



TUSC Guidance Note

Campaigning for other anti-war and no-cuts candidates

This general election sees a wide-range of anti-war, anti-austerity independent and smaller party candidates standing against the establishment politicians, in addition to the forty appearing on the ballot paper as Trade Unionist and Socialist Coalition (TUSC) candidates.

Local TUSC groups, and the different organisations participating in our coalition, will want to support many of these candidates, particularly in areas where there is no TUSC candidate standing nearby – while still promoting their own policies and organisations as they do so, and the TUSC central purpose of supporting alternative candidacies which will take forward the process of establishing a new mass vehicle for working class representation after July 4th.

It is possible to do this. But there are election rules that must be followed. Both to avoid bringing the campaign of the candidate you are supporting into a breach of electoral law (potentially invalidating the result); and to avoid local TUSC supporters themselves risking prosecution.

The golden rule: does it incur expenditure?

Once somebody becomes an official candidate – which happened at the close of nominations on Friday 7th June – “only the following people are allowed to incur election spending” on their behalf, in the words of the Electoral Commission guidance. These are, “the agent; the candidate; and anyone authorised by the candidate or agent”.

So giving out leaflets from the candidate’s campaign on stalls etc, or distributing newspapers that promote candidates (or disparage others), is fine. Newspapers, incidentally, or other periodical publications, are not restricted in regard to “presenting to the electors the candidate or their views or the extent and nature of their backing or disparaging another candidate”, under the Representation of the People Act 1983.

But local TUSC supporters producing their own leaflets in support of an anti-war, anti-austerity candidate, or organising a public meeting and inviting them to speak – in other words anything that incurs expenditure in support of a particular candidate – means that you become, legally, an interested party.

Under electoral law this is known and permitted as ‘Third Party’ activity. But there are certain rules that the third parties, and the candidate’s election agent, have to follow.

Get permission from the candidate or agent

As stated, any expenditure by a third party that “advertises (or otherwise promotes) to the public” an election candidate, including material that merely attacks other candidates or parties, must be authorised by that candidate’s agent. This rule has often been used in the past, for example to hamstringing CND, anti-racist campaigners, or environmental activists, at election times when no candidate has given authorisation to a third party’s campaigning.

Interestingly, for this election the Communications Workers’ Union (CWU) has had to inform its local branches that, as a result of Starmer’s Labour Party no longer being prepared to so authorise its affiliated trade unions, “branches must not produce their own campaign material” such as “printing out flyers with a [Labour] candidate’s name and constituency on it”!

Authorisation in this context does not mean that the supported candidate or their agent vets material but that you must get their permission to ‘promote’ the candidate (or attack other candidates in the constituency). Appended to this guidance note is a model TUSC letter to anti-war and anti-cuts candidates, with an adaptable Word version available on request from the TUSC National Agent, Clive Heemskerk, at cliveheemskerk@socialistparty.org.uk.

‘Section 75’ authorisation

There are regulations about campaign expenditure limits that have to be observed. But this can be easily done by the supported candidate’s agent issuing what is known as a ‘Section 75’ authorisation to a named officer of a third party to “incur and pay” the costs of producing leaflets, holding a public meeting etc.

The third party – ie TUSC supporters – pay these costs, not the supported candidate; but they are authorised to do so by the candidate’s agent. A model ‘Section 75’ authorisation notice that can be adapted for local use has also been appended, again with a Word version available from the TUSC National Agent.

The suggested limit in the model notice has been set at £700 – what is known as “the permitted sum” a ‘local non-party campaigner’ can spend before it must be counted against the supported candidate’s campaign expenditure limit (around £20,000 for an average constituency). The named individual authorised in the Section 75 notice would need to keep an account of the third party expenditure incurred but at or below £700 it does not need to be included in the candidate’s agent post-election spending returns.

Election imprints

Third party material published under these provisions – in other words, that which local TUSC supporters or component organisations take responsibility for – needs an election imprint. This is not however the candidate’s imprint but the third party’s – ie they are legally liable for the content, not the candidate.

This all may seem a bit daunting, but it shouldn’t be. The advantage of such arrangements is that organisations supportive but independent of a particular candidate can run their own campaign in an election period – which they wouldn’t otherwise be able to do – but then ‘strike together’ with the alternative candidate at the ballot box. Local TUSC groups and participating organisations in our coalition should be confident to do so, seeking further advice if needs be from the TUSC National Agent. ■



To: [CANDIDATE'S NAME and CONSTITUENCY]

Offer of support for your campaign

Dear comrade,

We are writing to offer our support to your anti-war, anti-austerity general election campaign. As you may know the Trade Unionist and Socialist Coalition (TUSC) is contesting 40 seats on July 4th but is not fielding a candidate in your constituency.

Consequently we are looking to support those who are standing in this area whose candidacies we believe could take forward the core purpose of TUSC of helping to establish a new, mass party of the working class – as part of the resistance that will develop to the pro-capitalist policies that will inevitably be pursued by the Keir Starmer-led government that is coming.

To this end we are happy to distribute your leaflets on our regular campaign stalls. But we would also like to produce and distribute our own literature advertising your candidacy and organise a general election public meeting in the constituency – to which you are invited to attend as a platform speaker – for which, under electoral law, we need your permission.

There are, we realise, matters of electoral law about expenditure limits etc (explained in the briefing available on the TUSC website at <https://www.tusc.org.uk/resources/>) which we will need to agree with your agent. But our main purpose now in this letter is to establish contact and formally offer you our support for your campaign.

We look forward to your response.

In solidarity,

Section 75 authorisation
UK PARLIAMENTARY ELECTION
[NAME OF CONSTITUENCY]
THURSDAY 4TH JULY 2024

Agent's authorisation for expenses

I, the undersigned, being the election agent for the [NAME OF CANDIDATE] in the above election, hereby authorise [NAME OF PERSON AUTHORISED], the secretary [OR OTHER RESPONSIBLE OFFICER] of the [NAME OF THE THIRD PARTY], to incur and pay any necessary expense not exceeding £700 under the Representation of the People Act 1983, Section 75, on account of:

- (a) Holding a public meeting or organising a public display;
- (b) Issuing an advertisement;
- (c) Issuing a circular, leaflets or other publications;

in the interest of [NAME OF CANDIDATE] at this election for the [NAME OF THE CONSTITUENCY] on Thursday 4th July 2024.

Signed:

Printed name:

Election Agent for [NAME OF THE CANDIDATE] for the above election.

Date:

Note: A person acting outside or above and beyond this authority will be guilty of an offence under the Representation of the People Act.