

Campaign monitoring: Options paper for the upcoming UK Parliamentary General Election

1. Purpose

1.1 In our consultation document, *Better Regulation of Party and Election Finance*, published in July, we say that we intend to undertake some form of campaign monitoring for each relevant election, using a risk-based approach¹.

1.2 This paper sets out options for campaign monitoring during the upcoming UK Parliamentary General Election (UKPGE). It takes into account a range of possible beneficial activities, different levels of coverage and the need to obtain value for money. It also takes into account our role in campaign monitoring and the benefit from this activity on encouraging compliance.

2. The Electoral Commission and campaign monitoring

2.1 The main purpose of this work has been to promote compliance by:

- raising regulated entities' awareness of the rules and our role in policing them; and,
- obtaining information on campaigning activity which can be used to cross check campaign spending returns.

2.2 This campaign monitoring programme will form part of our wider risk-based work allowing us to take a more evidenced based decision on which parties we target to offer proactive advice and guidance. It also provides some evidence to assess party, and to a lesser extent candidate, campaign returns.

2.3 Campaign monitoring has proven useful previously to identify issues during the course of an election which have required advice and guidance. For example, in the lead up to the 2008 London Mayoral elections the Commission identified potential issues arising from fundraising activity. We notified the party of our concerns and were able to secure the party's agreement to modify its behaviour to ensure they were doing so in accordance with the law. In the European Parliament elections earlier this year, campaign monitoring enabled PEF to identify third party activity, leading us to establish contact at an early point to increase awareness amongst these organisations of their regulatory obligations.

Why do we undertake campaign monitoring?

2.4 Our role in monitoring compliance regarding party and candidate expenditure is part of our statutory remit² and we undertake this in a risk-based way. Taken individually, or together, these statutory obligations provide a solid foundation for undertaking campaign monitoring.

¹ http://www.electoralcommission.org.uk/__data/assets/pdf_file/0009/78912/Better-regulation-of-party-and-election-finance-consultation.pdf (Pg.13)

² Section 72-84 & 145(1) Political Parties, Elections and Referendums Act (PPERA)

2.5 The Political Parties and Elections Act (PPEA) introduces a new regulated period for candidates' election expenditure which will apply to the UKPGE held in 2010. This new 'long' period will be up to the dissolution of Parliament (from 1 January) while the existing 'short' period from dissolution to the poll will remain. The extension to the regulated period will increase controls of candidate spending and will mean the amount spent and subject to controls will increase considerably too.

2.6 The legislative changes, combined with the high profile nature of the UKPGE, will mean there is a high level of public scrutiny of party and election finance in the lead up to the election. Public confidence and integrity of the process is paramount.

Previous campaign monitoring

2.7 Experience from past election campaigns, particularly in the devolved areas, is that general awareness among those we regulate that we are undertaking some campaign monitoring tends in itself to encourage compliance³.

2.8 In recent years we have used a range of methods to monitor election campaigning. Those used were primarily desk-based and involved direct liaison with parties to discuss their campaigning, media monitoring to track press advertising/use of billboards, and reviews of campaign literature. This monitoring has proved useful and fit for purpose for European and Mayoral election campaigns but for such a high profile general election it is worth building on previous work and exploring further options.

3. Options

3.1 The options that follow outline various possible approaches using different levels of staff time, activities and funds. We plan to undertake the intensive monitoring from 8 weeks prior to the election date but will also undertake light monitoring up until this period begins. The options are based on a single, or combination, of activities. A recommendation drawn from these options is presented at the end. The budget for this project is £14,900 up to 31 March 2010. There is a further bid of £7,500 (for the 2010-11 financial year) which has yet to be agreed.

- **Option 1: Do nothing**

3.2 This is our approach to monitoring campaign activity at local elections in England. We consider these elections to be sufficiently low risk to the integrity of party and election finance to justify no active monitoring. This is due to the relatively small amounts of money involved. There is a high risk (reputation and to our role as an effective regulator) that we are perceived (and do not) monitor an area of regulated activity we are established to monitor by statute.

³ [Campaign Monitoring Best Practice \(v2\).doc](#)

3.3 This approach would reduce our effectiveness as a regulator, as we would not be undertaking important work in monitoring campaign expenditure. The lack of activity would potentially encourage some elements to adopt a more casual approach to campaign expenditure or, in the least, no monitoring would not discourage those we are regulating.

- **Option 2: Desk-based research**

3.4 Desk-based research formed the core of projects in the past (2009 European Parliamentary and 2008 London Mayoral elections). The focus of desk-based research will be determined on a risk basis, following the criteria outlined in the consultation document⁴. This focuses available time on areas most likely to encounter non-compliance.

3.5 Desk based research (primarily web related) was undertaken for the European elections by monitoring campaign activity via web/media monitoring, though it was not possible to do this comprehensively across England, due to the limited staff available to undertake this.

3.6 The purpose of this activity is to examine and evaluate the types of online campaigning including press and web coverage of ongoing related events. This includes election campaigning for the parties standing candidates, the candidates themselves, and third party involvement.

3.7 There are several steps to the work⁵:

- An initial search and evaluation for central party, candidate, and relevant third party websites to provide the base for campaign monitoring.
- Monitoring of party advertising on television, newspaper, websites.
- Ongoing monitoring of activities on relevant websites such as newspapers, YouTube, Twitter and blogs.
- Continual monitoring (and a final overview on Election Day) of party and candidate websites for changes, and monitoring of third party websites and forums for traffic and other activities.
- A detailed look at party and candidate websites for any resulting changes, while blogs and third party websites were watched for opinions and summations.

3.8 Although with its benefits for a Mayoral and European elections, this option would not adequately meet our compliance needs or broader regulatory objectives for such a high-profile election.

- **Option 3: Enhanced desk-based research**

3.9 Enhanced desk-based research would be similar in scope to regular desk-based research though with the added resource of agency staff

⁴ See Annex B: The Better Regulation of Party and Election Finance consultation (pg.14)

⁵ A spreadsheet has been developed for population

undertaking a range of information gathering activities in order to obtain more information and enable us to cast the net further when monitoring campaigns.

3.10 This work would involve allocating these additional staff to focus on marginal seats and areas of higher risk in certain regions across the UK, based on risk analysis from criteria set out in the consultation paper and Annex B below.

3.11 Existing staff would undertake the preliminary work in using established spreadsheets to identify the constituencies we intend to target. Devolved Office staff will have access to the selection tools to run selection criteria. The hired staff will then be allocated a region and the main targeted constituencies within that region.

3.12 The use of the additional staff (maximum of four) for campaign monitoring is proposed to target areas of higher risk as per criteria listed in our consultation document (see Annex A below). This will assess each electoral area against certain criteria.

3.13 Agency staff would undertake the activities outlined in Option 2 providing a more in-depth and widespread approach to that at previous elections and enables us to target high risk constituencies.

3.14 Agency staff is paid between £14-16 per hour. Therefore, a combination of four staff would cost approximately £540 each per week for a full, 36 hour, work schedule. We would anticipate recruiting for the start of April and potentially having them work three day weeks. This could amount to approximately £12,182 – based on four staff and assuming that the election is in June (8 weeks work). Prior to the arrival of agency staff, internal staff will undertake light monitoring work to identify evidence of early pre-election spending trend.

- **Option 4: The Partnership Approach**

3.15 The partnership, in this regard, refers to working with an organisation that is currently running a project that is pursuing a similar aim to that of the Commission. We discovered a relevant existing project⁶ during the European elections and monitored the material being uploaded during our monitoring work on this election. The Straight Choice (a non-profit venture run by volunteers with experience in projects seeking transparency) is a real time, web based, election leaflet project. The objective is to create a live visualisation of party political leaflets as they are delivered across the country during an election campaign increasing transparency. Members of the public can upload leaflets on to the website via scanning or digital media.

3.16 Unsolicited material is an area of considerable expenditure for parties⁷. In 2005 it was 25% of Conservative's total spend, 15% of Labour's and 29%

⁶ TheStraightChoice.org - see Annex A

⁷ Election 2005: campaign spending (published March 2006)

of total spend for the Liberal Democrat's. Illustrated on a local level around 75% of candidates contacted for the recent LGC Elections Centre research project⁸ produced a leaflet for their respective local election campaign in 2009.

3.17 As a large proportion of candidate election expenditure comes from unsolicited materials and as many allegations we receive originate around leaflets, their distribution and their cost, we should focus our partnership on this area of campaigning. During the recent European elections 42% of total party spend was on unsolicited materials. Our involvement in such a project should also go some way to act as a deterrent. Having considered this, and what we want to achieve through campaign monitoring, we believe that the TheStraightChoice.org conveniently fits into our work.

3.18 Benefit of selecting TSC as partner:

- their goal is the transparency of party and candidate election materials - their core objective is aligned with that of the monitoring project,
- unsolicited materials is an area of considerable expenditure for both candidates and parties (84% of total candidate spend)⁹,
- the costs associated are flexible and dependent on the extent of our involvement, and,
- this would meet a corporate objective by increasing the transparency of party and election finance and provide a useful future archival resource for future analysis.

3.19 Our role would primarily be to increase the amount of electoral material channelled to the website. This would involve setting up a Freepost box so we can receive election material and proactively upload these onto the website. It would also require participation by Commission staff across the UK in gather material locally for uploading. We would also have a role in promoting and advertising the site through a strategy agreed with the Communications team. Our participation and direct involvement will add considerable value to the existing resource. This option is likely to increase transparency and provide the Commission with an expanded resource to look at campaign activity through leaflet distribution across the UK.

3.20 From a media perspective the project can be promoted through TSC and its associated web partners including MySociety, by-election and Democracy Club¹⁰. It can also be advertised through Commission external emails, Aboutmyvote website and corporate website. There will also be an internal communications element to engage Commission staff.

3.21 The cost for this option would be minimal through the provision of a 'freepost' box. Using a Freepost box would allow us to receive materials from voters who do not have access to a scanner, thus increasing accessibility and

⁸ Local Candidates Survey: 2009. Rallings & Thrasher August 2009. Pg. 15

⁹ Local elections in Wales May 2008: Report on campaign expenditure by election candidates (February 2009)

¹⁰ Further information in Annex A

engaging the community more widely, while also increasing our receipt of unsolicited materials. The start up cost for a box is £122 (including a £45 deposit for the first amount of mail received), and would cost 24p per standard envelope. The projected cost, therefore, for 4,000 responses would be just over £1,000 (including the start up).

3.22 There is some risk associated with this partnership, particularly reputational, should the website cease to exist or those who set it up are no longer able to continue. Clear parameters will be established with the external body and what the Commission's role is within this partnership. All risks will be assessed but we believe the value in the project outweighs the risks that currently exist.

3.23 Another potential risk is that we get an unexpected number of returns to the Freepost box that burdens us with a significant unanticipated bill. We believe this risk is sufficiently remote but should it transpire then we would close the freepost facility during the exercise. We would still encourage members of the public to upload material using their own facilities or by sending material direct to TSC.

- **Option 5: The Combination Project**

3.24 This project would involve a combination of the above options maximising resources and, along with devolved office activity, providing a level of information that will give us a good evidence base for any compliance or enforcement issues. It comfortably satisfies the project's and Commission's objectives in this area. The project will incorporate the following as detailed above:

- Partnership with TSC
- Freepost box
- Desk-based research (four additional staff)

3.25 It would have the Partnership Approach, including Freepost box, as a base and would also include the hiring of work experience staff (Option 3) following elements from other options adding further value to the project:

3.26 The costs centre around those attributed to staff we hire to undertake desk-based research. We would envisage, in the first instance, recruiting four staff and. Further costs include the Freepost box, detail above. Total costs for this option approximately £13,182.

4. Recommended action

4.1 The recommended approach for the use of campaign monitoring resources is Option 5. This is based on a combination of reasons including value for money, effective use of resources, deliverables, use of information obtained and consideration of our regulatory objectives. The high profile nature of the election, and potential risks to the Commission, has also been taken into account.

4.2 This option would allow us to utilise our available resources both effectively and efficiently for campaign monitoring. It would enable us to gather sufficient information relating to the expenditure of parties and candidates contributing further weight and evidence to aid both our proactive compliance work and in dealing with allegations.

4.3 In order to reduce costs and maximise use of available resources we will endeavour to use existing resource where possible (e.g. utilise any spare space or physical capacity in regional offices) or combine project elements with other related projects (e.g. election call centre staff).

Devolved office approach

4.4 The majority of the activities detailed are England focused and devolved offices will undertake specific tailored programmes based on some of the activities outlined above. Specific areas of work for the devolved offices would be desk-based research within their areas, targeting resources as per the campaign monitoring criteria above. A spreadsheet has been developed to determine the areas of highest risk, which will be circulated for input from the devolved offices.

Communicating approach to parties

4.5 There have been a range of approaches to communicating our monitoring intentions and a few schools of thought on how much information we should supply to parties. There is considerable value in giving parties advance notice as it alerts them to our presence and adds to the deterrent effect monitoring has. It also reinforces the compliance message and focuses parties from an early stage.

4.6 Devolved offices inform the parties, usually via the PPP, that we will be conducting campaign monitoring work and observing different areas during the campaign. We tend not to go into any detail for obvious reasons, but it is not hard for them to work out that we look at marginal seats and other high profile seats etc. All offices follow a similar path and also advise parties at pre-election seminars/training.

4.7 For the purposes of consistency, in the interests of acting as a deterrent but also to give the project real value through limited disclosure it is proposed that we follow a similar approach to the UKPGE. Parties will be informed that activity will take place but will not be given any further detail. Parties will be notified as soon as the election date is announced.

Annex A: TheStraightChoice.org (and partners)

The Straight Choice is a real time, web based, election leaflet project. The objective is to create a live visualisation of party political leaflets as they are delivered across the country during an election campaign. Members of the public can upload leaflets on to the website via scanning or digital media. The project commenced in April 2009.

The project and website is supported by volunteers and run by three people who have considerable web-based electoral experience. The project is not supported or affiliated to any political party and it is not promoting any reform or change to the electoral system.

TSC works in partnership with other volunteer based websites to improve the transparency of elections. These include:

www.mySociety.org

MySociety is built on volunteers; from simple things, like playing a game to help us make sense of video from the House of Commons, or reporting a broken paving slab, to building a new service with our data or helping us look after one of our websites.

www.DemocracyClub.org.uk

Building a network of election volunteers to help mySociety and TheStraightChoice in the run up to the next general election, and hopefully beyond. In elections these days, all major candidates have a huge team of volunteers behind them, helping them produce and distribute leaflets, get publicity in the local news media, raising their profile and painting a generally rosy picture of them.

But the public gets no such help. They are given election leaflets, party election broadcasts, newspaper interviews with candidates, but they are not given solid, factual information, or simple unbiased analysis of the truth value of these publicity campaigns, especially not at a local level.

DC feel that the public needs its own team of volunteers to help them to gather information on candidates, their leaflets, and local news coverage of them; or publicise vote analyses in local papers around the country.

Annex B: The Better Regulation of Party and Election Finance consultation (pg.14, para. 3.17-3.18)

Principles of our risk-based regulation

In parallel with our risk profiling of regulated organisations, we are now developing a more rigorous method for evaluating high-risk electoral events and prioritising our use of resources for campaign monitoring and the scrutiny of spending returns. This will look at specific electoral ‘battlegrounds’, such as constituencies in UK Parliamentary general elections, regions in European Parliament elections and aspects of elections in devolved areas. It will assess each electoral area against criteria including:

- historic data or projections suggesting that the contest will be marginal or particularly hard-fought
- any evidence of significant funding flowing into organizations campaigning in the relevant area, including locally-based parties and the accounting units of larger parties, either via reported donations or through transfers from other parts of an organization
- any evidence of significant campaign spending by such organisations, or by national organisations targeting activity in the area
- any evidence that one or more candidates (or prospective candidates) may have a higher than usual personal profile, for example where two sitting holders of elective office are competing against each other because of a boundary change, and
- a historic record of non-compliance by one or more of the participating organizations

We will draw on this assessment in planning how to deploy and prioritise our campaign monitoring and scrutiny resources for major electoral events. The extent of the monitoring we carry out will depend on our available resources, the type of election and the risks (likelihood and impact) involved.