

Classification: Open	Decision Type: Non-Key
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Report to:	Council	Date: 20 March 2024
Subject:	Constitution update	
Report of	Cabinet Member for Corporate Affairs and HR	

Summary

1. Under the Elections Act 2022, the law requires imprints on some kinds of electronic electoral material.
2. Digital material is material in electronic form that consists of or includes text, moving images, still images, speech or music.
3. All paid-for electronic political advertisements in scope of the rules are required to include an imprint, regardless of who has promoted it.
4. The imprint 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)
5. A postal address where the promoter can be contacted, must also be included. It can be an office or business address, or a home address. A PO Box address, or other mailbox service can be used.
6. Breaching the digital imprint rules is a criminal offence and the Electoral Commission and police have shared responsibility for the enforcement of the regime.
7. To ensure that the Council maintains its independence and ensures that it isn't seen as having political activity operating from within the Town Hall during the election period, it is recommended that the constitution is amended to clarify that the Town Hall address should not be use on digital imprints
Article 2 – Councillors section 2.2.3

Recommendation(s)

Members are asked to consider the additional wording to be inserted into the council constitution:

Candidates are not allowed to use Bury Town Hall as their address on their imprints on electronic campaigning material.

Report Author and Contact Details:

Name: Rachel Everitt
Position: Elections Manager
Department: Corporate Core
E-mail: r.everitt@bury.gov.uk

Legal Implications:

Part 6 of the Elections Act 2022 sets out electronic materials must have a digital imprint. If material is published without this imprint a promoter and any one else on whose behalf electronic material has been published may commit an offence under s48 of the Elections Act 2022, the proposed changes to the constitution make it clear that the Council's address must not be used.

Financial Implications:

None