

BILLE TOGHACHAIN AN tSEANAID (BAILL AINMLIOSTA),
1937.
SEANAD ELECTORAL (PANEL MEMBERS) BILL, 1937.

Mar do tugadh isteach.
As introduced.

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SAORSTÁT EIREANN.

BILLE TOGHACHAIN AN tSEANAID (BAILL AINMLIOSTA),
1937.

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BILL

entitled

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15
AN ACT TO REGULATE, FOR THE PURPOSE OF THE
CONSTITUTION OF IRELAND LATELY ENACTED BY
THE PEOPLE, ELECTIONS OF THOSE ELECTED
MEMBERS OF SEANAD EIREANN WHO ARE REQUIRED
BY THAT CONSTITUTION TO BE ELECTED FROM
PANELS OF CANDIDATES, TO DEFINE THE ELEC-
TORATE FOR SUCH ELECTIONS, AND TO PROVIDE
FOR MATTERS INCIDENTAL TO OR CONNECTED WITH
SUCH ELECTIONS.

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

PART I.

PRELIMINARY AND GENERAL.

20 1.—This Act may be cited as the Seanad Electoral (Panel Short title.
Members) Act, 1937.

2.—This Act shall come into operation immediately after the Commencement.
coming into operation of the Constitution of Ireland lately
enacted by the people.

25 3.—In this Act—

Definitions.

the expression “ the Minister ” means the Minister for Local
Government and Public Health;

30 the expression “ Seanad election ” means so much of a general
election of members of Seanad Eireann held in pursuance of
Article 18 of the Constitution as relates to the election of those
members who are required by the said Article 18 to be elected
from panels;

the expression “ the first Seanad election ” means the first Seanad
election held after the commencement of this Act;

35 the expression “ Dáil election ” means a general election of
members of Dáil Eireann held in consequence of a dissolution of
Dáil Eireann;

the word “ prescribed ” means prescribed by regulations made by
the Minister under this Act.

40 4.—(1) As soon as practicable after the commencement of this The Seanad
Act the Minister shall appoint a fit and proper person to be the returning officer.
returning officer (in this Act referred to as the Seanad returning
officer) for the purposes of the first Seanad election.

(2) Immediately upon a dissolution of Dáil Eireann the
45 Minister shall appoint a fit and proper person to be the returning
officer (in this Act also referred to as the Seanad returning
officer) for the purposes of the Seanad election consequent on
such dissolution.

(3) It shall be the duty of every Seanad returning officer to conduct the Seanad election for the purposes of which he is appointed, to count the votes cast thereat, to ascertain and declare the result thereof in accordance with this Act, and to do such other things in respect of such election as he is required by this Act to do. 5

(4) The Minister for Finance shall from time to time prepare a scale of maximum charges for Seanad returning officers, and every Seanad returning officer shall be paid by the said Minister out of the Central Fund or the growing produce thereof his reasonable charges in respect of his services and expenses in relation to the Seanad election for the purposes of which he was appointed, but not exceeding in any case the maximum charges specified in the said scale of maximum charges for the time being in force. 10 15

Appointment of days and times.

5.—(1) Before every Seanad election the Minister shall by order appoint for the purpose of such Seanad election—

- (a) the day and hour (in this Act referred to as the expiration of the time for general panel nominations) on and at which the period during which the Seanad returning officer may receive nominations to the panels by nominating bodies shall expire; 20
- (b) the day and hour (in this Act referred to as the expiration of the time for Dáil panel nominations) on and at which the period during which the Clerk of Dáil Eireann may receive nominations to the panels by members of Dáil Eireann shall expire; 25
- (c) the day (in this Act referred to as the day for completion of the panels) on which the Seanad returning officer shall complete the constitution of the panels; 30
- (d) the day (in this Act referred to as the day of issue of ballot papers) on which the ballot papers for the said Seanad election are to be issued and posted to electors;
- (e) the day and hour (in this Act referred to as the close of the poll) at which the poll at the said Seanad election is to be closed. 35

(2) In the case of the first Seanad election, the order under this section shall be made as soon as conveniently may be after the commencement of this Act and, in the case of every subsequent Seanad election, the order under this section shall be made within seven days after the dissolution of Dáil Eireann which occasions such Seanad election. 40

(3) The following provisions shall apply and have effect in relation to every order made by the Minister under this section except the order so made for the purposes of the first Seanad election, that is to say:— 45

- (a) the day appointed under this section for the expiration of the time for general panel nominations shall not be less than four weeks after the dissolution of Dáil Eireann and, where practicable, shall not be prior to the date fixed for the reassembly of Dáil Eireann after such dissolution; 50
- (b) the day appointed under this section for the expiration of the time for Dáil panel nominations shall not be less than seven days after the day appointed under this section for the expiration of the time for general panel nominations and, where practicable, shall be subsequent to the date fixed for the said reassembly of Dáil Eireann. 55

(4) Every order made by the Minister under this section shall be published in the *Iris Oifigiúil* as soon as may be after it is made. 60

6.—The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed. Regulations.

7.—All expenses incurred by the Minister in the execution of this Act shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

PART II.

THE PANELS.

8.—(1) In this Act—

The panels.

10 the word “panel” when used without qualification means a panel of candidates formed in pursuance of sub-section 1^o of section 7 of Article 18 of the Constitution;

15 the expression “the cultural and educational panel” means the panel required by the said sub-section 1^o to contain the names of persons having knowledge and practical experience of the following interests and services, namely, the national language and culture, literature, art, education and such professional interests as may be defined by law for the purpose of this panel;

20 the expression “the agricultural panel” means the panel required by the said sub-section 1^o to contain the names of persons having knowledge and practical experience of the following interests and services, namely, agriculture and allied interests, and fisheries;

25 the expression “the labour panel” means the panel required by the said sub-section 1^o to contain the names of persons having knowledge and practical experience of the following interests and services, namely, labour, whether organised or unorganised;

30 the expression “the industrial and commercial panel” means the panel required by the said sub-section 1^o to contain the names of persons having knowledge and practical experience of the following interests and services, namely, industry and commerce, including banking, finance, accountancy, engineering, and architecture;

35 the expression “the administrative panel” means the panel required by the said sub-section 1^o to contain the names of persons having knowledge and practical experience of the following interests and services, namely, public administration and social services, including voluntary social activities.

(2) The professional interests for the purposes of the cultural and educational panel are hereby defined as—

40 (a) law, and

(b) medicine, including surgery, dentistry, veterinary medicine, and pharmaceutical chemistry.

9.—The number of members of Seanad Eireann to be elected from each of the panels shall be as follows, that is to say:— Allocation of members amongst the panels.

45 (a) from the cultural and educational panel—five members;

(b) from the agricultural panel—eleven members;

(c) from the labour panel—eleven members;

(d) from the industrial and commercial panel—nine members;

50 (e) from the administrative panel—seven members.

10.—(1) As soon as conveniently may be after the commencement of this Act, and also in the month of May, 1939, and also in every subsequent month of May, the Government shall by order (in this Act referred to as a nominating bodies order) do, Nominating bodies orders.

55 in respect of each panel, the following things, that is to say:—
(a) fix the number of persons (in this Act referred to as the quota) to be nominated to such panel, and

(b) appoint the bodies, whether corporate or unincorporate (in this Act referred to as nominating bodies), which will be entitled to nominate persons to such panel at a Seanad election, and

(c) fix the number of persons which each nominating body so appointed will be entitled to nominate to such panel and, for that purpose, allocate the quota for such panel amongst the nominating bodies so appointed.

(2) Every nominating bodies order shall come into force immediately upon the making thereof and shall (subject to any amendment thereof under this section) continue in force until the next subsequent nominating bodies order comes into force, save that, where a Seanad election is pending when a nominating bodies order (other than the first such order) is made, such nominating bodies order shall come into force immediately upon the completion of such pending Seanad election and the next preceding nominating bodies order shall (subject to any such amendment as aforesaid) continue in force until such completion.

(3) The Government may by order, whenever they so think proper but not while a Seanad election is pending, amend (whether by addition, omission, or variation) the nominating bodies order which is for the time being in force.

(4) For the purposes of this section, a Seanad election shall be deemed to be pending from the seventh day after the dissolution of Dáil Eireann which occasions such Seanad election until the Seanad returning officer has signed his certificate of the result of such Seanad election, and such Seanad election shall be deemed to be completed on the signing of such certificate by the Seanad returning officer.

(5) Every order made by the Government under this section shall, as soon as may be after it is made, be laid before each House of the Oireachtas and if either such House shall, within the next twenty-one days on which such House has sat after such order is laid before it, pass a resolution annulling such order, such order shall be annulled accordingly but without prejudice to the validity of any thing previously done thereunder.

(6) Whenever a nominating bodies order is annulled under the next preceding sub-section of this section, the following provisions shall have effect, that is to say:—

(a) the Government shall, within one month after such annulment, make a new nominating bodies order in lieu of the nominating bodies order so annulled;

(b) except in the case of the first nominating bodies order made under this section, the nominating bodies order next previous to the nominating bodies order so annulled shall, immediately upon and by virtue of such annulment, be revived and shall be and continue in force until the said new nominating bodies order comes into force;

(c) the said new nominating bodies order shall come into force immediately upon the making thereof or, where a Seanad election is pending when such order is made, immediately upon the completion of such pending Seanad election.

Provisions in relation to nominating bodies orders.

11.—(1) The appointment of nominating bodies, whether by a nominating bodies order or by an order amending a nominating bodies order, shall be made—

(a) in relation to the cultural and educational panel, on the recommendation of the Minister for Education, and

(b) in relation to the agricultural panel, on the recommendation of the Minister for Agriculture, and

(c) in relation to the labour panel, on the joint recommendation of the Minister for Agriculture and the Minister for Industry and Commerce, and

(d) in relation to the industrial and commercial panel, on the recommendation of the Minister for Industry and Commerce, and

5 (e) in relation to the administrative panel, on the recommendation of the Taoiseach.

(2) Where the Government is satisfied, in respect of any particular panel, that a particular interest ought to be represented on such panel and that there is no body which is suitable for appointment as a nominating body in respect of such interest, the Government may, for the purpose of securing representation of such interest on such panel, be appointed under the next preceding section of this Act as a nominating body in respect of such panel, and, whenever the Government is so appointed as a nominating body, the following provisions shall have effect, that is to say:—

(a) the expression "nominating body" shall, in the subsequent sections of this Act, be construed as not including the Government, and

20 (b) the nominations to such panel made by the Government by virtue of such appointment shall be made when the provisional panels are submitted to the Government by the Seanad returning officer in pursuance of this Act.

(3) At every Seanad election, every body which is for the time being appointed by a nominating bodies order as a body entitled to nominate persons to a particular panel shall be entitled to nominate, in accordance with this Act, to the said panel as constituted under this Act for the purposes of such Seanad election so much of the quota for such panel as is specified in that behalf in such order.

12.—(1) At every Seanad election, any person may be nominated in accordance with this Act by not less than twenty-five members of Dáil Eireann to any of the panels constituted for that election.

Right of members of Dáil Eireann to nominate to panels.

35 (2) No member of Dáil Eireann shall join in the nomination under this section of more than one person to any one panel constituted for a particular Seanad election.

13.—(1) At the following times, that is to say:—

40 (a) as soon as practicable after the Government has made the first nominating bodies order, and

(b) within ten days after every dissolution of Dáil Eireann,

Method of nomination by nominating bodies.

the Seanad returning officer shall send by post to every nominating body a form of nomination paper and also a notice in the prescribed form informing such body of its right to nominate persons to a specified panel and of the number of persons which such body is entitled so to nominate and giving to such body such information and instructions in relation to the making of the nomination as the Minister shall think proper to prescribe.

(2) Every nomination of a person to a panel by a nominating body shall be made in accordance with the following provisions, that is to say:—

(a) such nomination shall be made in writing on a nomination paper in the prescribed form;

55 (b) every nominating body which is entitled to nominate two or more persons to a panel shall nominate all such persons by one and the same nomination paper;

60 (c) every nomination paper shall contain the particulars required by the prescribed form of nomination paper to be stated therein and shall be signed by the nominating body making a nomination thereby;

(d) where the nominating body is a body corporate, the nomination paper shall be signed by such body by affixing to such paper the seal of such body in the manner and with the counter-signatures required by the constitution, articles of association, or other regulations of such body; 5

(e) where the nominating body is not a body corporate, the nomination paper shall be signed in the name of the body by some person having authority to sign in that name. 10

(3) Every nomination paper which purports to be sealed with the seal of a body corporate which is a nominating body and to be countersigned shall, until the contrary is proved, be deemed to have been so sealed in the manner and with the counter-signatures required by the constitution, articles of association, or other regulations of such body. 15

(4) Every nomination paper which purports to be signed in the name of an unincorporated body which is a nominating body shall, until the contrary is proved, be deemed to have been so signed by a person having authority to sign in that name. 20

(5) Where a nominating body purports to nominate by a nomination paper more persons to a panel than such nominating body is entitled so to nominate, such nomination paper shall be wholly void.

(6) The Seanad returning officer shall furnish free of charge on request to every nominating body such number of forms of nomination paper (in addition to the form which he is required by the first sub-section of this section to send to such body) as such body shall reasonably require. 25

(7) Every question as to the validity of a nomination of a person to a panel by a nominating body shall be decided by the Seanad returning officer whose decision shall be final. 30

Preparation of provisional panels.

14.—(1) Nomination papers nominating persons to a panel by a nominating body shall be delivered or sent by post to the Seanad returning officer. 35

(2) Immediately after the expiration of the time for general panel nominations, the Seanad returning officer shall prepare, in respect of each panel, a provisional panel containing the names of all persons in respect of whom he has received, before the expiration of the said time, valid nominations to such panel by nominating bodies. 40

(3) Where a person has been nominated to a particular panel by two or more nominating bodies, the name of such person shall be stated once only in the provisional panel relating to such panel.

(4) Every provisional panel shall be in the like form and contain the like particulars as are prescribed by or under this Act in respect of the final panels. 45

(5) As soon as conveniently may be after the expiration of the time for general panel nominations, the Seanad returning officer shall send to the Clerk of Dáil Eireann a copy of every provisional panel together with such number of forms of nomination papers by members of Dáil Eireann as the Clerk of Dáil Eireann shall reasonably require. 50

Method of nomination by members of Dáil Eireann.

15.—(1) Every nomination of a person to a panel by members of Dáil Eireann shall be made in accordance with the following provisions, that is to say:— 55

(a) such nomination shall be made in writing on a nomination paper in the prescribed form;

(b) every such nomination paper shall contain the particulars required by the prescribed form of nomination paper to be stated therein; 60

- (c) every such nomination paper shall be signed by every of the members of Dáil Eireann making a nomination thereby;
- 5 (d) every such nomination paper shall be delivered or sent by post to the Clerk of Dáil Eireann.

(2) Every question as to the validity of a nomination of a person to a panel by members of Dáil Eireann shall be decided by the Clerk of Dáil Eireann whose decision shall be final.

10 (3) Immediately after the expiration of the time for Dáil panel nominations, the Clerk of Dáil Eireann shall send to the Seanad returning officer a statement of the names, addresses, and descriptions of the persons who have been nominated to each panel by members of Dáil Eireann before the expiration of the said time.

15 (4) Where a person has been nominated more than once to a particular panel by members of Dáil Eireann, the name of such person shall be stated once only in the statement mentioned in the next preceding sub-section of this section in relation to such panel.

20 (5) When the Seanad returning officer has received from the Clerk of Dáil Eireann the statement mentioned in the preceding sub-sections of this section, the Seanad returning officer shall complete the provisional panels by inserting in the appropriate places in each such provisional panel the names, addresses, and
25 descriptions of the persons (if any) who are stated in such statement to have been nominated by members of Dáil Eireann to the panel to which such provisional panel relates and are not already included in such provisional panel.

30 **16.**—(1) When the Seanad returning officer has completed the provisional panels in accordance with the preceding sections of this Act, he shall send to the Government such number of copies of every such provisional panel and such information in regard to such provisional panels as the Government shall require. Nominations by the Government.

35 (2) As soon as conveniently may be after receiving from the Seanad returning officer the said copies of and information in regard to the provisional panels and before the day for the completion of the panels, the Government shall—

40 (a) nominate to each panel so many (if any) persons as the Government is entitled so to nominate by virtue of appointment as a nominating body in respect of such panel, and

45 (b) if the number of persons stated in any provisional panel to have been nominated to the relevant panel (including the persons (if any) nominated to such panel under the next preceding paragraph of this sub-section but excluding the persons (if any) nominated to such panel by members of Dáil Eireann) is less than the quota for such panel, nominate to such panel such number of persons as shall be necessary to bring the number of persons on such panel up to the
50 said quota.

55 (3) Where it appears to the Government that the same person has been included in two or more provisional panels, the Government shall direct the Seanad returning officer to retain the name of such person on a particular one (selected by the Government at their discretion) only of such provisional panels and to remove the name of such person from the other or others of such provisional panels, and thereupon the name of such person shall be deemed, for the purposes of the next preceding sub-section of this
60 section, never to have been included in such other or others of such provisional panels.

(4) Whenever the Government has nominated, under this section or under any other section of this Act, any person to a panel, the Government shall cause the name, address, and description of such person to be communicated to the Seanad returning officer.

Death or
disqualification of
a candidate.

17.—(1) Where, before the expiration of the time for general panel nominations, a nominating body satisfies the Seanad returning officer that a person nominated to a panel by such nominating body has died or become disqualified for membership of Seanad Eireann, the Seanad returning officer shall forthwith cancel the nomination of such person, and thereupon such nomination shall be deemed for the purposes of this Act never to have been received by the Seanad returning officer and it shall be lawful for such nominating body to nominate in accordance with this Act a person to such panel in the place of the person who has so died or become disqualified. 5 10 15

(2) Where, before the expiration of the time for Dáil panel nominations, the Clerk of Dáil Eireann is satisfied that a person nominated to a panel by members of Dáil Eireann has died or become disqualified for membership of Seanad Eireann, the Clerk of Dáil Eireann shall forthwith cancel such nomination and thereupon such nomination shall be deemed never to have been made. 20

(3) Where, before the day for the completion of the panels, the Government is satisfied that a person stated in a provisional panel to have been nominated to the relevant panel has died or become disqualified for membership of Seanad Eireann, the Government, if they so think proper before the day for completion of the panels, may direct the Seanad returning officer to remove the name of such person from such provisional panel and may nominate to the relevant panel some other person in the place of the person who has so died or become disqualified. 25 30

(4) Where, before the day for completion of the panels, the Government is satisfied that a person nominated by the Government to a panel has died or become disqualified for membership of Seanad Eireann, it shall be lawful for the Government before the day for completion of the panels, if they think proper so to do, to withdraw the nomination of the person who has so died or become disqualified and to nominate some other person to such panel in his place. 35

(5) In the counting of the votes cast at a Seanad election all the preferences recorded for a candidate named in a panel of whose death (whether before or after the completion of such panel) the Seanad returning officer is satisfied before the close of the poll shall be disregarded and regard shall be had in lieu thereof to the next available preferences. 40

(6) Subject to the foregoing provisions of this section, the fact that a candidate named in a panel has (whether before or after the completion of such panel or before or after the close of the poll) died or become disqualified for membership of Seanad Eireann shall not invalidate or prejudice such panel or the nomination of such candidate thereto or any preferences recorded for him, and, if he is elected, his election shall not be invalidated by reason of his having so died or become disqualified, but he shall be deemed to have vacated his membership of Seanad Eireann immediately after his said election thereto. 45 50

Preparation and
publication of the
panels.

18.—(1) On the day for the completion of the panels, the Seanad returning officer shall prepare the five panels, each of which shall consist of a list of the persons nominated thereto by nominating bodies or by members of Dáil Eireann (as stated in the provisional panel relating to such panel) together with the persons (if any) nominated to such panel by the Government. 55 60

(2) The persons named in a panel shall be described therein by

their names, addresses, and descriptions as stated in their nomination papers or in the communication from the Government (as the case may be), and shall be arranged therein in the alphabetical order of their surnames and, in the case of identity of surnames, of
5 their other names.

(3) When the Seanad returning officer has prepared the five panels he shall publish them in the *Iris Oifigiúil*.

(4) The several panels as prepared and published by the Seanad returning officer in pursuance of this section shall be final and
10 conclusive and not open to review by any Court.

PART III.

THE POLL.

19.—(1) At the first Seanad election, the electorate shall consist The electorate.
of every person who—

15 (a) was a candidate at the last Dáil election held before the first Seanad election or, if no Dáil election was held before the first Seanad election, at the last general election of members of the Chamber of Deputies (Dáil Eireann) of Saorstát Eireann, and

20 (b) at such Dáil election or such general election (as the case may require) either received more than five hundred first preference votes or was elected without a poll having been taken.

(2) At every Seanad election subsequent to the first Seanad
25 election, the electorate shall consist of every person who was a candidate at the Dáil election consequent on the dissolution of Dáil Eireann which occasioned such Seanad election and at such election either received more than five hundred first preference votes or was elected without a poll having been taken.

30 (3) Nothing contained in either of the foregoing sub-sections of this section shall entitle any person to vote at a Seanad election while he is prohibited by law from so voting, nor shall anything contained in this Act relieve any person from any penalties to which he may be liable for so voting.

35 (4) At a Seanad election every elector shall be entitled to receive one ballot paper for every one thousand first preference votes received, or deemed by this section to have been received, by him at the Dáil election or general election (as the case may be) by reference to which the electorate at such Seanad election is
40 determined.

(5) For the purpose of determining the number of ballot papers which an elector is entitled under this section to receive—

45 (a) an elector who was elected at the relevant Dáil election or general election (as the case may be) without a poll having been taken shall be deemed to have received seven thousand first preference votes, and

50 (b) an elector who received at such Dáil election or general election more than five hundred and less than one thousand first preference votes shall be deemed to have received one thousand first preference votes, and

55 (c) in the case of an elector who received at such Dáil election or general election more than one thousand first preference votes, a fraction of one thousand first preference votes which exceeds five hundred such votes shall be reckoned as one thousand such votes, and a fraction of one thousand first preference votes which does not exceed five hundred such votes shall be ignored.

(6) Every elector at a Seanad election who is entitled by virtue of this section to receive two or more ballot papers shall be entitled to vote at such election by means of each such ballot paper separately.

(7) A person who, at a Dáil election or at a general election of 5 members of the Chamber of Deputies (Dáil Eireann) of Saorstát Eireann, becomes without an actual election a member of Dáil Eireann or of the said Chamber of Deputies by virtue of his having been the Chairman of the previous Dáil Eireann or Chamber of Deputies (as the case may be) shall be deemed for all the purposes 10 of this section to have been a candidate at such Dáil election or general election (as the case may be) and to have been elected thereat without a poll having been taken.

The electoral roll.

20.—(1) Every returning officer at a Dáil election shall—

(a) if a poll was taken at such Dáil election in the constituency 15 for which he is the returning officer, send by post to the Seanad returning officer, within twenty-four hours after the completion of the counting of the votes given at such poll, a return in the prescribed form containing a list of the persons who were candidates at such poll and stating, in respect of every such person, his name, address, and description (as the same were stated in the ballot papers at such poll) and the number of first preference votes which he received at such poll, or 20

(b) if no poll was taken at such Dáil election in such constituency, send by post to the Seanad returning officer, within twenty-four hours after the end of the time for receiving nominations at such Dáil election in such constituency, a return in the prescribed form containing a list of the persons whom such returning officer declared to be elected at such Dáil election in such constituency and stating, in respect of every such person, his name, address, and description as the same were stated in the return made by such returning officer to the Clerk of Dáil Eireann. 30 35

(2) So soon as the Seanad returning officer has received from every returning officer in Ireland the return mentioned in the next preceding sub-section of this section, the Seanad returning officer shall prepare from such returns an electoral roll containing the names of all persons who appear from such returns to be entitled under this Act to vote at the Seanad election in respect of which such electoral roll is prepared but excluding any such person who is shown to the satisfaction of the Seanad returning officer to be prohibited by law from so voting. 40

(3) The persons whose names are entered in the electoral roll 45 shall be arranged in such roll in the alphabetical order of their surnames and, in cases of identity of surname, in alphabetical order of their other names, and shall be numbered consecutively in that order.

(4) There shall be entered in the electoral roll in respect of 50 every person whose name is entered therein—

(a) his full name, address, and description, as the same are stated in the relevant return sent to the Seanad returning officer in pursuance of the first sub-section of this section, and 55

(b) either (as the case may require) the number of first preference votes which he is stated in such return to have received at the poll referred to in such return or the word “ unopposed ”, and

(c) the number of ballot papers which he is entitled under 60 this Act to receive at such Seanad election.

(5) The word "unopposed" appearing in an electoral roll opposite the name of any person shall be taken to indicate that such person was elected at the relevant Dáil election without a poll being taken.

5 (6) Every electoral roll prepared under this section shall be kept open to inspection in the office of the Seanad returning officer until the close of the poll at the Seanad election to which it relates and may, while it is so open for inspection, be inspected free of charge by any person whose name is, or who claims that
10 his name should be, entered on such electoral roll.

(7) Every electoral roll prepared under this section shall be final and conclusive and not open to review by any Court, and the
15 persons whose names are set out in any such electoral roll, and no other person shall be entitled to vote at the Seanad election to which such electoral roll relates and every such person shall be entitled to receive at such election the number of ballot papers and no more stated in respect of him in such electoral roll.

(8) If, when the electoral roll for the first Seanad election is being prepared, no Dáil election has been held since the coming
20 into operation of the Constitution, the foregoing provisions of this section shall have effect in relation to such electoral roll with and subject to the following modifications, that is to say:—

- (a) such electoral roll shall be prepared as soon as practicable after the commencement of this Act, and
- 25 (b) such electoral roll shall be so prepared from the information in the possession of the Minister in relation to the last general election of members of the Chamber of Deputies (Dáil Eireann) established by the Constitution of Saorstát Eireann, and
- 30 (c) references in the said foregoing provisions to returns made by returning officers in pursuance of the first sub-section of this section shall be construed as references to the said information in the possession of the Minister.

(9) Where, at the Dáil election or the general election of members
35 of the Chamber of Deputies (Dáil Eireann) of Saorstát Eireann by reference to which the electorate at a Seanad election is determined, a person becomes without an actual election a member of Dáil Eireann or of the said Chamber of Deputies (as the case may be) by virtue of his having been the Chairman of the previous Dáil
40 Eireann or Chamber of Deputies, such person shall, notwithstanding anything contained in this section, be included in the electoral roll prepared for such Seanad election.

21.—(1) The following provisions shall apply and have effect in relation to the ballot papers at a Seanad election, that is to
45 say:— The ballot papers and ballot slips.

- (a) every ballot paper shall be divided into five parts which shall be so arranged that the division between any two contiguous parts is a straight vertical line consisting of a line of perforations extending from the top to the
50 bottom of the ballot paper;
- (b) each part of the ballot paper shall be so arranged that, when separated from the contiguous part or parts by tearing along the dividing line or lines of perforations, it will be a complete ballot paper in itself;
- 55 (c) the part of the ballot paper on the extreme left thereof shall be headed "Cultural and Educational Panel", and the succeeding parts shall be headed respectively "Agricultural Panel", "Labour Panel", "Industrial and Commercial Panel", and "Administrative Panel" in that order counting from the left;

(d) each part of the ballot paper shall contain the names, addresses, and descriptions of the candidates in the panel named at the head of such part as the same are stated in such panel, such names being arranged in the same order as they are arranged in such panel; 5

(e) the surname of each candidate shall be printed on the ballot papers in large characters and their other names and their addresses and descriptions shall be printed in small characters, save that, whenever the surnames of two or more candidates in the same part of the ballot paper are the same, there shall be printed in large characters (in addition to their surnames) the other names of such candidates and so much of the address or the description or of both the address and the description of each such candidate as will, in the opinion of the Seanad returning officer, effectively distinguish such candidate. 10 15

(2) Subject to the provisions of the next preceding sub-section of this section, the ballot papers shall be in the prescribed form and each ballot paper shall have a number printed on the back of each and every of the five parts thereof and shall have attached thereto a counterfoil with the same number printed on the face of such counterfoil, and every ballot paper shall, at the time of issue thereof, be marked on both sides of each and every of the five parts thereof with an official mark either stamped or perforated. 20 25

(3) The parts into which the ballot papers are required by this section to be divided are in this Act referred to as ballot slips, and accordingly the expression "ballot slip" shall in this Act be construed as meaning one such part of a ballot paper. 30

Method of marking votes on the ballot slips.

22.—(1) An elector when marking his ballot paper must vote separately in respect of each panel as if the ballot slip containing that panel were a separate ballot paper. 35

(2) An elector in giving his vote in respect of any panel must place on the ballot slip containing that panel the figure 1 opposite the name of the candidate for whom he votes, and he may in addition place on the said ballot slip 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. 40

(3) Any ballot slip—

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

(b) on which the figure 1 standing alone is not placed at all or is not so placed as to indicate a first preference for some candidate, or

(c) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate, or 45

(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 5

(e) on which anything except the number on the back is written or marked by which the voter can be identified, shall be invalid and shall not be counted.

(4) The invalidity of a ballot slip shall not of itself prejudice or affect the validity of any other ballot slip forming part of the same ballot paper. 55

Sending of ballot papers to electors.

23.—(1) On the day appointed for the issue of ballot papers at a Seanad election the Seanad returning officer shall send by registered post to each person whose name is on the electoral roll for 60

that election at the address stated on such electoral roll such number of ballot papers as such person is entitled to receive together with a form of declaration of identity.

(2) Whenever a person to whom ballot papers for a Seanad election should be sent under the foregoing sub-section of this section states in writing to the Seanad returning officer that more than twenty-four hours have elapsed since such ballot papers should have been delivered to him in the ordinary course of post and that he has not received such ballot papers and that he desires duplicate ballot papers and declaration of identity to be issued to him, the Seanad returning officer, if such statement is received by him not less than forty-eight hours before the close of the poll at such election, shall forthwith or, if such statement is received by him less than forty-eight hours before the close of the poll at such election, may send by registered post to such person at the address mentioned in the foregoing sub-section such number of ballot papers as he is entitled to receive and a declaration of identity all of which, by being printed on paper of a special colour or otherwise, are clearly distinguished as duplicates of the ballot papers and form of declaration of identity originally sent to such person under this section.

(3) Every declaration of identity shall be in the prescribed form.

(4) No person shall be entitled to receive any duplicate ballot papers under this section on the ground that the number of ballot papers received by him was less than the number of ballot papers which he was entitled to receive.

(5) The Seanad returning officer shall, when sending out ballot papers in pursuance of this section, observe the rules contained in the First Schedule to this Act.

30 **24.**—(1) Every person entitled to vote at a Seanad election shall be entitled to vote at that election in the following and no other manner, that is to say, by marking and returning by registered or ordinary post to the Seanad returning officer the ballot papers sent to him under this section together with the form of
35 declaration of identity similarly sent to him therewith duly made and completed by him. Method of voting.

(2) Whenever a person entitled to vote at a Seanad election states in writing to the Seanad returning officer that he duly returned by registered post to the Seanad returning officer the ballot papers and form of declaration of identity sent to him under this section and that the same do not appear to have been delivered to the Seanad returning officer and that he desires duplicate ballot papers and declaration of identity to be issued to him, the Seanad returning officer, if such statement is received by him not less than forty-eight hours before the close of the poll at such election, shall forthwith or, if such statement is received by him less than forty-eight hours before the close of the poll at such election, may send by registered post to such person at the address mentioned in the first sub-section of this section such
50 number of ballot papers as he is entitled to receive together with a form of declaration of identity all of which, by being printed on paper of a special colour or otherwise, are clearly distinguished as duplicates of the ballot papers and form of declaration of identity originally sent to such person under this section.

55 (3) No person shall be entitled to receive any duplicate ballot papers on the ground that the number of ballot papers which he had sent to the Seanad returning officer was less than the number of ballot papers which he was entitled so to send.

60 (4) The Seanad returning officer in receiving and otherwise dealing with the ballot papers at a Seanad election shall observe the rules contained in the First Schedule to this Act.

Ascertainment of the result of the election.

25.—(1) As soon as conveniently may be after the closing of the poll, the Seanad returning officer shall, in the presence of such candidates as may be in attendance, ascertain separately, in accordance with this Act and in particular the rules contained in the First and Second Schedules to this Act, the result of the election in respect of each panel and shall declare to be elected from such panel the candidates who are so ascertained to be elected. 5

(2) The decision of the Seanad returning officer as to any question arising on the ballot papers, the declarations of identity, 10 or the envelopes containing the same or any other matter arising on the issue or the receipt of the ballot papers or on the counting of the votes shall be final, subject to review by a court trying an election petition in relation to the election.

Preservation of the secrecy of the voting.

26.—(1) The Seanad returning officer and every officer and clerk 15 concerned in the issue or the receipt of the ballot papers or the counting of the votes at a Seanad election and every candidate present at such issue, receipt, or counting shall maintain and aid in maintaining the secrecy of the voting at such election and shall not, before the completion of the election, communicate, except for some purpose authorised by law, any information as to whether any elector has or has not voted at such election or as to the official mark, and shall not at any time communicate to any person any information obtained at or in connection with such issue, receipt, or counting as to the candidate for whom any elector has voted or as 25 to whether any elector has or has not voted or as to the number on the back of the ballot paper sent to any elector.

(2) No person shall interfere with or attempt to interfere with the receipt, marking, or return of his ballot paper or any ballot slip forming part thereof by any elector at a Seanad election. 30

(3) No person shall directly or indirectly induce any elector at a Seanad election to display his ballot paper or any ballot slip forming part thereof after he shall have marked the same so as to make known to such person or to any other person the name of any candidate for whom he has marked his vote on any such ballot slip. 35

(4) Every person who acts in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment for any term not exceeding six months.

Election petitions in relation to Seanad elections.

27.—(1) The enactments relating to the presentation and trial 40 of election petitions in relation to elections of members of Dáil Eireann shall apply to Seanad elections with the following modifications, that is to say:—

(a) the court trying an election petition in relation to a Seanad election shall not have power to declare the whole 45 election to be void but may declare the election of any one or more of the candidates returned as elected at the election to be void or to be valid as justice may require;

(b) where the said court so declares the election of a candidate to be void, the court shall declare that such one as 50 justice may require of the candidates not returned as elected was elected;

(c) the said court shall have power to make such amendments as may be necessary to give effect to its decisions in the certificate of the Seanad returning officer of the result 55 of the election;

(d) it shall not be obligatory on the said court to cause a recount to be made of the votes given for, or to investigate the voting or the counting of the votes in respect of, the candidates on a panel in relation to which the said 60

court is satisfied that the voting in respect of the candidates on such panel is not in issue on such petition;

5 (e) reference to the House of Commons shall be construed as references to Seanad Éireann and references to the Speaker of the House of Commons shall be construed as references to the Cathaoirleach of Seanad Éireann.

(2) No person who has voted at a Seanad election shall in any legal proceedings to question the election or return of any candidate at such election be required to state for whom he has voted.

10 **28.**—No election of a candidate at a Seanad election shall be declared void by reason only of a non-compliance with the rules contained in any Schedule to this Act, or any mistake in the use of the forms prescribed under this Act, if it appears to the tribunal having cognisance of the question that the election was
15 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.

29.—All postal services (including all registration services) wholly within Ireland in relation to the issue and return of ballot
20 papers at a Seanad election shall be performed by the Minister for Posts and Telegraphs without prepayment of the charges therefor, and all such charges shall be deemed to be part of the Seanad returning officer's expenses and shall be defrayed accordingly.

PART IV.

25 MISCELLANEOUS.

30.—(1) A member of Seanad Éireann elected under this Act may voluntarily resign his membership of Seanad Éireann by notice in writing to the Chairman of Seanad Éireann who shall announce such resignation to Seanad Éireann at the next meeting
30 thereof.

(2) The resignation under this section of a member of Seanad Éireann shall take effect immediately upon the announcement thereof by the Chairman of Seanad Éireann in pursuance of this section.

35 **31.**—Whenever at a general election of members of Seanad Éireann a person is elected as a member of Seanad Éireann by a university (in this section referred to as a university member) and is also elected as a member of Seanad Éireann under this Act (in this section referred to as a panel member), the following
40 provisions shall have effect, that is to say:—

(a) such person shall, by writing under his hand delivered to the Clerk of Seanad Éireann before taking his seat in either capacity, declare whether he will sit in Seanad Éireann as a university member or as a panel member;

45 (b) if such person does not deliver within one month after the first meeting of Seanad Éireann after such general election, such declaration as is mentioned in the next preceding paragraph of this section to the Clerk of Seanad Éireann in accordance with that paragraph,
50 such person shall be deemed to have declared at the expiration of such month that he will sit in Seanad Éireann as a university member;

(c) as soon as such person has declared or is deemed to have declared in which of the said capacities he will sit in Seanad Éireann, he shall be deemed to have resigned
55 his seat in Seanad Éireann as a member thereof in the other of those capacities.

FIRST SCHEDULE.

CONDUCT OF ELECTION.

Issue of ballot papers.

1. On the day of issue of ballot papers at a Seanad election the Seanad returning officer shall issue, in the manner directed in the following Rules, to every elector named on the electoral roll for that election such number of ballot papers as he is stated in such electoral roll to be entitled to receive. 5

Attendance of candidates.

2. Every candidate at a Seanad election shall be entitled to attend at the issue of ballot papers for that election, and the Seanad returning officer shall, on the request of any such candidate, inform such candidate of the time and place at which such issue of ballot papers will be made. 10

Persons present at issue of ballot papers.

3. The Seanad returning officer and his assistants, any candidate and any agent appointed by a candidate, and no other person, except with the permission of the Seanad returning officer, may be present at the issue of ballot papers. 15

Method of issuing ballot papers.

4. The Seanad returning officer shall issue ballot papers to each elector by doing or causing to be done in respect of such elector the following things in the following order, that is to say:—

(a) the number, name, and description of the elector as stated in the electoral roll and the number of ballot papers which he is entitled to receive as similarly stated shall be called out; 20

(b) the elector's said number shall be marked on the counterfoil of every ballot paper to be sent to him; 25

(c) a mark and number shall be placed on the electoral roll opposite the elector's name thereon to indicate that ballot papers have been issued to such elector and the number of ballot papers so issued, but without disclosing the identity of any such ballot papers; 30

(d) every of the five ballot slips forming each ballot paper shall be marked on both sides with the official mark;

(e) the numbers on the backs of the several ballot papers shall be marked upon a form of declaration of identity and upon an envelope (hereinafter referred to as the ballot paper envelope) in the prescribed form, but, where three or more of such numbers are consecutive, it shall be sufficient to mark on the said form and the said envelope the first and last of such numbers with the word "to" between such first and last numbers; 35

(f) there shall also be marked on the ballot paper envelope the number of ballot papers to which the elector is entitled as stated on the electoral roll;

(g) there shall be placed in an envelope (hereinafter referred to as the outer envelope) in the prescribed form addressed to the elector at his address stated in the electoral roll the following documents, that is to say:— 45

(i) such number of ballot papers as the elector is stated in the electoral roll to be entitled to receive, and

(ii) the said form of declaration of identity, and 50

(iii) an envelope (hereinafter referred to as the covering envelope) in the prescribed form addressed to the Seanad returning officer, and

(iv) the said ballot paper envelope;

(h) the outer envelope shall be effectually closed; 55

(i) when the foregoing provisions of this Rule have been complied with in respect of all the electors whose names are on the electoral roll, all the said closed outer envelopes shall be collected, counted, and posted.

5. Every request for the issue of a duplicate ballot paper shall, when received by the Seanad returning officer, be endorsed by him with the day and hour of the receipt thereof by him and with a consecutive number, and every duplicate ballot paper issued in pursuance of any such request shall be issued in accordance with the provisions of the foregoing Rule so far as the same are applicable save that, in lieu of the number on the electoral roll, there shall be marked on the counterfoil of such ballot paper the consecutive number endorsed on the request in pursuance of which such ballot paper is issued and that when such ballot paper has been issued the said request shall be disposed of in like manner as the marked copy of the electoral roll is required by these Rules to be disposed of.
6. The Seanad returning officer shall post the said closed outer envelopes by delivering such envelopes to the nearest head post office, or such other office as may be arranged with the head postmaster, and the postmaster at such office shall stamp with the post office date stamp a form of receipt to be presented by the Seanad returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes by registered post for delivery to the persons to whom they are addressed.
7. The Seanad returning officer, as soon as practicable after the completion of the issue of the ballot papers and in the presence of such candidates and agents as are in attendance, shall make up in separate packets, sealed with his own seal and sealed by such of the said candidates or agents as desire to affix their seals, the marked copy of the electoral roll and the counterfoils of the ballot papers.
8. The Seanad returning officer shall provide a ballot box marked "Seanad ballot box" for the reception of the covering envelopes when returned by the voters, and on the completion of the issue of the ballot papers the Seanad returning officer shall show such ballot box open and empty to the candidates and agents (if any) present, and shall seal such ballot box with his seal and shall make provision for the safe custody of such ballot box.
9. The Seanad returning officer shall forthwith place unopened in the Seanad ballot box every covering envelope received by him before the close of the poll and shall seal up unopened in a separate package all covering envelopes received by him after the close of the poll and shall also seal up unopened in a separate package all outer envelopes returned to him as undelivered.
10. Not less than three days before the close of the poll the Seanad returning officer shall send by post to every candidate at his address as stated in the panels of candidates notice in writing of the time and place at which he will open the Seanad ballot box and count the votes.
11. As soon as conveniently may be after the close of the poll the Seanad returning officer shall open the Seanad ballot box and count the votes.
12. The Seanad returning officer and his assistants, any candidate and any agent appointed by a candidate, and no other person, except with the permission of the Seanad returning officer, may be present at the opening of the Seanad ballot box or the counting of the votes.
13. When the Seanad ballot box has been opened the Seanad returning officer shall do the following things, that is to say:—
- (a) take all the covering envelopes out of the Seanad ballot box and count and note the number thereof;
 - (b) open each such covering envelope and segregate any of those envelopes containing a declaration of identity issued as a duplicate form of declaration of identity;

Issue of duplicate ballot papers.

Posting of ballot papers.

Preservation of electoral roll and counterfoils.

Seanad ballot box.

Disposal of covering envelopes on receipt.

Notice of counting of votes.

Opening of Seanad ballot box.

Persons present at counting of votes.

Procedure on opening of Seanad ballot box.

- (c) take up separately each of the said covering envelopes not so segregated, examine the declaration of identity therein and compare the numbers on such declaration with the numbers on the ballot paper envelope in such covering envelope; 5
- (d) if the said numbers agree and the declaration of identity is found to be duly completed and made, he shall place the declaration of identity and the ballot paper envelope in separate receptacles;
- (e) if he is not satisfied that the declaration of identity has been duly completed and made 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 papers; 10
15
- (f) 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 numbers on the ballot papers agree with the numbers on the declaration of identity he shall place the ballot papers in the special receptacle provided by him for ballot papers; 20
- (g) where the numbers on the ballot papers do not agree with the numbers on the declaration of identity, he shall replace the ballot papers in their envelope, if any, attach such envelope or ballot papers (as the case may be) to the declaration of identity, and endorse the declaration of identity "vote rejected"; 25
- (h) where a declaration of identity does not appear to accompany the ballot paper envelope, he shall open the ballot paper envelope, and if it is found to contain the declaration of identity he shall deal with such declaration and ballot paper envelope in accordance with the foregoing provisions of this Rule; 30
- (i) he shall mark with the word "rejected" every declaration of identity which is not accompanied by a ballot paper, and every ballot paper which is not accompanied by a declaration of identity; 35
- (j) when all the said covering envelopes not so segregated have been dealt with under the foregoing provisions of this Rule, he shall take up separately each of the said covering envelopes segregated as containing a declaration of identity issued as a duplicate form of declaration of identity, examine the declaration of identity therein (hereinafter referred to as the duplicate declaration) and ascertain whether a declaration of identity in respect of the same person has or has not been previously examined under this Rule; 40
45
- (k) if a declaration of identity in respect of the same person has been previously examined under this Rule he shall mark the duplicate declaration "vote rejected" and shall attach thereto the ballot paper envelope, without opening such envelope, or, if there is no such envelope, the ballot papers; 50
- (l) if a declaration of identity in respect of the same person has not been previously examined under this Rule he shall deal with the duplicate declaration and the ballot paper envelope and ballot papers accompanying the same in accordance with the foregoing provisions of this Rule other than the two last preceding paragraphs thereof. 55
60

Ballot papers and declarations not in proper envelopes.

14. Where one or more ballot papers and a declaration of identity are received together and the numbers on such ballot papers and on such declaration agree, such ballot papers shall not be rejected solely on the ground that such ballot papers and such

declaration were or any of them was not placed in the proper envelopes or envelope or that any of such envelopes was not fastened.

15. The Seanad returning officer shall show any declaration of identity which he proposes to reject on the ground that it has not been properly completed and made to the candidates and agents (if any) present, and if an objection is made by any such candidate or agent to his decision shall add to the endorsement the words "rejection objected to".
16. The Seanad returning officer shall keep all rejected declarations, with the attached envelopes or ballot papers as the case may be, separate from other documents.
17. When all the covering envelopes in the Seanad ballot box have been opened and their contents dealt with under the preceding Rules, the Seanad returning officer shall open each unopened ballot paper envelope and compare the numbers on the envelope with the numbers on the ballot papers and if the numbers on the envelope and the numbers on the ballot papers agree, he shall place the ballot papers in the special receptacle provided by him for ballot papers, but if the numbers on the envelope and the numbers on the ballot papers do not agree, the Seanad returning officer shall fasten all such ballot papers and such envelope together and mark them "rejected."
18. Where two or more ballot papers are received in the same covering envelope (whether such ballot papers or any of them are or are not in the ballot paper envelope) and the numbers on any of such ballot papers do not agree with the numbers on the declaration of identity or the ballot paper envelope, all the ballot papers shall be rejected notwithstanding that the numbers on some of such ballot papers agree with the numbers on such declaration of identity and on such ballot paper envelope.
19. No ballot paper shall be rejected merely by reason that the number of ballot papers in the covering envelope (whether in or not in the ballot paper envelope) is less than the number marked on the ballot paper envelope as the number of ballot papers to which the voter is entitled.
20. As soon as the Seanad returning officer has completed the placing of the ballot papers in the said special receptacle 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.
21. No ballot paper shall be rejected solely on the ground that one or more or all of the ballot slips of which it consists have been detached (whether such detached ballot slips are or are not found in the ballot paper envelope or the covering envelope), but in every such case every detached ballot slip which is found in the covering envelope (whether in or not in the ballot paper envelope) shall be dealt with under the foregoing Rules of the Schedule as if it were a ballot paper.
22. When the Seanad returning officer has complied with the foregoing Rules of this Schedule he shall do or cause to be done the following things, that is to say:—
- (a) mix together thoroughly the ballot papers (including ballot slips) contained in a special receptacle to be provided by him for ballot papers;
- (b) separate every ballot paper and part of a ballot paper contained in the said special receptacle into its component ballot slips;

Rejection of declarations of identity.

Separation of rejected declarations.

Opening of ballot paper envelopes.

Different numbers on ballot papers in same envelope.

Full number of ballot papers not returned.

Preservation of declarations, ballot papers, etc.

Ballot slips detached from ballot paper.

Separation of ballot papers into ballot slips.

- (c) sort the ballot slips (including both the detached ballot slips contained in the said special receptacle and the ballot slips resulting from the separation mentioned in the next preceding paragraph) according to the panels to which they respectively relate and place them in separate receptacles (hereinafter called panel receptacles), the ballot slips headed "Cultural and Educational Panel" being put into one panel receptacle, the ballot slips headed "Agricultural Panel" being put into another panel receptacle, and so on;
- (d) count and note the number of ballot slips in each panel receptacle.

Counting the ballot slips.

23. When the Seanad returning officer has complied with the next preceding Rule, he shall count, in accordance with the Rules contained in the Second Schedule to this Act, the votes recorded on the ballot slips in the several panel receptacles, the ballot slips in each panel receptacle being counted entirely separately from the ballot slips in the other panel receptacles and the several panel receptacles being dealt with under this Rule in such order as the Seanad returning officer shall think proper.

Rejection of invalid ballot slips.

24. The Seanad returning officer shall endorse "rejected" on any ballot slip which he rejects as invalid and if an objection be made by any candidate or agent to his decision rejecting the ballot slip, he shall add to the said endorsement "rejection objected to".

Continuity of proceedings under this Schedule.

25. The Seanad returning officer shall so far as practicable proceed continuously with the proceedings under this Schedule subsequent to the opening of the Seanad ballot box and with the counting of the votes but may at any time suspend such proceedings or counting for refreshment, night-time, or other reason appearing to him to be sufficient for such period as he thinks proper, and whenever he does so suspend such proceedings or such counting he shall take all proper precautions for the security of the ballot papers, ballot slips, envelopes, votes, and other documents relating to the election.

Declaration of secrecy.

26. The Seanad returning officer and every of his assistants taking part in any of the proceedings under this Schedule or the counting of the votes and every candidate and agent attending any of the said proceedings or the said counting shall, before so taking part or so attending, sign an undertaking in the prescribed form to preserve the secrecy of the voting.

Certificate of result of the poll.

27. As soon as the counting of the votes is completed the Seanad returning officer shall prepare in duplicate in respect of each panel a certificate in the prescribed form setting out the names of the candidates elected from such panel, the total number of votes given for each candidate (whether elected or not), every transfer of votes made under this Act, and the total number of votes credited to each candidate at the end of the count at which each such transfer took place, and such other matters as shall be prescribed, and the Seanad returning officer shall then sign the said duplicate certificate and shall send one such duplicate to the Clerk of Dáil Eireann and (except in the case of the first Seanad election) the other such duplicate to the Clerk of Seanad Eireann.

In the case of every certificate prepared under this Rule in relation to the first Seanad election, the Seanad returning officer shall, after he has sent one duplicate of such certificate to the Clerk of Dáil Eireann, retain the other duplicate thereof and shall send or deliver such other duplicate to the Clerk of Seanad Eireann as soon as may be after such Clerk has been appointed.

Publication of result of election.

28. The Seanad returning officer shall also prepare and publish in the *Iris Oifigiúil* a statement in the prescribed form of the names of the candidates elected from each panel.

29. Upon the completion of the counting of the votes the Seanad returning officer shall seal up in separate packets the counted ballot slips and the ballot slips rejected as invalid. Preservation of ballot papers.
30. The Seanad returning officer shall retain for six months from the close of the poll the several sealed packets of the marked copy of the electoral roll, the counterfoils of the ballot papers, the covering envelopes received after the close of the poll, the outer envelopes returned as undelivered, the accepted declarations of identity, the rejected declarations of identity, the rejected ballot papers, the rejected ballot slips, the counted ballot slips, and the invalid ballot slips, and shall at the end of the said period of six months destroy all the said sealed packets unless an election tribunal shall have otherwise ordered. Retention of documents by Seanad returning officer.
31. No person shall be allowed to inspect any of the said sealed packets retained by the Seanad returning officer nor any of the contents thereof save under and in accordance with an order of an election tribunal. Inspection of sealed packets.
32. An election tribunal may authorise the inspection by any person of the contents of any of the said sealed packets as justice may require but on any such inspection care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to the satisfaction of an election tribunal to have voted and such tribunal has declared his vote to be invalid. Authority for inspection of sealed packets.
33. The Seanad returning officer shall comply with every order made by an election tribunal in relation to the inspection, production, and disposal of the said sealed packets. Compliance with orders of election tribunal.
34. Where an order is made by an election tribunal for the production by the Seanad returning officer of any document or packet of documents in his possession relating to a specified election, the production by the Seanad returning officer of such document or packet of documents in pursuance of such order shall be conclusive evidence that such document or packet of documents relates to the said specified election and the endorsement made by the Seanad returning officer in pursuance of this Schedule on any such document or packet of documents shall be conclusive evidence that such document or packet is what it is stated in such endorsement to be. Conclusiveness of production by Seanad returning officer.
35. The production by the Seanad returning officer of a ballot slip 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 slip was the person whose number on the electoral roll relating to such election was the same as the number so marked on such counterfoil. Evidence of voting.
36. Whenever the Seanad returning officer is required by this Schedule to seal up any documents in a separate packet he shall endorse on such packet a statement of the number and character of such documents and the election to which they relate. Endorsement of packets by Seanad returning officer.
37. In this Schedule the expression "election tribunal" means a court lawfully having cognisance of petitions complaining of undue return or undue election at a Seanad election. Election tribunal.

SECOND SCHEDULE.

COUNTING OF THE VOTES.

1. (1) After the ballot papers have been mixed in accordance with the Rules contained in the First 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.

2. 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."

3. 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.

4. (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-parcels 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 27 in the First Schedule to this Act 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.

5 (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.

10 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
15 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 candi-
20 dates 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
25 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—

30 (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;

35 (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;

40 (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
45 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
50 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
55 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.

5. (1) If at any time no candidate has a surplus (or when
60 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 27 in the First Schedule to this Act be described as non-transferable papers not effective. 5

(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, the returning officer may in one operation exclude those candidates and transfer their votes in accordance with paragraph (1) of this Rule. 10

(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. 15
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6. (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. 30

(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 4 before any other candidate is excluded.

7. (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. 35

(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. 40

(3) When the last vacancies can be filled under this Rule, no further transfer of votes need be made.

8. (1) Any candidate or 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. 45
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(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.

9. (1) If any question shall arise in relation to the exclusion of
5 any candidate under Rule 5 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 agent before the declaration of the poll, and in that event the decision of
10 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
15 operations to be carried out, and the result of the election to be ascertained in accordance with these Rules.

10. In these Rules—

(1) The expression “ ballot paper ” means a ballot slip.

(2) The expression “ the returning officer ” means the Seanad
20 returning officer.

(3) The expression “ continuing candidate ” means any candidate not deemed to be elected and not excluded.

(4) The expression “ first preference ” means the figure “ 1 ” standing alone; the expression “ second preference ” means the
25 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.

(5) The expression “ next available preference ” means a
30 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.

(6) The expression “ transferable paper ” means a ballot paper
35 on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.

(7) The expression “ non-transferable paper ” means a ballot paper on which no second or subsequent preference is recorded
40 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
45 or not) are marked with the same number and are next in order or 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
50 some other number on the ballot paper; or

(ii) by two or more numbers; or

(c) it is void for uncertainty.

(8) 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.

55 (9) 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.

(10) The expression “ surplus ” means the number of votes by which the total number of the votes, original and transferred
60 credited to any candidate, exceed the quota.

(11) 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.

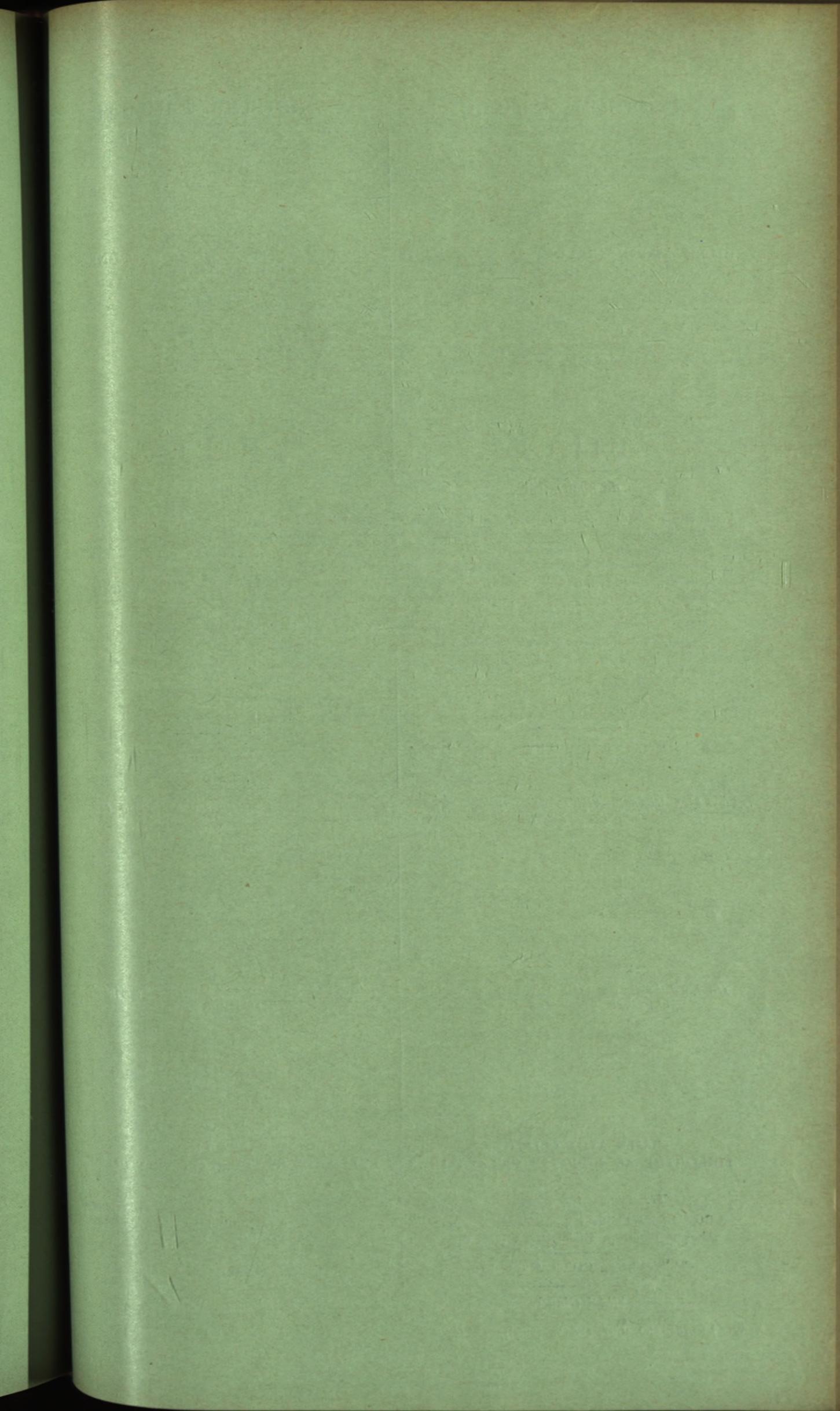
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(12) The expression "deemed to be elected" means deemed to be elected for the purpose of counting of the votes, but without prejudice to the declaration of the poll.

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(13) 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.

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Saorstát Eireann

BILLE TOGHACHAIN AN tSEANAID
(BAILL AINMLIOSTA), 1937.

BILLE

dá ngairmtear

Acht chun rialála do dhéanamh, chun ériche Bunreacht na hEireann d'aichtuigh an pobal le déanaí, ar thoghacháin do sna baill toghtha san do Sheanad Eireann is gá do réir an Bhunreacht san do thogha as ainmliostaí d'iarthóirí, chun a mhíniú cé hiad is toghthóirí do sna toghacháin sin, agus chun soeruithe do dhéanamh i dtaobh nithe ghabhas no bhaincas leis na toghacháin sin.

An tAire Rialtais Aitiúla agus Sláinte Puiblí do thug isteach.

Do horduíodh, ag Dáil Eireann, do chlóbhuabadh, 21adh Iúil, 1937.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Dfolta Foillseacháin Rialtais, 5, Sráid Thobair Phádraig, Baile Atha Cliath, C.2.

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Saorstát Eireann

SEANAD ELECTORAL (PANEL MEMBERS) BILL, 1937.

BILL

entitled

An Act to regulate, for the purpose of the Constitution of Ireland lately enacted by the people, elections of those elected members of Seanad Eireann who are required by that Constitution to be elected from panels of candidates, to define the electorate for such elections, and to provide for matters incidental to or connected with such elections.

Introduced by the Minister for Local Government and Public Health.

Ordered, by Dáil Eireann, to be printed, 21st July, 1937.

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