AN BILLE TOGHCHÁIN (LEASÚ), 1996
ELECTORAL (AMENDMENT) BILL, 1996

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

ARRANGEMENT OF SECTIONS

Section

1. Short title, collective citation and commencement.
2. Polling districts and polling places.
3. Requirement for provision of accessible polling procedures.
4. Extension of postal voting to disabled persons.
5. Accessibility of counting places.
6. Transitional provisions

[No. 21*c* of 1996]

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Electoral Act, 1992 1992, No. 23

AN BILLE TOGHCHÁIN (LEASÚ), 1996
ELECTORAL (AMENDMENT) BILL, 1996

BILL

entitled

AN ACT TO REVISE ELECTORAL LAW RELATING TO VOTING BY DISABLED VOTERS AND TO PROVIDE FOR OTHER ELECTORAL MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Short title, collective citation and commencement.

1.—(1) This Act may be cited as the Electoral (Amendment) Act, 1996.

(2) The Electoral Acts, 1992 and 1995, and this Act may be cited together as the Electoral Acts, 1992 to 1996, and shall be construed together as one Act.

Polling districts and polling places.

2.—The Electoral Act, 1992, is hereby amended in section 28 by—

(*a*) the insertion of the following subsection after subsection (1):

"(1A) Each local authority shall, in making a scheme under this section, endeavour to appoint as polling places only such areas as shall allow the returning officer to provide at each polling place at least one polling station which is accessible to wheelchair users.",

(*b*) the insertion of the following subsection after subsection (5):

"(5A) (*a*) Where it is not practicable to provide a polling station which is accessible to wheelchair users at a polling place appointed for a polling district by a scheme for the time being in force in respect of a county or county borough, the local authority may appoint an alternative polling place at which it is practicable to provide a polling station which is accessible to wheelchair users for that polling district.

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(*b*) As soon as may be after the appointment of an alternative polling place for a polling district under paragraph (*a*), the local authority shall notify in writing details of such appointment to the Minister.",

and

(*c*) the substitution in subsection (6) for "a scheme under this section shall be" of "a scheme under this section and an appointment under subsection (5A) of an alternative polling place for a polling district in a scheme for the time being in force shall each be".

Requirement for provision of accessible polling procedures.

3.—(1) The Electoral Act, 1992 is hereby amended by—

(*a*) the insertion of the following subsection after subsection (1) of section 94:

"(1A) The returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users.",

(*b*) the insertion of the following subsection after subsection (3) of section 94:

"(3A) The returning officer shall, where practicable, give public notice of all polling stations which are inaccessible to wheelchair users not later than the eighth day before polling day.",

and

(*c*) the insertion of the following paragraphs after paragraph (*h*) of subsection (5) of section 94:

"(*i*) such other arrangements as may serve to facilitate the marking and placing in the ballot box of ballot papers by voters who may be wheelchair users,

(*j*) such arrangements as the Minister may provide for by regulations as may serve to facilitate voters with visual impairments to mark their ballot papers without assistance.".

(2) The Local Elections Regulations, 1995 (S.I. No. 297 of 1995), are hereby amended—

(*a*) by the insertion of the following sub-article after sub-article (1) of Article 57:

"(1A) The returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users.",

and

(*b*) by the insertion of the following paragraphs after paragraph (*h*) of sub-article (5) of Article 57:

"(*i*) such other arrangements as may serve to facilitate the marking and placing in the ballot box of ballot papers by voters who may be wheelchair users,

(*j*) such arrangements as may be provided for by regulations under section 94 (5)(*j*) of the Act of 1992 for the time being in force as may serve to facilitate voters with visual impairments to mark their ballot papers without assistance.".

Extension of postal voting to disabled persons.

4.—(1) The Electoral Act, 1992 is hereby amended by—

(*a*) the insertion after "qualifying date" in paragraph (*c*) of section 14 of ", or" and the following paragraph:

"(*d*) a person who is ordinarily resident at his residence, applies to be so entered and satisfies the registration authority that—

(i) such person is unable to go in person to vote at the polling place for his polling district by reason of his physical illness or physical disability, and

(ii) the physical illness or physical disability is likely to continue for the period of continuance in force of the register of electors in respect of which the application to be entered as a postal voter is made.",

(*b*) the insertion of the following section after section 14:

"Supplemental provisions to section 14.

14A.—(1) Part III of the Second Schedule shall apply to an application to be registered as a postal voter pursuant to section 14 (*d*) as if references in that Part to 'special voters list' were references to 'postal voters list' and references to 'section 17' and 'section 17(2)' were references to 'section 14 (*d*)'.

(2) An application from a person for entry in the postal voters list under section 14 (*d*) who, on the date of such person's application, is entered in the special voters list then in force shall be deemed not to be a first application for entry in the postal voters list for the purposes of Rule 19 (*c*) of the Second Schedule, as applied by subsection (1), to an application for entry in the postal voters list under the said section 14 (*d*).",

(*c*) the insertion of "and a statement of the offences and penalties relating to postal voting contained in Part XXII" after "to the voter" in subsection (2) of section 66,

(*d*) the deletion of paragraph (*a*) of subsection (2) of section 17 and the substitution of the following:

"(*a*) such elector is ordinarily resident in a hospital or in a home or similar institution for persons with a physical illness or physical disability and is unable to go in person to vote at the polling place for such elector's polling district by reason of physical illness or physical disability; and ",

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(*e*) the insertion of the following subsection after subsection (4) of section 17:

"(5) An application from a person for entry in the special voters list under this section who, on the date of application, is entered in the postal voters list under section 14 (*d*) then in force shall be deemed not to be a first application for entry in the special voters list for the purposes of Rule 19 (*c*) of the Second Schedule.",

(*f*) the insertion of "postal voters list or the" after "entered in the" in subsection (2) (*c*) of section 133,

(*g*) the insertion of "and the registration of postal voters pursuant to section 14 (*d*)" after "special voters" in paragraph 2 of the Table to paragraph (4) of Rule 1 of the Second Schedule, and

(*h*) the insertion of "or registered as a postal voter pursuant to section 14 (*d*)" after "special voters list" in paragraph 4 of the Table to paragraph (4) of Rule 1 of the Second Schedule.

(2) The Local Elections Regulations, 1995, are hereby amended by the insertion of "and a statement of the offences and penalties relating to postal voting contained in Part XV" after "to the voter" in Article 31(2).

Accessibility of counting places.

5.—(1) The Electoral Act, 1992 is hereby amended by the addition to section 112 at the end thereof of the following:

"The returning officer shall, where practicable, ensure that the place duly appointed under this section at which votes will be counted is accessible to wheelchair users.".

(2) Article 74 of the Local Elections Regulations, 1995, is hereby amended by the addition of the following sub-article after sub-article (2):

"(3) The returning officer shall, where practicable, ensure that the place duly appointed under sub-article (2) at which votes will be counted is accessible to wheelchair users.".

Transitional provisions.

6.—(1) The Minister shall by regulations prescribe dates for the purposes of paragraphs 2 and 4 of the Table to paragraph (4) of Rule 1 of the Second Schedule to the Electoral Act, 1992, in respect of applications for entry in the postal voters list under section 14(*d*) of that Act for the register of electors to be published in the year 1997.

(2) Where regulations are made under *subsection (1)* of this section—

(*a*) the registration authority shall deem an application for entry in the special voters list in respect of that register from an elector who is ordinarily resident at his or her residence to be an application for entry in the postal voters list pursuant to section 14 (*d*) of the Electoral Act, 1992,

(*b*) the registration authority shall enter in the postal voters list the name of every elector referred to in *paragraph* (*a*) of

this subsection in relation to whom an application for entry in the special voters list is granted and the name of any such elector shall not be included in the special voters list and, where appropriate, the registration authority shall remove the name of any such elector from the special voters list to which the application relates, and

(*c*) the notice the registration authority is required to publish pursuant to Rule 21 of the Second Schedule to the Electoral Act, 1992, which is applied by virtue of section 14A (inserted by this Act) of the Electoral Act, 1992, to an application for entry in the postal voters list under section 14(*d*) of that Act shall, in relation to that register, include a reference to the fact that any application for entry in the special voters list received from an elector who is ordinarily resident at his or her residence shall be deemed to be an application for entry in the postal voters list pursuant to the said section 14(*d*).

(3) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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AN BILLE TOGHCHÁIN (LEASÚ), 1996

BILLE

dá ngairtear

Acht d'athchóiriú an dlí toghcháin a bhaineann le vótáil ag vótálaithe míchumasaithe agus do dhéanamh socrú i dtaobh nithe eile maidir le toghcháin.

Ritheadh ag dhá Theach an Oireachtais,
18 *Nollaig*, 1996

ELECTORAL (AMENDMENT) BILL, 1996

BILL

entitled

An Act to revise electoral law relating to voting by disabled voters and to provide for other electoral matters.

Passed by both Houses of the Oireachtas,
18*th December*, 1996

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