



Elections Act 2022

2022 CHAPTER 37

PART 1

ADMINISTRATION AND CONDUCT OF ELECTIONS

Postal and proxy voting

7 Requirement of secrecy

- (1) Section 66 of RPA 1983 (requirement of secrecy) is amended as follows.
- (2) After subsection (3) insert—

“(3A) No person may—

- (a) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a relevant election;
- (b) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a relevant election;
- (c) obtain or attempt to obtain information, in the circumstances mentioned in subsection (3B), as to the candidate for whom a person voting by post at a relevant election (“V”) is about to vote or has voted;
- (d) communicate at any time to any other person information obtained in contravention of paragraph (c).

(3B) The circumstances referred to in subsection (3A)(c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.

Changes to legislation: Elections Act 2022, Section 7 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3C) But—

- (a) a person (“E”) who is voting by proxy does not contravene subsection (3A) by obtaining or attempting to obtain from the person appointed as E’s proxy information as to a matter mentioned in paragraph (a) or (c) of that subsection that relates to E’s vote, and
- (b) a person who is appointed as proxy for an elector does not contravene subsection (3A) by communicating to that elector information as to a matter mentioned in paragraph (a) or (c) of that subsection that relates to that elector’s vote.

(3D) Subsection (3A)(c) and (d) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

- (a) a published statement relating to the way in which voters intend to vote or have voted at the relevant election, or
- (b) a published forecast as to the result of that election which is based on information given by voters.

(3E) In subsection (3D)—

- (a) “forecast” includes estimate;
- (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;
- (c) the reference to the result of the relevant election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

(3F) A person voting as proxy for an elector at a relevant election—

- (a) must not communicate at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector;
- (b) except for some purpose authorised by law, must not communicate at any time to any person other than that elector the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.”

(3) After subsection (4) insert—

“(4A) No person having undertaken to assist a relevant voter to vote at a relevant election may communicate at any time to any person except that voter any information as to—

- (a) the candidate for whom the voter intends to vote or has voted, or
- (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.

(4B) In subsection (4A) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

(4) In subsection (5), after “to vote”, in the first place it occurs, insert “at an election in Scotland or Wales under the local government Act”.

(5) After subsection (6) insert—

“(6A) In this section, “relevant election” means—

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- (a) a parliamentary election, or
 - (b) an election in England under the local government Act.”
- (6) In rule 31 of Schedule 1 to RPA 1983 (Parliamentary elections rules: notification of requirement of secrecy)—
- (a) in paragraph (1)(a), for “blind voter” substitute “relevant voter”;
 - (b) after paragraph (1) insert—
- “(1A) In paragraph (1)(a) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

Commencement Information

- I1** S. 7 not in force at Royal Assent, see [s. 67\(1\)](#)
- I2** S. 7 in force at 12.12.2023 by [S.I. 2023/1234](#), [reg. 2\(c\)](#) (with [reg. 3](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)