



DÁIL ÉIREANN

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

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

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AN BILLE TOGHCHÁIN (LEASÚ) 2006 —AN TUARASCÁIL

ELECTORAL (AMENDMENT) BILL 2006 —REPORT

Leasuithe Amendments

1. In page 3, line 11, to delete “ENACTMENTS” and substitute “ENACTMENTS,”.

—Fergus O'Dowd.

2. In page 3, between lines 15 and 16, to insert the following:

“ “candidate for election” means any person who has been properly nominated (and whose nomination has been deemed to be valid by the relevant returning officer) as a candidate in—

- (a) a presidential election,
- (b) an election to Dáil Éireann,
- (c) an election to the European Parliament,
- (d) an election to a local authority, or
- (e) an election to Údarás na Gaeltachta;”.

—Fergus O'Dowd.

3. In page 3, between lines 24 and 25, to insert the following:

“ “qualified elector” means a person who has been entered in the postal voters list under *section 2*;”.

—Fergus O'Dowd.

4. In page 3, between lines 26 and 27, to insert the following:

“ “the Referendum Commission” means any commission established by the Minister under section 2 of the Referendum Act 1998;”.

—Fergus O'Dowd.

5. In page 3, between lines 28 and 29, to insert the following:

“ “registration authority” has the meaning assigned to it by section 6 of the Act of 1992;”.

—Fergus O'Dowd.

6. In page 3, line 32, to delete “charge” and substitute “charge,”.

—Fergus O'Dowd.

7. In page 4, line 12, to delete “prison” and substitute “prison, save in the case of an Irish citizen”.

—Fergus O'Dowd.

8. In page 4, line 20, to delete “place” and substitute “constituency”.

—Eamon Gilmore.

9. In page 4, to delete line 21 and substitute the following:

“but for his or her detention in prison. Should they not be able to prove their previous ordinary residence to the satisfaction of the Registration Authority, arrangements shall be made for them by the Registration Authority to vote in the constituency in which they are incarcerated.”.

—Arthur Morgan.

10. In page 4, to delete lines 27 to 31 and substitute the following:

“(b) the application shall be—

(i) signed by the applicant, or

(ii) if the applicant is unable to write, affixed with his or her mark, and

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

—Fergus O'Dowd.

11. In page 4, line 33, to delete “the certificate referred to in *subsection (2)*” and substitute “a certificate of detention in prison”.

—Fergus O'Dowd.

12. In page 4, line 38, to delete “The certificate referred to in *subsection (1)(c)*” and substitute “A certificate of detention in prison”.

—Fergus O'Dowd.

13. In page 4, line 40, to delete “concerned” and substitute “concerned,”.

—Fergus O'Dowd.

14. In page 4, line 41, after “in” to insert “that”.

—Fergus O'Dowd.

15. In page 4, line 46, to delete “*section 2*” and substitute “*section 2,*”.

—Fergus O'Dowd.

16. In page 4, line 46, to delete “shall” and substitute “may be required to”.

—Eamon Gilmore.

17. In page 5, between lines 6 and 7, to insert the following:

“(c) Where the Registration Authority is not satisfied as to the correct identity of the applicant, the Registration Authority shall rely upon the identity details of the applicant provided by the Irish Prison Service for the purposes of processing their application.”.

—Arthur Morgan.

18. In page 5, to delete lines 7 to 13 and substitute the following:

“(2) If a registration authority makes a requirement pursuant to *subsection (1)*, it may specify in the requirement or in a subsequent notice given by it in relation to the requirement the period of time within which the requirement shall be complied with and, if the applicant does not comply within the period so specified, the application referred to in *subsection (1)* shall be deemed to have been withdrawn.

(3) The period of time (if any) specified in the requirement or notice referred to in *subsection (2)* shall not be less than 7 days from the day on which the requirement is made or the notice is given, as the case may be.”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

19. In page 5, line 10, to delete “7” and substitute “21”.

—Eamon Gilmore.

20. In page 5, line 10, to delete “7 days” and substitute “28 days”.

—Arthur Morgan.

21. In page 5, line 11, after “requirement” to insert the following:

“or within that time shall satisfactorily account for his or her inability to furnish such information or documents,”.

—Eamon Gilmore.

22. In page 5, to delete lines 12 and 13 and substitute the following:

“Registration Authority shall rely upon the identity details of the applicant provided by the Irish Prison Service for the purposes of processing their application.”.

—Arthur Morgan.

23. In page 5, between lines 13 and 14, to insert the following:

“(3) *Subsection (2)* shall not apply where it is not possible for the applicant to procure the information or document within the time specified in the requirement, and where such is the case, he or she shall furnish the information or document within such reasonable time as shall be agreed with the registration authority.”.

—Fergus O'Dowd.

24. In page 5, between lines 28 and 29, to insert the following:

“Provision of
electoral
information.

6.—(1) Where a qualified elector so requests, the relevant official shall provide or cause to be provided—

(a) such assistance, whether physical or otherwise, as the qualified elector may require, and

(b) such electoral information as the relevant official shall deem reasonable,

to allow the qualified elector to cast his or her ballot in an informed manner.

(2) Where—

(a) a candidate for election, or

(b) a representative of the Referendum Commission,

so requests, the relevant official shall provide such access to a qualified elector as he or she deems sufficient and necessary for the provision of electoral information, save where the provision of such access would be, in the opinion of the relevant official, contrary to the safety or security of a prison or any person.

(3) No qualified elector shall be denied access to ordinary electoral information without extraordinary and exceptional reason.”.

—Fergus O'Dowd.

25. In page 6, between lines 46 and 47, to insert the following:

“(a) the returning officer for the constituency in which the prison is situated shall appoint a person as presiding officer to supervise the issue of ballot papers to, and the return of ballot papers by, electors pursuant to this Act;”.

—Eamon Gilmore.

26. In page 7, after line 44, to insert the following:

“(4) The Department of Justice, Equality and Law Reform in co-ordination with the Department of Environment, Heritage and Local Government shall ensure that it is the responsibility of the Irish Prison Service to ensure that registration forms and ballots are available to people in prisons.”.

—Arthur Morgan.

27. In page 10, between lines 32 and 33, to insert the following:

“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.

(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).”.

—Fergus O'Dowd.

28. In page 11, between lines 17 and 18, to insert the following:

“Amendment of
section 8 of the Act
of 1992.

11.—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 (3).

(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 (2) 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 (7) or the provisions of paragraph (b) of the said subsection (7).

- (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 (2) applies,

clause (II) of subsection (2)(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.

- (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.”.”.

—Fergus O'Dowd.

29. In page 11, after line 46, to insert the following:

“Amendment of section 9 of the Act of 1992. 12.—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.”.”

—Fergus O'Dowd.

30. In page 12, between lines 13 and 14, to insert the following:

“Amendment of section 10 of the Act of 1992. 13.—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.

(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.”.”

—Fergus O'Dowd.