

# **CREDIBLE DETERRENCE:** beefing up enforcement of the UK's political finance rules

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**Acknowledgements**

We are grateful for comments from: Dr Alistair Clarke, Paul Lomas, Dr Sam Power and Dr Magnus Ohman. Cover picture: Juiced Up Media / Shutterstock.



The Joseph Rowntree Reform Trust has supported this work in recognition of the importance of the issue. The facts presented and the views expressed in this report are, however, those of the authors and not necessarily those of the Trust. [www.jrrt.org.uk](http://www.jrrt.org.uk)

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## Key stats

- 0** number of days anyone has spent in prison for breaches of electoral finance laws
- £6,000** highest criminal fine ever imposed for breaches of electoral finance laws
- 1.7-2.1%** the percentage of campaign spend of the two largest parties that an increased fine maximum of £500,000 represents
- 89%** decline in number of investigations concluded by the Electoral Commission since 2019
- 92%** decline in value of fines imposed by Electoral Commission since 2019
- 10** suspicious activity reports relating to political finance in the past five years
- 0** number of criminal investigations resulting from referrals to the Met police electoral fraud unit for the two main political finance offences
- 50-60** number of allegations to Met police electoral fraud unit relating to political funding breaches since 2023 alone

## Introduction

In February 2026, the Director-General of the NCA told a Parliamentary inquiry: *“there is no point legislating for something unless you are going to enforce it as well. That is a question of capacity and capability.”*<sup>1</sup>

As the Representation of the People Bill is introduced to Parliament, this briefing assesses whether the UK’s electoral regulator has the capacity and capability to enforce new political finance rules, and whether the criminal backstop for breaches of these rules is fit for purpose.

Enforcement is critical to creating credible deterrence. An Electoral Commission without sufficient investigative and fining powers or resourcing is ultimately going to struggle to achieve that deterrence. This is particularly important as the Commission faces an increased workload and the task of regulating political finance rules in a context of heightened risks including from foreign interference.

Our briefing finds that the UK’s resourcing for political finance regulation is significantly lower than comparable jurisdictions and that despite improvements in the new Bill, the Commission still lacks crucial investigative and information sharing powers.

We also find that a criminal enforcement gap has emerged due to weak laws, low sentences, and lack of law enforcement capacity.

There is still time for these weaknesses to be addressed if the government and Parliament act decisively. That means:

- A thorough review of the funding the Electoral Commission needs to enforce the rules robustly
- Amendments to the Representation of the People Bill to beef up Electoral Commission powers, introduce a more robust criminal backstop offence and longer sentences and
- Ensuring the Electoral Commission has the confidence to enforce the new rules going forward.

## Key findings

1. **The task of the Electoral Commission in policing political finance has significantly expanded.** In addition to a 37% increase in candidates at the last elections, spending thresholds that have been increased by 80%, and an increased numbers of voters overseas, the Electoral Commission will be taking on far greater responsibility for regulating political finance under the government's new electoral strategy. This is at a time of heightened risks from new technologies.
2. **Resourcing for the UK's electoral body is significantly lower per voter than other comparable jurisdictions and needs to be reviewed.** While the Electoral Commission's budget has increased and will increase further up to 2029, its spend per voter on oversight of elections and political finance is (and will remain) significantly lower than countries like Canada, New Zealand, Australia and Ireland. It is just one third of what the Irish Electoral Commission spends per voter and 23 times less than what Australia spends.
3. **The Electoral Commission's fine levels are well below other regulators in the UK.** While the Electoral Commission's maximum fine will increase to £500,000 per offence, from £20,000, the body will still be at odds with almost all other regulators in the UK. Most UK regulators are able to impose unlimited fines, a multi-million pound fine or a percentage of annual turnover, whichever is higher. If either of the two largest parties (Labour and Conservative) had engaged in electoral breaches at the last election, a £500,000 fine would have represented just 1.7% and 2.1% of their campaign spend respectively.
4. **The Electoral Commission's powers to share information and compel evidence continue to be inadequate.** While the Representation of the People Bill will expand who the Commission can share information with, this is not a two-way street. Many of those same entities will be unable to share information back with the Commission through a statutory gateway leaving the Commission reliant on non-binding informal agreements. Meanwhile, longstanding recommendations that the Commission should be able to compel evidence outside of an investigation from social media companies and financial institutions have not been included in the Bill, and the Commission has no powers to enforce rules overseas. This is in stark contrast to the Information Commissioner's Office powers.
5. **There has been a decline in the Electoral Commission's use of its regulatory powers since 2019.** The number of investigations concluded has declined by 89% between 2019 and 2025, while the value of fines imposed has declined by 92% over the same period. Since 2019 it has not used its disclosure or stop notice powers or power to require an enforcement undertaking. This decline can be partly explained by the fact

that there have been fewer electoral events (and specifically referendums) since 2020. It is also partly explained by a new approach by the Electoral Commission to use enforcement as a last resort and focus instead on compliance. However, it has also come at a time of significant political pressure on the Commission and as just 30% of the public think that authorities will take action against those who break electoral rules - down from 60% in 2018.<sup>2</sup>

6. **There is a criminal enforcement gap for political finance.** The main police unit at the Met that polices electoral fraud has not opened a single investigation into the two main political finance offences since 2010. Between 50-60 allegations of political finance breaches have gone to this unit since 2023 alone – 50 of them referred from the Electoral Commission. Our analysis of the 28 cases in the public domain where police did launch an investigation since 2006, shows that under half (12) resulted in charges being made, and six resulted in a conviction (all but one following guilty pleas). But no one has ever served prison time for breaching political finance rules, and the highest fine imposed by a court to date was £6,000. Weak legislation, low sentences and lack of law enforcement capacity are primary causes.

## Recommendations

### 1. **Funding electoral finance enforcement must be adequate to the task:**

- The Speaker's Committee for the Electoral Commission should work with the Commission to conduct a formal review of the funding needed by the regulator to take on new duties set by the Representation of the People Bill, and this should not be constrained by an envelope set by the Treasury.
- The Electoral Commission should be empowered to keep at least a percentage of fines levied to reinvest in enforcement.

### 2. **The Electoral Commission's fining powers should be strengthened:**

- The Electoral Commission should be given the power to fine political parties up to 4% of the value of their campaign spending over campaign breaches, as previously recommended by the Committee on Standards in Public Life.
- The proposed maximum fine of £500,000 should be put in statute in the Representation of the People Bill, to match the statutory approach taken with the Information Commissioner's Office and Ofcom, and in the Scottish Referendum legislation.

### 3. **The Electoral Commission should be given greater powers to share and receive information, and compel evidence from non-regulated sources:**

- The Electoral Commission should be given the powers to compel evidence from entities that fall outside of its regulatory sphere such as social media companies and financial institutions, including crypto exchanges, without having to start a formal investigation first.
- The Representation of the People Bill should enable the Electoral Commission to receive information from the full range of regulators and enforcement bodies that it can share information with, and include the National Crime Agency as an agency the Commission can share information with and receive information from.
- Serious consideration should be given to a mechanism whereby suspicious activity reports can be shared with the Electoral Commission.

### 4. **The Electoral Commission should ensure it uses its enforcement powers robustly:**

- Consideration should be given to ensuring that future chairs of the Commission are former senior judges, to reflect the constitutional role that the Commission plays, and to enhance public confidence in enforcement it undertakes.
- A whistleblower regime should be established for electoral fraud and political finance breaches.

**5. The criminal enforcement gap must be addressed through stronger laws, higher sentences and specialised law enforcement:**

- The government should bring forward a strengthened donor declaration (section 54A) following consultation, and taking on board the Electoral Commission's recommendations, and ensure it is commenced by the Representation of the People Bill.
- The government should increase sentences for serious electoral finance offences to 10 years.
- The government should designate and provide ring-fenced funding for a single specialist police unit dedicated to criminal enforcement of political finance rules.

## **I. What needs policing? The UK's political finance enforcement context: growing workload, new threats**

The Electoral Commission – the UK's independent body that oversees elections and regulates political finance – has a huge task on its hands to uphold the UK's democracy and the integrity of its elections. And that task is growing.

Recent trends are putting increasing pressure on the Commission as it delivers its mandate. These include:

### **1. Record spending and donations**

The 2024 election was the most expensive election in UK history. Total spending reached a record high of £94.5 million.<sup>3</sup> This followed an 80% increase in the spending limits in 2023 under a statutory instrument introduced under the last government.<sup>4</sup> Political parties spent £68.6 million and non-party campaigners spent £2.55 million. Candidate spending reached £23.4 million, up from the previous record of £16.4 million set in 2019.<sup>5</sup>

Between December 2018 and January 2026, the five largest parties reported over £480 million in donations – 78% of which went to the Conservative and Labour parties.<sup>6</sup> At the same time there have been increased instances of very large multi-million pound donations, from the largest ever one-off donation of £9 million to Reform UK in August 2025, to the £20 million series of donations made to the Conservative Party by Frank Hester between 2023 and 2024 and Labour's largest ever individual corporate donation of £4 million from Quadrature Capital Limited in May 2024.<sup>7</sup>

### **2. Record numbers of candidates**

Between the 2019 and 2024 general elections, there was a 37% increase in the number of candidates standing for election to Parliament (4,515 up from 3,327 candidates). There were almost 100 political parties presenting candidates, though only five<sup>8</sup> fielded 600 or more candidates – an average of 6.9 candidates per constituency.<sup>9</sup>

Under the new Representation of the People Bill 2026, the Electoral Commission will be given new responsibility for investigating and enforcing the political finance offences for candidates (as well as parties).<sup>10</sup> This will close an enforcement gap, where police held responsibility for doing so, but criminal prosecution was rarely proportionate to the offence. While it is highly welcome that there will now be one single regulator for parties and candidates, this is a significant expansion of the Commission's powers and mandate.

### **3. Risks of foreign interference**

China and Russia spent over \$300 million (at a conservative estimate) to influence democratic processes in at least 33 countries between 2010 and 2020, with 30 “*financial attacks*” a year since 2016.<sup>11</sup> According to the US State Department, Russia alone is estimated to have given over \$300 million to political parties, officials and politicians in more than 24 countries between 2014 and 2022.<sup>12</sup>

In the UK, Parliament’s Intelligence and Security Committee has highlighted real risks from both Russia<sup>13</sup> and China<sup>14</sup> trying to interfere in UK politics and elections, by making donations to political parties. There have been multiple warnings from intelligence services and other bodies about potential foreign interference and spying risks.<sup>15</sup> Most recently, in February 2026, the Director-General of MI5, Sir Ken McCallum, delivered a rare closed-door briefing with officials from political parties on “*how foreign powers seek to interfere in our democracy and political processes*”.<sup>16</sup>

### **4. Increased number of potential donors from overseas**

The Elections Act 2022 removed a 15-year limit on eligibility for voters who have moved out of the UK,<sup>17</sup> resulting in estimates that 3.5 million British nationals living overseas became eligible to vote. These voters will also be able to donate to UK political parties.<sup>18</sup> This is regardless of whether they pay taxes in the UK, as section 10 and 11 of PPERA (which would require individual donors over £7500 to declare that they pay tax) has never been commenced.<sup>19</sup>

Validating whether a donor from overseas is on the electoral roll and therefore permissible can be a complex and time-consuming process, with the Electoral Commission having to identify local authorities where a donor might be registered to vote.<sup>20</sup> The Electoral Commission found that nearly a third of impermissible donations in 2024/25 (13 out of 40), representing over half of the value of donations made, were returned to residents with an overseas address.<sup>21</sup>

### **5. New and emerging threats that may enable anonymous donations**

With new technology comes new threats to electoral integrity. These threats include:

#### **a) Cryptocurrency donations<sup>22</sup>**

Parliamentarians and the Electoral Commission itself have warned about the risks that crypto presents to the political finance ecosystem.<sup>23</sup> The Electoral Commission has recognised that it is “*very hard*” to trace the source of crypto donations, particularly if they are made from abroad, because the resources

needed are “*very significant*.”<sup>24</sup> It has introduced interim guidance, and is likely to produce further guidance during 2026 on how to manage the risks.

**b) Gold bullion**

While there is currently no known precedent for gold bullion being used to make a political contribution in UK politics, with increased risks of illicit gold trading this is a new emerging threat. Given the ease with which cash and crypto can be converted to gold bullion in order to obscure the source of their origins, donations in gold could present a foreign interference and illicit finance threat to the UK’s political finance regime.<sup>25</sup>

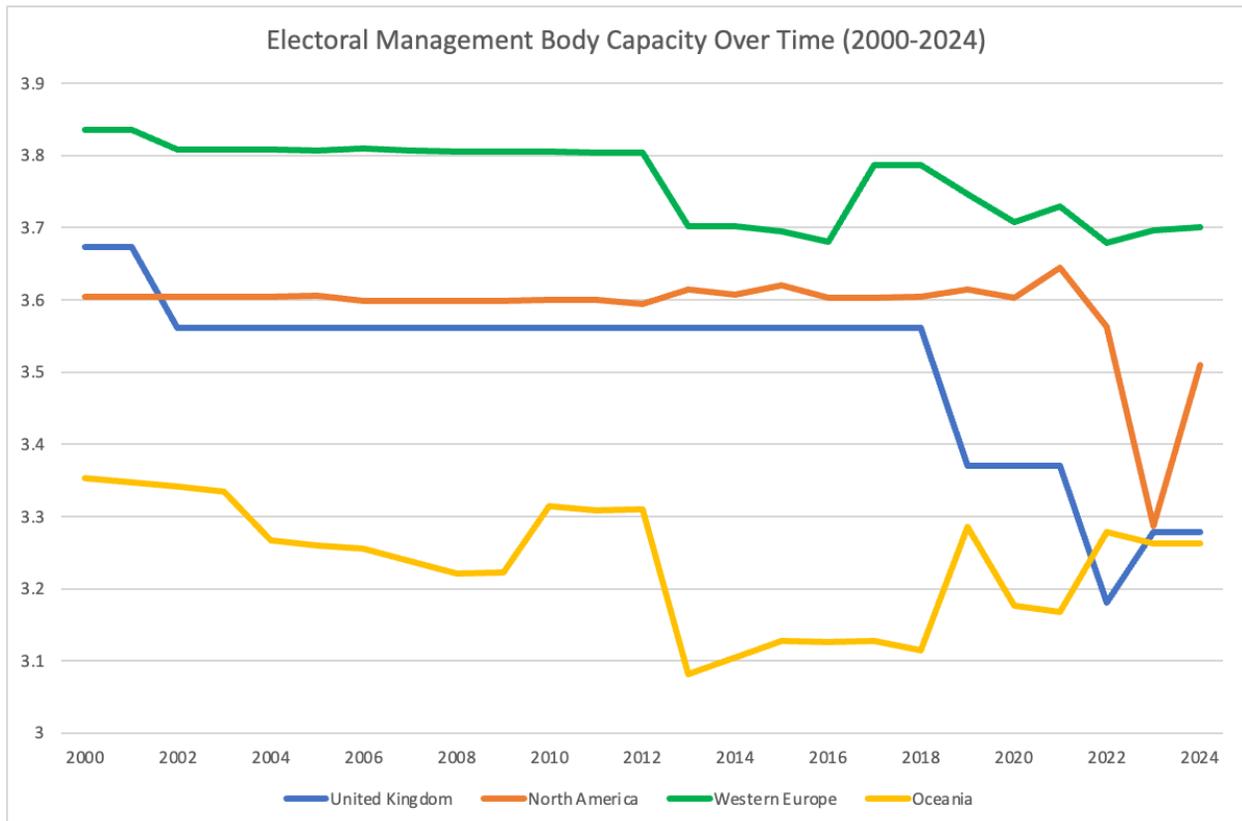
**c) AI**

The Electoral Commission has highlighted risks that AI can be used to split larger donations into smaller amounts so that they fall below thresholds for permissibility checks and reporting to the regulator.<sup>26</sup> AI can also be used to distort electoral outcomes, through disinformation campaigns. The Centre for Emerging Technology and Security (CETAS) found serious risks of AI undermining the security of elections, from deepfake campaigns in Romanian and Czech elections, AI disinformation campaigns in the recent Irish presidential elections and use of AI in Russia’s sustained disinformation programme in Moldova, among other case studies.<sup>27</sup> It also found 16 examples of AI-enabled disinformation or deepfake content which had a viral impact during the UK general election.<sup>28</sup>

## II. Is the Electoral Commission resourced sufficiently to do the job?

Ensuring the Electoral Commission is match-fit to face these challenges means making sure it has the capacity and resources to undertake its regulatory role.

Under a key international ranking by the Varieties of Democracy project, international perceptions of the UK's Electoral Commission's *capacity* (ie, whether it has the staff and resources to run an election well) saw a steep decline after 2018. This mirrors drops in its perceived *autonomy* (ability to operate independently).<sup>29</sup> There has been a slight improvement in the past few years, but it has not returned to pre-2018 levels.



A key indicator of electoral body capacity and independence is its resourcing.

Currently the budget of the UK's Electoral Commission is significantly lower per voter than comparable jurisdictions.

Country	Registered voters (millions)	Annual budget of electoral body (GBP)	Budget per voter (GBP)
United Kingdom	48.2 <sup>30</sup>	£48.1m	£1
Australia	18.1 <sup>31</sup>	£442.67m	£24.46
New Zealand	3.6 <sup>32</sup>	£22m	£6.11
Canada	28.7 <sup>33</sup>	£168.67m	£5.88
Ireland	3.6 <sup>34</sup>	£10.06m	£2.79

Comparisons between electoral bodies are not straightforward, given some of the electoral bodies below also have electoral administration responsibilities that the UK’s body does not, while the Irish Electoral Commission does not enforce political finance rules.<sup>35</sup> Getting public information about what each electoral body spends on regulation of political finance is currently not currently possible.

However, if one were to factor in estimates of the wider cost of electoral administration in the UK (beyond the budget for the Electoral Commission), the UK is still spending considerably less than comparator democracies such as Australia, New Zealand and Canada - at £3.57 per voter for the 2024 General Election.<sup>36</sup>

The UK Electoral Commission has acknowledged that its expanded powers, proposed under the Representation of the People Bill will create “*additional burdens*.”<sup>37</sup> This raises questions about what funding the Commission will need to fulfil its broader mandate effectively. Given the academic evidence<sup>38</sup> that resourcing is critical to electoral integrity, these questions must be addressed urgently.

The Impact Assessment for the Representation of the People Bill calculates a central cost of £13.3 million over 10 years relating to the changes to the Electoral Commission’s enforcement powers in the Bill<sup>39</sup> – or just £1.3 million a year. This seems exceptionally low given the huge scale of regulating candidate finance.

The Commission is also due to see a budget increase of £13.7 million (to £62.8 million) between 2026/27 and 2028/29<sup>40</sup> – an increase it highlights is due to anticipated expenditure for a general election in 2028/29.

This increase needs to be seen in the context of the increased number of voters that the changes to the Bill is likely to bring about – with government estimates that another 8.5 million registered voters would be added to the electoral roll as a result of the measures by 2029.

This would mean that the Electoral Commission's budget per voter would be £1.10 – still significantly lower than comparable jurisdictions.<sup>41</sup>

The Electoral Commission's budget is set by the Speaker's Committee, having consulted with and having regard to advice from the Treasury. In the Summer of 2025, the Treasury made clear that the Electoral Commission would be expected to fund its priorities "*through efficiencies and cuts to wasteful spending over the next five years rather than through increased budgets.*"<sup>42</sup>

While it is clear that the Electoral Commission cannot be granted a blank cheque on finance, if the UK is serious about having a fair level playing field at elections, and the integrity of the UK's electoral processes, it must ensure that there is a realistic budget.

It would also be highly beneficial to enable the Commission to keep and reinvest at least a portion of the fines it imposes into further enforcement capacity rather than returning them to the Treasury as currently happens. The Information Commissioner<sup>43</sup> and Ofcom<sup>44</sup> already have the powers to do this.

### III. Are the Electoral Commission's fining powers sufficient or a cost of doing electoral business?

Under the Political Parties, Elections and Referendums Act 2000 (PPERA)<sup>45</sup> and the Electoral Commission's Enforcement Policy<sup>46</sup> the Commission can currently impose:

- 1) Fixed monetary penalties: a fixed fine of £200
- 2) Variable monetary penalties: a variable fine that is calculated according to the nature of the offence allegedly committed. The maximum amount the Commission may impose is £20,000.

The low levels of the fines imposed have resulted in frequent calls for increased fining powers, including from the Commission itself.<sup>47</sup> After the 2017 general election, it warned that:

*"A maximum fine of £20,000 risks becoming a cost of doing business for some campaigners. This penalty does not provide an effective deterrent to stop campaigners committing offences".*

International electoral observers<sup>48</sup> and police bodies<sup>49</sup> in the UK have echoed these concerns.

The government has announced that it will bring forward secondary legislation, subsequent to the Representation of the People Bill which will raise the maximum fine for breaches of electoral law to £500,000.<sup>50</sup> This will be a significant improvement and brings it into line with the penalty that can be imposed for breaches of electoral finance rules in relation to Scottish Referendums.<sup>51</sup>

However, it would still be fairly insignificant in comparison to the campaign spending that some of the UK's largest political parties make.

While the Electoral Commission is different from other regulators due to its constitutional role in protecting democracy, it is notable that most other regulators in the UK are able to impose either unlimited fines, a high multimillion pound fine or a percentage of annual turnover.

Regulator	Maximum fine	Ability to undertake criminal enforcement	Relevant legislation	Highest fine imposed
Electoral Commission	£20,000 per offence (proposals to increase to £500,000)	No	Political Parties, Elections and Referendums Act 2000	<a href="#">£70,000 – Conservative Party</a> (stacked fine for multiple offences). 0.45% of total spend for the regulated period.
Information Commissioner	£17.5 million or 4% of annual global turnover for 'higher-tier' infringements and £9 million or 2% for 'lower-tier' infringements	Yes	Data Protection Act 2018 (section 157)	<a href="#">£20 million – British Airways</a>
Ofcom	Up to 10% of annual global turnover or £18m (whichever greater)	No	Online Safety Act 2023 (Penalty set in Schedule 13 (4))	<a href="#">£50 million – Royal Mail</a>

Real consideration should be given to whether a percentage should also be added on top of £500,000. In its 2021 review of electoral finance, the Committee on Standards in Public Life recommended 4% of the value of campaign spending or £500,000, whichever was the higher.<sup>52</sup>

The increased £500,000 maximum fine would amount to 1.7% and 2.1% of the campaign spending of the Labour and Conservative parties – as the two largest parties – respectively. If these parties had committed an egregious offence during the 2024 general election, a fine based on the 4% percentage of campaign spend would have resulted in a fine of £1.2 million or £955,000 respectively – nearly double the current maximum proposed fine level.<sup>53</sup>

## IV. Does the Electoral Commission have the right enforcement and investigation powers?

To undertake its enforcement duties effectively, the Electoral Commission must have the right powers. However, there are ongoing gaps and anomalies in these powers in the following areas:

### **Information sharing**

Information sharing through statutory gateways is critical for intelligence-based enforcement. But up to now the Electoral Commission has had insufficient powers to enable this. The Electoral Commission has flagged in the past that it would “*welcome explicit powers to share information with the police or other regulators such as the Information Commissioner.*”<sup>54</sup>

The government has now announced measures in the new Bill to give “*an explicit statutory gateway to share information with other regulators and law enforcement agencies.*”<sup>55</sup> This will, it says, improve “*collaboration on cross-cutting issues such as digital campaigning, data protection and foreign interference.*”<sup>56</sup> This is a very welcome move.

However, it is critical that the information flow is a two-way street and that the Commission is able to receive information from the same expansive list of regulators and enforcement bodies proposed in Schedule 19D of the new Bill as well as share it with them. Currently existing provisions in PPERA only allow information held by prosecutors or police forces to be shared with the Electoral Commission. This needs to be updated to allow all the bodies in 19D – including the Information Commissioner among others – to share information with the Electoral Commission.

Without amends to Schedule 19D of the Bill to ensure a two-way information flow, the Commission will be reliant on existing non-statutory Memorandums of Understanding with these bodies or on developing such MOUs. These are non-binding and in some instances these bodies may not be able to share information absent a statutory gateway.

It is also crucial that the government considers allowing the Financial Intelligence Unit (FIU) housed in the NCA to share suspicious activity reports proactively with the Electoral Commission, in the same way it is considering allowing the FIU to share such reports with anti-money laundering supervisors. The NCA has recently confirmed that there have been 10 suspicious activity reports relating to political funding in the past three years.<sup>57</sup>

### ***Powers to obtain information for an investigation***

Currently, the Commission can only require information from various entities, including suppliers or unregistered campaigners, if they have reasonable grounds to suspect an offence has been committed and have opened an investigation.

As the Electoral Commission has highlighted, this creates the anomaly that *“to open ... an investigation needs clear evidence – but we can’t always obtain that in the first place”*.<sup>58</sup> That limits its ability to assess whether an offence has occurred and whether it should open an investigation. It has been asking for the power to request relevant information and explanation outside of a formal investigation from entities that they do not regulate, but who may hold relevant material.<sup>59</sup>

The entities that it particularly needs to be able to request information from include:

- a) financial institutions. The Electoral Commission has recently highlighted that it currently has: *“no ability to obtain any information from financial institutions that we can use to monitor and independently verify provenance or the permissibility of funds, unless we open a full investigation”*.<sup>60</sup> This should include crypto exchanges as well or bodies that conduct third-party due diligence for political parties.
- b) social media companies: In its 2022 report on *Digital Technology and the Resurrection of Trust*, the House of Lords Select Committee on Democracy and Digital Technologies highlighted that the Electoral Commission’s powers *“were insufficient to properly regulate electoral conduct in a digital age.”*<sup>61</sup> It specifically recommended that the Electoral Commission be given *“the power to acquire information from external parties such as social networks about campaigners’ activities outside of a formal investigation.”*

It is critical that this long-standing request from the Electoral Commission is adopted in the new Bill.

### ***Powers to obtain information from overseas***

The Electoral Commission’s Enforcement Policy states that it is not *“able to use our investigatory powers in relation to any person outside of the UK”*.<sup>62</sup>

This was confirmed in a recent letter to the Joint Committee on the National Security Strategy, in which the Electoral Commission highlighted that the use of its investigatory powers to compel documents, information and explanations *“is limited to our jurisdiction in the UK as they are unenforceable against individuals and entities abroad.”*<sup>63</sup>

Given the risk of overseas donations, including of cryptocurrency donations that may arise from other jurisdictions, it is a serious anomaly that the Electoral Commission cannot enforce the UK’s political finance and electoral laws against individuals or entities abroad who may be permissible donors in the UK.

### ***Power to pursue an investigation to a civil standard***

The Electoral Commission's problems with obtaining evidence from those it does not regulate is compounded by the very high threshold it must meet in order to open an investigation.

The Commission may only open a regulatory investigation if it has '*reasonable grounds to suspect*' an offence has taken place – akin to the threshold for opening law enforcement investigations.<sup>64</sup>

In contrast, Ofcom, the regulator for the communication industries can use its discretion to open an investigation into a broadcaster. Its process of handling complaints is to consider if it first raises "*a substantive issue, related to a relevant requirement*".<sup>65</sup> At this stage, it then evaluates the complaint against its administrative priorities and conducts an assessment by requesting information from the subject, before ultimately deciding on whether to open an investigation.<sup>66</sup>

### **Regulatory muscle: The Information Commissioner's Office (ICO)**

Unlike the Electoral Commission, the ICO has explicit and extensive statutory powers for information sharing. Section 132(2)(e) of the Data Protection Act 2018 gives the ICO lawful authority to disclose information "*for the purposes of criminal or civil proceedings, however arising*".<sup>67</sup> Section 132(2)(c) and (f) further allow the ICO to share information where this is necessary for the discharge of its statutory functions and where disclosure is justified in the public interest.

Also, unlike the Electoral Commission, the ICO has powers to<sup>68</sup>:

- compel social media companies to release data and relevant information to assist with its investigations.<sup>69</sup>
- compel the provision of documents, information and explanation outside of an investigation.<sup>70</sup>

The ICO's investigation remit extends beyond the UK and applies to organisations based overseas where their activities involve offering goods or services to, or monitoring the behaviour of, individuals in the UK.<sup>71</sup>

Again, unlike the Electoral Commission, the ICO does not operate within a fixed threshold for opening an investigation and decides whether to open an investigation by weighing a range of discretionary factors.<sup>72</sup>

As a result, the ICO routinely shares intelligence, threat analyses, and tactical insights, coordinating joint regulatory or investigative actions through clearly formalised and publicly accessible memoranda of understanding.<sup>73</sup>

It explicitly cooperates with enforcement bodies, such as the police, NCA, and Insolvency Service, to disrupt penalty evasion and confiscate profits from data misuse under the Proceeds of Crime Act 2002, and maintains structured partnerships with regulators, such as the Competition and Markets Authority, Ofcom and the Financial Conduct Authority through the Digital Regulation Cooperation Forum.<sup>74</sup>

## V. Does the Electoral Commission use its regulatory and enforcement powers sufficiently?

Robust enforcement of regulatory powers is critical for deterrence and for public confidence. The last decade has seen a significant decline in public trust in how political parties are being policed. In 2018, 60% of those surveyed by the Electoral Commission thought authorities would take action if parties or campaigners broke electoral rules – in 2023 that was just 30%.<sup>75</sup>

The Electoral Commission is required to publish information about its use of investigatory powers annually.<sup>76</sup> According to our analysis of these reports, there has been a decline in enforcement activity by the body over the past decade. In particular:

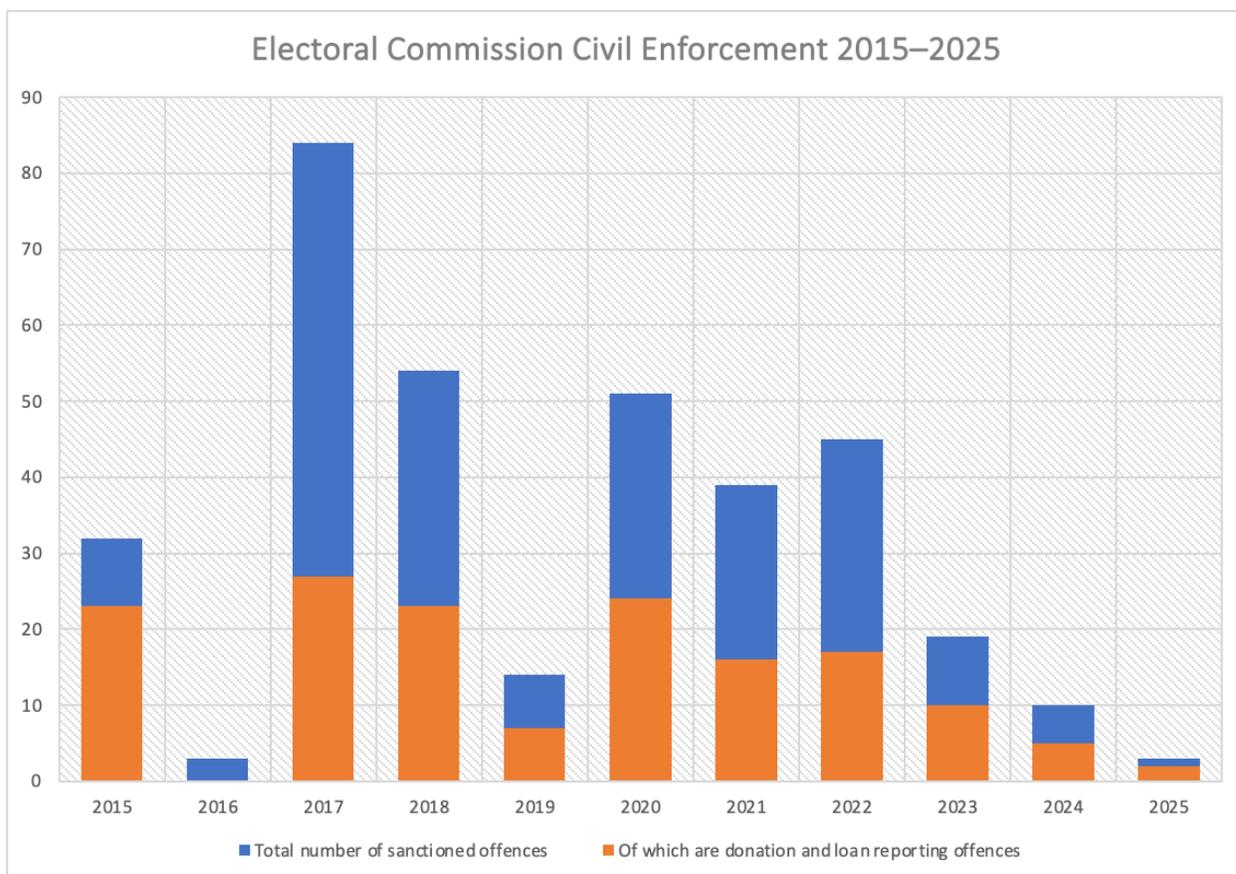
- The number of investigations concluded<sup>77</sup> has declined by 89% between 2019 and 2025
- The overall value of fines imposed has declined by 92% over the same period.

At the same time after a spike of investigation notices (40) used between 2016-2019, it has made very limited use of this power and it has not used its disclosure notice,<sup>78</sup> stop notice<sup>79</sup> and enforcement undertaking<sup>80</sup> powers at all since 2019.

Year	Electoral Commission net expenditure on regulation	Investigations concluded	Number of fines imposed	Total value of fines imposed	Disclosure notices	Investigation notices	Stop notices	Enforcement undertakings
2015/16	£6,532,000	66	-	£38,548	2	5	0	-
2016/17	£5,218,000	-	23	-	-	16	-	-
2017/18	£7,041,000	187	86	£125,800	0	14	0	0
2018/19	£7,445,000	112	58	£254,940	0	10	0	0
2019/20	£8,300,000	132	38	£90,580	1	0	0	2
2020/21	£9,108,000	84	33	£69,000	0	0	0	0
2021/22	£8,064,000	42	11	£58,000	0	3	0	0
2022/23	£9,755,000	34	20	£16,130	0	0	0	0
2023/24	£10,301,000	17	33	£27,000	0	1	0	0
2024/25	£13,163,000	14	7	£7,450	0	1	0	0

Source: Electoral Commission annual reports and powers and sanctions reports

The graph below illustrates this apparent decline in its use of civil enforcement powers:



There are several reasons that are likely to lie behind this decline.

Between 2014 and 2020 there were a number of significant electoral events - in particular two referendums (the Scottish independence referendum and the EU membership referendum) and three general elections (in 2015, 2017 and 2019). While this may explain increased enforcement activity in 2017/2018 and 2020, it is noticeable that there appears to have been relatively little enforcement activity relating to the 2024 election.

The other reason is likely to be that in 2019, the Electoral Commission’s Board adopted a purposeful strategy to do more engagement through a regulatory support team. This is reflected in its written evidence to the Public Administration and Constitutional Affairs Committee in 2020, when the Commission said that it was prioritising a preventative approach “*supporting political parties, candidates and campaigners to comply with the rules before breaches happen.*”<sup>81</sup> It said it wanted “*enforcement action to be the exception and not the rule.*”<sup>82</sup>

The Commission’s focus on early intervention action and compliance may therefore be a factor behind the in enforcement outcomes, with its 2024/25 Annual Report noting that it had “*carried out a number of initial enquiries, which have enabled us to clarify matters at assessment stage without the need to open investigations.*”<sup>83</sup>

While these may explain the reduction in enforcement outcomes, it is also worth noting that the previous government's 2022 Strategy and Policy Statement for the Electoral Commission specifically called on the Commission to consider best practice "*including where appropriate the use of requests for improvements before resorting to fines.*"<sup>84</sup>

It is therefore possible that political messaging that the Commission should prioritise engagement over enforcement may also have played a role, particularly in the context in which the Commission faced significant political backlash into investigations it conducted following the 2016 EU Referendum and 2019 General Election.

As the Commission takes on an even broader regulatory mantle for candidate finance, it is crucial for public confidence that it adopts a robust appetite to using its existing and new powers, and that it is able to do that without political pressure or interference.

One way of ensuring this is that consideration should be given to the Chair of the Commission being a former senior judge. There is precedent for judicial chairs of electoral bodies from other comparable jurisdictions. The current chairs of the Australian Electoral Commission<sup>85</sup> and of New Zealand's Electoral Commission<sup>86</sup> are both former judges. In Ireland<sup>87</sup> and Denmark<sup>88</sup> the chairs of their electoral bodies are both sitting Supreme Court judges.

Additionally, serious consideration should be given to setting up a whistleblower scheme (including an incentivisation scheme) and an electoral fraud hotline to increase the flow of quality intelligence to the Electoral Commission. Greater speed in releasing spending by parties and third-party campaigners after elections would also enable greater scrutiny and intelligence from the public to emerge.

## VI. Does the UK have a criminal enforcement gap for political finance offences?

Criminal prosecution for the most egregious breaches of political finance laws is essential to provide meaningful deterrence. It is also important to avoid the risk that regulatory fines are perceived as a cost to be absorbed by political campaigners or parties.

Both the Committee on Standards in Public Life (CSPL) and the Electoral Commission have highlighted the importance of criminal deterrence in election finance. In its 2021 report, CSPL noted that, “*criminal sanctions remain necessary for serious breaches, such as deliberate attempts to circumvent the system.*”<sup>89</sup> The Electoral Commission told CSPL during its inquiry into electoral finance that “*the absence of any criminal prosecutions undermines the ability to deter or punish offences.*”<sup>90</sup>

Yet criminal enforcement of the most serious political finance offences in UK law is almost non-existent.<sup>91</sup> This has resulted in what the Electoral Commission has described as an “*enforcement gap*”, for cases where reckless or intentional action has taken place, resulting from a system that is “*not coherent and does not provide an effective deterrent.*”<sup>92</sup>

This enforcement gap is evidenced by:

### **a) Lack of criminal investigations opened**

According to Transparency International, the Met Police (whose Special Enquiry Team is responsible for investigating high profile and sensitive cases as well as electoral fraud) received eight referrals from the Electoral Commission between 2011 and 2021 in relation to electoral offences.<sup>93</sup>

However, not one of these appears to have resulted in an investigation. A Spotlight on Corruption Freedom of Information request<sup>94</sup> to the Met Police found that, since 2010, the force had carried out no investigations into the two main election finance criminal offences – sections 54(7) [agent and/or principal donor failing to provide information to registered treasurer of a party about the principal donor] and section 61(1) [agent and/or principal donor failing to provide information to registered treasurer of a party about the principal donor] of the PPERA.

In March 2026, the Met Police SET confirmed that, while it could not provide historic figures, from 2023 when it introduced new reporting rules, it had received between 50-60 allegations relating to political funding. This included around 50 referrals from the Electoral Commission alone – a significant portion of them relating to candidate or agent expenses.<sup>95</sup> It did not confirm how many investigations it had opened as a result, although the Director General of the National Crime Agency suggested that the Met had two open cases.<sup>96</sup>

## **b) Lack of successful prosecutions**

In recent years, only one criminal case under PPERA has reached the courts, in 2023, and that resulted in acquittals of the two main suspects, who had been charged under section 61 of PPERA (withholding information with an intent to deceive).<sup>97</sup> Five intermediaries in relation to this case pleaded guilty to PPERA offences under section 54 (6) and (7) – failure to disclose full details with respect to the donation and donor. They were given suspended sentences of up to 10 weeks. Two further individuals had their charges dropped.

Spotlight on Corruption analysis of public domain cases found 28 known cases referred to the police for investigation for breaches of donation rules since 2006. Under half (12) of these resulted in charges being made, and six resulted in a conviction (all but one following guilty pleas). No one has ever served prison time for electoral finance offences, and the highest fine imposed by a court to date was £6,000.

In 2021, the Committee on Standards in Public Life noted that it was “*striking that there are so few prosecutions*” while acknowledging that “*the number of prosecutions should not be the principal criteria for measuring the success of a regime intended to deliver compliance*”.<sup>98</sup>

### **What are the reasons for the criminal enforcement gap for electoral finance?**

There are a number of reasons for why this gap has emerged which include:

#### 1. The complexity of, or gaps in, the legislation.

Pete O’Doherty, Assistant Chief Constable at Thames Valley Police, told Parliament in 2021 that a key constraint was “*the complexity of navigating the legislation and making a case that proves clear dishonesty beyond all reasonable doubt that will lead to a successful conclusion at court.*”<sup>99</sup> Graeme Biggar, Director-General of the National Crime Agency, meanwhile highlighted in Parliament in February 2026 that there is a “*gap in law*” where “*a foreign state or foreign individual – someone who is impermissible – can transfer money to someone who is in the UK, who is permissible, and that person can give money to a political party or a politician, and there is nothing to stop that. That is perfectly lawful.*”<sup>100</sup>

The government has proposed to address some of the criminal enforcement gap by commencing Section 54A – a requirement that donors making contributions of over £11,180 declare whether they have received any payments connected to their donation. This provision was incorporated into the PPERA in 2009 but has lain idle on the statute book. As a false declaration is classed as a criminal offence, the commencement of a ‘donor declaration’ would provide a stronger hook for criminal investigations.

However, legal experts have highlighted real concerns that commencing Section 54A as it is will not be enough, and is unlikely to move the dial on criminal prosecutions. This is because the language of the section 54A clause is too vague, fails to explicitly ban foreign

donations or donations from the proceeds of crime, and is too reliant on a subjective assessment by the donor. The Electoral Commission has recommended that the requirements in the declaration are strengthened before it is commenced.<sup>101</sup>

A revised and strengthened version of the donor declaration at section 54A should be introduced by the Representation of the People Bill.

## 2. Low sentences

In 2020, the Law Commission recommended that the maximum sentence for serious electoral fraud be increased from two years to 10 years.<sup>102</sup> Raising sentences for serious electoral finance offences is critical to raising law enforcement appetite for pursuing such cases. Spending scarce public resources on a complex case that might take considerable time to investigate, and which results in a six-week suspended sentence, for example, for failing to declare the origin of donations above £500<sup>103</sup> will be hard to justify for police forces. This will be particularly the case where the investigation is likely to be expensive and involve intense political scrutiny.

At the same time, cases with low sentences that rarely if ever result in imprisonment will not meet the ‘serious crime’ threshold for the National Crime Agency to be involved – meaning that the key tools that the agency could bring to the table will rarely be deployed for tackling electoral finance, even where it involves potential foreign interference.

The Director-General of the NCA, Graeme Biggar, told Parliament in February 2026 that “we absolutely have a problem. For the vast majority of offences under PPERA, the maximum sentence is one year. The length of the investigation that we would need to do to be able to get to a prosecution would be considerably more than one year.”<sup>104</sup> The Met police also told Parliament that “raising the maximum penalties for the most serious offences could enhance access to appropriate investigative tools and, in turn, strengthen the overall enforcement framework, provided proportionality is maintained.”<sup>105</sup>

## 3. Lack of clarity as to who is responsible for criminal enforcement

As things stand, there is no clarity over which enforcement body in the UK now has overall responsibility for leading the UK’s strategic, national enforcement response to serious criminal offences under PPERA.<sup>106</sup>

Up until 2022, the Electoral Commission had the power to bring criminal cases. However, it had never used this power. This is because, according to its previous Director of Regulation, since receiving civil enforcement powers in 2009, the Electoral Commission has been set up primarily to run civil and not criminal investigations.<sup>107</sup>

While it explored developing its prosecutorial capacity from 2018 onwards, this caused a political backlash that led the last government to remove the Commission's power to bring criminal proceedings altogether in the 2022 Elections Act.<sup>108</sup>

The last government argued that criminal investigation and prosecution should be the responsibility of the police and Crown Prosecution Service. It committed to *“supporting the existing independent and impartial police forces, prosecution services and courts as necessary to enforce electoral regulation fairly and effectively.”*<sup>109</sup>

However, the Special Enquiry Team, the only police unit that has a specific remit for policing electoral offences at the Metropolitan Police has flagged that it would like to withdraw from enforcing election finance offences.<sup>110</sup> The Unit's remit is also limited to allegations that arise within London. As the previous section showed, it has not launched a single investigation in the last 15 years.

The one criminal prosecution for electoral finance offences under PPERA that was brought in 2023, was investigated by Northamptonshire Police.<sup>111</sup> But it is not clear what expertise or appetite there is in other regional police forces to investigate such offences, risking a postcode lottery for criminal enforcement of electoral offences.

Meanwhile, the National Crime Agency has had several particularly complex cases of electoral finance breaches referred to it by the Electoral Commission. In 2018, the NCA accepted a referral from the Electoral Commission in relation to suspected EU referendum offences and subsequently found that no criminal offence had been committed.<sup>112</sup> In 2022, the New York Times reported that the NCA had declined to investigate a case involving a donation from Ehud Sheleg where there had been a suspicious activity report made about funds received from abroad in the run up to the donation.<sup>113</sup>

### **Who should be responsible for criminal enforcement**

There have been multiple calls for the Electoral Commission to have its powers of criminal investigation restored.<sup>114</sup> The arguments for doing so are that the Commission holds the most expertise in electoral law, and would therefore be in the best position to assess whether a criminal offence has occurred.

Given that the Commission already has to prove its civil cases to a criminal standard, these are legitimate arguments. Some other regulators including the Information Commissioner's Office are able to undertake regulatory as well as criminal investigations.

However, there are important counterweights to this argument. International electoral experts have cautioned against giving an electoral body sole responsibility for enforcing electoral finance laws. As Dr Magnus Ohman of the International Foundation of Electoral Systems (IFES) argues: *“no single institution can meet the growing complexity of political*

*finance oversight. Instead, effective control requires the coordinated efforts of multiple entities, including national intelligence units, specialized police forces, tax authorities, auditors, and prosecutors.”<sup>115</sup>*

Other arguments against giving the Commission sole responsibility for criminal enforcement include that:

- electoral bodies that undertake robust enforcement are often subject to intense political scrutiny and criticism – the UK’s Electoral Commission was itself subject to threats of abolishment after investigations into campaign finance during the EU Referendum Vote and the 2019 general elections. Ensuring law enforcement bodies share responsibility for criminal enforcement builds resilience in the system;
- giving the Electoral Commission the full range of powers that police and other enforcement bodies have which would be useful to bring to bear on political finance offences, particularly those that involve foreign interference, may not be proportionate, realistic or even possible without considerable expense. This is particularly the case for enforcing breaches overseas, where law enforcement agencies such as the NCA will have extensive networks unavailable to the Commission and which the Commission can draw on if it works with the NCA;
- Where regulators are set up primarily to conduct regulatory enforcement, they will rarely choose criminal enforcement as an enforcement tool given that it is complex, costly and time consuming. Returning criminal enforcement to the Electoral Commission might not therefore address the criminal enforcement gap, and the Commission itself has indicated it does not want to have these powers returned.

While it may be desirable for the Electoral Commission to have the power to bring criminal prosecutions – especially for lower level offending – restored, it would create more resilience in the system if it is not solely responsible for policing serious political finance offences.

A whole-of-system approach can work if it is properly coordinated but robust enforcement ultimately requires a ring-fenced funding stream, specialist skills and a clear mandate. Ensuring that a specific police unit has these would ensure that egregious criminal breaches of the rules no longer fall through the gap.

The Joint Committee on the National Security Strategy has recognised the need for such a unit in its report on Political finance and foreign influence in March 2026.<sup>116</sup> The Metropolitan Police told the Committee that a single national unit could “*offer greater consistency, capability and coordination*” but warned it would need “*clear statutory responsibilities, appropriate resourcing and careful consideration of how best to integrate existing expertise across agencies.*”<sup>117</sup>

Building specialist expertise not just in the police but also within the prosecution service to tackle breaches of electoral finance law and foreign interference would fulfil the Council of Europe’s ‘Common rules against corruption in the funding of political parties and electoral campaigns’ recommendation that states “*promote the specialisation of the judiciary, police or other personnel in the fight against illegal funding of political parties and electoral campaigns.*”<sup>118</sup>

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<sup>77</sup> The Electoral Commission can open an investigation where it has reasonable grounds to suspect an offence or a contravention of PPERA has occurred and where it has assessed it is proportionate and in the public interest to investigate. Factors for consideration include the strength of the evidence, the seriousness of the suspected offence, the potential deterrence effect on others, of an investigation and/or a sanction that might be imposed, the compliance history of the person(s) who may have committed the suspected offence, any steps already taken to rectify the breach.

<sup>78</sup> **Disclosure Notice:** these allow the Electoral Commission to require a regulated organisation or individual to provide documents or information relating to their income and expenditure. It is a criminal offence to fail to comply with these notices without a reasonable excuse.

<sup>79</sup> **Stop notice:** These notices sanctioned by Schedule 19B of PPERA provides the Electoral Commission with the power to order a regulated entity or individual to desist from taking certain actions, even if an offence has not been committed. The regulator must have a reasonable belief that such actions could involve an offence under PPERA, or it risks seriously damaging public confidence in the political finance regime.

<sup>80</sup> **Enforcement undertaking:** A regulated individual or organisation can voluntarily propose an enforcement undertaking if they have breached rules under PPERA. This involves proposing measures, for the Electoral Commission's consideration, to return to compliance or to restore the situation to reflect what it would have been had no breach occurred.

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