

Elections Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 31st March 2022, as follows –

Clause 1	Schedule 7
Schedule 1	Clause 14
Clause 2	Schedule 8
Schedule 2	Clauses 15 to 29
Clause 3	Schedule 9
Schedule 3	Clauses 30 to 37
Clauses 4 to 6	Schedule 10
Schedule 4	Clauses 38 to 47
Clauses 7 and 8	Schedule 11
Schedule 5	Clauses 48 to 52
Clauses 9 to 11	Schedule 12
Schedule 6	Clauses 53 to 66
Clauses 12 and 13	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD WOOLLEY OF WOODFORD
BARONESS JONES OF MOULSECOOMB

1 Leave out Clause 1

Schedule 1

LORD DESAI
BARONESS JONES OF MOULSECOOMB

2 Page 69, leave out line 8 and insert “The Electoral Commission must provide an electoral identity document to”

LORD DESAI

3 Page 69, line 23, leave out from beginning to end of line 4 on page 70

Schedule 1 - continued

- 4 Page 70, line 9, after “name,” insert –
 “(ii) address,
 (iii) date of birth, and
 (iv) NHS number,”

BARONESS HAYMAN OF ULLOCK
 BARONESS JONES OF MOULSECOOMB
 LORD RENNARD

- 5 Page 81, line 39, at end insert “, unless paragraph (1HB) applies.”

- 6 Page 83, line 25, at end insert –
 “(1HA) In this rule a “specified document” also means any of the following documents –
 (a) any document issued by a local authority which includes their full name and address,
 (b) any document issued by a returning officer or acting returning officer which includes their full name and address, including but not limited to a poll card.
 (1HB) If a voter is unable to provide a specified document, another eligible voter, who has produced a specified document to the presiding officer or clerk on that day that attests to their own identity, may vouch to the presiding officer or clerk as to the identity of the first voter.”

Member’s explanatory statement

This amendment would mean that, instead of photographic ID, a voter may provide a document, such as a polling card or council tax statement, issued by a local authority or returning officer, or alternatively another eligible voter may ‘vouch’ for their identity.

LORD RENNARD
 LORD STUNELL

- 7 Page 83, line 25, at end insert –
 “(1HA) In this rule a “specified document” also means a polling card issued by the Electoral Registration Officer for the election at which the voter intends to vote.”

Member’s explanatory statement

This amendment would include a polling card in the list of documents that could be used by a voter as a form of identification

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

8 Page 83, line 25, 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;
- (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.”

LORD WOOLLEY OF WOODFORD
BARONESS JONES OF MOULSECOOMB

9 Leave out Schedule 1

Clause 3

BARONESS QUIN

9A★ Leave out Clause 3

Schedule 3

BARONESS QUIN

9B★ Leave out Schedule 3

Clause 7

LORD TRUE

- 10 Page 10, line 33, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

This amendment fixes a minor drafting issue in relation to references to local government elections.

- 11 Page 10, line 38, leave out “a local government election in England” and insert “an election in England under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Clause 8

LORD TRUE

- 12 Page 11, line 10, leave out “is guilty of undue influence if the person” and insert “(“P”) is guilty of undue influence if P”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

- 13 Page 11, line 12, leave out “an elector or proxy for an elector” and insert “a person”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

- 14 Page 11, line 19, leave out “an elector or proxy for an elector” and insert “a person”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

- 15 Page 11, line 21, leave out “an elector or proxy for an elector” and insert “a person”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

- 16 Page 12, line 3, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

- 17 Page 12, line 6, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

- 18 Page 12, line 8, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

After Clause 8

LORD HAYWARD

- 19 Insert the following new Clause—

“Security of the vote

- (1) The Electoral Commission must issue guidance on—
 - (a) steps that presiding officers or clerks should take to ensure the secrecy of the ballot in polling stations, including on barring anyone from accompanying the elector into the polling booth, unless on grounds of infirmity, and
 - (b) compliance with the provisions in section 8.
- (2) Local authorities and returning officers must take such steps as are necessary to ensure that the guidance under subsection (1) is followed.”

Schedule 5

LORD TRUE

- 20 Page 113, line 14, leave out “115” and insert “114A”

Member's explanatory statement

This amendment updates a reference to the provision in the Representation of the People Act 1983 relating to undue influence in parliamentary elections, in consequence of amendments made to Clause 8 during Committee stage.

- 21 Page 113, line 31, leave out “115” and insert “114A”

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

- 22 Page 113, line 38, leave out “115” and insert “114A”

Member's explanatory statement

See the explanatory note to the amendment in Lord True's name at page 113, line 14.

- 23 Page 115, line 26, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

- 24 Page 116, line 3, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

- 25 Page 116, line 24, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

Clause 9

LORD HOLMES OF RICHMOND
LORD BLUNKETT

- 26 Page 12, line 21, after “vote” insert “independently”

Member’s explanatory statement

This amendment and the amendment in Lord Holmes’ name at page 12, line 22 reference the need for equipment provided for a polling station under rule 29(3A) of Schedule 1 to the Representation of the People Act 1983 to enable or facilitate independent and secret voting by voters who are blind or partially sighted or have another disability.

- 27 Page 12, line 22, after “37” insert “(including in relation to voting secretly)”

Member’s explanatory statement

See the explanatory statement relating to the amendment in Lord Holmes’ name at page 12, line 21.

- 28 Page 12, line 24, leave out “paragraph (3A)(b)” and insert “this paragraph”

Member’s explanatory statement

This amendment is consequential on the amendment in Lord Holmes’ name at page 12, line 28.

- 29 Page 12, line 28, at end insert –

“(c) after paragraph (7) insert –

- “(8) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).
- (9) Before giving guidance under paragraph (8), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.
- (10) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (8).”

Member's explanatory statement

This amendment requires the Electoral Commission to give guidance about the duty of returning officers to provide equipment to enable or facilitate voting by people with a disability, and to consult appropriate persons before giving that guidance. It also requires returning officers to have regard to such guidance.

30 Page 12, line 37, at end insert –

- “(5) In section 5 of PPERA (reports on elections etc), after subsection (2A) insert –
- “(2AA) Subsection (2AB) applies where a report under this section relates to –
- (a) a parliamentary general election,
 - (b) a parliamentary by-election,
 - (c) an ordinary election of police and crime commissioners,
 - (d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner), or
 - (e) a Northern Ireland Assembly general election.
- (2AB) The report must include a description of the steps taken by returning officers to assist relevant persons (within the meaning of rule 29 of Schedule 1 to the Representation of the People Act 1983) to vote at the election.””

Member's explanatory statement

This amendment requires a report under section 5 of the Political Parties, Elections and Referendums Act 2000, in relation to a parliamentary election, an election of a police and crime commissioner or a Northern Ireland Assembly general election, to describe the steps taken by returning officers to assist blind, partially sighted and other disabled persons to vote.

Before Clause 10

LORD HAYWARD

31 Insert the following new Clause –

“Candidate nomination paper: commonly used names

- (1) Schedule 1 to RPA 1983 (Parliamentary elections rules) is amended as follows.
- (2) In rule 6 (nomination of candidates), for paragraph (2A) substitute –

“(2A) If a candidate –

 - (a) commonly uses a surname that is different from any other surname the candidate has,
 - (b) commonly uses a forename that is different from any other forename the candidate has, or
 - (c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate's names are stated in accordance with paragraph (2)(a) (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),

the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a).”
- (3) In rule 14 (publication of statement of persons nominated), in paragraph (2A) –

Before Clause 10 - continued

- (a) for “in addition to another name” substitute “in accordance with rule 6(2A)”;
 - (b) for “any other name” substitute “the other surname or forename”.
- (4) In the form of nomination paper in the Appendix of forms, for note 2A substitute—
- “2A Where a candidate commonly uses a name or names—
- (a) that are different from the candidate’s full names as stated on the nomination paper, or
 - (b) in a different way from the candidate’s full names as stated on the nomination paper,
- the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper.”

Member’s explanatory statement

This amendment clarifies the circumstances in which candidates in parliamentary elections may use names by which they are commonly known. It also makes related changes to the notes that appear on the nomination paper.

Schedule 6**LORD HAYWARD**

- 32 Page 117, line 28, leave out “8” and insert “6A”

Member’s explanatory statement

This amendment is consequential on the amendment in Lord Hayward’s name inserting a new paragraph 6A in Schedule 6 to the Bill.

- 33 Page 117, line 28, at end insert—

- “6A In rule 5 (nomination of candidates), for paragraph (2A) substitute—
- “(2A) If a candidate—
- (a) commonly uses a surname that is different from any other surname the candidate has,
 - (b) commonly uses a forename that is different from any other forename the candidate has, or
 - (c) otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate’s names are stated in accordance with paragraph (2)(a) (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names),
- the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a).”
- 6B In rule 12 (publication of statement of persons nominated), in paragraph (2A)—

Schedule 6 - continued

- (a) for “in addition to another name” substitute “in accordance with rule 5(2A)”;
- (b) for “any other name” substitute “the other surname or forename”.

Member’s explanatory statement

This amendment makes provision for the nomination paper of a candidate at a local election in Northern Ireland corresponding to the provision made by the new clause in Lord Hayward’s name to be inserted before clause 10.

LORD HOLMES OF RICHMOND
LORD BLUNKETT

- 34 Page 119, line 17, after “vote” insert “independently”

Member’s explanatory statement

This amendment makes provision in relation to local elections in Northern Ireland corresponding to that made by the amendment in the name of Lord Holmes at page 12, line 21.

- 35 Page 119, line 17, after “34” insert “(including in relation to voting secretly)”

Member’s explanatory statement

This amendment makes provision in relation to local elections in Northern Ireland corresponding to that made by the amendment in the name of Lord Holmes at page 12, line 22.

- 36 Page 119, line 19, leave out “paragraph (3A)(b)” and insert “this paragraph”

Member’s explanatory statement

This amendment is consequential on the amendment in Lord Holmes’ name at page 119, line 23.

- 37 Page 119, line 23, at end insert –

- “(3C) The Electoral Commission must give guidance to returning officers in relation to the duty imposed by paragraph (3A)(b).
- (3D) Before giving guidance under paragraph (3C), the Commission must consult such persons, including bodies representing the interests of relevant persons, as they consider appropriate.
- (3E) In performing the duty imposed by paragraph (3A)(b), a returning officer must have regard to guidance given under paragraph (3C).”

Member’s explanatory statement

This amendment makes provision in relation to local elections in Northern Ireland corresponding to that made by the amendment in the name of Lord Holmes at page 12, line 28.

LORD HAYWARD

- 38 Page 123, line 18, at end insert –

- “18A In form 1 in the Appendix of Forms (form of nomination paper), for note 3 substitute –
- “3 Where a candidate commonly uses a name or names –

Schedule 6 - continued

- (a) that are different from the candidate's full names as stated on the nomination paper, or
- (b) in a different way from the candidate's full names as stated on the nomination paper,
- the commonly used name or names may also appear on the nomination paper; but if they do so, the commonly used name or names (instead of any other name) will appear on the ballot paper.”

Member's explanatory statement

This amendment makes provision for the nomination paper of a candidate at a local election in Northern Ireland corresponding to the provision made by the new clause in Lord Hayward's name to be inserted before clause 10.

Clause 12

BARONESS HAYMAN OF ULLOCK
LORD SHIPLEY
BARONESS BENNETT OF MANOR CASTLE
LORD KERSLAKE

39 Leave out Clause 12

After Clause 12

LORD WOOLLEY OF WOODFORD
LORD RENNARD
BARONESS HAYMAN OF ULLOCK
BARONESS BENNETT OF MANOR CASTLE

40 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;

After Clause 12 - continued

- (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.
- (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 GREENGROSS

41 Insert the following new Clause –

“Simple majority system: referendums

- (1) The Secretary of State may exercise the power in section 65(1) so as to bring section 12 into force in relation to elections for Mayor of London 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 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 65(1) so as to bring section 12 into force in relation to elections for mayors of a combined authority area only if –
- (a) a referendum has been held, and

After Clause 12 - continued

- (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 65(1) so as to bring section 12 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 has by regulations 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 into account 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 65(1) so as to bring section 12 into force for different purposes or areas except in accordance with this section.”

After Clause 14

LORD DUBS
LORD NASEBY

42

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 14 - continued

LORD GREEN OF DEDDINGTON
LORD HODGSON OF ASTLEY ABBOTTS

43★ Insert the following new Clause—

“Commonwealth citizens: reciprocal franchise

Within 12 months of the passing of this Act, the Secretary of State must consult governments of Commonwealth countries and report to Parliament on a proposal to restrict the right of Commonwealth citizens to vote in UK general elections to citizens of Commonwealth countries that grant to British citizens a reciprocal right to vote in their own general elections.”

Member’s explanatory statement

This amendment will ensure that Commonwealth countries are consulted about a proposal to restrict the right of Commonwealth citizens to vote in UK general elections to citizens of those Commonwealth countries that grant to British citizens the right to vote in their own general elections.

LORD STUNELL
BARONESS BENNETT OF MANOR CASTLE

44 Insert the following new Clause—

“Enfranchisement of certain foreign nationals at local government elections

- (1) Section 2(1) of RPA 1983 (entitlement to vote in local government elections) 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”.

Member’s explanatory statement

This amendment would extend the right to vote in local government elections to those with a right of abode in the UK, who have settled status or have indefinite leave to enter or remain in the UK.

Schedule 8

BARONESS RITCHIE OF DOWNPATRICK
LORD MURPHY OF TORFAEN

44A★ Page 150, line 13, 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.

Clause 15

LORD JUDGE
LORD WALLACE OF SALTAIRE
LORD YOUNG OF COOKHAM
LORD BLUNKETT

45 Leave out Clause 15

Clause 16

LORD JUDGE
LORD WALLACE OF SALTAIRE
LORD YOUNG OF COOKHAM
LORD BLUNKETT

46 Leave out Clause 16

Clause 19

LORD TRUE

47 Page 29, line 24, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

LORD RENNARD

48 Leave out Clause 19

Clause 20

LORD HODGSON OF ASTLEY ABBOTTS

49 Page 31, line 20, leave out “or paragraph 3(7) of Schedule 8A”

Member’s explanatory statement

This amendment, which leaves out the reference to an order under paragraph 3(7) of Schedule 8A to the Political Parties, Elections and Referendums Act 2000 (in the inserted paragraph (aa) for section 156(3) of that Act), is consequential on the new Clause that Lord Hodgson is seeking to insert after Clause 27.

Clause 21

LORD TRUE

50 Page 31, line 30, leave out “a local government election in Wales” and insert “an election in Wales under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Clause 22

BARONESS NOAKES

- 51 Page 32, line 14, leave out “party’s assets/liabilities figure does not exceed £500” and insert “assets/liabilities condition is met in relation to the party”

Member’s explanatory statement

The amendments to Clause 22 in the name of Baroness Noakes ensure that the reporting threshold for section 28(3D) of the Political Parties, Elections and Referendums Act 2000 (declaration of assets and liabilities to be provided on application for registration) is expressed in terms that are consistent with accounting practice.

- 52 Page 32, line 17, leave out “party’s assets/liabilities figure exceeds £500” and insert “assets/liabilities condition is not met in relation to the party”

Member’s explanatory statement

See the explanatory statement to the amendment in the name of Baroness Noakes at page 32, line 14.

- 53 Page 32, leave out lines 19 to 25 and insert –

“(3C) The assets/liabilities condition is met in relation to a party if—
 (a) the total value of the party’s assets does not exceed £500, and
 (b) the total amount of the party’s liabilities does not exceed £500.”

Member’s explanatory statement

See the explanatory statement to the amendment in the name of Baroness Noakes at page 32, line 14.

Clause 25

LORD HODGSON OF ASTLEY ABBOTTS

- 54 Page 35, leave out lines 27 to 35

Member’s explanatory statement

This amendment, to leave out subsection (6) of the inserted section 89A of the Political Parties, Elections and Referendums Act 2000, is consequential on the new Clause that Lord Hodgson is seeking to insert after Clause 27.

Clause 26

LORD TRUE

- 55 Page 36, line 34, at end insert –

“(10) An order under subsection (9)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.”

Member’s explanatory statement

This amendment makes the power to remove or vary entries in the list of categories of third party that may be recognised for the purposes of Part 6 of the Political Parties, Elections and Referendums Act 2000 exercisable only on the recommendation of the Electoral Commission.

After Clause 27

LORD HODGSON OF ASTLEY ABBOTTS
LORD BLUNKETT

56 Insert the following new Clause—

“Code of practice on controls relating to third parties

(1) After section 100 of PPERA insert—

“Code of practice relating to controlled expenditure

100A Code of practice on controlled expenditure

- (1) The Commission must prepare a code of practice about the operation of this Part in relation to a reserved regulated period.
- (2) The code must in particular set out—
 - (a) guidance on the kinds of expenses which do, or do not, fall within Part 1 of Schedule 8A (qualifying expenses);
 - (b) guidance on determining whether the condition in section 85(2)(b) (promoting or procuring electoral success) is met in relation to expenditure;
 - (c) guidance on determining whether anything provided to or for the use of a third party falls to be dealt with in accordance with section 86 (notional controlled expenditure) or with section 95 and Schedule 11 (donations);
 - (d) examples of when expenditure falls to be dealt with in accordance with section 94(6) (expenditure of a third party in pursuance of an arrangement with one or more other third parties);
 - (e) guidance about the operation of sections 94D to 94H (targeted controlled expenditure).
- (3) The Commission may from time to time revise the code.
- (4) In exercising their functions under this Part, the Commission must have regard to the code.
- (5) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a reserved regulated period, to show—
 - (a) that the code, in the form for the time being issued under section 100B, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and
 - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.
- (6) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).
- (7) Section 100B sets out consultation and procedural requirements relating to the code or any revised code.

*After Clause 27 - continued***100B Code of practice: consultation and procedural requirements**

- (1) The Commission must consult the following on a draft of a code under section 100A –
 - (a) the Speaker’s Committee;
 - (b) the Levelling Up, Housing and Communities Committee;
 - (c) such other persons as the Commission consider appropriate.
- (2) After the Commission have carried out the consultation required by subsection (1), they must –
 - (a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and
 - (b) submit the draft to the Secretary of State for approval by the Secretary of State.
- (3) The Secretary of State may approve a draft code either without modifications or with such modifications as the Secretary of State may determine.
- (4) Once the Secretary of State has approved a draft code, the Secretary of State must lay before each House of Parliament a copy of the draft, whether –
 - (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under subsection (3).
- (5) If the draft code incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the Secretary of State’s reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.
- (7) Subsection (6) does not prevent a new draft code from being laid before Parliament.
- (8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period –
 - (a) the Secretary of State must issue the code in the form of the draft laid before Parliament,
 - (b) the Commission must arrange for the code to be published in such manner as they consider appropriate, and
 - (c) the code comes into force on such day as the Secretary of State may by order appoint.
- (9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.
- (10) In this section, “the 40-day period”, in relation to a draft code, means –
 - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

After Clause 27 - continued

- (11) If the name of the Levelling Up, Housing and Communities Committee is changed, the reference in subsection (1)(b) to that Committee is to be read (subject to subsection (12)) as a reference to the Committee by its new name.
- (12) If the functions of the Levelling Up, Housing and Communities Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of the House of Commons, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions.”
- (2) In section 156 of PPERA (orders and regulations), in subsection (3), before paragraph (a) insert—
“(za) an order under section 100B(8);”.
- (3) In Schedule 8A to PPERA (controlled expenditure: qualifying expenses), in paragraph 3, after sub-paragraph (10) insert—
“(11) This paragraph does not apply in relation to expenses incurred during a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly) (see sections 100A and 100B as regards expenses incurred during such a period).”

Member’s explanatory statement

This amendment would require the Electoral Commission to publish a code of practice on the operation of Part 6 of the Political Parties, Elections and Referendums Act 2000 (which deals with controlled expenditure of third parties). The code of practice would not apply for the purposes of elections to the Scottish Parliament or Senedd Cymru.

Clause 28

LORD TRUE

57 Leave out Clause 28

Member’s explanatory statement

This amendment would leave out Clause 28 (joint campaigning by registered parties and third parties).

Clause 40

LORD CLEMENT-JONES

58 Page 50, line 33, 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.

After Clause 46

LORD HODGSON OF ASTLEY ABBOTTS

59 Insert the following new Clause—

“Disclosure of status as a recognised third party

- (1) Section 89 of PPERA (Register of notifications for purposes of section 88) is amended as follows.
- (2) At end of heading insert “and third party disclosure of registered status”.
- (3) After subsection (4) insert—
 - “(5) During a period in which a notification under section 88 is in effect and the Commission has entered details of the notification on the register in accordance with this section, a third party shall disclose its status as a recognised third party in a prominent place on the homepage of its website.
 - (6) For the purposes of subsection (5), a reference to a third party's “website” means any part of a website relating to that third party which that third party has caused or authorised to appear.
 - (7) Subsection (5) shall not apply where a third party does not have a website within the meaning of subsection (6).
 - (8) A person commits an offence if, without reasonable excuse, they contravene subsection (5).”

Member’s explanatory statement

This amendment requires registered non-party campaigners to disclose their status as such on a prominent place on their websites, so as to increase transparency for the public.

LORD CLEMENT-JONES

60 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;
 - (b) details of the promoter of each electronic communication.
- (2) “Candidates” and “campaigners” have the meanings assigned by sections 31 and 33.”

Member’s explanatory statement

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

61 Insert the following new Clause –

“Election-related electronic material

- (1) Foreign governments, non-United Kingdom resident individuals and entities incorporated outside the United Kingdom are prohibited from publishing, promoting, and paying for, electronic material to which section 41 or 43 applies.
- (2) Subsection (1) above does not apply to any third party falling within the exception to incurring controlled expenditure provided by section 89A(1) of PPERA.
- (3) 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.

After Clause 52

LORD CLEMENT-JONES

62 Insert the following new Clause –

“Electronic material: campaign spending

- (1) Each promoter of electronic material which meets the conditions in section 41 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 41.
- (3) The database referred to in subsection (2) 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;
 - (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 Clause would ensure greater transparency of campaign spending as it relates to electronic material.

After Clause 60

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

63 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.

BARONESS HAYMAN OF ULLOCK
 BARONESS JONES OF MOULSECOOMB

64 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.

LORD CLEMENT-JONES

65 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 33;
 - (b) “candidate” has the same meaning as in section 31;
 - (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.

BARONESS BENNETT OF MANOR CASTLE

66 Insert the following new Clause—

“Cap on donations

Before section 54 of PPERA insert—

After Clause 60 - continued**“53A Cap on donations**

- (1) A donation received by a registered party must not be accepted if the value of the donation exceeds the donation cap specified in subsection (2), either –
 - (a) on its own, or
 - (b) when combined with any other donation given by the donor to the registered party since the most recent general election.
- (2) The donation cap is 5% of the party’s campaign expenditure limit (calculated according to paragraph 3 of Schedule 9 of this Act) at the most recent general election.
- (3) Where a party was registered after the most recent general election, the donation cap in subsection (2) shall be calculated as though the party contested every parliamentary constituency in the most recent general election.””

Member’s explanatory statement

This amendment imposes a donation cap of 5% of each party’s campaign expenditure limit at the most recent general election, and prevents any donor from donating more than this amount in each general election cycle. Special provision is made for new parties.

LORD SIKKA

67★ Insert the following new Clause –

“Foundation for Democracy

- (1) The Secretary of State must, within six months beginning with the day on which this Act is passed, establish an independent committee to report on the creation of a Foundation for Democracy (“the Foundation”).
- (2) The Committee must report within 12 months of being established.
- (3) The Committee’s terms of reference must require it to consider the –
 - (a) control,
 - (b) operations, and
 - (c) accountability,
 of the Foundation.
- (4) The Secretary of State must (subject to the approval of each House of Parliament under subsection (6)) implement the Committee’s recommendations by regulations made by statutory instrument.
- (5) If the Committee so recommends, the regulations must provide as follows –
 - (a) the Foundation is to form part of the Electoral Commission;
 - (b) the Foundation’s function is to receive all cash and non-cash donations made to registered political parties and any of their representatives and officers;
 - (c) as a result, no political party or any of its representatives may directly receive any direct amount of cash or non-cash donation from any donor;
 - (d) the Foundation must produce a list of all donations received at monthly intervals;

After Clause 60 - continued

- (e) every month, the Foundation must distribute all donations received to registered political parties, proportional to the number of –
 - (i) members of each party, and
 - (ii) votes gained by each party at the previous –
 - (A) parliamentary election,
 - (B) local elections,
 - (C) mayoral elections, and
 - (D) elections for police and crime commissioners;
 - (f) full details of the allocation and distribution of sums by the Foundation must be published.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

This amendment would establish a committee to consider a Foundation for Democracy and, if the committee recommends, requires the Secretary of State to make it so that no political party directly receives any donation from third parties. It would not place limits on any political donations.

BARONESS BENNETT OF MANOR CASTLE
LORD SIKKA

68★ Insert the following new Clause –

“Consultation on funding of political parties

- (1) Within 12 months beginning with the day on which this Act is passed, the Secretary of State must consult and publish a report on proposals for –
 - (a) state funding of political parties, and
 - (b) limitations on private donations received by political parties,
 and lay it before both Houses of Parliament.
- (2) The report under subsection (1) must include proposals for the following –
 - (a) setting donation caps on private donors,
 - (b) setting caps on the total legacy that can be left to a political party in a will,
 - (c) apportioning funding to political parties by reference to their electoral support, and
 - (d) apportioning funding to political parties by reference to registered voters nominating funds to be apportioned to a particular party on their behalf.”

Member’s explanatory statement

This amendment would require the Government to publish a report setting out proposals to establish state funding of political parties and limitations on private donations.

LORD ROOKER

69★ 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, in accordance with the 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.
- (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 offences listed in the regulations made by the Secretary of State by statutory instrument.
- (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.

After Clause 60 - continued

- (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 under 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 under subsection (3) 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) A person who knowingly or recklessly makes a false declaration or provides false information to a registered party under this section commits an offence.
- (12) For the purposes of this section, “high-risk business sector” means –
 - (a) extractive industries,
 - (b) gambling and betting,
 - (c) cryptocurrencies,
 - (d) travel agencies,
 - (e) pharmaceuticals,
 - (f) currency exchange.
- (13) 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 QUIN

70★

Page 67, line 20, leave out sub-paragraph (ii)

Elections Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

5 April 2022
