



**AN BILLE TOGHCHÁIN (LEASÚ), 2002
ELECTORAL (AMENDMENT) BILL, 2002**

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

EXPLANATORY AND FINANCIAL MEMORANDUM

General

The Bill will provide an alternative to election deposits following the High Court decision on 31st July, 2001, in *Redmond v Minister for the Environment, Ireland and the Attorney General*, which found that the sections of the Electoral Act, 1992, and the European Parliament Elections Act, 1997, relating to deposits at elections were repugnant to the provisions of Article 40.1 of the Constitution. It also provides a revised procedure for making applications for entry on the supplement to the register of electors and amendments in section 4 to Part IV (Disclosure of Donations) of the Electoral Act, 1997.

Section 1 provides that a candidate at a Dáil election, who is not in possession of a certificate of political affiliation (confirmation that a candidate is a candidate of a political party registered in the Register of Political Parties), will require their nomination paper to be assented to by 30 electors (excluding the candidate or proposer), who are registered Dáil electors in the constituency concerned.

Such a candidate or their proposer will lodge the nomination paper in the prescribed local authority offices (generally the principal offices of the local authority) for assenting by 30 electors.

Each assentor will be required to sign the nomination form in the presence of a local authority official and produce one of the prescribed photographic identification documents. The local authority official will then enter on the nomination paper the elector's number on the register of electors, the nature of the identification document produced including any number on it, the time and date of the assentor's signature and the official's signature. An assentor is only permitted to assent to one nomination at each election. The candidate or proposer will be responsible for ensuring that the completed nomination paper is delivered to the returning officer before the closing time for receipt of nominations at the election concerned. A returning officer will not accept as a valid nomination, a nomination paper without a certification of political affiliation unless it has the required number of assentors and the authenticating details.

The section in *paragraph (i)* provides that before an application to be entered on the supplement to the register of electors is submitted to a registration authority, the applicant shall sign the application

form in the presence of a member of the Garda Síochána from the applicant's local Garda station or in the presence of an official of the registration authority or if an applicant is unable to go to a Garda station or registration authority due to physical illness or disability, the application form shall be accompanied by a medical certificate.

Sections 2 and 3 provide for similar arrangements in relation to nomination papers at European Parliament and local elections, except that the number of assentors will be 60 and 15 respectively.

Sections 4 and 5 provide that necessary travelling expenses incurred by a candidate or an assentor in meeting the requirements in *sections 1 to 3* shall not be regarded as an election expense for the election concerned.

Section 4 also provides three further amendments to the Electoral Act, 1997. The amendment in *paragraph (a)* clarifies that funds raised at an event organised for the purpose of raising funds for a political party can be used for supporting party candidates at an election notwithstanding that the event was not specifically held for such purpose. The amendment at *paragraph (b)* provides that expenses, other than money, by a political party on behalf of a candidate of the party at a Dáil or European election, member of either House of the Oireachtas or MEP is not a donation. The amendment in *paragraph (c)* provides that it will be a defence to a prosecution of an appropriate officer or the responsible person of a third party or of an accounting unit concerning the failure to notify the Standards in Public Office Commission of the receipt of a donation prohibited by section 23 or 23A or a donation exceeding the specified limit set in section 24(4) or failure to remit such donation or part of it to the Commission if he or she did not know or could not reasonably have known of the receipt of such a donation.

Section 6 provides for the short title, collective citation and construction of the Bill.

Financial and staffing implications

The Bill's provisions will not have major staffing or financial implications. There may be some additional costs in making arrangements for the assenting of nomination forms.

*An Roinn Comhshaoil agus Rialtais Áitiúil,
Márta, 2002.*