

Factsheet: Elections Act 2022 Northern Ireland Reforms

December 2023

This factsheet highlights reforms from the UK Government Elections Act 2022 which will have an impact on voters and campaigners in Northern Ireland. This factsheet has been produced jointly by the Electoral Commission and the Electoral Office for Northern Ireland.

Changes for voters

Proxy voting

If someone is unable to attend their polling station, they can ask someone they trust to vote on their behalf. This is called a proxy vote and the person casting the vote is referred to as the proxy. The new legislation brings changes to the proxy voting processes across the UK.

On 31 October 2023, proxy voting rights changed with individuals limited to acting as a proxy for two electors living in Northern Ireland. The updated proxy application form is available at www.eoni.org.uk/Vote/Voting-by-post-or-proxy

As part of this change all existing long-term proxy arrangements must be reviewed by 31 January 2024. The Electoral Office for Northern Ireland will write to all individuals affected in Northern Ireland.

Undue influence and ballot secrecy

Across the UK, from 1 November 2023 the electoral offence of 'undue influence' was simplified. Undue influence is when someone uses, or threatens to use, force or violence to make someone vote a certain way.

From 2 May 2024 it will also be an offence to be with or near someone inside a polling station with the intention to influence their vote.

These new laws create extra sentencing options which include prison sentences or fines for those convicted.

Overseas electors

British or eligible Irish citizens who have left the United Kingdom can continue to register to vote in the constituency they last lived in. These electors are labelled in UK law as Overseas Electors.

From 16 January 2024 the rules around overseas electors will change. There will be new criteria for registering as an overseas elector with the time limit on voting rights removed.

Further details on the implementation of this will be posted in due course on the Electoral Office for Northern Ireland website at www.eoni.org.uk/Home/Elections-Act

Postal vote handling and secrecy

The new legislation also brings UK-wide changes to handling postal votes – there are new restrictions on who can handle a completed postal vote. As an example, from 2 May 2024 it will be a criminal offence for political campaigners to handle postal votes or postal vote envelopes.

In Northern Ireland postal votes cannot be accepted at polling stations. Voters should return their postal vote via Royal Mail as early as possible and well before polling day. Failure to do so could mean that the postal vote is not counted.

More details on handling postal votes will be published in this guidance as it is updated.

European Union Citizens living in Northern Ireland - voting rights

The new legislation also changes voting rights of European Union citizens across the UK.

Currently citizens of all European Union Member States can vote in Local and Assembly elections in Northern Ireland. This will change from 7 May 2024.

From that date only citizens of Luxembourg, Poland, Portugal and Spain living in Northern Ireland will automatically retain their voting rights here.

Citizens of other European Union countries will retain their voting rights in Northern Ireland only if they have been living in the United Kingdom prior to 31 December 2020. The Electoral Office will write to the affected voters on the electoral register to check their circumstances.

This change will not affect British or Irish citizens or citizens of Commonwealth countries including Cyprus or Malta who will retain all their voting rights.

Changes for campaigners

Digital imprints

Across the UK, from 1 November 2023, campaigners have been required to include imprints on digital political campaign material. The digital imprint law applies at all times and not just in the run up to an election.

The digital imprint law requires that relevant digital material such as websites, social media adverts, tweets, posts, images, audio and videos must have an imprint.

There are two sets of criteria to determine if digital material requires an imprint.

If the digital material is published as a paid advert and it is 'political material' a digital imprint is required.

If the digital material is published not as a paid advert, then this is 'organic material'. A digital imprint is required for organic material if it relates to an election, referendum or recall petition and is published by or on behalf of one of the following:

- a registered party

- a registered non-party campaigner
- a candidate or future candidate
- an elected office-holder
- a registered referendum campaigner
- a registered recall petition campaigner

A member of the public who is not a political campaigner will not need to include a digital imprint on organic material.

The Commission has published [statutory guidance](#) to help political parties understand the digital imprint law.

Code of Practice for Non-Party Campaigners

The Election Act introduced a duty on the Electoral Commission to produce a [Code of Practice on the laws relating to non-party campaigner spending](#). The Code was laid in the UK Parliament on 13 September 2023 and has now come into force.

This document details what qualifies as expenses, reporting controlled expenditure, and joint campaigning. The Code will apply to elections to the UK Parliament and the Assembly.

It is a defence for a non-party campaigner to show they complied with the Code in determining whether their campaign activity was regulated.

Commonly used names and addresses

From 2 May 2024 there will be changes to allow candidates' names to be displayed in different ways on the ballot paper. This enables candidates, if they choose to do so, to show the name they are commonly known by on the ballot paper.

From 2 May 2024 there will also be changes to allow candidate's addresses to be displayed in different ways on the ballot paper. This enables candidates at a UK parliamentary election to have either their constituency, local council or full address shown on the ballot paper.

European Union Citizens living in Northern Ireland – candidate rights

The new legislation also changes candidate rights of European Union citizens across the UK.

Currently citizens of all European Union Member States can stand as a candidate in Local and Assembly elections in Northern Ireland. This will change from 7 May 2024.

From that date, only citizens of Luxembourg, Poland, Portugal and Spain living in Northern Ireland will retain their candidate rights in elections in Northern Ireland.

Citizens of other European Union countries will retain their candidate rights only if they have been living in the United Kingdom prior to 31 December 2020.

This change will not affect British or Irish citizens or citizens of Commonwealth countries including Cyprus or Malta who retain all their previous candidacy rights.

Any elected member who does not have the correct eligibility under the new rules can remain in post for the remainder of their term.

Election Candidate intimidation – new penalties

The new law introduces a new penalty for anyone convicted of intimidating candidates, campaigners, or elected representatives. Anyone convicted will be banned from standing for elected office for five years.

Further Information

The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity.

The Electoral Office for Northern Ireland is the independent body which maintains the Electoral Register and runs all official elections and referendums within Northern Ireland.

If you require further information, contact us via email at:

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