



Electoral Administration Act 2006

2006 CHAPTER 22

PART 3

ANTI-FRAUD MEASURES

14 Absent voting: personal identifiers

- (1) In paragraph 3 of Schedule 4 to the Representation of the People Act 2000 (c. 2) (application for absent vote for definite or indefinite period)—
- (a) in sub-paragraph (1)(b), after “application” insert “contains the applicant’s signature and date of birth and”;
 - (b) in sub-paragraph (2)(c), after “application” insert “contains the applicant’s signature and date of birth and”;
 - (c) after sub-paragraph (7) insert—
 - “(8) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
 - (a) to provide a signature because of any disability the applicant has,
 - (b) to provide a signature because the applicant is unable to read or write, or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (9) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (8) has dispensed with the requirement to provide a signature, their signatures.

Status: This is the original version (as it was originally enacted).

- (10) The record kept under sub-paragraph (9) must be retained by the registration officer for the prescribed period.”
- (2) In paragraph 4 of that Schedule (application for absent vote at particular election)—
- (a) in sub-paragraph (1)(b), after “application” insert “contains the applicant’s signature and date of birth and”;
 - (b) in sub-paragraph (2)(c), after “application” insert “contains the applicant’s signature and date of birth and”;
 - (c) after sub-paragraph (4) insert—
- “(5) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
 - (b) to provide a signature because the applicant is unable to read or write, or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (6) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (5) has dispensed with the requirement to provide a signature, their signatures.
- (7) The record kept under sub-paragraph (6) must be retained by the registration officer for the prescribed period.”
- (3) In paragraph 7 of that Schedule (application for proxy postal vote)—
- (a) in sub-paragraph (5)(c), after “application” insert “contains the applicant’s signature and date of birth and”;
 - (b) after sub-paragraph (10) (as inserted by section 38(6)(b) of this Act) insert—
- “(11) The registration officer may dispense with the requirement under sub-paragraph (5)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
 - (b) to provide a signature because the applicant is unable to read or write, or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.”
- (12) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4)(a) or (b) have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

Status: This is the original version (as it was originally enacted).

(13) The record kept under sub-paragraph (12) must be retained by the registration officer for the prescribed period.”

(4) After paragraph 7 of that Schedule insert—

“Provision of fresh signatures

- 7A (1) A person who remains on the record kept under paragraph 3(4) or 7(6) may, at any time, provide the registration officer with a fresh signature.
- (2) Anything required or authorised to be done for the purposes of any enactment in relation to a signature required to be provided in pursuance of this Schedule must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.
- 7B Regulations may make provision as to—
- (a) circumstances in which a registration officer may require a person who remains on the record kept under paragraph 3(4) or 7(6) to provide a fresh signature;
 - (b) the consequences of a person refusing or failing to comply with a requirement to provide a fresh signature.

Use of personal identifier information

- 7C The registration officer must either —
- (a) provide the returning officer for an election with a copy of the information contained in records kept by the registration officer in pursuance of paragraphs 3(9), 4(6) and 7(12) in relation to electors at the election, or
 - (b) give the returning officer access to such information.
- 7D Information contained in records kept by a registration officer in pursuance of paragraph 3(9), 4(6) or 7(12) may be disclosed by him (subject to any prescribed conditions) to—
- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties;
 - (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Representation of the People Acts;
 - (c) such other persons for such other purposes relating to elections as may be prescribed.”

(5) The Secretary of State may by regulations make provision—

- (a) enabling the registration officer to require an existing absent voter to provide the registration officer with a signature and date of birth;
- (b) as to the consequences of an existing absent voter refusing or failing in such circumstances as are prescribed to provide a signature and date of birth.

(6) An existing absent voter is a person whose application under any of the following provisions of that Schedule has been granted before this section comes into force—

- paragraph 3(1) or (2);
- paragraph 4(1) or (2);

paragraph 7(4).

- (7) The regulations—
- (a) may make different provision for different purposes;
 - (b) must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Nothing in this section or the amendments made by it has effect in relation to anything which is done only for the purposes of a local government election in Scotland.

15 Offences as to false registration information

- (1) Section 13D of the 1983 Act (provision of false information) is amended in accordance with subsections (2) to (8).
- (2) For subsection (1) substitute—
- “(1) A person who for any purpose connected with the registration of electors provides to a registration officer any false information is guilty of an offence.”
- (3) After subsection (1) (as substituted by subsection (2) above) insert—
- “(1A) A person who provides false information in connection with an application (other than an application relating only to a local government election in Scotland) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 (applications relating to absent voting) applies is guilty of an offence—
- (a) paragraph 3(1) or (2);
 - (b) paragraph 4(1) or (2);
 - (c) paragraph 7(4).”
- (4) In subsection (3) after “subsection (1)” insert “or (1A)”.
- (5) In subsection (4) after “subsection (1)” insert “or (1A)”.
- (6) In subsection (6)(a) for “six months” substitute “51 weeks”.
- (7) After subsection (6) insert—
- “(7) In the application of subsection (6)(a) to Scotland and Northern Ireland, the reference to 51 weeks must be taken to be a reference to six months.
- (8) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (6) (a) to 51 weeks must be taken to be a reference to six months.”
- (8) With effect from the commencement of this section, section 13D of the 1983 Act extends to the whole of the United Kingdom.
- (9) In section 8 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13) (short title, interpretation, commencement and extent), in subsection (5) after “Act” insert “(except section 7)”.