



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 6

#### CONDUCT OF ELECTIONS ETC.

##### *Ballot papers*

#### **34 Revision of electoral provisions in the light of pilot schemes**

- (1) This section applies if the Secretary of State thinks, in the light of a report made under section 33 on the operation of a pilot order under section 32, that it would be desirable for provision similar to that made by the order to apply generally, and on a permanent basis, in relation to—
  - (a) parliamentary elections;
  - (b) local government elections in England and Wales;
  - (c) any description of election falling within paragraph (a) or (b).
- (2) The Secretary of State may by order make provision for the purposes of enabling ballot papers issued at such elections (mentioned in subsection (1)) as are specified in the order to contain photographs of the candidates.
- (3) The Secretary of State must not make an order under subsection (2) unless he first consults the Electoral Commission.
- (4) An order under subsection (2) may—
  - (a) include such provision modifying or disapplying any enactment as the Secretary of State thinks is necessary or expedient for the purposes of the order;
  - (b) create or extend the application of an offence.
- (5) An order under subsection (2) must not create an offence punishable—
  - (a) on conviction on indictment, with imprisonment for a term exceeding one year;

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*Status: This is the original version (as it was originally enacted).*

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- (b) on summary conviction, with imprisonment for a term exceeding 51 weeks or with a fine exceeding the statutory maximum.
- (6) The power to make an order under subsection (2) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (7) The reference to local government elections must be construed in accordance with section 32.
- (8) If an order under subsection (2) is made before the date of commencement of section 281(5) of the Criminal Justice Act 2003, then in relation to any offence committed before that date the reference in subsection (5)(b) to 51 weeks must be taken to be a reference to six months.
- (9) In its application to Scotland and Northern Ireland, the reference in subsection (5)(b) to 51 weeks must be taken to be a reference to six months.