

SAORSTÁT EIREANN.

BILLE TOGHACHAIN AN tSEANAID (BAILL AINMLIOSTA),
1937.

SEANAD ELECTORAL (PANEL MEMBERS) BILL, 1937.

*Mar do leasúidh ar Ath-Chúrsa i gCoiste,
As amended on Recommittal.*

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BILL

entitled

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10
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) In this Act—

The panels.

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

45 the expression “ the cultural and educational panel ” means the
panel required by the said sub-section 1° 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;

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; 5

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; 10

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; 15

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. 20

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

(a) law, and

(b) medicine, including surgery, dentistry, veterinary medicine, and pharmaceutical chemistry. 25

The Seanad
returning officer.

5.—(1) As soon as practicable after the commencement of this Act and from time to time thereafter as occasion requires, the Minister shall appoint a fit and proper person to be the Seanad returning officer for the purposes of this Act. 30

(2) It shall be the duty of the Seanad returning officer to conduct every Seanad election, 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 every such election as he is required by this Act to do. 35

(3) The Minister for Finance shall from time to time prepare a scale of maximum charges for the Seanad returning officer, and the 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 every Seanad election including the preparation of the register of nominating bodies and annual revisions thereof, but not exceeding in any case the maximum charges specified in the said scale of maximum charges for the time being in force. 40

Appointment of
days and times.

6.—(1) Before every Seanad election the Minister shall by order appoint for the purpose of such Seanad election— 45

(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; 50

(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 Seanad returning officer may receive nominations to the panels by members of Dáil Eireann shall expire; 55

(c) the day and hour (in this Act referred to as the expiration of the time for *ex-officio* nominations) on and at which the period during which the Seanad returning

officer may receive *ex-officio* nominations to the administrative panel shall expire;

- 5 (d) the day on which and the place at which the Seanad returning officer will sit for the completion of the panels;
- (e) 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;
- 10 (f) 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;
- (g) the address of the Seanad returning officer to which applications for registration, nomination papers, and other communications may be sent to him.

15 (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
20 Seanad election.

(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:—

- 25 (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
30 fixed for the reassembly of Dáil Eireann after such dissolution;
- (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
35 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.

(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.

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

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

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PART II.

REGISTER OF NOMINATING BODIES.

50 9.—(1) A register (in this Act referred to as the register of **The register of nominating bodies.** nominating bodies) of bodies (in this Act referred to as nominating bodies) entitled to nominate persons to the panels of candidates for the purposes of every Seanad election shall be set up in accordance with this Act.

(2) The following provisions shall apply and have effect in relation to the register of nominating bodies, that is to say:—

- (a) the said register shall be in such form as the Seanad

returning officer shall, with the approval of the Minister, think proper;

- (b) no body shall be eligible to be registered in the register in respect of any particular panel (other than the administrative panel) unless its objects and activities relate to or are connected with and it is representative of persons engaged in one or more of the interests and services mentioned in sub-section 1^o of section 7 of Article 18 of the Constitution in respect of that particular panel; 5 10
- (c) no body which is formed or carried on wholly or substantially for profit or which carries on, as its sole or principal function, any trade or business for profit shall be eligible for registration in the said register;
- (d) every body which is registered in the said register shall be so registered in respect of one, and only one, panel; 15
- (e) except as otherwise provided by this sub-section, no body shall be registered in the said register save in pursuance of an application in that behalf made by such body in accordance with this Act; 20
- (f) the following provisions shall apply and have effect in relation to the administrative panel, that is to say :—
 - (i) the Irish County Councils General Council and the Association of Municipal Authorities of Ireland shall be registered in the said register in respect of the said panel without any application in that behalf under this Act, and 25
 - (ii) no other body shall be registered in the said register in respect of the said panel unless its objects and activities consist, wholly or substantially, of voluntary social services of a charitable or eleemosynary character ; 30
- (g) the number of nominating bodies registered in the said register in respect of any particular panel shall be so limited that the full number of persons which may be nominated to such panel by nominating bodies shall not exceed fifteen. 35

Applications for registration in the register.

10.—(1) Any body which desires to be registered in the register of nominating bodies in respect of any particular panel and claims to be eligible for registration in that register in respect of that panel may apply for that purpose to the Seanad returning officer in accordance with this section. 40

(2) The following provisions shall apply and have effect in relation to applications for registration in the register of nominating bodies, that is to say :— 45

- (a) every such application shall be made in writing on an application paper in the prescribed form provided by the Seanad returning officer;
- (b) the Seanad returning officer shall furnish free of charge on request to any body which proposes to apply for registration in the said register an application paper for that purpose; 50
- (c) every such application shall be delivered or sent by post to the Seanad returning officer at his office on or before the 31st day of January, 1938, and no such application which is received at the said office after the said date shall be entertained or considered by the Seanad returning officer; 55
- (d) every such application shall state the panel in respect of which the applicant desires to be registered in the said register and the grounds on which the applicant claims to be eligible to be so registered; 60

(e) every such application shall also state all such things in relation to the applicant as are indicated in that behalf in the prescribed form of application paper

11.—As soon as practicable after the commencement of this Act, the Seanad returning officer shall publish in every morning daily newspaper published in and circulating throughout the State and in such other (if any) daily newspapers as he shall, with the sanction of the Minister, think proper a notice in the prescribed form giving public notice that the register of nominating bodies is being prepared, and giving such information and instructions in relation to applications for such registration as the Minister shall think proper.

Publication of notice of the preparation of the register.

12.—(1) As soon as practicable after the 31st day of January, 1938, and in any event not later than the 5th day of February, 1938, the Seanad returning officer shall prepare the register of nominating bodies and shall for that purpose—

Preparation of the register.

- (a) examine all applications for registration in the said register duly received by him, and
- (b) disallow all such applications as appear to him to be irregular in form and all applications in respect of which he is of opinion that the applicant is not eligible for registration in the said register either at all or in respect of the panel to which the application relates, and
- (c) disallow any applications which he is authorised by the subsequent provisions of this section to disallow, and
- (d) allow and register in the said register all such applications as he does not disallow in pursuance of the foregoing provisions of this sub-section.

(2) The Seanad returning officer may require from any applicant for registration in the register of nominating bodies all such information relevant to the eligibility for registration of such applicant as he shall reasonably require for the determination by him of the allowance or disallowance of the application of such applicant, and the Seanad returning officer may disallow the application of any applicant which fails or refuses to give any information required of it under this section.

(3) It shall be lawful for the Seanad returning officer to refuse to register in the register of nominating bodies—

- (a) any body which is a branch of or affiliated or subsidiary to a body which is already registered in the said register or whose application for such registration he has allowed, or
- (b) any body which appears to him to be representative of interests and services the representation of which is adequately provided for by a body or bodies already registered in the said register or whose application for such registration he has allowed.

(4) The Seanad returning officer may, at his absolute discretion, allow an application for registration in the register of nominating bodies to be amended by the applicant at any time or in any respect.

(5) Not later than the 5th day of February, 1938, the Seanad returning officer shall send by post to every body which applied for registration in the register of nominating bodies (whether its application has been allowed or disallowed) a copy of the said register as prepared by the Seanad returning officer under this section.

(6) Whenever the Seanad returning officer has disallowed an

application for registration in the register of nominating bodies he shall, on the request of the body which made such application, furnish to such body a statement of his reasons for such disallowance.

(7) The allowance or disallowance by the Seanad returning officer of any application for registration in the register of nominating bodies shall be final and conclusive, subject only to such appeal as is provided for by this Act. 5

Election of the appeal committee.

13.—(1) As soon as practicable after the commencement of this Act and in any event not later than the fifth day on which Dáil Eireann shall have sat after such commencement, Dáil Eireann shall elect a committee (in this Act referred to as the appeal committee) consisting of fifteen members of Dáil Eireann. 10

(2) The appeal committee shall be elected by the votes of the members of Dáil Eireann (or of such of them as may think proper to vote) voting on the principles of proportional representation. 15

(3) Subject to the foregoing provisions of this section, Dáil Eireann shall regulate the procedure for the election of the appeal committee. 20

(4) Subject to the express provisions of this Act, the appeal committee shall regulate its own procedure.

Appeals to the appeal committee.

14.—(1) Any applicant for registration in the register of nominating bodies whose application for such registration has been disallowed by the Seanad returning officer may appeal in accordance with this section to the appeal committee against such disallowance. 25

(2) Any applicant for registration in the register of nominating bodies in respect of any particular panel (whether its application for such registration has been allowed or has been disallowed by the Seanad returning officer) may appeal in accordance with this section to the appeal committee against the allowance by the Seanad returning officer of the application of any other applicant for such registration in respect of the same panel. 30 35

(3) Every appeal under this section to the appeal committee shall be made in writing and shall state the grounds on which the appeal is made and shall be delivered or sent by post to the Clerk of Dáil Eireann on or before the 15th day of February, 1938, and no such appeal which is received by the Clerk of Dáil Eireann after the said date shall be entertained or considered by the appeal committee. 40

(4) Every appeal under this section shall be open to inspection at all convenient times by the Seanad returning officer.

Decision of appeals by the appeal committee.

15.—(1) As soon as conveniently may be after the 15th day of February, 1938, the appeal committee shall consider every appeal duly made to it under this Act and shall, in respect of each such appeal, either reverse the decision of the Seanad returning officer which is the subject of the appeal or disallow the appeal. 45

(2) No decision of the Seanad returning officer shall be reversed by the appeal committee unless at least nine members of that committee vote in favour of such reversal. 50

(3) The Seanad returning officer shall give to the appeal committee such information and assistance as that committee shall reasonably require of him. 55

(4) The Seanad returning officer shall be entitled, if he so desires, to be heard by the appeal committee in respect of every appeal considered by that committee in pursuance of this section.

(5) The decision of the appeal committee on any appeal to that committee under this Act shall be final and conclusive.

16.—(1) If no appeal is duly made to the appeal committee, the Clerk of Dáil Eireann shall, on the 16th day of February, 1938, inform the Seanad returning officer of that fact and the Seanad returning officer shall thereupon sign and publish in the *Iris Oifigiúil* the register of nominating bodies prepared by him under the foregoing provisions of this Act.

Completion and publication of the register.

(2) If any appeal is duly made to the appeal committee, that committee shall communicate to the Seanad returning officer their decision on every such appeal and the Seanad returning officer shall thereupon make such (if any) amendment in the register of nominating bodies prepared by him under the foregoing provisions of this Act as may be necessary to give effect to such decision and, when all such appeals have been decided and the decisions thereon have been communicated to and dealt with by the Seanad returning officer, the Seanad returning officer shall sign and publish in the *Iris Oifigiúil* the register of nominating bodies as so prepared and amended (if at all) by him as aforesaid.

(3) The register of nominating bodies as published in the *Iris Oifigiúil* in pursuance of this section shall be final and conclusive and shall not be open to review by any court and shall be in force for the first and every subsequent Seanad election, subject only to such annual revision as is provided for by this Act.

17.—(1) The Seanad returning officer shall, on or after the 1st, but not later than the 15th day of January in the year 1939 and every subsequent year, publish in at least two daily newspapers circulating throughout the State and in such other (if any) daily newspapers as the said officer shall, with the sanction of the Minister, think proper a notice in the prescribed form giving public notice that, on the 15th day of February next following or, if that day is a Sunday, the 16th day of February next following, the Seanad returning officer will proceed to revise the register of nominating bodies, and giving such information and instructions in relation to applications for insertion, deletion, or amendment of entries in that register as the Minister shall think proper.

Annual revision of register of nominating bodies.

(2) Any body not registered in the register of nominating bodies, which desires to be registered in that register and claims to be eligible for such registration, and any body registered in the said register which desires to be removed therefrom or desires that the entry in respect of it in such register should be amended in any way, may apply to the Seanad returning officer in writing during the period beginning on the 15th day of January and ending on the 15th day of February in the year 1939 or any subsequent year, for such registration, deletion, or amendment, as the case may be.

(3) On the 15th day of February or, if that day is a Sunday, on the 16th day of February in the year 1939 and every subsequent year the Seanad returning officer shall revise (in this Act referred to as an annual revision) the register of nominating bodies by—

(a) allowing and registering in the said register all bodies which have duly applied under this section for such registration at such annual revision and appear to him to be eligible for such registration, and

(b) deleting from the said register the registration of every body which appears to him to have ceased to exist or to have ceased to be eligible for such registration, and

(c) making all such amendments in the said register as appear

to him, by virtue of applications under this section or otherwise, to be requisite or proper.

(4) The Seanad returning officer may make such inquiries as he shall think proper for the purpose of any annual revision of the register of nominating bodies and may, at any annual revision, 5 make all such deletions from and amendments of the register of nominating bodies which appear to him, in consequence of such inquiries, to be requisite or proper, but the Seanad returning officer shall not make any such deletion or amendment without giving notice thereof to the body affected thereby or without giving such 10 body a reasonable opportunity of making representations in regard thereto.

(5) Every allowance or disallowance by the Seanad returning officer of any application under this section for registration in, deletion from, or amendment of the register of nominating bodies, 15 and every deletion from or amendment of the said register made by the Seanad returning officer at an annual revision otherwise than on an application under this section, shall be final and conclusive, subject only to such appeal as is provided for by this 20 Act.

Appeals to the annual revision appeal committee.

18.—(1) Not later than the 1st day of March in the year 1939 and every subsequent year, the Seanad returning officer shall—

(a) inform every body which applied for registration in, deletion from, or amendment of the register of nominating bodies at the annual revision in that year 25 whether he allowed or disallowed such application and, in the case of disallowance, his reasons therefor, and

(b) communicate to every body affected by a deletion from or amendment of the register of nominating bodies 30 made by him at the annual revision in that year otherwise than on an application by such body the particulars of such deletion or amendment and his reasons therefor.

(2) Any of the following persons may appeal to the annual 35 revision appeal committee against such of the decisions of the Seanad returning officer as are hereinafter specified, that is to say:—

(a) in the case of a disallowance of an application, the body by which such application was made, 40

(b) in the case of an allowance of an application for registration, any nominating body registered in the register of nominating bodies,

(c) in the case of a deletion from or amendment of the said register made by the Seanad returning officer other- 45 wise than on an application under this Act, the body affected by such deletion or amendment.

(3) Every appeal under this section to an annual revision appeal committee shall be made in writing and shall state the grounds on which the appeal is made and shall be delivered or 50 sent by post to the Clerk of Dáil Eireann on or before the 15th day of March in the year in which the decision appealed against was given.

(4) Every appeal under this section shall be open to inspection at all convenient times by the Seanad returning officer. 55

Completion of annual revision.

19.—(1) If in any year an appeal to the annual revision appeal committee is received by the Clerk of Dáil Eireann within the time limited in that behalf by this Act, Dáil Eireann shall, as soon as conveniently may be, elect a committee (in this Act

referred to as an annual revision appeal committee) consisting of fifteen members of Dáil Eireann.

5 (2) The provisions of this Act in relation to the election and procedure of, the hearing of appeals by, and the decisions of the appeal committee shall apply to the election and procedure of, the hearing of appeals by, and the decisions of every annual revision appeal committee so far as such provisions are not inconsistent with the express provisions of this Act in relation to annual revision appeal committees.

10 (3) Not later than the 20th day of March in the year 1939 and in every subsequent year the Seanad returning officer shall revise the register of nominating bodies in such manner as may be requisite to give effect to all decisions given by him at the annual revision in that year against which no appeal to the
15 annual revision committee has been made within the time limited in that behalf by this Act, and every revision so made shall come into force on the 21st day of March of the year in which it is made.

(4) The Clerk of Dáil Eireann shall communicate to the
20 Seanad returning officer every decision by an annual revision committee on an appeal under this Act to such committee, and the Seanad returning officer shall forthwith make such (if any) revision of the register of nominating bodies as is necessary to give effect to such decision, and every such revision shall come
25 into force on the day after the day on which it is made.

PART III.

FORMATION OF THE PANELS.

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

Right of members of Dáil Eireann to nominate to panels.

(2) No member of Dáil Eireann shall join in the nomination under this section of more than one person at any particular Seanad election.

35 21.—(1) At every Seanad election, every nominating body which is registered in the register of nominating bodies in respect of any particular panel shall be entitled to nominate to such panel such number of persons as is provided in that behalf by this section.

Right of registered nominating bodies to nominate to panels.

40 (2) The several nominating bodies entitled to nominate persons to a particular panel shall each be entitled to nominate the same number of persons to such panel and that number shall be ascertained as follows, that is to say:—

45 (a) if the number of nominating bodies entitled to nominate persons to such panel exceeds the number of members of Seanad Eireann to be elected from persons nominated to such panel by nominating bodies, each such nominating body shall be entitled to nominate one person to such panel;

50 (b) if the number of nominating bodies entitled to nominate as aforesaid exceeds one-half but does not exceed the whole of the number of members of Seanad Eireann to be elected as aforesaid, each such nominating body shall be entitled to nominate two persons to such panel;

55 (c) if the number of nominating bodies entitled to nominate as aforesaid exceeds one but does not exceed one-half of the number of members of Seanad Eireann to be elected as aforesaid, each such nominating body shall be entitled to nominate three persons to such panel;

60 (d) if only one nominating body is entitled to nominate as aforesaid, such nominating body shall be entitled to

nominate to such panel a number of persons exceeding by one the number of members of Seanad Éireann to be elected as aforesaid.

Method of nomination by nominating bodies.

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

(a) as soon as practicable after the publication of the register of nominating bodies in the *Iris Oifigiúil*, and

(b) within ten days after every dissolution of Dáil Éireann, the Seanad returning officer shall send by post to every nominating body registered in the register of nominating bodies 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;

(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;

(c) every nomination paper shall contain the particulars required by the prescribed form of nomination paper to be stated therein (including a statement of the qualifications of every person thereby nominated for the panel to which he is nominated) 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;

(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.

(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.

(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.

(5) Where a nominating body purports to nominate by a nomination paper either more persons or less 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.

23.—(1) Nomination papers nominating persons to a panel by a nominating body shall be delivered or sent by post to the Seanad returning officer. Preparation of provisional panels.

5 (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, nominations to such panel by nominating bodies.

10 (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.

15 (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
20 reasonably require.

24.—(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:— Method of nomination by members of Dáil Eireann.

25 (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 and in particular a statement of the qualifications of the person thereby nominated for the
30 panel to which he is so nominated;

(c) every such nomination paper shall be signed by every of the members of Dáil Eireann making a nomination thereby;

35 (d) every such nomination paper shall be delivered or sent by post to the Seanad returning officer.

(2) 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
40 panel.

(3) Immediately after the expiration of the time for Dáil panel nominations, the Seanad returning officer shall insert in the appropriate places in each provisional panel the names, addresses, and descriptions of the persons (if any) who have been nominated
15 by members of Dáil Eireann before the expiration of the said time to the panel to which such provisional panel relates.

25.—(1) At every Seanad election—

50 (a) the Taoiseach shall be entitled to nominate to the administrative panel such number of persons, not exceeding two, as he shall think fit, and

(b) any person who has held office as Taoiseach or as President of the Executive Council of Saorstát Eireann shall be entitled to nominate to the administrative panel such
55 number of persons, not exceeding two, as he shall think fit.

(2) Every nomination made under this section 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;

60 (b) any person who nominates two persons under this

Ex-officio nominations to the administrative panel.

section shall nominate both such persons by one and the same nomination paper;

- (c) every nomination paper shall contain the particulars required by the prescribed form of nomination paper to be stated therein (including a statement of the qualifications of every person thereby nominated for the panel to which he is so nominated) and shall be signed by the person making a nomination thereby;
- (d) the nomination paper shall be delivered or sent by post to the Seanad returning officer.

(3) Where a person purports to nominate by a nomination paper under this section more than two persons, such nomination paper shall be wholly void.

(4) Immediately after the expiration of the time for *ex-officio* nominations, the Seanad returning officer shall insert in the provisional panel relating to the administrative panel the names, addresses, and descriptions of the persons who have been nominated under this section to that panel before the expiration of the said time.

(5) At any time after the expiration of the time for Dáil panel nominations and before the expiration of the time for *ex-officio* nominations, any person entitled to make a nomination under this section to the administrative panel shall be entitled to inspect all or any of the provisional panels.

(6) Nominations under this section to the administrative panel are in this Act referred to as *ex-officio* nominations.

The completion of the panels.

26.—(1) At twelve o'clock noon on the day for the completion of the panels the Seanad returning officer shall attend at the appointed place and there hold a sitting (in this Act referred to as the completion of the panels) at which he shall do all such things as he is required by the subsequent provisions of this Act to do at such sitting.

(2) When preparing the provisional panels in pursuance of the foregoing provisions of this Act, the Seanad returning officer shall not insert in any provisional panel the name of any person purported to be nominated by a nomination paper which is declared by this Act to be wholly void or which is received by him after the expiration of the relevant time for receiving nominations, but, with those exceptions, the Seanad returning officer shall prepare the provisional panels without considering or inquiring into the validity of any nomination paper or the nomination purported to be made thereby and without regard to any duplication of entries which may occur by reason of a person being nominated by more than one nomination paper, whether to the same or to different panels.

(3) At the completion of the panels, the Seanad returning officer shall take the several provisional panels successively one by one and shall, in respect of each provisional panel,—

(a) examine each nomination paper in pursuance of which a person was entered in such provisional panel and shall rule upon the validity or invalidity of each such nomination paper and delete from such provisional panel every entry made therein in pursuance of a nomination paper which he decides to be invalid, and

(b) shall then examine the qualifications of each person whose name remains on such provisional panel after the said deletions aforesaid and shall determine in respect of each such person whether he is or is not qualified under sub-section 1^o of section 7 of Article 18 of the Constitution to be on the panel to which such

provisional panel relates and shall delete from such provisional panel the name of every person whom he determines not to be qualified to be on such panel, and

- 5 (c) shall, in respect of every person whom he determines to be qualified to be on such panel, enter in the provisional panel relating to such panel a statement, in such form as he thinks proper, of the qualifications which he determines to be in fact the qualifications of such person to be on such panel, and
- 10 (d) shall then delete all duplicate entries remaining on such provisional panel and shall for that purpose give preference to a nomination by a nominating body as against any other nomination and, in the case of the administrative panel, give preference to a nomination
- 15 by members of Dáil Eireann as against an *ex-officio* nomination.

(4) In carrying out the provisions of the next preceding subsection of this section the Seanad returning officer shall have due regard to all decisions of the judicial referee on questions referred to him under this Act by the Seanad returning officer.

(5) All decisions by the Seanad returning officer at the completion of the panels shall be final and conclusive subject only to such reference to the judicial referee as is provided for by this Act.

25 **27.**—(1) The President of the High Court or some other judge of the High Court nominated by him shall attend at the completion of the panels and there sit and act as judicial referee for the purposes specified in this Act. The judicial referee.

30 (2) The Seanad returning officer may, on his own motion, and shall, if so requested by any person whose name is on the provisional panel for the time being under consideration or by the agent of any such person, refer to the judicial referee any question arising during the completion of the panels in relation to any nomination paper, the nomination of any person to a panel,

35 the qualifications of any person for a panel, the statement by the Seanad returning officer of such qualifications, or any other matter connected with the provisional panels.

40 (3) The judicial referee shall there and then decide and announce his decision on every question referred to him under this section by the Seanad returning officer.

(4) The decision of the judicial referee on any question referred to him under this section by the Seanad returning officer shall be final and conclusive and shall not be open to review by any court.

45 (5) A question may be referred to the judicial referee under this section whether the Seanad returning officer has or has not himself given a decision thereon.

50 **28.**—(1) At the completion of the panels every question relevant to the nomination of a person to a panel, including the validity of nomination papers, the sufficiency or the correctness of any statement in a nomination paper, and the qualifications of any person for any panel, may be raised by the Seanad returning officer or by any person whose name is on the provisional panel for the time being under consideration or by the agent of any such person. Questions raisable at the completion of the panels.

55 (2) Where the identity of the person purported to be nominated by a nomination paper is free from doubt, such nomination paper shall not be rejected or declared invalid merely

because of an error in, or the incompleteness of, the statement therein of the name, address, or description of such person.

(3) The Seanad returning officer and the judicial referee may each, for the purpose of deciding any question at issue during the completion of the panels, receive and act upon evidence, 5 whether oral or written, tendered to him by or on behalf of any person affected by such question, and may, if he so thinks proper, require such evidence to be given on oath and may for that purpose administer an oath.

Persons permitted to attend the completion of the panels.

29.—The following and no other persons shall be present at the 10 completion of the panels, that is to say :—

- (a) the Seanad returning officer and his assistants;
- (b) the judicial referee and one person brought by him to attend on him;
- (c) any person whose name is on a provisional panel; 15
- (d) one agent of each person whose name is on a provisional panel;
- (e) witnesses giving oral evidence, but only while giving such evidence;
- (f) such other persons as the Seanad returning officer shall 20 think proper to admit.

Continuity of proceedings at the completion of the panels.

30.—(1) The proceedings at the completion of the panels shall, so far as practicable, be proceeded with continuously, but may at any time be suspended by the Seanad returning officer, with the consent of the judicial referee, for such period as the Seanad 25 returning officer thinks proper for refreshment, night-time, or other reason appearing to him to be sufficient.

(2) Whenever the proceedings at the completion of the panels are suspended under this section, the Seanad returning officer shall take all proper precautions for the security of the nomination 30 papers, provisional panels, and other relevant documents.

Death or disqualification of a candidate.

* **31.**—(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 35 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 40 person to such panel in the place of the person who has so died or become disqualified.

(2) Where, before the expiration of the time for Dáil panel nominations, the Seanad returning officer is satisfied that a person 45 nominated to a panel by members of Dáil Eireann has died or become disqualified for membership of Seanad Eireann, the Seanad returning officer shall forthwith cancel such nomination and thereupon such nomination shall be deemed never to have been made.

(3) In the counting of the votes cast at a Seanad election all 50 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. 55

(4) 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.

10 32.—(1) When, at the completion of the panels, the proceedings provided for in the foregoing sections of this Act have been completed, the Seanad returning officer shall prepare the five panels, each of which shall consist of a list (arranged in accordance with the subsequent provisions of this section) of the persons who have
15 been found to be validly nominated thereto.

Preparation and publication of the panels.

(2) Each of the panels shall be divided into two parts, one of which shall consist of a list of the persons nominated thereto by nominating bodies and the other of which shall consist of a list of the persons nominated thereto by members of Dáil Eireann or, in the case of the administrative panel, either by such members or by *ex officio* nominations.

(3) The persons named in a panel shall be described therein by their names, addresses and descriptions as stated in their respective nomination papers, and there shall be added to the description of every such person a statement of his qualifications for such panel as entered in the relevant provisional panel in pursuance of the foregoing provisions of this Act.

(4) The persons named in a part of a panel shall be arranged in such part in the alphabetical order of their surnames and, in the case of identity of surnames, of their other names.

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

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

PART IV.

THE POLL.

33.—At every Seanad election the electorate shall consist of— The electorate.

(a) in the case of the first Seanad election, the members of Dáil Eireann mentioned in Article 54 of the Constitution or, in the case of every subsequent Seanad election, the members of Dáil Eireann elected at the Dáil election consequent on the dissolution of Dáil Eireann which occasioned such Seanad election, and

(b) the persons elected for the purpose by the councils of counties or county boroughs or the former members of such councils in pursuance of the provisions in that behalf of this Act.

34.—(1) Not later than, in the case of the first Seanad election, the 31st day of January, 1938, or, in the case of every subsequent Seanad election, one month after the dissolution of Dáil Eireann which occasions such Seanad election, every council of a county or a county borough shall hold a meeting at which such council shall elect in accordance with this section and regulations made thereunder seven persons (in this section referred to as electors) to the electorate for such Seanad election.

Election of electors by councils.

(2) The following provisions shall apply and have effect in relation to the election of electors in pursuance of this section, that is to say:—

- (a) every candidate for election as an elector shall be nominated in writing by two members of the council (in this section referred to as the electing council) by which the election is being made; 5
- (b) no person shall be eligible for election as an elector unless he is a member of the electing council;
- (c) the electors shall be elected by the members of such council present at such meeting (or such of them as think proper to vote) voting by secret ballot on the system of proportional representation by means of the single transferable vote; 10
- (d) as soon as practicable after the said voting is closed, the secretary of such council shall send to the Seanad returning officer all the ballot papers by which votes were given at such election and the Seanad returning officer shall count such votes in his office or other convenient place and ascertain therefrom the result of such voting. 15 20

(3) In the case of every council of a county or a county borough which is for the time being dissolved under section 72 of the Local Government Act, 1925 (No. 5 of 1925), the electors required by the foregoing provisions of this section to be elected by such council shall be elected from amongst themselves by the surviving persons who were members of such council immediately before it was so dissolved (or such of such persons as think fit to take part in such election) and for that purpose a meeting of such persons shall be summoned and the provisions of the next preceding sub-section of this section shall apply as if such meeting were a meeting of such council. 25 30

(4) The Minister shall make such regulations and may give such instructions as he shall think proper for carrying this section into execution, and it shall be the duty of every council of a county or a county borough and the officers of every such council (including the officers of the person performing the duties of a dissolved council) to comply with all such regulations and instructions. 35

The electoral roll. **35.**—(1) The Clerk of Dáil Eireann shall, not later than, in the case of the first Seanad election, the 31st day of January, 1938, or, in the case of every subsequent Seanad election, three days after he has received all the returns to the writs for the relevant Dáil election, send to the Seanad returning officer a statement of the names, addresses, and descriptions of the members of Dáil Eireann who are entitled under this Act to be members of the electorate at such Seanad election. 40 45

(2) So soon as the Seanad returning officer has received from the Clerk of Dáil Eireann the statement in relation to a Seanad election mentioned in the next preceding sub-section of this section and has ascertained the result of all the elections of electors by councils of counties or county boroughs (including any elections by former members of any such council which is for the time being dissolved) in relation to such Seanad election, the Seanad returning officer shall prepare for such Seanad election an electoral roll containing the names, addresses, and descriptions of all the persons who appear from such statement and results to constitute the electorate for such Seanad election. 50 55

(3) It shall be lawful for the Seanad returning officer to make such inquiries and take such steps as he shall think proper for ascertaining the correct name, address, and description of every person whose name is required to be entered in an electoral roll, but no inaccuracy in the name, address, or description of any person in an electoral roll shall invalidate such electoral roll. 60

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

5 (5) Every electoral roll prepared under this section shall be final and conclusive and not open to review by any court, and the 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.

10 **36.**—(1) The following provisions shall apply and have effect in relation to the ballot papers at a Seanad election, that is to say:— The ballot papers and ballot slips.

15 (a) every ballot paper shall contain the names, addresses, and descriptions of all the candidates named in the several panels arranged in the alphabetical order of their surnames and, in cases of identity of surname, of their other names, and either in one continuous column or in two or more columns as the Seanad returning officer shall, with the consent of the Minister, consider to be most convenient;

20 (b) 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 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.

25 (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 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 thereof with an official mark either stamped or perforated.

30 **37.**—(1) An elector in giving his vote must place on the ballot paper the figure 1 opposite the name of the candidate for whom he votes, and he may in addition place on the 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. Method of marking votes on the ballot slips.

(2) Any ballot paper—

- 45 (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
- 50 (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
- 55 (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.

38.—(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 Sending of ballot papers to electors.

that election at the address stated on such electoral roll a ballot paper together with a form of declaration of identity.

(2) Whenever a person to whom a ballot paper 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 paper should have been delivered to him in the ordinary course of post and that he has not received such ballot paper and that he desires a duplicate ballot paper 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 a ballot paper 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 paper 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) 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.

39.—(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 paper sent to him under this section together with the form of declaration of identity similarly sent to him therewith duly made and completed by him.

(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 paper and form of declaration of identity sent to him under this section and that the same does not appear to have been delivered to the Seanad returning officer and that he desires a duplicate ballot paper 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 his address as stated on the electoral roll a ballot paper 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 paper and form of declaration of identity originally sent to such person under this section.

(3) 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.

Allocation of members amongst the panels.

40.—(1) The numbers of members of Seanad Eireann to be elected from each of the panels shall be as follows, that is to say:—

(a) five members shall be elected from the cultural and educational panel, of whom four shall be persons nominated to that panel by nominating bodies and one

shall be a person nominated to that panel by members of Dáil Eireann;

5 (b) eleven members shall be elected from the agricultural panel, of whom five shall be persons nominated to that panel by nominating bodies and six shall be persons nominated to that panel by members of Dáil Eireann;

10 (c) eleven members shall be elected from the labour panel, of whom five shall be persons nominated to that panel by nominating bodies and six shall be persons nominated to that panel by members of Dáil Eireann;

15 (d) nine members shall be elected from the industrial and commercial panel, of whom four shall be persons nominated to that panel by nominating bodies and five shall be persons nominated to that panel by members of Dáil Eireann;

20 (e) seven members shall be elected from the administrative panel, of whom three shall be persons nominated to that panel by nominating bodies and four shall be persons nominated to that panel by either members of Dáil Eireann or *ex-officio* nominations.

25 (2) Whenever the number of persons nominated by nominating bodies to a panel is less than the number of members of Seanad Eireann required by the foregoing sub-section of this section to be elected from persons so nominated to such panel, the full number of members of Seanad Eireann required by the said sub-section to be elected from such panel shall be made up from the persons nominated to such panel by members of Dáil Eireann or, in the case of the administrative panel, from persons nominated to that panel either by members of Dáil Eireann or *ex-officio* nominations.

35 (3) Whenever the number of persons nominated by members of Dáil Eireann to a panel (other than the administrative panel) is less than the number of members of Seanad Eireann required by the first sub-section of this section to be elected from persons so nominated to such panel, the full number of members of Seanad Eireann required by the said sub-section to be elected from such panel shall be made up from the persons nominated to such panel by nominating bodies.

40 (4) Whenever the number of persons nominated by members of Dáil Eireann to the administrative panel together with the number of persons nominated to that panel by *ex-officio* nominations is less than the number of members of Seanad Eireann required by the first sub-section of this section to be elected from persons so nominated to the said panel, the full number of members of Seanad Eireann required by the said sub-section to be elected from such panel shall be made up from the persons nominated to the said panel by nominating bodies.

41.—(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.

Ascertainment of the result of the election.

(2) The decision of the Seanad returning officer as to any question arising on the ballot papers, the declarations of identity, 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.

42.—(1) The Seanad returning officer and every officer and clerk 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 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.

(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.

(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.

43.—(1) The enactments relating to the presentation and trial 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 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 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 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 court is satisfied that the voting in respect of the candidates on such panel is not in issue on such petition;

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

(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.

44.—No election of a candidate at a Seanad election shall be
5 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
conducted in accordance with the principles laid down in the body
10 of this Act, and that such non-compliance or mistake did not affect
the result of the election.

Non-compliance
with rules.

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

Postal
services.

PART IV.

MISCELLANEOUS.

20 46.—(1) A member of Seanad Eireann elected under this Act
may voluntarily resign his membership of Seanad Eireann by
notice in writing to the Chairman of Seanad Eireann who shall
announce such resignation to Seanad Eireann at the next meeting
thereof.

Resignation of
membership of
Seanad Eireann.

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

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

Election as
university
member and as
panel member.

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

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

50 (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 Eireann, he shall be deemed to have resigned
his seat in Seanad Eireann 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; 40
- (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.

Issue of duplicate
ballot papers.

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.

Posting of ballot
papers.

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.

Preservation of
electoral roll and
counterfoils.

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.

Seanad 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.

Disposal of
covering
envelopes on
receipt.

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.

Notice of
counting of 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.

Opening of
Seanad ballot
box.

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.

Persons present
at counting of
votes.

13. When the Seanad ballot box has been opened the Seanad returning officer shall do the following things, that is to say:—

Procedure on
opening of Seanad
ballot box.

(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;

- (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.

- 5 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". Rejection of declarations of identity.
- 10 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. Separation of rejected declarations.
- 15 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." Opening of ballot paper envelopes.
- 20 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. Different numbers on ballot papers in same envelope.
- 30 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. Full number of ballot papers not returned.
- 35 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. Preservation of declarations, ballot papers, etc.
- 40 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. Ballot slips detached from ballot paper.
- 50 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:—
- 55 (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;

(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; 5 10

(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. 15 20

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. 25 30

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. 35 40

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. 45 50

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. 55

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. 60

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. 5

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." 10

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, 15 20

(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. 25

(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. 30

(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. 35

(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: 40

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. 50

(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. 55

(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 60

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 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.

25 (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—

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 with in the order of their magnitude.

50 (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.

55 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.

60 5. (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 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 trans-
ferred, 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
15 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.

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 some other number on the ballot paper; or

50 (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.

15

Saorstát Éireann

BILLE TOGHACHAIN AN tSEANAID
(BAILL AINMLIOSTA), 1937.

BILLE

(mar do leasúidh ar Ath-Chursa i gCoiste)

dá ngairmtear

Acht chun rialála do dhéanamh, chun críche Bunreacht na hÉireann d'achtuigh an pobal le déanaí, ar thoghacháin do sna baill toghtha san do Sheanad Éireann is gá do réir an Bhunreacht san do thogha as ainmliostaí d'iarrthóirí, chun a mhíniú cé hiad is toghthóirí do sna toghacháin sin, agus chun socrúithe do dhéanamh i dtaobh nithe ghabhas no bhainas leis na toghacháin sin.

An tAire Rialtais Aitiúla agus Sláinte Puiblí
do thug isteach.

Do horduúidh, ag Dáil Éireann, do chlóbhuailadh, 10adh Mí na Nodlag, 1937.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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Saorstát Éireann

SEANAD ELECTORAL (PANEL
MEMBERS) BILL, 1937.

BILL

(as amended on Recommittal)

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 Éireann 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 Éireann, to be printed,
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