

Appendix 1 of the Code of Conduct for Electoral Commissioners | Electoral Commission Search

Appendix 1 of the Code of Conduct for Electoral Commissioners

You are in the Code of Conduct for Electoral Commissioners section Home Commissioners Code of Conduct for Electoral Commissioners On this page

Electoral Commissioner ceasing to hold office: Political exclusions Electoral Commissioner ceasing to hold office: - Other exclusions Duty not to disclose contents

of Northern Ireland reports Elections: Requirement of secrecy Restrictions on use of full electoral register First published: 19 December 2022 Last updated: 17 June 2023

1. Electoral Commissioner ceasing to hold office: Political exclusions Sch. 1, para. 3, Political Parties, Elections and Referendums Act 2000 (3) Subject to sub-paragraph (3A), an Electoral Commissioner shall cease to hold office on the occurrence of any

of the following events — (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a

registered party's list of candidates at such an election; (b) he takes up any office or employment in or with — (i) a registered party or any accounting unit of

such a party, (ii) a recognised third party (within the meaning of Part VI), (iii) a permitted participant (within the meaning of Part VII), or (iv) an accredited

campaigner within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule); (c) he is named as a donor in — (i) the register of donations

reported under Chapter 3 or 5 of Part 4 1 , (ii) any quarterly or weekly report delivered to the Commission under section 95A or 95B 2 , or (iii) any statement of

donations included in a return delivered to the Commission under section 98 3 or 122 4 or in a recall petition return delivered to a petition officer under paragraph 6 of

Schedule 5 to the Recall of MPs Act 2015; (c) (a) he is named as a participant in the register of recordable transactions reported under Part 4A; (d) he becomes a member

of a registered party. (3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A). 2 Electoral Commissioner

ceasing to hold office: - Other exclusions Sch. 1, paras. 4-6, Political Parties, Elections and Referendums Act 2000 (4) An Electoral Commissioner may be removed from

office by Her Majesty in pursuance of an Address from the House of Commons (5) No motion shall be made for such an Address unless the Speaker's Committee have

presented a report to the House of Commons stating that the Committee are satisfied that one or more of the following grounds is made out in the case of the Electoral

Commissioner in question — (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months; (b) he has failed to comply with

the terms of his appointment; (c) he has been convicted of a criminal offence; (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he

has not been discharged; (d)(a) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986); (e) he has made an

arrangement or composition contract with, or has granted a trust deed for, his creditors; (f) he is otherwise unfit to hold his office or unable to carry out its

functions. (6) A motion for such an Address shall not be made on the ground mentioned in sub-paragraph (5)(a) if more than 3 months have elapsed since the end of the

period in question. 3 Duty not to disclose contents of Northern Ireland reports s.71E Political Parties, Elections and Referendums Act 2000 - Duty not to disclose contents

of donation reports (A1) Subject to subsection (A2), this section applies only to a donation received by a Northern Ireland recipient before 1 July 2017. (A2) This

section does not apply to a donation received before 1 July 2017 which is required to be recorded in a report (a) under section 62 in respect of a period beginning on

or after 1 July 2017 because the donation is required by that section to be

aggregated with a donation received or transaction entered into on or after that date, or (b) under paragraph 10 of Schedule 7 delivered on or after 1 July 2017 because the donation is required by that paragraph to be aggregated with a donation received or a transaction entered into on or after that date. (1) A person who is or has been a member or employee of the Commission must not disclose any information which — (a) relates to a donation to which this section applies, and (b) has been obtained by the Commission in the exercise of their functions under this Part, except in the following cases. (2) Such information may be disclosed, for the purpose of verifying information given in a Northern Ireland report: (a) to a member or employee of the Commission, or (b) to such bodies as may be prescribed. (3) Such information may be disclosed for the purposes of any criminal or civil proceedings. (4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a donation which the Commission believe, on reasonable grounds, was a donation required to be dealt with in accordance with section 56(2) (donations from impermissible and unidentifiable donors). (5) A person who contravenes subsection (1) is guilty of an offence. (6) A person does not contravene subsection (1) if that person discloses information relating to a donation to which this section applies where — (a) the donation was received on or after 1 January 2014 but before 1 July 2017, (b) the Northern Ireland report recording the donation does not state that the donation was received before 1 July 2017, and (c) when the disclosure is made, the person believes that the donation was received on or after 1 July 2017 and is reasonably entitled to hold that belief. (7) A person does not contravene subsection (1) merely because — (a) the person discloses information relating to a transaction within section 71Z4(A3) (duty not to disclose contents of transaction reports: change to a transaction), and (b) that disclosure suggests that a donation was received before 1 July 2017 with which the transaction has been aggregated in accordance with — (i) sections 62 (quarterly donation reports: aggregation) and 71M (quarterly reports of regulated transactions: aggregation), or (ii) paragraph 10 of Schedule 7 (donation reports: aggregation) and paragraph 9 of Schedule 7A (transactions reports: aggregation). (8) A person does not contravene subsection (1) merely because— (a) the person discloses information relating to a donation or a transaction in accordance with this section or section 71Z4, and (b) the disclosure suggests that a donation was received before 1 July 2017 as a result of which section 62(6) or 71M(6) applies in relation to the donation or transaction mentioned in paragraph (a).

s.71Z4 Political Parties, Elections and Referendums Act 2000 - Duty not to disclose contents of transaction reports (A1)
Subject to subsections (A2) and (A3), this section applies only to a transaction entered into by a Northern Ireland participant before 1 July 2017. (A2) This section does not apply to a transaction entered into before 1 July 2017 which is required to be recorded in a report — (a) under section 71M in respect of a period beginning on or after 1 July 2017 because the transaction is required by that section to be aggregated with a transaction entered into or a donation received on or after that date, or (b) under paragraph 9 of Schedule 7A delivered on or after 1 July 2017 because the transaction is required by that paragraph to be aggregated with a transaction entered into or a donation received on or after that date. (A3) This section does not apply to a transaction entered into on or after 1 January 2014 and before 1 July 2017 — (a) if a change to that transaction is required to be recorded in a report under section 71M in respect of a period beginning on or after 1 July 2017 because the change falls within section 71N(1) or (3), or (b) if a change to that transaction which takes effect on or after 1 July 2017 is required to be

recorded in a report under paragraph 11 of Schedule 7A because the change falls within sub-paragraph (3) or (5) of that paragraph. (A4) In subsection (A3), a reference to a change within section 71N(1) or paragraph 11(3) of Schedule 7A does not include a reference to a repayment of the whole of a debt (or all of the remaining debt) under a loan. (1) A person who is or has been a member or employee of the Commission must not disclose any information which — (a) relates to a transaction to which this section applies, and (b) has been obtained by the Commission in the exercise of their functions under this Part, except in the following cases. (2) Such information may be disclosed — (a) to a member or employee of the Commission, or (b) to such bodies as may be prescribed, for the purpose of verifying information given in a Northern Ireland report. (3) Such information may be disclosed for the purposes of any criminal or civil proceedings. (4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a transaction which the Commission believe, on reasonable grounds, was a transaction which was required to be dealt with under section 71I or 71J or paragraph 5 or 6 of Schedule 7A (transactions involving unauthorised participants). (5) A person who contravenes subsection (1) is guilty of an offence. (6) A person does not contravene subsection (1) if that person discloses information relating to a transaction to which this section applies where — (a) the transaction was entered into on or after 1 January 2014 but before 1 July 2017, (b) the Northern Ireland report recording the transaction does not state that the transaction was entered into before 1 July 2017, and (c) when the disclosure is made, the person believes that the transaction was entered into on or after 1 July 2017 and is reasonably entitled to hold that belief. (7) A person does not contravene subsection (1) if that person discloses information relating to a transaction to which this section applies where — (a) the transaction was entered into on or after 1 January 2014 but before 1 July 2017, (b) a change to the transaction which took effect before 1 July 2017 is required to be recorded in a report under section 71M or paragraph 11 of Schedule 7A, (c) the Northern Ireland report recording the change does not state that it took effect before 1 July 2017, and (d) when the disclosure is made, the person believes that the change took effect on or after 1 July 2017 and is reasonably entitled to hold that belief. (8) A person does not contravene subsection (1) merely because — (a) the person discloses information relating to a transaction within subsection (A3), and (b) that disclosure suggests that a transaction was entered into before 1 July 2017 with which the transaction has been aggregated in accordance with section 71M (quarterly reports of regulated transactions: aggregation) or paragraph 9 of Schedule 7A (transactions reports: aggregation). (9) A person does not contravene subsection (1) merely because — (a) the person discloses information relating to a donation or a transaction in accordance with this section or section 71E, and (b) the disclosure suggests that a transaction was entered into before 1 July 2017 as a result of which section 71M(6) or 62(6) applies in relation to the transaction or donation mentioned in paragraph (a).

4 Elections: Requirement of secrecy

s.66 Representation of the People Act 1983

(1) The following persons — (a) every returning officer and every presiding officer or clerk attending at a polling station, (b) every candidate or election agent or polling agent so attending, (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000, (d) shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to — (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station; (ii) the number on the register of

electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or (iii) the official mark. (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not — (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper; (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper. (3) No person shall — (a) interfere with or attempt to interfere with a voter when recording his vote; (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station; (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted. (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not — (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings. (6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

5 Restrictions on use of full electoral register

Reg. 100, para. 3, Representation of the People (England and Wales) Regulations 2001

- See also - Reg. 99, para 3, Representation of the People (Scotland) Regulations 2001 - Reg. 99, para 3, Representation of the People (Northern Ireland) Regulations 2008

(3) Neither the Electoral Commissioners nor any person employed by the Commission may — (a) supply a copy of the full register other than to an Electoral Commissioner or another such person; (b) disclose any information contained in it that is not contained in the edited register otherwise than in accordance with paragraph (5) below; or (c) make use of any such information otherwise than in connection with their functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000. (4) In paragraph (3) “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner. (5) The full register or any information contained in it and not in the edited register may not be disclosed otherwise than — (a) where necessary to carry out the Commission's duties in relation to the rules on permissible donors in the Political Parties, Elections and Referendums Act 2000; or (b) by publishing information about electors which does not include the name or address of any elector. Reviewed: March 2023

1. In relation to political parties, individuals and members' associations ■
 Back to content at footnote 1

2. In relation to third parties ■ Back to content at

footnote 2 3. In relation to third parties ■ Back to content at footnote 3 4. In relation to permitted participants ■ Back to content at footnote 4