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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Police and Crime Commissioner Elections Order 2012**

**PART 2**

**Exercise of franchise for PCC elections**

*Offences*

**Requirement of secrecy**

**22.**—(1) The persons listed in paragraph (2) must maintain and aid in maintaining the secrecy of voting and must not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station,
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station, or
- (c) the official mark on any ballot paper.

(2) The listed persons are—

- (a) every police area returning officer or local returning officer attending at a polling station,
- (b) every deputy of such an officer so attending,
- (c) every presiding officer or clerk so attending,
- (d) every candidate or election agent or polling agent so attending, and
- (e) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act<sup>(1)</sup> (which makes provision about the attendance at certain elections of Commission representatives and accredited observers).

(3) Every person attending at the verification of the ballot paper accounts or the counting of the votes must maintain and aid in maintaining the secrecy of voting and must not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person attending at the verification of the ballot paper accounts may express to any person an opinion based on information obtained at that verification as to the likely result of the election.

(5) No person may—

- (a) interfere with or attempt to interfere with a voter when recording his vote;

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<sup>(1)</sup> 2000 c.41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 and section 6A(5) was amended by paragraphs 89 and 92 of S.I. 2007/1388 and paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13).

- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
  - (d) directly or indirectly induce a voter to display the ballot paper after the voter has marked it so as to make known to any person the name of the candidate for whom the voter has or has not voted.
- (6) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post must maintain and aid in maintaining the secrecy of the voting and must not—
- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;
  - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;
  - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper;
  - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (7) No person having undertaken to assist a voter with disabilities (within the meaning of rule 41(10) of the PCC elections rules) to vote may communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.
- (8) A person who acts in contravention of this article is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.