



**AN BILLE TOGHCHÁIN (ULLMHÚ CHLÁR NA
dTOGHTHÓIRÍ) (FORÁLACHA SEALADACHA) 2006
ELECTORAL (PREPARATION OF REGISTER OF
ELECTORS) (TEMPORARY PROVISIONS) BILL 2006**

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of this Bill is to enable local authorities (called “registration authorities” when performing functions connected with the register of electors) to have limited access to information derived from the census of population taken in April 2006.

The information to which they would have access would be confined to what is relevant to ascertaining an entitlement to be registered as an elector, whether at Presidential, Dáil, European or local elections — an individual’s name, usual address, date of birth and nationality.

Access to this information would assist local authorities in compiling an accurate register of electors but it would not substitute completely for their statutory obligation to make “a house to house of other sufficient inquiry” within their functional areas.

Census information held by the Central Statistics Office (CSO) could not be released to local authorities for this purpose without statutory authorisation.

The Bill is framed as a “once-off” measure, referable only to the 2006 census and the 2007 register of electors. It is provided that it would come into operation for a period of 12 months only.

It is not envisaged that any constitutional or other legal complications would arise as a result of the enactment of this Bill. Firstly, the duty of local authorities to register persons as electors is not conditional on the consent of those persons. Secondly, no person has a constitutional or other right to privacy as regards the basic personal information (name, age, nationality and place of residence) by reference to which an entitlement to be registered as an elector is decided.

Provisions of Bill

Section 1 firstly defines a term used in the section: “relevant information”. This is defined as meaning the name, usual addresses, age and nationality of any person whose usual address is within the area of the local authority concerned, as ascertained from the forms, questionnaires and other records of the CSO used for the 2006 census.

Subsection (2) provides that, notwithstanding anything in the Statistics Act 1993 or any other enactment, a local authority may, for

the purposes of its duties in relation to the preparation of the 2007 register of electors, require the Director General of the CSO to give any relevant information which the local authority may require.

By *subsection (3)*, such information given to a local authority—

- must not include any information other than “relevant” information,
- must, so far as practicable, be given in the form and manner requested by the local authority,
- must be used by the local authority for electoral registration purposes and for no other purpose.

Subscetion (4) makes it clear that the obtaining and use of information given under this section assists towards, but is not of itself, compliance by a local authority with its obligation to prepare and publish the register of electors in accordance with the provisions of the Second Schedule of the Electoral Act 1992.

However, that obligation under the 1992 Act is to be construed as an obligation to make such house to house or other inquiry in the area concerned as is sufficient, when taken together with the obtaining and use of information given to the local authority under this section, to enable a register of electors to be compiled that is, so far as is practicable, comprehensive, current and accurate.

By *subsection (5)*, a person who uses information given under this section in contravention of *subsection 3(c)* (that is, for purposes other than electoral registration purposes) is guilty of an offence and is liable—

- on summary conviction to a fine not exceeding €5,000, or
- on conviction on indictment, to a fine not exceeding €100,000.

Section 2 makes standard provision in relation to the short title and collective citation and construction of the Bill.

It also provides that the Act shall cease to be in operation after 12 months.

*An Teachta Éamon Mac Giollamóir,
Bealtaine, 2006.*