



**AN BILLE UM THOGHCHÁIN ÁITIÚLA 2003
LOCAL ELECTIONS BILL 2003**

EXPLANATORY MEMORANDUM

Purpose of Bill

Section 72 of the Electoral Act 1997 provided that the Minister for the Environment may make regulations providing for—

- the disclosure by members of a local authority and candidates at a local election of donations made to the members or candidates,
- the limitation of the election expenses which may be incurred by or on behalf of candidates and political parties at local elections, and
- measures corresponding to the provisions of Parts IV and V of that Act, subject however to any appropriate modifications.

The section was entirely enabling and was not in fact availed of. Instead, the Local Elections (Disclosure of Donations and Expenditure) Act 1999 was passed. That Act repealed section 72 of the Act of 1997 and also section 75, which related to local election petitions where non-compliance with the regulations under section 72 was claimed.

The regime introduced under the Act of 1999 differed from the 1997 provisions in at least two important respects. First, no limitations were placed on local election expenditure. Second, the Public Offices Commission (now the Standards in Public Office Commission) was to given no supervisory or investigative role.

The purpose of this Bill is to restore the provisions of the Electoral Act 1997, but in a mandatory rather than enabling form, and to repeal the Act of 1999.

Provisions of Bill

Section 1 contains standard provisions relating to the short title and collective citation of the Bill.

Section 2 repeals the Local Elections (Disclosure of Donations and Expenditure) Act 1999 other than section 25 and related provisions, which deal with research into electronic methods of recording and counting votes.

Section 3 inserts a new section 72 into the Act of 1997, in substitution for the original section repealed by the Act of 1999. The section as amended provides that the Minister shall (rather than may) make regulations providing for the same matters as were specified

in the original section. Further, those regulations are to be made no later than the 31st March, 2004.

The specified matters include—

- the furnishing of statements in relation to donations, including anonymous donations;
- the appointment of agents by political parties and candidates;
- the making of contracts, incurring of election expenses and making of payments;
- the limitation of election expenses;
- the period for making claims relating to election expenses and for payment of such claims;
- disputed claims relating to election expenses;
- the furnishing of statements in relation to election expenses;
- consideration by the Standards in Public Office Commission of statements in relation to donations and election expenses;
- excess expenditure;
- election expenses at a fresh election;
- the inspection of documents; and
- provisions corresponding to sections 25 and 43 of the 1997 Act, with such modifications as appear to the Minister to be appropriate.

No other changes of significance are made to the section as enacted in 1997.

Section 4 revives section 75 of the Act of 1997, which was repealed by the 1999 Act and which makes provision for local election petitions where non-compliance with the regulations under section 72 is claimed.

*An Teachta Éamon Mac Giollamóir,
November, 2003.*