

Elections 2009 – legal advice from UNISON

On 4 June there will be elections to the European Parliament, to county councils in England and possibly to some new unitary authorities in England as well as some mayoral elections.

As usual, UNISON will play an active role in these elections, arguing the case for better public services. It will also be a priority to oppose the British National Party. Elections to the European Parliament are conducted under a proportional system which in some regions can allow a seat to be won with less than ten per cent of the vote.

Electoral law is highly restrictive and this advice sets out what the Union proposes to do and the legal limits on our activity. **It includes important advice concerning what branches and regions can and cannot do.**

Local Elections in England and Wales

UNISON's campaign against the BNP at local elections is restricted by the Representation of the People Act 1983, which prohibits the distribution of election material for or against candidates. Failure to comply is a criminal offence.

There are two exceptions only, which are:

- publicity materials distributed only to our members; and
- general expenditure (which includes things like newspaper advertising) up to £50 per candidate plus 0.5p per elector.

The General Political Fund will be producing anti-BNP leaflets which branches will be invited to order from regional offices for distribution amongst members. But note that regions are also planning direct mail-outs of the anti-BNP leaflet to members in councils and wards where the BNP are standing and you should be in contact with your regional office to ensure that duplication is avoided and we take a co-ordinated approach.

Labour Link will be working with local Labour campaigns.

Funding is being provided for direct phone calls to members, encouraging them to vote, and for on-line campaigning.

Because of the very low limits on general expenditure under the 1983 Act, to avoid the Union being criminally liable, **it is vitally important that branches do not incur any spending.**

So it is crucial that you should note the following:

- branches **should not give any donations** to any political party or candidates or spend money on election campaigns of any candidate or party (including

donations “in kind”);

- nor should donations be given to any group campaigning against a political party;
- any support for Labour **campaigning must be agreed by the Regional Labour Link Officer** and will be recorded as a donation;
- branches **should not produce election material** – or anything that could be considered as such; and
- **anti-BNP material should be distributed only to UNISON members** (this includes all anti-racist material supplied by UNISON or obtained from other organisations).

European Elections

Separate legal requirements cover elections to the European Parliament under the Political Parties, Elections and Referendums Act 2000, which places a ceiling of approximately £200,000 on third party expenditure. UNISON has registered as a third party and through the GPF will be running press advertisements attacking the BNP. As indicated above, branches cannot incur any expenditure without risking a breach of the law.

Labour Link will be working with the Labour Party supporting their candidates. Any support for Labour must be agreed by the region and reported as a donation to the Party.

Advice to Regions

All election material sent to members must be paid for from the GPF. Funds will be available from the GPF for direct mail to UNISON members living in towns and wards where the BNP are putting up candidates in the local elections. There will be scope for the national leaflets to be adapted for local purposes but for planning reasons, we will need maximum notice of such an intention.

Other Organisations

Substantial donations at national level have been made to Searchlight and to Unite Against Fascism from the General Political Fund. Additional payments should not be made at local level.

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