

Elections Bill

SIXTH
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.**

After Clause 13

LORD WALLACE OF SALTAIRE

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.”

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;

After Clause 13 - continued

- (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—
 - “(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 –
- (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).

After Clause 51 - continued

- (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.
- (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”.
- (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 SALTAIRE

199 Insert the following new Clause—

“Permissible donors

- (1) Section 54 (permissible donors) of PPERA is amended as follows.

After Clause 59 - continued

- (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.

After Clause 59 - continued

- (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;
 - (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.

After Clause 59 - continued

- (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,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

After Clause 59 - continued

- (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.”
- (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]

After Clause 59 - continued

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.”

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,

After Clause 59 - continued

- (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 –
 - (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

After Clause 59 - continued

- (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.
- (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;

After Clause 59 - continued

- (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 –
 - “(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.

BARONESS BENNETT OF MANOR CASTLE

212F Insert the following new Clause—

“Review of impact of election deposits on democratic participation

- (1) Within 12 months of this Act being passed, the Secretary of State must publish a review of the impact of election deposits on democratic participation.
- (2) The review in subsection (1) must include consideration of the following questions—
 - (a) how much money is lost by candidates from each political party, and what proportion of each party's total expenditure is lost, in deposits;
 - (b) what aims provision about election deposits seeks to achieve, and to what extent those aims are achieved;
 - (c) whether there are alternative ways to achieve the aims outlined in paragraph (b) which might be more effective or more proportionate or have a lesser impact on the finances of candidates and parties.”

Member’s explanatory statement

This amendment would require the Government to review election deposits and explore alternatives that do not disproportionately impact the finances of smaller parties and independent candidates.

LORD ROOKER
LORD BUTLER OF BROCKWELL
LORD STUNELL

212G Insert the following new Clause—

“Risk assessment and due diligence policies, controls and procedures

After section 54B of PPERA insert—

“54C Risk assessment and due diligence policies, controls and procedures

- (1) A registered party must develop and publish a reasonable and proportionate risk-based policy for identifying the true source of donations and for managing donations, in accordance with regulations made by the Secretary of State by statutory instrument.
- (2) A registered party must have reasonable and proportionate risk assessment and due diligence controls and procedures for record-keeping, monitoring and management of compliance with, and internal communication of, risk assessment and due diligence policies for donations, in accordance with regulations made by the Secretary of State by statutory instrument.
- (3) Where a permissible donor causes an amount exceeding £7,500 to be received by a registered party by way of a donation, or an aggregate amount of donations in the same calendar year, a registered party must undertake enhanced risk assessment and due diligence checks, including—
 - (a) the donor’s principal place of business if different from its registered office,
 - (b) the nature of the donor’s business,
 - (c) the people with significant control of the donor’s business, and
 - (d) the names of the donor’s directors or senior persons responsible for its operations.

After Clause 59 - continued

- (4) Where a donor causes an amount exceeding £7,500 to be received by a registered party by way of a donation, or an aggregate amount of donations in the same calendar year, a written declaration must be given to the party –
- (a) by the donor, if they are an individual, or
 - (b) if not, by an individual authorised by the donor to make the declaration,
- stating, to the best of the individual’s knowledge and belief, whether or not subsection (5) applies to the donor.
- (5) This subsection applies if –
- (a) the donor’s business falls within a high-risk business sector, or
 - (b) the donor has been under formal investigation by a regulator or law enforcement body for, or convicted of, any of the following offences –
 - (i) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
 - (ii) the common law offence of bribery;
 - (iii) bribery within the meaning of section 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983;
 - (iv) the common law offence of cheating the Revenue;
 - (v) the common law offence of conspiracy to defraud;
 - (vi) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
 - (vii) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
 - (viii) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
 - (ix) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
 - (x) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
 - (xi) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
 - (xii) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;
 - (xiii) any offence listed in section 41 of the Counter-Terrorism Act 2008 or in Schedule 2 to that Act where the court has determined that there is a terrorist connection;

After Clause 59 - continued

- (xiv) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (xiii);
 - (xv) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;
 - (xvi) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996; or
 - (xvii) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994.
- (6) A declaration under subsection (4) of this section must also state the full name and address of the person by whom it is made and, where subsection (4)(b) applies –
- (a) state that the person is authorised by the donor to make the declaration, and
 - (b) describe the person’s role or position in relation to the donor.
- (7) A registered party must not accept a donation, or an aggregate amount of donations in the same calendar year, exceeding £7,500, from a permissible donor unless it has undertaken and recorded the enhanced risk assessment and due diligence checks in subsection (3).
- (8) A registered party may undertake simplified risk assessment and due diligence checks for donors after completing the enhanced risk assessment and due diligence checks in subsection (3) of this section and for donations, or an aggregate amount of donations in the same calendar year, equal to or not exceeding £7,500.
- (9) A registered party must conduct ongoing monitoring of a donor relationship, including –
- (a) scrutiny of donations throughout the course of the relationship, including the true source of donations, to ensure that the donations are consistent with the registered party’s knowledge of the donor, the donor’s business and risk profile, and
 - (b) undertaking reviews of existing records and keeping the documents or information obtained up-to-date for the purposes of applying due diligence measures.
- (10) A registered party must include a statement of risk management in its annual accounts that identifies how risks relating to the true source of funds have been managed.
- (11) The Electoral Commission must publish guidance on how to develop a proportionate risk-based policy on controls and procedures for identifying the true source of donations.
- (12) A person who knowingly or recklessly makes a false declaration or provides false information to a registered party under this section commits an offence.
- (13) For the purposes of this section, “high-risk business sector” means –
- (a) extractive industries,
 - (b) gambling and betting,

After Clause 59 - continued

- (c) cryptocurrencies,
 - (d) travel agencies, and
 - (e) pharmaceuticals.
- (14) This section comes into force at the end of the period of three months beginning with the day on which the Elections Act 2022 is 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.”

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

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

24 March 2022
