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*Number 62 of 2015*

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**Electoral (Amendment) Act 2015**

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SCHEDULE

ACTS REFERRED TO

Communications Regulation (Postal Services) Act 2011 (No. 21)

Court of Appeal Act 2014 (No. 18)

Electoral Act 1992 (No. 23)

Electoral Act 1997 (No. 25)

Electoral Acts 1992 to 2014

Local Government Act 2001 (No. 37)

Ministers and Secretaries (Amendment) Act 2011 (No. 10)

Seanad Electoral (Panel Members) Act 1947 (No. 42)

Seanad Electoral (Panel Members) Act 1954 (No. 1)

Seanad Electoral (Panel Members) Acts 1947 to 2006

Seanad Electoral (University Members) Act 1937 (No. 30)

Seanad Electoral (University Members) Acts 1937 to 2006



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## **ELECTORAL (AMENDMENT) ACT 2015**

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An Act to amend and extend the Seanad Electoral (University Members) Act 1937, the Seanad Electoral (Panel Members) Act 1947, the Electoral Act 1992 and section 4 of the Electoral Act 1997. [29th December, 2015]

**Be it enacted by the Oireachtas as follows:**

### **Candidates in Seanad university constituency entitled to free postage**

1. (1) The following is inserted after section 28 of the Act of 1937:

“**28A.** (1) Each candidate at a Seanad election in a university constituency shall, subject to section 61 of the Communications Regulation (Postal Services) Act 2011, be entitled to send, free of any charge for postage, to each person whose name is on the register of 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 a Seanad election, any person is a candidate in more than one university constituency he or she 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 or her agent, shall indicate in writing to the relevant postal service provider the constituency in respect of which he or she wishes to exercise his or her 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 or she is validly nominated, unless he or she has given such security as may be required by the relevant postal service provider for the payment of the postage on all communications sent by him or her under this section in case he or she does not eventually become nominated.”.

(2) Subsection (2) (inserted by section 62(2)(b) of the Act of 2011) of section 5 of the Act of 1937 is amended by substituting “section 28A” for “section 25”.

(3) Section 25 (inserted by section 166(a) of the Electoral Act 1992) of the Act of 1937 is amended in subsection (1) by deleting “57,”.

(4) Section 61(1) of the Act of 2011 is amended in the definition of “relevant postal service provider” by substituting for paragraph (i) the following:

“(i) section 28A of the Seanad Electoral (University Members) Act 1937;”.

(5) In this section—

“Act of 1937” means Seanad Electoral (University Members) Act 1937;

“Act of 2011” means Communications Regulation (Postal Services) Act 2011.

### **Nominating bodies - Association of Irish Local Government and Local Authority Members' Association**

2. The Seanad Electoral (Panel Members) Act 1947 is amended with effect from 21 March 2015—

(a) in section 2, by inserting after the definition of “the appeal board” the following:

“ ‘Association of Irish Local Government’ means—

(a) the association of local authorities (within the meaning of section 225 of the Local Government Act 2001) known as the Association of Irish Local Government being the successor body of the Association of County and City Councils and the Association of Municipal Authorities of Ireland, or

(b) any other association of local authorities (within the meaning of the said section 225) which may be established in place of the Association of Irish Local Government;”,

(b) in section 2, by inserting after the definition of “the list of candidates” the following:

“ ‘Local Authority Members’ Association’ means the association of the members of local authorities (within the meaning of section 2 of the Local Government Act 2001) known as the Local Authority Members’ Association;”,

(c) in section 8(2), by substituting for paragraph (h) the following:

“(h) (i) the Association of Irish Local Government and the Local Authority Members’ Association shall be registered in the register in respect of the administrative panel without application, and

(ii) no other body shall be registered in the register in respect of that panel unless its objects and activities consist, wholly or substantially, of voluntary social services of a charitable or eleemosynary character.”,

(d) by inserting after section 16 the following:

**“Association of Irish Local Government and Local Authority Members’ Association included on register of nominating bodies**

**16A.** (1) Notwithstanding sections 15, 16 and 19, the Association of Irish Local Government and the Local Authority Members’ Association shall, for the purposes of this Act, be taken to be registered, in respect of the administrative panel, without application, in the register of nominating bodies which came into force, in accordance with subsection (1) of section 19, on 21 March 2015.

(2) As soon as is practicable after the passing of the *Electoral (Amendment) Act 2015* the Seanad returning officer shall publish, in the *Iris Oifigiúil*, notice that the Association of Irish Local Government and the Local Authority Members’ Association are registered, in respect of the administrative panel, in the register of nominating bodies which came into force on 21 March 2015.”,

(e) in section 27, by substituting for subsection (3) the following:

“(3) In the case of the Association of Irish Local Government and the Local Authority Members’ Association, the persons to be proposed for nomination to the administrative panel by those bodies respectively shall be chosen by the members of the body voting on the system of proportional representation by means of the single transferable vote.”,

and

(f) in section 58A (inserted by section 11 of the Seanad Electoral (Panel Members) Act 1954), by substituting for subsection (3) the following:

“(3) In the case of the Association of Irish Local Government and the Local Authority Members’ Association, the person nominated under this section shall be chosen by the members of the body voting on the system of proportional representation by means of the single transferable vote.”.

**Registration of electors**

**3.** Section 15 of the Electoral Act 1992 is amended by substituting for subsection (1A) (inserted by section 76 of the Electoral Act 1997) the following:

“(1A) (a) Notwithstanding subsection (1), sections 7(1), 8(1), 9 and 10, and Rule 1(3) of the Second Schedule and subject to section 11(1)(a) and paragraph (c), a person who—

(i) was not ordinarily resident in a constituency or local electoral area, as the case may be, on the qualifying date for a register of electors and takes up ordinary residence in such constituency or local electoral area, as the case may be, after such qualifying date and is otherwise entitled to be registered as an elector under section 7, 8, 9 or 10,

- (ii) reaches the age of 18 years after the date of the coming into force of a register of electors,
  - (iii) is registered as an elector in a constituency or local electoral area and takes up ordinary residence in another constituency or local electoral area on a date following the coming into force of the register of electors then in force, where—
    - (I) the person authorises in writing, in a form directed by the Minister, the registration authority in whose register of electors he or she is registered as an elector to delete his or her name from that register of electors, and
    - (II) the authorisation contains such information as is necessary to enable that registration authority to identify the relevant entry in that register,
- or
- (iv) was not a citizen of Ireland on the qualifying date for a register of electors and becomes a citizen of Ireland after such qualifying date and is otherwise entitled to be registered as an elector under section 7, 8(1) or 9,
- may apply to the registration authority to have his or her name entered in the supplement to the register.
- (b) An applicant for entry in the supplement referred to in paragraph (a)(i) shall satisfy the registration authority that he or she has taken up ordinary residence in the constituency or local electoral area, as the case may be, in respect of which the application applies and, in considering an application from such person, the registration authority may require the applicant to furnish a statutory declaration that he or she has taken up ordinary residence in the constituency or local electoral area concerned.
  - (c) A person referred to in paragraph (a)(ii) shall be eligible for entry in the supplement to the register on or after the day on which that person reaches 18 years of age, including such a day that falls within the period beginning on the last day on which applications for entry in the supplement can be received and ending on polling day in the case of a Dáil, Presidential, European or local election or a referendum.
  - (d) The registration authority on receipt of an authorisation referred to in paragraph (a)(iii) and being satisfied that the person is no longer ordinarily resident in respect of the address for which he or she is registered as an elector shall—
    - (i) where the new address is in another registration area, delete his or her name from the register of electors for the authority's registration area and forward immediately the form referred to

- in paragraph (a)(iii)(I) to the registration authority for the address indicated on the form at which he or she is ordinarily resident,
- (ii) where the new address is in another local electoral area within the registration area of the registration authority, delete the elector's name from the register of electors and enter his or her details in the supplement to the register prepared under this section.
  - (e) The registration authority, on receipt of an application, in a form directed by the Minister, from a person referred to in paragraph (a)(iv) who is already registered as a local or European elector, or as a Dáil elector with reference to section 8(2), shall delete the name of that person from the register of electors and, being satisfied that the person is a citizen of Ireland, shall enter that person's details accordingly in the supplement to the register prepared under this section.”.

#### **Ballot papers**

- 4. (1) The Fourth Schedule to the Electoral Act 1992 is amended by substituting for the form of a ballot paper (within the meaning of that Act) specified in Part II of that Schedule (as modified by Regulation 7 of the Electoral Regulations 2007 (S.I. No. 156 of 2007)) the form specified in the *Schedule*.
- (2) Regulation 7 of, and the Fifth Schedule to, the Electoral Regulations 2007 (S.I. No. 156 of 2007) are revoked.

#### **Review by Standards in Public Office Commission - direction**

- 5. Section 4 of the Electoral Act 1997 is amended by inserting after subsection (4) the following:
  - “(4A) Where a person fails to comply with a requirement made of him or her under subsection (4) within such time as the Standards in Public Office Commission considers reasonable, it may direct the person to furnish it with such information, document or thing specified in the direction within such period of time mentioned in the direction and, if the person fails to comply with the direction within that period, the person commits an offence and is liable on summary conviction to a class D fine.
  - (4B) Any information furnished by a person (other than information that the person knows is false or misleading) to the Standards in Public Office Commission pursuant to a direction under subsection (4A) is not admissible as evidence in proceedings brought against the person for an offence.

- (4C) It shall be a defence for a person charged with an offence under subsection (4A) to show that the information, document or thing the subject of the direction was not in his or her possession or control and that it was not reasonably practicable for him or her to comply with the direction.”.

**Short title and collective citation**

6. (1) This Act may be cited as the Electoral (Amendment) Act 2015.
- (2) The Seanad Electoral (University Members) Acts 1937 to 2006, section 34 of the Ministers and Secretaries (Amendment) Act 2011, section 62 of the Communications Regulation (Postal Services) Act 2011 and *section 1* may be cited together as the Seanad Electoral (University Members) Acts 1937 to 2015.
- (3) The Seanad Electoral (Panel Members) Acts 1947 to 2006, section 44 of the Ministers and Secretaries (Amendment) Act 2011, section 40 of the Court of Appeal Act 2014 and *section 2* may be cited together as the Seanad Electoral (Panel Members) Acts 1947 to 2015.
- (4) The Electoral Acts 1992 to 2014 and *sections 3* and *4* may be cited together as the Electoral Acts 1992 to 2015.

## SCHEDULE

*Section 4*

## “Part II

## FORM OF BALLOT PAPER

## (Front of Paper)

**TREORACHA**

1. Scríobh an figiúr 1 sa bhosca le hais an chéad iarrthóra is rogha leat, scríobh an figiúr 2 sa bhosca le hais an dara hiarrthóir is rogha leat, agus mar sin de.
2. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin cúl an pháipéir don oifigeach ceannais, agus cuir sa bhosca ballóide é.

**INSTRUCTIONS**

1. Write 1 in the box beside the candidate of your first choice, write 2 in the box beside the candidate of your second choice, and so on.
2. Fold the paper to conceal your vote. Show the back of the paper to the presiding officer and put it in the ballot box.

**DOYLE — LIBERAL SOCIALISTS**

MARY DOYLE, of 10 High Street, Knockmore,  
Nurse.

Emblem

Photograph

**LYNCH — URBAN PARTY**

JANE ELLEN LYNCH, of 12 Main Street,  
Ardstown, Shopkeeper.

Emblem

Photograph

**MURPHY**

PATRICK MURPHY, of 12 Main Street,  
Ballyduff, Carpenter.

Photograph

**Ó BRIAIN — CUMANN NA SAORÁNACH**

SÉAMUS Ó BRIAIN, as 10 An tSráid Ard, Carn  
Mór, Oide Scoile.

Emblem

Photograph

**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.

Emblem

Photograph

**O'CONNOR — NATIONAL LEAGUE**CAROLINE O'CONNOR, of 7 Green Street,  
Carnmore, Engineer.

Emblem

Photograph

**THOMPSON — RURAL PARTY**WILLIAM H. THOMPSON, of Dereen,  
Ballyglass, Farmer.

Emblem

Photograph



(Back of Paper)

Uimhir/Number .....

Toghchán do Dháilcheantar.....

Election for Constituency of.....

(Back of Counterfoil)

Comhduille Uimhir

Counterfoil Number.....

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