

# **POLITICAL PARTIES AND ELECTIONS ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: the Electoral Commission**

##### ***Section 5: Four Electoral Commissioners to be put forward by parties***

17. **Section 5** makes provision facilitating the appointment to the Commission of four Commissioners with recent political experience, and provides for the appointment of Electoral Commissioners put forward by the largest political parties (“nominated Commissioners”).
18. *Subsection (1)* inserts new subsection (4A) into section 3 of the 2000 Act which disapplies, for the nominated Commissioner positions, the restrictions which would normally prevent a person who belongs to a political party or has been engaged in recent political activity from being appointed. Subsection (4A) does not alter the prohibition on appointing a serving officer or employee of a political party or the holder of a relevant elected office.
19. *Subsection (2)* inserts new section 3A into the 2000 Act, which makes provision about the appointment of nominated Commissioners. Subsections (1) and (2) of the new section provide that there shall be four nominated Commissioners, each of whom shall be nominated by the leader of a party with two or more representatives in the House of Commons (“a qualifying party”). Subsections (3) and (4) provide that, of those four Commissioners, three must be selected from the three largest parties (measured according to the criteria set out in subsection (8) of new section 3A) that have nominated three candidates each for consideration for appointment or that have previously nominated individuals, one of whom was appointed and is expected to continue to hold office.
20. Subsection (5) of the new section prevents the appointment of two or more nominated Commissioners from the same political party. The effect of this provision is to ensure that the fourth nominated Commissioner must be nominated by the leader of a party which is not one of the three largest parties. Subsection (7) prevents a nominated Commissioner from being appointed as Chair of the Electoral Commission. Subsection (8) provides that Members of the House of Commons who have not sworn the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation) or who have been disqualified from sitting and voting in the House are not counted for the purposes of the new section.
21. *Subsection (3)* of section 5 amends section 14 of the 2000 Act which sets out the Commission’s boundary functions, to prevent a nominated Commissioner from being appointed to a Boundary Committee.