AN BILLE TOGHCHAIN, 1962.
ELECTORAL BILL, 1962.

Mar a ritheadh ag Dáil Éireann.
As passed by Dáil Éireann.

EXPLANATORY MEMORANDUM.

1. The object of this Bill is to modernise and liberalise the law relating to elections to Dáil Éireann and to incorporate corresponding changes, wherever appropriate, in the law governing presidential and local elections and referenda.

2. The Bill will effect a substantial degree of codification. It will repeal numerous pre-1923 Acts which make the electoral law obscure and ambiguous, and the major part of the post-1923 electoral Acts which are still operative. As a result, the Bill will contain all the statutory provisions dealing with the franchise and registration of electors and with nominations at Dáil elections. All the statute law on presidential elections—apart from the applied provisions of the Prevention of Electoral Abuses Act, 1923—will be contained in Part IV of the Bill and in the Presidential Elections Act, 1937. Similarly, Part V and the Referendum Act, 1942, will contain the statute law relating to referenda and under Part VI the law dealing with the conduct of local elections will be codified.

3. The following is a summary of the principal proposals in the Bill.

Franchise and Registration.

(*a*) Dáil electors will be registered where they are ordinarily resident and the option of being registered instead where they occupy business premises will be repealed (*sections 3* and *5* and *First Schedule*).

(*b*) To be entitled to be registered as a local government elector by reference to the occupation of property a person who is not an Irish citizen must, at present, be a British subject. This provision is being repealed. Instead, any person, whether or not he is an Irish citizen, will be entitled to be registered as a local government elector where he ordinarily resides and (subject to restrictions to ensure that a person will not be registered as a local government elector more than once in the area of the same local authority) where he has occupied property for a qualifying period (*sections 3* and *5* and *First Schedule*).

(*c*) Amendments are being made of various Acts to abolish the penalty of disfranchisement (and also of disqualification for membership of the Dáil and Seanad and local authorities) on persons convicted of certain offences but provision will be made, where appropriate, for heavier fines and longer imprisonment for these offences (*sections 3, 5* and *90* and *First Schedule*).

(*d*) The duty of compiling the register of electors will be transferred from county registrars to county councils and county borough corporations, subject to adjudication by county registrars of claims for and objections to the entry of names in the register (*sections 6* and *7*).

(*e*) The contribution by local authorities towards the cost of compiling the jurors lists will be abolished and the State and local authorities will share in approximately equal proportions the total cost of compiling the register of electors. At present, State funds meet, in the aggregate, just over one-third of the total cost of preparing the register (*sections 3* and *7* and *First Schedule*).

Dáil Elections.

(*f*) The present statutory limitations on the expenses which a candidate may incur or the employment he may give in furthering his candidature at an election are being removed (*sections 3* and *90* and *First Schedule*).

(*g*) A formal Register of Political Parties will be established and maintained by a Registrar. It is intended that the duties of Registrar shall be undertaken by the Clerk of the Dáil. A candidate will be permitted to include in his nomination paper the registered political party he represents or, if he does not represent a party, to describe himself as "Non-Party." The particulars will then appear on the ballot papers at an election (*sections 13, 16* and *21* and *Second Schedule*).

(*h*) In substitution for nomination by a proposer, seconder and eight assentors and for the present formal ruling on nominations, provision will be made allowing nomination to be made by a candidate himself or by another person with his consent, and for the giving of a ruling by the returning officer on the validity of a nomination paper within one hour after it is handed to him. The time for the withdrawal of a candidature will be extended up to twenty-four hours from the close of the time for receiving nominations. At present a candidate may withdraw only up to the close of that time (*section 21*).

(*i*) The Minister will be enabled to fix as the time for polling any period of not less than twelve hours between 8.30 a.m. and 10.30 p.m. instead of the present fixed statutory period from 9 a.m. to 9 p.m.—which can be extended to 9.30 p.m. (*section 24*).

Presidential Elections.

(*j*) A tribunal of three High Court Judges will decide any question arising on the ruling on nominations at a presidential election, except a question relating to the form of a nomination paper or the way in which it is subscribed (*section 47*).

Local Elections.

(*k*) The proposals for the amendment of the local elections law include such matters as:—

(i) a candidate will be required to lodge a deposit and, if he does not nominate himself, his consent to his nomination will be required (*section 82*);

(ii) local authorities will be empowered to issue polling cards (*section 83*);

(iii) polling will be on the same day throughout the country (*section 84*);

(iv) the Minister will be enabled to divide Cork, Limerick and Waterford county boroughs into local electoral areas without a formal request from the local authority. The dividing order will be subject to annulment by either House of the Oireachtas (*section 87*).

(*l*) The various qualifications (viz. ownership of property, residence, or registration as an elector), for election to a county council, borough corporation, urban district council, or town commissioners will be abolished. These

qualifications were abolished more than 20 years ago in the case of county borough corporations. Disqualifications on aliens, persons under 21 years of age, bankrupts, etc. will remain for review later (*section 3* and *First Schedule*).

4. The changes in the Dáil code are carried, where appropriate, into the referenda, presidential and local elections codes. The names of the political parties, if any, which candidates represent will be entered on ballot papers at local elections but not at presidential elections.

Joint Committee on the Electoral Law.

5. In general, the proposals in the Bill dealing with the franchise, registration of electors and the conduct and costs of Dáil elections correspond with the recommendations in the second and third interim reports and the final report of the Joint Committee on the Electoral Law. (The recommendations in the Joint Committee's first interim report, dealing mainly with the grant of voting rights to Gardaí and with voting by blind and incapacitated electors, were implemented with minor changes by the Electoral Act, 1960). The Bill departs in some respects from the Joint Committee's recommendations, and the following are the principal deviations:—

(*a*) a person who is not an Irish citizen may at present be registered as a local government elector only if he has occupied property for a qualifying period of six months prior to the qualifying date (or is the wife of such occupier) and is a British subject. He cannot be so registered merely because he resided in the property on the qualifying date. The Joint Committee recommended that a person should be entitled to be registered by virtue of the occupation of property for the qualifying period irrespective of whether he is an Irish citizen or a British subject. (*Second Report—par. 9*). The Bill proposes that any such person shall be registered where he is ordinarily resident on the qualifying date and also where he has occupied property for the qualifying period, subject to restrictions to ensure that a person will not be registered more than once in the area of the same local authority (*section 5*);

(*b*) the Joint Committee (*Final Report—pars. 9-12*) did not specifically recommend the repeal of the statutory rules for registration based on the First Schedule to the Electoral Act, 1923. These rules are largely administrative and have been amended many times since 1923 by statutes and orders. The proposal to replace them by regulations will enable the rules dealing with the registration of electors to be codified. All the law on the subject will then be contained in *Part II* of the Bill and in the regulations (*sections 3* and *7* and *First Schedule*);

(*c*) the Joint Committee recommended that a candidate who does not represent a registered political party should be allowed to describe himself on the nomination paper (and on the ballot paper) as " Independent " or to state in not more that five words the policy or interest for which he stands. (*Second Report—par. 29* and *Third Report*). Under the Bill such candidates would be entitled to enter the word " Non-Party " on the nomination paper and to be so described on the ballot papers. Brief instructions for the guidance of voters will also be printed on the ballot papers. The statutory poster of " Directions " will be abolished (*sections 3, 13, 16* and *21* and *First, Second, Third* and *Fourth Schedules*);

(*d*) the provisions in *section 21* requiring a candidate's consent to his nomination by another person and extending the time for withdrawals up to twenty-four hours after the close of the time for receiving nominations were not specified by the Joint Committee;

(*e*) the Joint Committee recommended that the polling hours at a contested election should uniformly be from 10 a.m. to 10 p.m. with no power for the Minister to change them (*Final Report—pars. 44-45*). The Bill proposes to empower the Minister to fix as polling hours any period of not less than twelve hours between 8.30 a.m. and 10.30 p.m. (*section 24*);

(*f*) the Joint Committee did not recommend that a person seeking to vote as an illiterate could be required to take an oath or make an affirmation as to his illiteracy or the abolition of declarations of secrecy which election personnel must sign (*sections 3, 27* and *First Schedule*);

(*g*) the Joint Committee recommended that the Minister should be empowered to appoint the senior or chief clerk in a county registrar's office as a deputy returning officer in cases where the county registrar is returning officer for two or more constituencies (*Final Report—par. 30*). It is not proposed to implement this recommendation;

(*h*) at a Dáil election, a candidate forfeits his deposit if the votes credited to him at the time of his exclusion or at the final count are less than one-third of the quota. The Joint Committee recommended that the minimum required to save a deposit at a bye-election should be reduced to one-fourth of the quota (*Final Report—par. 34*). This recommendation is not being implemented; and

(*i*) the Joint Committee recommended that specific provision should be made for the admission of candidates to polling stations (*Final Report—par. 43*). A provision to this effect is not included in the Bill as the law allowing candidates to attend anywhere their agents may attend (e.g. at polling stations), is sufficiently clear and definite.

6. These and other minor departures from the Joint Committee's recommendations and matters not dealt with by the Committee are indicated by an asterisk in the notes to the relevant sections. The Joint Committee's recommendations on the subject of qualifications and disqualifications for membership of the Dáil and Seanad are not dealt with in the Bill. It should be noted that the Joint Committee did not deal with the law relating to presidential or local elections or referenda.

PART I.

Preliminary and General.

Citations, interpretations and repeals.

7. This Part contains the usual provisions for citations, interpretations and repeals. Under *section 2* a reference in the Bill to any enactment will be construed as a reference to that enactment as amended by any other enactment, including this measure.

PART II.

Franchise and Registration.

8. In this Part, all the provisions dealing with the registration of Dáil and local government electors will be brought together and simplified. This codification and simplification will automatically extend to the franchise for presidential elections and referenda, which is the same as that for Dáil elections. It is also proposed to transfer from county registrars to county councils and county borough corporations the responsibility for the registration of electors and to provide for an approximately equal sharing of registration expenses between the State and the local authorities.

Franchise.

9. Article 16. 1. 2° of the Constitution provides that:

"Every citizen without distinction of sex who has reached the age of twenty-one years who is not disqualified by law and complies with the provisions of the law relating to the election of members of Dáil Éireann, shall have the right to vote at an election for members of Dáil Éireann."

10. At present, under section 1 of the Electoral Act, 1923, and section 2 of the Local Government (Extension of Franchise) Act, 1935, as amended, every citizen aged 21 years or over on the date on which the register of electors comes into force and who is not subject to legal incapacity is entitled to be registered as a Dáil or local government elector where he was ordinarily *resident* on a qualifying date (i.e. 15th September) in each year, or, in the case of Dáil elections, where he was on the qualifying date in occupation of business premises with a rateable valuation of not less than £10. In addition, sections 3, 4, 9 and 41 of the Representation of the People Act, 1918, as amended by section 17 of the Electoral Act, 1960, provide that a person of full age who is a British subject and is not under any legal incapacity is entitled to be registered as a local government elector where he has *occupied* land or premises for a qualifying period of six months preceding the qualifying date. The 1918 Act also entitles the wife of such a person who resides with him to be registered as a local government elector if she is a British subject and is at least 30 years of age. A person may not be registered more than once as a local government elector in the same local electoral area.

Abolition of occupation of business premises as basis for registration as Dáil elector.

Second Report—par. 8.

11. A person cannot be registered more than once as a Dáil elector. If he occupies business premises, apart from his ordinary residence, he may choose in respect of which property he wishes to be registered. Where such a person does not choose it is usual to register him in the constituency where he resides. Persons registered where they occupy business premises are distinguished in the register by printing the letter "O" against their names. The number of such registrations has been quite insignificant. The retention of the double basis for registration could, however, possibly result in a person being registered twice despite the express prohibition. It is, therefore, proposed at *section 5 (1)* that the occupation of business premises as a basis for registration as a Dáil elector should cease and that each elector should be registered only where he is ordinarily resident on the qualifying date.

Abolition of limitation of registration as local government electors to Irish citizens and British subjects.

Second Report—par. 9, *and Final Report—par* 20.

12. At *section 5 (2)* it is proposed that any person of full age, irrespective of whether or not he is an Irish citizen or a British subject, may be registered as a local government elector where he is ordinarily resident on the qualifying date or has occupied land or premises for the qualifying period. The provisions of *section 5 (2) (b)* as to the occupation of property by partners and breaks in occupation during the qualifying period reproduce existing law as contained in section 7 of the Representation of the People Act, 1918. As a result of the proposals, the special provisions for the registration of wives, aged 30 years or over, of British subjects will no longer be necessary and will be repealed. *The Joint Committee recommended the repeal of the requirement that a person who is not an Irish citizen must be a British subject to be qualified for registration as a local government elector by virtue of the occupation of property, but it did not include the further proposal that every qualified person, irrespective of whether he is an Irish citizen or a British subject, should be registerable as a local government elector by virtue of ordinary residence.

Local government electors to be registered once only in a local authority area.

Final Report—par. 21.

13. At present, under section 2 of the Local Government (Extension of Franchise) Act, 1935, sections 3 and 4 of the Representation of the People Act, 1918, and section 4 of the Local Government Electors Registration Act, 1924, a local government elector can be registered in each local electoral area in which, on the qualifying date, he is resident or has been in occupation of property for the qualifying period. The area of each county council and of Dublin

city is divided into a number of electoral areas so that a local government elector could be registered many times in the area of the same local authority. He may, however, vote only once at the election of the local authority irrespective of how often he is registered. The registration of a person as a local government elector twice or more often in the same local authority area is, therefore, anomalous and it is proposed at *section 5* (*2*) (*d*) that an elector should be registered only once in a county borough, borough, urban district or town or in an administrative county outside these areas.

Address at which local government elector is to be registered.

Final Report—par. 24.

14. Under *section 5* (*2*) (*c*), a local government elector will have a choice as to where he will be registered if he has a residence and also a separate property qualification in the same local authority area. If he does not choose and one of the properties is his residence situated in a borough, urban district or town, he will be registered there. Steps will be taken to ensure that he will not be entitled to vote twice at a county council election—the poll at which takes place in boroughs, urban districts, and towns in a county on the same day as the municipal elections. An elector residing in one local authority area and occupying property in the area of other local authorities for the qualifying period will, as at present, continue to be registered in the different areas and will be entitled to vote at the election of each of the local authorities.

Abolition of registration as a local government elector as qualification for election.

15. Under sections 2, 23 and 97 of the Local Government (Ireland) Act, 1898, and section 57 of the Local Government Act, 1925, one of the qualifications for election to a county council, borough or urban district council or town commissioners is that a person be registered as an elector in the local electoral area in which he seeks election. The fact that a person will, under *section 5* (*2*) (*c*) and (*d*), in general, be registered only once in the area of a local authority will not affect his right to stand for election in a particular electoral area since the sections imposing this qualification are proposed for repeal in the *First Schedule.*

Meaning of "ordinary residence".

Final Report—par. 25.

16. The term "ordinary residence" has been interpreted differently in different registration areas. The purpose of *section 5* (*4*) is to provide a uniform standard under which a person will not be regarded as having given up residence if, *prima facie,* he intends to resume it within eighteen months of leaving it.

17. Whole-time members of the Defence Forces who vote by post will, as at present, be able under *section 5* (*3*) to claim to be registered in the place where they would, but for their service, have been ordinarily resident.

Registration of patients or inmates of hospitals, county homes, prisons, etc.

Final Report—par. 22.

18. At present, under section 1 (9) of the Electoral Act, 1923, patients or inmates in any "prison, lunatic asylum, workhouse, poorhouse or other similar institution" may not be treated as being ordinarily resident or occupying property there for the purposes of registration as Dáil electors. This means that long-term inmates or patients may not be registered at all as Dáil electors. Under *section 5* (*5*), long-term patients and inmates in hospitals, sanatoria, county homes and mental homes will be registered there. Short-term patients and persons in legal custody will be registered where they would normally have been resident on the qualifying date.

Qualifying date and date by reference to which elector's age is to be calculated.

Second Report—par. 13.

19. Under *section 5* (*6*), the qualifying date and the date by reference to which an elector's age is to be calculated will be specified by regulations to be made by the Minister. These regulations will also, under *section 7,* specify the latest date for making claims for registration, the date for the publication of the register, etc. All dates for registration purposes are now prescribed by statute—principally the Electoral (Dáil Éireann and Local Authorities) Act, 1945, which will be repealed. A draft of the new regulations will be laid before each House of the Oireachtas and the regulations will not come into force until approved by both Houses.

20. Another important change proposed in consequence of *section 5* is the repeal of the provisions for incapacities for registration as an elector. The principal incapacity is conviction of a corrupt or an illegal practice at an election which, under sections 6 and 15 of the Prevention of Electoral Abuses Act, 1923, involves disfranchisement for seven and five years respectively. Further, under section 2 of the Forfeiture Act, 1870, a person convicted of treason or felony and sentenced to death or penal servitude or any term of imprisonment with hard labour or exceeding twelve months is, in addition to other penalties, declared to be incapable of exercising any right of suffrage or other parliamentary or municipal franchise. Section 43 of the 1923 Act requires registration officers to compile lists of persons who, though entitled to be registered as electors, are not capable of voting by reason of having been found guilty of a corrupt or an illegal practice at an election. These incapacities seldom arise and corrupt and illegal practices lists are published only rarely. It is proposed to repeal the provisions for disfranchising persons and that for the publication of the list as they are unnecessarily elaborate and uncertain in effect. Instead, provision is made in *section 90* for heavier penalties by way of fines and imprisonment for persons convicted of corrupt or illegal practices. With this proposal is associated that dealt with in the note on *section 90* for the abolition of disqualifications for membership of the Dáil, Seanad and local authorities as part of the penalty for certain offences.

Abolition of incapacities for registration as an elector.

Final Report—pars. 90-91.

21. A further consequential change is the repeal of section 4 of the Dublin Corporation Act, 1849, section 9 of the Representation of the People Act, 1918, and section 4 of the Electoral Act, 1923, which state that a person shall not be disqualified for—

Repeal of savers from disfranchisement.

Second Report—par. 9.

(*a*) being registered as an elector or for voting at a Dáil or local election because he or some person for whose maintenance he is responsible has received poor relief or other alms, or

(*b*) voting at a Dáil or local election because he is employed by or on behalf of a candidate at an election, so long as the employment is legal.

There are, in fact, now no disqualifications on those grounds.

22. Under sections 8 and 9 of the Electoral Act, 1923 each administrative county and county borough is a registration area and the register of electors comes into force on the 15th April in each year. *Section 6* provides that the register will be prepared by reference to administrative counties and county boroughs and will come into force on a date specified by the Minister by regulations.

Register of electors.

Second Report—par. 13.

23. Under sections 9 and 11 of the Electoral Act, 1923, the county registrar is responsible for registering electors. Under *section 7* this will become the duty of each county council and county borough corporation, subject to adjudication by county registrars of claims for and objections to the entry of names in the register.

Transfer of registration duties to local authorities.

Final Report—pars. 9-12

24. Officers of local authorities do the basic registration work at present and this proposal will effect a considerable degree of rationalisation by making the one type of authority, under the one Minister, responsible for what is a single block of work, while at the same time safeguarding the rights of electors by retaining adjudication by county registrars who will in most areas be guided by their experience as returning officers at Dáil and presidential elections and referenda.

25. At present, under Part III of the Juries Act, 1927, each county secretary and town clerk must send a draft jurors list to the county registrar on or before 24th November in each year and

the county registrar must revise and finally settle the draft list. Jurors are indicated in the register (and in the electors lists and lists of claimants) by the letter " J " against their names. Provision will be made in the regulations under *section 7* to preserve the connection between the registration of electors and that of jurors, for the registration of whom the county registrar will remain responsible.

26. The First Schedule to the Electoral Act, 1923, contains the rules in accordance with which the register is made up. It was amended as to dates and the form of the postal voters list by the Electoral (Dáil Éireann and Local Authorities) Act, 1945, and the Electoral Act, 1960, and was supplemented, as to the appointment of persons to do a rate collector's electoral work when he is unable to do it himself, by the Electoral Act (Alteration of Registration Rules) Orders of 1933, 1940 and 1948. Registration forms (including the form of the register) are prescribed by the Electoral Orders of 1946 and 1961. It is proposed to repeal the Schedule in its entirety and in *section 7* (*2*) to provide for the making of regulations governing the procedures to be followed in the registration of electors. The regulations will contain all the provisions dealing with the registration of electors, except those in the Bill. The regulations will be laid in draft before both Houses of the Oireachtas for approval.

Penalty for withholding information required for registration purposes.

27. *Section 7* (*3*) reproduces existing law contained in Rule 34 of the First Schedule to the Electoral Act, 1923, and section 47 of the Prevention of Electoral Abuses Act, 1923, making it an offence to withhold information or give false information required for registration purposes.

Postal voters list.

28. *Section 7* (*4*), which also reproduces existing law, provides for the entry of the names of members of the Defence Forces and of the Garda Síochána in the postal voters list.

Publication of supplement to register.

Final Report—par. 18.

29. Errors, such as the omission of a person's name from the register or the placing or failure to place a mark opposite his name indicating that he is a postal voter or a juror, sometimes come to light after the publication of the register. At this stage nothing can be done to remedy the error—even though a person's right to vote may be at stake. It is proposed at *section 7* (*5*) to authorise the registration authority to publish, as a supplement to the register, a list of corrections of a clerical or typographical nature, which come to light within a limited period after the publication of the register. On the publication of the list, the register, of which the list would be part, would come into force.

Uniformity of dates for registration of electors and jurors.

30. *Section 7* (*6*) will enable the dates for the compilation of the jurors lists, which are the same as those for the register, to be kept uniform with the relevant registration dates.

Deputies for county registrars.

31. Section 40 of the Court Officers Act, 1926, provides that the senior officer in a circuit court office, acting for a county registrar who is incapacitated or temporarily absent or when the office of county registrar is vacant, shall not, by virtue of so acting, also be empowered to discharge the duties of registration officer. *Section 7* (*7*) preserves this position. Deputies to act for absent or incapacitated county registrars will be appointed by the Minister for Local Government under regulations to be made under *section 7* (*2*).

Jurors.

32. *Section 7* (*8*) makes provision to ensure that a person will not be entered as a juror more than once in a register for any registration area.

Costs of registration.

Final Report—pars. 27 and 28.

33. Under *section 7* (*9*) the Minister for Local Government will, as at present under section 12 of the Electoral Act, 1923, be responsible for procuring the printing required for registration purposes.

34. The present system of paying the costs of producing the register is unnecessarily complicated. Under section 12 of the Electoral Act, 1923, each county council and county borough corporation pays the county registrar the registration expenses incurred by him in accordance with a scale made by the Minister for Finance, or, if they exceed that scale, as sanctioned by the local authority and by the Minister for Finance. The expenses include payments to county secretaries, town clerks and rate collectors for doing registration work. In addition, under section 21 of the County Officers and Courts (Ireland) Act, 1877, local authorities pay about £2,800 yearly towards the expenses of county registrars in revising jurors lists.

35. Under section 12 of the Juries Act, 1927, the following proportions of these payments are recouped to local authorities :—

(*a*) one-fourth of payments to county secretaries and town clerks appointed after 15th November, 1923;

(*b*) one-third of payments to rate collectors appointed after 15th November, 1923;

(*c*) one-third of expenditure in excess of the registration expenses scale sanctioned by the local authority and the Minister for Finance;

(*d*) one-half of other registration expenses (after deduction of receipts).

The State pays the cost of printing and recovers four-sevenths from local authorities. No recoupment is made of any part of the payment by local authorities towards the expenses of county registrars in revising jurors lists.

36. These proportions were fixed in 1924, when the work of compiling and publishing draft lists of jurors, which had been the sole responsibility of local authorities, was amalgamated with electors registration work. The differing rates of recoupment were intended to ensure that local authorities would continue to pay in full for the listing of jurors. Local authorities have now no judicial functions and there is no reason why they should continue to pay for the compilation of the jurors lists. It is proposed, therefore, at *section 7 (9)* that they should share more or less equally with the State the cost of compiling the electors lists and register (which also contains particulars of jurors). Their contribution of approximately £2,800 yearly in respect of the expenses of county registrars on jurors work will also be abolished.

37. Local authorities will benefit to the extent of about £10,000 a year from the proposal for equal sharing of registration expenses, and the following simplifications, which will bring economies both to the State and local authorities, will also be secured :—

(*a*) the payments by local authorities to county registrars for registration and for jurors work, and the payments by county registrars to themselves, county secretaries, and town clerks will cease. These officers are all on inclusive salaries and must surrender the fees. Many superfluous transactions will thus be eliminated;

(*b*) the appropriations in aid of the Vote for the Courts of Justice represented by the surrender by county registrars of the registration and jurors fees will cease; and

(*c*) the detailed work by local authorities and county registrars of calculating and making claims for recoupment of fees etc., the checking of these claims in the Department of Local Government and their payment by the Department of Finance will cease. The Vote for Expenses under the Electoral Act and Juries Act will disappear, as will also the need for the Minister for Finance to make scales of registration expenses.

Penalties for interference with registration notices.

Final Report—par. 29.

38. Rule 30 of the First Schedule to the Electoral Act, 1923, and section 47 of the Prevention of Electoral Abuses Act, 1923, prescribe penalties of up to £5 and between 10/- and £2, respectively, for the defacement and removal of registration notices, etc. *Section 7* (*10*) will replace these two separate provisions by one providing for a maximum penalty of £10.

Substitution of "draft register" for "electors lists".

39. As part of the process of rationalisation the expression " electors lists " will be replaced by " draft register " which, in fact, is what the electors lists are. *Section 7* (*11*) will ensure that references in enactments to electors lists are construed as references to the draft register.

Registration appeals.

Final Report—par. 14.

40. Section 16 of the Electoral Act, 1923, provided for appeals to the county court from decisions by registration officers on claims and objections, except in Dublin where the system whereby appeals were heard by a specially appointed revising barrister was retained. Provision was made for a further appeal on points of law to the Court of Appeal. The jurisdiction of the county court passed to the Circuit Court under the Courts of Justice Act, 1924, and the Court of Appeal ceased to function. The procedure in Dublin was assimilated by the Electoral (Registration Appeals) Act, 1932, to that obtaining in the rest of the country and the references to the pre-1923 Courts contained in section 16 were adapted. This adaptation, however, relates only to appeals in Dublin. Provision was also made by section 10 of the Juries Act, 1927, for appeals to the Circuit Court from decisions of the county registrar in relation to any matter required by that Act to be included in the register. All of these provisions will be replaced by *section 8* which will provide for an appeal to the Circuit Court from a decision of the county registrar on a claim or objection in relation to the register of electors, or to the entry or failure to enter a juror in the register, and from a decision of that court, on a point of law, to the Supreme Court.

PART III.

Conduct and Costs of Dáil Elections.

Chapter I.

General.

"General election", "Bye-election" and "excluded day".

Final Report—par. 94.

41. Section 65 of the Electoral Act, 1923, defined a general election as an election of members to serve in the Dáil of a new Oireachtas. As a dissolution of the Oireachtas does not take place under the 1937 Constitution it is necessary to amend the definition, as proposed at *section 9*, to accord with the facts.

42. " Bye-election " is defined as an election of a member of the Dáil to fill a vacancy occasioned by the death, resignation or disqualification of a member of the Dáil. A vacancy can also arise under Articles 12.6.2.° or 15.14. of the Constitution if a person vacates his seat on becoming President or a Senator. The new definition of " Bye-election " in *section 9* will cover these cases.

43. Sundays and certain holidays are excluded for the purpose of calculating the periods within which the copies of the Register of Political Parties must be issued to returning officers under *section 13*, nominations must be delivered to the returning officer at Dáil elections under *section 18* and polling day must be fixed under *section 24*. *Section 9* defines these excluded days.

Maximum duration of Dáil.

Final Report—par. 94.

44. Section 7 of the Electoral (Amendment) Act, 1927, provides that:

> " The maximum duration of *the Oireachtas* without a dissolution shall be five years reckoned from the date of the first meeting of Dáil Éireann after the last previous dissolution, and if a dissolution of the *Oireachtas* does not take place before the last day of any such period of five years the *Oireachtas* shall be dissolved on such last day."

45. With the re-wording proposed by *section 10*, this provision will accord with Article 16.5. of the Constitution which provides that " the same Dáil Éireann shall not continue for a longer period than seven years from the date of its first meeting; a shorter period may be fixed by law."

Returning officers, assistant, deputy and acting returning officers.

46. In *section 11* a unified code is substituted for all the existing provisions dealing with the persons who are to be returning officers, assistant, deputy and acting returning officers. The replaced provisions which now are scattered through a number of statutes are being repealed in the *First Schedule*.

Final Report—par. 30.

47. As at present, the *returning officer* for a constituency will be the sheriff, if there is one, and if not, the county registrar, for the county or county borough in which the constituency is situated. When the constituency extends outside the county or county borough for which he is sheriff or county registrar the returning officer may appoint an *assistant returning officer* to perform, in general, the duties of returning officer in the part of the constituency for which he is appointed, except the personal duties of the returning officer such as the receipt of nominations and the conduct of the count. When the same person is returning officer for more than one constituency he must, subject to the Minister's approval, appoint a *deputy returning officer* to open the ballot boxes and count the votes in each of the constituencies, except the one in which he acts himself. An *acting returning officer* will perform the duties of a returning officer who is absent or incapacitated or whose office is vacant.

48. The principal modifications which it is proposed in *section 11* to make in the existing law are :—

(*a*) if the returning officer is prevented by illness or other reasonable cause from performing all or any of his duties, the Minister will appoint a person to be acting returning officer. At present, under sections 5 and 7 of the Electoral (Amendment) Act, 1946, the appointment may, with the approval of the Minister, be made by the returning officer, and if he does not do so, the Minister may make the appointment. Earlier provisions in section 40 of the Court Officers Act, 1926, and section 12 of the Court Officers Act, 1945, also enable the Minister to make the appointment in the first instance;

(*b*) the functions for which a deputy returning officer may be appointed are widened to include the receipt of nominations. At present, under section 5 of the Electoral (Amendment) Act, 1946, the appointment is " to open the ballot boxes and count the votes " but appointments occasionally include the power to receive nominations;

(*c*) the expression " returning officer " in any provision of the Electoral Acts, is extended to include assistant, deputy and acting returning officers, where appropriate. Under Rule 54 of Part I of the Fifth Schedule to the Electoral Act, 1923, the expression " returning officer " in that Schedule includes a deputy returning officer. A similar provision is incorporated in section 5 (4) of the 1946 Act. These provisions will be extended to cover acts of an assistant, deputy or acting returning officer, not done under the Fifth Schedule to the 1923 Act, e.g. duties in relation to the count, postal votes, polling cards and emergency arrangements on islands.

Issue and return of writs.

49. The law dealing with the issue and return of writs is contained in the Parliamentary Writs Act, 1813, and other Acts mentioned in the *First Schedule* but the main provisions are in section 54 of the Electoral Act, 1923. Part III of the Fifth Schedule to the 1923 Act prescribes the form of writ. Minor

Final Report—par. 31.

adaptations, consequential on the Constitution, were made by the Electoral Act, 1923, Adaptation Order, 1945. *Section 12* will consolidate this law.

50. The transmission of writs and the returns thereto is governed by the Act of 1813, which prescribes at length a procedure which approximates to sending the writ by registered post. That Act will be repealed and provision made for sending writs by registered post.

51. Under Rule 42 of Part I of the Fifth Schedule to the Electoral Act, 1923, the return to a writ is made by a certificate endorsed thereon and the writ, so endorsed, is handed to the postmaster at the place of election and forwarded by the first post to the Clerk of the Dáil. This Rule will be repealed and its contents included in *section 12* so far as is necessary.

52. Section 4 of the Electoral (Chairman of Dáil Éireann) Act, 1937, provides that the writ issued to the returning officer in the constituency in which the outgoing Chairman of Dáil Éireann is deemed to be elected shall direct the returning officer to hold an election for one less than the full number of members for the constituency. The section also requires the Clerk of the Dáil to send to the returning officer and publish in *Iris Oifigiúil* a certificate " in the prescribed form " that the chairman of Dáil Éireann did not announce to the Dáil before the dissolution that he did not wish to become a member at the general election. *These provisions will be incorporated in *section 12,* which will also do away with the need to prescribe a special form of certificate.

53. *Provision is also made in the section for the Deputy Chairman of the Dáil to act where the Chairman is unable to do so because of illness, absence or other cause. Similarly, the Clerk-Assistant of the Dáil will be enabled to act if the Clerk cannot do so.

54. A further change in the procedure is the requirement at *subsection (6)* that the returning officer should acknowledge by telegram the receipt of a writ.

55. The form of the writ prescribed in the *Second Schedule* to the Bill is bi-lingual and in it the reference to county constituencies and borough constituencies is omitted as an unnecessary distinction, especially in view of the proposal mentioned at *Part VII* to repeal the limitations on the expenses which a candidate can legally incur at an election. These limitations which are higher in county than in borough constituencies are the principal reason for preserving the distinction between a " county " constituency and a " borough " constituency. There are, at present, three separate forms of writ. Only two forms are necessary and this is the number prescribed in the *Second Schedule.*

Register of Political Parties.
Second Report—par. 29.
Third Report.

56. Under *section 13* it is proposed that a Register of Political Parties be maintained by a registrar, who would be the Clerk of the Dáil, with a view to enabling the names of political parties to be entered on ballot papers at elections against the names of the candidates representing them.

57. The Register will contain the name of each registered political party, the address of its headquarters and the names of its officers who are authorised to authenticate the candidature of a candidate of the party at elections. A party will not be registered if its name is identical with the name of a party already registered or if, in the opinion of the registrar, it so nearly resembles the name of another party as to be calculated to mislead, or is unnecessarily long. The registrar may insist that the name of an organisation to be entered in the Register shall contain the name of the area in which the organisation operates to distinguish it from other organisations similarly styled. This would be particularly

important at local elections contested by, say, different ratepayers' associations or development associations.

58. There is provision at *section 13* (*8*) for reference of doubts, questions or disputes in connection with the Register to an appeal board presided over by a High Court judge, and having as its other members the Chairman of the Dáil and the Chairman of the Seanad.

59. At an election, a copy of the Register will be sent to each returning officer on the third day after the issue of the writ and it will not be possible after the copies of the Register are sent out, to make any changes in the Register for that election.

60. At nominations at an election a candidate may include in his nomination paper under *section 21* the name of the registered political party for which he stands only if he produces to the returning officer a certificate authenticated by the officer or officers of the party whose name appears on the Register. If he does not produce this certificate, he may use the description " Non-Party " or no description at all of this sort. The name of his political party or the words " Non-Party ", as appropriate, will, under *section 16,* appear against his name on the ballot paper and will also appear on election notices. Severe penalties are provided for in *section 21* (*2*) for using a forged certificate.

61. *The institution of the separate office of Registrar of Political Parties was not among the recommendations of the Joint Committee. Neither did the Committee recommend the power to insert in the Register the name of the area in which an organisation operates as part of the name of the organisation. Further, the Committee recommended that a candidate who does not represent a political party should be permitted to describe himself in the nomination paper (and ballot papers) as " Independent " or to describe in not more than five words the interest or policy for which he stands. It is not proposed to implement this recommendation.

Re-election of outgoing Chairman of Dáil Éireann.

62. **Section 14* reproduces the existing law relating to the re-election of the outgoing Chairman of Dáil Éireann and will enable the Electoral (Chairman of Dáil Éireann) Act, 1937, to be repealed as the other operative parts of that Act will be replaced by *sections 12* and *33*.

Specification by regulations of certain forms.

Second Report—pars. **31-32.**

63. *Section 15* will enable forms used at Dáil elections, which are at present prescribed by statute, to be specified by regulations. This will facilitate any modifications which, from time to time, may appear to be necessary or desirable. The forms concerned are the form of notice of election, nomination paper and the notice of the result of the election and of the transfer of votes. The statutory forms of " Directions for the Guidance of Voters " will be repealed and the relevant instructions incorporated in the ballot papers. The form of ballot paper and the form of writ will continue to be prescribed by statute and are set out in the *Second Schedule* to the Bill. *The Joint Committee did not recommend the repeal of the " Directions " poster or the incorporation of instructions in the ballot papers.

64. Under *section 21,* a returning officer will be specifically prohibited from going into the question of whether or not a candidate is eligible for election. If an ineligible person is nominated and returned as elected, the election can be upset by a court on an election petition. This is an inconvenient and uncertain procedure for preventing the election of ineligible persons. Accordingly the form of nomination paper to be specified under *section 15* may contain a statement of the qualifications, disqualifications and incapacities for membership of the Dáil and a form of declaration to be signed by the candidate or his proposer to the effect that he has read the statement and believes that the candidate is eligible for election. The provision will bring clearly to each candidate's attention the disqualifications for election and the heavy penalties which are proposed as a deterrent against false declarations.

Ballot paper.

Second Report—par. 30.

65. Section 26 of the Electoral Act, 1923, provides that:—

(*a*) the poll at an election shall be taken by ballot and the ballot of each voter shall consist of a ballot paper. (This is repeated in *section 16*);

(*b*) each ballot paper shall contain certain particulars. (The directions as to the form of the ballot paper set out in the *Second Schedule* will gather together all the instructions as to what a ballot paper should contain, rendering the provision in the 1923 Act superfluous);

(*c*) at the time of voting the ballot paper shall be marked with the official mark and issued to the voter. (These instructions are contained in Rule 3 of the Fourth Schedule relating to postal voters and Rule 22 of Part I of the Fifth Schedule to the Electoral Act, 1923, and it is unnecessary to repeat them);

(*d*) a ballot paper shall be invalid and not counted if it is not marked in a certain way. (The rules by which a returning officer is guided when deciding on the validity of a ballot paper at the count are more appropriate to the provisions dealing with the count and they have been inserted there by *section 36*).

66. The effect of *section 16* is, therefore, to repeal all the provisions of section 26 of the 1923 Act and replace only those which are necessary. The section and the *Second Schedule* also propose the following changes in the ballot papers used at Dáil elections:—

(*a*) the repeal, as unnecessary, of the special form of ballot paper prescribed at Part III of the Fifth Schedule to the Electoral Act, 1923, for elections at which there are not more than two candidates;

(*b*) the prescription of a bi-lingual form of ballot paper instead of the ballot paper in English only prescribed by the 1923 Act, as amended by the Electoral (Amendment) Act, 1927;

(*c*) the omission, as superfluous, of the heading "Names of Candidates";

(*d*) the inclusion of spaces for the official mark (on the ballot paper) and the elector's number (on the counterfoil), to remind presiding officers of their duty to insert these particulars before issuing ballot papers and to make it easier for the official mark to be discerned at the count;

(*e*) to reduce the number of papers declared invalid for want of the official mark or for other reasons, an instruction to voters will be included in the ballot paper as to how to mark the paper and asking them to see that the paper bears the official mark;

(*f*) to obviate danger of the identity of a voter being accidentally disclosed at a count by a ballot paper being left with its reverse side up, the ballot paper number on that side will be printed in the smallest type compatible with legibility;

(*g*) provision is made for the insertion of the name of a candidate's political party.

*The Joint Committee did not make the suggestion about the special space in the counterfoil for the elector's number or about the ballot paper number being printed in small type or about the inclusion on the ballot papers of the instructions to voters.

Destruction etc. of ballot boxes or ballot papers.

67. Section 34 of the Electoral Act, 1923, provides that if a ballot box or ballot papers are tampered with, destroyed or taken out of the custody of the returning officer or deputy returning officer, the election at the polling place to which the box or papers relate shall be void, and the returning officer must take a fresh poll at that polling place. The reference to deputy returning officer is unnecessary since under *section 11* the expression "returning officer" includes a deputy returning officer. *It is, however, necessary, as *section 17* proposes, to extend the provisions of section

34 to ballot boxes or papers in the custody of presiding officers. *Section 34 is also revised to bring it into line with section 36 of the Presidential Elections Act, 1937, and section 24 of the Referendum Act, 1942, under which the Minister directs the steps which are to be taken for a fresh poll if ballot papers or ballot boxes are tampered with or destroyed.

Chapter II.

Nominations.

68. This Chapter replaces all existing provisions dealing with nominations at Dáil elections.

Latest day for nominations.

69. Under section 7 of the Electoral Act, 1960, the last day for receiving nominations at a general election is the ninth day (disregarding Sundays, etc.) after the day of the proclamation dissolving the Dáil. At a bye-election the period runs from the date of the issue of the writ. Under *section 12* the Clerk of the Dáil will be required to issue the writs at a general election immediately upon the issue of the proclamation. There is, therefore, little point in counting the period for nominations from the day of the proclamation at a general election and from the day of the issue of the writ at a bye-election. *Under *section 18* the period will run in both cases from the date of the issue of the writ or writs. In effect, no change in the period is involved since the writs at a general election are all issued on the same day.

Procedure after nominations.

70. Section 19 of the Electoral Act, 1923, deals with the nomination of candidates. Subsection (2) provides that if, at the expiration of one hour from the end of the time for receiving nominations, no more candidates stand nominated than there are vacancies to be filled, the returning officer shall declare the candidates elected. If, however, the number of candidates exceeds the number of vacancies he must take a poll. The time for receiving nominations is, at present, under Rule 2 of Part I of the Fifth Schedule to the 1923 Act, such two consecutive hours between 10 a.m. and 3 p.m. as the returning officer fixes, so that, in practice, one hour after the end of the time for receiving nominations could be 4 p.m. Under Rule 6, inserted by *section 21,* nomination papers must be delivered to the returning officer not later than 12 noon on the last day for receiving nominations and, under Rule 9, the returning officer will have one hour for ruling as to the validity of a nomination paper. Under Rule 11 a candidature may be withdrawn at any time up to 12 noon on the day after the last day for receiving nominations but not afterwards. Under *section 19* if at that time the number of candidates is equal to or less than the number of vacancies, the returning officer will declare these candidates elected. If the number of candidates is greater than the number of vacancies he will adjourn the election to take a poll. The amendment of Rule 3 of the Fourth Schedule to the Electoral Act, 1923, is consequential on the extension of the time for withdrawing nominations.

Deposit.

Final Report—pars. 32-34.

71. *Section 20* consolidates the existing provisions dealing with deposits by candidates at Dáil elections which are contained in section 20 of the Electoral Act, 1923, and section 2 of the Electoral (Amendment) Act, 1933. *The section contains at *subsection (3)* a new provision for the return of the deposit to a candidate whose nomination paper has been deemed to be invalid or who withdraws his candidature. (It is not proposed to give effect in the Bill to the Joint Committee's proposal that the number of votes necessary to save a candidate's deposit at a bye-election should be one-fourth of the quota instead of one-third, at at present.)

Amendment of Rules 1 to 12 of Part I of Fifth Schedule to Principal Act. (Procedure at nominations.)

72. The existing procedure for the nomination of candidates at Dáil elections is governed by section 19 of and Rules 1 to 12 of Part I of the Fifth Schedule to the Electoral Act, 1923. *Section 19* of the Bill replaces section 19 of the 1923 Act and Rules 1 to 12 are replaced by *section 21.*

Nominations.

Second Report—pars. 15-17.

73. At present, nomination is by a proposer, seconder and eight assentors, all of whom must be registered electors. These provisions will be repealed and instead nomination will, under Rule 3, inserted by *section 21,* be by the candidate himself or, with the candidate's consent, by one other person, who is a Dáil elector in the constituency. The returning officer will not be required to satisfy himself that a candidate's consent has, in fact, been given. This will be a matter between the candidate and his proposer. The requirement of a deposit and the severe penalties proposed at *section 21* (*3*) for nominating a candidate without his consent will act as safeguards against abuse. *(The Joint Committee suggested that a candidate's election agent should be the person permitted to nominate him if he did not nominate himself and they did not include in their recommendations the proposal that a candidate's consent should be required.)

Delivery of nomination papers.

Second Report—pars. 19-22 and 28.

74. At present, the returning officer is required to receive nominations on the last day for nominations during two consecutive hours between 10 a.m. and 3 p.m. appointed by him (" the time for receiving nominations "). Any nomination paper previously delivered to the returning officer must be produced during that time when he formally rules on the nomination papers. The only persons (other than the returning officer and his assistants) entitled to attend at the ruling are a candidate, his proposer and seconder, and one other person selected by him. Provision is made for objections to nomination papers during the time for receiving nominations or within one hour afterwards. However, no objection on the ground of the description of a candidate being insufficient or not in compliance with the rules as to what a paper must contain, may be allowed unless it is made during the time for receiving nominations by the returning officer himself, or to him by some person permitted to be present.

75. In Rules 6 to 9 inserted by *section 21* it is proposed that these provisions should be replaced by one requiring the candidate or his proposer, in person, to deliver the nomination paper to the returning officer at any time not earlier than the second day after the publication of the Notice of Election and not later than 12 noon on the last day for receiving nominations. (The reason for allowing two days to elapse after the publication of the Notice of Election is to enable the returning officer to receive from the Clerk of the Dáil the copy of the Register of Political Parties.) Nomination papers can be delivered to the returning officer at any time during this period when he is available. He will, however, be required to attend to receive nominations between 10 a.m. and 12 noon and between 2 p.m. and 5 p.m. on the day before the last day for receiving nominations and between 10 a.m. and 12 noon on that day. The procedure for a formal ruling on nominations will be abolished and the returning officer will be required to give his ruling on a nomination paper within one hour after it is delivered to him, to write his decision on the paper and to communicate it, by post or otherwise, to the candidate.

Ruling on nomination paper.

Second Report—par. 18.

76. Ruling on a nomination paper within the hour will be facilitated by the fact that under Rule 9 the returning officer's jurisdiction to rule a nomination paper invalid will be specifically limited to ruling if the paper is or is not properly made out or subscribed. This is actually the extent to which returning officers, in practice, exercise their powers as they are not in a position to determine questions touching on the qualifications of candidates for election.

Second Report—par. 28.

77. The description of a candidate in a nomination paper must, at present, include his name, his abode and his rank, profession or calling. The description of a candidate in a ballot paper must agree with that given in the nomination paper. This will be continued but, under Rule 9, the returning officer will be given specific power, after consultation with the candidate or his proposer, to

amend a nomination paper, if the description of the candidate is, in his opinion, incorrect, insufficient or unnecessarily long and, as a last resort, to reject the paper as not being properly made out.

Certificate of political affiliation.

Second Report—par. 29.

Third Report.

78. It is also proposed at Rule 9 that a candidate's nomination paper may contain the name of the registered political party which the candidate represents if a certificate is produced to the returning officer, when the nomination paper is handed in, authenticating his candidature on behalf of the party. If he does not belong to a political party the words " Non-Party " may be used in the nomination paper. The name of the political party or the word " Non-Party " would then appear in the ballot papers against the candidate's name. Severe penalties are proposed for producing a forged certificate of political affiliation.

Publication of names of candidates.

79. If the returning officer is satisfied that a nomination paper is valid he will be required by Rule 10 immediately to placard outside the place where he is receiving nominations the name and description of the candidate, including the name of the party, if any, which he represents, and, if appropriate, the name of his proposer.

80. Rule 9 (7) will ensure that nothing in the provisions as to the ruling on nominations will prevent a candidate's nomination or election being questioned by an election petition.

Withdrawal of nominations.

81. Section 19 (3) of the Electoral Act, 1923, allows a candidate to withdraw from candidature before the expiration of the time for receiving nominations but not afterwards. The proposer and seconder of a candidate nominated in his absence out of Ireland may also, before the expiration of that time, withdraw the candidature. *In Rule 11 it is proposed to allow withdrawals to be made up to twenty-four hours after the end of the time for receiving nominations (i.e. up to 12 noon on the day after the last day for receiving nominations) and to allow for withdrawals by the candidate personally, and subject to safeguards, by his proposer or some other person. Severe penalties, including imprisonment, may be imposed for withdrawing a candidate without his consent.

Chapter III.

The Poll.

Polling districts and polling places.

Final Report—Pars. 40-42.

82. *Section 22* generally reproduces the existing law in regard to polling schemes as contained in section 42 of the Electoral Act, 1923, in respect of Dáil elections, and in section 14 of the Local Elections Act, 1927, in respect of local elections. The changes introduced by *section 22* are :—

(*a*) one polling scheme will be framed for both Dáil and local elections and the Minister will have power on his own motion or on receipt of representations to require a local authority to amend a polling scheme. At present representations for the amendment of a scheme may be made only by the council of an urban district included in a scheme or by not less than thirty electors;

(*b*) new rules may be made governing the making and amendment of polling schemes. The present rules for Dáil polling schemes were made in 1923 and 1925. The rules for local elections polling schemes were made in 1928 and cannot be amended under present law. Both sets of rules need revision;

(*c*) a polling scheme will come into operation on a date specified by the Minister, instead of immediately on being confirmed, as at present;

(*d*) power is clearly provided to prescribe polling places outside the polling districts—and, if necessary, outside the county, county borough or constituency—if this will conduce to greater convenience of electors;

(*e*) section 42 (3) of the Electoral Act, 1923, which requires the local authority, when a Dáil polling scheme has been confirmed, to publish a notice showing the boundaries of all polling districts and the situation of all polling places will not be re-enacted. Instead, as is the case at present with a local elections polling scheme, the local authority will be required to publish notice of the confirmation of the scheme and to keep a copy of the scheme available for inspection;

(*f*) it will be specifically provided that the making of polling schemes shall be a reserved function;

(*g*) a polling place will be defined as an area instead of not being defined at all as at present and returning officers will be given power explicitly to provide polling stations at any convenient place if they cannot be provided at the appointed polling place.

*83. Under the Joint Committee's recommendations the date of commencement of a scheme would have been fixed by the local authority and representations for the amendment of a scheme should be made by a minimum of twenty electors. The Joint Committee also recommended that " polling place " should denote the building in which polling takes place and " polling booth " the actual compartment where the votes are recorded. " Polling place " has been defined to mean an area (e.g. a street, a district or a townland) where the polling stations to be provided by the returning officer are to be located. " Polling booth " is referred to in Rule 15 of Part I of the Fifth Schedule to the Electoral Act, 1923, with the meaning for it suggested by the Joint Committee and it does not seem necessary further to amplify the reference.

Polling cards.

84. *Section 23* reproduces, with minor amendments, section 4 of the Electoral (Amendment) Act, 1946, and will facilitate the repeal of that Act in its entirety. *The Joint Committee did not deal with this matter in its reports.

Times of poll.

Final Report—pars. 44 *and* 45.

85. Under section 7 of the Electoral Act, 1960, the time within which polling day must fall is the period of ten days after the six days after the last day for receiving nominations, not counting Sundays and holidays. Under *section 24* this period will be changed to the nine days after the seven days after the last day for receiving nominations, not counting Sundays and holidays. The change is consequential on the extension under *section 21* of the time for the withdrawal of nominations to twenty-four hours from the close of the time for the receipt of nominations. The provisions dealing with the appointment of the times for polling, at section 2 of the Electoral (Amendment), Act, 1946, fixing polling time as the period between 9 a.m. and 9 p.m., with power for the Minister to extend it to 9.30 p.m., will be altered to enable the Minister to appoint, as the time for polling, any period of not less than 12 hours between 8.30 a.m. and 10.30 p.m. *The Joint Committee recommended that polling time should run from 10 a.m. to 10 p.m. in both summer and winter and that no power to vary it should be given to the Minister.

Presiding officers and poll clerks.

Final Report—pars. 68-70.

86. In *section 25* the provisions dealing with the appointment and powers of presiding officers and poll clerks are revised and amalgamated. They are at present contained in section 35 of and in Rules 19 and 48 of Part I of the Fifth Schedule to the Electoral Act, 1923. The reference to the power of presiding officers in section 35 of the 1923 Act to administer oaths is omitted as the power to administer the only oaths or affirmations which a presiding officer may administer is contained in *sections 26* and *27* prescribing the

oaths and affirmations. *The reference in section 35 of the 1923 Act to a deputy returning officer is also replaced by a reference to a presiding officer—purely a drafting change. Further, an obligation is placed on the returning officer to permit certain persons with a *bona fide* interest in the election to inspect the list of persons to whom he proposes to offer appointments. The purpose of this requirement is to make operable the provision that the returning officer shall not appoint as presiding officer or poll clerk any person who, to his knowledge, has been actively associated in furthering the candidature of a candidate at the election. *The Joint Committee did not recommend that the requirement should extend to poll clerks.

Right to vote.

Final Report—par. 71.

87. *Section 26,* with *sections 5* and *7,* provides the basic machinery for the registration of voters and deals with the right to vote. *Section 5* states the persons who are entitled to be registered as electors, *section 7* makes it the duty of county councils and county borough corporations to register them and *section 26* provides that only persons whose names are on the register shall be entitled to vote.

88. Under section 29 of the Electoral Act, 1923, as amended by section 2 of the Electoral Act, 1941, a person may be questioned by a presiding officer as to his identity and age and whether he has voted already and he may be put under oath as to the truth of his replies. These provisions will be retained and consolidated in *section 26* with a minor change in the form of the question and oath or affirmation as to a person's age. The prohibition on voting by persons who are not registered or who are not entitled to be registered renders section 9 of the Prevention of Electoral Abuses Act, 1923 (which makes it an offence to vote when prohibited or to induce others to vote when prohibited) unnecessary and that section will therefore be repealed by the Bill.

89. *Section 26* will also enable a returning officer or a presiding officer to accept that a person's name is on the register if, in his opinion, a name on the register was intended to be that person's name. This will get over such difficulties as the change of a woman's name on marriage subsequent to the preparation of the register.

Voting by blind, incapacitated and illiterate voters.

*90. The principal changes in the procedure for voting by blind, incapacitated and illiterate voters proposed in *section 27* are:—

(*a*) the provisions for oaths or affirmations by persons that they have the qualifications for acting as companions to blind and incapacitated electors (i.e. that they have not, as companions, previously marked two or more ballot papers, and are not candidates or the agents of a candidate, etc.) will be abolished. Severer penalties for infringing the conditions subject to which a person may act as a companion will be provided under *subsection* (*2*);

(*b*) provision is made that a person seeking to vote as an illiterate may be required to take an oath or make an affirmation as to his illiteracy in the same way as a blind or incapacitated voter may be required to swear or affirm as to his blindness or incapacity;

(*c*) the provisions of Part II of the Fifth Schedule to the 1923 Act, directing the presiding officer how to go about marking a ballot paper have been put in summary form in paragraph (5) of the new Rule 24 together with the provisions to which it relates.

Alleged personation.

Final Report—par. 78.

91. Under Rule 25 of Part I of the Fifth Schedule to the Electoral Act, 1923, when a person claims to have been personated he is, on answering certain questions and taking an oath or affirmation, given a pink ballot paper, known as a " tendered ballot paper ". His name and number on the register are entered on the tendered

votes list kept by the presiding officer. When the elector has recorded his vote, the pink ballot paper is not put in the ballot box but is kept by the presiding officer in a separate packet and is counted only in the event of an election petition requiring a recount. The number of tendered ballot papers issued at an election is very small. In *section 28* it is proposed that persons claiming to have been personated should be given ordinary, instead of tendered, ballot papers and that the papers should be put in the ballot box and counted with the other ballot papers. The names and numbers on the register of persons to whom ballot papers are issued under the section will be entered by the presiding officer in a statement and if an election petition is lodged the papers can be traced and also the ballot paper completed by the personator. The references to tendered votes in the Electoral Act, 1923, will be repealed.

Official mark on ballot papers.

Final Report—par. 55.

92. Under the Rules mentioned in *section 29,* which deal with the issue of ballot papers to voters, a ballot paper must be " marked on both sides with the official mark " before being issued. This is sometimes taken to mean that it must be stamped on both sides. With the percussion stamps now used, a mark made on one side of the paper is clearly apparent on the other side and stamping the ballot paper twice wastes time and tends to tear the paper. Under *section 29* the ballot paper will be marked so that the mark is visible on both sides. The new form of ballot paper prescribed in the *Second Schedule* will provide a special space for the official mark and in it electors will be asked to check that the official mark is on the ballot papers.

Duties of presiding officer at close of poll.

Final Report—pars. 46 *and* 80.

93. Rule 27 of Part I of the Fifth Schedule to the Electoral Act, 1923, deals with the duties of presiding officers at the close of the poll. " Close of the poll " has been interpreted to mean that no further ballot papers may be issued, even to electors waiting in the polling station. Under *section 30* no further electors will be admitted after the time for the close of the poll but electors inside the building waiting to vote will be allowed to do so. The section also makes it clear that the marked counterfoils, which are secret, and the marked copies of the registers, which are not, are sealed in separate packets.

Secrecy.

Final Report—par. 66.

94. In *section 31* it is proposed to remedy a technical defect whereby Gardaí, candidates acting with or instead of their agents at polling stations and at the count, and supervisors and calculators at the count, are not specifically required to maintain the secrecy of the ballot, as are " every officer, clerk and agent."

95. Rule 12 of the Fourth Schedule and Rule 52 of Part I of the Fifth Schedule to the 1923 Act require undertakings to preserve the secrecy of the ballot to be signed by certain election personnel. The repeal of these Rules will remove the obligation to sign the undertakings which will be replaced by conspicuous notices.

Death of a candidate.

Final Report—par. 36.

96. Section 19 (4) of the Electoral Act, 1923, provides that where a candidate dies after the adjournment of an election for the taking of the poll but before the commencement of the poll the returning officer must, on being satisfied of the fact of such death, countermand the poll. The proceedings then revert to the nomination stage.

97. No provision is made to meet the situation where a candidate dies immediately before the adjournment of an election for the taking of the poll or during the poll. It is proposed in *section 32* to provide that in all such cases the election shall revert to the nomination stage but that no fresh nominations shall be necessary in respect of candidates who stood nominated at the close of nominations.

98. The close of the poll marks the end of the election; the counting is merely the ascertainment of the result. Consequently, if a candidate dies after the close of the poll his votes will, under *section 32,* be counted and if he is deemed to be elected, a casual vacancy will arise as a result of his death. It is proposed to treat similarly a candidate of whose death the returning officer was not

satisfied before the close of the poll because the electorate in such a case would generally have voted in the belief that he was alive and effect should be given to their votes.

Death of outgoing Chairman of Dáil Éireann.

*99. *Section 33* makes corresponding provision for the special case of the constituency for which the Chairman of Dáil Éireann is elected. The inclusion in the Bill of this and certain other provisions will enable the Electoral (Chairman of Dáil Éireann) Act, 1937, to be repealed entirely.

Advance polling on islands.

Final Report—par. 53.

100. *Section 34* re-enacts the existing law, contained in section 8 of the Electoral (Amendment) Act, 1946, dealing with the steps to be taken if the returning officer anticipates that because of weather or transport difficulties he will be unable to take the poll on an island on the appointed polling day. In such a case he may take the poll on the island in advance, by not more than six days, of the ordinary polling day on a day fixed by him. The existing provision is amended to provide for the case where because of weather or transport difficulties he is unable to take the poll on the day so fixed.

Amendment of section 59 (*b*) of Principal Act.

Final Report—par. 94.

101. *Section 35* proposes to replace the obsolete reference in section 59 of the Electoral Act, 1923, to " constituencies established by this Act ".

Chapter IV.

The Count.

Amendment of Rule 2 of Third Schedule to Principal Act. (Markings on ballot papers.)

Final Report—par. 56.

102. *Section 36* will permit ballot papers containing a mark such as an " X " or the words " one ", " two ", " three ", etc., which in the opinion of the returning officer clearly indicate a preference, to be accepted as valid. At present a ballot paper is invalid if it does not contain the figure " 1 " indicating a first preference.

Amendment of Rules 6 and 12 (10) of Third Schedule to Principal Act. (Misnomers.)

Final Report—par. 94.

103. By *sections 37* and *40* two minor misnomers in the Third Schedule to the Electoral Act, 1923, will be corrected.

Amendment of Rule 6 (5) (*a*) of Third Schedule to Principal Act. (Avoidance of needless transfer of votes.)

Final Report—par. 78.

104. A deposit is forfeited by a candidate unless the votes credited to him at the time of his exclusion or at the end of the final count exceed one-third of the quota. Under the present counting rules a surplus which otherwise would not be transferred (e.g., when the transfer could not alter the position of the lowest candidate or when all the vacancies had been filled) must be transferred if the lowest candidate has less than one-third of the quota. There is no point, however, in transferring a surplus if the transfer could not possibly provide the number of votes necessary to save the candidate's deposit. It is proposed, therefore, to amend the rules by adding words, as in *section 38,* to remove the obligation to make futile transfers.

Amendment of Rule 10 of Third Schedule to Principal Act. (Re-counting votes.)

Final Report—par. 79.

105. Under the present procedure for the counting of votes, the result of each count is announced at the end of that count. A mistake made during a count may, however, not be noticed until a further transfer of the votes is being made. It is not sufficiently clear that a returning officer has power to recount the papers involved in an earlier count than the last or to revise the figures if an error is discovered and, if necessary, to deem a different person elected. *Section 39* remedies this defect. Provision is included to ensure that, apart from the correction of errors, the ballot papers dealt with at a recount will follow the same course as in the original count.

106. The section also proposes to entitle a candidate, or his election agent on his behalf, to request one complete re-check of the papers. This is without prejudice to their existing right to request that all the papers dealt with in the immedately preceding count

be re-examined and recounted. The returning officer will not be obliged to re-examine or recount the same parcel of papers more than once unless a significant error is discovered. *The Joint Committee recommended that each *continuing* candidate should be given the right to a complete re-check. The reference to a *continuing* candidate is omitted to remove any doubt that a candidate eliminated at the end of a count is, at that stage, entitled to a complete recount.

Amendment of Rules 29 to 33 of Part 1 of Fifth Schedule to Principal Act. (Arrangements for counting votes.)

107. The changes made by *section 41* in the existing Rules dealing with the counting of the votes are:—

Final Report—par. 75.

(*a*) *the returning officer will give the election agents—and not the agents appointed to attend the count—notice of the place at which the votes will be counted;

Final Report—par. 72.

(*b*) a limit of not more than five is set to the number of agents a candidate may appoint to act for him at the count unless the returning officer otherwise permits;

Final Report—par. 72.

(*c*) a specific obligation is placed on the returning officer to provide suitable accommodation and all equipment necessary for counting the votes;

Final Report—par. 72.

(*d*) the place at which the votes will be counted is to be within the constituency or if the constituency contains part of a county borough, either within the constituency or the county borough. (At present, under section 3 of the Electoral (Amendment) Act, 1946, the place for counting the votes must, if the constituency consists wholly or partly of a county borough be within the county borough). The present provision enabling the Minister to sanction a counting place outside but convenient to a constituency is retained but the requirement that the Minister must first be satisfied that there is not a suitable place within the constituency is dropped as unnecessarily restrictive;

Final Report—pars. 73-75.

(*e*) a statutory obligation will be placed on the returning officer to provide for the agents reasonable facilities for over-seeing the count, including, in particular, facilities for satisfying themselves that ballot papers are correctly sorted;

(*f*) members of the Garda Síochána on duty are included specifically among those entitled to be present at the count.

Amendment of Rule 37 of Part 1 of Fifth Schedule to Principal Act. (Period for retention of documents.)

108. Rule 37 of Part I of the Fifth Schedule to the Electoral Act, 1923, provides that the Clerk of the Dáil shall " retain for a year " all ballot papers and other documents relating to an election sent to him by returning officers before he destroys them. *Section 42* establishes that this period is to run from the date on which the poll took place. If there is no poll the returning officer does not send on any papers.

Final Report—par. 80.

PARTS IV AND V.

Presidential Elections and Referenda.

109. In general, *Parts IV* and *V* will import into the law relating to presidential elections and referenda amendments corresponding to the changes proposed in respect of the Dáil elections code. The principal change in the Dáil code *not* being carried into these two codes is that relating to the entry of the name of a candidate's political party on the ballot paper.

110. The following are notes on sections involving changes in the existing law which diverge materially from the proposals in the corresponding sections dealing with Dáil elections:

Amendment of sections 12, 13 and 14 of 1937 Act. (Procedure at nominations.)

(*a*) Under section 12 of the Presidential Elections Act, 1937, the presidential returning officer must, at the ruling on nominations, " there and then " examine and rule on all nomination papers and ascertain from them the

persons who are validly nominated. Matters which may be raised at the ruling are " every question relevant to the nomination of a candidate (including in particular his eligibility for election)". The presidential returning officer has the assistance of a judicial assessor (a High Court judge) to whom he may, and must if requested by a candidate or the representative of a candidate, refer any question arising during the ruling, connected with the nomination of candidates. The judicial assessor must " there and then " decide and announce his decision on any question referred to him. No notice need be given to the presidential returning officer of intention to raise a question. The proposals in *section 47* are designed to limit the functions of the presidential returning officer at nominations in the same way as it is proposed at *section 21* to confine the functions of returning officers at Dáil elections, that is, to allow him to hold that a nomination paper is invalid only if it is not properly made out or subscribed.

(*b*) There is no provision for questioning the qualifications of a candidate for election as President, except at the ruling on nominations. It is obviously desirable that the qualifications of a person for election as President should be judged with the maximum of authority and impartiality. To this end, it is proposed that questions other than those affecting the validity of nomination papers should be decided by a tribunal consisting of three High Court judges whose decision would be final. Because of the limited time within which the arrangements for a contested election must be made it is essential that the decision of this tribunal be given within a limited time and a period of three days is proposed in the section.

Amendment of section 32 of 1937 Act and of section 29 of 1942 Act. (Electoral abuses)

(c) *Sections 54* and *72* will repeal the application to presidential elections and referenda of the parts of the Prevention of Electoral Abuses Act, 1923, which are being repealed in relation to Dáil elections. The parts being repealed are those—

(i) making " treating " an offence;

(ii) prescribing disfranchisement or disqualification for membership of the Dáil, Seanad or a local authority or for judicial office as part of the penalty for conviction of corrupt practices at a presidential election or referendum;

(iii) defining certain false statements about a candidate, the incurring of expenses by unauthorised persons, and the use of certain premises as committee rooms at elections as illegal practices;

(iv) prescribing disfranchisement as part of the penalty for an illegal practice;

(v) providing for the remission or removal of an incapacity by a court in certain circumstances;

(vi) making it an illegal practice to vote when prohibited, to induce another person so to vote, to vote while incapacitated for voting and to vote more than once.

(*d*) *Sections 54* and *72* will also ensure that the increased penalties by way of fine and imprisonment for corrupt and illegal practices, proposed at *section 90* will apply to presidential elections and referenda. The offence of misleading voters as to the actual process of voting, introduced by *section 90*, will similarly apply.

PART VI.

Local Elections.

111. Section 39 of the Local Government Act, 1941, provides that the enactments set out in the Third Schedule to that Act shall apply to local elections subject to any adaptations, alterations and exceptions made by rules to be framed by the Minister. Such rules are contained in the Local Elections Orders, 1942 to 1955. Other provisions relevant to local elections are contained in the Municipal Corporations (Ireland) Act, 1840, the Dublin Corporation Act, 1849, the Local Government (Ireland) Act, 1898, the Local Government (Application of Enactments) Order, 1898, the Local Government (Ireland) Act, 1919, the Local Elections Acts, 1927 and 1953, the various City Management Acts, the Local Government Acts, 1941 and 1946 and the Electoral Act, 1960. This wide range of legal provisions makes the law relating to local elections unnecessarily obscure. Under this Part, the existing provisions will be repealed and the law governing the time and conduct of local elections will be contained either in the Part or in regulations under it. Another important proposal is that for the abolition of the qualifications for election to a local authority.

Year of election.

112. *Section 81* which provides for quinquennial local elections will replace without material change the Local Elections Act, 1953, in which this provision is now contained. The 1953 Act will be repealed.

Conduct of elections.

113. *Section 82* (*1*) re-enacts section 1 of the Local Government (Ireland) Act, 1919, which provides for contested local elections being held according to the principle of proportional representation.

114. The regulations to be made under *section 82* (*2*) will consolidate the law dealing with the conduct of local elections, having amended it as necessary to bring it into conformity with the Dáil elections law as it will be on the enactment of the Bill.

115. The polling day at local elections is fixed by county councils and county borough corporations, as a day between 23rd June and 1st July inclusive, in an election year. Under *section 84* the Minister will fix the polling date at all local elections. To provide for the consequential changes in the time for holding the annual and quarterly meetings at which lord mayors, mayors, chairmen and vice-chairmen are elected, the Minister will also be empowered to deal with the time of holding these meetings and with the period of office of the lord mayors, mayors, chairmen and vice-chairmen elected at them. The regulations will be laid in draft before both Houses of the Oireachtas for approval.

Principal changes.

116. The principal changes which, it is proposed, the regulations should make in the local elections law are :—

(*a*) provision for the entry of the name of the political party of a candidate on nomination papers, ballot papers and notices, as at Dáil elections;

(*b*) enabling a candidate to nominate himself or to be nominated with his consent, by a proposer who is a local government elector, instead of requiring nominations to be, in all cases, by a proposer and seconder, as at present;

(*c*) requiring a candidate to lodge a deposit of £10 in the case of an election for a county or county borough council and £5 in the case of any other election;

(*d*) the substitution for the formal ruling on nominations, of a procedure, corresponding to that proposed for Dáil elections, whereby the returning officer must decide within an hour whether a nomination paper is valid or invalid;

(*e*) permitting soldiers and Gardaí to vote by post at local elections, as they may at present at Dáil elections. This change is provided for already by section 17 of the Electoral Act, 1960; the regulations will give effect to it;

(*f*) enabling local authorities to issue polling cards at local elections, informing electors of their numbers on the register and where to vote;

(*g*) the provision of oaths for illiterate electors as is proposed at *section 27* for Dáil elections;

(*h*) the abolition of tendered ballot papers given to electors claiming to have been personated, as is proposed for

(*i*) enabling a companion to assist a blind or incapacitated elector to vote, as at Dáil elections. This change is provided for at section 17 of the Electoral Act, 1960; the regulations will give effect to it;

(*j*) the abolition of declarations accepting office which mayors or members of any county or other borough corporation and members, chairmen and vice-chairmen of any county or urban district council are required to sign before taking up office;

(*k*) enabling returning officers to make provisions corresponding to those at *section 34* for Dáil elections for advance polling on islands if difficulties owing to weather or transport are anticipated;

(*l*) enabling the first annual or quarterly meeting of a local authority after an election to be held at the time at which meetings of the local authority are normally held, instead of having the time prescribed by statute as at present for some local authorities.

The necessary repeals are included in the Bill and can be brought into force immediately before the new regulations are made.

Times of poll.

117. Under sections 5 and 6 of the Local Elections Act, 1927, "the ordinary day of election" of each county and county borough council is fixed by the county or county borough council concerned as a day between 23rd June and 1st July, inclusive, in an election year. The "ordinary day of election" of borough or urban district councils and town commissioners in a county must be the same day as the county council election.

118. Different local authorities fix different polling days. If one polling day were fixed for the whole country the publicity dealing with local elections would be more effective. Under *section 84* the Minister will be empowered to fix the same polling day for local elections throughout the country and the limitation of elections to the period between 23rd June and 1st July, inclusive, will be removed.

119. The time for polling is fixed by article 14 of the Local Elections Order, 1942, which provides that the poll shall commence at 9 a.m. and be kept open until 9 p.m. Under *section 84* the Minister will have power, as is proposed at *section 24* for Dáil elections, to fix as the time for polling any period of not less than twelve hours between 8.30 a.m and 10.30 p.m.

Right to vote.

120. *Section 85,* which deals with a person's right to vote at a local election, corresponds to *section 26*. The questions, oaths and affirmations which may be put to voters will be provided for in the regulations to be made under *section 82*.

Costs of elections.

121. The provisions dealing with the accounts of returning officers at local elections are contained in article 6 of the Schedule to the Local Government (Application of Enactments) Order, 1898, which is out of date. It is proposed to repeal the article and section 72 of the 1946 Act, which empowers the Minister to make a scale of maximum charges to be incurred by a returning officer, and to consolidate these provisions in *section 86*.

Electoral areas in certain counties and county boroughs.

122. Section 4 of the Cork City Management (Amendment) Act, 1941, provides that the city of Cork shall form one electoral area. The City Council may, however, by resolution for the passing of which not less than two-thirds of the members vote, apply to the Minister for an order dividing the borough into two or more electoral areas. An order must fix the number of members in such a manner as most nearly to secure equal representation on the basis of population. Section 6 of the Waterford City Management Act, 1939, makes similar provision in relation to that city. Section 7 (2) of the Limerick City Management Act, 1934, provides that at a city election the whole of the city shall form one electoral area. There is no provision for subdivision.

123. Since the passing of these Acts neither Cork nor Waterford City Council has applied to the Minister for a division of the city. The fact that each city forms one electoral area has led to unwieldy ballot papers and marathon counts at elections.

124. It is proposed at *section 87* that the Minister should have power, such as exists for the county borough of Dublin under section 3 of the Local Government (Dublin) Act, 1945, and for all county councils, to divide the area of the three cities into electoral areas, without necessarily having to await a request to do so from the local authority. An order under the section will be laid before each House of the Oireachtas and may be annulled within seven sitting days.

125. Section 35 of the Local Government Act, 1941, provides that the Minister may, by order, divide any borough or urban district into two or more local electoral areas and fix the number of members to be elected for each such area. The section does not apply to the boroughs of Dún Laoghaire and Galway. Special provision is made for these at section 43 of the Local Government (Dublin) Act, 1930, and section 16 of the Local Government (Galway) Act, 1937, which provide that the borough, in each case, shall form one electoral area. *Section 87* will also give the Minister power to divide these boroughs into electoral areas.

Wards.

126. *Section 88* will lay down a simplified procedure for the creation of wards in boroughs, corresponding to that for the creation of district electoral divisions.

127. Sections 20, 27 and 28 of the Municipal Corporations (Ireland) Act, 1840, and the Dublin Corporation Act, 1849, contain references to wards created under these Acts, but the present procedure for altering or creating wards is laid down in article 31 of the Schedule to the Local Government (Application of Enactments) Order, 1898. Under that article the council of a borough may petition the Minister and the Minister must then appoint a commissioner to draw up a wards scheme which is published in *Iris Oifigiúil* and comes into operation on the date of publication. Even if the Minister does not approve of the scheme it nevertheless remains in force for the purpose of any municipal election until the Minister approves of a scheme. The council of the borough cannot petition for another wards scheme for seven years after the previous order. By section 12 of the Local Government (Dublin) (Amendment) Act, 1940, the limitation ceased to apply to petitions by Dublin Corporation.

128. This procedure was initiated when wards were electoral areas. Their use for this purpose ceased with the Local Government (Ireland) Act, 1919, which provided for proportional representation and for larger multi-member areas, and the procedure is unnecessarily elaborate. The uses of wards in boroughs correspond to the uses of district electoral divisions in rural areas i.e. for the definition of Dáil constituencies and local electoral areas, for census purposes, compiling rate books, polling schemes and registers of electors. It is proposed, therefore, at *section 88* to assimilate the procedure for the creation or alteration of wards to that for the creation and alteration of district electoral divisions as laid down

in section 81 of the Local Government Act, 1941, that is simply by order of the Minister, as he thinks fit.

District electoral divisions.

129. *Section 89* is a re-enactment of section 81 of the 1941 Act. with an amendment enabling the Minister to alter district electoral divisions in county boroughs and giving him specific power to re-name a district electoral division.

Abolition of qualifications for election to local authorities.

130. Another important change proposed in the local elections law is the repeal of section 89 of the Municipal Corporations (Ireland) Act, 1840, the Town Councils and Local Boards Act, 1880, sections 2 (5), 23 (4), 94 (2) and 97 (3) of the Local Government (Ireland) Act, 1898, article 11 (5) of the Schedule to the Local Government (Application of Enactments) Order, 1898, section 10 of the Representation of the People Act, 1918, section 57 of the Local Government Act, 1925, and section 12 of the Local Elections Act, 1927. These sections provide for the qualifications for election to a local authority and also for the preservation of membership in certain circumstances if a member is not on the register of electors. Under them no person is qualified unless he either—

(*a*) is the owner of property held by freehold, leasehold or other tenure within the borough or urban district or town or, in the case of a county council, within the county electoral area, in which he seeks election; or

(*b*) is registered as a local government elector for the borough or urban district or town or, in the case of a county council, for the county electoral area in which he seeks election; or

(*c*) in the case of a borough or urban district council or town commissioners has, during the whole of the twelve months preceding the election, resided and continues to reside in the area.

131. The qualification limited to the ownership of property is ineffective since both " ownership " and " property " are interpreted in the widest possible sense. The qualification based on being registered as an elector dates from the time when the franchise was much more restricted than at present. It could lead to a person being excluded from standing for election simply because of a mistake in the register. The qualification based on residence was also introduced long before the extension of the franchise.

132. It is proposed to abolish these qualifications for authorities other than county borough corporations for which they were abolished more than 20 years ago. The electorate will then be enabled to choose their representatives without reference to where they own property, are registered or live,—as they do in the case of Dáil elections.

133. No change is proposed in this Bill in the provisions which *disqualify* aliens, persons under 21 years of age, bankrupts, etc.

PART VII.

Electoral Abuses.

Abolition of limitations on expenditure or employment by candidates.

134. The most important proposal in this Part is that for the abolition of the limitations on the amount of the expenditure which a candidate may incur or the number of persons he may employ in furthering his candidature at a Dáil election. These limitations are set out in detail in section 8 of and the First Schedule to the Prevention of Electoral Abuses Act, 1923, and are, broadly,

Second Report—pars. 34 *to* 42.

that the expenses incurred by a candidate may not exceed, in a county constituency, fivepence for each elector, and in a borough constituency, fourpence for each elector. Section 48 of the Corrupt and Illegal Practices Prevention Act, 1883, allows extra expenses for conveying voters by sea to a polling place and special provision is also made for joint candidates.

135. The assumptions on which these limitations are based appear to be, firstly, that an election is simply a collection of constituency campaigns, and, secondly, that the relevant expenditure is confined to a few weeks before polling day. The law does not attempt to limit expenses incurred by political parties at a national level or by organisations affiliated to these parties nor does there appear to be any limit on pre-campaign expenses.

136. The limitations originated in the 19th century when electorates were smaller than at present and the assumptions on which they are based are now not valid. With the spread of literacy and the mass media of communication it is no longer true to say that an election is a series of isolated constituency campaigns nor are the fortunes of any party determined, to the extent that the limitations imply, by political activity in the few weeks before polling day, during which the limitations operate. It is noteworthy that the comparatively modern Presidential Elections Acts do not contain any limit on employment or expenditure and no such limit applies at local elections. It is proposed, therefore, to repeal the limitations.

137. A candidate at an election will, however, continue, under *section 90 (6)*, to be entitled only to one deputy agent (or sub-agent) to act in each polling district, and this entitlement will apply in all constituencies and not only in county constituencies as at present. A candidate will also be entitled under section 29 of the 1923 Act to one election agent. Apart from these practical limitations, which affect the administrative arrangements for the running of an election, a candidate will not be restricted as to the numbers he may employ or the expenditure he may incur.

Abolition of penalty of disqualification for certain offences.

***Final Report—par.* 90.**

138. Another important proposal is that for the abolition of the penalty of disqualification for membership of the Dáil and Seanad or of a local authority, permanently or for specified periods in the case of persons convicted of certain offences. Associated with this proposal is that dealt with in the note on *section 5* for the abolition of the penalty of disfranchisement.

139. Disqualifications are enacted by section 44 of the Parliamentary Elections Act, 1868, which provides that if on an election petition it is proved that a candidate personally engaged as an agent or canvasser a person whom he knew to have been found guilty within the preceding seven years of any corrupt practice, the election of the candidate shall be void. They are also specified as part of the penalty for treason or felony for which a heavier sentence than imprisonment with hard labour or exceeding twelve months is imposed under the Forfeiture Act, 1870, and in paragraph (*c*) of section 2 of the Public Bodies Corrupt Practices Act, 1889, which provides that a person convicted of bribing members or employees of local authorities shall be incapable of being elected or appointed as a member, officer or servant of any local authority for seven years. Under paragraph (*d*) the incapacity for a second offence lasts " for ever " and the person is incapable for seven years of voting at any parliamentary or local election. Section 31 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, as applied by the Local Government Act, 1941, provides that the seat of a person who becomes disqualified on account of a conviction or of a report of an election court shall be vacated. This court is a court to try local elections petitions and these courts have been declared unconstitutional in the case of *Peadar Cowan v. Attorney General and Ors.* The section has, therefore, no relevance. Section 6 of the Prevention of Electoral Abuses Act, 1923, provides that a person convicted of a corrupt practice shall be

incapable for seven years of being registered as an elector, voting at a Dáil, Seanad or local election, or referendum, being a member of the Dáil, Seanad or a local authority or holding any judicial office. Section 15, which deals with illegal practices, provides for a five year period of disfranchisement for Dáil, Seanad and local elections and referenda.

140. Under sections 7 and 16 of the Act, if an election court reports that a corrupt or illegal practice has been committed by or with the consent of a candidate, he is subject to the same incapacities as if he had been convicted of a corrupt or illegal practice and he is disqualified for membership of the Houses of the Oireachtas for ever for a corrupt practice, and for seven years for an illegal practice. If the offence has been committed by his agent, the candidate is disqualified for membership of the Dáil and Seanad for seven years for a corrupt practice or for an illegal practice, during the continuance of the Dáil or Seanad elected at the election at which the offence was committed. (Section 16 refers to " the continuance of the Oireachtas " and " the next triennial elections " to the Seanad and may, in fact, be inoperable).

141. Punishment by disfranchisement and disqualification is in addition to the fines and/or imprisonment which may be imposed by a Court. This double scale of penalties is no more effective a deterrent than punitive fines and imprisonment alone. It is cumbersome in operation and is also illogical since certain other equally serious electoral offences such as counterfeiting the official mark, forging ballot papers, interfering with ballot boxes, etc. are, under section 46 of the Prevention of Electoral Abuses Act, 1923, punishable only by imprisonment and do not entail automatic disfranchisement or disqualification. It is proposed in *section 90* that disqualifications should, in every case, cease to be part of the penalty for offences.

142. The repeal of section 46 of the Corrupt and Illegal Practices Prevention Act, 1883, and of section 10 (1) and (3) and section 45 of the Prevention of Electoral Abuses Act, 1923, which provide that a person voting while disqualified shall be guilty of an illegal practice, that a court may mitigate or remit an incapacity arising from conviction of voting more than once and that a person incapacitated on perjured evidence may apply to the High Court to remove the incapacity, is consequential. The remainder of section 10 of the 1923 Act makes it an illegal practice to vote more than once at an election. Voting more than once is personation for which sufficient penalties are provided under section 6 of the Act. The whole of section 10 is, therefore, being repealed.

143. To counterbalance the abolition of these penalties it is proposed to revise as follows the existing penalties, laid down in sections 6 and 15 of the Prevention of Electoral Abuses Act, 1923, for corrupt and illegal practices at elections:

(*a*) ***For corrupt practices other than personation :***

These include offences such as bribery, undue influence, publishing a false statement of the withdrawal of a candidate, making a false declaration as to election expenses or forging a signature to a petition requesting the President to decline to sign a Bill on the ground that it contains a proposal of such national importance that the opinion of the people thereon ought to be ascertained. At present a person can be sentenced to imprisonment for up to one year for such offences. The Act makes no provision for the imposition of a fine. It is proposed at *section 90* (*2*) to enable a fine of up to £1,000 to be imposed in addition to or in substitution for the sentence of imprisonment.

(*b*) ***For personation :***

For a first offence, a minimum term of imprisonment of two months and a maximum of twelve months is

prescribed in addition to a fine not exceeding £100. It is proposed at *section 90* (*3*) to increase the maximum fine to £500. For a second or subsequent offence, a minimum term of imprisonment of six months and a maximum of twelve months in addition to a fine of up to £100 is prescribed in the case of summary conviction. On conviction on indictment, a minimum term of six months and a maximum of twelve months or penal servitude for three years is prescribed in addition, in either case, to a fine of up to £200. *Section 90* (*3*) proposes to increase to £500 the maximum amount of the fines.

(*c*) *For illegal practices :*

These include such offences as voting when prohibited or acting in a disorderly manner at a political meeting. The penalty on conviction of an illegal practice is a fine not exceeding £100. It is proposed at *section 90* (*5*) to increase this maximum to £500 and to enable a sentence of imprisonment for up to six months to be imposed.

144. The effect of these proposals is, therefore, to abolish the disqualification under the 1868 Act for employing a person convicted within the preceding seven years of a corrupt practice and, in all other cases, to ensure that where at present disqualification exists as part of a penalty, imprisonment can be imposed either under existing law or under this Bill and either with or without a substantial fine.

Repeal of pre-1923 Acts dealing with electoral abuses.

145. The parts of the Corrupt Practices Prevention Act, 1854, which have not yet been specifically repealed are sections 10, 12, 13, 35, 37 and 38.

Final Report—par. 92.

146. Sections 10 and 13 provide that it shall be lawful for a criminal court before whom a prosecution for an offence against the provisions of the 1854 Act is brought to order payment to the prosecutor of reasonable costs if he has submitted beforehand a recognisance for £200. Section 10 also provides that no indictment for bribery or undue influence shall be triable before a Court of Quarter Sessions, (now the Circuit Court). Section 12 provides for recovery of costs by a successful defendant. Section 35 deals with the giving of evidence and sections 37 and 38 with definitions, etc. The Prevention of Electoral Abuses Act, 1923, repealed the parts of the 1854 Act defining offences against its provisions, providing for new offences instead of them. It is, therefore, unnecessary to retain the 1854 Act and it is proposed to repeal it.

147. The inclusion in *section 90* (*7*) of provisions that the certificate of a returning officer of the due holding of an election or that a particular person was a candidate shall be *prima facie* evidence of the facts in civil or criminal proceedings will enable the whole of the Corrupt Practices Prevention Act, 1863, of which this is the only remaining provision, and section 53 (3) of the Corrupt and Illegal Practices Prevention Act, 1883, to be repealed. Sections 45, 51, 52 and 54 of the 1883 Act are also proposed for repeal in accordance with the Joint Committee's recommendation for the abolition of all pre-1923 provisions dealing with corrupt and illegal practices. The Prevention of Electoral Abuses Act, 1923, contains provisions similar to sections 45, 51, 52 and 54 and renders them unnecessary.

Issue of statement likely to mislead voters as to process of voting.

*148. The Bill abolishes several existing electoral offences but *section 90* will create a new offence, namely the issue at an election of a statement which is likely to mislead voters as to the actual process of voting. This will be made an illegal practice.

Abolition of certain offences.

Final Report—pars. 87-89.

149. The offences to be abolished are treating, making false statements about the character or conduct of a candidate for the purpose of affecting his return and using as committee room at an election, any premises where intoxicating liquor is sold or any

premises used as a restaurant or as a national school. The relevant sections in the Prevention of Electoral Abuses Act, 1923, are sections 1 (2) (*c*), 4, 11 and 19.

PART VIII.

MISCELLANEOUS.

Special provisions for two or more elections on same polling day.

Final Report—par. 39.

150. The purpose of *section 91* is to enable the polls at more than one type of election to be taken on the same day.

151. Provisions to meet such a situation are contained in section 28 of the Referendum Act, 1942, which deals with the taking of the poll at a general election and a constitutional referendum on the the same day, and in the Referendum (Amendment) Act, 1959, which deals with the taking of the polls at a presidential election and a constitutional referendum on the same day. The polls at more than one type of election were taken in 1938 (plebiscite and general election under the Plebiscite (Draft Constitution) Act, 1937); in 1945 (Presidential election and local elections under the Presidential and Local Elections Act, 1945); in 1959 (Presidential election and constitutional referendum under the Referendum (Amendment) Act, 1959); and in 1960 (Carlow-Kilkenny bye-election and local elections in that area under the Elections Act, 1960). *Section 91* will enable these provisions, in so far as they are still operative, to be repealed. Its provisions are similar to those in existing legislation dealing with the taking of more than one poll at the same time.

Adaptation or modification of statutes to meet an emergency or special difficulty.

Final Report—par. 95.

152. *Section 92* contains the customary provision enabling existing statutory provisions to be adapted or modified by order made by the Minister to meet an emergency or special difficulty.

153. The Ninth Schedule to the Electoral Act, 1923, adapted the meaning of " registration officer " under the Corrupt and Illegal Practices Prevention Act, 1883, to mean registration officer for the purposes of the 1923 Act. None of the adapted sections in the 1883 Act is now operative. The Schedule also made a similar adaptation in the Juries Act (Ireland), 1871, which was repealed by the Juries Act, 1927, and made minor amendments in section 16 of the Parliamentary Registration (Ireland) Act, 1885, which is obsolete. The remaining part of the Schedule provides that the Minister may, by order, adapt Acts to make them conform with the 1923 Act. The Schedule is applied to the registration of local government electors and to jurors work. It will not be necessary on the enactment of *section 92* and will be repealed.

SCHEDULES.

The forms prescribed in the *Second, Third* and *Fourth Schedules* are, where necessary, dealt with in the notes on the relevant sections. The following are short notes on the enactments listed for repeal in the *First Schedule*. Where a whole Act is proposed for repeal only the parts so far not specifically repealed are dealt with in the notes.

Freedom of Elections (*1275*).

No man to disturb any to make free election. Obsolete.

Prohibition on coming armed to Parliament (*1313*).

Obsolete.

Summons to Parliament (*1382*).

Persons to obey summons to Parliament: sheriff omitting return of writs to be punished " in the manner as was accustomed to be done in times past ". Obsolete.

Restriction on member of House of Commons from being concerned in the collection of revenue (*1693*).

Obsolete.

Times for calling Parliament (1694).

Parliament to be held once in three years. See Article 15.7 of Constitution.

Prevention of false and double returns of members to Parliament (1695-6).

Not necessary.

Regulation of elections of members of Parliament and prevention of irregular proceedings (1695-6).

Section 1—Forty days time limit for return of writ. Writs to be issued with expedition and delivered to the proper officer.

Section 2—Sheriff, etc. not to take fee for delivery, receipting, return or execution of writ.

Section 5—Sheriff to deliver copy of poll to any person desiring it.

Section 7—Persons under 21 are not to vote and are ineligible. See *sections 12* and *26* and section 51 of Electoral Act, 1923.

Septennial Act, 1715.

Parliaments to continue for 7 years unless sooner dissolved. See article 16.5 of Constitution and *section 10.*

Municipal Corporations Act, 1745.

Failure to elect mayor. Unnecessary.

Recess Elections Act, 1784.

Sections 2-4—Speaker may issue warrant for writ for bye-election during recess in case of death of member or elevation to peerage.

Sections 5-8—Speaker may authorise from three to seven members to act in his absence in this matter.

Section 9—Publisher of Gazette to give receipts for notices. This Act appears to be superseded by section 54 of Electoral Act, 1923. See *section 12.*

Meeting of Parliament Act, 1797.

Deals with manner of summoning of Parliament by the Crown and provides for the demise of the Crown.

Meeting of Parliament Act, 1799.

Amends the Act of 1797.

School Sites (Ireland) Act, 1810.

Section 3—No grantees or lessees to be qualified to vote by virtue of grant or lease under the Act. Obsolete.

Parliamentary Writs Act, 1813.

See *section 12.*

Parliamentary Elections (Ireland) Act, 1820.

Section 5—Sheriff to endorse date of receipt of writ for county elections. See *section 12.*

Section 22—Returning officer may summon constables, etc. to attend polling places and appoint special constables. Obsolete.

Section 24—Deputy to act in case of death or illness of returning officer or deputy. See *section 11.*

Section 25—Punishment of returning officers acting corruptly or partially. See section 63 of Electoral Act, 1923.

Section 26—Expenses of election to be paid by returning officer in first instance. Virtually repealed by section 29 of the Representation of the People Act, 1918.

Parliamentary Elections (Ireland) Act, 1823.

Section 33—Sheriffs or other returning officers to endorse date of receipt on writ. See *section 12.*

Section 63—Deputies, clerks, constables, etc. who absent themselves at elections forfeit compensation for attendance and may be dismissed and replaced by the returning officer. Obsolete.

Section 66—Returning officer may summon constables, bailiffs, etc. to attend polling places and may appoint special constables (cf. Section 22 of 1820 Act).

Section 67—Deputy to act in case of death or illness of returning officer or deputy (cf. Section 24 of 1820 Act).

Section 73—No fees or rewards to be given to the returning officer.

Section 74—Elections of persons under 21 years are void. See section 51 of Electoral Act, 1923.

Section 75—Punishment of returning officer acting corruptly or partially. See section 63 of Electoral Act, 1923.

Section 86—Procedure for recovery of pecuniary penalties.

Section 87—Action to be commenced within one year after the offence. See section 52 of Prevention of Electoral Abuses Act, 1923.

Corporate Property (Elections) Act, 1832.

Makes it unlawful for municipal corporations to apply corporate property for expenses of parliamentary elections. Not necessary.

Representation of the People (Ireland) Act, 1832.

Constituencies and number of members to be returned. Obsolete.

Parliamentary Boundaries (Ireland) Act, 1832.

Makes provision as to boundaries of constituencies, detached portions of parishes etc. Obsolete.

Municipal Corporations (Ireland) Act, 1840.

Sections 20, 27 and 28—Wards. See *section 88.*

Section 48—No stamp duty to be payable on admission to freedom of a borough or on enrolment in burgess roll (which is now the register of local government electors). Not necessary.

Section 53—Applies 1745 Act to failure to elect mayor. Not necessary. See Part IV of Local Government Act, 1941.

Sections 85-86—Declarations accepting office. See *section 82.*

Section 87—Resignation of members. See *section 82.*

Section 89—Persons acting as members while not qualified. Covered by section 60 of Local Government Act, 1925.

Dublin Corporation Act, 1849.

Section 4—Medical assistance or instruction in endowed school not to be a disqualification. Not necessary.

Section 9—One alderman and three councillors to be elected for each ward. Obsolete. See *sections 82 and 88.*

Section 14—All aldermen and councillors to go out of office in 1850. Obsolete.

Sections 15-16—One third of members to go out of office each year. Obsolete.

Section 20—Municipal Corporations (Ireland) Acts, 1840 and 1843 to continue in force in borough as amended. Not necessary.

Section 21—Liability to borough rate not to be an objection to a juror, grand juror, sheriff or justice of the peace acting. Not necessary.

Section 22—Boundaries not to be affected. Not necessary

Dublin Improvement Act, 1849.

Section 57—Council may contract for printing lists of voters etc. and include expense in presentments. Obsolete. See *section 7.*

Parliamentary Elections (Ireland) Act, 1850.

Section 5—Division of certain cities into polling districts. Obsolete. See *section 22.*

Section 21—Candidates not to be liable for fees of assessors appointed by the returning officer. Obsolete.

Representation of the People (Ireland) Act, 1850.

Section 108—Rate books to be *prima facie* evidence, in connection with registration of electors. Not necessary.

Meeting of Parliament Act, 1852.

Amends the Act of 1797.

Returning Officers Act, 1854.

Writs to be sent to the returning officer or his deputy. Obsolete. See *section 12.*

Corrupt Practices Prevention Act, 1854.

See *section 90.*

Towns Improvement (Ireland) Act, 1854.

Section 27—The words for repeal (which appear to apply only to the first meeting of a newly constituted town commissioners) have been interpreted to apply also to the first meeting of town commissioners after each election. They provide the meeting will be held at 12 noon. See *section 82.*

Representative Peers (Ireland) Act, 1857.

Procedure in elections to vacancies in Irish peerage. Obsolete.

Election of Members during Recess Act, 1858.

Extends Recess Elections Act, 1784, to vacancies caused by appointment of members to offices involving vacating of seat. Obsolete.

Elections (Ireland) Act, 1862.

Sections 3-4—Writs to be directed to returning officers of boroughs. Sheriff of county to be returning officer in borough where the office of returning officer is vacant. Obsolete. See *sections 11* and *12.*

Elections in Recess Act, 1863.

Amends Acts of 1784 and 1858 as to period of notice. Obsolete.

Corrupt Practices Prevention Act, 1863.

See *section 90.*

Prorogation Act, 1867.

Conferred power to prorogue Parliament by royal proclamation without any subsequent writ or commission under the Great Seal.

Parliamentary Elections Act, 1868.

Section 44—Voidance of election on account of corrupt practice. See *section 90.*

Forfeiture Act, 1870.

See *sections 5* and *90.*

Meeting of Parliament Act, 1870.

Amends the Act of 1797.

Ballot Act, 1872.

Certain minor sections and schedules not specifically repealed. Spent.

County Officers and Courts (Ireland) Act, 1877.

See *section 7.*

Arranmore Polling District Act, 1878.

Relates to one polling district. Spent.

Town Councils and Local Boards Act, 1880.

See *Part VI.*

Corrupt and Illegal Practices Prevention Act, 1883.

See *section 90.*

Municipal Elections (Corrupt and Illegal Practices) Act, 1884.

Sections 3, 24 and 31. See *section 90.*

Parliamentary Registration (Ireland) Act, 1885.

Section 12—Contributions by townships of Pembroke and Blackrock to cost of registration of electors in Borough of Dublin. Obsolete.

Section 16—Superintendent registrars of births and deaths to furnish on 15th July an annual return to registration officers of deaths of persons over 21. Obsolete.

Section 32—Interpretation.

Section 33—Application and Title.

First and Third Schedules—Forms.

Redistribution of Seats Act, 1885.

Obsolete.

Police Disabilities Removal Act, 1887.

Enables police to vote at parliamentary elections. See *section 5.*

Public Bodies Corrupt Practices Act, 1889.

See *section 90.*

Stamp Act, 1891.

See note on repeal of section 48 of the Municipal Corporations (Ireland) Act, 1840.

Police Disabilities Removal Act, 1893.

Applies Police Disabilities Removal Act, 1887, to " all municipal and other elections ".

Local Government (Ireland) Act, 1898.

See *sections 5* and *90* and *Part VI.*

Local Government (Application of Enactments) Order, 1898.

See *sections 82* to *88.*

Polling Districts (County Councils) Act, 1908.

See *section 22.* Obsolete.

Public Meeting Act, 1908.

Section 1—Refers to election meetings. See section 12 of Prevention of Electoral Abuses Act, 1923.

Parliament Act, 1911.

Duration of Parliament. See Articles 16.5 and 20 etc. of Constitution.

Representation of the People Act, 1918.

See *sections 5* and *90.*

Local Government (Ireland) Act, 1919.

See *section 82.*

Electoral Act, 1923.

Parts I and II and First Schedule—Franchise and Registration. See *Part II.*

For notes on the other repeals see *Parts III* and *VIII.*

Prevention of Electoral Abuses Act, 1923.

See *sections 5* and *90.*

Local Government Electors Registration Act, 1924.

Applies procedure for registration of Dáil electors to registration of local government electors. See *Part II.*

Local Government Act, 1925.

Section 57—Qualifications for election to county council. See *Part VI.*

Court Officers Act, 1926.

Section 39—Expenses payable to county registrar. See *section 7.*

Section 40—Senior officer not to perform duties as returning officer. See *section 11.*

Electoral (Amendment) Act, 1927.

Section 5—Electors subscribing nomination papers. See *Chapter II, Part III.*

Section 6—Form of ballot papers. See *section 16.*

Section 7—Maximum duration of Oireachtas. See *section 10.*

Juries Act, 1927.

Part II—Registration of electors. See *Part II.*

Local Elections Act, 1927.

See *Part VI,* in particular *section 82.*

Cork City Management Act, 1929.

Section 6. See *section 82.*

Local Government (Dublin) Act, 1930.

Section 36—Aldermen and councillors. See *section 82.*

Section 38—Election and tenure of office of Lord Mayor. See *section 82.*

Section 46—Election and tenure of office of chairman of borough. See *section 82.*

Section 50—Casual vacancies. See *section 82.*

Section 86—Application of Local Elections Act, 1927. See *section 82.*

Electoral (Registration Appeals) Act, 1932.

Appeals against decisions of registration officers. See *section 8.*

Electoral (Amendment) Act, 1933.

Section 2.—Return of deposit. See *section 20.*

Limerick City Management Act, 1934.

Section 6—Aldermen and councillors. See *section 82.*

Section 8—Casual vacancies. See *section 82.*

Section 10—Election and tenure of office of mayor. See *section 82.*

Local Government (Extension of Franchise) Act, 1935.

Franchise at local government elections for citizens over 21. See *section 5.*

Electoral (University Constituencies) Act, 1936.

Abolished university constituencies for election of members of the Dáil. Spent.

Plebiscite (Draft Constitution) Act, 1937.

Holding of plebiscite on Draft Constitution in 1937. Spent.

Electoral (Chairman of Dáil Éireann) Act, 1937.

See *sections 12, 14* and *33.*

Presidential Elections Act, 1937.

See *Part IV.*

Waterford City Management Act, 1939.

Section 7—Casual vacancies. See *section 82.*

Section 9—Election and tenure of office of mayor. See *section 82.*

Local Government (Dublin) (Amendment) Act, 1940.

Section 12—Petitions in regard to wards. See *section 88.*

Cork City Management (Amendment) Act, 1941.

Section 6—Casual vacancies. See *section 82.*

Local Government Act, 1941.

See *Part VI.*

Electoral Act, 1941.

Prohibition on voting by persons under 21. See *section 26.*

Referendum Act, 1942.

See *Part V.*

Local Elections (Amendment) Act, 1942.

Postponement of local elections. Spent.

Electoral (Dáil Éireann and Local Authorities) Act, 1945.

Dates for registration of electors. See *Part II.*

Presidential and Local Elections Act, 1945.

Arrangements for poll at presidential and local elections in 1945. Spent.

Court Officers Act, 1945.

Section 12—Absence, incapacity or vacancy in office of sheriff who is returning officer. See *section 11.*

Local Government Act, 1946.

Section 72—Scale of maximum expenses at local elections. See *section 86.*

Presidential Elections (Amendment) Act, 1946.

See *Part IV.*

Referendum (Amendment) Act, 1946

See *Part V.*

Electoral (Amendment) Act, 1946.

Section 2—Place and hours of poll. See *section 24.*

Section 3—Counting of votes. See *section 41.*

Section 4—Polling cards. See *section 23.*

Sections 5-7—Deputy returning officers and returning officers. See *section 11.*

Section 8—Polling on islands. See *section 34.*

Local Elections Act, 1948.

Altered times for local elections. Spent.

Local Elections Act, 1953.

Local elections to be held quinquenially. See *section 81.*

Referendum (Amendment) Act, 1959.

See *Part V.*

Presidential Elections (Temporary Provisions) Act, 1959.

Free postage for election address of candidate at 1959 election. Spent.

Elections Act, 1960.

Holding local and Dáil elections on same day in Carlow-Kilkenny. Spent.

Electoral Act, 1960.

Section 5—Ascertainment of elector's age. See *section 5.*

Section 6—Entry of Gardaí and soldiers in postal voters list. See *section 7.*

Section 7—Days for nominations and polls. See *sections 18* and *24.*

Section 9—Arrangement of names in postal voters lists. See *section 7.*

Sections 10, 13 and 16. Voting by blind and incapacitated electors (Dáil and Presidential elections and referenda). See *sections 27, 57* and *75.*

Section 17—Local elections. See *section 82.*

Electoral (Amendment) Act, 1961.

Section 7. Returning officers and assistant returning officers. See *section 11.*

An Roinn Rialtas Áitiúil,
Meitheamh, 1963.

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