

Appendix 1

1 Political Parties, Elections and Referendums Act 2000 – political exclusions:

Schedule 1, Section 1:-

(3) Subject to sub-paragraph 3(A), an Electoral Commissioner shall cease to hold office on the occurrence of any of the following events—

- (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a registered party's list of candidates at such an election;
- (b) he takes up any office or employment in or with –
 - (i) a registered party or accounting unit of such a party,
 - (ii) a recognised third party (within the meaning of Part VI), or
 - (iii) a permitted participant (within the meaning of Part VII);
- (c) he is named as a donor in the register of donations reported under Chapter III or V of Part IV or in any statement of donations included in a return to the Commission under section 98 or 122;
- (ca) he is named as a participant in the register of recordable transactions reported under Part 4A;*
- (d) he becomes a member of a registered party.

(3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A)

Other grounds in PPERA which will give rise to a recommendation to remove from office (para 2.7 of the Code):

- (a) failure to discharge the functions of office for a continuous period of at least 3 months
- (b) failure to comply with the terms of appointment
- (c) conviction of a criminal offence
- (d) being an undischarged bankrupt or if your estate has been sequestrated in Scotland and you have not been discharged
- (e) you have made an arrangement or composition contract with, or have granted a trust deed, for creditors
- (f) being otherwise unfit to hold office or carry out its functions.

* Also under the Political Party Elections and Referendums Act 2000 (PPERA), if a Commissioner were to be properly listed by a **third party registered campaigner** in its financial return to the Commission as a donor (of £7,500 or more), the Commissioner would be deemed to cease to hold office.

2 Representation of the People Act 1983, secrecy provisions, extracts from Section 66

The Commissioner undertakes to maintain, and aid in maintaining, the secrecy of voting and shall not, except for some purpose authorised by law and in agreement with the Commission, disclose or communicate any information as to:

- (a) the name of any elector, or proxy for an elector,
- (b) the number on the register of electors of any elector,
- (c) the official mark,
- (d) the number on the back of any ballot paper, or
- (e) the candidate or party for whom any vote is given on any particular ballot paper,

to any person other than,

- (i) an employee of the Commission, or
- (ii) another Electoral Commissioner.

3 Extract of the Representation of the People (Amendment) Regulations 2002

Supply of free copy of full register etc to Electoral Commission and restrictions on use 99. – (...)

(3) Neither an Electoral Commissioner nor any person employed by the Commission may-

- (a) supply a copy of the full version of the register otherwise than to another Electoral Commissioner or another such person;
- (b) disclose any information contained in it otherwise than in accordance with paragraph (5) below; or
- (c) make use of any such information otherwise than in connection with his functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000[25].

(4) (...)

(5) The full register or any information which is contained in it may not be disclosed otherwise than-

- (a) where necessary to carry out the Commission's duties in relation to the rules on permissible donors in the Political Parties, Elections and Referendums Act 2000, or
- (b) by publishing information about electors which does not include the name or address of any elector.

Supply of free copy of full register etc to certain Commissions and restrictions on use 100. - (...)

(5) A relevant person may not-

- (a) supply a copy of the full version of the register, except to another relevant person;
- (b) disclose any information contained in it (that is not contained in the edited register), except by publishing information about electors which does not include the name and address of any elector, or
- (c) process or make use of any such information, except in connection with his statutory functions.

4 Political Parties, Elections and Referendums Act 2000

71E Duty not to disclose contents of [Northern Ireland] donation reports

- (1) A person who is or has been a member or employee of the Commission must not disclose any information which—
 - (a) relates to a donation received by a Northern Ireland recipient, and
 - (b) has been obtained by the Commission in the exercise of their functions under this Part, except in the following cases.
- (2) Such information may be disclosed, for the purpose of verifying information given in a Northern Ireland report,—
 - (a) to a member or employee of the Commission, or
 - (b) to such bodies as may be prescribed.
- (3) Such information may be disclosed for the purposes of any criminal or civil proceedings.
- (4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a donation which the Commission believe, on reasonable grounds, was a donation required to be dealt with in accordance with section 56(2) (donations from impermissible and unidentifiable donors).
- (5) A person who contravenes subsection (1) is guilty of an offence.”

71Z4 Duty not to disclose contents of [Northern Ireland] transaction reports

- (1) A person who is or has been a member or employee of the Commission must not disclose any information which –

(a) relates to a transaction to which a Northern Ireland participant is a party, and

(b) has been obtained by the Commission in the exercise of their functions under this Part, except in the following cases.

(2) Such information may be disclosed—

(a) to a member or employee of the Commission, or

(b) to such bodies as may be prescribed, for the purpose of verifying information given in a Northern Ireland report.

(3) Such information may be disclosed for the purposes of any criminal or civil proceedings.

(4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a transaction which the Commission believe, on reasonable grounds, was a transaction which was required to be dealt with under section 71I or 71J or paragraph 5 or 6 of Schedule 7A (transactions involving unauthorised participants).

(5) A person who contravenes subsection (1) is guilty of an offence.”

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