



# Elections Act 2022

## 2022 CHAPTER 37

### PART 1

#### ADMINISTRATION AND CONDUCT OF ELECTIONS

##### *Undue influence*

### 8 Undue influence

(1) After section 114 of RPA 1983 insert—

#### **“114A Undue influence**

- (1) A person is guilty of a corrupt practice if the person is guilty of undue influence.
- (2) A person (“P”) is guilty of undue influence if P carries out an activity falling within subsection (4) for the purpose of—
  - (a) inducing or compelling a person to vote in a particular way or to refrain from voting, or
  - (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (3) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of subsection (4) on account of—
  - (a) a person having voted in a particular way or refrained from voting, or
  - (b) P assuming a person to have voted in a particular way or to have refrained from voting.
- (4) The following activities fall within this subsection—
  - (a) using or threatening to use violence against a person;
  - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;

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*Status: This is the original version (as it was originally enacted).*

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- (c) damaging or threatening to damage a person’s reputation;
  - (d) causing or threatening to cause financial loss to a person;
  - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
  - (f) doing any other act designed to intimidate a person;
  - (g) doing any act designed to deceive a person in relation to the administration of an election.
- (5) For the purposes of subsections (2) and (3) an activity is carried out by a person (“P”) if it is carried out—
- (a) by P,
  - (b) by P jointly with one or more other persons, or
  - (c) by one or more other persons on behalf of P and with P’s authority or consent.
- (6) In subsection (4)(f) and (g) “act” includes an omission (and references to the doing of an act are to be read accordingly).
- (7) This section does not have effect in relation to an election in Scotland or Wales under the local government Act.”
- (2) In section 115 of RPA 1983 (undue influence)—
- (a) in subsection (1), after “influence” insert “in relation to an election in Scotland or Wales under the local government Act”;
  - (b) in subsection (2), after “influence” insert “in relation to an election in Scotland or Wales under the local government Act”;
  - (c) in the heading, after “influence” insert “: local government elections in Scotland and Wales”.
- (3) [Schedule 5](#) contains further provision relating to this section.