

The Political Parties and Elections Act in action

The Political Parties and Elections Act became law in July. It introduces a range of significant changes to how political parties are regulated. As well as consulting formally on our future enforcement policy following these changes we will be engaging with people affected by the Act – including volunteers working for local political parties – to make sure they are confident about how they will be dealing with us as the regulator in the future. The Act also provides for a process of introducing individual electoral registration in Great Britain from 1 July 2010. We have been consulting formally on our enforcement policy and the consultation closed on 1 November 2009. Responses to the consultation can be found on our website here:

<http://www.electoralcommission.org.uk/party-finance/enforcement>

Please see the table below for more detail on the changes the Act introduces, who these will affect and how to find out more.

Our regulatory role

Healthy political parties are vital to the democratic process, and the regulatory structure that governs their funding has to be fit for purpose - reflecting the fact that many of those with statutory responsibilities under the law are volunteers. The Commission's job is to make sure the rules on party and election finance are understood and, where necessary, enforced. The Act makes some helpful changes to the regulatory structure including a more proportionate range of sanctions to apply when rules are broken and more appropriate investigatory powers so we can require evidence from anyone with relevant information. The investigatory powers and new civil sanctions that the Act gives the Commission will enable us to act proportionately to secure compliance with the rules.

Changes to the Commission itself

The Act also brings in some useful changes to the make up of the Commission, reducing the restriction on political activity for most staff from 10 year to one year and so enabling us to employ staff with more recent direct involvement in party politics. The Act also introduces four new Commissioners who will be nominated by political parties in the House of Commons. Nominated Commissioners will bring their first hand experience and understanding of political parties and we look forward to working with them.

Electoral Registration

Registration is the bedrock of the democratic process, and it's important that electoral registers are as complete and accurate as possible – so everyone who is entitled to vote can, and no one is on the register who shouldn't be.

That is why we welcome the move from a system of household registration to a system of individual electoral registration in Great Britain that the Act enables. The Commission has been calling for this change for several years but such a major change can't be done overnight. For it to be implemented in a way that puts the voter first will mean making sure people are aware of the change and what it means for them and providing comprehensive planning and support for electoral registration officers.

From 2011 onwards, the Commission will report annually to Parliament on the progress of the voluntary collection of personal identifiers - National Insurance number, signature and date of birth - from electors, to make sure that the conditions are appropriate before any move to compulsory provision of identifiers. We will be working closely with those who maintain registers and run elections across the UK to increase the number of eligible people on the electoral register and to support the successful introduction of individual electoral registration.

If you would like further information about any of these changes or how they will impact you please visit our website at www.electoralcommission.org.uk or contact Aileen Keyes, Public Affairs Manager on 020 7271 0628 or by e-mail at akeyes@electoralcommission.org.uk

26 January 2010

POLITICAL PARTIES AND ELECTIONS ACT 2009: A SUMMARY GUIDE TO WHAT IS CHANGING

The Act was agreed by Parliament in July 2009, and will change the law on electoral administration, party and election finance and the powers and governance of the Electoral Commission. This note summarises the Commission's view of the key changes, and explains when they will take effect and how to find out more. The changes relating to party and election finance will particularly affect those we regulate – registered political parties, their accounting units and registered officers; members' associations; regulated individuals (such as holders of elective office); and other regulated bodies such as campaigning 'third parties' and 'permitted participants' in a referendum. The changes relating to electoral administration will particularly affect Electoral Registration Officers, Returning Officers, candidates, agents, political parties and electors.

What is changing?	Who is affected?	When will it happen?	How to find out more
THE ELECTORAL COMMISSION'S POWERS AND GOVERNANCE			
<p>The Commission's powers and sanctions: The Commission will have new powers to investigate breaches of the law on party and election finance, and will be able to impose civil sanctions (such as a fine or compliance notice) rather than referring cases for criminal investigation.</p>	<p>Those we regulate should benefit from the more flexible and proportionate regulatory framework created by the Act. The changes to our investigatory powers may affect anyone with relevant information about breaches of the law.</p>	<p>Parliament must approve the changes in detail before they come into effect; this is expected in 2010. The new sanctions will <u>not</u> apply to breaches of the law that happen before this.</p>	<p>We consulted on our new enforcement policy over summer 2009. The consultation closed on 1 November 2009, responses to the consultation are available on our website: http://www.electoralcommission.org.uk/party-finance/enforcement</p>
<p>Who the Electoral Commissioners and staff are: There will be four new Electoral Commissioners joining our Board who will be nominated by political parties. For all other Commissioners, the time ban from being actively involved in politics to being a Commissioner is reduced from 10 years to five.</p> <p>For staff (other than the Chief Executive), the time ban from being actively involved in politics to being employed by the Commission is reduced from 10 years to 12 months.</p>	<p>The Commission will benefit from a wider range of political expertise and, in recruiting Commissioners in future, will work to the new 'five year' time period.</p> <p>The change to the time period will have an impact on any staff employed after July 2009.</p>	<p>We will work with the Speaker's Committee recruitment of the new Commissioners over the next few months.</p> <p>The changes to who we can employ are effective immediately</p>	<p>The Speaker's Committee in Parliament will now work to gain the party leader's nominations to recruit the four new Commissioners. For more about our governance see our website: http://www.electoralcommission.org.uk/about-us/corporate-structure-and-management/governance</p> <p>See our website for more information on working at the Commission: http://www.electoralcommission.org.uk/about-us/jobs</p>

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PARTY AND ELECTION FINANCE			
<p>Candidate spending at UK general elections: There will be new spending limits on expenses incurred by candidates at certain general elections. They are additional to the existing spending limits and will cover a longer period in the run-up to the election.</p>	<p>Candidates at UK general elections held after the previous Parliament has sat for at least 55 months, and their agents, will have to comply with the new controls. The changes will <u>not</u> apply to candidates at Westminster by-elections or in devolved or local elections.</p>	<p>For expenditure from 25 November 2009 used after 1 January 2010.</p>	<p>We updated our current guidance in 2009, and can provide advice on specific questions. Contact us on 020 7271 0616 or pef@electoralcommission.org.uk</p>
<p>Donation and loan thresholds: The permissibility threshold for donations and loans will rise from £200 to £500, and the reporting thresholds will rise from £5,000 to £7,500 (for party HQs and members' associations) and from £1,000 to £1,500 (for accounting units and individuals).</p>	<p>Those we regulate. The changes may reduce the number of donations you have to check and report, so you should consider revising your procedures.</p>	<p>1 January 2010.</p>	<p>We updated our current guidance during 2009, and can provide advice on the changes and on specific questions - contact us on 020 7271 0616 or pef@electoralcommission.org.uk</p>
<p>Declarations on sources of donations: Donations and loans worth over £7,500 will have to be accompanied by a new declaration confirming the original source of the money.</p>	<p>Donors will have to make the new declarations, and those we regulate will have to confirm this in their donation reports.</p>	<p>Not expected before summer 2010. We will publish updates on our website.</p>	<p>We will produce guidance on the new requirements and offer training to those we regulate once the start date is confirmed.</p>
<p>Tax status of individual donors: Donations and loans from an individual that are worth over £7,500 (either individually or in aggregate over a calendar year) will have to be accompanied by a new declaration confirming that the donor is resident and domiciled in the UK for income tax purposes.</p>	<p>Donors will have to make the new declarations, and those we regulate will have to (i) ensure that they receive a declaration in respect of each relevant donation, and (ii) add up donations they receive below £7,500 to check whether a declaration is needed.</p>	<p>Not expected before summer 2010. We will publish updates on our website</p>	<p>We will produce guidance on the new requirements and offer training to those we regulate once the start date is confirmed.</p>

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<p>Donations to members' associations: A members' association that has no treasurer, and that has to report a donation or loan to us (whether because it is above the £7,500 reporting threshold or is impermissible), will also have to appoint a 'responsible person' and tell us who that person is.</p>	<p>Members' associations with no treasurer, which have to report a donation to us as reportable or impermissible, will have to comply with the new obligations.</p>	<p>1 January 2010</p>	<p>We will produce guidance on the new requirements and offer training to those affected.</p>
<p>Donations by unincorporated associations: Any unincorporated association giving political donations or loans worth over £25,000 in a year will have to report to us on gifts it has received before, during and after that year. We will publish that information.</p>	<p>Unincorporated associations that give donations or loans worth over £25,000 in a year will have to comply with the new reporting obligations.</p>	<p>The new requirements became effective when the Act was passed.</p>	<p>Our initial guidance on the new requirements is on our website. We can provide advice on specific questions – contact us on 020 7271 0616 or pef@electoralcommission.org.uk</p>
<p>Compliance officers appointed by holders of elective office: Anyone who is regulated by us as a holder of elective office will be able to appoint a 'compliance officer' to help discharge their obligations.</p>	<p>Any holder of elective office who wishes to appoint a compliance officer. There will be no obligation to appoint one.</p>	<p>1 January 2010</p>	<p>We will produce guidance on the new option to appoint a compliance officer, and will offer advice to those considering doing so.</p>
<p>Other changes on party and election finance: The Act also:</p> <ol style="list-style-type: none"> 1. Introduces an amended 'reasonable excuse' defence for offences involving late reporting to us; 2. creates a similar defence for the offence of failing to return an impermissible donation; and 3. prevents any individual from acting as the "responsible person" for more than one registered third party. 	<p>Changes (1) and (2) affect those we regulate, and in particular those who are responsible for submitting statutory returns to us and for checking the permissibility of donations and loans.</p> <p>Change (3) affects registered third parties. At present no individual acts as the responsible person for more than one third party.</p>	<p>1 January 2010</p>	<p>We will update our current guidance and publish new guidance where necessary. For more information contact us on 020 7271 0616 or pef@electoralcommission.org.uk</p>

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ELECTORAL ADMINISTRATION			
<p>Election falling within canvass period: If an election is called during the annual canvass period (1 July to 1 December), Electoral Registration Officers (EROs) can include on the register to be used at the election any names added to any annual canvass forms they have received back prior to the registration deadline for that election, in order that the election is conducted on the most up-to-date register possible.</p> <p>Previously, EROs would have had to conduct the election on the basis of the register published on 1 September of that year, plus any electors who had registered through rolling registration up to 11 days before the poll. Any additions made to annual canvass forms could not be added to the electoral register for an election taking place during the canvass unless a further application form was also completed and returned before the registration deadline.</p> <p>The provisions also enable EROs to suspend publication of the electoral register from 1 December to 1 February in the following year.</p>	<p>If an election is called during the annual canvass period, this provision means that any person whose name has been added to an annual canvass form which has been returned to the ERO can be included on the register to be used at that election.</p>	<p>4 September 2009</p>	<p>We have updated our guidance to reflect these changes and issued a circular to Electoral Registration Officers.</p> <p>The circular is available on our website:</p> <p>http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0007/79783/EC19-Elections-during-the-canvass-and-candidates-addresses.pdf</p>
<p>Candidate at UK Parliamentary election may withhold home address from publication The provisions allow candidates at a UK Parliamentary election to choose that their home address does not appear on the ballot paper at the election.</p> <p>If a candidate decides that they do not wish their home address on the ballot paper, then</p>	<p>Candidates and agents at UKPGEs; UKPGE Returning Officers; electors.</p>	<p>4 September 2009</p>	<p>We have updated our guidance to reflect these changes and issued a circular to EROs.</p> <p>The circular is available on our website here:</p> <p>http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0007/79783/EC19-Elections-during-the-canvass-and-candidates-addresses.pdf</p>

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<p>the ballot paper will state the constituency within which the candidate's home address is situated, or if that address is outside the United Kingdom, the country within which it is situated.</p>			
<p>Disposal of election documents in Scotland The provisions transfer responsibility for the retention and destruction of election documents for UK Parliamentary elections in Scotland from sheriff clerks to UK Parliamentary Returning Officers.</p>	<p>Sheriff clerks and Parliamentary Returning Officers in Scotland; candidates and agents.</p>	<p>Not yet confirmed. We will publish updates via circular and on our website.</p>	<p>We will update our guidance to reflect these changes.</p>
<p>Vacant European Parliament Seats in Northern Ireland: The provisions for filling vacant European Parliament seats in Northern Ireland have been amended. If the previous MEP stood in the name of a registered party when elected, then the seat may be filled by a person nominated by the nominating officer of that party. Where this does not apply, the seat may be filled by a person named in a notice made by the previous MEP.</p>	<p>This replaces the current system of filling vacant European Parliamentary seats in Northern Ireland through holding by-elections. As such, it impacts on candidates standing for European Parliament seats in Northern Ireland.</p>	<p>This provision came into force on the day on which the Act was passed. The filling of vacant seats in Northern Ireland by this method requires the Secretary of State for Northern Ireland to make separate regulations.</p>	<p>We have updated our guidance to reflect these changes.</p>
<p>Returning officers for elections to the European Parliament: The Local Returning Officers for European Parliamentary elections in Great Britain will be the persons who are Returning Officers for local government elections. (The Northern Ireland Returning Officer will continue to be the Chief Electoral Officer.)</p> <p>The provisions also enable the Greater London Returning Officer to be appointed as a Regional Returning Officer for a European Parliament electoral region in England and Wales.</p>	<p>Local government, Greater London and UK Parliamentary Returning Officers.</p>	<p>Not yet confirmed. We will publish updates via circular and on our website.</p>	<p>We will update our current guidance to reflect these changes.</p>

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<p>Coordinated online record of electors (CORE): The Secretary of State has new powers to establish by order:</p> <ul style="list-style-type: none"> • a corporation sole, with a view to it • being • designated by a CORE scheme as the 'CORE keeper' • an advisory panel to provide advice and support to the corporation sole, and to make provision in relation to the functions, governance, accountability arrangements and funding of the corporation. <p>There have also been changes to the circumstances under which a CORE-keeper may act to address potential electoral malpractice.</p>	<p>This would affect the powers and responsibilities of the CORE-keeper in the event that one is appointed. In turn, this would impact on EROs' responsibilities in relation to addressing potential electoral malpractice under a CORE scheme.</p>	<p>Not yet confirmed. We will publish updates via circular and on our website.</p>	<p>We will provide further information via Circular and on our website once details are confirmed.</p>
<p>Individual electoral registration: Once the provisions are commenced, after 1 July 2010, people will be asked by the ERO to provide on a voluntary basis their signature, date of birth and National Insurance Number.</p> <p>From 2011 to 2013, the Commission will report on progress and the impact of these changes on the electoral register. By 31 July 2014, the Commission will publish a report recommending whether electors should be required to provide these 'identifiers' in order to register. The UK Parliament will then decide whether or not to introduce this requirement.</p>	<p>This will change the process for anyone registering to vote. It will create additional administrative responsibilities for EROs and creates new reporting responsibilities for the Electoral Commission.</p> <p>It is intended that individual electoral registration will strengthen the integrity of the electoral process by increasing the accuracy of the electoral register, thereby improving the democratic process for all involved in it.</p>	<p>EROs will be required to ask electors for their signature, date of birth and National Insurance Number once the provisions have been commenced, which will not be before 1 July 2010.</p>	<p>We will provide comprehensive guidance and support to EROs to reflect these changes. Further information will be provided on our website.</p>

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<p>Schemes for provision of data to Electoral Registration Officers: In order to help improve the completeness and accuracy of the register, the Secretary of State can create, by order, pilot schemes which require a public or local authority to supply an ERO with data which they can use for the purpose of maintaining a complete and accurate electoral register.</p>	<p>This could lead to some additional responsibilities for EROs, and for bodies or individuals that hold information that can be used to authenticate electoral registration data.</p>	<p>Not yet confirmed. We will publish updates via circular and on our website.</p>	<p>We will work with relevant EROs undertaking these pilot schemes.</p>