

SCHEDULES

SCHEDULE 6

LOCAL ELECTIONS IN NORTHERN IRELAND AND ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

PART 1

LOCAL ELECTIONS IN NORTHERN IRELAND

Electoral Law Act (Northern Ireland) 1962

27 (1) Paragraph 27 (requirement of secrecy) is amended as follows.

(2) In sub-paragraph (3)—

- (a) omit “or” at the end of paragraph (d), and
- (b) omit paragraph (e).

(3) After sub-paragraph (3) insert—

“(3A) A person is guilty of an electoral offence if the person—

- (a) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a local election;
- (b) except for some purpose authorised by law, obtains or attempts to obtain information, or communicates at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a local election;
- (c) obtains or attempts to obtain information, in the circumstances mentioned in sub-paragraph (3B), as to the candidate for whom a person voting by post at a local election (“V”) is about to vote or has voted; or
- (d) communicates at any time to any other person information obtained in contravention of paragraph (c).

(3B) The circumstances referred to in sub-paragraph (3A)(c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.

(3C) But—

- (a) a person (“E”) who is voting by proxy is not guilty of the offence under sub-paragraph (3A) if E obtains or attempts to obtain from the person appointed as E’s proxy information as to a matter

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 for the Elections Act 2022, Paragraph 27. (See end of Document for details)*

mentioned in paragraph (a) or (c) of that sub-paragraph that relates to E's vote, and

- (b) a person who is appointed as proxy for an elector is not guilty of the offence under sub-paragraph (3A) if the person communicates to that elector information as to a matter mentioned in paragraph (a) or (c) of that sub-paragraph that relates to that elector's vote.

(3D) Sub-paragraph (3A)(c) and (d) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

- (a) a published statement relating to the way in which voters intend to vote or have voted at the election, or
- (b) a published forecast as to the result of that election which is based on information given by voters.

(3E) In sub-paragraph (3D)—

- (a) “forecast” includes estimate;
- (b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;
- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

(3F) A person voting as proxy for an elector at a local election is guilty of an electoral offence if the person—

- (a) communicates at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector; or
- (b) except for some purpose authorised by law, communicates at any time to any person other than that elector any information as to the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.”

(4) After sub-paragraph (4) insert—

“(5) A person who has undertaken to assist a relevant voter to vote at a local election is guilty of an electoral offence if the person communicates at any time to any person except that voter any information as to—

- (a) the candidate for whom the voter intends to vote or has voted, or
- (b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.

(6) In sub-paragraph (5) “relevant voter” means a voter who is blind, has another disability, or is unable to read.”

Commencement Information

II Sch. 6 para. 27 not in force at Royal Assent, see [s. 67\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Elections Act 2022, Paragraph 27.