



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 6

#### CONDUCT OF ELECTIONS ETC.

##### *Offences related to voting*

#### **39 Undue influence**

- (1) In section 115 of the 1983 Act (offence of undue influence), in subsection (2)(b)—
- (a) after “prevents” insert “, or intends to impede or prevent,”;
  - (b) after “prevails upon” insert “, or intends so to compel, induce or prevail upon,”.
- (2) This section does not have effect in relation to a local government election in Scotland.

#### **Commencement Information**

- II [S. 39](#) wholly in force at 11.9.2006, see [s. 77\(2\)-\(4\)](#) and [S.I. 2006/1972](#), [art. 3](#), [Sch. 1 para. 6](#) (subject to transitional provisions in [Sch. 2](#))

#### **40 Offences relating to applications for postal and proxy votes**

After section 62 of the 1983 Act (offences as to declarations) insert—

##### **“62A Offences relating to applications for postal and proxy votes**

- (1) A person commits an offence if he—
- (a) engages in an act specified in subsection (2) at a parliamentary or local government election, and

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*Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Offences related to voting. (See end of Document for details)*

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- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (2) These are the acts—
- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
  - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
  - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In subsection (1)(b), property includes any description of property.
- (4) In subsection (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under subsection (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.
- (6) This section does not apply to anything done at a local government election in Scotland.”

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**Commencement Information**

**I2** S. 40 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 7 (subject to transitional provisions in Sch. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Electoral Administration Act 2006,  
Cross Heading: Offences related to voting.