

Standards, Procedures and Public Appointments Committee  
Thursday 30 October 2025  
19th Meeting, 2025 (Session 6)

## **Note by the Clerk on draft statutory guidance on imprints for non-party campaigners at Scottish Parliamentary elections and council elections in Scotland (SG/2025/215)**

### **Overview**

1. At this meeting, the Committee will consider draft statutory guidance on imprints for non-party campaigners at Scottish Parliamentary elections and council elections in Scotland. The Committee is invited to consider the document and decide what, if any, recommendations to make.
2. More information about the document is summarised below:

**Title of instrument:** Draft statutory guidance on imprints for non-party campaigners at Scottish Parliamentary elections and council elections in Scotland (SG/2025/215)

**Laid under:** Scottish Elections (Representation and Reform) Act 2025

**Laid on:** 16 September 2025

**Procedure:** Negative (but see section on Procedure below)

**Deadline for committee consideration:** 10 November 2025

**Deadline for Chamber consideration:** 10 November 2025

### **Procedure**

3. Under section 58 of the Scottish Elections (Representation and Reform) Act 2025, Scottish Ministers are required to lay the guidance before the Parliament for a period of 40 days within which the Parliament can resolve not to approve the guidance.
4. Once laid, the document is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the relevant subject-matter, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend that the document not be approved. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending that the document not be approved, the lead committee is not required to report on the document.
7. If the 40-day period elapses with no motion being lodged, the guidance will come into effect on a date – known as the appointed date – that is set out by Scottish Minister in a statutory instrument. The relevant instrument<sup>1</sup> was laid on 23 October 2025 and sets the appointed date as 17 November 2025.

## **Delegated Powers and Law Reform Committee consideration**

8. The DPLR Committee considered the guidance on 23 September 2025 and reported on it in its [66<sup>th</sup> Report, 2025](#). The DPLR Committee made no recommendations in relation to the document.

## **Purpose of the instrument**

9. The purpose of this guidance is to explain the operation of Part 8 of the Act, concerned with information that is to be included with digital material and how to comply with its requirements, and explain how the Electoral Commission will undertake its enforcement functions where there is a breach or suspected breach of Part 8 of the Act.

## **Committee consideration**

10. So far, no motion recommending that the guidance not be approved has been lodged.
11. Members are invited to consider the guidance and decide whether there are any points they wish to raise. If there are, options include:
  - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
  - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
12. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the guidance.
13. If members have no points to raise, the Committee should note the guidance (that is, agree that it has no recommendations to make).

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<sup>1</sup> [The Scottish Elections \(Representation and Reform\) Act 2025 \(Statutory Guidance on Imprints on Electronic Materials\) \(Appointed Date\) Regulations 2025](#)

14. However, should a motion recommending that the guidance not be approved be lodged later in the 40-day period, it may be necessary for the Committee to consider the guidance again.

**Clerks to the Committee**  
**October 2025**

# Annexe A: Draft statutory guidance

## Draft statutory guidance on imprints for non-party campaigners at Scottish Parliamentary elections and council elections in Scotland

### About this guidance

The guidance has been prepared by the Electoral Commission, and laid before Parliament, in accordance with section 58 of the Scottish Elections (Representation and Reform) Act 2025 (SERRA).

It applies in relation to electronic material published in connection with Scottish Parliamentary elections and council elections in Scotland. The purpose of this guidance is to:

- explain the operation of Part 8 of the Act, concerned with information that is to be included with digital material and how to comply with its requirements
- explain how the Electoral Commission will undertake its enforcement functions where there is a breach or suspected breach of Part 8 of the Act.

Non-party campaigners at Scottish Parliamentary elections and council elections in Scotland also must comply with separate digital imprints requirements in the Elections Act 2022, and with requirements for imprints on printed material.

This guidance only covers the additional requirements in SERRA that certain organic digital material at Scottish elections must include an imprint. For guidance on all relevant imprints requirements, non-party campaigners should read our [non-statutory guidance](#).

Where the guidance says that something must be done, this means that it is a requirement in either primary or secondary legislation.

The guidance uses 'you' to mean both the promoter of the material, and anyone else on whose behalf it has been published. This is because it is the promoter and/or anyone on whose behalf material has been published who commit an offence under section 54 of SERRA if material is published contrary to Part 8 of the Act.

Key terms are explained throughout the guidance, and also provided in an alphabetical list at the end of the document.

The Electoral Commission and the police must have regard to this guidance when exercising their functions under Part 8 of the Act.

The Electoral Commission may propose revisions to this guidance from time to time in accordance with the Act or when directed to do so by Scottish Ministers.

The examples used in this guidance relate to functionality on digital platforms as of July 2025. The general principles set out in the guidance continue to apply in the event that functionality changes, or new platforms emerge.

## Introduction

Under the Scottish Elections (Representation and Reform) Act 2025, the law requires imprints to be displayed on some kinds of electronic material. This guidance refers to electronic material as ‘digital material’.

If you publish material without an imprint when one is required, you may be committing an offence.

## What is a non-party campaigner?

Non-party campaigners are individuals or organisations that campaign at elections, but are not standing as political parties or candidates. Campaigners being able to get their messages to voters is a fundamental part of the democratic process, and it is important that voters hear from a wide and diverse variety of campaigners.

In electoral law, these individuals or organisations are called 'third parties'.

Non-party campaigners who spend over a certain amount on campaigning at elections must register with the Electoral Commission. Where non-party campaigners have registered with the Electoral Commission they are called 'recognised third parties'. In our guidance, we call recognised third parties 'registered non-party campaigners'.

## What is an imprint?

When certain campaign material is published, it must contain specific details to show who is responsible for publishing it.

These details are known as an 'imprint'. The imprint helps to ensure there is transparency for voters about who is campaigning.

Unlike a political party, where a lot of their material is likely to require an imprint, if you are a non-party campaigner that campaigns on an issue, you may find that only some of your material requires an imprint. You should consider whether an imprint is required for each piece of material, according to the facts.

Imprints are important for transparency in campaigning. It is therefore good practice to include an imprint on all material that relates to Scottish Parliament elections and council elections in Scotland, even if the material does not need to include one by law.

If a campaigner includes an imprint on their material, that does not mean that the material requires one by law. The campaigner may well simply be including one to aid transparency.

## What is digital material?

An imprint may be required on any digital material, provided the material meets the criteria which are set out in the following sections.

Digital material is material in electronic form that consists of or includes text, moving images, still images, speech or music.

It does not include telephone calls or SMS messages. It can apply to material published in messaging services which do not use SMS, such as WhatsApp or Signal.

The requirement to include an imprint only applies to digital material that is published, which means made available to the public or any section of the public. For example, it would not apply to a private messaging group between friends, or an email sent out by a party only to its members.

If material relating to Scottish elections is made available in the UK, then the digital imprint rules will apply, no matter where the content is published from, or where the promoter is. For example, you could be outside the UK, but publish material on a digital platform making it available to a section of the public in the UK.

Imprints may be required on published material including (though this is not an exhaustive list):

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

Definitions of material in scope of the regime may also be updated by secondary legislation to allow for emerging technology.



## What sort of material requires an imprint?

If you have not paid for the digital material to be published as an advert – for example, you just posted it on your own social media – then it is ‘organic material’..

This guidance only covers imprint requirements for organic material published by unregistered non-party campaigners at Scottish Parliamentary elections or council elections in Scotland.

The imprint requirements apply differently to individuals and organisations.

Unregistered non-party campaigners which are organisations must include an imprint on any organic election material.

An individual non-party campaigner who is not registered with the Electoral Commission does not have to include an imprint on any organic digital material.

There are also exceptions for some kinds of material. This guidance refers to these as exemptions.

Imprints are important for transparency in campaigning. It is therefore good practice to include an imprint on all material that relates to Scottish Parliamentary elections and council elections in Scotland, even if the material does not require one by law.

There are separate imprint requirements that are out of the scope of this guidance, for:

- Printed material
- Digital paid adverts
- Organic digital material for registered non-party campaigners

For a single guidance document covering all imprint requirements for non-party campaigners at Scottish Parliamentary elections and council elections in Scotland, including the requirements covered in this statutory guidance, please see our non-statutory guidance.

### **Election material**

Election material is material whose purpose can reasonably be regarded as intending to promote or procure electoral success for:

- one or more political parties
- a candidate or future candidate
- political parties, candidates, or future candidates that are linked by their support for or opposition to particular policies, or by holding particular opinions
- other categories of candidates or future candidates that are not based on policies or opinions – for example, candidates or future candidates who went to a state school, or independent candidates (who do not stand for a political party)
- any combination of the above

In this guidance, election material only includes material which can reasonably be regarded as intended to influence voters in a Scottish Parliamentary election or council election in Scotland.

It includes material that can reasonably be regarded as intended to influence voters to vote for or against one of the entities listed above – for example it includes both a positive campaign about a party's policies, and a negative campaign criticising a party's policies.

Election material is very similar to material which meets the 'purpose test' for regulated non-party campaigner spending (see the Commission's spending guidance for more information). If you have determined that your organic digital material meets the purpose test, then it will also need to carry an imprint.

If material meets any of these criteria, it will be election material even if the material can reasonably be regarded as intended to achieve other purposes as well

### **Intention**

The primary intention of your material may not be to influence voters. For example, you might publish material with one or more of the following intentions:

- raising awareness of an issue
- influencing political parties to adopt a policy in their manifestos
- campaigning for or against government legislation
- providing information to voters
- encouraging people to register to vote
- encouraging people to vote, but not for anyone in particular

Even if your primary intention is something else, your material will still be election material if it can reasonably be regarded as intended to influence voters to vote for or against certain parties, candidates or future candidates.

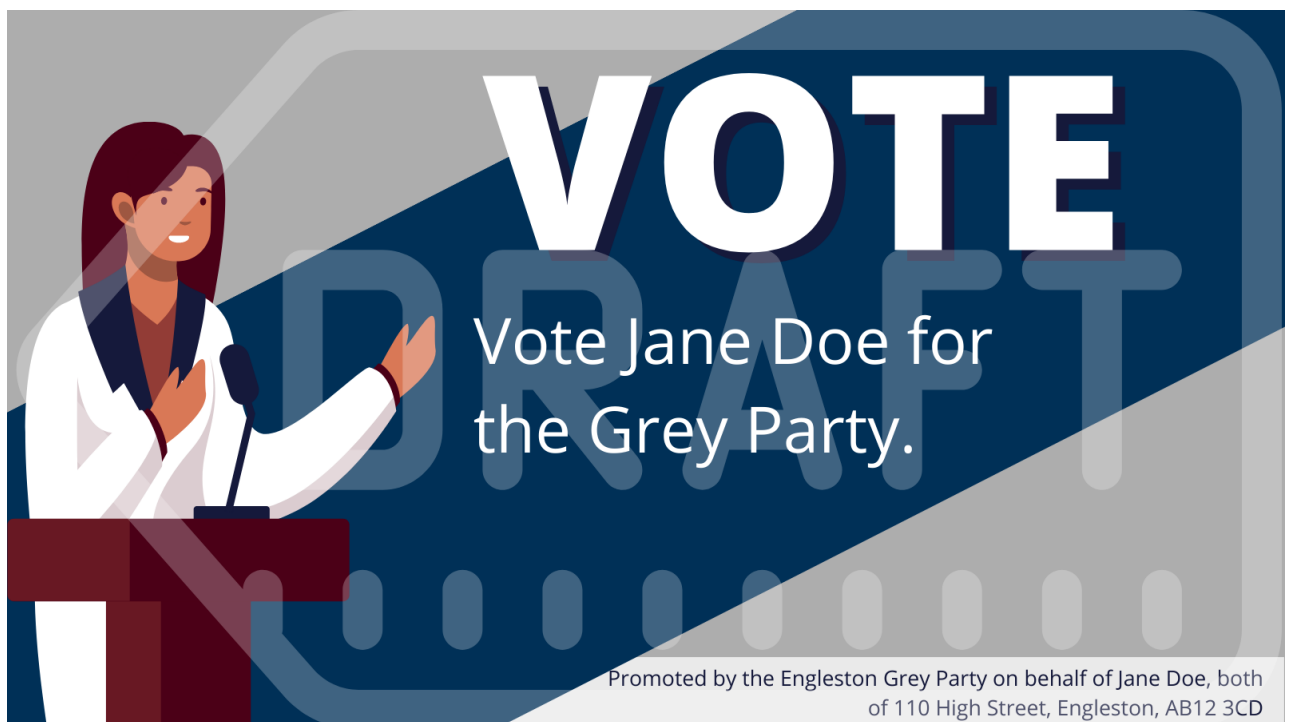
For example, suppose your intention is to influence political parties to adopt a policy. If you go about this by publishing material promoting parties and candidates who have already adopted the policy, then this will be election material because the purpose of your material can reasonably be regarded as being to influence voters to support those parties and candidates.

### **Examples**

The following are examples of organic material that constitute election material:



Election material which can reasonably be regarded as intended to influence voters to vote against a political party



Election material which can reasonably be regarded as intending to promote or procure electoral success for a candidate

# Use your vote to save Engleston Library

Vote for a candidate who has  
signed our pledge



Promoted by Campaigners Ltd, 98 High Street, Engleston, AB12  
3CD

Election material which can reasonably be regarded as intending to promote or procure electoral success for a category of candidates that are linked by their support for a policy

## Vote for a candidate who



**LIVES**

and



**WORKS**

**in Engleston**

Promoted by Campaigners Ltd, 98 High Street, Engleston, AB12  
3CD

Election material which can reasonably be regarded as intending to promote or procure electoral success for a category of candidates that are linked by something other than a policy



Election material which can reasonably be regarded as intended to promote a party on the basis of its support for an issue

If issues-based material cannot reasonably be regarded as intended to influence voters to vote for certain parties, candidates or future candidates, then it is not election material.



Campaign material which is not election material (but which carries an imprint to aid transparency)

More examples are included below.

- Before the regulated period starts, an animal welfare organisation publishes a series of posts on social media explaining what it regards as mistreatment of animals in captivity. As well as setting out problems, it argues that one of the causes is government policy and underfunding. It does not mention elections, candidates or political parties.

This is not election material and does not require an imprint. Although the material is critical of the government, it is not reasonably regarded as intended to influence voters in an election.

- Two months before a Scottish Parliamentary general election, the animal welfare organisation, that is registered with the Electoral Commission, shares, without commenting on it, a news article reporting that the party of government has announced they will undertake a rewilding programme if they are re-elected.

This is not election material. This is merely sharing information, and the organisation would be expected to share any news relevant to their work. No imprint is required.

- Once all the main parties have launched their manifestos in advance of a Scottish Parliamentary general election, the registered non-party campaigner compares their manifesto pledges on rewilding. They create a graphic comparing the parties' positions on the issue, giving marks out of ten and saying which party has the best policies. They then publish the graphic on their own social media channels.

Because the campaigner has compared the parties and said which is better in this context, they have effectively promoted some over others. The graphic is therefore reasonably regarded as promoting those parties the campaigner considers to have better policies, so is election material. An imprint is required on the material.

## What material does not need an imprint?

The following types of material do not need to carry an imprint because they are specifically exempted:

- Material, other than an advert, published on a website or app which is primarily for journalism
- Certain shared material which still includes the original imprint. See 'Sharing and republishing digital material' for more details

### **Material published on a website or app which is primarily for journalism**

Material, other than an advert, which is published on a website or mobile app whose primary purpose (or one of whose primary purposes) is journalism does not need to include an imprint. This exemption does not apply to adverts, regardless of whether the platform has been paid to publish the advert or not.

Websites or apps which have journalism as one of their primary purposes can include for example:

- Online newspapers or news channels
- Newspaper apps
- Online radio stations

## What information must you include in the imprint?

You must include the name and address of:

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

You must use a postal address where you can be contacted. It can be an office or business address, or a home address. You can also use a PO Box address, or other mailbox service.

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.

The imprint must be legible, or in the case of audio material, audible, no matter what device is used to access the information.

In order to comply with the law, you must ensure that a written imprint is on screen for long enough that it can be read. Similarly, an audio imprint must be read at a speed at which it can be heard and understood.

### **The promoter and anyone on whose behalf the material is being published**

The promoter is whoever has caused the material to be published.

Both the promoter and any person on behalf of whom the material is being published may be an individual or an organisation.

If the material is published by an organisation, then the promoter is the organisation itself. The details of an individual are not required.

For example, if an employee of a registered non-party campaigner publishes material for the campaigner in the course of their role as an employee, then it is the non-party campaigner itself who is the promoter and whose details must be provided. The imprint must include the details of both the promoter and anyone else on whose behalf the material has been published. This means that your own details will not always be enough to meet the imprint requirements, depending on your particular situation.

For example, if an agent publishes material on behalf of their candidate, then the imprint must include both the details of the agent, as promoter, and of the candidate on whose behalf the material has been published.

For another example, suppose someone is an agent for a candidate, and also publishes material as part of their role volunteering for a political party. Some of the material they promote will be on behalf of the candidate, and so need to include the agent's details as promoter, and the candidate's details as the other person on whose behalf the material has been published. Some of it will be for the party, and so need the details of the party instead.

Material could be published on someone's behalf for a number of reasons, including:



- the role someone plays in a campaign – for example, an agent may publish material on behalf of their candidate, making the agent the promoter.
- they are paying for a service – for example, a social media influencer may publish their own organic material on behalf of the political party that has engaged them to do so, making the influencer the promoter.
- they are part of a wider group involved in publishing the material – for example, a non-party campaigner may publish material on behalf of a coalition of non-party campaigners, making that non-party campaigner the promoter.

If you are being paid to publish the material, the material must include an imprint which includes the details of whoever is paying you. This is because, depending on the facts, either they are the promoter, or you are publishing the material on their behalf.

If you are an organisation that receives donations for your general operations, this does not mean that material you publish is published on behalf of your donors.

If a staff member or volunteer publishes their own material of their own accord, in their personal capacity on their own social media accounts, this will not count as being done on behalf of their organisation.

For digital material, there is no equivalent of the printer, whose details are required on print imprints. No details are required of entities simply hosting material, such as internet service providers and social media companies, unless they promote their own material.

## Where must the imprint appear?

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 include the imprint as part of the material depends on the technical capability of the platform on which the material is published.

It does not depend on, for example, whether including an imprint will affect:

- your preferences about the design or appearance of the material
- how effective you think the material will be
- how much time it will take to publish the material

If the imprint is included as a part of the material, it must be included in such a way that if the material is shared as it is, the imprint will still be a part of it.

For example, if the material is a picture and contains an imprint, then if the picture is shared unaltered, the imprint will still appear.



If it is not reasonably practicable to include the imprint as a 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 click or equivalent, where both the link and the imprint are easy for a voter to locate.

If the imprint appears somewhere directly accessible from the material, it must be included in such a way that if the material is shared as it is, the imprint will still be accessible from the shared material.

For example, if the material is a tweet, and the imprint is included in your Twitter bio, then if the material is retweeted, the imprint in your bio will still be accessible from the retweet.

This means that you must not delete the imprint from your bio for as long as an imprint is required and the material remains published. If you were to delete the imprint, then it would no longer be accessible if your material is shared.

Similarly, you cannot include your imprint somewhere which would not be accessible by those who can view the material itself.

For example, the imprint cannot be behind a firewall or otherwise protected area of the internet, if that would mean that voters would see the shared material but would not have the necessary permission to view the imprint itself.

Beyond these requirements, the original promoter of the material is not liable for any imprint offences that are due to the material being shared by other people later on. The liability is on the people republishing the material – see Sharing and republishing digital material.

If the imprint is included somewhere directly accessible from the material, it must be clear that the imprint relates to the material. For example, it would not be acceptable to publish a list of different imprints in one location, directly accessible from lots of different material, without it being clear which imprint relates to which material.

The next sections give some detailed guidance on particular types or categories of digital material, and on what is typically reasonably practicable.

## **Social media**

Usually, the material on social media will be the whole social media post. You must include the imprint in the post itself, unless it is not reasonably practicable.

For example, for paid adverts on Facebook, it will usually be reasonably practicable to include the imprint as a part of the material – you can either include the imprint in the video or image content, or in the surrounding text.

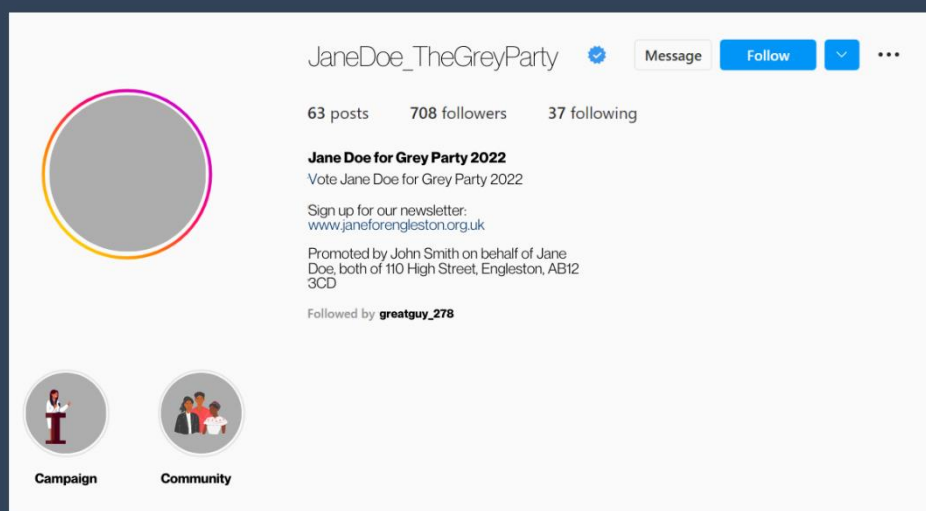


On some digital platforms, the design of the platform, such as there being a character limit on posts, may mean that it is not reasonably practicable to include the imprint as a part of the post. In this case, you must display a legible imprint somewhere directly accessible from the post. The imprint must be directly accessible from the post no matter what device is used. There are a number of different ways that you can do this.

For example, on X, it may often not be reasonably practicable to include the imprint in the post itself because of a character limit. If this is the case, your imprint can be included on your profile, for example underneath your name, or as a pinned post or tweet. Alternatively the imprint can be included somewhere else that you directly link to from your post, for example on your own website.



Candidate imprint as a pinned post, where the candidate is their own agent.



### Candidate imprint in social media profile

Usually the 'About' section of a profile on a digital platform is not directly accessible from a post, because the hyperlink to the profile does not directly take you to that section. In this case, the 'About' section will only be directly accessible from a post if you add your own direct link to the 'About' section into the post.

If material requires an imprint, you must ensure it is published on a platform that enables you either to include the imprint as part of the material or, if not reasonably practicable, somewhere directly accessible from the material. If a platform has such limited functionality that you cannot do either, then material that requires an imprint must not be published on that platform.

If you publish material that requires an imprint on a platform that has limited functionality, you must include the imprint no matter what the limitations of that platform are. For example, TikTok has an 80-character bio, you cannot include links in a caption, and pinned posts are not available to all users. The best way to avoid these limitations is to include the imprint within the content of your TikTok video itself.

### Videos, images and cartoons

A video or image can still be required to display an imprint even if it contains no text.

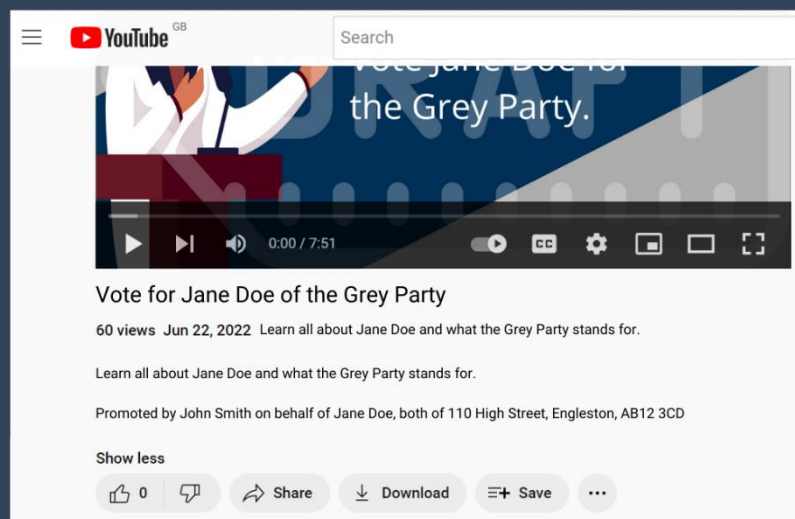
If your material is a video or image, it will usually be reasonably practicable to include the imprint in the video or image, especially if you have created it yourself. If this is not reasonably practicable, for example if the material is a very small image, you must include the imprint somewhere directly accessible from it.

If your material is a social media post which contains a video or image, then it will usually be reasonably practicable to include the imprint as a part of the post. Where it is reasonably practicable to include the imprint as part of the post, the best way to do this is to include it in the content of the video or image itself.

This is because if it is shared, the imprint is more likely to remain a part of the material. This means that voters will see the original imprint as it is shared, which provides the most effective transparency. It is also less likely that people sharing the material will be required to include their own imprint when they share it. Further detail is included in the section [Sharing and republishing digital material](#).

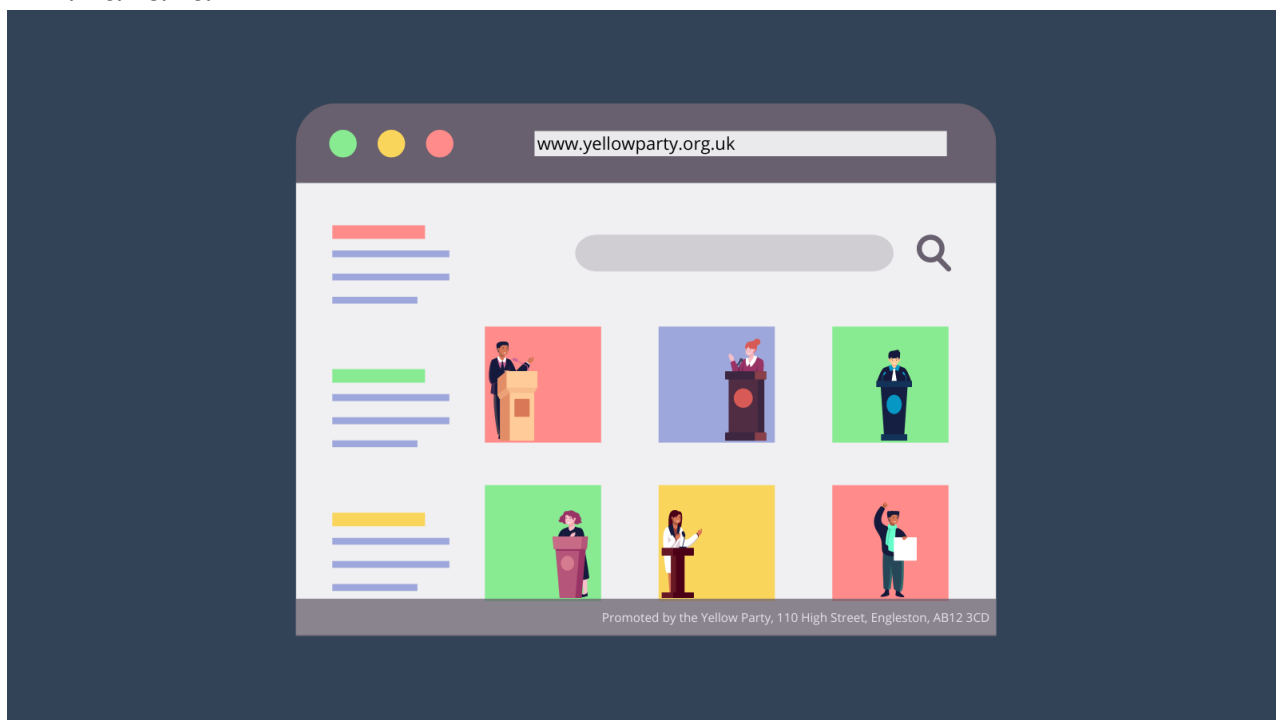
Alternatively, you can include the imprint somewhere else in the post. For example when uploading a video to YouTube, you can include the imprint in the video's description.

[video of imprint in video]



## Websites

Where the digital material is a website or webpage, it will usually be reasonably practicable to include the imprint on the relevant webpage. For example, it could be displayed in the footer.



Where the material is just a part of the webpage, for example a social media post embedded in the page, then the imprint must be included as a part of the material unless it is not reasonably practicable.

If it is not reasonably practicable, then it can appear somewhere directly accessible from the material – for example, somewhere else on the same webpage, such as the footer, or somewhere hyperlinked from the material.

For example, if your material is a Google search advertisement, the character limit of the description may not be sufficient to contain the information required by the imprint in the material itself. In this case, you can include the imprint somewhere directly accessible from the Google search advertisement, such as the page that the advert links to.

### **Audio material**

On solely audio material, the imprint must be included as a part of the material. For example, you could include someone reading out the imprint at the end.

The imprint must be audible.

The imprint must be read at a speed at which it can be heard and understood.

## For how long does material need an imprint?

In all cases, digital material must include an imprint for as long as both:

- the imprint is required by the law
- the material remains published

Material remains published for as long as it is being made available to the public or a section of the public. For example, if a post remains available on your social media channels, then it remains published.

### **Organic material**

For organic material, the imprint is required for as long as the published material remains election material

In many cases the imprint will stop being required once the election is over.

For example, a video saying 'Vote Grey Party on 1 May' in relation to an upcoming election will cease to be election material after 1 May when the election is over.



## Sharing and republishing digital material

When you share material to the public or a section of the public, including on social media, this is a type of publication. In the legislation, this is referred to as 'republishing'. The law on imprints therefore also applies to material that you share – for example, using the 'repost' function on X, the 'Share' button on Facebook, the 'duet' function on TikTok, or forwarding an email.

This also applies when you share material that was first published before the law on digital imprints was in force.

However, if you share material that has already been published with a correct imprint and you do not materially alter the material, then you do not need to include a new imprint with your own details. The original imprint will suffice. In this guidance we refer to this as the 'sharing exemption'.

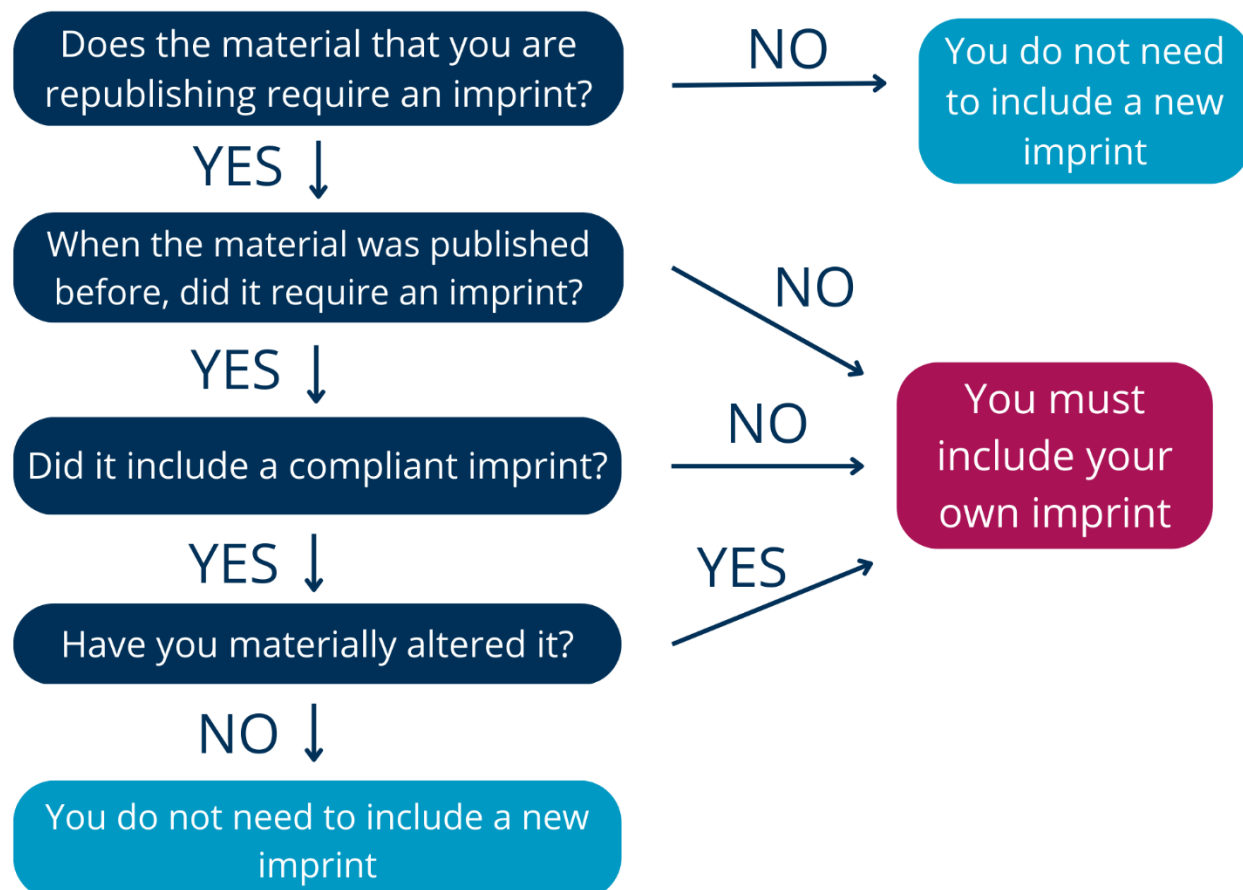
Materially altering the material includes:

- 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)

If you share digital material that has already been published, but

- you materially alter that material, and
- it still requires an imprint in its new form

then you must include your own imprint, even if the original material had an imprint. If you do not, you may be committing an offence.



When material is republished, the duty to include an imprint falls on the person republishing the material (and anyone else on whose behalf they are republishing it).

The duty does not fall on the promoter of the original material which is now being republished. The promoter of the original material only has a duty to make sure that it is possible for the original material to be shared without losing either:

- the imprint (if it is included as part of the material)
- access to the imprint (if it is included somewhere directly accessible from the material)

In all cases, but especially if a promoter encourages the sharing of their material, it is good practice to include the imprint somewhere where it will be most easily retained if the material is shared. If the post contains an image or video, this will usually be in the content of the image or video itself.

If you are a member of the public sharing material, you will usually not need to include an imprint. This is because if you are an individual, and you are not publishing on behalf of anyone else, you do not need to include an imprint with any organic material.

## Enforcement of the regime

If digital material which requires an imprint is published without one, then both

- the promoter of the material
  - anyone else on whose behalf the material is published
- may commit an offence.

Whether it is the police or the Electoral Commission that is initially responsible depends on the purpose of the material in question, rather than who has published it.

The police will enforce material which relates to:

- a particular candidate
- a particular future candidate

The Electoral Commission will enforce material which relates to:

- political parties
- categories of parties, candidates and/or future candidates including categories based on:
- their support for or against particular policies
  - their holding particular opinions
  - any other reason

Where there is uncertainty in a particular case as to which body is responsible for enforcement, this will be resolved between the enforcement bodies on a case by case basis.

The Electoral Commission will regulate digital imprints in line with [our enforcement policy](#).

## Use of powers – obtaining information

The Commission has powers to obtain two different types of information under section 57 of the Scottish Elections (Representation and Reform) Act 2025, which applies Schedule 12 to the Elections Act 2022.

There is a power to give notice in writing to any person requiring them to provide the information identified in the notice, which is reasonably required either:

- to determine whether digital material has been published without an imprint where one was required
- to enable the Commission to make contact with the promoter of the material or any other person on behalf of whom the material has been published

The Commission also has the power to give notice in writing to any person requiring them to provide the Commission with the electronic material identified in the notice, which is reasonably required for the purposes of determining whether electronic material has been published without an imprint where one was required.

The Commission may exercise that power where it is proportionate and in the public interest to do so. We will not do so where that information is easily accessible by other means. Any information obtained under such a notice may not then be used as evidence in any enforcement action against the person who provides the information to the Commission.

### **Compliance with notices**

Where the Commission uses either of these powers, we will set a deadline for compliance. The deadline will be proportionate, taking account of the facts of the specific situation, including the urgency of obtaining the information.

If you do not comply with such a notice, the Commission may seek a court order requiring the information.

## Key terms

### Candidate

A candidate is a candidate at an election for a relevant elective office, including a person who is included in a list of candidates submitted in connection with such an election.

### Digital material

In the legislation, digital material is referred to as 'electronic material'.

Digital material is material in electronic form which consists of or includes:

- text, moving or still images, or
- speech or music.

It does not include material that is received by a person in the form a telephone call (e.g. to a landline telephone number) or material that is received via a text message using SMS to a telephone number.

### Election material

Election material is material that can reasonably be regarded as promoting or procuring electoral success at one or more relevant elections for:

- one or more political parties
- a candidate or future candidate
- political parties, candidates, or future candidates that are linked by their support for or opposition to particular policies, or by holding particular opinions
- other categories of parties, candidates or future candidates that are not based on policies or opinions – for example, candidates or future candidates who went to a state school, or independent candidates (who do not stand for a political party)
- any combination of the above

### Future candidate

A person is a future candidate at an election for a relevant elective office if—

- a) the person has been declared, whether by the person or by someone on their behalf, to be a candidate at the election (and the declaration has not been withdrawn),
  - b) the election is the next scheduled election for the office, and
- the notice of the election has not been published

### Organic material

Organic material is any material which is not a paid advert. That is, material where neither the promoter of the material, nor the person on behalf of whom the material is published, has paid for the material to be published as an advertisement.

### **Paid advert**

A paid advert is material where the promoter of the material, or the person on behalf of whom the material is published, has paid for the material to be published as an advertisement.

For the purposes of the definitions of 'paid advert' and 'organic material', payments are not limited to just money. They can also include benefits in kind.

They do not include payments that are part of the background costs of creating, setting up, operating or maintaining the material. They are limited to payments specifically to the service provider or platform hosting the adverts for the publication of those adverts.

### **Promoter**

The promoter is the person causing the material to be published (but does not include any person who publishes the material as part of that person's ordinary course of business).

### **Publish**

To publish is to transmit to the public at large or any section of the public.

### **Registered non-party campaigner**

A registered non-party campaigner is a campaigner recognised by the Electoral Commission under Part 6 of the Political Parties, Elections and Referendums Act 2000. In the legislation, registered non-party campaigners are referred to as 'recognised third parties'.

### **Registered party**

A registered party is a political party registered by the Electoral Commission under Part 2 of the Political Parties, Elections and Referendums Act 2000.

### **Relevant election**

"Relevant election" means:

- Scottish Parliamentary elections
- Council elections in Scotland