

# ÉIRE.

---

## AN BILLE TOGHCHAIN (LEASU), 1946. ELECTORAL (AMENDMENT) BILL, 1946.

---

*Mar do ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtas.*

---

### ARRANGEMENT OF SECTIONS.

#### Section.

1. Interpretation.
2. Amendment of section 41 of the Principal Act.
3. Amendment of Part I of the Fifth Schedule to the Principal Act.
4. Polling Cards.
5. Appointment of deputy returning officers.
6. Duty of returning officer to conduct election.
7. Appointment by the Minister of returning officer.
8. Emergency provisions in relation to polling on islands.
9. Repeals.
10. Short title and collective citation.

### SCHEDULE.

#### ENACTMENTS REPEALED





# ÉIRE.

## AN BILLE TOGHCHAIN (LEASU), 1946. ELECTORAL (AMENDMENT) BILL, 1946.

# BILL

*entitled*

5

AN ACT TO AMEND THE ELECTORAL ACTS, 1923 TO 1941.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—(1) In this Act—

the expression “the Principal Act” means the Electoral Act, 1923 (No. 12 of 1923);

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

(2) References in this Act to the Principal Act shall be construed as references to the Principal Act as amended by this Act. 15

(3) This Act shall be construed as one with the Principal Act.

Amendment of section 41 of the Principal Act.

Place and hours of poll.

2.—The Principal Act shall have effect as if the following section were substituted for section 41, that is to say—

“41.—(1) Each general election shall be held on one day only, and such day shall be the same throughout the State 20 and shall be not later than thirty days after the dissolution of Dáil Eireann.

(2) The place of election shall be fixed for each constituency by the returning officer, and shall be,—

(a) in a borough constituency, some place within the borough, and 25

(b) in a county constituency, some place within the constituency or within a county borough adjoining the county in which the constituency or the greater part thereof is situate. 30

(3) The poll, if any, at a General Election or a Bye-Election shall commence at the hour of 9 o'clock a.m. and shall be kept open till the hour of 9 o'clock p.m. and no longer, unless in the case of any particular General Election or Bye-Election, the Minister by order directs that the poll 35 at that General Election or Bye-Election shall be kept open until the hour of 9.30 o'clock p.m. in which case the poll at that General Election or Bye-Election shall be kept open until the hour of 9.30 o'clock p.m.”

Amendment of Part I of the Fifth Schedule to the Principal Act.

3.—Part I of the Fifth Schedule to the Principal Act is hereby 40 amended in the following respects—

(a) by the substitution of the following Rule for Rule 30—

“30. The returning officer for a constituency—

(a) shall appoint, as the place at which the votes will be counted,— 45

45



- (i) in case the constituency consists wholly or partly of a county borough, some place within the county borough, or
- 5 (ii) in any other case, some place within the constituency, but may, with the consent of the Minister (which consent shall not be given unless the Minister is satisfied that there is not, within the constituency, any place available and suitable for the counting of the votes), appoint some place outside, but convenient to, the constituency,
- 10
- (b) shall count the votes at the place so appointed,
- (c) shall, at least forty-eight hours before the hour of 9 o'clock a.m. on the day of the poll, give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the place so appointed;"
- 15

(b) by the deletion, in Rule 32, of the words "Before the returning officer proceeds to count the votes, he shall," and the substitution therefor of the following, namely, "At the hour of 9 o'clock a.m. on the day after the close of the poll and at the place appointed under Rule 30 of this Part of this Schedule, the returning officer shall";

20

(c) by the substitution of the following Rule for Rule 33—

" 33. After compliance with Rule 32 of this Part of this Schedule, the returning officer shall forthwith begin to count the votes and, shall so far as practicable, proceed continuously with the counting of the votes allowing only time for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between eleven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot boxes and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents."

25

30

35

40 4.—(1) Whenever a Dáil election in any constituency is adjourned for the purpose of taking a poll, the returning officer for such constituency shall send by post in accordance with this section to every elector whose name is on the register of Dáil electors for such constituency and is not on the postal voters' list

45 for such constituency a card (in this section referred to as a polling card) in the prescribed form informing such elector of his number (including polling district letter) on such register and of the situation of the polling place in which such elector will be entitled to vote at such election.

Polling cards.

50 (2) Every polling card sent under this section to an elector in any constituency shall be addressed to such elector by the name and at the address by and in respect of which he is registered in the register of Dáil electors for that constituency and shall be sent at such time that it would be delivered in the ordinary course

55 of post at that address not later than the third day before the polling day at the election to which it relates.

(3) Every polling card shall be delivered by the returning officer to the nearest Head Post Office or such other post office as may be arranged with the Head Postmaster and shall immediately be forwarded without payment of cost by the Head Postmaster or the postmaster of such other post office (as the case may be) for delivery to the person to whom it is addressed.

60



(4) The expenses incurred by a returning officer in complying with this section at an election shall be expenses incurred by him for the purposes of such election within the meaning of section 25 of the Principal Act, and that section shall apply and have effect accordingly.

5

(5) No election shall be invalidated by reason of the failure of the returning officer to send a polling card in accordance with this section to any elector or by reason of the non-delivery of a polling card to any elector or of any error or mis-statement in any polling card sent in pursuance of this section, nor shall any election be questioned on the ground of any such failure, non-delivery, error, or mis-statement.

10

(6) No action or other proceeding shall lie or be brought against a returning officer in respect of any error or mis-statement in any polling card so sent by him.

15

Appointment of deputy returning officers.

5.—(1) Where the same person is returning officer for two or more constituencies, in each of which there is at the same time a contested election, he shall—

(a) in case those constituencies are two and no more, appoint, in respect of one of them, a deputy returning officer to open the ballot boxes and count the votes,

20

(b) in any other case, appoint, in respect of each of the constituencies (except one), a deputy returning officer to open the ballot boxes and count the votes,

and every deputy returning officer so appointed in respect of a constituency shall open the ballot boxes and count the votes cast at the election in that constituency.

25

(2) Where the returning officer for a constituency is prevented by illness or other reasonable cause from conducting the election in such constituency, he may appoint a deputy returning officer to carry out all or any of his duties, and any deputy returning officer so appointed shall carry out the duties for which he is appointed.

30

(3) No person shall be appointed a deputy returning officer under *subsection (1)* or *subsection (2)* of this section whose proposed appointment is not approved of by the Minister.

35

(4) The expression "returning officer" in the Fifth Schedule to the Principal Act includes any deputy returning officer appointed by the returning officer under this section for the discharge of any duties of such returning officer.

Duty of returning officer to conduct election.

6.—Subject to the provisions of *subsection (1)* of *section 5* of this Act, the returning officer for a constituency shall conduct an election in such constituency unless he is prevented from so doing by illness or other reasonable cause sufficient in the opinion of the Minister.

40

Appointment by the Minister of returning officer.

7.—If the returning officer for a constituency is prevented by illness or other cause from carrying out all or any of his duties as such officer, and if he has not made an appointment under *section 5* of this Act or if no arrangement has been made for carrying out his duties as such officer, the Minister may appoint, if he thinks fit, a person to be the returning officer for such constituency to carry out such duties of the returning officer as remain to be performed and any writ issued, under *section 54* of the Principal Act to the returning officer shall be deemed to have been issued to the person appointed by the Minister under this section.

45

50



8.—(1) Where—

Emergency provisions in relation to polling on islands.

(a) a Dáil election in any constituency is adjourned for the purpose of taking a poll, and

5 (b) the polling station (in this subsection referred to as the appointed polling station) for a polling district in that constituency is situate on an island,

the returning officer, if he is of opinion that, owing to stress of weather or transport difficulties, either—

10 (i) it is probable that polling at the appointed polling station cannot be held on the appointed polling day, or

15 (ii) it is probable that, if the poll were held on the appointed polling day, the ballot boxes used at the appointed polling station could not reach the appointed place for the counting of the votes at or before the hour of 9 o'clock a.m. on the day next after the appointed polling day.

20 may give public notice in such polling district stating his said opinion and setting out the subsequent provisions of this subsection, and thereupon the following provisions shall, notwithstanding anything contained in the Principal Act, have effect—

25 (A) the returning officer may hold the poll at the appointed polling station on the first day, after the third day after the adjournment of the election, on which in his opinion transport between the island and the mainland is reasonably safe,

30 (B) where owing to transport difficulties the poll at the appointed polling station cannot begin at the hour of 9 o'clock a.m. it shall begin as soon as possible after the said hour,

35 (C) where, after the polling at the appointed polling station has continued for not less than four hours, the presiding officer is of opinion that, if the poll were further continued, the ballot boxes could not be expected to reach the appointed place for the counting of the votes at or before the hour of 9 o'clock a.m. on the day next after the appointed polling day, he may then close the poll,

40 (D) no alteration shall be made in the form or contents of the notice of the poll under Rule 8 of Part I of the Fifth Schedule to the Principal Act by reason of the alteration under this subsection of the day and hours of poll in such polling district.

45 (2) In this section—

50 the expression "the appointed polling day" means, in relation to a Dáil election in any constituency, the day appointed under subsection (1) or subsection (2) of section 18 of the Principal Act, as the day for the holding of the poll at that election in that constituency;

55 the expression "the appointed place for the counting of the votes" means, in relation to a Dáil election in any constituency, the place appointed under Rule 30 of Part I of the Fifth Schedule to the Principal Act, as the place at which the votes at that election in that constituency will be counted.

9.—The enactments mentioned in the second column of the Schedule to this Act are hereby repealed to the extent specified in the third column of the said Schedule.

Repeals.



Short title and  
collective citation.

10.—This Act may be cited as the Electoral (Amendment) Act, 1946, and the Electoral Acts, 1923 to 1941, the Electoral (Dáil Éireann and Local Authorities) Act, 1945 (No. 6 of 1945), and this Act may be cited together as the Electoral Acts, 1923 to 1946.

## SCHEDULE.

5

### ENACTMENTS REPEALED.

No. and Year	Short title	Extent of Repeal
No. 12 of 1923	Electoral Act, 1923	Section 41; rules 30, and 33 of Part I of the Fifth Schedule.
No. 21 of 1927	Electoral (Amendment) Act, 1927.	Subsections (2) and (3) of section 3.
No. 5 of 1935	Electoral (Revision of Constituencies) Act, 1935.	Section 6.
No. 11 of 1943	General Elections (Emergency Provisions) Act, 1943.	The whole Act.
No. 15 of 1943	Electoral (Polling Cards) Act, 1943.	The whole Act.







Éire.

---

AN BILLE TOGHCHAIN (LEASU), 1946.

---

BILLE

*dá ngairmtear*

Acht do leasú na nAcht Toghcháin, 1923 go 1941.

---

*Rite ag dhá Thigh an Oireachtais,  
27ú Samhain, 1946.*

---

BAILE ATHA CLIATH:  
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4 Sráid an Choláiste, Baile Atha Cliath.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Raol Glan.*]

Wt. 197—321. 325. 11/46. C.&Co. (4510).

Éire.

---

ELECTORAL (AMENDMENT) BILL, 1946.

---

BILL

*entitled*

An Act to amend the Electoral Acts, 1923 to 1941.

---

*Passed by both Houses of the Oireachtas,  
27th November, 1946.*

---

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly from the Government Publications Sale Office, 3-4 College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*Sixpence Net.*]