

Charity Law Rationale for the Promotion of Voter Engagement and Participation in Elections

“The creation of a country in which every one of its citizens feels secure, engaged and fulfilled must be a primary objective of a successful modern democratic nation. This would be a country in which everyone feels that they belong, and to which everyone feels they can contribute. Individuals do not learn about governmental and judicial institutions of the United Kingdom through osmosis. The values which underpin our society, which have been tested in recent years by a variety of economic and societal developments, are not self-evident. They need to be learned and understood.”¹

Summary

Data from the Electoral Commission and others shows that voter registration and activity is substantially lower in some demographics particularly young people, renters and ethnic and racial minorities. Many of these groups are also proportionately more affected by issues like poverty, ill health and insecure housing..

This paper explains how charities can target affected groups for voter engagement and participation in the forthcoming election.

Note – this note is not legal advice. It contains potential justifications for charity campaign work around voter engagement and participation. It is intended to help trustees formulate their own strategy and justification with reference to their own charity’s purposes.

In short:

Charities that promote *citizenship and community-related purposes* can justify engagement with low-voter participation demographics precisely because these groups are under-represented in democratic processes. The Charity Commission accepts that this activity can fall within both “the advancement of citizenship” and “other purposes beneficial to the community”.

Charities that have *educational* purposes which involve subjects relevant to under-represented communities, such as racial equality, poverty, housing and so on, can similarly justify engagement with low-voter participation demographics. Informing these groups about voting and participation in democratic processes is likely to be an effective way to achieve

¹ Citizenship and Civic Engagement in the 21st Century”, House of Lords Select Committee on Citizenship and Civic Engagement, Report of Session 2017–19 Introductory statement

these 'educational' charitable purposes. For example, promoting better understanding of the needs of a particular community may involve explaining why that particular community needs encouragement or assistance to participate in democratic processes – and how they can do this.

Charities with *other purposes, such as the relief of poverty, the promotion of racial equality, or the conservation of the environment*, may also be able to justify engagement with low-voting demographics, where there are clear links between target audiences and the charitable purposes to be advanced. For example, there is evidence that people on low incomes, or in more precarious housing, or who are deprived in other ways, are also more likely to feel the adverse environmental effects of climate change. As a result, there may be many reasons why engagement with these groups is appropriate for environmental charities.

A wide range of voter characteristics may also correlate with under representation. For example, charities which exist to relieve or prevent poverty may justify voter engagement work on the basis that promoting informed voting by under-represented demographics may help reduce or alleviate poverty. The same might be the case with racial equality, homelessness, and many community-based charities.

In all cases, trustees will need to establish the clear link between the specific aims to be achieved by the charity and the demographic which is the focus of its campaigns. In this note, we explain that a wide range of rationales will be available to many charities. Trustees should document this clearly in their strategy and relevant trustee minutes. Provided trustees do this, they can be confident that promoting voter engagement and participation will be possible and an effective way to advance their purposes for many charities.

Note on electoral law

This note does not consider electoral law – a guide to which can be found [here](#). You should consider the position in electoral law before proceeding with a campaign, but *generally speaking, the Electoral Commission has said that simply promoting voter registration and participation among under-represented communities will not be caught by electoral law restrictions.*

That said, charities that intend to campaign to achieve electoral outcomes (promote the success or otherwise of candidates, parties or policies), or could reasonably be perceived as doing so, should seek legal advice before doing so.

Purpose of this paper

This note is intended to assist charities (and organisations with which they work) to articulate how their charitable aims can be advanced through voter engagement work. In particular, this note focuses on rationales for promoting voter registration and turnout in UK elections, in particular among demographics which are routinely under-represented both on electoral rolls and in election turnout.

We look at two main perspectives, which can help a wide range of charities. The first is a charity with purposes involving the advancement of citizenship and democracy. The second is a charity with other purposes, such as education, racial equality, community cohesion or sustainable development.

Political campaigning in general

Charity law contains well-known restrictions on political activities. In particular, there is the rule that charities cannot exist for political purposes. However, charities CAN advance recognised, charitable purposes by carrying out political activities, *where this is an effective means of advancing their purposes for the public benefit.*

Political and Non-political campaigns

A charity which is established for the advancement of health could engage in public campaigns to:

- a) influence the behaviour of individuals in way which will directly or indirectly improve their health or the health of others (for example, a campaign aimed at promoting understanding of the health effects of passive smoking);
- b) influence the behaviour of others, for example, commercial companies or public authorities, to alter their practices or operations, to promote the health of affected members of the public (for example, a campaign targeted at manufacturers which aims to reduce the use of a certain chemical in a consumer product; or a campaign directed at public health efforts aiming to enhance heart disease interventions);
- c) to raise awareness among policy makers and local and central government about matters which can affect the health of members of the public (for example, to influence public policy and even election manifestos among political parties, to improve regulation of a social media activity which is shown to harm the health of young people).

Examples a) and b) above are public campaigns but would not usually be seen as “political” campaigns, because they are aimed at improving general public understanding and awareness of relevant issues in order to achieve the charitable outcome intended (an improvement in the health of the public), not to influence voters or those involved in formulating public policy or legislation. These activities may involve substantial campaigning, but unless they touch upon politics (topics of debate in a political campaign or what particular candidates or parties are advocating, for example), the activities are not political and do not require justification on that basis.

Example c) above, *would* amount to political campaigning, if it entailed seeking to influence government and/or parties and candidates seeking election, even if the involvement was aimed at procuring the intended charitable outcomes (improvements in health). Nevertheless, provided (i) that trustees have reasoned (and reasonable) justification, explaining why the campaign is expected to achieve the charitable outcomes intended; and (ii) the campaign complies with applicable Charity Commission guidance on campaigning², charity law permits activities of this sort.

In addition to charity law restrictions, there is also, increasingly, a body of electoral law which also affects the extent to which charities and similar organisations can engage in political campaigns. For this, please see the link to guidance on electoral law for charities in the Summary.

Charity law and citizenship

Successive governments have supported the concept of citizenship and efforts to promote public understanding and fulfilment of civic responsibilities. Despite the absence of an official definition, the concept is referred to in a wide range of governmental policies which are significant in public life. For example, a Cabinet Office report from 2019³ states:

Citizens

Every citizen owns our democracy and has an active part to play in it. Whether it's registering to vote to ensure you have your say, ... discussing with your friends, family or students on how government and UK Parliament works, each and every citizen has a role to play to protect, respect and promote our democracy.

Wider society

Businesses, charities, media publications ... and many others are invested in our democracy. In a world of rapidly changing technology and shifting threats, we look to the relevant organisations to work with and support government and our citizens to protect, respect and promote our democracy. Whether it be tackling disinformation ... or explaining current affairs, many outside of government are helping to sustain a flourishing democracy.

Citizenship as a charitable purpose

Advancement of citizenship is one of the recognised descriptions of charitable purposes in the Charities Act 2011. The Charity Commission has registered charities with citizenship-related purposes on various occasions and states:

“The advancement of citizenship or community development covers a broad group of charitable purposes directed towards support for social and community infrastructure which is focused on the community rather than the individual.”

² Speaking Out Charities and Political Campaigning, CC9 and other guidance.

³ Democratic Engagement: Respecting, Protecting and Promoting Our Democracy” HM Government, Cabinet Office, 24 January 2019,

Active participation in democracy

A number of citizenship charities, which are recognised by the Charity Commission, promote active, democratic participation in society. It might be helpful to look at some of the public policy thinking behind this.

An understanding of the democratic system and an ability to actively participate in it are generally seen as fundamental features of citizenship and civic rights and responsibilities. The House of Lords Select Committee on Citizenship and Civic Engagement, in its report *Citizenship and Civic Engagement in the 21st Century* (Report of Session 2017-2019) states: “...*the rule of law, together with a commitment to democracy, individual liberty and respect for the inherent worth and autonomy of all people, are the shared values of British citizenship from which everything else proceeds.*”

It continues: “*Active citizenship is too often defined purely in terms of volunteering, social action or learning facts, and too rarely in terms of learning about and practising democracy in the sense of political engagement and democratic participation.*”

The Lords Committee considers the beneficial effects of the democratic aspect of citizenship, as follows “*Citizens should be taking an active part not only in the process of selecting who governs them but also in the continuing conversation on how they should be governed. There are many positive effects of this sort of democratic engagement...*”

In fact, a number of charities are registered for charitable purposes which involve promoting a more active, participatory role for citizens in democratic processes. They have objects such as:

- *to promote good citizenship and advance education by educating young people in the democratic and political process and by encouraging their participation in that process;*

and

- *to promote good citizenship for the public benefit by encouraging and facilitating participation by the public in democratic and decision-making processes with an intended outcome of enabling people to develop their capacities, help meet their needs and participate more fully in society.*

They confirm that encouraging and facilitating participation by the public in democratic and decision-making processes is charitable and for the public benefit. A charity of this sort could therefore justify a wide range of activities which can be shown to be effective and efficient uses of the charity's resources.

Each charity's own trustees and executive team must articulate their thinking, but a wide range of citizenship- and community-related justifications for engagement with under-represented groups might be available:

- improving equality of representation across all public groups of society, not just those already well-represented, is a charitable goal in itself;
- concentrating on increasing registration and participation among the least represented is an effective way to increase representation across the board;
- mutual understanding among members of local communities and community cohesion as a whole are supported if elected representatives represent all sections of the community;
- balanced representation of all sections of the public promotes a healthy democratic process and informed and effective public policy making.

All of these aims are potential rationales for voter engagement to promote charitable purposes connected to citizenship, supporting a particular local community or active involvement in wider democratic representation in the UK.

Provided trustees can clearly articulate how a particular campaign or activity is intended to advance their charity's citizenship-based purposes – for example, by encouraging and facilitating participation by the public in democratic and decision-making processes – it will clearly be open for the charities concerned to do so. Below, we consider further the evidence base which would support such a campaign.

Other charitable purposes may also be advanced by campaigns aimed at (a) informing the general public and promoting understanding of citizenship-related matters (b) supporting informed members of the public to register as voters and participate in elections.

Education

The most obvious of these is education. In charity law terms, participation in elections is a valid topic of education for both educational charities with a focus on relevant subjects and charities with general educational objects, such as schools and educational institutions.

For example, the current National Curriculum on Citizenship ⁴, September 2013, emphasises this connection between citizenship and participation in democratic processes; the aims of GCSE Citizenship programmes include “*to ensure that all pupils:*

acquire a sound knowledge and understanding of how the United Kingdom is governed, its political system and how citizens participate actively in its democratic systems of government;

It goes on to state (our emphasis underlined) “*Pupils should be taught about:*

- *parliamentary democracy and the key elements of the constitution of the United Kingdom, including the power of government, the role of citizens and Parliament in holding those in power to account, and the different roles of the executive, legislature and judiciary and a free press.*

⁴ <https://www.gov.uk/government/publications/national-curriculum-in-england-citizenship-programmes-of-study>

- *the different electoral systems used in and beyond the United Kingdom and actions citizens can take in democratic and electoral processes to influence decisions locally, nationally and beyond.*

More recent guidance from the Government⁵ on impartiality in schools also reinforces the central importance of citizenship to teaching:

Teaching about political issues, the different views people have, and the ways pupils can engage in our democratic society is an essential part of a broad and balanced curriculum. It is an important way in which schools support pupils to become active citizens who can form their own views, whilst having an understanding and respect for legitimate differences of opinion.

Obviously, citizenship and related subjects are taught at higher levels of education too.

Outside the formal educational system, charitable thinktanks and other organisations may also be involved in “educating” the public about citizenship-related subjects and promoting public understanding of participation in democratic processes. Government, Parliamentary and other sources referenced in this paper confirm that these are subjects which all citizens should learn about, whether in active education or not.

The clear implication is that voter involvement in democratic processes is a valid subject for charitable educational activities aimed at the general public, or sections of the general public, including under- represented groups, who may benefit from being informed about how to register and vote and the importance of voting.

Other purposes

In the next section of this paper, we consider charities with purposes which do not directly relate to citizenship or education, but which might nevertheless identify a rationale for engaging with low- propensity voters.

Racial, ethnic, social inequality and community cohesion

Charities concerned with promoting equal opportunity for racial, ethnic and social minorities may identify a rationale for campaigns to promote voter registration and turnout, where this is an effective means of achieving their charitable purposes.

For example, a charity may be established for the following charitable purposes: *to promote*

- *racial harmony, equality and diversity, including (without limitation) by:*
 - a) *teaching and through education, including by raising awareness in equality and diversity with a view to enhancing relations between persons of different racial, religious and socio-economic groups*

⁵ Rt Hon Nadim Zahawi, Secretary of State for Education, Political Impartiality in Schools, 17/2/22

- b) *working towards the elimination of discrimination on the grounds of race, nationality, ethnicity, religion or socio-economic background;*
- c) *promoting activities to increase knowledge of and to foster mutual understanding between people from diverse backgrounds;*
- d) *conducting or commissioning study and research on equality and diversity issues and their effect on society, and publishing the results of that research; and*
- e) *cultivating a sentiment amongst the public in favour of equality and diversity.*

We have already seen above how suitable educational purposes (like those above at (a)) can encompass promoting public understanding of citizenship and participation in democratic processes. A charity could therefore carry out educational projects aimed at the general public (and sub-sections of it, including under-represented racial and ethnic minorities), promoting better understanding and awareness of voter registration (how to register, why it is important) and turnout (why it is important to vote, and so on).

Under “*promoting racial harmony, equality and diversity*”, a charity might address issues which are relevant to the experience of racial minorities directly. For example, it might seek to identify and prevent or mitigate for the disadvantages experienced by racial minorities. It might also seek to cultivate mutual understanding between people from diverse backgrounds and look at how improved equality and diversity could be achieved through voter behaviour, including registration and turnout.

The point is that these activities need not only be “educational”. Racial harmony, equality and diversity goals may be direct charitable goals of promoting voter registration and turnout, where the campaign makes a clear link between the activity of voters and the effective achievement of these charitable outcomes.

For example, where there is evidence of local (or national) decision-making which routinely overlooks the needs of under-represented racial, religious and socio-economic groups - to the detriment of community cohesion, mutual understanding and equality of opportunity, say - it may be possible to design a campaign for voter registration and turnout which addresses this. Statistics which show that particular racial or ethnic communities are under represented on the register, or are less likely to turn out to vote, might be used to inform the justification and design of campaigns of this sort. (See below on evidence of recognised under-representation of specific demographics, in voter registration and turnout.)

The purpose of this paper is to show that a charity law rationale may be found for activities of this sort. This would justify expenditure of charitable resources on activities where they are an effective means of achieving the charitable goals identified.

Of course, charities will still need to comply with Charity Commission guidance on campaigning and to consider electoral law restrictions (see the link in the Summary above).

Environmental and conservation purposes

Next we look at a rationale for promoting voter involvement based on another non-citizenship purpose, with less obvious connections to specific voter demographics, such as environmental and sustainable development charities.

Example purposes might be:

- a) the conservation, protection and sustainable use for the public benefit of the earth's natural environment including its bio-diversity and natural resources;
- b) the promotion of sustainable development for the benefit of the public by: (i) the preservation, conservation, and the protection of the environment and the prudent use of natural resources; (ii) conducting or commissioning research and publishing the results of such research.

The above purposes might often be combined with an educational purpose, as discussed above, such as:

- c) promotion of the conservation of nature for the purposes of study and research and to educate the public in the understanding and appreciation of nature, the awareness of its value and the need for its conservation.

We have already seen, above, how educational purposes could be used to justify efforts to educate the public about the citizenship role and the importance of democratic engagement. In this case, educational activities would need to have a particular focus the stated environmental purposes, but that need not exclude political, democratic or electoral aspects of these subjects. For example, educational activity might include promoting public understanding of how voter behaviour or public policy is (or is not) affected by published research or other forms of public communication in these areas of study.

Again, as with a racial equality charity (above), it is possible to consider an additional, more direct justification for voter engagement which might be made based on purposes which are not "educational" and could loosely be characterised as "sustainable development" purposes. (A further justification like this might be used not as an alternative, but most effectively in combination with an educational approach.)

The Commission's guidance on the sustainable development purpose (and its associated decision on the Environment Foundation⁶, on which the guidance is based) considered the meaning of "sustainable development" and activities which support it. The guidance suggests that sustainable development involves "ensuring a better quality of life for everyone, now and for generations to come and that a vision of sustainable development is based on four objectives:

1. Social progress which recognised the needs of everyone;
2. Effective protection of the environment;
3. Prudent use of natural resources;
4. Maintenance of high and stable levels of economic growth and employment.

⁶ <https://www.gov.uk/government/publications/environment-foundation>

Accordingly, the Commission adopted a definition as follows: “Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Variations of this definition are also seen on the charities register.

Two important features of the definition (including variations on it and the source materials on which they are based) are (i) the central importance of social and economic outcomes for *people*, and (ii) the idea that sustainable development should secure a better quality of life for *everyone*, including future generations. In other words, perhaps counter-intuitively, the purpose should be understood in charity law in terms of its impact on *people*, rather than the environment.

It is well-known and uncontroversial⁷ that *unsustainable* development – careless exploitation of resources; low and unstable economic development; and ineffective protection of the environment – impacts hardest on the most vulnerable and precarious members of society, locally and globally. The evidence⁸ is that these are the people who are most affected by climate-change, pollution, changing patterns in weather, food and fuel prices and so on.

In other words, it is legitimate for an environmental charity to engage with the experience of “poor” people, people on low incomes, people in insecure or time-limited accommodation, people of uncertain legal status (immigrants, those involved in civil or criminal proceedings) and so on. Typically, these groups are also disproportionately representative of racial, ethnic and other minorities.

By definition, unsustainable development also impacts future generations more severely than current generations. Young people are not only the closest representatives we have of future generations, but we know that they are also a demographic which is under-represented in voter registration and turnout.

A clear case can therefore be made that it is precisely these people – people in poverty, the young, the vulnerable and marginalised – who most need to be involved. They need to be (a) given reliable information about sustainable development issues; (b) enabled to participate in informed debate on sustainable development issues; and (c) involved in democratic processes, elections and so on, in order to achieve informed policy making.

Yet the Electoral Commission’s data is that it is these demographics who are least likely to be registered as voters and to participate in elections.

It is therefore appropriate for sustainable development charities to engage with and inform these groups about sustainable development issues, to register themselves as voters and to participate in an informed manner in elections.

⁷ In charity law terms, the “common understanding of enlightened opinion” *National Antivivisection* case [1947] 2 All ER 217,213

⁸ Again, beyond the scope of this paper, but readily available.

For a typical environmental charity, therefore, there are at least two potential justifications for engagement with these under-represented voters, encouraging registration and voter turnout, which could be deployed individually, or in combination:

- 1) promoting the “educational” purpose for the public benefit, by informing and educating the public about sustainable development issues and also about the role citizens should play in registering to vote and voting in an informed way on sustainable development issues; and
- 2) advancing sustainable development purposes for the public benefit, by (i) engaging with demographics which are particularly affected by sustainable development issues, in order to understand and take account of their experiences and views and (ii) encouraging them – particularly where there is evidence of under-representation - to register and exercise their votes to achieve informed public policy on sustainable development matters.

Charities with no obvious reason to engage with voters

We are not suggesting that all charities will be able (or wish) to identify a rationale for engaging with potential voters. For example, it is not obvious to us what justifications might be offered by charities for the advancement of amateur sport, for the preservation of cultural heritage, or the promotion of the efficiency of the armed services, for example.

In all cases, it will be the trustees of the charities concerned who are best placed to understand and articulate any rationale they may have for voter engagement. As we have explained elsewhere, where a rationale is well justified, with reference to the charity’s purposes, it will also be necessary to comply with Charity Commission guidance and electoral law, which is beyond the scope of this paper.

Evidence of under-representation of certain demographics

A detailed assessment of voter representation is beyond the scope of this paper.

Useful references include:

[Political disengagement in the UK](#): House of Commons Library, Nov 2022: Under-representation in elections has consequences: Political engagement is assumed to help make governments responsive to the needs of citizens and give citizens the opportunity to shape the laws, policies and institutions that govern them. Elected representatives are sensitive to who is most likely to vote in elections and respond to voting pressures by targeting policies to benefit groups more likely to participate.

[Electoral Commission 2023 report: Electoral registers in the UK](#): highlights potentially as many as 8 million people are not correctly registered at their current address: highest for over 65s at 96% and lowest for young people – 60% for 18-24s and 67% for 20-24s. Owner Occupiers were 95% registered, private renters 65%.

[The UK's Electoral Data Democratic Deficit](#), Toby S James & Paul Bernal, 2023: it is estimated that only 63.4% of eligible citizens voted at the 2019 UK parliamentary election – with an estimated 18.5 million eligible people not voting.

[Who decides? Influence and inequality in British democracy](#), Institute for Public Policy Reform, Parth Patel, December 2023. IPPR shows that young people and renters have particularly large voting gaps - in 2019 72% of 18-24s voted compared to 88% of over 61s, a 16% age gap. In the 2010s, the turnout gap was 23 per cent between renters and homeowners. Nine in every 10 people in the top one-third of the income distribution voted in the two most recent general elections compared to only seven in the bottom one-third.

[Closing the Gap: engaging the missing millions in electoral participation](#). UK Democracy Fund, Carrie Deacon, Nov 2021

Conclusions

We have explained how the “citizenship” charitable purpose may be advanced by encouraging the public to understand the importance of participation in democratic processes. Obviously work of this sort could address the general public, but it could also be justified if attempts to do this were focused on the under-represented. A number of citizenship- and community-related justifications for this might be offered:

- improving equality of representation across all public groups of society, not just those already well-represented, is a desirable goal in itself;
- concentrating increasing registration and participation among the least represented is an effective way to increase representation across the board;
- mutual understanding among members of local communities and community cohesion as a whole are supported if elected representatives represent all sections of the community;
- balanced representation of all sections of the public promotes a healthy democratic process and informed and effective public policy making.

All of these aims may be expressed in terms of charitable purposes supporting active citizenship in general, supporting a particular local community or active involvement in wider democratic representation in the UK.

We have also explained how charitable “educational” purposes could address similar subjects: increasing knowledge and understanding of the citizenship role and the importance of participation in elections. Again, educational work of this sort could be aimed at the general public, but it could also be directed less represented demographics.

Finally, we have looked at charities with specific charitable purposes and considered whether potential rationales exist for them to engage with voters, to promote registration and participation in elections. We looked at charities with racial harmony, equality and diversity purposes as well as those with environment and sustainable development purposes. We found that charities of this sort could also justify focusing on specific demographics –

especially those which are under-represented in local and national elections – *where it is possible to relate the characteristics and needs of these demographics to the charities' purposes.*

In this way, a racial equality charity could focus on encouraging the registration of racial and ethnic minority voters and their turnout at elections, with reference to the need for them to be engaged with and participate in decisions which affect them and their communities. Similarly, environmental charities may engage with and promote registration and turnout among demographics which are more likely to be impacted by the effects of *unsustainable* development: poor use of resources, low/unstable economic growth and environmental hazards like pollution, flooding and global heating.

Any justification used by a charity to focus attention on a particular demographic, to encourage voter registration and participation, *must be carefully rationalised by charity trustees with reference to the charity's purposes*, in particular how the purposes are to be advanced for *public benefit* through engagement with a particular group or demographic and why this is an *effective use of charity resources*, in terms of the goals to be achieve.

Any such campaign should be carried out with reference to relevant Charity Commission guidance (in particular [Campaigning and Political activity for charities, CC9](#) and [Charities, Elections and Referendums](#) and compliance with electoral law (which we are advising on separately). Within this framework, we hope that the rationales outlined in this paper will inform trustee thinking and, in appropriate cases, assist with the preparation of well-reasoned rationales for voter engagement by charities.

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