AN BILLE TOGHCHAIN (LEASU), 1971
ELECTORAL (AMENDMENT) BILL, 1971

Mar a leasaíodh i gCoiste
As amended in Committee

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Electoral Act, 1923.
2. Amendment of Seanad Electoral (University Members) Act, 1937.
3. Amendment of Presidential Elections Act, 1937.
4. Amendment of Referendum Act, 1942.
5. Constitutional referendum in relation to Third Amendment of the Constitution Bill, 1971.
6. Amendment of Seanad Electoral (Panel Members) Act, 1947.
7. Amendment of Electoral Act, 1963.
8. Short title and collective citations.

[No. 39*a* of 1971]

AN BILLE TOGHCHAIN (LEASU), 1971
ELECTORAL (AMENDMENT) BILL, 1971

BILL

entitled

AN ACT TO AMEND CERTAIN ENACTMENTS RELATING TO ELECTIONS OF THE PRESIDENT, MEMBERS OF DAIL EIREANN AND MEMBERS OF SEANAD EIREANN, AND THE TAKING OF A REFERENDUM.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Amendment of Electoral Act, 1923.

1.—The Electoral Act, 1923, is hereby amended by—

1923, No. 12.
1963, No. 19.

(*a*) the deletion of "and such number shall be marked on the counterfoil," from Rule 3 (2) of the Fourth Schedule, as amended by section 29 of the Electoral Act, 1963;

(*b*) the deletion of "bearing the number of the ballot paper" from Rule 3 (4) of the Fourth Schedule;

(*c*) the substitution of " and examine the receipt " for " , examine the receipt and compare the number thereon with the number on the ballot paper envelope " in Rule 6 (3) of the Fourth Schedule, as amended by section 8 (2) of the

1960, No. 43.

Electoral Act, 1960;

(*d*) the deletion of " numbers agree and the " from Rule 6 (4) of the Fourth Schedule, as amended by the said section 8 (2);

(*e*) the deletion of " and the numbers thereon agree " from Rule 6 (10) of the Fourth Schedule, as amended by the said section 8 (2);

(*f*) the substitution of the following new rule for Rule 8 of the Fourth Schedule—

"8. When the covering envelopes in any postal voters ballot box have been opened and their contents dealt with under the two preceding Rules, the returning officer shall open each unopened ballot paper envelope and place the ballot paper in a ballot box previously shown and sealed in the manner provided in Rule 4 of this Schedule which shall be subsequently treated as a ballot box for the purpose of Rule 32 of Part 1 of the Fifth Schedule to this Act.";

(*g*) the deletion of " and the number of such elector shall be marked on the counterfoil," from Rule 22 of Part 1 of the Fifth Schedule, as amended by section 29 of the Electoral Act, 1963;

(*h*) the deletion of " until he has been proved to have voted, and his vote has been declared by a competent court to be invalid " from Rule 39 of Part 1 of the Fifth Schedule;

(*i*) the deletion from Rule 41 of Part 1 of the Fifth Schedule of all the words from " The production from " to the end of the rule;

(*j*) the substitution of the following form for form 5A in Part III of the Fifth Schedule (inserted therein by section 16 of the Electoral Act, 1963) :

"

5A

FORM OF BALLOT PAPER.

(*Front of Paper*)

Counterfoil No.	Marcáil ord do rogha sna spáis seo síos. Mark order of preference in spaces below.	Marc Oifigiúil. Official Mark. →
		DOYLE—WORKERS PARTY. (James Doyle, of 10 High Street, Builder.)
		LYNCH—DEMOCRATS. (Jane Ellen Lynch, of 12 Main Street, Grocer.)
		O'BRIAIN—CUMANN NA SAORÁNACH. (Séamus O'Briain, ó 10 An tSráid Ard, Oide Scoile.)
		O'BRIEN, EAMON (BARRISTER)—NON-PARTY. (Eamon O'Brien, of 22 Wellclose Place, Barrister.)
		O'BRIEN, EAMON (SOLICITOR)—YOUNG IRELAND. (Eamon O'Brien, of 102 Eaton Brae, Ranelagh, Solicitor.)
		O'CONNOR—NATIONAL LEAGUE. (Charles O'Connor, of 7 Green Street, Gentleman.)
		THOMPSON—FARMERS PARTY. (William Henry Thompson, of Dereen Park, Farmer.)

TREORACHA.

I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.

II. Scríobh an figiúr 1 le hais ainm an chéad iarrthóra is rogha leat, an figiúr 2 le hais do dhara rogha, agus mar sin de.

III. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.

INSTRUCTIONS.

I. See that the official mark is on the paper.

II. Write 1 beside the name of the candidate of your first choice, 2 beside your second choice, and so on.

III. Fold the paper to conceal your vote. Show *the back of the paper* to the presiding officer and put it in the ballot box.

(*Back of Paper*)

No. .....

Election for Constituency of..... "; and

(*k*) the deletion of Rules 3 (3), 6 (6) and 6 (7) of the Fourth Schedule.

Amendment of Seanad Electoral (University Members) Act, 1937.

1937, No. 30.

2.—The Seanad Electoral (University Members) Act, 1937, is hereby amended by—

(*a*) the substitution of " a form " for " the said form " in subparagraph (ii) of Rule 4 (*f*) of the Second Schedule;

(*b*) the deletion of " marked as hereinbefore directed with the number on the back of the said ballot paper " from subparagraph (iv) of the said Rule 4 (*f*);

(*c*) the deletion of " and compare the number on such declaration with the number on the ballot paper envelope in such covering envelope " from Rule 12 (*b*) of the Second Schedule;

(*d*) the deletion of " said numbers agree and the " from Rule 12 (*c*) of the Second Schedule;

(*e*) the deletion of " and the numbers thereon agree " from Rule 13 of the Second Schedule;

(*f*) the deletion of both " compare the number on the envelope with the number on the ballot paper and if the numbers agree, he shall " and " , but if the numbers do not agree he shall mark the ballot paper ' rejected ' and shall attach it to the envelope " from Rule 16 of the Second Schedule;

(*g*) the deletion of "until he has been proved to the satisfaction of an election tribunal to have voted and such tribunal has declared his vote to be invalid" from Rule 27 of the Second Schedule; and

(*h*) the deletion of paragraphs (*b*) and (*e*) of Rule 4, paragraphs (*e*) and (*f*) of Rule 12, and Rule 30 of the Second Schedule.

Amendment of Presidential Elections Act, 1937.

1937, No. 32.

3.—The Presidential Elections Act, 1937, is hereby amended by—

(*a*) the deletion of "and the number of such elector shall be marked on the counterfoil," from Rule 15 of Part 1 of the First Schedule, as amended by section 56 of the Electoral Act, 1963; and

(*b*) the substitution of the following form for form 8 in the Second Schedule (substituted therein by section 52 of the Electoral Act, 1963):

"

Form (Presidential Elections).

8

Counterfoil No.	Marcáil ord do rogha sna spáis seo síos. Mark order of preference in spaces below.	Marc Oifigiúil. Official Mark. →
		DOYLE, JAMES (HIGH STREET—BUILDER). (James Doyle, of 10 High Street, Builder.)
		DOYLE, JAMES (FURRY PARK—CHEMIST). (James Doyle, of 420 Furry Park, Chemist.)
		LYNCH. (Jane Ellen Lynch, of 12 Main Street, Grocer.)
		O'BRIAIN, SÉAMUS (SRÁID ARD—OIDE SCOILE). (Séamus O'Briain, ó 10 An tSráid Ard, Oide Scoile.)
		O'BRIEN, EAMON (WELLCLOSE PLACE—BARRISTER). (Eamon O'Brien, of 22 Wellclose Place, Barrister.)
		O'BRIEN, EAMON (EATON BRAE—SOLICITOR). (Eamon O'Brien, of 102 Eaton Brae, Ranelagh, Solicitor.)
		O'CONNOR. (Charles O'Connor, of 7 Green Street, Gentleman.)
		THOMPSON. (William Thompson, of Dereen Park, Farmer.)

TREORACHA.	INSTRUCTIONS.
I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.	I. See that the official mark is on the paper.
II. Scríobh an figiúr 1 le hais ainm an chéad iarrthóra is rogha leat, an figiúr 2 le hais do dhara rogha, agus mar sin de.	II. Write 1 beside the name of the candidate of your first choice, 2 beside your second choice, and so on.
III. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.	III. Fold the paper to conceal your vote. Show *the back of the paper* to the presiding officer and put it in the ballot box.

(*Back of Paper*)

No. .....

Presidential election on ..... day of ..... 19 .".

4.—Rule 16 of the First Schedule to the Referendum Act, 1942, as amended by section 74 of the Electoral Act, 1963, is hereby amended by the deletion of " and the number of such voter shall be marked on the counterfoil,". Amendment of Referendum Act, 1942.

1942, No. 8.

5.—(1) At a constitutional referendum in relation to the Third Amendment of the Constitution Bill, 1971— Constitutional referendum in relation to Third Amendment of the Constitution Bill, 1971.

(*a*) a polling card sent under section 64 (1) of the Electoral Act, 1963, shall contain the statement set out in the Appendix to this section,

(*b*) a polling card shall also be sent by the local returning officer for a constituency to every elector whose name is on the register of Dáil electors for such constituency and is on the postal voters list for such constituency,

(*c*) a polling card sent under *paragraph* (*b*) of this section—

(i) shall indicate that it is for a postal voter and shall accordingly not state the number and place referred to in the said section 64 (1),

(ii) shall contain the statement referred to in *paragraph* (*a*) of this section, and

(iii) shall be sent by post to the elector at the same time as his ballot paper is sent, being addressed to him at the same address as is stated on the envelope in which the ballot paper is sent,

(*d*) subsections (3) to (6) of the said section 64 shall apply in relation to polling cards sent under *paragraph* (*b*) of this section,

(*e*) copies of the statement referred to in *paragraph* (*a*) of this section shall be displayed by a presiding officer in and in the precincts of his polling station:

Provided that the referendum shall not be invalidated by reason of any failure to display such copies in or in the precincts of any polling station,

(*f*) in applying Rule 18 (inserted by the Electoral Act, 1963) of the First Schedule to the Referendum Act, 1942, the following paragraph shall be substituted for paragraph (5)—

" (5) (*a*) Where a ballot paper is to be marked pursuant to paragraph (3) of this Rule, the presiding officer may assist the voter by reading out in full from the ballot paper the proposal stated therein and asking the voter 'Do you approve of or do you object to that Bill becoming law?' and shall then, unless it is a case to which subparagraph (*b*) of this paragraph applies, mark the ballot paper in accordance with the answer of the voter, but he shall not act on any written instruction.

(*b*) Where the voter fails to understand the import of the said question, the presiding officer—

(i) shall read out to the voter *paragraph 1* of the statement set out in the Appendix to *section 5* of the Electoral (Amendment) Act, 1972,

(ii) shall then ask the voter 'Which do you wish to do—to vote in favour of the proposal to change the Constitution? or to vote against the proposal to change the Constitution?', and

(iii) shall then mark the ballot paper in accordance with the answer of the voter, but shall not act on any written instruction."

(2) This section shall be construed as one with the Referendum Acts, 1942 to 1968.

APPENDIX

1. The Third Amendment of the Constitution Bill, 1971, proposes to add the subsection here following to Article 29.4 of the Constitution.

3° The State may become a member of the European Coal and Steel Community (established by Treaty signed at Paris on the 18th day of April, 1951), the European Economic Community (established by Treaty signed at Rome on the 25th day of March, 1957) and the European Atomic Energy Community (established by Treaty signed at Rome on the 25th day of March, 1957). No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State necessitated by the obligations of membership of the Communities or prevents laws enacted, acts done or measures adopted by the Communities, or institutions thereof, from having the force of law in the State.

The purpose of the proposal is to allow the State to become a member of the communities commonly known as the European Communities.

2. If you APPROVE of the State's becoming a member of the European Communities, mark X opposite the word YES on the ballot paper.

3. If you DO NOT APPROVE of the State's becoming a member of the European Communities, mark X opposite the word NO on the ballot paper.

4. A copy of the Bill can be inspected free of charge and purchased for two and a half pence at any Post Office.

Amendment of Seanad Electoral (Panel Members) Act, 1947.

1947, No. 42.

6.—The Seanad Electoral (Panel Members) Act, 1947, is hereby amended by—

(*a*) the deletion of " and marked upon the inside with the elector's said number," from Rule 4 (*f*) of the First Schedule;

(*b*) the substitution of the following subparagraph for subparagraph (ii) of the said Rule 4 (*f*):

" (ii) a smaller envelope (hereinafter referred to as the ballot paper envelope) in the prescribed form, and ";

(*c*) the substitution of " and " for " save that, in lieu of the number on the electoral roll, there shall be marked on the counterfoils of such ballot papers the consecutive number endorsed on the request in pursuance of which such ballot papers are issued and that " in Rule 5 of the First Schedule;

(*d*) the substitution of the following clause for clause (ii) of Rule 8 (1) (*a*) of the First Schedule:

" (ii) the authorised person shall furnish to the elector a form of declaration of identity in the prescribed form and in case the ballot papers produced are duplicates, shall mark the declaration of identity with the word ' duplicate ',";

(*e*) the substitution of the following clause for clause (iv) of the said Rule 8 (1) (*a*):

" (iv) the elector shall hand the declaration of identity together with the outer envelope produced to the

authorised person who, if he is satisfied that the person who made the declaration of identity is the person to whom the outer envelope is addressed, shall sign the declaration of identity, return it to the elector, and then destroy the outer envelope,";

(*f*) the deletion of "and compare the number on such declaration with the number on the ballot paper envelope in such covering envelope" from Rule 14 (*d*) of the First Schedule;

(*g*) the deletion of "numbers agree and the" from Rule 14 (*e*) of the First Schedule;

(*h*) the deletion of "or which does not bear the number of a ballot paper" from Rule 14 (*k*) of the First Schedule;

(*i*) the deletion of "or that it does not bear the number of a ballot paper" from Rule 18 of the First Schedule;

(*j*) the deletion of both "compare the number on the envelope with the number on the ballot papers, and if the number on the envelope and the number on the ballot papers agree, he shall" and ", but if the number on the envelope and the number on the ballot papers do not agree, the Seanad returning officer shall fasten such ballot papers and such envelope together and mark them 'rejected'" from Rule 20 (3) of the First Schedule;

(*k*) the deletion of "until he has been proved to the satisfaction of an election tribunal to have voted and such tribunal has declared his vote to be invalid" from Rule 32 of the First Schedule;

(*l*) the substitution of the following subparagraph for subparagraph (ii) of Rule 4 (*f*) of the Third Schedule:

"(ii) a form of declaration of identity in the prescribed form, and";

(*m*) the substitution of the following subparagraph for subparagraph (iv) of the last-mentioned Rule 4 (*f*):

"(iv) a smaller envelope (hereinafter referred to as the ballot paper envelope) in the prescribed form;";

(*n*) the substitution of "and" for "save that, in lieu of the number on the electoral roll, there shall be marked on the counterfoil of such ballot paper the consecutive number endorsed on the request in pursuance of which such ballot paper is issued and that" in Rule 5 of the Third Schedule;

(*o*) the substitution of "and examine the declaration of identity therein" for ", examine the declaration of identity therein and compare the number on such declaration with the number on the ballot paper envelope in such covering envelope" in Rule 13 (*c*) of the Third Schedule;

(*p*) the deletion of "said numbers agree and the" from Rule 13 (*d*) of the Third Schedule;

(*q*) the deletion of "and the numbers on such ballot paper and on such declaration agree" from Rule 14 of the Third Schedule;

(*r*) the deletion of both "compare the number on the envelope with the number on the ballot paper, and if the number on the envelope and the number on the ballot paper agree, he shall" and ", but if the number on the envelope and the number on the ballot paper do not agree, the Seanad returning officer shall fasten such ballot paper and such envelope together and mark them 'rejected'" from Rule 17 of the Third Schedule;

(*s*) the deletion of "until he has been proved to the satisfaction of an election tribunal to have voted and such tribunal has declared his vote to be invalid" from Rule 28 of the Third Schedule; and

(*t*) the deletion of paragraphs (*b*) and (*e*) of Rule 4, paragraphs (*g*), (*h*) and (*i*) of Rule 14, and Rule 35 of the First Schedule; and paragraphs (*b*) and (*e*) of Rule 4, paragraphs (*f*) and (*g*) of Rule 13, and Rule 31 of the Third Schedule.

Amendment of Electoral Act, 1963.

1968, No. 34.

7.—The Electoral Act, 1963, is hereby amended by the substitution of the following for the Fourth Schedule thereto, as amended by section 2 of the Referendum (Amendment) Act, 1968:

"FOURTH SCHEDULE

PART I.

FORM OF BALLOT PAPER AT CONSTITUTIONAL REFERENDUM.

(*Front of Paper*)

An bhfuil tú ag toiliú leis an togra chun an Bunreacht a leasú atá sa Bhille thíosluaite ?

Do you approve of the proposal to amend the Constitution contained in the undermentioned Bill ?

Ná cuir marc ACH SAN AON CHEARNÓG AMHÁIN
Place a mark in ONE SQUARE ONLY

MÁ THOILÍONN TÚ, cuir X sa chearnóg seo
IF YOU APPROVE, mark X in this square — TÁ YES

MURA DTOILÍONN TÚ, cuir X sa chearnóg seo
IF YOU DO NOT APPROVE, mark X in this square — NÍL NO

(*Back of Paper*)

Comhdhuille Uimh. Counterfoil No.....

Uimh. No.....

Dáilcheantar Constituency of.....

Reifreann i dtaobh an togra chun an Bunreacht a leasú
Referendum on proposal to amend the Constitution

NOTE :—The back of each ballot paper shall be numbered consecutively and the back of the counterfoil attached to it is to bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.

PART II.

FORMS OF BALLOT PAPERS AT ORDINARY REFERENDA.

1.

FORM OF BALLOT PAPER WHERE ONE REFERENDUM ONLY IS BEING TAKEN.

(Front of Paper)

Counterfoil No. .....

Marc Oifigiúil.

Official Mark. →

An bhfuil tú ag toiliú le dlí a dhéanamh den togra thíosluaite ?

Do you approve of the undermentioned proposal becoming law ?

	TÁ YES
	NÍL NO

TREORACHA.

I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.

II. Má thoilíonn tú leis an togra, cuir an marc "X" sa chearnóg os coinne an fhocail "TÁ".

III. Mura dtoilíonn tú leis an togra, cuir an marc "X" sa chearnóg os coinne an fhocail "NÍL".

IV. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.

INSTRUCTIONS.

I. See that the official mark is on the paper.

II. If you approve of the proposal, place the mark "X" in the square opposite the word "YES".

III. If you do not approve of the proposal, place the mark "X" in the square opposite the word "NO".

IV. Fold the paper to conceal your vote. Show *the back of the paper* to the presiding officer and put it in the ballot box.

(Back of Paper)

No. ..... Constituency of.....

Reifreann i dtaobh an togra go..... Referendum on proposal that.....

....

....

Note:—The back of each ballot paper shall be numbered consecutively and the front of the counterfoil attached to it shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.

FORM OF BALLOT PAPER WHERE TWO OR MORE REFERENDA ARE BEING TAKEN ON THE SAME DAY.

(*Front of Paper*)

Marc Oifigiúil.

Official Mark. →

Counterfoil No. .....

I gcás gach togra faoi leith dá luaitear sa chéad cholún anseo thíos, an bhfuil tú ag toiliú le dlí a dhéanamh den togra ?

In the case of each of the proposals stated in the first column below, do you approve of the proposal becoming law ?

TOGRA. PROPOSAL.	TÁ. YES.	NÍL. NO.
1.		
2.		
3.		

TREORACHA.	INSTRUCTIONS.
I. Féach chuige go bhfuil an marc oifigiúil ar an bpáipéar.	I. See that the official mark is on the paper.
II. Cuir an marc "X" sa cholún thuas dar mír-cheann "TÁ" os coinne gach togra faoi leith lena dtoilíonn tú.	II. Place the mark "X" in the column headed "YES" opposite every proposal of which you approve.
III. Cuir an marc "X" sa cholún thuas dar mír-cheann "NÍL" os coinne gach togra faoi leith nach dtoilíonn tú leis.	III. Place the mark "X" in the column headed "NO" opposite every proposal of which you do not approve.
IV. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.	IV. Fold the paper to conceal your vote. Show *the back of the paper* to the presiding officer and put it in the ballot box.

(*Back of Paper*)

No. .....

Reifreann i dtaobh na dtograí seo a leanas :—

1. .....

.....

2. .....

.....

3. .....

.....

Constituency of.....

Referenda on the following proposals :—

1. .....

.....

2. .....

.....

3. .....

.....

Note.—The back of each ballot paper shall be numbered consecutively and the front of the counterfoil attached to it shall bear the same number. The number on the back of the ballot paper shall be printed in the smallest characters compatible with legibility.".

8.—(1) This Act may be cited as the Electoral (Amendment) Act, 1972. Short title and collective citations.

(2) The Electoral Acts, 1923 to 1969, and *section 1* of this Act may be cited together as the Electoral Acts, 1923 to 1972.

(3) The Presidential Elections Acts, 1937 to 1963, and *section 3* of this Act may be cited together as the Presidential Elections Acts, 1937 to 1972.

(4) The Referendum Acts, 1942 to 1968, and *sections 4*, *5* and *7* of this Act may be cited together as the Referendum Acts, 1942 to 1972.

(5) The Seanad Electoral (Panel Members) Acts, 1947 and 1954, and *section 6* of this Act may be cited together as the Seanad Electoral (Panel Members) Acts, 1947 to 1972.

(6) The Seanad Electoral (University Members) Act, 1937, and *section 2* of this Act may be cited together as the Seanad Electoral (University Members) Acts, 1937 and 1972.

AN BILLE TOGHCHAIN (LEASU), 1971

BILLE

(mar a leasaíodh i gCoiste)
dá ngairtear

Acht do leasú achtachán áirithe a bhaineann le toghcháin don Uachtarán, do chomhaltaí de Dháil Éireann agus do chomhaltaí de Sheanad Éireann, agus le Reifreann a thógáil.

An tAire Rialtais Áitiúil a thug isteach

Ordaíodh ag Dáil Éireann, *a chlóbhualadh,*
15 *Márta,* 1972

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais, An Stuara, Ard-Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

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ELECTORAL (AMENDMENT) BILL, 1971

BILL

(as amended in Committee)
entitled

An Act to amend certain enactments relating to elections of the President, members of Dáil Éireann and members of Seanad Éireann, and the taking of a Referendum.

Introduced by the Minister for Local Government

Ordered by Dáil Éireann *to be printed,*
15*th March,* 1972

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