DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ TOGHCHÁIN, 2022
ELECTORAL REFORM BILL 2022
LEASUITHE COISTE
COMMITTEE AMENDMENTS
DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ TOGHCHÁIN, 2022
—ROGHCHOISTE

ELECTORAL REFORM BILL 2022
—SELECT COMMITTEE

Leasuithe
Amendments

SECTION 2
1. In page 10, line 29, to delete ““Commission”” and substitute ““Coimisiún””.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 3
2. In page 12, to delete line 8 and substitute the following:

“(k) section 25C;
(l) section 85.”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

3. In page 12, between lines 8 and 9, to insert the following:

“(l) section 85.”.

—Paul McAuliffe.

SECTION 7
4. In page 14, lines 8 and 9, to delete “or, in the English language, as the Electoral Commission”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 8
5. In page 15, between lines 34 and 35, to insert the following:

“(10) At least 20 per cent of ordinary members appointed to the Commission shall be competent to conduct their functions in the Irish language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 10
6. In page 17, line 2, to delete “a member” and substitute “an ordinary member”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.
7. In page 17, line 13, to delete “a member” and substitute “an ordinary member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

8. In page 17, lines 14 and 15, to delete “a member” and substitute “an ordinary member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

9. In page 17, line 16, to delete “a member” and substitute “an ordinary member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

10. In page 17, line 22, to delete “a member” and substitute “an ordinary member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

11. In page 17, line 25, to delete “A member” and substitute “An ordinary member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 11

12. In page 17, line 35, to delete “if he or she is” and substitute “if he or she”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

13. In page 17, line 36, to delete “a member” and substitute “is a member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

14. In page 17, line 37, to delete “entitled under” and substitute “is entitled under”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

15. In page 17, line 39, to delete “a member” and substitute “is a member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

16. In page 17, line 39, to delete “authority.” and substitute “authority;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

17. In page 17, after line 39, to insert the following:

“(d) does not possess a tax clearance certificate issued to him or her under section 1095 of the Taxes Consolidation Act 1997.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

18. In page 18, line 1, to delete “a member” and substitute “an ordinary member”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 14

19. In page 20, between lines 3 and 4, to insert the following:

“(7) (a) A Committee shall be established in accordance with this section, no later than 6 months following the establishment of the Commission, to monitor the role of both official languages in electoral policy and procedure, including in referendums, and to advise and assist the Commission in working to ensure that the first official language of the state is given prominence in, and that Irish
speakers can participate fully as equal citizens in, the electoral and democratic processes.

(b) A person shall not be appointed to the Committee referred to in paragraph (a) unless that person is competent to conduct their functions in the Irish language, and Irish shall be the working language of the Committee.

(c) The Committee referred to in paragraph (a) shall, no later than one year after its establishment, prepare an annual report on the use of Irish in the electoral and democratic processes during the year previous, including recommendations for its increased use, including in political advertising online and in traditional media, and equal opportunities for engagement by Irish speakers in such processes, which shall be published and laid before the Joint Oireachtas Committee responsible for matters relating to the Irish language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 16

20. In page 20, lines 21 and 22, to delete “are civil servants within the meaning of the Civil Service Regulation Act 1956” and substitute “are civil servants (within the meaning of the Civil Service Regulation Acts 1956 to 2005) in the Civil Service of the State”.

—Ged Nash.

21. In page 20, between lines 25 and 26, to insert the following:

“(5) At least 20 per cent of members of staff appointed in a given year shall be competent to conduct their functions in the Irish language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 18

22. In page 21, between lines 9 and 10, to insert the following:

“(5) A person shall not be appointed Chairperson unless that person is competent to conduct their functions in the Irish language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

23. In page 21, between lines 9 and 10, to insert the following:

“(5) Where a person who holds judicial office in the Superior Courts is appointed to be the chairperson, the following provisions shall have effect:

(a) where such person, on being appointed, is a judge of the Supreme Court, other than the Chief Justice or a judge who is ex officio an additional judge of that Court, then for so long as such person continues to hold that judicial office, the number of ordinary judges of the Supreme Court otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former Chief Justice to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without
prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former Chief Justice to whom the said section 4(2) relates;

(b) where such person, on being appointed, is the President of the Court of Appeal or another judge of the Court of Appeal, other than a judge who is ex officio an additional judge of that Court, then for so long as such person continues to hold the judicial office held by such person on so being appointed, the number of ordinary judges of the Court of Appeal otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former President of the Court of Appeal to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1A) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the Court of Appeal to whom the said section 4(2) relates;

(c) where such person, on being appointed, is the President of the High Court or another judge of the High Court, other than a judge who is ex officio an additional judge of that Court, then for so long as such person continues to hold the judicial office held by such person on so being appointed the number of ordinary judges of the High Court otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former President of the High Court to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (2) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the High Court to whom the said section 4(2) relates.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

SECTION 20

24. In page 23, between lines 17 and 18, to insert the following:

“(21) A person shall not be appointed chief executive unless that person is competent to conduct their functions in the Irish language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 27

25. In page 26, between lines 36 and 37, to insert the following:

“(c) the objectives, outputs and strategies of the Commission for achieving the aim of increasing the use, visibility, and prominence of Irish, and achieving equal access by Irish speakers to participate, in the electoral and democratic processes.”.
SECTION 27

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 29

26. In page 27, between lines 20 and 21, to insert the following:

“(a) to oversee, manage and regulate all elections;”.

—Cian O’Callaghan.

27. In page 27, line 31, after “information” to insert “equally in both official languages”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

28. In page 27, after line 37, to insert the following:

“(i) to promote the increasing use, visibility, and prominence of the Irish language, and equal opportunities for Irish speakers to engage, in the electoral and democratic processes.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

29. In page 27, after line 37, to insert the following:

“(i) to regulate to ensure that no communications for electoral purposes in Gaeltacht areas act to promote the use of the English language as the primary language of the community for electoral or democratic processes to the detriment of the Irish language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

30. In page 28, between lines 4 and 5, to insert the following:

“(4) Where the participation of an elector in an election or referendum is facilitated through their inclusion on the special voters list in the case of an illness or disability under section 17 of the Act of 1992, or under section 103 of the Act of 1992 as a result of an inability to vote without assistance, the Commission shall ensure that the elector may avail equally of such facilities or support as may be provided in the official language of their choice.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 30

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

“(4) The Commission shall ensure that—

(a) any statement published and distributed in accordance with section 30(1)(b) is published simultaneously and distributed equally in both official languages,

(b) any brochure, leaflet or pamphlet published and distributed in accordance with section 30(2)(a) is bilingual in both official languages, or may be in the Irish language only or bilingual in the case of a brochure, leaflet, or pamphlet distributed to a presidential elector or household located within a Gaeltacht Language Planning Area, and the text in the Irish language in a bilingual brochure, leaflet or pamphlet—
(i) shall be at least as prominent, as visible, and as legible as the text in the English language,

(ii) shall not have lettering smaller in size than the lettering in the text in the English language,

(iii) shall not be abbreviated unless the word in the corresponding English language text, which is a translation thereof, is likewise abbreviated,

(c) the publication and distribution of posters outside of Gaeltacht Language Planning Areas in accordance with section 30(2)(a) shall ensure that no fewer posters are distributed or erected with text in the Irish language than in the English language, and that no greater prominence is given to posters in the English language than posters in the Irish language, and only posters with text in the Irish language shall be distributed or erected within Gaeltacht Language Planning Areas,

(d) of the broadcasting time allocated to facilitate the Commission in performing its functions under section 31, no more time shall be broadcast on RTÉ in the English language than in the Irish language, and advertisements broadcast on TG4 in accordance with section 31 shall be in the Irish language only.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 50

32. In page 37, line 12, to delete “Commission” and substitute “Registrar”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

33. In page 38, line 40, to delete “section 10” and substitute “section 10(1)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

34. In page 39, line 4, to delete “section 26” and substitute “section 26(2)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 51

35. In page 39, lines 15 and 16, to delete all words from and including “(1)” in line 15 down to and including line 16 and substitute the following:

“(1) The Registrar shall maintain the Register of Political Parties and shall cause it to be published on the Commission’s website.

(2) The Registrar shall in addition cause to be published on the Commission’s website, in respect of each political party registered in the Register, a copy of the constitution, memorandum of association or other such document or other written rules that was provided to the Registrar by that party for the purposes of section 44(c).”.

—Ged Nash.

SECTION 55
[SECTION 55]

36. In page 40, between lines 22 and 23, to insert the following:

“55. There will be a requirement for political parties to provide full transparency on their property portfolio including proof of property purchase funds.”.

—Paul McAuliffe.

37. In page 40, between lines 24 and 25, to insert the following:

“Voting rights review

55. (1) The Commission shall conduct a review of voting rights and entitlements. This shall include, but not be limited to:

(a) lowering the voting age to 16;
(b) extending voting rights to all residents;
(c) extending voting rights to citizens living in Northern Ireland;
(d) extending voting rights to recent emigrants.

(2) This review shall include a process of public consultation and expert engagement.

(3) This review shall be provided to the Minister, the Joint Oireachtas Committee and laid before both Houses of the Oireachtas within 18 months of the establishment of the Commission.”.

—Cian O'Callaghan.

SECTION 56

38. In page 41, to delete lines 22 and 23 and substitute the following:

“(a) the total number of members of Dáil Éireann, subject to Article 16.2.2 of the Constitution, shall be not less than 169 and not more than 179;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

39. In page 41, line 24, to delete “3, 4 or 5 members” and substitute “4, 5 or 6 members”.

—Cian O'Callaghan.

40. In page 41, between lines 30 and 31, to insert the following:

“(g) the names of constituencies shall be in the Irish language or in the Irish and English languages.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

41. In page 41, between lines 30 and 31, to insert the following:

“(3) When preparing a report in relation to the constituencies for the election of members to Dáil Éireann, the Commission shall seek to secure that its recommendations taken as a whole would result in as small a number of constituencies returning 3 members, and in as large a number of constituencies returning 5 members, as is reasonably practicable.”.

—Ged Nash.
42. In page 41, after line 37, to insert the following:

“(d) the names of constituencies shall be in the Irish language only or in the Irish and English languages.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

43. In page 42, to delete lines 1 to 3.

—Ged Nash.

SECTION 60

44. In page 44, between lines 12 and 13, to insert the following:

“(3) For the purposes of preparing a report referred to in subsection (1), the Commission shall have regard to the need to secure that the number of members of a local authority to be elected for each local electoral area should be not less than 5 and not more than 7, provided that a smaller number (but not less than 3) may be recommended if the size of the local electoral area concerned would otherwise be disproportionately large.”.

—Ged Nash.

SECTION 63

45. In page 44, after line 36, to insert the following:

“Names of constituencies and Local electoral areas

63. (1) In any case where the name of a constituency or local electoral area is used for official purposes in text or spoken form, for the purposes of any election following the commencement of this Act or by a public body for any other purpose, the name of the constituency shall be in the Irish language or in the Irish and English languages.

(2) Where the name of a constituency is given in both official languages in written form, the text Irish language shall be at least as prominent, as visible, and as legible as the text in the English language, shall not have lettering smaller in size than the lettering in the text in the English language, and the name in the English language shall not appear except following the text in the Irish language.

(3) Where the name of a constituency is given in both official languages in oral form, the spoken name in the Irish language shall be at least as prominent, as audible, and as clear as the text in the English language and shall be spoken prior to the name in the English language.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

46. In page 45, between lines 7 and 8, to insert the following:

“(2) The Commission shall research the impact that the alphabetical order of candidates on the ballot paper has on election outcomes. The Commission shall provide a report to the Joint Oireachtas Committee within 24 months and may make such recommendations to the Minister and the Government as it considers appropriate.”.

—Cian O'Callaghan.
47. In page 45, between lines 7 and 8, to insert the following:

“(2) The Commission shall research how to make voting more accessible for people with disabilities. The Commission shall provide a report to the Joint Oireachtas Committee within 24 months and may make such recommendations to the Minister and the Government as it considers appropriate.”.

—Cian O’Callaghan.

48. In page 45, between lines 7 and 8, to insert the following:

“(2) Without prejudice to the generality of subsection (1), research commissioned or conducted under that subsection may include research on—

(a) best practice standards in the taking of opinion polls, and voter education in relation to opinion polls,

(b) best practice standards in relation to a framework for broadcast election debates, including a possible regulatory framework, in order to secure both fairness and impartiality,

(c) mandatory voting,

(d) lowering the voting age,

(e) further extending the franchise in respect of non-citizens in the State, and

(f) further extending the franchise in respect of citizens outside the State.”.

—Ged Nash.

SECTION 65

49. In page 45, between lines 26 and 27, to insert the following:

“(2) The Commission may, and shall when requested by the Minister, create an advisory board to advise the electoral commission on Cyber Threats.”.

—Paul McAuliffe.

SECTION 66

50. In page 45, line 30, after “programmes” to insert “, in both official languages equally,”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

51. In page 45, between lines 32 and 33, to insert the following:

“(2) The Commission shall:

(a) produce radio, TV and online advertisements to promote participation in electoral events;

(b) maintain a website and social media platforms dedicated to voter education and awareness;

(c) provide training and voter education programmes;

(d) engage with schools, colleges and other educational institutions to enhance voter education and voter participation among young people;
[SECTION 66]

(e) employ youth advocates to increase voter participation and awareness among young people;

(f) proactively and regularly engage in outreach to minority communities and under-represented groups to ensure barriers to participation are removed;

(g) produce educational materials and resources that explain the PRSTV voting system, how to run for election and other relevant matters;

(h) ensure that all its materials are provided in an accessible and easy to read format;

(i) ensure that all its materials are translated to Irish Sign Language so that they are accessible to deaf people;

(j) ensure that all its materials are accessible to people who are blind or vision impaired;

(k) ensure that all election and educational materials are produced in various languages and formats;

(l) run targeted awareness campaigns aimed at improving voter engagement among people with disabilities, including but not limited to, promoting options such as postal voting;

(m) monitor and implement international best practice in terms of voter education and voter participation;

(n) provide support and resources to other state bodies and non-governmental organisations engaged in voter education;

(o) after each electoral event provide a detailed report to the Joint Oireachtas Committee and the Minister on the voter education and awareness measures undertaken for that election;

(p) undertake any other measures and steps that increase awareness and participation.”.

—Cian O’Callaghan.

SECTION 77

52. In page 49, between lines 18 and 19, to insert the following:

“Amendment of Údarás na Gaeltachta Act 1979

77. (1) In this section—

“Minister” means the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media;


(2) Section 6 of the Act of 1979 is hereby amended by the substitution of the following subsection for subsection (2):

“(2) An tÚdarás shall consist of a chairperson who shall be appointed by the Minister and 19 other members of whom 17 shall be persons
(3) The Act of 1979 is hereby amended by the substitution of the following section for section 29:

“29. (1) Each of the following areas shall be a constituency for the purposes of this Part:

(a) the area comprising those parts of the Gaeltacht situated in the county of Donegal;
(b) the area comprising those parts of the Gaeltacht situated in the county of Mayo;
(c) the area comprising those parts of the Gaeltacht situated in the county of Galway;
(d) the area comprising those parts of the Gaeltacht situated in the county of Meath;
(e) the area comprising those parts of the Gaeltacht situated in the county of Kerry;
(f) the area comprising those parts of the Gaeltacht situated in the county of Cork; and
(g) the area comprising those parts of the Gaeltacht situated in the county of Waterford.

(2) In an election—

(a) the constituency specified in subsection (1)(a) shall return 4 persons,
(b) the constituency specified in subsection (1)(b) shall return 2 persons,
(c) the constituency specified in subsection (1)(c) shall return 6 persons,
(d) the constituency specified in subsection (1)(d) shall return 1 person,
(e) the constituency specified in subsection (1)(e) shall return 2 persons,
(f) the constituency specified in subsection (1)(f) shall return 1 person, and
(g) the constituency specified in subsection (1)(g) shall return 1 person.”.

(4) The First Schedule to the Act of 1979 is amended—

(a) by the substitution of the following for paragraph 2:
“A member of an tÚdarás other than a member appointed in accordance with section 6(2)(a)(vi) shall, unless the member sooner dies, resigns, becomes disqualified or is removed from office, hold office for such period not exceeding five years.”,

(b) by the deletion of paragraph 3.”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

53. In page 49, between lines 18 and 19, to insert the following:

“Amendment of Taxes Consolidation Act 1997

77. Schedule 13 to the Taxes Consolidation Act 1997 is amended by the insertion of the following paragraph after paragraph 206:

“207. The Electoral Commission.”.

—An tAire Títhíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 79

54. In page 51, to delete lines 19 to 21 and substitute the following:

“(b) by the deletion of subsections (2) to (7) and the substitution of the following:

“(2) 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—

(a) has reached the age of eighteen years,

(b) was ordinarily resident in that constituency, and

(c) has had a period of one year’s continuous residence in the State immediately before the date of registration and, during the eight years immediately preceding that period, has had a total residence in the State amounting to four years.”.

—Ged Nash.

SECTION 82

55. In page 52, line 3, to delete “18 years” and substitute “16 years”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

56. In page 53, to delete lines 1 to 4.

—Cian O'Callaghan.

SECTION 84

57. In page 54, between lines 10 and 11, to insert the following:

“Certain further persons deemed to be ordinarily resident in the State

84. The Act of 1992 is amended by the insertion of the following after section 12:
“12A. (1) In addition to the qualified persons deemed to be resident in the State under section 12, a person is a qualified person by virtue of this section if the person is a citizen of Ireland who has reached the age of 18 years and is not ordinarily resident within the State, and—

(a) whose name was (other than under the provisions of this section) included in a register of Dáil electors prepared by a registration authority within the previous fifteen years, or

(b) who would have been entitled (other than under the provisions of this section) to have his name so included in any such register but for the fact that, at the time when he ceased to be ordinarily resident within the State, he had not yet reached the age of 18 years.

(2) A person who satisfies the appropriate registration authority that he is a qualified person by virtue of this section shall, for the purposes of this Part be deemed to be ordinarily resident in the premises in the State in which the person was ordinarily resident on the date on which the register by reference to which he claims to be a qualified person was prepared.

(3) A qualified person by virtue of this section may, not later than the date specified in section 14, send to the appropriate registration authority a declaration satisfying such requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed providing the following information:

(a) the date of the declaration;

(b) that the declarant is an Irish citizen;

(c) that the declarant is not ordinarily resident within the State;

(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 premises referred to in subsection (2); and

(g) such other information as may be prescribed.

(4) A declaration by a qualified person by virtue of this section as to the premises in the State in which he would be resident shall, in the absence of evidence to the contrary, be accepted as a correct statement, and he shall be registered in respect of those premises.

(5) A person who submits a declaration to a registration authority pursuant to subsection (3) shall supply to the registration authority any information which such registration authority may require for the purposes of this section and the provisions of section 133(1) shall
SECTION 84

apply to a requirement by a registration authority under this section.”.

—Ged Nash.

SECTION 88

58. In page 58, to delete line 13 and substitute the following:

“(b) by the deletion of the following:

“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.”.

—Ged Nash.

59. In page 58, between lines 13 and 14, to insert the following:

“(2) Section 14 of the Act of 1992 is amended by the insertion of the following paragraphs after paragraph (d):

“(e) away from their ordinary residence,

(f) travelling aboard,

(g) has caring duties that prevent them from voting,

(h) or any other reasons which would prevent them from attending the polling station on election day.”.

—Cian O'Callaghan.

60. In page 58, to delete lines 21 to 26 and substitute the following:

“(d) any other qualified person ordinarily resident in premises in the State on the qualifying date who may be studying, working or otherwise out of the State,”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

61. In page 58, line 26, to delete “by reason of his or her illness or disability”.

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 104

62. In page 74, line 37, to delete “section 96” and substitute “section 96(1)”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachtta.
In page 74, line 40, to delete “section 10” and substitute “section 10(1)”.—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

In page 75, line 2, to delete “section 26” and substitute “section 26(2)”.—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

In page 90, between lines 39 and 40, to insert the following:

“Amendment of section 22 of Electoral Act 1997

Section 22 of the Electoral Act 1997 is amended, in subsection (2)(aa), by the substitution of the following for the definition of “political purposes”:

“‘political purposes’ means any of the following purposes, namely—

(i) (I) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament,

(II) to present, directly or indirectly, the policies or a particular policy of a political party, a political group, a member of either House of the Oireachtas, a representative in the European Parliament,

(III) to present, directly or indirectly, the comments of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament with regard to the policy or policies of another political party, political group, a member of either House of the Oireachtas, representative in the European Parliament or candidate at an election or referendum or otherwise, or

(IV) to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome at a Dáil, Seanad, European or local election, or referendum, such campaign relating to an election for which the polling day has been set by Government or a referendum for which the Commission has published a referendum notice,

(ii) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European election or to solicit votes for or against a candidate or to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the election or the comments of a candidate with regard to the policy or policies of a political
party or a political group or of another candidate at the election or otherwise;

(iii) otherwise to influence the outcome of the election or a referendum or campaign referred to in paragraph (i)(IV);”.”.

—Cian O'Callaghan.

66. In page 90, between lines 39 and 40, to insert the following:

“105. Section 23A of the Electoral Act 1997 is amended, in subsection (1) by the insertion of the following subparagraph after subparagraph (iii):

“(iv) a donation in any other currency than EURO or GBP.”.”.

—Paul McAuliffe.

67. In page 90, between lines 39 and 40, to insert the following:

“105. Section 25 of the Electoral Act 1997 is amended by the insertion of the following subsection after subsection (1):

“(2) Where a person is guilty of an offence under section 23A(2), the person shall be liable on summary conviction to a fine not exceeding €50,000.”.”.

—Paul McAuliffe.

68. In page 90, between lines 39 and 40, to insert the following:

“Amendment of section 22 of Electoral Act 1997

105. Section 22 of the Electoral Act 1997 is amended in subsection (2)(a) by substituting the following for paragraph (viii):

“(viii) a payment by the person on their own behalf, or on behalf of one or more than one other person, of a fee or subscription for membership or continued membership of a political party, provided that a donation to a third party for the purpose of promoting, directly or indirectly, the interests of the third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority shall not be a donation to which this Part applies unless the donation was made during the period referred to in section 31(3);”.”.

—Ged Nash.
69. In page 90, between lines 39 and 40, to insert the following:

“Amendment of section 17 of Electoral Act 1997

105. Section 17 of the Act of 1997 is amended by the insertion of the following subsection after subsection (4B) (inserted by section 42 of the Act of 2012):

“(4C) (a) The Commission shall, no later than one year following its establishment, prepare and publish a report, following consultation with the Irish speaking community, on the feasibility and options for establishing a conditional fund to support qualified parties in addition to the payments calculated in accordance with this Part which would be made available to assist in the delivery of full equal rights and opportunities for Irish speaking members of the public, members of the qualified party in question, and employees, to participate in their organisation and engage with their representatives, administration, public policy proposals and websites or online accounts in the Irish language without having to resort to use of the English language.

(b) The report shall be laid before the Minister, both Houses of the Oireachtas, and the Joint Oireachtas Committee for the Irish language, the Gaeltacht and the Irish speaking community on the day of publication.”

—Eoin Ó Broin, Thomas Gould, Aengus Ó Snodaigh.

SECTION 117

70. In page 97, line 12, to delete “10,000” and substitute “100,000”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

71. In page 97, line 26, to delete “section 96” and substitute “section 96(1)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

72. In page 97, line 27, to delete “section 10” and substitute “section 10(1)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

73. In page 97, line 28, to delete “section 26” and substitute “section 26(2)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 119

74. In page 98, between lines 8 and 9, to insert the following:

“119. Online political advertising will be prohibited.”

—Paul McAuliffe.

Section opposed.

—Paul McAuliffe.

SECTION 120
SECTION 120

Section opposed.

—Paul McAuliffe.

SECTION 121

Section opposed.

—Paul McAuliffe.

SECTION 122

Section opposed.

—Paul McAuliffe.

SECTION 125

75. In page 106, between lines 26 and 27, to insert the following:

“(l) issue take-down notices to social media companies on material deemed malicious subject to a complaints procedure;

(m) issue a code of conduct and legal obligations for online platforms.”.

—Paul McAuliffe.

SECTION 137

76. In page 123, line 11, to delete “or” where it secondly occurs.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

77. In page 123, line 13, to delete “both.” and substitute “both, and”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

78. In page 123, between lines 13 and 14, to insert the following:

“(2) Where a conviction under subsection (1) relates to a further offence under section 135(4), the person convicted shall be liable to a further penalty of €100 for each day or part of a day on which that further offence is committed.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

SECTION 140

79. In page 124, between lines 23 and 24, to insert the following:

“Review of Part 4

140. (1) The Commission shall commence a review of the operation of this Part not later than 3 years after the coming into operation of this section.

(2) The Commission shall, not later than 12 months after the commencement of a review under subsection (1), submit a report to the Minister of the findings of a review under subsection (1).

(3) A report under subsection (2) may include such recommendations as the Commission considers appropriate to maintain or enhance the operation of this Part.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.
80. In page 124, between lines 27 and 28, to insert the following:

“Amendment of Act of 1992 (extended polling)

140. The Act of 1992 is amended by the substitution of the following section for section 96:

“96. (1) A poll at a Dáil election—

(a) shall be taken on two days, one of which shall be a weekend day, as shall be appointed by the Minister by order, being days which (disregarding any excluded day) is not earlier than the seventeenth day or later than the twenty-fifth day next following the day on which the writ or writs for the election is or are issued,

(b) shall continue for such period, on both days, between the hours of 7 a.m. and 10p.m., subject to the restriction that, in the case of a general election, he shall fix the same period for all constituencies.

(2) An order under this section shall be published in the Iris Oifigiúil as soon as may be after it is made.”.

—Cian O'Callaghan.

81. In page 124, line 37, to delete “section 96” and substitute “section 96(1)”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

82. In page 129, after line 9, to insert the following:

“Amendment of section 42 of Presidential Elections Act 1993

146. Section 42 of the Presidential Elections Act 1993 is amended by the substitution of “section 86” for “sections 85 and 86”.”.

—Paul McAuliffe.

NEW SECTION

83. In page 129, after line 9, to insert the following:

“Amendment of section 30 of Referendum Act 1994

146. Section 30 of the Referendum Act 1994 is amended by the substitution of “section 86” for “sections 85 and 86”.”.

—Paul McAuliffe.

NEW SECTION

84. In page 129, after line 9, to insert the following:

“Regulations

146. (1) The Minister may make regulations for the general purpose of this Act and may, by regulation, provide for any matter referred to in this Act as prescribed or to be
prescribed.

(2) Every regulation under this Act 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 21 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 under the regulation.

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.”.

—Paul McAuliffe.

NEW SECTION
85. In page 129, after line 9, to insert the following:

“Amendment of section 19 (prohibition of articles and advertisements on and defacement of certain structures, etc.) of Litter Pollution Act 1997

146. Section 19 of the Litter Pollution Act 1997 is amended by the insertion of the following subsections after subsection (8):

“(9) A local authority may, on such terms and conditions agreed upon by it, stipulate that advertisements relating to paragraphs (b), (c) and (e) of subsection (7) shall only be exhibited in locations designated as permissible by the local authority and the local authority may further stipulate that the total number of such advertisements may be limited, on such terms and conditions agreed by it.

(10) A person who contravenes or is deemed to have contravened subsection (9) shall be guilty of an offence.”.”.

—Paul McAuliffe.

NEW SECTION
86. In page 129, after line 9, to insert the following:

“PART 6

AMENDMENT OF ELECTORAL ACT 1997 - POLITICAL DONATIONS AND ACCOUNTS

Definition
146. In this Part, “Principal Act” means the Electoral Act 1997.”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION
NEW SECTION

87. In page 129, after line 9, to insert the following:

“Amendment of section 2 of Principal Act

147. Section 2(1) of the Principal Act is amended by the substitution of the following definition for the definition of “property”:

“ ‘property’, other than in Part IX, means real and personal property;”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

88. In page 129, after line 9, to insert the following:

“Amendment of section 3 of Principal Act

148. Section 3 of the Principal Act is amended, in subsection (1)—

(a) by the insertion of “23C,” after “23B,”, and

(b) by the insertion of “48C,” after “48B,”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

89. In page 129, after line 9, to insert the following:

“Amendment of Principal Act

149. The Principal Act is amended by the insertion of the following section after section 4A—

“Powers of Investigation

4B. (1) Notwithstanding subsections (4), (4A), (4B) and (4C) of section 4, where the Standards in Public Office Commission reasonably believes that a person may have committed or may be committing a contravention of Parts IV, V, VI or IX, the Standards in Public Office Commission may direct the carrying out of an investigation by an authorised officer under this section.

(2) The Standards in Public Office Commission may appoint such and so many persons as it may determine (each of whom is referred to in this section as an ‘authorised officer’) to carry out investigations under this section.

(3) The Standards in Public Office Commission shall furnish an authorised officer with an authorisation and, when carrying out an investigation under this section, an authorised officer shall, if requested to do so by any person affected by the investigation, produce to the person the authorisation or a copy of it together with a form of personal identification.

(4) An authorised officer may, for the purposes of carrying out an investigation under this section—
(a) require any person to provide any information or explanation which
the authorised officer may reasonably require for the purposes of
the investigation,

(b) require any person to produce any document or other thing of
which the person has control, or to which the person has access,
and which the authorised officer may reasonably require for the
purposes of the investigation,

(c) require any person to attend before the authorised officer to answer
questions, and to make a declaration of the truth of the answers to
the questions, for the purposes of the investigation,

(d) subject to subsection (5), enter and search (if necessary
accompanied by a member of the Garda Síochána) any premises at,
on or in which the authorised officer reasonably believes there may
be any document or other thing which the authorised officer may
reasonably require for the purposes of the investigation,

(e) inspect and take copies of, or extracts from, any document or other
thing produced in compliance with a requirement under paragraph
(b) or found on a search under paragraph (d) or pursuant to a
warrant under subsection (6),

(f) require a person to make available in a legible form any documents
so produced or found otherwise than in a legible form, or

(g) require a person to give to the authorised officer such assistance as
the authorised officer may reasonably require for the purposes of
the investigation and make available to the authorised officer such
reasonable facilities as are necessary for the authorised officer to
exercise his or her powers.

(5) An authorised officer shall not enter a dwelling when carrying out an
investigation under this section otherwise than—

(a) with the consent of the occupier, or

(b) pursuant to a warrant under subsection (6).

(6) If a judge of the District Court is satisfied on the sworn information of
an authorised officer that there are reasonable grounds for believing
that there is in, on or at any premises any document or other thing
which the authorised officer may reasonably require for the purposes
of an investigation under this section, the judge may issue a warrant
authorising a named person at any time or times within one month
from the date of issue of the warrant, on production (if so requested)
of the warrant, to enter and search the premises using reasonable force
where necessary, and exercise all or any of the powers conferred on an
authorised officer.

(7) A warrant under subsection (6) may permit the person authorised by it
to be accompanied by such members of the Garda Síochána or other persons as the person authorised by the warrant considers necessary.

(8) An authorised officer may, if authorised by the Standards in Public Office Commission to do so, make interim reports to the Commission while carrying out an investigation under this section.

(9) As soon as reasonably practicable after the conclusion of an investigation under this section the authorised officer by whom the investigation was carried out shall give to—

(a) the Standards in Public Office Commission, and

(b) the person under investigation,

a copy of a report stating the findings of the investigation and the authorised officer’s conclusions on the findings together with his or her reasons for making them.

(10) A statement or admission made by a person pursuant to a requirement under subsection (4) shall not be admissible in evidence in proceedings brought against that person for an offence (other than for an offence under sections 25(1), 25(1A), 25(1B), 25(1C), 25(1D), 25(1E), 43(1), 43(2), 43(3), 43(4), 61(1), 61(2), 61(2A), 61(2B), 61(3) and 61(4)).

(11) The production of a document or other thing in compliance with a requirement under subsection (4) does not prejudice a person’s lien on the document or other thing.

(12) Nothing in this section shall operate to require a person to provide to an authorised officer any information or explanation, or to produce to an authorised officer any documents or other things, that he or she would be entitled to refuse to provide or produce on the grounds of legal professional privilege.

(13) An authorised officer shall not disclose any information obtained under this section otherwise than in a report under this section.

(14) In this section ‘premises’ includes vessel, aircraft, vehicle and any other means of transport, as well as land and any other fixed or moveable structure.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

90. In page 129, after line 9, to insert the following:

“Amendment of section 22 of Principal Act

150. Section 22 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “a body or association (including a body or association that has an office outside the State), which” for “a body or
association, which”,

(b) in subsection (2), in paragraph (a), by the substitution of “by any person (including a subsidiary organisation that has an office outside the State)” for “by any person”, and

(c) in paragraph (aa) of subsection (2)—

(i) by the insertion of the following definition:

“‘cryptocurrency’ means any form of digital currency that is not regulated, and in relation to which encryption techniques are used to regulate the generation of units of currency and verify the transfer of monies;”,

(ii) by the deletion of paragraph (d) of the definition of “institution”, and

(iii) by the substitution of the following paragraphs for paragraphs (e) and (f) of the definition of “institution”:

“(e) An Post,

(f) a credit institution authorised in accordance with the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014) to carry on business in the State, or

(g) a credit union registered as such under the Credit Union Act 1997;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

91. In page 129, after line 9, to insert the following:

“Amendment of section 23A of Principal Act

151. Section 23A of the Principal Act is amended, in subsection (1)—

(a) in paragraph (ii), by the substitution of “€2,500,” for “€2,500, or”,

(b) in paragraph (iii), by the substitution of “€200, or” for “€200.”, and

(c) by the insertion of the following paragraph after paragraph (iii):

“(iv) a donation of whatever value in the form of cryptocurrency.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

92. In page 129, after line 9, to insert the following:

“Amendment of Principal Act - insertion of section 24B

152. The Principal Act is amended by the insertion of the following section after section 24A:
“Party leader’s statement

24B. (1) Not later than 31 January in every year, the leader of each political party, which, in the preceding year, had members in either House of the Oireachtas or, as the case may be, in the European Parliament, shall furnish to the Standards in Public Office Commission a written statement, in the form directed by the Commission, in respect of the preceding year, confirming that all donations to the party from outside the State, including all contributions, whether in cash or in kind, have been included in the statement furnished to the Standards in Public Offices Commission by that political party under section 24(1)(b).

(2) A statement furnished pursuant to subsection (1) (to be referred to in this Act as a ‘party leader’s statement’ shall be accompanied by a statutory declaration made by the person by whom the statement is furnished that, to the best of the party leader’s knowledge and belief, the statement is correct in every material respect and that the party leader has taken all reasonable action in order to be satisfied as to the accuracy of the statement.

(3) It shall be the duty of every party leader who is required by this section to furnish a party leader’s statement and make a statutory declaration to make such enquiries and maintain such records as are necessary for the purpose of furnishing the said statement and making the declaration.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

93. In page 129, after line 9, to insert the following:

“Amdendment of section 25 of Principal Act

153. Section 25 of the Principal Act is amended—

(a) by the insertion of the following subsection after subsection (1E):

“(1F) A person who fails to furnish a statement under section 24B(1), or a statutory declaration under section 24B(2), or who knowingly furnishes a statement under section 24B(1) or statutory declaration under section 24B(2) which is false or misleading in any material respect, shall be guilty of an offence.”,

and

(b) by the insertion of the following subsection after subsection (3):

“(4) Subject to subsection (3), summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.
NEW SECTION

94. In page 129, after line 9, to insert the following:

“Amendment of section 43 of Principal Act

154. Section 43 of the Principal Act is amended by the insertion of the following subsection after subsection (7):

“(8) Subject to subsection (7), summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

95. In page 129, after line 9, to insert the following:

“Amendment of section 46 of Principal Act

155. Section 46 of the Principal Act is amended—

(a) in subsection (1), by the insertion of the following definition:

“‘cryptocurrency’ means any form of digital currency that is not regulated, and in relation to which encryption techniques are used to regulate the generation of units of currency and verify the transfer of monies;”,

and

(b) in paragraph (aa) of subsection (2)—

(i) by the deletion of paragraph (d) of the definition of “institution”, and

(ii) by the substitution of the following paragraphs for paragraphs (e) and (f) of the definition of “institution”:

“(e) An Post,

(f) credit institution authorised in accordance with the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014) to carry on business in the State, or

(g) a credit union registered as such under the Credit Union Act 1997;”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

96. In page 129, after line 9, to insert the following:

“Amendment of section 48A of Principal Act

156. Section 48A of the Principal Act is amended, in subsection (1)—
NEW SECTION

97. In page 129, after line 9, to insert the following:

“Amendment of section 61 of Principal Act

157. Section 61 of the Principal Act is amended by the insertion of the following subsection after subsection (7):

“(8) Subject to subsection (7), summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

98. In page 129, after line 9, to insert the following:

“Amendment of section 83 of Principal Act

158. Section 83 of the Principal Act is amended—

(a) by the insertion of the following definitions:


‘property’, in relation to any political party, and its subsidiary organisations, means all land and buildings (whether situate within or outside the State), owned or controlled by the party or subsidiary organisation concerned—

(a) which supports the political and promotional activities of the political party, its elected members, party officials or party members either within or outside the State,

(b) which benefits, either directly or indirectly, the political party, its elected members, party officials or party members in promoting the policies, aims and objectives of the political party either within or outside the State,
[NEW SECTION]

(c) any income derived from which is used to promote, either directly or indirectly, the political party, its elected members or candidates standing for election on behalf of that party, or

(d) which is effectively controlled by the political party, its elected members, party officials or party members, for the benefit of the party;

‘subsidiary organisation’ in relation to any political party, means a body or association (including a body or association that has an office outside the State) which—

(a) forms part of such political party,

(b) is established by or under the constitution of the political party,

(c) is effectively controlled by the political party or the officers thereof, or

(d) has functions conferred on it by or under the constitution of the party.

(b) by the substitution of “section 89;” for “section 89.” in the definition of “guidelines”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

99. In page 129, after line 9, to insert the following:

“Amendment of section 84 of Principal Act

159. Section 84 of the Principal Act is amended—

(a) in subsection (1), by the insertion of “and of each of its subsidiary organisations” after “concerned”,

(b) in subsection (2), by the insertion, in paragraph (a), of “, and of each of its subsidiary organisations,” after “party”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

100. In page 129, after line 9, to insert the following:

“Amendment of section 85 of Principal Act

160. Section 85 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) Subject to section 91(1), the appropriate officer shall prepare a statement of accounts for the political party concerned and its subsidiary organisations (in this Part referred to as the ‘annual statement of accounts’) in respect of each financial year.”,

and
NEW SECTION

(b) in subsection (2), by the substitution of the following paragraph for paragraph (a):

“(a) (i) comply with such requirements as to its form and contents (including any requirements provided for under FRS 102) as may be provided for in guidelines, and

(ii) include all property within the ownership of the political party, and its subsidiary organisations, whether mortgaged, charged, alienated or otherwise encumbered,

and”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

101. In page 129, after line 9, to insert the following:

“Amendment of section 86 of Principal Act

161. Section 86 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) Subject to section 91(1) and (2), the annual statement of accounts of a political party, and of each of its subsidiary organisations, in respect of a financial year shall be audited by a statutory auditor.”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

102. In page 129, after line 9, to insert the following:

“Amendment of section 88 of Principal Act

162. Section 88 of the Principal Act is amended—

(a) in subsection (3)—

(i) by the insertion, in paragraph (a), of “(including any requirements under FRS 102)” after “guidelines”, and

(ii) by the insertion, in paragraph (c), of “(including any requirements under FRS 102)” after “guidelines”,

and

(b) in subsection (4), by the insertion of “(including any requirements under FRS 102)” after “guidelines”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION
103. In page 129, after line 9, to insert the following:

“Amendment of Principal Act – insertion of sections 91 and 92

163. The Principal Act is amended by the insertion of the following sections after section 90:

“Subsidiary organisations

91. (1) Where a subsidiary organisation of a political party has—

   (a) an income of €15,000 or less in a calendar year, or
   
   (b) holds cash or similar assets, land or buildings of less than €40,000 in value at any time during a calendar year,

   the appropriate officer of the political party shall not be required to submit an annual statement of accounts to the Standards in Public Office Commission in relation to that subsidiary organisation.

   (2) Where a subsidiary organisation of a political party—

      (a) (i) has an income greater than €15,000 but less than €40,000 in a calendar year, or
      
      (ii) holds cash or similar assets, land or buildings valued at greater than €40,000 but less than €100,000 in value at any time during a calendar year, and
      
      (b) has expenditure of €40,000 or less in that calendar year,

      section 86(1) shall not apply to the annual statement of accounts for the subsidiary organisation concerned.

   (3) For the avoidance of doubt, where a subsidiary organisation of a political party—

      (a) has income greater than €40,000 in a calendar year,
      
      (b) holds cash or similar assets, land or buildings greater than €100,000 in value, or
      
      (c) has expenditure greater than €40,000 in that calendar year,

      section 86(1) shall apply to the annual statement of accounts for the subsidiary organisation concerned.

   (4) For the purposes of calculating the amounts specified in subsections (1), (2) and (3), transfers, between a political party and a subsidiary organisation or between one subsidiary organisation and another subsidiary organisation of a political party, shall be excluded so as to avoid the double counting of such transfers.

Offences and penalties

92. (1) The appropriate officer shall be guilty of an offence if he or she—

   (a) fails to keep, or cause to be kept, all proper and usual books of
accounts under section 84,
(b) fails to prepare an annual statement of accounts in respect of each financial year under section 85,
(c) fails to furnish an annual statement of accounts and a copy of the auditor’s report no later than the end of the period provided for in section 87(1), or
(d) knowingly furnishes a statement of accounts to the Standards in Public Office Commission which is false or misleading in any material respect.
(2) It shall be a defence to proceedings for an offence under this section for the person charged with the offence to show that he or she took all reasonable steps to avoid the commission of the offence.
(3) Where a person is guilty of an offence under this section—
(a) the person shall be liable on summary conviction to a class D fine,
(b) the person shall be liable, where the offence is an offence referred to in paragraphs (b), (c) or (d) of subsection (1), on conviction on indictment to a fine not exceeding €25,000 to imprisonment for a period not exceeding 3 years or to both, and
(c) where the conviction relates to a failure to furnish an annual statement of accounts and a copy of the auditor’s report referred to in section 87(1), the person shall be guilty of a further offence on every day on which the failure continues after such conviction and for each such offence the person shall be liable, on summary conviction, to a fine not exceeding €100.
(4) Proceedings for an offence under this section shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.
(5) Subject to subsection (4), summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION
104. In page 129, after line 9, to insert the following:

“PART 7

POLLLING ON ISLANDS

Amendment of Act of 1992
164. The Act of 1992 is amended—
(a) in section 86—

(i) by the deletion of “, other than a poll taken on a day specified under section 85,”, and

(ii) in paragraph (a), by the insertion of—

(I) “sudden onset of” before “stress of weather”, and

(II) “unforeseen” before “transport difficulties”,

(b) in section 96, by the insertion of the following subsections after subsection (1):

“(1A) Notwithstanding subsection (1)(b), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period fixed under subsection (1)(b), the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

(1B) A poll the subject of an order under subsection (1A) shall continue on the island for not less than 4 hours.

(1C) Where an order is made under subsection (1A), the returning officer for the constituency in which the island is situated shall, as soon as may be after it is made, give public notice in the polling district in which the island is situated stating the day appointed under subsection (1)(a) on which, and the period shortened by the order under subsection (1A) during which, the poll shall be taken on the island.

(1D) In subsection (1A), ‘local circumstances’ includes:

(a) the number of Dáil electors on the island;

(b) the distance between a polling station on the island and the place appointed for the counting of votes under section 112;

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.”;

(c) in section 108, by the deletion of “85,”, and

(d) in section 114, by the substitution of the following subsection for subsection (2):

“(2) (a) The ballot papers extracted by the returning officer from each ballot box shall be counted and their total number shall be compared with the number shown in the appropriate ballot paper account.

(b) Where ballot boxes from a polling station situated on an island have not reached the place appointed for the counting of votes under section 112 at or before the time specified in subsection (1)
due to stress of weather or transport difficulties, the returning officer shall, in respect of the other ballot boxes, proceed in accordance with subsections (1) and (1A), and paragraph (a).

(c) When all the ballot boxes, including all those from polling stations situated on an island, have reached the place appointed for the counting of votes and been dealt with in accordance with subsections (1) and (1A), and paragraph (a), the returning officer shall prepare a statement showing the result of the comparison referred to in paragraph (a) in respect of all the ballot boxes and he or she shall, on request allow the agent of any candidate to copy the statement.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

105. In page 129, after line 9, to insert the following:

“Amendment of Act of 1993

165. The Act of 1993 is amended—

(a) in section 3(3), by the deletion of paragraph (h),

(b) in section 7—

(i) by renumbering the existing section as subsection (1), and

(ii) by the insertion of the following subsections after subsection (1):

“(2) Notwithstanding subsection (1)(b), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the local returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period referred to in subsection (1)(b), the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

(3) A poll the subject of an order under subsection (2) shall continue on the island for not less than 4 hours.

(4) Where an order is made under subsection (2), the local returning officer for the constituency in which the island is situated shall, as soon as may be after it is made, give public notice in the polling district in which the island is situated stating the day appointed by the presidential election order on which, and the period shortened by the order under subsection (2) during which, the poll shall be taken on the island.

(5) An order made under subsection (2) shall be published in Iris Oifigiúil as soon as may be after it is made.
NEW SECTION

106. In page 129, after line 9, to insert the following:

“Amendment of Act of 1994

166. The Act of 1994 is amended—

(a) in section 2(3), by the deletion of paragraph (l),

(b) in section 13—

(i) by renumbering the existing section as subsection (1), and

(ii) by the insertion of the following subsections after subsection (1):

“(2) Notwithstanding subsection (1)(b), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the local returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period referred to in subsection (1)(b), the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

(3) A poll the subject of an order under subsection (2) shall continue on the island for not less than 4 hours.

(4) Where an order is made under subsection (2) the local returning officer for the constituency in which the island is situated shall, as soon as may be after it is made, give public notice in the polling district in which the island is situated stating the day appointed under section 10 or 12 on which, and the period shortened by the order under subsection (2) during which, the poll shall be taken on the island.

(5) An order made under subsection (2) shall be published in *Iris Oifigiúil* as soon as may be after it is made.

(6) In subsection (2), ‘local circumstances’ includes:

(a) the number of presidential electors on the island;

(b) the distance between a polling station on the island and the place appointed for the counting of votes under section 112 of the Act of 1992;

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.”;

and

(c) in section 42, by the substitution of “section 86” for “sections 85 and 86”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.
[NEW SECTION]

(a) the number of presidential electors on the island;

(b) the distance between a polling station on the island and the place
    appointed for the counting of votes under section 112 of the Act of
    1992;

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.”,

and

(c) in section 30, by the substitution of “section 86” for “sections 85 and 86”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

107. In page 129, after line 9, to insert the following:

“Amendment of Local Elections Regulations 1995

167. (1) Article 49 of the Local Elections Regulations 1995 is amended—

(a) by the deletion of sub-articles (1) and (2),

(b) in sub-article (3)—

   (i) by the insertion of “at an election” after “Where a poll is to be taken”,

   (ii) in paragraph (a), by the insertion of—

       (I) “sudden onset of” before “stress of weather”, and

       (II) “unforeseen” before “transport difficulties”,

   and

(c) by the deletion of sub-article (4).

(2) Article 50 of the Local Elections Regulations 1995 is amended—

(a) by renumbering the existing article as sub-article (1), and

(b) by the insertion of the following sub-article after sub-article (1):

   “(2) Where an order is made under section 26(2A) of the Local
   Government Act 2001, the returning officer for the election in the local
   electoral area in which the island is situated shall give public notice in
   the polling district in which the island is situated stating the day fixed
   under section 26(2) of that Act on which, and the period shortened by
   the order under section 26(2A) of that Act during which, the poll shall
   be taken on the island.”.

(3) Article 76 of the Local Elections Regulations 1995 is amended by the substitution of
   the following sub-article for sub-article (3):

   “(3) (a) The ballot papers extracted by the returning officer from each
   ballot box shall be counted and their total number shall be
compared with the number shown in the appropriate ballot paper account.

(b) Where ballot boxes from a polling station situated on an island have not reached the place appointed for the counting of votes under article 74(2) at or before the time specified in article 74(1), due to stress of weather or transport difficulties, the returning officer shall, in respect of the other ballot boxes, proceed in accordance with sub-articles (1), (1A), (2) and paragraph (a).

(c) When all the ballot boxes, including all those from polling stations situated on an island, have reached the place appointed for the counting of votes under article 74(2) and been dealt with in accordance with sub-articles (1), (1A), (2) and paragraph (a), the returning officer shall prepare a statement showing the result of the comparison referred to in paragraph (a) in respect of all the ballot boxes and shall include particulars of the ballot papers, if any, transmitted to the said officer pursuant to sub-article (2) and the returning officer shall, on request, allow the agent of any candidate to copy the statement.”.

—An tAire Tithióchta, Rialtais Áitiúil agus Oidhreachta.

NEW SECTION

108. In page 129, after line 9, to insert the following:

“Amendment of Act of 2001

168. Section 26 of the Act of 2001 is amended by the insertion of the following subsections after subsection (2):

“(2A) Notwithstanding subsection (2), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the returning officer (within the meaning of the Local Elections Regulations 1995) for the election in the local electoral area in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period fixed by the Minister by order under subsection (2), the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

(2B) A poll the subject of an order under subsection (2A) shall continue on the island for not less than 4 hours.

(2C) In subsection (2A), ‘local circumstances’ includes:

(a) the number of local government electors on the island;

(b) the distance between a polling station on the island and the place appointed for the counting of votes under article 74(2) of the Local Elections Regulations 1995;
NEW SECTION

109. In page 129, after line 9, to insert the following:

“Amendment of Act of 1997

169. The Act of 1997 is amended—

(a) in section 10, by the insertion of the following subsections after subsection (1):

“(1A) Notwithstanding subsection (1)(b), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period appointed by the Minister by order under subsection (1)(b), the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

(1B) A poll the subject of an order under subsection (1A) shall continue on the island for not less than 4 hours.

(1C) In subsection (1A), ‘local circumstances’ includes:

(a) the number of European electors on the island;

(b) the distance between a polling station on the island and the place appointed for the verification of ballot paper accounts under rule 73(2) of the Second Schedule;

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.”,

and

(b) in the Second Schedule—

(i) in rule 48—

(I) by the deletion of paragraphs (1) and (2),

(II) in paragraph (3), by the insertion of “at a European election” after “Where a poll is to be taken”,

(III) in paragraph (3)(a), by the insertion of—

(A) “sudden onset of” before “stress of weather”, and

(B) “unforeseen” before “transport difficulties”, and

—An tAire Tithióchta, Rialtais Áitiúil agus Oidhreachta.
(IV) by the deletion of paragraph (4),

(ii) in rule 49—

(I) by renumbering the existing rule as paragraph (1), and

(II) by the insertion of the following paragraph after paragraph (1):

“(2) Where an order is made under section 10(1A) the returning officer for the constituency in which the island is situated shall, as soon as may be after it is made, give public notice in the polling district in which the island is situated stating the day appointed under section 10(1)(a) on which, and the period shortened by the order under section 10(1A) during which, the poll shall be taken on the island.”,

and

(iii) in rule 75—

(I) in paragraph (1), by the insertion of the following subparagraph after subparagraph (a):

“(aa) where ballot boxes from a polling station situated on an island have not reached the place appointed for the verification of ballot paper accounts under rule 73(2) before the time appointed under rule 73(1), due to stress of weather or transport difficulties, proceed in accordance with subparagraphs (a), (c) and (d) in respect of the other ballot boxes,”,

and

(II) in paragraph (1), by the substitution of the following subparagraph for subparagraph (b):

“(b) when all the ballot boxes, including all the ballot boxes from polling stations situated on an island, have been dealt with in accordance with subparagraphs (a), (c) and (d), prepare a statement showing the result of the comparison under subparagraph (a) in respect of all the ballot papers for the county or county borough for which he or she is the local returning officer.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

TITLE

110. In page 9, line 32, to delete “pandemic or Covid-19;” and substitute the following:

“pandemic or Covid-19; to provide for polling on the islands; to amend the Electoral Act 1997 to enhance transparency in relation to certain donations to political parties and to provide, inter alia, for the preparation by political parties of consolidated annual
statements of accounts;”.

—An tAire Tithiochta, Rialtais Áitiúil agus Oidreachta.