

**ELECTIONS BILL**  
**AMENDMENTS TO BE MOVED ON REPORT**

Clause 3, Page 2, line 20

after “partner” insert “cohabitant”

Effect

This amendment ensures that the cohabitants of those who receive a postal voting document do not commit an offence by handling such a document.

Reason

Clause 3(2) introduces a new section 112A into the Representation of the People Act 1983 (RPA). New section 112A deals with the handling of postal voting documents by political campaigners. It creates an offence for a political campaigner to handle a postal voting document that has been issued to another person.

New section 112A (3) provides a statutory defence that a person does not commit the offence if the person is the other person's spouse, civil partner, parent, grandparent, brother, sister, child or grandchild. This list of exempt persons excludes those who cohabit with the person to whom the postal voting document has been issued. Under the Family Law (Scotland) Act 2006 section 25, a cohabitant” is defined in section 25 as meaning either member of a couple consisting of—

(a) a man and a woman who are (or were) living together as if they were husband and wife;

or

(b) two persons of the same sex who are (or were) living together as if they were civil partners.

This provision was amended by the Marriage and Civil Partnership (Scotland) Act 2014 section 4 by a referential amendment to take account of same sex marriages.

We suggest that subsection (3) of new section 112A should be amended to produce a similar definition of “cohabitant”.

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Clause 3, page 2, Line 25

leave out “dishonestly”

Effect

This amendment deletes the word “dishonestly” from clause 3.

Reason

112A (4) provides for a further defence that the person charged did not “dishonestly” handle the postal voting document for the purpose of promoting a particular outcome at the election. We question why there is a need to include a “dishonesty” element in the defence. Surely it is enough that the handling was not for the purpose of promoting a particular election outcome? This amendment probes the necessity of adding a further test of dishonesty to the defence in clause 3(4).

## ELECTIONS BILL

### AMENDMENTS TO BE MOVED ON REPORT

Clause 3, Page 3, line 15

at end insert “cohabitant”  
means either member of a couple  
consisting of— two persons of the  
same or opposite sex who are (or  
were) living together as if they were  
married or civil partners”.

#### Effect

This amendment is consequential on the earlier amendment and provides a definition of the word “cohabitant”.





