

# SAORSTÁT EIREANN.

*Uimh. 1 de 1923.*

*No. 1 of 1923.*

## BILLE TIMPEAL TOGHACHAN, 1923. ELECTORAL BILL, 1923.

*Mar do ritheadh ag Dáil Eireann.  
(As passed by Dáil Eireann.)*

### ARRANGEMENT OF SECTIONS.

#### PART I.

##### FRANCHISE.

##### Section.

1. Dáil franchise.
2. Seanad electors.
3. Right of persons registered to vote.
4. Provisions as to disqualifications.
5. Police not to be registered or vote.
6. Qualifying date.
7. Ascertainment of elector's age.

#### PART II.

##### REGISTRATION.

8. Annual register.
9. Registration officers and areas.
10. Deputy Registration Officers.
11. Registration duties.
12. Expenses of registration.
13. Counties divided into Ridings.
14. Salaries of Clerks of the Crown and Peace.
15. Register for University Constituencies.
16. Appeals.

#### PART III.

##### METHOD AND COSTS OF ELECTIONS.

17. Proportional representation and constituencies.
18. Days for nominations and polls.
19. Nomination of candidates.
20. Deposit by candidates at Dáil elections.
21. Voting by postal voters.
22. Voting by persons in the employment of Returning Officers.
23. Returning Officers.
24. Conduct of Dáil elections.
25. Payment of Returning Officers' expenses.
26. The poll at elections.
27. The counting of the votes.
28. Infringement of secrecy.
29. Questions and oaths at elections.
30. Use of schools and public rooms.
31. General duty of Returning Officer.
32. Keeping of order in polling stations.
33. Proceedings in case of riot.
34. Destruction, etc., of ballot boxes or papers.
35. Appointment and powers of presiding officers and clerks.
36. Officers not to act as agents for candidates.
37. Conclusiveness of register of voters.
38. Prohibition of disclosure of vote.
39. Non-compliance with rules.
40. Use of Local Government ballot boxes, etc.
41. Place and hours of poll.
42. Division of constituency into polling districts and appointment of polling places.



## PART IV.

## ELECTIONS TO SEANAD EIREANN.

## Section.

- 43. Conduct of Seanad Elections.
- 44. Seanad Returning Officer.
- 45. Payment of Seanad Returning Officer's expenses.
- 46. Days for Seanad Elections.

## PART V.

## REFERENDUM.

- 47. Persons entitled to vote.
- 48. Conduct of a Referendum.
- 49. Day for taking a Referendum.

## PART VI.

## DÁIL CONSTITUENCIES.

- 50. Dáil Constituencies.
- 51. Disqualification for membership of the Dáil.
- 52. Resignation of membership of the Dáil.
- 53. Filling vacancies in the Dáil.
- 54. Issue of Writs.

## PART VII.

## MEMBERSHIP OF SEANAD EIREANN.

- 55. Disqualification for membership of the Seanad.

## PART VIII.

## GENERAL.

- 56. Adaptation of Acts.
- 57. Application of enactments relating to bribery, etc.
- 58. Computation of time.
- 59. Confirmation of Franchise Resolutions.
- 60. Difficulty and Emergency Orders.
- 61. Officers liable to action for breach of duty.
- 62. Rules, regulations, scales of expenses, &c., to be laid before each House of the Oireachtas.
- 63. Definitions.
- 64. Repeals.
- 65. Short title.

## SCHEDULES.

## I.

Registration Rules.

## II.

Registration Rules for University Constituencies.

## III.

Proportional Representation Election Rules.

## IV.

Postal Voting Rules.

## V.

Conduct of Dáil Elections.

## VI.

Conduct of Seanad Elections.

## VII.

Conduct of Referenda.

## VIII.

Constituencies.

## IX.

Adaptation of Enactments

## X.

Repeals.



# SAORSTÁT EIREANN.

## ELECTORAL BILL, 1923.

*Uimh. 1 de 1923.*

*No. 1 of 1923.*

### BILL

*Entitled*

AN ACT TO REGULATE THE DAIL AND SEANAD FRANCHISES IN  
SAORSTÁT EIREANN; TO AMEND AND CONSOLIDATE THE  
LAW RELATING TO THE REGISTRATION OF ELECTORS  
10 AND THE CONDUCT OF ELECTIONS TO DÁIL EIREANN;  
AND TO REGULATE THE CONDUCT OF ELECTIONS TO  
SEANAD EIREANN AND OF A REFERENDUM AND FOR  
OTHER PURPOSES CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT  
15 EIREANN AS FOLLOWS:—

#### PART I.

##### FRANCHISE.

1.—(1) Every person without distinction of sex who is a Dáil Franchise.  
citizen of Saorstát Eireann and has attained the age of twenty-  
20 one years and is not subject to any legal incapacity imposed by  
this Act or otherwise shall be entitled to be registered once as a  
Dáil elector in one, but not more than one, constituency in  
Saorstát Eireann.

(2) Every such person as aforesaid may be registered as a  
25 Dáil elector in any one of the following constituencies, viz.:—

- (a) the constituency in which he or she is ordinarily resident  
on the qualifying date; or
- (b) the constituency in which he or she occupies on the  
qualifying date business premises; or
- 30 (c) the University constituency comprising a university in  
which he or she has received a degree other than an  
honorary degree or, in the case of the University of  
Dublin, has received such degree as aforesaid, or  
obtained a foundation scholarship, or, if a woman,  
35 obtained a non-foundation scholarship.

(3) The expression "business premises" in this section means  
land, buildings, or other premises occupied for the purpose of  
the business, profession or trade, of the person to be registered, of  
the rateable value of not less than ten pounds, and includes part  
40 of a house or other building.

Where any such business premises are not separately valued  
the rateable value shall be deemed to be the amount which would,  
in the opinion of the registration officer, be the rateable value  
if they were separately valued.

45 (4) Where business premises are in the joint occupation of two  
or more persons, each of the joint occupiers shall, for the pur-  
poses of this Act, be treated as occupying the premises, subject  
as follows:—

- (a) The aggregate value of the business premises must be  
50 not less than the amount produced by multiplying  
ten pounds by the number of joint occupiers, and
- (b) Not more than two joint occupiers shall be entitled to  
be registered in respect of the same business pre-  
mises, unless they are *bona fide* engaged as partners,  
55 carrying on their profession, trade or business on the  
business premises.

(5) If a person would be qualified under this section to be  
registered as a Dáil elector in more than one constituency he or  
she may choose which of those constituencies he or she shall be  
60 registered in.



	(6) A member of the defence force of Saorstát Eireann on full pay living in any barracks or other building or place belonging to or provided by the Government of Saorstát Eireann shall not be treated as ordinarily resident in such barracks, building or place, or as occupying the same for the purposes of his trade, profession or business within the meaning of this section, but shall for the purposes of this section be deemed to be ordinarily resident on the qualifying date in the constituency in which but for his service he would be ordinarily resident on the qualifying date.	5 10
	(7) The statement of any member of the defence forces of Saorstát Eireann, made in the prescribed form and verified in the prescribed manner, that he would, but for his service, have been ordinarily resident on the qualifying date in a specified constituency shall, in the absence of evidence to the contrary, be conclusive evidence of that fact.	15
	(8) A person employed in a house, part of a house or other premises at a salary shall not be treated as thereby occupying the same for the purpose of his trade, profession or business within the meaning of this section.	20
	(9) A person who is an inmate or patient in any prison, lunatic asylum, workhouse, poorhouse, or any other similar institution shall not by reason thereof be treated as ordinarily resident therein or as occupying the same within the meaning of this section.	25
Seanad Electors.	2.—Every person, without distinction of sex, who is a citizen of Saorstát Eireann and has attained the age of thirty years and is not subject to any legal incapacity, whether imposed by this Act or otherwise, shall be entitled to be registered as a Seanad elector in the constituency in which he or she is registered as a Dáil elector.	30
Right of person registered to vote.	3.—(1) Every person registered as a Dáil elector for any constituency shall, while so registered, be entitled to vote at every Dáil election for that constituency, and also to vote in that constituency at every Referendum. (2) Every person registered as a Seanad elector in any constituency shall, while so registered, be entitled to vote in that constituency at every Seanad election.	35
Provisions as to disqualifications.	4.—(1) A person shall not be disqualified from being registered, or from voting as a Dáil or Seanad elector, or from voting at a Referendum by reason that he or she or some other person for whose maintenance he or she is responsible has received poor relief or other alms. (2) Nothing contained in this Act shall, except as expressly provided therein confer on any person who is subject to any legal incapacity to be registered, or to vote either as a Dáil or Seanad elector, or to vote at a Referendum any right to be so registered or to vote. (3) A person shall not be disqualified from voting at any election as a Dáil or Seanad elector, by reason of being employed for payment by or on behalf of a candidate at such election so long as the employment is legal.	40 45 50
Police not to be registered or vote.	5.—No member of any Police force on full pay may be registered as a Dáil or Seanad elector, or vote at any Dáil or Seanad election or at a Referendum.	55
Qualifying date.	6.—The qualifying date for the first register prepared under this Act shall be the 15th day of October, 1922, and the qualifying date for every subsequent register shall be the 15th day of November.	
Ascertainment of elector's age.	7.—For the purposes of this Act a person's age shall be taken to be that person's age— (a) In the case of the first register prepared under this Act, on the 15th day of October, 1922. (b) In the case of any subsequent register, on the 15th day of November, being the qualifying date.	60 65



## PART II.

## REGISTRATION.

8.—(1) One register of electors shall be prepared in every year and, except in University constituencies, the first register to be prepared under this Act shall be a register of electors who were qualified on the 15th day of October, 1922, and the register to be prepared in every subsequent year shall be a register of electors who were qualified on the previous 15th day of November.

Annual register.

(2) The first register prepared under this Act shall come into force on the commencement of the 1st day of June, 1923, or such later date as the Minister for Local Government may fix by Order, and shall remain in force until the 1st day of June, 1924, and except in University constituencies every subsequent register shall come into force on the commencement of the 15th day of April next after the qualifying date in respect of which such register is made and shall remain in force until the next following 1st day of June.

(3) If for any reason the registration officer fails in any year to compile a fresh register for his area, or any part of his area, the register in force at the time when the fresh register should have come into force shall continue to operate as the register for the area or part of an area in respect of which default has been made. This sub-section shall apply to a failure in respect of the first register prepared under this Act as well as to a failure in respect of any subsequent register.

9.—(1) Each administrative county not being a county borough and each county borough and each University constituency shall be a registration area, and there shall be a registration officer for each registration area.

Registration officers and areas.

(2) The Clerk of the Crown and Peace for an administrative county not being a county borough shall be the registration officer for that administrative county, and the Clerk of the Crown and Peace for a county borough shall be the registration officer for that county borough.

(3) The registration officer for a University constituency shall be appointed and paid by the governing body of the University.

10.—(1) Any of the duties and powers of the registration officer may be performed and exercised by any deputy for the time being approved by the Minister for Local Government, and the provisions of this Act shall apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as it applies to the registration officer.

Deputy Registration Officers.

(2) In the event of any vacancy in the office of registration officer, or in the event of the registration officer's incapacity to act, the powers and duties of the registration officer may be exercised and performed by any person temporarily appointed in that behalf by the Minister for Local Government.

(3) This section shall not apply to University constituencies.

11.—(1) It shall be the duty of the registration officer to compile the annual register, and to place, or cause to be placed, on the register in accordance with the rules contained in the First Schedule to this Act the names of those entitled to vote as Dáil electors, or Seanad electors, in his registration area, and to comply with any general or special directions which may be given by the Minister for Local Government with respect to the arrangements to be made by the registration officer for carrying out his duties as to registration.

Registration duties.

(2) The Minister for Local Government may by Order prescribe the forms to be used for registration purposes and any fees to be taken in connection therewith, and alter the rules



contained in the First Schedule to this Act for the purpose of carrying this Act into full effect, or for carrying into effect any Act for the time being in force amending or affecting this Act.

(3) This section shall not apply to University constituencies.

Expenses of  
Registration.

**12.**—(1) Any expenses properly incurred by a registration officer in the performance of his duties in relation to registration, including all proper and reasonable charges for trouble, care and attention in the performance of those duties other than duties which are performed by the registration officer in person (which expenses are in this Act referred to as "registration expenses"), shall be paid :—

(a) in the case of an administrative county by the County Council of that county;

(b) in the case of a county borough by the Council of that county borough.

(2) The registration expenses shall be paid in the case of the Council of an administrative county out of the Poor Rate as a county at large charge, and in the case of the Council of a county borough out of the rate or fund out of which the general expenses of the Council are paid, or out of any other rate or fund which the Minister for Local Government may on the application of the Council approve.

(3) The Minister for Finance may frame a scale of registration expenses applicable to all or any class or classes of those expenses, and may alter the scale as and when he thinks fit.

Any expenses incurred by the registration officer of a class to which the scale is applicable shall be taken to be properly incurred if they do not exceed the maximum amount determined by or in accordance with the scale, and so far as they do exceed that amount shall be taken not to have been properly incurred unless the excess is specially sanctioned by the Council and the Minister for Finance either before or after the expenses have been incurred.

If any question arises whether any expenses incurred by the registration officer of a class to which the scale is not applicable have been properly incurred or not, that question shall be referred to the Minister for Local Government, and the decision of the Minister on the question shall be final.

(4) Any fees or other sums received by the registration officer in respect of his duties as such officer, other than sums paid to that officer in respect of his registration expenses, shall be accounted for by that officer and paid to the credit of the fund or rate out of which the expenses of that officer are paid.

(5) There shall be paid out of moneys provided by the Oireachtas to the council of any county or borough in aid of the fund or rate out of which any registration expenses are paid by the council in accordance with this Act one-half of the amount so paid by the council.

(6) On request of the registration officer of any registration area for an advance on account of registration expenses the council by which the registration expenses for that area are payable may, if they think fit, make such an advance to such officer of such amount and subject to such conditions as the council may approve, and if such council shall refuse to make to the registration officer any advance, or any part of any advance, for which he shall have made such request as aforesaid, the Minister for Local Government may, on the application of the registration officer, direct the council to make to the registration officer such advance as the Minister aforesaid shall think right, but not exceeding the amount of the advance for which the registration officer shall have made such request as aforesaid and the council shall forthwith make to the registration officer an advance in accordance with such direction.



(7) The Minister for Local Government shall procure all printing required for registration purposes to be done by such persons and at such prices as he shall think proper, and the cost of such printing shall be part of the registration expenses of the registration area, or several registration areas, for the use of which such printing is done, and one-half of the cost of such printing shall be paid out of moneys provided by the Oireachtas, and the other half thereof shall be paid by the council by which the registration expenses of which such printing forms part are payable: Provided that any question as to the apportionment between the several registration areas of the cost of any printing which is done for the use of more than one registration area shall be fixed by the Minister for Local Government.

(8) This section shall not apply to University constituencies.

15 **13.**—Where an administrative county is divided into Ridings the Minister for Local Government may, by order, divide the county into a corresponding number of registration areas, and make any adaptations of this Act which may be necessary in consequence of the division, and the Clerk of the Crown and  
20 Peace for any Riding shall be registration officer for such of those areas as may be directed by the Minister for Local Government.

Counties divided into Ridings.

**14.**—Notwithstanding the limit imposed by any statute now in force the salaries of Clerks of the Crown and Peace may be increased by orders made by the Minister for Finance to such extent as shall appear to such Minister to be proper, having regard to the additional duties imposed on those officers by this Act: Provided that the liability of a Clerk of the Crown and Peace to account for sums other than registration expenses received by him as registration officer shall not extend to any such increase in salary.

Salaries of clerks of the Crown and Peace.

**15.**—(1) The governing body of every University forming a University constituency shall, in accordance with the Rules contained in the Second Schedule to this Act, cause a register to be kept in such form as the Minister for Local Government shall direct of persons entitled to vote as Dáil electors or as Seanad electors in the University constituency, and shall make the register available for the purpose of such electors and shall, on the application of any person, allow that person at all reasonable times to inspect and take extracts from the register.

Register for University Constituencies.

40 (2) The first register to be prepared under the Act for each University constituency shall be a register of electors who were qualified on the 15th day of October, 1922, and shall come into force on the 1st day of June, 1923, or on such later date as the Minister for Local Government may fix by Order.

45 Each subsequent register shall be a register of electors who were qualified on the 15th day of November, and shall come into force on the next following 15th day of June.

50 (3) The Minister for Local Government may from time to time make such alterations in the Rules contained in the Second Schedule to this Act as may be necessary for the purpose of carrying this Act into full effect, or for carrying into effect any Act for the time being in force amending or affecting this Act.

55 (4) The governing body of any such University may direct that a person who, before the passing of this Act, has received a degree at the University but was not entitled to vote in respect thereof shall have no right to be registered unless he makes a claim for the purpose.

60 (5) No fee shall be charged by the governing body of any such University in respect of the registration of any person as an elector in the constituency comprising such University.

**16.**—(1) An appeal shall lie to the County Court having jurisdiction in the registration area from any decision of the registration officer on any claim or objection which has been considered by him under this Act, or the placing of, or refusal to

Appeals.



place, any mark against any name on the register, and rules of court shall be made for the purpose of determining the procedure on any such appeals and for applying and adapting thereto any enactments relating to county courts and the procedure therein :

Provided that except in University constituencies an appeal shall not lie where a claimant or objector has not availed himself of his opportunity, as provided in the First Schedule to this Act, of being heard by the registration officer on the claim or objection, or as to the placing of, or refusing to place, any such mark as aforesaid :

Provided also that in the County Borough of Dublin and in a University constituency and in the administrative County of Dublin the appeal under this section shall not be to the County Court, but shall, in the County Borough of Dublin and in a University constituency, be to the revising barristers for the City of Dublin, and shall in the administrative County of Dublin be to the revising barrister for the County of Dublin.

(2) In any county in which the jurisdiction of the County Court is exercised for the time being by two or more County Court judges, the appeals from the registration officer shall be dealt with by such one of those judges or his assistant judge as may be directed by the Chief Justice of the Supreme Court, or shall be distributed amongst those judges and their assistant judges according as may be so directed.

(3) For the purposes of this Act County Court rules, orders, and scales of fees, costs, and charges may be made under sections seventy-nine, eighty-three, and eighty-four of the County Officers and Courts (Ireland) Act, 1877 ; but the provisions of those sections as to the concurrence of, or certification by County Court judges or the Recorder shall not apply.

(4) An appeal shall lie on any point of law from any decision of the County Court or of a Revising Barrister as the case may be on any such appeal from the registration officer in accordance with rules of the Supreme Court to the Court of Appeal, but no appeal shall lie from the decision of the Court of Appeal.

(5) The right of voting of any person whose name is for the time being on the register 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 of the appeal.

(6) Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the County Court or of a Revising Barrister or of the Court of Appeal on any appeal under this section, and the registration officer shall make such alterations in the register of electors as may be required to give effect to the decision.

(7) On any appeal under this section the registration officer shall be deemed to be a party to the proceedings.

(8) If the Chief Justice of the Supreme Court is satisfied on the representation of the judge of any County Court or the Revising Barristers or Barrister of the City or County of Dublin that the judge or Revising Barristers or Barrister is or are unable, owing to the necessity of dealing with appeals under this Act, to transact the business of the court with proper despatch, the Governor-General of Saorstát Eireann on the advice of the Executive Council may appoint a Barrister of at least seven years' standing to act as assistant judge or assistant Revising Barrister as the case may be for such time and subject to such conditions as the Governor-General of Saorstát Eireann on the advice aforesaid shall direct.

Any assistant judge or assistant Revising Barrister so appointed shall have all the powers and privileges and may perform any of the duties of the judge, Revising Barristers or Barrister, whether under this Act or otherwise, to whom he has been appointed assistant.

An assistant judge or assistant Revising Barrister shall be paid out of moneys provided by the Oireachtas such remuneration and travelling allowances as may be allowed by the Minister for Finance.



- (9) For the purposes of this section the expressions "County Court," "Supreme Court," and "Court of Appeal" shall until the Oireachtas otherwise determines mean the Courts which under the enactments in force at the passing of this Act exercise in the registration area the powers and jurisdictions of a County Court or a Supreme Court or a Court of Appeal, respectively, by whatever name or names such courts may respectively be called.

### PART III.

#### 10 METHOD AND COSTS OF ELECTIONS.

- 17.—(1) A contested Dáil or Seanad election shall be according to the Principle of Proportional Representation, each elector having one transferable vote. Proportional representation and constituencies.

(2) The expression "transferable vote" means a vote:—

- 15 (a) capable of being given so as to indicate the voter's preference for the candidates in order; and  
(b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is eliminated from the list of candidates.

- 18.—(1) At a general election the last day for receiving nominations shall in all constituencies be the eighth day after the date of the proclamation declaring the calling of the Oireachtas, and the poll shall in all cases be held on the first Monday not being earlier than the seventh day after the last day for receiving nominations. Days for nominations and Polls.

(2) In the case of a bye-election—

- 30 (a) The last day for receiving nominations shall be fixed by the returning officer and shall be not later than the ninth day nor earlier than the seventh day after the receipt of the writ by the returning officer with an interval of not less than three clear days between the giving of the notice fixing the day and the day itself.  
35 (b) The poll shall take place on such day as the returning officer may appoint, not being less than eight or more than ten clear days after the day fixed as the last day for receiving nominations.

- 40 (3) Official telegraphic information of the writ having been issued for a Dáil election may be given in such cases and by such persons as may be directed by the Minister for Local Government, and any steps for holding an election which may be taken on or after the receipt of the writ may be taken on or after the receipt of an official telegraphic intimation of the writ having been issued.

- 19.—(1) A candidate for election to the Dáil shall be nominated in writing and such writing shall be subscribed by two registered electors of the constituency as proposer and seconder, respectively, and by eight other registered electors of the constituency as assenting to the nomination, and shall be delivered to the returning officer by the candidate himself or his proposer or seconder— Nomination of candidates.

- 55 (a) in the case of a general election at any time after the date of the proclamation declaring the calling of the Oireachtas and before the expiration of the time appointed for receiving nominations; and (b) in the case of a bye-election at any time after the receipt of the writ by the returning officer, and before the expiration of the time appointed for receiving nominations.

- 60 (2) If at the expiration of one hour after the end of the time appointed for receiving nominations no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidates who may stand nominated to be elected and return their names to the Clerk of the Dáil; but if at the expiration of such hour more candidates



stand nominated than there are vacancies to be filled up the returning officer shall adjourn the election and shall take a poll in the manner directed by this Act.

(3) A candidate may, before the expiration of the time appointed for receiving nominations but not afterwards, withdraw from his candidature by giving a notice to that effect, signed by him, to the returning officer: Provided that the proposer and seconder of a candidate nominated in his absence out of Ireland may before the expiration of the time aforesaid, but not afterwards withdraw such candidate by a written notice, signed by them, and delivered to the returning officer, together with a written declaration of such absence of the candidate. 5 10

(4) If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates nominated shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, countermand the notice of the poll, and all the proceedings with reference to the election shall be commenced afresh, and in such fresh election the last days for receiving nominations and the day for the poll shall be fixed in the manner provided by this Act for the case of a bye-election, and for that purpose the writ shall be deemed to have been received by the returning officer on the day on which proof was given to him of the death of such candidate, but in such fresh election no fresh nomination shall be necessary in respect of any candidate who stood nominated at the time of the countermand of the poll. 15 20 25

Deposit by  
candidates at  
Dáil elections.

**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, he shall be deemed to be withdrawn. 30

(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 candidate is withdrawn 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. 35 40

(4) If a candidate is not elected the deposit made by him or on his behalf shall be returned to him as soon as practicable after the result of the election is declared, unless the number of votes polled by him does not exceed one-third of the quota as ascertained in accordance with the rules contained in the Third Schedule of this Act, and in such case the deposit shall be forfeited to Saorstát Eireann. For the purposes of this sub-section 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. 45 50

(5) If a candidate is elected the deposit made by him or on his behalf shall be dealt with as follows:—

(a) If the candidate takes the oath as a member of the Oireachtas to which he is so elected the deposit made by him or on his behalf shall be returned to him as soon as he has taken such oath. 55

(b) If a candidate does not take the oath as a member of the Oireachtas to which he is so elected the deposit made by him or on his behalf shall, on the dissolution of such Oireachtas, be forfeited to Saorstát Eireann unless the candidate shall, before the dissolution of such Oireachtas, have died without having taken such oath, and without having resigned his membership or become disqualified, in which case the deposit aforesaid shall, as soon as practicable after his death, be returned to his legal personal representative. 60 65



- (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 such candidate 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 such deposits shall be returned to him, and the other deposit or deposits shall be forfeited to Saorstát Éireann.

21.—(1) Every Dáil or Seanad elector in any county or borough constituency who is a member of the defence force of Saorstát Éireann on full pay shall, if he so desires, be entered on the postal voters list of his constituency. Voting by postal Voters.

(2) The name of every elector in a University constituency shall be entered on the postal voters list for that constituency.

(3) Every elector whose name is on the postal voters list for any constituency shall be entitled to vote by sending his ballot paper by post to the returning officer, but shall not, so long as his name is on that list, be entitled to vote in any other manner.

(4) The returning officer shall, in the case of a contested Dáil election, as soon as practicable after the adjournment of the election, and in the case of a Seanad election or a Referendum, as soon as practicable after the issue of the proclamation appointing the day on which same is to be held or taken, send a ballot paper to each elector whose name is on the postal voters' list and who is entitled to vote at that election or Referendum to the address recorded by the registration officer, together with a declaration of identity in the prescribed form, and if such ballot paper duly marked by the postal voter and accompanied by the declaration of identity duly signed and authenticated 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.

(5) The returning officer in sending out, receiving and otherwise dealing with the ballot papers of postal voters shall observe the rules contained in the Fourth Schedule to this Act and such further rules (not being inconsistent with the rules aforesaid) as shall from time to time be made by the Minister for Local Government.

22.—Where an elector for any constituency is employed by the returning officer for that constituency for any purpose in connection with an election for that constituency, and the circumstances of that elector's employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which that elector would otherwise be entitled to vote, the returning officer may authorise such elector, by a certificate given in the prescribed form, to vote at any other polling station in the constituency, and that polling station shall, for the purpose of Rule 16 of the Fifth Schedule to this Act be deemed to be the polling station allotted to that elector. Voting by persons in the employment of returning officers.

23.—(1) The returning officer at an election in any constituency other than a University constituency shall be:— Returning Officers.

(a) In the case of the borough constituency the under sheriff of the borough or city in which such constituency is wholly or partly situate.

(b) In the case of a county constituency which is coterminous with or wholly contained in one administrative county the under sheriff of that administrative county.

(c) In the case of a county constituency which is situate in two or more administrative counties, the under-sheriff of such one of those administrative counties as the Minister for Local Government shall from time to time appoint, but the under-sheriff of any other of those administrative counties shall, if he so desires, be appointed by the returning officer to act as assis-



tant returning officer for the purpose of the execution, in the part of the constituency within the jurisdiction of such under-sheriff, of any powers and duties of the returning officer other than powers and duties which require to be executed by the returning officer in person, and any question as to the respective rights and obligations of any such returning officer and any such under-sheriff under this provision shall be determined by the Minister for Local Government, whose determination shall be final.

(2) The returning officers for the University constituencies shall be :—

(a) In the case of Dublin University constituency the Provost of Trinity College, Dublin.

(b) In the case of the National University constituency, the Vice-Chancellor of the National University :

Provided that if at the time of an election in any University constituency the office mentioned in this sub-section as constituting the holder thereof returning officer for the constituency is vacant, or the holder of that office is through ill-health or from any other cause incapacitated from acting as returning officer in that election, the governing body of the University shall appoint some other officer of the University to be returning officer for the constituency at that election.

Conduct of  
Dáil elections.

**24.**—It shall be the duty of the returning officer for each constituency to conduct every Dáil election in that constituency according to the rules contained in the Third, Fourth and Fifth Schedules to this Act, and such further rules (not being inconsistent with the rules aforesaid) as shall from time to time be made by the Minister for Local Government.

Payment of  
Returning Officers  
expenses.

**25.**—(1) The returning officer at a Dáil election shall be entitled to his reasonable charges, not exceeding the sums specified in the scale of maximum charges framed under this section in respect of services and expenses of the several kinds mentioned in the said scale which have been properly rendered or incurred by him for the purposes of or in connection with the election.

(2) The amount of any such charges shall be paid by the Minister for Finance out of the central fund or the growing produce thereof on an account to be submitted to him in accordance with regulations to be made by him under this section, but the Minister for Finance may, if he thinks fit, before payment apply to any County Court having jurisdiction in the constituency to which such account relates for the taxation of the account, and such court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

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

(4) Where an application is made for the taxation of a returning officer's account, the returning officer may apply to the court aforesaid to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes and as against all persons.

(5) The Minister for Finance shall prescribe a scale of maximum charges for the purposes of this section and may revise the scale as and when he thinks fit, and may also make regulations



as to the time when and manner and form in which accounts are to be rendered to him for the purpose of the payment of the charges.

26.—(1) In the case of a poll at an election the votes shall be given by ballot, and the ballot of each voter shall consist of a paper (in this Act called a ballot paper) showing the names and description of the candidates, or, in the case of a Referendum, the title of the Bill. The poll at elections.

(2) Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face.

(3) At the time of voting the ballot paper shall be marked on both sides with an official mark, and delivered to the voter within the polling station, and the number of such voter on the register of electors shall be marked on the counterfoil, and the voter having secretly marked his vote on the paper and folded it up so as to conceal his vote, shall place it in a closed box in the presence of the officer presiding at the polling station (in this Act called "The Presiding Officer") after having shown to him the official mark at the back.

(4) At a Dáil or Seanad election any ballot paper—

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

(b) on which the figure 1 standing alone indicating a first preference for some candidate is not placed; 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 the figure 1 standing alone indicating a first preference and some other number is set opposite the name of the same candidate; or

(e) on which anything except the said number on the back is written or marked by which the voter can be identified,

shall be invalid and not counted.

(5) At a referendum any Ballot Paper

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

(b) on which votes are given both for and against the Bill; or

(c) on which anything except the said number on the back is written or marked, by which the voter can be identified,

shall be invalid and not counted.

27.—(1) After the close of the poll the ballot boxes shall be sealed up so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the returning officer, and that officer shall, in the presence of such agents, if any, of the candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll in accordance with the provisions of this Act and the Schedules hereto, and the rules and regulations made hereunder, and shall forthwith declare to be elected the candidates or candidate who are or is ascertained in manner aforesaid to be elected and return their or his names or name to the Clerk of the Dáil. The counting of the votes.

(2) The decision of the returning officer as to any question arising in respect of any ballot paper at the counting of the votes shall be final subject to reversal on petition questioning the election or return.



Infringement of  
secrecy.

28.—(1) Every officer, clerk and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

(2) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(3) Every officer, clerk and agent concerned in the issue of ballot papers to postal voters and the receipt of ballot papers from postal voters shall maintain, and aid in maintaining, the secrecy of the voting by such voters, and shall not communicate, except for some purpose authorised by law, before the poll is closed to any person any information as to the name or number on the register of electors of any postal voter to or from whom any ballot paper has been sent or received, or as to the official mark, and no such officer, clerk or agent, and no person whosoever shall interfere with, or attempt to interfere with, the receipt, marking or return of his ballot paper by any postal voter, or attempt to obtain information as to the candidate for whom any such voter has voted, or communicate at any time to any person any information obtained in connection with the issue or receipt of ballot papers to or from postal voters as to the candidates for whom any such voter has voted, or as to the number on the back of the ballot paper sent to any such voter.

(4) No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has marked his vote.

(5) Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two justices of the peace or any magistrate having the powers or jurisdiction formerly exercisable by two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Questions and  
oaths at elections.

29.—(1) No questions, inquiries or objection shall be put, made or permitted at the time of the poll as to the right of any person to vote, and no objection thereto shall be made or received by any returning officer or his deputy save only that the returning officer or his deputy may, and, if so required on behalf of any candidate, shall put to any voter at the time of his tendering his vote and not afterwards the following questions, or any or either of them, viz. :—

(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 general election (or this bye-election, or this Seanad election, or this Referendum, as the case may be)?



And unless the first question is answered in the affirmative and the other question or questions as the case may be are or is answered in the negative that person shall not vote.

(2) The returning officer or his deputy may, and, if so required on behalf of any candidate, shall administer to any voter at the time of his tendering his vote and not afterwards an oath or (in the case of any person who objects to take 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 I, A B, 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 general election (or this bye-election, or this Seanad election, or this Referendum *as the case may be*).”

(3) Save as is mentioned in this section it shall not be lawful to require any voter at any election to take any oath or affirmation either in respect of his right to vote or any other matter whatsoever.

(4) It shall not be lawful to reject any vote tendered by any person whose name shall be upon the Register of Electors in force for the time being except by reason of its appearing to the returning officer or his deputy upon putting such questions as aforesaid, or any or either of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that such person has already voted at that general or bye-election, or Seanad election, or Referendum (as the case may be), or except by reason of such person refusing to answer the said questions, or any or either of them, or to take the said oath or make the said affirmation; and no scrutiny shall hereafter be allowed by or before any returning officer with regard to any vote given or tendered at any such election.

30.—(1) The returning officer at any election may use, free of charge, for the purpose of taking the poll at such election, any room in a school receiving a grant out of moneys provided by the Oireachtas, and any room the expense of maintaining which is payable out of any local rate, and may defray any expenses incurred by the person or body of persons, corporate or incorporate, having control over the same on account of its being used for the purpose of taking the poll as aforesaid.

Use of schools and public rooms.

(2) Wherever no such room as is mentioned in the foregoing sub-section is available, the returning officer shall hire a building or room for the purpose of taking the poll.

(3) A candidate at any election shall be entitled, for the purpose of holding a public meeting in furtherance of his candidature, to the use at reasonable times between the receipt of a writ for the election and the day of the poll of a suitable room in any public elementary school situated within the constituency for which he is a candidate :

Provided that this sub-section shall not authorise the use of any room used as part of a private dwellinghouse nor authorise any interference with the school hours of an elementary day or evening school :

Provided also that a charge may be made to cover any actual and necessary expenses incurred by the local education authority, or by the managers of the school, in respect of the preparation of the room before the meeting for the purposes of the meeting, and after the meeting for school purposes, and for heating, lighting, and cleaning the room.



(4) If by reason of the use of any room under sub-section 1 or 3 of this section any damage is done to such room, or to the building of which it forms part, or to the furniture, fitting or apparatus in or of such room or building, the damage shall be defrayed by the returning officer or by the person by whom or on whose behalf the meeting is convened as the case may be. 5

(5) The use of any room in an unoccupied house for the purpose of taking a poll shall not render any person liable to be rated or to pay any rate for such house.

(6) A person having charge of a school adjoining or adjacent to, or forming part of a church or a convent or other religious establishment may, within twenty-four hours after receiving notice from the returning officer or a candidate of an intention to use such school or any part thereof for the purposes of this section, object to such use by sending a statement of such objection to the returning officer. Any objection made under this sub-section may, on the application of the returning officer, be over-ruled by the Minister for Local Government if he thinks it right so to do, but unless and until such objection is so over-ruled, no part of the school referred to in such objection may be used under this section by the returning officer or any candidate. 10 15 20

General duty of returning officer.

31.—Subject to the provisions of this Act, every returning officer shall provide such nomination papers, polling stations, ballot boxes, ballot papers, stamping instruments, copies of the register of electors, and other things, appoint and pay such officers, and do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Act. 25

Keeping of order in polling stations.

32.—If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately by order of the presiding officer be removed from the polling station by any police constable in or near that station, or any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day. 30 35

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a justice of the peace or a magistrate having the powers or jurisdiction formerly vested in a justice of the peace. 40

Proceedings in case of riot.

33.—(1) If and whenever any nomination of candidates or any poll shall be interrupted or obstructed by any riot or open violence the returning officer or any deputy returning officer shall adjourn the nomination or poll as the case may be until the following day, and if necessary shall further adjourn such nomination or poll until such interruption or obstruction shall have ceased when the returning officer or his deputy shall again proceed with the nomination or the poll as the case may be. 45

(2) Whenever any nomination shall be adjourned under this section the day on which such nomination shall be completed after such adjournment shall be deemed to be the day appointed by law for such nomination, and the date for the taking of the poll shall be regulated accordingly. 50

(3) In the event of such interruption or obstruction of a poll as aforesaid only the polling at such polling places as are actually affected by such interruption or obstruction shall be adjourned under this section and the polling at all other polling places shall be continued without adjournment. 55

(4) Whenever a poll shall have been adjourned under this section by any deputy returning officer such deputy shall forthwith give notice of such adjournment to the returning officer, and whenever a poll shall have been adjourned under this section the returning officer shall not finally declare the result of the election until such adjourned poll shall have been completed and the votes cast thereat shall have been counted. 60 65



(5) In every case in which the day to which an adjournment would be made under this section shall happen to be a Sunday, Good Friday, Christmas Day or Bank Holiday, or a day declared to be a public holiday by statute or proclamation that day or days shall be passed over and the following day shall be the day to which the adjournment shall be made.

(6) This section shall apply to any interruption or obstruction caused by persons being prevented by riot or open violence from proceeding to the place for receiving nominations, or to any polling place, as the case may be, as well as to any interruption or obstruction caused in any other manner by riot or open violence.

34.—(1) If at any election any ballot box or boxes or any ballot paper or papers is or are taken out of the custody of the returning officer, or of any deputy returning officer, or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed, or (in the case of a ballot paper or papers) maliciously torn or defaced, the election to which such ballot box or boxes or ballot paper or papers relate shall be void, but only in respect of the polling at the polling place or places at which such ballot box or boxes or such ballot paper or papers was or were used and no further or otherwise.

Destruction, etc., of  
Ballot Boxes or  
Papers.

(2) Whenever the polling at any polling place or places shall become void under the foregoing sub-section the returning officer shall as soon as practicable after the act or event causing such voidance shall have come to his knowledge appoint a day (not being later than seven days after the day of the original polling) for the taking of a fresh poll in such or every such polling place, and shall not count the votes cast at such election until such fresh poll shall have been completed.

(3) In every such case as aforesaid the returning officer shall take a fresh poll in such or every such polling place as aforesaid on the day so appointed by him, and all the provisions of this Act shall apply to every such fresh poll as they apply to the original poll.

35.—The returning officer shall appoint a presiding officer to preside at each polling station, and for the purpose of the adjournment of the poll, and of every other enactment relating to the poll, a presiding officer shall have the powers belonging to a deputy returning officer under this Act; and any presiding officer and any clerk appointed by the returning officer to attend at a polling station shall have the power of asking the questions and administering the oaths authorised by this Act to be asked of or administered to voters, and may take and receive any declaration authorised by this Act to be taken before the returning officer or any magistrate.

Appointment and  
powers of presiding  
officers and clerks.

36.—No returning officer at any election, nor his deputy, nor any partner or clerk of either of them, shall act as agent for any candidate at that election in the management or conduct of his election; and if any returning officer, his deputy, the partner or clerk of either of them, shall so act he shall be guilty of a misdemeanour.

Officers not to  
act as agents for  
candidates.

37.—At any election in any constituency a person shall not be entitled to vote unless his name is on the register of electors for the time being in force for such constituency, and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote: Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any statute or relieve such person from any penalties to which he may be liable for voting.

Conclusiveness of  
register of voters.



Prohibition of disclosure of vote.	38.—No person who has voted at an election shall in any legal proceeding to question the election or return be required to state for whom he has voted.	
Non-compliance with rules.	39.—No election shall be declared invalid by reason of a non-compliance with the rules contained in any Schedule to this Act, or any mistake in the use of the forms in any Schedule to this Act, 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 body of this Act, and that such non-compliance or mistake did not affect the result of the election.	5 10
Use of Local Government Ballot Boxes, &c.	40.—Where any constituency comprises the whole or any part of any Local Government electoral area any ballot boxes, fittings for polling stations and compartments provided for Local Government elections in such electoral area may be used for any election in such constituency; and it shall be the duty of the returning officer at any election in such constituency to make use so far as practicable of the ballot boxes, fittings and compartments aforesaid, and the court upon taxation of his accounts shall have regard to the provisions of this section and any damage other than reasonable wear and tear caused to any such ballot boxes, fittings and compartments by such user at any such election shall be paid as part of the expenses of such election.	15 20
Place and hours of poll.	41.—(1) Each General Election shall be held on one day only, and such day shall be the same throughout Saorstát Eireann, and shall be not later than thirty days after the dissolution of the Oireachtas, and shall be proclaimed a public holiday.  (2) The place of election shall be fixed for each constituency by the returning officer, and shall be :—  (a) in a borough constituency some place within the borough; and  (b) in a county constituency some place within the constituency or within a county borough adjoining the constituency.  (c) in a University constituency some University building.  (3) The poll, if any, at a general election shall commence at nine o'clock in the forenoon, and be kept open till seven o'clock in the afternoon and no longer.  (4) The poll, if any, at a bye-election shall commence at eight o'clock in the forenoon, and be kept open till eight o'clock in the afternoon and no longer.	25 30 35 40
Division of constituency into polling districts, and appointment of polling places.	42.—(1) It shall be the duty of the council by which the registration expenses of the registration officer are paid to divide the administrative county or county borough as the case may be into polling districts, and to appoint polling places for the polling districts in such manner as to give to all electors in the county or borough such reasonable facilities for voting as are practicable in the circumstances.  (2) The powers of a council under the foregoing sub-section shall be exercised in accordance with rules to be from time to time made by the Minister for Local Government, and any exercise by a council of the powers aforesaid shall be subject to confirmation by the Minister aforesaid, who may confirm the proposed division, appointment or alteration either with or without modification, or may withhold confirmation thereof.  (3) Notice of any exercise of the powers aforesaid by any council shall after the same has been confirmed either with or	45 50 55



without modification by the Minister for Local Government be published in the county or borough by the publication of a notice showing the boundaries of all polling districts and the situation of all polling places constituted as a result of such exercise of the powers aforesaid.

(4) The Minister for Local Government shall immediately after the passing of this Act make rules for the exercise by the councils aforesaid of the powers of division and appointment aforesaid and every council in which such powers are vested shall within six weeks after the making of such rules exercise the powers aforesaid by dividing the administrative county or county borough as the case may be into such polling districts as aforesaid and appointing such polling places as aforesaid, and if any council does not make any such division and appointment as aforesaid within such six weeks, or if any such division or appointment made by any such council within such six weeks is not confirmed with or without modification by the Minister for Local Government within two weeks after the same is made the Minister aforesaid may himself make such division into polling districts and appointment of polling places in respect of such administrative county or county borough as he shall think fit.

(5) If the council of any urban or rural district wholly or partly situate in any administrative county, or not less than thirty electors in any administrative county or county borough, make a representation to the Minister for Local Government that the polling districts or polling places do not meet the reasonable requirements of the electors or any body of electors in that county or county borough the Minister for Local Government shall consider the representation, and may, if he thinks fit, direct the council whose duty it is to divide that county or borough into polling districts to make such alterations as the Minister shall think necessary in the circumstances, and if the council fail to make those alterations within a month after the direction is given may himself make the alterations, and any alterations so made shall have effect as if they had been made by the council.

(6) The Minister for Local Government may cause a local inquiry to be held as respects any question arising in connection with the provisions of this section, and the law for the time being in force in relation to the holding of inquiries by such Minister shall apply to an inquiry under this sub-section.

(7) An election shall not be questioned by reason of any non-compliance with the provisions of this section or any informality relative to polling districts or polling places.

#### PART IV.

##### ELECTIONS TO SEANAD EIREANN.

43.—(1) Saorstát Eireann shall for the purpose of a Seanad election be deemed to be divided into the same constituencies (including University constituencies) as those into which it is for the time being divided for the purpose of a general election.

Conduct of Seanad Elections.

(2) Each elector at a Seanad election shall record his vote in the constituency in which he would be entitled to vote at a general election.

(3) Subject to the express provisions of this Part of this Act and of the Rules contained in Part I. of the Sixth Schedule to this Act every Seanad election shall be conducted in each constituency by the same persons and in the same manner as a poll in that constituency would be conducted under this Act at a general election, and accordingly Part III. of this Act, so far as



the same relates to the taking of a poll at a general election and is not inconsistent with the express provisions aforesaid shall, together with the Rules and forms contained in the Sixth Schedule to this Act, apply to and regulate the conduct of Seanad elections.

5

Seanad Returning Officer.

**44.**—(1) For the purpose of a Seanad election there shall be a Seanad Returning Officer who shall be appointed for each Seanad election by the Minister for Local Government at least one month before the date of the election.

(2) It shall be the duty of the Seanad Returning Officer to count the votes at the Seanad election (save so far as same is directed by the rules contained in the Sixth Schedule to this Act to be done by the Returning Officer in each constituency) and to ascertain and announce the result of the election, and report such result to the Clerk of the Seanad and to do such other matters and things as in the rules aforesaid are directed to be done by the Seanad Returning Officer.

10

15

Payment of Seanad Returning Officer's expenses.

**45.**—(1) The Seanad Returning Officer at any Seanad election shall be entitled to his reasonable charges not exceeding the sums specified in the scale of maximum charges framed under this section in respect of services and expenses of the several kinds mentioned in the said scale which have been properly rendered or incurred by him for the purposes of or in connection with the election.

20

(2) The amount of any such charges shall be paid by the Minister, out of the fund and in the manner by, out of, and in which the expenses of returning officers in constituencies are payable under this Act, and all the provisions of this Act relating to the payment of returning officers' expenses shall apply to the charges and expenses of the Seanad Returning Officer.

25

30

Days for Seanad Elections.

**46.**—(1) Each Seanad election shall be held on one day only, and such day shall be the same throughout Saorstát Eireann and shall be proclaimed a public holiday.

(2) The Minister for Local Government shall within one week after the panel of candidates for a Seanad election has been formed pursuant to Article 33 of the Constitution of Saorstát Eireann appoint by proclamation the day on which such Seanad election is to take place, and the day so appointed shall be not less than seven days after the day of such proclamation and not more than one month after the formation of the panel.

35

40

## PART V.

### REFERENDUM.

Persons entitled to vote.

**47.**—Every person whose name appears on the register of electors for the time being in force as a person entitled to vote at a Dáil election shall be entitled to vote at a Referendum, but no person shall be entitled to vote twice at the same Referendum.

45

Conduct of a Referendum.

**48.**—(1) Saorstát Eireann shall for the purpose of the taking of a Referendum be deemed to be divided into the same constituencies (including University constituencies) as those into which it is for the time being divided for the purpose of Dáil elections, and each voter at a Referendum shall record his vote in the constituency in which he would be entitled to vote at a Dáil election.

50

(2) Subject to the express provisions of this Part of this Act and of the Rules contained in Part I. of the Seventh Schedule to this Act, every Referendum shall be conducted in each constituency by the same persons and in the same manner as a poll

55



in that constituency would be conducted under this Act at a Dáil election, and accordingly Part III. of this Act so far as the same relates to the taking of a poll at such Dáil election as aforesaid and is not inconsistent with the express provisions aforesaid shall, together with the Rules and forms contained in the Seventh Schedule to this Act, apply to a Referendum.

(3) When the Clerk of the Dáil shall have received from the several returning officers the results of the voting in all the constituencies he shall tabulate such results and ascertain therefrom the result of the voting on that Referendum, and shall communicate such result to the Oireachtas in such manner as shall from time to time be directed by the Dáil and shall publish same in the *Iris Oifigiúil*.

15 **49.**—(1) The taking of each Referendum shall be held on one day only, which day shall be the same throughout Saorstát Eireann and shall be proclaimed a public holiday. Day for taking a Referendum.

(2) The Minister for Local Government shall within six weeks after a Referendum has been demanded under Article 47 of the Constitution of Saorstát Eireann appoint by proclamation the day on which such Referendum is to be taken, and the day so appointed shall be not less than seven nor more than twenty-one days after the date of such proclamation.

(3) For the purposes of this section a Referendum shall be deemed to be demanded on the day on which the resolution demanding same is passed by the Seanad or the day on which the petition demanding the Referendum is presented to the Oireachtas as the case may be.

## PART VI.

### DÁIL CONSTITUENCIES.

30 **50.**—(1) The Dáil shall consist of 153 members, who shall be returned by the constituencies named in the first column in the Eighth Schedule to this Act. Dáil Constituencies.

(2) Each of the areas named in the second column in the First Part of the said Eighth Schedule shall be a borough constituency, and each of the counties or groups or portions of counties or counties and boroughs named in the second column in the Second Part of the said Eighth Schedule shall be a county constituency, and each of the Universities named in the first column in the Third Part of the said Eighth Schedule shall be a University constituency.

(3) Each of the constituencies named in the first column in the said Eighth Schedule shall return the number of members stated in the third column, or in the case of Part III., the second column in the said Eighth Schedule opposite the name of the constituency.

50 **51.**—(1) Every citizen of Saorstát Eireann without distinction of sex who is of full age and is not subject to any of the disqualifications mentioned in this section shall be eligible to be elected and (subject to taking the oath prescribed by the Constitution of Saorstát Eireann) to sit as a member of the Dáil. Disqualification for membership of the Dáil.

(2) Each of the following persons shall be disqualified from being elected or sitting as a member of the Dáil, that is to say :—

55 (a) a person who is undergoing a sentence of imprisonment with hard labour for any period exceeding six months or of penal servitude for any term imposed by a court of competent jurisdiction in Saorstát Eireann

(b) an imbecile and any person of unsound mind;



	(c) an undischarged bankrupt under an adjudication by a court of competent jurisdiction in Saorstát Éireann;	
	(d) a person who is by the law for the time being in force in Saorstát Éireann in relation to corrupt practices and other offences at elections incapacitated from being a member of the Dáil by reason of his having been found guilty by a court of competent jurisdiction in Saorstát Éireann of some such practice or offence.	5
	(3) A person shall be incapable of being elected or sitting as a member of Dáil Éireann who is	10
	(a) a member of the defence force of Saorstát Éireann on full pay;	
	(b) a member of any police force in Saorstát Éireann on full pay;	
	(c) a person either temporarily or permanently in the Civil Service of Saorstát Éireann unless he is by the terms of his employment expressly permitted to be a member of Dáil Éireann.	15
	(4) If any person who has been duly elected a member of the Dáil should, while he is so a member, become subject to any of the disqualifications mentioned in this section he shall thereupon cease to be a member of the Dáil.	20
	(5) This Section shall not come into force until immediately after the dissolution of the present Dáil.	
Resignation of membership of the Dáil.	52.—Any member of the Dáil may voluntarily resign his membership thereof by notice in writing to the Ceann Comhairle of the Dáil, and such resignation shall take effect immediately upon the same being announced to the Dáil by the Ceann Comhairle.	25
Filling vacancies in the Dáil.	53.—In the case of the death, resignation or disqualification of a member of the Dáil the vacancy thereby occasioned in the Dáil shall be filled by the return of a member in the place of such deceased, resigned, or disqualified member by the electors of the constituency for which the deceased, resigned, or disqualified member had been a member.	30
Issue of Writs.	54.—(1) If and whenever the Oireachtas shall be dissolved the Clerk of the Dáil shall immediately upon the issue of the Proclamation summoning a new Oireachtas issue his writ to the returning officer in each constituency named in the Eighth Schedule to this Act directing such returning officer to cause an election to be held of the full number of members of the Dáil to serve in such new Oireachtas for the constituency for which he is returning officer.	35
	(2) If and whenever any vacancy shall occur in the membership of the Dáil by death, resignation or disqualification of a member the Ceann Comhairle of the Dáil shall as soon as he is directed by the Dáil so to do, direct the Clerk of the Dáil to issue his writ for the election of a member to fill such vacancy, and upon such direction the Clerk of the Dáil shall issue his writ to the returning officer of the constituency in the representation of which the vacancy has occurred directing such returning officer to cause an election to be held of a member of the Dáil to serve in place of the member so dead, resigned or disqualified.	40
	(3) If at any time there shall be more than one vacancy in the representation of any constituency in the Dáil and the Clerk of the Dáil shall be directed at the one time to issue his writs for the election of members to fill all or more than one of such vacancies the Clerk of the Dáil shall issue only one writ to the returning officer of that constituency and shall by such writ direct him to hold one election to fill all the vacancies mentioned in such writ in the representation of that 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 such writ.	45
	(4) All writs issued by the Clerk of the Dáil under this section shall be in one or other of the forms contained in Part III. of the Fifth Schedule to this Act.	50
		55
		60
		65



## PART VII.

## MEMBERSHIP OF SEANAD EIREANN.

- 55.—(1) Every citizen of Saorstát Eireann without distinction of sex who is of the age of 35 years or upwards and is not subject to any of the disqualifications mentioned in this section shall be eligible to be elected and (subject to taking the oath prescribed by the Constitution of Saorstát Eireann) to sit as a member of the Seanad. Disqualification for membership of the Seanad.
- (2) Each of the following persons shall be disqualified from being elected or sitting as a member of the Seanad, that is to say :—
- (a) a person who is undergoing a sentence of imprisonment with hard labour for any period exceeding six months, or of penal servitude for any term imposed by a court of competent jurisdiction in Saorstát Eireann;
  - (b) an imbecile and any person of unsound mind;
  - (c) an undischarged bankrupt under an adjudication by a court of competent jurisdiction in Saorstát Eireann;
  - (d) a member of the defence force of Saorstát Eireann on full pay;
  - (e) a member of any police force in Saorstát Eireann on full pay;
  - (f) a person either temporarily or permanently in the Civil Service of Saorstát Eireann unless he is by the terms of his employment expressly permitted to be a member of the Seanad;
  - (g) a person who is by the law for the time being in force in Saorstát Eireann in relation to corrupt practices and other offences at elections incapacitated from being a member of the Seanad by reason of his having been found guilty by a court of competent jurisdiction in Saorstát Eireann of some such practice or offence.
- (3) If any person who has been duly elected a member of the Seanad should while he is so a member become subject to any of the disqualifications mentioned in this section he shall thereupon cease to be a member of the Seanad.

## PART VIII.

## GENERAL.

- 56.—The Dáil franchises enacted by this Act shall take the place of all Parliamentary franchises existing at the time of the passing of this Act; and the provisions set out in the Ninth Schedule to this Act with respect to the adaptation of Acts shall have effect for the purpose of adapting the law to the provisions of this Act. Adaptation of Acts.
- 57.—All the provisions relating to bribery, personation or corrupt practices at elections or to election petitions (other than Local Government elections or Local Government election petitions) which are contained in any statute and were in force on the 23rd day of December, 1920, and have not been repealed by this Act shall apply to Dáil elections, Seanad elections and Referenda held under this Act, and for that purpose all references in such provisions to :—
- (a) elections shall be construed as referring to Dáil elections, Seanad elections and Referenda held under this Act;
  - (b) constituencies shall be construed as referring to the constituencies established by this Act;
  - (c) returning and other officers, persons, ballot papers and other matters and things shall be construed as referring to the corresponding officers, persons, papers, matters and things acting, used, or done under this Act.
- Application of enactments relating to bribery, etc.



Computation of  
time.

**58.**—(1) Where any period of time not exceeding ten days is limited or appointed by or under this Act as the time before or after which any act or thing is to be done or not done Sundays, Christmas Day, Good Friday, Bank Holidays and days declared by statute or proclamation to be public holidays shall not be reckoned in counting such period of time. 5

(2) Where any period of time exceeding ten days is limited or appointed by or under this Act as the time before or after which any act or thing is to be done or not done Sundays, Christmas Day, Good Friday, Bank Holidays and days declared by statute or proclamation to be public holidays shall be reckoned in computing such period of time. 10

(3) Where the time limited or allowed by or under this Act for doing any act or thing expires on a Sunday, Christmas Day, Good Friday, Bank Holiday or day declared by statute or proclamation to be a public holiday such act or thing shall be deemed to be duly done if it is done on the first day after the expiration of such time which is not a Sunday, Christmas Day, Good Friday, Bank Holiday or day declared as aforesaid to be a public holiday. 15

Confirmation  
of Franchise  
Resolutions.

**59.**—(1) The Franchise Resolutions adopted by the Provisional Parliament on the 19th day of September, 1922, are hereby confirmed. 20

(2) All acts, matters and things done under or in pursuance of the said Franchise Resolutions shall be deemed to have been done under this Act, and accordingly this Act shall be retrospective so far as is necessary to give validity and statutory authority to the acts, matters and things aforesaid. 25

(3) The register now in course of preparation under the said Franchise Resolutions shall be the first register prepared under this Act, and the expression "the First Register prepared under this Act" shall where used in this Act be interpreted accordingly. 30

(4) The first Register prepared under this Act shall be completed in accordance with the said Franchise Resolutions, save that the following provisions of this Act shall apply to such first Register, that is to say, the provisions relating to:— 35

(a) The registration of and voting by members of the Defence Force of Saorstát Eireann. |||

(b) The non-registration of and non-voting by members of any Police Force.

(c) Voting by post. 40

(5) The provisions of this Act and the Schedule hereto regarding the registration of Seanad electors shall not apply to the first register prepared under this Act.

Difficulty and  
Emergency Orders.

**60.**—(1) If any difficulty shall arise in the preparation of the first register under the preceding section and the Franchise Resolutions mentioned therein or in the holding of the first elections after the commencement of this Act, the Minister for Local Government may by Order do any matter or thing which appears to him necessary for the proper preparation of such register or the proper holding of such elections. 45

(2) If any difficulty shall arise in the preparation of any register under this Act after the first register or in the holding of any election under this Act after the first elections and the Minister for Local Government is of opinion that such difficulty is an emergency requiring to be removed immediately, the Minister aforesaid may by Order do any matter or thing which appears to him to be necessary to be done immediately to enable the register or election in respect of which such difficulty has arisen to be properly prepared or held. 50

Officers liable to  
action for breach  
of duty.

**61.**—(1) Where any registration officer, returning officer, clerk or other person having duties in connection with the registration of electors or the conduct of any election refuses, neglects, or fails without reasonable cause to perform his duties in that 55

60



behalf, a person aggrieved by such refusal, neglect, or failure shall be entitled to recover by action at law from such person such sum not exceeding one hundred pounds by way of damages as the Court by which such action shall be tried shall consider just.

(2) Every registration officer, returning officer, presiding officer, clerk or other person having duties in connection with the registration of electors, or the conduct of any election, who is guilty of any wilful or grossly negligent misfeasance or any wilful or grossly negligent act or omission in contravention of this Act shall, in addition to any other liability to which he may be subject, be liable on prosecution by the Minister for Local Government in a Court of Summary Jurisdiction to forfeit to Saorstát Eireann such penal sum not exceeding £100, as the Court before whom such prosecution shall come shall consider just.

62.—(1) All rules, regulations, scales of expenses or provisions made or framed by the Minister for Finance or by the Minister for Local Government in pursuance of the powers conferred by Sections 11 (2), 12, 14 and 25 of this Act, shall be laid before each house of the Oireachtas forthwith; and unless and until a resolution annulling such rule, regulation, scale of expenses or provision is passed by each House of the Oireachtas within the next subsequent twenty-one days in which either of such Houses has met, such rule, regulation, scale of expenses or provision shall have effect as if enacted in this Act, provided that annulment of any such rule, regulation, scale of expenses or provision shall not prejudice or invalidate anything done thereby or thereunder prior to such annulment.

(2) Any such rule, regulation, scale of expenses or provision may be revoked or varied as occasion requires.

63.—In this Act and the Schedules thereto unless the context otherwise requires—

The word "Dáil" shall mean Dáil Eireann;  
 The word "Seanad" shall mean Seanad Eireann;  
 The expression "Dáil Election" shall mean an election of a member or members to serve in the Dáil and shall include a bye-election as well as a general election;  
 The expression "Dáil Elector" shall mean a person entitled to vote at a Dáil election;  
 The expression "General Election" shall mean an election of members to serve in the Dáil of a new Oireachtas;  
 The expression "Bye-Election" shall mean an election of a member of the Dáil to fill a vacancy occasioned by the death, resignation or disqualification of a member of the Dáil;  
 The expression "Seanad Election" shall mean an election of Senators to serve in the Seanad;  
 The expression "Seanad Elector" shall mean a person entitled to vote at a Seanad election;  
 The word "Election" when used without qualification shall include Dáil election, Seanad election and Referendum;

The expression "dwellinghouse" shall include any part of a house where that part is occupied separately as a dwellinghouse;

The expression "prescribed" shall mean prescribed by Order made by the Minister for Local Government.

64.—(1) The enactments mentioned in the Tenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) All references in any existing statute, order, regulation or rule to any of the Acts wholly or partially repealed by this Act shall be deemed to be references to this Act, but in the case of Acts partially repealed by this Act only in so far as such references relate to the portion of such Act so repealed.

65.—This Act may be cited as "The Electoral Act, 1923."

Rules, Regulations, Scales of Expenses, &c., to be laid before each House of the Oireachtas.

Definitions.

Repeals.

Short title.



## SCHEDULES.

### FIRST SCHEDULE.

#### REGISTRATION RULES.

Separate part of register for each registration unit.	1. The register shall be framed in separate parts for each registration unit in the registration area.	5
	The district electoral division as constituted under the Local Government (Ireland) Act, 1898, shall be the registration unit, but:—	
	(a) where a district electoral division is divided into wards each such ward shall be treated as a separate registration unit; and	
	(b) where a district electoral division is situate partly in one Dáil polling district, and partly in another, or partly within and partly without any town (within the meaning of the Local Government (Ireland) Act, 1898), or ward of a borough or town, each part shall be treated as a separate registration unit.	10
General form of the Register.	2. The register shall, as respects each registration unit, contain the names of all persons who are entitled to be registered as Dáil electors or Seanad electors in that registration area, and shall show in the prescribed manner the class or classes of elector to which each such person belongs and shall generally be in such form as shall from time to time be prescribed.	15 20
Postal voters list.	3. The registration officer shall prepare and add as a supplement to the register a separate list for the whole registration area, or, where the area includes more than one constituency, for each constituency in the area, of persons entitled to vote as postal voters (in this Act referred to as the postal voters list) without, however, removing the names of those voters from any other part of the register. Every such list shall be made up according to polling districts.	25
Register to be made up in street or alphabetical order.	4. Where the registration unit is situated in a county borough, the names in the register shall be arranged in street order, unless the council of the county borough consider that having regard to the general character of the area forming the registration unit, arrangement in street order is inapplicable. Where the registration unit is situated in an administrative county, the names in the register shall be arranged alphabetically in townland order, unless the county council consider that, having regard to the general character of the area forming the registration unit, arrangement in street order is possible and convenient.	30 35
Effect of register.	5. The registers for the registration units making up any constituency, so far as they relate to Dáil electors, shall together form the register of Dáil electors for that constituency, and so far as they relate to Seanad electors, shall together form the register of Seanad electors for that constituency.	40
	DUTY OF REGISTRATION OFFICER TO PREPARE AND PUBLISH LISTS.	
Duty of registration officer to prepare electors lists.	6. It shall be the duty of the registration officer to cause a house to house or other sufficient inquiry to be made, and to prepare or cause to be prepared, lists (in this Schedule referred to as electors lists) for each registration unit in his registration area of all persons appearing to be entitled to be registered as Dáil or Seanad electors in the register or electors by this Act directed to be prepared in every year, and to publish or cause to be published those lists in the prescribed form, on or before the 29th day of January. The registration officer shall at the same time publish a notice specifying the mode in which, and the time within which, claims and objections are to be made under these rules.	45 50
Duty of certain officers to perform duties and furnish information if required.	7. It shall be an obligation on the registration officer to require the persons or person respectively holding the offices hereinafter mentioned to perform any necessary duties in respect of registration, and the duties which may be so required to be performed shall include the duties hereinafter specified in respect of such persons or person—viz.:— (a) any person holding the office of collector of poor rate may be required to make the house to house or other sufficient inquiry directed by these rules, and to furnish sufficient information to enable the electors lists to be prepared, and to furnish any further information	55 60



required for the purposes of this Act respecting any persons resident or occupying land or premises in, or the removal of any person from the district of such collector, and to publish on behalf of the registration officer at such places as may be required, any lists or registers by this Act directed to be published, and to attend at the revision of claims and objections under these rules at such places and times as may be ordered by the registration officer.

(b) Any person holding the office of secretary of a County Council, Town Clerk of a County Borough, or Clerk of an Urban District Council may be required to prepare from the information furnished by the collectors of poor rate and otherwise and to furnish to the registration officer draft electors lists, and to attend and furnish such information as may be required at the revision of claims and objections under these rules at such times and places as may be ordered by the registration officer.

(c) Any person for the time being exercising the functions of a Superintendent Registrar of Births and Deaths may be required to furnish lists or other information in connection with deaths of persons within his area.

(d) It shall be the duty of the persons specified in sub-sections (a), (b) and (c) of this rule, to perform any duties which may be required of them respectively under this rule, and if any such person refuses, neglects or fails, without reasonable cause, to perform any such duty in connection with registration he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(e) Any question which may arise as to what duties or duty any such person as aforesaid may be required to perform under this rule shall be determined by the Minister for Local Government whose decision shall be final.

(f) Each of the several persons mentioned in this rule shall be entitled to payment for all services performed and expenses incurred by him in the execution by him of all or any duties or duty, which he may be required to perform under this rule, and any sum so paid shall be treated for the purposes of this Act as part of the registration expenses of the registration officer on whose requisition the services were performed, or the expenses were incurred.

8. The registration officer shall publish, together with the electors lists, the corrupt and illegal practices list (if any) made by him under section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, or made by or sent to him under section twenty-four of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884.

Corrupt and illegal practices list.

#### CLAIMS TO BE REGISTERED.

9. Any person who claims to be entitled to be registered as a Dáil or Seanad elector, and who is not entered, or is entered in an incorrect place or manner, or with incorrect particulars on the electors' lists, may claim to be registered, or to be registered correctly, by sending to the registration officer a claim in the prescribed form not later than the 26th day of February.

Claims to be sent to registration officer.

10. The form of claim for a person making a claim on his own behalf shall contain a declaration of the qualification of the claimant to be registered, including a declaration that the claimant has attained the required age, and is a citizen of Saorstát Eireann, and of the class or classes of electors in which the claimant desires to be registered—that is to say, as a Dáil elector or a Seanad elector, and where the claimant claims in respect of a non-residential qualification a declaration of residence or, in case such person has no settled residence, an address to which communications may be sent, and a statement that the name of the claimant is not included in the electors lists as appearing to be entitled to be registered for that or for any other constituency in Saorstát Eireann. A note shall be added to the form warning the claimant that any false declaration for the purpose of this provision will involve a penalty.

Form of claim.

Where a claim is made on behalf of a claimant by another person the registration officer shall not enter the name of the claimant on the register unless the matters required to be stated in the declaration under the foregoing provision are proved to his satisfaction.

11. It shall be the duty of the registration officer to prepare and publish a list of claimants in the prescribed form not later than the 12th day of March.

Publication of lists of claimants.

#### OBJECTIONS.

12. Any person whose name appears on the electors lists as appearing to be entitled to be registered for a constituency, may object to the registration of any person whose name is included in the electors lists for that constituency, by sending notice of objection in the prescribed form to the registration officer not later than the 19th day of February, and may object to the registration of any person whose name is included in the list of claimants by sending notice of objection in the prescribed form to the registration officer not later than the 26th day of March.

Notice of objections.

An objection under this rule shall not be entertained unless within the time limited for sending the notice of objection, a copy of the notice of objection sent to the registration officer is sent by the person objecting



to the person whose registration is objected to in such objection. Such copy of the notice of objection may be sent by prepaid and registered post to the address of the person objected to as appearing on the lists or to his last known place of abode.

Publication of objections to lists:	13. It shall be the duty of the registration officer to prepare and publish a list of names of persons to whose registration notice of objection has been given not later than the 5th day of March.	5
Publication of objections to claims.	14. It shall be the duty of the registration officer to publish a list of the names of persons included in the list of claimants to whose registration notice of objection has been given as soon as practicable after the 26th day of March.	10
Power of registration officer to appoint Town Clerk as his deputy.	15. The Clerk of the Crown and Peace for a County Borough shall, as respects any County Borough for which he is registration officer, appoint the Town Clerk of the County Borough to act as his deputy for the purposes of Rules 9 to 14, and for the purpose of publishing the lists and notices to be published under Rules 6 and 8 of this Schedule if the Town Clerk so desires, and any Town Clerk so appointed shall, for the purposes aforesaid, have the like powers and duties, and be subject to the like liabilities as if he were registration officer.	15
	POSTAL VOTERS LIST.	20
Postal Voters list.	16. The names in the Postal Voters List shall be arranged in the same order as that in which those names appear in the register, and shall be numbered consecutively throughout the constituency, commencing with the number one. Any member of the defence forces of Saorstát Éireann may, not later than the 26th day of February, give notice to the registration officer that he does not desire to have his name entered on the Postal Voters List.	25
Record of addresses to be kept.	17. The registration officer shall keep a record of any address which may be furnished to him by or in respect of any person placed on the Postal Voters List as the address which is to be for the time being the address of the voter for the purposes of the provisions relating to voting by postal voters, and, as soon as practicable, shall cause instructions to be sent to the voter as to the mode of voting under those provisions. The record of addresses shall be open to inspection under the same conditions as those that govern inspection of the register.	30
		35
	PREPARATION OF REGISTER FROM THE LISTS.	
Consideration of objections.	18. The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with these rules, and for that purpose shall give at least five clear days notice to the objector, and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.	40
Consideration of claims.	19. The registration officer shall also consider all claims of which notice is given to him in accordance with these rules, and in respect of which no notice of objection is given, and, if he considers that the claim may be allowed without further inquiry shall give notice to the claimant that the claim is allowed. If the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall give at least five clear days notice to the claimant of the time and place at which the claim will be considered by him.	45
		50
Supplementary powers on consideration of claims and objections.	20. If on the consideration of any claim or objection it appears to the registration officer that the claimant or person in respect of whose registration objection is taken, is not entitled to be entered on the register in the character or characters, or in the place on the register in which he claims to be registered, or in which he is entered on the list, but is entitled to be entered on the register in another character or characters, or in another place on the register, the registration officer may decide that the name of that person shall be so entered on the register.	55
Inquiries by Registration officer.	21. The registration officer may make such further inquiries as he may deem necessary as to the right to be registered in any character of any person whose name is included in the electors lists as appearing to be entitled to be registered, and if after such inquiry it shall appear to the registration officer that such person is not so entitled, the registration officer may himself object to the registration of such person, and any such objection may be made notwithstanding the fact that the time for sending notice of objection under Rule 12 of this Schedule may have expired. Notice of any objection under this rule in the prescribed form shall be sent by the registration officer to the person to whose registration the objection relates, and shall state the grounds of the objection. Any such objection shall be considered in the same manner, and after the same notice of time and place as is required by Rule 18 of this Schedule, but need not be otherwise published.	60
		65
		70
Correction of lists.	22. The registration officer shall make such alterations and corrections in the electors lists (including the Postal Voters List) as are required in order to carry out his decisions on any objections or claims, and shall also	75



- make any such alterations or corrections in those lists by way of the removal of duplicate entries (subject to any expression of choice by the person affected as to those entries), the expunging of the names of persons who are dead or subject to any legal incapacity, or the placing of marks or the correction of marks placed against the name of an elector, or otherwise as he thinks necessary in order to secure that no person is registered more than once as a Dáil elector, or more than once as a Seanad elector, or otherwise necessary in order to make those lists complete and accurate as a register.
- Where an entry in respect of a person has been removed as a duplicate, the registration officer shall not be required to include in subsequent electors lists any entry which has been so removed if the elector remains qualified for registration in respect of the qualification which was retained when the duplicate entry was removed.
23. Any person whose name shall appear in the list of Dáil electors or the list of Seanad electors of any registration unit in any county constituency, and who resides outside the polling district in which he is entitled to be registered, shall be at liberty to make his claim before the registration officer to vote at any other polling place within the same constituency. The registration officer need not consider any claim under this rule received after the 26th day of March.
- Any such person shall be admitted to vote at such polling place accordingly.
- There shall be added as a supplement to that portion of the register which relates to any polling district a list, giving with respect to persons who, though not resident in that polling district, are entitled to vote at a polling place for that district under this rule, the same particulars as are contained with respect to those persons in the register, including a reference to the polling district where any such person is registered: Provided that the names shall be numbered consecutively after the other names in the register for such first-mentioned polling district.
24. Where the registration officer makes any correction in the lists (including the Postal Voters List), otherwise than in pursuance of a claim or objection, or for the purposes of correcting a clerical error, he shall give notice to the person affected by the correction, and give that person an opportunity of objecting to the correction, and, if necessary, of being heard with respect thereto.
25. The registration officer shall make all the necessary alterations in, and corrections of, the lists (including the Postal Voters List) and do everything necessary to form those lists into a register (with a separate letter and a separate series of numbers for each polling district) in time to allow the publication of the lists so corrected as a register as required by these rules.
- DUTY TO PUBLISH AND DELIVER COPIES OF THE REGISTER.
26. It shall be the duty of the registration officer to publish the register not later than the 15th day of June in each year, by publishing a notice that a copy of the register is open to inspection at his office, and that copies of the part of the register relating to any registration unit are open to inspection during business hours in the registration unit at the place mentioned in the notice.
- It shall be the duty of the registration officer to keep copies of the register for inspection in his office, and also to arrange for copies of the part of the register relating to any registration unit being kept for inspection in that unit either in the principal post office (if the Postmaster-General gives authority for the purpose), or at some other convenient place to which the public have access to be arranged by him.
- It shall be the duty of the registration officer to transmit a copy of the register, as soon as may be after it is published, to the Minister for Local Government, and also to transmit a summary of the contents of the register at such times and in such form, and giving such particulars as the said Minister may require.
27. It shall be the duty of the registration officer, on the application of any person during business hours, and on payment of the prescribed fee, to furnish to the applicant copies of the register, or of so much of the register as relates to any registration unit.
- APPEALS FROM REGISTRATION OFFICER.
28. A person desiring to appeal against the decision of a registration officer must give notice of appeal in the prescribed form to the registration officer, and to the opposite party, if any, when the decision is given, or within five days thereafter, specifying the grounds of appeal.
- The registration officer shall forward any such notices to the County Court in manner directed by rules of court, together, in each case, with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish to the court any further information which the court may require, and which he is able to furnish.

Voting in different districts.

Objections to corrections.

Formation of lists into register.

Publication of register.

Delivery of copies of the register.

Notice of appeal from registration officer.



Appeals relating to the same point.

29. Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the County Court of the fact for the purpose of enabling the County Court (if the court thinks fit) to consolidate the appeals, or select any one appeal as a test case.

5

#### GENERAL.

Publication of documents

30. Where the registration officer by these rules is required to publish any document, and no specific provision is made as to the mode of publication, he shall publish the document by making copies of the document available for inspection by the public in his office, and in the chief post office (if the Postmaster-General gives authority for the purpose), or some other convenient place in the area forming the registration unit to which the document relates, and, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the document to the notice of those interested.

10

As respects any registration unit in which there is no post office or other convenient place at which copies of documents relating to the unit can be made available for inspection, it shall be sufficient compliance with the requirements of these rules if copies of the document are made available for inspection by the public at some convenient place to which the public have access outside the registration unit.

15

Any document required to be published shall be kept published for the prescribed time.

Any failure to publish a document in accordance with these rules shall not invalidate the document, but this provision shall not relieve the registration officer from any penalty for such failure.

20

25

If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties, or any document or copy of a document which has been made available for inspection in pursuance of these rules, he shall be liable on summary conviction to a fine not exceeding five pounds.

30

Duty of registration officer to supply forms.

31. The registration officer shall, without fee, on the application of any person, supply forms of claims and of notices of objections.

Supply of copies of claims, objections etc.

32. The registration officer shall on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee, supply to that person copies of the electors lists for any registration unit in his area, and any claim or notice of objection made under these rules.

35

Mode of sending notices, etc.

33. Any claim or notice of objection which is under these rules to be sent to the registration officer may be sent to him by prepaid post addressed to him at his office.

40

Any notice which is required to be sent by the registration officer under these rules to any person shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or as appearing on the lists, or if there is no such address to his last known place of abode.

45

Information from householders.

34. The registration officer may require any householder or any person owning or occupying any land or premises within his area, or the agent of such person, to give, in the prescribed form, any information in his possession which the registration officer may require for the purpose of his duties as registration officer; and if any person fails to give the required information, or gives false information, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds. Any notice requiring information under this rule may be sent by post.

50

Declaration as to age and nationality.

35. The registration officer, before registering any person as an elector, may, if he thinks it necessary:—

55

(a) require that person either to produce a certificate of birth, or, if that is not practicable or convenient, to make a statutory declaration that such person has attained the required age, and

60

(b) require that person to produce a certificate of naturalisation or to make a statutory declaration that he is a citizen of Saorstát Éireann.

Where a declaration is so required, any fee payable in connection therewith shall be paid by the registration officer as part of his registration expenses, and the declaration shall be exempt from stamp duty.

65

The registration officer shall during business hours allow any person to inspect and take a copy of any such declaration.

Power to obtain a certificate of birth at reduced fee.

36. Where, for the purpose of the provisions of this Act, any person requires a certificate of birth, that person shall, on presenting a written requisition in the prescribed form, and containing the prescribed particulars, and on payment of a fee of sixpence, be entitled to obtain a certified copy of any entry of the birth of that person in the register of births, under the hand of the registrar or the superintendent registrar having the custody thereof, and forms of requisition for the purpose shall, on application, be supplied without charge by every registrar of births and deaths, and by every superintendent registrar.

70

75

Hearing of claims and objections.

37. On the consideration of any claim or objection or other matter by the registration officer, any person appearing to the registration officer to be interested may appear and be heard either in person or by any other person, other than counsel, on his behalf.

80



38. The registration officer may at the request of any person interested, or, if he thinks fit, without such request, on the consideration of any claim or objection or other matter require that the evidence tendered by any person should be given on oath and may administer an oath for the purpose.

Power to require evidence on oath.

39. No misnomer or inaccurate description of any person or place on any list or on the register, or in any notice shall prejudice the operation of this Act or these rules as respects that person or place provided that the person or place is so designated as to be commonly understood.

Provisions as to misnomer or inaccurate description.

40. The several dates prescribed by these rules as the dates before, at or after which the several acts, matters and things required by these rules to be done or not done by the registration officer, or any other person are respectively to be done or not done shall not apply to the first register prepared under this Act, or to the several acts, matters and things to be done or not done in the preparation thereof, and in lieu of such dates the Minister for Local Government shall by order appoint the respective dates before, at, or after which the several acts matters and things aforesaid shall respectively be done or not done in respect of the first register prepared under this Act and of the preparation of that register.

Special Provision in respect of the First Register.

## SECOND SCHEDULE.

### REGISTRATION RULES FOR UNIVERSITY CONSTITUENCIES.

1. The register for each University Constituency shall contain the names of all persons who are entitled to be registered as Dáil or Seanad electors in that constituency and shall distinguish the persons who are entitled to be registered as Dáil electors only from those persons who are entitled to be registered as both Dáil and Seanad electors, and such register shall record the addresses of every person whose name is entered thereon.

Contents of Register

2. (1) For the purposes of the preparation of the first register prepared under this Act the registration officer shall send the prescribed form of claim to each person who appears to him to be entitled to have his name entered on that register.

Forms of Claim to be sent out.

(2) For the purposes of the preparation of each register after the first register prepared under this Act the registration officer shall send the prescribed form of claim to each person who appears to him to be entitled to have his name entered on that register other than and except:

(a) Any person whose name is entered on the register then in force, and is shown to the satisfaction of the registration officer to be ordinarily resident and occupying business premises (if any) at the addresses recorded by such person with the registration officer; and

(b) any person who has elected not to be registered in that constituency.

(3) It shall be the duty of the registration officer to record any change of address communicated to him by any elector whose name appears on the register for the time being in force.

(4) The principal Postmaster in each constituency, other than a University constituency, shall, at the request of the registration officer of a University constituency, ascertain and state to such registration officer whether any elector whose name appears on the register for that University constituency in force on the 15th day of November, is on that day ordinarily resident and occupying business premises (if any) at the addresses recorded by such elector with the registration officer. The statement of a principal Postmaster under this rule shall be *prima facie* evidence of the matters stated therein but the Postmaster shall not be liable to any person for or on account of any inaccuracy in such statement.

3. The prescribed form of claim to be sent under the preceding rule shall be such as to enable the person filling up same to state therein

Contents of Form of Claim.

(a) such particulars including date of birth as show that such person is qualified to be an elector in that University;

(b) the address where such person was normally resident on the next previous 15th day of November.

(c) whether such person occupied on the next previous 15th day of November any premises for the purpose of his trade, profession or business, and, if so, the address of such premises;

(d) whether such person is qualified to be an elector in any other University Constituency, and, if so, the name of such constituency;

(e) that such person elects to be registered as an elector in that University Constituency.

4. The registration officer shall enter on the electors lists the name of every person who returns the said form of claim to the registration officer on or before the 1st day of January next after the day on which such form of claim was sent to him and states therein all the matters and things mentioned at (a) (b) (c) (d) and (e) in Rule 3 of this Schedule, and shall also enter in the electors lists the name of every person whose name is entered on the register then in force, and is shown to the satisfaction of the registration officer to be ordinarily resident or occupying business premises at the address recorded by such person with the registration officer.

Names to be entered in Electors List.



Names not to be entered in Electors Lists.	5. The registration officer shall not enter on the electors lists the name of any person who omits to return the said form of claim before the date mentioned in the preceding rule or who returns the form of claim before such date but omits therefrom any of the matters or statements mentioned at (a) (b) (c) (d) and (e) in Rule 3 of this Schedule.	5
Addresses to be recorded.	6. The addresses to be recorded on the electors lists and on the register in respect of any person whose name appears in such lists or register shall be : (a) the address at which such person was ordinarily resident on the next previous 15th day of November; and (b) the address of the business premises (if any) as defined by Section 1 of this Act, occupied by such person on the next previous 15th day of November. There shall also be recorded in the electors lists and the register, opposite the name of each person thereon, the name of every other University constituency in which he is qualified to be an elector.	10 15
Persons Registered elsewhere not to be entered.	7. A person who in any year is qualified to be an elector in a University constituency and is not entered in the register of electors for that constituency because he has not elected to be registered in that constituency shall not be entered in the electors lists or in the register of electors for that University constituency in any subsequent year unless he makes in the prescribed manner a claim to be so registered.	20
Publication of electors lists.	8. It shall be the duty of the registration officer to publish the electors lists in the prescribed form on or before the 29th day of January.  The registration officer shall at the same time publish a notice specifying the mode in which, and the time within which, claims and objections are to be made under these rules.	25
Copies of lists and register to be sent to other registration officers.	9. The registration officer shall send to the registration officer of every other registration area in Saorstát Eireann a copy of so much of every electors list and of every register prepared by him as contains the names and addresses of all persons whose recorded addresses are, or either of them is, in such registration area or (in the case of the registration officer of a University constituency) of all persons who are recorded as being qualified to be electors in such constituency.	30
Application of Rules in First Schedule.	10. Rules 9 to 14, 17 to 22, 24 to 29, 31 to 33, and 35 to 39, all inclusive of the First Schedule to this Act, so far as they relate to the registration of Dáil or Seanad Electors, shall apply to University constituencies.	35
Form of Electors Lists and of Register.	11. The electors lists and the register of electors in each University constituency shall be in such form as the registration officer, with the consent of the Minister for Local Government, shall think suitable.	40
Expenses to be paid by Minister for Finance.	12. The expenses of obtaining and printing all forms (other than the register itself) required by the registration officer, and all expenses of postage incurred by the registration officer in complying with the rules contained or incorporated in this Schedule shall be paid by the Minister for Finance.	45
Publication of documents.	13. Where by the rules contained or incorporated in this Schedule the registration officer is required to publish any document, and no specific provision is made as to the mode of publication, the registration officer shall publish such document by making copies of the document available for inspection in his office during ordinary office hours and posting a notice in some conspicuous place on the outside of his office stating the times at which such document may be inspected in his office.	50
Preparation of First Register.	14. For the purpose of the preparation of the First Register prepared under this Act the registration officer shall, as soon as possible after the passing of this Act, send a form of claim such as is mentioned in Rule 3 of this Schedule to every person whose name appears on the register of electors in force for the constituency at the date of the passing of this Act, and also to every other person who appears from the records of the University forming the constituency to be qualified to be an elector in the constituency. The registration officer shall then prepare the register in the manner prescribed in the foregoing rules, save that the several dates prescribed by these rules as the dates before, at or after which the several acts, matters and things required by these rules to be done or not done by the registration officer or any other person are respectively to be done or not done shall not apply to the First Register prepared under this Act, or to the several acts, matters and things to be done or not done in the preparation thereof, and in lieu of such dates the Minister for Local Government shall by order appoint the respective dates before, at, or after which the several acts, matters and things aforesaid shall respectively be done or not done in respect of the First Register prepared under this Act and of the preparation of that register	55 60 65 70



## THIRD SCHEDULE.

## PROPORTIONAL REPRESENTATION ELECTION RULES.

1. The election shall be conducted in accordance with the following Rules.

2. An elector in giving his vote—

(a) must place on his ballot paper the figure 1 opposite the name of the candidate for whom he votes ;

(b) may in addition place on his ballot paper the figures 2 and 3, or 2, 3, and 4, and so on opposite the names of other candidates in the order of his preference.

3. (1) After the ballot papers have been mixed in accordance with the Rules contained in the Fifth Schedule to this Act, the returning officer shall, rejecting any that are invalid, cause the ballot papers to be arranged in parcels according to the first preferences recorded for each candidate.

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

4. The returning officer shall then divide the full total number of all valid papers by a number exceeding by one the number of vacancies to be filled. The result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the return of a candidate. This number is herein called the "quota."

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

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

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

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-paragraph last received by the elected candidate, and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences recorded thereon.

(c) In either of the cases referred to in paragraphs (a) and (b) of this sub-section the returning officer shall make a separate sub-paragraph of the non-transferable papers, and shall ascertain the number of papers in each sub-paragraph of transferable papers, and in the sub-paragraph of non-transferable papers.

(3) If the surplus is equal to or greater than the total number of papers in the sub-parcels of transferable papers, the returning officer shall transfer each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voters' next available preference :

Provided that where the surplus is greater than such total number a sub-paragraph shall be made of a number of non-transferable papers equal to the difference between the said total number and the surplus and the papers in such sub-paragraph shall be set aside and not further taken into account and for the purposes of Rule 11 shall be described as non-transferable papers not effective and the remaining non-transferable papers also arranged as a sub-paragraph shall be placed with the papers of the candidate deemed to be elected.

(4) (a) If the surplus is less than the total number of transferable papers, the returning officer shall transfer from each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voters' next available preference that number of papers which bears the same proportion to the number of papers in the sub-paragraph as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-paragraph shall be ascertained by multiplying the number of papers in the sub-paragraph by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractions, if any, in each quotient ascertained in respect of each candidate.

(c) If, owing to the existence of such fractions, the number of papers to be transferred is less than the surplus, so many of these fractions taken



in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractions shall be ignored.

If two or more fractions are of equal magnitude, that fraction shall be deemed to be the largest which arises from the largest sub-*parcel*, and if such sub-*parcels* are equal in size, preference shall be given to the candidate who obtained the largest number of original votes. Where the numbers of such original votes are equal regard shall be had to the total number of votes credited to such candidates, at the first count at which they had an unequal number of votes, and the fraction credited to the candidate with the greatest number of votes at that count shall be deemed to be the largest. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which fraction shall be deemed to be the largest.

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

(5). A surplus which arises at the end of any count shall be transferred before a surplus which may arise at a subsequent count: Provided that—

(a) the returning officer need not necessarily transfer the surplus of an elected candidate when that surplus, together with any other surplus not transferred, is less than the difference between the numbers of the votes credited to the two lowest continuing candidates and the number of votes credited at such count to the lowest candidate is greater than one-third of the quota;

(b) a surplus which is equal to or greater than the difference between the numbers of votes credited to the two lowest candidates shall be transferred before any surplus which is less than such difference;

(c) if there are two or more surpluses, each of which is less than the difference between the numbers of votes credited to the two lowest candidates, the greatest of such surpluses shall be first transferred without regard to the count at which it arose.

(6) When two or more surpluses arise from the same count the largest shall be first dealt with and the others shall be dealt with in the order of their magnitude.

(7) If two or more candidates have each an equal surplus arising from the same count, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with.

Where the numbers of such original votes are equal, regard shall be had to the total number of votes credited to such candidates at the first count at which they had an unequal number of votes, and the surplus of the candidate with the greatest number of votes at that count shall be first dealt with.

Where the numbers of votes credited to such candidates were equal at all counts, the returning officer shall determine by lot which surplus he will first deal with.

7 (1) If at any time no candidate has a surplus (or when under the preceding Rule an existing surplus need not be and is not transferred), and one or more vacancies remain unfilled, the returning officer shall exclude the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-*parcels* according to the next available preferences recorded thereon for continuing candidates, and shall transfer each sub-*parcel* to the candidate for whom that preference is recorded, and shall make a separate sub-*parcel* of the non-transferable papers. The non-transferable papers shall be set aside as finally dealt with and shall for the purposes of Rule 11 be described as non-transferable papers not effective.

(2) If the total of the votes of the two or more lowest candidates together with any surplus not transferred, is less than the number of votes credited to the next highest candidate, and the number of votes credited to the lowest candidate is greater than one-third of the quota, the returning officer may in one operation exclude those candidates and transfer their votes in accordance with Rule 9 (1).

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

8 (1) Whenever any transfer is made under any of the preceding Rules each sub-*parcel* of papers transferred shall be placed on top of the *parcel* if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to him.



(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in Rule 6 before any other candidate is excluded.

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

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

(3) When the last vacancies can be filled under this Rule, no further transfer of votes need be made so long as the number of votes credited to each of the continuing candidates referred to in Rule 9 (2) who are not deemed to be elected is greater than one-third of the quota.

10. (1) Any candidate or his agent may, at the conclusion of any count, request the returning officer to re-examine and recount all or any of the papers dealt with during that count, and the returning officer shall forthwith re-examine and recount accordingly the papers indicated without making any alterations in the arrangement of the papers in the various parcels, save where such alterations may be necessary in consequence of any error discovered in the recount. The returning officer may also at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any count: Provided that nothing herein shall make it obligatory on the returning officer to recount the same parcel of papers more than once.

(2) The powers of the Court upon an election petition shall include power to direct the whole or any part of the ballot papers to be recounted, and the result of the election to be ascertained in accordance with these Rules.

(3) On any such recount, subject to such modifications as may be necessary by reason of any order of the Court, each paper shall take the same course as at the original counting of the votes.

11. (1) If any question shall arise in relation to the exclusion of any candidate under Rule 7 or to any transfer of votes, the decision of the returning officer, whether expressed or implied by his acts, shall be final, unless an objection in writing stating the grounds thereof is made to the returning officer by any candidate or his agent before the declaration of the poll, and in that event the decision of the returning officer may be reversed upon an election petition.

(2) If any decision of the returning officer is so reversed, the transfer in question and all operations subsequent thereto shall be void, and the court may direct what transfer is to be made in place of the transfer in question, and may cause the subsequent operations to be carried out, and the result of the election to be ascertained in accordance with these Rules.

12. In these Rules—

(1) The expression "continuing candidate" means any candidate not deemed to be elected and not excluded.

(2) The expression "first preference" means the figure "1" standing alone; the expression "second preference" means the figure "2" standing alone in succession to the figure "1," and the expression "third preference" means the figure "3" standing alone in succession to the figures "1" and "2" set opposite the name of any candidate, and so on.

(3) The expression "next available preference" means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preference next in order on the ballot paper for candidates already deemed to be elected or excluded being ignored.

(4) The expression "transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate:

(5) The expression "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to have become a non-transferable paper whenever—

(a) the names of two or more candidates (whether continuing or not) are marked with the same number and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked

(i) by a number not following consecutively after some other number on the ballot paper; or

(ii) by two or more numbers; or

(c) it is void for uncertainty.

(6) The expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate.

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



(8) The expression "surplus" means the number of votes by which the total number of the votes, original and transferred credited to any candidate, exceeds the quota.

(9) The expression "count" means :—

- (a) all the operations involved in the counting of the first preferences recorded for candidates ; or
- (b) all the operations involved in the transfer of the surplus of an elected candidate ; or
- (c) all the operations involved in the transfer of the votes of an excluded candidate.

(10) The expression "deemed to be elected" means deemed to be elected for the purpose of counting of the votes, but without prejudice to the declaration of the poll.

(11) The expression "determine by lot" means determine in accordance with the following direction :—The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates shall, in cases of exclusion be excluded in the order in which their names are drawn, and, in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn.

#### FOURTH SCHEDULE.

##### POSTAL VOTING RULES.

- Form of ballot paper and declaration of identity.** 1. (1) The ballot papers to be sent to postal voters shall be in the same form as, and indistinguishable from, the ballot papers delivered to other electors. 25
- (2) The declaration of identity sent with the ballot paper to postal voters shall be in the prescribed form and shall have printed on the back thereof the prescribed instructions to the voter.
- Presence of agents.** 2 (1) The returning officer, his assistants and clerks, the election agent of each candidate or some person, appointed by such election agent, and no other person, may be present at the proceedings on the issue of ballot papers, and on the opening of the postal voters ballot boxes and the envelopes contained therein. 30
- (2). Where the ballot papers are to be issued, or the envelopes contained in the postal voters ballot boxes are to be opened, simultaneously in two or more batches, the election agent of each candidate may appoint such number of persons as he may be authorised by the returning officer to appoint, not exceeding the number of such batches, to be present with him or on his behalf at such issue or opening : 35
- Provided that no election agent shall be authorised by the returning officer to appoint a larger number of persons than any other election agent. 40
- Issue of ballot papers.** 3. (1) The returning officer shall, not later than the last day for receiving nominations of candidates at an election, give the election agent of each candidate notice of the time and place at which he will issue the ballot papers, and of the number of persons each agent may appoint to attend the said issue. 45
- Where any subsequent issue of ballot papers is made, the returning officer shall give the election agent of each candidate, as soon as practicable, notice of the time and place at which he will make such subsequent issue and of the number of persons each agent may appoint to attend such issue. 50
- (2) Each ballot paper issued shall be marked on both sides with the official mark either stamped or perforated, and the number, name and description of the elector as stated in the postal voters list shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in a copy of the postal voters list opposite to the number of the elector to denote that a ballot paper has been issued to the elector, but without showing the particular ballot paper issued to him. 55
- (3) The returning officer shall enter or cause to be marked upon the form of declaration of identity the number of the ballot paper. 60
- (4) The returning officer shall place in an envelope addressed to the postal voter at the recorded address :— 65
- (a) The ballot paper ;
  - (b) the form of declaration of identity ;
  - (c) an envelope addressed to the returning officer (hereinafter referred to as a "covering envelope" ) ;
  - (d) a smaller envelope marked "ballot paper envelope" bearing the number of the ballot paper ;
- and shall effectually close such first mentioned envelope. 70
- The above mentioned envelopes shall be in the prescribed forms.
- (5) All envelopes addressed to the postal voters shall be counted, and forthwith delivered by the returning officer to the nearest Head Post Office, or such other office as may be arranged with the Head Postmaster, and the Postmaster shall stamp with the Post Office date stamp a form of 75



receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

5 (6) Where an envelope containing a ballot paper and the other documents referred to in this rule is returned to the returning officer as not having been delivered to a postal voter, the returning officer may re-address the envelope to any address to which he could send a ballot paper for that voter if he were then sending it for the first time.

10 4. (1) The returning officer shall provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the voters. Provisions of postal voters ballot boxes.

(2) Every such ballot box shall be shown open and empty to the agents present, and shall be sealed with the seal of the returning officer, and the seals of such of the agents as desire to affix their seals, and shall be marked "postal voters ballot box," and with the name of the constituency, and 15 the returning officer shall make provision for the safe custody of such ballot box.

5. The returning officer shall, immediately on receipt of covering envelopes, place them unopened in a postal voters ballot box. Envelopes to be placed in postal voters ballot boxes.

20 6. (1) The postal voters ballot boxes shall be opened by the returning officer, in the presence of the agents, before the time fixed for the counting of the votes. Opening of postal voters ballot boxes.

(2) The returning officer shall give the election agent of each candidate at least twenty-four hours' notice in writing of the time and place at which he will proceed to open the postal voters ballot boxes, and the envelopes 25 contained therein, and of the number of persons such agent may appoint to be present at the opening.

(3) When a postal voters ballot box has been opened, the returning officer shall count and note the number of envelopes, and shall then open each covering envelope separately, examine the declaration of identity 30 and compare the number thereon with the number on the ballot paper envelope.

(4) If the numbers agree and the declaration of identity is found to be duly signed and authenticated, he shall place the declaration of identity and the ballot paper envelope in separate receptacles.

35 (5) If he is not satisfied that the declaration of identity has been duly signed and authenticated he shall endorse the declaration of identity "vote rejected," and shall attach thereto the ballot paper envelope, without opening such envelope, or if there is no such envelope, the ballot paper.

40 (6) If he finds that the numbers on the declaration of identity and on the ballot paper envelope do not agree, or if the envelope has no number on it, he shall open the envelope, and if the number on the ballot paper agrees with the number on the declaration of identity he shall place the ballot paper in the ballot box referred to in Rule 8 (2) of this Schedule.

45 (7) In every case in which the number on the ballot paper does not agree with the number on the declaration of identity, he shall replace the ballot paper in its envelope (if any), attach such envelope or ballot paper as the case may be to the declaration of identity, and endorse the declaration of identity "vote rejected."

50 (8) Where a declaration of identity does not appear to accompany the ballot paper envelope, the returning officer shall open the envelope, and if it is found to contain the declaration of identity he shall deal with such declaration and ballot paper in accordance with the rules in this Schedule.

55 (9) Any declaration not accompanied by a ballot paper, and any ballot paper not accompanied by a declaration of identity, shall be marked "rejected."

60 (10) Where a ballot paper and declaration of identity are received together and the numbers thereon agree, the ballot paper shall not be rejected solely on the ground that the ballot paper and declaration of identity were or either of them was not placed in the proper envelopes or envelope or that any such envelope was not fastened.

65 7 (1) The returning officer shall show any declaration of identity which he proposes to reject on the ground that it has not been properly signed and authenticated to the agents, and if an objection is made by any agent to his decision shall add to the endorsement the words "rejection objected to." Rejected declarations identity.

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

70 8 (1) When the covering envelopes in any postal voters ballot box have been opened and their contents dealt with under the two preceding rules, the returning officer shall open each unopened ballot paper envelope and compare the number on the envelope with the number on the ballot paper. Ballot papers to be placed in ballot boxes.

75 (2) If the numbers agree he shall place the ballot paper in a ballot box previously shown and sealed in the manner provided in Rule 4 of this Schedule which shall be subsequently treated as a ballot box for the purpose of Rule 32 in Part I. of the Fifth Schedule to this Act.



(3) If the numbers do not agree he shall mark the ballot paper "rejected" and shall attach it to the envelope.

9. (1) The returning officer, as soon as practicable after the completion of the issue of the ballot papers and in the presence of the agents, shall make up in separate packets, sealed with his own seal and sealed by such of the agents as desire to affix their seals, the marked copy of the postal voters list and the counterfoils of the ballot papers: 5

Provided that where any subsequent issue of ballot papers is made the sealed packet containing the marked copy of the postal voters list may be opened by the returning officer for the purposes of that issue, and on completion of that issue the list and the counterfoils of the ballot papers at that issue shall be made up and sealed in accordance with the rule. 10

(2) As soon as the returning officer has completed the placing of the ballot papers in the ballot box mentioned in Rule 8 (2) of this Schedule he shall seal up in separate packets (1) the declarations of identity which accompanied any ballot papers duly accepted; (2) any rejected declarations of identity; and (3) any rejected ballot papers; in the two latter cases with the envelopes (if any) attached thereto. 15

(3) Where covering envelopes are received by the returning officer after the close of the poll, or where any envelopes addressed to postal voters are returned as undelivered, the returning officer shall not open such envelopes and shall (subject to any power of readdressing the same) seal them up into separate packets. 20

(4) The returning officer shall forward to the Clerk of the Dáil at the same time as he forwards the documents mentioned in Rule 36 of Part I. of the Fifth Schedule to this Act:— 25

(a) any packets referred to in the foregoing provisions of this Rule and

(b) a statement in such form as may be directed by the Minister for Local Government showing the number of ballot papers sent to postal voters, and giving with respect to such papers the particulars required by the form. 30

(5) Any envelopes returned as undelivered and any covering envelopes received by the returning officer, after the said packets have been forwarded to the Clerk of the Dáil, shall be retained unopened and forwarded subsequently. 35

Disposal of documents.

10. Rules 37, 38, 39, 40 and 41 of Part I. of the Fifth Schedule to this Act shall apply to the documents sent by the Returning Officers to the Clerk of the Dáil under the preceding Rule hereof in the same manner as those Rules apply to the documents of a like nature mentioned therein. 40

Application of Rules in Fifth Schedule.

11. Rules 47, 48 and 53 of Part I. of the Fifth Schedule of this Act shall apply to the matters dealt with in this Schedule as if those Rules were here repeated, and Rules 49, 50 and 51 of Part I. of the Fifth Schedule to this Act shall apply to every agent as defined in this Schedule in the same manner as those Rules apply to the agents mentioned therein. 45

Undertaking for Secrecy.

12. Every returning officer and every officer, clerk or agent authorised to take part in or attend the issuing of ballot papers to postal voters or the opening of the envelopes containing ballot papers sent by postal voters shall before taking part in or attending such issuing or opening sign an undertaking to preserve the secrecy of the ballot in the prescribed form. 50

Definition of agent.

13. In this Schedule the expression "agent" includes the election agent of a candidate, and any person appointed by any such election agent to be present at the issue or opening of postal voters ballot papers.

Voter's number.

14. For the purposes of this Schedule a postal voter's number shall be his number on the postal voters list. 55

## FIFTH SCHEDULE.

### PART I.

#### RULES FOR THE CONDUCT OF DÁIL ELECTIONS.

Publication of Notice of Election.

1 The Returning Officer shall within two days after the day on which he receives the writ, give public notice between the hours of nine in the forenoon and four in the afternoon of the last day on which he will receive nominations and of the day on which (if the election is contested) the poll will be taken and of the days, hours and place on, between, and at which forms of nomination papers may be obtained, and of the time during which and the place at which he will attend to receive nomination papers on the day appointed as the last day for receiving nominations. In every county constituency the Returning Officer shall send one copy of such public notice as aforesaid by post to the postmaster of the principal post office in each polling district in the constituency in an envelope or wrapper endorsed with the words "Notice of Election," and such notice so endorsed shall be forwarded and delivered by the Post Office free of charge, and each Postmaster to whom a copy of such notice is sent shall upon receipt thereof forthwith publish the same in the manner in which Post Office Notices are usually published. 60  
65  
70  
75



- 2 The time during which the returning officer shall attend to receive nominations on the last day for receiving nominations shall be such two consecutive hours (which two consecutive hours are in these Rules referred to as "the time for receiving nominations") between the hours of ten in the forenoon and three in the afternoon as the returning officer shall appoint and the returning officer shall attend during those two consecutive hours and during one hour immediately thereafter at the place appointed by him for receiving nominations. Every nomination paper delivered to the returning officer at any time permitted by this Act, but before the commencement of the two hours aforesaid, shall be so delivered to the returning officer in person at any place at which he may be found, and shall be retained by the returning officer and produced by him at the commencement of the two hours aforesaid, and shall for the purposes of these Rules and all other purposes be deemed to have been delivered to him at the beginning of those two hours.
3. Each candidate shall be nominated by a separate nomination paper, and any elector may subscribe (whether as proposer, seconder, or assenting elector) as many nomination papers as there are vacancies to be filled, but not more.
4. Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated sufficiently to identify such candidate; the description shall include his names, his abode, and his rank, profession or calling, and his surname shall come first in the statement of his names.
- No objection to a nomination paper on the ground of any description of the candidate therein not being sufficient or not being in compliance with this Rule shall be allowed or deemed valid unless such objection is made by the returning officer himself or to the returning officer by some other person during the time for receiving nominations.
5. The returning officer shall attend for the purpose of supplying forms of nomination papers at such place and during such two consecutive hours between the hours of ten in the forenoon and two in the afternoon as he shall fix in manner aforesaid on each day intervening between the day on which the public notice under Rule 1 hereof shall have been given and the day appointed as the last day for receiving nominations and shall supply one or more forms of nomination paper to any registered elector who shall apply for same either during the time and at the place aforesaid or during the time for receiving nominations but nothing in this Act shall render obligatory the use of a nomination paper supplied by the returning officer so long as the nomination paper used be in the form prescribed by this Act.
6. All nomination papers not delivered to the returning officer before the commencement of the time for receiving nominations shall be delivered to the returning officer, during the time for receiving nominations and at the place appointed for that purpose by the returning officer under Rule 1 hereof.
7. The candidate nominated by each nomination paper and his proposer and seconder, and one other person selected by him, and no other person whatsoever except persons employed by the returning officer for the purpose of assisting him shall be entitled to attend the proceedings during the time for receiving nominations.
8. If the election is contested the returning officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken and of the names and other particulars of the candidates as described in their respective nomination papers, and of the names of the persons who subscribe the nomination paper of each candidate and of the order in which the names of the candidate will be printed in the ballot paper, and shall in the case of an election for a county constituency deliver to the postmaster of the principal post office of the town in which is situate the place for receiving nominations, a paper signed by himself, containing the names of the candidates nominated and stating the day on which the poll is to be taken, and the postmaster shall forward the information contained in such paper by telegraph, free of charge to the several postal telegraph offices situate in the constituency for which the election is to be held, and such information shall be published forthwith at each such office in the manner in which post office notices are usually published.
9. If any duly nominated candidate is duly withdrawn in accordance with the provisions of this Act, the returning officer shall give public notice of the name of such candidate, and the names of the persons who subscribed the nomination paper of such candidate at the same time and in the same manner as he gives notice of the candidates who stood nominated or were elected.
10. The returning officer shall, on any nomination paper being delivered to him, forthwith publish notice of the name of the person nominated therein as a candidate, and of the names of his proposer and seconder, by placarding or causing to be placarded the names of such candidate and his proposer and seconder in a conspicuous position outside the building in which the returning officer is receiving nominations.

Time for receiving nominations.

Separate nomination papers.

Description of candidate.

Supply of forms of nomination papers.

Delivery of nomination papers.

Persons entitled to attend.

Publication of notice of poll.

Withdrawal of candidates.

Publication of names of nominated persons.



Necessity for nomination.	11. A person shall not be entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in manner provided by this Act, and every person whose nomination paper has been, or is by these Rules deemed to have been, delivered to the returning officer during the time appointed for receiving nominations shall be deemed to have been nominated in manner provided by this Act, unless objection be made to his nomination paper by the returning officer or some other person, before the expiration of the time appointed for receiving nominations or within one hour afterwards.	5
Returning Officer to decide on objections.	12. The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision, if disallowing the objection, shall be final; and if allowing the same, shall be subject to reversal on petition questioning the election or return.	10
Provision of polling stations.	13. At every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient.	15
Provision of compartments.	14. Each polling station shall be furnished with such number of compartments, in which the voters can mark their votes screened from observation, as the returning officer thinks necessary, but at least one compartment shall be provided for every one hundred and fifty electors entitled to vote at such polling station.	20
Position of polling station.	15. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.	25
Voting at polling station.	16. No person shall be admitted to vote at any polling station, except the one allotted to him.	
Notice of situation of polling stations.	17. The returning officer shall give public notice of the situation of polling stations, and the description of electors entitled to vote at each station, and of the mode in which electors are to vote.	30
Returning Officer to provide materials, etc.	18. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors or such part thereof as contains the names of the electors allotted to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between each use of the same official mark at elections for the same constituency.	35
Appointment of presiding officers.	19. The returning officer shall appoint a presiding officer to preside at each polling station, and the officer so appointed shall keep order at his station, shall 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, and the police constables on duty.	40
Form of Ballot Paper.	20. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names; it shall be in the form contained in Part III. of this Schedule, or as near thereto as circumstances admit, and shall be capable of being folded up.	45
Ballot boxes.	21. Every ballot box shall be so constructed that, without the box being unlocked, the ballot papers can be introduced therein, but cannot be withdrawn therefrom. The presiding officer at each polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may then be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.	50 55
Method of voting.	22. Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register of electors shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.	60 65
Method of voting continued.	23. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.	70
Incapacitated electors.	24. If any elector satisfies the presiding officer that (a) his sight is so impaired; or (b) he is otherwise so physically incapacitated; or (c) he is so illiterate, that he is unable to vote without assistance; or if any elector declares that he is of the Jewish persuasion,	75



and objects on religious grounds to vote in manner prescribed by this Act, the presiding officer shall in the presence of the agents of the candidates, cause the vote of such elector to be marked on a ballot paper in manner directed by such elector and shall place the ballot paper so marked in the ballot box. A request made by any elector within four hours before the hour fixed for closing the poll to have his ballot paper marked for him under this Rule 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.

In carrying out the provisions of this rule the presiding officer shall observe the directions contained in Part II. of this Schedule.

25. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath or affirmation permitted by law to be asked of and to be administered to voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet and shall not be counted by the returning officer, and the name of such elector and his number on the register shall be entered on the tendered votes list in the prescribed form.

Alleged person-  
ation.

26. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

Inadvertent de-  
struction of ballot  
paper.

27. 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, make up into separate packets sealed with his own seal and the seals of such agents of the candidates, as desire to affix their seals—

Duty of presiding  
officer at close of  
poll.

- (1) Each ballot box in use at his station, unopened, but with the key attached; and
- (2) The unused and spoilt ballot papers, placed together; and
- (3) The tendered ballot papers; and
- (4) The marked copies of the register of electors, and the counter-foils of the ballot papers; and
- (5) The tendered votes list, and shall deliver all such packets to the returning officer.

28. The packets shall be accompanied by a statement in the prescribed form made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of (a) ballot papers in the ballot box; (b) unused ballot papers; (c) spoilt ballot papers, and (d) tendered ballot papers which statement is in this Act referred to as the ballot paper account.

Statement by pre-  
siding officer.

29. The candidates may respectively appoint agents to attend the counting of the votes.

Candidates' agents.

30. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates, as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

Arrangements for  
counting the votes.

31. The returning officer, his assistant and clerks, and the agents of the candidates, and no other person, except with the sanction of the Returning Officer, may be present at the counting of the votes.

Persons to be pre-  
sent at counting.

32. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates open each ballot box and, taking out the papers therein, shall count and record the number thereof, and 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 and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.

Opening of ballot  
boxes.

33. The returning officer shall, so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between seven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the

Time for counting.



seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

Rejected ballot papers.	34. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Dáil the number of ballot papers rejected and not counted by him under the several heads following, that is to say:—	5
	1. Want of official mark;	10
	2. Invalid under paragraphs (a), (b), (c) or (d) of subsection (4) of section 26 of the Electoral Act, 1923;	
	3. Writing or mark by which voter could be identified;	
	4. Unmarked or void for uncertainty.	
Completion of counting.	35. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted ballot papers and the rejected ballot papers. He shall not open the sealed packets containing the tendered ballot papers and the marked copy of the register of electors and counterfoils, respectively, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall report to the Clerk of the Dáil the result of such verification, and shall, on request, allow the agent of any candidate, before such report is sent, to copy it.	15 20 25
Packets to be sent to Clerk of Dáil.	36. Lastly, the returning officer shall send to the Clerk of the Dáil all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, and packets of counterfoils, and marked copies of registers sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the constituency for which such election was held.	30
Disposal of documents by Clerk of Dáil.	37. The Clerk of the Dáil shall retain for a year all documents relating to an election sent to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an Order of the Dáil or of the High Court shall cause them to be destroyed.	35
Inspection of ballot papers.	38. No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Dáil, except under an Order of the Dáil or under an Order of the High Court, to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such Order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the Dáil or the court making the same may think expedient, and shall be obeyed by the Clerk of the Dáil. Any power given to a court by this rule may be exercised by any judge of such court at chambers.	40 45
Inspection of packets.	39. No person shall, except by Order of the Dáil or of a tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packet of counterfoils after the same has been sealed up, or be allowed to inspect any counted ballot papers in the custody of the Clerk of the Dáil; any such Order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Dáil or tribunal making the order may think expedient. Provided that on making and carrying into effect any such Order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent court to be invalid.	50 55 60
Inspection of certain documents.	40. All documents sent by a returning officer in pursuance of these Rules to the Clerk of the Dáil, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may be prescribed by the Clerk of the Dáil. The Clerk of the Dáil shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees and subject to such regulations as may be sanctioned by the Minister for Finance.	65



41. Where an Order is made for the production by the Clerk of the Dáil of any document in his possession relating to any specified election, the production by the Clerk of the Dáil or his agent of the document ordered, in such manner as may be directed by such Order, or by a rule of the Court having power to make such Order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the Clerk of the Dáil or his agent shall be conclusive evidence of such papers being what they are stated to be on such endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *prima-facie* evidence that the person who voted by such ballot paper was the person who at the time of such election had affixed to his name in the register of electors at such election the same number as the number written on such counterfoil.

Production by  
Clerk of Dáil.

#### GENERAL PROVISIONS.

42. The return of a member or members elected to serve in the Dáil for any constituency shall be made by a certificate of the names of such member or members under the hand of the returning officer endorsed on the writ of election for such constituency, and the returning officer may, if he thinks fit deliver the writ with such certificate endorsed thereon to the postmaster of the principal post office of the place of election, or his deputy, and in such case he shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall then forward the same by the first post, free of charge, under cover, to the Clerk of the Dáil with the words "Election Writ and Return" endorsed thereon.
43. The returning officer shall, as soon as possible give public notice in the prescribed form of the names of the candidates elected, and also in the case of a contested election, and of the total number of votes given for each candidate whether elected or not. The returning officer shall also give public notice of any transfer of votes made under this Act, and of the total number of votes credited to each candidate at the end of the count at which such transfer took place in accordance with the form set out in Part III. of this Schedule, or in a form to the like effect.
44. Where the returning officer is required or authorised by this Act to give any public notice, he shall carry such requirement into effect by advertisements, placards, handbills, or such other means as he thinks best calculated to afford information to the electors.
45. The returning officer may, if he thinks fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer.
46. In the case of a contested election for any constituency the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.
47. No person shall be employed by a returning officer for any purpose relating to an election who has been employed by any other person in or about that election.
48. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Act at a polling station except ordering the arrest, exclusion, or rejection from the polling station of any person.
49. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place, at which his agent may, in pursuance of this Act, attend.
50. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.
51. If any person appointed an agent by a candidate for the purpose of attending at a polling station, or at the counting of the votes, dies, or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.

Return to writ.

Notice of result of  
election.

Method of giving  
notice.

Returning officer  
may preside at any  
station.

Appointment of  
persons to assist in  
counting.

Persons employed  
by Returning  
Officer.

Presiding officer  
may act by clerks.

Candidate may act  
personally.

Names, etc., of  
agents to be fur-  
nished.

Death of agent.



Undertaking for secrecy.	52. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, or at the counting of the votes, shall, before the opening of the poll sign an undertaking to preserve the secrecy of the ballot in the prescribed form and no returning officer, clerk, or agent as aforesaid, shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election.	5
Non-attendance of agents.	53. Where in this Act expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend and as may in fact attend at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.	10 15
The expression "Returning Officer."	54. The expression 'Returning Officer' in this Schedule includes any deputy Returning Officer appointed by the Returning Officer with the consent of the Minister for Local Government, for the discharge of any or all of the duties of such Returning Officer.	

## PART II. 20

### DIRECTIONS TO PRESIDING OFFICERS IN REGARD TO MARKING BALLOT PAPERS PURSUANT TO RULE 24 OF PART I. OF THIS SCHEDULE.

1. In an election held according to the principle of proportional representation the Presiding Officer shall ask the voter—"For which candidates do you desire to express a preference, and in what order?" and shall mark the ballot paper accordingly: Provided that where an elector fails to understand the import of such question, or does not give definite directions as to the marking of the ballot paper, the Presiding Officer—	25
(a) shall read out the names of all the candidates in the order in which they appear on the ballot paper, and then ask the voter—"To which of the candidates do you wish to give your vote?" And shall accordingly place the figure 1 on the ballot paper opposite the name of the candidate to whom the voter gives his vote;	30 35
(b) shall then ask the voter—"Do you wish to express a second preference?" and if the answer is in the affirmative, shall read out the names of all the remaining candidates in the order in which they appear on the ballot paper, and then ask the voter—"For which of these candidates do you wish to express a second preference?" And shall accordingly place the figure 2 on the ballot paper opposite the name of the candidate for whom the voter expresses a second preference;	40
(c) shall repeat the operation if and so often as may be required in reference to a third or any subsequent preference as long as the voter wishes to express any such preference.	45
2. The Presiding Officer shall not accept, consider or act upon any paper or document purporting to show the manner, in which the voter desires to give his vote, or express a preference, and shall not mark the ballot paper of the voter otherwise than after compliance, and in accordance with the provisions of the preceding article hereof.	50

## PART III.

### 1.

#### FORM OF WRIT FOR A GENERAL ELECTION 55

Saorstát Eireann to.....Returning Officer for the County (or Borough or University) Constituency of.....

WHEREAS the Governor-General of Saorstát Eireann pursuant to the provisions in that behalf of the Constitution of Saorstát Eireann has summoned an Oireachtas of Saorstát Eireann to assemble on the..... day of.....192 : 60

NOW I,.....Clerk of Dáil Eireann in obedience to the provisions of the Electoral Act, 1923, and in exercise of the powers thereby conferred on me and of every and any other power me in this behalf enabling do hereby direct you as the Returning Officer for the County (or Borough or University) Constituency of..... to cause an election to be held according to law in that constituency of.....members of the Dáil to serve in the Oireachtas aforesaid for the said constituency. AND that when such election has been duly held you do without delay certify to me in my Office at..... in Baile Atha Cliath the names of the members so elected. 70

IN WITNESS whereof I have hereunto set my hand and seal this.....day of.....192



*Label or Direction on Writ.*

To the Returning Officer for the County (or Borough or University)  
Constituency of.....

A Writ for the election of Members to serve in the Dáil for the said  
5 Constituency

*Endorsement.*

Received the within Writ on.....the.....day of.....  
192 .

(Signed) A.B.

10

*Returning Officer.*

*Certificate Endorsed on the Writ.*

I hereby certify that the members elected to serve in the Dáil for the  
County (or Borough or University) Constituency of.....  
in pursuance of the above Writ are—

15 C.D. of.....in the County of.....  
E.F. of.....in the County of.....

(Signed) A.B.,

*Returning Officer.*

2.

20

## FORM OF WRIT FOR AN ELECTION TO FILL ONE VACANCY.

Saorstát Eireann to.....Returning Officer for the County  
(or Borough or University) Constituency of.....

WHEREAS a vacancy has occurred in the representation of the County  
(or Borough or University) Constituency of.....  
25 in Dáil Eireann by the death (or disqualification or resignation)  
of.....who was a member of the Dáil for the said Con-  
stituency:

AND WHEREAS the Ceann Comhairle of the Dáil has duly directed  
me to issue my writ for the election of a member of the Dáil to fill the  
vacancy aforesaid:

30 NOW I,.....Clerk of Dáil Eireann in  
obedience to the provisions of the Electoral Act, 1923, and in exercise  
of the powers thereby conferred on me and of every and any other power  
me in this behalf enabling do hereby direct you as the Returning Officer  
35 for the Constituency aforesaid to cause an election to be held according  
to law in the said constituency of a member of the Dáil to serve in the  
Oireachtas of Saorstát Eireann for the said constituency in the place of  
the said.....so deceased (or disqualified or resigned) as afore-  
said. AND that when such election has been duly held you do without  
40 delay certify to me in my Office at.....in Baile Átha Cliath  
the name of the member so elected.

IN WITNESS whereof I have hereunto set my hand and seal  
this.....day of.....192 .

*Label or Direction of Writ.*

45 To the Returning Officer for the County (or Borough or University)  
Constituency of.....

A Writ for the election of a member to serve in the Dail for the said  
Constituency.

*Endorsement.*

50 Received the within Writ on.....the.....day of.....  
192 .

(Signed) A.B.

*Returning Officer.*

*Certificate Endorsed on the Writ.*

55 I hereby certify that the member elected to serve in the Dáil for the  
County (or Borough or University) Constituency of.....in  
pursuance of the within Writ is—

C.D. of.....in the County of.....

(Signed) A.B.

60

*Returning Officer.*

3.

FORM OF WRIT FOR AN ELECTION TO FILL MORE THAN ONE VACANCY  
IN THE SAME CONSTITUENCY.

65 Saorstát Eireann to.....Returning Officer for the County  
(or Borough or University) Constituency of.....

WHEREAS.....vacancies have occurred in the repre-  
sentation of the County (or Borough or University) Constituency of  
.....in Dáil Eireann by the deaths of.....



and.....and the disqualification of.....and  
 .....and the resignations of.....and.....  
 who until they respectively died became disqualified and resigned were  
 members of the Dáil for the said Constituency :

AND WHEREAS the Ceann Comhairle of the Dáil has duly directed 5  
 me to issue my writ for the election of members of the Dáil to fill the  
 vacancies aforesaid :

NOW I,.....Clerk of Dáil Eireann in  
 obedience to the provisions of the Electoral Act, 1923, and in exercise of  
 the powers thereby conferred on me, and of every and any other power 10  
 me in this behalf enabling do hereby direct you as the Returning Officer  
 for the Constituency aforesaid to cause an election to be held according  
 to law in the said constituency of..... members of the Dáil to serve  
 in the Oireachtas of Saorstát Eireann for the said Constituency in the  
 place of the said.....and.....so respectively 15  
 deceased, disqualified and resigned as aforesaid. AND that when such  
 election has been duly held you do without delay certify to me in my  
 office at..... in Baile Átha Cliath the name of the members  
 so elected.

IN WITNESS whereof I have hereunto set my hand and seal this 20  
 .....day of.....192 .

*Label or Direction on Writ.*

To the Returning Officer for the County (or Borough or University)  
 Constituency of.....

A Writ for the election of members to serve in the Dáil for the said 25  
 Constituency.

*Endorsement.*

Received the within Writ on.....the.....day of.....  
 192 .

(Signed) A.B. 30

*Returning Officer.*

*Certificate Endorsed on the Writ.*

I hereby certify that the members elected to serve in the Dáil for the  
 County (or Borough or University) Constituency of..... 35  
 in pursuance of the within written Writ are—

C.D. of.....in the County of.....

E.F. of.....in the County of.....

(Signed) A.B.

*Returning Officer.*

4.

40

FORM OF NOTICE OF DÁIL ELECTION.

The returning officer for the County (or Borough or University)  
 Constituency of.....will, on.....the.....day of  
 .....now next ensuing, between the hours of.....  
 and....., proceed to the nomination and, if there is no opposition 45  
 to the election of a member (or members) for the said constituency at  
 the .....\*

\* Note :  
 Insert description  
 of place or room.

Forms of nomination paper may be obtained at.....  
 between the hours of.....and.....on any day before the said  
 .....day of..... 50

Every nomination paper must be signed by two registered electors as  
 proposer and seconder, and by eight other registered electors as assenting  
 to the nomination.

Every nomination paper must be delivered to the Returning Officer  
 by the candidate proposed, or by his proposer or seconder, either at the 55  
 place above appointed between the hours of.....and.....on the  
 .....day of.....or at any place at which the Returning Officer  
 may be found at any time on any day before the said.....day of.....

Each candidate nominated, and his proposer and seconder and one  
 other person selected by the candidate, and no other persons, are entitled 60  
 to be admitted to the room.

In the event of the election being contested the poll will take place  
 on the.....day of.....

(Signed) A.B.

*Returning Officer for the County (or Borough or University)* 65  
*Constituency of.....*

TAKE NOTICE, that all persons who are guilty of bribery, treating,  
 undue influence, personation, or other corrupt practices at the said election  
 will, on conviction of such offence, be liable to the penalties mentioned  
 in that behalf in "The Corrupt Practices Prevention Act, 1854," and the 70  
 Acts amending that Act, as adapted by or under the Electoral Act, 1923.



## FORM OF NOMINATION PAPER IN DÁIL ELECTION.

We, the undersigned A.B. of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, and C.D. of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_; being electors for the County (or Borough or University) Constituency of.....do hereby nominate the following person as a proper person to serve in the Dáil as member for the said Constituency.

Surname.	Other Names.	Abode.	Rank Profession or Occupation.
BROWN	John ...	52 George Street, Boooterstown. or	Merchant.
JONES	William David	High Elms, Portlaw	Motor Mechanic.

(Signed) A.B.  
C.D.

We, the undersigned, being registered electors for the County (or Borough or University) Constituency of.....do hereby assent to the nomination of the above-mentioned *John Brown* as a proper person to serve as member for the said constituency.

(Signed) E.F. of  
G.H. of  
I.J. of  
K.L. of  
M.N. of  
O.P. of  
Q.R. of  
S.T. of

6.

## FORM OF BALLOT PAPER

(To be used only in elections at which there are more than two candidates.)

## FORM OF FRONT OF BALLOT PAPER.

Mark Order of Preference in spaces below.	Names of Candidates.
	DOYLE. (James Doyle, of 10 High Street, Oilman .
	LYNCH. (Jane Ellen Lynch, of 12 Main Street, Grocer)
	O'BRIEN. (John O'Brien, of 22 Wellclose Place, Accountant).
	O'CONNOR. (Charles O'Connor, of 7 Green Street, Gentleman).
	THOMPSON. (William Henry Thompson, of 14 Queen Street, Silversmith).
	WILSON. (Robert Wilson, of 22 Ranelagh Square, Chemist).

COUNTERFOIL.  
No.

Note :

The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper.

## FORM OF BACK OF BALLOT PAPER.

Number ... ..  
Election for County (or Borough or University) Constituency

NOTE.—The number on the back of the ballot paper is to correspond with that on the counterfoil.



## FORM OF BALLOT PAPER.

(To be used only in elections at which there are NOT more than two candidates.)

## FORM OF FRONT OF BALLOT PAPER.

COUNTERFOIL  
No.

Note :

The Counterfoil  
is to have a num-  
ber to correspond  
with that on the  
back of the Ballot  
Paper.

BROWN. (John Brown, of 52 George St., Boosterstown, Merchant).	
JONES. (William David Jones, of High Elms, Portlaw, Motor Mechanic).	

## FORM OF BACK OF BALLOT PAPER.

No.

Election for County or (Borough or University) Constituency of

19.

Note.—The number on the back of the ballot paper is to correspond  
with that on the Counterfoil.

## DIRECTIONS AS TO PRINTING BALLOT PAPER.

Nothing is to be printed on the ballot paper, except in accordance  
with this Schedule.The surname of each candidate, and if there are two or more candidates  
of the same surname, also the other names of such candidates, shall be  
printed in large characters, as shown in the form, and their other names  
(except as aforesaid) and their addresses, and descriptions, and the number  
on the back of the paper, shall be printed in small characters.

8,

FORM OF DIRECTIONS for the guidance of the VOTER in voting, which  
shall be printed in conspicuous characters and placarded outside  
every Polling Station and in every compartment of every Polling  
Station.

(To be used only in elections at which there are more than two candidates.)

The voter will go into one of the compartments, and, with the pencil  
provided there, mark his ballot paper by placing the figure 1 opposite  
the name of the candidate for whom he votes. He may also place the  
figures 2, 3, and so on, in accordance with the order of his choice or pre-  
ference opposite the names of other candidates (that is to say): he must  
place the figure 1 opposite to the name of the candidate for whom he  
votes ;He may also place the figure 2 opposite to the name of the candidate  
he likes second best, and place the figure 3 opposite to the name of the  
candidate he likes third best ;

And so on.

If the voter does not place the figure 1 on his ballot paper, or places  
the figure 1 opposite more than one name, or places the figure 1 and some  
other figure opposite the same name, or places any mark on the paper  
by which he may be afterwards identified, his ballot paper will be void  
and will not be counted.After marking the ballot paper, the voter will fold up the ballot paper  
so as to show the official mark on the back, and leaving the compartment  
will, without showing the front of the paper to any person, show the  
official mark on the back to the presiding officer, put the paper into the  
ballot box, and forthwith quit the polling station.If the voter inadvertently spoils a ballot paper, he can return it to the  
presiding officer, who will, if satisfied of such inadvertence, give him  
another ballot paper.If the voter takes a ballot paper out of the polling station or deposits  
in the ballot box any other paper than the one given him by the officer,  
he will be guilty of a misdemeanour, and be subject to imprisonment for  
any term not exceeding six months, with or without hard labour.



The following examples show how ballot papers may be validly marked :—

## A.

Mark Order of Preference in spaces below.	Names of Candidates.
3	DOYLE (James Doyle, of 10 High Street, Oilman).
4	LYNCH (Jane Ellen Lynch, of 12 Main Street, Grocer).
2	O'BRIEN (John O'Brien, of 22 Wellclose Place, Accountant).
5	O'CONNOR (Charles O'Connor, of 7 Green Street, Gentleman).
1	THOMPSON (William Henry Thompson, of 14 Queen Street, Silver-smith).
6	WILSON (Robert Wilson, of 22 Ranelagh Square, Chemist).

## B.

Mark Order of Preference in spaces below.	Names of Candidates.
	DOYLE (James Doyle, of 10 High Street, Oilman).
1	LYNCH (Jane Ellen Lynch, of 12 Main Street, Grocer).
	O'BRIEN (John O'Brien, of 22 Wellclose Place, Accountant).
	O'CONNOR (Charles O'Connor, of 7 Green Street, Gentleman).
	THOMPSON (William Henry Thompson, 14 Queen Street, Silver-smith).
	WILSON (Robert Wilson, of 22 Ranelagh Square, Chemist).



Mark Order of Preference in spaces below.	Names of Candidates
	DOYLE (James Doyle, of 10 High Street, Oilman).
3	LYNCH (Jane Ellen Lynch, of 12 Main Street, Grocer).
	O'BRIEN (John O'Brien, of 22 Wellclose Place, Accountant).
1	O'CONNOR (Charles O'Connor, of 7 Green Street, Gentleman).
	THOMPSON (William Henry Thompson, of 14 Queen Street, Silversmith).
2	WILSON (Robert Wilson, of 22 Ranelagh Square, Chemist).

NOTE—If any candidate has the same surname as that of any of the fictitious candidates in the above examples some other common surname shall be substituted for such surname in the above examples,

## 9.

FORM OF DIRECTIONS for the guidance of the VOTER in Voting, which shall be printed in conspicuous characters and placarded outside every Polling Station and in every compartment of every Polling Station.

(To be used only in elections at which there are NOT more than two candidates.)

The voter will go into one of the compartments, and with the pencil there provided mark his ballot paper by placing the figure 1 opposite the name of the candidate for whom he votes.

If the voter does not place the figure 1 on his ballot paper, or places the figure 1 opposite more than one name, or places the figure 1 and some other figure opposite the same name, or places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

The voter need not place the figure 2 opposite the name of the candidate for whom he does not wish to vote, but the fact of his doing so will not render his ballot paper void, if it is otherwise properly marked.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person show the official mark on the back to the Presiding Officer, and then in presence of the Presiding Officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the Presiding Officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the Officer he will be guilty of a misdemeanour and be subject to imprisonment for any term not exceeding six months with or without hard labour.

NOTE :—These directions to be illustrated by examples of the ballot paper as in A, B, and C of Form 8.



10.

PUBLIC NOTICE of the RESULT of the ELECTION and of the TRANSFER  
OF VOTES.

(To be used only in elections at which there are more than two candidates.)

Constituency of.....  
Number of valid votes.....  
Number of members to be elected.....  
Quota (number of votes sufficient to secure the election of a candidate).

Names of Candidates.	First count.	Second count.		Third count.		Fourth count.		count.		count.		Names of Candidates Elected.
	Votes.	Transfer of	Result.	Transfer of	Result.	Transfer of	Result.	Transfer of	Result.	Transfer of	Result.	
.....												
.....												
.....												
.....												
.....												
.....												
.....												
Non-transferable papers not effective.												
Total ..												

Dated this.....day of.....19

.....Returning Officer.

SIXTH SCHEDULE.

PART I.

RULES FOR CONDUCT OF SEANAD ELECTIONS.

- 5 1. Within three days after the panel of candidates for any Seanad election has been formed the Clerk of the Seanad shall send to the Seanad Returning Officer a copy of such panel so far as the same relates to candidates nominated by the Seanad and within the same period of three days the Clerk of the Dáil shall send to the Seanad Returning Officer a copy of such panel so far as the same relates to candidates nominated by the Dáil. Panel to be sent to Seanad Returning Officer.
- 10 2. Immediately upon the issue of the Proclamation appointing the day on which the Seanad election is to take place the Seanad Returning Officer shall send to each Constituency Returning Officer a copy of the Proclamation and a copy of the panel of candidates for that election. Panel to be sent to Constituency Returning Officer.
- 15 3. Each Constituency Returning Officer shall, within two days after he receives the said copy of the Proclamation and copy of the panel give public notice (in the same manner as is prescribed in Rule 1 of the Fifth Schedule to this Act for the publication of the matters therein mentioned) of the day on which the election will be held and of the names and all other particulars of the candidates as same are stated in the copy of the panel furnished to him as aforesaid. Every such public notice shall be in the prescribed form. Public notice of candidates and day of election.
- 20 4. The ballot papers at a Seanad Election shall be in the form set out in Part II. of this Schedule and the Seanad Returning Officer shall provide all the ballot papers required for the election, and shall furnish to each Constituency Returning Officer a sufficient number of ballot papers for the efficient conduct of the election in his constituency. Form of Ballot papers.
- 25 5. Each Constituency Returning Officer shall conduct the Seanad Election in his constituency on the appointed day in the same manner in all respects as he is required by Part III. of this Act, the Third and Fourth Schedules to this Act, and Rules Nos. 13 to 19 and 21 to 34 and 44 to 53, inclusive, of Part I., and the whole of Part II. of the Fifth Schedule to this Act to conduct a poll at a general election in his Constituency, and the Schedules and Rules aforesaid shall apply to a Seanad Election, save that the Returning Officer shall not proceed further with the counting of the votes than the arrangement of the papers in parcels according to Conduct of elections in constituencies.
- 30
- 35



the first preferences recorded for each candidate and the ascertainment of the number of papers in each such parcel, but shall then proceed as directed by the next following rule.

Ballot papers to be sent to Seanad Returning Officer.

6. Each Constituency Returning Officer immediately on the completion of the counting of the votes to the extent mentioned in the preceding Rule shall seal up in separate packets the several parcels of papers containing the first preferences recorded for each candidate, and shall endorse on each such packet a statement of the number of such papers in the packet, and of the name of the candidate for whom the first preferences are recorded on such papers, and shall send same to the Seanad Returning Officer.

5

10

Reports, etc., to be sent to Seanad Returning Officer.

7. Each Constituency Returning Officer shall then comply with the provisions of Rule 9 (4) of the Fourth Schedule and Rules 34, 35, and 36 in Part I. of the Fifth Schedule to this Act, with the modification that he shall report or send to the Seanad Returning Officer the things he is by those Rules required to report or send to the Clerk of the Dáil.

15

Counting of the votes.

8. As soon as the Seanad Returning Officer has received from all the Constituency Returning Officers all the packets, reports and other matters which such officers are by these Rules required to send to him the Seanad Returning Officer shall appoint the time and place at which he will proceed to count the votes, and shall at that time and place count the votes in accordance with the Rules contained in the Third Schedule to this Act.

20

Announcement of result of election.

9. As soon as the counting of the votes is completed the Seanad Returning Officer shall send to the Clerk of the Seanad and also to the Clerk of the Dáil a certificate in the form contained in Part II. of this Schedule, stating the names of the candidates elected, the total number of votes given for each candidate (whether elected or not), any transfer of votes made under this Act, and of the total number of votes credited to each candidate at the end of the count at which such transfer took place, and shall also publish a copy of such certificate in the *Iris Oifigiúil*.

25

30

Disposal of papers, packets &c.

10. The Seanad Returning Officer shall then send to the Clerk of the Seanad all such papers, packets, and things as a returning officer is by Rule 9 (4) of the Fourth Schedule, and Rule 36 in Part I. of the Fifth Schedule to this Act required to send to the Clerk of the Dáil, and Rules 37 to 41, inclusive, in Part I. of the Fifth Schedule to this Act shall apply to the papers, packets, and other things so sent to the Clerk of the Seanad with the substitution of the Seanad Returning Officer and the Clerk of the Seanad for the Returning Officer and the Clerk of the Dáil, respectively.

35

Meaning of Constituency Returning Officer.

11. The expression "Constituency Returning Officer" shall in this Schedule mean a person who is under this Act the Returning Officer for a Dáil Constituency.

40

## PART II.

### I.

#### FORM OF BALLOT PAPER.

##### FORM OF FRONT OF BALLOT PAPER.

COUNTERFOIL.  
No.

Mark Order of Preference in spaces below.	Names of Candidates.
	DOYLE. (James Doyle, of 10 High Street, Oilman).
	LYNCH. (Jane Lynch, of 12 Main Street, Grocer).
	O'BRIEN. (John O'Brien, of 22 Welleclose Place, Accountant).
	O'CONNOR. (Charles O'Connor, of 7 Green Street, Gentleman).
	THOMPSON. (William Henry Thompson, of 14 Queen Street, Silversmith).
	WILSON. (Robert Wilson, of 22 Ranelagh Square, Chemist).

##### FORM OF BACK OF BALLOT PAPER.

Number ... ..  
Election to Seanad Eireann, 19....

NOTE.—The number on the back of the ballot paper is to correspond with that on the counterfoil.







## SEVENTH SCHEDULE.

## PART I.

## RULES FOR CONDUCT OF REFERENDA.

Proclamation to be sent to Returning Officers.	1. The Clerk of the Dáil immediately upon the publication of the Proclamation appointing the day on which a Referendum is to be taken shall send to the Returning Officer in each constituency a copy of such Proclamation and copies of the Bill to which such Referendum relates.	5
Public notice of day of Referendum	2. Each Returning Officer shall, within two days after he receives the said copy of the Proclamation, give public notice (in the same manner as is prescribed in Rule 1 of the Fifth Schedule to this Act for the publication of the matters therein mentioned) of the day on which the Referendum will be taken and of the times and places at which a copy of the Bill to which such Referendum relates can be inspected. Every such public notice shall be in the prescribed form.	10
Inspection of copy of Bill.	3. Any Proclamation issued before the day fixed for the coming into force of the first register prepared under this Act shall, for the purpose of taking a Referendum, be deemed to have been issued on the day fixed for the coming into force of the said Register, and any dates fixed by or under this Act or by any such Proclamation aforesaid, at or during which anything is to be done shall be postponed accordingly.	15
	4. The Returning Officer shall make a copy of the said Bill available for inspection by the public, at each of the places at which documents are made available for inspection, in accordance with Rule 30 of the First Schedule of this Act, during three hours between the hours of ten in the forenoon and four in the afternoon on every day intervening between the publication of the notice aforesaid and the day on which the Referendum is taken.	20
	5. The Ballot Papers at a Referendum shall be in the form set out in Part II. of this Schedule and in the event of Referenda in respect of two or more Bills being taken on the same day separate ballot papers of different and distinctive colours shall be provided for each Referendum.	25
Conduct of Referendum in Constituencies	6. Each Returning Officer shall conduct the Referendum in his constituency on the appointed day in the same manner in all respects as he is required by Part III. of this Act and the Fourth Schedule and Rules Nos. 13 to 19 and 21 to 34 and 44 to 53 inclusive, of Part I., and the whole of Part II. of the Fifth Schedule to this Act with the necessary modifications to conduct a poll at a bye-election at which there are not more than two candidates.	30
Communication of voting to Clerk of Dáil.	7. When the Returning Officer has completed the counting of the votes cast in his constituency he shall not publish the result of such counting, but shall forthwith transmit by post to the Clerk of the Dáil in an envelope marked "Result of Referendum" a certificate in the prescribed form stating the number of votes cast in favour of the Bill and against the Bill respectively in his constituency and every such envelope shall be forwarded and delivered by the Post Office free of charge.	35
Publication of result of Referendum.	8. When the Clerk of the Dáil shall have received from the several Returning Officers the results of the voting in all the constituencies he shall tabulate such results and ascertain therefrom the result of the voting on that referendum and shall communicate such result to Oireachtas in such manner as shall from time to time be directed by the Dáil, and shall publish same in the <i>Iris Oifigiúil</i> .	40
Disposal of documents, packets, etc.	9. When the Returning Officer has transmitted the certificate of the number of votes cast in his constituency he shall comply with the provisions of Rule 9 (4) of the Fourth Schedule and Rules 34, 35 and 36 of the Fifth Schedule to this Act and thereupon Rules 37 to 41 inclusive of the said Fifth Schedule shall apply to all papers, packets and other things sent to the Clerk of the Dáil under the said Rules 9 (4), 34, 35 and 36.	45
		50
		55

## PART II.

## FORM OF BALLOT PAPER.

*To be used at a Referendum.*

Form of Front of Ballot Paper.

Counterfoil No.	Do you agree to the Bill passed by Dáil Eireann dated the.....day of.....and entitled (insert the full title of the Bill).	Answer.
Note: The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper.		
	If you agree to this Bill, write in the column headed "answer" the word "Yes."	
	If you do not agree to this Bill, write in the column headed "answer" the word "No."	

## FORM OF BACK OF BALLOT PAPER.

Number .....

Constituency of .....

Referendum .....



## EIGHTH SCHEDULE.

## CONSTITUENCIES.

1. The names, contents, and boundaries of each borough constituency and of each county constituency, and the names and contents of each University constituency shall be as specified in this Schedule.
2. The areas mentioned in the second column in Parts I. and II. of this Schedule shall be taken to be those areas as constituted on the First day of January, nineteen hundred and twenty-three, provided that any misnomer or inaccurate description of any of those areas shall not in any way prevent or abridge the operation of this Act with respect to the subject of the description, if it is so designated as to be commonly understood.
3. If any doubt arises as to the constituency in which any townland, district electoral division, or other place whether larger or smaller than a townland, or district electoral division, is intended by this schedule to be included, that doubt shall be determined by the Minister for Local Government.

## PART I.

## BOROUGH CONSTITUENCIES.

Name of Constituency	Contents or boundaries of Constituency.	Total number of members for Constituency
Cork Borough ...	The County Borough of Cork and the county Electoral area of Ballincollig	Five.
Dublin North ...	The borough electoral areas of Dublin No. 1, Dublin No. 2, Dublin No. 4, Dublin No. 6 and Dublin No. 8 in the County Borough of Dublin.	Eight.
Dublin South ...	The borough electoral areas of Dublin No. 3, Dublin No. 5, Dublin No. 7, Dublin No. 9, and Dublin No. 10 in the County Borough of Dublin.	Seven.



PART II.  
COUNTY CONSTITUENCIES.

Name of Constituency.	Contents or boundaries of Constituency.	Total number of members for Constituency
Carlow-Kilkenny	The administrative counties of Carlow and Kilkenny.	Five.
Cavan. ...	The administrative County of Cavan.	Four.
Clare ...	The administrative County of Clare	Five.
North Cork ...	The county electoral areas of Kanturk and Macroom in the administrative county of Cork.	Three.
West Cork ...	The county electoral areas of Bandon, Bantry and Dunmanway in the administrative county of Cork.	Five.
East Cork ...	The county electoral areas of Mallow and C��bh in the administrative county of Cork.	Five.
Donegal ...	The administrative county of Donegal	Eight.
Dublin ...	The administrative county of Dublin	Eight.
Galway ...	The administrative county of Galway.	Nine
Kerry ...	The administrative county of Kerry.	Seven.
Kildare ...	The administrative County of Kildare	Three.
Leitrim-Sligo ...	The administrative Counties of Leitrim and Sligo.	Seven
Leix-Offaly ...	The administrative Counties of Leix and Offaly.	Five.
Limerick ...	The administrative county of Limerick and the county borough of Limerick.	Seven.
Longford-Westmeath.	The administrative counties of Longford and Westmeath.	Five.
Louth ...	The administrative County of Louth.	Three.



PART II.—*continued.*COUNTY CONSTITUENCIES—*continued*

Name of Constituency.	Contents or boundaries of Constituency.	Total number of members for Constituency
North Mayo ...	The county electoral areas of Ballina, Killala and Swineford, in the administrative county of Mayo.	Four.
South Mayo ...	The county electoral areas of Castlebar, Claremorris and Westport, in the administrative county of Mayo.	Five.
Meath ...	The administrative County of Meath.	Three.
Monaghan ...	The administrative County of Monaghan.	Three.
Roscommon ...	The administrative County of Roscommon.	Four.
Tipperary ...	The administrative Counties of Tipperary North Riding and Tipperary South Riding.	Seven.
Waterford ...	The administrative County of Waterford and the county borough of Waterford.	Four.
Wexford ...	The administrative County of Wexford	Five.
Wicklow ...	The administrative County of Wicklow	Three.

## PART III.

## UNIVERSITIES.

Name of University Constituency.	Number of Members.
Dublin University ... ..	Three.
The National University of Ireland ...	Three.



## NINTH SCHEDULE

## ADAPTATION OF ENACTMENTS.

1. In sections thirty-nine, sixty-eight and sixty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, "registration officer" shall mean the registration officer under this Act.

5

2. In sections twelve and fourteen of the Juries Act (Ireland), 1871, a reference to the county court shall be substituted for a reference to the court at which the register of parliamentary voters is revised.

3. In section sixteen of the Parliamentary Registration (Ireland) Act, 1885, the registration officer shall be substituted for the clerk of the union; "fifteenth of November" shall be substituted for "first of July" and the word "male" shall be omitted.

10

4. The Minister for Local Government may, by Order, make such further adaptations in the provisions of any Act (including any local Act and any Act to confirm a Provisional Order), as may seem to him necessary to make those provisions conform with the provisions of this Act; and any Order so made shall operate as if enacted in this Act.

15



## TENTH SCHEDULE

## REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Vic. c. 68.	Parliamentary Elections (Ireland) Act, 1850.	Sections seventeen and eighteen.
13 & 14 Vic. c. 69.	Representation of the People (Ireland) Act, 1850.	Sections eighty-seven, eighty-eight, eighty-nine and one hundred and three.
25 & 26 Vic. c. 62.	County Elections (Ireland) Act, 1862.	The whole Act so far as unrepealed.
31 & 32 Vic. c. 49.	Representation of the People (Ireland) Act, 1868.	The whole Act so far as unrepealed.
35 & 36 Vic. c. 33.	Ballot Act, 1872	Part I. and the First and Second Schedules so far as unrepealed except so far as they apply to elections other than Parliamentary Elections.
38 & 39 Vic. c. 84.	Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act so far as unrepealed.
48 Vic. c. 10.	Elections (Hours of Poll) Act, 1885.	The whole Act so far as unrepealed.
48 Vic. c. 17.	Parliamentary Registration (Ireland) Act, 1885.	Section seven.
3 & 4 Geo. 5., c. 6.	Extension of Polling Hours Act, 1913.	The whole Act.
8 Geo. 5., c. 64.	Representation of the People Act, 1918.	The whole Act except so much as related to Local Government franchises, the registration of Local Government electors, Local Government Electoral areas, and Local Government elections, and section three, subsection three of section four; subsection one, two and four of section seven, subsection two of section eight, sections ten and seventeen, subsection one of section twenty-two, sections thirty-three to thirty-five, sections thirty-eight and forty-one, sections forty-three to forty-seven and the fourth, seventh, eighth and ninth schedules.



TENTH SCHEDULE—*continued.*REPEALS—*continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Geo. 5., c. 65.	Redistribution of Seats (Ireland) Act, 1918.	The whole Act.
8 & 9 Geo. 5., c. 50.	Representation of the People (Amendment) Act, 1918.	The whole Act.
9 Geo. 5., c. 8.	Representation of the People (Returning Officers' Expenses) Act, 1919.	The whole Act.
10 & 11 Geo. 5., c. 15.	Representation of the People Act, 1920.	The whole Act.
10 & 11 Geo. 5., c. 35.	Representation of the People (No. 2) Act, 1920.	The whole Act.
11 & 12 Geo. 5., c. 34.	Representation of the People Act, 1921.	The whole Act.
12 & 13 Geo. 5., c. 12.	Representation of the People Act, 1922.	The whole Act.







---

BILLE

(mar do ritheadh ag Dáil Éireann)

*dá ngairmtear*

Acht chun Reacht-Shaoirsí na Dála agus an tSeanaid do rialú i Saorstát Éireann; chun an dlí bhaineas le Clárú Toghthóirí agus oibriú Toghachán do Dháil Éireann do leasú agus do dhlúthú agus chun oibriú Toghachán do Sheanad Éireann agus chun Referendum do rialú agus chun nithe eile bhaineas leo-san.

---

*Rithte ag Dáil Éireann,  
2adh Márta, 1923.*

---

BAILE ATHA CLIATH:  
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí MESSRS. EASON AND SON, LTD.,  
40 agus 41 Sráid Iochtarach Uí Chonail,  
Baile Átha Cliath.

Cló-bhuailte ag MESSRS. ALEX. THOM AND CO., LTD.  
[Dhá Shilling Glan.]

17061. 800-4220. 3. 550. 3/23. A. T. & Co., Ltd.

---

BILL

(as passed by Dáil Éireann)

*entitled*

An Act to regulate the Dáil and Seanad Franchises in Saorstát Éireann; to amend and consolidate the law relating to the Registration of Electors and the conduct of Elections to Dáil Éireann; and to regulate the conduct of Elections to Seanad Éireann and of a Referendum and for other purposes connected therewith.

---

*Passed, by Dáil Éireann,  
2nd March, 1923.*

---

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through MESSRS. EASON AND SON, LTD.,  
40 and 41 Lower O'Connell Street,  
Dublin.

Printed by MESSRS. ALEX. THOM AND CO., LTD.  
[Two Shillings Net.]