



Elections Act 2022

2022 CHAPTER 37

PART 1

ADMINISTRATION AND CONDUCT OF ELECTIONS

Postal and proxy voting

PROSPECTIVE

4 Handling of postal voting documents by political campaigners

- (1) RPA 1983 is amended as follows.
- (2) After section 112 insert—

“112A Handling of postal voting documents by political campaigners

- (1) A person who is a political campaigner in respect of a relevant election commits an offence if the person handles a postal voting document that has been issued to another person for use in that election.
- (2) But a person who handles a postal voting document for use in a relevant election does not commit the offence if—
 - (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
 - (b) the person is engaged in the business of a postal operator, or
 - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building, and the handling is consistent with the person’s duties in that capacity.
- (3) Nor does a person commit the offence if the person—

Status: This version of this provision is prospective.

Changes to legislation: *There are currently no known outstanding effects for the Elections Act 2022, Section 4. (See end of Document for details)*

- (a) is the other person's spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
 - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the offence to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a relevant election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under [subsection \(4\)](#), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person is guilty of a corrupt practice if the person—
 - (a) commits the offence under [subsection \(1\)](#), or
 - (b) aids, abets, counsels or procures the commission of that offence.
- (7) For the purposes of this section a person is a political campaigner in respect of a relevant election if any of the following paragraphs applies—
 - (a) the person is a candidate at the election;
 - (b) the person is an election agent of a candidate at the election;
 - (c) the person is a sub-agent of a person within [paragraph \(b\)](#);
 - (d) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person's activities as a candidate;
 - (e) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
 - (f) the person is employed or engaged by a registered political party in connection with the party's political activities;
 - (g) the person is employed or engaged by a person within any of [paragraphs \(a\) to \(f\)](#) to carry on an activity designed to promote a particular outcome at the election;
 - (h) the person is employed or engaged by a person within [paragraph \(g\)](#) to carry on an activity designed to promote a particular outcome at the election.
- (8) In this section—
 - “postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see [section 27\(3\) to \(5\)](#) of that Act);
 - “postal voting document” means a postal ballot paper, postal voting statement, declaration of identity or envelope that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election;
 - “relevant election” means—
 - (a) a parliamentary election, or
 - (b) a local government election in England.
- (9) For the purposes of this section, an envelope—
 - (a) that is not a postal voting document, but
 - (b) that contains a postal ballot paper, postal voting statement or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a relevant election,

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is to be treated as if it were a postal voting document that has been issued to the person for use in the election.

(10) In this section, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.

(11) For the purposes of [subsection \(3\)\(a\)](#), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”

(3) In section 160 (persons reported personally guilty of corrupt or illegal practices), in subsection (4A) for “or 62B” substitute “, 62B or 112A”.

(4) In section 168 (prosecutions for corrupt practices), in subsection (1)(a)(i), before “above” insert “or 112A”.

(5) In section 173 (incapacities on conviction of corrupt or illegal practice), in [subsection \(2\)](#) for “or 62B” substitute “, 62B or 112A”.

Commencement Information

II S. 4 not in force at Royal Assent, see [s. 67\(1\)](#)

Status:

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Changes to legislation:

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