

Ballot Secrecy Bill [HL]

[AS BROUGHT FROM THE LORDS]

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[AS BROUGHT FROM THE LORDS]

A

B I L L

TO

Make provision for ensuring the secrecy of ballots cast in polling stations at elections; and for connected purposes.

BE IT ENACTED by the King'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 Amendment of the Representation of the People Act 1983

In the Representation of the People Act 1983, before section 63 insert—

“62C Influencing voters at polling booths

- (1) A person who—
 - (a) is with another person at a polling booth, and 5
 - (b) intends to influence that other person to vote in a particular way or to refrain from voting, commits an offence.
- (2) A person who—
 - (a) is near a polling booth when another person is at that booth, and 10
 - (b) intends to influence that other person to vote in a particular way or to refrain from voting, commits an offence.
- (3) For the purposes of this section— 15
 - (a) a “polling booth” is a compartment in a polling station in which voters can mark votes screened from observation;
 - (b) assisting a person with voting, in accordance with rule 39 of Schedule 1 or any other legislation, is not influencing that person to vote in a particular way or to refrain from voting; 20
 - (c) a person may be near one polling booth while at a different polling booth.
- (4) A person who commits an offence under this section is liable on summary conviction—
 - (a) in England and Wales, to imprisonment for a term not exceeding 6 months, to a fine or to both; 25

- (b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (5) This section does not have effect in relation to an election in Scotland or Wales under the local government Act.” 5

2 Amendment of Northern Ireland legislation

- (1) In the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))—
- (a) in section 111, in subsection (2A), after paragraph (c) insert—
- “(ca) in the case of an offence under paragraph 26A of Schedule 9, on summary conviction to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both;” 10
- (b) in Part 3 of Schedule 9, after paragraph 26 insert—
- “26A (1) A person who—
- (a) is with another person at a polling booth, and 15
- (b) intends to influence that other person to vote in a particular way or to refrain from voting, commits an offence.
- (2) A person who—
- (a) is near a polling booth when another person is at that booth, and 20
- (b) intends to influence that other person to vote in a particular way or to refrain from voting, commits an offence.
- (3) For the purposes of this paragraph— 25
- (a) a "polling booth" is a compartment in a polling station in which voters can mark votes screened from observation;
- (b) assisting a person with voting, in accordance with rule 36 of Schedule 5 or any other legislation, is not influencing that person to vote in a particular way or to refrain from voting; 30
- (c) a person may be near one polling booth while at a different polling booth.”
- (2) In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), in the table, before the entry for section 63 of the Representation of the People Act 1983 insert— 35
- “Section 62C (influencing voters at polling booths)”.

3 Extent, commencement and short title

- (1) Section 1, section 2(2) and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 2(1) extends to Northern Ireland only.
- (3) This section comes into force on the day on which this Act is passed. 5
- (4) The other provisions of this Act come into force on such day or days as the Secretary of State may, by regulations, appoint.
- (5) Regulations under subsection (4) may appoint different days for different purposes or areas.
- (6) The Secretary of State may, by regulations, make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act. 10
- (7) Regulations under subsection (6) may make different provision for different purposes or areas.
- (8) Regulations under this section are to be made by statutory instrument. 15
- (9) This Act may be cited as the Ballot Secrecy Act 2022.

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