

Parliamentary briefing: digital imprints statutory guidance

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New statutory guidance on digital imprints has been laid before both Houses. The Elections Act 2022 includes provisions requiring imprints on digital campaign material. ‘Imprints’ are added to certain political or election-related material to show who is responsible for the material. This helps to deliver transparency for voters about who is spending money to influence them. The Act also placed a duty on the Commission to prepare statutory guidance explaining the regime and how the Commission and the police will exercise their enforcement functions under it. Following a public consultation, we presented the final draft guidance to the Secretary of State for Levelling Up, Housing and Communities on 19 May. The Minister has not made any modifications to the guidance, and it was laid for your consideration on 13 July. There is a 40-day period – which ends on Tuesday 24 October – where either House may resolve not to approve the guidance. The guidance, if approved would come into force on 1 November 2023. Once the statutory guidance comes into force, the Commission and the police must have regard to the guidance as they enforce the regime under Part 6 of the Political Parties, Elections and Referendums Act 2000 (PPERA). For campaigners, showing that they have complied with the guidance will be a statutory defence to any offence under the new laws.

Background The introduction of the requirements for imprints on digital material is important for transparency in campaigning, and it is essential that campaigners understand the new duties placed on them. The statutory guidance is a central part of the Commission’s work to help ensure that campaigners are confident in applying the law to their activities. The digital imprints regime is complex. Many respondents to the consultation that we ran (31 October - 20 December 2022) welcomed how various sections of the guidance provided clarity and helpful examples on how the law will work in practice.

How we developed the guidance The guidance has been produced following consultation with political parties, academics, and a range of other groups, including trade unions and organisations representing charities, and reflects our experiences of regulating elections. Prior to consultation we met with key stakeholders from across the UK to ensure we could draw on their experiences of campaigning. The feedback and evidence we received from them as well as other stakeholders has been important to improve the clarity and effectiveness of the guidance. We recognise how important it is that the people who will use the guidance support it. We were committed to ensuring the guidance was as useful and practical as possible, and included examples, a range of images and helpful flowcharts to support campaigners to understand in what situations the rules apply. Overall, feedback was positive and stakeholders felt that the draft guidance was ‘generally straightforward and well-written.’ There were areas where additional clarity or examples were sought to make it even clearer for parties and campaigners. Within our consultation report we have highlighted where we agree with recommendations to improve the guidance’s intelligibility. We have also set out why, in some circumstances, we had to retain the wording from our original draft, often to remain consistent with the law.

Next steps If approved by Parliament, we will begin our planned programme of support to help familiarise campaigners with the new digital imprints requirements. This will include practical support for you as campaigners and candidates, including on how the requirement for digital imprints will apply to your campaign material. Additional information . A key part of our role is to provide advice to government and

parliament on legislation relating to elections. If you would like any further information, please contact Alex White in our public affairs team:
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