



**AN BILLE TOGHCHÁIN (LEASÚ), 1991
ELECTORAL (AMENDMENT) BILL, 1991**

EXPLANATORY MEMORANDUM

The object of the Bill is set out in its long title as being to “provide for the registration as postal voters of certain persons resident abroad”. Its purpose is to confer a right to vote at all elections, other than local elections, on Irish emigrants. The franchise is extended to all citizens who were ordinarily resident in Ireland within a period of fifteen years prior to the relevant election.

Section 1 is the definition section and sets out the scope of the Bill. It provides that the elections to which the Bill shall apply include Dáil elections, European Assembly elections, presidential elections and referenda.

The persons on whom the Bill confers voting rights are described in *section 1* as “qualified persons”. They are defined as those Irish citizens who have reached the age of 18 years and are not, on the date by reference to which voting registers are prepared by local authorities (“the qualifying date”) ordinarily resident within the State, and—

- (a) whose names had been included (other than as postal voters under this Bill) in a register of electors prepared within the previous fifteen years, or
- (b) who would have been entitled to have their names so included in such a register but for the fact that, at the time when they ceased to be ordinarily resident within the state, they had not yet reached the age of 18. (In other words, persons who emigrated before they reached the age of 18 will now be entitled to register as postal voters once they attain that age.)

The fifteen year limit means that no person can apply to be registered as a postal voter if he has been ordinarily resident outside the State for more than that period of time.

Section 2 provides that a qualified person, as defined above, shall, for the purposes of the specified elections, be deemed to be ordinarily resident in the State, at the premises (“the qualifying premises”) where he was ordinarily resident on the date when the most recent register in which his name was included (or would, but for his age, have been included) was drawn up.

Section 2 (2) sets out the procedure for applying to be registered as a “qualified person”. The applicant must send to the relevant local authority a declaration (which regulations made under the Bill may require to be sworn), setting out—

- (a) the date of the declaration,
- (b) that the declarant is an Irish citizen,
- (c) that the declarant will not be ordinarily resident within the State on the qualifying date,
- (d) when he ceased to be so resident,
- (e) the year in which the register by reference to which he claims to be a qualified person was prepared,
- (f) the address of the qualifying premises, and
- (g) such other information as may be prescribed by regulations under the Bill or may be required by the local authority to be furnished to it.

Where a person satisfies the relevant local authority that he is a qualified person under the Bill, he must be registered by it as an elector and his name must be entered on the postal voters list for that constituency.

By *section 3*, the provisions of the Electoral Acts relating to postal voting at general elections, European elections, presidential elections and referenda shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to this Bill.

However, *section 3 (2)* recognises that not all such provisions may be appropriate or capable of being applied to overseas voters, and that additional measures may be required in order to safeguard the integrity of the electoral process. Power is conferred on the Minister for the Environment to bring before the Oireachtas for approval regulations which modify the postal voting rules for the purposes of this Bill. He may propose any such modifications as appear to him to be necessary or expedient for bringing the Bill into operation or for safeguarding the integrity of elections.

Such regulations might vary as regards different countries, depending on the speed and reliability of their postal systems, or might introduce additional safeguards in respect of countries where the State has an embassy or consular office. (For example, a requirement might be introduced in respect of voters living in large urban areas, where the State is diplomatically represented, that they attend in person and with proof of identity at an embassy or consular office in order to cast their votes.)

Section 4 provides that regulations made under the Bill must be presented to both Houses of the Oireachtas for prior approval.

Section 5 sets out the short title of the Bill and provides for its collective citation and construction together with the other enactments governing elections.

By *section 5 (6)*, the Bill comes into operation six months after the date of its enactment.

Deputy Gerry O'Sullivan,
January, 1991.