

Elections Bill

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 23rd February 2022, as follows –

Clauses 14 to 27	Schedule 7
Clause 1	Clause 13
Schedule 1	Schedule 8
Clause 2	Clause 28
Schedule 2	Schedule 9
Clause 3	Clauses 29 to 36
Schedule 3	Schedule 10
Clauses 4 to 6	Clauses 37 to 46
Schedule 4	Schedule 11
Clauses 7 and 8	Clauses 47 to 51
Schedule 5	Schedule 12
Clauses 9 and 10	Clauses 52 to 65
Schedule 6	Title.
Clauses 11 and 12	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD WALLACE OF SALTAIRE
BARONESS CHAKRABARTI
BARONESS WARSI
LORD WOOLLEY OF WOODFORD

The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.

After Clause 1

BARONESS HAYMAN OF ULLOCK
LORD WOOLLEY OF WOODFORD

61 Insert the following new Clause—

“Impact assessment of Schedule 1 on local authority finances

The Secretary of State must publish an assessment of the impact of Schedule 1 on local authority finances within six months of the passing of this Act.”

62 Insert the following new Clause—

“Impact assessment of Schedule 1 on public finances

The Secretary of State must publish an assessment of the impact of Schedule 1 on public finances within six months of the passing of this Act.”

BARONESS HAYMAN OF ULLOCK
BARONESS MEACHER

63 Insert the following new Clause—

“Statement on guidance given to registration officers

The Secretary of State must publish a statement on guidance given to registration officers in relation to the implementation of Schedule 1.”

Schedule 1

BARONESS HAYMAN OF ULLOCK
LORD RENNARD
BARONESS MEACHER

64 Page 66, line 27, at end insert—

“(3A) When a person registers to vote, an option must be provided to apply for an electoral identity document as part of the same process.”

65 Page 66, line 32, at end insert—

“(c) about the issuing of digital electoral identity documents.”

Member’s explanatory statement

This amendment would allow the government to make regulations for the issuing of digital electoral identity documents.

66 Page 66, line 32, at end insert—

“(c) about the distribution of an electoral identity document by post.”

Member’s explanatory statement

This amendment would allow the government to make regulations for the distribution of an electoral identity document by post.

LORD SCRIVEN

- 66A** Page 66, line 33, after “(4)(a)” insert “may not provide for a deadline for an application to be made that is later than five days before the day of a particular election and”

Member’s explanatory statement

This amendment changes the deadline for applying for a Voter ID card to 5 days before the day of a particular election. This is in line with the practice in Northern Ireland.

BARONESS HAYMAN OF ULLOCK

LORD RENNARD

BARONESS MEACHER

- 67** Page 67, line 10, at end insert –
“(c) to state the date of issue.”

Member’s explanatory statement

This amendment would ensure that every electoral identity document includes the date of issue.

- 68** Page 67, leave out lines 11 and 12

Member’s explanatory statement

This amendment would remove provisions to allow the government to make regulations on information included on electoral identity documents.

- 69** Page 67, line 21, at end insert –
“(12) 12 months after the passing of the Elections Act 2022 and every 12 months thereafter, the Secretary of State must publish a statement on the number of electoral identity documents issued.”

Member’s explanatory statement

This amendment would require annual statements on the number of electoral identity documents issued.

- 70** Page 68, leave out line 24

Member’s explanatory statement

This amendment would remove provisions to require an anonymous elector’s document to contain a photograph of the person.

- 71** Page 68, leave out lines 25 and 26 and insert –
“(9) An anonymous elector’s document must not include other information.”

Member’s explanatory statement

This amendment would remove provisions which allow regulations to require an anonymous elector’s document to include other information, and instead prevent the document from including further information.

- 72 Page 68, line 32, at end insert –
“(c) the application process for an anonymous elector’s document.”

Member’s explanatory statement

This amendment would allow the government to make regulations for the application process for an anonymous elector’s document.

- 73 Page 68, line 32, at end insert –
“(c) the material used in the production of an anonymous elector’s document.”

Member’s explanatory statement

This amendment would allow the government to make regulations for the material used in the production of an anonymous elector’s document.

LORD TRUE

- 74 Page 72, line 12, leave out from “to” to end of line 19 and insert “a relevant provision.
(1A) For the purposes of paragraph (1)(b), “relevant provision” means –
(a) where the person is or will be registered in a register of parliamentary electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b), and
(b) where the person is or will be registered in a register of parliamentary electors in Great Britain and does not also fall within sub-paragraph (a), section 8(7A) of the Representation of the People Act 1985.”

Member’s explanatory statement

This amendment clarifies the requirement relating to preparation of date of birth lists for polling stations in Northern Ireland, so far as that requirement relates to date of birth lists for proxy voters.

- 75 Page 74, leave out lines 23 and 24 and insert –
“the form must include details of the documents the voter needs to bring to the polling station, namely –
(i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
(ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”

Member’s explanatory statement

This amendment ensures that, in inserted paragraph (3ZA) for rule 28 of Schedule 1 to the Representation of the People Act 1983, the reference to rule 37(1H) catches documents listed in rule 37(1I) and (1J) of that Schedule (as amended by the Bill). The amendment also makes separate provision about the details to be included in poll cards sent to electors with anonymous entries.

- 76 Page 74, leave out lines 39 and 40 and insert –
- “(a) details of the documents the voter needs to produce when applying for a ballot paper, namely –
- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H);
 - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card, and”.

Member’s explanatory statement

This amendment amends inserted paragraph (4A) for rule 29 of Schedule 1 to the Representation of the People Act 1983 by requiring the large notice displayed inside each polling station in England, Wales and Scotland to contain information about the relevant proof of identity requirements for electors with anonymous entries as well as for others voting in person.

- 77 Page 77, line 24, after “Britain” insert “and does not also fall within sub-paragraph (a)”

Member’s explanatory statement

This amendment is consequential on the amendment in Lord True’s name at page 72, line 12.

BARONESS HAYMAN OF ULLOCK
BARONESS LISTER OF BURTERSETT
BARONESS MEACHER

- 78 Page 78, line 15, at end insert “, or
- (b) another eligible voter, who has produced a specified document to the presiding officer or clerk on that day that attests to their own identity, vouches to the presiding officer or clerk as to the identity of the first voter.”

BARONESS HAYMAN OF ULLOCK

- 79 Page 79, line 17, after “means” insert “a birth certificate, or”

Member’s explanatory statement

This amendment would expand the list of specified documents to include a birth certificate.

LORD WILLETTS
BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF COVENTRY
LORD WOOLLEY OF WOODFORD

- 80 Page 79, line 44, at end insert –
- “(1HA) In this rule a “specified document” also means any of the following documents (in whatever form issued to the holder) –
- (a) a driving licence;
 - (b) a birth certificate;
 - (c) a marriage or civil partnership certificate;
 - (d) an adoption certificate;

Schedule 1 - continued

- (e) the record of a decision on bail made in respect of the voter in accordance with section 5(1) of the Bail Act 1976;
- (f) a bank or building society cheque book;
- (g) a mortgage statement dated within 3 months of the date of the poll;
- (h) a bank or building society statement dated within 3 months of the date of the poll;
- (i) a credit card statement dated within 3 months of the date of the poll;
- (j) a council tax demand letter or statement dated within 12 months of the date of the poll;
- (k) a P45 or P60 form dated within 12 months of the date of the poll;
- (l) a standard acknowledgement letter (SAL) issued by the Home Office for asylum seekers;
- (m) a trade union membership card;
- (n) a library card;
- (o) a pre-payment meter card;
- (p) a National Insurance card;
- (q) a workplace ID card;
- (r) a student ID card;
- (s) an 18+ student Oyster photocard;
- (t) a National Rail Railcard;
- (u) a Young Scot National Entitlement Card.”

BARONESS HAYMAN OF ULLOCK

81 Page 80, line 31, at end insert –

“passes which are not publicly funded | a Senior Railcard”

Member’s explanatory statement

This amendment would expand the list of relevant concessionary travel passes to include a Senior Railcard.

LORD TRUE

82 Page 80, line 37, leave out “current”

Member’s explanatory statement

The definition of “electoral number” in the inserted paragraph (1L) of rule 37 of Schedule 1 to the Representation of the People Act 1983 means that the word “current”, in the inserted paragraph (1K), is not needed. This amendment therefore leaves it out.

BARONESS HAYMAN OF ULLOCK

83 Page 83, line 23, at end insert –

“(2A) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must notify the Secretary of State.”

Member’s explanatory statement

This amendment would mean that where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must notify the Secretary of State.

84 Page 83, line 23, at end insert –

“(2A) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must write to the voter.”

Member’s explanatory statement

This amendment would mean that where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must write to the voter.

LORD WALLACE OF SALTAIRE
BARONESS CHAKRABARTI
BARONESS WARSI
LORD WOOLLEY OF WOODFORD

The above-named Lords give notice of their intention to oppose the Question that Schedule 1 be the first Schedule to the Bill.

Clause 2

BARONESS HAYMAN OF ULLOCK

85 Page 1, line 10, at end insert –

“(2) Before laying before Parliament any regulations under Schedule 2, the Secretary of State must provide the legislation in draft to any committee of either House of Parliament which the Secretary of State deems relevant.”

Baroness Hayman of Ullock gives notice of her intention to oppose the Question that Clause 2 stand part of the Bill.

After Clause 2

BARONESS HAYMAN OF ULLOCK

86 Insert the following new Clause –

“Voter registration of private tenants

Within six months of the passing of this Act, the Secretary of State must publish a strategy for increasing the number of private tenants registered to vote.”

After Clause 2 - continued

87 Insert the following new Clause—

“Voter registration of private tenants

Within 12 months of the passing of this Act, the Secretary of State must publish the report of a consultation on steps for increasing the number of private tenants registered to vote.”

LORD HAYWARD

88 Insert the following new Clause—

“Evidence of full name

In Rule 6 of Schedule 1 to the Representation of the People Act 1983 (nomination of candidates), in paragraph (2)(a) after “full names” insert “, as evidenced by a birth certificate or passport”.”

89 Insert the following new Clause—

“Subscription of local election nomination paper

- (1) The Local Elections (Principal Areas) (England and Wales) Rules 2006 are amended as follows.
- (2) In Rule 6(1) of Schedule 2 omit “, and by eight other electors as assenting to the nomination”.
- (3) In Rule 6(1) of Schedule 3 omit “, and by eight other electors as assenting to the nomination”.”

90 Insert the following new Clause—

“Incorrect declaration of local election result

- (1) The Local Elections (Principal Areas) (England and Wales) Rules 2006 are amended as follows.
- (2) In Schedule 2, after Rule 50 insert—
 - “50A(1) In instances where a result is incorrectly declared and there is agreement between all candidates, a revised declaration may be made.
 - (2) Rules 50 to 52 may be delayed until after the revised declaration.”
- (3) In Schedule 3, after Rule 50 insert—
 - “50A(1) In instances where a result is incorrectly declared and there is agreement between all candidates, a revised declaration may be made.
 - (2) Rules 50 to 52 may be delayed until after the revised declaration.””

91 Insert the following new Clause—

“Commonly used names

- (1) Schedule 1 of the Representation of the People Act 1983 is amended as follows.
- (2) For paragraph (2A) of Rule 6 substitute—

After Clause 2 - continued

“(2A) If a candidate commonly uses any part of their forename, middle name or surname as their given name, the nomination paper may state the commonly used name.””

Schedule 2

BARONESS HAYMAN OF ULLOCK

91A Page 93, leave out lines 1 to 3

Member’s explanatory statement

This amendment would remove provisions to authorise the Secretary of State or the Chief Electoral Officer for Northern Ireland, in prescribed circumstances, to complete applications in part for people.

After Clause 3

BARONESS HAYMAN OF ULLOCK

92 Insert the following new Clause—

“Impact assessment of Schedule 3 on local authority finances

The Secretary of State must publish an assessment of the impact of Schedule 3 on local authority finances within six months of the passing of this Act.”

Schedule 3

BARONESS HAYMAN OF ULLOCK
LORD WALLACE OF SALTAIRE

92A Page 99, line 2, leave out “3” and insert “5”

Member’s explanatory statement

This amendment would probe the expiration period of postal votes.

Clause 4

BARONESS HAYMAN OF ULLOCK

93 Page 2, line 12, after “person” insert “knowingly”

Member’s explanatory statement

This amendment would mean that an offence is only committed if the person knowingly handles a post voting document.

94 Page 2, line 19, at end insert—

“(ba) the person is engaged in the business of a printer, or”

Member’s explanatory statement

This amendment would ensure that an offence is not committed if a printing worker handles a postal voting document.

95 Page 2, line 25, after “parent,” insert “legal guardian,”

Member's explanatory statement

This amendment would ensure that an offence is not committed if the person handling the postal voting document is their legal guardian.

96 Page 3, line 20, at end insert—

“(i) the person has made a donation to the political campaign of a candidate at the election.”

Member's explanatory statement

This amendment expands the definition of political campaigner, for the purposes of post voting offences, to include those who have donated to the campaign.

Clause 5

LORD SCRIVEN

96A Page 5, line 5, at beginning insert “Subject to paragraph (1A),”

Member's explanatory statement

This amendment, and other amendments in the name of Lord Scriven to Clause 5, have the effect of increasing the number of postal votes a voter can hand in to polling stations or to the returning officer.

96B Page 5, line 7, at end insert—

“(1A) No provision may be made under paragraph (1) in respect of the delivery by hand to the offices of the returning officer where the postal voting documents are placed in a posting box located outside those offices.”

Member's explanatory statement

This amendment, and other amendments in the name of Lord Scriven to Clause 5, have the effect of increasing the number of postal votes a voter can hand in to polling stations or to the returning officer.

96C Page 5, line 41, at end insert—

“(c) the “prescribed number of electors” shall be a number not less than five.”

Member's explanatory statement

This amendment, and other amendments in the name of Lord Scriven to Clause 5, have the effect of increasing the number of postal votes a voter can hand in to polling stations or to the returning officer.

96D Page 8, line 3, at end insert—

(c) the “prescribed number of electors” shall be a number not less than five.”

Member's explanatory statement

This amendment, and other amendments in the name of Lord Scriven to Clause 5, have the effect of increasing the number of postal votes a voter can hand in to polling stations or to the returning officer.

Clause 6

BARONESS HAYMAN OF ULLOCK

96E Page 9, line 7, at end insert –

“(2) Schedule 4 must not come into force until the Secretary of State has made a statement to Parliament on the impact on people with disabilities.”

Member’s explanatory statement

This amendment would probe the impact of proxy vote limitations on people with disabilities.

Schedule 4

BARONESS HAYMAN OF ULLOCK

96F Page 100, line 33, leave out “four” and insert “three”

Member’s explanatory statement

This amendment would probe the decision to limit proxy votes to four electors per person.

96G Page 103, line 12, after “you” insert “knowingly”

Member’s explanatory statement

This amendment intends to probe the possibility of whether a person may accidentally vote as a proxy on behalf of four or more electors.

96H Page 103, line 37, at end insert –

“(h) “Have you ever been convicted of offences under the Economic Crime (Transparency and Enforcement) Act 2022?””

Member’s explanatory statement

This amendment intends to probe the relationship between economic crime and proxy voting fraud.

96J Page 109, line 15, at end insert –

“Proxy votes in parliamentary by-elections

12 This Schedule does not apply in relation to parliamentary by-elections.”

Member’s explanatory statement

This amendment intends to probe the application of this schedule in Parliamentary By-Elections.

Clause 7

BARONESS HAYMAN OF ULLOCK

97 Page 9, line 13, after “communicate” insert “, or attempt to communicate”

Member's explanatory statement

This amendment expands the offence to include attempting to communicate 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.

LORD TRUE

98 Page 9, leave out lines 21 to 24

Member's explanatory statement

This amendment leaves out paragraph (c) from inserted section 66(3A) of the Representation of the People Act 1983.

99 Page 9, leave out lines 25 to 28 and insert –

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

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

(3AA) The circumstances referred to in subsection (3A)(d) 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.”

Member's explanatory statement

This amendment inserts, in substitution for paragraph (d) of inserted section 66(3A) of the Representation of the People Act 1983, provision clarifying the scope of the prohibition on obtaining or communicating information about the candidate for whom a postal voter has voted.

BARONESS HAYMAN OF ULLOCK

100 Page 9, line 28, at end insert –

“(e) obtain or attempt to obtain information, or communicate at any time to any other person any information, as to whether a person voting by post at a relevant election has spoilt their ballot.”

Member's explanatory statement

This amendment expands the offence to include those who obtain or attempt to obtain information, or communicate at any time to any other person any information, as to whether a person voting by post at a relevant election has spoilt their ballot.

LORD TRUE

101 Page 9, line 33, leave out “any of paragraphs (a), (c) and (d)” and insert “paragraph (a) or (d)”

Member's explanatory statement

This amendment updates cross-references in consequence of the amendment in Lord True's name at page 9, lines 21 to 24.

102 Page 9, line 37, leave out “any of paragraphs (a), (c) and (d)” and insert “paragraph (a) or (d)”

Member's explanatory statement

This amendment updates cross-references in consequence of the amendment in Lord True's name at page 9, lines 21 to 24.

103 Page 9, line 38, at end insert—

- “(3BA) Subsection (3A)(d) and (e) 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.
- (3BB) In subsection (3BA)—
- (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.”

Member's explanatory statement

This amendment ensures that no criminal liability arises where information is sought from, or given by, a postal voter at an election for the purposes of an opinion poll or exit poll.

After Clause 7

BARONESS HAYMAN OF ULLOCK

104 Insert the following new Clause—

“Increasing postal voter turnout at general elections

- (1) Within six months of each general election, the Secretary of State must make a statement to Parliament on postal voter turnout at that election.
- (2) If the turnout was less than the turnout at the previous general election, the Secretary of State must consult on steps to increase turnout at the next general election.”

105 Insert the following new Clause—

“Increasing postal voter turnout at local elections

- (1) Within six months of each local election, the Secretary of State must make a statement to Parliament on postal voter turnout at that election.
- (2) If the turnout was less than the turnout at the previous local election, the Secretary of State must consult on steps to increase turnout at the next local election.”

Clause 8

LORD TRUE

106 Page 10, leave out line 30 and insert—

“(1) After section 114 of RPA 1983 insert—

“114A Undue influence

(1) A person is guilty of a corrupt practice if the person is guilty of undue influence.”

Member’s explanatory statement

This amendment inserts section 114A into the Representation of the People Act 1983, which contains a new undue influence provision that applies in relation to parliamentary elections and in relation to local government elections in England.

BARONESS HAYMAN OF ULLOCK

106ZA Page 11, line 10, after “person” insert “or political party”

Member’s explanatory statement

This amendment would expand the list of activities which may constitute undue influence to probe whether causing or threatening financial loss to a political party should be included.

LORD WALLACE OF SALTIRE

106A Page 11, line 11, leave out paragraph (e)

Member’s explanatory statement

This is a probing amendment regarding the difficulty of defining “spiritual influence” sufficiently clearly to convict for an electoral offence.

LORD TRUE

107 Page 11, line 23, at end insert—

“(7) This section does not have effect in relation to a local government election in Scotland or Wales.”

Member’s explanatory statement

This amendment provides that the inserted section 114A does not apply in relation to local government elections in Scotland or Wales.

108 Page 11, line 23, at end insert—

“(1A) In section 115 of RPA 1983 (undue influence)—

- (a) in subsection (1), after “influence” insert “in relation to a local government election in Scotland or Wales”;
- (b) in subsection (2), after “influence” insert “in relation to a local government election in Scotland or Wales”;
- (c) in the heading, after “influence” insert “: local government elections in Scotland and Wales”.

Member’s explanatory statement

This amendment confines the existing undue influence provision, section 115 of the Representation of the People Act 1983, to local government elections in Scotland and Wales.

After Clause 8

LORD HAYWARD

109 Insert the following new Clause –**“Security of the vote**

- (1) The Secretary of State may issue guidance on –
 - (a) steps that presiding officers or clerks should take to ensure the secrecy of the ballot in polling stations, including on debarring anyone accompanying the elector into the polling booth, unless on grounds of infirmity, and
 - (b) compliance with the provisions in section 8.
- (2) Local authorities, Returning Officers and the Electoral Commission must have due regard to the guidance under subsection (1).
- (3) Before publishing such guidance, the Secretary of State must consult the Electoral Commission, the police and such persons as the Secretary of State considers appropriate.”

Schedule 5

LORD TRUE

110 Page 109, leave out lines 23 to 32***Member’s explanatory statement***

This amendment confines the amendment to section 80(1) of the Local Government Act 1972 so that it does not cover incapacity where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.

111 Page 110, line 4, leave out paragraph 3***Member’s explanatory statement***

This amendment removes the amendment to section 80A of the Local Government Act 1972.

112 Page 110, line 41, leave out from beginning to end of line 7 on page 111***Member’s explanatory statement***

This amendment confines the amendment to section 4(1) of the Local Government Act (Northern Ireland) 1972 so that it does not cover incapacity where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.

113 Page 111, line 15, leave out paragraph 5***Member’s explanatory statement***

This amendment removes the amendment to section 31 of the Local Government (Scotland) Act 1973.

114 Page 113, leave out lines 15 to 25

Member's explanatory statement

This amendment confines the amendment to section 21 of the Greater London Authority Act 1999 so that it does not cover incapacity arising where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.

115 Page 114, line 2, leave out paragraph 8

Member's explanatory statement

This amendment removes the amendment to Schedule 1A to the Government of Wales Act 2006.

116 Page 114, leave out lines 14 to 23

Member's explanatory statement

This amendment confines the amendment to paragraph 9(1) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 so that it does not cover incapacity arising where the holder of a devolved office in Scotland or Wales is reported guilty or convicted of undue influence.

117 Page 115, leave out lines 4 to 9

Member's explanatory statement

This amendment confines the amendment to section 66(3) of the Police Reform and Social Responsibility Act 2011 so that it does not cover incapacity arising where the holder of a devolved office in Wales is reported guilty or convicted of undue influence.

118 Page 115, line 24, leave out paragraph 11

Member's explanatory statement

This amendment removes the consequential repeals made by paragraph 11 of Schedule 5.

Clause 9

LORD HOLMES OF RICHMOND
LORD BLUNKETT

This is a corrected version of Amendment 120

118A★ Page 11, line 29, leave out paragraph (a) and insert –

“(a) in paragraph (3A)(b), for “a device” substitute “equipment”;

(aa) after paragraph (3A)(b) insert –

“(c) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 37.”;

BARONESS HAYMAN OF ULLOCK

119 Page 11, line 29, leave out from beginning to end of line 9 on page 12 and insert –

“(a) in paragraph (3A)(b), for “a device” substitute “equipment”;

(b) after paragraph (3A)(b) insert –

Clause 9 - continued

- “(c) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 37.”;
- (c) after paragraph (3A) insert –
- “(3B) In paragraph (3A)(c), “relevant persons” means persons who find it difficult or impossible to vote in the manner directed by rule 37 because of a disability.””

Member’s explanatory statement

This amendment would retain the requirement for returning officers to make specific provision at polling stations to enable voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion and change the nature of that provision from “a device” to “equipment”.

120 [Withdrawn]

After Clause 9

LORD TRUE

121 Insert the following new Clause –

“Addresses of candidates at parliamentary elections

Home address form: statement of local authority area

- (1) Schedule 1 to RPA 1983 (Parliamentary elections rules) is amended as follows.
- (2) In rule 6 (nomination of candidates) –
 - (a) in paragraph (5)(b), for the words from “state” to the end substitute “ –
 - (i) where the candidate’s home address is in the United Kingdom, state the constituency or the relevant area within which that address is situated;
 - (ii) where the candidate’s home address is outside the United Kingdom, state the country within which that address is situated.”;
 - (b) after paragraph (5) insert –

“(6) In paragraph (5)(b)(i), “relevant area” means –

 - (a) in relation to a home address in England –
 - (i) if the address is within a district for which there is a district council, that district;
 - (ii) if the address is within a county in which there are no districts with councils, that county;
 - (iii) if the address is within a London borough, that London borough;
 - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
 - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
 - (b) in relation to a home address in Wales –
 - (i) if the address is within a county, that county;

After Clause 9 - continued

- (ii) if the address is within a county borough, that county borough;
 - (c) in relation to a home address in Scotland, the local government area in which the address is situated;
 - (d) in relation to a home address in Northern Ireland, the local government district in which the address is situated.”
- (3) In the Appendix of forms, in the Form of Front of Ballot Paper, for the address after “Catherine Angelina Smith” substitute “(address in [relevant area])”.”

Member’s explanatory statement

This amendment amends Schedule 1 to the Representation of the People Act 1983 to give candidates at parliamentary elections the option of stating the name of the local authority area in which their home address is located on the home address form required by rule 6(4) of that Schedule.

LORD SCRIVEN

As an amendment to Amendment 121

- 121A** In subsection (2)(a)(i) leave out “or the relevant area”

As an amendment to Amendment 121

- 121B** Leave out subsections (2)(b) and (3)

LORD HOLMES OF RICHMOND
LORD BLUNKETT

- 122** Insert the following new Clause –

“Accessible voting innovation competition

Within 3 months of the passing of this Act, the Secretary of State must commence a competition to discover technological solutions to enable blind, partially-sighted and all disabled people to be able to vote in an inclusive and secret manner.”

LORD MANN

- 122A★** Insert the following new Clause –

“Assistance to postal voters

In Schedule 1 to RPA 1983, after rule 31A insert –

- “31B (1) The returning officer must consider whether officers authorised by the returning officer or a designated deputy should assist with the lawful completion of postal votes, at the home of a postal voter or in designated locations.
- (2) In determining whether to give such assistance, the returning officer must consider registered disability, literacy, learning disability, hospitalisation and age.””

Schedule 6

LORD TRUE

123 Page 116, line 30, leave out from “to” to end of line 40 and insert “a relevant provision.

(1A) For the purposes of paragraph (1)(b), “relevant provision” means—

- (a) where the person is or will be registered in a register of local electors in Northern Ireland, section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989), and
- (b) where the person is or will be registered in a register of local government electors in Great Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”

Member’s explanatory statement

This amendment clarifies the requirement relating to preparation of date of birth lists for polling stations in Northern Ireland, so far as that requirement relates to date of birth lists for proxy voters.

124 Page 120, line 21, after “Britain” insert “and does not also fall within sub-paragraph (a)”

Member’s explanatory statement

This amendment is consequential on the amendment in Lord True’s name at page 116, line 30.

125 Page 126, leave out lines 23 to 26

Member’s explanatory statement

This amendment leaves out paragraph (c) from inserted paragraph 27(3A) of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962.

126 Page 126, leave out lines 27 to 30 and insert—

- “(d) obtains or attempts to obtain information, in the circumstances mentioned in sub-paragraph (3AA), as to the candidate for whom a person voting by post at a local election (“V”) is about to vote or has voted; or
 - (e) communicates at any time to any other person information obtained in contravention of paragraph (d).
- (3AA) The circumstances referred to in sub-paragraph (3A)(d) 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.”

Member’s explanatory statement

This amendment inserts, in substitution for paragraph (d) of inserted paragraph 27(3A) of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962, provision clarifying the scope of the prohibition on obtaining or communicating information about the candidate for whom a postal voter has voted in a local election in Northern Ireland.

127 Page 126, line 35, leave out “any of paragraphs (a), (c) or (d)” and insert “paragraph (a) or (d)”

Member's explanatory statement

This amendment updates cross-references in consequence of the amendment in Lord True's name at page 126, lines 23 to 26.

- 128 Page 126, line 40, leave out “any of paragraphs (a), (c) or (d)” and insert “paragraph (a) or (d)”

Member's explanatory statement

This amendment updates cross-references in consequence of the amendment in Lord True's name at page 126, lines 23 to 26.

- 129 Page 126, line 41, at end insert –
- “(3BA) Sub-paragraph (3A)(d) and (e) 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 election, or
 - (b) a published forecast as to the result of that election which is based on information given by voters.
- (3BB) In sub-paragraph (3BA) –
- (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 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.”

Member's explanatory statement

This amendment ensures that no criminal liability arises where information is sought from, or given by, a postal voter at a local election in Northern Ireland for the purposes of an opinion poll or exit poll.

- 130 Page 131, line 11, at end insert –
- “34A In the table, for the entry relating to section 115 of RPA 1983 substitute –

“Section 114A (undue influence)”” |

Member's explanatory statement

This amendment ensures that the undue influence provision inserted by clause 8 (which will have effect for the purposes of parliamentary elections) is applied in relation to elections to the Northern Ireland Assembly.

- 131 Page 131, line 13, leave out “(1)(b)(ii)” and insert “(1A)(b)”

Member's explanatory statement

This amendment is consequential on the amendment in Lord True's name at page 116, line 30.

- 132 Page 131, line 31, after “Britain” insert “and does not also fall within sub-paragraph (a)”

Member’s explanatory statement

This amendment is consequential on the amendment in Lord True’s name at page 116, line 30.

- 133 Page 131, line 36, after “1985” insert “or section 8(7) of the Representation of the People Act 1985”

Member’s explanatory statement

This amendment takes account of the possibility of a person being appointed as a proxy for an elector, at a particular election to the Northern Ireland Assembly, under section 8(7) of the Representation of the People Act (as applied to Assembly elections).

Clause 11

BARONESS HAYMAN OF ULLOCK

- 134 Page 12, line 35, at end insert—
“(6A) Subsections (1) to (6) expire 10 days after the next elections for Mayor of London after this Act is passed.”

Member’s explanatory statement

This probing amendment would mean that the simple majority system is only used for the next Mayor of London election.

- 135 Page 13, line 30, leave out subsections (16) to (18)

Member’s explanatory statement

This probing amendment would delete provisions which would ensure a simple majority system when there are three or more candidates for a Police and Crime Commissioner election.

LORD WALLACE OF SALTAIRE

LORD LIPSEY

LORD KERSLAKE

BARONESS LISTER OF BURTERSETT

The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.

After Clause 11

LORD WALLACE OF SALTAIRE

BARONESS JONES OF MOULSECOOMB

BARONESS LISTER OF BURTERSETT

- 136 Insert the following new Clause—

“Proportional representation for elections to the House of Commons

- (1) The simple majority system must not be used for any Parliamentary general election after the end of the period of six months beginning on the day on which this Act is passed.

After Clause 11 - continued

- (2) The Secretary of State must take all reasonable steps to establish a new proportional representation system of election for Members of the House of Commons that would be expected to result in seats being held by each party roughly reflecting the proportion of votes cast for candidates of that party at the preceding general election.
- (3) A system is suitable for the purposes of subsection (2) if it would over the past five Parliamentary general elections have had a mean average Gallagher proportionality index of less than 10.
- (4) The Secretary of State may by regulations make provision (which may include provision amending any enactment) contingent on the prohibition in subsection (1)."

Member's explanatory statement

This new Clause would abolish first past the post for UK general elections and require the Government to take all reasonable steps to introduce proportional representation.

LORD WALLACE OF SALTAIRE
 BARONESS BENNETT OF MANOR CASTLE
 BARONESS HAYMAN OF ULLOCK
 BARONESS LISTER OF BURTERSETT

137 Insert the following new Clause—

“Voting from age 16 in parliamentary elections

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 1(1)(d) (definition of voting age for parliamentary elections), for “18” substitute “16”.

Member's explanatory statement

This new Clause would lower the voting age to 16 in UK parliamentary elections.

LORD WALLACE OF SALTAIRE
 BARONESS BENNETT OF MANOR CASTLE
 BARONESS LISTER OF BURTERSETT

138 Insert the following new Clause—

“Voting from age 16 in local government elections

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 2 (local government electors)—
 - (a) in subsection (1)(d)—
 - (i) for “18” substitute “16”; and
 - (ii) leave out the words after “over”.
 - (b) leave out subsection (1A) (voting age: Scotland) and subsection (1A) (voting age: Wales)."

Member's explanatory statement

This new Clause would lower the voting age to 16 in local government elections in England and Northern Ireland. It amends the relevant subsections of the Representation of the People Act 1983, both of which are labelled (1A), so the local government voting age is the same across the UK.

LORD WALLACE OF SALTAIRE
BARONESS LISTER OF BURTERSETT

139 Insert the following new Clause—

“Voting by convicted persons sentenced to terms of 12 months or less

In section 3(1A) (exceptions to the disenfranchisement of prisoners) of the Representation of the People Act 1983, after “Scotland” insert “or a parliamentary election”.

Member's explanatory statement

This new Clause would allow prisoners serving a sentence of 12 months or less to vote in UK parliamentary elections.

140 Insert the following new Clause—

“Citizens’ assembly on electoral systems

- (1) The Secretary of State must establish a citizens’ assembly representative of the population aged 16 and over to consider electoral systems in the United Kingdom.
- (2) The Secretary of State must, for each category of election reformed by section 11 (simple majority system to be used in elections for certain offices), provide to the assembly a report assessing the effects of the reforms on the matters in subsection (3).
- (3) The matters are—
 - (a) voter engagement and understanding,
 - (b) electoral integrity,
 - (c) fairness and proportionality.
- (4) A report under subsection (2) must be provided to the assembly no later than three months after the first election in each category of election after this section comes into force.
- (5) The assembly must—
 - (a) consider the reports under subsection (2),
 - (b) consider other evidence relating to the matters in subsection (3).
- (6) The assembly may make recommendations for legislative or policy change, including for parliamentary elections.”

Member's explanatory statement

This new Clause would create a Citizens’ assembly to consider the electoral systems in the UK.

LORD WOOLLEY OF WOODFORD
BARONESS CHAKRABARTI
BARONESS WARSI
BARONESS BENNETT OF MANOR CASTLE

141 Insert the following new Clause—

“Automatic voter registration

- (1) Registration officers must take all reasonable steps to ensure that all persons eligible to register to vote in elections in the United Kingdom are so registered.
- (2) The Secretary of State must by regulations require public bodies to provide information to registration officers to enable them to fulfil their duty under subsection (1).
- (3) Regulations under subsection (2) must apply to the following public bodies—
 - (a) HM Revenue and Customs;
 - (b) the Department for Work and Pensions;
 - (c) the Driver and Vehicle Licensing Agency;
 - (d) the National Health Service, NHS Wales and NHS Scotland;
 - (e) schools and further and higher education institutions;
 - (f) local authorities;
 - (g) HM Passport Office;
 - (h) police forces;
 - (i) the TV Licensing Authority;
 - (j) Job Centre Plus;
 - (k) the Department for Levelling Up, Housing and Local Communities;
 - (l) the Department for Transport;
 - (m) the Department for Health and Social Care;
 - (n) the Home Office; and
 - (o) the Ministry of Justice.
- (4) Regulations under subsection (2) may also apply to other public bodies.
- (5) Registration officers must—
 - (a) use the information provided by the public bodies listed in regulations under subsection (2) to register otherwise unregistered persons on the appropriate electoral register or registers, or
 - (b) if the information provided does not contain all information necessary to register a person who may be eligible, contact that person for the purpose of obtaining the required information to establish whether they are eligible to register and, if so, register them on the appropriate electoral register or registers.
- (6) If a registration officer has registered a person under subsection (5), the officer must notify that person within 30 days and give that person an opportunity to correct any incorrect information.
- (7) Where a person is registered under subsection (5), that person must be omitted from the edited register unless that person notifies the registration officer to the contrary.
- (8) Nothing in this section affects entitlement to register to vote anonymously.

After Clause 11 - continued

- (9) The Secretary of State may issue guidance to registration officers on fulfilling their duties under this section.”

Member’s explanatory statement

This new Clause would require registration officers to enter eligible voters on the register, and provide for them to receive the necessary information from a number of public bodies.

BARONESS HAYMAN OF ULLOCK

142 Insert the following new Clause—

“Post-legislative scrutiny of Part 1

Before five years, and no less than four years, after the passing of this Act, the Secretary of State must publish a review of the effectiveness of provisions contained in this Part.”

LORD HOLMES OF RICHMOND

143 Insert the following new Clause—

“Voting age in parliamentary elections

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 1(1)(d) (definition of voting age for parliamentary elections), for “that is, 18 years or over” substitute “see subsection (1A)”.
- (3) After subsection (1) insert—
 - “(1A) The voting age is—
 - (a) 16 years or older, in relation to individuals who are in employment and pay income tax in the UK;
 - (b) 18 years or older, otherwise.
 - (1B) The tax status of people described in section (1A)(a) is to be confirmed by HMRC through a digital tax system.”

144 Insert the following new Clause—

“Electronic voting

Within 3 months of the passing of this Act the Secretary of State must commission research into the desirability of electronic voting, including—

- (a) lessons to be learnt from similar systems in other countries,
- (b) the accessibility and inclusion benefits which may result from such a system, and
- (c) the use of block chain and distributed ledger technologies, with the aim of ensuring security and immutability of votes cast.”

BARONESS GREENGROSS

144A Insert the following new Clause—

“Simple majority system: referendums

- (1) The Secretary of State may exercise the power in section 64(1) so as to bring section 11 into force in relation to elections for Mayor of London only if—
 - (a) a referendum has been held, and

After Clause 11 - continued

- (b) the majority of votes cast are in favour of using a simple majority system for elections for Mayor of London.
- (2) The persons entitled to vote in a referendum under subsection (1) are those who on the day of the referendum would be entitled, and registered, to vote as electors at an election for Mayor of London.
- (3) The Secretary of State may exercise the power in section 64(1) so as to bring section 11 into force in relation to elections for mayors of a combined authority area only if—
- (a) a referendum has been held, and
- (b) the majority of votes cast are in favour of using a simple majority system for such elections in that area.
- (4) The persons entitled to vote in a referendum under subsection (3) are those who on the day of the referendum would be entitled, and registered, to vote as electors at an election for the mayor of the combined authority area.
- (5) The Secretary of State may exercise the power in section 64(1) so as to bring section 11 into force in relation to elections for police and crime commissioners in relation to a police area only if—
- (a) a referendum has been held, and
- (b) the majority of votes cast are in favour of using a simple majority system for such elections in that area.
- (6) The persons entitled to vote in a referendum under subsection (5) are those who on the day of the referendum would be entitled, and registered, to vote as electors for police and crime commissioners in the police area.
- (7) A referendum under this section may not be held unless the Secretary of State by regulations has made provision about the conduct of the referendum, including the form and content of ballot papers, and the question to be asked.
- (8) In making regulations under subsection (7) the Secretary of State must take account of the advice of the Electoral Commission.
- (9) Regulations under subsection (7) are to be made by statutory instrument.
- (10) A statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (11) The Secretary of State may not exercise the power in section 64(1) so as to bring section 11 into force for different purposes or areas except in accordance with this section.”

BARONESS HAYMAN OF ULLOCK

144B

Insert the following new Clause—

“Data sharing for electoral registration on issue of national insurance number

- (1) The issuing authority must, on issuing to a person a national insurance number pursuant to article 9 of the Social Security (Crediting and Treatment of Contributions and National Insurance Numbers) Regulations 2001 (S.I. 2001/769), give each appropriate electoral registration officer the information required by subsection (2) (“required information”).

After Clause 11 - continued

- (2) The required information is –
 - (a) the person’s full name,
 - (b) the address which the issuing authority believes to be the person’s sole or main residential address (“main address”),
 - (c) any address which the issuing authority believes to be the address of any other place where the person resides (“secondary address”),
 - (d) where the issuing authority believes that the person has moved to the primary address within the period of one year preceding the issue of the national insurance number, any address which the issuing authority believes is the person’s previous sole or main residential address (“previous address”),
 - (e) information indicating that the person is aged 18 or older, or if under the age of 18, the person’s date of birth, and
 - (f) information that indicates whether the person is qualified to be registered as an elector.
- (3) Where an electoral registration officer receives information pursuant to subsection (1) the officer must –
 - (a) if it appears to the officer that the information contains all of the required information and that the person is entitled to be registered as an elector in the officer’s area, register that person on each appropriate electoral register;
 - (b) otherwise, contact the person with a view to obtaining information indicating whether the person is entitled to be registered as an elector in the officer’s area.
- (4) Where a person is registered under subsection (3)(a), that person must be omitted from the edited register unless that person notifies the electoral registration officer to the contrary.
- (5) As soon as reasonably practicable after registering a person pursuant to information received under subsection (1), the electoral registration officer must notify the person of the registration.
- (6) Notification under subsection (5) must include an invitation to correct any inaccurate information.
- (7) Notification under subsection (5) must also include an invitation to inform the electoral registration officer if the person believes that the person is not entitled to be registered on that register; and if the person so informs the electoral registration officer, the officer must remove the person’s name from the register.
- (8) Subsection (7) does not prevent the person from being registered again if subsequently the electoral registration officer is satisfied that the person is entitled to be registered.
- (9) In this section –

“appropriate electoral registration officer” means the electoral registration officer responsible for maintaining an electoral register for the area in which a person’s main address, secondary address or previous address is situated;

After Clause 11 - continued

“edited register” has the same meaning as in regulation 93 of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (edited version of the register);

“electoral register” means the register of parliamentary electors and the register of local government electors for the relevant constituency or local government area;

“issuing authority” means the Secretary of State for Work and Pensions or such other person as is for the time being responsible for issuing a national insurance number.”

Member’s explanatory statement

This amendment would facilitate the introduction of automatic voter registration based on the issuing of national insurance numbers.

LORD SHIPLEY

144C Insert the following new Clause—

“Proportional representation for local government elections in England

- (1) The first past the post system must not be used for any local government election in England after the end of the period of two years beginning on the day on which this Act is passed.
- (2) In each electoral ward in which there is a contested election, a poll must be held at which each person entitled to vote as an elector may vote by specifying—
 - (a) the voter’s first preference from among the candidates to be a councillor, and
 - (b) if there are three or more candidates and the voter wishes to express a further preference for one or more of those candidates, the voter’s second and, if the voter wishes, subsequent preferences from among those candidates.”

Member’s explanatory statement

This amendment would abolish first past the post for local government elections in England and implement proportional representation for such elections.

LORD MANN

144D★ Insert the following new Clause—

“Early polling

In rule 1 of Schedule 1 of RPA 1983 (timetable), in the entry for “Polling” at the end insert—

“Where the returning officer believes that it would allow wider participation in elections, the returning officer may establish an early polling station to receive ballot papers during the period of five days ending with the day before the polling day.””

After Clause 11 - continued

BARONESS JONES OF MOULSECOOMB

144E★ Insert the following new Clause—

“Qualification for standing in local authority elections: temporary housing exception

In section 79(1) of the Local Government Act 1972 (qualifications for election and holding office as member of local authority), at the end insert “; or

“(f) he or she may have otherwise qualified under any combination of paragraphs (a) to (e) if he or she had not been provided temporary housing outside of the area by the local authority.””

Member’s explanatory statement

This amendment would protect the right of people in temporary housing to stand for election where the local authority provides temporary housing outside of the local authority area.

Clause 12

BARONESS HAYMAN OF ULLOCK

145 Page 14, line 34, at end insert—

“(c) on that date a red notice has not been issued in respect of the individual by Interpol.”

Member’s explanatory statement

This probing amendment would prevent those who have been issued a red notice by Interpol from being overseas electors.

146 Page 14, line 36, after “past” insert “50 years”

Member’s explanatory statement

This probing amendment would limit overseas electors to those who had been entered in an electoral register in respect of an address at a place that is situated within the constituency in the past 50 years.

147 Page 16, line 28, at end insert—

“(aa) state that the declarant has never committed an offence under the Representation of the People Act 1983,”

Member’s explanatory statement

This probing amendment would ensure that an overseas elector’s declaration must also state that the declarant has never committed an offence under the Representation of the People Act 1983.

LORD SCRIVEN

147A Page 18, line 8, leave out “third” and insert “fifth”

Member’s explanatory statement

This amendment, and another amendment in Lord Scriven’s name to Clause 12, extends the registration period for overseas voters from 3 to 5 years.

147B Page 18, line 25, leave out “third” and insert “fifth”

Member’s explanatory statement

This amendment, and another amendment in Lord Scriven’s name to Clause 12, extends the registration period for overseas voters from 3 to 5 years.

BARONESS HAYMAN OF ULLOCK

148 Page 19, line 33, at end insert –

“(g) state that the declarant has never knowingly been subject to sanctions under the Sanctions and Anti-Money Laundering Act 2018.”

Member’s explanatory statement

This amendment intends to probe the relationship between sanctions legislation and renewal declarations.

After Clause 12

LORD WALLACE OF SALTAIRE

149 Insert the following new Clause –

“Creation of overseas constituencies

- (1) Within six months of the passing of this Act, and prior to section 12 coming into force, the Secretary of State must lay a report before Parliament on proposals for overseas constituencies.
- (2) A report under subsection (1) must consider proposals on –
 - (a) the most suitable deployment of overseas constituencies;
 - (b) the ratio of nationals per MP;
 - (c) the impact on existing UK constituencies;
 - (d) the local administration of ballots;
 - (e) the appointment of returning officers; and
 - (f) the form of proportional representation best suited to electing Members of Parliament to represent overseas constituencies.
- (3) In preparing a report under subsection (1) the Secretary of State must consult –
 - (a) the Public Administration and Constitutional Affairs Committee of the House of Commons;
 - (b) the Constitution Committee of the House of Lords;
 - (c) the appropriate committees of the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly;
 - (d) the Electoral Commission;
 - (e) the Association of Electoral Administrators; and
 - (f) any other person they consider appropriate.”

Member’s explanatory statement

This amendment requires the Secretary of State to report on the creation of overseas constituencies.

150 Insert the following new Clause—

“Overseas electors: manner of voting

- (1) The Speaker’s Committee must request the Electoral Commission to make proposals to facilitate the participation of overseas electors in parliamentary and local government elections whilst maintaining the security of the election process.
- (2) In making such proposals, the Electoral Commission may consult all persons they consider appropriate.
- (3) Proposals under subsection (1) must be published within 6 months of the passing of this Act.”

Member’s explanatory statement

This is a probing amendment to explore how best to improve the ability of overseas electors to cast their votes in elections.

BARONESS HAYMAN OF ULLOCK

151 Insert the following new Clause—

“Digital ballots for overseas electors

The Secretary of State must consult on the possibility of introducing digital ballots for overseas electors within six months of the passing of this Act.”

After Clause 13

LORD WALLACE OF SALTIRE

152 Insert the following new Clause—

“Voting by EU nationals

In section 1(1) (entitlement to vote in parliamentary elections) of the Representation of the People Act 1983, for paragraph (c) substitute—

“(c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and”.”

Member’s explanatory statement

This new Clause would allow EU citizens to vote in UK parliamentary elections.

LORD DUBS
LORD NASEBY

153 Insert the following new Clause—

“Members of the House of Lords: voting at elections to the House of Commons

- (1) Notwithstanding any other provision of law, a member of the House of Lords is not disqualified by virtue of that position from voting at elections to the House of Commons.
- (2) This section comes into force 24 months after the day on which this Act is passed.
- (3) This section extends to England, Wales, Scotland and Northern Ireland.”

After Clause 13 - continued

LORD GREEN OF DEDDINGTON

154 Insert the following new Clause—

“Commonwealth citizens: reciprocal franchise

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 1 (parliamentary electors)—
 - (a) in subsection (1)(c), for “a Commonwealth citizen” substitute “a citizen of a Commonwealth country in which British citizens are entitled to vote in general elections”, and
 - (b) at the end insert—
 - “(3) For the purposes of subsection (1)(c), a country is deemed to be “a Commonwealth country in which British citizens are entitled to vote in general elections” if it is specified as such in regulations made by statutory instrument by the Secretary of State.
 - (4) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 4 (entitlement to be registered as a parliamentary or local government elector), in subsection (1)(c) after “Commonwealth citizen” insert “of a Commonwealth country specified in regulations under section 1(3)”.

Member’s explanatory statement

This amendment will ensure that the right of Commonwealth citizens to vote in UK general elections will in future be confined to citizens of those Commonwealth countries that grant to British citizens the right to vote in their own general elections. The amendment will not affect Irish citizens with whom the United Kingdom has had reciprocal voting arrangements since 1922.

BARONESS HAYMAN OF ULLOCK

155 Insert the following new Clause—

“Enfranchisement of certain foreign nationals at parliamentary elections

- (1) Section 1(1) (entitlement to vote in parliamentary elections) of the Representation of the People Act 1983 is amended as follows.
- (2) In paragraph (c), after “Ireland” insert “or a foreign national who has—
 - (i) the right of abode in the United Kingdom;
 - (ii) settled status under the EU Settlement Scheme;
 - (iii) indefinite leave to enter the United Kingdom; or
 - (iv) indefinite leave to remain in the United Kingdom.”

LORD SHIPLEY

155A Insert the following new Clause—

“Local government electors: extension of franchise

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 2 after subsection (1)(d) insert—

After Clause 13 - continued

“(e) is liable to pay council tax to that local authority.””

Member’s explanatory statement

This amendment would extend the local government franchise to all those liable to pay council tax in a particular local authority area.

Schedule 8

BARONESS SUTTIE

BARONESS RITCHIE OF DOWNPATRICK

156 Page 147, line 33, leave out paragraphs 7 to 9

Member’s explanatory statement

This amendment ensures that there will be no deprivation of the right to vote and to stand for election in Northern Ireland district council elections for all categories of EU citizens who would have had these rights prior to the end of the Brexit transition period, in conformity with the United Kingdom's obligations under Article 2 of the Ireland-Northern Ireland Protocol to the EU-UK Withdrawal Agreement.

LORD TRUE

157 Page 151, line 5, leave out “or Northern Ireland”

Member’s explanatory statement

The reference in paragraph 12(4)(b) of Schedule 8 to a member of a local authority in Northern Ireland is unnecessary in view of how the qualification requirements in section 3(1) of the Local Government Act (Northern Ireland) 1972 operate.

158 Page 151, line 14, after “authority” insert “in England”

Member’s explanatory statement

See the explanatory statement for the amendment in Lord True’s name at page 151, line 5.

159 Page 151, line 15, leave out “in relation to England, a county council” and insert “a county council in England”

Member’s explanatory statement

See the explanatory statement for the amendment in Lord True’s name at page 151, line 5.

160 Page 151, line 18, leave out paragraph (b)

Member’s explanatory statement

See the explanatory statement for the amendment in Lord True’s name at page 151, line 5.

Clause 28

BARONESS HAYMAN OF ULLOCK

160A Page 40, line 31, at end insert “or
(b) where a person is convicted of an offence under the Terrorism Act 2000.”

Member's explanatory statement

This amendment intends to probe the circumstances of elected candidates being found guilty of terrorism offences.

161 Page 40, line 34, leave out “5” and insert “25”

Member's explanatory statement

This amendment would probe the decision to disqualify for 5 years.

Clause 30

LORD TRUE

162 Page 42, line 23, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

This amendment ensures that references to a candidate in clause 30 continue to include a candidate at an election for the office of member of the Scottish Parliament or member of a Scottish local authority, notwithstanding the amendments in Lord True's name to clause 35 which narrow the general definition of “relevant elective office”.

163 Page 42, line 27, leave out “for a relevant elective office”

Member's explanatory statement

See the explanatory statement relating to the amendment in Lord True's name at page 42, line 23.

164 Page 42, line 30, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

See the explanatory statement relating to the amendment in Lord True's name at page 42, line 23.

165 Page 42, line 34, leave out “relevant elective”

Member's explanatory statement

See the explanatory statement relating to the amendment in Lord True's name at page 42, line 23.

Clause 31

LORD TRUE

166 Page 44, line 2, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

This amendment ensures that references in clause 31 to the holder of a relevant elective office continue to include the holder of the office of member of the Scottish Parliament or member of a Scottish local authority, notwithstanding the amendments in Lord True's name to clause 35 which narrow the general definition of “relevant elective office”.

167 Page 44, line 4, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

See the explanatory statement relating to the amendment in Lord True's name at page 44, line 2.

Clause 32

BARONESS HAYMAN OF ULLOCK

- 168 Page 44, line 27, at end insert –
“(iii) fundraising for a registered party at a relevant election,”

Member's explanatory statement

This amendment would include fundraising as an activity undertaken “for election purposes”.

LORD TRUE

- 169 Page 45, line 37, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

This amendment ensures that “relevant election”, in clause 32, continues to include an election for the office of member of the Scottish Parliament or member of a Scottish local authority, notwithstanding the amendments in Lord True's name to clause 35 which narrow the general definition of “relevant elective office”.

Clause 33

BARONESS HAYMAN OF ULLOCK

- 170 Page 46, line 4, at end insert –
“(1A) If a person who is subject to a disqualification order is elected as a member of the House of Commons, a Minister of the Crown must lay a statement before each House of Parliament with details of the disqualification order.”

Member's explanatory statement

This amendment would ensure a Minister of the Crown publishes details of the disqualification order.

Baroness Hayman of Ullock gives notice of her intention to oppose the Question that Clause 33 stand part of the Bill.

After Clause 33

LORD HAYWARD

- 171 Insert the following new Clause –
“Maximum ban from holding public office
 (1) Section 160 of the Representation of the People Act 1983 (persons reported personally guilty of corrupt or illegal practices) is amended as follows.
 (2) In (5)(a) for “five” substitute “ten”.
 (3) In (5)(b) for “three” substitute “six”.”

Clause 34

BARONESS HAYMAN OF ULLOCK

172 Page 46, line 14, leave out “varying or”

Member’s explanatory statement*This amendment would probe the government’s intention to vary offences.***Clause 35**

LORD TRUE

173 Page 46, line 24, leave out paragraph (b)

Member’s explanatory statement*This amendment removes member of the Scottish Parliament from the definition of “relevant elective office” for Part 5.*

174 Page 46, line 27, after “authority” insert “in England, Wales or Northern Ireland”

Member’s explanatory statement*This amendment, and the amendment in Lord True’s name at page 47, line 1, remove member of a Scottish local authority from the definition of “relevant elective office” for Part 5.*

175 Page 46, line 35, at end insert –

““relevant Scottish elective office” means the office of –

(a) member of the Scottish Parliament, or

(b) member of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”

Member’s explanatory statement*This amendment inserts a definition of “relevant Scottish elective office” for Part 5.*

176 Page 47, line 1, leave out paragraph (b)

Member’s explanatory statement*See the explanatory amendment for the amendment in Lord True’s name at page 46, line 27.***Schedule 10**

LORD TRUE

177 Page 160, line 33, leave out paragraph 4

Member’s explanatory statement*This amendment omits amendments currently made by the Bill to sections 35 and 36 of the Local Government (Scotland) Act 1973.*

178 Page 161, line 19, leave out paragraph 6

Member's explanatory statement

This amendment omits amendments currently made by the Bill to section 17 of the Scotland Act 1998.

Clause 38

LORD TRUE

- 179 Page 48, line 1, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

This amendment ensures that the definition of “candidate” continues to include a candidate at an election for the office of member of the Scottish Parliament or member of a Scottish local authority.

- 180 Page 48, line 5, after “office” insert “or a relevant Scottish elective office”

Member's explanatory statement

This amendment ensures that the definition of “future candidate” continues to include a future candidate at an election for the office of member of the Scottish Parliament or member of a Scottish local authority.

Clause 39

LORD CLEMENT-JONES

- 180A Page 48, line 28, leave out “reasonably practicable” and insert “possible”

Member's explanatory statement

This amendment replaces “if it is not reasonably practicable to comply” with “if it is not possible to comply” to ensure that the majority of electronic material is within scope of the bill's intentions.

Clause 40

LORD TRUE

- 181 Page 49, line 25, leave out subsection (2) and insert –
 “(2) The first condition is that the sole or primary purpose that the electronic material can reasonably be regarded as intended to achieve is a purpose within section 41.”

Member's explanatory statement

This amendment provides that the condition in clause 40(2) is met only where the sole or primary purpose that the electronic material can reasonably be regarded as intended to achieve is a purpose within clause 41.

- 182 Page 49, line 30, at end insert “as an advertisement”

Member's explanatory statement

This amendment provides that the condition in clause 40(3) is met only where the promoter of the relevant material, or the person on behalf of whom the relevant material is published, has paid for the material to be published as an advertisement.

183 Page 49, line 33, at end insert –

“(5) Where the material is published on a website or mobile application of the promoter or the person on behalf of whom the material is published, the reference in subsection (3) to a person paying for material to be published does not include the person making payments related to setting up, operating or maintaining the website or mobile application.

(6) In subsection (5) “mobile application” means application software designed and developed for use by the general public on mobile devices such as smartphones and tablets.”

Member’s explanatory statement

This amendment provides that, in a case where electronic material is published on a website or mobile application of the promoter or person on behalf of whom the material is published, the reference in clause 40(3) to a person paying for material to be published does not include making payments related to setting up, operating or maintaining the website or mobile application.

Clause 41

LORD TRUE

184 Page 50, line 1, after “future candidates” insert “, in their capacity as such,”

Member’s explanatory statement

This amendment modifies the purpose in clause 41(2)(c) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from a relevant candidate or future candidate only in their capacity as such a candidate or future candidate.

185 Page 50, line 11, at end insert “in their capacity as such”

Member’s explanatory statement

This amendment modifies the purpose in clause 41(4) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from a particular candidate or particular future candidate only in their capacity as such a candidate or future candidate.

186 Page 50, line 17, at end insert “in their capacity as such”

Member’s explanatory statement

This amendment modifies the purpose in clause 41(6) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from an elected office-holder only in their capacity as such an elected office-holder.

187 Page 50, line 19, after “office-holders” insert “, in their capacity as such,”

Member’s explanatory statement

This amendment modifies the purpose in clause 41(7) so that it refers to influencing the public, or any section of the public, to give support to or withhold support from a relevant elected office-holder only in their capacity as such an elected office-holder.

188 Page 50, line 36, leave out subsection (11)

Member's explanatory statement

This amendment has the effect that references to a referendum in clause 41 include a poll held under section 64 of the Government of Wales Act 2006.

Clause 42

LORD TRUE

189 Page 51, line 14, at end insert –

“(4) The third condition is that neither the promoter of the material, nor the person on behalf of whom the material is published, has paid for the material to be published as an advertisement.

(5) Subsections (4) to (6) of section 40 apply in relation to subsection (4) as they apply in relation to subsection (3) of that section.”

Member's explanatory statement

This amendment provides that clause 42 does not apply in relation to electronic material where the promoter of the material or the person on behalf of whom the material is published has paid for the material to be published as an advertisement.

Clause 45

LORD TRUE

190 Page 53, line 20, leave out “by a person (“A”)”

Member's explanatory statement

This amendment, and the other amendments to clause 45 in the name of Lord True, clarify that the republication exception in clause 45 can apply where both the original publication and the later republication are carried out by the same person.

191 Page 53, line 22, leave out paragraph (a)

Member's explanatory statement

Please see the first amendment to clause 45 in the name of Lord True.

192 Page 53, line 23, leave out “published by B” and insert “previously published”

Member's explanatory statement

Please see the first amendment to clause 45 in the name of Lord True.

193 Page 53, line 26, leave out “by A”

Member's explanatory statement

Please see the first amendment to clause 45 in the name of Lord True.

194 Page 53, line 31, leave out “publication by B” and insert “previous publication”

Member's explanatory statement

Please see the first amendment to clause 45 in the name of Lord True.

After Clause 45

LORD CLEMENT-JONES

194A Insert the following new Clause –

“Information on electronic material expenditure

- (1) Candidates and campaigners must include in their returns of election expenses, as required under RPA 1983 –
 - (a) copies of invoices from suppliers that include details of the content of electronic material used in their campaign, targeting information (to whom they were sent), and how much was spent on each electronic communication, and
 - (b) details of the promoter of each electronic communication.
- (2) “Candidates” and “campaigners” have the meanings assigned by sections 30 and 32.”

Member’s explanatory statement

This amendment would ensure greater transparency of campaign spending as it relates to electronic material.

194B Insert the following new Clause –

“Election-related electronic material

- (1) Foreign governments and non-United Kingdom resident individuals and entities incorporated outside the United Kingdom are prohibited from publishing, promoting, and where relevant paying for, electronic material to which section 40 or 42 applies.
- (2) Any government, corporate entity or individual in breach of subsection (1) above is guilty of an offence.”

Member’s explanatory statement

This Clause would explicitly exclude foreign actors from publishing election-related electronic material.

Clause 46

LORD TRUE

195 Page 54, line 25, at end insert –

- “(4A) It is a defence for a person charged with an offence under subsection (1) in relation to the republication of electronic material to prove that –
- (a) the electronic material had previously been published,
 - (b) the person reasonably believed that when it was previously published –
 - (i) section 39 applied to it, and
 - (ii) it was published in compliance with that section, and
 - (c) it was not materially altered when it was republished.
- (4B) In subsection (4A)(c) the reference to electronic material not being materially altered includes a reference to the electronic material retaining –

Clause 46 - continued

- (a) the information within section 39(3), or
- (b) the access to such information,

as a result of which the person reasonably believed its previous publication complied with section 39.”

Member’s explanatory statement

This amendment inserts an additional defence into clause 46 in relation to the republication of electronic material. The defence applies where material has previously been published, the person charged with the offence reasonably believes that, at the time of the original publication, clause 39 applied to the material and it was published in compliance with that section and the material was not materially altered when it was republished.

Clause 48

LORD TRUE

- 196 Page 55, line 32, after “(referendums)” insert “where the referendum in question is a referendum to which Part 7 of PPERA applies and the electronic material is published during the referendum period (within the meaning of that Part) for that referendum”

Member’s explanatory statement

This amendment provides that the Electoral Commission is able to enforce the offence in clause 46(1) in relation to the publication of electronic material which can reasonably be regarded as intended to achieve a purpose within clause 41(9)(referendums) only in relation to a referendum to which Part 7 of the Political Parties, Elections and Referendums Act 2000 applies and where the material is published during the relevant referendum period.

After Clause 51

LORD CLEMENT-JONES

- 196A Insert the following new Clause—

“Electronic material: campaign spending

- (1) Each promoter of electronic material which meets the conditions in section 40 must create electronic libraries that consist of the database specified in subsection (2).
- (2) The database referred to in subsection (1) is an electronic database of all electronic material which meets the conditions in section 40.
- (3) The database specified in subsection (2) above must include the following information in relation to such electronic material—
 - (a) details of expenditure on the relevant electronic material,
 - (b) the identity of the person by whom the expenditure was made,
 - (c) the identity of the promoter of the relevant electronic material, and
 - (d) details of the intended target audience for the relevant electronic material and the demographic categories of the people who accessed the relevant electronic material.

After Clause 51 - continued

- (4) The database referred to in subsection (2) must be maintained by the relevant promoter and must be open to inspection by the Commission for a period of no less than 10 years from the date of the election to which the relevant electronic material relates.
- (5) Any promoter which fails to maintain or give access to the database as specified in this section is guilty of an offence.”

Member’s explanatory statement

This amendment would ensure greater transparency of campaign spending as it relates to electronic material.

196B [Withdrawn]

After Clause 59

BARONESS HAYMAN OF ULLOCK
LORD WALLACE OF SALTAIRE

197 Insert the following new Clause –

“Unincorporated associations and permissible donors

- (1) An unincorporated association required to notify the Electoral Commission of political contributions by paragraph 1 of Schedule 19A to PPERA must make permissibility checks on donations to the unincorporated association in accordance with subsection (2).
- (2) An unincorporated association must take all reasonable steps to establish whether the donor of a relevant donation is a permissible donor under section 54 of PPERA.
- (3) In this section, a “relevant donation” is any donation which is either intended for political purposes or might reasonably be assumed to be for political purposes.
- (4) An unincorporated association must not accept a relevant donation from a person who is not a permissible donor.”

Member’s explanatory statement

This new Clause requires unincorporated associations to establish whether a person making a donation for political purposes is a permissible donor and, if not, reject that donation.

BARONESS SMITH OF BASILDON
LORD WALLACE OF SALTAIRE
BARONESS HAYTER OF KENTISH TOWN

198 Insert the following new Clause –

“Permissible donors to be based in the United Kingdom and associated offences

- (1) Section 54 of PPERA (permissible donors) is amended in accordance with subsections (2) to (5).
- (2) At the end of subsection (2)(a), insert “ordinarily resident in the United Kingdom, and domiciled in the United Kingdom for purposes of individual taxation”.

After Clause 59 - continued

- (3) After subsection (2)(b)(ii) insert –
 “(iii) employing a majority of its staff at locations within the United Kingdom, and
 (iv) employing at least five staff within the United Kingdom”.
- (4) At the end of subsection (2)(f), insert “has a majority of partners who are on a UK electoral register, are ordinarily resident in the United Kingdom and are domiciled in the United Kingdom for purposes of individual taxation, employs a majority of its staff at locations within the United Kingdom, and employs at least five staff within the United Kingdom”.
- (5) At the end of subsection (2)(h), insert “has a majority of those persons with significant control who are on a UK electoral register, are ordinarily resident in the United Kingdom and are domiciled in the United Kingdom for purposes of individual taxation, and also either employs no staff at all, or employs a majority of its staff at locations within the United Kingdom”.
- (6) Section 61 of PPERA (offences concerned with evasion of restrictions on donations) is amended in accordance with subsection (7).
- (7) After subsection (2) insert –
 “(3) A person commits an offence if they are a director of a company, hold a position of significant control in an unincorporated association, or are a partner in a limited liability partnership, and that company, association or partnership –
 (a) is not a permissible donor and offers a donation to a political party (whether the donation is accepted or not), or
 (b) commits, or otherwise causes to be committed, an act which, were the body a person, would be an offence under subsection (1) or (2).”.

Member’s explanatory statement

This new Clause makes requirements for individual and company donors to be based in the United Kingdom and makes persons running companies liable for donation restriction evasion offences committed by those companies.

BARONESS SMITH OF BASILDON
 LORD WALLACE OF SALTIRE

199

Insert the following new Clause –

“Permissible donors

- (1) Section 54 (permissible donors) of PPERA is amended as follows.
- (2) In subsection (2)(a), after “register” insert “at the time at which the donation is made, but not an individual so registered as an overseas elector;”.

Member’s explanatory statement

This new Clause would prevent overseas electors donating to political parties in the UK.

LORD WALLACE OF SALTAIRE
LORD HODGSON OF ASTLEY ABBOTTS

200★ Insert the following new Clause –

“Restrictions on foreign and foreign-influenced donations

- (1) PPERA is amended as follows.
- (2) In section 54(1) (circumstances in which party may not accept donation), after paragraph (a) insert –
 - “(aa) the party has not been given a declaration as required by section 54C; or”.
- (3) In section 54(2) (permissible donors), in paragraph (b)(ii), for “carries on business in the United Kingdom” substitute –

“satisfies the condition set out in subsection (2ZAA)”.
- (4) After section 54(2ZA) insert –

“(2ZAA) The condition referred to in subsection (2)(b)(ii) is that the company or limited liability partnership’s profits generated and taxable within the United Kingdom over the previous 12 months are greater than the value of the donation given.”
- (5) After section 54B (declaration as to whether residence etc condition satisfied), insert –

“54C Declaration as to whether profit condition is satisfied

- (1) A company or limited liability partnership making to a registered party a donation in relation to which the condition set out in section 54(2ZAA) applies must give to the party a written declaration stating whether or not the company or limited liability partnership satisfies that condition.
- (2) A declaration under this section must also state the company or limited liability partnership’s full name, address and registration number.
- (3) A person who knowingly or recklessly makes a false declaration under this section commits an offence.
- (4) The Commission may issue a notice to a person to provide accounts for the purpose of verifying whether a declaration made under this section is accurate.
- (5) A person who fails to comply with a notice under subsection (4) commits an offence.
- (6) The Secretary of State may by regulations make provision requiring a declaration under this section to be retained for a specified period.
- (7) The requirement in subsection (1) does not apply where, by reason of section 71B(1)(b), the entity by whom the donation would be made is a permissible donor in relation to the donation at the time of its receipt by the party.
- (8) For the purposes of the following provisions, references in this section to receipt by a registered party should be read instead as follows –
 - (a) for a relevant donation controlled under Schedule 7, receipt by the regulated donee;
 - (b) for a relevant donation controlled under Schedule 11, receipt by the recognised third party;

After Clause 59 - continued

- (c) for a relevant donation controlled under Schedule 15, receipt by the permitted participant;
 - (d) for a relevant donation controlled under Schedule 2A to the Representation of the People Act 1983, receipt by the candidate or the candidate's election agent."
- (6) After section 55 (payments etc. which are (or are not) to be treated as donations by permissible donors), insert—

“55A Donations, national security risk and fit and proper test

- (1) The Commission may give a notice (“a call-in notice”) if the Commission reasonably suspects that a qualifying donation has given rise to or may give rise to a risk to national security in relation to electoral integrity or that the person who made the donation does not meet the conditions of the fit and proper test in subsection (5).
- (2) If the Commission decides to give a call-in notice, the notice must be given to—
 - (a) the person who made the donation,
 - (b) the party that received the donation,
 - (c) the Secretary of State, and
 - (d) such other persons as the Commission considers appropriate.
- (3) When assessing whether a donation has given or may give rise to a risk to national security in relation to electoral integrity, the Commission must consider the characteristics of the person who made the donation, including—
 - (a) their sector or sectors of commercial activity or holdings,
 - (b) their technological capabilities,
 - (c) any links to entities which may seek to undermine or threaten the interests of the United Kingdom, including the integrity of its elections,
 - (d) their ultimate controller, or if they can be readily exploited,
 - (e) whether they, or their ultimate controller, has committed, or is linked to, criminal or illicit activities that are related to national security, or activities that have given rise to or may give rise to a risk to national security.
- (4) In this section, a “qualifying donation” is a donation of an amount exceeding £25,000.
- (5) In this section, the “fit and proper test” means the criteria set out by the Secretary of State in regulations in respect of the integrity and reputation of the person who made the donation, including whether they have committed, or are linked to, corruption, fraud, money laundering or other forms of economic crime, or other activities that have given rise to or may give rise to a risk to the integrity of the electoral process.
- (6) The Commission may, in relation to the Commission's functions under this section, issue a notice to a person to—
 - (a) provide information, or
 - (b) attend, or
 - (c) give evidence,

After Clause 59 - continued

- as if such a notice was a notice under section 19 or 20 of the National Security and Investment Act 2021.
- (7) A person who fails to comply with a notice under subsection (6) commits an offence.
 - (8) In this section, “assessment period” in relation to a call-in notice under this section has the same meaning as in section 23 of the National Security and Investment Act 2021 in relation to a call-in notice under that Act.
 - (9) The Commission must, before the end of the assessment period in relation to a call-in notice –
 - (a) make a final order, or
 - (b) give a final notification to each person to whom the call-in notice was given.
 - (10) The Commission may, during the assessment period, make a final order if the Commission –
 - (a) is satisfied, on the balance of probabilities, that the qualifying donation to which the call-in notice applies has given rise to or may give rise to a risk to national security in relation to electoral integrity, and
 - (b) reasonably considers that the provisions of the order are necessary and proportionate for the purpose of preventing, remedying or mitigating the risk.
 - (11) During the assessment period, the Commission may make an interim order in relation to a qualifying donation if the Commission reasonably considers that the provisions of the order are necessary and proportionate for the purpose of safeguarding electoral integrity during that period.
 - (12) An order under subsection (10) or (11) may –
 - (a) require a donation to be held unspent for such a period as may be prescribed in the order,
 - (b) require a donation to be refused,
 - (c) require a donation to be returned, or
 - (d) prohibit the acceptance of any donation by any registered party from the person who made the donation to which the call-in notice applies, or from a prescribed person or category of persons connected to that person, for such a period as may be prescribed in the order.
 - (13) The Commission must keep each order under review and may vary or revoke it.”
- (7) In section 156 (orders and regulations) –
- (a) in subsection (3), before paragraph (a) insert –

“(za) any order under section 55A;”;
 - (b) after subsection (4D) insert –

“(4E) Subsection (2) does not apply to regulations under section 54C and regulations may not be made under that section unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

After Clause 59 - continued

- (8) In Schedule 20 (penalties), at the appropriate places insert the following entries –
- (a) “Section 54C (making a false declaration as to whether profit condition is satisfied or failing to provide accounts)
 On summary conviction in England and Wales or Scotland: statutory maximum or 12 months
 On summary conviction in Northern Ireland: statutory maximum or 6 months
 On indictment: fine or 1 year”;
- (b) “Section 55A(6) (failure to comply with a national security call-in notice)
 On summary conviction in England and Wales or Scotland: statutory maximum or 12 months
 On summary conviction in Northern Ireland: statutory maximum or 6 months
 On indictment: fine or 1 year”.

Member’s explanatory statement

This new Clause is intended to provide safeguards against the risks of foreign influence in UK elections flagged by the Intelligence and Security Select Committee in its report on Russia, ordered to be printed on 21 July 2020 (HC 632).

201 [Withdrawn]

202 [Withdrawn]

203 [Withdrawn]

BARONESS HAYTER OF KENTISH TOWN
 LORD GROCOTT

204 Insert the following new Clause –

“Exclusion of non-UK residents as permissible donors

In section 54(2)(a) of the Political Parties, Elections and Referendums Act 2000, after “individual” insert “who is resident in the United Kingdom and”.

Member’s explanatory statement

This amendment would exclude non-UK resident individuals from the definition of “permissible donor” for the purposes of the rules permitting donations to political parties.

BARONESS HAYMAN OF ULLOCK

205 Insert the following new Clause –

“Review and consolidation of electoral law

Within 12 months of the passing of this Act, the Secretary of State must publish a timetable for undertaking a wholesale review and consolidation of electoral law.”

Member's explanatory statement

This amendment would implement a recommendation of the House of Commons Public Administration and Constitutional Affairs Committee in its report on the Elections Bill.

206 Insert the following new Clause –

“Committee for post-legislative scrutiny

Within five years of the passing of this Act, the Secretary of State must establish a committee consisting of members of both Houses of Parliament for the purposes of post-legislative scrutiny of this Act.”

Member's explanatory statement

This amendment would implement a statutory committee consisting of members of both Houses of Parliament for the purposes of Post-Legislative Scrutiny of this Act.

207 Insert the following new Clause –

“Registration of party emblems

- (1) Section 29 of PPERA (registration of parties) is amended as follows.
- (2) After paragraph (d) insert –
 - “(e) closely resembles the emblem of a proscribed terrorist group or organisation.””

Member's explanatory statement

This amendment would prevent the registration of Party emblems which closely resemble the emblem of a proscribed terrorist group or organisation.

LORD HAYWARD

208 Insert the following new Clause –

“Variation in nomination exclusion

- (1) The Secretary of State must consult on the variation in criteria used for excluding candidates for certain elections, including –
 - (a) general elections to the UK Parliament,
 - (b) local elections in England,
 - (c) police and crime commissioner elections, and
 - (d) mayoral elections.
- (2) The Secretary of State must consult the Electoral Commission and any such persons as the Secretary of State considers appropriate.”

LORD HOLMES OF RICHMOND

209 Insert the following new Clause –

“Investigation of technological solutions to increase the security of the electoral register

Within 3 months of the passing of this Act, the Secretary of State must consult on how the UK electoral register could be established utilising immutable distributed ledger technologies, including how these technologies could increase the security of the electoral register.”

After Clause 59 - continued

LORD HODGSON OF ASTLEY ABBOTTS

210 Insert the following new Clause –

“Public contracts

After section 54(1)(b) of the Political Parties, Elections and Referendums Act 2000 (permissible donors) insert –

“(c) the person by whom the donation would be made has entered into a contract with any department, agency or other public body of the Government of the United Kingdom with a value equal to or exceeding £100,000.””

Member’s explanatory statement

This would prohibit individuals or companies with major public contracts donating to registered political parties.

LORD SIKKA

211 Insert the following new Clause –

“Foundation for Democracy

- (1) The Secretary of State must establish a Foundation for Democracy (“the Foundation”).
- (2) Any donation to a registered party is to go to the Foundation which must distribute all donations to parties proportional to the number of –
 - (a) members of each party, and
 - (b) votes gained by each party at the previous –
 - (i) parliamentary election,
 - (ii) local elections,
 - (iii) mayoral elections, and
 - (iv) elections for police and crime commissioners.
- (3) Funds under subsection (2) are to be distributed annually.
- (4) The Foundation is to form part of the Electoral Commission.”

212 Insert the following new Clause –

“Permissible donors

In section 54(2) of PPERA (permissible donors), in paragraph (b) after “which carries on business in the United Kingdom” insert “and has sufficient realised profits to make the donation”.”

BARONESS BENNETT OF MANOR CASTLE

212A Insert the following new Clause –

“Cap on donations

- (1) Before section 54 of PPERA insert –

“53A Cap on donations

- (1) A donation received by a registered party must not be accepted if the value of the donation is more than £500, either –

After Clause 59 - continued

- (a) on its own, or
 - (b) when combined with any other donation given by the donor to the registered party during the course of the calendar year in which the donation is made.
- (2) Subsection (1) does not apply where the donation is given by a trade union.”
- (2) In Schedule 2A to RPA 1983, after paragraph 6 insert—
- “6A (1) A relevant donation received by a candidate or his or her election agent must not be accepted if the value of the donation is more than £500, either—
- (a) on its own, or
 - (b) when combined with any other donation given by the donor to the candidate or his or her election agent during the course of the calendar year in which the donation is made.
- (2) Sub-paragraph (1) does not apply where the donation is given by a trade union.””

Member’s explanatory statement

This amendment creates an annual donation limit of £500 by any person or entity to any political party or candidate. Trade Unions are exempted.

212B

Insert the following new Clause—

“Reporting of multiple small donations

Before section 69 of PPERA (and before the cross-heading “Register of donations”) insert—

“68A Reporting of multiple small donations

- (1) This section applies where a person (“the donor”) has during the course of a calendar year made small donations to a registered party whose aggregate value is more than £5,000.
- (2) The donor must make a report to the Commission in respect of the donations which gives the following details—
 - (a) the aggregate value of the donations and the year in which they were made;
 - (b) the name of the registered party to whom they were made; and
 - (c) the full name and address of the donor (if an individual) and (in any other case) such details in respect of the donor as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation.
- (3) The report must be delivered to the Commission by 31st January in the year following that in which the donations were made.
- (4) The report must, when delivered to the Commission, be accompanied by a declaration by the donor stating—
 - (a) that small donations whose aggregate value was that specified in the report were made by him or her to the specified registered party during the specified year, and
 - (b) that no other small donations were made by him or her to that party during that year.

After Clause 59 - continued

- (5) A person commits an offence if—
- (a) he or she delivers a report under this section which does not comply with subsection (2);
 - (b) he or she fails to deliver such a report in accordance with subsection (3) or such a report, when delivered by him or her, is not accompanied by a declaration under subsection (4); or
 - (c) he or she knowingly or recklessly makes a false declaration under that subsection.
- (6) In this section—
- (a) “small donation” means a donation whose value is not more than £200; and
 - (b) “specified” means specified in the report in question.”

Member’s explanatory statement

This amendment would revive section 68 of PPERA, requiring declaration of multiple small donations by an individual which total £5,000 or more in any year.

LORD CLEMENT-JONES

212C Insert the following new Clause—

“Integrity of election process: offence

- (1) A person who is a campaigner or candidate in respect of a relevant election commits an offence if he or she makes false statements about the integrity of the election process.
- (2) In this section—
 - (a) “campaigner” has the same meaning as in section 32;
 - (b) “candidate” has the same meaning as in section 30;
 - (c) “relevant election” has the same meaning as in section 66 of RPA 1983 (as inserted by section 7 of this Act).”

Member’s explanatory statement

This Clause would make false statements about the integrity of the elections process an offence.

LORD COLLINS OF HIGHBURY

212D Insert the following new Clause –

“Expenditure deriving from foreign donations

Within the period of 12 months beginning with the day on which this Act is passed, the Secretary of State must publish draft legislation to regulate expenditure deriving from donations by non-UK nationals.”

LORD STUNELL

This is a corrected version of Amendment 196B

212DA★ Insert the following new Clause—

“Cap on donations and spending limits

- (1) PPERA is amended as follows.
- (2) After subsection (1) of section 54 there is inserted—

After Clause 59 - continued

“(1A) A donation received by a registered party from a permissible donor must not be accepted by the party in so far as the amount of that donation and of any other donations accepted by the party from that donor during the same calendar year exceeds £10,000.

(1B) Subsection (1A) does not apply to donations to which subsections (1) and (2) of section 55 apply, or to monies received from public funds.”

(3) Within 6 months of the passing of this Act, the Secretary of State must by regulations reduce the national spending limit for general elections by 15%.”

Member’s explanatory statement

In 2011 the CSPL’s report ‘Ending the Big Donor Culture’ made recommendations on political party finance and spending. This probing amendment would implement some key recommendations from that report.

LORD RENNARD

212E Insert the following new Clause—

“Non-resident donors: commencement

Within the period of 6 months beginning with the day on which this Act is passed, the Secretary of State must make an order made by statutory instrument to bring section 10 of the Political Parties and Elections Act 2009 (non-resident donors etc) into force.”

Member’s explanatory statement

This amendment requires the Secretary of State to bring the provisions of section 10 of the Political Parties and Elections Act 2009, relating to non-resident donors, into force within 6 months of this Act being passed.

Clause 64

BARONESS HAYMAN OF ULLOCK

213 Page 65, line 27, at end insert—

“(1A) Schedule 8 may not come into force until the Secretary of State has made a statement to Parliament on voting and candidacy rights of EU citizens.”

Member’s explanatory statement

This amendment intends to probe the government’s position on voting and candidacy rights of EU citizens.

LORD KERSLAKE

213A Page 65, line 29, at end insert—

“(2A) Regulations under subsection (1) may not appoint a day for the commencement of section 12 unless the Electoral Commission has reported that the integrity and security of the arrangements for the extended franchise are secure.”

Clause 64 - *continued*

BARONESS HAYMAN OF ULLOCK

- 214** Page 65, line 30, leave out “on which this Act is passed” and insert “seven days after the Secretary of State has published a consultation on the provisions of this Act”
- 215** Page 65, line 30, leave out “on which this Act is passed” and insert “seven days after the Secretary of State has published an equalities impact assessment on the provisions of this Act”

Elections Bill

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

17 March 2022
