

Register of Political Parties – The Electoral Reform Act 2022

Chapter 6 of the Electoral Reform Act 2022 (Sections 41-55) sets out how the Register of Political Parties operates. For instance, this includes under Section 51 an appeals process where decisions by the Registrar of Political Parties can be reviewed by an appeals board made up of members of the Commission.

CHAPTER 6

Registration of political parties functions

Registrar of political parties

41. (1) There shall be an office, the holder of which shall be known as the Registrar of Political Parties (in this Chapter referred to as the “Registrar”) and the Registrar shall, subject to this Chapter, prepare and maintain a Register of Political Parties.

(2) (a) The person who for the time being holds the office of chief executive of the Commission shall be the Registrar.

(b) If and so long as the office of the chief executive is vacant or the holder of that office is unable through illness, absence or other cause to fulfil the duties of the office, a member of staff nominated by the Chairperson shall act as Registrar for the purposes of this Chapter and references in this Chapter to the Registrar shall be construed accordingly.

(3) The Registrar shall be independent in the performance of his or her duties.

Register of political parties

42. (1) The Register of Political Parties in force immediately before the commencement of this section shall be deemed to be the Register of Political Parties prepared and maintained under this Part.

(2) A reference in any enactment to the register of political parties shall be construed as including a reference to the Register of Political Parties prepared and maintained under this Chapter.

Application for registration of political parties

43. (1) A political party that is not, before the establishment day, registered in the Register of Political Parties may apply to the Registrar to be so registered as a

party organised in the State, or in a part thereof specified in the application, to contest all or any of the following elections:

- (a) a Dáil election;
- (b) a European election;
- (c) a local election.

(2) An application for registration under this section shall be in writing in such form as shall be specified by the Registrar and shall contain such particulars as shall be specified in the form.

(3) Where an application by a political party for registration in the Register of Political Parties under section 25 of the Act of 1992 has not been completed before the establishment day the application shall be completed on or after the establishment day under this section.

Registration of political emblems

44. (1) (a) A political party may apply for the registration in the Register of Political Parties of one emblem to be used by candidates of the party on ballot papers.

(b) An application under this section shall be in writing in such form as shall be specified by the Registrar and in accordance with directions specified on the form.

(2) The Registrar shall not grant a request for registration in relation to an emblem if the emblem—

- (a) would be likely to be confused by voters with an emblem which is already registered for another party,
- (b) is obscene or offensive,
- (c) is of such a character that its publication would be likely to amount to the commission of an offence, or
- (d) includes a word or expression which, if it were, or were part of, the party's name, would, by virtue of *section 46*, prevent the party from being registered in the Register of Political Parties.

Qualifying criteria for registration of political parties

45. Subject to *section 46*, the Registrar shall register a political party which applies for registration provided the application complies with the requirements of this Chapter and that—

(a) the party is organised in the State or in a part thereof specified in the application as a party organised to contest all or any of the elections referred to in *section 43(1)*,

(b) (i) (I) the party has not less than 300 recorded members or, in the case of a party applying for registration as a party organised to contest elections in part of the State or local elections only, 100 recorded members, each of whom (in any of the foregoing cases) has reached the age of 18 years,

and

(II) at least 50 per cent of the recorded members are registered in the electoral register,

(ii) the party has at least one member who, at the time the application for registration is made, is a member of Dáil Éireann or is a representative in the European Parliament (whether by reason of his or her having been elected as such a representative in the State or having been nominated as a replacement candidate under the Act of 1997) and who certifies in writing to the Registrar that he or she is a member of the party, or

(iii) in the case of a party which applies for registration as a party organised to contest a local election only, it has at least 3 members who are, at the time the application for registration is made, members of a local authority and each of whom certifies in writing to the Registrar that he or she is a member of the party,

and

(c) the organisation and direction of the party are governed by a constitution, a memorandum of association or other such document or other written rules adopted by the party and which provide for

(i) an annual or other periodic meeting or conference of the party, and

(ii) the conduct of the business of the party by an executive committee or similar body elected by the party.

Titles of political parties

46. A political party shall not be registered in the Register of Political Parties if its name—

(a) is identical to the name or an abbreviation or acronym of the name of any party for the time being registered in the Register of Political Parties or, so nearly resembles such name, abbreviation or acronym as to be likely to mislead, confuse or deceive,

(b) comprises more than 6 words, or

(c) in the case of a party operating in relation to a particular part of the State, does not include such reference to that part so as to distinguish the party as so operating.

Details to be entered in register of political parties

47. The following particulars shall be entered in the Register of Political Parties in respect of a political party registered therein—

(a) the name of the party, including any abbreviation or acronym of the name,

(b) the emblem, if an application for its registration under *section 44* has been granted,

(c) the address of the party's headquarters,

(d) the name or names of the officer or officers of the party authorised to sign certificates authenticating the candidatures of candidates of the party at elections,

(e) the type or types of election for which the party is registered as being organised to contest,

(f) where the party is registered as organised to contest elections in a specified part of the State, a reference to that fact and to the part of the State concerned,

(g) the name of any political group or European political party in accordance with *section 48*, and

(h) the name and address of each accounting unit¹ of the political party and the name and address of the responsible person² or persons of the accounting unit.

¹ "accounting unit", in relation to a political party, means a branch, including the headquarters of a political party if it is a separate accounting unit or other subsidiary organisation of the party, which in any particular year, receives a donation the value of which exceeds €100.

² "responsible person" means, in relation to an accounting unit, the treasurer or any other person responsible for dealing with donations to the unit, or, in relation to a third party, the person or persons responsible for the organisation, management or financial affairs of the third party.

Political groups

48. Where a party which is registered in the Register of Political Parties as a party organised to contest a European election, or which applies for such registration in the Register of Political Parties, informs the Registrar that a member of the party, being a representative in the European Parliament (whether by reason of that member having been elected as such a representative in the State or having been nominated as a replacement candidate under the Second Schedule to the Act of 1997), is a member of—

(a) a political group formed in accordance with the rules of procedure of the European Parliament, or

(b) a European political party,

the Registrar shall, if the member certifies in writing to the Registrar that he or she is a member of that party and that political group or European political party, note on the Register of Political Parties, in relation to the party, the name of that political group or European political party.

Notification of decision on application for registration

49. The Registrar shall, as soon as practicable after it has considered an application for registration under this Part, notify the applicant concerned of his or her decision and, where the application has been refused, the reasons for it and that the applicant may appeal the decision under *section 51*, and shall cause notice thereof to be published in *Iris Oifigiúil*.

Amendments to Register of Political Parties

50. (1) If there is any change in the particulars entered in the Register of Political Parties with respect to the name or names of the officer or officers of a political party referred to in *section 47(d)* or in the address of the party's headquarters, the party shall, as soon as may be after the change occurs, inform the Registrar of the change and, where appropriate, the Registrar shall amend the particulars entered in the register in relation to the party accordingly.

(2) A political party registered in the Register of Political Parties may apply in writing to the Registrar in such form as shall be specified by the Registrar to have any of the particulars, (other than those referred to in *subsection (1)*) including the party emblem entered in the register in relation to the party amended and the Registrar shall consider each such application and may, subject to this Chapter, amend the register accordingly.

(3) The Registrar shall, as soon as practicable after it has considered an application for amendment of the register under *subsection (2)*, notify the applicant concerned of his or her decision, the reasons for it and that the applicant may appeal the decision under *section 51* and shall cause notice of the decision to be published in *Iris Oifigiúil*.

(4) The Registrar shall, with respect to each party registered in the register, inquire in writing at least once in each year from a responsible person referred to in *section 47(h)* whether the party desires to remain registered and, unless the Registrar receives an affirmative reply to such an inquiry within 21 days from the date of the making of such inquiry, *subsection (6)* shall apply in relation to the party.

(5) When replying to an inquiry under *subsection (4)*, the responsible person shall provide the Registrar with the name and address of each accounting unit of the party and the name and address of the responsible person or persons of the accounting unit, including any changes that have occurred during the period from when the particulars were last provided to the Registrar and the Registrar shall enter the particulars provided in the register.

(6) Where a political party registered in the register fails to comply with *subsection (1)*, or information provided by it, in purported compliance with that subsection, is not such as to enable the Registrar to comply with *section 47* or otherwise fails to comply with the requirements of this Chapter, the Registrar shall, following such inquiry as it considers appropriate, publish in *Iris Oifigiúil* notice of its intention to cancel the registration of the party and the Registrar shall notify the party concerned of its intention and that the party may appeal the decision under *section 51*.

(7) Any doubt, dispute or question arising in connection with the particulars required to be entered in the register pursuant to *section 47* shall be decided by the Commission and deemed to be an appeal under *section 51*, and the Registrar or the political party concerned may submit the doubt, dispute or question to the Commission in accordance with that section.

Appeal against decision of Registrar

51. (1) A decision by the Registrar in relation to—

(a) an application for registration under *section 43* or *44*,

(b) an application under *section 50* for amendment of the particulars entered in relation to a party in the Register of Political Parties, or

(c) the cancellation of the registration of a party under *section 50(6)*, may be questioned by way of an appeal to the Board under this section and, pending the determination by the Board of such an appeal, the decision of the Registrar shall not have effect.

(2) Where the Registrar has decided to refuse an application for registration including the registration of an emblem or an application for an amendment of the register and has stated the reasons for so doing in accordance with *section 49* or *50(3)*, such statement shall be regarded as a sufficient statement of the reasons for the decision.

(3) (a) Not later than 12 noon on the twenty-first day after the publication in *Iris Oifigiúil* of a decision by the Registrar on an application for registration under section 43 or 44, or for the amendment of the particulars in relation to a party entered in the register under section 50(1) or in respect of the cancellation of the registration of a party under section 50(6), an appeal may be made to the Board against the decision—

(i) in the case of a decision to refuse either an application for registration including the registration of an emblem or an application for an amendment of the register, by the party by which the application was made,

(ii) in the case of a decision to allow either an application for registration or an application for amendment of the register, by any political party registered in the register at the time of the giving by the Registrar of such notice,

(iii) in the case of a decision to cancel a registration, by the party whose registration it is proposed to cancel.

(b) Where no appeal is made under this section within the period specified in paragraph (a), the decision shall at the expiration of the said period become final and the Registrar shall notify the applicant or, as the case may be, the party whose registration he or she has decided to cancel.

(c) An appeal under this section shall be in writing, shall state the grounds on which the appeal is made, shall be addressed to the Chairperson and shall be delivered or sent by post so as to reach the Chairperson not later than the time specified in paragraph (a), together with the deposit referred to in paragraph (d), and any such appeal which is received by the Chairperson after that time or without that deposit shall not be entertained or considered by the Commission.

(d) An appeal under this section shall not be considered by the Board unless at the time the appeal is made a deposit of €500 is lodged with the Chairperson by, or on behalf of, the appellant, which sum shall on the determination of the appeal be returned to the person by whom it was made unless the Board considers the appeal to be frivolous or vexatious and directs that the deposit be forfeited.

(e) A deposit forfeited under this section shall be disposed of by the Chairperson in such manner as may be directed by the Minister for Finance.

(f) The Chairperson, immediately on receipt of an appeal under this section, shall—

(i) notify the Registrar of such receipt,

(ii) furnish the Registrar with a copy of the appeal,

(iii) publish a notice in *Iris Oifigiúil* that an appeal has been lodged, and

(iv) make the documentation in relation to the appeal available for inspection at all convenient times.

(4) (a) The Board, in determining an appeal under this section, shall consider—

(i) the grounds for the appeal stated pursuant to subsection (3)(c), and

(ii) such information (if any) as was made available to the Registrar in connection with the application for registration (including registration of a political party emblem), the application for amendment of the register or the proposed cancellation of the registration, as the case may be.

(b) The Registrar shall give to the Commission such information in relation to every appeal considered pursuant to this section as the Commission may reasonably require of him or her.

(c) Where information additional to that referred to in paragraph (a)(ii) is furnished to the Commission, the appeal application, if the Commission considers it appropriate and directs accordingly, shall be returned to the Registrar for their consideration and treated, if appropriate, as a new application for registration or an amendment of the register by the Registrar.

(d) The decision of the Commission shall be final and binding.

(5) A decision by the Registrar on an application for registration, including the registration of an emblem, or for amendment of the particulars entered in the register in respect of a party or in relation to the cancellation of the registration of a party under *section 50* or a decision by the Commission on an appeal under this section shall not have effect in relation to the relevant election where the decision of the Registrar or the Commission is made or the period for making an appeal under *subsection (3)* against the decision of the Registrar expires—

(a) in the case of a Dáil election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a Dáil election, after the date of the issue of the writ or writs,

(b) in the case of a European election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a European election, after the date of the making of the order of the Minister under *section 10(1)* of the Act of 1997,

(c) in the case of a local election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a local election, after the date of the making of the order of the Minister under *section 26(2)* of the Act of 2001.

(6) The Board shall determine an appeal under this section without an oral hearing unless, having regard to the particular circumstances of the appeal, it considers

that it is necessary to conduct an oral hearing in order to properly and fairly determine the appeal.

(7) An appeal which has been commenced under section 25B of the Act of 1992 and not completed before the establishment day shall be carried on or completed by the Board under this section on or after the establishment day.

(8) In this section, “Board” means the members of the Commission referred to in *section 9(1)*.

Inspection and production of copy of register

52. (1) The Registrar shall maintain the Register of Political Parties and permit any person to inspect the register at such time and under such conditions as he or she may specify.

(2) Where an order of a court or a request by any person is made for the production by the Registrar of the register or a copy thereof, the production of a copy of the register accompanied by a certificate of the Registrar that such copy is a copy of the register shall, in any civil or criminal proceedings, be prima facie evidence of the fact so certified and it shall not be necessary, unless the court on receipt of the certificate and copy of the register so orders, for the Registrar to attend in person to attest to any matter relating to the register or the certificate.

Requirement to comply with request by Registrar for information

53. (1) The Registrar may require any person to give any information in the possession of such person which the Registrar may require for the purpose of his or her duties under this Chapter.

(2) Without prejudice to *subsection (1)*, the Registrar may require from any political party which applies for registration (including registration of an emblem) in, or for amendment of, the Register of Political Parties all such information as the Registrar reasonably requires for the determination of the application, and the Registrar may refuse the application of any party which fails or refuses to give any information so required of it under this section.

(3) For the avoidance of doubt and notwithstanding the authority of the Registrar to request information, it shall be the duty of every political party which applies for registration (including the registration of an emblem) in, or for amendment of, the register to provide to the Registrar such information as may be necessary to enable the Registrar to consider the application.

(4) The Registrar may require that—

(a) information furnished for the purposes of this Chapter shall be accompanied by a statutory declaration made by the person by whom the information is furnished (or by such other person as the Registrar considers appropriate in the circumstances) that, to the best of the person’s knowledge and belief, the

information is correct in every material respect and that the person has taken all reasonable steps in order to be satisfied as to the accuracy of the information,

(b) any statement in relation to the number of recorded members of a party shall be certified by a public auditor.

(5) In *subsection (4)*, “public auditor” means a public auditor for the purposes of the Industrial and Provident Societies Acts 1893 to 2021 and the Friendly Societies Acts 1896 to 2021.

Registration in relation to particular types of election

54. (1) Where a party is registered in the Register of Political Parties as a party organised to contest a particular type or types of election, the registration shall have effect only in relation to elections of the type or types concerned.

(2) Where a party is registered in the register as a party organised to contest an election or elections in a specified part of the State, the registration shall have effect only in relation to that part of the State.

Provision of copies of register to returning officers

55. Not later than the third day (disregarding any excluded day) after the day of the issuing under section 39 of the Act of 1992 of the writ or writs at a Dáil election, the Registrar shall send to the returning officer or each returning officer, as the case may be, a copy of the Register of Political Parties then in force, including a copy of any emblems of political parties registered in it.