

*These notes refer to the Electoral Administration Act
2006 (c.22) which received Royal Assent on 11 July 2006*

ELECTORAL ADMINISTRATION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Conduct of elections etc.

Offences related to absent voting

Section 39 Undue influence

248. This section amends section 115 of the 1983 Act (undue influence) and addresses attempts by persons to exert undue influence that do not prove to be successful. The amendment will remedy the fact that unsuccessful attempts at preventing the free exercise of the franchise or prevailing upon an elector to vote or to refrain from voting may not at present amount to the corrupt practice of undue influence. The lacuna was identified in the 1992 case of *R v. Rowe ex parte Mainwaring*. The case related to the circulation of a fraudulent pamphlet that was designed to mislead electors into voting against, or withdrawing their support from, the opposing party's candidates. The persons responsible could not be penalised because it could not be proved that the pamphlet had had this result.