



Circular F.07/22

25 October 2022

To: Electoral Registration Authorities
County Registrars
Returning Officers

Electoral Reform Act 2022

Commencement of certain provisions with effect from 13 October 2022

A Chara,

I am directed by the Minister for Housing, Local Government and Heritage, Mr. Darragh O'Brien, T.D. to refer to the Electoral Reform Act 2022 (Number 30 of 2022) which has been passed by both Houses of the Oireachtas and was signed into law by the President on 25 July 2022.

A copy of this Act is available at www.irishstatutebook.ie.

The Act provides the legislative underpinning for a range of significant electoral reforms in line with commitments in the Programme for Government – Our Shared Future, and includes provision for the:

- Establishment of an independent electoral commission – An Coimisiún Toghcháin;
- Modernisation of our electoral registration process to deliver greater accessibility and improved integrity, including improved voting arrangements for persons with mental health difficulties;
- Regulation of online political advertising to provide for transparency during electoral campaigns and ensure that our elections remain free from hidden influences on how we vote;
- Protection of the integrity of our electoral processes which will see the regulation of electoral process information, and online electoral information in order to guard against manipulative or inauthentic behaviour during electoral campaigns;



- Amendments to ensure that electoral events can proceed effectively if public health restrictions are in place due to a pandemic, including Covid-19;
- Strengthening of our regulatory regime in respect of political donations and accounts. This includes provisions to ensure that donations and resources from non-citizens outside the State are not being utilised to influence our elections and political processes, and the inclusion of new investigatory and enforcement powers to the Standards in Public Office Commission;
- Amendments to electoral law to provide that voting on the islands will take place on the same day as for the rest of the country; and
- Clarification that political parties can apply for a lottery license in support of their fund-raising activities.

Phase 1 commencement

As part of the first phase of commencements of this Act, certain provisions have now been commenced with effect from 13 October 2022.

These sections are listed in S.I. No. 512 of 2022, and a copy of this commencement order is attached for your convenience, and is also available at www.irishstatutebook.ie.

In summary, the following parts of the Act have been commenced with effect from 13 October 2022:

Part 1

Certain provisions of Part 1 which includes preliminary and general provisions.

Part 2 - Electoral Commission

Sections 6, 9, 10, 11, 12, 19 and 21 which will facilitate the appointment of ordinary members, the Chairperson and the Chief Executive for An Coimisiún Toghcháin. Further provisions in relation to the establishment and operation of An Coimisiún will be commenced in due course.

Part 3 - Franchise and Registration of electors

This sets out the legislative framework for the modernisation of our electoral registration process, including the move to a rolling, or continuous, registration, and the standardisation and simplification of the registration process – all applications will be made to the registration authority in the first instance and only appeals will fall to be considered by County Registrars. It provides a clear legal



basis for data sharing and the use of PPSNs in the process, and includes a number of new provisions including supporting registration for those who have no address, and anonymous registration for persons whose safety may be at risk if their names are published in the register. Existing flexible voting facilities which are currently available to persons with physical difficulties are also being extended to electors with mental health difficulties. It also makes provision to allow 16 and 17 year olds to pre-register, and abolishes the edited register.

This Part also includes arrangements to facilitate voting when the place of residence of a special voter is not accessible to the special presiding officer, allowing the returning officer to issue a postal vote to that special voter, or to apply the updated special voting procedures under Part XIV of the Electoral Act 1992 (Voting by Special Voters).

All of this Part is now commenced with effect from 13 October 2022 with the exception of section 98 which establishes the reporting cycle by registration authorities and An Coimisiún Toghcháin – this will be commenced with the other provisions establishing An Coimisiún.

Part 6 – Advance polling during pandemic or Covid-19

This Part amends the Electoral Acts to facilitate the provision of advance polling during a pandemic or Covid-19, allowing flexibility for polling to take place at electoral events over more than one day to facilitate social distancing at polling stations.

Part 8 – Polling on Islands

This Part provides that voting at electoral events will take place on islands on the same day as the rest of the country. This entails the amendment of existing island voting provisions to remove early voting, with new powers for the Minister (in consultation with Returning Officers) to make an order to amend polling hours where local circumstances require it. Such an order must be made no later than 7 days before polling day and the amended polling period must not be less than four hours.

Registration Authorities should now ensure that their Franchise teams are updated with regard to the content of the provisions which have been commenced, and undertake all necessary steps to ensure that the requirements of these provisions are being supported and implemented within their authority. Regular information sessions have been held with Franchise teams in recent months to prepare for commencement and these will continue.



In relation to the commencement of Part 3, authorities should note that the electoral register in force at commencement will continue in force, to be updated on an ongoing basis by each registration authority, and as such, registration authorities are no longer required to produce a new draft register on 1 November.

The updated versions of iReg, Voter.ie and the checktheregister.ie website are now rolled out and will enable and support the implementation of the new provisions.

A further phase of this modernisation process will include the development and roll out of a national electoral registration system building on Voter.ie. Dublin City Council is the lead authority in respect of that project.

With regard to the modernisation and updating of the electoral register, a national media campaign will be rolled out in early November. In advance of this, authorities should make all the necessary preparations including in terms of familiarising staff with upgraded systems and updating authority websites and communications regarding the electoral register. Officials in the Department will continue to work with Local Authorities in that regard.

Queries in relation to this Circular should be addressed to registerreform@housing.gov.ie.

Mise le Meas

Petra Woods,

Principal Officer

Franchise (Electoral Registration Project)