issue

Q1

While it is clear that there are some abuses of the current system, it seems more appropriate to say that the balance between the elements of the requirements for registration is wrong, rather than to say that the requirements overall should be increased.

For small parties (all except Labour, Conservative, and Liberal Democrats, probably¹), the requirement to submit quarterly donation returns and the registration fee at present can be onerous. By contrast these are not onerous to a business seeking to abuse the system.

It seems likely that a reduction in the requirements for small parties to submit donation returns and of the registration fee would be appropriate, accompanied with a tightening of thresholds of other kinds.

While it is appropriate for the required number of office holders to be increased², it seems *inappropriate* and unnecessary for the titles of offices other than treasurer and nominating officer to be set by law, since different parties have different structures and thus offices.

Q4

Given the difference in size of many orders of magnitude between some small parties and the largest ones, a two (or more) tier regulatory system will better reflect the reality of British politics in the twenty-first century.

Q6

It does appear important that groups that have elected officials in local government are subject to the regulatory framework of PPERA. The electorate have the same

1. An impartial definition could be that large parties are those with more than, say, 15 Members of Parliament.

2. If combined with allowing independents and informal groups to use descriptions other than the single word 'independent', as proposed in the response, that I have prepared on behalf of the Centre for Computing and Social Responsibility.

right to know about the financial backing of such groups as they do of other political parties.

Q13

It does not appear appropriate that expensive political activity of any sort by a political party should fall outside the regulatory framework. If a company incurs costs to provide technical expertise to one political party that is not available to *all* other registered political parties, voters have a right, in principle, to know about it.

Q14

A requirement to repeatedly submit donation reports that report no donations is an absurd waste of the time of both the political parties concerned and of the Commission. To maintain complete openness, it may be appropriate, nonetheless, for parties to submit a report both at the end of the quarter prior to the polling day of any election they intend to contest (where the polling day is fixed) and again at the next quarter day after the election, even if these are nil reports.

Q17

While weekly reports do provide an important element of transparency; it is again absurd to require repeated reports that no relevant donations have been received. Parties that do not receive a donation as large as £5,000 in a given week should not need to report that fact, since it could be inferred from the fact that no report has been made, and verified by the later quarterly report.

It appears that under PPERA 2000 there is a loophole, whereby donations received between the end of the previous quarter and the announcement of the dissolution of Parliament do not need to be reported until the next quarterly report. If this is the case, much information relevant to the funding of election campaigns is therefore not available to voters during the election period³. Hence it would be appropriate for

3. Since all parties are normally able to anticipate the dissolution of Parliament, and the governing party can guarantee its ability to anticipate the dissolution, except in the rare case of the loss of a vote of confidence.

the first weekly report of the election campaign to include equivalent information for donations since the last quarter day.

Q18

It is reasonable for all parties, of whatever size, who receive a donation of more than £5,000 within or immediately prior to an election campaign, to submit a weekly report for the relevant week. Parties that do not receive such large donations should not need to submit reports during the campaign.

Q19

The only appropriate criterion appears to be whether a donation of £5,000 has been received.

Q20

It does not appear appropriate to increase the current threshold for reporting of donations.

Q38

It is quite normal for candidates who are serious about seeking election to begin what is effectively election campaigning well before the current regulated period. Increasing use of postal votes is tending to make this more extensive. The current period of regulation does not reflect the reality of political campaigning, and is too short.

Q39

The legal debate over when a candidate began campaigning meant that litigation about the start of campaigning was liable to be expensive, and this knowledge (and the possibility of retaliatory complaints) was a factor in deterring Parties from making complaints about each other, when they knew expenses limits had been breached. Enforcement would be more likely and easier if a suitable fixed period was defined.

Q40

The regulated periods for parties, of 365 days for Westminster Parliamentary elections, and four months for other elections, appear to be suitable for candidates. Individuals who do not anticipate that they will be standing as candidates before the current regulated period will not be incurring expenditure in that period: those who are can reasonably be expected to report it.

Any slight uncertainty in predicting the date of Parliamentary elections would have the beneficial effect of deterring candidates from attempting to thwart the intention of the controls by incurring large expenditure to promote their candidature just before the regulated period.

Q44

It does appear that third party spending should be more transparent, and that third parties that operate locally should be required to report their funding and spending.

References

Fairweather, N.B. (2002) *"Review of the Political Parties, Elections and Referendums Act 2000" consultation - Response of the Centre for Computing and Social Responsibility, De Montfort University* online at <http://www.ccsr.cse.dmu.ac.uk/resources/general/responses/ppera2000.html>, accessed 2003-03-07

Fairweather, N.B. (2003) *"Review of Ballot Paper Design' consultation - Response of the Centre for Computing and Social Responsibility, De Montfort University"*, online at http://www.ccsr.cse.dmu.ac.uk/resources/general/responses/ballot_paper.html, accessed 2003-03-07