

Postal Voting Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office with the consent of Damien Moore, the Member in charge of the Bill, are published separately as Bill 166-EN.

Postal Voting Bill

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TO

Make provision about postal voting at elections.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Offences relating to handling of postal voting documents

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) After section 65 insert—

“65ZA Offences relating to handling of postal voting documents

- (1) A person commits an offence if the person— 5
 - (a) engages in activities for the purpose of promoting a particular outcome at a relevant election, and
 - (b) in the course of those activities handles a postal voting document that has been issued to another person.
- (2) But a person does not commit an offence under subsection (1) if the person— 10
 - (a) is the other person’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
 - (b) provides regular care for the other person (whether or not for payment). 15
- (3) A person commits an offence if, in connection with a relevant election, the person corruptly handles a postal voting document that has been issued to another person.
- (4) A person is guilty of a corrupt practice if the person— 20
 - (a) commits an offence under subsection (1) or (3), or
 - (b) aids, abets, counsels or procures the commission of such an offence.
- (5) In this section—

“postal voting document”, in relation to a person who is entitled to vote by post at a relevant election, means a postal ballot paper or other document that has been issued to the person for the purpose of voting by post at the election;

“relevant election” means – 5

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

(3) In section 160 (persons reported personally guilty of corrupt or illegal practices), in subsection (4A) for “or 62B” substitute “, 62B or 65ZA”.

(4) In section 168 (prosecutions for corrupt practices), in subsection (1)(a)(i) for “or 62A” substitute “, 62A or 65ZA”. 10

(5) In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) for “or 62B” substitute “, 62B or 65ZA”.

(6) In section 187 (application of Act to certain local elections), in subsection (1)(a) after “62A” insert “, 65ZA”. 15

2 Restriction on handing in postal voting documents on behalf of others

In Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain), after paragraph 7 insert –

“Restriction on handing in postal voting documents on behalf of others

7ZA (1) A person may not, in respect of a relevant election, hand in postal voting documents on behalf of more than the prescribed number of electors. 20

(2) In this paragraph –

(a) “relevant election” means – 25

(i) a parliamentary election, or

(ii) a local government election in England;

(b) “postal voting document”, in relation to an elector entitled to vote by post at the election, means a postal ballot paper or other document issued to the elector for the purpose of voting by post; 30

(c) the reference to handing in a postal voting document is to handing it in for the purpose of returning it.

(3) In its application for the purposes of sub-paragraph (1), section 201 of the 1983 Act (regulations) has effect as if references to the Secretary of State were to the Secretary of State or the Minister for the Cabinet Office.” 35

3 Notification of rejected postal vote

(1) Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows.

(2) In paragraph 7E (notification of rejected postal vote) – 40

- (a) for sub-paragraph (2) substitute –
- “(2) For the purposes of sub-paragraph (1), a postal ballot paper is “rejected” if –
- (a) it is not taken to have been duly returned in accordance with the appropriate rules because the returned postal voting statement was not duly completed, 5
 - (b) the returning officer determines, in accordance with regulations, that it was handed in by a person who, in doing so, committed an offence under section 65ZA of the 1983 Act (offences relating to handling of postal voting documents), or 10
 - (c) the returning officer determines, in accordance with regulations, that it was handed in by a person who contravened paragraph 7ZA(1) (restriction on handing in postal voting documents on behalf of others).”; 15
- (b) in sub-paragraph (3) –
- (i) in the words before paragraph (a), for “this paragraph” substitute “sub-paragraph (1)”, and 20
 - (ii) in paragraph (a), after “which may” insert “, in a case within sub-paragraph (2)(a),”;
- (c) after sub-paragraph (3) insert –
- “(4) In its application for the purposes of sub-paragraph (2)(b) and (c), section 201 of the 1983 Act (regulations) has effect as if references to the Secretary of State were to the Secretary of State or the Minister for the Cabinet Office.” 25
- (3) In paragraph 7F(1), for “7E” substitute “7E(1)”.

4 Extent, commencement and short title

- (1) Section 1 and this section extend to England and Wales, Scotland and Northern Ireland. 30
- (2) An amendment made by section 2 or 3 has the same extent as the provision to which it relates.
- (3) Sections 1 and 3 come into force on such day as the Secretary of State or the Minister for the Cabinet Office may by regulations made by statutory instrument appoint. 35
- (4) Section 2 and this section come into force on the day on which this Act is passed.
- (5) Regulations under subsection (3) – 40
 - (a) may appoint different days for different purposes;
 - (b) may include transitional or saving provision.
- (6) This Act may be cited as the Postal Voting Act 2018.

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B I L L

To make provision about postal voting at elections.

*Ordered to be brought in by Damien Moore,
Mr Simon Clarke, Vicky Ford,
Eddie Hughes, Andrew Bowie,
Giles Watling, Julia Lopez
and Lee Rowley.*

*Ordered, by The House of Commons,
to be Printed, 20th February 2018.*

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