



STATUTORY INSTRUMENTS.

S.I. No. 204 of 2014



ELECTORAL ACT 1992 (SECTION 165) REGULATIONS 2014

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ELECTORAL ACT 1992 (SECTION 165) REGULATIONS 2014

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 3 and 165 of the Electoral Act 1992 (No. 23 of 1992) for the purpose of giving effect to the said section 165 in relation to the polls to be taken on 23 May 2014, make the following Regulations:

Citation.

1. These Regulations may be cited as the Electoral Act 1992 (Section 165) Regulations 2014.

Interpretation.

2. In these Regulations—

“the Act of 1992” means the Electoral Act 1992;

“the Act of 1997” means the European Parliament Elections Act 1997;

“the 1995 Regulations” means the Local Elections Regulations 1995 (S.I. No. 297 of 1995);

“Dáil” means Dáil Éireann and references to “Dáil constituency” and “Dáil election” shall be construed accordingly;

“Dáil constituency” means a constituency specified in the Schedule to the Electoral (Amendment) Act 2009;

“Dáil election” means an election, at a bye-election, of a member to serve in the Dáil;

“the European Communities” has the same meaning as in the European Communities Acts 1972 to 2007;

“European election” means an election of members of the European Parliament;

“European local returning officer” means the person who, in accordance with section 17 of the Act of 1997, is a local returning officer for a county or city;

“European Parliament” means the Parliament of the European Communities and references to “European Parliament election” shall be construed accordingly;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th May, 2014.

“local authority returning officer” means a returning officer appointed under regulation 4 of the Local Elections Regulations 1995 for the purpose of the election of members of a local authority;

“local election” means an election in 2014 of members of a county council, city council or city and county council;

“local election ballot paper” means a ballot paper at a local election;

“local electoral area” means the area by reference to which a local election is held;

“postal voter” means a person whose name is included in the list prepared pursuant to section 14 of the Act of 1992, section 63 of the Electoral Act 1997 and section 2 of the Electoral (Amendment) Act 2006;

“special voter” means a person whose name is included in the list prepared pursuant to section 17 of the Act of 1992.

Effect of Regulations.

3. (1) These Regulations shall have effect in relation to every election the poll, if any, at which is to be taken on 23 May 2014.

(2) These Regulations shall not have effect in relation to a fresh election held pursuant to rule 23 or 27 of the Second Schedule to the Act of 1997, section 62 of the Act of 1992 or regulation 28 of the 1995 Regulations where the poll at such fresh election is to be taken on a day other than 23 May 2014.

Returning officers.

4. (1) Subject to regulations 5 and 6, the European local returning officer for a county or city shall be the returning officer as respects a local election in a local electoral area or part of a local electoral area situate in the county or city concerned for the purposes of the following provisions of the 1995 Regulations—

- (a) regulations 5 and 25(1)(a) insofar as they relate to the taking of the poll otherwise than by postal voting,
- (b) regulations 26(3) and 26(6),
- (c) regulations 44 to 48,
- (d) regulations 52 to 54,
- (e) regulations 56 to 58,
- (f) Part XI (subject to regulations 13 and 14 of these Regulations), and
- (g) regulation 76(1), (1A), (3) and (4)

and the powers and duties of the relevant local authority returning officer under these provisions shall be exercised and performed by the said European local returning officer and references in the said provisions to the returning officer shall be construed as references to the European local returning officer.

(2) The powers and duties of the returning officer in relation to a local election (other than those referred to in paragraph (1)) shall be exercised and performed by the local authority returning officer.

(3) Notwithstanding paragraphs (1) and (2) a local authority returning officer shall be entitled to be admitted to any polling station where a poll at an election for which he or she is the returning officer is being taken and to any place appointed for the counting of the votes at the election.

Deputy European local returning officer.

5. It shall be lawful for a European local returning officer to appoint a deputy European local returning officer for the discharge of all, or any particular part of, the duties of such European local returning officer.

Arrangements for Dáil elections.

6. (1) As respects the area comprised in the Dáil constituency of Longford-Westmeath in which there is a Dáil election the poll at which is to be taken on 23 May 2014—

- (a) the returning officer for the said Dáil constituency shall be the European local returning officer for the purposes of the Act of 1997 and these regulations as respects a European election in the County of Longford and shall be the returning officer for the purposes of the provisions referred to in regulation 4(1) as respects a local election in the said county, and
- (b) the powers and duties of the European local returning officer under the Act of 1997 and these Regulations, and of the relevant local authority returning officer under the provisions referred to in regulation 4(1), shall be exercised and performed by the returning officer for the said Dáil constituency and references in the said Act and Regulations to the local returning officer or to the European local returning officer, and references in the provisions referred to in regulation 4(1) to the returning officer, shall be construed as references to the returning officer for the said Dáil constituency.

(2) As respects the area comprised in the Dáil constituency of Dublin West in which there is a Dáil election the poll at which is to be taken on 23 May 2014—

- (a) the returning officer for the said Dáil constituency shall be the European local returning officer for the purposes of the Act of 1997 and these Regulations as respects a European election in the said area and shall be the returning officer for the purposes of the provisions referred to in regulation 4(1) as respects a local election in the said area, and
- (b) the powers and duties of the European local returning officer under the Act of 1997 and these Regulations, and of the relevant local authority returning officer under the provisions referred to in regulation 4(1), shall be exercised and performed by the returning officer for the said Dáil constituency and references in the said Act and Regulations

to the local returning officer or to the European local returning officer, and references in the provisions referred to in regulation 4(1) to the returning officer, shall be construed as references to the returning officer for the said Dáil constituency.

Mutual assistance.

7. It shall be the duty of every person upon whom any function is conferred by or under the law for the time being in force in relation to an election to which these Regulations apply, and of every person appointed or employed (otherwise than by a candidate) for any purpose related to such an election, to furnish such information and render such other assistance to any other such person as that other person requires for the purposes of any of the elections.

Agents.

8. (1) In the case of a European election, rules 24, 25 and 26 of the Second Schedule to the Act of 1997 shall apply.

(2) In the case of a Dáil election, sections 59, 60 and 61 of the Act of 1992 shall apply.

(3) In the case of a local election, regulations 26 and 27 of the 1995 Regulations shall apply, subject to regulations 4 and 20 of these Regulations.

Notices of poll and situation of polling stations.

9. (1) (a) Where, under regulation 25 or 28 of the 1995 Regulations, the local election for a local electoral area is adjourned for the purpose of the taking of a poll or the candidates standing nominated are declared elected or the election is not proceeded with, the relevant local authority returning officer shall so inform the relevant European local returning officer (or, where regulation 6 applies, the returning officer for the Dáil constituency) in which the local electoral area is situate.

(b) Where an election is adjourned in accordance with paragraph (a), the relevant local authority returning officer shall furnish to the European local returning officer (or, where regulation 6 applies, the returning officer for the Dáil constituency) a copy of the notice of poll given under regulation 50 of the 1995 Regulations.

(2) The European local returning officer (or, where regulation 6 applies, the returning officer for the Dáil constituency) shall furnish a copy of the public notice in relation to the situation of polling stations given by him or her under rule 56(4) of the Second Schedule to the Act of 1997 (or section 94(3) of the Act of 1992, as may be appropriate) to the relevant local authority returning officer.

Polling districts, polling places and register of electors.

10. The European local returning officer (or where regulation 6 applies, the returning officer for the Dáil constituency) may make such modifications to a polling district or a polling place, notwithstanding a polling scheme made under section 28 of the Act of 1992, or to a register of electors published in accordance with section 13 of the Act of 1992, as is considered necessary by him or her

having regard to the convenience of electors in facilitating voting at the polls to be taken on 23 May 2014.

Polling information cards.

11. (1) Where a polling information card is sent to an elector under section 92 of the Act of 1992, a polling information card shall not be sent to that elector under rule 54 of the Second Schedule to the Act of 1997.

(2) Where a polling information card is sent to an elector under section 92 of the Act of 1992 or rule 54 of the Second Schedule to the Act of 1997, a polling information card shall not be sent to that elector under regulation 55 of the 1995 Regulations.

Polling on islands.

12. (1) Regulation 49 of the 1995 Regulations shall not have effect in relation to an election to which these Regulations apply.

(2) Rule 48 of the Second Schedule to the Act of 1997 shall apply in relation to every local election the poll at which is to be taken on 23 May 2014 in the same manner as the said rule applies to the poll at the European elections to be taken on the same day.

Voting by persons in the employment of a returning officer.

13. (1) Section 99 of the Act of 1992 and regulation 61 of the 1995 Regulations shall not have effect in relation to an election to which these Regulations apply.

(2) Rule 60 of the Second Schedule to the Act of 1997 shall apply in relation to every Dáil election and local election the poll at which is to be taken on 23 May 2014 in the same manner as the said rule applies to the poll at the European elections to be taken on the same day, except that, in the case of a Dáil election or a local election, the alternative polling station shall be in the same Dáil constituency or local electoral area, as appropriate.

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

14. (1) Section 100 of the Act of 1992 and regulation 62 of the 1995 Regulations shall not have effect in relation to an election to which these Regulations apply.

(2) Rule 61 of the Second Schedule to the Act of 1997 shall apply in relation to every Dáil election and local election the poll at which is to be taken on 23 May 2014 in the same manner as the said rule applies to the poll at the European elections to be taken on the same day, except that, in the case of a Dáil election or a local election, the alternative polling station shall be in the same Dáil constituency or local electoral area, as appropriate.

Special voting.

15. (1) Where ballot papers and related documents are to be delivered to a special voter at more than one poll to which these Regulations apply, the same person shall be appointed as special presiding officer for each of the polls and

the functions of the special presiding officer under the Act of 1997, the Act of 1992 (where relevant) and the 1995 Regulations shall be performed by the officer at the same time in respect of each poll.

(2) Each local authority returning officer shall supply to the relevant European local returning officer such numbers of ballot papers and other documents as that officer shall require for the purposes of special voting at the local elections.

(3) Where ballot papers and related documents are to be delivered to a special voter at one or more than one poll to which these Regulations apply—

- (a) the European local returning officer shall, on the copy of the special voters list issued to the special presiding officer, cause—
 - (i) in cases where the poll is being taken at a Dáil election, the letter “EP” to be placed against the name of each person on the list entitled to vote at the European election and at the local election only, and the letter “L” to be placed against the name of each person on the list entitled to vote at the local election only,
 - (ii) in other cases, the letter “L” to be placed against the name of each person on the list entitled to vote at the local election only.
- (b) a single declaration of identity shall be completed by the special voter.
- (c) the special presiding officer shall, as soon as he or she has given a ballot paper(s) to the special voter, strike a line through the person’s name on the copy of the special voters list. Where ballot papers for all polls are not issued the special presiding officer shall, in addition, mark against the person’s name on the special voters list—
 - (i) the letters “EP” if a ballot paper in respect of the European election has been issued to him or her,
 - (ii) the letter “L” if a local election ballot paper has been issued to him or her,
 - (iii) the letter “D” if a ballot paper in respect of a Dáil election has been issued to him or her.
- (d) the completed ballot paper for each poll shall be put in a separate ballot paper envelope by the voter.
- (e) the special presiding officer shall place the ballot paper envelope or envelopes and the completed declaration of identity in a single covering envelope which he or she shall seal and to which he or she shall affix a label, in the form directed by the Minister for the Environment, Community and Local Government, signed by himself or herself and by the member of the Garda Síochána.

(f) the special presiding officer shall complete a ballot paper account for each poll to which these Regulations apply.

(4) The European local returning officer shall immediately on receipt of covering envelopes from a special presiding officer, place them unopened in a sealed ballot box marked “special voters ballot box” (by which name such ballot box is in this regulation subsequently referred) and shall make adequate arrangements for the safety and safe custody of the ballot box.

(5) The European local returning officer shall open the special voters ballot box as soon as may be after all covering envelopes have been received from all the special presiding officers appointed by the officer for the polls to which these Regulations apply.

(6) The provisions of rules 36 and 37 of the Second Schedule to the Act of 1997 shall apply to the opening of the special voters ballot box by the European local returning officer as if—

(a) rule 36(1) were deleted,

(b) “opening of the special voters ballot box” and “special voters ballot box” were substituted for “polling day” and “postal voters ballot boxes”, respectively, in rule 36(2),

(c) “special voters ballot box” were substituted for “postal voters ballot box”,

(d) “declaration of identity” were substituted for “receipt”,

(e) “regulation 15 of the Electoral Act 1992 (Section 165) Regulations 2014” were substituted for “rule 38” in rule 36(4), and

(f) “declaration of identity has been duly signed and witnessed” were substituted for “receipt has been duly signed” in rule 36(5).

(7) (a) In the event that the covering envelope does not have the label referred to in rule 45(7) of the Second Schedule to the Act of 1997, or if such label is not duly signed by the special presiding officer and the member of the Garda Síochána, the European local returning officer shall reject the covering envelope and deal with it as if it were a declaration of identity which had not been duly signed and witnessed.

(b) The European local returning officer shall provide a separate receptacle for each poll and for declarations of identity which have been duly signed and witnessed and shall label them accordingly.

(c) Each ballot paper envelope (or ballot paper which is not contained in a ballot paper envelope) accompanied in a covering envelope by a declaration of identity which has been duly signed and witnessed shall be placed in the receptacle for the poll to which it relates.

(8) When the covering envelopes in the special voters ballot box have been opened and their contents dealt with in accordance with paragraphs (6) and (7), the European local returning officer shall, in the presence of agents, place the contents of the receptacle(s) for the European election, and Dáil election where relevant and subject to paragraph (10), into the appropriate postal voters ballot box.

(9) The ballot paper envelope (or ballot paper which is not contained in a ballot paper envelope) in each receptacle for a local election shall be sealed in a separate packet and delivered as soon as may be to the appropriate local authority returning officer who shall open the packet and place the contents in the postal voters ballot box for the local election concerned. The packet shall be accompanied by a receipt form in duplicate and a signed copy shall be returned by the said local authority returning officer to the European local returning officer. The European local returning officer shall also send to the said local authority returning officer the items concerning the local election referred to in regulation 47(2)(a), (b), and (d) of the 1995 Regulations.

(10) The ballot paper envelope (or ballot paper which is not contained in a ballot paper envelope) in each receptacle for a Dáil election in the part of the county of Westmeath which is comprised in the Dáil constituency of Longford-Westmeath shall be sealed in a separate packet and delivered as soon as may be to the returning officer for the said Dáil constituency who shall open the packet and place the contents in the postal voters ballot box for the Dáil election concerned. The packet shall be accompanied by a receipt form in duplicate and a signed copy shall be returned by the said Dáil returning officer to the European local returning officer. The European local returning officer shall also send to the said Dáil returning officer the items concerning the Dáil election referred to in section 83(2)(a), (b) and (d) of the Act of 1992

(11) The marked copy of the special voters list shall be sent to the relevant local authority returning officer and dealt with in accordance with the provisions of regulation 48(1) of the 1995 Regulations.

Postal voter documents.

16. A ballot paper returned by a postal voter shall not be rejected solely on the grounds that it is not included in the correct envelope or is accompanied by a receipt (or declaration of identity, as the case may require) other than that issued by the relevant returning officer.

Special voter documents at opening of postal voter ballot boxes.

17. (1) The procedure in paragraph (2) shall apply to special voter ballot paper envelopes or special voter ballot papers not in a ballot paper envelope when the postal voter ballot boxes are opened under, as the case may be,—

(a) rule 36 of the Second Schedule to the Act of 1997,

(b) section 73 of the Act of 1992,

(c) regulation 38 of the 1995 Regulations.

(2) The European local returning officer (or, where regulation 6 applies, the returning officer for the Dáil constituency) or the local authority returning officer, as the case may be, shall first extract the special voter ballot paper envelopes and any special voter ballot papers not contained in ballot paper envelopes. The officer shall place—

- (a) each such ballot paper envelope in the receptacle for ballot paper envelopes and subsequently treat it in the same manner as a ballot paper envelope extracted from a postal voter covering envelope following the opening of the postal voter ballot boxes and placed in the same receptacle,
- (b) each such ballot paper, without unfolding it, in a ballot box in accordance with, as the case may be,—
 - (i) rule 38 of the Second Schedule to the Act of 1997,
 - (ii) section 75 of the Act of 1992,
 - (iii) regulation 40 of the 1995 Regulations.

Opening of postal and special voter ballot paper envelopes.

18. Where, at the time of opening the postal voter and special voter ballot paper envelopes, the European local returning officer (or, where regulation 6 applies, the returning officer for the Dáil constituency) or the local authority returning officer, as the case may be, finds a ballot paper relating to an election for which the officer is not the relevant returning officer, he or she shall—

- (a) place such ballot papers in a packet, together with two copies of a statement showing the number of papers enclosed in the packet, and
- (b) seal each such packet and transmit it by hand to the relevant returning officer, who shall acknowledge receipt of the packet on one copy of the statement and return it to the other returning officer.

Provisions relating to taking of polls in polling station.

19. The following provisions shall have effect in relation to the taking of the polls in a polling station at the elections to which these Regulations apply—

- (a) each poll shall be taken by a European local returning officer or, where regulation 6 applies, the returning officer for the Dáil constituency.
- (b) the same person shall be appointed to be the presiding officer at each poll.
- (c) the same copy of the register of electors, as defined in section 6 of the Act of 1992, shall be used for the poll at the European and local election and such copy of the register shall be marked in the manner set out in regulation 15(3)(c)(i) and (ii) to indicate the poll or polls in respect of which a ballot paper is delivered to each elector.

- (d) where one of the polls is the poll at a Dáil election, a separate copy of the register of electors, as defined in section 6 of the Act of 1992 shall be used for the poll at the Dáil election and such copy of the register shall be marked in the manner set out in regulation 15(3)(c)(iii).
- (e) where one of the polls is the poll at a Dáil election, a separate ballot box shall be provided for such poll.
- (f) each local authority returning officer shall supply to the returning officer taking the poll at the election such numbers of ballot papers and other documents as that officer shall require for the purposes of taking the poll at the relevant local election in each polling station.
- (g) the following questions shall be substituted for those set out in rule 72(1)(c) of the Second Schedule to the Act of 1997, section 111(2)(c) of the Act of 1992 and regulation 73(2) of the 1995 Regulations—
- (i) Are you the same person as the person whose name appears as AB on the register of electors now in force for the city/county/city and county of
- (ii) Have you already voted at these elections?
- (iii) Have you reached the age of eighteen years?
- and (in the case only of a person who applies for a ballot paper relating to the European election)*
- (iv) Are you either or both of the following—
- (a) a citizen of Ireland?
- (b) a national of a Member State of the European Communities other than Ireland?
- (h) the following oath (or affirmation) shall be substituted for the oath (or affirmation) set out in rule 72(1)(d) of the Second Schedule to the Act of 1997, section 111(2)(d) of the Act of 1992 and regulation 73(3) of the 1995 Regulations—

“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 electors now in force for the county/city/city and county of.....and that I have not already voted at these elections and that I have reached the age of eighteen years and (*in the case only of a person who applies for a ballot paper relating to the European Parliament election*) that I am a citizen of Ireland (*or — a national of a Member State of the European Communities other than Ireland — or — both a citizen of Ireland and a national of a*

Member State of the European Communities other than Ireland — *as the case may be*)”.

Verification of postal ballot paper accounts at a local election.

20. (1) On the day next following the polling day, at the time fixed by the local authority returning officer for a local election (which time shall be not earlier than 9 a.m. on that day) and at the place appointed under regulation 74(2) of the 1995 Regulations, the local authority returning officer shall, in the presence of the agents of the candidates, open the ballot box which was sealed under regulation 40 of the 1995 Regulations and extract the ballot papers therefrom.

(2) The ballot papers extracted by the local authority returning officer from the ballot box under paragraph (1) shall be counted and the total number so ascertained shall be compared with the number shown in the appropriate ballot paper account. The local authority returning officer shall prepare a statement showing the result of this comparison and shall, on request, allow the agent of any candidate to copy the statement.

(3) The local authority returning officer shall place the counted ballot papers in a ballot box which shall be sealed. When the local authority returning officer receives the ballot papers for the local election from the European local returning officer under regulation 21(3)(c), he or she shall mix together the whole of the ballot papers in respect of each local electoral area and shall proceed to count the votes in respect of each such area in accordance with Parts XII and XIII of the 1995 Regulations.

(4) The provisions of regulation 75 of the 1995 Regulations in relation to attendance at the counting of the votes shall apply to attendance at the proceedings under this regulation.

Opening of ballot boxes relating to European election and local election.

21. (1) The European local returning officer shall appoint the hour of 9 a.m. on the day next following the polling day as the day and time at which he or she will open the ballot boxes pursuant to rule 73 of the Second Schedule to the Act of 1997, and article 76 of the 1995 Regulations.

(2) At the time and on the day referred to in paragraph (1), and at the place appointed under rule 73(2) of the Second Schedule to the Act of 1997, the European local returning officer shall open the ballot box relating to each polling station and shall—

- (a) in accordance with rule 75(1A) of the Second Schedule to the Act of 1997 and regulation 76(1A) of the 1995 Regulations, open any ballot box containing not more than 50 ballot papers in respect of any one of the polls taken on 23 May 2014 in such manner that, although the box is opened in the presence of the agents of the candidates, the preferences on the individual ballot papers in respect of the poll where there are not more than 50 ballot papers cannot be read by those agents or other persons present at the count,

- (b) examine the ballot papers relating to each polling station at which the poll at a Dáil election was taken so as to ascertain if the box contains any ballot papers relating to a Dáil election,
 - (c) remove any such ballot papers found in the box,
 - (d) place such ballot papers in a packet, together with two copies of a statement showing the number of papers enclosed in the packet and giving particulars of the polling stations to which they relate, and
 - (e) seal the packet and transmit it by hand to the returning officer for the Dáil election who shall acknowledge receipt of the packet on one copy of the statement referred to in paragraph (d) and return the receipted statement to the European local returning officer.
- (3) The European local returning officer shall—
- (a) count the number of local election ballot papers found in each box and compare the total number of papers so ascertained with the number shown in the appropriate local election ballot paper account,
 - (b) prepare a statement showing the result of this comparison in respect of all the ballot boxes for each local electoral area including particulars of the local election ballot papers, if any, transmitted to him or her pursuant to regulation 24(d), and
 - (c) deliver the ballot papers to the relevant local authority returning officer, together with the appropriate statements referred to in paragraph (b) and the packets received by him or her from the several presiding officers under regulation 72(2)(a), (c) and (d) of the 1995 Regulations, making adequate arrangements for the safety and safe custody of the ballot papers and other documents in the course of such delivery.
- (4) The European local returning officer shall then deal with the ballot papers relating to the European election, in accordance with Part IX of the Second Schedule to the Act of 1997.
- (5) The local authority returning officer, on receipt of the ballot papers delivered to him or her in accordance with paragraph (3)(c), shall forthwith deal with them in accordance with the relevant Parts of the 1995 Regulations and regulations 20(3) and 23 of these Regulations.
- (6) The European local returning officer, his or her assistants and clerks, the relevant local authority returning officer, members of the Garda Síochána on duty, and agents of the candidates, and no other person, except with the permission of the European local returning officer, may be present at the proceedings under this regulation.

(7) In this regulation, references to “European local returning officer” include, where regulation 6 applies, reference to the returning officer for the Dáil constituency concerned.

Labelling of postal voters ballot box, election documents and preparation of statements.

22. For the purposes of rules 33(2), 39(4), 75 and 93(3) of the 1997 Act the local returning officer may treat Limerick City and Limerick County as one, North Tipperary County and South Tipperary County as one and Waterford City and Waterford County as one and identify these as Limerick City and County, Tipperary County and Waterford City and County, as appropriate, if this is necessary to facilitate and expedite the completion and ascertainment of the results of the European election.

Time for counting of votes at a local election.

23. The counting of the votes at a local election shall commence as soon as practicable on the day next following polling day after the receipt of the ballot papers by the local authority returning officer under regulation 21(3)(c).

Opening of Dáil election ballot boxes.

24. The returning officer for a Dáil election shall, having opened the ballot boxes for the Dáil election in accordance with section 114 of the Act of 1992-

- (a) examine the ballot papers therein so as to ascertain if the box contains any ballot papers relating to a European election or local election,
- (b) remove any such ballot papers found in the box,
- (c) place such ballot papers in separate packets in respect of each election, together with two copies of a statement showing the number of papers enclosed in each packet and giving particulars of the polling stations to which they relate,
- (d) seal each such packet and transmit it by hand to the European local returning officer or the local authority returning officer, as appropriate, who shall acknowledge receipt of the packet on one copy of the statement referred to in paragraph (c) and return the receipted statement to the returning officer for the Dáil election,

and, having regard to any Dáil election ballot papers received from the European local returning officer under regulation 21(2)(e), the returning officer for the Dáil election shall proceed to count the votes in accordance with Part XIX of the Act of 1992.

Marked register of electors.

25. (1) Notwithstanding rule 93(3)(d) of the Second Schedule to the Act of 1997, and regulation 92(2)(a) of the 1995 Regulations, the European local returning officer shall place the marked copies of the register of electors referred to in regulation 19(c) in separate sealed packets and shall mark on each packet particulars of its contents, the date of the polling day at the polls and the county,

city or city and county to which they relate and shall as soon as practicable forward the packet or packets to the relevant local authority returning officer.

(2) The local authority returning officer shall, in relation to the marked copies of the register of electors received by him or her pursuant to paragraph (1), comply with the provisions of regulations 92(3) and 94 of the 1995 Regulations in respect of such copies of the register.

Modification of Act of 1997.

26. The Act of 1997 shall have effect as if in section 17(2)(b) “and the Electoral Act 1992 (Section 165) Regulations 2014” were inserted after “by this Act”.

Modification of Act of 1992.

27. The Act of 1992 shall have effect as if in section 31 “and the Electoral Act 1992 (Section 165) Regulations 2014” were inserted after “with this Act”.

Modification of 1995 Regulations.

28. The 1995 Regulations shall have effect as if—

- (a) in regulation 5, “and the Electoral Act 1992 (Section 165) Regulations 2014” were inserted after “and these Regulations”;
- (b) in regulation 25(1)(a), “for the purpose of the taking of” were substituted for “and shall take” and “and the Electoral Act 1992 (Section 165) Regulations 2014” were inserted after “these Regulations”;
- (c) in regulation 69(3), “European local returning officer(or, where regulation 6 of the Electoral Act 1992 (Section 165) Regulations 2014 applies, the returning officer for the Dáil constituency) who shall forthwith inform the local authority” were inserted after “such adjournment to the”; and
- (d) regulation 92(2)(d) were deleted.



GIVEN under my Official Seal,
15 May 2014.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations make certain provisions in relation to the taking on the same day (23 May 2014) of the polls at the European Parliament elections, Dáil bye-elections and local elections. They cover matters such as returning officers, public notices, polling information cards, voting at polling stations, postal voting, special voting and the counting of the votes.

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52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€4.06



Wt. (B30595). 285. 5/14. Clondalkin. Gr 30-15.