

ELECTORAL ADMINISTRATION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Conduct of elections etc.

Offences related to absent voting

Section 40 Offences relating to applications for postal and proxy votes

249. This section inserts a new section 62A of the 1983 Act. It will be both a corrupt practice and criminal offence to apply for a postal or proxy vote with the intention of stealing another person's vote or gaining a vote to which the applicant is not entitled.
250. Section 62A(1) outlines the acts and the intentions that must be proved in order to establish that the offence has been committed. Section 62A(1)(b) specifies that the intention that must be proved is that the person intended to deprive another of the opportunity to vote, or intended to gain a vote to which the person was not entitled, or intended to make some other financial gain.
251. Section 62A(2) details the acts that underpin the offence. These include the applicant pretending to be another elector, or making any other false statement in an application for a postal or proxy vote. It also covers the applicant causing the diversion of communications from the entitled elector or preventing their delivery.
252. **Paragraphs 120 to 126** of Schedule 1 to the Act make consequential amendments to the 1983 Act. If found guilty by an election court, a person may be disqualified from standing for election or from being registered as a voter, for a period of five years. If found guilty on a criminal prosecution, a person may be imprisoned for up to two years and fined.