

Second reading briefing – Representation of the People Bill

Increase the investigative powers of the Electoral Commission

The government's [policy paper](#) for electoral reform recognised that our democracy “is being threatened by misinformation”. The Prime Minister [has said he is](#) “very worried about the potential for misinformation in future elections in this country.” However, the [Representation of the People Bill](#) does not address this serious and growing threat, and risks being [a missed opportunity](#) to safeguard UK democracy and restore public trust.

The Bill strengthens some of the Electoral Commission's enforcement powers. However, without the ability to obtain information outside of an investigation, the practical impact of those reforms will be undermined.

Current powers – and a critical gap

[The Bill strengthens the Electoral Commission's enforcement powers](#), including higher civil sanctions and expanded powers to share information with other regulators and law enforcement. These reforms are essential to uphold electoral integrity. But the Commission's ability to gather information remains constrained.

At present, the Commission [cannot compel information from third parties](#), including online platforms, unless it opens a formal investigation. This means it must reach a certain threshold before it can access information that may be necessary to determine whether a breach has occurred, limiting its ability to act swiftly.

By contrast, other regulators such as the [Information Commissioner's Office](#) can request information from any person outside of formal investigations to look into a suspected offence.

This limits the Commission's ability to identify emerging risks, verify intelligence, and assess potential breaches of electoral law before misinformation and other harmful material spreads widely – reducing the practical impact of the sanctioning and information-sharing powers that will be enhanced by the Bill.

Why this matters for elections

Digital misinformation spreads quickly. It can be spread through automated accounts, targeted adverts, and sponsored content, and be amplified further by platforms' recommender systems. These campaigns can be coordinated from overseas and may go undetected until it is too late to respond.

- **Speed and early access are essential:** Timely access to relevant information would enable the Commission to assess unusual campaign activity, identify potential breaches of political finance rules, and determine whether a formal investigation is needed.
- **Public confidence depends on visible enforcement:** a [Commission survey in 2024](#) showed that three quarters of people did not think enough is being done to tackle misinformation and disinformation in elections. [The Commission plans to focus on misinformation](#) but faces limitations in its ability to act.
- **Digital campaigns evolve fast:** Coordinated disinformation can shape voter perception quickly, making reactive investigations insufficient to preserve the integrity of elections.

Calls for reform

The Electoral Commission [has previously expressed concern](#) that its limited information-gathering powers, beyond a formal investigation, constrain its ability to act quickly.

In 2020, the [Lords Democracy and Digital Committee](#) called for the Commission to have the power to acquire information from external parties, such as social networks, outside of a formal investigation. In 2021, the [Committee on Standards in Public Life](#) also recommended that this power should be extended.

These recommendations reflect a consistent view across independent reviews that the Commission's investigatory toolkit has not kept pace with the realities of digital campaigning.

Recommendation

Extend the Electoral Commission's powers

The Bill should provide the Electoral Commission with the powers to compel information and documents from individuals or organisations, including online platforms, outside of a formal investigation – where this is required by the Commission in order to carry out its functions or to investigate a suspected offence.

Conclusion

The Bill takes important steps to strengthen the Electoral Commission's enforcement powers. However, powers to share information without corresponding investigatory tools risk limiting their effectiveness. In fast-moving digital campaigns, the ability to monitor emerging threats and obtain timely information is essential.

Extending the Commission's authority in this targeted and proportionate way would strengthen enforcement, bolster public confidence, and ensure the regulator's new powers can operate effectively.

This is one in a series of briefings by Full Fact on measures to strengthen the Bill:

1. [Upgrade the Online Safety Act to safeguard the UK's democracy.](#)
2. [Create stronger rules to deal with political deepfakes.](#)
3. [Establish a comprehensive public library of political adverts.](#)
4. [Regulate to prevent misinformation and disinformation in political campaigns.](#)
5. [Create a transparent system for dealing with electoral information incidents.](#)
6. [Increase the investigative powers of the Electoral Commission.](#)
7. [Give platforms a statutory duty to support effective media and political literacy.](#)

For more information, please see our [policy paper](#). To discuss the issues raised in this briefing, please contact George Havenhand, Policy Manager at Full Fact, on george.havenhand@fullfact.org.