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## SCHEDULES

## SCHEDULE 10

THE ALTERNATIVE VOTE SYSTEM: FURTHER AMENDMENTS

## PART 2

## AMENDMENTS OF OTHER PROVISIONS OF THE 1983 ACT

- The 1983 Act is amended as follows.
- 14 (1) In section 66 (requirement of secrecy), in subsection (2)(b), for "the candidate for whom any vote is given on any particular ballot paper" there is substituted "how any particular ballot paper has been marked".
  - (2) In subsection (3)(b) and (c) of that section, for "the candidate for whom" there is substituted "how".
  - (3) In subsection (3)(d) of that section, for "the name of the candidate for whom he has or has not" there is substituted "how he has".
  - (4) In subsection (4)(d) of that section, for "the candidate for whom any vote is given on any particular ballot paper" there is substituted "how any particular ballot paper has been marked".
  - (5) In subsection (5) of that section, for "the candidate for whom" there is substituted "how".
  - (6) Subsections (7) and (8) of that section are repealed.
  - (7) The amendments made by this paragraph do not apply to a local government election (within the meaning given by section 204(1) of the 1983 Act) in Scotland.
- 15 In section 113 (bribery), in subsection (7)—
  - (a) for "this section the expression" there is substituted "this section—
    - "(a) the expression";
  - (b) at the end there is inserted—
    - "(b) a reference to voting or refraining from voting, in the case of a parliamentary election, includes a reference to marking or refraining from marking preferences on the ballot paper;
    - (c) a reference to the vote of any voter, in the case of a parliamentary election, includes a reference to the marking of a voter's preferences on the ballot paper."
- In section 114 (treating), at the end there is inserted—
  - "(4) Subsection (7)(b) of section 113 above has effect for the purposes of this section as it has effect for the purposes of that one."

- 17 In section 115 (undue influence), at the end there is inserted—
  - "(3) Subsection (7)(b) of section 113 above has effect for the purposes of this section as it has effect for the purposes of that one."
- 18 (1) In section 117 (savings as to parliamentary elections), in subsection (2)(b), for "to record his vote for any particular candidate" there is substituted "to vote in any particular way".
  - (2) In subsection (2)(c) of that section, for "recording his vote for any particular candidate" there is substituted "voting in any particular way".
- 19 (1) In section 139 (trial of election petition), in subsection (6) the words "the parliamentary elections rules or", in both places, are repealed.
  - (2) After that subsection there is inserted—
    - "(6A) If the petition relates to an election conducted under the parliamentary elections rules and it appears that there is an equality of votes between any candidates (a "tie")—
      - (a) rule 49, 49A or 62 of those rules (whichever is relevant) shall apply for the purposes of the petition;
      - (b) where under rule 49 or 49A the tie falls to be resolved by lot—
        - (i) any decision made by lot by the returning officer under that rule shall, in so far as it resolves the tie, be effective also for the purposes of the petition, and
        - (ii) in so far as the tie is not resolved by such a decision, the court shall resolve it by lot."
- In section 165 (avoidance of election for employing corrupt agent), after subsection (3) there is inserted—
  - "(3A) In the case of a parliamentary election—
    - (a) a vote shall be deemed in accordance with subsection (3) above to be thrown away only to the extent that it indicates a preference (whether a first preference or any other) for the person who was under the incapacity, and
    - (b) any number on the voter's ballot paper indicating a subsequent preference shall be treated as reduced by one."
- In section 166 (votes to be struck off for corrupt or illegal practices), in subsection (1), for the words from "election there shall" to the end there is substituted "election, then on a scrutiny
  - there shall be disregarded any preference for the candidate (whether a first preference or any other) indicated by a voter who is proved to have been so bribed, treated or unduly influenced, and
  - (b) any number on the voter's ballot paper indicating a subsequent preference shall be treated as reduced by one."
- In section 199B (translations etc of certain documents), in subsection (6), for the words "in the case of a parliamentary election or" in paragraph (a) there is substituted—

"in the case of a parliamentary election, must have printed the following words both at the top and immediately below the list of candidates:

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"Put the number 1 next to the name of the candidate who is your first choice (or your only choice, if you want to vote for only one candidate). You can also put the number 2 next to your second choice, 3 next to your third choice, and so on.

You can mark as few or as many choices (up to the number of candidates) as you wish.

Do not use the same number more than once.",

(aa) in the case of".