



Electoral Administration Act 2006

2006 CHAPTER 22

PART 6

CONDUCT OF ELECTIONS ETC.

Circumstances in which votes may be tendered

38 Tendered votes

- (1) In Schedule 1 to the 1983 Act, in rule 40 (tendered ballot papers), after paragraph (1) insert—

“(1ZA) Paragraph (1ZC) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(1ZB) Paragraph (1ZC) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(1ZC) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

- (2) After paragraph (1ZC) of that rule (inserted by subsection (1) above) insert—

Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Circumstances in which votes may be tendered. (See end of Document for details)

“(1ZD) Paragraph (1ZE) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register and who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(1ZE) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

(3) In section 61 of that Act (certain voting offences), after subsection (6) insert—

“(6A) A person is not guilty of an offence under subsection (2)(b) or (3)(b) above only by reason of his having marked a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.”

(4) In section 5 of the Representation of the People Act 1985 (c. 50) (absent voting in Northern Ireland) after subsection (5A) insert—

“(5B) Subsection (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.”

(5) In section 9 of that Act (voting as proxy in Northern Ireland) after subsection (11) insert—

“(11A) Subsection (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.”

(6) In Schedule 4 to the Representation of the People Act 2000 (c. 2) (absent voting in Great Britain)—

- (a) in paragraph 2 (manner of voting at parliamentary or local government elections) after sub-paragraph (6) insert—

“(6A) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.”;

- (b) in paragraph 7 (voting as proxy) after sub-paragraph (9) insert—

“(10) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.”

Commencement Information

- II** S. 38 wholly in force at 1.7.2008; s. 38 not in force at Royal Assent see s. 77; s. 38(1)-(3)(6) in force for E.W.S at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(s) (subject to Sch. 2); s. 38(1)-(3)(6) in force for N.I. and s. 38(4)(5) in force at 1.7.2008 by S.I. 2008/1316, arts. 2(2){(3)}, 4(p), 5(a)

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