

PARLIAMENTARY VOTING SYSTEM AND CONSTITUENCIES ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 3: Absent voting in the referendum

104. *Part 1* of *Schedule 3* is modelled on Schedule 4 to the Representation of the People Act 2000 and includes provision in relation to Great Britain which will enable people to apply for an absent vote specifically at the referendum on voting systems. Provision is also made for electors who register or are already registered for a postal vote at one of the polls combined with the referendum or at a UK parliamentary election, and who are entitled to vote in the referendum, to be automatically registered for a postal vote for the referendum. Similar provision is made for those registered for other forms of absent vote. Provisions are also included which allow the voting arrangements which are in place for peers at local government or European Parliamentary elections to be applied for the referendum. *Part 2* is modelled on sections 5 to 11 of the Representation of the People Act 1985 and makes similar provision for Northern Ireland.

Part 1 – Great Britain

105. *Paragraph 2* determines the manner of voting in Great Britain of a person entitled to vote in the referendum, whether in person, by post or by proxy. The arrangements for absent voting in the referendum mirror and build on the existing arrangements for UK parliamentary, European parliamentary and local government elections.
106. *Paragraph 3* provides that if a person is on the postal voters list he or she can vote by post in the referendum. Similarly, if a person is on the list of proxies he or she can vote by proxy in the referendum.
107. *Paragraph 4* provides the circumstances in which a registration officer must grant an application from a person who wishes to vote by post or by proxy in the referendum.
108. Generally speaking, an application to vote by post or by proxy in the referendum must contain the applicant's signature. But *paragraph 4(7)* provides that the registration officer may dispense with the requirement for an applicant to provide a signature if the officer is satisfied that the applicant is unable to do so due to any disability or due to an inability to read or write. The registration officer may also dispense with the requirement to provide a signature if he or she is satisfied that the applicant is unable to sign in a consistent and distinctive way.
109. Specific provision for handling applications from persons who have an anonymous entry in the electoral register is made by *paragraph 4(3)*.
110. *Paragraph 5* provides that the registration officer must, for the purposes of the referendum, keep a postal voters list and a list of proxies. The paragraph sets out the information that must be included in each list.

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111. An ordinary elector is included on the postal voters list if he or she has successfully applied to vote by post for the referendum on the voting system or if he or she has a postal vote for one of the polls which are combined with the referendum or for UK parliamentary elections. Peers are also included on the postal voters list if they have successfully applied to vote by post for the referendum or if they have a postal vote for either local government or European parliamentary elections.
112. An ordinary elector is included on the proxy voters list if he or she has successfully applied to vote by proxy for the referendum on the voting system or if he or she has an existing proxy vote for one of the polls which are combined with the referendum or for UK Parliamentary elections. Peers are also included on the proxy voters list if they have successfully applied to vote by proxy for the referendum or if they have a postal vote for either local government or European parliamentary elections.
113. Where an elector has an absent voting arrangement for a combined election and a different absent voting arrangement for a UK parliamentary election, the absent voting arrangement for the combined election will be applied to the referendum. Where an elector has a postal vote for one election which is combined with the referendum and a proxy vote for another election which is combined with the referendum, the postal voting arrangement will apply for the referendum. Where a peer has an absent voting arrangement for a local government election but no such arrangement for European parliamentary elections, or vice versa, the absent voting arrangements will be applied to the referendum. In circumstances where a peer has a postal vote for a local government election and a proxy vote for the European parliamentary election or vice versa, the postal voting arrangement will apply for the referendum.
114. *Paragraphs 6 and 7* set out certain requirements in relation to the appointment of proxies in the referendum.
115. *Paragraph 8* sets out the procedure for voting as a proxy. This paragraph includes provisions which enable a person who has been appointed as a proxy to apply to vote by post and provisions which enable such a person to apply to the registration officer for their referendum ballot paper to be sent to a different address from the one shown in the record. Paragraph 8(6) sets out the content of the proxy postal voters list which the registration officer is responsible for maintaining. A person is included on the proxy postal voters list for the referendum if he or she has either applied for a proxy postal vote for the purposes of the referendum or has a proxy postal vote for an election which is combined with the referendum or for UK parliamentary elections. A person who is entitled to vote by post as a proxy for a peer in either local government or European parliamentary elections is also to be included on the proxy postal voters list kept under paragraph 8(6).
116. *Paragraph 9* provides for the registration officer to provide the counting officer with, or give access to, the personal identifiers (dates of birth and signatures) of postal and proxy voters in the referendum. This will enable the counting officer to carry out verification of postal ballot papers. *Paragraph 10* provides that the registration officer may disclose personal identifiers collected in connection with applications for postal and proxy votes for the referendum to other registration officers or to persons dealing with legal proceedings in relation to elections. This will enable queries and challenges to voting arrangements to be dealt with effectively.
117. *Paragraph 11* provides that any person who makes a statement which he or she knows to be false in a declaration or form which is used for the purposes of Part 1 of this Schedule or attests an application knowing it to be false is guilty of an offence and liable on summary conviction to a fine. The fine would not exceed level five on the standard scale (currently £5,000). Paragraph 11 also makes it an offence for a person to provide false information in connection with an application to vote by post or by proxy: this offence is based upon the offence in section 13(1A) of the 1983 Act.

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Part 2 –Northern Ireland

118. *Paragraphs 12-20* contain equivalent provisions with necessary adaptations for absent voting in Northern Ireland. This includes a requirement under *paragraph 15* for the registration officer to grant an application to vote by post or by proxy where certain conditions are met.