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STATUTORY INSTRUMENTS

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**2023 No. 1141**

**The Mayoral and Police and Crime Commissioner Elections, Recall Petitions and Referendums (Ballot Secrecy, Candidates and Undue Influence) Regulations 2023**

**Amendment of the Police and Crime Commissioner Elections Order 2012**

- 4.—(1) The Police and Crime Commissioner Elections Order 2012 is amended as follows.  
(2) After article 18 (other voting offences) insert—

**“Influencing voters at polling booths**

**18A.**—(1) A person who—

- (a) is with another person at a polling booth, and
- (b) intends to influence that other person to vote in a particular way or to refrain from voting,

commits an offence.

(2) A person who—

- (a) is near a polling booth when another person is at that booth, and
- (b) intends to influence that other person to vote in a particular way or to refrain from voting,

commits an offence.

(3) For the purposes of this article—

- (a) a “polling booth” is a compartment in a polling station in which voters can mark votes screened from observation;
- (b) assisting a person with voting, in accordance with rule 41 of Schedule 3 or any other legislation, is not influencing that person to vote in a particular way or to refrain from voting;
- (c) a person may be near one polling booth while at a different polling booth.

(4) A person who commits an offence under this article is liable on summary conviction to imprisonment for a term not exceeding 6 months, to a fine or to both.”.

- (3) For article 69 (undue influence) substitute—

**“Undue Influence**

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

(2) A person (“P”) is guilty of undue influence if P carries out an activity falling within paragraph (4) for the purpose of—

- (a) inducing or compelling a person to vote in a particular way or to refrain from voting,  
or

- (b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
- (3) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of sub-paragraphs (a) to (f) of paragraph (4) on account of—
  - (a) a person having voted in a particular way or refrained from voting, or
  - (b) P assuming a person to have voted in a particular way or to have refrained from voting.
- (4) The following activities fall within this paragraph—
  - (a) using or threatening to use violence against a person;
  - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
  - (c) damaging or threatening to damage a person’s reputation;
  - (d) causing or threatening to cause financial loss to a person;
  - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
  - (f) doing any other act designed to intimidate a person;
  - (g) doing any act designed to deceive a person in relation to the administration of a PCC election.
- (5) For the purposes of paragraphs (2) and (3) an activity is carried out by a person (“P”) if it is carried out—
  - (a) by P,
  - (b) by P jointly with one or more other persons, or
  - (c) by one or more other persons on behalf of P and with P’s authority or consent.
- (6) In paragraph (4)(f) and (g) “act” includes an omission (and references to the doing of an act are to be read accordingly).”.
- (4) In Schedule 3 (rules for the conduct of PCC elections where poll not taken together with poll at another election)—
  - (a) in rule 5 (nomination of candidates)—
    - (i) in paragraph (1) omit from “(in English or at” to “in Welsh”);
    - (ii) for paragraph (3) substitute—
      - “(3) 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),
- the nomination paper may state the commonly used name or names in addition to the names as stated in accordance with paragraph (2)(a).”;
- (b) in rule 11 (decisions as to validity of nomination papers), in paragraph (2), after sub-paragraph (b) insert—
  - “(c) that an order under section 30 of the Elections Act 2022 (disqualification orders) has effect in relation to the candidate.”;
- (c) in rule 13 (publication of statement of persons nominated), in paragraph (3)—

- (i) for “in addition to another name” substitute “in accordance with rule 5(3)”;
- (ii) for “any other name” substitute “the other surname or forename”;
- (d) in Part 8 (forms referred to in Parts 1 to 7 of this Schedule)—
  - (i) in the table list of forms, in the entry for form 6, in the left hand column, omit “(in English and in Welsh)”;
  - (ii) omit form 6 in Welsh (Enwebu ymgeiswyr<sup>(1)</sup>);
  - (iii) for form 6 in English (nomination of candidates) and form 7 (consent to nomination) substitute the corresponding form set out in Schedule 3 to these Regulations.

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(1) Welsh version of Form 6 inserted by [S.I. 2016/300](#).