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# Elections Act 2022

## 2022 CHAPTER 37

### PART 1

#### ADMINISTRATION AND CONDUCT OF ELECTIONS

VALID FROM 06/02/2023

#### *Postal and proxy voting*

VALID FROM 31/10/2023

### **3 Restriction of period for which person can apply for postal vote**

[Schedule 3](#) contains provision limiting the period for which a person can apply to vote by post—

- (a) at parliamentary elections in England and Wales and Scotland, and
- (b) at local government elections in England.

#### **Commencement Information**

- II** S. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 12/12/2023

### **4 Handling of postal voting documents by political campaigners**

- (1) RPA 1983 is amended as follows.
- (2) After section 112 insert—

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### **“112A Handling of postal voting documents by political campaigners**

- (1) A person who is a political campaigner in respect of a relevant election commits an offence if the person handles a postal voting document that has been issued to another person for use in that election.
- (2) But a person who handles a postal voting document for use in a relevant election does not commit the offence if—
  - (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
  - (b) the person is engaged in the business of a postal operator, or
  - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building,  
and the handling is consistent with the person’s duties in that capacity.
- (3) Nor does a person commit the offence if the person—
  - (a) is the other person’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
  - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the offence to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a relevant election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under [subsection \(4\)](#), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person is guilty of a corrupt practice if the person—
  - (a) commits the offence under [subsection \(1\)](#), or
  - (b) aids, abets, counsels or procures the commission of that offence.
- (7) For the purposes of this section a person is a political campaigner in respect of a relevant election if any of the following paragraphs applies—
  - (a) the person is a candidate at the election;
  - (b) the person is an election agent of a candidate at the election;
  - (c) the person is a sub-agent of a person within [paragraph \(b\)](#);
  - (d) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person’s activities as a candidate;
  - (e) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
  - (f) the person is employed or engaged by a registered political party in connection with the party’s political activities;

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- (g) the person is employed or engaged by a person within any of paragraphs (a) to (f) to carry on an activity designed to promote a particular outcome at the election;
- (h) the person is employed or engaged by a person within paragraph (g) to carry on an activity designed to promote a particular outcome at the election.

(8) In this section—

“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);

“postal voting document” means a postal ballot paper, postal voting statement, declaration of identity or envelope that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election;

“relevant election” means—

- (a) a parliamentary election, or
- (b) a local government election in England.

(9) For the purposes of this section, an envelope—

- (a) that is not a postal voting document, but
- (b) that contains a postal ballot paper, postal voting statement or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election,

is to be treated as if it were a postal voting document that has been issued to the person for use in the election.

(10) In this section, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.

(11) For the purposes of subsection (3)(a), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”

(3) In section 160 (persons reported personally guilty of corrupt or illegal practices), in subsection (4A) for “or 62B” substitute “, 62B or 112A”.

(4) In section 168 (prosecutions for corrupt practices), in subsection (1)(a)(i), before “above” insert “or 112A”.

(5) In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) for “or 62B” substitute “, 62B or 112A”.

#### Commencement Information

**I2** S. 4 not in force at Royal Assent, see s. 67(1)

## 5 Handing in postal voting documents

(1) RPA 1983 is amended as follows.

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- (2) Schedule 1 (Parliamentary elections rules) is amended in accordance with subsections (3) and (4).
- (3) In rule 32 (admission to polling station), in paragraph (1), after sub-paragraph (b) insert—
- “(ba) where regulations under rule 45(1B)(a) or (b) provide that a postal ballot paper or postal voting statement may be returned by hand to a polling station, persons aged 18 or over returning such a document by hand;”.
- (4) In rule 45 (the count)—
- (a) in paragraph (1B)—
- (i) omit “and” at the end of sub-paragraph (c);
- (ii) insert “and” at the end of sub-paragraph (d);
- (iii) after sub-paragraph (d) insert—
- “(e) where regulations contain provision made by virtue of paragraph 12ZA of Schedule 2 (handing in postal voting documents), the postal ballot paper is not one that falls to be rejected in accordance with that provision.”;
- (b) in paragraph (2)—
- (i) for sub-paragraph (a) substitute—
- “(a) it is returned in the prescribed manner, accompanied by the declaration of identity duly signed and authenticated, and reaches the returning officer before the close of the poll;”;
- (ii) insert “and” at the end of sub-paragraph (b);
- (iii) after sub-paragraph (b) insert—
- “(c) where regulations contain provision made by virtue of paragraph 12ZB of Schedule 2 (handing in postal voting documents: Northern Ireland), the postal ballot paper is not one that falls to be rejected in accordance with that provision.”
- (5) In Schedule 2 (provisions which may be contained in regulations as to registration etc), after paragraph 12 insert—
- “12ZA (1) Where regulations under rule 45(1B)(a) or (b) in Schedule 1 provide that a postal voting document may be returned by hand to a polling station or to the returning officer, provision within this paragraph.
- (2) Provision—
- (a) requiring a person who seeks to hand in a postal voting document to complete a form containing prescribed information,
- (b) requiring a relevant officer to reject a postal voting document handed in by a person who fails to provide all the prescribed information on such a form, and
- (c) about the arrangements to be made in respect of such forms.
- (3) Provision requiring a relevant officer—

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- (a) to reject all postal voting documents handed in together by a person where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than the prescribed number of electors;
  - (b) to reject a postal voting document handed in by a person, or all postal voting documents handed in together by a person, on a particular occasion, where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by the person on any previous occasion (disregarding any that were rejected), the person has handed in postal voting documents on behalf of more than the prescribed number of electors.
- (4) In [sub-paragraph \(3\)](#)—
- (a) references to postal voting documents handed in by a person are to postal voting documents—
    - (i) all relating to the same election, or
    - (ii) where more than one poll is to be taken on a day, each of which relates to an election the poll at which is to be taken on that day,but do not include references to a postal voting document issued to that person;
  - (b) “electors” means persons who are electors in relation to an election to which any of the postal voting documents handed in by the person relates.
- (5) Provision authorising a relevant officer to reject a postal voting document handed in by a person where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, the person commits an offence under section 112A (offences relating to handling of postal voting documents).
- (6) Provision as to the arrangements to be made in respect of the documents mentioned in [sub-paragraph \(7\)](#), including provision about—
- (a) the procedure to be followed in respect of those documents;
  - (b) storage of those documents;
  - (c) disposal of those documents;
  - (d) transfer of those documents to—
    - (i) the returning officer;
    - (ii) the registration officer.
- (7) The documents are—
- (a) a postal voting document that is rejected;
  - (b) a postal voting document that—
    - (i) is brought into a polling station or into the offices of the returning officer so that it may be handed in to a person, but
    - (ii) is left behind there (without being handed in).
- (8) Provision requiring prescribed information about postal voting documents that are handed in, or about the documents mentioned in [sub-paragraph \(7\)](#), to be supplied to—

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- (a) the returning officer;
  - (b) the registration officer.
- (9) Provision about the notification of the persons mentioned in [sub-paragraph \(10\)](#) where a postal ballot paper is—
- (a) rejected, or
  - (b) left behind as mentioned in [sub-paragraph \(7\)\(b\)](#).
- (10) The persons are—
- (a) the person whose ballot paper it is;
  - (b) where that person is a proxy—
    - (i) that person, and
    - (ii) the elector for whom the person voted as proxy on that paper.
- (11) Provision as to the meaning of any reference in the regulations to—
- (a) a person seeking to hand in a postal voting document;
  - (b) a postal voting document being handed in.
- (12) In this paragraph—
- “postal voting document” means a postal ballot paper, postal voting statement or other document that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election;
- “rejected” means rejected in accordance with regulations made by virtue of this paragraph;
- “relevant election” means—
- (a) a parliamentary election in England and Wales or Scotland, or
  - (b) a local government election in England;
- “relevant officer” means—
- (a) where a postal voting document is handed in at a polling station—
    - (i) the person presiding at the polling station, or
    - (ii) a clerk at the polling station;
  - (b) where a postal voting document is handed in to the returning officer—
    - (i) that officer, or
    - (ii) a person acting under the authority of that officer.
- 12ZB (1) Where regulations under rule 45(2)(a) in Schedule 1 provide that a postal voting document may be returned by hand to the returning officer, provision within this paragraph.
- (2) Provision—
- (a) requiring a person who seeks to hand in a postal voting document to complete a form containing prescribed information,
  - (b) requiring the returning officer to reject a postal voting document handed in by a person who fails to provide all the prescribed information on such a form, and

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- (c) about the arrangements to be made in respect of such forms.
- (3) Provision requiring the returning officer—
  - (a) to reject all postal voting documents handed in together by a person where the returning officer has reasonable cause to suspect that the documents are handed in on behalf of more than the prescribed number of electors;
  - (b) to reject a postal voting document handed in by a person, or all postal voting documents handed in together by a person, on a particular occasion, where the returning officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by the person on any previous occasion (disregarding any that were rejected), the person has handed in postal voting documents on behalf of more than the prescribed number of electors.
- (4) In [sub-paragraph \(3\)](#)—
  - (a) references to postal voting documents handed in by a person are to postal voting documents all relating to the same election, but do not include references to a postal voting document issued to that person;
  - (b) “electors” means persons who are electors in relation to the election to which the postal voting documents handed in by the person relate.
- (5) Provision authorising the returning officer to reject a postal voting document handed in by a person where the returning officer knows or has reasonable cause to suspect that, in handing in the document, the person commits an offence under section 112A (offences relating to handling of postal voting documents).
- (6) Provision as to the arrangements to be made in respect of the documents mentioned in [sub-paragraph \(7\)](#), including provision about—
  - (a) the procedure to be followed in respect of those documents;
  - (b) storage of those documents;
  - (c) disposal of those documents.
- (7) The documents are—
  - (a) a postal voting document that is rejected;
  - (b) a postal voting document that—
    - (i) is brought into the offices of the returning officer so that it may be handed in to a person, but
    - (ii) is left behind there (without being handed in).
- (8) Provision about the notification of the persons mentioned in [sub-paragraph \(9\)](#) where a postal ballot paper is—
  - (a) rejected, or
  - (b) left behind as mentioned in [sub-paragraph \(7\)\(b\)](#).
- (9) The persons are—
  - (a) the person whose ballot paper it is;
  - (b) where that person is a proxy—

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- (i) that person, and
  - (ii) the elector for whom the person voted as proxy on that paper.
- (10) Provision as to the meaning of any reference in the regulations to—
- (a) a person seeking to hand in a postal voting document;
  - (b) a postal voting document being handed in.
- (11) In this paragraph—
- “postal voting document” means a postal ballot paper, declaration of identity, or other document that has been issued to a person for the purpose of enabling the person to vote by post at a parliamentary election in Northern Ireland;
- “rejected” means rejected in accordance with regulations made by virtue of this paragraph.”

**Commencement Information**

**I3** S. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 31/10/2023

**6 Limit on number of electors for whom a proxy can vote**

[Schedule 4](#)—

- (a) contains amendments limiting a person’s entitlement to vote as proxy—
  - (i) at parliamentary elections, and
  - (ii) at local government elections in England, (see paragraphs [6\(4\)](#) and [7\(2\)](#)), and
- (b) makes related provision about proxy voting and proxy appointments.

**Commencement Information**

**I4** S. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

VALID FROM 12/12/2023

**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



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- 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.
- (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.”

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(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—

- (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

**I5** S. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

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