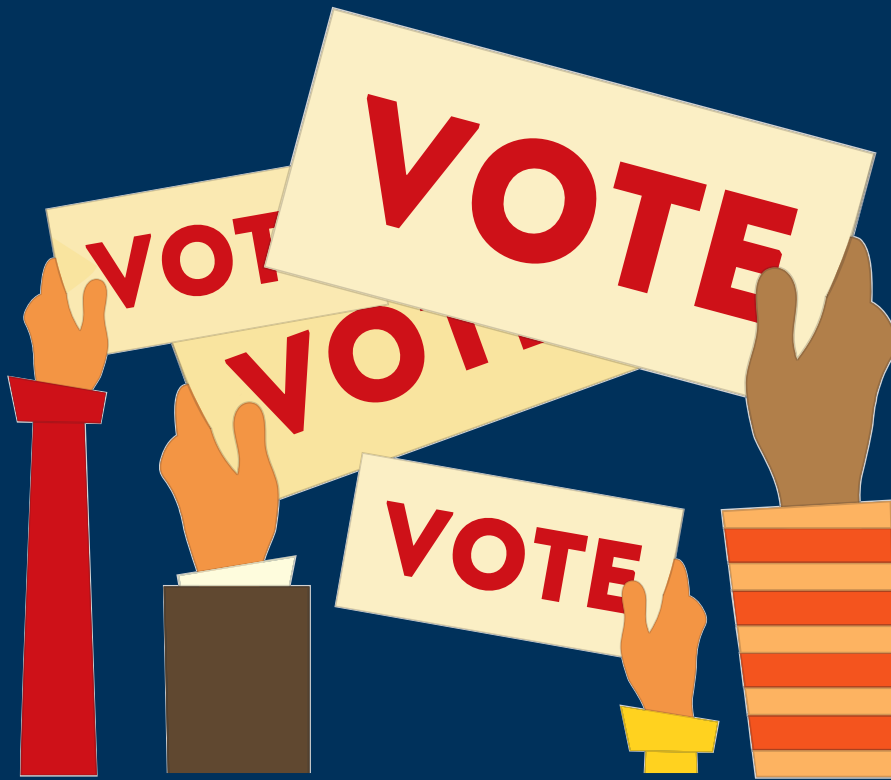




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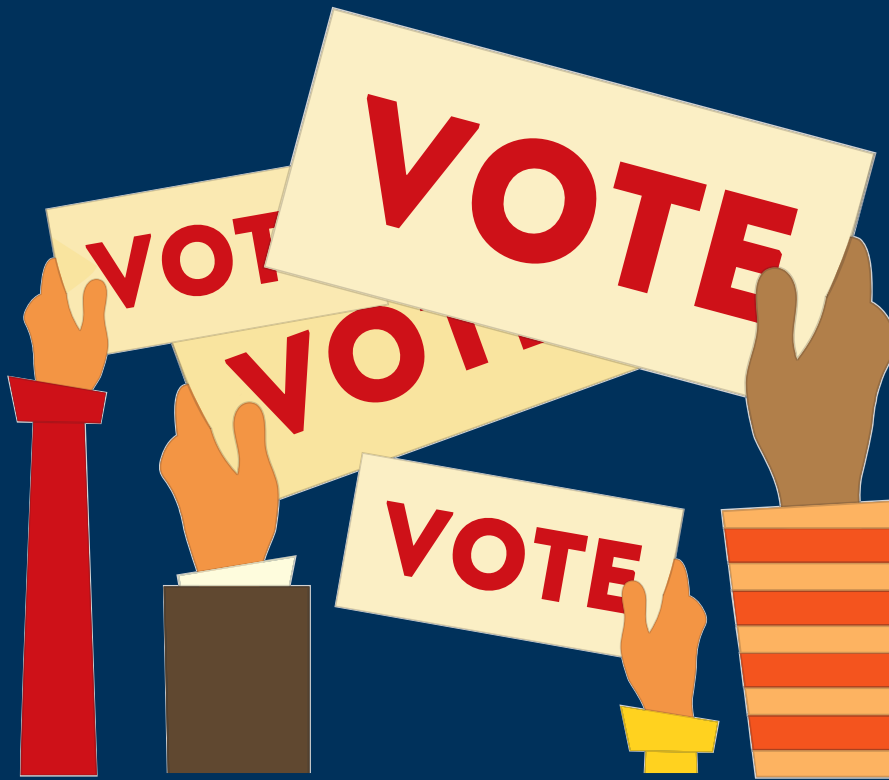
Your Vote Counts

MCB guide for mosques on Understanding the law on elections



Why we've created this guide

We have developed this guide to assist mosques and community centers in understanding their legal obligations regarding elections and campaigning, ensuring compliance with Charity Commission regulations and guidelines.



As a regulator, the Electoral Commission:

- maintains registers of political parties in Great Britain and Northern Ireland, and register non-party campaigners
- provides guidance for anyone who might want to stand or campaign in an election
- publishes political finance data
- regulates the imprint rules for parties and campaigners
- takes action if they have reason to suspect the political finance law has been broken

Charities hosting a hustings ⁽¹⁾

- Charities must not support or oppose any particular political party or candidate. One way of making sure that a charity does not do this is to hold non-selective hustings featuring candidates from as wide a political spectrum as possible.
- In some circumstances, charity law allows charities not to invite a candidate or party on the basis of their views or policies.
- For example, in their guidance for English and Welsh charities, the Charity Commission of England and Wales say this could apply to:
 - “a representative from a political party which advocates policies which are in contravention of the charity’s objects, or whose presence or views are likely to alienate the charity’s supporters.”
- As charities you would need very strong reasons for deciding not to invite a mainstream political party and we would recommend being impartial as a Mosque and inviting all mainstream political parties.

Charities and making donations to political parties⁽²⁾

Charities must never support political parties. They cannot make political donations or give other financial support or resources.

This is because it is a fundamental principle of charity law that it cannot be within the purposes of any charity to promote the interests of a political party. Some charities operate trading subsidiaries.

Although the situation regarding political funding law is more complex, under charity law it is not permissible for these bodies to make donations to political parties.

Charities, including mosques, must ensure that fundraising or donations are not conducted within the mosque premises or externally by the mosque or charity management in support of political parties or their candidates. This is because charities, including mosques, must never support political parties and cannot make political donations or give other financial support or resources

Not to promote political parties.

Charities like mosques must not distribute or promote any material that either supports or criticises a political party or its candidates before elections. Mosques must be impartial and refrain from endorsing any political party or its candidates.

Further reading please click on the following link:

<https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/charities-elections-and-referendums>

During the election period the need for impartiality and balance is intensified, and charities such as Mosques must take particular care when undertaking any activities in the political arena. Once an election has been called, charities that are campaigning will need to take special care to ensure their political neutrality. For example, a charity must not provide funds, or other resources, to a political candidate. More info here:

<https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9>

Section 114A RPA 1983

For UK Parliament elections, local government elections in England, and Police and Crime Commissioner elections in England and Wales Section 114A RPA 1983 applies which states:

114A Undue influence

- (1) A person is guilty of a corrupt practice if the person is guilty of undue influence.
- (2) A person ("P") is guilty of undue influence if P carries out an activity falling within subsection (4) for the purpose of—
 - (a) inducing or compelling a person to vote in a particular way or to refrain from voting, or
 - (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (3) A person ("P") is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of subsection (4) on account of—
 - (a) a person having voted in a particular way or refrained from voting, or
 - (b) P assuming a person to have voted in a particular way or to have refrained from voting.
- (4) The following activities fall within this subsection—
 - (a) using or threatening to use violence against a person;
 - (b) damaging or destroying, or threatening to damage or destroy, a person's property;
 - (c) damaging or threatening to damage a person's reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
 - (f) doing any other act designed to intimidate a person;
 - (g) doing any act designed to deceive a person in relation to the administration of an election.
- (5) For the purposes of subsections (2) and (3) an activity is carried out by a person ("P") if it is carried out—
 - (a) by P,
 - (b) by P jointly with one or more other persons, or
 - (c) by one or more other persons on behalf of P and with P's authority or consent.
- (6) In subsection (4)(f) and (g) "act" includes an omission (and references to the doing of an act are to be read accordingly).
- (7) This section does not have effect in relation to an election in Scotland or Wales under the local government Act.

Potential electoral offences ⁽³⁾

There are a number of electoral and non-electoral offences of which people should be aware. These offences can lead to prosecution under the law.

1 - Bribery

A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce any voter to vote or not to vote for a particular candidate or option; or to vote or refrain from voting. Corrupt practice, s113 RPA 1983.

2 - Treating

A person is guilty of treating if either before, during or after an election or referendum they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting. Corrupt practice, s114 RPA 1983.

3 - Undue influence

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. A person may also be guilty of undue influence if they act with the intention of impeding or preventing the voter from freely exercising their right to vote. It can include threats of harm of a spiritual nature.

4 - Personation

It is an offence for any individual to vote as someone else (whether that person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Furthermore, the individual voting can be deemed as a person guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force. Corrupt practice, s60 RPA 1983. It is an offence to commit, aid, abet, counsel or procure the offence of personation.

Potential electoral offences ⁽³⁾

5 - False application to vote by post or by proxy

It is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote or money or property to which a person is not entitled.

Specifically, it is an offence to:

- apply for a postal or proxy vote as some other person (whether living, dead or fictitious)
- otherwise make a false statement in connection with an application for a postal or proxy vote
- induce an Electoral Registration Officer or Returning Officer or local Counting Officer to send a communication relating to a postal or proxy vote to an address that has not been agreed by the voter
- cause such a communication not to be delivered to the intended recipient.

Corrupt practice, s62A RPA 1983. It is also an offence to aid or abet the commission of the above offences.

6 - Multiple, proxy and other voting offences

It is illegal to vote more than once for elections to the same elected body or more than once in the same referendum.

It is illegal to vote on behalf of another person unless you are the officially appointed proxy. It is also illegal for an officially appointed proxy to vote for more than two people who are not close family members in the same election (i.e. same ward or constituency) or the same referendum.

Voting when under a legal incapacity to vote is also an offence. Inducing or procuring another to commit one of the above offences is also an offence.

These are illegal practices, s61 RPA 1983

7 - Secrecy

Everyone involved in the electoral process should be aware of the secrecy of the ballot. The Returning Officer will give everyone who attends the opening or counting of ballot papers an extract from s66 of the RPA 1983. Any person found guilty of breaching the secrecy requirements may have committed a summary offence with a maximum penalty of six months imprisonment or a £5,000 fine.

Potential electoral offences ⁽³⁾

8 - False registration information and false postal/ proxy voting application

It is an offence to supply false information in relation to the registration of electors to the Electoral Registration Officer for any purpose connected with the registration of electors. It is also an offence to provide false information in connection with an application for a postal or proxy vote. False information includes a false signature.

This is a summary offence under s13D, RPA 1983, with a maximum penalty of six months imprisonment or a £5,000 fine. Unlike the s62A offence, it is not necessary to establish an intention to gain, or deprive another of, a vote, money or property.

9. The offence of handling postal voting documents by political campaigners s.112A RPA 1983 states:

It is an offence for political campaigners to handle completed ballot papers or postal ballot packs for voters who are not their close family or someone they care for.

References

- (1) <https://www.electoralcommission.org.uk/are-you-holding-a-hustings/charities-running-a-hustings>
- (2) <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9/charities-and-political-donations>
- (3)- https://www.electoralcommission.org.uk/sites/default/files/pdf_file/PP_G_2016_English_WEB.pdf

Other useful resources

- <https://www.gov.uk/guidance/charities-and-the-general-election-information-for-parliamentary-candidates>
- <https://charitycommission.blog.gov.uk/2024/05/20/campaigning-and-political-activity-what-do-charities-need-to-consider-ahead-of-a-general-election/>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300222/cc9text.pdf
- <https://www.electoralcommission.org.uk/blog/charity-commission-and-electoral-commission-chairs-share-advice-charities-engaging-public-debate>
- <https://www.electoralcommission.org.uk/non-party-campaigners-uk-parliamentary-general-elections/regulated-campaign-activities/applying-purpose-test/charities-and-other-organisations-limits-their-political-activities>

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