

# ELECTORAL ADMINISTRATION ACT 2006

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## EXPLANATORY NOTES

### OVERVIEW OF THE STRUCTURE

13. The explanatory notes are divided into 9 Parts reflecting the structure of the Act.

#### **Part 1: Co-ordinated On-line Record of Electors**

14. **Part 1** of the Act contains provisions for the establishment, by order made by the Secretary of State, of one or more Co-ordinated On-line Record of Electors (CORE) schemes. A CORE scheme would consolidate into a centralised record for the area covered by the scheme, such of the electoral registers and related information maintained by the local electoral registration officers (EROs) in that area as is specified in the scheme.
15. A CORE scheme would be run by a keeper. The keeper, who could be the Electoral Commission, would be designated by the Secretary of State. Whilst the detail of how the scheme would operate would be set out in a scheme order itself, relevant EROs would generally be under a duty to supply the information in their registers, as well as other specified electoral registration information, to the keeper. A keeper would be required to inform relevant EROs of information indicative of duplicate entries. A scheme could permit the keeper to provide electoral registration information to organisations currently entitled to be provided with a copy of electoral registers by EROs under other legislation. The scheme would also govern access to the consolidated record and permit individual electors to access CORE on-line for the purposes of checking and requesting updates to the information held about them.

#### **Part 2: Registration of Electors**

16. **Part 2** makes a number of provisions to improve the electoral registration process, including by:
- establishing a new duty on EROs to take steps to register eligible electors. This sets out the steps that should be taken to ensure registers are as complete and accurate as possible;
    - improving registration for service personnel by providing for the extension of service voter declarations by up to 5 years and requiring the Ministry of Defence to maintain a record of registration options of service personnel;
  - establishing a scheme of anonymous registration for people for whom the publication of their name and address on the electoral register would pose a threat to safety;
  - moving the closing date for registration closer to the date of the poll;
  - allowing for the correction of clerical errors and changes following court decisions to be made up to, and including, polling day; and

- extending the provision for public objections to registration, so that such objections may be made after a person has been registered as an elector, not just before registration. It also empowers a registration officer to remove ineligible entries from the register at any time.

### **Part 3: Anti-Fraud Measures**

17. This Part provides for the collection of personal identifiers from persons applying to vote by post or proxy. Personal identifiers are specified as signature and date of birth. Postal and proxy vote applicants will be required to provide their date of birth and signature on their application forms. This Part provides for the retention of identifiers by registration officers and sets out the purposes for which they may be used. The clause provides for registration officers to require existing postal and proxy voters to provide their signature and date of birth.
18. Under related provisions in Part 6 of, and Schedule 1 to, the Act, postal voters at elections will be required to provide their signature and date of birth on the postal voting statement that postal voters must complete and return with their postal ballot paper. All postal voters, including proxy postal voters, will be subject to this requirement. Under the provisions, a postal ballot paper will not be deemed to be valid if the postal voting statement does not include both a signature and date of birth. Further, returning officers will be required to take steps to be set out in secondary regulations for verifying the signature and date of birth on the postal voting statement. This will involve checking that the identifiers provided on the postal voting statement correspond with those previously provided on the postal vote application form.
19. This Part also creates an offence of providing false information for the purposes of registration or when applying for a postal or proxy vote.

### **Part 4: Review of Polling Places**

20. **Part 4** establishes a framework for local authorities to review polling places regularly over a four-year cycle, to ensure that they provide proper access to people.

### **Part 5: Standing for Election**

21. **Part 5** reduces the minimum age for candidacy for election to Parliament, and to other specified elected bodies, from 21 to 18.
22. It specifies new requirements as to the immigration status, which Commonwealth citizens must have in order to qualify to stand for election.
23. It makes changes to the nomination procedures, including:
  - giving returning officers a specified period for determining the validity of nomination papers and publishing the statements of nominated candidates;
  - introducing new means of paying the deposit required to stand as a candidate, enabling credit and debit cards to be used; and
  - conferring a power on the returning officer to make correction to minor errors in nomination papers.

### **Part 6: Conduct of elections etc**

24. This Part makes provision on several topics relevant to the conduct of elections.
25. In relation to electoral expenses it makes amendments:
  - to remedy a defect which currently restricts the activities upon which third party expenditure unauthorised by an election agent can be spent;

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- to allow the Electoral Commission greater flexibility in prescribing the information to be included on candidates' election expenses returns; and
  - to set out in fuller detail what items qualify as candidates' election expenses.
26. It introduces a system for the attendance of the Electoral Commission and other authorised observers at elections.
27. It adds to the circumstances in which a voter is permitted to cast a tendered vote at a polling station.
28. It creates a new offence of applying for a postal or proxy vote with the intention, in effect, of stealing another person's vote. This can be by a person personating another elector or by wrongfully redirecting another elector's postal vote.
29. It introduces new provisions governing the custody, inspection and supply of the marked registers after an election which have been used at polling stations and provides for the production of marked lists of returned postal and postal proxy votes.
30. It introduces a power for returning officers to correct errors made by themselves or others involved in the conduct of the election.

### **Part 7: Regulation of Parties**

31. **Part 7** of the Act contains provisions on several topics relevant to the regulation of political parties. In particular it provides for the regulation of loans (and other related transactions) to political parties. Restrictions are imposed on the sources from which parties may obtain loans and there is established a new reporting regime for such transactions similar to that which currently applies to donations. The other topics are:
- registered names of political parties;
  - political party descriptions to be used on nomination or ballot papers;
  - confirmation of particulars of registered political parties;
  - removal from the register of registered political parties; and
  - time for registration of political parties fielding candidates.
32. There are also provisions to:
- allow additional time for political parties to deliver their unaudited accounts to the Electoral Commission;
  - increase time limits for payment of campaign expenditure; and
  - amend the reporting requirements on political parties who receive low levels of donations, or none at all, by removing the need for repeated reporting of nil returns for donations.

### **Part 8: Miscellaneous**

33. **Part 8** makes provision on the following topics:
- the funding of election services;
  - performance standards for election services;
  - encouraging electoral participation;
  - criminal proceedings;
  - pre-consolidation amendments; and

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- legal incapacity to vote.
34. It establishes provision for the setting of performance standards by the Electoral Commission, for reports to be made on such standards and information to be provided about expenditure. It amends section 29 of the 1983 Act in relation to the funding of services and expenses of returning officers. It introduces a new power for returning officers and EROs to encourage the participation in the electoral process.
35. It provides for the time limit for bringing prosecutions to be extended by a magistrates' court from 12 months to 24 months, following an application from a constable or Crown Prosecutor. In such a case the time limit for relevant documents to be kept can also be extended from 12 months to 24 months.

**Part 9: General**

36. **Part 9** sets out the general sections on:
- miscellaneous amendments and repeals;
  - financial provision;
  - interpretation;
  - commencement;
  - extent; and
  - short title of the Act.