

Campaigning Guidance Booklet

2019 General Election

LIVE ON 

Background to the 2019 General Election

At the end of October, Parliament passed the Early Parliamentary General Election Act 2019, which provides for a general election to take place earlier than the scheduled date of 2022.

Parliament was dissolved at 00.01 on Wednesday 6 November 2019, with a general election scheduled to take place on Thursday 12 December 2019.

When Parliament was dissolved, every seat in the House of Commons became vacant. This means there are no longer any MPs, with incumbent politicians ceasing to represent their constituencies and losing all access to parliamentary facilities and resources. Where they choose to stand again, MPs become Prospective Parliamentary Candidates for their constituency.

Campaigning priorities for the 2019 General Election

Given the sudden nature of the General Election, the Legion was unable to replicate the large-scale consultation with staff, members and external experts that it conducted in advance of the publication of its 2015 Manifesto. As such, the Legion's 2019 Manifesto pulls together outstanding policy recommendations and emerging areas of work being undertaken by the Legion's Public Affairs and Public Policy team. Each of these issues has already been researched and consulted upon with colleagues across the sector and within the Legion, and if implemented will make a positive difference to the lives of Service personnel, veterans and their families.

Our five policy proposals call on the next Government to:

1. Introduce a new deal for non-UK members of the Armed Forces, recognising the unique contribution of these personnel to the Service of our country by introducing waivers for personnel, veterans and their families from both the Minimum Income Threshold and Indefinite Leave to Remain fees.
2. Ensure the future of the Veterans Medical Funds, through committing long-term funding and guaranteeing that this provision will not be removed from veterans injured in Service.
3. Ensure that the next national census in 2021 includes questions that will provide vital information on the Armed Forces community, including veterans and Reservists.
4. Ensure that compensation and payments awarded for illness, injury or death as a result of Service should never be treated as normal income in statutory means tests.
5. Invest in research that focuses on how best to treat ill Gulf War veterans and improve their recovery outcomes, and to establish formal communication channels to convey the results of similar US research developments to Gulf War veterans in the UK.

Promoting the Legion's Manifesto

Why your voice is important

Candidates standing for election will be paying particular attention to the views of individuals residing within their constituency. The candidates will want to be seen as speaking on their constituents' behalf and championing issues of importance to them.

As one of the largest membership organisations in the UK, we know that each and every one of you can help us to get our message out there. That being said, it is important to remember that all campaigning should be done in a personal capacity; you should refrain from speaking on behalf of the Legion.

While the Legion's Public Affairs and Public Policy team will continue to engage with the political parties and Prospective Parliamentary Candidates at the national level, it is important not to underestimate the power of your local campaigning voice. Remember; even if a candidate appears to have very little chance of being elected, many politicians began their political lives as 'paper candidates' and some may already be local councillors.

How to find your election candidates

If you would like to know who is standing for election in your local constituency, all the main parties include lists of their confirmed candidates on their websites. Media outlets such as the BBC will also include full lists of candidates online, once nomination papers have been submitted. You can also find out who your local candidates are by visiting <https://whocanivotefor.co.uk/>

Engaging with election candidates

The main purpose of engaging with your local election candidates is to inform them of the Legion's welfare work across the country and within the local community, as well as to raise awareness of the charity's latest campaigns and the ongoing needs of the Armed Forces community. If you do decide to engage with your local candidates, there are a couple of specific asks that you can make of them. For instance, you could ask that they consider:

- Writing to their party leader to ask that the party consider the Legion's 2019 Manifesto recommendations and work to implement some or all of them;
- Raising awareness of the Legion's latest campaigns and welfare work by speaking about them in Parliament, holding a debate or asking a Parliamentary Question, should they get elected.

If you are planning on contacting your local candidates, it would be great if you could let the Legion's Public Affairs and Public Policy team know about your plans so that they can then record that information and provide any supporting materials that you may need, including tailored campaign briefing papers and a physical copy of the 2019 Manifesto. The team would also be interested in hearing how your planned engagement goes, so that we can then follow up on any points raised, if necessary. You can get in touch with the team by emailing: publicaffairs@britishlegion.org.uk.

Campaigning within the law

Charity Commission

As a registered charity, we need to follow the Charity Commission's guidelines on campaigning. These can be found in both [Charity Commission Regulation Number 9 \(CC9\)](#) and [Charities, Elections and Referendums](#) guidance, which cover England and Wales only. Similar guidance is available from the [Office of the Scottish Charity Regulator](#) and the [Charity Commission for Northern Ireland](#).

Charity law dictates that charities cannot be established for political purposes or engage in party political activities. However, charities can still be political insofar as this enables them to achieve their charitable objectives. This means that charities can try to influence how the law affects their beneficiary community if the campaign's objectives align with the aims listed in their governing document.

In practice, this means that charities can legitimately carry out activities that seek to:

- Influence government both central and local
- Respond to, promote, oppose, or support legislation
- Petition and otherwise seek to change public policy
- Support a policy advocated by a political party (but not the party itself)

CC9 guidance is clear that charities cannot support a political candidate or party directly: they must remain politically neutral at all times. Whilst a charity may support specific policies advocated by political parties if it would help them to achieve their charitable objectives, trustees and those connected to the charity must not allow the organisation to be used as a vehicle to express personal or party-political views. This applies to all communication, including social media.

Charities are similarly free to approach politicians and candidates to set out the charity's concerns and ask for opinions on them as part of the democratic process. Charities should, however, seek to engage with politicians and election candidates from across the political spectrum and be wary of associating – or becoming associated in the minds of the public – with a particular politician, political party or election candidate. One of the ways this can be achieved is by approaching representatives from a range of political parties, although the Charity Commission recognises that in some cases it may be unacceptable to approach a particular politician, candidate or political party, e.g. if association with that individual could lead to disorder or alienate the charity's supporters.

Electoral Commission

Given that charities are able to engage in political activities, there may be certain circumstances when spending on activities that are in pursuit of charitable purposes will require charities to additionally comply with electoral law, which regulates how much 'non-party campaigners' can do and spend during an election period. In this way, whilst the Charity Commission is concerned with campaign *content*, the Electoral Commission is predominately concerned with campaign *financing*.

[Part II of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(Lobbying Act\)](#) builds on the provisions outlined in Part VI of the [Political Parties, Elections and Referendums Act 2000](#) (PPERA), which sets out controls relating to third party activities during national election campaigns. The Lobbying Act differs from PERA in that it has a greater focus on what ‘non-party campaigners’, e.g. charities, voluntary organisations and faith groups, are able to do during the ‘regulated period’. It also reduces the amount that these organisations can spend on campaigning activities without registration, while concurrently increasing the range of activities that count towards that spending limit.

The Lobbying Act defines the regulated period for a General Election as 365 days before the date of the election. All other elections have a regulated period of four months, ending on the day of the election. Whilst the introduction of fixed term parliaments in theory made it easier to determine when the regulated period is likely to begin, the fact that snap elections can still be called means that non-party actors must be alive to the possibility of the regulated period being retrospectively applied, as was the case with the 2017 General Election and is now the case for the 2019 election.

To comply with the Lobbying Act, third party actors need to consider whether the activity they undertake might reasonably be regarded as being intended to influence voters to vote for or against:

- one or more political parties or candidates;
- one or more political parties who advocate (or do not advocate) particular policies;
- candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies.

This is known as the ‘purpose test’. Under the purpose test, it is immaterial whether planned activity might reasonably be regarded as intended achieve another purpose.

The ‘public test’, meanwhile, essentially requires third party actors to consider whether the activities they undertake will be aimed at, seen or heard by, or involve the public or a section of the public, in any way. The public does not include members or committed supporters of the charity, such as regular donors with a direct debit, or people who are actively involved in the charity. It should be noted, however, that what constitutes active involvement is interpreted rather narrowly; people with whom the charity regularly communicates with, perhaps because they have signed up to email updates or social networking sites, are generally considered to be members of the public.

Implications: the DOs and DON'Ts of Legion Campaigning

The two most important rules for ensuring legal charitable campaigning are:

- DO** remain independent of any candidate or political party
- DON'T** seek to influence, or be perceived to influence, voter intentions

—> *DO remain independent of any candidate or political party*

This effectively means that you must be careful not to be seen as engaging with any one particular candidate or political party over others. Whilst campaigning that is directed at Prospective Parliamentary Candidates can be a legitimate activity for charities, every effort should be made to uphold the charity's political neutrality and spirit of constructive engagement with all politicians and candidates from across the political spectrum. As such, in practice, this means:

- Meeting with, and writing to, candidates and political party representatives from as wide a political spectrum as possible, within reason.
- Not using 'official' Legion channels, such as branch websites or social media accounts, to publicise support or opposition to individual candidates or political parties, either explicitly or implicitly.
- Not using branch or club premises to hold meetings for particular political parties or candidates, whether these events are policy focused or not.

—> *DON'T seek to influence, or be perceived to influence, voter intentions*

This essentially means that your local campaign should not engage in vote-seeking activities such as rallies, speeches, or 'hustings', which are generally intended to persuade voters to vote for or against a particular politician or party, based on their support or non-support for our policies. Legion premises should also not be used for hustings or political gatherings organised by external groups or organisations, in order to safeguard the Legion's independence.

It also means that, should a candidate or political party express their support for our latest campaigns or one of our manifesto policies, perhaps as a result of your local campaigning, you should not seek to publicise their support, no matter how much we might welcome this endorsement. This is because if one candidate or political party in your constituency has not declared their support, we might 'reasonably be regarded' as intending to influence members of the public to vote against that particular candidate or political party. Whilst you may not be able to publicise statements of support, this kind of information is still very helpful to the Legion's Public Affairs and Public Policy team, and we would be grateful if you could share this kind of intelligence with them.

Finally, it also means that under no circumstances should individuals, branches or other Legion formations produce their own Legion branded material based on our latest manifesto during the regulated period. This is because such publications are considered 'election material', which means that if they are aimed at or read by members of the public, and not just politicians, all costs associated with its production will need to be formally accounted for as this could be classed as 'focused constituency campaigning', which brings with it its own administrative difficulties.

Further Guidance

The Public Affairs and Public Policy team are available to answer any questions on the above and would also welcome notification of any Legion activity that might involve politicians during the general election campaign, or other interactions. You can contact the team at publicaffairs@britishlegion.org.uk.