

Common offences that are often easily avoidable – offences are covered by the Representation of the People Act 1983

More detail is available on the APP:

<https://www.app.college.police.uk/app-content/policing-elections/investigating-electoral-malpractice/>

where there is a Table of relevant RPA 1983 offences (and a link to the full Act) as well as other relevant statutory and common law offences offences which could be committed (such as perjury and fraud).

False statements in nomination papers (S65A RPA '83)

- A person causing or permitting to be included in a document delivered or otherwise furnished to the Returning Officer ... false name or address or false signature.
- Penalty = corrupt practice.

Imprint (S110 RPA '83)

- Details to appear on election publications – name and address of printer, name and address of promoter, name and address of any person on behalf of whom the material is being published (and is not the promoter).
- Definition of election publication = *any material which can reasonably be regarded as intended to promote or procure the election of a candidate at an election.*
- Although not mandatory, as imprint only relates to printed material, the Electoral Commission have suggested that it would be good practice to include the imprint on electronic publications.
- Penalty = illegal practice

False statements as to candidates (S106 (1) RPA '83)

- A person who, before or during an election, for the purpose of affecting the return of any candidate at the election, makes or publishes any false statement of fact in relation to the candidate's personal character of conduct, unless there are reasonable grounds for believing the statement is true.
- Personal character is meant to encompass the character of the candidate arising from their private life rather than public life.

- To make false statements about the performance of an existing candidate is a normal feature of politics rather than an election offence.
- Penalty = illegal practice

Offences relating to applications for postal and proxy votes (Section 62A RPA '83)

A person commits an offence if he engages in an act in relation to an application for a postal or proxy vote intending to deprive someone of an opportunity to vote or to gain a vote for himself or another that they are not entitled to or to obtain a gain of money or property.

These are the acts:-

- applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
- otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
- inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
- causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- Penalty = corrupt practice

Election expenses (S81 and S82 of the Representation of the People Act 1983)

- S81 requires that within 35 days after the day on which the result of the election is declared, the election agent shall deliver a *true* return. This is the case even if there is a nil return.
- Section 82 (1) requires that the return must be accompanied by a declaration from the agent.
- Section 82 (2) requires that at the same time that the election agent delivers that return, or within 7 days afterwards, the candidate shall make a declaration.

- Section 82 (6) If a candidate or election agent *knowingly* makes the declaration required by this section falsely, he shall be guilty of a corrupt practice.
- Section 84 a candidate or agent failing to comply with the requirement is guilty of an illegal practice.

Penalties

Illegal practice

A person convicted of an illegal practice may be subject to a fine.

A person convicted of an illegal practice has to vacate their seat and they are unable to hold elective office for a period of 3 years.

Corrupt practice

A person convicted of a corrupt practice on indictment may be imprisoned for a term not exceeding 12 months, a fine or both.

For a person convicted of a corrupt practice summarily they may be imprisoned for a term not exceeding 6 months, a fine or both.

A person convicted of a corrupt practice has to vacate their seat and they are unable to hold elective office for a period of 5 years.