

Churches, regulation and the General Election

A briefing from the Joint Public Issues Team, May 2024

As charities, churches are always covered by charity law which requires impartiality towards political parties. In election periods, there are additional regulations on anything that might be considered as intending to influence how members of the public vote. However, that should not put churches off from actively engaging with the election process.

It is recognised that charities are able to further their charitable objectives through campaigning, including during election periods. The Charity Commission says: “Campaigning, advocacy and political activity are all legitimate and valuable activities for charities to undertake.” For churches this can include participating in a variety of campaigns, and during election periods the Joint Public Issues Team produces briefings, advice and prayer resources – see www.jpit.uk/election

This briefing answers some of the questions churches may have about what they can and cannot do during an election period.

Note that this guidance reflects our understanding and interpretation of the relevant laws and regulations, and is intended as a helpful guide for churches, officers and staff. However, it does not constitute formal legal advice and should not be relied upon as such.

Detailed guidance for charities on political activity and campaigning can be found here:

- England and Wales: www.gov.uk/guidance/political-activity-and-campaigning-by-charities
- Scotland: www.oscr.org.uk/guidance-and-forms/managing-a-charity-guidance/campaigning-on-political-issues-faqs/

Specific guidance from the Electoral Commission on what constitutes election campaigning can be found here: <https://www.electoralcommission.org.uk/non-party-campaigner-code-practice>

The Charity Commission for England and Wales has also put together some ‘lessons learned’ for charities from previous General Elections: <https://www.gov.uk/guidance/campaigning-and-political-activity-general-election-lessons-learned>

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For General Election resources from the Joint Public Issues Team of the Baptist Union of Great Britain, the Methodist Church, and the United Reformed Church, visit

www.jpit.uk/election



Can Church leaders speak out during an election campaign?

Whilst churches as charities must remain neutral towards political parties, individual Christians are free – and should be encouraged – to get involved in the election through voting, campaigning, supporting political parties, and even standing as candidates.

Church leaders will however need to be careful about public identification with a single party. Charity Commission guidance states: “officers and employees of a charity should not use their position in any campaigning activities in such a way as to suggest that the charity endorses any candidate.”

Do – pray for candidates and the conduct of the election, reference the election in your worship and preaching, help church members to reflect theologically on current political issues, encourage people in your community to register to vote and ensure they have appropriate photo identification documents, hold and chair hustings meetings, join non-partisan campaigns, encourage political discussion. debate with kindness – and, of course, vote! JPIT has resources to support you in much of this – visit www.jpit.uk/election

Don't – allow anything that you say or do to be seen as representing the church's support for a particular party, for example by being pictured wearing your clerical collar on an election leaflet or having your role as a minister mentioned, or be seen to be using a sermon to encourage people to vote for a party or candidate, or sign a statement encouraging people not to vote for a particular party however abhorrent their views may be, or comment publicly in the name of the church on policies that are closely associated with particular parties.

Should we avoid politics altogether in the election period?

No! Churches have a vital role to play in encouraging democratic participation, helping members to reflect and pray as they prepare to cast their vote, creating spaces for respectful listening and debate, and raising issues of concern. For instance, as part of the [Let's End Poverty movement](#), our Church denominations will be calling on all parties to set out their plans to tackle poverty ahead of the election. This just needs to be done in a non-partisan way that complies with the applicable laws and regulations.

Some churches have in the past invited Christians who are supporters of different parties to share why their faith leads them to vote in particular ways. In an election period, such platforms would need to be offered to supporters of parties from across the political spectrum.

Can Churches hold hustings events? Do they have to invite all the candidates?

Many churches hold hustings – or Question Time events – where election candidates or parties debate policies and answer questions from the audience. Hustings provide voters with an opportunity to hear the views of candidates or parties. Churches hosting such events will need to take into account some regulatory requirements to avoid spending on hustings being counted against election expenditure of candidates.

If you don't invite all candidates, you must have an objective, impartial reason for not including all of them. The simplest approach is to invite all the relevant candidates in the area or all political parties campaigning in the election and allow all those attending an equal opportunity to participate.

However, this may not always be practical. For example, there may be so many candidates or parties standing that a meeting would be hard to manage. If you decide not to invite all candidates, there

are some good practice recommendations you should follow to ensure your hustings is genuinely not promoting particular candidates or parties more than others. These include:

- Being able to give impartial reasons why you have not invited particular candidates or parties. You should be prepared to explain your reasons to candidates or parties you haven't invited. Impartial reasons may include:
 - Local prominence of some parties or candidates over others.
 - The number of elected representatives at the local or national level.
 - Recent election results in the area.
 - Resources and other practicalities constraining the number of invitees.
 - Security concerns.
- Making sure that candidates or parties you invite represent a reasonable variety of views, from different parts of the political spectrum
- Allowing each candidate or party representative attending a fair chance to answer questions and, where appropriate, a reasonable opportunity to respond to points made against them by other candidates or party representative
- Informing the audience at the meeting of candidates or parties standing who haven't been invited.

If you do not invite all the candidates, the Electoral Commission recommends that you should refer to those candidates and explain why they were not invited, and be careful if candidates who are present criticise those who are not. You should also ensure that all parts of the political and policy spectrum are represented by those who are present. See www.electoralcommission.org.uk/are-you-holding-a-hustings/non-selective-hustings-good-practice-recommendations

If you don't want to invite a candidate because the church or others involved in sponsoring the hustings don't agree with their policies, this is not an impartial reason. Whilst this may be legitimate in some circumstances under charity law, it has consequences for churches under election law, as spending on such hustings may count as election expenditure. In this situation, the amount spent on the event needs to be divided by the number of candidates and if it is over £50 then candidates need to be notified to include it in their returns to the Electoral Commission. You should consult the Electoral Commission's guidelines on organising a Selective Hustings (www.electoralcommission.org.uk/are-you-holding-a-hustings/selective-hustings) as this will be subject to regulation. You may be required to register with them and ensure that the candidates that you do invite declare your support for them. For these reasons, it is recommended that you invite all candidates unless there is an impartial reason for you not doing so.

For further information on hosting a hustings, visit: www.jpit.uk/elections/hustings

Can churches hire property for political events?

Some churches may be approached by political parties wanting to use their premises for party events. The Charity Commission states that this is acceptable under charity law, saying "it should be treated as a normal commercial hire, and charged for at a rate decided by the trustees. There are no restrictions on what this rate may be, but it should be both reasonable and applied equally to bookings by all candidates." It also states that it is open to a charity to refuse to hire facilities to a candidate, party or other group if the charity trustees have good reason to believe that to hire the facilities would alienate the charity's beneficiaries, users or supporters.

However churches will also want to take into account their own governing rules regarding making their property available, for example, for the Methodist Church, “the extent, if any, to which the granting of such permission would have a detrimental effect on the peace and unity of the Church and its witness.” (Methodist Standing Orders 921 (1))

Are churches caught by the Lobbying Act?

The so-called Lobbying Act rules require organisations, including charities, to register with the Electoral Commission if they spend over a certain amount on ‘regulated activities’ during the 365 days prior to an election, or risk breaking the law. Regulated activity is public-facing activity that can reasonably be regarded as intended to promote or procure electoral success for political parties, political parties who advocate particular policies, or for candidates who hold particular opinions or advocate particular policies, or who otherwise fall within a particular category of candidates.

When these regulations were first introduced in 2014, many charities were concerned and cut back on campaigning activities. However more recent guidance from the Electoral Commission has clarified what counts as regulated activities, and that if activities are carried out in accordance with charity law around political campaigning, are unlikely to be regarded as regulated activity. Charity law requires charities to ensure their political and campaigning activity is only ever in furtherance of their charitable objectives, and never promotes or supports a political party, with Charity Commission guidance saying that “Whilst charities can attempt to influence public opinion on a particular issue if it furthers or supports their objects, they must leave it to the electorate to make their own decisions about how to vote.” More information on this can be found through the links provided on the first page.

The Joint Public Issues Team does not intend to undertake regulated activities, so its member Churches will not be registering under the Lobbying Act rules.

Is showing our support for Let’s End Poverty regarded as party political campaigning?

No. The Let’s End Poverty movement has a shared aim of working together in the lead up to the General Election to build political and public willingness to end poverty in the UK. It is doing this by engaging with a broad range of political and non-political bodies and persons. The movement is made up of lots of different organisations, and the Methodist Church in Britain is playing a coordinating and facilitative role. As the movement includes many charities, it will not be carrying out any regulated activity, supporting or opposing specific political parties or candidates, or telling people who they should or should not vote for. The Let’s End Poverty banner or brand should therefore never be used in a way that might be seen as party political.

Read more about this: <https://letsendpoverty.co.uk/general-election-and-campaigning/>

Discover how you can help put poverty on the agenda in the election campaign:
<https://letsendpoverty.co.uk/election/>

Further questions?

If you have any further questions, please contact the Joint Public Issues Team of the Baptist, Methodist and United Reformed Churches, by emailing enquiries@jpit.uk or phoning 020 7916 8632, and we will do our best to help you.