

Electoral Act, 1963



Number 19 of 1963.

ELECTORAL ACT, 1963.

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Number 19 of 1963.

ELECTORAL ACT, 1963.

AN ACT TO AMEND AND EXTEND THE ELECTORAL ACTS, 1923 TO 1961, THE PRESIDENTIAL ELECTIONS ACTS, 1937 TO 1960, THE REFERENDUM ACTS, 1942 TO 1960, THE [PREVENTION OF ELECTORAL ABUSES ACT, 1923](#) , AND THE ACTS RELATING TO LOCAL ELECTIONS AND TO PROVIDE FOR RELATED MATTERS.
[12th July, 1963.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title,
commencement
and
collective
citations.

1.—(1) This Act may be cited as the Electoral Act, 1963.

(2) This Act 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.

(3) The Electoral Acts, 1923 to 1961, and [Parts I , II , III](#) and [VIII](#) of and the [First](#) and [Second Schedules](#) to this Act may be cited together as the Electoral Acts, 1923 to 1963.

(4) The Presidential Elections Acts, 1937 to 1960, and [Parts I , IV](#) and [VIII](#) of and the [First](#) and [Third Schedules](#) to this Act may be cited together as the Presidential Elections Acts, 1937 to 1963.

(5) The Referendum Acts, 1942 to 1960, and [Parts I , V](#) and [VIII](#) of and the [First](#) and [Fourth Schedules](#) to this Act may be cited together as the Referendum

Acts, 1942 to 1963.

Interpretation generally. 2.—(1) In this Act “*the Minister*” means the Minister for Local Government.

(2) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that Act as amended by or under any other enactment, including this Act.

Repeals. 3.—The enactments mentioned in the [First Schedule](#) to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

PART II.

Franchise and Registration.

Interpretation and construction (Parts II and III and Second Schedule). 4.—(1) In this Part and [Part III](#) of this Act “*the Principal Act*” means the [Electoral Act, 1923](#) .

(2) The Electoral Acts, 1923 to 1961, and this Part and [Part III](#) of and the [Second Schedule](#) to this Act shall be construed together as one Act.

Franchise. 5.—(1) A person shall be entitled to be registered as a Dáil elector in a constituency if he has reached the age of twenty-one years and he was, on the qualifying date—

(a) a citizen of Ireland, and

(b) ordinarily resident in that constituency.

(2) (a) A person shall be entitled to be registered as a local government elector in a local electoral area if he has reached the age of twenty-one years and—

(i) he was, on the qualifying date, ordinarily resident in that area, or

(ii) he has, during the whole of the period of six months ending on the qualifying date, occupied, as owner or tenant, any land or premises in that area.

(b) For the purposes of this subsection—

(i) where two or more persons jointly occupy land or premises, each such person shall be treated as occupying the land or premises, subject to the proviso that not more than two persons shall be entitled to be registered in respect of the same land or premises, unless they are *bona fide* engaged as partners carrying on their profession, trade or business on the land or premises,

(ii) the occupation of a dwellinghouse shall be deemed not to be interrupted by reason only of permission being given by letting or otherwise for the occupation of the dwellinghouse as a furnished dwellinghouse by some other person for part or parts of the

qualifying period not exceeding four months in the whole.

(c) Where, for the purpose of registration as a local government elector in a county, county borough, borough, urban district or town, a person has more than one property (that is to say, land or premises)—

(i) he may, not later than the last day for making claims for registration, nominate the one for which he wishes to be registered by giving notice to the registration authority, stating the addresses of the properties and the one for which he wishes to be registered, and he shall be registered accordingly;

(ii) where he does not so nominate and one of the properties is his residence situate in a county borough, borough, urban district or town, he shall be registered in respect of his residence;

(iii) in any other case, he shall be registered in respect of such one of the properties as the registration authority may decide.

(d) The registration authority shall make such alterations and corrections in the draft register as they think necessary—

(i) in order to secure that no person is registered more than once as a local government elector in a county borough, borough, urban district or town or in an administrative county exclusive of any borough, urban district or town therein, and

(ii) having regard to paragraph (c) of this subsection.

(e) In this subsection—

“*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 government elector*” means a person entitled to vote at a local election.

(3) (a) Where, not later than the last day for making claims for registration, an elector who is a whole time member of the Defence Forces furnishes a statement of the premises in which, but for his service, he would be ordinarily resident on the qualifying date to the registration authority for the registration area in which those premises are situate, 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](#) .

(4) For the purposes of this section—

(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 conclusive evidence of that fact.

(5) Where—

(i) on the qualifying date, a person is a patient or inmate in any hospital, sanatorium, county home, home for persons suffering from physical or mental disability or similar institution or is detained in any premises in legal custody, and

(ii) in the case of a person who is such a patient or inmate, he is not—

(I) a person in employment in the hospital, sanatorium, county home, home for persons suffering from physical or mental disability or similar institution who is resident therein for the purposes of such employment, or

(II) a person who, in the opinion of the registration authority, will continue for an indefinite period to be such a patient or inmate,

he shall be deemed for the purposes of this section to be resident in the place where he would have been residing but for his having been such a patient or inmate or having been so detained in legal custody.

(6) (a) The qualifying date for every register of electors shall be such date as may be specified by regulations made by the Minister.

(b) For the purposes of this section, a person's age shall be taken to be that person's age on such date as may be specified by regulations made by the Minister.

(c) Where regulations specifying the date referred to in paragraph (a) or paragraph (b) of this subsection 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 House.

Register of
electors.

6.—(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 Dáil electors, the register shall be the register of Dáil 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 such date as may be specified by regulations made by the Minister and shall remain in force until the day before the date on which the next register comes into force.

(3) Where regulations specifying the date referred to in subsection (2) of 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 House.

Registration
duties.

7.—(1) It shall be the duty of each council of a county and corporation of a county borough to prepare and publish the register of electors in accordance with regulations made by the Minister, after consultation with the Minister for Justice, and references in this Part of this Act to the registration authority shall be construed accordingly.

(2) In particular and without prejudice to the generality of subsection (1) of this section, regulations under this section may provide for all or any of the following matters:

- (a) furnishing by the corporations of boroughs which are not county boroughs and the councils of urban districts, to the councils of the counties in which such boroughs and urban districts are situate, of lists in the form of a draft register for the boroughs and urban districts,
- (b) identification, in draft registers, lists of claimants and registers of electors, of persons who are jurors and specification therein of places in respect of which persons are to be indicated as jurors,
- (c) making to and deciding by county registrars of claims for and objections to the entry of names in draft registers,
- (d) appointment of deputies for such registrars,
- (e) notification of decisions with respect to such claims and objections to the registration authority concerned,
- (f) the form of draft registers and registers of electors,
- (g) the inquiries to be made by the registration authorities,
- (h) the date of publication of registers of electors,
- (i) failure to publish registers of electors,
- (j) the fees to be charged for copies of draft registers and registers of electors,
- (k) specification of the substituted dates referred to in subsection (6) of this

section.

(3) If any person, having been duly required pursuant to regulations under this section to give any information in his possession which the registration authority or county registrar may require for the purposes of their duties, fails to give the information or gives false information, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(4) An elector shall be entered in the postal voters list if he is—

(a) a member of the Garda Síochána, or

(b) a whole time member of the Defence Forces (as defined in paragraph (b) of subsection (3) of [section 5](#) of this Act).

(5) The registration authority shall, within such period after publication of the register of electors as may be specified by regulations under this section, ascertain if any corrections in the register of electors are necessary because of errors of a clerical or typographical nature and, if any such corrections are ascertained to be necessary, the registration authority shall publish a list of them within the said period and the list shall be deemed to form part of the register of electors.

(6) For each reference to a date contained in subsection (1) of [section 13](#), subsections (3) and (4) of [section 15](#) and subsection (2) of [section 16](#) of the [Juries Act, 1927](#), there shall be substituted a reference to such date as may be specified by regulations under this section as being substituted therefor.

(7) In subsection (6) of [section 40](#) of the [Court Officers Act, 1926](#), “under the regulations made pursuant to section 7 of the Electoral Act, 1963” shall be substituted for all words from “as registration officer” to the end of the subsection.

(8) No person shall be entered more than once in a register of electors for a registration area as a juror.

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

(b) The Minister shall, by arrangements made with the sanction of the Minister for Finance, secure that the total cost of preparing and publishing the register of electors, shall be borne in approximately equal proportions by the State and by registration authorities.

(10) (a) Any person who, without lawful authority, wilfully destroys or mutilates any notice, draft register, copy of the register of electors or other document made available for public inspection in connection with the preparation of the register of electors shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(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.

(11) A reference in any enactment to the electors lists shall be construed as a reference to the draft register prepared for the purposes of this section.

(12) 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 House.

Appeals.

8.—(1) An appeal shall lie to the Circuit Court from any decision on any claim or objection which has been considered under the regulations under [section 7](#) of this Act.

(2) Subsection (1) of this section shall be subject to the proviso that an appeal shall not lie where a claimant or objector has not availed himself of an opportunity provided in the regulations under [section 7](#) of this Act, of having his claim or objection decided in the first instance by the authority specified in that behalf in the regulations.

(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 any 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) The qualification or liability of an appellant to serve as a juror shall not be affected by the fact that an appeal is pending under this section.

(6) 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.

PART III.

Conduct and Costs of Dáil Elections.

Chapter I.

General.

“General Election”, “Bye-Election” and “excluded day”.

9.—(1) Section 65 of the Principal Act is hereby amended by the substitution for the definitions of “*General Election*” and “*Bye-Election*” of the following definitions:

“The expression ‘*General Election*’ shall mean a general election for members of the Dáil held in accordance with subsection 2° of section 3 of Article 16 of the Constitution;

“The expression ‘*Bye-Election*’ shall mean 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;”.

(2) In this Part of this Act “*excluded day*” means any of the days which are specified in subsection (1) of section 60 of the Principal Act as days not to be reckoned.

Maximum duration of Dáil.

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

Returning officers and assistant, deputy and acting returning officers.

11.—(1) The returning officer for a constituency shall be—

- (a) in case the whole of the constituency is situate in a county or county borough for which there is a sheriff—the sheriff,
- (b) in case part of the constituency is situate in a county borough and part in a county and there is a sheriff for the county borough and a sheriff for the county—such one of the sheriffs as the Minister appoints from time to time,
- (c) in any other case—the county registrar or, where part of the constituency has one county registrar and part another county registrar or parts other county registrars, such one of the county registrars as the Minister appoints from time to time.

(2) (a) Where a constituency does not consist of the whole or part of a county or county borough, the returning officer may appoint the appropriate officer to be assistant returning officer for part of the constituency.

(b) The exercise of the power conferred by the foregoing paragraph shall be obligatory if the appropriate officer requires its exercise.

(c) In this subsection the “*appropriate officer*” means the county registrar for the county or county borough in which the part of the constituency is situate or if there is a sheriff for that county or county borough, such sheriff.

(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 nomination papers.

(4) A person shall not be appointed under subsection (3) of this section unless the appointment has been approved of by the Minister.

(5) 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.

(6) 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.

(7) 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 the duties of an assistant returning officer, the doubt shall be determined by the Minister.

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

(9) References in the Electoral Acts, 1923 to 1963, to returning officers shall, where appropriate, include references to assistant, deputy and acting returning officers.

(10) An appointment which was in operation immediately before the commencement of this section under paragraph (b) or paragraph (c) of subsection (1) of [section 7](#) of the Electoral (Amendment) Act, 1961, (repealed by this Act) shall be deemed to be an appointment under paragraph (b) or paragraph (c) (as may be appropriate) of subsection (1) of this section.

Issue and
return of
writs.

12.—(1) Where the Dáil is dissolved, the Clerk of Dáil Éireann 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 Dáil Éireann (or, where he is unable through illness, absence or other cause to fulfil his duties, the Deputy Chairman of Dáil Éireann) shall, as soon as he is directed by the Dáil so to do, direct the Clerk of Dáil Éireann 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 Dáil Éireann 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 Dáil Éireann 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 Dáil Éireann 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 Dáil Éireann free of charge by the earliest practicable post.

(5) Where an outgoing Chairman of Dáil Éireann within the meaning of [section 14](#) of this Act 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 Dáil Éireann shall send to the returning officer and shall publish in *Iris Oifigiúil* a certificate certifying that the outgoing Chairman of Dáil Éireann 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 Rule 43 of Part I of the Fifth Schedule to the Principal Act, include the name of the outgoing Chairman of Dáil Éireann among the names of the candidates elected for the constituency.

(6) A writ issued under this section shall be in the appropriate form specified in Part I of the [Second Schedule](#) to this Act, shall be dispatched by registered post to the returning officer and shall be transmitted free of charge by the earliest practicable post, and the returning officer, immediately after receiving the writ, shall acknowledge by telegram its receipt.

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

Parties.

this section.

(b) If and so long as the office of Clerk of Dáil Éireann is vacant or the holder of that office is unable through illness, absence or other cause to fulfil his duties, the Clerk-Assistant of Dáil Éireann 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 Dáil Éireann acting as such Registrar (as may be appropriate).

(2) 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) is organised to contest a Dáil election or a local election.

(3) 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.

(4) Immediately on setting up the Register of Political Parties, the Registrar shall register therein the parties then represented in the Dáil by the names by which they are commonly known and shall complete each such registration by inserting the particulars referred to in paragraphs (b) and (c) of subsection (3) of this section on being informed thereof.

(5) 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, unnecessarily 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.

(6) 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 (3) of this section.

(7) The Registrar shall, with respect to each party registered in the Register of Political Parties, enquire at least once in each year, by letter sent by post to an officer of the party referred to in paragraph (c) of subsection (3) of this section, whether the party desires to remain registered and, unless he receives an affirmative reply to such an enquiry within twenty-one days from the date of the posting of the letter containing the enquiry, he shall cancel the registration of the party concerned.

(8) (a) Any doubt, dispute or question which may arise in connection with the Register of Political Parties shall be decided by an appeal board.

(b) 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 Dáil Éireann (or, where he is unable, through illness, absence or other cause to fulfil his duties, the Deputy Chairman of Dáil Éireann) and the Chairman of Seanad Éireann, (or, where he is unable, through illness, absence or other cause to fulfil his duties, the Deputy Chairman of Seanad Éireann).

(c) A decision of the appeal board shall be complied with by the Registrar.

(9) On the third day (disregarding any excluded day) after the day of the issuing under [section 12](#) of this Act 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.

(10) 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.

Re-election of
outgoing
Chairman of
Dáil Éireann.

14.—(1) Where the Dáil is dissolved and the outgoing Chairman of Dáil Éireann 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, the constituency declared on the revision to correspond to the constituency mentioned in the foregoing paragraph.

(2) Where an outgoing Chairman of Dáil Éireann 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.

(3) In this section “*outgoing Chairman of Dáil Éireann*” means a person who,

immediately before the dissolution of the Dáil in relation to which the expression is used, was the Chairman of Dáil Éireann.

Specification
by regulations
of certain
forms.

15.—(1) The Minister may by regulations specify the forms named in subsection (2) of this section and, where any such regulations are for the time being in force, each form specified thereby shall stand substituted in the Fifth Schedule to the Principal Act for the corresponding form specified in that Schedule.

(2) The forms referred to in subsection (1) of this section are the following forms in Part III of the Fifth Schedule to the Principal Act:

(a) form 4 (notice of election),

(b) form 5 (nomination paper),

(c) form 10 (notice of result of election and of transfer of votes).

(3) Regulations under this section which specify the form of nomination paper may, if the Minister so thinks proper, include in the form—

(a) a note of the qualifications, disqualifications and incapacities for election to and membership of Dáil Éireann,

(b) a form of declaration, to be signed by the candidate or his proposer, that he has read the note and believes himself or the candidate (as may be appropriate) to be eligible for election,

and if any person makes a declaration such as aforesaid pursuant to regulations under this section in a case in which he or the candidate (as may be appropriate) is not eligible for election, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) In a prosecution for an offence under this section, it shall be a good defence for the defendant to show that he had reasonable grounds for believing that he or the candidate (as may be appropriate) was eligible for election.

Ballot paper.

16.—(1) The following section is hereby substituted for section 26 of the Principal Act:

“26. Votes at a Dáil election shall be given by ballot, and the ballot of each voter shall consist of a paper (in this Act called a ballot paper) in form 5A in Part III of the Fifth Schedule to this Act.”

(2) The form and directions set out in Part II of the [Second Schedule](#) to this Act are hereby inserted in Part III of the Fifth Schedule to the Principal Act after form 5, and the returning officer shall comply with such directions.

Destruction,
etc. of ballot
boxes or
ballot papers.

17.—If at the poll at a Dáil election any ballot boxes or ballot papers are taken out of the custody of the returning officer or a presiding officer or are in any way tampered with or are either accidentally or intentionally destroyed or (in the case of ballot papers) are maliciously torn or defaced, the following provisions shall

have effect:

- (a) the polling at every polling place at which any of the 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 place;
- (d) a fresh poll shall be taken at every such polling place in accordance with the directions given by the Minister;
- (e) the Electoral Acts, 1923 to 1963, shall apply in respect of such fresh poll in like manner as they apply to the original poll.

Chapter II.

Nominations.

Last day for receiving nominations.

18.—At a Dáil election the last day for receiving nominations shall be the last day of the period which consists of the nine days (disregarding any excluded day) next following the day on which the writ or writs for the election is or are issued.

Procedure after nominations.

19.—(1) The following section is hereby substituted for section 19 of the Principal Act:

“19.—(1) If, at 12 noon on the day after the last day for receiving nominations, no more candidates stand nominated than there are vacancies to be filled, the returning officer shall forthwith declare the candidates standing nominated to be elected and return their names to the Clerk of Dáil Éireann; but if, at that hour, more candidates stand nominated than there are vacancies to be filled, the returning officer shall adjourn the election and shall take a poll in the manner directed by this Act.

(2) If an election is adjourned for the purpose of taking a poll the returning officer shall, as soon as practicable after the adjournment, give public notice of—

- (a) the day on which and the hours during which the poll shall be taken,
- (b) the names and descriptions of the candidates as entered in their nomination papers, and of the proposers, if any,
- (c) the order in which the names of the candidates will appear in the ballot papers.”

(2) Paragraph (1) of Rule 3 of the Fourth Schedule to the Principal Act is hereby amended by the insertion of “the day after” before “the last day”.

Deposit by

20.—The following section is hereby substituted for section 20 of the

candidates. Principal Act:

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

(2) The deposit may be made by the deposit of any legal tender or, with the consent of the returning officer, in any other manner.

(3) If after a deposit is made the candidature is withdrawn or the nomination paper is deemed to be invalid, the deposit shall be returned to the person by whom the deposit was made, and if the candidate dies after the deposit is made, and before the poll is closed, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

(4) If a candidate is not elected, the deposit made by him or on his behalf shall be returned to the person by whom the deposit was made as soon as practicable after the result of the election is declared, unless the number of votes polled by the candidate does not exceed one-third of the quota as ascertained in accordance with the Rules contained in the [Third Schedule](#) to this Act, and in such case the deposit shall be forfeited to the State. For the purposes of this subsection the number of votes polled by a candidate shall be deemed to be the greatest number of votes at any time credited to him in accordance with the Rules contained in the [Third Schedule](#) to this Act.

(5) If a candidate is elected, the deposit made by him or on his behalf shall be returned to the person by whom the deposit was made as soon as practicable after the result of the election is declared.

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

Amendment
of Rules 1 to
12 of Part I of
Fifth
Schedule to
Principal Act.

21.—(1) The following Rules shall be substituted for Rules 1 to 12 of Part I of the Fifth Schedule to the Principal Act:

Notice of election.

“1. (1) The returning officer shall, within two days after the day on which he receives the writ, give public notice in the form specified by

regulations made by the Minister of—

- (a) the times and place at which forms of nomination papers may be obtained;
- (b) the times and place at which he will attend to receive nomination papers; and
- (c) the day on which (if the election is contested) the poll will be taken.

(2) The returning officer shall send one copy of such public notice by post to the postmaster of the principal post office for each polling district in the constituency in an envelope endorsed with the words '*Notice of Election*', and such notice so endorsed shall be forwarded and delivered by post free of charge, and each postmaster to whom a copy of such notice is sent shall upon receipt thereof forthwith publish it in the manner in which post office notices are usually published.

Necessity for nomination.

2. 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 manner provided by these Rules and his nomination paper has been ruled as valid by the returning officer.

Nominations.

3. A person may nominate himself as a candidate for election to the Dáil 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.

Nomination to be in writing and specified form.

4. Each nomination shall be in writing and in the form specified by regulations made by the Minister.

Supply of nomination forms.

5. The returning officer shall arrange for the supply of nomination forms during the usual office hours, at such place as is named in that behalf in the Notice of Election, on each day between the publication of that notice and up to 12 noon on the last day for receiving nominations, but the use of a form supplied by the returning officer shall not be obligatory so long as the nomination paper used is in the specified form.

Delivery of nomination papers.

6. (1) Nomination papers shall be delivered to the returning officer by the candidate or his proposer not earlier than the second day after the publication of the Notice of Election under Rule 1 hereof and not later than 12 noon on the last day for receiving nominations.

(2) The delivery shall be made by the candidate in person but, if

the candidate is proposed by another person, it may be made either as aforesaid or by the proposer.

(3) The returning officer shall attend to receive nominations at the place specified in that behalf in the Notice of Election under Rule 1 hereof 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 before the last day for receiving nominations and between the hours of 10 a.m. and 12 noon on such last day.

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

Selection of nomination papers.

7. 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 in a constituency shall be deemed to be the nomination of that candidate for that constituency.

Description of candidate.

8. The names, address and occupation (if any) of each candidate shall be stated on his nomination paper and his surname shall come first in the statement of his names.

Ruling on nomination papers.

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

(2) 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; where a 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.

(3) (a) A candidate may include in his nomination paper the name of the political party registered in the Register of Political Parties 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 specified by regulations made by the Minister authenticating the candidature is produced to the returning officer, being a certificate signed by the officer or officers of such party whose name or names

appear in the said Register pursuant to paragraph (c) of subsection (3) of section 13 of the Electoral Act, 1963. 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 such party, as shown in the nomination paper, to be specified in relation to the candidate on all the ballot papers and on notices.

(b) Where a candidate is not the candidate of a political party registered in the Register of Political Parties, 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.

(c) Any reference in the foregoing subparagraphs 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 subsection (9) of section 13 of the Electoral Act, 1963.

(4) 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 decides that the paper is invalid, he shall include a statement of his reasons. His decision, if it rules that the nomination paper is valid, shall be final and, if it rules that the nomination paper is invalid, shall be subject to reversal on petition questioning the election or return.

(5) 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 decision to the candidate.

(6) Nothing in this Rule shall prevent the nomination or election of any candidate being questioned by petition questioning the election.

Publication of names of candidates.

10. The returning officer shall, as soon as practicable after he has ruled that a nomination paper is valid, placard in a conspicuous position outside the place at which he is receiving nominations the name and description of the person nominated in the paper and the name and address of his proposer, if any.

Withdrawal of nominations.

11. (1) A candidate may before 12 noon on the day after the last day for receiving nominations, but not afterwards, withdraw from his candidature by delivering or having his proposer deliver a notice to that effect, signed by him, to the returning officer.

(2) In a case in which the returning officer is satisfied that a candidate is unable to attend and wishes to withdraw his candidature, withdrawal may be effected by furnishing, before the said hour, a notice to that effect, signed by the candidate and the person

presenting the notice, to the returning officer.

Publication of withdrawal.

12. The returning officer shall, immediately on the withdrawal, give public notice of a withdrawn candidate (and, in the case of a withdrawn candidate whose nomination paper was subscribed by another person, of the name of the other person).”

(2) Where a person produces to a returning officer a certificate such as is referred to in paragraph (3) of Rule 9 of Part I of the Fifth Schedule to the Principal Act which that person knows to be forged, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(3) (a) A person shall not—

(i) nominate another person for election to the Dáil, or

(ii) withdraw the candidature of another person for election to the Dáil,

save with the consent of that person.

(b) A person who contravenes paragraph (a) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Chapter III.

The Poll.

Polling districts and polling places.

22.—(1) The council of a county or corporation of a county borough may, after 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 and elections of members of local authorities within the meaning of [Part VI](#) of this Act and appointing a polling place for each polling district.

(2) A scheme under this section made by the council of a county or corporation of a county borough shall come into operation—

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

(b) on the day specified in that behalf in such order.

(3) As soon as may be after they have made a scheme under this section, the council of a county or corporation of a county borough shall submit the scheme to the Minister for confirmation and the Minister shall by order confirm the scheme with or without modification or refuse to confirm it.

(4) A scheme in force under this section may, and shall if the Minister so directs, be revoked or amended by a subsequent scheme under this section.

(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 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) Where the Minister, either of his own motion or on representation made to him, becomes satisfied that the polling districts or polling places (or any of them) named in a scheme in force under this section do not meet the reasonable requirements of the electors, the Minister may require the council of a county or corporation of a county borough concerned to amend the scheme as he considers proper and, if they do not do so within one month, the Minister may himself amend the scheme by a further scheme.

(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 1955, 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.

(8) Until the first scheme made under this section by the council of a county or corporation of a county borough comes into operation, the polling districts and polling places existing in relation to the county or county borough immediately before the commencement of this section shall continue, and after the coming into operation of such 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) Rule 13 of Part I of the Fifth Schedule to the Principal Act is hereby amended by the addition thereto of “but the foregoing provisions of this Rule shall be subject to the proviso that, 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”.

(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.

Polling cards. **23.**—(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 a card (in this section referred to as a polling card) in the form specified by regulations made 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.

(2) A polling 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 sent in sufficient time to be delivered in the ordinary course of post at that address not

later than the third day before the polling day.

(3) A polling card shall be dispatched by post and shall be transmitted free of charge by the earliest practicable post.

(4) Expenses incurred by a returning officer in complying with this section shall be expenses incurred by him for the purposes of the election within the meaning of section 25 of the Principal Act.

(5) No election shall be invalidated by reason of any failure to send, non-delivery of or error or misstatement in, a polling card.

(6) No action or other proceeding shall lie against a returning officer in respect of any error or misstatement in a polling card.

Times of poll. **24.**—(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 during the period which consists of the nine days (disregarding any excluded day) next following the period which consists of the seven days (disregarding any excluded day) next following the last day for receiving nominations, and

(b) shall continue for such period, not being less than twelve hours, between the hours of 8.30 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 *Iris Oifigiúil* as soon as may be after it is made.

Presiding officers and poll clerks.

25.—(1) The following section is hereby substituted for section 35 of the Principal Act:

“35. (1) The returning officer shall appoint a presiding officer to preside at each polling station and also, if he thinks fit, a clerk or clerks to assist each presiding officer.

(2) The returning officer shall not appoint as presiding officer or poll clerk any person if he is himself aware or it is shown to his satisfaction that the person has been actively associated in furthering the candidature of any candidate at the election.

(3) 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 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.

(4) A presiding officer shall keep order at his station, regulate the number of electors to be admitted at a time and shall exclude all other persons except the clerks, the agents of the candidates, companions of 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, and members of the Garda Síochána on duty.

(5) 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.”

(2) Section 36 of the Principal Act is hereby amended by the substitution of “any presiding officer” for “his deputy” in both places where the latter words occur.

Right to vote. **26.**—(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) the returning officer or presiding officer may and, if so required on behalf of any candidate, shall put to any person at the time of his applying for a ballot paper, but not afterwards, the following questions, or any one or two of them:

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

(ii) Have you already voted at this election?

(iii) Had you reached the age of twenty-one 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,

(c) the returning officer or presiding officer may and, if so required on behalf of any candidate, shall administer to any person at the time of his applying 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 A B on the register of electors now in force for the constituency of _____

and that I have not already voted at this election, and that I had attained the age of twenty-one 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 by Rule 24 of Part I of the Fifth Schedule to the Principal Act, 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) (a) A person—

(i) 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

(ii) who is not registered in that register,

shall not vote at the poll at a Dáil election in that constituency.

(b) A person who contravenes paragraph (a) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

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

Voting by
blind,
incapacitated,
and illiterate
persons.

27.—(1) The following Rule is hereby substituted for Rule 24 of Part I of the Fifth Schedule to the Principal Act:

“24. (1) (a) If any elector satisfies the presiding officer that his sight is so impaired or that he is otherwise so physically incapacitated or that he is so illiterate that he is unable to vote without assistance, this Rule shall apply.

(b) For the purposes of subparagraph (a) of this paragraph, the presiding officer may, and, if requested by an agent of a candidate, shall, administer to the elector 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 so illiterate— as the case may be*) that I am unable to vote

without assistance’

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

(2) (a) Where this Rule applies in the case of an 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 subparagraph (b) of this paragraph, the companion may mark the ballot paper for the elector and shall forthwith place it so marked in the ballot box.

(b) The presiding officer may, and, if requested by an agent of a candidate, 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 the first question is answered in the affirmative and the other question or questions, as the case may be, is or are answered in the negative the companion shall not mark the ballot paper.

(3) Where this Rule applies and—

(a) the elector is illiterate, or

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

(c) the elector having so requested, the marking of his ballot paper by the companion would be in contravention of subparagraph (b) of paragraph (2) of this Rule,

the presiding officer shall, in the presence of the agents of the candidates and no other person, cause the vote of the elector to be marked on a ballot paper in the manner directed by the elector and shall forthwith place the ballot paper so marked in the ballot box.

(4) A request made by an elector within four hours before the hour fixed for the closing of the poll to have his ballot paper marked for him under this Rule otherwise than by a companion may be refused by the presiding officer if, in his opinion, having regard to the number of 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 electors.

(5) Where a ballot paper is to be marked pursuant to paragraph (3) of this Rule

the presiding officer may assist the elector by reading out in full from the ballot paper, as respects each candidate, the particulars stated in respect of him, but he shall not act on any written instruction.”

- (2) (a) Where, pursuant to paragraph (2) of Rule 24 of Part I of the Fifth Schedule to the Principal Act, a person has marked as a companion two ballot papers at an election, he shall not, at that election, mark as a companion any other ballot paper.
- (b) A person shall not, pursuant to paragraph (2) of Rule 24 of Part I of the Fifth Schedule to the Principal Act, mark as a companion a ballot paper at an election if he is a candidate or agent of a candidate at that election.
- (c) A person who contravenes paragraph (a) or paragraph (b) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Alleged personation.

28.—The following Rule is hereby substituted for Rule 25 of Part I of the Fifth Schedule to the Principal Act:

“25. If a person, representing himself to be a particular elector named on the register of electors, applies for a ballot paper after another person has been given a ballot paper as such elector, the applicant shall, upon duly answering the questions permitted by law to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other elector and to put the ballot paper when marked into the ballot box, but the presiding officer shall make out a statement showing the total number of ballot papers issued pursuant to this Rule and the names and numbers on the register of electors of the persons to whom they were issued.”

Amendment of Principal Act as to official mark on ballot papers.

29.—“with an official mark which shall be embossed or perforated so as to be visible on both sides of the paper” is hereby substituted for “on both sides with the official mark either stamped or perforated” in paragraph (2) of Rule 3 of the Fourth Schedule to the Principal Act and for “on both sides with the official mark, either stamped or perforated” in Rule 22 of Part I of the Fifth Schedule thereto.

Duties of presiding officer at close of poll.

30.—The following Rule is hereby substituted for Rule 27 of Part I of the Fifth Schedule to the Principal Act:

“27. The presiding officer shall, at the time fixed for the close of the poll, take steps to ensure that no further electors are admitted to the polling station and, subject to the proviso that an elector on the premises at that time shall be entitled to receive a ballot paper and to vote, the presiding officer at each polling station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, seal each ballot box, unopened but with the

key attached, so that no further papers can be inserted therein and make up into separate packets sealed with his seal—

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

(b) the marked copies of the register of electors, and

(c) the counterfoils of the ballot papers,

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

Secrecy.

31.—(1) Subsection (1) of section 28 of the Principal Act is hereby amended by the insertion of “and every member of the Garda Síochána and candidate so in attendance” after “at a polling station,” and “or member of the Garda Síochána or candidate,” after “no such officer, clerk or agent.”

(2) Subsection (2) of section 28 of the Principal Act is hereby amended by the insertion of “and every member of the Garda Síochána, candidate and person whose attendance is permitted by the returning officer” before “in attendance at the counting of the votes”.

Death of candidate.

32.—(1) Where, at any time during the period beginning seventy-two hours before the adjournment of a Dáil election for the purpose of taking a poll and ending on the commencement of the poll, the returning officer becomes satisfied that a candidate has died, the following provisions shall have effect:

(a) the returning officer shall notify the Minister and the Clerk of Dáil Éireann 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 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) in the fresh election, the last day for receiving nominations shall be the last day of the period which consists of the nine days (disregarding any excluded day) next following the day of the sending of the 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 purpose of Rule 1 of Part I of the Fifth Schedule to the Principal Act 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.

(2) Where, at any time after the commencement of the poll at a Dáil election

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 election in the constituency shall be disregarded and the ballot papers destroyed,
- (b) the returning officer shall notify the Minister and the Clerk of Dáil Éireann of the death of the candidate,
- (c) the provisions of paragraphs (b) to (f) of subsection (1) of this section shall apply.

(3) The death of a candidate at a Dáil election in circumstances other than those referred to in subsections (1) and (2) of this section 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.

(4) Where a poll is countermanded under this section, all ballot papers issued to postal voters shall be disregarded and the returning officer shall destroy without opening all ballot papers received by him for inclusion in the countermanded poll.

Death of
outgoing
Chairman of
Dáil Éireann.

33.—(1) Where an outgoing Chairman of Dáil Éireann within the meaning of [section 14](#) of this Act 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 after the dissolution and before the commencement 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 outgoing Chairman of Dáil Éireann dies 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 the outgoing Chairman of Dáil Éireann dies after the issue of the writ and before the commencement of the poll in the constituency—
 - (i) the Clerk of Dáil Éireann 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 Dáil Éireann 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) in the fresh election—
 - (I) the last day for receiving nominations shall be 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) of this paragraph, 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.

(c) if the outgoing Chairman of Dáil Éireann dies 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,

(ii) the provisions of subparagraphs (i), (iii) and (iv) of paragraph (b) of this subsection shall apply.

(2) Where a poll is countermanded under this section, all ballot papers issued to postal voters shall be disregarded and the returning officer shall destroy without opening all ballot papers received by him for inclusion in the countermanded poll.

Advance
polling on
islands.

34.—(1) This section applies where—

(a) a poll is to be taken at a Dáil election in a constituency, and

(b) the returning officer is of opinion that, in the case of a polling station situate on an island, it is probable that, owing to stress of weather or transport difficulties, either—

(i) the poll could not be taken on the polling day appointed by the Minister, or

(ii) if the poll were taken on that day, 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.

(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 the Principal Act, have effect:

(a) the returning officer may 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 a notice of poll under section 19 of the Principal Act by reason of an alteration under this section of the day and hours of a poll.

Amendment
of section 59
(b) of
Principal Act.

35.—Paragraph (b) of section 59 of the Principal Act is hereby amended by the substitution of “law” for “this Act”.

Chapter IV.

The Count.

Amendment
of Rules 2
and 12 of
Third
Schedule to
Principal Act.

36.—(1) The following Rule is hereby substituted for Rule 2 of the Third Schedule to the Principal Act:

“2. Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which the figure 1 standing alone 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 is set opposite the name of more than one candidate, or
- (d) on which anything except the number on the back is written or marked by which the voter can be identified,

shall be invalid and not counted, but the ballot paper shall not be invalid by reference only to carrying the words ‘one’, ‘two’, ‘three’ (and so on) or a mark such as ‘X’ which, in the opinion of the returning officer, clearly indicates a preference or preferences.”

(2) Rule 12 of the Third Schedule to the Principal Act is hereby amended by the substitution of the following paragraphs for paragraphs (2) and (3):

“(2) The expression ‘*first preference*’ means the figure ‘1’, the word ‘one’ or a mark such as ‘X’ which, in the opinion of the returning officer, clearly indicates a first preference; the expression ‘*second preference*’ means the figure ‘2’, the word ‘two’ or a mark which, in the opinion of the returning officer, clearly indicates a second preference, standing in succession to a first preference; and the expression ‘*third preference*’ means the figure ‘3’, the word

‘three’ or a mark which, in the opinion of the returning officer, clearly indicates a third preference, standing in succession to a second preference; and so on.

(3) The expression ‘*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 ignored.”

Amendment
of Rule 6 of
Third
Schedule to
Principal Act.

37.—Rule 6 of the Third Schedule to the Principal Act is hereby amended by the substitution of “candidate deemed to be elected” for “elected candidate” wherever the latter expression occurs.

Amendment
of Rule 6 (5)
(a) of Third
Schedule to
Principal Act.

38.—Subparagraph (a) of paragraph (5) of Rule 6 of the Third Schedule to the Principal Act is hereby amended by the insertion of “either” before “that surplus” and by the addition at the end of the subparagraph of “or one-third of the quota is greater than the sum of the number of votes credited at such count to the lowest candidate together with that surplus and any other surplus not transferred”.

Amendment
of Rule 10 of
Third
Schedule to
Principal Act.

39.—The following paragraphs are hereby inserted in Rule 10 of the Third Schedule to the Principal Act after paragraph (1):

“(1A) The power under the foregoing paragraph of a returning officer to recount at his discretion papers in any case in which he is not satisfied as to the accuracy of any count extends to papers dealt with at an earlier count than the immediately preceding one.

(1B) 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 forthwith re-examine and recount the parcels of ballot papers accordingly. In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed. Nothing in the foregoing provisions of this paragraph 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.

(1C) Where an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.”

Amendment
of Rule 12
(10) of Third
Schedule to
Principal Act.

40.—Paragraph (10) of Rule 12 of the Third Schedule to the Principal Act is hereby amended by the insertion of “result of the” before “poll”

Amendment

41.—(1) The following Rules are hereby substituted for Rules 29 to 33 of Part

of Rules 29 to I of the Fifth Schedule to the Principal Act:
33 of Part I of
Fifth
Schedule to
Principal Act.

Candidates' agents.

“29. The candidates may respectively appoint agents to attend the counting of the votes and the name and address of every agent so appointed shall be transmitted to the returning officer two clear days at least before the polling day. Not more than five agents shall be appointed by a candidate unless the returning officer otherwise permits.

Arrangements for counting of votes.

30. (1) The returning officer shall provide suitable accommodation and all equipment necessary for counting the votes and shall count the votes at a place within the constituency, but—

(a) in case the constituency consists of a part which is part of a county borough and a part which is outside that borough, the returning officer may provide the accommodation and equipment and count the votes—

(i) at a place within the other part of that borough, or

(ii) with the consent of the Minister, at a place outside that borough and outside, but convenient to, the constituency,

(b) in any other case, the returning officer may, with the consent of the Minister, provide the accommodation and equipment and count the votes at a place outside, but convenient to, the constituency.

(2) One clear day at least before the day fixed for the commencement of the poll the returning officer shall give to the election agent of each candidate notice in writing of the place at which he will count the votes. He shall give the agents of candidates all such reasonable facilities for overseeing the proceedings at the count (including, in particular, facilities for satisfying themselves that the ballot papers are correctly sorted), and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions.

Persons to be present at counting.

31. The returning officer, his assistants and clerks, members of the Garda Síochána on duty, and the agents of the candidates whose names and addresses have been given to the returning officer under Rule 29 hereof, and no other person, except with the permission of the returning officer, may be present at the counting of the votes.

Opening of ballot boxes

32. At the hour of 9 a.m. on the day after the close of the poll and at the place for the counting of the votes, the returning officer shall, in the presence of the agents of the candidates, open the ballot boxes, count and record the number of ballot papers therein and proceed to verify the ballot paper account accompanying each ballot box. He shall then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces upwards and shall take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.

Counting of votes.

33. After compliance with Rule 32 hereof the returning officer shall forthwith begin to count the votes and shall, so far as practicable, proceed continuously with the counting of the votes allowing only 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. on the succeeding morning. During the excluded time the returning officer shall place the ballot boxes and documents relating to the election under his own seal and shall take proper precautions for the security of such boxes and documents.”

(2) Paragraph (1) of Rule 2 of the Fourth Schedule to the Principal Act is hereby amended by the insertion of “members of the Garda Síochána on duty,” before “the election agent of each candidate”.

Amendment of Rule 37 of Part I of Fifth Schedule to Principal Act.

42.—(1) Rule 37 of Part I of the Fifth Schedule to the Principal Act is hereby amended by the insertion of “from the date on which the poll took place” after “for a year”.

(2) The reference in Rule 10 of the Fourth Schedule to the Principal Act to Rule 37 of Part I of the Fifth Schedule thereto, shall be construed as a reference to the said Rule 37 as amended by subsection (1) of this section.

PART IV.

Presidential Elections.

Interpretation and construction (Part IV and Third Schedule)

43.—(1) In this Part of this Act “*the Principal Act*” means the [Presidential Elections Act, 1937](#) .

(2) The Presidential Elections Acts, 1937 to 1960, and this Part of and the [Third Schedule](#) to this Act shall be construed together as one Act.

Polling cards.

44.—(1) Where a poll is to be taken at a presidential election, the local returning officer for each constituency 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 a card (in this section referred to as a polling card) in the prescribed form 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.

(2) A polling 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 sent in sufficient time to be delivered in the ordinary course of post at that address not later than the third day before the polling day.

(3) A polling card shall be dispatched by post and shall be transmitted free of charge by the earliest practicable post.

(4) Expenses incurred by a local returning officer in complying with this section shall be expenses incurred by him for the purposes of the election within the meaning of section 21 of the Principal Act.

(5) No presidential election shall be invalidated by reason of any failure to send, non-delivery of, or error or misstatement in, a polling card.

(6) No action or other proceeding shall lie against a local returning officer in respect of any error or misstatement in a polling card.

Advance
polling on
islands.

45.—(1) This section applies where—

- (a) a poll is to be taken at a presidential election, and
- (b) a local returning officer is of opinion that, in the case of a polling station situate on an island, it is probable that, owing to stress of weather or transport difficulties, either—
 - (i) the poll could not be taken on the polling day appointed by the Minister, or
 - (ii) if the poll were taken on that day, the ballot boxes could not reach the place for the opening of the ballot boxes at or before the hour of 9 a.m. on the day next after the polling day.

(2) Where this section applies, the local 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 the Principal Act, have effect:

- (a) the local returning officer may 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 opening of the ballot boxes 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 Rule 3 of the First Schedule to the Principal Act by reason of an alteration made under this section of the day and hours of a poll.

Notification of name of President elect to certain persons.

46.—As soon as may be after the presidential returning officer at a presidential election has declared a candidate (in this section referred to as the President elect) to have been elected as President, the presidential returning officer shall, in the manner directed by the Government, inform the President, the President elect, the Taoiseach, the Chief Justice, the Chairman of Dáil Éireann, the Chairman of Seanad Éireann and the Secretary to the President, of the name and address of the President elect.

Amendment of sections 12, 13 and 14 of Principal Act.

47.—Sections 12, 13 and 14 of the Principal Act shall have effect subject to the following provisions:

- (a) the presidential returning officer shall be entitled to rule a nomination paper invalid if, but only if, it is not properly made out or subscribed;
- (b) at the ruling on nominations the presidential 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; where the presidential returning officer so objects, he shall allow the candidate or his authorised representative, as may be appropriate, to amend the description, and, if it is not so amended to the presidential returning officer's satisfaction, the presidential returning officer may amend or delete it, as he thinks fit, after consultation with the candidate or his authorised representative, if either is present, or may rule that the nomination paper is invalid as not being properly made out;
- (c) the provisions of paragraph (a) of this section shall not affect the application of the said section 13 to any question relating to the functions, pursuant to that paragraph, of the presidential returning officer;
- (d) if any person entitled to do so raises at the ruling on nominations any objection relevant to the nomination of a candidate other than an objection relating to the functions pursuant to paragraph (b) of this section of the presidential returning officer—
 - (i) the presidential returning officer shall ask him to state the grounds of his objection,
 - (ii) if he does not there and then state the grounds of his objection, the objection shall be taken as having been withdrawn,
 - (iii) if he there and then states the grounds of his objection, the presidential returning officer shall adjourn the ruling on

nominations and refer the objection to a tribunal consisting of three judges of the High Court (including the judicial assessor) nominated by the President of the High Court at the same time as the nomination of, or intimation by the President of the High Court of intention to act as, the judicial assessor,

- (iv) the decision of the tribunal shall be given within three days and shall be final,
- (v) before adjourning the ruling on nominations, the presidential returning officer may, if he so thinks proper, and shall, if requested by a candidate or the representative of a candidate, ask for a written statement of the objection and the grounds therefor to be delivered within twenty-four hours, to him and to the candidate objected to and, if such statement is delivered, shall submit it to the tribunal.

Amendment
of sections 6
and 20 of
Principal Act.

48.—(1) Section 20 of the Principal Act is hereby amended as follows:

- (i) the following paragraph shall be inserted after paragraph (a):

“(aa) the poll shall continue for such period, not being less than twelve hours, between the hours of 8.30 a.m. and 10.30 p.m. as may be appointed in that behalf under this Act;”

- (ii) the following paragraph shall be substituted for paragraph (d):

“(d) the person who would be the returning officer at a Dáil election in any such constituency shall be the returning officer in that constituency for the purposes of the poll, but where that person is prevented by illness or other reasonable cause from performing all or any of his duties as such returning officer or where a vacancy occurs in the office of returning officer, the Minister shall appoint a person to act as such returning officer for the performance of those duties during the period of the prevention or vacancy, as the case may be, and any reference in this Act to a local returning officer shall be construed as including both a reference to a person who is by virtue of this paragraph the returning officer in a constituency for the purposes of the poll and a reference to a person appointed as aforesaid by the Minister;”

(2) Paragraph (e) of subsection (1) of section 6 of the Principal Act is hereby amended by the insertion of “and the period during which” before “the poll (if any)”.

Presiding
officers and
poll clerks.

49.—The following section is hereby substituted for section 23 of the Principal Act:

“23. (1) The local returning officer shall appoint a presiding officer to preside at each polling station and also, if he thinks fit, a clerk or clerks to assist each presiding officer.

(2) The local returning officer shall not appoint as presiding officer or poll clerk any person if he is himself aware or it is shown to his satisfaction that the person has been actively associated in furthering the candidature of any candidate at the election.

(3) The local 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 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.

(4) A presiding officer shall keep order at his station, regulate the number of electors to be admitted at a time and shall exclude all other persons except the clerks, the agents of the candidates, companions of 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, and members of the Garda Síochána on duty.

(5) 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.”

Voting by
postal voters.

50.—Notwithstanding the repeal by this Act of [section 12](#) of the [Electoral Act, 1960](#), the following subsections shall continue to stand substituted for subsections (2) and (3) of section 29 of the Principal Act:

“(2) Every local returning officer shall, as soon as practicable after he receives from the presidential returning officer notice of the adjournment of a presidential election for the purpose of taking a poll, send to every person whose name is on the postal voters list for his constituency a ballot paper and a form of receipt (which shall be in the prescribed form) for such ballot paper.

(3) If such ballot paper duly marked by the said person 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 the ballot box in the ordinary way.”

Right to vote.

51.—(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 in that constituency at the poll at a presidential election.

(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 local returning officer or presiding officer was intended to be the person's name,

(b) the local returning officer or presiding officer may and, if so required on

behalf of any candidate, shall put to any person at the time of his applying for a ballot paper, but not afterwards, the following questions, or any one or two of them:

- (i) Are you the same person as the person whose name appears as A B on the register of electors now in force for the constituency of _____?
- (ii) Have you already voted at this presidential election?
- (iii) Had you reached the age of twenty-one 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,

- (c) the local returning officer or presiding officer may and, if so required on behalf of any candidate, shall administer to any person at the time of his applying 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 A B on the register of electors now in force for the constituency of _____ and that I have not already voted at this election, and that I had attained the age of twenty-one 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 by Rule 17 of the First Schedule to the Principal Act, no question, oath, affirmation or objection shall be put or permitted at the time of the poll at a presidential election as to the right of any person to vote, and no objection thereto shall be made or received by any local returning officer or presiding officer.

(4) (a) A person—

- (i) 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
- (ii) who is not registered in that register,

shall not vote in that constituency at the poll at a presidential election.

- (b) A person who contravenes paragraph (a) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the

discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

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

Ballot paper. **52.**—(1) The following section is hereby substituted for section 27 of the Principal Act:

“27.—(1) Votes at a presidential election shall be given by ballot and the ballot of each voter shall consist of a paper (in this Act called a ballot paper) in form 8 in the [Second Schedule](#) to this Act.

(2) The presidential returning officer shall be responsible for the printing and procuring of a sufficient quantity of ballot papers.”

(2) The form and directions set out in the [Third Schedule](#) to this Act are hereby substituted for form 8 in the Second Schedule to the Principal Act and the presidential returning officer shall comply with such directions.

Amendment of section 28 (2) of and Rule 11 of Third Schedule to Principal Act. **53.**—(1) Subsection (2) of section 28 of the Principal Act is hereby amended by the addition at the end of the subsection of “but the ballot paper shall not be invalid by reference only to carrying the words ‘one’, ‘two’, ‘three’ (and so on) or a mark such as ‘X’ which, in the opinion of the local returning officer, clearly indicates a preference or preferences.”

(2) Rule 11 of the Third Schedule to the Principal Act is hereby amended by the substitution of the following definitions for the definitions of “*first preference*”, “*second preference*” and “*the next available preference*”:

“the expression ‘*first preference*’ means the figure ‘1’, the word ‘one’ or a mark such as ‘X’ which, in the opinion of the local returning officer, clearly indicates a first preference; the expression ‘*second preference*’ means the figure ‘2’, the word ‘two’ or a mark which, in the opinion of the local returning officer, clearly indicates a second preference, standing in succession to a first preference; the expression ‘*the 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, preferences for candidates already excluded being ignored;”

Amendment of section 32 of Principal Act. **54.**—(1) The application, by virtue of subsection (1) of section 32 of the Principal Act, of the following portions of the [Prevention of Electoral Abuses Act, 1923](#), is hereby terminated: paragraph (c) of subsection (2) of section 1, section 4, subsection (3), (4) and (5) of section 6, sections 9, 10, 11 and 14, all words in section 15 from “and shall” to the end of the section, sections 20 and 45 and the definition of “*committee room*” in section 56.

(2) In any application, by virtue of subsection (1) of section 32 of the Principal Act, of subsection (1) or (2) of [section 6](#) or [section 15](#) of the [Prevention of Electoral Abuses Act, 1923](#), the said subsection (1) or (2) or section 15 shall have effect as amended by [section 90](#) of this Act.

- (3) (a) In paragraph (b) of subsection (1) of section 32 of the Principal Act the reference to [Part II](#) of the [Prevention of Electoral Abuses Act, 1923](#) , shall be construed as including a reference to section 13A (inserted by [section 90](#) of this Act) of the latter Act and, in any application by virtue of that paragraph of section 15 of the latter Act, the reference in the said section 15 to the foregoing sections of the latter Act shall be construed as including a reference to the said section 13A.
- (b) In paragraph (d) of subsection (1) of section 32 of the Principal Act the reference to the sections of the [Prevention of Electoral Abuses Act, 1923](#) , shall be construed as including a reference to section 55A (inserted by [section 90](#) of this Act) of the latter Act.
- (c) In subsection (2) of section 32 of the Principal Act the expression “*the said portions of the [Prevention of Electoral Abuses Act, 1923](#) ” shall be construed as including a reference to the said sections 13A and 55A.*

Amendment of Rule 1 of First Schedule to Principal Act. **55.**—The following Rule is hereby substituted for Rule 1 of the First Schedule to the Principal Act:

“1. (1) It shall be lawful for any local returning officer with the consent of the Minister to appoint a deputy local returning officer for the discharge of all or any particular part of the duties of such local returning officer.

(2) Where at a contested presidential election the same person is local returning officer for two or more constituencies, he shall—

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

(3) A person shall not be appointed under paragraph (2) of this Rule unless the appointment has been approved of by the Minister.

(4) Subject to the provisions of the foregoing paragraphs, the local returning officer for a constituency shall conduct a presidential election in such constituency unless he is prevented from so doing by illness or other reasonable cause sufficient in the opinion of the Minister.

(5) References in the subsequent Rules of this Schedule to local returning officers shall, where appropriate, include references to deputy local returning officers.”

Amendment of Rule 15 of First Schedule **56.**—Rule 15 of the First Schedule to the Principal Act is hereby amended by the substitution of “with an official mark which shall be embossed or perforated

to Principal Act.

so as to be visible on both sides of the paper” for “on both sides with the official mark, either stamped or perforated”.

Voting by blind, incapacitated, and illiterate persons.

57.—(1) The following Rule is hereby substituted for Rule 17 of the First Schedule to the Principal Act:

“17. (1) (a) If any elector satisfies the presiding officer that his sight is so impaired or that he is otherwise so physically incapacitated or that he is so illiterate that he is unable to vote without assistance, this Rule shall apply.

(b) For the purposes of subparagraph (a) of this paragraph, the presiding officer may, and, if requested by an agent of a candidate, shall, administer to the elector 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 so illiterate—as the case may be*) that I am unable to vote without assistance’

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

(2) (a) Where this Rule applies in the case of an 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 subparagraph (b) of this paragraph, the companion may mark the ballot paper for the elector and shall forthwith place it so marked in the ballot box.

(b) The presiding officer may, and, if requested by an agent of a candidate, 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 the first question is answered in the affirmative

and the other question or questions, as the case may be, is or are answered in the negative the companion shall not mark the ballot paper.

(3) Where this Rule applies and—

(a) the elector is illiterate, or

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

(c) the elector having so requested, the marking of his ballot paper by the companion would be in contravention of subparagraph (b) of paragraph (2) of this Rule,

the presiding officer shall, in the presence of the agents of the candidates and no other person, cause the vote of the elector to be marked on a ballot paper in the manner directed by the elector and shall forthwith place the ballot paper so marked in the ballot box.

(4) A request made by an elector within four hours before the hour fixed for the closing of the poll to have his ballot paper marked for him under this Rule otherwise than by a companion may be refused by the presiding officer if, in his opinion, having regard to the number of 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 electors.

(5) Where a ballot paper is to be marked pursuant to paragraph (3) of this Rule, the presiding officer may assist the elector by reading out in full from the ballot paper, as respects each candidate, the particulars stated in respect of him, but he shall not act on any written instruction.”

(2) (a) Where, pursuant to paragraph (2) of Rule 17 of the First Schedule to the Principal Act, a person has marked as a companion two ballot papers, he shall not, at the same presidential election, mark as a companion any other ballot paper.

(b) A person shall not, pursuant to paragraph (2) of Rule 17 of the First Schedule to the Principal Act, mark as a companion a ballot paper at a presidential election if he is a candidate or agent of a candidate at that election,

(c) A person who contravenes paragraph (a) or paragraph (b) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

personation. Schedule to the Principal Act:

“18. If a person, representing himself to be a particular elector named on the register of electors, applies for a ballot paper after another person has been given a ballot paper as such elector, the applicant shall, upon duly answering the questions permitted by this Act to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other elector, and to put the ballot paper when marked into the ballot box, but the presiding officer shall make out a statement showing the total number of ballot papers issued pursuant to this Rule and the names and numbers on the register of electors of the persons to whom they were issued.”

Duties of presiding officer at close of poll.

59.—The following Rule is hereby substituted for Rule 21 of the First Schedule to the Principal Act:

“21. The presiding officer shall, at the time fixed for the close of the poll, take steps to ensure that no further electors are admitted to the polling station and, subject to the proviso that an elector on the premises at that time shall be entitled to receive a ballot paper and to vote, the presiding officer at each polling station, as soon as practicable after the close of the poll, shall, in the presence of the personation agents of the candidates, seal each ballot box, unopened but with the key attached, so that no further papers can be inserted therein and make up into separate packets sealed with his seal—

- (a) the unused and spoilt ballot papers, placed together,
- (b) the marked copies of the register of electors, and
- (c) the counterfoils of the ballot papers,

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

Amendment of Rules 22A, 23 and 24 of First Schedule to Principal Act.

60.—The following Rules are hereby substituted for Rules 22A, 23 and 24 of the First Schedule to the Principal Act:

Place for opening of ballot boxes, etc,

“22A. (1) The local returning officer for a constituency—

- (a) shall appoint the place at which he will open the ballot boxes,
- (b) shall open the ballot boxes at the place so appointed,
- (c) shall, at least forty-eight hours before the hour of 9 a.m. on the day next after the close of the poll, give to every local agent of a candidate notice in writing of the place so appointed,

(d) shall give every local agent of a candidate and every agent appointed under Rule 24 of this Schedule all such reasonable facilities for overseeing the proceedings at the count (including, in particular, facilities for satisfying themselves that the ballot papers are correctly sorted), and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions,

(e) shall provide suitable accommodation and all equipment necessary for counting the votes.

(2) The place appointed under subparagraph (a) of the foregoing paragraph shall be within the constituency, but—

(a) in case the constituency consists of a part which is part of a county borough and a part which is outside that borough, it may be—

(i) within the other part of that borough, or

(ii) with the consent of the Minister, outside that borough and outside, but convenient to, the constituency, and

(b) in any other case, it may be, with the consent of the Minister, outside, but convenient to, the constituency.

Opening of ballot boxes.

23. At the hour of 9 a.m. on the day next after the close of the poll in a constituency and at the place appointed by him under Rule 22A of this Schedule, the local returning officer for that constituency shall begin to open the ballot boxes used at the poll in that constituency, take out the ballot papers therein, count and record the numbers thereof, and then mix them together.

Candidates' agents at opening of ballot boxes.

24. Every local agent of a candidate may appoint agents to attend on behalf of such candidate the opening of the ballot boxes in his constituency by the local returning officer and the proceedings consequent on such opening. Not more than five agents shall be appointed by a particular local agent unless the local returning officer otherwise permits.”

Amendment
of Rules 27,
39 and 40 of
First Schedule
to Principal
Act.

61.—(1) Notwithstanding the repeal by this Act of paragraph (d) of [section 3](#) of the [Presidential Elections \(Amendment\) Act, 1946](#), “eleven” shall continue to stand substituted for “seven” in Rules 27 and 39 of the First Schedule to the Principal Act.

(2) Rule 40 of the First Schedule to the Principal Act is hereby amended by the insertion of “from the date on which the poll took place” after “for six months”.

Amendment
of Rule 8 of
Third
Schedule to
Principal Act.

62.—The following paragraphs are hereby added to Rule 8 of the Third Schedule to the Principal Act:

“(4) The power under the foregoing paragraph to re-examine and recount extends to papers dealt with at an earlier count than the immediately preceding one.

(5) As respects each candidate, one request (and not more) may be made by him or his principal agent for a complete re-examination and recount of all parcels of papers, and upon being so requested the presidential returning officer shall re-examine and recount the parcels of papers accordingly. In the re-examination and recount, the number or order of papers in any parcel shall not be disturbed. Nothing in the foregoing provisions of this paragraph shall make it obligatory on the presidential 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 presidential returning officer, a significant error likely to affect the result of the election, the presidential returning officer shall count all the papers afresh from the point at which the error occurred.

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

PART V.

Referenda.

Interpretation
and
construction
(Part V and
Fourth
Schedule).

63.—(1) In this Part of this Act “*the Principal Act*” means the [Referendum Act, 1942](#) .

(2) The Referendum Acts, 1942 to 1960, and this Part of and the [Fourth Schedule](#) to this Act shall be construed together as one Act.

Polling cards.

64.—(1) At a referendum, the local returning officer for a constituency 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 a card (in this section referred to as a polling card) in the prescribed form 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.

(2) A polling 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 sent in sufficient time to be delivered in the ordinary course of post at that address not later than the third day before the polling day.

(3) A polling card shall be dispatched by post and shall be transmitted free of charge by the earliest practicable post.

(4) Expenses incurred by a local returning officer in complying with this section shall be expenses incurred by him for the purposes of the referendum within the meaning of section 12 of the Principal Act.

(5) No referendum shall be invalidated by reason of any failure to send, non-delivery of, or error or misstatement in, a polling card.

(6) No action or other proceeding shall lie against a local returning officer in respect of any error or misstatement in a polling card.

Advance
polling on
islands.

65.—(1) This section applies where, at a referendum, a local returning officer is of opinion that, in the case of a polling station situate on an island, it is probable that, owing to stress of weather or transport difficulties, either—

(a) the poll could not be taken on the polling day appointed by the Minister,
or

(b) if the poll were taken on that day, the ballot boxes could not reach the place for the opening of the ballot boxes at or before the hour of 9 a.m. on the day next after the polling day.

(2) Where this section applies, the local 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 the Principal Act, have effect:

(a) the local returning officer may 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 opening of the ballot boxes 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 Rule 3 of the First Schedule to the Principal Act by reason of an alteration made under this section of the day and hours of a poll.

Voting by
persons in
employment
of local
returning
officers.

66.—Where—

- (a) a person is entitled to vote at the poll at a referendum,
- (b) he is employed by the local returning officer for the constituency in which he is entitled to vote, for any purpose in connection with the poll in the constituency, and
- (c) the circumstances of his employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which he would otherwise be entitled to vote,

that officer may authorise him in writing to vote at a specified other polling station in that constituency, and the polling station so specified shall, for the purpose of Rule 8 of the First Schedule to the Principal Act be deemed to be the polling station allotted to him.

Amendment of sections 8(1), 10(1) and 11 of Principal Act.

67.—(1) Section 11 of the Principal Act is hereby amended as follows:

(i) the following paragraph shall be inserted after paragraph (a):

“(aa) the poll shall continue for such period, not being less than twelve hours, between the hours of 8.30 a.m. and 10.30 p.m. as may be appointed in that behalf under this Act;”

(ii) the following paragraph shall be substituted for paragraph (d):

“(d) the person who would be the returning officer at a Dáil election in any such constituency shall be the returning officer in that constituency for the purposes of the poll, but where that person is prevented by illness or other reasonable cause from performing all or any of his duties as such returning officer or where a vacancy occurs in the office of returning officer, the Minister shall appoint a person to act as such returning officer for the performance of those duties during the period of the prevention or vacancy, as the case may be, and any reference in this Act to a local returning officer shall be construed as including both a reference to a person who is by virtue of this paragraph the returning officer in a constituency for the purposes of the poll and a reference to a person appointed as aforesaid by the Minister;”

(2) Subsection (1) of section 8 and subsection (1) of section 10 of the Principal Act are each hereby amended by the insertion of “and the period during which” before “the polling at”.

Presiding officers and poll clerks.

68.—The following section is hereby substituted for section 18 of the Principal Act:

“18. (1) The local returning officer shall appoint a presiding officer to preside at each polling station and also, if he thinks fit, a clerk or clerks to assist each presiding officer.

(2) The local returning officer shall not appoint as presiding officer

or poll clerk any person if he is himself aware or it is shown to his satisfaction that the person has been actively associated in furthering any particular result at the referendum.

(3) The local returning officer shall, on request, permit any member of Dáil Éireann or Seanad Éireann, or any personation agent, to inspect the list of persons to whom he has offered or proposes to offer appointments as presiding officers or poll clerks.

(4) A presiding officer shall keep order at his station, regulate the number of electors to be admitted at a time and shall exclude all other persons except the clerks, the personation agents (if any) appointed for his polling station, companions of 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, and members of the Garda Síochána on duty.

(5) 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.”

Voting by
postal voters.

69.—(1) Notwithstanding the repeal by this Act of [section 15](#) of the [Electoral Act, 1960](#), the following subsections shall continue to stand substituted for subsections (2) and (3) of section 20 of the Principal Act:

“(2) Every local returning officer shall, as soon as practicable after the date of the order of the Minister appointing the polling day at a referendum, send to every person who is on the postal voters list for his constituency a ballot paper and a form of receipt (which shall be in the prescribed form) for such ballot paper.

(3) If such ballot paper duly marked by the said person 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 the ballot box in the ordinary way.”

(2) Notwithstanding the said repeal, “receipts” shall continue to stand substituted for “declarations of identity” in paragraph (c) of Rule 31 of the First Schedule to the Principal Act.

Right to vote.

70.—(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 in that constituency at the poll at a referendum.

(2) For the purposes of this sections—

(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 local returning officer or presiding officer was intended to be the person's name,

(b) the local returning officer or presiding officer may and, if so required by

a personation agent, shall put to any person at the time of his applying for a ballot paper, but not afterwards, the following questions, or any one or two of them:

- (i) Are you the same person as the person whose name appears as A B on the register of electors now in force for the constituency of _____?
- (ii) Have you already voted at this referendum?
- (iii) Had you reached the age of twenty-one 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,

- (c) the local returning officer or presiding officer may and, if required by a personation agent, shall administer to any person at the time of his applying 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 A B on the register of electors now in force for the constituency of _____ and that I have not already voted at this referendum, and that I had attained the age of twenty-one 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 by Rule 18 of the First Schedule to the Principal Act, no question, oath, affirmation or objection shall be put or permitted at the time of the poll at a referendum as to the right of any person to vote, and no objection thereto shall be made or received by any local returning officer or presiding officer.

(4) (a) A person—

- (i) 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
- (ii) who is not registered in that register,

shall not vote in that constituency at the poll at a referendum.

- (b) A person who contravenes paragraph (a) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the

discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

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

Forms of
ballot papers.

71.—(1) At a constitutional referendum—

(a) every ballot paper shall be in the form set out in Part I of the [Fourth Schedule](#) to this Act, and

(b) the proposal which is the subject of the referendum shall be stated on the ballot paper by citing by its short title the Bill containing such proposal passed or deemed to have been passed by both Houses of the Oireachtas.

(2) At an ordinary referendum every ballot paper shall be in the appropriate form set out in Part II of the [Fourth Schedule](#) to this Act, and—

(a) in the case of a ballot paper in respect of one referendum, it shall contain a reference to the Bill or the portion of the Bill containing the proposal which is the subject of the referendum, and

(b) in the case of a ballot paper in respect of two or more referenda having the same polling day, it shall contain, in respect of each referendum, a reference to the Bill or the portion of the Bill containing the proposal which is the subject of the referendum.

(3) In applying, in the case of a constitutional referendum, paragraph (1) of Rule 3 of the First Schedule to the Principal Act, the following subparagraph shall be substituted for subparagraph (b) of that paragraph;

“(b) the short title of the Bill containing the proposal which is the subject of such referendum, and”.

(4) Subject to the next subsection, where the same day is the polling day at two or more ordinary referenda, separate ballot papers shall not be issued, but every ballot paper shall be so framed that the voter is able to record a separate vote in respect of each referendum.

(5) Where the same day is the polling day at two or more ordinary referenda and the Minister is of opinion that it is for any reason impracticable or inexpedient to comply with the foregoing subsection—

(a) the Minister may direct that separate ballot papers shall be issued for one or more or all of the referenda, and such papers shall be issued accordingly,

(b) where the Minister directs as aforesaid and the direction does not apply to all of the referenda—

(i) if there is only one of the referenda to which the direction does not apply, separate ballot papers shall be issued for it,

(ii) if there are two or more of the referenda to which the direction does not apply, the foregoing subsection shall apply to them.

Amendment
of section 29
of Principal
Act.

72.—(1) The application, by virtue of subsection (1) of section 29 of the Principal Act, of the following portions of the [Prevention of Electoral Abuses Act, 1923](#), is hereby terminated: paragraph (c) of subsection (2) of section 1, section 4, subsections (3), (4) and (5) of section 6, sections 9 and 10, all words in section 15 from “and shall” to the end of the section, section 45 and the definition of “*committee room*” in section 56.

(2) In any application, by virtue of subsection (1) of section 29 of the Principal Act, of subsection (1) or (2) of [section 6](#) or [section 15](#) of the [Prevention of Electoral Abuses Act, 1923](#), the said subsection (1) or (2) or section 15 shall have effect as amended by [section 90](#) of this Act.

(3) (a) In paragraph (b) of subsection (1) of section 29 of the Principal Act the reference to the sections of the [Prevention of Electoral Abuses Act, 1923](#), shall be construed as including a reference to section 13A (inserted by [section 90](#) of this Act) of the latter Act and, in any application by virtue of that paragraph of section 15 of the latter Act, the reference in the said section 15 to the foregoing sections of the latter Act shall be construed as including a reference to the said section 13A.

(b) In paragraph (d) of subsection (1) of section 29 of the Principal Act the reference to the sections of the [Prevention of Electoral Abuses Act, 1923](#), shall be construed as including a reference to section 55A (inserted by [section 90](#) of this Act) of the latter Act.

(c) In subsection (2) of section 29 of the Principal Act the expression “*the said portions of the [Prevention of Electoral Abuses Act, 1923](#)*” shall be construed as including a reference to the said sections 13A and 55A.

Amendment
of Rule 1 of
First Schedule
to Principal
Act.

73.—The following Rule is hereby substituted for Rule 1 of the First Schedule to the Principal Act:

“1. (1) It shall be lawful for any local returning officer with the consent of the Minister to appoint a deputy local returning officer for the discharge of all or any particular part of the duties of such local returning officer.

(2) Where at a referendum the same person is local returning officer for two or more constituencies, he shall—

(a) in case those constituencies are two and not more, appoint, in respect of one of them, a deputy local 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 local returning

officer to open the ballot boxes and count the votes.

(3) A person shall not be appointed under paragraph (2) of this Rule unless the appointment has been approved of by the Minister.

(4) Subject to the provisions of the foregoing paragraphs, the local returning officer for a constituency shall conduct a referendum in such constituency unless he is prevented from so doing by illness or other reasonable cause sufficient in the opinion of the Minister.

(5) References in the subsequent Rules of this Schedule to the local returning officer shall, where appropriate, include references to deputy local returning officers.”

Amendment
of Principal
Act as to
official mark
on ballot
papers.

74.—“with an official mark which shall be embossed or perforated so as to be visible on both sides of the paper” is hereby substituted for “on both sides with an official mark, either stamped or perforated” in subsection (3) of section 14 of the Principal Act and for “on both sides with the official mark, either stamped or perforated” in Rule 16 of the First Schedule thereto.

Voting by
blind,
incapacitated,
and illiterate
persons.

75.—(1) The following Rule is hereby substituted for Rule 18 of the First Schedule to the Principal Act:

“18. (1) (a) If any voter satisfies the presiding officer that his sight is so impaired or that he is otherwise so physically incapacitated or that he is so illiterate that he is unable to vote without assistance, this Rule shall apply.

(b) For the purposes of subparagraph (a) of this paragraph, the presiding officer may, and, if requested by a personation agent, shall, administer to the voter 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 so illiterate—as the case may be*) that I am unable to vote without assistance’

and if the voter refuses to take the oath or make the affirmation, this Rule shall not apply.

(2) (a) Where this Rule applies in the case of a voter 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 voter may request that his ballot paper shall be marked for him by a companion and, subject to subparagraph (b) of this paragraph, the companion may mark the ballot paper for the voter and shall forthwith place it so

marked in the ballot box.

(b) The presiding officer may, and, if requested by a personation agent, shall, put to the companion before delivery of the ballot paper, the following questions or any one or two 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 referendum?

(iii) Are you a personation agent at this referendum?

and unless the first question is answered in the affirmative and the other question or questions, as the case may be, is or are answered in the negative the companion shall not mark the ballot paper.

(3) Where this Rule applies and—

(a) the voter is illiterate, or

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

(c) the voter having so requested, the marking of his ballot paper by the companion would be in contravention of subparagraph (b) of paragraph (2) of this Rule,

the presiding officer shall, in the presence of the personation agents (if any) and no other person, cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter and shall forthwith place the ballot paper so marked in the ballot box.

(4) A request made by a voter within four hours before the hour fixed for the closing of the poll to have his ballot paper marked for him under this Rule otherwise than by a companion may be refused by the presiding officer if, in his opinion, having regard to the number of voters 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 voters.

(5) Where a ballot paper is to be marked pursuant to paragraph (3) of this Rule, the presiding officer may assist the voter by reading out in full from the ballot paper the proposal stated therein, but he shall not act on any written instruction.”

(2) (a) Where, pursuant to paragraph (2) of Rule 18 of the First Schedule to the Principal Act, a person has marked as a companion two ballot papers, he shall not, at the same referendum, mark as a companion any other ballot paper.

(b) A person shall not, pursuant to paragraph (2) of Rule 18 of the First Schedule to the Principal Act, mark as a

companion a ballot paper at a referendum if he is a personation agent at that referendum.

(c) A person who contravenes paragraph (a) or paragraph (b) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Alleged personation.

76.—The following Rule is hereby substituted for Rule 19 of the First Schedule to the Principal Act:

“19. If a person representing himself to be a particular person named on the register of electors, applies for a ballot paper after another person has been given a ballot paper as such person, the applicant shall, upon duly answering the questions permitted by this Act to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, and to put the ballot paper when marked into the ballot box, but the presiding officer shall make out a statement showing the total number of ballot papers issued pursuant to this Rule and the names and numbers on the register of electors of the persons to whom they were issued.”

Duties of presiding officer at close of poll.

77.—The following Rule is hereby substituted for Rule 21 of the First Schedule to the Principal Act:

“21. The presiding officer shall, at the time fixed for the close of the poll, take steps to ensure that no further voters are admitted to the polling station and, subject to the proviso that a voter on the premises at that time shall be entitled to receive a ballot paper and to vote, the presiding officer at each polling station, as soon as practicable after the close of the poll, shall, in the presence of the personation agents, seal each ballot box, unopened but with the key attached, so that no further papers can be inserted therein and make up into separate packets sealed with his seal—

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

(b) the marked copies of the register of electors, and

(c) the counterfoils of the ballot papers,

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

Amendment of Rules 23A and 24 of First Schedule to Principal Act.

78.—The following Rules are hereby substituted for Rules 23A and 24 of the First Schedule to the Principal Act:

“23A. (1) The local returning officer for a constituency—

- (a) shall appoint the place at which he will open the ballot boxes,
- (b) shall open the ballot boxes at the place so appointed,
- (c) shall give to every person, nominated under Rule 29 of this Schedule and of whose nomination he receives notice, notice in writing of the place so appointed,
- (d) shall give such persons all such reasonable facilities for overseeing the proceedings at the count (including, in particular, facilities for satisfying themselves that the ballot papers are correctly sorted), and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions,
- (e) shall provide suitable accommodation and all equipment necessary for counting the votes.

(2) The place appointed under subparagraph (a) of the foregoing paragraph shall be within the constituency, but—

- (a) in case the constituency consists of a part which is part of a county borough and a part which is outside that borough, it may be—
 - (i) within the other part of that borough, or
 - (ii) with the consent of the Minister, outside that borough and outside, but convenient to, the constituency, and
- (b) in any other case, it may be, with the consent of the Minister, outside, but convenient to, the constituency.

24. At the hour of 9 a.m. on the day next after the close of the poll in a constituency and at the place appointed by him under Rule 23A of this Schedule, the local returning officer for that constituency shall begin to open the ballot boxes used at the poll in that constituency, take out the ballot papers therein, count and record the numbers thereof, and then mix them together.”

Amendment
of Rules 30
and 32 of
First Schedule
to Principal
Act. 1946,
No. 30.

79.—Notwithstanding the repeal by this Act of paragraphs (c), (d) and (e) of [section 3](#) of the [Referendum \(Amendment\) Act, 1946](#) —

- (i) “eleven” shall continue to stand substituted for “seven” in paragraph (1) of Rule 30 of the First Schedule to the Principal Act,
- (ii) “President and the” shall continue to stand inserted before “Taoiseach” in paragraph (3) and in paragraph (4) of Rule 32 of that Schedule.

PART VI.

Local Elections.

Interpretation
(Part VI).

80.—(1) In this Part of this Act—

“*local authority*” means—

- (a) the council of a county,
- (b) the corporation of a county or other borough,
- (c) the council of an urban district, or
- (d) the commissioners of a town;

“*local electoral area*” means the area or any of the areas (as may be appropriate) by reference to which a local election is held.

(2) Any reference in this Part of this Act to a member or meeting of a local authority shall, where the local authority in question are a corporation of a county or other borough, be construed as a reference to a member or meeting of the council established by law in respect of such county or other borough.

Year of
election.

81.—(1) (a) An election of members of every local authority shall be held in the year 1965 and quinquennially thereafter.

(b) Nothing in this subsection shall affect [Part IV](#) of the [Local Government Act, 1941](#) , or any order made under that Part.

(2) Elections pursuant to this section shall be known as local elections.

(3) In the Vocational Education Acts, 1930 to 1962, and in any order or regulation made thereunder, and in the Agriculture Acts, 1931 to 1958, “*election year*” shall, in lieu of having the meaning which it had immediately before the commencement of this section, mean any year in which local elections are held.

(4) The following subsection shall be substituted for subsection (2) of [section 9](#) of the [Harbours Act, 1946](#) :

“(2) In addition to the first election year, every year thereafter which is a year in which elections of members of councils of counties are held pursuant to [section 2](#) of the [Local Elections Act, 1948](#) (No. 8 of 1948), [section 2](#) of the [Local Elections Act, 1953](#) (No. 15 of 1953), or section 81 of the Electoral Act, 1963, shall be an election year in respect of a harbour authority.”

(5) Notwithstanding the repeal by this Act of the [Local Elections Act, 1953](#) —

(a) “quinquennially” and “five” shall continue to stand substituted for “triennially” and “three” in subsection (3) of [section 10](#) of the [School Attendance Act, 1926](#) ,

(b) “quinquennial” shall continue to stand substituted for “triennial” wherever the latter word occurs in subsection (4) of that section,

(c) “quinquennial meeting” shall continue to stand substituted for “triennial meeting” in the Vocational Education Acts, 1930 to 1950, and in any order or regulation made thereunder,

(d) “five years” shall continue to stand substituted for “three years” in subsection (2) of [section 45](#) of the [Local Government Act, 1941](#) .

(6) Any reference in any statute, order or regulation in force immediately before the passing of the [Local Elections Act, 1953](#) , to a triennial election of members of a board, committee or other body, all or any of the members of which are required by law to be appointed by a local authority following an election of the members of such authority shall be construed as a reference to a quinquennial election.

Conduct of elections.

82.—(1) Local elections shall be held in accordance with regulations made by the Minister and, if an election is contested, the poll shall be taken according to the principle of proportional representation, each elector having one transferable vote at the election.

(2) Regulations under this section, in particular and without prejudice to the generality of the foregoing subsection, may make provision for all or any of the following matters in relation to local elections:

- (i) nominations,
- (ii) deposits by candidates,
- (iii) deaths of candidates,
- (iv) duties of returning officers,
- (v) staff of returning officers,
- (vi) taking of polls and counting of votes,
- (vii) use, free of charge, of schools and public rooms,
- (viii) arrangements for postal voting,
- (ix) voting by persons in the employment of returning officers,
- (x) advance polling on islands,
- (xi) maintenance of secrecy of voting,
- (xii) removal of persons misconducting themselves in polling stations,
- (xiii) procedure in cases of disorder or obstruction,
- (xiv) interference with ballot boxes or ballot papers,
- (xv) time of becoming a member of a local authority and of retiring from being such a member, and period of office of lord mayors, mayors, chairmen and vice-chairmen,
- (xvi) the persons who are to be aldermen and their number,

- (xvii) filling of casual vacancies,
- (xviii) election of the same person in more than one local electoral area,
- (xix) days and times of, and business to be transacted at, first meetings of local authorities after elections of their members and meetings to be held at or near the anniversaries of the days of such first meetings, and failure to hold such meetings as required,
- (xx) adaptation of enactments,

and may also make provisions corresponding to the provisions specified in the next subsection subject however to any modifications in those provisions appearing to the Minister to be appropriate.

(3) The provisions referred to in the foregoing subsection are the provisions of [Parts I , II , III and VIII](#) (except section 50) of the [Prevention of Electoral Abuses Act, 1923](#) .

(4) Where a provision of regulations under this section corresponds to a provision of the Electoral Acts, 1923 to 1963, or the [Prevention of Electoral Abuses Act, 1923](#) , which provides for a penalty, it may itself provide for a penalty not exceeding that provided for in the provision to which it corresponds.

(5) 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 House.

(6) No local election shall be declared invalid by reason of a non-compliance with any regulation under this section, or any mistake in the use of forms provided for by any such regulation, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the regulations under this section taken as a whole, and that the non-compliance or mistake did not affect the result of the election.

(7) Regulations under this section shall apply to a new election under [Part IV](#) of the [Local Government Act, 1941](#) .

Polling cards.

83.—(1) The Minister may by regulations provide for the issue by local authorities of polling cards, in relation to local elections.

(2) Deciding to issue, in accordance with regulations under this section, polling cards shall be, in case the local authority are the council of a county, the corporation of a borough which is not a county borough, the council of an urban district or the commissioners of a town, a reserved function for the purposes of the County Management Acts, 1940 to 1955, and, in case the local authority are the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough.

(3) No local election shall be invalidated by reason of any failure to send, non-delivery of or error or misstatement in, a polling card.

(4) No action or other proceeding shall lie against a returning officer in

respect of any error or misstatement in a polling card.

(5) In this section “*polling card*” means a card informing an elector of his number (including polling district letter) on the register of local government electors and of the place at which he will be entitled to vote.

Times of poll.

84.—(1) Polls at local elections shall be held on such day and shall continue for such period, not being less than twelve hours, between the hours of 8.30 a.m. and 10.30 p.m. as may be fixed by the Minister by order.

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

(3) Subsection (1) of [section 45](#) of the [Local Government Act, 1941](#) , is hereby amended by the insertion at the end of the subsection of “and during the period therein specified by the Minister”.

Right to vote.

85.—(1) Subject to the provisions of this Part of this Act and the regulations made thereunder, every person whose name is on the register of local government electors for the time being in force for a local electoral area, and no other person, shall be entitled to vote at the poll at a local election in that area.

(2) For the purposes of this section a person's name shall be taken to be on a register of local government 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.

(3) A person who has voted at a local election shall not in any legal proceeding to question the election or return be required to state for whom he has voted.

(4) (a) A person—

(i) who is registered in the register of local government electors for the time being in force for a local electoral area but is not entitled to be so registered, or

(ii) who is not registered in that register,

shall not vote at the poll at a local election in that area.

(b) A person who contravenes paragraph (a) of this subsection shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

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

Costs of elections.

86.—(1) The Minister may by regulations provide for the manner in which the costs of local elections are to be paid by local authorities.

(2) Regulations under this section may, in particular and without prejudice to

the generality of the foregoing subsection, make provision for all or any of the following matters—

- (a) the way and period in which the returning officer shall present his accounts,
- (b) the way and period in which persons having claims against the returning officer shall present their claims,
- (c) adjudication of disputes.

Electoral areas in certain county and other boroughs.

87.—(1) The following subsection is hereby substituted for subsection (2) of [section 7](#) of the [Limerick City Management Act, 1934](#) :

- “(2) (a) Unless and until an order under this subsection comes into force, there shall be one electoral area consisting of the area of the city and the first four members of the Council elected at a city election shall be aldermen.
- (b) The Minister may by order—
- (i) make a division of the city into electoral areas, and
 - (ii) fix for each electoral area the number of members of the council to be elected therefor and the number of those members who are to be aldermen.
- (c) The Minister may make an order under this subsection whenever and so often as he thinks proper.
- (d) The division of the city into electoral areas made by an order under this subsection shall (without prejudice to any subsequent such order) have effect for the purpose of the election of members of the Council held next after the order is made and thereafter.
- (e) The number of members to be elected, at every election of members of the Council held after the making of an order under this subsection, for each electoral area specified in the order shall (without prejudice to any subsequent such order) be the number assigned by the order to that electoral area.
- (f) Those members of the Council who are not aldermen shall be councillors.
- (g) Every order under this subsection shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made and, if a resolution annulling the order is passed by either such House within the next seven days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”

(2) The following section is hereby substituted for [section 6](#) of the [Waterford](#)

[City Management Act, 1939](#) :

“6. (1) Unless and until an order under this section comes into force, there shall be one electoral area consisting of the area of the city and the first five members of the Council elected shall be aldermen.

(2) The Minister may by order—

(a) make a division of the city into electoral areas, and

(b) fix for each electoral area the number of members of the Council to be elected therefor and the number of those members who are to be aldermen.

(3) The Minister may make an order under this section whenever and so often as he thinks proper.

(4) The division of the city into electoral areas made by an order under this section shall (without prejudice to any subsequent such order) have effect for the purpose of the election of members of the Council held next after the order is made and thereafter.

(5) The number of members to be elected, at every election of members of the Council held after the making of an order under this section, for each electoral area specified in the order shall (without prejudice to any subsequent such order) be the number assigned by the order to that electoral area.

(6) Those members of the Council who are not aldermen shall be councillors.

(7) Every order under this section shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made and, if a resolution annulling the order is passed by either such House within the next seven days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”

(3) The following section is hereby substituted for [section 4](#) of the [Cork City Management \(Amendment\) Act, 1941](#) :

“4. (1) Unless and until an order under this section comes into force, there shall be one electoral area consisting of the area of the Borough and the first six members of the Council elected shall be aldermen.

(2) The Minister may by order—

(a) make a division of the Borough into electoral areas, and

(b) fix for each electoral area the number of members of the Council to be elected therefor and the number of those members who are to be aldermen.

(3) The Minister may make an order under this section whenever and so often as he thinks proper.

(4) The division of the Borough into electoral areas made by an order under this section shall (without prejudice to any subsequent such order) have effect for the purpose of the election of members of the Council held next after the order is made and thereafter.

(5) The number of members to be elected, at every election of members of the Council held after the making of an order under this section, for each electoral area specified in the order shall (without prejudice to any subsequent such order) be the number assigned by the order to that electoral area.

(6) Those members of the Council who are not aldermen shall be councillors.

(7) Every order under this section shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made and, if a resolution annulling the order is passed by either such House within the next seven days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”

- (4) (a) Subsection (1) of [section 35](#) of the [Local Government Act, 1941](#) , is hereby amended by the substitution of “but does include, notwithstanding [section 43](#) of the [Local Government \(Dublin\) Act, 1930](#) , the borough of Dún Laoghaire, and notwithstanding [section 16](#) of the [Local Government \(Galway\) Act, 1937](#) ,” for “or the Borough of Dún Laoghaire or”.
- (b) Subsection (2) of [section 35](#) of the [Local Government Act, 1941](#) , is hereby amended by the insertion at the end of the subsection of “and the number of those members who are to be aldermen”.
- (c) Where an order is made under subsection (2) of [section 35](#) of the [Local Government Act, 1941](#) , in relation to the borough of Galway, [section 15](#) of the [Local Government \(Galway\) Act, 1937](#) , shall, after the next election of members of the corporation of the borough, have effect subject to the substitution therein of “those who are not aldermen” for “four shall be aldermen and eight”.

Wards.

88.—(1) The Minister may by regulations divide the area of any county or other borough or urban district into areas to be known as wards.

(2) Where, immediately before the commencement of this section, any county or other borough or urban district stood divided into areas known as wards, then, unless and until regulations under subsection (1) of this section in relation to the borough or district come into force, those areas shall continue in force as wards, but the Minister may by regulations vary the name of any such ward.

(3) Any reference in any enactment (whether in force immediately before the commencement of this section or coming into force at the same time as such

commencement or at any time thereafter) to a ward in relation to a county or other borough or urban district shall be construed and have effect as a reference to a ward under regulations under subsection (1) of this section or a ward referred to in subsection (2) of this section (as may be appropriate).

District electoral divisions.

89.—(1) The Minister may by regulations divide the area of any county or county borough into areas to be known as district electoral divisions.

(2) Where, immediately before the commencement of this section, any county or county borough stood divided into areas known as district electoral divisions, then, unless and until regulations under subsection (1) of this section in relation to the county or borough come into force, those areas shall continue in force as district electoral divisions, but the Minister may by regulations vary the name of any such district electoral division.

(3) Any reference in any enactment (whether in force immediately before the commencement of this section or coming into force at the same time as such commencement or at any time thereafter) to a district electoral division in relation to a county or county borough shall be construed and have effect as a reference to a district electoral division under regulations under subsection (1) of this section or a district electoral division referred to in subsection (2) of this section (as may be appropriate).

PART VII.

Electoral Abuses.

Amendment of Prevention of Electoral Abuses Act, 1923.

90.—(1) In this section “*the Act*” means the [Prevention of Electoral Abuses Act, 1923](#).

(2) Subsection (1) of section 6 of the Act is hereby amended by the addition at the end of the subsection of “or, at the discretion of the Court, to be fined an amount not exceeding one thousand pounds or both to be so imprisoned and to be so fined.”

(3) Subsection (2) of section 6 of the Act is hereby amended by the substitution of “five hundred pounds” for “one hundred pounds” in paragraph (a) and for “one hundred pounds” and for “two hundred pounds” in paragraph (b).

(4) (a) The Act is hereby amended by the insertion of the following section after section 13:

“13A. Any person who, before or during any election, makes or publishes any statement which is likely to mislead voters as to the actual process of voting shall be guilty of an illegal practice.”

(b) The reference in section 15 of the Act to the foregoing sections of the Act shall be construed as including a reference to the section inserted in the Act by paragraph (a) of this subsection.

(5) Section 15 of the Act is hereby amended by the substitution of “five hundred pounds or, at the discretion of the Court, to imprisonment for a term not

exceeding six months or to both such fine and such imprisonment” for “one hundred pounds”.

(6) The following subsection is hereby substituted for subsection (1) of section 30 of the Act:

“(1) An election agent may, with respect to each polling district, appoint one deputy agent (and not more) to act within that district, and any reference in this Act to a sub-agent shall be construed as a reference to a deputy agent so appointed.”

(7) The following section is hereby inserted in the Act after section 55 :

“55A. In any civil or criminal proceedings in relation to an alleged corrupt or illegal practice or any other alleged offence at an election, the certificate of the returning officer at an election 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 such returning officer or that he was in fact such returning officer.”

PART VIII.

Miscellaneous.

Special provisions where two or more elections have same polling day.

91.—(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 the [Electoral Act, 1923](#) ;
- (c) the poll at a referendum within the meaning of the [Referendum Act, 1942](#) ;
- (d) 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 returning officer may provide the same or different ballot boxes,
- (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 shall authorise the person to vote at that station at the other poll or polls in the same constituency or, in the case of a local election, in the same local electoral area.

(3) The Minister may, by direction, order or regulation, provide for such matters as he considers necessary to give effect to this section.

(4) Any direction, order or regulation given or made under subsection (3) of this section shall have effect notwithstanding anything contained in any other enactment and, in particular and without prejudice to the generality of the said subsection (3), 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 cards.

(5) The Minister for Finance may by regulations prescribe for the purposes of this section—

- (a) a scale of maximum charges,
- (b) the time when and the manner and form in which accounts are to be rendered to him,
- (c) in cases in which the expenses of taking a poll would normally be met by a local authority or local authorities within the meaning of [Part VI](#) of this Act, the manner in which the expenses of taking the poll shall be apportioned between the Central Fund and such authority or authorities.

Adaptation or modification where there is emergency or special difficulty.

92.—(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 or electors at local elections, or the conduct of Dáil elections, presidential elections, local elections or referenda, as may in his opinion be necessary to enable it to have effect subject to the provisions of this Act.

(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) “*Dáil electors*” and “*Dáil elections*” have the same meanings respectively as in the [Electoral Act, 1923](#) ,
- (b) “*presidential elections*” has the same meaning as in the [Presidential Elections Act, 1937](#) ,
- (c) “*referenda*” has the same meaning as in the [Referendum Act, 1942](#) .

FIRST SCHEDULE.

Enactments Repealed.

[Section 3](#) .

Session and Chapter or Number and Year.	Subject Matter or Short Title.	Extent of Repeal.
3 Edw. 1. (Stat. Westm. prim., c. 5).	Freedom of Elections (1275).	The whole Act.
7 Edw. 2. (Stat. Sup. Aport. Arm.).	Prohibition on coming armed to Parliament (1313).	The whole Act.
5 Ric. 2. St. 2., c. 4.	Summons to Parliament (1382).	The whole Act.
5 Will. & Mar., c. 7.	Restriction on member of House of Commons from being concerned in collection of revenue.	The whole Act.
6 & 7 Will. & Mar., c. 2.	Times for calling Parliament.	The whole Act.
7 & 8 Will. 3. c. 7.	Prevention of false and double returns of members to Parliament.	The whole Act.
7 & 8 Will. 3. c. 25.	Regulation of elections of members of Parliament and prevention of	The whole Act.

irregular
proceedings.

1 Geo. 1. Stat. 2, c. 38.	Septennial Act, 1715.	The whole Act.
19 Geo. 2. c. 12.	Municipal Corporations Act, 1745.	The whole Act.
24 Geo. 3. Sess. 2, c. 26.	Recess Elections Act, 1784.	The whole Act.
37 Geo. 3. c. 127.	Meeting of Parliament Act, 1797.	The whole Act.
39 and 40 Geo. 3. c. 14.	Meeting of Parliament Act, 1799.	The whole Act.
50 Geo. 3. c. 33.	School Sites (Ireland) Act, 1810.	Section 3.
53 Geo. 3. c. 89.	Parliamentary Writs Act, 1813.	The whole Act.
60 Geo. 3. and 1 Geo. 4. c. 11.	Parliamentary Elections (Ireland) Act, 1820.	The whole Act.
4 Geo. 4. c. 55.	Parliamentary Elections (Ireland) Act, 1823.	The whole Act.
2 & 3 Will. 4. c. 69.	Corporate Property (Elections) Act, 1832.	The whole Act.
2 & 3 Will. 4. c. 88.	Representation of the People (Ireland) Act, 1832.	The whole Act.
2 & 3 Will. 4. c. 89.	Parliamentary Boundaries (Ireland) Act, 1832.	The whole Act.
3 & 4 Vict., c. 108.	Municipal Corporations (Ireland) Act, 1840.	In section 20: the words “that every borough in the said schedule (A) shall be divided into the number of wards mentioned in such schedule in conjunction with the name of such borough, and” and the words “and of the wards into which the said boroughs named in the said schedule (A) are to be divided”; section 27; in section 28: all words from “and every such town” to the end of the section; sections 48, 53, 85, 86, 87 and

12 & 13 Vict., c. 85.	Dublin Corporation Act, 1849.	The whole Act.
12 & 13 Vict., c. 97.	Dublin Improvement Act, 1849.	Section 57.
13 & 14 Vict., c. 68.	Parliamentary Elections (Ireland) Act, 1850.	The whole Act.
13 & 14 Vict., c. 69.	Representation of the People (Ireland) Act, 1850.	The whole Act.
15 & 16 Vict., c. 23.	Meeting of Parliament Act, 1852.	The whole Act.
17 & 18 Vict., c. 57.	Returning Officers Act, 1854.	The whole Act.
17 & 18 Vict., c. 102.	Corrupt Practices Prevention Act, 1854.	The whole Act.
17 & 18 Vict., c. 103.	Towns Improvement (Ireland) Act, 1854.	In section 27: all words from the beginning of the section to “as they may think fit”.
20 & 21 Vict., c. 33.	Representative Peers (Ireland) Act, 1857.	The whole Act.
21 & 22 Vict., c. 110.	Election of Members during Recess Act, 1858.	The whole Act.
25 & 26 Vict., c. 92.	Elections (Ireland) Act, 1862.	The whole Act.
26 & 27 Vict., c. 20.	Elections in Recess Act, 1863.	The whole Act.
26 & 27 Vict., c. 29.	Corrupt Practices Prevention Act, 1863.	The whole Act.
30 & 31 Vict., c. 81.	Prorogation Act, 1867.	The whole Act.
31 & 32 Vict., c. 125.	Parliamentary Elections Act, 1868.	Section 44.
33 & 34	Forfeiture Act, 1870.	In section 2: all words from “or of exercising” to the end

Vict., c. 23.		of the section.
33 & 34 Vict., c. 81.	Meeting of Parliament Act, 1870.	The whole Act.
35 & 36 Vict., c. 33.	Ballot Act, 1872.	The whole Act.
40 & 41 Vict., c. 56.	County Officers and Courts (Ireland) Act, 1877.	In section 21: all words from the beginning of the section to “ <i>in the same manner as heretofore</i> ”.
41 & 42 Vict., c. 75.	Arranmore Polling District Act, 1878.	The whole Act.
43 Vict., c. 17.	Town Councils and Local Boards Act, 1880.	The whole Act.
46 & 47 Vict., c. 51.	Corrupt and Illegal Practices Prevention Act, 1883.	Sections 45, 46, 48, 51 and 52; subsections (1) and (3) of section 53; section 54.
47 & 48 Vict., c. 70.	Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	Sections 3, 24 and 31.
48 & 49 Vict., c. 17.	Parliamentary Registration (Ireland) Act, 1885.	The whole Act.
48 & 49 Vict., c. 23.	Redistribution of Seats Act, 1885.	The whole Act.
50 & 51 Vict., c. 9.	Police Disabilities Removal Act, 1887.	The whole Act.
52 & 53 Vict., c. 69.	Public Bodies Corrupt Practices Act, 1889.	Paragraphs (c) and (d) of section 2.
54 & 55 Vict., c. 39.	Stamp Act, 1891.	In the First Schedule: the head of charge “Admission in England or Ireland of any person—as a burgess, or into any corporation or company, in any city, borough, or town corporate”.
56 & 57 Vict., c. 6.	Police Disabilities Removal Act, 1893.	The whole Act.
61 & 62 Vict., c. 37.	Local Government (Ireland) Act, 1898.	Section 2; subsection (4) of section 23; subsections (2) and (4) of section 94; subsection (3) of section 97.
	Local Government (Application of Enactments) Order, 1898.	The following portions of the Schedule: articles 5, 6, 7, 9 and 10, sub-articles (1) to (5) of article 11; in subarticle (1) of article 26: the words “(b) the division of an urban county district into wards;” and the words

		“of the number of wards, or of the boundaries of any ward, or”; article 31; in rule (II) of subarticle 10 of article 36: the words “between the annual meeting and the first day of June then next following”.
8 Edw. 7. c. 13.	Polling Districts (County Councils) Act, 1908.	The whole Act.
8 Edw. 7. c. 66.	Public Meeting Act, 1908.	In section 1: from the words “if the offence is committed” to the words “and in any other case”.
1 & 2 Geo. 5. c. 13.	Parliament Act, 1911.	Section 7.
7 & 8 Geo. 5. c. 64.	Representation of the People Act, 1918.	The whole Act.
9 & 10 Geo. 5. c. 19.	Local Government (Ireland) Act, 1919.	The whole Act.
No. 12 of 1923.	Electoral Act, 1923 .	Parts I and II ; sections 18 , 29 , 34 , 37 , 42 , 53 , 54 and 58 ; in section 59 : the words “bribery, personation or corrupt practices at elections or to”; section 61 ; subsection (1) of section 62 ; in section 63 : the words “registration officer” and “the registration of electors or” wherever they occur; First Schedule; Rule 12 of the Fourth Schedule; in Rule 17 of Part I of the Fifth Schedule: the words “and of the mode in which electors are to vote”; Rules 19 and 20 of the said Part I; in Rule 28 of the said Part I: the words “and (d) tendered ballot papers”; in Rule 34 of the said Part I: all words from “The returning officer shall report” to the end of the Rule; in Rule 35 of the said Part I: the words “the tendered ballot papers and” and “and the tendered votes list”; in Rule 36 of the said Part I: the words “tendered votes lists,”; Rules 42, 48, 50, 52 and 54 of the said Part I: Part II of the Fifth Schedule; forms 1, 2, 3, 6, 7, 8 and 9 in Part III of the Fifth Schedule; Ninth Schedule.
No. 38 of 1923.	Prevention of Electoral Abuses Act, 1923 .	Paragraph (c) of subsection (2) of section 1 ; section 4 ; subsections (3), (4) and (5) of section 6 ; sections 7 , 8 , 9 , 10 , 11 and 14 ; in section 15 : all words from “and shall” to the end of the section; section 16 ; in section 17 , the words “or for any expenses incurred in excess of any maximum amount allowed by this Act,” and the words “or expenses”; sections 18 , 19 , 20 , 21 , 27 , 28 , 32 , 33 , 34 , 35 , 36 , 37 , 38 , 39 , 40 , 43 , 45 and 47 ; in section 53 : all words from “and a person” to the end of the section; in section 56 : the definitions of “committee room” and “personal expenses”; First Schedule .
No. 7 of 1924.	Local Government Electors Registration	The whole Act.

Act, 1924.

No. 5 of 1925.	Local Government Act, 1925.	Section 57.
No. 27 of 1926.	Court Officers Act, 1926 .	Section 39 ; in subsection (7) of section 40 : all words from “and in lieu thereof” to the end of the subsection.
No. 21 of 1927.	Electoral (Amendment) Act, 1927.	The whole Act.
No. 23 of 1927.	Juries Act, 1927 .	Part II .
No. 39 of 1927.	Local Elections Act, 1927.	The whole Act.
No. 1 of 1929.	Cork City Management Act, 1929.	Subsections (1), (2), (3) and (4) of section 6.
No. 27 of 1930.	Local Government (Dublin) Act, 1930 .	Section 36 ; subsections (1) and (2) of section 38 ; subsections (1) and (2) of section 46 ; sections 50 and 86 .
No. 29 of 1932.	Electoral (Registration Appeals) Act, 1932.	The whole Act.
No. 14 of 1933.	Electoral (Amendment) Act, 1933.	Section 2.
No. 35 of 1934.	Limerick City Management Act, 1934 .	Sections 6 and 8 ; subsections (1) and (2) of section 10 .
No. 9 of 1935.	Local Government (Extension of Franchise) Act, 1935.	The whole Act.
No. 22 of 1936.	Electoral (University Constituencies) Act, 1936.	The whole Act.
No. 16 of 1937.	Plebiscite (Draft Constitution) Act, 1937.	The whole Act.
No. 25 of 1937.	Electoral (Chairman of Dáil Éireann) Act, 1937.	The whole Act.
No. 32 of 1937.	Presidential Elections Act, 1937 .	Section 26 ; subsection (1) and paragraph (d) of subsection (2) of section 28 ; section 30 ; in Rule 8 of the First Schedule: the words “and of the mode in which electors are to vote”; Rules 11, 12, 13 and 20 of that Schedule; in Rule 22 of that Schedule: the words

“and (d) tendered ballot papers,”; paragraph (2) of Rule 26 of that Schedule; paragraphs (2) and (3) of Rule 29 of that Schedule; in paragraph (1) of Rule 32 of that Schedule: the words “the tendered ballot papers and” and the words “and the tendered votes list,”; in Rule 33 of that Schedule: the words “tendered votes lists,”; paragraph (2) of Rule 38 of that Schedule.

No. 25 of 1939.	Waterford City Management Act, 1939 .	Section 7 ; subsections (1) and (3) of section 9 .
No. 21 of 1940.	Local Government (Dublin) (Amendment) Act, 1940.	Section 12.
No. 5 of 1941.	Cork City Management (Amendment) Act, 1941 .	Section 6 .
No. 23 of 1941.	Local Government Act, 1941 .	Subsection (4) of section 34 ; subsection (5) of section 35 ; sections 36 , 37 , 38 , 39 , 40 and 42 ; subsection (4) of section 45 ; section 81 ; Third Schedule .
No. 28 of 1941.	Electoral Act, 1941,	The whole Act.
No. 8 of 1942.	Referendum Act, 1942 .	Sections 13 , 15 , 21 and 28 ; Rules 12, 13 and 14 of the First Schedule ; in Rule 23 of that Schedule; the words “and (d) tendered ballot papers,”; paragraphs (2) and (3) of Rule 27 of that Schedule; paragraph (3) of Rule 29 of that Schedule; in paragraph (d) of Rule 31 of that Schedule: the words “the tendered ballot papers,” and the words “and the tendered votes list”; in paragraph (e) of Rule 31 of that Schedule: the words “and tendered votes lists”.
No. 18 of 1942.	Local Elections (Amendment) Act, 1942.	The whole Act.
No. 6 of 1945.	Electoral (Dáil Éireann and Local Authorities) Act, 1945.	The whole Act.
No. 15 of 1945.	Presidential and Local Elections Act, 1945.	The whole Act.
No. 25 of 1945.	Court Officers Act, 1945.	Paragraph (g) of subsection (3) of section 12.
No. 24 of 1946.	Local Government Act, 1946.	Section 72.

No. 29 of 1946.	Presidential Elections (Amendment) Act, 1946 .	The whole Act.
No. 30 of 1946.	Referendum (Amendment) Act, 1946 .	The whole Act.
No. 31 of 1946.	Electoral (Amendment) Act, 1946.	The whole Act.
No. 8 of 1948.	Local Elections Act, 1948.	The whole Act.
No. 15 of 1953.	Local Elections Act, 1953 .	The whole Act.
No. 5 of 1959.	Referendum (Amendment) Act, 1959.	The whole Act.
No. 9 of 1959.	Presidential Elections (Temporary Provisions) Act, 1959.	The whole Act.
No. 14 of 1960.	Elections Act, 1960.	The whole Act.
No. 43 of 1960.	Electoral Act, 1960 .	Sections 5 , 6 and 7 and sections 9 to 17 .
No. 19 of 1961.	Electoral (Amendment) Act, 1961 .	Section 7 .

SECOND SCHEDULE.

Forms (Dáil Elections).

[Sections 12](#) , 16.

PART I.

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 lánscotha:

WHEREAS Dáil Éireann is dissolved:

ANOIS, déanaimse, _____ Cléireach Dháil Éireann, de réir forálacha alt 12 den Acht Toghcháin, 1963, 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 12 of the Electoral Act, 1963, 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 thoghfad a bhfuair sé an eascaire sin 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 _____ 19.
day of _____

NÍ FOLÁIR DON CHEANN COMHAIRIMH ADMHÁIL A THABHAIRT LÁITHREACH, TRÍ THEILEAGRAM, GO BHFUAIR SÉ AN EASCAIRE SEO.

THE RETURNING OFFICER MUST ACKNOWLEDGE RECEIPT OF THIS WRIT IMMEDIATELY BY TELEGRAM.

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. as	_____	i gContae in	_____
D. of	_____	the Country	_____
		of	
E. as	_____	i gContae in	_____
F. of	_____	the Country	_____
		of	
G. as	_____	i gContae in	_____
H. of	_____	the Country	_____
		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.

ENDORSEMENT.

Fuair mé an eascaire seo istigh—

Received the within writ on—

an this _____

lá seo de _____ 19.
day of

(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 Éireann toisc _____ ba
chomhalta de Dháil Éireann 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 Éireann 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 cui
eascaire a chur amach chun comhalta a
thoghadh do Dháil Éireann chun an folúntas
réamhráite a líonadh:

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 forálacha alt
12 den Acht Toghcháin, 1963, 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 Éireann don dáilcheantar
sin in ionad _____ sin:

NOW, I, _____ Clerk of Dáil Éireann,
in accordance with the provisions of section 12
of the Electoral Act, 1963, 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 thoghfár
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 day of _____ 19.

NÍ FOLÁIR DON CHEANN COMHAIRIMH THE RETURNING OFFICER MUST

ADMHÁIL A THABHAIRT LÁITHREACH,
TRÍ THEILEAGRAM, GO BHFUAIR SÉ AN
EASCAIRE SEO.

ACKNOWLEDGE RECEIPT OF THIS
WRIT IMMEDIATELY BY TELEGRAM.

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. as _____ i gContae in the
D. of _____ Country 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 comhalta a thoghadh chun fónamh i nDáil Éireann.

A writ for the election of a member to serve in Dáil Éireann.

ENDORSEMENT.

Fuair mé an eascaire seo istigh—

Received the within writ on—

an this _____ lá seo de day of _____ 19.

(Sínithe)

A.B.

(Signed)

CEANN COMHAIRIMH,

Returning Officer.

PART II.

FORM OF BALLOT PAPER.

(Front of Paper)

Counterfoil
No. _____

Marcáil ord do rogha sna
spáis seo síos.

Marc Oifigiúil.



Mark order of preference in
spaces below. Official Mark.

Voter's No. on
register.

DOYLE—WORKERS PARTY.

(James Doyle, of 10 High Street,
Builder.)

LYNCH—DEMOCRATS.

(Jane Ellen Lynch, of 12 Main
Street, Grocer.)

Letter. No.

O'BRIAIN—CUMANN NA

SAORÁNACH.

(Séamus O'Briain, ó 10 An tSráid
Ard, Oide Scoile.)

O'BRIEN, EAMON (Barrister)—
NON-PARTY.

(Eamon O'Brien, of 22 Wellclose
Place, Barrister.)

O'BRIEN, EAMON (Solicitor)—
YOUNG IRELAND.

(Eamon O'Brien, of 102 Eaton
Brae, Ranelagh, Solicitor.)

O'CONNOR—NATIONAL
LEAGUE.

(Charles O'Connor, of 7 Green
Street, Gentleman.)

THOMPSON—FARMERS PARTY.

(William Henry Thompson, of
Dereen Park, Farmer.)

TREORACHA.

INSTRUCTIONS.

Féach chuige go bhfuil an marc oifigiúil ar an
bpáipéar.

See that the official mark is on the paper.

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.

II. Fold the paper to conceal your vote. Show

Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.

the back of the paper to the presiding officer and put it in the ballot box.

(Back of Paper)

No. _____

Election for Constituency of _____

DIRECTIONS.

(1) Each ballot paper shall contain a list of the candidates as described in their respective nomination papers, arranged alphabetically in the order of their surnames or if there are two or more candidates with the same surnames, of their other names, or if their other names are the same, in the order of their occupations.

(2) The surname of each candidate and the name of his political party, if any, shall be printed in large characters and his full name, address and occupation, if any, as appearing in his nomination paper, shall be printed in small characters.

(3) Whenever the surnames of two or more candidates are the same there shall also be printed in large characters the other names of such candidates and so much of the description of such candidates as appearing in their respective nomination papers, as will, in the opinion of the returning officer, effectively distinguish such candidates.

(4) The list of candidates shall be arranged either in one continuous column or in two 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.

(5) The back of each ballot paper shall be numbered consecutively and the front of the counterfoil attached to it shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.

(6) Nothing is to appear on the ballot paper except in accordance with these directions.

THIRD SCHEDULE.

Form (Presidential Elections).

[Section 52](#) .

8

Counterfoil
No. _____

Marcáil ord do rogha sna
spáis seo síos.

Marc Oifigiúil.

Mark order of preference
in spaces below.

Official Mark.



Voter's No. on
register.

Letter. No.

DOYLE, JAMES (HIGH STREET—
BUILDER).

(James Doyle, of 10 High Street,
Builder.)

DOYLE, JAMES (FURRY PARK—
CHEMIST).

(James Doyle, of 420 Furry Park,
Chemist.)

LYNCH.

(Jane Ellen Lynch, of 12 Main
Street, Grocer.)

O'BRIAIN, SÉAMUS (SRÁID ARD—
OIDE SCOILE).

(Séamus O'Briain, ó 10 An tSráid
Ard, Oide Scoile.)

O'BRIEN, EAMON (WELLCLOSE
PLACE—BARRISTER).

(Eamon O'Brien, of 22 Wellclose
Place, Barrister.)

O'BRIEN, EAMON (EATON BRAE—
SOLICITOR).

(Eamon O'Brien, of 102 Eaton Brae,
Ranelagh, Solicitor.)

O'CONNOR.

(Charles O'Connor, of 7 Green
Street, Gentleman.)

THOMPSON.

(William Thompson, of Dereen Park,
Farmer.)

TREORACHA.

- I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.
- II. 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.
- III. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.

INSTRUCTIONS.

- I. See that the official mark is on the paper.
- II. Write 1 beside the name of the candidate of your first choice, 2 beside your second choice, and so on.
- III. 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. _____

Presidential election on _____ day of _____ 19

DIRECTIONS.

(1) Each ballot paper shall contain a list of the candidates as described in their respective nomination papers, arranged alphabetically in the order of their surnames or if there are two or more candidates with the same surnames, of their other names, or if their other names are the same, in the order of their occupations.

(2) The surname of each candidate shall be printed in large characters and his full name, address and occupation, if any, as appearing in his nomination paper, shall be printed in small characters.

(3) Whenever the surnames of two or more candidates are the same there shall also be printed in large characters the other names of such candidates and so much of the description of such candidates as appearing in their respective nomination papers, as will, in the opinion of the returning officer, effectively distinguish such candidates.

(4) The list of candidates shall be arranged either in one continuous column or in two 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.

(5) The back of each ballot paper shall be numbered consecutively and the front of the counterfoil attached to it shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.

(6) Nothing is to appear on the ballot paper except in accordance with these directions.

FOURTH SCHEDULE.

FORMS OF BALLOT PAPERS AT REFERENDA.

[Section 71](#) .

PART I.

FORM OF BALLOT PAPER AT CONSTITUTIONAL REFERENDUM.

(Front of Paper)

Counterfoil No.		Marc Oifigiúil. → Official Mark.					
		An bhfuil tú ag toilíú leis an togra chun an Bunreacht a leasú atá sa Bhille thíosluaite ? Do you approve of the proposal to amend the Constitution contained in the under-mentioned Bill ?					
Voter's No. on register. <table border="1"> <thead> <tr> <th>Letter.</th> <th>No.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Letter.	No.			<div style="border: 1px solid black; width: 100px; height: 30px; margin: 0 auto;"></div> <div style="border: 2px solid black; padding: 5px; width: 100px; height: 100px; margin: 0 auto; display: flex; flex-direction: column; align-items: center; justify-content: center;"> <div style="display: flex; width: 100%; height: 50%; border-bottom: 1px solid black;"> <div style="width: 50%;"></div> <div style="width: 50%; text-align: center;"> TÁ YES </div> </div> <div style="display: flex; width: 100%; height: 50%; border-bottom: 1px solid black;"> <div style="width: 50%;"></div> <div style="width: 50%; text-align: center;"> NÍL NO </div> </div> </div>	
		Letter.	No.				
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(Back of Paper)

No. <hr/>	Constituency of <hr/>
Reifreann i dtaobh an togra chun an Bunreacht a leasú.	Referendum on proposal to amend the Constitution.

Note: The back of each ballot paper shall be numbered consecutively and the front of the counterfoil attached to it is to bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.

PART II.

FORMS OF BALLOT PAPERS AT ORDINARY REFERENDA.

FORM OF BALLOT PAPER WHERE ONE REFERENDUM ONLY IS BEING TAKEN.

(Front of Paper)

<p>Counterfoil No.....</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">Voter's No. on register.</th> </tr> <tr> <th style="width: 50%;">Letter.</th> <th style="width: 50%;">No.</th> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> </tr> </table>	Voter's No. on register.		Letter.	No.			<p style="text-align: center;">Marc Oifigiúil. → Official Mark.</p> <p>An bhfuil tú ag toilíú le dlí a dhéanamh den togra thíosluaite? Do you approve of the undermentioned proposal becoming law?</p> <div style="border: 1px solid black; width: 200px; height: 25px; margin: 10px auto;"></div> <div style="text-align: center; margin: 10px auto;"> <table border="1" style="border-collapse: collapse;"> <tr> <td style="width: 50%; height: 50px;"></td> <td style="width: 50%; text-align: center; vertical-align: middle;">TÁ YES</td> </tr> <tr> <td style="width: 50%; height: 50px;"></td> <td style="width: 50%; text-align: center; vertical-align: middle;">NÍL NO</td> </tr> </table> </div> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <p>TREORACHA.</p> <p>I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.</p> <p>II. Má thoilíonn tú leis an togra, cuir an marc "X" sa chearnóg os coinne an fhocail "TÁ".</p> <p>III. Mura dtoilíonn tú leis an togra, cuir an marc "X" sa chearnóg os coinne an fhocail "NÍL".</p> <p>IV. Fill an páipéar ionas nach bhfeicfead do vóta. Taispeáin cúl an <i>páipéir</i> don oifigeach ceannais, agus cuir sa bbosca balóide é.</p> </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <p>INSTRUCTIONS.</p> <p>I. See that the official mark is on the paper.</p> <p>II. If you approve of the proposal, place the mark "X" in the square opposite the word "YES".</p> <p>III. If you do not approve of the proposal, place the mark "X" in the square opposite the word "NO".</p> <p>IV. Fold the paper to conceal your vote. Show <i>the back of the paper</i> to the presiding officer and put it in the ballot box.</p> </td> </tr> </table>		TÁ YES		NÍL NO	<p>TREORACHA.</p> <p>I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.</p> <p>II. Má thoilíonn tú leis an togra, cuir an marc "X" sa chearnóg os coinne an fhocail "TÁ".</p> <p>III. Mura dtoilíonn tú leis an togra, cuir an marc "X" sa chearnóg os coinne an fhocail "NÍL".</p> <p>IV. Fill an páipéar ionas nach bhfeicfead do vóta. Taispeáin cúl an <i>páipéir</i> don oifigeach ceannais, agus cuir sa bbosca balóide é.</p>	<p>INSTRUCTIONS.</p> <p>I. See that the official mark is on the paper.</p> <p>II. If you approve of the proposal, place the mark "X" in the square opposite the word "YES".</p> <p>III. If you do not approve of the proposal, place the mark "X" in the square opposite the word "NO".</p> <p>IV. Fold the paper to conceal your vote. Show <i>the back of the paper</i> to the presiding officer and put it in the ballot box.</p>
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(Back of Paper)

No. _____	Constituency of _____
Reifreann i dtaobh an togra go _____	Referendum on proposal that _____
_____	_____
_____	_____

Note: The back of each ballot paper shall be numbered consecutively and the

front of the counterfoil attached to it shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.

2.

FORM OF BALLOT PAPER WHERE TWO OR MORE REFERENDA ARE BEING TAKEN ON THE SAME DAY.

(Front of Paper)

Counterfoil No.	Marc Oifigiúil. → Official Mark.			
	I gcás gach togra faoi leith dá luaitear sa chéad cholún anseo thíos, an bhfuil tú ag toiliú le dlí a dhéanamh den togra ?		In the case of each of the proposals stated in the first column below, do you approve of the proposal becoming law ?	
	TOGRA. PROPOSAL.		TÁ. YES.	NÍL. NO.
	1.			
2.				
3.				
Voter's No. on register.				
Letter.	No.			
TREORACHA.		INSTRUCTIONS.		
I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.		I. See that the official mark is on the paper.		
II. Cuir an marc "X" sa cholún thuas dar mírcheann "TÁ" os coinne gach togra faoi leith lena dtoilíonn tú.		II. Place the mark "X" in the column headed "YES" opposite every proposal of which you approve.		
III. Cuir an marc "X" sa cholún thuas dar mírcheann "NÍL" os coinne gach togra faoi leith nach dtoilíonn tú leis.		III. Place the mark "X" in the column headed "NO" opposite every proposal of which you do not approve.		
IV. Fill an páipéar ionas nach bhfeicfar do vóta. Taispeáin cúl an bpáipéir don oifigeach ceannais, agus cuir sa bhosca ballóide é.		IV. 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. _____

Constituency of _____

Reifreann i dtaobh na dtograí seo a leanas:—

Referenda on the following proposals:—

1.

1.

—

—

—

—

2.

2.

—

—

—

—

3.

3.

—

—

—

—

Note: The back of each ballot paper shall be numbered consecutively and the front of the counterfoil attached to it shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.