

The Association of Electoral Administrators



Briefing note for candidates and elected members

Changes to postal vote handling and secrecy

These provisions will be in effect for polls taking place from 2 May 2024.

1. Ban on political campaigners handling postal votes

- Political campaigners will be banned from handling postal votes, except where the postal vote is their own, that of a close family member¹, or someone they provide regular care for.
- They are not banned from handling postal votes if they do so in the course of their usual duties (for example, if they work for Royal Mail).
- A political campaigner is defined in legislation as:
 - a) a candidate at the election
 - b) an election agent of a candidate at the election
 - c) a sub-agent of an election agent at the election
 - d) employed or engaged for the purposes of that person's activities as a candidate
 - e) a member of a registered political party and carries on an activity designed to promote a particular outcome at the election²
 - f) employed or engaged by a registered political party in connection with the party's political activities
 - g) employed or engaged by a person within paragraphs (a) to (f) to carry on an activity designed to promote a particular outcome at the election
 - h) employed or engaged by a person within paragraph (g) to carry on an activity designed to promote a particular outcome at the election

¹ Two people living together as if they were a married couple, or civil partners are treated as if they were spouses or civil partners of each other.

² This includes displaying posters, distributing leaflets, posting promotional material on social media accounts and canvassing.

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- If found guilty of handling postal votes as a campaigner, a person could face a fine and/or imprisonment up to two years.

2. Limits on handing in postal votes at polling stations

- There will be a limit on the number of postal votes a person can hand in at a polling station – they will not be allowed to hand in **more than five postal ballot packs for other electors plus their own.**³
- If a person hands in more than five postal ballot packs for other electors, all the postal votes (other than their own) will be **rejected**.
- If there is reason to suspect that a person has already handed in the maximum number of postal votes on any previous occasion at the election, any subsequent postal votes handed in will be **rejected**.

3. Completion of postal vote documents form

- Anyone handing in postal votes will need to complete a **'return of postal voting documents' form**.
- The person handing in the postal vote(s) will need to complete the form with their name, address and the reason for handing in other people's postal votes (where appropriate).
- They will also need to complete a declaration that they are not handing in more than the permitted number, and that they are not a political campaigner.
- If the form is not completed with all the required information, or to the authorised officer's satisfaction, the postal vote(s) will be **rejected**.
- Rejected postal votes will not be included in the count.
- After the election, the Electoral Registration Officer (ERO) will write to electors who have had their postal votes rejected, telling them why.

³ Where the elector has been appointed as a proxy postal for another elector – handing in the proxy postal would count towards one of the five for other electors.

4. Postal votes which are 'left behind'

- Postal votes will not be accepted if they are simply left at a polling station.
- If a person hands in postal votes without completing the return of postal vote documents form, the 'left behind' postal votes must be rejected.
- After the election, the ERO will write to electors who have had their postal vote rejected because they were left behind.

5. Handing in postal votes to the Returning Officer

- Electors sometimes hand postal votes in directly to the Returning Officer in advance of the election, and on polling day itself.
- The same restrictions, limits, and requirement to complete a form which apply at polling stations, will also apply to postal votes handed to the Returning Officer or at council offices.
- We will accept postal votes handed in personally at the Council House Reception, The Council House, Victoria Square, Birmingham.
- Postal votes handed in at any other address will not be accepted as there will be nobody present to provide and sign the return of postal voting documents form.
- Any postal votes which are left at any council building without the 'return of postal voting documents' form being completed will be **rejected**.
- We cannot accept any postal votes which are left in the council mailbox, or which are put in the internal mail system.

6. Secrecy requirements extended to postal and proxy votes

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- The secrecy requirements which apply at a polling station are being extended to postal and proxy votes.
- It will be an offence to try to find out how someone has voted when completing their postal vote, or to communicate how a postal or proxy voter has voted.
- Anyone found guilty of breaching the secrecy requirements could face a fine or imprisonment up to six months.

7. What does this mean for you?

- Make sure anyone supporting the election campaign understands what a campaigner is and is aware of the ban on handling postal votes.
- Tell them they can only handle other people's postal votes if they are a close relative or someone they provide regular care for.
- Be aware that suspicions of campaigners handling postal votes will be reported to the police.
- Please encourage postal voters to return their postal vote via the Royal Mail system in plenty of time.
- If they have missed the post, let them know they can still hand it in at a polling station, or the Council House reception before 10pm on polling day but will be required to complete a form.
- Inform electors of the limit on handing postal votes in at polling stations and council offices – five, plus their own.
- Tell them they must complete a form when handing in postal votes, and any left behind at a polling station or council office will be rejected.
- Ensure electors know postal votes left in council letterboxes will be classed as 'left behind' and will be rejected.
- If you are handling any postal vote application forms, make sure you continue to follow the [Electoral Commission's Code of Conduct for campaigners](#).

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For further information on the changes to postal vote handling, please contact the elections office on 0121 303 2731 or email elections.office@birmingham.gov.uk