

Legislative Council Panel on Constitutional Affairs

Voter Registration Statutory Deadlines and Offences Related to Voter Registration

Introduction

This paper seeks Members' views on the Administration's proposed way forward regarding the two outstanding suggestions in the Consultation Report on Improvement Measures of Voter Registration System (the Consultation Report), i.e. voter registration (VR) statutory deadlines and offences related to VR.

Background

2. In the light of public concerns regarding suspected false registered addresses of electors following the 2011 District Council Election, the Registration and Electoral Office (REO) has implemented a number of measures to improve the VR system. These measures include enhancing checks on new VR applications and existing electors; strengthening publicity to appeal to new VR applicants to provide accurate information in the VR applications and to existing electors to update their residential address in a timely manner; conducting checks on addresses in buildings already demolished or to be demolished; and conducting enhanced cross-matching exercises with other departments.

3. The Administration consulted the Legislative Council (LegCo) Panel on Constitutional Affairs (CA Panel) on the improvement measures of VR system on 19 December 2011 [vide LC Paper No. CB(2)591/11-12(01)] and issued the Consultation Paper on Improvement Measures of the Voter Registration System (the Consultation Paper) in January 2012 to consult the public. The Administration published the Consultation Report on 16 April 2012, summarising the written submissions received and setting out the Administration's position on the proposed improvement measures. The Consultation Report was sent to the LegCo CA Panel for Members' information [vide LC Paper No. CB(2)1722/11-12(01)]. After taking into account the views collected during the public consultation, the Administration considered that one of the proposals should be pursued, three should not be pursued, and two should be further considered because only a small number of submissions were received. A table summarising the improvement measures suggested in the Consultation Paper and the Administration's considered position is at Annex I.

4. The two outstanding issues which the Administration indicated that it would need to further consider are the proposals regarding the VR statutory deadlines and offences related to VR. To recapitulate, the gist concerning these two issues is -

- (a) VR statutory deadlines: at present, the key dates of a VR cycle are expressly set out in the electoral laws, including the deadline to apply for VR; the deadline for a VR applicant to provide further particulars if so requested by the Electoral Registration Officer (ERO); the deadline to publish the Provisional Register (PR) and Omissions List (OL) for public inspection; the deadline for the public to make claims and objections in respect of the PR and OL or to make updates on the registration particulars; the deadline for the Revising Officer to fix a hearing for a claim or objection; and the deadline for the ERO to publish the Final Register (FR) for public inspection. There have been proposals to advance the VR deadlines so that more time can be allowed for the public to inspect the PR and OL and make claims and objections (this period is two weeks currently); and
- (b) VR-related offences: the concerned offences are now set out in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (ECICO) and the Electoral Affairs Commission Ordinance (Cap. 541) (EACO) and related subsidiary legislation. There have been proposals as to whether the offences on false declaration should be put under one ordinance, and whether the penalty levels should be revised, etc.

5. The Administration has carefully considered the two issues in paragraph 4 above in consultation with relevant departments and agencies, having regard to the experience in the 2011 District Council Election and the 2012 LegCo Election. The Administration's considerations and the proposed way forward for the two issues are set out in the following paragraphs.

Voter Registration Statutory Deadlines

Existing Arrangements

6. The following table summarises the work carried out by REO

and the timeframe for completion, according to the key milestones for the process of VR, in accordance with the existing statutory deadlines in a VR cycle –

| Step | Milestone | Work carried out by REO | Statutory deadline in a non-District Council election year | Statutory deadline in a District Council election year | No. of days allowed |
|-------------|--|---|---|---|-----------------------------------|
| (1) | Deadline to submit VR application | For (1) and (2) – checking of applicants’ particulars and register if satisfied; otherwise requesting additional information until satisfied and register | 16 May | 16 Jul | - |
| (2) | Deadline to provide supplementary information, if required by REO | | 25 May | 25 Jul | 9 days between (1) and (2) |
| (3) | Deadline for publishing the PR and OL | Publish the PR and OL | 15 June | 15 Aug | 21 days between (2) and (3) |
| (4) | Deadline to submit application for change of particulars, lodge claim or objection | Updating the electors’ registration particulars | 29 June | 29 Aug | 14 days between (3) and (4) |
| (5) | Deadline for the Revising Officer to rule on claims and objections | Prepare case submission; the Revising Officer to conduct hearing and make rulings | 11 July | 11 Sept | 12 or 13 days between (4) and (5) |

| Step | Milestone | Work carried out by REO | Statutory deadline in a non-District Council election year | Statutory deadline in a District Council election year | No. of days allowed |
|-------------|--------------------------------|--------------------------------|---|---|-----------------------------|
| (6) | Deadline for publishing the FR | Publish the FR | 25 July | 25 Sept | 14 days between (5) and (6) |

7. For steps (1) to (3), the workflow includes –
- (a) checking and input of data provided by applicants on VR application forms;
 - (b) verification of eligibility with the Immigration Department with respect to the applicants’ permanent resident status and age;
 - (c) conduct of checks on the residential addresses provided;
 - (d) issue of letters to applicants to request documentary proof or supplementary information, as needed;
 - (e) liaison with applicants to follow up enquiries and seek further clarification on their registration particulars, and seeking legal advice on individual cases, as needed;
 - (f) issue of registration notice to applicants;
 - (g) compilation of the PR and the OL on the basis of processed information;
 - (h) printing of the PR and the OL; and
 - (i) arrangement for the public inspection of the PR and OL before the statutory deadline.
8. In the Consultation Paper, the Administration invited views on whether the existing VR statutory deadlines should be amended to allow more time for the ERO to complete the checking and verification processes, and for the public to inspect the PR and OL and to lodge claims and

objections, before the publication of the FR¹ (i.e. to extend the 9-day period between steps (1) and (2) and the 14-day period between steps (3) and (4) in the Table above respectively).

Outcome of the Consultation

9. During the public consultation, a total of eight submissions were received regarding this proposal. Five (62%) of them supported advancing the deadlines while the other three (38%) were against. Some supported the proposal on grounds that it would allow more time for the public to inspect the PR and OL, while some opposed to the proposal as they considered the existing statutory deadlines already too far ahead of the polling days, and the proposal would affect the public's willingness to register as voters.

Possible Options

10. The Administration has critically reviewed the existing workflow in REO and workload of REO according to the existing VR statutory deadlines. If we are to allow more time for the public to inspect the PR and OL and to lodge claims and objections, there are five possible options:

- (a) advancing the VR application deadline (i.e. Step 1 of the Table in paragraph 6);
- (b) postponing the deadline for publishing the FR (i.e. Step 6 of the Table in paragraph 6);
- (c) compressing the time allowed for the ERO to complete the checking and verification process and to compile the PR and OL and/or the time allowed for the Revising Officer to fix a hearing for and rule each notice of objection or notice of claim received (i.e. one or more of the periods between Step 1 and Step 6);
- (d) a combination of (a), (b) and/or (c); or

¹ This proposal will advance the deadline of VR application for more than two months. It was made against the backdrop of another proposal to introduce address proof for VR applications and hence more time would be required for the ERO to obtain and check the address proof. The proposal to request address proof was subsequently dropped in light of the outcome of the public consultation.

(e) maintaining the status quo.

11. For the option in paragraph 10(b), we consider that it will adversely affect the preparation of the upcoming election in election years because there are a large number of electoral procedures which have to be conducted in the period between the publication of the FR and the polling day. They include the handling of nominations of candidates during the nomination period, holding of candidates' briefing, preparing CD-ROM of the FR and printing address labels of electors in respective constituencies to facilitate canvassing of candidates, printing of ballot papers, allocation of display spots, printing and mailing of the Introduction to Candidates and poll cards, etc. In view of the numerous electoral procedures and the possible disturbance to the candidates and preparation for the upcoming election in election years, we consider that there is no room to postpone the deadline for publishing the FR while maintaining the respective polling date at present. We have also considered whether we can extend the deadline for publishing the FR in non-election years but consider that this might create confusion to the public and the gain, if any, would be minimal.

12. For the option in paragraph 10(c), past experience indicates that REO would need, on average, four weeks to complete the checking and verification of VR applications² and the compilation of the PR and OL (i.e. the procedures mentioned in paragraph 7), and many of the applications are usually submitted just before the submission deadline³. A compression of the time allowed for the ERO to complete the relevant procedures has been assessed to be infeasible because of the voluminous caseload. If this period is to be shortened, it will likely risk compromising the quality of the processing and verification work of the REO, and also, reducing the time which can be allowed for applicants to provide documentary proof or supplementary information required for completing the registration. This would be most unsatisfactory because when an applicant is unable to provide the requested information within the specified timeframe, further processing of his or her application would need to be withheld. In the unfortunate event that processing of the application cannot be completed in good time, the registration will not be included in the PR and has to be deferred to the next VR cycle. This constraint cannot be solved by adding front-line staff because, owing to the narrowed timeframe for applicants to respond to REO's enquiries and submit supplementary information, the quality control aspect of the registration process will be put under extreme stress which is most undesirable. On the other hand, the Revising Officer

² It includes applications for new VR registration and change of particulars.

³ For 2011, 2012 and 2013 VR cycles, the number of VR applications received in the two weeks before the VR application deadline was 72 000, 54 000 and 11 000 respectively.

currently has less than two weeks' time to fix a hearing for and rule each notice of objection or notice of claim received, we therefore consider that there is also no room for compression of this period of time.

13. In the light of the above, we consider the options in paragraph 10(a) and 10(e) are more feasible, and are examined below.

14. For the option in paragraph 10(a), we have considered extending the claims and objections period from two to four weeks by advancing the deadline for VR application for two weeks, as per Annex II. This will allow more time for the public to check whether they are included in the PR or OL and whether their registration particulars are up-to-date. This is an important factor given that the right to vote is fundamental. There will be corresponding advancement of the various VR deadlines preceding the deadline to lodge claims and objections, notably the VR application deadline. As a result, as compared with the present system, the voter register to be used at the next earliest election will be slightly less "updated" as compared with the current deadlines. If the VR closing date is advanced in the VR cycle, some eligible persons may discover after the advanced deadline that they are unable to register in time to cast their votes in the upcoming election.

15. On the other hand, in the previous VR cycles, the number of claims/objections lodged in the 2011, 2012 and 2013 VR cycles is respectively 86, nine, and one. Given the small number of claims/objections lodged, we envisage that the benefits of extending the claims and objections period may not be too significant. In addition, the REO is now actively exploring the feasibility to launch an online system whereby the public can check their VR status and personal particulars via the Internet. Subject to funding approval and system development and test, REO aims to launch the service in the third quarter of 2014 before the VR cycle for the next round of public elections starting in November 2015. We believe that this new service, together with the existing telephone enquiry hotline, may facilitate the public in checking their VR status and registration particulars; and the need for extending the period for public inspection and lodging claims and objections may be reduced correspondingly.

16. We consider that the pros and cons of the options in paragraph 10(a) and 10(e) are finely balanced, but we are slightly inclined to adopt the option in paragraph 10(a) to provide greater facilitation to the public. That said, we would like to listen to Members' further views before we finalise our position on this issue.

Offences Related to Voter Registration

Existing Legislative Regime

17. At present, there are two different sets of offences related to VR. The first set is under the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) and the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B). The second set is under the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”) (Cap.554).

18. Under section 22 of Cap. 541A, it is an offence for a person to make a false or incorrect statement knowingly for VR purposes in respect of geographical constituencies, or to cause another person to make such false or incorrect statement. A similar provision exists under section 42 of Cap. 541B in respect of VR for functional constituencies. The offences are summary offences and the maximum penalty is a fine of \$5,000 and imprisonment for six months. The Police is the enforcement agency of the offences under Caps. 541A and 541B⁴. According to section 26 of the Magistrates Ordinance (Cap. 227), in any case of offence other than an indictable offence, where no time is limited by any enactment for making any complaint or laying any information in respect of such offence, such complaint shall be made within six months when the matter of such complaint arose. The offences under Caps. 541A and 541B are subject to section 26 of Cap. 227, i.e. subject to a six-month time bar. As such, under the existing arrangements, prosecution in relation to offences under Caps. 541A and 541B needs to be made within six months after the cases concerned arose. The relevant provisions of Caps. 541A and 541B and Cap. 227 are set out at **Annex III**.

⁴ Examples of offences under Cap. 541A and Cap. 541B include making false statement knowingly in voter registration, conspiring with another person to provide wrong information in voter registration, using information contained in a register for a purpose not related to a specified election, etc.

19. Under section 16 of Cap. 554,
- (a) it is an offence if a person –
 - (i) votes at the election knowing that the person is not entitled to do so; or
 - (ii) votes at the election after having knowingly or recklessly given to an electoral officer information that were materially false or misleading, or knowingly omitted to give material information to an electoral officer; and
 - (b) it is also an offence if a person invites or induces another person –
 - (i) to vote at the election knowing that the other person is not entitled to do so; or
 - (ii) to vote at the election knowing that the other person has given to an electoral officer information that was materially false or misleading, or has omitted to give material information to an electoral officer.

The maximum penalty for a corrupt conduct under Cap. 554 is a fine of \$500,000 and imprisonment for seven years. The offences under Cap. 554 are indictable offences and hence not subject to the six-month time bar under Cap. 227. The Independent Commission Against Corruption (ICAC) is the enforcement agency of the offences under Cap. 554⁵. The relevant provisions in Cap. 554 are set out at **Annex III**.

20. Since the offences related to VR are enforced by two different law enforcement agencies and the penalty level of VR offences under Caps. 541A and 541B is different from that under Cap. 554, the Administration invited views in the Consultation Paper on whether the existing offences under Caps. 541A and 541B on false declaration should be transferred to Cap. 554 so that the enforcement would be under one enforcement agency (i.e. the ICAC) to enhance enforcement effectiveness. The proposed “transferred offences” would also become indictable offences

⁵ Examples of offences under Cap.554 include corrupt conduct of voting at an election knowing that one is not entitled to do so, corrupt conduct of making improper use of election donations, failure by a candidate to lodge election return with appropriate authority, etc.

under Cap. 554 with a higher penalty level to enhance the deterrent effect. The Administration also invited views on whether and, if so, to what extent the existing penalty level for such offences should be raised.

Outcome of the Consultation

21. A total of seven submissions on these issues were received during the consultation period. Six (86%) of these submissions supported the proposed transfer on the grounds that it could enhance the deterrent effect and the enforcement effectiveness while the remaining one (14%) was against as it could deter VR. None of the submissions indicated clearly whether and, if so, to what extent the existing penalty level should be raised.

22. In considering whether the offences on false declaration in VR currently contained in Caps. 541A and 541B should be transferred to Cap. 554, we need to consider whether the proposed transfer could help improve the existing arrangements to ensure that public elections are conducted in an open, fair and honest manner by prohibiting false VR declarations. We should also be mindful that the change should not overly dampen the public's willingness to register as voters since the VR regime in Hong Kong is a voluntary one.

23. The Administration considers that the making of false VR declaration is a serious matter since it could affect the integrity of the VR system. In cases where actual casting of votes is involved, it could even affect the election results and the fairness of elections. Hence, it is important that our legislative regime is effective in tackling offences involving false VR declarations, whether or not voting is involved.

Enforcement

24. As explained above, one of the considerations is whether putting all VR false declaration offences under one ordinance would enhance enforcement effectiveness. At present, the Police is the enforcement agent for the offences under Caps. 541A and 541B, and such offences do not involve the actual casting of ballots. The ICAC, on the other hand, is the enforcement agency for the offences under Cap. 554, and such offences involve the actual casting of ballots.

25. We have reviewed such division of labour and consider that it has been working well. This is borne out by the experience in the investigation of cases involving suspected false registered addresses of

electors after the 2011 District Council Election; where necessary, the two law enforcement agencies collaborate with each other as well. The argument for putting the responsibility to enforce all VR-related false declaration offences onto one single law enforcement agency is therefore, after all, not strong. Indeed, such a move may run the risk of overloading that single law enforcement agency.

Penalty Level

26. As regards the penalty level of the offences under Caps. 541A and 541B, we note that in recent court cases, the courts handed down sentences of suspended imprisonment of two to four months, which were all below the maximum penalty of six months of imprisonment. There was no call for increasing the penalty level of these offences by the public or the Judiciary either. The Electoral Affairs Commission (EAC) has also reviewed the existing penalty level of the offences made under the EAC Regulations, and considers that the existing penalty level is broadly appropriate. We therefore do not propose to increase the penalty level of the offences relating to VR false declarations under Caps. 541A and 541B.

27. Regarding the penalty for offences relating to VR false declarations under Cap. 554, we consider that they are sufficiently heavy in reflecting the gravity of the offences; and hence there no change is needed.

Time Bar of Prosecution

28. We however consider that there is merit to consider making the offences on false declaration under section 22 of Cap. 541A and section 42 of Cap. 541B to become indictable offences instead of summary offences. This will lift the six-month time bar, allowing prosecution to be initiated irrespective of the time at which the matter arose. This would enhance enforcement effectiveness and the deterrent effect of the offences. The EAC agrees with this view.

29. Having regard to the considerations above, we consider that, in summary, there is no need to transfer the concerned offences in Caps. 541A and 541B to Cap. 554 or to raise their penalty level, but these offences should be made indictable offences. We consider that this will strike the right balance between enhancing enforcement effectiveness and the deterring effect of the offences concerned on the one hand, and avoiding overly dampening the public's willingness to register as voters on the other.

Way Forward

30. Members are invited to provide their views on the Administration's proposals on the VR statutory deadlines and offences related to VR as set out in paragraphs 16 and 29 respectively.

31. Subject to Members' views, we shall include the proposed legislative amendments pertaining to the VR statutory deadlines in relevant electoral law and the nature of offences under the EAC Ordinance (Cap. 541) and related EAC Regulations in a miscellaneous electoral legislative bill in the 2013-14 legislative year, before the next round of elections starts in 2015.

**Constitutional and Mainland Affairs Bureau
Registration and Electoral Office
October 2013**

**Consultation Report on Improvement Measures of
Voter Registration System
Summary of Proposed Improvement Measures and
the Administration's Position**

| | Proposed Improvement Measures | Administration's Position |
|---|--|---|
| 1 | Introduce a requirement that address proof should be provided when a person applies for registration as a geographical constituency elector or when a registered elector applies for change of his/her residential address. | In light of the views received, the Administration will not pursue the proposal for the time being. |
| 2 | Introduce penalty for registered electors who fail to report change of addresses or to introduce penalty for registered electors who fail to report change of addresses before the statutory deadline for reporting change of registered particulars and vote in an election afterwards. | In light of the views received, the Administration will not pursue the proposal. |
| 3 | Amend the existing VR statutory deadlines to allow sufficient time for the Electoral Registration Officer to complete the checking and the verification processes, and for the public to inspect and to lodge claims and objections, before the publication of the final register. | In light of the small number of submissions received which commented on this proposal, the Administration will need to consider the proposal further. |
| 4 | In the voter register for public inspection, set out the electors in accordance with principal residential addresses so as to facilitate checking of relevant electors' names in the same address. | Relevant legislative amendments were made to take forward the proposal via the Electoral Legislation (Miscellaneous Amendments) Bill 2012. |
| 5 | Require an elector to produce the poll card at the polling station before he/she can cast vote. | In light of the views received, the Administration will not pursue the proposal. |
| 6 | Transfer the existing offences under section 22 of Cap.541A ¹ on false declaration to Cap. 554 ² , and/or raise the penalty level. | In light of the small number of submissions received which commented on this proposal, the Administration will need to consider the proposal further. |

¹ Cap. 541A refers to the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation.

² Cap. 554 refers to the Elections (Corrupt and Illegal Conduct) Ordinance.

Proposed Amendments to the Voter Registration Statutory Deadlines

| Major Event | Statutory deadline in a non-District Council election year | | Statutory deadline in a District Council election year | |
|---|---|-----------------|---|-----------------|
| | Existing | Proposed | Existing | Proposed |
| The statutory deadline for an applicant to apply to the Electoral Registration Officer (ERO) for registration in the provisional register (PR) | 16 May | 2 May | 16 Jul | 2 Jul |
| If the ERO requires an applicant to provide further particulars relating to the application, the statutory deadline for an applicant to provide such particulars | 25 May | 11 May | 25 Jul | 11 Jul |
| The statutory deadline for the ERO to publish and make available the PR and omission list (OL) for public inspection | 15 Jun | 1 Jun | 15 Aug | 1 Aug |
| After inspecting the PR and OL, the statutory deadline for the public to make an objection to or make a claim on the registration in the PR, or to apply for updating the registration particulars in the final register (FR) | 29 Jun | 29 Jun | 29 Aug | 29 Aug |
| The statutory deadline for the Revising Officer to fix a hearing for and rule each notice of objection or notice of claim received | 11 Jul | 11 Jul | 11 Sept | 11 Sept |
| The statutory deadline for ERO to publish and make available the FR for public inspection | 25 Jul | 25 Jul | 25 Sept | 25 Sept |
| Relevant election | September (if any) | | November | |

Extracts of Relevant Legal Provisions

Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A)

Section 22 (1) and (2)

- (1) Any person who in any-
- (a) application made under section 4;
 - (b) response to a requirement for particulars or proof made under section 5;
 - (c) response to a requirement made under section 6;
 - (d) reply to an inquiry made under section 7;
 - (e) request made under section 11 or 17;
 - (f) notice of objection; or
 - (g) notice of claim,

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person-
- (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or

- (b) to provide information which the first mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),

commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B)

Section 42 (1) and (2)

(1) Any person who in any-

- (a) response to a requirement under section 9 or 10;
- (b) application made under section 19;
- (c) specified form on which notice of the appointment, replacement or substitution of an authorized representative is given under section 20;
- (d) response to a requirement for particulars or proof made under section 21;
- (e) reply to an inquiry made under section 22;
- (f) request made under section 26 or 33;
- (g) notice of objection;
- (h) notice of claim; or
- (i) notice of appeal,

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates, or persuades another person-

(a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or

(b) to provide information which the first-mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),

commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

Magistrates Ordinance (Cap. 227)

Section 26

In any case of an offence, other than an indictable offence, where no time is limited by any enactment for making any complaint or laying any information in respect of such offence, such complaint shall be made or such information laid within 6 months from the time when the matter of such complaint or information respectively arose.

Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)

Section 16 – corrupt conduct with respect to voting at elections

(1) A person engages in corrupt conduct at an election if the person –

(a) votes at the election knowing that the person is not entitled to do

so; or

- (b) votes at the election after having –
 - (i) given to an electoral officer information that the person knew to be materially false or misleading; or
 - (ii) knowingly omitted to give material information to an electoral officer; or
 - (iii) recklessly given to an electoral officer information that was materially false or misleading; or
 - (c) except as expressly permitted by an electoral law –
 - (i) in the case of an election referred to in section 4(a), votes at the election more than once in the same round of voting;
 - (ia) in the case of an election referred to in section 4(i) or (j), votes at the election more than once;
 - (ii) in the case of an election referred to in any other paragraph of section 4 –
 - (A) votes at the election more than once in the same constituency; or
 - (B) votes at the election in more than one constituency.
- (2) A person engages in corrupt conduct at an election if the person invites or induces another person –
- (a) to vote at the election knowing that the other person is not entitled to do so; or
 - (b) to vote at the election knowing that the other person has –
 - (i) given to an electoral officer information that was materially

false or misleading; or

(ii) omitted to give material information to an electoral officer; or

(c) except as expressly permitted by an electoral law –

(i) in the case of an election referred to in section 4(i) or (j), to vote at the election more than once;

(ii) in the case of an election referred to in any other paragraph of section 4 –

(A) to vote at the election more than once in the same constituency; or

(B) to vote at the election in more than one constituency.

(3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting at an election is taken to have voted at the election. However, a person who has applied for, and been given, a ballot paper is not to be regarded as having voted more than once at an election only because the person –

(a) has spoiled the ballot paper; and

(b) after complying with the requirements of any relevant electoral law with respect to spoiled ballot papers, has voted, using another ballot paper.