

January 2007

The
Electoral
Commission



Observers at United Kingdom elections

Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version, please contact the Electoral Commission:
Tel: 020 7271 0500
Email: publications@electoralcommission.org.uk

The Electoral Commission

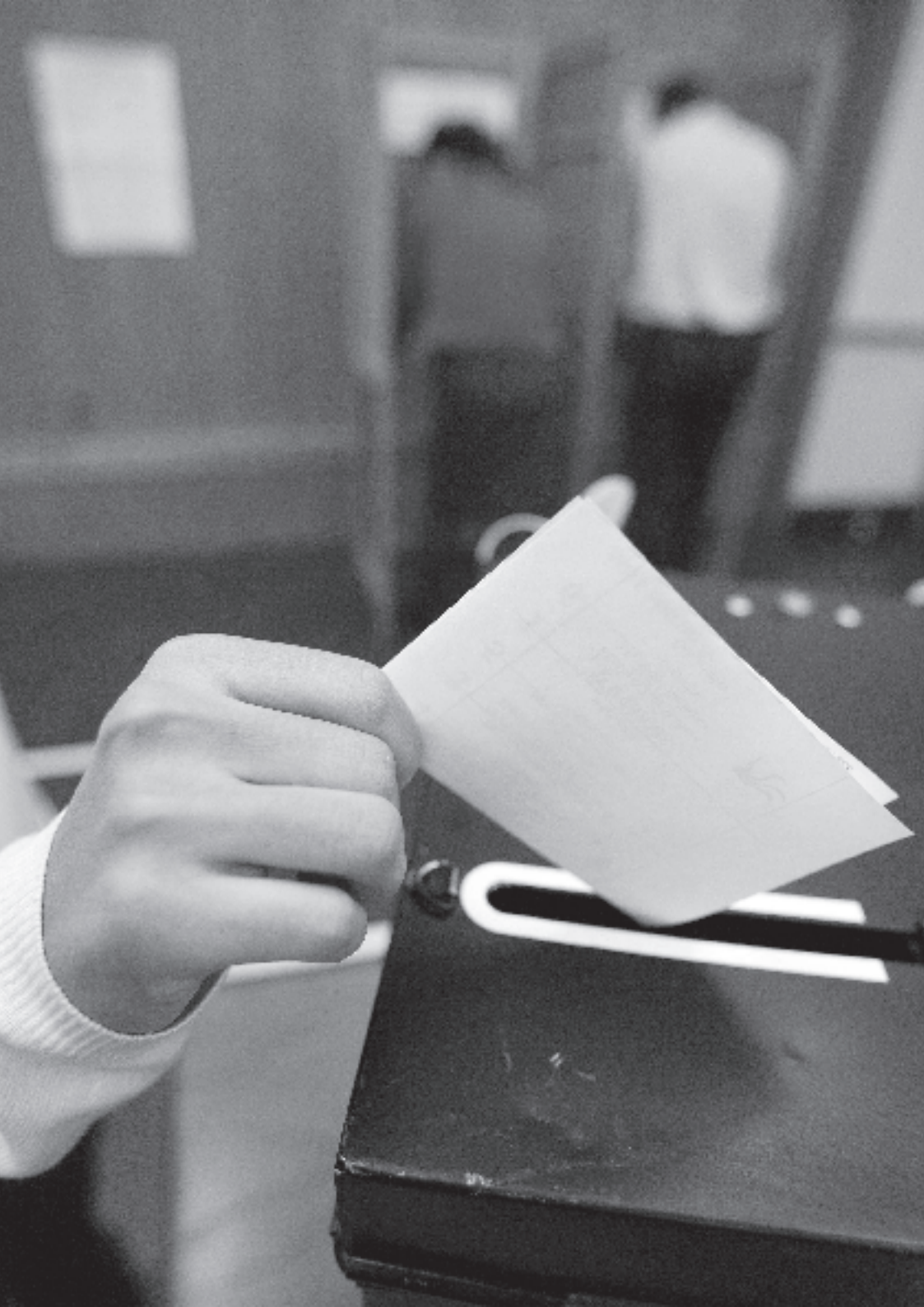
We are an independent body that was set up by the UK Parliament. Our mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.

Observers at United Kingdom elections

Order number: OBUK07001
Copyright © The Electoral Commission 2007

Contents

1	Introduction	3
2	Accreditation of individual observers	4
3	Guidance for individual electoral observers	8
4	Accreditation of observer organisations	11
5	Guidance for electoral organisations and nominated observers	16
6	Guidance to Returning Officers and Counting Officers	19
	Appendix – Representation of the People Act 1983	25



1 Introduction

The United Kingdom is a party to a number of international instruments that endorse electoral observation as an important verification method to assess electoral arrangements against internationally accepted norms and standards. The United Kingdom Parliament has recently made rules to open up United Kingdom elections to electoral observation, for international and domestic groups. The Electoral Commission is responsible for accrediting electoral observers,¹ and this booklet outlines the process for accreditation, as well as the rights and obligations of observers at United Kingdom elections.

In October 2005 a number of intergovernmental and international organisations endorsed a *Declaration of principles for international election observation and Code of conduct for international election observers*.² A number of organisations of which the United Kingdom or United Kingdom institutions are members have endorsed the Declaration and the Code including the Commonwealth Secretariat, the Council of Europe, the European Commission, the Inter-Parliamentary Union, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights and the United Nations.

While the Declaration and accompanying Code are specifically applied to international electoral observation, the Commission believes that they provide a robust basis for all observation of elections in the United Kingdom. Accordingly we have adapted this Code for use in the United Kingdom.

This booklet forms the Code of conduct the Commission must prepare under Section 6F of the Political Parties, Elections and Referendums Act 2000 (PPERA).

1 Except for electoral proceedings or working practices that are wholly concerned with a local government election in Scotland.

2 See www.ndi.org/globalp/elections/highlights/undeclaration.asp (accessed 12 January 2007).

2 Accreditation of individual observers

Applications for accreditation

The Commission is enabled under Section 6C of PPERA to accredit individuals who are then entitled to observe specified proceedings at relevant electoral and referendum events throughout the United Kingdom.³ The specified proceedings are:

- the issue or receipt of postal ballot papers
- the taking of the poll
- the counting of votes

Applicants for accreditation are required to apply to the Commission for accreditation on forms supplied by the Commission for this purpose. The forms will be available through the Commission's website and on request from any Commission office. All forms will be available in English and Welsh and on request in alternative formats.

The Commission will receive applications at any time and potential observers are recommended not to wait until an election is imminent or underway before applying.

Under Section 6C the Commission can grant accreditation to any individual over the age of 16.

³ Except for electoral proceedings or working practices that are wholly concerned with a local government election in Scotland.

Process for applying

Applicants are required to:

- complete the Commission's form *Application for accreditation as an electoral observer for individuals* in English or Welsh
- supply to the Commission a contact address, telephone number and email address that applies for the duration of their accreditation. If their contact details are outside the United Kingdom, a United Kingdom or reachable overseas mobile number will be required
- supply a digital photograph of themselves for use on an identification badge or attend a designated Commission office to have such a photograph taken
- be prepared to produce supporting photographic identification to the Commission at the time of application that confirms their name and age
- consent to their name appearing on the Commission's register of observers
- declare that they have read and understood the Commission's Code of conduct for individual electoral observers (this booklet) and agree to abide by the Code and the guidance contained within it.
- declare that they have been provided with a copy of Section 66 of the Representation of the People Act (RPA) 1983 or its corresponding provision, that they understand its provisions and that they will aid in maintaining the secrecy of the ballot

Applications must be made on the Commission form, which will be available through the Commission's website and on request from any Commission office.

The Commission will receive applications at our offices in Belfast, Cardiff, Edinburgh and London during normal business hours, or by post. Applicants will be notified in writing of the Commission's decision to accept or reject their application, and reasons will be given for any decision to reject an application. The Commission will endeavour to process all applications within 10 days of receipt of a completed application form. Accreditation will not come into effect until three days after issue and the inclusion of the observer on the register of accredited observers.

Granting applications

Provided that all administrative steps in the application are complied with, the Commission will not apply any other criteria in determining the application.

The Commission will maintain a register of observers that will be available for public inspection at any Commission office and on the Commission's website.

All individuals entered on the register will be issued with identification from the Commission. The identification will contain a photograph and will clearly indicate that the individual is an individual observer. Such identification will be valid until 31 December of the year of issue; this will be specified on the identification card.

The Commission does not require applicants to specify the electoral area or process they seek access to.

The Commission may refuse an application for accreditation if the applicant:

1. does not meet the requirements of the application process set out in this Code
2. has been reported or found guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom in the five years previous to the date of application
3. is a person whose status in the United Kingdom as an accredited observer or nominated individual of an accredited organisation was revoked by the Commission

The Commission may revoke an application for accreditation if the applicant:

1. ceases to meet the requirements of the application process set out in this Code
2. is found or reported guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom
3. is a person who has their entitlement to attend electoral proceedings cancelled by a relevant officer

The Commission can only revoke an individual's accreditation for the reason set out in point 3 above if, on receipt of a report from the relevant officer, the Commission considers that the individual was not abiding by this Code and the guidance contained within it.

3 Guidance for individual electoral observers

All individuals accredited as electoral observers must abide by this guidance, which is based on the October 2005 *Code of conduct for international election observers*. Observers are bound by this guidance for the period of their accreditation.

Respect sovereignty and international human rights

Election observers must respect the sovereignty of the United Kingdom as well as the human rights and fundamental freedoms of its people.

Respect the laws of the United Kingdom and the authority of electoral bodies

Observers must respect the laws of the United Kingdom and the authority of the Returning Officers, Counting Officers and the Commission. Observers must follow any lawful instruction from the United Kingdom's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers may note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Secrecy requirements

Observers will maintain and aid in maintaining the secrecy of the ballot and will sign an agreement that they have been provided with a copy of Section 66 of the RPA 1983 or its corresponding provision and understand its provisions. Observers must comply with all directions on the use of mobile phones, cameras and the like.

Maintain strict political impartiality at all times

Observers must maintain strict political impartiality at all times, including during their leisure time. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referendum issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the United Kingdom, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do not obstruct election processes

Observers must not obstruct any element of the election process, including pre-election processes, the issue and opening of postal ballots, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this would contravene the secrecy requirements, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide appropriate identification

Observers must display identification provided by the Commission, and must present it to electoral officials and other interested national authorities when requested.

Maintain accuracy of observations and professionalism in drawing conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgements must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely.

Maintain proper personal behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for United Kingdom cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Agree to follow this guidance

Every person who participates in election observation in the United Kingdom must read and understand this guidance and must sign an agreement to follow it.

4 Accreditation of observer organisations

Applications for accreditation

The Commission is enabled under Section 6C of PPERA to accredit observer organisations who are then entitled to observe specified proceedings at relevant electoral and referendum events throughout the United Kingdom.⁴ The specified proceedings are:

- proceedings at the issue or receipt of postal ballot papers
- proceedings at the poll
- proceedings at the counting of votes

Applicants for accreditation are required to apply to the Commission for accreditation on forms supplied by the Commission for this purpose. The forms will be available through the Commission's website and on request from any Commission office. All forms will be available in English and Welsh and on request in alternative formats.

The Commission will receive applications at any time and potential observer organisations are recommended not to wait until an election is imminent or underway before applying.

Under Section 6D of PPERA the Commission can grant accreditation to any organisation. Once accredited, an organisation is then able to nominate observers to attend electoral and referendum proceedings.

⁴ Except for electoral proceedings or working practices that are wholly concerned with a local government election in Scotland.

Process for applying

Applicant organisations are required to:

- complete the Commission's form *Application for accreditation as an electoral observation organisation* in English or Welsh
- supply to the Commission a contact address, telephone number and email address that applies for the duration of their accreditation. If their contact details are outside the United Kingdom, a United Kingdom or reachable overseas mobile number will be required
- consent to the name of the organisation and its list of nominated observers appearing on the Commission's register of observers
- specify a period of up to three years for which they seek accreditation as an organisation
- declare that they have read and understood the Commission's Code of conduct for electoral observation organisations (this booklet) and agree to abide by the Code and the guidance contained within it
- declare that they will provide their nominated members with a copy of Section 66 of the RPA 1983 or its corresponding provision and that they will aid in maintaining the secrecy of the ballot

Applications must be made on the Commission form, which will be available through the Commission's website and on request from any Commission office.

The Commission will receive applications at Commission offices in Belfast, Cardiff, Edinburgh and London during normal business hours, or by post. Applicants will be notified in writing of the

Commission's decision to accept or reject their application, and reasons will be given for any decision to reject an application. The Commission will endeavour to process all applications within 10 days of receipt of a completed application form. Accreditation will not have any effect until three days after its issue and the inclusion of the organisation on the register of accredited observers.

Granting applications

Provided that all administrative steps in the application are complied with, the Commission will not apply any other criteria in determining the application.

The Commission does not intend to regulate the number of observers any one organisation can nominate.

The Commission may refuse an application for accreditation from an organisation if the organisation:

1. does not meet the requirements of the application process set out in this Code
2. includes on their list of nominated individuals anyone who has been found guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom in the five years previous to the date of application, or who to the knowledge of the organisation has been found guilty of an electoral offence anywhere in the world in the five years previous to the date of application
3. includes on their list of nominated individuals anyone whose status in the United Kingdom as an accredited observer or nominated individual of an accredited organisation was revoked by the Commission

If an organisation's application is refused the organisation may submit a further application which complies with the requirements of this Code.

The Commission may revoke an organisation's accreditation if the organisation:

1. ceases to meet the requirements of the application process set out in this Code
2. includes on their list of nominated individuals anyone who is found or reported guilty of a corrupt or illegal electoral practice anywhere in the United Kingdom
3. includes on their list of nominated individuals anyone who has their entitlement to attend electoral proceedings cancelled by a relevant officer

The Commission can only revoke an organisation's accreditation for the reason set out in point 3 above if, on receipt of a report from the relevant officer, the Commission considers that the relevant individual was not abiding by this Code and the guidance contained within it.

If an organisation's accreditation is revoked the organisation may submit a further application and list of nominated individuals that meets the requirements of this Code.

Nominating members

An accredited organisation must submit a list of members nominated to act as observers to the Commission. This list can be submitted at the time of application for accreditation or at any time. The list must:

- be in the form supplied by the Commission

- be accompanied by a digital photograph of any nominated members for use on identification badges or indicate a willingness to attend a designated Commission office to have such photographs taken
- indicate that each nominated observer has provided supporting photographic identification that confirms their name, or an agreement to produce this at a designated Commission office
- include for each nominated observer a declaration that they have read and understood the Commission's Code of conduct for electoral observation organisations (this booklet) and agree to abide by the Code and the guidance contained within it
- include for each nominated observer a declaration that they have been provided with a copy of Section 66 of the RPA 1983 or its corresponding provision, that they understand its provisions and that they will aid in maintaining the secrecy of the ballot

The Commission will maintain a register of observer organisations and nominated observers that will be available for public inspection at any Commission office and on the Commission's website. The Commission will provide contact details (including out of hours details) at each Commission office in case of query or concern.

The Commission will issue a photographic identification card for each nominated observer. Such identification is valid until 31 December in the year of issue; this will be specified on the identification card.

The Commission does not require organisations or nominated observers to specify the electoral area or process they seek access to.

5 Guidance for electoral observation organisations and nominated observers

All organisations accredited as electoral observers, and all individuals nominated by such accredited organisations must abide by this guidance. Observers are bound by this guidance for the period of their accreditation.

Respect sovereignty and international human rights

Election observers must respect the sovereignty of the United Kingdom as well as the human rights and fundamental freedoms of its people.

Respect the laws of the United Kingdom and the authority of electoral bodies

Observers must respect the laws of the United Kingdom and the authority of the Returning Officers, Counting Officers and the Commission. Observers must follow any lawful instruction from the United Kingdom's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers may note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Secrecy requirements

Observers will maintain and aid in maintaining the secrecy of the ballot and will sign an agreement that they have been provided with a copy of Section 66 of the RPA 1983 or its corresponding provision and understand its provisions. Observers must comply with all directions on the use of mobile phones, cameras and the like.

Maintain strict political impartiality at all times

Observers must maintain strict political impartiality at all times, including during their leisure time. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referendum issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the United Kingdom, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do not obstruct election processes

Observers must not obstruct any element of the election process, including pre-election processes, the issue and opening of postal ballots, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this would contravene the secrecy requirements, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide appropriate identification

Observers must display identification provided by their organisation, as well as identification required by the Commission, and must present it to electoral officials and other interested national authorities when requested.

Maintain accuracy of observations and professionalism in drawing conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgements must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely.

Maintain proper personal behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for United Kingdom cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Agree to follow this guidance

Every person who participates in observation within the United Kingdom must read and understand this guidance and must sign an agreement to follow it.

6 Guidance to Returning Officers and Counting Officers

Section 6F of PPERA requires the Electoral Commission to issue guidance to Returning Officers, Counting Officers and Presiding Officers on the exercise of the new Section 6E. Section 6F(7) requires Returning Officers, Counting Officers and Presiding Officers to have regard to this guidance. This guidance is reproduced here for the information of accredited observers.

Guidance

Section 6E of PPERA allows a Returning Officer, Counting Officer or Presiding Officer (relevant officers) to limit the number of individual observers or nominated observers who may be present at any one time during the conduct of the poll, the issue and receipt of postal ballot papers and the count. Relevant officers may not limit the number of Commission representatives who may be present at an electoral proceeding.

The Commission advises that relevant officers use caution in exercising this power. Electoral observation is a legitimate and valuable part of the electoral process and care should be taken to not hinder or obstruct the conduct of observation. It is important to note that no officer is entitled to bar **all** observers from an entire proceeding, only to limit the number of observers present at **any one time**.

The provisions allowing for attendance of Commission representatives and observers do not derogate from the duty and responsibility of relevant officers to keep public order and promote the secrecy of the ballot at any election proceedings. Commission representatives and accredited observers must follow all lawful directions from relevant officers and the police.

Officers are not required to proactively notify observers of the time and place of relevant proceedings, however this information should be supplied to accredited observers and the Commission on request.

The poll

In regard to a polling station,⁵ Presiding Officers should only seek to limit the number of electoral observers present when the presence of observers – or a number of observers – is hindering the conduct of the poll or jeopardising the secrecy of the ballot. A direction as to the number of observers that may be present within a polling station should only be given for a specified time – such as for 30 or 60 minutes – or when specified circumstances exist – such as ‘x’ number of electors waiting to vote or ‘y’ number of agents being present. No officer is entitled to bar all observers from a polling station for the entire duration of the poll, only to limit the number of observers present at any one time. Accordingly, Returning Officers will need to ensure that polling stations are large enough and suitably arranged to provide for efficient and secret polling in the presence of polling agents and observers.

The Commission will provide Returning Officers and Counting Officers with a log for use by Presiding Officers to note any occasions when they are required to limit the number of observers in a polling station. This will assist the Presiding Officer to notify the Returning Officer of the imposition of such limits. The Returning Officer should ensure that a copy of the log is supplied to the Commission following polling day if limits are applied.

⁵ Or equivalent.

Presiding Officers are only permitted to have an observer removed from a polling station for the remainder of the poll in the event of misconduct by the observer. Misconduct is defined as:

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the polling process
- asking electors about their voting preference

Any observer removed for misconduct is not entitled to re-enter that polling station for the remainder of the poll. The Commission will provide a proforma for use by Presiding Officers who seek to have an observer removed from a polling station. This will require the Presiding Officer to notify observers in writing of why they are being removed and provide a record of the removal and the reasons for the removal. A copy of this statement should be supplied to the Commission as soon as possible.

A Presiding Officer maintains the power to keep order at a polling station and any observers are subject to lawful directions of Presiding Officers and Police Officers in terms of public order.

The issue and receipt of postal ballot papers

In regard to the issue and receipt of postal ballots,⁶ Returning Officers and Counting Officers should only seek to limit the number of electoral observers present when the presence of observers – or a number of observers – is hindering the conduct of the proceeding or jeopardising the secrecy of the ballot. A direction as to the number of observers that may be present at proceedings for the issue or receipt of postal

⁶ Under the 2001 regulations the 'receipt of postal ballot papers' refers to the entire process of opening and checking returning postal ballots. Observers are entitled to attend such opening sessions in a manner similar to that of candidates and agents.

ballots should only be given for a specified time – such as for 30 or 60 minutes. No officer is entitled to bar all observers from proceedings for the entire conduct of the session, only to limit the number of observers present at any one time. Accordingly, Returning Officers and Counting Officers will need to ensure that premises used for proceedings at the issue of postal ballots are large enough and suitably arranged to provide for efficient processes in the presence of observers and at the receipt of postal ballots, for candidates and agents as well.

If the issue or receipt of postal ballots is outsourced the contract must contain provision for the attendance of observers at the proceedings, and the Returning or Counting Officer will need to make relevant arrangements with their contractors to ensure this can be achieved safely.

The Commission will provide Returning Officers and Counting Officers with a log for use when limiting the number of observers present at the issue or receipt of postal ballot papers. This will assist the Returning Officer in noting any occasions on which a limit is imposed and for how long. The Returning Officer should ensure that a copy of the log is supplied to the Commission following polling day if limits are applied.

Returning Officers and Counting Officers are only permitted to have an observer removed from the issue or receipt of postal ballots in the event of misconduct by the observer. Misconduct is defined as:

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the postal voting process

Any observer removed for misconduct is not entitled to re-enter that proceeding for the remainder of the election. The Commission will provide a proforma for use by Returning Officers and Counting Officers who seek to have an observer removed from the issue or receipt of postal ballot papers. This will require the Returning Officer or Counting Officer to notify observers in writing of why they are being removed and provide a record of the removal and the reasons for the removal. A copy of this statement should be supplied to the Commission as soon as possible.

A Returning Officer or Counting Officer maintains the power to keep order at postal ballot proceedings and any observers are subject to lawful directions of Presiding Officers and Police Officers in terms of public order.

The count

In regard to the count Returning Officers and Counting Officers should only seek to limit the number of electoral observers present when the presence of observers – or a number of observers – is hindering the conduct of the proceeding or jeopardising the secrecy of the ballot. A direction as to the number of observers that may be present at the count should only be given for a specified time – such as for 30 or 60 minutes. No officer is entitled to bar all observers from the count for the entire duration of the count, only to limit the number of observers present at any one time.

Accordingly, Returning Officers and Counting Officers will need to ensure that premises used for the count are large enough and suitably arranged to provide for efficient processes in the presence of observers and counting agents.

The Commission will provide Returning Officers and Counting Officers with a log to assist in recording any instances when the number of observers present at the count is limited. This will assist the Returning Officer or Counting Officer in noting why the limit is being imposed and for how long. The Returning Officer or Counting Officer should ensure that a copy of the log is supplied to the Commission following polling day if limits are applied.

Returning Officers and Counting Officers are only permitted to have an observer removed from the count in the event of misconduct by the observer. Misconduct is defined as:

- breaching or attempting to breach the secrecy of the ballot
- knowingly obstructing the count process

Any observer removed for misconduct is not entitled to re-enter the count. The Commission will provide a proforma for use by Returning Officers and Counting Officers who seek to have an observer removed from the count. This will require the Returning Officer or Counting Officer to notify observers in writing of why they are being removed and provide a record of the removal and the reasons for the removal. A copy of this statement should be supplied to the Commission as soon as possible.

A Returning Officer or Counting Officer maintains the power to keep order at the count and any observers are subject to lawful directions of Presiding Officers and Police Officers in terms of public order.

Appendix – Representation of the People Act 1983

The requirements in Section 66 of the Representation of the People Act 1983 help to maintain the secrecy of the ballot. They apply to all accredited observers at polling stations, the issue and receipt of postal ballot papers and the count. Section 66 is reproduced below in full, for use by observers.

Requirement of secrecy

(1) The following persons –

- (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station,
- (b) every candidate or election agent or polling agent so attending,
- (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

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

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

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

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
- (3) No person shall –
- (a) interfere with or attempt to interfere with a voter when recording his vote;
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
 - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom as voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
 - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –
- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

- (b) except for some purpose authorised by law, communicate to any person at any time information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or unique identifying mark on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

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

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

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

The Electoral Commission

We are an independent body that was set up by the UK Parliament. Our mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.

Democracy matters

The Electoral Commission

Trevelyan House
Great Peter Street
London SW1P 2HW

Tel 020 7271 0500
Fax 020 7271 0505
Textphone 18001 020 7271 0500
info@electoralcommission.org.uk
www.electoralcommission.org.uk

© The Electoral Commission 2007