



Elections Act 2022

2022 CHAPTER 37

PART 1

ADMINISTRATION AND CONDUCT OF ELECTIONS

Postal and proxy voting

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—
 - (a) is the other person’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or

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

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- (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

- I1** S. 4 not in force at Royal Assent, see [s. 67\(1\)](#)
- I2** S. 4 in force at 12.12.2023 by [S.I. 2023/1234](#), [reg. 2\(a\)](#) (with [reg. 3](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 8 para. 12(4)(da) inserted by [2023 c. 55 Sch. 4 para. 230](#)
- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)