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Imprints on election and campaign material

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Summary

What is an imprint?

An imprint is information on a piece of campaign material that tells voters who is responsible for producing it.

Imprints help voters understand who is trying to influence them.

Printed campaign material for candidates has required an imprint for many years. National party and referendum campaigns have also been required to show imprints on printed campaign material since 2007.

Until now only print-based campaign material was covered by the imprint requirements, although the Electoral Commission recommended as best practice non-print campaign material should also include an imprint.

Digital imprints

Digital imprint requirements were introduced in Scotland for the 2014 independence referendum. These were extended to all devolved Scottish elections 2020.

The Elections Act 2022 introduced a digital imprint regime for all other elections. This is come into force from 1 November 2023. Digital material includes online ads, social media posts, websites, and electronic billboards.

Paid for digital campaign material is required to have an imprint. Material that has not been paid for, for example social media posts or sharing something online, is called organic material, and may need an imprint. It will need an imprint if it is published by a candidate or registered campaigner (or on their behalf) during an election campaign and is encouraging people to vote in a particular way. If someone is not a candidate, elected representative or campaigner and they publish organic material on their own behalf, it will not need an imprint.

Sharing something that already has an imprint is unlikely to need a new imprint. Something shared that has been altered in some way, may need a new imprint added by the person sharing the material.

The digital imprint requirements differ for elections to the Scottish Parliament and local elections in Scotland.

Imprint guidance

[Statutory guidance](#) has been produced by the Electoral Commission for the new digital imprint requirements introduced by the Elections Act 2022. [Non-statutory guidance](#) exists on the Commission's website for print imprints and

for the separate digital imprint regime that operates for devolved elections in Scotland.

This briefing outlines the requirements for imprints and gives background to the introduction of digital imprints. The information is based on the guidance mentioned above but should not be relied upon as legal or professional advice, or as a substitute for it.

1

What is an imprint?

An imprint is information that must be provided on campaign material from candidates, political parties, and non-party campaigners. It is designed to inform voters who is responsible for the material and helps transparency in election spending so people can see who is spending money on political advertising.

Campaign material is any material that can be reasonably regarded as intended to promote a candidate or party, persuade a voter to vote for a particular candidate or party, or vote in a particular way in a referendum.

This applies to political advertising outside of an election period that is published and intended influence people to give support to or withhold support from any party, elected representative, candidate, future candidate, or referendum outcome.

Truthfulness of campaign material

An imprint is a legal requirement for campaign material but there is little regulation on the content of campaign material. There is no requirement for campaign material to be accurate, except for the specific electoral offence of making false statements about the personal character or conduct of any candidate.¹

Material must not look like an official polling card. It must obey the general law, for example on copyright, libel, and must not include threatening, abusive or insulting material that is intended or likely to stir up racial hatred.

Other than those limited restrictions, the content of political and campaign advertising is not regulated. Commons Library research briefing CBP 08673, [Political advertising](#), provides more information on the exemption of political advertising from the [Advertising Standards Authority's](#) (ASA) Code for non-broadcast advertising. Political advertising is banned on broadcast media in the UK, which is why the UK has party political broadcasts.

¹ 4-5 Gray's Inn, [Section 106 of the Representation of the People Act 1983 – the personal versus the political](#), October 2019

Candidates and parties are responsible for the content of their campaign material.

2 Print material

Printed campaign material must show the name and address of:

- the printer
- the promoter (which may be the candidate's agent)
- and any person on behalf of whom the material is being published

If a candidate is also the promoter, then the 'on behalf of' part of the imprint is not required. If the advertisement is in a newspaper the printer's details are not required.

An address must be one where the person can be contacted but it can be an office or a PO Box address. The Electoral Commission publishes non-statutory guidance for printed material imprints on its web page, [guidance for imprints](#).

For one sided documents, such as posters, the imprint must go on the front. For multi-sided documents, the imprint must go on the first or large page.

In elections for the Scottish Parliament, there is a minimum size for the imprint on printed material of size A4 or larger for material from individual candidates. The size requirement does not apply to national party material or at other elections.

3 Digital material

Digital must show the name and address of:

- the promoter and
- any person on behalf of whom the material is being published (and who is not the promoter)

Other requirements for digital material vary slightly depending on where the election is being held.

It is an offence for campaign material to be published without an imprint, although there are some exceptions.

The rules on digital imprints make a distinction between paid-for material and other material, known as organic material. Organic material includes sharing something on social media. These are explained in section 3.3.

The Electoral Commission has been required to produce [statutory guidance for the new digital imprint requirements](#) for elections covered by the Elections Act 2022. The Commission consulted on a draft of the statutory guidance from October to December 2022. It published its response and a revised final draft in May 2023.²

The Government laid the draft guidance in Parliament on 13 July 2023 without any amendments.³ The guidance took effect from 1 November 2023.

The digital imprint requirements are slightly different in Scotland and non-statutory guidance is available on the [guidance for imprints](#) on the Commission's website.

3.1 What digital material needs an imprint?

England, Wales, and Northern Ireland

The Commission's statutory guidance for UK Parliament elections and all other elections except Scottish Parliament and Scottish local elections provides the following non-exhaustive list of what might count as digital campaign material:

- Pop-up ads
- Social media posts
- Any advert that appears in any website, search engine result, app or social media platform
- Adverts on internet radio or other audio streaming platforms such as Spotify
- Adverts on digital TV streaming services
- Adverts in podcasts
- Adverts in online newspapers
- Messages on WhatsApp, Signal or Telegram

² Electoral Commission, [Response to consultation on draft statutory guidance: digital imprints](#), 30 May 2023

³ [Written Ministerial Statement HCWS936 \[Elections Act 2022 Implementation\]](#), 13 July 2023

- MMS messages
- Websites
- Images
- Videos
- Electronic billboards.⁴

What counts as material requiring a digital imprint for elections covered by the Elections Act 2022 can be updated using secondary legislation if necessary.⁵ This provision is designed to allow for emerging technology to be captured in the future. The power to make provision can only be exercised on the recommendation of the Electoral Commission or after consultation with the Electoral Commission.

The requirement to include an imprint only applies to digital material that is published and made available to the public or any section of the public. Private messages, text messages, or emails to party members would not require an imprint. However, group messages disseminated on WhatsApp, Signal, or Telegram, or MMS messages as part of a campaign may require a digital imprint.

If the material is made available in the UK it requires an imprint, regardless of where it is published from.

Local councillors can use a council address rather than a home address in digital material within the scope of the new rules. In the Government's view this would not be a breach of the council's duty to have regard to the Code of Recommended Practice on Local Authority Publicity providing the material was posted on a councillor's personal social media, blog or website and not one belonging to the council.⁶

The imprint must be included as a part of the material unless it is not reasonably practicable to do so. Whether it is reasonably practicable to do so depends on the technical capability of the platform on which the material is published. It does not depend on design preferences or how much time it will take to publish the material.

The Commission guidance says that where not reasonably practical to include the imprint as part of the material:

... then the imprint must appear somewhere directly accessible from the material. In practice, this means it can be reached via a direct link, usually one

⁴ Electoral Commission, Statutory guidance on digital imprints, [What is digital material?](#) accessed 27 November 2023

⁵ Section 60 of the Elections Act 2022

⁶ Department for Levelling Up, Housing and Communities, Digital imprints: draft statutory guidance, [Letter from Baroness Scott of Bybrook to the Local Government Association](#), 13 July 2023

click or equivalent, where both the link and the imprint are easy for a voter to locate.⁷

The imprint must be in text form unless it is included as a part of solely audio material. In this case, the imprint must be included as audio material.

To comply with the law a written imprint must be on screen for long enough that it can be read.

Exemptions

The statutory guidance for digital imprints notes the following exemptions:

- Material, other than an advert, published on a website or app which is primarily for journalism
- Any party political broadcast or referendum campaign transmitted by a broadcaster required to broadcast them (radio or television)
- Certain shared material which still includes the original imprint.⁸

If a party or campaigner publishes its party political or referendum broadcast on a digital platform, then it would require an imprint.

Shared material is explained in more detail in section 3.3 on organic material.

Scotland

The Commission's non-statutory guidance for devolved elections in Scotland states:

Any election material published on the internet that contains text, such as websites and social media posts, must include an imprint.⁹

It also states:

We recommend that you include the imprint where the material appears – for example, in the footer of the relevant webpage.

In some cases, the imprint may appear somewhere closely and clearly linked.¹⁰

⁷ Electoral Commission, Statutory guidance on digital imprints, [Where must the imprint appear?](#) accessed 27 November 2023

⁸ Electoral Commission, Statutory guidance on digital imprints, [Exemptions](#), accessed 27 November 2023

⁹ Electoral Commission, [Imprints guidance for elections in Scotland](#)

¹⁰ Electoral Commission, [Imprints guidance for elections in Scotland](#)

3.2 Paid for material

Any paid for campaign or political material published as an advert must have an imprint. As noted in section 1 this is material that can be reasonably regarded as intended to influence people to vote in a certain way or give support to or withhold support from any party, elected representative, candidate, future candidate, or referendum outcome.

England, Wales, and Northern Ireland

The [Statutory guidance](#) on the Electoral Commission's website notes payment includes payments of any kind – for example 'pay-per-click' and 'pay-per-impression' advertising, and advertising provided at a discount or free as a benefit in kind.¹¹

If the material relates to a particular election or referendum the imprint will be required until the election or referendum is over. If it is general party-political campaigning it may require an imprint so long as the party exists or as long as the material is available to the public.

Any paid digital advert that expressly advocates the holding of a new referendum must have an imprint. It does not matter if the referendum is unlikely to be held, the imprint requirements still apply.

Paid adverts relating only to referendums held in the past will not be counted as political material and will not be subject to the new digital imprint rules.

Scotland

If someone is being paid to publish election material, the material must include an imprint.

3.3 Organic material

Organic material is any unpaid publication.

Sharing or reposting campaign material on social media is a type of publication.

Organic material is usually published or shared as part of a particular election or referendum campaign. It will require an imprint for as long as the

¹¹ Electoral Commission, Statutory guidance on digital imprints, [Paid adverts](#), accessed 27 November 2023

campaign period. Once the election or referendum is over it is likely the imprint requirement will cease.

England, Wales, and Northern Ireland

Publishing

Organic digital material will require an imprint if:

- it is published by or on behalf of a ‘relevant entity’ and
- it is campaign material for an election, referendum or recall petition.

This is the case whether it is paid for or not. If both conditions are met, then an imprint is required.

The relevant entities are:

- a registered party
- a registered non-party campaigner
- a candidate or future candidate
- an elected office-holder
- a registered referendum campaigner
- a registered recall petition campaigner

These are explained in more detail in the [‘Key terms’ section](#) of the Commission’s statutory guidance.

If someone is not a relevant entity, and they publish organic material on their own behalf, then the material does not require an imprint.

In some instances, something may be published that does not meet both criteria. For example, a non-party campaigner might publish something that is relevant to their usual campaigning activity, but that does not seek to influence voters to vote or withhold support from a particular party or referendum outcome. If it does not meet both conditions, then an imprint will not be required.

Republishing and sharing

A member of the public sharing digital material will not normally need to include an imprint. This is because they are not a relevant entity, and they are not publishing on behalf of one.

If campaign material has already been published with a correct imprint and a relevant entity shares without materially altering the material, then there is

no need to include a new imprint with the sharer's own details. The original imprint will suffice.

If someone is a relevant entity, or someone publishing on behalf one, and materially alters something before sharing they are likely to need to include an imprint. This will be if the new material requires an imprint under the new rules, for example it is campaign material encouraging someone to vote one way or another. The person sharing will have to include an imprint saying they are the promoter and details of any person on behalf of whom the material is being published.

The Commission's statutory guidance says:

Materially altering the material includes:

- changing it in such a way as to change the meaning of the material
- removing the imprint (if it originally appeared as a part of the material)
- sharing it in such a way that the imprint ceases to be accessible from the material (if it originally appeared somewhere directly accessible from the material)¹²

Someone sharing digital material that has been materially altered and requires an imprint under the new rules may be committing an offence if they fail include their own imprint.

The responsibility for the imprint on republished material falls to the person republishing, not the creator of the original material.

Scotland

Publishing

In Scotland, there is a 'personal opinion' exemption for most members of the public when they are publishing organic material. It means if someone is expressing a personal opinion in material published on their own behalf and on a non-commercial basis then an imprint is not required. The personal opinion exemption cannot be used by an organisation.

The personal opinion exemption cannot be used by certain people. These people must include an imprint on any digital election material containing text even if it is a personal opinion:

- A candidate or their agent (or deputy agent)
- A holder of elected office:

¹² Electoral Commission, Statutory guidance on digital imprints, [Sharing and republishing](#), accessed 27 November 2023

- An MP in the House of Commons
- MSPs in the Scottish Parliament
- Members of the Senedd Cymru or Northern Ireland Assembly
- Member of any local authority in the including members of the Greater London Authority UK (but excluding parish or community councils)
- Any elected mayor or police and crime commissioner
- A registered officer of a political party or one of its accounting units, which includes treasurers, nominating officers and campaigns officers

Republishing and sharing

The Scottish rules for devolved elections on sharing and republishing are similar to the rules for the rest of the UK. Material that is shared without commentary and is not modified is likely to be exempt.

4 Who regulates imprints?

Enforcement of the rules on imprints depends on what election the campaign or political material refers to, who published it and whether it is in print or digital form.

4.1 Print material

It is an offence for a printer or promoter to publish printed election or campaign material without an imprint.

Candidates

The rules on print imprints for individual candidates are principally in the Representation of the People Act 1983, as amended. Decisions on the investigation and prosecution of offences included in the 1983 Act, including, non-digital imprint offences, are a matter for the police and prosecuting authorities.

Parties

Registered parties are subject to rules in the Political Parties, Elections and Referendums Act 2000, as amended. Compliance and sanctions for non-compliance are regulated by the Electoral Commission, including on print

imprints. The Commission can use its civil sanctions powers to enforce compliance or to issue fines. This applies to all elections, including devolved elections in Scotland. Offences relating to imprints could also be referred to the police by the Commission if the Commission considers the offence to be serious enough.

Referendum and non-party campaigners

Permitted participants in a referendum regulated by the Electoral Commission and national non-party campaigners in elections can also be sanctioned by the Electoral Commission. It can use its civil sanction powers or referred to the police in the most serious cases.

4.2 Digital material

For the new requirements introduced by the Elections Act 2022 it is an offence under section 48 to fail to include a digital imprint when required, whether material is paid for or organic.

In Scottish devolved elections the digital imprint requirement was introduced by extending existing print imprint requirements in the two set of rules, the 1983 Act for candidates and the 2000 Act for parties and other campaigners.

Candidates

For offences under the Elections Act 2022 the police will enforce the digital imprint rules for campaign material for the purposes of influencing voters to support or withhold support for a particular candidate.

Compliance with the existing digital imprint rules in place for devolved elections in Scotland are a matter for the Scottish police and prosecuting authority.

Parties

For the rules introduced by the Elections Act 2022 the Electoral Commission is responsible for enforcing and sanctioning where digital material relates to parties.

Compliance with the existing digital imprint rules in place for devolved elections in Scotland are a matter for the Commission, in the same way as for print imprints.

Others

Non-party campaigners that publish campaign material usually target parties rather than individual candidates. It means digital imprint regulations will normally be enforced by the Electoral Commission.

Imprints on digital material relating to a recall petition will be enforced by the police and prosecuting authorities.

Digital imprints relating to a referendum regulated by the Electoral Commission (a nationwide or regional referendum) that are published during the regulated period of a referendum will be enforced by the Electoral Commission. Outside of the regulated period the responsibility will fall to the police. Any other material relating to local referendums will also fall under the jurisdiction of the police.

Where there is uncertainty in a particular case as to which body is responsible for enforcement, this will be resolved between the Electoral Commission and the relevant police force on a case-by-case basis.¹³

For the rules implemented by the Elections Act 2022 and covered by the [Statutory guidance on digital imprints](#), it is a defence for a person charged with an offence to prove any of the following:

- that the failure to comply was due to circumstances beyond their control, and that they took all reasonable steps, and exercised all due diligence, to ensure they did comply
- that they complied with the Commission's statutory guidance
- that in the case of the republication of material:
 - the material had previously been published
 - it had not been materially altered when it was republished
 - they reasonably believed that the original material required an imprint under section 41 and complied with the requirements of that section¹⁴

5

Background

Imprints are information on a piece of campaign material that tell voters who is responsible for the material. It helps transparency of election and

¹³ Electoral Commission, [Statutory guidance on digital imprints - final draft](#), Responsibilities for enforcement of the regime, 30 May 2023

¹⁴ As above, Offences and defences

referendum campaigning by telling voters who is responsible for the material. It also helps transparency on who is spending money on campaigning.

Individual candidates, national parties, and other campaigners are required to put information on campaign material that can be reasonably regarded as intended to promote or procure the election of a candidate or party at an election. Election material also includes material that criticises other candidates or parties. The same rules apply to referendum campaign material.

5.1 Printed imprints

Printed material has needed some sort of imprint since the Victorian era. The wording for candidates had changed over time. The [Corrupt and Illegal Practices Act 1883](#) introduced penalties for attempts to bribe voters and standardised election expenses. Section 18 of the Act required election placards and posters issued for a candidate to show the name and address of the printer and publisher.¹⁵ Section 43 of the [Representation of the People Act 1948](#) (PDF) extended the requirements for imprints from the 1883 Act to “every printed document distributed for the purpose of procuring the election of a candidate”.

The latest version of the requirement is in section 110 of the [Representation of the People Act 1983, as amended](#). The wording was amended in 2000 to include reference not just to the printer and publisher, but also to the person on whose behalf the material is being published.¹⁶

National party campaigning was not formally regulated until 2000. Section 143 of the [Political Parties, Elections and Referendums Act 2000](#) replicated the imprint requirements in place for individual candidates for national party campaigns.

However, it was not implemented immediately. The three main parties represented in the House of Commons at the time, Labour, Conservative, and Liberal Democrats¹⁷ made representations to the Government that none was able to comply fully with the new provisions that had been activated. Considerable amounts of material already printed or commissioned would have to be pulped. The Election Publication Act 2001 suspended the activation of section 143 of the 2000 Act and gave ministers the power to reactivate at a later date. This was exercised in 2006, with the requirements coming into

¹⁵ W Cunningham Glen, [The Corrupt and Illegal Practices Prevention Act 1883: Alphabetically rendered](#), published 1884

¹⁶ Section 138 of the [Political Parties, Elections and Referendums Act 2000](#)

¹⁷ Commons Library research briefing RP01-40, [Election Publications Bill \(HL\) \(Bill 41 of 2000-01\)](#)

force on 1 January 2007.¹⁸ Section 143 was brought into force in Northern Ireland in August 2021.¹⁹

5.2

Digital imprints

The Electoral Commission, which officially came into existence in November 2000, has recommended since 2003 that imprint requirements should be extended to cover campaign material published in non-print formats. Its guidance for candidates and campaigners has noted for a long time that including imprints on digital material would be regarded as best practice.

In 2003 the Commission said:

At present, no such equivalent responsibility exists in relation to online messages, including websites, emails and SMS text messages. We believe that this requirement should be applied consistently across all non-broadcast media if voters are to maintain trust in online campaign material, and if the current generally positive relationship between voters and campaigners online is to continue.²⁰

In its 2018 report on digital campaigning the Commission highlighted the significant growth in spending on digital campaigning. In 2011, reported spending by campaigners on digital advertising as a percentage of total advertising spend was less than 1%. By 2015 this proportion had risen to 23.9% and by the 2017 General Election it had risen to 42.8%.²¹ The report also highlighted that the way election and campaign spending is reported is likely to underestimate the amount spent on digital campaigning. It called for digital imprints to be made a requirement, as for print material, and to amend the rules for reporting spending and make campaigners provide more detail on their digital campaign spend.²²

Scotland introduced a digital imprint requirement first. Initially this was for the 2014 independence referendum and was later extended to devolved elections. A digital regime for reserved elections was not created until the passing of the Elections Act 2022, see below. The Welsh Government

¹⁸ [Political Parties, Elections and Referendums Act 2000 \(Commencement No. 3 and Transitional Provisions\) Order 2006](#)

¹⁹ [Political Parties, Elections and Referendums Act 2000 \(Commencement No. 4 and Transitional Provisions\) Order 2021](#)

²⁰ Electoral Commission, Online election campaigns April 2003 Report and recommendations, April 2003, p24-5

²¹ Electoral Commission, [Report: Digital campaigning - increasing transparency for voters](#), June 2018

²² As above

Scotland

A digital imprint regime was introduced in Scotland for the 2014 independence referendum. The rules for the conduct of the referendum were set out in the [Scottish Referendum Act 2013](#). Part 4 of schedule 4 to the Act extended the traditional requirements for imprints to include digital campaign material. These rules only covered the referendum and did not apply to local or Scottish Parliament elections.

The [Referendums \(Scotland\) Act 2020](#) extended the digital imprint regime to referendums held in Scotland for which it has legislative competence.²³ In 2020 the digital imprint requirement was extended to Scottish Parliament elections and local elections by two statutory instruments. The policy notes to both state there was no consultation on the measure because the policy had been subject to parliamentary scrutiny and agreement during the parliamentary process for Referendums (Scotland) Act 2020.²⁴

5.3 Elections Act 2022

The Elections Act 2022 introduced the requirement for digital imprints. The UK Government had originally planned for the new system to apply to all elections, including devolved elections in Scotland and Wales.

The Scottish Government opposed the move as it had already introduced a scheme, and which differed slightly from the UK Government's proposed scheme. The Scottish Parliament declined to give [legislative consent](#) to the UK Government's Elections Bill.

The Welsh Government also initially declined to give consent to the Bill and disputed whether the digital imprint elements of the Bill were reserved, as the UK Government insisted.

The UK Government therefore agreed to remove references to devolved elections from the Elections Bill. The amended Bill still applied the digital imprint regime to Senedd Cymru and Welsh local elections. The Welsh Government broadly agreed with the policy intent but still disagreed with the UK Government that the provisions related to digital imprints did not require the Senedd's consent. However, it gave its consent, and the Elections Act was passed in July 2022.²⁵

²³ Schedule 3

²⁴ [Scottish Elections \(Details to appear on Election Publications\) Regulations 2020](#) covered candidates regulated by the Representation of the People Act 1983 and the [Scottish Elections \(Details to appear on Election Material\) Regulations 2020](#) covered parties regulated by the Political Parties, Elections and Referendums Act 2000

²⁵ Commons Library research briefing CBP 9421, [Elections Bill 2021-22: Progress of the Bill](#), section 9

Calls for digital imprints

In 2018 the Electoral Commission published a report on digital campaigning.²⁶ It had been calling for the extension of the imprint regime to online material since 2003. Its guidance to parties and candidates already recommends that digital imprints are used.

Electoral Commission figures taken from reported spending in statutory spending returns show the increasing popularity of digital campaigning. Reported spending on digital advertising made up 2% of advertising spending in the 2014 Scottish referendum. This rose to 24% the following year in the UK General Election and 43% in the 2017 election.²⁷

The Commission noted that requiring imprints on digital material would help enforce spending rules. To help with this the Commission also called for campaigners to be required to provide more information on spending categories in their spending returns and on invoices. The Government agreed with the proposals.

Others have also called for digital imprints to be made compulsory. The Law Commission made similar calls in its interim (2016) and final (2020) reports on election law.²⁸ The Committee on Standards in Public Life report on intimidation of candidates (see section 7) also agreed. In June 2020, the House of Lords Select Committee on Democracy and Digital Technologies was critical of the time taken to bring forward new measures, saying:

This delay is unacceptable; “in due course” provides no clarity and we question how many more election campaigns will be run, and how much further public trust will be eroded, before this proposal is put into law.²⁹

The Government consulted on the introduction of digital imprints in July 2018,³⁰ and a technical consultation followed in 2019.³¹ The Government response published in June 2021 noted:

Overall, feedback to the consultation was positive, with respondents saying the regime would improve public confidence in campaigning, help to close a gap in transparency, and aid oversight and enforcement on the part of regulators and civil society. There were solid majorities in favour of most of the proposals.³²

The feedback to the Government’s technical consultation provided mixed views about the distinction between paid and unpaid material being within

²⁶ Ibid

²⁷ Electoral Commission, [Report: Digital campaigning - increasing transparency for voters](#)

²⁸ Law Commission, [Electoral Law A joint final report](#), p140-2

²⁹ House of Lords Select Committee on Democracy and Digital Technologies, [Digital Technology and the Resurrection of Trust](#), June 2020, p91

³⁰ Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information](#), July 2018

³¹ Cabinet Office, [Transparency in digital campaigning: technical consultation on digital imprints](#), November 2020

³² Cabinet Office, [Digital imprints - Government consultation response](#), June 2021, p9

scope. Those in favour agreed that the distinction would strike the right balance between ensuring transparency in online campaigning and protecting free speech.

Almost 80% of respondents agreed or strongly agreed that the regime should be expanded beyond what is considered election material to wider online political advertising.³³

The Electoral Commission welcomed the proposals in the Elections Bill but noted, “It will be important for the legislation to give a clear definition of what is meant by ‘political material’”, so those covered could clearly understand and follow the new rules.³⁴

Passage of the Elections Bill

During the passage of the Bill, the Commons Public Bill Committee considering the detail of the Bill took oral and written evidence on the provisions of the Bill.

The proposals for digital imprints were generally welcomed.

Academic Dr Kate Dommett questioned how the new regime would be implemented. She also highlighted the vagueness about what it means for an imprint to be included where “reasonably practicable” and the challenge of regulating paid and unpaid material.³⁵

Professor Justin Fisher noted the internet falls outside of UK jurisdiction saying, “we can deal with imprints, but it would be very difficult to stop a concerted campaign on Twitter or Facebook by a foreign actor.”³⁶

During the scrutiny stage of the Public Bill Committee’s work, the provisions were accepted along with four Government amendments that removed ambiguity around when and how a recipient (such as a digital platform) receives notice that an advert is in contravention of the law.³⁷

Proposed amendments from the Labour Party aimed to strengthen the requirement to provide a digital imprint on digital campaign material if it is “reasonably practicable” to do so. Where an imprint does not appear on a piece of digital campaign material, the Bill allows for the digital imprint “that is directly accessible from the material.” This must be only where it is not reasonably practicable to include the imprint on the piece of campaign material.

³³ Cabinet Office, [Digital imprints - Government consultation response](#), June 2021, p16

³⁴ Electoral Commission, [Introducing digital imprints](#), 5 July 2021

³⁵ [HC Deb 15 September 2021 \[Elections Bill \(Second sitting\)\]. c67](#)

³⁶ [HC Deb 15 September 2021 \[Elections Bill \(Second sitting\)\]. c71](#)

³⁷ [HC Deb 26 October 2021 \[Elections Bill \(Twelfth sitting\)\]. c333-50](#)

Cat Smith told the Committee:

As evidenced in Scotland's recent parliamentary elections, the clause will in practice lead to almost all imprints appearing on a promoter's website or home page rather than on the actual material. I do not feel that is strong enough.³⁸

The SNP also supported the higher threshold. The Government rejected the amendments as they would have removed flexibility for campaigners. The Minister used the example of Twitter:

a text-based tweet on Twitter could constitute material that requires an imprint, but given the character limit, including an imprint would leave little room for anything else. That is why, under our provisions, where it is not reasonably practicable, a promoter could instead comply with the rules by including an imprint in a location directly accessible from the material.³⁹

An SNP amendment for the Secretary of State to consult on any subsequent secondary legislation was rejected by the Government for similar reasons.⁴⁰

³⁸ [HC Deb 26 October 2021 \[Elections Bill \(Twelfth sitting\)\], c337](#)

³⁹ [HC Deb 26 October 2021 \[Elections Bill \(Twelfth sitting\)\], c338](#)

⁴⁰ [HC Deb 26 October 2021 \[Elections Bill \(Twelfth sitting\)\], c348](#)

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