

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. On 16 June 2008, the Secretary of State for Justice announced the publication of a Government White Paper on *Party Finance and Expenditure in the United Kingdom*. This set out the Government's intention to bring forward immediate legislation to tighten controls on spending by political parties and candidates. The Act fulfils that commitment.
4. The main purposes of the Act are to:
 - Strengthen the regulatory role of the Electoral Commission through making available to it a wider range of investigatory powers and sanctions, through clarifying its advisory role and through reforming its governance arrangements;
 - Add a 'pre-candidacy' spending limit to regulate candidate spending when a Parliament runs for over 55 months;
 - Put in place arrangements to improve the transparency of donations to political parties and other entities subject to the controls on donations put in place by the Political Parties, Elections and Referendums Act 2000 ("the 2000 Act"); and
 - Provide for the phased implementation of individual electoral registration in Great Britain, with additional identifying information (National Insurance (NI) number, date of birth, signature) being provided on a voluntary basis by those wishing to register from 2010 to 2015, and on a compulsory basis from 2015, subject to a positive recommendation by the Electoral Commission and Parliament that the system is ready for the change.

The Act also makes several other reforms, including to the current system for administering elections in the United Kingdom, which are designed to better ensure the successful delivery of elections in the future and to strengthen the regulatory system for political party finance and expenditure. These include:

- Providing for a new permissibility condition relating to the tax status of certain individual donors to political parties;
- Enabling holders of relevant elective office to appoint a person to act as a compliance officer, who will share responsibility for compliance with the controls on donations or loans with the office-holder;
- Enabling electoral registration officers, in the event of an election, to make amendments to the electoral register in response to applications for registration made on annual canvass forms, before the register is republished at the conclusion of the canvass;

These notes refer to the Political Parties and Elections Act 2009 (c.12) which received Royal Assent on 21 July 2009

- Providing for candidates at a parliamentary election to choose that their home address does not appear on election documents which are open to the public;
- Transferring responsibility for the retention and provision of copies of election documents produced at Parliamentary elections in Scotland from sheriff clerks to returning officers;
- Providing a power for the Secretary of State to make regulations allowing a vacant seat for Northern Ireland in the European Parliament to be filled without a by-election;
- Providing for European Parliamentary elections in England, Wales and Scotland to be administered at a local level by local authority returning officers, rather than Parliamentary returning officers;
- Extending the Secretary of State's power under Part 1 of the Electoral Administration Act 2006 to allow him or her to include additional provisions in an order establishing a CORE (Co-ordinated Online Record of Electors) scheme;
- Providing a power for the Secretary of State to establish, by order, a new corporation sole with a view to its being designated as the CORE keeper to run a CORE scheme; and
- Enabling the Secretary of State to make an order to require a public authority or other persons carrying out functions on behalf of a public authority to provide a specific Electoral Registration Officer with specific information from their databases, in order to ensure that the electoral register is as accurate and complete as possible.