



SEANAD ÉIREANN

**AN BILLE TOGHCHÁIN (LEASÚ) 2006
ELECTORAL (AMENDMENT) BILL 2006**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE TOGHCHÁIN (LEASÚ) 2006 —AN COISTE

ELECTORAL (AMENDMENT) BILL 2006 —COMMITTEE

*Leasuithe
Amendments*

SECTION 3

1. In page 4, subsection (1), lines 27 to 31, to delete paragraph (b) and substitute the following:

“(b) the application shall be—

- (i) signed by the applicant, or
- (ii) if the applicant is unable to write, he or she shall place his or her mark on the application form, or
- (iii) if the applicant is unable to place his or her mark on the application form, it shall be signed by a person designated for that purpose by the applicant,

and, in any case, the form shall be completed in accordance with the instructions provided thereon;”.

—*Senator James Bannon, Brian Hayes.*

SECTION 10

2. In page 10, before section 10, to insert the following new section:

“Amendment of
section 7 of the Act
of 1992.

10.—The Act of 1992 is amended by the substitution of the following for section 7:

“Registration of presidential electors. 7.—(1) A person shall be entitled to be registered as a presidential elector in a constituency if he has reached the age of eighteen years and if he was, on the qualifying date—

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency.

(2) A person who reaches the age of eighteen years and is or shall be, on the qualifying date—

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency,

shall be automatically registered as a presidential elector in the constituency referred to in paragraph (b), unless he or she instructs the registration authority otherwise.

[SECTION 10]

(3) For the purposes of—

- (i) the Presidential Elections Acts, 1937 to 1992,
- (ii) the Referendum Acts, 1942 to 1992, and
- (iii) this Act,

‘presidential elector’ means a person entitled to vote at an election of a person to the office of President of Ireland.

(4) In the Presidential Elections Acts, 1937 to 1992 “elector”, when used alone, means a person described in subsection (1).”.”.

—*Senator James Bannon, Brian Hayes.*

3. In page 10, before section 10, to insert the following new section:

“Amendment of section 8 of the Act of 1992. 10.—The Act of 1992 is amended by the substitution of the following for section 8:

“Registration of Dáil electors. 8.—(1) A person shall be entitled to be registered as a Dáil elector in a constituency if he has reached the age of eighteen years and he was, on the qualifying date—

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency.

(2) A person who reaches the age of eighteen years and is or shall be, on the qualifying date—

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency, shall be automatically registered as a Dáil elector in the constituency referred to in paragraph (b), unless he or she instructs the registration authority otherwise.

(3) (a) In addition to those entitled to be registered under subsection (1), a person shall be entitled to be registered as a Dáil elector in a constituency if he is a person who has reached the age of eighteen years and who on the qualifying date—

(i) complied with the requirement of subsection (1)(b), and

(ii) was either—

(I) a British citizen, or

(II) a national of a Member State to which this subsection applied on that date.

(b) This subsection applies to a Member State which is for the time being the subject of a declaration under subsection (4).

(4) Where the Minister is of opinion that—

- (a) the law of a Member State relating to the election of members of, or deputies or other representatives in or to, the National Parliament of that Member State enables citizens of Ireland, by reason of their being such citizens and being resident in that Member State, to vote at such an election, and
- (b) the provisions of that law enabling citizens of Ireland who are so resident so to vote are the same, or are substantially the same, as those enabling nationals of that Member State so to vote,

the Minister may by order declare that Member State to be a Member State to which subsection (3) applies.

- (5) (a) The Minister may, by order, specify criteria or other matters to which regard shall be had in order to determine whether or not a person is for the purpose of this section a national of a Member State and such order may provide that the provisions of the order shall relate to all Member States or to such one or more Member States as are specified in the order.
- (b) An order under this subsection may amend the definition of “a British citizen” in paragraph (a) of subsection (8) or the provisions of paragraph (b) of the said subsection (8).

(c) In this subsection—

‘Member State’ means a Member State of the European Communities other than the State;

‘national of a Member State’ shall not be construed as referring to the State, or as including a citizen of the State.

(6) Where—

- (a) an order under subsection (4) is for the time being in force, and
- (b) a Member State to which the order applies is for the time being a Member State to which subsection (3) applies, clause (II) of subsection (3)(a)(ii) shall be construed and have effect subject to the provisions of the order.

(7) (a) The Minister may revoke or amend an order under this section (including an order under this subsection).

- (b) Where an order under this section (including an order under this subsection) is proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

[SECTION 10]

(8) (a) Subject to subsection (4), in this section—

‘a British citizen’ means a person who, under the Act of the British Parliament entitled the British Nationality Act 1981, is a British citizen;

‘Member State’, except in subsection (4), means a Member State other than the State or the United Kingdom;

‘national of a Member State’ except in subsection (4), shall not be construed as referring to the United Kingdom or as including a British citizen.

(b) The reference in paragraph (a) to the Act of the British Parliament mentioned in that paragraph is a reference to that Act as enacted by that Parliament on the 30th day of October, 1981.”.”

—*Senator James Bannon, Brian Hayes.*

4. In page 10, before section 10, to insert the following new section:

“Amendment of section 9 of the Act of 1992. 10.—The Act of 1992 is amended by the substitution of the following for section 9:

“Registration of European electors. 9.—(1) A person shall be entitled to be registered as a European elector in a constituency if he has reached the age of eighteen years and if, on the qualifying date, he was ordinarily resident in that constituency and was either—

(a) a citizen of Ireland, or

(b) a national of a Member State other than the State.

(2) A person who reaches the age of eighteen years and is or shall be, on the qualifying date—

(a) a citizen of Ireland, and

(b) ordinarily resident in that constituency,

shall be automatically registered as a European elector in the constituency referred to in paragraph (b), unless he or she instructs the registration authority otherwise.”.”

—*Senator James Bannon, Brian Hayes.*

5. In page 10, before section 10, to insert the following new section:

“Amendment of section 10 of the Act of 1992. 10.—The Act of 1992 is amended by the substitution of the following for section 10:

“Registration of local government electors. 10.—(1) A person shall be entitled to be registered as a local government elector in a local electoral area if he has reached the age of eighteen years and he was, on the qualifying date, ordinarily resident in that area.

[SECTION 10]

(2) A person who reaches the age of eighteen years and is or shall be, on the qualifying date ordinarily resident in a local electoral area, shall be automatically registered as a local elector in that area, unless he or she instructs the registration authority otherwise.”.”.

—*Senator James Bannon, Brian Hayes.*

SECTION 11

6. In page 11, subsection (1), between lines 25 and 26, to insert the following:

“(a) in paragraph 4, “20th December” for “25th November”,.”.

—*Senator James Bannon, Brian Hayes.*

7. In page 11, subsection (1)(a), line 26, to delete “9th” and substitute “20th”.

—*Senator James Bannon, Brian Hayes.*

8. In page 11, subsection (1)(b), line 27, to delete “12th” and substitute “23rd”.

—*Senator James Bannon, Brian Hayes.*

9. In page 11, subsection (1)(b), line 28, to delete “and”.

—*Senator James Bannon, Brian Hayes.*

10. In page 11, subsection (1)(c), line 29, to delete “12th” and substitute “31st”.

—*Senator James Bannon, Brian Hayes.*

11. In page 11, subsection (1)(c), line 29, to delete “ “23rd December”.” and substitute “ “23rd December”, and”.

—*Senator James Bannon, Brian Hayes.*

12. In page 11, subsection (1), between lines 29 and 30, to insert the following:

“(d) in paragraph 10, “1st March” for “1st February”.”.

—*Senator James Bannon, Brian Hayes.*