



AN BILLE UM CHOIMISIÚN TOGHCHÁIN, 2012
ELECTORAL COMMISSION BILL 2012

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO

Electoral Act 1992	1992, No. 23
Electoral Act 1997	1997, No. 25
Electoral Acts 1992 to 2005	
European Parliament Elections Act 1997	1997, No. 2
Referendum Act 1994	1994, No. 12
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ELECTORAL COMMISSION BILL 2012

BILL

entitled

5 AN ACT TO CREATE AN ELECTORAL COMMISSION; TO
PROVIDE FOR A NATIONAL REGISTER OF ELEC-
TORS; AND TO PROVIDE FOR CONNECTED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

10 “the Commission” means the Electoral Commission established by
section 3;

“the Minister” means the Minister for the Environment, Community
and Local Government.

15 2.—(1) The Minister may, in addition to any other power con-
ferred on him or her to make regulations, may make regulations
generally for the purposes of, and for the purpose of giving full effect
to, this Act. Regulations.

(2) Regulations under this section—

20 (a) may include such provision as the Minister considers
necessary or expedient in relation to matters ancillary to
or arising out of the conferral on the Commission of func-
tions under this Act or the performance by the Com-
mission of functions so conferred, and

25 (b) may contain such other consequential, supplementary and
ancillary provisions as the Minister considers necessary
or expedient.

30 3.—(1) There shall be an Electoral Commission to perform the
functions set forth in this Act which shall be a body corporate with
perpetual succession and power to sue and be sued in its corporate
name and to acquire, hold and dispose of land. Establishment of
Commission.

(2) The Commission shall consist of a Chairperson appointed by
the Minister being a judge or retired judge of the Superior Courts,
and 5 ordinary members being the Ombudsman, Clerk of the Dáil,

Clerk of the Seanad, Comptroller and Auditor General and an independent person appointed by the Minister.

(3) The Commission shall have a chief executive officer and such staff as are approved by the Minister for Public Expenditure and Reform.

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Transfer of functions of Constituency Commission and local boundary commissions.

4.—The functions conferred by law on the Constituency Commission for Dáil elections and European Parliament elections and on commissions to determine local electoral area boundaries are transferred to the Commission.

Transfer of functions of Referendum Commission.

5.—The functions conferred by law on a Referendum Commission are transferred to the Commission.

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Transfer of functions of Minister.

6.—(1) Subject to *subsection (2)*, the functions vested in the Minister by or under—

(a) the Electoral Acts,

(b) the Seanad Electoral Acts,

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(c) the European Parliament Elections Acts,

(d) the Referendum Acts, and

(e) the Local Elections Acts,

are transferred to the Commission.

(2) *Subsection (1)* does not apply to the functions of the Minister under section 96 of the Electoral Act 1992 or section 10 of the European Parliament Elections Act 1997.

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Transfer of functions of Standards in Public Office Commission.

7.—The functions conferred by the Electoral Act 1997 on the Standards in Public Office Commission are transferred to the Commission.

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Transfer of functions of Clerk of the Dáil.

8.—The functions conferred by the Electoral Acts on the Clerk of the Dáil in relation to registration of political parties are transferred to the Commission.

Construction of statutes.

9.—References in any enactment to a body from which functions are transferred by this Act and relating to any functions transferred by this Act shall be construed as references to the Commission.

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Additional functions of Commission.

10.—In addition to the functions transferred by this Act it shall be a function of the Commission—

(a) to develop policy in regard to the administration of all elections;

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(b) to undertake or commission research in all areas relevant to elections (such as legislative changes, voter behaviour and attitudes);

(c) to develop a method by which registered electors are enabled to exercise their franchise if temporarily abroad on polling day.

5 **11.—**(1) The Commission shall report to the Minister annually and whenever requested by the Minister or required by law. Reports of Commission.

(2) The chief executive officer of the Commission shall attend any committee of either or both Houses at the request of the committee and shall provide an account of the activities of the Commission.

10 (3) Where the Commission is required to report on any matter (including but not limited to boundary change) it shall publish a draft report and invite submissions thereon, and shall consider all such submissions before publishing a final report.

12.—(1) In addition to the functions transferred by this Act it shall be a function of the Commission— Electoral register.

15 (a) to facilitate the compilation of a national rolling register of individuals utilising PPS numbers as a unique identifier;

(b) to utilise local authority and other resources in compiling the register.

20 (2) The functions of local authorities regarding the preparation and publication of the electoral register are transferred to the Commission. The Commission may however request any particular local authority or authorities to carry out functions in relation to the register on an agency basis for such time and subject to such conditions as it may specify.

25 (3) The Commission shall require a person who applies to be entered on the electoral register or a supplement to the register to furnish a PPSN. The Commission shall decline to register a person who fails or refuses to furnish a PPSN or who furnishes a PPSN that is not valid, does not relate to the person, or duplicates an entry
30 already on the register.

13.—(1) This Act may be cited as the Electoral Commission Act 2012. Short title and commencement.

35 (2) This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act.