Electoral Act, 1992

Number 23 *of* 1992

ELECTORAL ACT, 1992

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Number 23 *of* 1992

ELECTORAL ACT, 1992

AN ACT TO PROVIDE FOR THE REGISTRATION OF ELECTORS AND THE CONDUCT OF ELECTIONS TO DÁIL ÉIREANN AND TO AMEND AND EXTEND THE PRESIDENTIAL ELECTIONS ACTS, 1937 TO 1986, THE EUROPEAN ASSEMBLY ELECTIONS ACTS, 1977 TO 1986, THE REFERENDUM ACTS, 1942 TO 1992, THE SEANAD ELECTORAL (UNIVERSITY MEMBERS) ACTS, 1937 TO 1973, THE SEANAD ELECTORAL (PANEL MEMBERS) ACTS, 1947 TO 1972, THE LOCAL ELECTIONS ACTS, 1963 TO 1991, AND TO PROVIDE FOR RELATED MATTERS. [5*th November*, 1992]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

General

Short title, collective citation, construction and commencement.

1.—(1) This Act may be cited as the Electoral Act, 1992.

(2) The Presidential Elections Acts, 1937 to 1986 and *Part II* insofar as it relates to presidential electors and *Part XXIII* insofar as it relates to presidential elections may be cited together as the Presidential Elections Acts, 1937 to 1992, and shall be construed together as one Act.

(3) The European Assembly Elections Acts, 1977 to 1986 and *Part II* insofar as it relates to European electors and *Parts III* and *XXIII* insofar as they relate to European elections may be cited together as the European Assembly Elections Acts, 1977 to 1992, and shall be construed together as one Act.

(4) The collective citation "the Referendum Acts 1942 to 1992" shall include *Part XXIII* insofar as it relates to referenda and the Referendum Acts 1942 to 1992 shall be construed together as one Act.

(5) The Local Elections Acts, 1963 to 1991 and *Part II* insofar as it relates to local government electors and *Part XXIII* insofar as it relates to local elections may be cited together as the Local Elections Acts, 1963 to 1992, and shall be construed together as one Act.

(6) This Act, other than this section, 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.

(7) An order made under *subsection (6)* shall be laid before each House of the Oireachtas as soon as possible after it is made.

Interpretation.

2.—(1) In this Act—

"ballot paper" has the meaning assigned to it by *section 88* ;

"bye-election" means an election of a member of the Dáil to fill a vacancy occasioned by a person having ceased to be a member of the Dáil otherwise than in consequence of a dissolution;

"certificate of political affiliation" has the meaning assigned to it by *section 46* ;

"civil servant" and "civil service" have the same meaning, respectively, as in the Civil Service Regulation Act, 1956 as amended by section 17 of the Staff of the Houses of the Oireachtas Act, 1959 ;

"covering envelope" has the meaning assigned to it by *sections 68* and *81* ;

"Dáil" means Dáil Éireann;

"Dáil election" means an election of a member or members to serve in the Dáil and includes a bye-election as well as a general election;

"Dáil elector" means a person entitled to vote at a Dáil election;

"the Defence Forces" has the meaning assigned to it by section 2 of the Defence Act, 1954 ;

"election", except where the context otherwise requires, means a Dáil election;

"elector", except where the context otherwise requires, means a Dáil elector;

"European Communities" has the same meaning as in the European Communities Acts, 1972 to 1986;

"European election" means an election in the State of members to the European Parliament and "European elector" means a person entitled to vote at such election;

"European Parliament" means the Parliament of the European Communities;

"excluded day" means a day which is a Sunday, Good Friday or a day which is declared to be a public holiday by the Holidays (Employees) Act, 1973 , or a day which by virtue of a statute or proclamation is a public holiday;

"general election" means a general election for members of the Dáil held in accordance with subsection 2° of section 3 of Article 16 of the Constitution;

"local electoral area" means the area or any of the areas (as may be appropriate) by reference to which a local election is held;

"local election" means an election held pursuant to section 81 of the Electoral Act, 1963 , or a new election within the meaning of Part IV of the Local Government Act, 1941 ;

"local government elector" means a person entitled to vote at a local election;

"Member State" means, except in *section 8* , a Member State of the European Communities;

"the Minister" means the Minister for the Environment;

"national of a Member State", except in *section 8* , has the meaning assigned to it in the treaties governing the European Communities;

"notice of election" has the meaning assigned to it by *section 44* ;

"notice of poll" has the meaning assigned to it by *section 87* ;

"the official mark" has the meaning assigned to it by *section 89* ;

"personation agent" has the meaning assigned to it by *section 60* ;

"petition" means a petition presented to the High Court under this Act;

"postal voter" means a person whose name is entered in the postal voters list;

"postal voters ballot box" has the meaning assigned to it by *section 69* ;

"postal voters list" means the list prepared pursuant to *section 14*;

"presidential election" means an election of a person to the office of President of Ireland;

"presidential elector" has the meaning assigned to it by *section 7*;

"the quota" has the meaning assigned to it by *section 120*;

"Seanad" means Seanad Éireann;

"special voter" means a person whose name is included in the special voters list;

"special voters list" means the list of voters prepared by the registration authority pursuant to *section 17*;

"the treaties governing the European Communities" has the same meaning as in the European Communities Acts, 1972 to 1986.

(2) In this Act—

(*a*) a reference to a Part, section, Schedule or part of a Schedule is to a Part or section of or a Schedule or part of a Schedule to this Act, unless it is indicated that reference to some other enactment is intended;

(*b*) a reference to a subsection, paragraph, subparagraph or rule is to a subsection, paragraph, subparagraph or rule of the provision (including a Schedule) in which the reference occurs, unless it is indicated that reference to some other provision is intended;

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Regulations.

3.—(1) The Minister may make regulations prescribing any matter or thing that is referred to in this Act as prescribed.

(2) Every regulation made under this Act (other than regulations made under *section 20*) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Expenses.

4.—(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

(2) The expenses incurred by reason of this Act by An Post (whether such expenses relate to the exercise by candidates of the right of free postage conferred by *section 57* or are otherwise so incurred in relation to a Dáil election) shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of the Central Fund or the growing produce thereof.

Repeals.

5.—The enactments mentioned in *Part I* of the *First Schedule* are hereby repealed, and the regulations mentioned in *Part II* of the said Schedule are hereby revoked, to the extent specified in the *third column* of that Schedule.

PART II

Franchise and Registration of Electors

Interpretation *(Part II)*.

6.—In this Part, and in the *Second Schedule* —

"constituency" means, as the context may require, a constituency for which candidates may be elected at a Dáil election or a European election;

"Dáil constituency" means a constituency for which candidates may be elected at a Dáil election;

"elector" means, as the context may require, a presidential elector, a Dáil elector, a European elector or a local government elector;

"local authority" means the council of a county, the corporation of a county or other borough, the council of an urban district and the commissioners of a town;

"medical practitioner" means a person whose name is entered in the General Register of Medical Practitioners established under the Medical Practitioners Act, 1978 ;

"polling district" means a polling district in a scheme in force under *section 28* ;

"the register" means, as the context may require, the register of presidential, Dáil, European and local government electors or the register of presidential electors or the register of Dáil electors or the register of European electors or the register of local government electors and, where the context so requires, includes the supplement to the register, the postal voters list and the special voters list;

"registration area" means an administrative county or county borough;

"registration authority" means the council of a county or the corporation of a county borough;

"the county registrar" means the county registrar for the county, county borough or other area coterminous with or contained in a registration area or a person appointed or designated under *Rule 24* of the *Second Schedule* to perform the duties of a county registrar;

"qualifying date" has the meaning assigned to it in *section 11 (2)*;

"the specified date" means, in relation to any purpose, the date specified in the *Second Schedule* as the specified date for that purpose.

Registration of presidential electors.

7.—(1) A person shall be entitled to be registered as a presidential elector in a constituency if he has reached the age of eighteen years and if he was, on the qualifying date—

(*a*) a citizen of Ireland, and

(*b*) ordinarily resident in that constituency.

(2) For the purposes of—

(i) the *Presidential Elections Acts, 1937 to 1992*,

(ii) the *Referendum Acts, 1942 to 1992*, and

(iii) this Act,

"presidential elector" means a person entitled to vote at an election of a person to the office of President of Ireland.

(3) In the *Presidential Elections Acts, 1937 to 1992* "elector", when used alone, means a person described in *subsection (1)*.

Registration of Dáil electors.

8.—(1) A person shall be entitled to be registered as a Dáil elector in a constituency if he has reached the age of eighteen years and he was, on the qualifying date—

(*a*) a citizen of Ireland, and

(*b*) ordinarily resident in that constituency.

(2) (*a*) In addition to those entitled to be registered under *subsection (1)* a person shall be entitled to be registered as a Dáil elector in a constituency if he is a person who has reached the age of eighteen years and who on the qualifying date—

(i) complied with the requirement of *subsection (1) (b)*, and

(ii) was either—

(I) a British citizen, or

(II) a national of a Member State to which this subsection applied on that date.

(*b*) This subsection applies to a Member State which is for the time being the subject of a declaration under *subsection (3)*.

(3) Where the Minister is of opinion that—

(*a*) the law of a Member State relating to the election of members of, or deputies or other representatives in or to, the National Parliament of that Member State enables citizens of Ireland, by reason of their being such citizens and being resident in that Member State, to vote at such an election, and

(*b*) the provisions of that law enabling citizens of Ireland who are so resident so to vote are the same, or are substantially the same, as those enabling nationals of that Member State so to vote,

the Minister may by order declare that Member State to be a Member State to which *subsection (2)* applies.

(4) (*a*) The Minister may by order specify criteria or other matters to which regard shall be had in order to determine whether or not a person is for the purpose of this section a national of a Member State and such order may provide that the provisions of the order shall relate to all Member States or to such one or more Member States as are specified in the order.

(*b*) An order under this subsection may amend the definition of "a British citizen" in *paragraph (a)* of *subsection (7)* or the provisions of *paragraph (b)* of the said *subsection (7)*.

(*c*) In this subsection—

"Member State" means a Member State of the European Communities other than the State;

"national of a Member State" shall not be construed as referring to the State, or as including a citizen of the State.

(5) Where—

(*a*) an order under *subsection (4)* is for the time being in force, and

(*b*) a Member State to which the order applies is for the time being a Member State to which *subsection (2)* applies,

clause (II) of *subsection (2) (a) (ii)* shall be construed and have effect subject to the provisions of the order.

(6) (*a*) The Minister may revoke or amend an order under this section (including an order under this subsection).

(*b*) Where an order under this section (including an order under this subsection) is proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(7) (*a*) Subject to *subsection (4)*, in this section—

"a British citizen" means a person who under the Act of the British Parliament entitled the British Nationality Act 1981 is a British citizen;

"Member State", except in *subsection (4)*, means a Member State other than the State or the United Kingdom;

"national of a Member State", except in *subsection (4)*, shall not be construed as referring to the United Kingdom or as including a British citizen.

(*b*) The reference in *paragraph (a)* to the Act of the British Parliament mentioned in that paragraph is a reference to that Act as enacted by that Parliament on the 30th day of October, 1981.

Registration of European electors.

9.—A person shall be entitled to be registered as a European elector in a constituency if he has reached the age of eighteen years and if, on the qualifying date, he was ordinarily resident in that constituency and was either—

(*a*) a citizen of Ireland, or

(*b*) a national of a Member State other than the State.

Registration of local government electors.

10.—A person shall be entitled to be registered as a local government elector in a local electoral area if he has reached the age ofeighteen years and he was, on the qualifying date, ordinarily resident in that area.

General provisions relating to the registration of electors.

11.—(1) (*a*) A person shall not be registered as an elector more than once in any registration area nor in more than one such area.

(*b*) Where it appears that a person may, *prima facie*, be eligible for registration in respect of two or more premises, the question of which of such premises he shall be registered for shall, subject to any expression of choice by such person, be determined by the registration authority.

(*c*) Where the premises referred to in *paragraph (b)* are situated in two or more registration areas, the registration authority for each such area shall take such steps as it considers necessary to ensure that the person is not registered in respect of more than one such registration area.

(*d*) The provisions of *sections 7* , *8* , *9* and *10* shall have effect subject to the provisions of this subsection.

(2) (*a*) The qualifying date for every register of electors shall be the date specified for that purpose in the *Second Schedule* .

(*b*) For the purposes of this Part, a person's age shall be taken to be that person's age on the date specified for that purpose in the *Second Schedule* .

(3) For the purposes of this Part—

(*a*) a person shall be deemed not to have given up ordinary residence if he intends to resume residence within eighteen months after giving it up,

(*b*) a written statement by a person that he intends to resume residence within eighteen months after giving it up shall, in the absence of evidence to the contrary, be accepted as a correct statement.

(4) (*a*) Where an elector who is a whole time member of the Defence Forces is resident in any barrack or other premises used for military purposes and there are premises in which he would, but for his service, be ordinarily resident on the qualifying date and, not later than the last day for making claims for registration, he furnishes to the registration authority for the registration area in which the last-mentioned premises are situate, a statement of such premises the statement shall, in the absence of evidence to the contrary, be accepted as a correct statement and he shall be registered in respect of those premises.

(*b*) (i) In this subsection "a whole time member of the Defence Forces" means—

(I) a member of the Permanent Defence Force, or

(II) an officer of the Reserve Defence Force employed continuously on military service or duty during a period during which a proclamation authorising the calling out of reservists on permanent service is in force, or during a period during which reservists are called out on permanent service under section 88 of the Defence Act, 1954 , or

(III) a reservist called out on permanent service.

(ii) In the foregoing subparagraph "the Permanent Defence Force", "officer", "the Reserve Defence Force", "proclamation authorising the calling out of reservists on permanent service" and "reservist" have the same meanings respectively as they have in the Defence Act, 1954 .

(5) Where on the qualifying date, a person is detained in any premises in legal custody, he shall be deemed for the purposes of this section to be ordinarily resident in the place where he would have been residing but for his having been so detained in legal custody.

(6) Where on the qualifying date, a person is a patient or inmate in any hospital or home for persons suffering from mental disability or similar institution, he shall be deemed for the purposes of this section to be ordinarily resident in—

(*a*) in case the place where he would have been residing but for his having been such a patient or inmate can be ascertained by the registration authority — that place,

(*b*) in case the place mentioned in *paragraph (a)* cannot be ascertained by the registration authority — the place where he last resided before he became such a patient or inmate.

Certain persons deemed to be ordinarily resident in the State.

12.—(1) In this section—

"appropriate registration authority" means the registration authority for the area in which the premises referred to in *subsection (3) (a)* are situate;

"qualified person" means a citizen of Ireland who has reached the age of 18 years and is a civil servant and is a member of a mission and who, for the time being, because of the requirements of his duties, is serving outside the State;

"member of a mission" means a person—

(*a*) falling within the definition of "members of the mission" contained in the Vienna Convention on Diplomatic Relations done at Vienna on the eighteenth day of April, 1961, as set out in the First Schedule to the Diplomatic Relations and Immunities Act, 1967 , or

(*b*) falling within the definition of "members of the consular post" contained in the Vienna Convention on Consular Relations done at Vienna on the twenty-fourth day ofApril, 1963, as set out in the Second Schedule to the said Act, or

(*c*) who is a member of a Permanent Mission of Ireland to an international organisation;

"spouse" means a person who is the spouse of a qualified person and is a citizen of Ireland and has reached the age of 18 years and is residing with the qualified person outside the State.

(2) A person, who satisfies the appropriate registration authority that he is a qualified person, and the spouse of such person shall, for the purposes of this Part be deemed to be ordinarily resident on the qualifying date in the premises in the State in which, but for the requirements of his duties, the qualified person would be resident.

(3) A qualified person may, not later than the date specified for that purpose in the *Second Schedule* , send to the appropriate registration authority a statement in the form directed by the Minister providing the following information—

(*a*) the address of the premises in the State in which, but for the requirements of his duties, he would be resident on the qualifying date; and

(*b*) particulars of his spouse (if any).

(4) Every statement by a person pursuant to *subsection (3)* shall be accompanied by a certificate in the form directed by the Minister from the Secretary of the Department of Foreign Affairs certifying that such person is a qualified person.

(5) A statement by a qualified person as to the premises in the State in which he would be resident on the qualifying date shall, in the absence of evidence to the contrary, be accepted as a correct statement, and he and his spouse (if any) shall be registered in respect of those premises.

(6) A person who submits a statement to a registration authority pursuant to *subsection (3)* shall supply to the registration authority any information which such registration authority may require for the purposes of this section and the provisions of *section 133 (1)* shall apply to a requirement by a registration authority under this section.

The register of electors.

13.—(1) A register by reference to registration areas consisting of administrative counties and county boroughs shall be prepared and published in every year of persons who were entitled to be registered as electors on the qualifying date and, in so far as it relates to presidential electors, it shall be the register of presidential electors, in so far as it relates to Dáil electors, it shall be the register of Dáil electors, in so far as it relates to European electors, it shall be the register of European electors and, in so far as it relates to persons entitled to vote at local elections, it shall be the register of local government electors.

(2) Every register of electors shall come into force on the date specified for this purpose in the *Second Schedule* and shall remain in force until the day before the date on which the next register comes into force.

(3) A reference in any existing enactment (other than this Act) to the electors lists shall, as the case may require, be construed as areference to the draft register prepared for the purposes of this Part, or the electors lists prepared, under *section 16* , by a registration authority the subject of a direction under that section.

(4) For the purposes of *subsection (3)* "existing enactment" means an enactment in operation at the time of the passing of this Act.

Entry of names in postal voters list.

14.—An elector shall be entered in the postal voters list if he is—

(*a*) a member of the Garda Síochána who not later than the last day for making claims for registration applies to be so entered, or

(*b*) a whole time member of the Defence Forces (as defined in *paragraph (b)* of *subsection (4)* of *section 11*), or

(*c*) a person who is deemed by virtue of *section 12* to be ordinarily resident in premises in the State on the qualifying date.

Supplement to the register of electors.

15.—(1) A person who, on the qualifying date in respect of a register of electors, was entitled to be registered as an elector, but was not so registered in that register, may apply to the registration authority to have his name entered in a supplement to the register which the registration authority is hereby empowered to prepare and publish.

(2) The provisions of *Part II* of the *Second Schedule* shall apply to—

(*a*) consideration of applications under *subsection (1)* by the registration authority and the ruling on such applications by the registration authority,

(*b*) the ruling on an appeal against the decision of the registration authority, and

(*c*) the preparation and publication by the registration authority of a supplement to the register of electors.

(3) The registration authority shall, within the period after the publication of the register of electors specified for that purpose in the *Second Schedule* , ascertain if any corrections in the register are necessary because of errors of a clerical or typographical nature or because of misnomers or inaccurate descriptions and, if any such corrections are ascertained to be necessary, the registration authority shall publish a list of them and such list shall be deemed to form part of the register of electors and may form part of any supplement prepared pursuant to *subsection (1)*.

(4) A supplement to the register of electors published by the registration authority under *subsection (1)* shall be deemed to form part of the register of electors.

(5) An application by a person to have his name entered in the supplement to the register, received by the registration authority on or after the twelfth day (disregarding any excluded day) before polling day at an election or referendum shall not have effect in relation to that election or referendum.

Electors lists to replace draft register in the case of specified registration authorities.

16.—(1) The Minister may, by direction, specify a registration authority or registration authorities which shall publish electors lists in place of the draft register referred to in *rule 5 (6)* of *Part I* of the *Second Schedule* .

(2) The electors lists shall consist of—

(*a*) the register of electors in force at the time of publication of the electors lists (in this Act referred to as List A),

(*b*) a list (in this Act referred to as List B) of persons entitled on the qualifying date to be registered as electors in respect of particular premises and whose names are not included in List A in respect of such premises, and

(*c*) a list (in this Act referred to as List C) of persons whose names appear on List A, and who, on the qualifying date were not entitled to be registered as electors in respect of the premises stated in List A.

(3) The Minister may give a direction under this section as often as he thinks fit.

(4) (*a*) The Minister may amend or revoke a direction under this section.

(*b*) Without prejudice to the generality of *paragraph (a)*, a direction under this subsection may provide for the discontinuance of the publication of electors lists by a registration authority the subject of a direction under *subsection (1)*, and for the publication by that registration authority of a draft register.

(5) Where a direction under *subsection (1)* is in force in respect of a registration authority, a reference in this Act or in any other enactment to the draft register shall be construed as a reference to electors lists insofar as it applies to the said registration authority.

Special voters list.

17.—(1) The registration authority shall prepare a list (in this Act referred to as the "special voters list") of persons (in this Act referred to as "special voters") entitled to vote at a Dáil election in accordance with the provisions of *Part XIV* or at any other election or referendum in accordance with the Electoral (Amendment) (No. 2) Act, 1986 without removing the names of the special voters from the register of electors.

(2) The registration authority shall enter in the special voters list the name of every elector who applies to be so entered and who satisfies the registration authority that—

(*a*) he is unable to go in person to vote at the polling place for his polling district by reason of his physical illness or physical disability; and

(*b*) the physical illness or physical disability is likely to continue for the period of continuance in force of the register of electors in respect of which the application to be entered as a special voter is made.

(3) The special voters list shall be in such form as the Minister may direct.

(4) *Part III* of the *Second Schedule* shall apply to an application to be entered in the special voters list pursuant to *subsection (2)*.

Issuing of instructions.

18.—(1) The Minister may, whenever he thinks proper so to do, issue to all or any registration authorities or authority such instructions in relation to the registration of electors as he shall consider necessary or expedient in order to ensure the smooth and efficient registration of electors and to secure uniformity of procedure in regard thereto in all registration areas.

(2) Subject to *subsection (3)*, it shall be the duty of every registration authority to observe and comply with all instructions given to them by the Minister.

(3) No registration authority shall be required or authorised by an instruction given by the Minister under this section to do any act (whether of commission or omission) which is contrary to this Act.

Entry in register of name of revised constituency.

19.—Where by reason of a revision of constituencies, a polling district or part of a polling district is situate in a new constituency, which is identical in area and name with none of the constituencies existing immediately before such revision, the Minister may by direction provide for the entry of the name of that new constituency in respect of the polling district or the part of the polling district in the register of electors in force at the time of the revision and in every such register coming into force subsequent to such revision.

Registration duties.

20.—(1) It shall be the duty of each registration authority to prepare and publish the register of electors in accordance with the provisions of the *Second Schedule* .

(2) The Minister may, by regulations, amend the provisions of the *Second Schedule* whenever and as often as he thinks fit.

(3) Where regulations under this section are proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

(4) (*a*) The Minister shall procure all printing or other reproduction required for registration purposes to be done in such manner as he considers proper.

(*b*) The Minister may, by arrangements made with the sanction of the Minister for Finance, secure that three quarters of the total cost of preparing and publishing the register of electors shall be borne by the State and, subject to the foregoing, the cost shall be borne by registration authorities.

(5) (*a*) Notwithstanding the provisions of *paragraph (b)* of *subsection (4)*, where, in the opinion of the Minister, there are reasonable grounds for doing so, he may cause a greater proportion of the total cost of preparing and publishing the register to be borne by a registration authority than provided for in the said *paragraph (b)*.

(*b*) Without prejudice to the generality of *paragraph (a)*, the Minister may under this subsection cause a greater proportion of the cost of preparing and publishing the registerto be borne by the registration authority than that provided for under *subsection (4)* if in his opinion—

(i) there is undue delay attributable to the registration authority in the publication of the draft register or the register or the list of claims, or

(ii) there are deficiencies attributable to the registration authority in the register.

(*c*) Where the Minister proposes under this subsection to cause a greater proportion of the cost of preparing and publishing the register to be borne by the registration authority than provided for under *subsection (4)*, he shall cause the reason for doing so to be furnished to the registration authority.

Appeals.

21.—(1) An appeal shall lie to the Circuit Court from any decision on any claim or objection which has been considered under *Part I* of the *Second Schedule* , or any application or objection which has been considered under *Part II* of the said *Second Schedule* .

(2) *Subsection (1)* shall be subject to the proviso that an appeal shall not lie where a claimant or objector or applicant has not availed himself of an opportunity provided in the *Second Schedule* of having his claim or objection or application decided in the first instance by the authority specified in that behalf in the said Schedule.

(3) An appeal to the Supreme Court shall lie on any point of law from a decision of the Circuit Court on any such appeal, but, save as aforesaid, there shall be no appeal from any such decision.

(4) The right of voting of any person whose name is for the time being on the register of electors shall not be prejudiced by an appeal pending under this section, and any vote given in pursuance of that right shall be as good as if no such appeal were pending, and shall not be affected by the subsequent decision on the appeal.

(5) Notice shall be sent to the registration authority in manner provided by rules of court of the decision of the Circuit Court or the Supreme Court on any appeal under this section, and the registration authority shall make such alterations in the register of electors as may be required to give effect to the decision.

Amendment of section 40 of Court Officers Act, 1926.

22.— Section 40 (6) of the Court Officers Act, 1926 , as amended by section 7 (7) of the Electoral Act, 1963 , is hereby amended by the substitution for "under the regulations made pursuant to section 7 of the Electoral Act, 1963 " of "pursuant to the *Second Schedule* to the *Electoral Act, 1992*".

Amendment of section 1 of European Assembly Elections Act, 1977.

23.— Section 1 of the European Assembly Elections Act, 1977 , as amended by section 23 of the Electoral (Amendment) (No. 2) Act, 1986 , is hereby amended by the substitution for the definition of "the postal voters list" of the following definition:

"'the postal voters list' means the list prepared pursuant to *section 14* of the *Electoral Act, 1992*;".

Amendment of Electoral (Amendment) (No. 2) Act, 1986.

24.—(1) Section 1 of the Electoral (Amendment) (No. 2) Act, 1986 , is hereby amended by the substitution for the definition of "special voters list" of the following definition:

"'special voters list' means the list of voters prepared by the registration authority pursuant to *section 17* of the *Electoral Act, 1992*.".

(2) Section 16 (1) of the Electoral (Amendment) (No. 2) Act, 1986 , is hereby amended by the substitution for " section 15 of this Act" of " *section 12* of the *Electoral Act, 1992*".

PART III

Registration of Political Parties

Register of political parties.

25.—(1) (*a*) The person who for the time being holds the office of Clerk of the Dáil shall be the Registrar of Political Parties for the purposes of this section.

(*b*) If and so long as the office of Clerk of the Dáil is vacant or the holder of that office is unable through illness, absence or other cause to fulfil his duties, the Clerk-Assistant of the Dáil shall act as Registrar of Political Parties for the purposes of this section.

(*c*) In the subsequent subsections of this section, "the Registrar" means the Registrar of Political Parties for the purposes of this section or the Clerk-Assistant of the Dáil acting as such Registrar (as may be appropriate).

(2) A political party may apply to the Registrar to be registered in the Register of Political Parties as a party—

(*a*) organised in the State to contest a Dáil election or a European election or a local election, or

(*b*) organised in a part of the State specified in the application to contest a Dáil election or a European election or a local election.

(3) The Registrar shall prepare and maintain a register (to be known as the Register of Political Parties) in which, subject to the subsequent provisions of this section, he shall register any political party—

(*a*) which applies to him for registration, and

(*b*) which is in his opinion—

(i) a genuine political party, and

(ii) organised in the State or a part thereof to contest a Dáil election or a European election or a local election.

(4) 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,

(*b*) the address of the party's headquarters,

(*c*) the name or names of the officer or officers of the party authorised to sign certificates authenticating the candidature of candidates of the party at elections,

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

(*e*) where a party is registered as organised to contest an election in a particular part of the State, a reference to that fact.

(5) Where a party which is registered in the Register of Political Parties as a party organised to contest a European election satisfies the Registrar that a member of the party who is a representative in the European Parliament is a member of a political group formed in accordance with the rules of procedure of the Parliament, the Registrar shall note on the Register, in relation to the party, the name of the group.

(6) A political party shall not be registered in the Register of Political Parties if its name—

(*a*) is identical with the name of any party already registered in the Register of Political Parties or, in the opinion of the Registrar, so nearly resembles such name as to be calculated to mislead, confuse or deceive,

(*b*) is, in the opinion of the Registrar, unduly long, or

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

(7) A political party registered in the Register of Political Parties shall from time to time keep the Registrar informed as to the name or names of the officer or officers referred to in *paragraph (c)* of *subsection (4)*.

(8) The Registrar shall, with respect to each party registered in the Register of Political Parties, inquire in writing at least once in each year from an officer of the party referred to in *paragraph (c)* of *subsection (4)*, whether the party desires to remain registered and, unless he receives an affirmative reply to such an inquiry within twenty-one days from the date of the making of such inquiry, he shall cancel the registration of the party concerned.

(9) (*a*) As soon as he has considered an application for registration under this section the Registrar shall notify the applicant of his proposed ruling on the application (stating reasons in the case of refusal) and shall cause notice thereof to be published in the *Iris Oifigiúil* and any person aggrieved by the proposed ruling of the Registrar may appeal to an appeal board under this section within the five days next following the date of publication of the said notice in the *Iris Oifigiúil*.

(*b*) Where no appeal is made under this subsection within the period specified in *paragraph (a)* the proposed ruling shall thereupon become final and the Registrar shall notify the applicant accordingly.

(*c*) The appeal board shall consist of a Judge of the High Court (to be nominated by the President of the High Court),who shall be chairman, the Chairman of the Dáil (or where he is unable, through illness, absence or other cause to fulfil his duties or the office of Chairman is vacant, the Deputy Chairman of the Dáil) and the Chairman of the Seanad (or where he is unable, through illness, absence or other cause to fulfil his duties or the office of Chairman is vacant, the Deputy Chairman of the Seanad).

(*d*) An appeal under this section shall not be considered by the appeal board unless at the time the appeal is made a deposit of £500 is lodged with the appeal board 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 appeal 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 in such manner as may be directed by the Minister for Finance.

(*f*) The decision of the appeal board shall be final and shall be complied with by the Registrar.

(*g*) An appeal under this section shall be in writing setting out the grounds thereof and shall be made by being lodged together with the deposit referred to in *paragraph (d)* at the office of the Registrar.

(10) (*a*) Where it appears to the Registrar that a political party registered in the Register of Political Parties is not entitled to be so registered he shall, following such inquiry as he thinks fit, publish in the *Iris Oifigiúil* notice of his intention to cancel the registration of the party.

(*b*) *Subsection (9)* shall apply to an intention under this subsection in the same way as it applies to a ruling under the said *subsection (9)*.

(*c*) Where a party is registered in the Register of Political Parties, the registration of the party shall not be affected by any appeal pending under this subsection.

(11) The Registrar shall maintain a copy of the Register of Political Parties at his office and shall permit any person to inspect such copy and to take a copy thereof on payment of a fee not exceeding the reasonable cost of copying at such times and subject to such conditions as the Registrar considers appropriate.

(12) The Registrar may require any person to give any information in his possession which the Registrar may require for the purpose of his duties under this section.

(13) The following provisions shall apply in relation to a party registered in the Register of Political Parties—

(*a*) where the party is registered as 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;

(*b*) where the name of the party includes a reference which distinguishes the party as operating is a particular partonly of the State, the registration shall have effect only in relation to that part of the State.

(14) On the third day (disregarding any excluded day) after the day of the issuing under *section 39* of a writ or writs, the Registrar shall send to the returning officer or each returning officer a copy of the Register of Political Parties then in force.

(15) The Minister for Finance shall, out of moneys provided by the Oireachtas, pay to the Registrar the amount of his reasonable charges, not exceeding such amount as may be sanctioned by that Minister, in respect of the performance by the Registrar of his duties under this section.

(16) The Register of Political Parties in force at the commencement of this section shall be deemed to be the Register of Political Parties prepared and maintained under this section.

Amendment of European Assembly Elections Acts, 1977 and 1984.

26.—(1) The European Assembly Elections Act, 1977 is hereby amended by—

(*a*) the substitution of "pursuant to *section 25 (4) (c)* of the *Electoral Act, 1992*" for "either pursuant to section 13 (3) (*c*) of the Electoral Act, 1963 , or pursuant to that section as applied by section 8 (4) of this Act" in subsection (2) (*a*) (ii) of section 15 (as amended by section 6 of the European Assembly Elections Act, 1984); and

(*b*) the substitution of " *section 25 (4) (c)* of the *Electoral Act, 1992*" for "section 13 (3) (*c*) of the Act of 1963 or pursuant to that section as applied by section 8 of this Act" in rule 4 (4) of the First Schedule.

(2) Section 4 of the European Assembly Elections Act, 1984 is hereby amended by the substitution of "pursuant to *section 25 (4) (c)* of the *Electoral Act, 1992*" for "either pursuant to section 13 (3) (*c*) of the Electoral Act, 1963 , or pursuant to that section as applied by section 8 (4) of the Principal Act," in paragraph (*a*) of subsection (1).

PART IV

Polling Districts and Polling Places

Interpretation (*Part IV*).

27.—In this Part "local authority" means the council of a county or the corporation of a county borough.

Polling districts and polling places.

28.—(1) Each local authority shall, as soon as may be after the commencement of this Part, and thereafter at least once in every ten years, following consultation with the returning officer for Dáil elections in respect of the county or county borough and in accordance with regulations made by the Minister, make a scheme dividing the county or county borough into polling districts for the purposes of Dáil elections, European elections and local elections and appointing a polling place for each polling district.

(2) A scheme under this section made by the local authority shall come into operation —

(*a*) if, but only if, it is confirmed by the Minister under the next subsection, and

(*b*) on the day specified in that behalf by the Minister.

(3) As soon as may be after they have made a scheme under this section, the local authority shall submit the scheme to the Minister for confirmation and the Minister shall—

(*a*) confirm the scheme with or without modification, or

(*b*) instruct that it be resubmitted to him in a modified form for confirmation, or

(*c*) refuse to confirm it.

(4) A scheme under this section shall continue in operation until the next such scheme in respect of the county or county borough comes into operation and shall then expire.

(5) A polling place appointed by a scheme under this section shall be an area and may be within or outside the county, county borough, constituency or local electoral area in which the polling district is situate, but shall be such as to give the electors allocated to it reasonable facilities for voting.

(6) Subject to *subsection (7)*, the making of a scheme under this section shall be, in the case of the council of a county, a reserved function for the purposes of the County Management Acts, 1940 to 1991, and, in the case of the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough.

(7) The Minister may require a local authority to make a scheme under this section within such period (not being less than one month) as the Minister may direct and if the local authority refuse or fail to make such a scheme within the period directed by the Minister, the Minister may himself make a scheme in respect of such county or county borough.

(8) Until the first scheme under this section comes into operation in relation to a county or county borough, the polling districts and polling places existing in relation to the county or county borough immediately before the commencement of this section shall continue. After the coming into operation of the first scheme, any reference to a polling district or polling place in any Act, order or regulation shall, where appropriate, be construed in relation to such county or county borough as a reference to a polling district or polling place under a scheme in force under this section.

(9) Regulations made under section 22 of the Electoral Act, 1963 and in force immediately before the commencement of this Act shall, notwithstanding the repeal of the said section 22, remain in force until regulations are made under *subsection (1)* and shall be deemed to be regulations made under this section.

(10) An election shall not be questioned on the grounds of any non-compliance with the provisions contained in this section or any informality in regard to polling districts, places or stations.

Temporary arrangements with respect to certain polling districts.

29.—(1) Where, following a revision of constituencies a polling district existing immediately prior to such revision is not wholly situate within a new Dáil constituency, the appropriate officer, after consultation with the returning officer for such Dáil constituency shall, with respect to the part of the polling district situate in the constituency—

(*a*) join it or parts of it with any adjoining polling district or districts, or

(*b*) constitute it as a polling district and appoint a polling place for it.

(2) An arrangement made pursuant to *subsection (1)* shall be subject to confirmation by the Minister (who may confirm the arrangement with or without modification) and shall have effect until (and only until) the first scheme under *section 28* in relation to the county or county borough in which the polling district is situate comes into operation after the making of the arrangement and shall not have effect in relation to any bye-election occurring before the dissolution of the Dáil which next occurs after the said revision of constituencies.

(3) In this section "the appropriate officer" means—

(*a*) in relation to a polling district situate in a county borough, the manager for the purposes of the Acts relating to the management of the county borough (including a person duly appointed either as deputy for such manager or to act in the place of such manager during his absence or incapacity or during a vacancy in his office),

(*b*) in relation to any other polling district, the secretary of the council of the county in which the polling district is situate (including a person duly appointed either as deputy for such secretary or to act in the place of such secretary during his absence or incapacity or during a vacancy in his office), or a person assigned to perform the duties of county secretary under this section.

PART V

Returning Officers

Returning officers and assistant, deputy and acting returning officers.

30.—(1) In this section "appropriate officer" means—

(*a*) in relation to the county of Cork, the county of Dublin, the county borough of Cork or the county borough of Dublin, the sheriff, or

(*b*) in relation to any other county or county borough, the county registrar.

(2) (*a*) The returning officer for a constituency shall be—

(i) in case the constituency is situate wholly within one county or county borough, the appropriate officer in relation to that county or county borough,

(ii) in any other case, such appropriate officer, in relation to any county or county borough in which any part of the constituency is situate, as the Minister may from time to time appoint to be returning officer.

(*b*) (i) Where a constituency is not situate wholly within one county or county borough, the returning officer may, in respect of any part of the constituency situate in acounty or county borough in relation to which he is not the appropriate officer, appoint the appropriate officer in relation to that county or county borough to be assistant returning officer for that part of the constituency.

(ii) The returning officer shall exercise the power referred to in *subparagraph (i)* where the appropriate officer concerned requests him to do so.

(3) Where the same person is returning officer for two or more constituencies, in each of which there is at the same time a contested election, he shall—

(*a*) in case those constituencies are two and not more, appoint, in respect of one of them, a deputy returning officer to open the ballot boxes and count the votes,

(*b*) in any other case, appoint, in respect of each of the constituencies (except one), a deputy returning officer to open the ballot boxes and count the votes,

and he may include in any such appointment, if he so thinks proper, an appointment to receive nominations.

(4) The duties of a deputy returning officer appointed under *subsection (3)* shall include the determination and declaration of the result of the poll and the giving of public notice under *section 127* and, if the appointment includes an appointment to receive nominations, shall also include the ruling on nominations and compliance with *section 52* .

(5) An appointment under *subsection (3)* may be revoked by the returning officer and, where the appointment is so revoked or the deputy returning officer dies, resigns or becomes incapable of acting during a Dáil election, another deputy returning officer shall be appointed pursuant to and in accordance with the said *subsection (3)* to replace him.

(6) Where a vacancy occurs in the office of county registrar or sheriff and the holder was a returning officer, the Minister, if he so thinks proper, may appoint a person to act as returning officer during the period of the vacancy.

(7) Where the returning officer is prevented by illness or other reasonable cause from performing all or any of his duties, the Minister shall appoint a person to act as returning officer for the performance of those duties during the period of the prevention.

(8) An assistant returning officer shall perform, in the part of the constituency for which he was appointed, such of the duties of the returning officer for the constituency as that officer is not required by law to perform in person but, if any doubt arises as to duties of an assistant returning officer, the doubt shall be determined by the Minister.

(9) Any reference in this section to a county shall be construed as a reference to an administrative county.

(10) References in this Act to returning officers shall, where appropriate, include references to assistant, deputy and acting returning officers.

(11) An appointment which was in operation immediately before the commencement of this section under subsection (1) of section 11 of the Electoral Act, 1963 , shall be deemed to be an appointment under *subsection (2)* of this section.

General duty of returning officer.

31.—It shall be the general duty of the returning officer for each constituency to do all such acts and things as may be necessary for effectually conducting a Dáil election in his constituency in accordance with this Act, to ascertain and declare the results of the election and to furnish to the Clerk of the Dáil a return of the persons elected for the constituency.

Payment of returning officers' expenses.

32.—(1) The Minister for Finance shall prepare a scale of maximum charges for returning officers and every returning officer shall be paid by the said Minister out of the Central Fund or the growing produce thereof his reasonable charges, in respect of his services and expenses in relation to every Dáil election in respect of which he is the returning officer, not exceeding the maximum charges specified in the scale prepared under this section and applying for the time being.

(2) For the purpose of the payment of such charges, an account of them shall be submitted by the returning officer to the Minister for Finance and the Minister for Finance may issue to returning officers directions as to the time when and the manner and form in which the accounts shall be submitted to him.

(3) The Minister for Finance may, if he thinks fit, before payment of a returning officer's charges under this section apply to a judge of the Circuit Court having jurisdiction in any part of the constituency concerned for the taxation of the account submitted by the returning officer and such judge shall tax the account and determine the amount payable thereunder.

(4) On the request of a returning officer for an advance on account of his charges the Minister for Finance may, if he thinks fit and on such terms as he thinks fit, make such an advance.

(5) The taxation under this section of the account of a returning officer shall, if the judge aforesaid so decides on the application of the officer, include the determination of any claim made against the officer in respect of any matter charged for in the account.

PART VI

Duration and Membership of Dáil

Maximum duration ofDáil.

33.—The same Dáil shall not continue for a longer period than five years from the date of its first meeting.

Resignation of membership of Dáil.

34.—Any member of the Dáil may voluntarily resign his membership thereof by notice in writing to the Chairman of the Dáil and such resignation shall take effect upon receipt of the notice by the Chairman who shall as soon as may be inform the Dáil.

Person returned for two or more constituencies.

35.—(1) If at an election any person is returned as a member of the Dáil for two or more constituencies, such person shall deliver to the Clerk of the Dáil, before taking his seat for any one of such constituencies, a declaration in writing signed by him stating which one of those constituencies he elects to represent in the Dáil, and if he does not so deliver to the Clerk of the Dáil such declaration in writing not later than 30 days after the first day on which the Dáil sits next after such election he shall be deemed to have elected to represent the constituency in which he received the greatest number of first preference votes.

(2) So soon as a person returned for two or more constituencies elects or is under the foregoing subsection deemed to have elected which of such constituencies he will represent, he shall be deemed to have resigned his seat or seats in each of the other constituencies for which he shall have been so returned.

Re-election of outgoing Chairman of Dáil.

36.—(1) Where the Dáil is dissolved and the outgoing Chairman of the Dáil has not announced to the Dáil before the dissolution that he does not desire to become a member of the Dáil at the general election consequent on the dissolution, he shall be deemed without any actual election to be elected at such general election as a member of the Dáil for—

(*a*) the constituency for which he was a member of the Dáil immediately before the dissolution, or

(*b*) if a revision of constituencies takes effect on the dissolution—

(i) in case on such revision there is a new constituency which either consists of or includes the constituency referred to in *paragraph (a)*, that new constituency,

(ii) in case on such revision there is not such a new constituency, the constituency specified for the time being in a declaration under this section.

(2) (*a*) Where, by reason of a revision of constituencies which is to take effect on the dissolution of the Dáil next following the revision, the Chairman of the Dáil may not be deemed under *subsection (1)* to be elected either for the constituency for which he is a member of the Dáil or for a new constituency described in *subparagraph (i)* of *subsection (1) (b)*, he shall for the purposes of this section make a declaration specifying a constituency.

(*b*) A constituency specified in a declaration made under this section shall be a constituency specified in the Act providing for the revision which includes part of the constituency for which the person making the declaration is a member of the Dáil at the time when the declaration is made.

(*c*) The following provisions shall apply as regards a declaration made under this section:

(i) the declaration, which shall be in writing, shall be addressed to the Clerk of the Dáil,

(ii) the Chairman of the Dáil by whom it is made shall, in such manner as in the particular circumstances heconsiders appropriate, notify the members of the Dáil of the declaration,

(iii) the declaration shall be made,

(I) in case the person by whom it may be made is Chairman of the Dáil at the time at which the Act providing for the revision of constituencies is enacted, as soon as may be after such enactment,

(II) in case the person by whom it may be made becomes Chairman of the Dáil after such Act is enacted, as soon as may be after he becomes Chairman of the Dáil, and

(iv) in case the person by whom the declaration is made ceases to be Chairman of the Dáil before the Dáil is dissolved, the declaration shall cease to have effect.

(3) Where an outgoing Chairman of the Dáil is deemed by virtue of this section to be elected at a general election as a member of the Dáil for a particular constituency, the number of members actually elected at that general election for that constituency shall be one less than would otherwise be required.

(4) In this section "outgoing Chairman of the Dáil" means a person who, immediately before the dissolution of the Dáil in relation to which the expression is used, was the Chairman of the Dáil.

PART VII

Method of Election

The electoral system.

37.—(1) A Dáil election shall be conducted in accordance with this Act and, in case a Dáil election is contested, the poll shall be taken according to the principle of proportional representation, each elector having one transferable vote.

(2) In this section "transferable vote" means a vote which is—

(*a*) capable of being given so as to indicate the voter's preference for the candidates in order, and

(*b*) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is excluded from the list of candidates.

Manner of voting.

38.—(1) Subject to *subsections (2)* and *(3)*, a person who is entitled to vote at a Dáil election shall be entitled to vote in person only and at the polling station allotted to him or, in case he is authorised under *section 99* or *100* by a returning officer, at the polling station specified in the authorisation.

(2) Every Dáil elector whose name is, at the time of a Dáil election, in the postal voters list for a constituency shall be entitled to vote in that constituency at the poll at such election by sending his ballot paper by post to the returning officer for that constituency and shall not be entitled to vote in any other manner.

(3) Every Dáil elector whose name is, at the time of a Dáil election, in the special voters list for a constituency shall be entitled to vote in that constituency at the poll at such election in accordance with *section 82* and shall not be entitled to vote in any other manner.

PART VIII

The Writ at a Dáil Election

Issue and return of writs.

39.—(1) Where the Dáil is dissolved, the Clerk of the Dáil shall, immediately upon the issue of the Proclamation dissolving the Dáil, issue a writ to each returning officer for a constituency directing him to cause an election to be held of the full number of members of the Dáil to serve in the Dáil for that constituency.

(2) Where a vacancy occurs in the membership of the Dáil by a person ceasing to be a member otherwise than in consequence of a dissolution, the Chairman of the Dáil (or, where he is unable through illness, absence or other cause to fulfil his duties or where there is a vacancy in the office of Chairman, the Deputy Chairman of the Dáil) shall, as soon as he is directed by the Dáil so to do, direct the Clerk of the Dáil to issue a writ to the returning officer for the constituency in the representation of which the vacancy has occurred directing the returning officer to cause an election to be held of a member of the Dáil to fill the vacancy mentioned in the writ.

(3) If at any time there are two or more vacancies in the representation of any constituency in the Dáil and the Clerk of the Dáil is directed on the same day to issue writs for the election of members to fill all or more than one of the vacancies, the Clerk of the Dáil shall issue only one writ to the returning officer for the constituency and shall by the writ direct him to hold one election to fill all the vacancies mentioned in the writ in the representation of the constituency, and the returning officer shall accordingly hold one election only for the election of members of the Dáil to fill all the vacancies mentioned in the writ.

(4) (*a*) The return of a member or members to serve in the Dáil shall be made by a certificate of his name or their names endorsed on the writ for the constituency concerned under the hand of the returning officer.

(*b*) The returning officer shall as soon as possible after the ascertainment of the result of the election deliver the return to the Clerk of the Dáil and may for that purpose, if he so thinks fit, dispatch it by registered post.

(*c*) A return so dispatched shall be transmitted to the Clerk of the D áil free of charge by the earliest practicable post.

(5) Where an outgoing Chairman of the Dáil within the meaning of *section 36* is deemed by virtue of that section to be elected at a general election as a member of the Dáil—

(*a*) the writ issued to the returning officer for the constituency for which he is so deemed to be elected shall be so worded that it directs the returning officer to cause an election to be held of one less than the full number of members of the Dáil for the constituency;

(*b*) at the time of issuing the writ or as soon as may be thereafter, the Clerk of the Dáil shall send to the returning officer and shall publish in the *Iris Oifigiúil* a certificate certifying that the outgoing Chairman of the Dáil did not announce to the Dáil before the dissolution thereof that he did not desire to become a member of the Dáil at the general election consequent on the dissolution;

(*c*) the returning officer shall, in the public notice given by him under *section 127* , include the name of the outgoing Chairman of the Dáil among the names of the candidates elected for the constituency.

(6) (*a*) A writ issued under this section shall be in the relevant form specified in the *Fourth Schedule* .

(*b*) Where a writ is dispatched by registered post to the returning officer, it shall be transmitted free of charge by the earliest practicable post.

(*c*) The returning officer, immediately after receiving the writ, shall acknowledge its receipt.

(7) If and so long as the office of Clerk of the Dáil is vacant or the holder of that office is unable through illness, absence or other cause to fulfil his duties, the Clerk-Assistant of the Dáil shall carry out the duties under this section of the Clerk of the Dáil.

Effect of dissolution of Dáil on certain writs.

40.—Where a dissolution of the Dáil takes place after a writ has been issued pursuant to *section 39 (2)* or *(3)* directing a returning officer to cause an election to be held and before the return has been made, the writ shall become and be annulled by the dissolution and no further steps shall be taken in respect of the bye-election and the writ shall be returned to the Clerk of the Dáil and any ballot papers used at the bye-election shall be destroyed by the returning officer, but the annulment shall neither prejudice nor affect the right of the returning officer to be paid under this Act his reasonable charges in respect of duties performed in relation to the election before the dissolution.

PART IX

Disqualification for Membership of Dáil

Disqualification for membership of Dáil.

41.—A person who—

(*a*) is not a citizen of Ireland, or

(*b*) has not reached the age of 21 years, or

(*c*) is a member of the Commission of the European Communities, or

(*d*) is a Judge, Advocate General or Registrar of the Court of Justice of the European Communities, or

(*e*) is a member of the Court of Auditors of the European Communities, or

(*f*) is a member of the Garda Síochána, or

(*g*) is a wholetime member of the Defence Forces as defined in *section 11 (4)*, or

(*h*) is a civil servant who is not by the terms of his employment expressly permitted to be a member of the Dáil, or

(*i*) is a person of unsound mind, or

(*j*) is undergoing a sentence of imprisonment for any term exceeding six months, whether with or without hard labour, or of penal servitude for any period imposed by a court of competent jurisdiction in the State, or

(*k*) is an undischarged bankrupt under an adjudication by a court of competent jurisdiction in the State,

shall not be eligible for election as a member, or, subject to *section 42 (3)*, for membership, of the Dáil.

Cesser of membership of Dáil in certain circumstances.

42.—(1) Subject to *subsections (2)* and *(3)*, where a member of the Dáil—

(*a*) incurs an incapacity or disability referred to in *section 41* , or

(*b*) is appointed to a post referred to in *section 41* , or

(*c*) is appointed under the Constitution as a Judge, or Comptroller and Auditor General,

he shall thereupon cease to be such member and a vacancy shall exist accordingly in the membership of the Dáil.

(2) The registrar of the court by which a sentence referred to in *section 41 (j)* was imposed on a member of the Dáil or was confirmed on appeal shall notify the Chairman of the Dáil of the imposition or confirmation of the sentence as soon as possible after—

(*a*) in case no appeal is taken against the conviction or sentence, the expiration of the time limit for taking the appeal,

(*b*) in case an appeal is taken against the conviction or sentence and the appeal is disallowed or a sentence mentioned in *section 41 (j)* is imposed on the appeal, the determination of the appeal,

and on receipt of such notification by the Chairman of the Dáil a vacancy shall exist in the membership of the Dáil.

(3) Where a member of the Dáil has been adjudicated bankrupt by a court of competent jurisdiction in the State and within six months of the date of the order of adjudication the said order is not annulled or the person the subject of the order has not obtained a certificate of discharge under section 85 (7) of the Bankruptcy Act, 1988 , the Examiner of the High Court shall, as soon as possible after the expiration of the period of six months from the date of the order, notify the Chairman of the Dáil and on receipt of such notification by the Chairman of the Dáil a vacancy shall exist in the membership of the Dáil.

(4) As soon as may be after the receipt of a notification under *subsection (2)* or *(3)* the Chairman of the Dáil shall inform the Dáil of such receipt.

Candidates at bye-elections.

43.—No member of the Dáil shall, while holding his seat, be eligible to be a candidate at a bye-election to the Dáil.

PART X

Nominations

Notice of election.

44.—The returning officer shall, within two days (disregarding any excluded day) after the day on which he receives the writ, give public notice in the form directed by the Minister (in this Act referred to as the "notice of election") stating—

(*a*) the times for receiving nominations,

(*b*) the amount of the deposit,

(*c*) the times and place at which nomination papers may be obtained,

(*d*) the times and place at which he will attend to receive nominations, and

(*e*) the day and the period fixed for the holding of the poll if the election is contested.

Necessity for nomination.

45.—A person shall not be entitled to have his name inserted in a ballot paper as a candidate at a Dáil election unless he has been nominated in the manner provided by this Act and his nomination paper has been ruled as valid by the returning officer.

Nomination of candidates.

46.—(1) At a Dáil election a person may nominate himself as a candidate or may, with his consent, be nominated by another person (being a person registered as a Dáil elector in the constituency for which he proposes to nominate the candidate) as proposer.

(2) Each candidate shall be nominated by a separate nomination paper in the form prescribed by regulations made by the Minister. The form of nomination paper may include—

(*a*) a note of the qualifications, disqualifications and incapacities as regards election to and membership of the Dáil,

(*b*) a form of declaration, to be signed by the candidate or his proposer, that he has read the note referred to in *paragraph (a)* and believes the candidate to be eligible for election and that the candidate has consented to the nomination.

(3) Each nomination paper shall state the names (the surname being stated first) and the address and occupation (if any) of the candidate.

(4) A candidate may include in his nomination paper the name of the political party registered in the Register of Political Parties as a party organised to contest a Dáil election of which he is a candidate, provided that, at the time the nomination paper is delivered to the returning officer, a certificate in the form directed by the Minister (in this Act referred to as a "certificate of political affiliation") authenticating the candidature is produced to the returning officer, being a certificate signed by the officer or officer[html] of such party whosename or names appear in the said Register pursuant to *section 25 (4) (c)*. Where such a certificate is produced, the returning officer, provided he is satisfied that it is appropriate to do so in relation to the candidate, shall cause a statement of the name of the relevant political party to be specified in relation to the candidate on all the ballot papers and on notices.

(5) Where a candidate is not the candidate of a political party registered in the Register of Political Parties as a party organised to contest a Dáil election he shall be entitled to enter after his name on the nomination paper the expression "Non-Party" and, if he does so, the returning officer shall cause a statement of that expression to be specified in relation to the candidate on all the ballot papers and on notices.

(6) The returning officer shall provide nomination papers during the usual office hours, at such place or places as are named in the notice of election, on each week-day during the period beginning on the publication of that notice and ending at 12 noon on the latest date for receiving nominations and he shall supply a nomination paper or papers free of charge to any person applying therefor, but the use of a paper supplied by the returning officer pursuant to this section shall not be obligatory at a Dáil election, provided that the nomination paper used at the election is in the prescribed form.

(7) Every reference in this section to the Register of Political Parties shall be construed as a reference to the copy of that Register sent to the returning officer pursuant to *section 25 (14)*.

Deposit by candidates.

47.—(1) A candidate at a Dáil election, or someone on his behalf, shall, before the expiration of the time appointed by this Act for receiving nominations, deposit with the returning officer the sum of three hundred pounds and if he fails to do so his candidature shall be deemed to have been withdrawn.

(2) The deposit to be made by or on behalf of a candidate pursuant to this section may be made by means of legal tender or, with the consent of the returning officer, in any other manner.

Return or disposal of deposit.

48.—(1) The deposit made by or on behalf of a candidate shall be returned where the candidate—

(*a*) withdraws his candidature in accordance with *section 54* ,

(*b*) dies before the poll is closed,

(*c*) has not, before the expiration of the time for the receipt of nominations, been validly nominated as a candidate,

(*d*) is elected, or

(*e*) is not elected but the greatest number of votes credited to him at any stage of the counting of the votes exceeds one quarter of the quota.

(2) Any deposit which is not returned under the foregoing subsection shall be forfeited.

(3) If a candidate is nominated at an election in more than one constituency, he shall in no case be entitled to have more than one deposit returned and, if but for this subsection he would be entitled under this section to have more than one deposit returned, only such one as the Minister for Finance shall direct of the deposits shall be returned and the other deposit or deposits shall be forfeited.

(4) Where a deposit is to be returned under *subsection (1)* it shall be returned to the person by whom it was made; provided that a deposit made by a person who dies before the deposit is returned shall be returned to his personal representative.

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

(6) In this section "personal representative" has the meaning assigned to it by section 3 of the Succession Act, 1965 .

Times for receiving nominations.

49.—The earliest time for receiving nominations shall be 10 a.m. on the day (disregarding any excluded day) next following the latest date for the publication of the notice of election and the latest time for receiving nominations shall be 12 noon on the ninth day (disregarding any excluded day) next following the day on which the writ or writs for the election is or are issued.

Delivery of nomination papers.

50.—(1) Every nomination paper shall be delivered to the returning officer within the times specified in *section 49* , by the candidate or his proposer.

(2) The delivery of the nomination paper shall be made by the candidate in person except that, where the candidate is proposed by another person, it may be made either as aforesaid or by the proposer in person.

(3) The returning officer shall attend to receive nominations at the place specified in that behalf in the notice of election between the hours of 10 a.m. and 12 noon and between the hours of 2 p.m. and 5 p.m. on the day (disregarding any excluded day) before the latest date for receiving nominations and between the hours of 10 a.m. and 12 noon on the said latest date.

Selection of nomination papers.

51.—The returning officer shall number the nomination papers in the order in which they are received by him; and the first valid nomination paper nominating a candidate for election shall be deemed to be the nomination of that candidate for that constituency.

Ruling on validity of nomination papers.

52.—(1) The returning officer shall rule on the validity of each nomination paper within one hour after its delivery to him and may rule that it is invalid if, but only if, he considers that it is not properly made out or signed.

(2) The candidate nominated by each nomination paper and his proposer, if any, and one other person designated by the candidate or his proposer, as the case may be, and no other person, except with the permission of the returning officer, shall be entitled to attend while the said nomination paper is being ruled upon by the returning officer.

(3) The returning officer shall object to the name of a candidate in a nomination paper if such name—

(*a*) is not a name by which the candidate is commonly known; or

(*b*) is misleading and likely to cause confusion; or

(*c*) is unduly long; or

(*d*) contains a political reference;

and where a returning officer so objects, he shall allow the candidate or his proposer, as may be appropriate, to amend the name and, if it is not so amended to the returning officer's satisfaction, the returning officer may amend it, as he thinks fit, after consultation with the candidate or his proposer, if either is present, or may rule that the nomination paper is invalid as not being properly made out.

(4) The returning officer shall object to the description of a candidate in a nomination paper which is, in his opinion, incorrect, insufficient to identify the candidate or unnecessarily long or which contains a political reference other than, where appropriate, a reference to a public or elected office held, or formerly held, by the candidate or an entry made pursuant to *subsection (4)* or *(5)* of *section 46* . Where the returning officer so objects, he shall allow the candidate or his proposer, as may be appropriate, to amend the description and, if it is not so amended to the returning officer's satisfaction, the returning officer may amend or delete it, as he thinks fit, after consultation with the candidate or his proposer, if either is present, or may rule that the nomination paper is invalid as not being properly made out.

(5) When the returning officer has ruled on the validity of a nomination paper, he shall put a note of his decision on the nomination paper and shall sign the note. If he rules that the paper is invalid, he shall include a statement of his reasons. His decision under this section shall be final subject only to reversal on a petition questioning the election.

(6) As soon as practicable after ruling on the validity of a nomination paper, the returning officer shall give, by post or otherwise, notice in writing of his ruling to the candidate.

(7) Every person in respect of whom a nomination paper has, under this section, been determined to be valid and whose candidature is not withdrawn in accordance with *section 54* or is not deemed under *section 47 (1)* or *62 (1)* to have been withdrawn shall stand validly nominated as a candidate.

Publication of nominations.

53.—The returning officer shall, as soon as practicable after he has ruled that a nomination paper is valid, cause a notice to be displayed outside the place at which he is receiving nominations stating the name and description of the person nominated in the paper and the name and address of his proposer, if any.

Withdrawal of candidature.

54.—(1) A candidate may withdraw his candidature by a notice of withdrawal signed by him and delivered in person by him or by his proposer to the returning officer not later than the hour of 12 noon on the day (disregarding any excluded day) next following the latest date for receiving nominations.

(2) Where the returning officer is satisfied that a candidate wishes to withdraw his candidature and that the candidate and his proposer are unable to attend, withdrawal may be effected by delivering to the returning officer, not later than the said hour, a notice of withdrawal signed by the candidate and by the person delivering the notice.

Publication of withdrawal.

55.—The returning officer shall, immediately on the delivery to him of a notice of withdrawal under *section 54* , give public notice of the withdrawal (and, in the case of the withdrawal of a candidate who was nominated by another person as proposer, of the name of the other person).

Obstruction of nominations.

56.—(1) If the proceedings for or in connection with the nomination of candidates are obstructed by violence the returning officer may adjourn the proceedings to a later hour on the same day or to the next following day (disregarding any excluded day) and, if he so considers it necessary, he may further adjourn the proceedings until such obstruction shall have ceased.

(2) Where any proceedings for or in connection with such nomination are adjourned under this section, the returning officer shall so inform the Minister who may, by order, postpone the latest time for receiving nominations in the constituency for a period equal to the period of such adjournment and appoint the day for the taking of the poll in that constituency. In case the Minister appoints a day under this section the poll shall be taken in the constituency concerned on the day so appointed and the order under *section 96* shall, in so far as it relates to the constituency, be construed and have effect as if the day appointed under this section were the day specified in the said order for taking the poll.

Candidates entitled to free postage.

57.—(1) Subject to *subsections (2)* and *(4)*, each candidate at a Dáil election shall, subject to such conditions as may be specified under section 74 of the Postal and Telecommunications Services Act, 1983 , be entitled to send, free of any charge for postage, to each person on the register of Dáil electors for the constituency or to any combination of such persons, one postal communication containing matter relating to the election only and not exceeding 50 grammes in weight.

(2) (*a*) Where at any Dáil election, any person is a candidate, other than a candidate to whom *subsection (4)* refers, in more than one constituency he shall not be entitled to exercise the right of free postage conferred by this section in respect of more than one such constituency.

(*b*) A candidate to whom *paragraph (a)* applies, or his agent, shall indicate in writing to An Post the constituency in respect of which he wishes to exercise his right to free postage under this section.

(3) A candidate shall not be entitled to exercise the right of free postage conferred by this section before he is validly nominated, unless he has given such security as may be required by An Post for the payment of the postage on all communications sent by him under this section in case he does not eventually become nominated.

(4) Where in a constituency two or more candidates at a Dáil election are candidates of the same political party then for the purposes of this section those candidates shall be regarded as a single candidate.

(5) The Minister may, after consultation with the Minister for Tourism, Transport and Communications and such other persons as he considers appropriate, by order amend the provisions of this section.

(6) (*a*) The Minister may revoke or amend an order under this section (including an order under this subsection).

(*b*) Where an order under this section (including an order under this subsection) is proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Procedure after nominations.

58.—If at 12 noon on the day (disregarding any excluded day) next following the latest date for receiving nominations—

(*a*) the number of candidates standing nominated exceeds the number of vacancies to be filled, the returning officer shall adjourn the Dáil election and take a poll in accordance with this Act, or

(*b*) the number of candidates standing nominated is equal to or less than the number of vacancies to be filled, the returning officer shall forthwith declare the candidates standing nominated to be elected and shall return their names to the Clerk of the Dáil in the manner provided for in *section 39 (4)* and give public notice in accordance with the provisions of *section 127* .

PART XI

Agents of Candidates

Appointment of agents.

59.—(1) A candidate may appoint one election agent to assist him generally in relation to a Dáil election.

(2) A candidate or his election agent may appoint with respect to any polling district in the constituency one deputy agent to assist the candidate in the polling district and to act therein as deputy for the candidate's election agent.

(3) The appointment of an election agent may be revoked by the candidate and the appointment of a deputy agent may be revoked by the candidate or his election agent.

(4) Where the appointment of an agent under this section is revoked or an agent appointed under this section dies, resigns or becomes incapable of acting during a Dáil election, another agent may be appointed under this section in his place.

(5) The person by whom an agent is appointed under this section shall immediately after the appointment give written notice of the appointment and of the name and address of the agent to the returning officer.

General provisions as to agents.

60.—(1) A candidate or his election agent may appoint agents to be present on the candidate's behalf—

(*a*) at the issue of ballot papers to postal voters,

(*b*) in polling stations,

(*c*) at the opening of the postal ballot boxes, and

(*d*) at the counting of the votes.

(2) Subject to the provisions of *subsection (3)*, the number of agents who may be appointed to be present on behalf of any candidate shall be fixed by the returning officer so, however, that the same number shall be allowed on behalf of every candidate.

(3) A candidate or his election agent may appoint one person (in this Act referred to as a "personation agent") to be present as the candidate's agent in each polling station for the purpose of assisting in the detection of personation, and such appointment shall be in writing.

(4) An appointment under this section may be revoked by the candidate or his election agent.

(5) A candidate or his election agent shall, not later than the time for the commencement of the issue of ballot papers to postal voters, give written notice to the returning officer of the name and address of every agent appointed by the candidate or his election agent to be present at the said issue and the returning officer may refuse to admit to the place where the ballot papers are to be issued any agent whose name and address have not been so notified to him.

(6) A candidate or his election agent shall, not less than 2 days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every personation agent appointed by the candidate or his election agent together with the name of the polling station for which the personation agent is appointed. A personation agent appointed in accordance with this section and whose name and address have been duly notified to the returning officer shall be entitled to be present in the polling station referred to in the notification during the period commencing 30 minutes before the time fixed by the Minister for the commencement of the poll and ending when the ballot boxes have been sealed by the presiding officer pursuant to *section 110 (2)*, and the documents and materials specified in that section have been placed in sealed packets.

(7) A candidate or his election agent shall, not less than 2 days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every agent appointed by the candidate or his election agent to be present at the opening of the postal ballot boxes and the returning officer may refuse to admit to the place where the postal ballot boxes are to be opened any agent whose name and address have not been so notified to him.

(8) A candidate or his election agent shall, not less than 2 days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every agent appointed by the candidate or his election agent to be present at the counting of the votes and the returning officer may refuse to admit to the place where the votes are to be counted any agent whose name and address have not been so notified to him.

(9) Where the appointment of an agent under this section is revoked or an agent appointed under this section dies, resigns or becomes incapable of acting during a Dáil election, another agent may be appointed under this section in his place and, where such an appointment is made, the person making the appointment shall forthwith give written notice of the name and address of the agent appointed to the returning officer.

(10) A candidate may lawfully do or assist in the doing of any thing which may lawfully be done on his behalf by an agent appointed under this section or *section 59* and may be present (in addition to, or in substitution for, any such agent) at any place at which any such agent may, pursuant to this Act, be present.

(11) Any thing required by this Act to be done in the presence of an agent of a candidate shall not be invalidated by reason only of the agent's not being present at the time and place appointed for doing such thing.

Officers not to act as agents of candidates, further candidatures etc.

61.—(1) A returning officer or a person employed by him for any purpose relating to a Dáil election shall not act as an agent for a candidate at that election and shall not be associated in furthering the candidature of a candidate or promoting the interests of a political party at the election.

(2) A returning officer shall not employ in any capacity for the purposes of a Dáil election a person who has been employed by or on behalf of a candidate in or about the election or has been associated in furthering the candidature of a candidate or promoting the interests of a political party at an election.

PART XII

Death of Candidate or Outgoing Chairman of Dáil

Death of a candidate.

62.—(1) Where, not less than forty-eight hours before the latest time for receiving nominations the returning officer becomes satisfied that a candidate standing nominated has died, the returning officer shall immediately give public notice to that effect and the candidature of the candidate shall be deemed to have been withdrawn.

(2) Where, at any time during the period beginning forty-eight hours before the latest time for receiving nominations and ending on the commencement of the poll, the returning officer becomes satisfied that a candidate standing nominated for election has died, the following provisions shall have effect in relation to the Dáil election—

(*a*) the returning officer shall forthwith notify the Minister and the Clerk of the Dáil of the death of the candidate and at the same time, if notice of the poll has been given, he shall countermand the poll,

(*b*) the returning officer shall forthwith give public notice that all acts done in connection with the election (other than the nomination of the surviving candidates) are void and that a fresh election will be held,

(*c*) all the proceedings for the election shall be commenced afresh, but a fresh nomination or consent shall not be necessary in respect of any candidate who stood nominated at the time when notification of the death of the candidate was sent to the Minister,

(*d*) at the fresh election the earliest time for receiving nominations shall be 10 a.m. on the day (disregarding anyexcluded day) next following the date of the publication of the notice under *section 44* in relation to the fresh election and the latest time for receiving nominations shall be 12 noon on the ninth day (disregarding any excluded day) next following the date on which the returning officer sends notification of the death of the candidate to the Minister,

(*e*) the polling day at the fresh election shall be fixed by the Minister,

(*f*) for the purposes of *section 44* in relation to the fresh election, the returning officer shall be deemed to have received the writ on the day after the day on which he sends notification of the death of the candidate to the Minister,

(*g*) *subsection (14)* of *section 25* shall not apply in relation to the fresh election and references to the Register of Political Parties contained otherwise in that section shall, in relation to the fresh election, be construed as a reference to the copy of that Register sent to the returning officer in relation to the original election.

(3) Where, at any time after the commencement of the poll in a constituency and before the close of such poll, the returning officer becomes satisfied that a candidate has died—

(*a*) all votes cast at the Dáil election in the constituency shall be disregarded and the ballot papers shall be destroyed by the returning officer,

(*b*) the provisions of *paragraphs (a)* to *(g)* of *subsection (2)* shall apply.

(4) Where a candidate at a Dáil election dies in circumstances other than those referred to in *subsections (1), (2)* or *(3)* his death shall not invalidate his nomination or any preference recorded for him and if he is elected his election shall not be invalidated by reason of his death, but he shall be deemed to have vacated his membership of the Dáil immediately after his election.

(5) Where a poll is countermanded under this section, all ballot papers issued to postal voters and special voters shall be disregarded and the returning officer shall destroy all ballot papers received by him for inclusion in the countermanded poll.

Death of outgoing Chairman of Dáil.

63.—(1) Where an outgoing Chairman of the Dáil within the meaning of *section 36* who has not announced to the Dáil before its dissolution that he does not desire to become a member of the Dáil at the general election consequent on the dissolution dies before the close of the poll in the constituency for which he is deemed by virtue of that section to be elected, the following provisions shall have effect:

(*a*) if the Clerk of the Dáil becomes satisfied that the outgoing Chairman of the Dáil has died before the issue of the writ to the returning officer for the constituency, that section shall cease to have effect in respect of the general election;

(*b*) if, after the issue of the writ and before the commencement of the poll in the constituency, the Clerk of the Dáil becomes satisfied that the outgoing Chairman of the Dáil has died—

(i) the Clerk of the Dáil shall, upon being satisfied of the fact of the death, recall the writ and issue in lieu thereof to the returning officer a writ (in this paragraph referred to as the new writ) so worded that it directs him to cause an election to be held of the full number of members of the Dáil for the constituency and he shall, at the same time as he issues the new writ, notify the Minister of its issue;

(ii) the returning officer shall, upon being satisfied of the death, or upon receiving the new writ (whichever first happens), countermand the poll if notice thereof has been given;

(iii) all the proceedings for the election shall be commenced afresh;

(iv) the returning officer shall give public notice that all acts done in connection with the election (other than the nomination of the surviving candidates) are void and that a fresh election will be held;

(v) in the fresh election—

(I) the latest time for receiving nominations shall be 12 noon on the last day of the period which consists of the nine days (disregarding any excluded day) next following the day on which the new writ is issued and the polling day shall be fixed by the Minister,

(II) no fresh nomination or consent shall be necessary in respect of any candidate who stood nominated, in case there was a countermand of the poll under *subparagraph (ii)*, at the time of the countermand of the poll and, in any other case, at the time of the receipt by the returning officer of the new writ;

(vi) *subsection (14)* of *section 25* shall not apply in relation to the fresh election and references to the Register of Political Parties contained otherwise in that section shall, in relation to the fresh election, be construed as a reference to the copy of that Register sent to the returning officer in relation to the original election;

(*c*) if the returning officer becomes satisfied that the outgoing Chairman of the Dáil has died after the commencement of the poll in the constituency and before the close of such poll—

(i) all votes cast at the election in the constituency shall be disregarded and the ballot papers destroyed by the returning officer,

(ii) the provisions of *subparagraphs (i)* to *(vi)* of *paragraph (b)* shall apply.

(2) Where a poll is countermanded under this section, all ballot papers issued to postal voters and special voters shall be disregarded and the returning officer shall destroy all ballot papers received by him for inclusion in the countermanded poll.

PART XIII

Postal Voting

Voting by post.

64.—A returning officer for a constituency shall, as soon as practicable after the adjournment of a Dáil election for the purpose of taking a poll, send to each Dáil elector whose name is on the postal voters list for the constituency a ballot paper and form of receipt in the form directed by the Minister, and if the ballot paper duly marked by the said elector and accompanied by the said receipt duly signed by him is received by the returning officer before the close of the poll, it shall be counted by him and treated for all purposes in the same manner as a ballot paper placed in a ballot box in the ordinary way at the taking of the poll.

Voting by electors referred to in *section 12* .

65.—(1) The provisions of this Part shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to *section 14 (c)* subject to the following modifications—

(*a*) an elector whose name is so entered in the postal voters list, in order to cast his vote, shall, in the presence of an authorised person and no other person, do the following things in the following order—

(i) produce to the authorised person a ballot paper (in relation to which the authorised person shall satisfy himself that it is unmarked) and a form of declaration of identity in the form directed by the Minister;

(ii) complete and sign the said declaration of identity;

(iii) hand the declaration of identity to the authorised person who shall, if he is satisfied as to the identity of the person who has signed the declaration of identity, witness the signature;

(iv) mark, in secret, his ballot paper;

(v) place the marked ballot paper in the ballot paper envelope and effectually seal such envelope;

(vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope;

(*b*) a reference to "receipt", in relation to documents appropriate to such electors, shall be construed as a reference to "declaration of identity"; and

(*c*) a reference to "receipt duly signed", in relation to such documents, shall be construed as a reference to "declaration of identity duly signed and witnessed".

(2) In this section—

"authorised person" means a person appointed by the Secretary of the Department of Foreign Affairs to be an authorised person for the purposes of this section;

"ballot paper envelope" and "covering envelope" have the meanings specified in *section 68 (3)*.

Form of ballot paper and receipt.

66.—(1) The ballot paper to be sent to postal voters shall be in the same form as, and indistinguishable from, the ballot papers delivered to other electors.

(2) The receipt sent with the ballot paper to postal voters shall be in the form directed by the Minister and shall have printed thereon the instructions to the voter.

Presence of agents.

67.—The returning officer, his assistants and clerks, members of the Garda Síochána on duty, the agents of the candidates appointed for this purpose under *section 60* , and no other person, except with the permission of the returning officer, may be present at the proceedings on the issue of ballot papers and on the opening of the postal voters ballot boxes and the envelopes contained therein.

Issue of postal ballot papers.

68.—(1) The returning officer shall give each candidate at least twenty four hours' notice in writing of the time and place at which, if the election is contested, he will issue the ballot papers to postal voters and of the number of persons each candidate may appoint to attend the said issue and, where any subsequent issue of ballot papers is made, the returning officer shall give each candidate, as soon as practicable, notice of the time and place at which he will make such subsequent issue and of the number of persons each candidate may appoint to attend such issue.

(2) Each ballot paper issued shall be marked with an official mark which shall be embossed or perforated so as to be visible on both sides of the paper, and the number (including polling district letter) and name of the elector as stated in the postal voters list shall be called out, and a mark shall be placed in a copy of the postal voters list opposite the number of the elector to denote that a ballot paper has been issued to the elector, but without showing the number of the ballot paper issued to him.

(3) The returning officer shall place in an envelope addressed to the postal voter—

(*a*) the ballot paper,

(*b*) the form of receipt,

(*c*) an envelope (in this Part referred to as a "covering envelope") addressed to the returning officer, and

(*d*) a smaller envelope marked "ballot paper envelope",

and shall effectually close the first-mentioned envelope.

(4) All envelopes addressed to the postal voters shall be counted and forthwith delivered by the returning officer to the nearest head post office or such other office as may be arranged with the head postmaster; and the postmaster shall stamp with the date stamp of An Post a form of receipt to be presented by the returning officer, stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

(5) Where an envelope containing a ballot paper and other documents referred to in this section is, before polling day, returned to the returning officer as not having been delivered to a postal voter, the returning officer may readdress the envelope and send it by post to that voter.

Provision of postal voters ballot boxes.

69.—(1) The returning officer shall provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters.

(2) Every such ballot box shall, at the time of the issue of the postal ballot papers, be shown open and empty to the agents present, and shall be sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals, and shall be marked "Postal Voters Ballot Box", and with the name of the constituency, and the returning officer shall make provision for the safe custody of such ballot box.

Envelopes to be placed in postal voters ballot boxes.

70.—The returning officer shall, immediately on receipt of covering envelopes, place them unopened in a postal voters ballot box.

Envelopes to be treated as covering envelopes.

71.—If the returning officer receives, before the close of the poll, an envelope other than a covering envelope and finds therein any document which it would have been appropriate to send to him in a covering envelope, he shall—

(*a*) securely close the envelope;

(*b*) endorse thereon, and sign, a statement that the envelope has been closed by him with the contents intact;

(*c*) place the closed envelope in a postal voters ballot box;

(*d*) thereafter treat the envelope as a covering envelope;

and any reference in this Part to a covering envelope shall be construed as including a reference to an envelope which has been dealt with by the returning officer in accordance with this section.

Procedure at close of poll.

72.—At the hour fixed for the closing of the poll the returning officer shall either—

(*a*) seal each postal voters ballot box so that no further papers can be inserted therein, or

(*b*) forthwith open each such box and extract and deal with the contents thereof in accordance with *section 73* .

Opening of postal voters ballot boxes.

73.—(1) The postal voters ballot boxes shall be opened by the returning officer, in the presence of the agents, if any, before the time fixed for the counting of the votes.

(2) Not less than 4 days before the polling day, the returning officer shall give each candidate notice in writing of the time and place at which he will proceed to open the postal voters ballot boxes, and the envelopes contained therein, and of the number of agents each candidate may appoint to be present at the opening. The returning officer shall give the said agents reasonable facilities for overseeing the proceedings at the opening of the boxes and all information with respect thereto which he can give them consistent with the orderly conduct of the proceedings and the performance of his functions.

(3) When a postal voters ballot box has been opened, the returning officer shall extract the covering envelopes therefrom and count and note the number of envelopes so extracted, and shall then open each covering envelope separately and examine the receipt.

(4) If the receipt is found to be duly signed, he shall place the receipt and the ballot paper envelope in separate receptacles or, if the ballot paper is not contained in a ballot paper envelope, he shall place the receipt in the appropriate receptacle and shall place the ballot paper, without unfolding it, in a ballot box in accordance with *section 75* .

(5) If he is not satisfied that the receipt has been duly signed, he shall endorse the receipt “rejected” and shall attach thereto the ballot paper envelope, without opening such envelope, or, if there is no such envelope, the ballot paper.

(6) Where a receipt does not appear to accompany the ballot paper envelope, the returning officer shall open the envelope, and if it is found to contain the receipt, he shall deal with such receipt and ballot paper in accordance with this Part.

(7) Any receipt not accompanied by a ballot paper, and any ballot paper not accompanied by a receipt, shall be marked “rejected”.

(8) Where a ballot paper and receipt are received together, the ballot paper shall not be rejected solely on the ground that the ballot paper and receipt were, or either of them was, not placed in the proper envelopes or envelope or that any such envelope was not closed.

Rejected receipts.

74.—(1) The returning officer shall on a request being made by the agent of a candidate show to the agent any receipt which he is rejecting on the ground that it has not been duly signed.

(2) The returning officer shall keep all rejected receipts with the attached envelopes or ballot papers, as the case may be, separate from all other documents.

Ballot papers to be placed in ballot boxes.

75.—When the covering envelopes in any postal voters ballot box have been opened and their contents dealt with under the two preceding sections, the returning officer shall open each unopened ballot paper envelope (other than the ballot paper envelopes referred to in *section 73 (5)*) and place the ballot paper, without unfolding it, in a ballot box previously shown open and empty to the agents present and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals, which box shall be subsequently treated as a ballot box for the purposes of *section 114* .

Duties of returning officer in relation to documents relating to postal voters.

76.—(1) The returning officer, as soon as may be practicable after the completion of the issue of the postal ballot papers and in the presence of the agents of the candidates, if any, shall make up in separate packets, sealed with his own seal and sealed by such of the agents as desire to affix their seals, the marked copy of the postal voters list and the counterfoils of the ballot papers: provided that where any subsequent issue of ballot papers is made, the sealed packet containing the marked copy of the postal voters list may be opened by the returning officer for the purposes of that issue, and on completion of that issue, the list and the counterfoils of the ballot papersat that issue shall be made up and sealed in accordance with this section.

(2) As soon as the returning officer has completed the placing of the ballot papers in the ballot box mentioned in *section 75* he shall seal up in separate packets—

(*a*) the receipts which accompanied any ballot papers duly accepted;

(*b*) any rejected receipts, with envelopes, if any, attached; and

(*c*) any rejected ballot papers, with envelopes, if any, attached.

(3) Where covering envelopes are received by the returning officer after the close of the poll, or where any envelopes addressed to postal voters are returned as undelivered, the returning officer shall not open such envelopes and shall, subject to his power of readdressing such envelopes pursuant to *section 68 (5)*, seal such envelopes up into separate packets.

(4) The returning officer shall endorse on each packet mentioned in *subsections (1), (2)* and *(3)* a description of its contents, and the name of the constituency and the date of the polling day at the election to which such contents relate.

(5) The returning officer shall forward to the Clerk of the Dáil at the same time as he forwards the documents mentioned in *section 129* —

(*a*) the packets referred to in the foregoing provisions of this section, and

(*b*) a statement in such form as may be directed by the Minister showing the number of ballot papers sent to postal voters, and giving with respect to such papers the particulars required by the form.

(6) Any envelopes returned as undelivered and any covering envelopes received by the returning officer after the said packets have been forwarded to the Clerk of the Dáil shall not be opened and shall be forwarded to the Clerk of the Dáil.

Definition of agent.

77.—In this Part "agent" includes the election agent of a candidate and any person appointed by or on behalf of a candidate to be present at the issue of ballot papers to postal voters or the opening of postal voters ballot boxes.

PART XIV

Voting by Special Voters

Interpretation (*Part XIV*).

78.—In this Part—

"ballot paper envelope" has the meaning specified in *section 81 (c)*;

"covering envelope" has the meaning specified in *section 81 (d)*;

"special presiding officer" means a person appointed to be a special presiding officer pursuant to *section 80* .

Voting by special voters.

79.—A Dáil elector whose name is, at the time of a Dáil election, entered in the special voters list for a constituency shall be entitled to vote in that constituency at the poll at the election in accordance with the provisions of *section 82* and shall not be entitled to vote in any other manner.

Special presiding officers.

80.—(1) The returning officer shall, as circumstances may require, for the purposes of this Part appoint one, or more than one, person to be a special presiding officer to carry out the functions conferred on a special presiding officer by this Part.

(2) The provisions of this Act relating to the powers, rights and duties of a presiding officer appointed for a polling station at an election shall apply to a special presiding officer appointed under this section as if he were a presiding officer so appointed and as if the place where the special voter is casting his vote were a polling station at an election.

(3) The returning officer may perform all or any of the functions of a special presiding officer appointed under this section and the provisions of *subsection (2)* shall apply to the returning officer while he is so performing.

(4) The provisions of *section 103* relating to the right of an elector to request that his ballot paper be marked for him by a companion shall not apply in relation to a special voter.

Ballot paper etc. for special voters.

81.—As soon as practicable after the adjournment of the Dáil election for the purpose of taking a poll the returning officer shall cause to be delivered pursuant to *section 82* to every special voter entitled to vote at that election, the following—

(*a*) a ballot paper for the election;

(*b*) a form of declaration of identity in the form directed by the Minister;

(*c*) an envelope marked (and in this Part referred to as a) "ballot paper envelope"; and

(*d*) an envelope addressed to the returning officer (in this Part referred to as a "covering envelope").

Method of voting by special voters.

82.—(1) At a Dáil election, a special presiding officer shall, in the presence of a member of the Garda Síochána, deliver to the special voter the form of declaration of identity referred to in *section 81* .

(2) No person other than the special presiding officer and the member of the Garda Síochána shall be present when the special voter is voting pursuant to this section.

(3) The special voter shall complete the declaration of identity and shall sign it or, if he is unable to write, place his mark thereon and the said signature, or as the case may be mark, shall be witnessed by the special presiding officer.

(4) The special presiding officer shall, on being satisfied as to the identity of the special voter, mark a ballot paper with the official mark and deliver it to the special voter together with a ballot paper envelope.

(5) The special presiding officer shall, as soon as he has given the ballot paper and the ballot paper envelope to the special voter, place a mark against the name of the special voter concerned on a copy of the special voters list to denote that a ballot paper has been issued to such voter but without showing the number of the ballot paper so issued.

(6) The special voter shall thereupon record in secret his vote upon the ballot paper and, when he has so recorded his vote, shall fold the ballot paper so that his vote is concealed and place the ballot paper, so folded, in the ballot paper envelope and seal the envelope and hand the ballot paper envelope to the special presiding officer.

(7) The special presiding officer shall, as soon as he has received the ballot paper envelope, place it together with the completed declaration of identity in a covering envelope which he shall thereupon seal and to which he shall affix a label in the form directed by the Minister signed by himself and the member of the Garda Síochána.

Duties of special presiding officer in relation to covering envelopes and other documents.

83.—(1) The special presiding officer shall, before the time fixed for the close of the poll at the Dáil election, deliver to the returning officer every covering envelope referred to in *section 82 (7)*.

(2) On the completion of voting by special voters, each special presiding officer shall seal up, in separate packets—

(*a*) the unused ballot papers and any spoilt ballot papers, placed together;

(*b*) the counterfoils of the ballot papers;

(*c*) the marked copy of the special voters list;

(*d*) a ballot paper account in such form as may be directed by the Minister completed by him;

(*e*) the marking instrument, any unused stationery and any other documents or materials in his possession which relate to voting by special voters at the election;

and he shall deliver all such packets to the returning officer.

Duties of returning officer in relation to documents relating to special voters.

84.—(1) The returning officer shall deal with the packets delivered to him by a special presiding officer pursuant to *section 83* in the same manner as he would deal, in accordance with the provisions of this Act, with other packets containing similar documents and materials relating to a Dáil election.

(2) The returning officer shall place the covering envelopes returned to him by a special presiding officer pursuant to *section 83* , in the postal voters ballot box referred to in *section 69* and the covering envelopes and the documents therein shall thereafter be treated as if they were envelopes and documents returned to the returning officer by postal voters and the provisions of *sections 73* , *74* , *75* and *76* shall apply to such envelopes and documents.

(3) In the application of the provisions of this Act relating to postal voters to special voters—

(*a*) a reference to “receipt” shall, in relation to documents appropriate to special voters, be construed as a reference to “declaration of identity”, and

(*b*) a reference to “receipt duly signed” in relation to such documents, shall be construed as a reference to “declaration of identity duly signed and witnessed”, and

(*c*) if the covering envelope does not have the label referred to in *section 82* attached thereto or if such label is not duly signed by the special presiding officer and the member of the Garda Síochána, the returning officer shall reject the covering envelope and deal with it as if it were a receipt which had not been duly signed.

PART XV

Polling on Islands

Advance polling on islands.

85.—(1) This section applies where a poll is to be taken at a Dáil election in a constituency and the returning officer is of opinion that, in the case of a polling station situate on an island, it may be impracticable owing to stress of weather or transport difficulties, either—

(*a*) to take the poll on the polling day appointed by the Minister, or

(*b*) if the poll were taken on that day, to deliver the ballot boxes to the place for the counting of the votes at or before the hour of 9 a.m. on the day next after the polling day.

(2) Where this section applies, the returning officer shall give public notice in the polling district stating that he will take the poll at the polling station on the island on a specified day, being a day earlier than the polling day appointed by the Minister and later than the sixth day before the said polling day, and the following provisions shall, notwithstanding anything contained in this Act, have effect:

(*a*) the returning officer shall take the poll at the polling station on the island on the day specified in the notice or, where he is of opinion that, owing to stress of weather, the poll cannot be taken on that day, on the first day after that day on which, in his opinion, transport between the island and the mainland is reasonably safe,

(*b*) where owing to transport difficulties the poll cannot begin at the hour fixed by the Minister for the commencement of the poll, it shall begin as soon as possible after that hour,

(*c*) where, after the polling has continued for not less than four hours, the presiding officer is of opinion that, if the poll were further continued, the ballot boxes could not reach the place for the counting of the votes at or before the hour of 9 a.m. on the day next after the polling day appointed by the Minister, he may then close the poll.

(3) No alteration shall be made in the form or contents of the notice of poll under *section 87* by reason of an alteration under this section of the day and hours of the poll.

Polling on islands; further provisions.

86.—Where a poll, other than a poll taken on a day specified under *section 85* , is to be taken in a constituency, notwithstanding anything contained in this Act, the following provisions shall have effect in relation to a polling station on an island—

(*a*) where, owing to stress of weather or transport difficulties, the poll cannot begin at the hour fixed by the Minister for the commencement of the poll, it shall begin as soon as possible after that hour,

(*b*) where, after the poll has continued for not less than four hours, the presiding officer is of opinion that if the poll were further continued the ballot boxes could not reach the place for the counting of the votes at or before the hour of 9 a.m. on the day next after the polling day appointed by the Minister, he may then close the poll.

PART XVI

Arrangements for the Poll

Notice of the poll.

87.—Where a Dáil election is adjourned for the purpose of taking a poll, the returning officer shall, as soon as practicable after the adjournment, publish a notice (in this Act referred to as "the notice of poll") stating—

(*a*) the day on which and the hours during which the poll will be taken,

(*b*) the names and descriptions of the candidates standing nominated at the election as entered in their nomination papers and of the proposers, if any, and

(*c*) the order in which the names of the said candidates will appear on the ballot papers.

Ballot papers.

88.—(1) The ballot of a voter at a Dáil election shall consist of a paper (in this Act referred to as a "ballot paper") in the form specified in the *Fourth Schedule* .

(2) Ballot papers shall be prepared in accordance with the following directions—

(*a*) a ballot paper shall contain the names and descriptions of the candidates standing nominated at the election, as shown in their respective nomination papers. The names shall be arranged alphabetically in the order of the surnames or, if there are 2 or more candidates bearing the same surname, in the alphabetical order of their other names or, if their surnames and other names are the same, in such order as shall be determined by lot by the returning officer,

(*b*) the surname of each candidate and the name of his political party if any, or, if appropriate, the expression "Non-Party" shall be printed in large capitals, his name shall be printed in small capitals and his address and occupation, if any, as appearing in his nomination paper shall be printed in ordinary characters,

(*c*) the list of candidates shall be arranged either in one continuous column or in 2 or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting, but subject to the restriction that the spaces on the ballot paper within which the candidates' names and descriptions appear shall be the same for each of the candidates,

(*d*) the ballot papers shall be numbered consecutively on the back and the back of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper,

(*e*) the top right hand column on the ballot paper shall bear such markings as to ensure that nothing may be written therein,

(*f*) apart from anything permitted by the form specified in the *Fourth Schedule* , nothing shall appear on the ballot paper except in accordance with these directions.

The official mark.

89.—(1) A ballot paper shall at the time of issue be marked with an official mark (in this Act referred to as "the official mark"), which shall be either embossed or perforated so as to be visible on both sides of the paper and the returning officer shall provide a sufficient number of marking instruments for this purpose.

(2) The returning officer shall ensure that the official mark is kept secret before the taking of the poll and that an interval of not less than seven years shall intervene between each use of the same official mark at a Dáil election in the constituency.

Ballot boxes.

90.—Every ballot box shall be so constructed that it can be securely locked and that while it is so locked ballot papers can be inserted therein but cannot be extracted and that the box and the aperture for the insertion of ballot papers can be sealed.

Use of local elections ballot boxes etc.

91.—Any ballot boxes, fittings for polling stations and compartments provided for local elections in any local electoral area wholly or partly contained in a Dáil constituency or for European elections in a European constituency in which a Dáil constituency is wholly or partly contained may be used for any Dáil election in such Dáil constituency; and it shall be the duty of the returning officer at any Dáil election in such constituency to make use so far as practicable of the ballot boxes, fittings and compartments aforesaid, and upon taxation of his accounts regard shall be had to the provisions of this section, and any damage, other than reasonable wear and tear, caused to any such ballot boxes, fittings and compartments by such user at a Dáil election shall be paid as part of the expenses of the election.

Polling information cards.

92.—(1) Where a poll is to be taken at a Dáil election in a constituency, the returning officer shall send to every elector whose name is on the register of Dáil electors for the constituency and is not on the postal voters list or the special voters list a card (in this section referred to as a "polling information card") in such form as may be directed by the Minister informing him of his number (including polling district letter) on the register of Dáil electors and of the place at which he will be entitled to vote, and containing a statement in relation to the specified documents referred to in *section 111* .

(2) A polling information card shall be addressed to the elector at the address in respect of which he is registered in the register of Dáil electors and shall be delivered at that address not later than the third day before the polling day.

(3) Where a polling information card is dispatched by post it shall be transmitted without prepayment of charges therefor by the earliest practicable post.

(4) No action or other proceedings shall lie against a returning officer in respect of any failure to send, non-delivery of or error or mis-statement in a polling information card.

Use of schools and public premises.

93.—(1) The returning officer may for the purpose of taking the poll and counting the votes at a Dáil election use, free of charge, any school or any room in a school and any premises (other than a dwelling house) owned or occupied by a local authority.

(2) The returning officer shall make good any damage to, and may defray any expenses incurred by the person having control over such school, room or premises by reason of its being used by him at a Dáil election.

(3) The use of any unoccupied premises or any part thereof for the purpose of taking the poll and counting the votes at a Dáil election shall not make the premises liable to be rated or render any person liable to pay any rate for the premises.

(4) A person having charge of a school adjoining or adjacent to or forming part of a church or a convent or other religious establishment may, within twenty-four hours after receiving notice from the returning officer of an intention to use such school or any part thereof at a Dáil election, object to such use by sending a statement of such objection to the returning officer. Any objection made under this subsection may, on the application of the returning officer, be overruled by the Minister if he thinks it right so to do, but unless and until such objection is so over-ruled, no part of the school referred to in such objection may be used under this section.

(5) In this section "school" means any school receiving a grant out of moneys provided by the Oireachtas and includes a national school and a secondary, vocational or other post-primary school.

Polling stations.

94.—(1) At every polling place the returning officer shall provide a sufficient number of polling stations, conveniently distributed for the accommodation of the Dáil electors entitled to vote there. Where, by reason of any difficulty, a polling station or a sufficient number of polling stations cannot be provided at the appointed polling place, the returning officer may provide a polling station or polling stations at any other convenient place.

(2) The returning officer shall allot the Dáil electors to the polling stations in such manner as, in his opinion, will be most convenient for them.

(3) The returning officer shall give public notice of the location of polling stations in each polling place and the description of Dáil electors allotted to vote at each such place.

(4) The returning officer shall make adequate provision for the heating, lighting and cleaning of each polling station.

(5) The returning officer shall provide at each polling station—

(*a*) such number of compartments in which the voters can mark their ballot papers screened from observation, as he considers necessary,

(*b*) such furniture as he considers necessary,

(*c*) a sufficient number of ballot boxes,

(*d*) such number of ballot papers as he considers necessary,

(*e*) instruments for placing the official mark on ballot papers,

(*f*) copies of the register or such part thereof as contains the names of the Dáil electors allotted to vote at the station,

(*g*) such materials as he considers necessary to enable voters to mark their ballot papers,

(*h*) such other documents, forms, stationery and other materials as he considers necessary.

(6) The returning officer shall keep a record of the numbers on the ballot papers provided by him at each polling station.

Presiding officers and poll clerks.

95.—(1) The returning officer shall appoint a presiding officer to preside at each polling station and may also appoint a poll clerk or clerks to assist each presiding officer. Any such appointment may be revoked at any time by the returning officer and where the appointment revoked is the appointment of a presiding officer the returning officer shall forthwith appoint a fresh presiding officer to preside at the relevant polling station.

(2) The returning officer shall, on request, permit a person in respect of whom he is satisfied that that person has a *bona fide* interest in the Dáil election as either a candidate or a prospective candidate, or the agent of such a person, to inspect the list of persons to whom he has offered, or proposes to offer, appointments as presiding officers or poll clerks.

(3) A presiding officer shall keep order at his station, regulate the number of Dáil electors to be admitted at a time and shall exclude all other persons except those authorised by *section 98* to be present in the station.

(4) The presiding officer may do, by a clerk appointed to assist him, any act which he is required or authorised to do by this Act, except ordering the arrest, exclusion or ejection from the polling station of any person.

(5) The returning officer or a person appointed by him under *subsection (6)* may perform all or any of the functions of a presiding officer and while so doing shall be subject to the provisions of this Act in like manner as if he had been appointed a presiding officer.

(6) The returning officer may appoint a person to act as his representative in a polling place to carry out such duties as the returning officer may assign to him.

PART XVII

The Poll

Times of poll.

96.—(1) A poll at a Dáil election—

(*a*) shall be taken on such day as shall be appointed by the Minister by order, being a day which (disregarding any excluded day) is not earlier than the seventeenth day or later than the twenty-fifth day next following the day on which the writ or writs for the election is or are issued,

(*b*) shall continue for such period, not being less than twelve hours, between the hours of 8 a.m. and 10.30 p.m. as may be fixed by the Minister by order, subject to the restriction that, in the case of a general election, he shall fix the same period for all constituencies.

(2) An order under this section shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

Opening of the poll.

97.—Immediately before the commencement of the poll the presiding officer at each polling station shall show each ballot box in his charge to such persons as are present in the station, so that they may see that it is empty, and shall then lock the box and seal it in such manner as to prevent its being opened without breaking the seal and shall place it in his view for the receipt of ballot papers, and keep it so locked, sealed and in view during the poll.

Admission to polling station.

98.—No person shall be admitted to a polling station other than—

(*a*) the returning officer and any representative of his,

(*b*) the presiding officer and poll clerk for the station,

(*c*) a candidate, his election agent and his deputy agent for the polling district concerned,

(*d*) the personation agents duly appointed in writing for the station by or on behalf of the candidates,

(*e*) Dáil electors admitted for the purpose of voting at the polling station,

(*f*) companions of Dáil electors whose sight is so impaired or who are otherwise so physically incapacitated that they are unable to vote without assistance, while such companions are assisting such electors,

(*g*) members of the Garda Síochána on duty,

(*h*) messengers sent by or on behalf of the returning officer, and

(*i*) other persons authorised by the returning officer to be present in the station.

Voting by persons in the employment of returning officers.

99.—Where a Dáil elector for a constituency is employed by a returning officer for any purpose in connection with a Dáil election and the circumstances of that elector's employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which that Dáil elector would otherwise be entitled to vote, the returning officer may authorise such Dáil elector, by an authorisation given in such form as may be directed by the Minister, to vote at any other polling station in the constituency.

Authorisation of physically ill or physically disabled elector to vote at another polling station.

100.—Where, not less than 7 days before polling day at a Dáil election, a Dáil elector, whose name is not on the postal voters list or the special voters list, satisfies the returning officer that he is unable, by reason of physical illness or physical disability suffered by him, to vote at the polling station at which he would otherwise be entitled to vote, the returning officer may, if he is of opinion that it would be more convenient for the elector because of his physical illness or physical disability to vote at another polling station situate in the same constituency, in writing authorise the elector to vote at such polling station as may be specified in the authorisation instead of the polling station at which the elector would otherwise be entitled to vote.

Procedure for voting.

101.—(1) Subject to the provisions of *sections 38* , *64* , *79* , *99* , *100* , *103* , *104* , *105* and *111* , the presiding officer shall deliver a ballot paper to a Dáil elector who applies therefor and declares his name and address.

(2) Immediately before a ballot paper is delivered to a Dáil elector—

(*a*) the number (including polling district letter) and name of the elector as stated in the register shall be called out,

(*b*) the ballot paper shall be marked with the official mark,

(*c*) a mark shall be placed in the register against the number of the elector to denote that a ballot paper has been issued to that elector but without showing the number of the ballot paper so issued.

(3) A Dáil elector on receiving the ballot paper shall (subject to the provisions of *section 103*) go alone into one of the compartments in the polling station and there shall secretly record his vote on the ballot paper and fold the paper so that his vote is concealed. He shall then return to the presiding officer's table, show the back of the folded paper to the presiding officer so as to disclose the official mark and then put the folded paper into the ballot box. He shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

Spoilt ballot papers.

102.—A voter who has inadvertently spoiled his ballot paper shall, on returning it to the presiding officer and satisfying him as to the inadvertence, be given another ballot paper. The presiding officer shall immediately mark "spoilt" on the spoilt ballot paper and on the counterfoil thereof. He shall retain the spoilt ballot paper and counterfoil and deal with them in accordance with *section 110* .

Voting by blind, incapacitated and illiterate electors.

103.—(1) Where a Dáil elector applying for a ballot paper satisfies the presiding officer that his sight is so impaired or that he is otherwise so physically incapacitated or that he is unable to read or write to such an extent that he is unable to vote without assistance, this section shall apply.

(2) For the purposes of *subsection (1)* the presiding officer may, and if required by any personation agent present in the polling station shall, administer to the Dáil elector before delivery of the ballot paper an oath or (in the case of a person who objects to taking an oath on the ground that he has no religious belief or that the taking of an oath is contrary to his religious belief) an affirmation in the following form:

> "I swear by Almighty God (*or* — do solemnly, sincerely and truly declare and affirm — *as the case may be*) that my sight is so impaired (*or* — that I am so physically incapacitated *or* — that I am unable to read or write to such an extent — *as the case may be*) that I am unable to vote without assistance"

and if the Dáil elector refuses to take the oath or make the affirmation, this section shall not apply.

(3) Where this section applies in the case of a Dáil elector who satisfies the presiding officer that his sight is so impaired or that he is otherwise so physically incapacitated that he is unable to vote without assistance, the elector may request that his ballot paper shall be marked for him by a companion and, subject to *subsection (4)*, the companion may go with the elector into one of the compartments in the polling station and there shall mark the ballot paper for the elector and shall fold it and show the back of the folded paper to the presiding officer so as to disclose the official mark and forthwith place the paper in the ballot box.

(4) The presiding officer may, and if required by any personation agent present in the polling station shall, put to the companion before delivery of the ballot paper, the following questions or any one or more of them:

(i) Have you attained the age of sixteen years?

(ii) Have you marked as a companion more than one ballot paper at this election?

(iii) Are you a candidate at this election?

(iv) Are you an agent of a candidate at this election?

and unless such of those questions as are put to the companion are answered, in the case of the first of those questions, in the affirmative and, in the case of any other of those questions, in the negative, the companion may not mark the ballot paper.

(5) Where this section applies and—

(*a*) the Dáil elector is unable to read or write, or

(*b*) the Dáil elector does not request that his ballot paper shall be marked for him by a companion, or

(*c*) the Dáil elector having so requested, the marking of his ballot paper by the companion would be in contravention of *subsection (4)*,

the presiding officer shall, in the presence of the elector and the personation agents and no other person, mark a ballot paper as instructed by such elector and shall then fold it and place it in the ballot box.

(6) A request made by a Dáil elector within two hours before the hour fixed by the Minister for the close of the poll to have his ballot paper marked for him under this section otherwise than by acompanion may be refused by the presiding officer if, in his opinion, having regard to the number of Dáil electors then coming in to vote or likely to come in to vote before the close of the poll, his acceding to such request would interfere with the proper discharge of his duties or would unduly obstruct the voting of other Dáil electors.

(7) Where a ballot paper is to be marked pursuant to *subsection (5)* the presiding officer may assist the Dáil elector by reading out in full from the ballot paper the particulars stated in respect of each candidate, but he shall not act on any written instruction.

(8) Where, pursuant to this section, a person has marked as a companion two ballot papers at a Dáil election, he shall not, at that election, mark as a companion any other ballot paper.

(9) A person shall not mark as a companion a ballot paper at a Dáil election if he has not reached the age of 16 years or if he is a candidate or agent of a candidate at that election.

Alleged personation.

104.—(1) Where, at a Dáil election, a ballot paper has been issued to a person representing himself to be a particular Dáil elector named on the register of Dáil electors and another person representing himself to be that Dáil elector applies for a ballot paper and duly produces a specified document having been so required by the presiding officer under *section 111* and answers such of the questions as may be put to him or takes the oath or makes the affirmation under the said section, subject to *section 111* , that other person shall be entitled to receive a ballot paper and mark and place it in the ballot box in like manner as any other Dáil elector.

(2) The presiding officer shall make out a statement showing the total number of ballot papers issued pursuant to this section and the name and number (including polling district letter) on the register of Dáil electors of each of the persons to whom such papers were issued.

Arrest of person committing personation.

105.—(1) Where a presiding officer has reasonable cause to believe that any person who applies for or has applied for a ballot paper is committing or has committed personation he may, before such person has left the polling station, direct a member of the Garda Síochána to arrest the person on the charge of having committed personation and the member of the Garda Síochána shall comply with such direction.

(2) If at the time a person applies for a ballot paper at a Dáil election, or after he has applied for a ballot paper and before he has left the polling station, a personation agent declares to the presiding officer that he believes and undertakes in writing to prove that the applicant has committed personation, the presiding officer may direct a member of the Garda Síochána to arrest the applicant on the charge of having committed personation and the member of the Garda Síochána shall comply with such direction.

(3) Any member of the Garda Síochána may, without any warrant, arrest any person who, he has reasonable cause to believe, is committing, or has committed, personation.

(4) Any arrest authorised by this section may be made at any place whether in a polling station or out of such a station.

(5) No action or other proceeding shall lie against a presiding officer in respect of the arrest on his direction, without malice, of any person on a charge of having committed personation.

Maintenance of order in polling station.

106.—(1) If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer for that station, he may immediately, by order of the said presiding officer, be removed from the polling station by any member of the Garda Síochána or by any other person authorised in writing by the presiding officer to remove him. A person so removed shall not re-enter the polling station without the permission of the presiding officer.

(2) The presiding officer shall as far as practicable ensure that all material which advocates the candidature of a particular person or persons or of members of a political party is removed from the polling station.

(3) For the purpose of this section a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate.

Obstruction of the poll.

107.—(1) Where the poll at any polling station is obstructed by violence, the presiding officer for that station may adjourn the said poll until the next following day (disregarding any excluded day) and on such day the said poll shall be resumed at a time corresponding to the time fixed for the commencement of the poll and shall continue until a time corresponding to the time fixed for the close of the poll on the polling day. References in this Act to the close of the poll shall be construed accordingly in relation to the said polling station.

(2) In the event of such obstruction, only the poll at such polling stations as are actually affected by the obstruction may be adjourned and the poll at all other polling stations shall be continued without adjournment.

(3) Where a poll is adjourned under this section the presiding officer shall forthwith give notice of such adjournment to the returning officer who shall not open any of the ballot boxes used in the constituency until the adjourned poll has been completed.

(4) This section shall apply to any obstruction caused by persons being prevented by violence from going to any polling station and to obstruction caused in any other manner by violence.

Damage to polling stations.

108.—Subject to *sections 56* , *62* , *63* , *85* , *86* , *107* and *109* , where, for any reason, including damage to a polling station, the poll at any polling station cannot be taken or continued in accordance with *section 96* the following provisions shall have effect:

(*a*) the returning officer shall—

(i) forthwith give public notice to that effect,

(ii) inform the Minister, and

(iii) take all such steps and give all such directions as he thinks proper for the holding or completion of the poll at such polling station,

(*b*) a fresh poll shall be held or the poll shall be continued, as may be appropriate, at such polling station on a day (not being later than seven days after the polling day) appointed for the purpose by the returning officer,

(*c*) the provisions of this Act shall apply in respect of such fresh poll or the continued poll in like manner as they apply to the original poll, and

(*d*) the returning officer shall not open any of the ballot boxes used in the constituency until the fresh poll or the continued poll has been completed.

Destruction etc. of ballot boxes or ballot papers.

109.—If at a Dáil election any ballot boxes or ballot papers are, without lawful authority, taken out of the custody of the returning officer or of a presiding officer or are in any way tampered with or are destroyed or (in the case of ballot papers) are maliciously torn or defaced the following provisions shall have effect:

(*a*) the poll at every polling station at which any of the said ballot boxes or ballot papers were used shall be void,

(*b*) the returning officer shall forthwith inform the Minister of the polling having so become void,

(*c*) upon receipt of that information, the Minister shall forthwith take all such steps and give all such directions as he thinks proper for the taking of a fresh poll at every such polling station,

(*d*) a fresh poll shall be taken at every such polling station on a day appointed for this purpose by the Minister,

(*e*) the provisions of this Act shall apply in respect of such fresh poll in like manner as they apply to the original poll,

(*f*) the returning officer shall not open any of the ballot boxes used in the constituency until the fresh poll has been completed.

Duties of presiding officer at close of poll.

110.—(1) At the time fixed for the close of the poll the presiding officer shall take steps to ensure that no further Dáil electors are admitted to the polling station, but any elector on the premises at that time shall, subject to the provisions of this Act, be entitled to receive a ballot paper and to vote.

(2) As soon as practicable after the close of the poll, the presiding officer shall seal each ballot box in his charge so that no further ballot papers can be inserted therein and shall attach the key thereto and seal up in separate packets—

(*a*) the unused and spoilt ballot papers, placed together,

(*b*) the marked copies of the register of Dáil electors,

(*c*) the counterfoils of the ballot papers,

(*d*) a ballot paper account in such form as may be directed by the Minister made out by him and a statement prepared in accordance with *section 104 (2)*,

(*e*) any authorisations given by the returning officer under *section 99* or *100* authorising persons to vote at the polling station,and any undertakings by a personation agent to prove that a person has committed personation, and

(*f*) the marking instruments, unused stationery and other documents and materials relating to the Dáil election,

and shall deliver all such ballot boxes and packets to the returning officer.

(3) The returning officer shall make adequate arrangements for the safe custody of the ballot boxes delivered in pursuance of this section and of all documents connected with the poll.

Right to vote.

111.—(1) Subject to the subsequent provisions of this section, every person whose name is on the register of Dáil electors for the time being in force for a constituency, and no other person, shall be entitled to vote at the poll at a Dáil election in that constituency.

(2) For the purposes of this section—

(*a*) a person's name shall be taken to be on a register of Dáil electors if the register includes a name which in the opinion of the returning officer or presiding officer was intended to be the person's name;

(*b*) (i) the returning officer or the presiding officer may of his own volition, or if so required by a personation agent present in the polling station, request any person at the time of applying for a ballot paper, but not afterwards, to produce a specified document and, if the person fails to produce such a document, or if the returning officer or the presiding officer is not satisfied that the person is the person to whom the document relates, such person shall not be permitted to vote;

(ii) for the purposes of this paragraph “specified document” means such document as may be specified in regulations made by the Minister under this section;

(*c*) the returning officer or presiding officer may, and if so required by a personation agent present in the polling station shall, put to any person when he applies for a ballot paper, but not afterwards, the following questions, or any one or more of them:

(i) Are you the same person as the person whose name appears as AB on the register of Dáil electors now in force for the constituency of?

(ii) Have you already voted at this election?

(iii) Had you reached the age of eighteen years on (*date of coming into force of the register*)?

and unless such of those questions as are put to the person are answered, in the case of the first and third of those questions, in the affirmative and, in the case of the second of them, in the negative, the person shall not be permitted to vote;

(*d*) the returning officer or presiding officer may, and if so required by a personation agent present in the polling station shall, administer to any person when he applies for a ballot paper, but not afterwards, an oath or (in the case of any person who objects to taking an oath on the ground that he has no religious belief or that the taking of an oath is contrary to his religious belief) an affirmation in the following form:

"I swear by Almighty God (*or* — do solemnly, sincerely and truly declare and affirm — *as the case may be*) that I am the same person as the person whose name appears as AB on the register of Dáil electors now in force for the constitutency of.....and that I have not already voted at this election, and that I had attained the age of eighteen years on.....(*date of coming into force of the register*)";

and if such person refuses to take the oath or make the affirmation he shall not be permitted to vote.

(3) Save as is provided by this section and *section 103* , no request to a voter to produce a document shall be made, and no question, oath, affirmation or objection shall be put or permitted at the time of the poll at a Dáil election as to the right of any person to vote, and no objection thereto shall be made or received by any returning officer or presiding officer.

(4) Nothing in this section shall be construed as entitling any person to vote who is not entitled to do so, or as relieving him from any penalties to which he may be liable for voting.

PART XVIII

Arrangements for the Counting of the Votes

Place for the counting of the votes.

112.—The returning officer for a constituency shall appoint a place within or convenient to the constituency as the place at which he will count the votes and shall, at the place so appointed, provide suitable accommodation and all furniture and equipment necessary for counting the votes in accordance with *Part XIX* and shall make adequate arrangements for the safe custody of the ballot papers and other documents relating to the Dáil election concerned.

Attendance at the counting of the votes.

113.—(1) Not less than 4 days (disregarding any excluded day) before the polling day the returning officer shall give written notice to each candidate of the time and place at which he will proceed to count the votes and of the number of agents each candidate may appoint to be present at the counting of the votes.

(2) The returning officer, his assistants and clerks, members of the Garda Síochána on duty and the agents of the candidates duly appointed for the purpose under this Act may be present at the counting of the votes and no other person shall be present without the permission of the returning officer.

(3) The returning officer shall give the agents of the candidates all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfyingthemselves that the ballot papers have been correctly sorted) and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and the performance of his functions.

Preliminary proceedings.

114.—(1) At 9 a.m. on the day next following the polling day, and at the place appointed under *section 112* , the returning officer for the constituency shall, in the presence of the agents of the candidates, open the ballot boxes and extract the ballot papers therefrom.

(2) The ballot papers extracted by the returning officer from each ballot box shall be counted and their total number shall be compared with the number shown in the appropriate ballot paper account. The returning officer shall prepare a statement showing the result of this comparison in respect of all the ballot boxes and he shall, on request allow the agent of any candidate to copy the statement.

(3) The returning officer shall then mix together the whole of the ballot papers and shall forthwith proceed to count the votes in accordance with *Part XIX* .

(4) The returning officer, while counting and recording the number of ballot papers, shall cause the said papers to be kept face upwards and shall take due precautions to prevent any person from seeing the numbers printed on the backs of the said papers.

Time for the counting of the votes.

115.—The returning officer shall, so far as practicable, proceed continuously with the counting of the votes, except during time for refreshment, and excluding (except so far as he and the candidates otherwise agree) the hours between 11 p.m. and 9 a.m.

Conduct of the counting of the votes.

116.—The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with *Part XIX* , ascertain and record the number of votes given to each candidate.

Handling of ballot papers by candidates or agents.

117.—Candidates or their agents shall not handle ballot papers during the counting of the votes.

PART XIX

Rules for the Counting of the Votes

Interpretation (*Part XIX*).

118.—(1) In this Part—

"continuing candidate" means any candidate not deemed to be elected and not excluded;

"count" means—

(*a*) all the operations involved in the counting of the first preferences recorded for candidates;

(*b*) all the operations involved in the transfer of the surplus of a candidate deemed to be elected;

(*c*) all the operations involved in the transfer of the votes of an excluded candidate; or

(*d*) all the operations involved in the transfer of the votes of two or more candidates together;

"deemed to be elected" means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

"determine by lot" means determine in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates shall in cases of exclusion be excluded in the order in which their names are drawn, and, in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn, and, in cases of equality of fractions, the fraction relating to the candidate whose name is first drawn shall be deemed to be the largest;

"non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate; provided that a paper shall be deemed to have become a non-transferable paper whenever—

(*a*) the names of two or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference; or

(*b*) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with two or more marks; or

(*c*) it is void for uncertainty;

"original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

"preference" shall be interpreted as follows—

(*a*) "first preference" means any mark which, in the opinion of the returning officer, clearly indicates a first preference;

"second preference" means any mark which, in the opinion of the returning officer, clearly indicates a second preference standing in succession to a first preference;

"third preference" means any mark which, in the opinion of the returning officer, clearly indicates a third preference standing in succession to a second preference and so on;

(*b*) "next available preference" means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already deemed to be elected or excluded being disregarded;

"surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota;

"transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

"transferred vote" in regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

(2) Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which the figure 1 standing alone, or the word "one" or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is not placed at all or is not so placed as to indicate a first preference for some candidate; or

(*c*) on which the figure 1 standing alone indicating a first preference, or the word "one" or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is set opposite the name of more than one candidate; or

(*d*) on which anything is written or marked which, in the opinion of the returning officer, is calculated to identify the elector;

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words "one", "two", "three" (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.

(3) The returning officer shall endorse "rejected" on any ballot paper which under this section is not to be counted. The returning officer shall prepare a statement in such form as may be directed by the Minister showing the number of ballot papers rejected by him under each of the *paragraphs (a), (b), (c)* and *(d)* of *subsection (2)* and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(4) The returning officer may endorse on any ballot paper which he does not reject as invalid an indication of his decision on it without, however, interfering with any mark placed by the elector on the ballot paper.

First count.

119.—(1) After the ballot papers have been mixed in accordance with *section 114* the returning officer shall, rejecting any that are invalid, arrange them in parcels according to the first preferences recorded for each candidate.

(2) The returning officer shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate and he shall ascertain the number of all valid papers.

The quota.

120.—(1) The returning officer shall then divide the number of all valid papers by a number exceeding by one the number of vacancies to be filled; the result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a candidate and this number is referred to in this Act as "the quota".

(2) Where at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected.

Transfer of surplus.

121.—(1) Where at the end of any count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with and subject to the provisions of this section to the continuing candidate or candidates indicated on the ballot papers in the parcel or sub-parcel of the candidate deemed to be elected according to the next available preferences recorded thereon.

(2) Where the votes credited to a candidate deemed to be elected whose surplus is to be transferred consist of original votes only, the returning officer shall examine all the papers in the parcel of that candidate and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon.

(3) Where the votes credited to a candidate deemed to be elected whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by that candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences recorded thereon.

(4) In either of the cases referred to in *subsections (2)* and *(3)* the returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(5) Where—

(*a*) the surplus is equal to the total number of papers in the sub-parcels of transferable papers, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference,

(*b*) the surplus is greater than the total number of papers in the sub-parcels of transferable papers, the returning officer shall proceed as specified in *paragraph (a)* and shall in addition make a sub-parcel of a number of non-transferable papers equal to the difference between such total number and the surplus and set the papers therein aside as finally dealt with, such papers being, for the purposes of *section 127 (1)*, described as non-transferable papers not effective,

and the non-transferable papers or the remaining non-transferable papers, as the case may be, also arranged as a sub-parcel shall be placed with the papers of the candidate deemed to be elected.

(6) Where the surplus is less than the total number of transferable papers the following provisions shall apply:

(*a*) the returning officer shall transfer from each sub-parcel oftransferable papers to the continuing candidate indicated thereon as the voters' next available preference that number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers,

(*b*) the number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers,

(*c*) a note shall be made of the fractions (which may be expressed in decimal form), if any, in each quotient ascertained in respect of each candidate in accordance with *paragraph (b)* and if, owing to the existence of such fractions, the number of papers to be transferred is less than the surplus, so many of these fractions taken in the order of their magnitude (beginning with the largest) as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity and the remaining fractions shall be disregarded,

(*d*) where two or more fractions are of equal magnitude, and it is not possible for the purposes of *paragraph (c)* to reckon all of the said fractions as of the value of unity, that fraction shall be deemed to be the largest which arises from the largest sub-parcel, and if such sub-parcels are equal in size, that fraction shall be deemed to be the largest which relates to the candidate credited with the largest number of original votes. Where the numbers of such original votes are equal, regard shall be had to the total number of votes credited to such candidates at the first count at which they were credited with an unequal number of votes, and the fraction relating to the candidate credited with the greatest number of votes at that count shall be deemed to be the largest. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which fraction shall be deemed to be the largest.

(7) The papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel, and each paper so transferred shall be marked to indicate the number of the count at which the transfer took place.

(8) The returning officer need not necessarily transfer the surplus of a candidate deemed to be elected whenever that surplus, together with any other surplus not transferred, is less than both the difference between the quota and the number of votes credited to the highest continuing candidate and the difference between the numbers of the votes credited to the two lowest continuing candidates and either—

(*a*) the number of votes credited to the lowest candidate is greater than one quarter of the quota, or

(*b*) the sum of the number of votes credited to the lowest candidate together with that surplus and any other surplus not transferred is not greater than one quarter of the quota.

(9) Where at any time there are two or more surpluses which are to be transferred, the greater or greatest of such surpluses shall first be transferred and the remaining surplus or surpluses shall then,subject to *subsection (8)*, be transferred in the order of their descending magnitude.

(10) Where two or more candidates have each an equal surplus arising from the same count regard shall be had to the number of original votes credited to each candidate and the surplus of the candidate credited with the largest number of original votes shall be first dealt with. Where the numbers of such original votes are equal regard shall be had to the total number of votes credited to such candidates at the first count at which they had an unequal number of votes and the surplus of the candidate with the greatest number of votes at that count shall be first dealt with. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which surplus he will first deal with.

(11) Subject to *subsections (8)* and *(9)*, where two or more candidates have a surplus arising from different counts, a surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count.

Exclusion of candidate.

122.—(1) If at any time no candidate has a surplus (or when under *section 121 (8)* an existing surplus is not transferred) and one or more vacancies remain unfilled, the returning officer shall—

(*a*) exclude the candidate credited with the lowest number of votes and examine all the papers of that candidate;

(*b*) arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates and transfer each sub-parcel to the candidate for whom the preference is recorded;

(*c*) make a separate sub-parcel of the non-transferable papers and set them aside as finally dealt with, such papers being, for the purposes of *section 127 (1)*, described as non-transferable papers not effective.

(2) Where the total of the votes of the two or more lowest candidates together with any surplus not transferred is less than the number of votes credited to the next highest candidate, the returning officer shall in one operation exclude such two or more lowest candidates provided that—

(*a*) the number of votes credited to the second lowest candidate is greater than one quarter of the quota, or

(*b*) where the number of votes credited to any one of such two or more lowest candidates does not exceed one quarter of the quota, it is clear that the exclusion of the candidates separately in accordance with *subsection (1)* and the transfer of any untransferred surplus could not result in a number of votes exceeding one quarter of the quota being credited to any such candidate.

(3) If, when a candidate has to be excluded under this section, two or more candidates have each the same number of votes and are lowest, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with the lowest number of original votes shall be excluded and where the numbers of the original votes are equal, regard shall be had to the total numbers of votes credited to those candidates at the first count at which they had an unequal number of votes and the candidate with the lowest numberof votes at that count shall be excluded and, where the numbers of votes credited to those candidates were equal at all counts, the returning officer shall determine by lot which shall be excluded.

Transfer of votes.

123.—(1) Where a transfer of votes is made under *section 121* or *122* , each sub-parcel of papers transferred shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to him.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions of *section 121* before any other candidate is excluded.

Filling of last vacancies.

124.—(1) When the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates together with any surplus not transferred, that candidate shall thereupon be deemed to be elected.

(3) When the last vacancies can be filled under this section no further transfer of votes shall be made unless any of the continuing candidates has not been credited with a number of votes exceeding one quarter of the quota and it is necessary for the purposes of *section 48 (1) (e)* to make such transfer in order to establish whether such a number of votes could be credited to him.

Recount.

125.—(1) Any candidate or the election agent of a candidate may, at the conclusion of any count, request the returning officer to re-examine and recount all or any of the papers dealt with during that count, and the returning officer shall re-examine and recount such papers accordingly without making any alterations in the arrangement of the papers in the various parcels, save where such alterations may be necessary in consequence of any error discovered in the recount. Nothing in this subsection shall make it obligatory on the returning officer to re-examine or recount the same parcel of papers more than once.

(2) The returning officer may at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any count. The power under this subsection of a returning officer to recount papers shall extend to papers dealt with at an earlier count than the immediately preceding one.

(3) (*a*) As respects each candidate, one request (and not more) may be made by him or his election agent for a complete re-examination and recount of all parcels of ballot papers and the returning officer shall re-examine and recount the parcels of ballot papers accordingly.

(*b*) In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed.

(*c*) Nothing in the provisions of this subsection shall make it obligatory on the returning officer to re-examine or recount the same parcel of papers more than once, but if an error is discovered which is, in the opinion of the returning officer, a significant error likely to affect the result of the election, the returning officer shall count all the papers afresh from the point at which the error occurred.

(*d*) Nothing in this subsection shall make it obligatory on the returning officer to comply with a request by a candidate or his election agent which, in the opinion of the returning officer, is frivolous or vexatious.

(*e*) A request under this subsection may be made only at the conclusion of a count.

(4) Where an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

(5) Where a request made under *subsection (3)* is withdrawn by the candidate as respects whom it is made or by the election agent of the said candidate, it shall be open to the returning officer not to proceed, or proceed further with the re-examination and recount.

Declaration of result of the poll.

126.—On the completion of the counting of the votes the returning officer shall determine and declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected.

Notice of result of election.

127.—(1) The returning officer shall give public notice in the form directed by the Minister of the names and descriptions of the candidates elected and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not, of any transfer of votes and of the total number of votes credited to each candidate at the end of the count at which such transfer took place.

(2) The returning officer shall send a copy of the notice referred to in *subsection (1)* to the Minister and to each person elected and shall send a copy of the statement referred to in *section 114 (2)* to the Minister.

Decision of returning officer.

128.—The decision of the returning officer, whether expressed or implied by his acts, on any question which arises in relation to the exclusion of any candidate under *section 122* or to any ballot paper or transfer of votes shall be final, subject only to reversal on a petition questioning the Dáil election.

PART XX

Retention, Inspection and Disposal of Documents

Retention and disposal of documents.

129.—(1) On the completion of the counting of the votes, the returning officer shall place in separate sealed packets—

(*a*) the counted ballot papers,

(*b*) the ballot papers rejected at the counting of the votes,

(*c*) the unused and spoilt ballot papers, and

(*d*) the counterfoils of ballot papers issued at polling stations,

and shall mark on each packet particulars of its contents, the date of the polling day at the election and the constituency to which they relate.

(2) The returning officer shall also place in separate sealed packets—

(*a*) the marked copies of the register of Dáil electors,

(*b*) the ballot paper accounts and the statement prepared in accordance with *section 114* ,

(*c*) the candidates' nomination papers, whether valid or invalid, and the certificates of political affiliation, and

(*d*) the authorisations to electors to vote at other polling stations,

and shall mark on each packet particulars of its contents, the date of the polling day at the election and the constituency to which they relate and shall as soon as practicable forward the documents referred to in this section, in *section 76* and in *section 83 (2)* to the Clerk of theDáil.

(3) The documents referred to in this section including those referred to in *sections 76* and *83* shall be retained by the Clerk of the Dáil for 6 months from the date of the poll at the election. At the expiration of the said period the Clerk of the Dáil shall, unless otherwise directed by an order of the High Court or he has reason to believe that the documents may be required for a purpose referred to in *section 130 (3)*, cause the documents to be destroyed.

Inspection of ballot papers etc.

130.—(1) No person shall be allowed to inspect any of the documents mentioned in *subsection (2)* except under an order of the High Court.

(2) The documents referred to in *subsection (1)* are—

(*a*) the counterfoils of the ballot papers sent to postal voters under *section 68* ,

(*b*) the counterfoils of the ballot papers delivered to special voters under *section 82* ,

(*c*) the documents referred to in *subsections (2)* and *(3)* of *section 76* , and

(*d*) the documents referred to in *subsection (1)* of *section 129* .

(3) An order referred to in *subsection (1)* shall not be made unless the court is satisfied that the inspection or production of such documents is required for the purposes of instituting or maintaining a prosecution for an offence under this Act or for the purpose of a petition.

(4) An order referred to in *subsection (1)* may be made subject to such conditions as to persons, time and place and mode of inspection or production as the court may think expedient and shall make provision to ensure that the manner in which any voter voted shall not be disclosed.

(5) Where an order is made for the production by the Clerk of the Dáil of any document in his possession relating to a Dáil election, the production by or on behalf of the Clerk of the Dáil of that document shall be sufficient to prove that the document relates to the specified election; and any endorsement appearing on any packet so produced shall be, until the contrary is shown, sufficient evidence that the contents of such packet are what they are stated to be in such endorsement.

Inspection of certain other documents.

131.—All documents sent by a returning officer in pursuance of this Act to the Clerk of the Dáil, other than documents referred to in *section 130* , shall be open to public inspection at such time and under such conditions as may be specified by the Clerk of the Dáil. The Clerk of the Dáil shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees not exceeding the reasonable cost of copying and subject to such conditions as may be sanctioned by the Minister for Finance.

PART XXI

Dáil Election Petitions

Questioning of Dáil elections.

132.—(1) A Dáil election may, and may only, be questioned by a petition to the High Court.

(2) The provisions of the *Third Schedule* shall have effect as regards a petition.

(3) (*a*) Subject to *paragraph (b)* and *Rule 2 (2)* of the *Third Schedule* a petition shall not be accepted for lodgment with the court unless the petitioner lodges with the petition security in the sum of £5,000 for costs which may become payable by him.

(*b*) Where the court is satisfied that a petitioner is unable to lodge the amount specified in *paragraph (a)* or that to require a petitioner to lodge the said amount would cause him serious hardship, the court may require him to lodge such lesser amount as the court considers appropriate.

(4) A petition may be presented by any person who is registered or entitled to be registered as a Dáil elector in the constituency but may only be presented within a period specified in *Rule 3* of the *Third Schedule* .

(5) A Dáil election may be questioned on the grounds of want of eligibility, the commission of an offence referred to in *Part XXII* , obstruction of or interference with or other hindrance to the conduct of the election or mistake or other irregularity which is likely to have affected the result of the election.

(6) Any party to a petition may appeal on a question of law to the Supreme Court against a decision of the High Court on the petition and subject to the foregoing the decision of the High Court shall be final and not appealable.

(7) At the trial of a petition the High Court shall determine the matter at issue in the petition and, if it does not dismiss the petition, shall, where appropriate, include in its order determining the matter at issue either—

(*a*) a declaration of the correct result of the election concerned, or

(*b*) if it considers that it is unable to determine the correct result of the election, a declaration that the election or a specified part thereof was void together with a statement of its reasons for making the declaration.

(8) Where the court declares that the whole or any part of a Dáil election was void, a fresh election shall be held in accordance with the provisions of this Act to fill the resulting vacancy or vacancies in the Dáil and the poll at the fresh election shall be taken on such day, being a day within the period of three months beginning on the date of the court's order, as the Minister by order appoints; provided that it shall not be obligatory under this subsection to hold a fresh election if a general election otherwise is due to be held in the State within the period of six months next following the said date.

PART XXII

Electoral Offences

Offences in relation to registration of electors.

133.—(1) Any person who knowingly furnishes false information in a claim for correction in a draft register or, having been duly required pursuant to the provisions of the *Second Schedule* to give any information in his possession which a registration authority or county registrar may require for the purpose of their duties, fails or refuses to give the information or knowingly gives false information, shall be guilty of an offence.

(2) Any person who—

(*a*) in relation to a statement pursuant to *section 12* or to an application pursuant to *section 17* knowingly gives any information which is false or misleading, or

(*b*) makes a statement pursuant to *section 12* in the name of another person, or

(*c*) applies in the name of another person to be entered in the special voters list,

shall be guilty of an offence.

(3) (*a*) Any person who, without lawful authority, wilfully destroys or mutilates any notice, draft register, copy of the register of electors, electors lists or other document made available for public inspection in connection with the preparation of the register of electors shall be guilty of an offence.

(*b*) An offence under this subsection may be prosecuted by the authority which caused the notice, draft register, copy of the register of electors or other document to be made available for public inspection.

Personation.

134.—(1) A person who—

(*a*) at a Dáil election applies for a ballot paper in the name of some other person, whether that name be the name of a living person or of a dead person or of a fictitious person, or

(*b*) having obtained a ballot paper once at a Dáil election applies at the same election for a ballot paper in his own name (otherwise than under *section 102*), shall be guilty of the offence of personation.

(2) For the purposes of this section, a person to whom a ballot paper has been issued pursuant to *section 68* shall be deemed to have obtained a ballot paper.

(3) A person who aids, abets, counsels or procures the commission of the offence of personation shall be guilty of an offence.

Bribery.

135.—(1) A person shall not, in relation to a Dáil election—

(*a*) give valuable consideration to induce a voter to vote, or to procure the election of any person or the vote of any voter, or on account of a voter having voted; or

(*b*) procure, by means of, or in consequence of, valuable consideration, the election of any person or the vote of any voter; or

(*c*) withdraw or refrain from withdrawing, in consequence of any valuable consideration, from being a candidate; or

(*d*) induce, by means of, or in consequence of, valuable consideration, any person to withdraw or to refrain from withdrawing from being a candidate; or

(*e*) receive, agree or contract to receive, valuable consideration for voting or agreeing to vote.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

(3) A person who aids, abets, counsels or procures the commission of an offence under this section shall be guilty of an offence.

(4) In this section—

"give", "induce" and "procure" include agreeing or promising or attempting to give, induce or procure, as the case may be, and whether directly or indirectly;

"valuable consideration" includes the giving, lending or agreeing to give or lend, or the offer or promise to procure or to attempt to procure, any money, money's worth or valuable security or any valuable consideration or any office, place or employment to or for any person;

"vote" includes voting in a particular way or refraining from voting.

Undue influence.

136.—A person who, in relation to a Dáil election, directly or indirectly makes use of or threatens to make use of any force, violence or restraint against or inflicts or causes or threatens to inflict or cause any temporal or spiritual injury or loss on or to any person, or attempts by abduction, duress, or fraud—

(*a*) to induce or compel any person to vote or refrain from voting, or to vote or refrain from voting for a particular person or in a particular way, or

(*b*) to induce or compel any person to withdraw, or to refrain from withdrawing, from being a candidate, or

(*c*) to induce or compel any person to be a candidate or to impede or prevent any person from being a candidate, or

(*d*) to impede or prevent the free exercise of the franchise by any Dáil elector,

shall be guilty of an offence.

Breach of secrecy.

137.—(1) A person who is present at the issue of ballot papers to postal voters or at voting by special voters or at the opening of postal ballot boxes shall be guilty of an offence if, except for some purpose authorised by law, he—

(*a*) communicates, before the poll is closed, to any person any information obtained at the said issue or the said voting as to the official mark, or

(*b*) attempts to ascertain at the said issue or the said voting or the said opening the number on the back of any ballot paper or the candidate for whom any vote is given in any ballot paper, or communicates to any other person any information with respect thereto obtained at the said issue or the said voting or the said opening.

(2) A person admitted to a polling station in any capacity at a Dáil election shall be guilty of an offence if, before the poll is closed, he communicates, except for some purpose authorised by law, to any other person any information as to the name or the number on the register of Dáil electors of any voter who has or has not applied for a ballot paper or voted at a polling station, or as to the official mark.

(3) A person who is present in any capacity at the counting of the votes at a Dáil election shall be guilty of an offence if, except for some purpose authorised by law, he ascertains or attempts to ascertain at such counting the number on the back of any ballot paper or if at any time he communicates any information obtained at such count as to the candidate for whom any vote is given on any ballot paper.

(4) A person shall be guilty of an offence if, at a Dáil election, except for some purpose authorised by law, he—

(*a*) interferes with or attempts to interfere with a voter when marking his ballot paper, or obtains or attempts to obtain in a polling station information as to the candidate for whom any voter in the station is about to vote or has voted, or

(*b*) communicates at any time to any other 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 on the back of the ballot paper issued to a voter at that station, or

(*c*) directly or indirectly induces any voter to display his ballot paper after the said voter has marked it so as to make known to any person the name of the candidate for whom the said voter has or has not voted, or

(*d*) interferes with or attempts to interfere with the receipt, marking or return of a ballot paper by any postal voter or attempts to obtain information as to the candidate for whom any such voter has or has not voted.

Offences relating to ballot boxes, ballot papers, nomination papers, certificates of political affiliation, official marks etc.

138.—A person shall be guilty of an offence if—

(*a*) wilfully and without lawful authority, he takes, destroys, conceals, opens or otherwise interferes with any ballot box or packet of ballot papers, or any packet of papers or documents of any kind then in use or intended to be used for the purposes of a Dáil election, or any ballot paper account or marked copy of a register of Dáil electors prepared or used for the purposes of the election, or any unused ballot paper, or

(*b*) he maliciously destroys, tears or defaces a ballot paper, or

(*c*) he forges or counterfeits a ballot paper or the official mark on a ballot paper, or

(*d*) without lawful authority, he supplies a ballot paper to any person, or

(*e*) he fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in it, or

(*f*) without lawful authority, he takes a ballot paper out of a polling station, or

(*g*) he forges or fraudulently defaces or fraudulently destroys any nomination paper or any certificate of political affiliation or any authorisations under *section 99* or *section 100* or any official envelope or form of declaration of identity or form of receipt used in connection with special voting or voting by post, or any other form or document used at an election, or

(*h*) he produces to the returning officer a nomination paper, knowing the same to be forged, or

(*i*) he counterfeits the official mark, or

(*j*) without lawful authority, he removes, destroys or damages any instrument for placing the official mark on ballot papers or makes or has in his possession any imitation or counterfeit of any such instrument.

Disorderly conduct at election meeting.

139.—(1) A person shall be guilty of an offence if, between the date of the issue of a writ for the election of a member or members of the Dáil for a constituency and the date on which the return is made to the Clerk of the Dáil under *section 39* , he acts in a disorderly manner at a lawful public meeting held in connection with the election.

(2) A person who aids, abets, counsels or procures the commission of an offence under *subsection (1)* shall be guilty of an offence.

Omission of name and address of printer and publisher from Dáil election documents.

140.—(1) Every notice, bill, poster or similar document having reference to a Dáil election or distributed for the purpose of furthering the candidature of any candidate at a Dáil election shall bear upon its face the name and address of the printer and of the publisher thereof.

(2) A person shall be guilty of an offence if he prints, publishes or posts, or causes to be printed, published or posted, any such notice, bill, poster or similar document as aforesaid which does not bear upon its face the name and address of the printer and of the publisher thereof.

(3) The provisions of *subsections (1)* and *(2)* shall not apply as respects any such notice, bill, poster or similar document printed, published or posted by a returning officer.

(4) For the purposes of this section "print" includes any process for producing copies of a notice, bill, poster or similar document, other than copying it by hand.

Nominating or withdrawing a candidate without consent.

141.—(1) A person shall not—

(*a*) nominate another person for election under this Act to the Dáil, or

(*b*) withdraw the candidature of another person for such election to the Dáil,

save with the consent of that person.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

Forged certificate of political affiliation.

142.—A person who produces to a returning officer a certificate such as is referred to in *section 46* which that person knows to be forged, shall be guilty of an offence.

False declaration on nomination paper.

143.—(1) In case a person who, being a candidate or the proposer of a candidate at a Dáil election, makes a declaration on a nomination paper that he has read the notes on the nomination paper and believes the candidate to be eligible for election under this Act then if the candidate is not eligible for election under this Act the person shall be guilty of an offence.

(2) In a prosecution for an offence under *subsection (1)*, it shall be a good defence for the defendant to show that he had reasonable grounds for believing that the candidate was eligible for election.

Officer acting as agent of candidate or furthering a candidature.

144.—A returning officer, an assistant, deputy or acting returning officer or any person employed by any such officer for any purpose relating to a Dáil election who acts as agent for any candidate at that election or who is actively associated in furthering the candidature of any candidate or promoting the interests of any political party at the election shall be guilty of an offence.

Obstruction of nomination or poll.

145.—A person who at a Dáil election obstructs by violence the nomination of candidates or the poll shall be guilty of an offence.

Interference with or destruction of postal ballot papers.

146.—(1) Any person who, at a Dáil election—

(*a*) wilfully and without lawful authority takes, destroys, conceals, opens or otherwise interferes with any ballot paper or other document sent to a postal voter under this Act, or

(*b*) without lawful authority knowingly supplies any such ballot paper or other document to a person other than the person lawfully entitled to receive it,

shall be guilty of an offence.

(2) A person who aids, abets, counsels or procures the commission of an offence under this section or who solicits or incites any other person to commit such an offence shall be guilty of an offence.

Obstruction of or interference with electors.

147.—(1) A person shall not interfere with or obstruct or impede an elector going to or coming from or in the vicinity of or in a polling station.

(2) During the period commencing 30 minutes before the time appointed for the taking of a poll at an election, including a poll which has been adjourned under *section 107*, and ending 30 minutes after the close of the said poll, a person shall not, in or in the curtilage of a polling station or in any place within 100 metres of such station, for the purpose of promoting the interest of a political party or furthering the candidature of a candidate or candidates or soliciting votes for a candidate or candidates or for any contrary purpose, do any or all of the following things:

(*a*) loiter or congregate with other persons;

(*b*) attempt to induce, by any means whatsoever, an elector to vote for a candidate or candidates or vote in a particular way or refrain from voting;

(*c*) display or distribute any notice, sign or poster (other than a notice, sign or poster displayed by the returning officer) or card, circular or other document relating to the election; or

(*d*) use or cause to be used any loud-speaker or other public address mechanism to broadcast matter relating to the election.

(3) For the purpose of this section, a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate and the distance referred to in *subsection (2)* shall be measured from any entrance to the polling station or to the curtilage thereof.

(4) A person who contravenes *subsection (1)* or *(2)* shall be guilty of an offence.

Personation agent leaving polling station without permission.

148.—(1) A personation agent shall not, during the hours fixed under *section 96* for the holding of the poll, leave the polling station to which he is appointed without previously obtaining the permission of the presiding officer and depositing with the said presiding officer all registers, books and documents in which he has made any note, writing or mark during the poll.

(2) A personation agent who contravenes *subsection (1)* shall be guilty of an offence and in addition shall not, save with the permission of the presiding officer, return to the polling station in question.

Prohibition on voting by person registered as elector when not entitled to be so registered.

149.—(1) A person—

(*a*) who is registered in the register of Dáil electors for the time being in force for a constituency but is not entitled to be so registered, or

(*b*) who is not registered in that register,

shall not vote in that constituency.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

Unlawful marking of ballot papers by persons acting as companions.

150.—A person who contravenes *subsection (8)* or *(9)* of *section 103* shall be guilty of an offence.

False statement of withdrawal or death of a candidate.

151.—A person who, between the date of the issue of a writ for the election of a member or members of the Dáil for a constituency and the date on which the return is made to the Clerk of the Dáil under *section 39* , knowingly publishes a false statement of the withdrawal or death of a candidate at the Dáil election shall be guilty of an offence.

Misleading statement as to process of voting.

152.—Any person who, before or during a Dáil election, makes or publishes any statement which is likely to mislead voters as to the actual process of voting shall be guilty of an offence.

Handling of ballot papers by candidates or agents.

153.—A candidate or the agent of a candidate who handles a ballot paper during the counting of the votes at a Dáil election shall be guilty of an offence.

Unauthorised inspection of documents.

154.—Unauthorised inspection of any document which is a document mentioned in *section 130* shall be an offence.

Corrupt withdrawal of petition.

155.—A person who makes any agreement or enters into any undertaking in relation to the withdrawal of a petition in consideration of any payment or the cesser of membership of the Dáil or for any substantial reason not stated in the affidavit referred to in *Rule 8* of the *Third Schedule* shall be guilty of an offence.

Limitation of time for prosecution of offence.

156.—Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851 , proceedings for an offence under this Act may be instituted within twelve months from the date of the offence or, if the offence was committed in relation to a Dáil election as respects which proceedings questioning the election are held before the High Court, may be commenced within twelve months from the date of the offence or within three months from the decision of the court, whichever period last expires, but proceedings for an offence under this Act shall not be commenced after the expiration of the period of two years beginning on the date of the offence.

Penalties.

157.—(1) Where a person is guilty of an offence under this Act, other than an offence mentioned in *subsection (2)*, such person shall be liable—

(*a*) on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, or

(*b*) on conviction on indictment to a fine not exceeding £2,500 or, at the discretion of the court, to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) Where a person is guilty of an offence under *sections 133* , *140* , *148* or *153* , such person shall be liable on summary conviction to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Compensation where certain charge is unjustly made or not prosecuted.

158.—Where any person is arrested under *section 105* on a charge made by a personation agent that such person has committed the offence of personation and either such personation agent (or someone on his behalf) fails to appear before the court and support the charge, or the court acquits the person of having committed the offence and finds that the charge was made by the personation agent without reasonable or just cause, the court may, at the request of the person so charged but not otherwise, order the personation agent to pay to the person such sum not exceeding £500 as the court shall think proper by way of damages, and such sum when duly paid shall be accepted by the person so charged in full satisfaction of all claims by him in respect of damages arising from the said charge and his arrest and detention thereon.

Damages for breach of duty by officers etc.

159.—Where any person upon whom any functions or duties are conferred by or under this Act in relation to a Dáil election fails without reasonable cause to perform his functions or duties in that behalf, any person injured by such failure shall be entitled to recover from him by action at law such sum by way of damages as the court by which such action shall be tried shall consider just.

Certificate of returning officer to be *prima facie* evidence.

160.—In any civil or criminal proceedings in relation to an alleged offence at a Dáil election, the certificate of the returning officer for the constituency concerned of the due holding of the election or that a particular person was a candidate thereat shall be *prima facie* evidence of the facts stated therein and it shall not be necessary to prove the signature of the returning officer or that he was in fact such returning officer.

PART XXIII

Miscellaneous

Secrecy.

161.—A person who is—

(*a*) present at the issue of ballot papers to postal voters, or

(*b*) present while a special voter is voting, or

(*c*) present at the opening of postal ballot boxes, or

(*d*) admitted to a polling station in any capacity, or

(*e*) present in any capacity at the counting of the votes,

shall maintain and aid in maintaining the secrecy of the ballot.

Prohibition of disclosure of vote.

162.—A person who has voted at a Dáil election shall not in any legal proceedings be required to state how or for whom he voted.

Publication of notices.

163.—Any public notice required by this Act to be given by a returning officer, registration authority or county registrar may be given by any method which the returning officer, registration authority or county registrar thinks necessary or desirable for the purpose of bringing to the attention of the public the matter so required to be notified.

Adaptation or modification where there is emergency or special difficulty.

164.—(1) The Minister may, in any case in which it appears to him that there is an emergency or special difficulty, by order make such adaptation or modification of any statute, order or regulation relating to the registration of Dáil electors, presidential electors, Seanad electors, European electors or local government electors or the conduct of Dáil elections, presidential elections, Seanad elections, European elections, local elections or referenda, as may in his opinion be necessary to enable such registration to be duly carried out or such election or referendum to be duly held, subject to compliance with the principles laid down in the relevant Acts taken as a whole.

(2) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) In this section—

(*a*) "Seanad electors" has the same meaning as in the Seanad Electoral (University Members) Act, 1937 ,

(*b*) "Seanad elections" has the same meaning as in the Seanad Electoral (University Members) Act, 1937 , and in the Seanad Electoral (Panel Members) Act, 1947 ,

(*c*) "referenda" has the same meaning as in the Referendum Act, 1942 ,

(*d*) "the relevant Acts" means—

(i) in the case of the registration of presidential electors, Dáil electors, European electors and local government electors, this Act, and in the case of the registration of Seanad electors, the Seanad Electoral (University Members) Act, 1937 ,

(ii) in the case of the conduct of elections or a referendum, as the context may require, this Act, the *Presidential Elections Acts, 1937 to 1992*, the Seanad Electoral (University Members) Acts, 1937 to 1973, the Seanad Electoral (Panel Members) Acts, 1947 to 1972, the *European Assembly Elections Acts, 1977 to 1992*, the *Local Elections Acts, 1963 to 1992*, and the *Referendum Acts, 1942 to 1992*.

Special provisions where two or more elections have same polling day.

165.—(1) This section applies to the following polls:

(*a*) the poll at an election of a person to the office of President of Ireland;

(*b*) the poll at a Dáil election within the meaning of this Act;

(*c*) the poll at an election of representatives to the European Parliament under the *European Assembly Elections Acts, 1977 to 1992*;

(*d*) the poll at an election of members of Údarás na Gaeltachta under the Údarás na Gaeltachta Act, 1979;

(*e*) the poll at a referendum within the meaning of the *Referendum Acts, 1942 to 1992*;

(*f*) the poll at a local election.

(2) Where two or more polls to which this section applies are to be taken on the same day, the following provisions shall, notwithstanding any other enactment, have effect:

(*a*) the polls shall be taken at the same time, at the same places and in the same manner,

(*b*) the same official mark shall be used for the ballot papers at each poll,

(*c*) the ballot papers at each poll shall be of a different colour (for this purpose white being deemed to be a colour),

(*d*) the same or different ballot boxes may be provided,

(*e*) if separate ballot boxes are provided, a ballot paper shall not be invalid by reason only of its being put into the wrong ballot box,

(*f*) an authorisation by a returning officer to a person to vote at one poll at a polling station other than the one allocated to him may authorise the person to vote at that station at the other poll or polls, in the case of a Dáil election, presidential election or referendum in the same constituency or, in the case of a European election, in the same county or county borough or, in the case of a local election, in the same local electoral area.

(3) A candidate other than a candidate referred to in *subsection (4)* who would be entitled to exercise the right to free postage pursuant to *section 57* or otherwise in relation to more than one poll may send a combined postal communication and include therein material in relation to each such poll.

(4) Where candidates of the same political party would be entitled to exercise the right to free postage under *section 57* or otherwise in relation to more than one poll, a combined postal communication may be sent by or on behalf of such candidates and may include material in relation to each such poll.

(5) *Subsections (3)* and *(4)* shall not be construed as conferring on any candidate a right to free postage additional to the rights conferred by *section 57* , section 34 of the Presidential Elections Act, 1937 and Rule 18 of the First Schedule to the European Assembly Elections Act, 1977 .

(6) The Minister may, by direction, order or regulation, provide for such matters as he considers necessary to give effect to this section.

(7) Any direction, order or regulation given or made under *subsection (6)* shall have effect notwithstanding anything contained in any other enactment and, in particular and without prejudice to the generality of the said *subsection (6)*, may—

(*a*) define the powers and duties of returning officers and of any other persons employed in connection with the polls,

(*b*) make such modifications in the Acts, orders or regulations governing the taking of the polls or the arrangements for the counting of the votes as appear to the Minister to be necessary to enable the polls to be taken together or to facilitate or expedite the completion and ascertainment of the results of the elections,

(*c*) make provisions in relation to the form and transmission of polling information cards.

(8) The Minister for Finance may for the purposes of this section prepare a scale of maximum charges and indicate—

(*a*) the time when, and the manner and form in which, accounts are to be rendered to him,

(*b*) the manner in which the expenses of taking the polls concerned shall be apportioned between whichever of the following would, but for this provision, meet the costs of the polls concerned, that is to say, the Central Fund, the local authority or local authorities (within the meaning of Part VI of the Electoral Act, 1963) concerned and the Minister for the Gaeltacht.

Amendment of Seanad Electoral (University Members) Act, 1937.

166.—The Seanad Electoral (University Members) Act, 1937 is hereby amended by—

(*a*) the substitution of the following section for section 25:

"Application of Electoral Act, 1992.

25.—(1) *Sections 57* , *134* , *135* , *136* , *138* , *139* , *140* , *144* , *145* , *149* , *151* , *152* , *153* , *154* , *155* , *156* , *157* , *160* and *163* of the *Electoral Act, 1992* shall apply to elections in university constituencies and for that purpose, in the said sections of that Act—

(*a*) every reference to 'Dáil election' and 'election' shall be construed and have effect as a reference to an election in a university constituency;

(*b*) every reference to the 'register of Dáil electors' shall be construed and have effect as a reference to the register of electors in respect of a university constituency;

(*c*) every reference to 'Dáil elector' and 'elector' shall be construed and have effect as a reference to an elector in a university constituency;

(*d*) every reference to 'constituency' shall be construed and have effect as a reference to a university constituency;

(*e*) the reference in *sections 139* and *151* to a period of time shall be construed and have effect as a reference to the period commencing on the date of the order appointing dates and times at a Seanad election and ending at the close of the poll at such election.

(2) In addition and without prejudice to the provisions of the foregoing subsection of this section, every statutory provision for the time being in force relating to bribery, personation or other offences at elections of members of Dáil Éireann shall apply to elections in university constituencies as if these elections were elections of members of Dáil Éireann."; and

(*b*) the insertion of "for the time being in force" after "enactments" in subsection (1) of section 26.

Amendment of Presidential Elections Act, 1937.

167.—The Presidential Elections Act, 1937 is hereby amended by—

(*a*) the insertion of the following section after section 23:

"Voting by persons in the employment of local returning officers at presidential election.

23A.—Where a presidential elector for a constituency is employed by a local returning officer for any purpose in connection with a presidential election and the circumstances of that elector's employment are, in the opinion of the local returning officer, such as to prevent him from voting at the polling station at which that presidential elector would otherwise be entitled to vote, the local returning officer may authorise such presidential elector, by an authorisation given in such form as may be directed by the Minister, to vote at any other polling station in the constituency.";

(*b*) the substitution of the following section for section 32:

"Application of *Electoral Act, 1992.*

32.—(1) *Sections 105* , *134* , *135* , *136* , *138* , *139* , *140* , *144* , *145* , *146* , *147* , *148* , *151* , *152* , *153* , *154* , *156* , *157* , *158* , *159* , *160* and *163* of the *Electoral Act, 1992* shall apply and have effect in relation to presidential elections.

(2) For the purpose of the application of the said sections of the said Act to presidential elections in pursuance of the foregoing subsection—

(*a*) the expressions 'election' and 'Dáil election' wherever they occur in the said sections of the said Act shall be construed and have effect as including a presidential election;

(*b*) the word 'candidate', wherever it similarly occurs, shall be construed and have effect as including a candidate at a presidential election;

(*c*) the expression 'register of Dáil electors', wherever it similarly occurs, shall be construed and have effect as meaning the register of presidential electors and any reference to 'Dáil elector' or 'elector' shall be construed and have effect as a reference to a presidential elector;

(*d*) in *section 134* of the said Act the reference to *'section 102'* shall be construed as a reference to Rule 19 of the First Schedule to this Act and the reference to *'section 68'* shall be construed as a reference to section 29 of this Act;

(*e*) in *section 138* of the said Act the reference to 'certificate of political affiliation' shall be disregarded and the reference to 'authorisation under *section 99'* shall be construed and have effect as a reference to an authorisation under section 23A of the Presidential Elections Act, 1937 (inserted by *section 167* of the *Electoral Act, 1992)*, and the reference to 'authorisation under *section 100'* shall be construed and have effect as a reference to an authorisation under section 14 of the Electoral (Amendment) (No. 2) Act, 1986 ;

(*f*) in *sections 138* and *140* of the said Act the expression 'returning officer' shall be construed and have effect as including the presidential returning officer;

(*g*) the reference in *sections 139* and *151* of the said Act to a period of time shall be construed and have effect as a reference to the period commencing on the date of the order appointing dates and ending at the close of the poll;

(*h*) the reference in *sections 159* and *163* of the said Act to 'this Act' shall be construed and have effect as a reference to the *Presidential Elections Acts, 1937 to 1992.*"; and

(*c*) the substitution of the following subsection for subsection (1) of section 34:

"(1) Each candidate at a presidential election shall, subject to such conditions as may be specified under section 74 of the Postal and Telecommunications Services Act, 1983 , be entitled to send, free of any charge for postage, to each person on the register of presidential electors or to any combination of such persons, one postal communication containing matter relating to the election only and not exceeding 50 grammes in weight.".

Amendment of Referendum Act, 1942.

168.—The Referendum Act, 1942 is hereby amended by—

(*a*) the substitution for "section 22 of the Prevention of ElectoralAbuses Act, 1923" of " *section 60 (3)* of the *Electoral Act, 1992*" in subsection (7) (*b*) of section 17;

(*b*) the substitution of the following section for section 29:

"Application of Electoral Act, 1992.

29.—(1) *Sections 105* , *134* , *135* , *136* , *138* , *139* , *140* , *145* , *146* , *147* , *152* , *153* , *154* , *156* , *157* , *158* and *160* of the *Electoral Act, 1992* shall apply and have effect in relation to every referendum.

(2) For the purpose of the application of the said sections of the *Electoral Act, 1992* to a referendum in pursuance of the foregoing subsection—

(*a*) the expressions 'election' and 'Dáil election' wherever they are used in the said sections of the said Act shall be construed and have effect as including a referendum;

(*b*) the expression 'register of Dáil electors' wherever it is used in the said sections of the said Act shall be construed and have effect as meaning the register of presidential electors and any reference to 'Dáil elector' or 'elector' shall be construed and have effect as a reference to a presidential elector;

(*c*) references in the said sections of the said Act to 'candidates', 'election of any person' and 'voting for a particular person' shall be disregarded;

(*d*) in *section 134* of the said Act the reference to *'section 102'* shall be construed and have effect as a reference to Rule 20 of the First Schedule to this Act and the reference to *'section 68'* shall be construed and have effect as a reference to section 20 of this Act;

(*e*) in *section 138* of the said Act, the references to 'nomination paper' and 'certificate of political affiliation' shall be disregarded and the reference to 'authorisation under *section 99* ' shall be construed and have effect as a reference to a certificate under section 66 of the Electoral Act, 1963 and the reference to 'authorisation under *section 100* ' shall be construed and have effect as a reference to an authorisation under section 14 of the Electoral (Amendment) (No. 2) Act, 1986 ;

(*f*) the reference in *section 139* of the said Act to a period of time shall be construed and have effect as a reference to the period commencing on the date of the order appointing the polling day at the referendum and ending at the close of the poll at such referendum;

(*g*) in *section 140* of the said Act the expression 'returning officer' shall be construed and have effect as including the referendum returning officer;

(*h*) in *section 156* of the said Act the words 'the decision of such court' shall be construed as meaning the final order of the High Court on the trial of a referendum petition.";

(*c*) the substitution of the following definition for the definition of the expression "corrupt practice" in section 33:

"the expression 'corrupt practice' means—

(*a*) the offence of personation within the meaning of *section 134* of the *Electoral Act, 1992* or aiding, abetting, counselling or procuring the commission of the said offence,

(*b*) the offence of bribery within the meaning of *section 135* of the said Act, or

(*c*) the offence of undue influence within the meaning of *section 136* of the said Act."; and

(*d*) the insertion of the following section after section 34:

"Leave to present petition.

34A.—(1) Notwithstanding the other provisions of this Part, a referendum petition in relation to the provisional referendum certificatereferred to in section 30 shall not be presented to the High Court unless that court, on application made to it in that behalf by or on behalf of the person proposing to present it, not later than 10 days after the publication in the *Iris Oifigiúil* of the certificate, by order grants leave to the person to do so.

(2) The High Court shall not grant leave under subsection (1) of this section to present a referendum petition unless it is satisfied—

(i) that there is *prima facie* evidence of a matter referred to in section 34 (2) of this Act in relation to which the petition concerned questions the provisional referendum certificate, and

(ii) that the said matter is such as to affect materially the result of the referendum aforesaid as a whole.".

Amendment of Seanad Electoral (Panel Members) Act, 1947.

169.—The Seanad Electoral (Panel Members) Act, 1947 is hereby amended by the insertion of "for the time being in force" after "enactments" in both subsection (1) of section 54 and subsection (1) of section 75.

Amendment of Electoral Act, 1963.

170.—(1) The Electoral Act, 1963 is hereby amended by—

(*a*) the substitution of the following subsection for both subsection (2) of section 44 and subsection (2) of section 64:

"(2) A polling card shall be addressed to the elector at the address in respect of which he is registered in the register of presidential electors and shall be delivered at that address not later than the third day before the polling day.";

(*b*) the substitution of the following subsection for both subsection (3) of section 44 and subsection (3) of section 64:

"(3) Where a polling card is dispatched by post it shall be transmitted without prepayment of the charges therefor by the earliest practicable post."; and

(*c*) the substitution of the following subsections for subsections (3) and (4) of section 82:

"(3) The provisions referred to in the foregoing subsections are the provisions of *sections 60* , *105* , *134* , *135* , *136* , *137* , *138* , *139* , *140* , *141* , *142* , *143* , *144* , *145* , *146* , *147* , *148* , *149* , *150* , *151* , *152* , *153* , *154* , *156* , *157* , *158* , *159* , *160* and *163* of the *Electoral Act, 1992*.

(4) Where a provision of regulations under this section corresponds to a provision of the *Electoral Act, 1992* for which a penalty is provided for in *section 157* of the said Act, it may itself provide for a penalty not exceeding that provided for in the provision to which it corresponds.".

(2) Regulations made under section 82 of the Electoral Act, 1963 and in force at the commencement of this section shall continue in force and shall have effect as if they were made under the said section 82 as amended by this Act.

Construction of references in *European Assembly Elections Acts, 1977 to 1992*.

171.—In the European Assembly Elections Acts, 1977 to 1992—

(*a*) every reference to "the Assembly" shall be construed as a reference to the European Parliament,

(*b*) every reference to "Assembly election" shall be construed as a reference to European election,

(*c*) every reference to "Assembly elector" shall be construed as a reference to European elector.

Amendment of European Assembly Elections Act, 1977.

172.—The European Assembly Elections Act, 1977 is hereby amended by—

(*a*) the substitution of the following subsection for subsection (2) of section 12:

"(2) The Minister shall, not later than the first day of December, 1993 and at least once in every ten years thereafter, submit to the Oireachtas proposals for a review of the constituencies for which candidates shall be elected under this Act to be representatives in the Parliament.";

(*b*) the substitution of the following paragraph for paragraph (1) of Rule 18 of the First Schedule:

"(1) Subject to paragraph (3) of this Rule, each candidate at a European election shall, subject to such conditions as may be specified under section 74 of the Postal and Telecommunications Services Act, 1983 , be entitled to send, free of any charge for postage, to each person on the register of European electors for the constituency or to any combination of such persons, one postal communication containing matter relating to the election only and not exceeding 50 grammes in weight.";

(*c*) the substitution of the following paragraphs for paragraphs (2) and (3) of Rule 28 of the First Schedule:

"(2) A polling card shall be addressed to the European elector at the address in respect of which he is registered in the register of European electors and shall be delivered at that address not later than the third day before the polling day.

(3) Where a polling card is dispatched by post it shall be transmitted without prepayment of the charges therefor by the earliest practicable post.";

(*d*) the insertion of the following Rule after Rule 58 of the First Schedule:

"Endorsing of ballot paper by returning officer.

58A.—The returning officer may endorse on any paper which he does not reject as invalid an indication of his decision on it without, however, interfering with any mark placed by the elector on the ballot paper."; and

(*e*) the insertion of the following Rule after Rule 83 of the First Schedule:

"Obstruction of or interference with electors.

83A.—(1) A person shall not interfere with or obstruct or impede an elector going to or coming from or in the vicinity of or in a polling station.

(2) During the period commencing 30 minutes before the time appointed for the taking of a poll at an election, including a poll which has been adjourned under Rule 43, and ending 30 minutes after the close of the said poll, a person shall not, in or in the curtilage of a polling station or in any place within 100 metres of such station, for the purpose of promoting the interest of a political party or furthering the candidature of a candidate or candidates or soliciting votes for a candidate or candidates or for any contrary purpose, do any or all of the following things:

(*a*) loiter or congregate with other persons;

(*b*) attempt to induce, by any means whatsoever, an elector to vote for a candidate or candidates or vote in a particular way or refrain from voting,

(*c*) display or distribute any notice, sign or poster (other than a notice, sign or poster displayed by the local returning officer) or card, circular or other document relating to the election; or

(*d*) use or cause to be used any loud-speaker or other public address mechanism to broadcast matter relating to the election.

(3) For the purpose of this Rule, a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate and the distance referred to in paragraph (2) shall be measured from any entrance to the polling station or to the curtilage thereof.

(4) A person who contravenes paragraph (1) or (2) shall be guilty of an offence.".

Amendment of Postal and Telecommunications Services Act, 1983.

173.—The Postal and Telecommunications Services Act, 1983 is hereby amended by —

(*a*) the insertion of the following paragraph after paragraph (*g*) of subsection (3) of section 63:

"(*h*) the sending, conveyance and delivery otherwise than by post of any document, following consultation with the Minister for the Environment, by a returning officer at a Dáil, European or local election, in the performance of his functions under the *Electoral Act, 1992*, the *European Assembly Elections Acts, 1977 to 1992*, and the *Local Elections Acts, 1963 to 1992*, and by a local returning officer at a presidential election, a European election or a referendum in the performance of his functions under the *Presidential Elections Acts, 1937 to 1992*, the *European Assembly Elections Acts, 1977 to 1992* or the *Referendum Acts, 1942 to 1992* where the returning officer or local returning officer, as the case may be, is of the opinion that An Post is not in a position to provide the required services."; and

(*b*) the substitution of the following subsection for subsection (4) of the said section 63:

"(4) Nothing in paragraphs (*b*) to (*h*) of subsection (3) shall be taken as authorising any person to make a collection of postal packets for the purpose of their being sent, conveyed or delivered in accordance with that subsection."; and

(*c*) the substitution of the following subsection for subsection (1) of section 74:

"(1) the company may, with the consent of the Minister, after consultation with the Minister for the Environment and, where appropriate, the Minister for Defence, make schemes for regulating the conditions under which free postage is to be provided under—

(*a*) section 57 of the *Electoral Act, 1992*,

(*b*) *section 25 of the* Seanad Electoral (University Members) Act, 1937 (substituted by *section 166* of the *Electoral Act, 1992)*,

(*c*) section 34 of the Presidential Elections Act, 1937 , as amended by *section 167* of the *Electoral Act, 1992*,

(*d*) Rule 18 of Part I of the First Schedule to the European Assembly Elections Act, 1977 as amended by *section 172* of the *Electoral Act, 1992."*.

Amendment of Local Elections Regulations, 1965.

174.—The Local Elections Regulations, 1965 (S.I. No. 128 of 1965) are hereby amended by—

(*a*) the insertion of the following article after article 32:

"Use of Dáil ballot boxes etc.

32A. Any ballot boxes, fittings for polling stations and compartments provided for Dáil elections in a Dáil constituency in which a local electoral area is wholly or partly situated may be used for any local election in such local electoral area; and any damage, other than reasonable wear and tear, caused to any such ballot boxes, fittings and compartments by such user at a local election shall be paid as part of the expenses of the election.";

(*b*) the substitution of the following paragraph for paragraph (5) of article 35:

"(5) A polling card shall be addressed to the elector at the address in respect of which he is registered in the register of local government electors and shall be delivered at that address not later than the third day before the polling day.";

(*c*) the insertion of the following article after article 64:

"Endorsing of ballot paper by returning officer.

64A.—The returning officer may endorse on any ballot paper which he does not reject as invalid an indication of his decision on it without, however, interfering with any mark placed by the elector on the ballot paper."; and

(*d*) the insertion of the following article after article 99:

"Obstruction of or interference with electors.

99A.—(1) A person shall not interfere with or obstruct or impede an elector going to or coming from or in the vicinity of or in a polling station.

(2) During the period commencing 30 minutes before the time appointed for the taking of a poll at an election, including a poll which has been adjourned under Article 50, and ending 30 minutes after the close of the said poll, a person shall not, in or in the curtilage of a polling station or in any place within 100 metres of such station, for the purpose of promoting the interest of a political party or furthering the candidature of a candidate or candidates or soliciting votes for a candidate or candidates or for any contrary purpose, do any or all of the following things:

(*a*) loiter or congregate with other persons;

(*b*) attempt to induce, by any means whatsoever, an elector to vote for a candidate or candidates or vote in a particular way or refrain from voting;

(*c*) display or distribute any notice, sign or poster (other than a notice, sign or poster displayed by the returning officer) or card, circular or other document relating to the election; or

(*d*) use or cause to be used any loud-speaker or other public address mechanism to broadcast matter relating to the election.

(3) For the purpose of this article a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate and the distance referred to in subarticle (2) shall be measured from any entrance to the polling station or to the curtilage thereof.

(4) A person who contravenes subarticle (1) or (2) shall be guilty of an offence and shall be liable on conviction to the penalties specified in *section 157* of the *Electoral Act, 1992*.".

FIRST SCHEDULE

Enactments Repealed and Regulations Revoked

Section 5 .

PART I

Enactments Repealed

Session and Chapter or Number and Year	Short Title	Extent of Repeal
15 & 16 Vict., c. 57.	Election Commissioners Act, 1852.	The whole Act.
31 & 32 Vict., c. 125.	Parliamentary Elections Act, 1868.	The whole Act.

32 & 33 Vict., c. 21.	Corrupt Practices Commission Expenses Act, 1869.	The whole Act.
40 & 41 Vict., c. 57.	Supreme Court of Judicature Act (Ireland) 1877 .	Section 43.
42 & 43 Vict., c. 75.	Parliamentary Elections and Corrupt Practices Act, 1879.	The whole Act.
46 & 47 Vict., c. 51.	Corrupt and Illegal Practices (Prevention) Act, 1883.	The whole Act.
No. 12 of 1923.	Electoral Act, 1923 .	The whole Act.
No. 38 of 1923.	Prevention of Electoral Abuses Act, 1923 .	The whole Act.
No. 14 of 1933.	Electoral (Amendment) Act, 1933.	Section 3 .
No. 23 of 1941.	Local Government Act, 1941 .	Subsection (6) of section 33 ; subsection (5) of section 34.
No. 43 of 1960.	Electoral Act, 1960 .	The whole Act.
No. 19 of 1963.	Electoral Act, 1963 .	Parts II and III ; in Part IV — section 54; in Part V — section 72; Parts VII and VIII.
No. 1 of 1966.	Electoral (Amendment) Act, 1966.	The whole Act.
No. 4 of 1972.	Electoral (Amendment) Act, 1972.	Section 1 .
No. 12 of 1972.	Local Elections Act, 1972 .	Section 1 .
No. 3 of 1973.	Electoral (Amendment) Act, 1973.	Paragraphs (*a*) and (*b*) of section 2 .
No. 30 of 1977.	European Assembly Elections Act, 1977 .	Sections 3 and 8 .
No. 40 of 1980.	Electoral (Amendment) (No. 2) Act, 1980 .	The whole Act.
No. 5 of 1982.	Prevention of Electoral Abuses Act, 1982 .	The whole Act.
No. 12 of 1985.	Electoral (Amendment) Act, 1985 .	Section 2 ;

		subsection (1) of section 3; sections 4 and 5; subsection (2) of section 9.
No. 12 of 1986.	Electoral (Amendment) Act, 1986	Section 1 .
No. 35 of 1986.	Electoral (Amendment) (No. 2) Act, 1986 .	Subsections (1) and (2) of section 2 ; subsections (3) and (4) of section 2 insofar as they relate to Dáil elections; sections 3 , 4 , 5 , 6 , 7 and 8 ; sections 9 , 10 , 11 , 12 , 13 and 14 insofar as they relate to Dáil elections; section 15 ; section 16 insofar as it relates to Dáil elections; section 17 ; section 20 insofar as it relates to Dáil elections; sections 21 , 22 , 23 and subsection (1) of section 24 .
No. 8 of 1989.	Electoral (Amendment) Act, 1989 .	The whole Act.

PART II

Regulations Revoked

Number and Year	Short Title	Extent of Repeal
No. 169 of 1963.	Registration of Electors and Juries Acts (Specification of Dates) Regulations, 1963.	The whole regulations.
No. 246 of 1963.	Forms (Dáil Elections, Presidential Elections and Referenda) Regulations, 1963.	Part 1 of the Schedule.
No. 115 of 1972.	Forms (Dáil Elections, Presidential Elections and Referenda) (Amendment) Regulations, 1972.	In the Schedule — Forms D.E.5 and D.E.6.
No. 381 of 1977.	Registration of Electors (Amendment) Regulations, 1977.	The whole regulations.
No. 402 of 1985.	Registration of Electors (Amendment) Regulations, 1985.	The whole regulations.
No. 5 of 1987.	Electoral Regulations, 1987.	In Article 5 — paragraphs (*a*), (*b*) and (*c*); Article 6; in the Third Schedule — Forms SV1, SV2, SV3 and SV4.

SECOND SCHEDULE

Registration of Electors

Sections 13 , *15* , *17* and *20* .

PART I

The Register of Electors

Specified dates and periods.

1. (1) The qualifying date for a register shall be the 1st day of September in the year preceding the year in which the register comes into force.

(2) Each register shall come into force on the fourteenth day after its publication.

(3) The 15th day of February in the year in which a register comes into force shall be the date by reference to which a person's age shall be taken for the purposes of *sections 7* , *8* , *9* and *10* .

(4) The date on or by reference to which any act or thing is required by this Schedule to be performed or done shall be the date specified for that purpose in the Table to this paragraph.

TABLE

Specified Dates

Purpose	Relevant Section or Rule	Date
1. Qualifying date	Rule 1	1st September in the year preceding the year in which the register comes into force.
2. Specified period for giving public notice in relation to special voters	Rule 21	The period of 14 days ending on 1st September.
3. Last date for sending of statement to registration authority by civil servants serving abroad	Section 12	30th September.
4. Last date for receipt of application to be entered on special voters list	Rule 19	25th November.
5. Last date for sending by urban authorities of lists of electors to registration authority	Rule 5	1st October.
6. Publication of draft register	Rule 5	1st November.
7. Last date for making claims	Rule 7	25th November.
8. Publication of list of claims	Rule 7	30th November.
9. Completion of return by county registrar of endorsed list of claims	Rule 12	23rd December.
10. Publication of register	Rule 13	1st February.
11. Coming into force of register	Rule 1	Fourteenth day after publication of the register.
12. Period for ascertaining if any corrections in the register are necessary because of errors of a clerical or typographical nature or because of misnomers or inaccurate descriptions	Section 15 (3)	The period of 14 days commencing on the date of the publication of the register.

(5) Where the date on or by reference to which any act or thing is required by this Schedule to be performed or done falls on an excluded day that act or thing shall be done on or by reference to the next following day which is not an excluded day.

Form and contents of register.

2. (1) The register shall be in such form as may be directed by the Minister and shall, as respects each polling district, contain the names of all persons who are entitled to be registered as electors on the qualifying date for the register.

(2) The names in the register for a registration area shall be arranged under polling districts and—

(*a*) if the registration area is a county borough, shall be arranged in street order unless the registration authority consider that, having regard to the general character of any part of the area, arrangement in street order for that part is inappropriate,

(*b*) if the registration area is an administrative county, shall be arranged alphabetically in townland order unless the registration authority consider that, having regard to the general character of any part of the area, arrangement in street order or in any other order is possible and convenient.

Effect of register.

3. The parts of the register for the polling districts in a Dáil constituency, so far as they relate to presidential electors, shall be the register of presidential electors for that constituency and, so far as they relate to Dáil electors, shall be the register of Dáil electors for that constituency and the parts of the register for the polling districts in a European Parliament constituency, so far as they relate to European electors, shall be the register of European electors for that constituency and the parts of the register for the polling districts in a local electoral area, so far as they relate to local government electors, shall be the register of local government electors for that area.

Postal voters list.

4. The registration authority shall prepare a separate list in such form as may be directed by the Minister for the whole registration area or, where the area includes all or part of more than one constituency, for each such constituency or part of a constituency in the registration area, of persons entitled to vote as postal voters without, however, removing the names of those voters from the register.

Preparation of draft register.

5. (1) For the purpose of preparing the register, each registration authority shall make a house to house or other sufficient inquiry in their registration area, exclusive of boroughs and urban districts therein.

(2) The corporation of each borough which is not a county borough and the council of each urban district in a registration area shall make a house to house or other sufficient inquiry in the borough or urban district and, from the information so obtained, compile and furnish to the registration authority on or before the specified date in each year lists in the form of a draft register for the borough or urban district.

(3) The registration authority may for the purposes of their duties in relation to the preparation of a register require a person—

(*a*) to give any information in his possession which the registration authority may require;

(*b*) to produce a certificate of birth, or, if that is not practicable or convenient, to make a statutory declaration as to his age;

(*c*) to provide documentary evidence or to make a statutory declaration that he is a person entitled to be registered as a Dáil elector under *section 8 (2)*;

(*d*) to produce a certificate of naturalisation or to make a statutory declaration that he is a citizen of Ireland;

(*e*) to make a statutory declaration that he is a national of a Member State of the European Communities other than Ireland,

and where a declaration is so required, any fees payable in connection therewith shall be paid by the authority requiring it.

(4) The registration authority shall, during office hours, allow any person to inspect and take a copy of any declaration furnished under *paragraph (3)*.

(5) The registration authority may require the superintendent registrar of births and deaths to furnish lists or other information in connection with deaths of persons in the district of the superintendent registrar. Where the superintendent registrar is an individual, payment for such lists or information shall be made by the registration authority at a rate approved from time to time by the Minister and in any other case no payment shall be made.

(6) From the information obtained under this Rule the registration authority shall prepare and publish a draft register on or before the specified date in each year.

Persons to whom draft register is to be sent.

6. (1) The registration authority shall, as soon as may be after the publication of the draft register, send a copy of the draft register—

(*a*) for the registration area — to the Minister, the county registrar and each head postmaster in the area;

(*b*) for a European Parliament constituency — to each representative in the European Parliament for that constituency;

(*c*) for a Dáil constituency — to each member of the Dáil for that constituency and each member of the Seanad residing in that constituency;

(*d*) for a local electoral area — to each local authority member for that area.

(2) The registration authority shall send with each copy of the draft register sent in pursuance of the preceding paragraph to each person other than the Minister a supply of forms for the making of claims for corrections in the draft register.

(3) The registration authority shall supply to the county registrar such further number of copies of the draft register for a registration area as he shall require for the purposes of his duties as county registrar.

Claims for corrections in draft register.

7. (1) Any person may claim to have a correction made in a draft register, including in particular a claim to have the name of a person added to or deleted from the draft.

(2) A claim under this Rule shall be sent to the registration authority on or before the specified date.

(3) The registration authority and the county registrar shall, on the application of any person, supply forms on which claims may be made.

(4) The registration authority shall prepare and publish on or before the specified date a list of claims in such form as may be directed by the Minister.

(5) The registration authority shall, not later than the date specified for the publication of the list of claims, send copies of the said list to the county registrar together with the original claims.

(6) The registration authority or the county registrar, as may be appropriate, shall allow any person during office hours to inspect and take extracts from a claim or may supply copies of a claim.

Consideration of claims by the county registrar.

8. (1) The county registrar shall consider all claims of which notice has been given to him in accordance with *Rule 7* and all objections to corrections referred to him under *Rule 11*.

(2) Before considering a claim for the deletion of a person's name from the draft register the county registrar shall, except where he is satisfied that the person is dead, give not less than five clear days notice to the claimant (if he is not the registration authority or a person whose duty it is to make the house to house or other inquiry on which the draft register is based) and to the person in respect of whom the claim is made of the time and place at which the claim will be considered by him.

(3) If the county registrar is satisfied that a claim, other than a claim for the deletion of a person's name from the draft register, should not be allowed without inquiry he shall give not less than five clear days notice to the claimant (if he is not the registration authority or a person whose duty it is to make the house to house or other inquiry on which the draft register is based) and to any other person appearing to him to be interested of the time and place at which the claim will be considered by him.

(4) The county registrar may require any officer of a registration authority or of a corporation of a borough which is not a county borough or a council of an urban district in the registration area and any person whose duty it is to make the house to house or other inquiry on which the draft register is based to attend at such times and at such places as he may consider necessary for the purpose of enabling him to decide any claim or other matter arising out of his consideration of the draft register.

(5) The county registrar may, on consideration of any claim or other matter, require that the evidence tendered by any person should be given on oath and may administer an oath for that purpose.

(6) On the consideration of any claim or other matter by the county registrar, any person interested may appear and be heard either in person or by any other person on his behalf.

Inquiries and claims by county registrar.

9. (1) The county registrar may require any person to give any information in his possession which the county registrar may require for the purposes of his duties under this Schedule.

(2) The county registrar, if it appears to him that the draft register should be corrected in any respect, may himself make a claim for the correction, and any such claim may be made notwithstanding the fact that the time for sending a claim under *Rule 7* may have expired.

(3) Any such claim need not be published but otherwise shall be considered in the same manner and on the same conditions as a claim under *Rule 7*.

Correction of draft register.

10. The registration authority shall, not later than ten days before the date specified for the completion of the return by the county registrar of the endorsed list of claims, make any corrections by way of the removal of duplicate entries (subject to any expression of choice by the persons affected by those entries), the deletion of the names of persons who are dead, or the placing of marks or the correction of marks placed against the name of an elector, or otherwise as may be necessary in order to secure that—

(*a*) a person is not registered more than once as an elector, and

(*b*) the draft register is complete and accurate.

Objections to corrections.

11. Where the registration authority propose to make any correction in the draft register under *Rule 10* otherwise than for the purpose of correcting an inaccuracy not involving a change of substance or deleting the name of a person who is dead, they shall give notice to any persons affected by the correction of their right of objection to the correction, and, if necessary, of being heard by the county registrar with respect thereto.

Return of corrected list of claims.

12. (1) Immediately on completing his decisions on claims and on any objections under *Rule 11*, relating to the part of the list of claims for a local electoral area or such smaller area as may be found convenient, the county registrar shall send to the registration authority a certified copy of that part of the list endorsed to show the effect of his decisions.

(2) The county registrar shall send all the parts of the list of claims making up the complete list of claims for the registration area, endorsed as aforesaid, to the registration authority not later than the specified date.

(3) The registration authority shall, on receiving part of the list of claims from the county registrar, forthwith make any corrections in the draft register necessary to give effect to his decisions and shall send notice of the decision on each claim to the claimant (other than the county registrar or a claimant who is a person whose duty it is to make the house to house or other inquiry on which the register is based) and to any other person appearing to them to be interested, together with an intimation of the right of appeal against the decision to the Circuit Court under *section 21* .

Publication of register.

13. (1) The draft register corrected in accordance with *Rules 10* and *12* shall form the register.

(2) The registration authority shall publish the register on the specified date in each year.

(3) Where the registration authority for any reason fail to publish on the specified date the register for their area or any part thereof, the registration authority shall publish the register as soon as possible after the specified date.

(4) In addition to publishing the register in the manner specified in *Rule 25* the registration authority shall publish the register by sending a copy of the register—

(*a*) for the registration area — to the Minister, the county registrar and each head postmaster in the area;

(*b*) for a European Parliament constituency — to each representative in the European Parliament for such constituency;

(*c*) for a Dáil constituency — to each member of the Dáil for that constituency and to each member of the Seanad residing in the constituency;

(*d*) for a local electoral area — to each local authority member for that area.

Inspection and fees for copies of registers.

14. (1) The registration authority and the county registrar shall allow any person during office hours to inspect for purposes connected with the registration of electors, a copy of the register or of the draft register.

(2) The fee for a copy of the register or draft register or any part thereof shall be fifty pence plus the sum of ten pence for each one hundred by which the number of persons in the register or draft register or part thereof exceeds one hundred.

(3) The registration authority shall, on payment of the said fee, supply to any person a copy of the register or draft register or the appropriate part thereof.

(4) No fee shall be charged by the registration authority for supplying on request—

(*a*) one copy of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area, as the case may be, in their registration area, to—

(i) the local agent of each duly nominated candidate at a presidential election,

(ii) each candidate duly nominated for the constituency at a Dáil election, and

(iii) each candidate duly nominated for the local electoral area at a local election,

(*b*) one copy of the register for each European Parliament constituency or part thereof contained in the registration area to each candidate duly nominated at a European election for such constituency,

(*c*) such number of copies of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area, as the case may be, as the returning officer at a Dáil election or a local election or the local returning officer at a presidential election or a referendum requires for the purpose of his duties as returning officer or local returning officer, and

(*d*) such number of copies of the register for the registration area or any part thereof as the returning officer or local returning officer at a European election requires for the purpose of his duties at such election.

(5) The registration authority shall supply, free of charge, on request, a copy, in standard computer medium and format, of any computer data files used in the production of the register which the returning officer at a Dáil election or a local election, the local returning officer at a presidential election or a referendum or the returning officer or local returning officer at a European election may require for the purposes of his duties at such election or referendum.

PART II

Supplement to the Register of Electors

Consideration by registration authority of applications to be entered in the supplement to the register.

15. (1) On receipt of an application to be entered in the supplement to the register of electors under *section 15* , the registration authority shall make such inquiries as they think fit for the purpose of considering such application, and the provisions of *paragraphs (3), (4)* and *(5)* of *Rule 5* shall apply in relation to the consideration of such application.

(2) The registration authority shall, as soon as practicable, consider and rule on the application and shall notify the applicant of the ruling and, where the application is refused, of his right to appeal against the ruling to the county registrar.

Appeal against ruling of registration authority.

16. In case the application for entry in the supplement to the register is refused, an appeal, in writing, may be made to the county registrar against the ruling of the registration authority.

Ruling on appeal by county registrar.

17. (1) The county registrar shall consider and rule on an appeal made to him under *Rule 16* and shall notify the registration authority of the ruling and the registration authority shall send notice in writing of the ruling to the applicant and shall take such steps as may be necessary to give effect to the ruling.

(2) (*a*) Before ruling on an appeal made to him under *Rule 16* the county registrar may make such further inquiry as he may consider necessary and may require any person to give any information in his possession which the county registrar considers necessary for the purpose of his duties under this Rule.

(*b*) The provisions of *paragraphs (4)* and *(5)* of *Rule 8* shall apply to the consideration of an appeal under this Part by the county registrar.

Preparation and publication of supplement to the register.

18. (1) As soon as may be after the twelfth day (disregarding any excluded day) before polling day at an election or a referendum, the registration authority shall prepare and publish a list of the names of persons (if any) whose applications to be entered in the supplement to the register were received on or before said twelfth day (disregarding any excluded day) before polling day and allowed by the registration authority, or on appeal by the county registrar.

(2) The list prepared under *paragraph (1)* shall form the supplement to the register.

(3) The supplement to the register shall be in such form as may be directed by the Minister.

PART III

Special Voters List

Application to be entered in the special voters list.

19. The following provisions shall apply in relation to an application to be entered in the special voters list pursuant to *section 17* —

(*a*) the application shall be in the form directed by the Minister,

(*b*) the application shall be completed in accordance with the instructions provided thereon,

(*c*) the applicant shall, in the case of a first application and in the case of subsequent applications whenever required by the registration authority, furnish in support of his application a certificate in the form directed by the Minister from a medical practitioner certifying—

(i) the nature and extent of the physical illness or physical disability suffered by such applicant, and

(ii) an indication of the expected duration of such physical illness or physical disability,

(*d*) the application form duly completed and, where appropriate, the certificate referred to in *paragraph (c)* shall be delivered or sent by post, so as to be received by the registration authority not later than the date specified for that purpose in *Rule 1*.

Applicant to provide information or documents if required.

20. (1) An applicant to be included in the special voters list shall furnish to the registration authority any information or documents in his possession or procurement which the registration authority may require from him—

(*a*) so as to be satisfied that the applicant is a person to whom *section 17 (2)* applies, or

(*b*) for the purpose of their duties in relation to the preparation of the special voters list.

(2) Whenever a registration authority requires, pursuant to *paragraph (1)* information or documents from an applicant to be included in the special voters list, such applicant shall furnish the authority with the information or documents within the time (being not less than 7 days from the day on which the request is made) specified in the requirement and, if the applicant does not supply the required information or, as the case may be, documents within the time so specified, his application to be included in the special voters list shall be deemed to have been withdrawn.

Notices.

21. The registration authority shall, within the period specified for the purpose in *Rule 1*, arrange for the giving of public notice of—

(*a*) the category of electors entitled to apply to be entered in the special voters list;

(*b*) the manner in which, and the time before which, applications must be submitted; and

(*c*) the times and places at which application forms may be obtained.

Provision of application forms.

22. The registration authority shall arrange for the provision of application forms at such times and places as are specified in a notice published pursuant to *Rule 21*, and an application form shall be supplied free of charge to any person applying therefor.

Consideration of applications.

23. (1) Where the registration authority is satisfied that an applicant—

(*a*) is a person to whom *section 17 (2)* applies, and

(*b*) has duly completed his application form, and

(*c*) where appropriate, has submitted the certificate required pursuant to *Rule 19*,

the registration authority shall—

(i) rule that the application is granted and mark the application form accordingly, and

(ii) notify the applicant of the decision.

(2) Where the registration authority is not satisfied that an applicant—

(*a*) is a person to whom *section 17 (2)* applies, or

(*b*) has duly completed his application form, or

(*c*) where appropriate, has submitted the certificate required pursuant to *Rule 19*,

the registration authority shall—

(i) rule that the application is refused and mark the application form accordingly, and

(ii) notify the applicant of the decision and of the reasons therefor.

(3) Whenever an application is received by a registration authority after the specified date, the application shall be disregarded and the applicant shall be notified accordingly.

PART IV

General

Absence, incapacity or vacancy in office of county registrar.

24. If the office of county registrar is vacant or the county registrar is prevented by illness or other reasonable cause from carrying out his functions under this Schedule the said functions shall be performed during the period of the prevention by a person appointed by the county registrar with the approval of the Minister or, if no such appointment is made, or in the event of a vacancy in the office, by a person designated for the purpose by the Minister.

Publication of documents.

25. Where any document is required by this Schedule to be published the document may be published in such manner as the authority responsible for publishing consider desirable for the purpose of bringing the contents of the document to the notice of persons interested and in particular the document may be published by making copies of so much of the document as the said authority consider appropriate, available for public inspection (after consultation, where necessary, with the authority having charge of the building) in the office of the registration authority, the offices of the county registrar, post offices, garda stations, health centres and such other places as the said authority consider appropriate.

Method of sending notices etc.

26. Any copy of a claim, objection, notice or other document which is required under this Schedule to be sent to any person shall be sufficiently sent if sent by post to the address of that person as appearing on the draft register or register, or if there is no such address, to his last known address or place of abode.

Inquiry by registration authority etc.

27. An inquiry or request made pursuant to this Schedule by a registration authority, the corporation of a borough or the council of an urban district or by a county registrar may extend to matters outside the registration area.

THIRD SCHEDULE

Dáil Election Petitions

Section 132 .

Questioning a Dáil election.

1. Without prejudice to *section 132 (4)*, where it appears to the Director of Public Prosecutions that a Dáil election may have been affected by the commission of electoral offences, he may question the election pursuant to this Act.

Security for costs.

2. (1) The security required to be given by *section 132* shall be given either by recognisances entered into by any number of sureties satisfactory to the court not exceeding four or by a deposit of money, or partly in one way and partly in the other.

(2) Where a petition is presented by the Director of Public Prosecutions, *section 132 (3)* shall not apply.

Presentation of petition.

3. (1) A petition shall be presented by being lodged in the Central Office of the High Court.

(2) Subject to *paragraph (3)*, a petition shall not be presented save within the twenty-eight days next after the result of the Dáil election is declared by the returning officer.

(3) Where a petition alleges bribery and specifically alleges a payment or other consideration to have been made or to have passed after the result of the Dáil election was declared by the returning officer, notwithstanding the fact that another petition relating to the same election may have been previously presented or tried, the petition may be presented within the twenty-eight days next after the day on which the said payment or consideration is alleged to have been made or to have passed.

(4) Where a petition has been lodged with the court, as soon as may be the petitioner shall give a copy of the petition—

(*a*) to any person to whose election the petition relates,

(*b*) to the Minister,

(*c*) to the Clerk of the Dáil,

(*d*) to the returning officer for the constituency to which the petition relates, and

(*e*) except in the case of a petition presented by the Director of Public Prosecutions, to the Director of Public Prosecutions.

Grounds for petition.

4. (1) Without prejudice to the generality of *section 132* any of the following grounds may be specified in a petition:

(*a*) the Dáil election was affected by error or was not completed or was otherwise not conducted by the returning officer in accordance with law,

(*b*) the Dáil election was affected by electoral offences,

(*c*) a candidate at a Dáil election was not eligible for election to the Dáil.

(2) Notwithstanding any other provision of this Schedule, a petition shall not be dismissed on account of an informality in its contents which does not materially affect its substance.

(3) No Dáil election shall be declared invalid by reason of a non-compliance with any provision contained in this Act or any mistake in the use of forms provided for in this Act, or in regulations made thereunder, if it appears to the High Court that the election was conducted in accordance with the principles laid down in this Act taken as a whole and that such non-compliance or mistake did not affect the result of the election.

Particulars in petition.

5. A petition shall be signed and dated by the petitioner and shall specify—

(*a*) the Dáil election to which it relates,

(*b*) the grounds on which it is based,

(*c*) the remedy it seeks,

(*d*) the name and address of the petitioner and his solicitor or agent, if any.

Trial of petition.

6. (1) A petition shall be tried by the High Court and references to the court in this Schedule shall be construed as references to the High Court.

(2) The following provisions shall have effect in relation to the trial of a petition:

(*a*) in fixing the date for and conducting the trial, the court shall deal with the matter as soon as is reasonably possible;

(*b*) notwithstanding the death of any person to whose election the petition relates, his resignation as a member of the Dáil or his otherwise ceasing to be such member, the court shall have power to continue the trial if it considers it to be in the interests of justice to do so;

(*c*) the Director of Public Prosecutions may at any stage be represented at and take part in the trial as a party, whether of his own motion or at the request of the court;

(*d*) the returning officer for the relevant constituency shall, at the request of the court, attend the trial and give such assistance as shall be requested of him by the court, but without prejudice to his being a party to the proceedings or being called as a witness by any such party.

Counting of votes afresh.

7. (1) The court may, for the purposes of the trial of a petition questioning a Dáil election, if it thinks fit, order—

(*a*) that all the votes cast at the election in the constituency to which the petition relates shall be counted afresh, or

(*b*) that all the votes so cast and recorded on the ballot papers contained in a particular parcel shall be so counted,

and where the court so orders, the provisions of the following paragraphs shall have effect.

(2) Votes to which an order under this Rule relates shall be counted afresh under the direction of the court and, subject to *paragraphs (3)*and *(4)* and to such modifications (if any) as the court considers necessary, the provisions of *Part XIX* relating to the counting of votes at an election shall apply to such counting.

(3) Where votes are counted afresh pursuant to an order under this Rule, the court shall cause the following to be disregarded:

(*a*) preferences recorded on ballot papers which are invalid by virtue of *section 118 (2)*,

(*b*) preferences recorded on forged or counterfeited ballot papers, and

(*c*) preferences recorded for any person who, with respect to the relevant Dáil election, is found by the court not to have been eligible for election to the Dáil.

(4) The court shall have power to reverse any decision of the returning officer at the original count.

(5) The costs of giving effect to an order under this Rule shall be paid by the Minister for Finance out of the Central Fund or the growing produce thereof and *section 32* shall, with respect to the services and expenses properly rendered or incurred by the returning officer for the purposes of, or in connection with, giving effect to the order, apply in the same manner as it applied in respect of the services and expenses rendered or incurred by the returning officer for, or in connection with, the relevant Dáil election.

Withdrawal of petition.

8. (1) A petition shall not be withdrawn without the leave of the court and in giving such leave the court shall be satisfied that the notice given by the petitioner pursuant to *paragraphs (3)* and *(4)* was reasonable, and in addition to the foregoing, where a petition is presented by more than one petitioner the court, before giving such leave, shall be satisfied that all the petitioners agree to the withdrawal.

(2) Except in the case of a petition presented by the Director of Public Prosecutions, when applying for leave for the withdrawal of a petition, the petitioner shall submit to the court an affidavit stating—

(*a*) the reasons for the proposed withdrawal, and

(*b*) that, to the best of the petitioner's knowledge and belief, neither an agreement nor an undertaking has been made or entered into in relation to the withdrawal of the petition in consideration of any payment or the cesser of membership of the Dáil or for any substantial reason not stated in the affidavit.

(3) Notice of intention to apply for leave to withdraw a petition shall be given by the petitioner by the publication in at least two daily newspapers circulating in the constituency to which the petition relates of a notice to that effect and the notice shall also state the time and place at which the application will be made and that any person may apply to the court to be substituted for the petitioner.

(4) Except in the case of a petition presented by the Director of Public Prosecutions, a copy of the affidavit mentioned in *paragraph (2)* together with notice of the time and place at which the application will be made shall be given by the petitioner to the Director of Public Prosecutions who may be represented at, and if he thinks fit, oppose the application.

(5) Where the petition has been presented by more than one petitioner, the affidavit mentioned in *paragraph (2)* shall, unless the court otherwise directs, be made by all the petitioners.

(6) The withdrawal of a petition pursuant to this Rule shall not affect the liability of any person (or of his estate) for the payment of costs previously incurred.

Substitution of new petitioner following withdrawal.

9. (1) On the hearing of an application for leave to withdraw a petition, any person who, under *section 132* , would be eligible to present a petition, may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(2) In case the court substitutes a petitioner under *paragraph (1)* and is of opinion that the application for leave to withdraw the petition was the result of any agreement or undertaking the making of which or the entering into which is declared by *section 155* to be an offence, the court may direct that the security for costs given by the original petitioner shall remain as security for the costs that may be incurred by the substituted petitioner and that, to the extent of the sum named in the security, the original petitioner and his sureties, if any, shall be liable to pay the costs of the substituted petitioner.

Substituted petitioners.

10. (1) Subject to *Rule 9 (2)* a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(2) In case the court substitutes a petitioner under *Rule 9* and does not make a direction under *paragraph (2)* of that Rule, or in case the court substitutes a petitioner under *Rule 11* the security required by *section 132* in the case of a new petition, and subject to the like conditions, shall be given by the substituted petitioner, and in casesuch security is not so given no further proceedings shall be had on the petition and the petition shall abate, but the abatement shall not affect the liability of any person (or of his estate) for the payment of costs previously incurred.

Abatement of petition.

11. (1) A petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition by virtue of *paragraph (1)* shall not affect the liability of the petitioner or any other person (or of his estate) for the payment of costs previously incurred.

(3) At any time within the fourteen days next after the day of any such abatement, any person may apply to the court to be substituted as a petitioner and the court may, if it thinks fit, substitute him accordingly, and in case the court makes an order under this Rule the petition shall thereupon be revived.

Matters relating to final order on trial of petition.

12. (1) A copy of the order determining the petition in accordance with *section 132* shall be given forthwith by the court to each of the following, namely, any person to whose election the order relates, the Minister, the Chairman of the Dáil, the returning officer concerned and the Director of Public Prosecutions.

(2) The court shall have power to make such amendments in the return of persons elected made to the Clerk of the Dáil by a returning officer as it considers necessary in consequence of its decision on a petition.

Effect of certain declarations by court.

13. (1) Where the order of the court determining the trial of a petition declares that a person was not duly elected to the Dáil, or was not qualified for election as a member of the Dáil, or that the whole or part of a Dáil election was void, the person to whom the declaration relates, or any person declared to be elected at such void election or void part of such election (as the case may be) shall, without prejudice to his having ceased otherwise to be such member, be regarded as having ceased to be a member of the Dáil on (but not before) the day next following the day on which a copy of the order of the court is given to the Chairman of the Dáil pursuant to *Rule 12 (1)* and, subject to *paragraph (2)*, a vacancy shall exist accordingly.

(2) Where an order mentioned in *paragraph (1)* declares that, in the place of any person declared by the order not to have been duly elected or not to have been eligible for election as a member of the Dáil, a specified other person was ascertained to have been elected, that other person shall, without prejudice to any dissolution of the Dáil, stand elected as a member of the Dáil on (but not before) the day next following the day on which a copy of the order is given as aforesaid to the Chairman of the Dáil.

(3) As soon as practicable after a copy of an order is given to him pursuant to *Rule 12* the Chairman of the Dáil shall inform the Dáil of the terms of the order.

(4) Where a person has been returned as a member to serve in the Dáil and, subsequent to being so returned, the person sits, votes or otherwise participates as a member in the business of the Dáil or purports to do anything by virtue of membership of the Dáil and is also declared by the court not to have been duly elected as a member to serve in the Dáil, or not to have been eligible for membership of the Dáil, for the avoidance of doubt it is hereby declared that anything done by the person while so participating and anything purporting to have been so done, either on or before the day on which a copy of the said order is given as aforesaid to the Chairman of the Dáil shall, notwithstanding the order, be valid and effectual.

No action to be taken in certain circumstances to fill vacancy in Dáil.

14. Except by a general election of members of the Dáil, no action shall be taken to fill a vacancy in the Dáil caused by the death or cesser as such member of a person who has died or resigned or otherwise ceased to be a member of the Dáil while the trial of the petition relating to him is pending or proceeding.

Witnesses.

15. (1) The court shall be entitled of its own volition, at any time during the trial of a petition, to direct that a particular person shall be brought before the court and shall give evidence at the trial, and where the court so directs the cost of bringing the person before the court (including any moneys payable to him as witness's expenses) shall be regarded as part of the costs of the petition.

(2) Subject to *paragraph (3)* a person who is called as a witness at the trial of a petition shall not be excused from answering any question relating to any offence at or connected with the relevant Dáil election on the ground that the answer thereto may incriminate or tend to incriminate him or on grounds of privilege: provided that—

(*a*) a witness who satisfies the court that he has answered truly all the questions which he is required by the court to answer shall be entitled to receive from the court a certificate stating that the witness has so answered, and

(*b*) an answer by a witness who has received such a certificate to a question put at the trial of a petition shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against him.

(3) Nothing in this Rule shall be construed as affecting the right of any party to a petition to call any person as a witness.

Costs of petition.

16. (1) All costs, other than the costs of counting votes afresh under *Rule 7*, of and incidental to a petition shall be in the discretion of the court which shall have power to order such costs or any part of such costs of any party to the petition to be paid by any other such party, and, where the costs or any part of the costs of any such party are so ordered to be paid by the petitioner, the court shall, where necessary, make provision for the payment of those costs, to the extent of the amount named in the security given by the petitioner, out of or by means of such security.

(2) Without prejudice to *paragraph (1)*, where on the trial of a petition, it appears to the court that any person or persons committed electoral offences in relation to the relevant Dáil election, the court may, after giving the person or persons an opportunity of being heard to show cause why the order should not be made, if it so thinks fit, order the whole or part of the costs of the petition other than the costs of counting votes afresh under *Rule 7*, to be paid by that person, or those persons or any of them, and may order that in case such costs cannot be wholly recovered from the person or persons they shall be paid by some other or others of those persons.

Further provisions regarding costs.

17. (1) Subject to *paragraph (4)* the costs and other expenses incurred on his behalf by a returning officer at the trial of a petition shall be paid out of the Central Fund.

(2) Costs awarded to a returning officer at the trial of a petition shall be a simple contract debt due to the Minister for Finance andsuch debt, in default of being discharged, may be recovered by that Minister in any court of competent jurisdiction.

(3) Subject to *paragraphs (4)* and *(5)*, costs awarded against a returning officer at the trial of a petition shall be paid out of the Central Fund.

(4) Where the court is satisfied that the returning officer has been grossly negligent in the discharge of his duties, the court may order that the officer shall be liable for any costs awarded against him by the court.

(5) Where an order is made under *paragraph (4)* any costs awarded against an officer which are paid out of the Central Fund shall be a debt due to the Minister for Finance by the officer, and such debt, in default of being discharged, shall be recoverable by that Minister in any court of competent jurisdiction as a simple contract debt due to him.

Statement of case to Supreme Court.

18. (1) At any stage of the trial of a petition the court may, if it so thinks proper, on its own motion or on the application of any party to the petition, state a case for the opinion of the Supreme Court on any question of law arising at the trial.

(2) Notwithstanding anything contained in this Schedule, where a case is stated under this Rule the court shall not determine the petition until the Supreme Court has given its decision and may adjourn the trial or any part thereof until such decision is given.

(3) Costs incurred in relation to a case stated under this Rule shall for all purposes be part of the costs incurred in relation to the petition.

Service of documents.

19. Where a copy of an order, petition or other document is required by this Schedule to be given to a person, it shall be addressed to him and shall be given to him in some one of the following ways:

(*a*) by delivering it to him;

(*b*) by leaving it at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(*c*) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides, or in a case in which an address for service has been furnished, at that address.

FOURTH SCHEDULE

Forms

Sections 39 and *88* .

Part I

Forms of Writ

FORM OF WRIT FOR A GENERAL ELECTION.

Do..... an ceann comhairimh do dháilcheantar.....

To..... returning officer for the constituency of.....

DE BHRÍ go bhfuil Dáil Éireann lánscortha:

WHEREAS Dáil Éireann is dissolved:

ANOIS, déanaimse,..... Cléireach Dháil Éireann, de réir fhorálacha *alt 39* den *Acht Toghcháin, 1992*, a ordú leis seo duitse, i do cheann comhairimh do dháilcheantar..... toghchán a chur á dhéanamh sa dáilcheantar sin do..... comhalta chun fónamh i nDáil Éireann don dáilcheantar sin:

NOW, I,..... Clerk of Dáil Éireann, in accordance with the provisions of *section 39* of the *Electoral Act, 1992*, do hereby direct you, as the returning officer for the constituency of..... to cause an election to be held in that constituency of..... members to serve in Dáil Éireann for the said constituency:

AGUS, tar éis an toghchán sin a bheith déanta go cuí, ainmneacha na gcomhaltaí a thoghfar amhlaidh a dheimhniú dom gan mhoill i m'Oifig i..... i mBaile Átha Cliath.

AND that, when such election has been duly held, you do without delay certify to me in my Office at..... in Dublin the names of the members so elected.

I bhFIANAISE air sin tá mé tar éis mo lámh agus mo shéala a chur leis seo.

IN WITNESS whereof I have hereunto set my hand and seal.

an this ..... lá seo de dayof ....., 19.

NÍ FOLÁIR DON CHEANN COMHAIRIMH ADMHÁIL A THABHAIRT LÁITHREACH GO BHFUAIR SÉ AN EASCAIRE SEO.

THE RETURNING OFFICER MUST ACKNOWLEDGE RECEIPT OF THIS WRIT IMMEDIATELY.

CERTIFICATE ENDORSED ON THE WRIT.

Deimhním leis seo gurb iad na comhaltaí a toghadh chun fónamh i nDáil Éireann do dháilcheantar..... de bhun na heascaire sin thuas:—

I hereby certify that the members elected to serve in Dáil Éireann for the constituency of..... in pursuance of the above writ are:—

C.D. as ..... of i gContae in the County ..... of

E.F. as ..... of i gContae in the County ..... of

G.H. as ..... of i gContae in the County ..... of

(Sínithe) A.B.
(Signed)

Ceann Comhairimh,

Returning Officer.

Dáta Date .....

LABEL OR DIRECTION ON THE WRIT.

Don cheann comhairimh do dháilcheantar .....

To the returning officer for the constituency of .....

Eascaire chun comhaltaí a thoghadh chun fónamh i nDáil Éireann.

A writ for the election of members to serve in Dáil Éireann.

Fuair mé an eascaire seo istigh—

Received the within writ on—

an this ..... lá seo de dayof ....., 19.

(Sínithe) A.B.
(Signed)

Ceann Comhairimh,

Returning Officer.

FORM OF WRIT FOR A BYE-ELECTION.

(To be adapted appropriately if the Clerk of Dáil Éireann is directed on the same day to issue writs for the election of members to fill more than one vacancy in the representation of a constituency).

Do ..... an ceann comhairimh do dháilcheantar .....

To ..... returning officer for the constituency of .....

DE BHRÍ gur tharla folúntas in ionadaíocht dháilcheantar ..... i nDáil Eireann toisc ..... ba chomhalta de Dháil Eireann don dáilcheantar sin a scor de bheith ina chomhalta ar dhóigh seachas de chionn Dáil Éireann a lánscor:

WHEREAS a vacancy has occurred in the representation of the constituency of ..... in Dáil Éireann by ..... who was a member of Dáil Eireann for the said constituency ceasing to be a member otherwise than in consequence of the dissolution of Dáil Éireann:

AGUS DE BHRÍ gur ordaigh Cathaoirleach Dháil Éireann dom go cuí eascaire a chur amach chun comhalta a thoghadh do Dháil Éireann chun an foluntas réamhráite a lionadh:

AND WHEREAS the Chairman of Dáil Éireann has duly directed me to issue a writ for the election of a member of Dáil Éireann to fill the vacancy aforesaid:

ANOIS, déanaimse, ... Cléireach Dháil Éireann, de réir fhorálacha *alt* 39 den *Acht Toghcháin, 1992*, a ordú leis seo duitse, i do cheann comhairimh don dáilcheantar réamhráite, toghchán a chur á dhéanamh sa dáilcheantar sin do chomhalta chun fónamh i nDáil Eireann don dáilcheantar sin in ionad. ..... sin:

NOW, I, ... Clerk of Dáil Éireann, in accordance with the provisions of *section 39* of the *Electoral Act, 1992*, do hereby direct you, as the returning officer for the constituency aforesaid, to cause an election to be held in the said constituency of a member to serve in Dáil Éireann for the said constituency in the place of the said .....

AGUS, tar éis an toghchán sin a bheith déanta go cuí, ainm an chomhalta a thogh-far amhlaidh a dheimhniú dom gan mhoill i m'Oifig i ..... i mBaile Átha Cliath.

AND that, when such election has been duly held, you do without delay certify to me in my Office at ..... in Dublin the name of the member so elected.

I bhFIANAISE air sin tá mé tar éis mo lámh agus mo shéala a chur leis seo.

IN WITNESS whereof I have hereunto set my hand and seal.

an this ..... lá seo de dayof ....., 19.

NÍ FOLÁIR DON CHEANN COMHAIRIMH ADMHÁIL A THABHAIRT LÁITHREACH GO BHFUAIR SÉ AN EASCAIRE SEO.

THE RETURNING OFFICER MUST ACKNOWLEDGE RECEIPT OF THIS WRIT IMMEDIATELY.

CERTIFICATE ENDORSED ON THE WRIT.

Deimhním leis seo gurb é an comhalta a toghadh chun fónamh i nDáil Éireann do dháilcheantar ..... de bhun na heascaire sin thuas:—

i hereby certify that the member elected to serve in Dáil Éireann for the constituency of ..... in pursuance of the above writ is:—

C.D. as ..... l gContae in the County .....
of of

(Sínithe)
(Signed) A.B.

Ceann Comhairimh,

Returning Officer.

Dáta Date .....

Don cheann comhairimh do dháilcheantar .....

To the returning officer for the constituency of .....

Eascaire chun comhaltaí a thoghadh chun fónamh i nDáil Éireann.

A writ for the election of a members to serve in Dáil Éireann.

ENDORSEMENT.

Fuair mé an eascaire seo istigh—

Received the within writ on—

an this ..... lá seo de dayof ....., 19.

(Sínithe)
(Signed) A.B.

Ceann Comhairimh,

Returning Officer.

PART II

FORM OF BALLOT PAPER

(Front of Paper)

Marcáil ord do rogha sna spáis seo thíos.

Mark order of preference in spaces below.

DOYLE — LIBERAL SOCIALISTS

(MARY DOYLE, of 10 High Street, Knockmore, Nurse.)

LYNCH — URBAN PARTY

(JANE ELLEN LYNCH, of 12 Main Street, Ardstown, Shopkeeper.)

MURPHY (PATRICK MURPHY, of 12 Main Street, Ballyduff, Carpenter.)

Ó BRIAIN — CUMANN NA SAORÁNACH (SÉAMUS Ó BRIAIN, as 10 An tSráid Ard, Carn Mór, Oide Scoile.)

O'BRIEN — NON-PARTY (EAMON O'BRIEN, of 22 Wellclose Place, Knockbeg, Barrister.)

O'BRIEN — THE INDEPENDENT PARTY (ORLA O'BRIEN, of 103 Eaton Brae, Cahermore, Solicitor.)

O'CONNOR — NATIONAL LEAGUE (CAROLINE O'CONNOR, of 7 Green Street, Carnmore, Engineer.)

THOMPSON — RURAL PARTY (WILLIAM H. THOMPSON, of Dereen, Ballyglass, Farmer.)

TREORACHA.	INSTRUCTIONS.
I. Scríobh an figiúr 1 le hais ainm an chéad iarrthóra is rogha leat, an figiúr 2 le hais do dhara rogha, agus mar sin de.	I. Write 1 beside the name of the candidate of your first choice, 2 beside your second choice, and so on.
II. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.	II. Fold the paper to conceal your vote. Show the *back of the paper* to the presiding officer and put it in the ballot box.

(Back of Paper)

No .....

Election for Constituency of .....

(Back of Counterfoil)

Counterfoil No.....