

Local Government Elections - Requirement of secrecy

Section 66 of the Representation of the People Act 1983 (as amended)

(1) The following persons—

(a) every returning officer and every presiding officer or clerk attending at a polling station,

(b) every candidate or election agent or polling agent so attending,

[(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

(i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;

(ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or

(iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person shall—

(a) interfere with or attempt to interfere with a voter when recording his vote;

(b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;

(c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;

(d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

(3A) No person may—

(a) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a relevant election;

(b) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a relevant election;

(c) obtain or attempt to obtain information, in the circumstances mentioned in subsection (3B), as to the candidate for whom a person voting by post at a relevant election (“V”) is about to vote or has voted;

(d) communicate at any time to any other person information obtained in contravention of paragraph (c).

(3B) The circumstances referred to in subsection (3A) (c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.

(3C) But—

(a) a person (“E”) who is voting by proxy does not contravene subsection (3A) by obtaining or attempting to obtain from the person appointed as E’s proxy information as to a matter mentioned in paragraph (a) or (c) of that subsection that relates to E’s vote, and

(b) a person who is appointed as proxy for an elector does not contravene subsection (3A) by communicating to that elector information as to a matter mentioned in paragraph (a) or (c) of that subsection that relates to that elector’s vote.

(3D) Subsection (3A) (c) and (d) does not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

(a) a published statement relating to the way in which voters intend to vote or have voted at the relevant election, or

(b) a published forecast as to the result of that election which is based on information given by voters.

(3E) In subsection (3D)—

(a) “forecast” includes estimate;

(b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;

(c) the reference to the result of the relevant election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

(3F) A person voting as proxy for an elector at a relevant election—

(a) must not communicate at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector;

(b) except for some purpose authorised by law, must not communicate at any time to any person other than that elector the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.]

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—

(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or

(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(4A) No person having undertaken to assist a relevant voter to vote at a relevant election may communicate at any time to any person except that voter any information as to—

(a) the candidate for whom the voter intends to vote or has voted, or

(b) the number or other unique identifying mark on the back of the ballot paper given for the use of the voter.

(4B) In subsection (4A) “relevant voter” means a voter who is blind, has another disability, or is unable to read.

(5) No person having undertaken to assist a blind voter to vote [at an election in Scotland or Wales under the local government Act] shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction [to a fine not exceeding level 5 on the standard scale or] to imprisonment for a term not exceeding 6 months.

(6A) In this section, “relevant election” means—

(a) a parliamentary election, or

(b) an election in England under the local government Act.

(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.

(8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party's candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.

Police and Crime Commissioner Elections - Requirement of secrecy

Article 22 of the Police and Crime Commissioner Elections Order 2012

(1) The persons listed in paragraph (2) must maintain and aid in maintaining the secrecy of voting and must not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station,
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station, or
- (c) the official mark on any ballot paper.

(2) The listed persons are—

- (a) every police area returning officer or local returning officer attending at a polling station,
- (b) every deputy of such an officer so attending,
- (c) every presiding officer or clerk so attending,
- (d) every candidate or election agent or polling agent so attending, and
- (e) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act (which makes provision about the attendance at certain elections of Commission representatives and accredited observers).

(3) Every person attending at the verification of the ballot paper accounts or the counting of the votes must maintain and aid in maintaining the secrecy of voting and must not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person attending at the verification of the ballot paper accounts may express to any person an opinion based on information obtained at that verification as to the likely result of the election.

(5) No person may—

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display the ballot paper after the voter has marked it so as to make known to any person the name of the candidate for whom the voter has or has not voted.

(5A) No person may—

- (a) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the number or other unique identifying mark on the back of a ballot paper sent to a person for voting by post at a PCC election;
- (b) except for some purpose authorised by law, obtain or attempt to obtain information, or communicate at any time to any other person any information, as to the official mark on a ballot paper sent to a person for voting by post at a PCC election;
- (c) obtain or attempt to obtain information, in the circumstances mentioned in paragraph (5B), as to the candidate for whom a person voting by post at a PCC election (“V”) is about to vote or has voted;

(d) communicate at any time to any other person information obtained in contravention of sub-paragraph (c).]

(5B) The circumstances referred to in paragraph (5A)(c) are where V is about to mark, is in the process of marking, or has just marked, a ballot paper sent to V for voting by post at the election.

(5C) But—

(a) a person (“E”) who is voting by proxy does not contravene paragraph (5A) by obtaining or attempting to obtain from the person appointed as E’s proxy information as to a matter mentioned in sub-paragraph (a) or (c) of that paragraph that relates to E’s vote, and

(b) a person who is appointed as proxy for an elector does not contravene paragraph (5A) by communicating to that elector information as to a matter mentioned in sub-paragraph (a) or (c) of that paragraph that relates to that elector’s vote.

(5D) Paragraphs (5A)(c) and (d) do not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

(a) a published statement relating to the way in which voters intend to vote or have voted at the PCC election, or

(b) a published forecast as to the result of that election which is based on information given by voters.

(5E) In paragraph (5D)—

(a) “forecast” includes estimate;

(b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;

(c) the reference to the result of the PCC election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

(5F) A person voting as proxy for an elector at a PCC election—

(a) must not communicate at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector;

(b) except for some purpose authorised by law, must not communicate at any time to any person other than that elector the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.

(6) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post must maintain and aid in maintaining the secrecy of the voting and must not—

(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper;

(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(7) No person having undertaken to assist a voter with disabilities (within the meaning of rule 41(10) of the PCC elections rules) to vote may communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as

to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(8) A person who acts in contravention of this article is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.