



An Bille um Athchóiriú Toghcháin, 2022
Electoral Reform Bill 2022

Mar a tionscnaíodh

As initiated



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ELECTORAL REFORM BILL 2022

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AN BILLE UM ATHCHÓIRIÚ TOGHCHÁIN, 2022
ELECTORAL REFORM BILL 2022

Bill

entitled

An Act to provide for the establishment of the Electoral Commission; to confer on the Commission certain functions in relation to the preparation and maintenance of the Register of Political Parties; to provide that the Commission shall explain, to the public, the subject matter of referendums; to provide that the Commission shall provide information, to the public, on electoral processes and encourage participation, by the public, in the democratic processes of the State; to provide for the review, by the Commission, of constituencies for the election of members to Dáil Éireann and to the European Parliament; to provide for the review, by the Commission, of local authority electoral area boundaries; to confer on the Commission a policy, research and advisory function; to provide that the Commission shall oversee the electoral register; to confer on the Commission the power to set standards for registration authorities and make recommendations to registration authorities or to the Minister in relation to the registration of electors; to modernise the arrangements for the registration of electors; to provide for continuous registration on the basis of individual application; to provide for necessary and appropriate data sharing to assist registration authorities in updating and maintaining the register; to provide for annual reporting by registration authorities to the Commission; to provide for a designated registration authority to manage a shared database for registration authorities to use in the performance of their functions; to provide for anonymous registration in certain limited cases; to provide a specific registration process for persons with no fixed address; to provide for a pending electors list for persons aged 16 and 17; to provide for the extension of postal voter categories to include special voters in certain circumstances; to provide a framework for the regulation of online political advertising during election periods by the Commission; to provide for the labelling of online political advertisements; to provide for transparency notices for online political advertisements; to confer on the Commission the power to monitor compliance, carry out investigations and take enforcement action under this Act in so far as it relates to online political advertising; to facilitate elections during a pandemic or Covid-19; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citations, construction and commencement

1. (1) This Act may be cited as the Electoral Reform Act 2022.
- (2) The Electoral Acts 1992 to 2019 and *sections 5 to 29, 40 to 58, 60 to 68, 71, 76 to 112 and 140* may be cited together as the Electoral Acts 1992 to 2022 and shall be construed together as one. 5
- (3) The European Parliament Elections Acts 1992 to 2019 and *sections 74, 113 and 143* may be cited together as the European Parliament Elections Acts 1992 to 2022 and shall be construed together as one. 10
- (4) The Referendum Acts 1992 to 2013 and *sections 30 to 39, 115 and 141* may be cited together as the Referendum Acts 1992 to 2022 and shall be construed together as one.
- (5) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal of different provisions of enactments effected by *section 3*. 15

Interpretation

2. In this Act—
 - “Act of 1992” means the Electoral Act 1992; 20
 - “Act of 1993” means the Presidential Elections Act 1993;
 - “Act of 1994” means the Referendum Act 1994;
 - “Act of 1997” means the European Parliament Elections Act 1997;
 - “Act of 2001” means the Local Government Act 2001;
 - “Act of 2006” means the Electoral (Amendment) Act 2006; 25
 - “Act of 2014” means the Companies Act 2014;
 - “chairperson” means the chairperson of the Commission;
 - “chief executive” has the meaning assigned to it by *section 20*;
 - “Commission” means the Electoral Commission established under *section 7*;
 - “Dáil” means Dáil Éireann; 30
 - “Dáil bye-election” means an election of a member of the Dáil to fill a vacancy occasioned by a person having ceased to be a member of the Dáil otherwise than in consequence of a dissolution;
 - “Dáil election” means an election of a member or members to serve in the Dáil, and includes a Dáil bye-election; 35
 - “election” means, as the context may require, a Dáil election, a European election, a local

election, a presidential election or a Seanad election;	
“enactment” has the same meaning as it has in the Interpretation Act 2005;	
“European Communities” has the same meaning as it has in the European Communities Act 1972;	
“European election” means an election in the State of members to the European Parliament;	5
“European political party” means a European political party established and registered with the Authority for European Political Parties and European Political Foundations in accordance with Regulation (EU, Euratom) No. 1141/2014;	
“local election” means an election under Part 4 of the Act of 2001;	10
“Minister” means the Minister for Housing, Local Government and Heritage;	
“presidential election” means an election of a person to the office of President of Ireland;	
“presidential elector” has the same meaning as it has in section 7 of the Act of 1992;	
“referendum” means a constitutional referendum or an ordinary referendum;	
“Regulation (EU, Euratom) No. 1141/2014” means Regulation (EU, Euratom) No. 1141/2014 of the European Parliament and of the Council of 22 October 2014 ¹ on the statute and funding of European political parties and European political foundations, as amended by—	15
(a) Regulation (EU, Euratom) 2018/673 of the European Parliament and of the Council of 3 May 2018 ² amending Regulation (EU, Euratom) No. 1141/2014 on the statute and funding of European political parties and European political foundations, and	20
(b) Regulation (EU, Euratom) 2019/493 of the European Parliament and of the Council of 25 March 2019 ³ amending Regulation (EU, Euratom) No. 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament;	25
“Seanad bye-election” means an election of a member of Seanad Éireann to fill a vacancy occasioned by the death, resignation or disqualification of an elected member of Seanad Éireann;	
“Seanad election” means an election of a member or members to serve in Seanad Éireann and includes a Seanad bye-election.	30

Repeals

3. (1) The following provisions of the Act of 1992 are repealed:

- | | |
|------------------|----|
| (a) section 13A; | |
| (b) section 13C; | 35 |
| (c) section 14A; | |

1 OJ No. L 317, 4.11.2014, p. 1

2 OJ No. L 114, 4.5.2018, p. 1

3 OJ No. L 85, 27.3.2019, p. 7

- (d) section 15;
 - (e) section 15A;
 - (f) section 15B;
 - (g) section 16;
 - (h) section 25; 5
 - (i) section 25A;
 - (j) section 25B;
 - (k) section 25C.
- (2) Section 19 of the Act of 2006 is repealed.
- (3) Sections 5 to 15 of the Electoral Act 1997 are repealed. 10
- (4) The Referendum Act 1998 is repealed.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas. 15

PART 2

ELECTORAL COMMISSION

CHAPTER 1

Definitions

Definitions (*Part 2*) 20

5. In this Part—
- “accounting unit”, in relation to a political party, means a branch, including the headquarters of a political party if it is a separate accounting unit or other subsidiary organisation of the party, which in any particular year, receives a donation the value of which exceeds €100; 25
- “Act of 1991” means the Local Government Act 1991;
- “approved body” means a body declared by the Commission to be an approved body under *section 32*;
- “ballot paper” has the meaning assigned to it by section 88 of the Act of 1992;
- “committee” means a committee established under *section 14*; 30
- “constituency” means, as the context may require, a Dáil constituency or a European Parliament constituency;
- “electoral register”—

- (a) means the register of presidential electors, the register of Dáil electors, the register of European electors, the register of local government electors or all such registers as the context may require, and
- (b) where the context so requires, includes the postal voters list and the special voters list; 5
- “establishment day” means the day appointed under *section 6*;
- “European elector” has the meaning assigned to it by section 2 of the Act of 1992;
- “excluded day” means a day which is a Sunday, Good Friday or a day which is a public holiday within the meaning of the Organisation of Working Time Act 1997, or a day which by virtue of a statute or proclamation is a public holiday; 10
- “Joint Oireachtas Committee” means the Joint Oireachtas Committee on Housing, Local Government and Heritage;
- “local authority” means a local authority within the meaning of section 2 of the Act of 2001;
- “local electoral area” means an area referred to in section 23 of the Act of 2001 by reference to which a local election is held; 15
- “local government elector” has the meaning assigned to it by section 2 of the Act of 1992;
- “local returning officer” has the meaning assigned to it by section 15 of the Act of 1994;
- “political party” means a political party registered in the Register of Political Parties in accordance with *Chapter 6 of Part 2*; 20
- “postal voters list” has the meaning assigned to it by section 2 of the Act of 1992;
- “presiding officer” means a person appointed as a presiding officer under section 95 of the Act of 1992;
- “referendum returning officer” has the same meaning as it has in section 14 of the Act of 1994; 25
- “Register of Political Parties” shall be construed in accordance with *section 40*;
- “responsible person” means, in relation to an accounting unit, the treasurer or any other person responsible for dealing with donations to the unit, or, in relation to a third party, the person or persons responsible for the organisation, management or financial affairs of the third party; 30
- “returning officer” has the meaning assigned to it by Part V of the Act of 1992;
- “Service” means the Public Appointments Service;
- “special voters list” has the meaning assigned to it by section 2 of the Act of 1992;
- “treaties governing the European Union” has the same meaning as in the European Communities Acts 1972 to 2012; 35
- “third party” has the meaning assigned to it by section 22(2)(aa) of the Electoral Act 1997.

CHAPTER 2

Establishment of Commission

Establishment day

6. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act. 5

Establishment of Commission

7. (1) There shall stand established, on the establishment day, a body to be known, in the Irish language, as *An Coimisiún Toghcháin* or, in the English language, as the Electoral Commission to perform the functions conferred on it by this Act.
- (2) The Commission shall be a body corporate with perpetual succession and an official seal and shall have the power: 10
- (a) to sue and be sued in its corporate name;
 - (b) with the consent of the Minister for Public Expenditure and Reform, to acquire, hold and dispose of property, other than land or an interest in land.
- (3) The official seal of the Commission shall be authenticated by the signature of— 15
- (a) a member of the Commission, and
 - (b) the chief executive or other member of the staff of the Commission authorised by the Commission to act in that behalf.
- (4) Judicial notice shall be taken of the seal of the Commission and every document purporting to be— 20
- (a) an instrument made by the Commission, and
 - (b) sealed with the seal of the Commission authenticated in accordance with *subsection (3)*,
- shall be received in evidence and be deemed to be such instrument without proof, unless the contrary is shown. 25
- (5) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal, may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission to act in that behalf.

CHAPTER 3

30

Governance arrangements for Commission

Membership of Commission

8. (1) Subject to this section and *section 10*, the Commission shall comprise not more than 9 and not less than 7 members:
- (a) a chairperson (in this Act referred to as the “Chairperson”); 35

- (b) 2 *ex officio* members;
 - (c) not less than 4 and not more than 6 ordinary members.
- (2) Subject to this section—
- (a) the appointment of a person to be an ordinary member of the Commission shall, upon the nomination of the Government, be made by the President, and 5
 - (b) the appointment of a person to be the Chairperson of the Commission shall, upon the nomination of the Chief Justice, be made by the President.
- (3) The Chairperson shall be—
- (a) a former judge of the Supreme Court, a former judge of the Court of Appeal or a former judge of the High Court, 10
 - (b) a judge of the Supreme Court,
 - (c) following consultation by the Chief Justice with the President of the Court of Appeal, a judge of the Court of Appeal, or
 - (d) following consultation by the Chief Justice with the President of the High Court, a judge of the High Court. 15
- (4) Each of the following shall, *ex officio*, be a member of the Commission:
- (a) the Ombudsman, or where that office is vacant, the Director of the Office of the Ombudsman;
 - (b) the Clerk of Dáil Éireann or, where that office is vacant, the Clerk Assistant of Dáil Éireann. 20
- (5) The Chief Justice shall, before the establishment day, following a request from the Minister, nominate a person to be designated by the President as the first chairperson of the Commission.
- (6) If, immediately before the establishment day, a person stands designated under *subsection (5)*, the person shall, on that day, stand appointed as the first chairperson of the Commission. 25
- (7) The President shall, before the establishment day, designate persons to be appointed as the first ordinary members of the Commission.
- (8) If, immediately before the establishment day, a person stands designated under *subsection (7)*, the person shall, on that day, stand appointed by the President as an ordinary member of the Commission. 30
- (9) Subject to *section 10(5)*, a person shall not be appointed as an ordinary member of the Commission unless a resolution has been passed by each House of the Oireachtas recommending his or her appointment.
- (10) Subject to *section 10(5)*, the President shall appoint the ordinary members of the Commission from among such persons as are recommended by the Service and nominated by the Government in accordance with *section 9* for appointment as such ordinary members. 35

Recommendations for appointment of ordinary members of Commission

9. (1) This section shall apply in relation to the filling of a vacancy that arises in the ordinary membership of the Commission.
- (2) The Minister shall invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Government persons who are suitable for appointment as ordinary members of the Commission. 5
- (3) The Minister shall agree with the Service the requirements relating to knowledge, ability and suitability for appointment as an ordinary member of the Commission for the purposes of a selection competition under this section.
- (4) Where making recommendations of persons who are suitable for appointment as ordinary members of the Commission under this section, the Service shall have regard to the desirability of the members of the Commission possessing knowledge of, and experience in, matters connected with the following: 10
- (a) electoral matters, including any experience or expertise gained as a former member of the Houses of the Oireachtas or a local authority; 15
 - (b) the administration of the Irish electoral system;
 - (c) the administration of electoral systems outside the State;
 - (d) public administration and governance, at a senior level;
 - (e) expertise in financial matters;
 - (f) advertising and publicity, in particular in relation to the digital aspects of a political campaign. 20
- (5) Where recommending to the Government persons for appointment as ordinary members of the Commission, the Service shall, in so far as practicable, endeavour to ensure that among the ordinary members of the Commission there is an equitable balance between men and women. 25
- (6) The Service shall provide the Minister with particulars of experience, training and expertise of each person whom it recommends under this section.
- (7) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Service of a particular person for appointment as an ordinary member, it shall inform the Service of that fact and the reasons for it and shall request the Service to recommend another person for appointment as an ordinary member. 30
- (8) (a) Where the number of ordinary members of the Commission is less than 6 and the Commission considers it necessary for the effective performance of its functions, it may, with the consent of the Minister for Public Expenditure and Reform and subject to *section 8(1)*, request the Minister to invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Government persons who are suitable for appointment as additional ordinary members of the Commission. 35
- (b) *Subsections (3) to (6)* shall apply in relation to the appointment of additional members under *paragraph (a)*. 40

Terms and conditions of appointment of members of Commission

10. (1) Subject to *subsection (2)*, a member of the Commission shall hold office, unless the member sooner dies, resigns, becomes disqualified or is removed from office, for such period, not exceeding 4 years from the date of his or her appointment, as the President, on the advice of the Government, shall determine. 5
- (2) Such 2 of the ordinary members of the Commission that is first constituted under this Act as are determined by the President, on advice of the Government, shall hold office for a period of 3 years from the date of their respective appointments or reappointments, as the case may be, as such ordinary members.
- (3) A member of the Commission shall hold office on such terms and conditions as may be determined by the Government at the time of appointment or reappointment of the member. 10
- (4) Subject to *subsection (6)*, a member of the Commission whose term of office expires by the efflux of time shall be eligible for reappointment by the Government as a member of the Commission. 15
- (5) Where it is proposed to reappoint a person as a member of the Commission, it shall not be necessary for the person—
- (a) to participate in a selection competition undertaken by the Service under *section 9* or to be recommended for reappointment by the Service, or
- (b) to be recommended for reappointment following the passing of a resolution of each House of the Oireachtas under *section 8*. 20
- (6) A person who is reappointed as a member of the Commission in accordance with *subsection (4)* shall not hold office for periods the aggregate of which exceeds 2 terms.
- (7) A member of the Commission may resign from office by notice in writing addressed to the President and the resignation takes effect on the date the President receives the notice. 25
- (8) Subject to *section 13(5)*, the Commission may act notwithstanding any vacancy among its membership.
- (9) No person shall, without the consent of the Commission, disclose to any person any information obtained while serving as a member of the Commission or providing services to the Commission. 30

Ineligibility and disqualification of ordinary members of Commission

11. (1) A person shall not be eligible to be recommended for appointment to, or appointed as a member of, the Commission or a committee if he or she is: 35
- (a) a member of either House of the Oireachtas;
- (b) entitled under the rules of procedure of the European Parliament to sit in that Parliament;
- (c) a member of a local authority.

- (2) A person shall be disqualified from holding and shall cease to hold office as a member of the Commission or a committee if he or she:
- (a) is convicted on indictment of an offence;
 - (b) is convicted of an offence involving fraud or dishonesty;
 - (c) has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act; 5
 - (d) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act. 10
- (3) Where a member of the Commission or a committee is—
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
 - (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to be a member of the European Parliament, or 15
 - (d) elected or co-opted as a member of a local authority,
- he or she shall thereupon cease to be a member of the Commission or committee, as the case may be.

Removal of ordinary member of Commission 20

12. (1) An ordinary member of the Commission shall cease to be a member of the Commission where—
- (a) one or more of the grounds specified in *subsection (2)* apply, and
 - (b) a resolution has been passed by each House of the Oireachtas recommending his or her removal. 25
- (2) The grounds referred to in *subsection (1)* are that:
- (a) the ordinary member has, without reasonable excuse, failed to discharge the functions of the office;
 - (b) the ordinary member has become incapable, through ill-health, of performing his or her functions; 30
 - (c) the ordinary member has committed stated misbehaviour;
 - (d) the removal of the ordinary member is necessary for the effective and efficient performance by the Commission of its functions.

Meetings and procedure

13. (1) The Commission shall hold such and so many meetings as may be necessary for the due performance of its functions but in each year it shall hold not less than one meeting in each period of 3 months. 35

- (2) The Commission may publish, on its website, all or any of the following:
 - (a) agendas for its meetings and those of a committee;
 - (b) the papers relating to those meetings;
 - (c) reports of those meetings.
- (3) At a meeting of the Commission— 5
 - (a) if the Chairperson is present, he or she shall be the chairperson of the meeting,
 - (b) if the Chairperson is not present or if the office of Chairperson is vacant, the deputy Chairperson shall, if he or she is present, act as the chairperson of the meeting, or
 - (c) if and so long as the Chairperson and deputy Chairperson are not present, the members of the Commission who are present shall choose one of their number to act as the chairperson of the meeting. 10
- (4) At a meeting of the Commission, a question on which a vote is required shall be determined by a majority of the votes of the members of the Commission present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second or casting vote. 15
- (5) The quorum for a meeting of the Commission shall be 4 or such other number, not being less than 4, as the Commission may determine.
- (6) Subject to this Act, the Commission shall regulate its own procedures.

Power to establish Committees 20

- 14.** (1) The Commission may establish committees to—
- (a) advise and assist the Commission in the performance of its functions, and
 - (b) perform such functions of the Commission as may be delegated to them.
- (2) In appointing members of a committee, the Commission will have regard to the range of qualifications and experience necessary for the proper and effective performance of the functions of the committee. 25
- (3) A committee—
- (a) shall consist of such number of members as the Commission may determine, and
 - (b) may include persons who are not members of the Commission or its staff.
- (4) The Commission may: 30
- (a) appoint a person to be the chairperson of a committee;
 - (b) at any time remove a member from a committee for stated reasons;
 - (c) at any time dissolve a committee.
- (5) The Minister may, with the consent of the Minister for Public Expenditure and Reform, determine the remuneration and expenses, if any, payable to a member of a committee under this section. 35

- (6) The remuneration and allowances for expenses, if any, determined in accordance with *subsection (5)* are payable by the Commission out of funds at its disposal to a member of a committee.

Power to appoint consultants and enter into contracts

- 15.** (1) The Commission may, as it considers necessary to assist it in the performance of its functions: 5
- (a) enter into contracts with persons;
 - (b) appoint consultants or advisers.
- (2) There may be paid by the Commission, out of the funds at its disposal, to persons, consultants or advisers referred to in *subsection (1)*, such fees (if any) or allowances for expenses (if any) incurred by them as the Commission may determine. 10
- (3) The appointment of a person as a consultant or adviser under this section shall be for such period and on such terms and conditions as the Commission considers appropriate.

Staffing

- 16.** (1) The Commission may appoint such and so many persons to be members of staff of the Commission as it may determine. 15
- (2) The terms and conditions of service of a member of staff of the Commission, and the grade at which he or she serves, shall be such as may be determined by the Commission, with the consent of the Minister for Public Expenditure and Reform. 20
- (3) Members of staff of the Commission are civil servants within the meaning of the Civil Service Regulation Act 1956.
- (4) The Commission shall be the appropriate authority (within the meaning of the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005) in relation to members of its staff. 25

Accounts of Commission

- 17.** (1) The Commission shall keep in such form as may be approved by the Minister for Public Expenditure and Reform all proper and usual accounts of all monies received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister for Public Expenditure and Reform may, from time to time direct. 30
- (2) Accounts kept in accordance with this section shall be submitted, not later than the 1st day of April in the year immediately following the financial year to which they relate, or on such earlier date as the Minister for Public Expenditure and Reform may direct, to the Comptroller and Auditor General for audit and, immediately after the audit, the Chief Executive of the Commission shall cause a copy of the Comptroller and Auditor General's report on the accounts to be laid before each House of the Oireachtas. 35

Chairperson of Commission

18. (1) The chairperson shall be appointed in accordance with *section 8* and shall hold office for a period of 7 years from the date of his or her appointment.
- (2) A person may not be reappointed as chairperson for a second term.
- (3) The chairperson may resign from office by notice in writing to the President, the chief executive of the Commission and the Minister, and the resignation shall take effect on the date the President receives the notice. 5
- (4) In the event of the death, resignation or expiry of the term of the chairperson, the Chief Justice shall nominate a new chairperson.

Deputy chairperson of Commission 10

19. (1) The members of the Commission may, by a simple majority, nominate one or more than one member of the Commission (in this Act referred to as a “deputy chairperson”) to deputise for the chairperson under *subsection (2)*.
- (2) The deputy chairperson shall deputise for the chairperson:
- (a) where the chairperson so requests; 15
- (b) in the event that the chairperson is unable to perform his or her functions;
- (c) if the office of the chairperson is vacant.
- (3) The deputy chairperson may, in addition to his or her remuneration as a member, be paid such additional remuneration (if any) as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine. 20

Appointment and reappointment of chief executive of Commission

20. (1) There shall be a chief executive of the Commission (in this Act referred to as the “chief executive”) who shall be appointed by the Government.
- (2) The Government may, before the establishment day, designate a person to be appointed as the first chief executive of the Commission. 25
- (3) If, immediately before the establishment day, a person stands designated under *subsection (2)*, the person shall, on that day, stand appointed as the first chief executive of the Commission.
- (4) The chief executive shall hold office for a term of not more than 5 years.
- (5) The Government may reappoint a person whose term of office as chief executive expires by the passage of time. 30
- (6) A person who is reappointed to be the chief executive under *subsection (5)* shall not hold office for periods the aggregate of which, including the period for which he or she was first appointed as chief executive, exceeds 10 years.
- (7) Where a vacancy arises, or is anticipated will arise, for the position of chief executive 35 the Minister shall invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Minister a person who is suitable for appointment as chief executive.

- (8) The Minister shall agree with the Service the requirements relating to knowledge, ability and suitability for appointment as the chief executive for the purposes of a selection competition under this section.
- (9) A vacancy for the position of chief executive shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of filling that vacancy. 5
- (10) The Service may adopt such procedures as it thinks fit to carry out its functions under this section.
- (11) A person shall not be recommended to the Minister under *subsection (7)* unless the person is, in the opinion of the Service, suitably qualified for such appointment by reason of his or her possessing such relevant experience, qualifications, specialist knowledge or other criteria as the Minister, following consultation with the Commission, and having regard, in particular, to the functions conferred on the Commission by this Act, may specify. 10
- (12) The Service shall provide the Minister with particulars of experience and qualifications of the person whom it recommends under this section. 15
- (13) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Service of a particular person, it shall inform the Service of that fact and the reasons for it and shall request the Service to make another recommendation in respect of the vacancy and the Service shall, as soon as is practicable, comply with that request. 20
- (14) If the Service is unable to select any suitable candidate pursuant to a particular request—
- (a) the Minister shall recommend for appointment the person who was the candidate selected by the Service pursuant to a previous request (if any) in relation to that appointment, or 25
- (b) the Minister shall make a further such request to the Service and the Government shall appoint as chief executive the candidate selected by the Service pursuant to that request or pursuant to another such request made in relation to that appointment. 30
- (15) The chief executive shall—
- (a) hold office subject to such terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Commission, with the consent of the Minister and the Minister for Public Expenditure and Reform, and
- (b) be paid out of funds at the disposal of the Commission. 35
- (16) The chief executive shall not be a member of the Commission, or a committee, but he or she may, in accordance with procedures established by the Commission or such a committee, as the case may be, attend meetings of the Commission or committee and shall be entitled to speak at and give advice at such meetings.
- (17) The chief executive shall not hold any other office or occupy any position in respect of which remuneration is payable, or carry on any business, trade or profession, without the consent of the Commission. 40

- (18) The chief executive may, with the consent of the Commission, authorise one or more members of staff of the Commission to perform a specified function of the chief executive and such member or members so authorised may perform the function accordingly.
- (19) If the chief executive— 5
- (a) dies, resigns or is removed from office, or
 - (b) is for any reason temporarily unable to continue to perform his or her functions,
- the Commission may nominate such member or members of the staff of the Commission as it considers appropriate to perform the functions of the chief executive until— 10
- (i) in the circumstances mentioned in *paragraph (a)*, a new chief executive is appointed in accordance with this section, or
 - (ii) in the circumstances mentioned in *paragraph (b)*, the chief executive is able to resume the performance of his or her functions.
- (20) The chief executive may resign his or her office by letter sent by registered post to the Minister and copied to the Chairperson of the Commission and the resignation shall take effect on the date on which the letter is received by the Minister. 15

Role of chief executive

21. (1) The chief executive shall—
- (a) implement the policies and decisions of the Commission, 20
 - (b) manage and control generally the staff, administration and business of the Commission,
 - (c) perform such other functions (if any) as may be required by the Commission or as may be authorised under this Act,
 - (d) subject to *section 40(3)*, be accountable to the Commission for the efficient and effective management of the Commission and for the due performance of his or her functions, and 25
 - (e) provide the Commission with such information (including information with respect to the performance of those functions in so far as they relate to the financial affairs of the Commission) as the Commission may require. 30
- (2) The chief executive may make proposals to the Commission on any matter relating to its functions.

Removal of chief executive

22. (1) The members of the Commission may, by a simple majority, remove the chief executive from office if they are satisfied that one or more of the grounds specified in *subsection (2)* apply to the chief executive. 35
- (2) The grounds referred to in *subsection (1)* are that—

- (a) the chief executive has become incapable, through ill-health, of performing his or her functions,
 - (b) the chief executive has committed stated misbehaviour, or
 - (c) the removal of the chief executive is necessary for the effective and efficient performance by the Commission of its functions. 5
- (3) Where the members propose to remove the chief executive from office under *subsection (1)*, they shall notify the chief executive in writing of the proposal.
- (4) A notification under *subsection (3)* shall include a statement—
- (a) of the reasons for the proposed removal,
 - (b) that the chief executive may, within 30 working days of the sending of the notification or such longer period as the members may, having regard to the requirements of natural justice specify, make representations to the members in such form and manner as may be specified by the members as to why the chief executive should not be removed from office, and 10
 - (c) that, where no representations are received within the period referred to in *paragraph (b)*, the members shall, without further notice to the chief executive, proceed with the removal of the chief executive from office in accordance with this section. 15
- (5) In considering whether to remove the chief executive from office under *subsection (1)*, the members shall take into account— 20
- (a) any representations made pursuant to *subsection (4)(b)*, and
 - (b) any other matter that the members consider relevant for the purposes of their decision.
- (6) Where, having taken into account the matters referred to in *subsection (5)*, the members decide to remove the chief executive from office, they shall notify, in writing, the chief executive, the Joint Oireachtas Committee and the Minister of their decision and the reasons for their decision. 25

Accountability of chief executive to Public Accounts Committee

- 23.** The chief executive shall, whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee in relation to— 30
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Commission is required by this Act to prepare, 35
 - (b) the economy and efficiency of the Commission in the use of its resources,
 - (c) the systems, procedures and practices employed by the Commission for the purpose of evaluating the effectiveness of its operations, and

- (d) any matter affecting the Commission referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (insofar as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann. 5

Accountability of chief executive of Commission to Oireachtas

24. (1) Subject to *subsection (2)*, the chief executive shall, at the request in writing of an Oireachtas Committee, attend before it to give account for the general administration of the Commission.
- (2) The chief executive shall not be required to give account before an Oireachtas Committee for any matter which is or has been or may be at a future date, the subject of proceedings before a court or tribunal in the State. 10
- (3) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give an account before an Oireachtas Committee is a matter to which *subsection (2)* applies, he or she shall inform the Committee of the opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at the time when the chief executive is before it, the information shall be so conveyed in writing. 15
- (4) Where the chief executive has informed an Oireachtas Committee of his or her opinion in accordance with *subsection (3)* and the Committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to the subject matter of that opinion— 20
- (a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or 25
- (b) the chairperson of the Oireachtas Committee may, on behalf of the Committee, make such an application,
- and the High Court shall determine the matter.
- (5) Pending the determination of an application under *subsection (4)*, the chief executive shall not attend before the Oireachtas Committee to give account for the matter that is the subject of the application. 30
- (6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Oireachtas Committee shall withdraw the request referred to in *subsection (1)* but if the High Court determines that *subsection (2)* does not apply, the chief executive shall attend before the Oireachtas Committee to give account for the matter. 35
- (7) In this section, “Oireachtas Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Public Accounts Committee referred to in *section 23* or a Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee. 40

Accountability of chief executive for accounts of Commission

25. The chief executive is the accounting officer in relation to the appropriation accounts of the Commission for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.

Annual report of Commission

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26. (1) As soon as may be after the end of each financial year, but not later than 6 months thereafter, the Commission shall cause a report on the performance of its functions during that year to be laid before each House of the Oireachtas.
- (2) A report under *subsection (1)* shall include information on the performance of the functions of the Commission during the period to which the report relates, including an account of—
- (a) research works completed by the Commission,
 - (b) any reports prepared under *sections 65, 67 and 68*, and
 - (c) progress regarding implementation of the strategy statement published under *section 27*.
- (3) The Commission shall ensure that, as soon as practicable after copies of an annual report are laid before each House of the Oireachtas in accordance with *subsection (1)*, the annual report is published in such manner as the Commission considers appropriate.

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Strategy statement

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27. (1) Subject to *subsection (2)*, the Commission shall, every 3 years, prepare and submit to the Joint Oireachtas Committee a strategy statement in respect of the following 3 years.
- (2) The first strategy statement shall be prepared by the Commission as soon as practicable after the establishment day and shall relate to the period from its submission to the Joint Oireachtas Committee until the day immediately before the third anniversary of the establishment day.
- (3) A second or subsequent strategy statement shall be submitted to the Joint Oireachtas Committee within the period of 6 months before the expiry of the period to which the previous strategy statement relates and the second or subsequent strategy statement shall relate to the period of 3 years from the expiry of the period to which the previous strategy statement relates.
- (4) The Commission shall, in a strategy statement prepared under this section, specify—
- (a) the key aims, objectives, outputs and strategies of the Commission, and
 - (b) having regard to the matters specified in *paragraph (a)*, the key priorities of the chief executive.
- (5) The Commission may—
- (a) publish in such manner as the Commission considers appropriate a draft of the strategy statement and, where it publishes the draft, it shall allow persons 30 days

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from the date of that publication within which to make representations in writing to the Commission with regard to the draft strategy statement, and

- (b) where appropriate, having considered any representations made under *paragraph (a)*, make such modifications as may be necessary to take account of such representations. 5
- (6) The Commission shall, as soon as may be after the preparation of a strategy statement under this section, cause a copy of it to be laid before each House of the Oireachtas.
- (7) The Commission shall ensure that, as soon as practicable after copies of a strategy statement are laid before each House of the Oireachtas in accordance with *subsection (6)*, the strategy statement is published in such manner as the Commission considers appropriate. 10

Assistance of State bodies to Commission

- 28. The Central Statistics Office and Ordnance Survey Ireland shall, on a request in that behalf by the Commission, provide free of charge to the Commission such assistance as the Commission may reasonably require for the purpose of the performance of its functions. 15

CHAPTER 4

Functions of Commission

Functions of Commission

- 29. (1) The Commission shall have the following functions: 20
 - (a) to explain to the public, in accordance with *Chapter 5*, the subject matter of referendums;
 - (b) to review, in accordance with *Chapter 7*, the constituencies for the election of members to the Dáil and the election of members to the European Parliament and to report to the Joint Oireachtas Committee in relation thereto; 25
 - (c) to review local electoral area boundaries and report to the Minister in relation to those boundaries, in accordance with *Chapter 8*;
 - (d) to conduct research on electoral policy and procedure and make such recommendations to the Minister as it considers appropriate, in accordance with *Chapter 9*; 30
 - (e) to provide, to the public, information on electoral processes (including referendums) and to encourage participation, by the public, in the electoral and democratic processes of the State, in accordance with *section 66*;
 - (f) to prepare and maintain, in accordance with *Chapter 6*, the Register of Political Parties; 35
 - (g) to oversee the electoral register in accordance with *Chapter 10*;
 - (h) to regulate online political advertising in accordance with *Part 4*.

- (2) The Commission shall have all such powers as are necessary or expedient for, or incidental to, the performance of its functions.
- (3) The Commission shall, subject to this Act, be independent in the performance of its functions.

CHAPTER 5

5

Referendum functions

Referendum functions of Commission

- 30.** (1) The Commission shall have, in addition to any functions conferred on it by any other provision of this Act, the following principal functions in relation to a referendum:
- (a) to prepare a statement or statements containing a general explanation of the subject matter of the proposal for the referendum concerned and of the text thereof in the relevant Bill and any other information relating to those matters that the Commission considers appropriate; 10
 - (b) to publish and distribute such statements in relation to the referendum concerned in such manner and by such means including the use of television, radio and other electronic media as the Commission considers most likely to bring them to the attention of the electorate and to ensure as far as practicable that the means employed enable those with a sight or hearing disability to read or hear the statements concerned; 15
 - (c) to promote public awareness of the referendum and encourage the public to vote at the referendum, in accordance with *section 66*. 20
- (2) Without prejudice to the generality of *section 29(2)*, the Commission shall have the following powers in relation to a referendum:
- (a) to prepare, publish and distribute brochures, leaflets, pamphlets and posters; and
 - (b) to distribute the statements aforesaid to each presidential elector or each household. 25
- (3) The Commission or a member of the Commission shall not advocate or promote a particular result at a referendum.

Advertisements etc. by Commission

- 31.** (1) Section 41(3) of the Broadcasting Act 2009 shall not apply to advertisements broadcast at the request of the Commission in relation to a matter referred to in *section 30* concerning a referendum. 30
- (2) The Minister for the Environment, Climate and Communications, if so requested by the Commission following consultation by the Commission with Radio Teilifís Éireann (in this section referred to as “RTE”) and Teilifís na Gaeilge (in this section referred to as “TG4”) and consideration of any proposals of RTE and TG4 for broadcasts in connection with the referendum that RTE and TG4 communicate to the Commission, shall direct RTE and TG4, in writing, to allocate broadcasting time to 35

facilitate the Commission in performing its functions, and RTE and TG4 shall comply with a direction under this subsection.

- (3) The Minister for the Environment, Climate and Communications, if so requested by the Commission following consultation by the Commission with the Broadcasting Authority of Ireland (in this section referred to as “BAI”) and consideration of any proposals of BAI for broadcasts, including sound broadcasting services and television programme services, in connection with the referendum that it communicates to the Commission, shall direct BAI, in writing, to arrange for the provision for and on behalf of the Commission of services (with or without charge), including the allocation of broadcasting time, to facilitate the Commission in performing its functions, and BAI shall comply with a direction under this subsection. 5 10
- (4) In this section, “broadcasts”, “sound broadcasting service” and “television programme services” have the same meanings as they have, respectively, in section 2 of the Broadcasting Act 2009.

Declaration that body is an approved body for purposes of a referendum 15

32. (1) A body may apply to the Commission, in accordance with this section, for a declaration to be an approved body for the purposes of a referendum.
- (2) An application under *subsection (1)* shall be in writing in a form specified by the Commission or in a form to the like effect and shall be made within such time as the Commission may specify and shall include the address, in the State, of the body concerned. 20
- (3) Where a body makes an application under this section, it shall nominate a person to be its nominated person for the purposes of this Part (in this Part referred to as “the nominated person”) and the name and address of the person so nominated shall be included in the application. 25
- (4) The Commission may refuse to make a declaration under *subsection (1)* where—
- (a) in the opinion of the Commission, the body concerned does not have a *bona fide* interest in the proposal the subject of the referendum concerned,
- (b) the body concerned fails or refuses to comply with this section or *section 34*, or
- (c) the name of the body concerned is identical to the name of any party registered in the Register of Political Parties, or in the opinion of the Commission so closely resembles such name as to be calculated to mislead, confuse or deceive. 30
- (5) Upon the determination of an application under this section, the Commission shall, as soon as may be—
- (a) by notice in writing inform the body concerned of the determination and, if it is a refusal to make a declaration under this section, the notice shall include a statement of the reasons for the refusal, and 35
- (b) publish a notice in *Iris Oifigiúil* of the result of the determination.
- (6) A person who knowingly furnishes false information in relation to an application under this section shall be guilty of an offence. 40

- (7) A person who contravenes *subsection (6)* shall be guilty of an offence and shall be liable on summary conviction to a class E fine or imprisonment for a term not exceeding 3 months or both.
- (8) Where the Commission is satisfied that false information has been furnished to it under this section, the Commission shall revoke any declaration made by it in relation to the application concerned and shall, as soon as may be, notify the body concerned of the revocation and of the reasons therefor. 5
- (9) (a) Subject to *paragraph (b)*, in this section and in *sections 33, 34 and 35*, “body” means a body corporate or unincorporated body which, or a branch of which, is established in the State, governed by a constitution, a memorandum of association or other such document or other written rules and having a membership of not less than 300. 10
- (b) A political party that is for the time being registered in the Register of Political Parties shall be deemed to be a body.
- (10) A reference in any enactment to an approved body within the meaning of the Referendum Act 1998 shall be construed as including a reference to an approved body under this section. 15

Publication of referendum notices by Commission

- 33. (1) The Commission shall publish a notice (in this section referred to as a “referendum notice”) in 2 or more national newspapers as soon as practicable following the making of an order under section 10 or 12 of the Act of 1994. 20
- (2) A referendum notice shall—
 - (a) indicate that a body may apply to the Commission for a declaration under *section 32*,
 - (b) specify time limits for the receipt of such applications, and 25
 - (c) specify the procedures for making such applications.

Obligation to provide information or statutory declaration if required

- 34. (1) The Commission may request, from a body that applies for a declaration under *section 32*, all such information or documents in the possession or procurement of the body that the Commission reasonably requires from it for the purposes of the determination of the application under that section. 30
- (2) Where the Commission makes a request under *subsection (1)*, the nominated person of the body shall furnish to the Commission the information or documents within the time (being not more than 7 days from the day on which the request is made) specified in the request and, if the nominated person does not comply with the request, the application of that body for a declaration under *section 32* shall be deemed to be withdrawn. 35
- (3) The Commission may require that information furnished to the Commission under this section shall be accompanied by a statutory declaration made by the nominated person concerned that, to the best of the person’s knowledge and belief, the 40

information is correct in every material respect and that the person has taken all reasonable steps to ensure the accuracy of the information.

- (4) A person who knowingly furnishes false information pursuant to a request under this section shall be guilty of an offence.
- (5) A person guilty of an offence under *subsection (4)* shall be liable on summary conviction to a class E fine or imprisonment for a term not exceeding 3 months or both. 5
- (6) Where the Commission is satisfied that false information has been furnished to it under this section, the Commission shall revoke any declaration made by it in relation to the application concerned and shall, as soon as may be, notify the body concerned of the revocation and of the reasons therefor. 10

Notification to referendum returning officer and local returning officer of details of approved body

35. (1) As soon as practicable after the Commission has made a declaration under *section 32* or revoked a declaration under *section 32* or *34*, as the case may be, in respect of a body, the Commission shall notify the referendum returning officer of the name and address of the body and the name and address of the nominated person of the body. 15
- (2) The referendum returning officer shall, as soon as practicable after receipt of a notification under *subsection (1)*, notify each local returning officer of the particulars so notified to him or her under *subsection (1)*. 20

Appointment by approved body of agents at a referendum

36. (1) Subject to section 26 of the Act of 1994, as applied by *subsection (3)*, an approved body may appoint a person or persons to act as agent for the body at the referendum in respect of which the body is an approved body, to be present— 25
- (a) at the issue of ballot papers to postal voters,
- (b) at the opening of postal ballot boxes, and
- (c) at the counting of votes,
- at the referendum.
- (2) An approved body may appoint one person to be present as the body's agent in each polling station for the purpose of assisting in the detection of personation, and such appointment shall be in writing. 30
- (3) Subsections (2), (4) to (9), (11) and (12) of section 26 of the Act of 1994 shall apply to persons appointed to act as agents under this section as they apply to agents appointed under the said section 26 with the modification that references to a member of Dáil Éireann shall include references to an approved body and with any other necessary modifications. 35

Amendment of section 43 of Act of 1994

37. Section 43 of the Act of 1994 is amended by the substitution of the following subsection for subsection (3):

“(3) A provisional referendum certificate shall not be questioned by reason of non-compliance by the Electoral Commission with any provision of *Chapter 5 of Part 2 of the Electoral Reform Act 2022* or mistake made by the Electoral Commission if it appears to the High Court that the Electoral Commission complied with the principles laid down in that Act and that such non-compliance or mistake did not materially affect the result of the referendum.”. 5

Reports and information to Minister and Joint Oireachtas Committee

38. (1) As soon as may be after the completion of the performance of its functions under this Chapter and under *section 66* in relation to each referendum, but not later than 6 months thereafter, the Commission shall prepare and submit a report in writing to the Joint Oireachtas Committee in relation to the performance by it of those functions. 10
- (2) The Commission shall, when submitting the report under *subsection (1)*, furnish a copy of the report to the Minister.
- (3) The Commission shall, whenever so requested by the Joint Oireachtas Committee, furnish to the Committee information in relation to such matters as the Committee may specify in respect of any report referred to in *subsection (1)*. 15

Provisions in relation to offences

39. (1) Where an offence under this Chapter is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of any person, being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 20 25
- (2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.
- (3) Proceedings for an offence under this Part shall not be instituted except by or with the consent of the Director of Public Prosecutions. 30

CHAPTER 6

Registration of political parties functions

Registrar of political parties

40. (1) There shall be an office, the holder of which shall be known as the Registrar of Political Parties (in this Chapter referred to as the “Registrar”) and the Registrar shall, subject to this Chapter, prepare and maintain a Register of Political Parties. 35
- (2) (a) The person who for the time being holds the office of chief executive of the Commission shall be the Registrar.

(b) If and so long as the office of the chief executive is vacant or the holder of that office is unable through illness, absence or other cause to fulfil the duties of the office, a member of staff nominated by the Chairperson shall act as Registrar for the purposes of this Chapter and references in this Chapter to the Registrar shall be construed accordingly. 5

(3) The Registrar shall be independent in the performance of his or her duties.

Register of political parties

41. (1) The Register of Political Parties in force immediately before the commencement of this section shall be deemed to be the Register of Political Parties prepared and maintained under this Part. 10

(2) A reference in any enactment to the register of political parties shall be construed as including a reference to the Register of Political Parties prepared and maintained under this Chapter.

Application for registration of political parties

42. (1) A political party that is not, before the establishment day, registered in the Register of Political Parties may apply to the Registrar to be so registered as a party organised in the State, or in a part thereof specified in the application, to contest all or any of the following elections: 15

(a) a Dáil election;

(b) a European election; 20

(c) a local election.

(2) An application for registration under this section shall be in writing in such form as shall be specified by the Registrar and shall contain such particulars as shall be specified in the form.

(3) Where an application by a political party for registration in the Register of Political Parties under section 25 of the Act of 1992 has not been completed before the establishment day the application shall be completed on or after the establishment day under this section. 25

Registration of political emblems

43. (1) (a) A political party may apply for the registration in the Register of Political Parties of one emblem to be used by candidates of the party on ballot papers. 30

(b) An application under this section shall be in writing in such form as shall be specified by the Registrar and in accordance with directions specified on the form.

(2) The Registrar shall not grant a request for registration in relation to an emblem if the emblem— 35

(a) would be likely to be confused by voters with an emblem which is already registered for another party,

- (b) is obscene or offensive,
- (c) is of such a character that its publication would be likely to amount to the commission of an offence, or
- (d) includes a word or expression which, if it were, or were part of, the party's name, would, by virtue of *section 45*, prevent the party from being registered in the Register of Political Parties. 5

Qualifying criteria for registration of political parties

44. Subject to *section 45*, the Registrar shall register a political party which applies for registration provided the application complies with the requirements of this Chapter and that— 10
- (a) the party is organised in the State or in a part thereof specified in the application as a party organised to contest all or any of the elections referred to in *section 42(1)*,
 - (b) (i) (I) the party has not less than 300 recorded members or, in the case of a party applying for registration as a party organised to contest elections in part of the State or local elections only, 100 recorded members, each of whom (in any of the foregoing cases) has reached the age of 18 years, and 15
 - (II) at least 50 per cent of the recorded members are registered in the electoral register, 20
 - (ii) the party has at least one member who, at the time the application for registration is made, is a member of Dáil Éireann or is a representative in the European Parliament (whether by reason of his or her having been elected as such a representative in the State or having been nominated as a replacement candidate under the Act of 1997) and who certifies in writing to the Registrar that he or she is a member of the party, or 25
 - (iii) in the case of a party which applies for registration as a party organised to contest a local election only, it has at least 3 members who are, at the time the application for registration is made, members of a local authority and each of whom certifies in writing to the Registrar that he or she is a member of the party, 30
- and
- (c) the organisation and direction of the party are governed by a constitution, a memorandum of association or other such document or other written rules adopted by the party and which provide for— 35
 - (i) an annual or other periodic meeting or conference of the party, and
 - (ii) the conduct of the business of the party by an executive committee or similar body elected by the party.

Titles of political parties

45. A political party shall not be registered in the Register of Political Parties if its name— 40

- (a) is identical to the name or an abbreviation or acronym of the name of any party for the time being registered in the Register of Political Parties or, so nearly resembles such name, abbreviation or acronym as to be likely to mislead, confuse or deceive,
- (b) comprises more than 6 words, or 5
- (c) in the case of a party operating in relation to a particular part of the State, does not include such reference to that part so as to distinguish the party as so operating.

Details to be entered in register of political parties

46. The following particulars shall be entered in the Register of Political Parties in respect of a political party registered therein— 10
- (a) the name of the party, including any abbreviation or acronym of the name,
 - (b) the emblem, if an application for its registration under *section 43* has been granted,
 - (c) the address of the party's headquarters, 15
 - (d) the name or names of the officer or officers of the party authorised to sign certificates authenticating the candidatures of candidates of the party at elections,
 - (e) the type or types of election for which the party is registered as being organised to contest,
 - (f) where the party is registered as organised to contest elections in a specified part of the State, a reference to that fact and to the part of the State concerned, 20
 - (g) the name of any political group or European political party in accordance with *section 47*, and
 - (h) the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit. 25

Political groups

47. Where a party which is registered in the Register of Political Parties as a party organised to contest a European election, or which applies for such registration in the Register of Political Parties, informs the Registrar that a member of the party, being a representative in the European Parliament (whether by reason of that member having been elected as such a representative in the State or having been nominated as a replacement candidate under the Second Schedule to the Act of 1997), is a member of— 30
- (a) a political group formed in accordance with the rules of procedure of the European Parliament, or
 - (b) a European political party, 35

the Registrar shall, if the member certifies in writing to the Registrar that he or she is a member of that party and that political group or European political party, note on the Register of Political Parties, in relation to the party, the name of that political group or European political party.

Notification of decision on application for registration

48. The Registrar shall, as soon as practicable after it has considered an application for registration under this Part, notify the applicant concerned of his or her decision and, where the application has been refused, the reasons for it and that the applicant may appeal the decision under *section 50*, and shall cause notice thereof to be published in *Iris Oifigiúil*. 5

Amendments to Register of Political Parties

49. (1) If there is any change in the particulars entered in the Register of Political Parties with respect to the name or names of the officer or officers of a political party referred to in *section 46(d)* or in the address of the party's headquarters, the party shall, as soon as may be after the change occurs, inform the Registrar of the change and, where appropriate, the Registrar shall amend the particulars entered in the register in relation to the party accordingly. 10
- (2) A political party registered in the Register of Political Parties may apply in writing to the Registrar in such form as shall be specified by the Registrar to have any of the particulars, (other than those referred to in *subsection (1)*) including the party emblem entered in the register in relation to the party amended and the Registrar shall consider each such application and may, subject to this Chapter, amend the register accordingly. 15
- (3) The Registrar shall, as soon as practicable after it has considered an application for amendment of the register under *subsection (2)*, notify the applicant concerned of his or her decision, the reasons for it and that the applicant may appeal the decision under *section 50* and shall cause notice of the decision to be published in *Iris Oifigiúil*. 20
- (4) The Registrar shall, with respect to each party registered in the register, inquire in writing at least once in each year from a responsible person referred to in *section 46(h)* whether the party desires to remain registered and, unless the Registrar receives an affirmative reply to such an inquiry within 21 days from the date of the making of such inquiry, *subsection (6)* shall apply in relation to the party. 25
- (5) When replying to an inquiry under *subsection (4)*, the responsible person shall provide the Registrar with the name and address of each accounting unit of the party and the name and address of the responsible person or persons of the accounting unit, including any changes that have occurred during the period from when the particulars were last provided to the Registrar and the Registrar shall enter the particulars provided in the register. 30
- (6) Where a political party registered in the register fails to comply with *subsection (1)*, or information provided by it, in purported compliance with that subsection, is not such as to enable the Registrar to comply with *section 46* or otherwise fails to comply with the requirements of this Chapter, the Registrar shall, following such inquiry as it considers appropriate, publish in *Iris Oifigiúil* notice of its intention to cancel the registration of the party and the Registrar shall notify the party concerned of its intention and that the party may appeal the decision under *section 50*. 35 40
- (7) Any doubt, dispute or question arising in connection with the particulars required to be entered in the register pursuant to *section 46* shall be decided by the Commission and deemed to be an appeal under *section 50*, and the Registrar or the political party

concerned may submit the doubt, dispute or question to the Commission in accordance with that section.

Appeal against decision of Registrar

50. (1) A decision by the Registrar in relation to—
- (a) an application for registration under *section 42* or *43*, 5
 - (b) an application under *section 49* for amendment of the particulars entered in relation to a party in the Register of Political Parties, or
 - (c) the cancellation of the registration of a party under *section 49(6)*,
- may be questioned by way of an appeal to the Board under this section and, pending the determination by the Board of such an appeal, the decision of the Registrar shall 10
not have effect.
- (2) Where the Commission has decided to refuse an application for registration including the registration of an emblem or an application for an amendment of the register and has stated the reasons for so doing in accordance with *section 48* or *49(3)*, such statement shall be regarded as a sufficient statement of the reasons for the decision. 15
- (3) (a) Not later than 12 noon on the twenty-first day after the publication in *Iris Oifigiúil* of a decision by the Registrar on an application for registration under *section 42* or *43*, or for the amendment of the particulars in relation to a party entered in the register under *section 49(1)* or in respect of the cancellation of the registration of a party under *section 49(6)*, an appeal may be made to the Board 20
against the decision—
- (i) in the case of a decision to refuse either an application for registration including the registration of an emblem or an application for an amendment of the register, by the party by which the application was made,
 - (ii) in the case of a decision to allow either an application for registration or an 25
application for amendment of the register, by any political party registered in the register at the time of the giving by the Registrar of such notice,
 - (iii) in the case of a decision to cancel a registration, by the party whose registration it is proposed to cancel.
- (b) Where no appeal is made under this section within the period specified in 30
paragraph (a), the decision shall at the expiration of the said period become final and the Registrar shall notify the applicant or, as the case may be, the party whose registration he or she has decided to cancel.
- (c) An appeal under this section shall be in writing, shall state the grounds on which the appeal is made, shall be addressed to the Chairperson and shall be delivered 35
or sent by post so as to reach the Chairperson not later than the time specified in *paragraph (a)*, together with the deposit referred to in *paragraph (d)*, and any such appeal which is received by the Chairperson after that time or without that deposit shall not be entertained or considered by the Commission.
- (d) An appeal under this section shall not be considered by the Board unless at the 40
time the appeal is made a deposit of €500 is lodged with the Chairperson by, or

- on behalf of, the appellant, which sum shall on the determination of the appeal be returned to the person by whom it was made unless the Board considers the appeal to be frivolous or vexatious and directs that the deposit be forfeited.
- (e) A deposit forfeited under this section shall be disposed of by the Chairperson in such manner as may be directed by the Minister for Finance. 5
- (f) The Chairperson, immediately on receipt of an appeal under this section, shall—
- (i) notify the Registrar of such receipt,
 - (ii) furnish the Registrar with a copy of the appeal,
 - (iii) publish a notice in *Iris Oifigiúil* that an appeal has been lodged, and
 - (iv) make the documentation in relation to the appeal available for inspection at all convenient times. 10
- (4) (a) The Board, in determining an appeal under this section, shall consider—
- (i) the grounds for the appeal stated pursuant to *subsection (3)(c)*, and
 - (ii) such information (if any) as was made available to the Registrar in connection with the application for registration (including registration of a political party emblem), the application for amendment of the register or the proposed cancellation of the registration, as the case may be. 15
- (b) The Registrar shall give to the Commission such information in relation to every appeal considered pursuant to this section as the Commission may reasonably require of him or her. 20
- (c) Where information additional to that referred to in *paragraph (a)(ii)* is furnished to the Commission, the appeal application, if the Commission considers it appropriate and directs accordingly, shall be returned to the Registrar for their consideration and treated, if appropriate, as a new application for registration or an amendment of the register by the Registrar. 25
- (d) The decision of the Commission shall be final and binding.
- (5) A decision by the Registrar on an application for registration, including the registration of an emblem, or for amendment of the particulars entered in the register in respect of a party or in relation to the cancellation of the registration of a party under *section 49* or a decision by the Commission on an appeal under this section shall not have effect in relation to the relevant election where the decision of the Registrar or the Commission is made or the period for making an appeal under *subsection (3)* against the decision of the Registrar expires— 30
- (a) in the case of a Dáil election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a Dáil election, after the date of the issue of the writ or writs, 35
 - (b) in the case of a European election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a European election, after the date of the making of the order of the Minister under section 10 of the Act of 1997, 40

- (c) in the case of a local election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a local election, after the date of the making of the order of the Minister under section 26 of the Act of 2001.
- (6) The Board shall determine an appeal under this section without an oral hearing unless, having regard to the particular circumstances of the appeal, it considers that it is necessary to conduct an oral hearing in order to properly and fairly determine the appeal. 5
- (7) An appeal which has been commenced under section 25B of the Act of 1992 and not completed before the establishment day shall be carried on or completed by the Board under this section on or after the establishment day. 10
- (8) In this section, “Board” means the members of the Commission referred to in *section 8(1)*.

Inspection and production of copy of register

- 51. (1) The Registrar shall maintain the Register of Political Parties and permit any person to inspect the register at such time and under such conditions as he or she may specify. 15
- (2) Where an order of a court or a request by any person is made for the production by the Registrar of the register or a copy thereof, the production of a copy of the register accompanied by a certificate of the Registrar that such copy is a copy of the register shall, in any civil or criminal proceedings, be *prima facie* evidence of the fact so certified and it shall not be necessary, unless the court on receipt of the certificate and copy of the register so orders, for the Registrar to attend in person to attest to any matter relating to the register or the certificate. 20

Requirement to comply with request by Registrar for information

- 52. (1) The Registrar may require any person to give any information in the possession of such person which the Registrar may require for the purpose of his or her duties under this Chapter. 25
- (2) Without prejudice to *subsection (1)*, the Registrar may require from any political party which applies for registration (including registration of an emblem) in, or for amendment of, the Register of Political Parties all such information as the Registrar reasonably requires for the determination of the application, and the Registrar may refuse the application of any party which fails or refuses to give any information so required of it under this section. 30
- (3) For the avoidance of doubt and notwithstanding the authority of the Registrar to request information, it shall be the duty of every political party which applies for registration (including the registration of an emblem) in, or for amendment of, the register to provide to the Registrar such information as may be necessary to enable the Registrar to consider the application. 35
- (4) The Registrar may require that—
 - (a) information furnished for the purposes of this Chapter shall be accompanied by a statutory declaration made by the person by whom the information is furnished 40

(or by such other person as the Registrar considers appropriate in the circumstances) that, to the best of the person’s knowledge and belief, the information is correct in every material respect and that the person has taken all reasonable steps in order to be satisfied as to the accuracy of the information,

(b) any statement in relation to the number of recorded members of a party shall be certified by a public auditor. 5

(5) In *subsection (4)*, “public auditor” means a public auditor for the purposes of the Industrial and Provident Societies Acts 1893 to 2021 and the Friendly Societies Acts 1896 to 2021.

Registration in relation to particular types of election 10

53. (1) Where a party is registered in the Register of Political Parties as a party organised to contest a particular type or types of election, the registration shall have effect only in relation to elections of the type or types concerned.

(2) Where a party is registered in the register as a party organised to contest an election or elections in a specified part of the State, the registration shall have effect only in relation to that part of the State. 15

Provision of copies of register to returning officers

54. Not later than the third day (disregarding any excluded day) after the day of the issuing under section 39 of the Act of 1992 of the writ or writs at a Dáil election, the Registrar shall send to the returning officer or each returning officer, as the case may be, a copy of the Register of Political Parties then in force, including a copy of any emblems of political parties registered in it. 20

CHAPTER 7

Dáil and European Parliament constituency review functions

Constituency reviews 25

55. (1) The Commission shall conduct a review of all constituencies:

(a) following the publication, by the Central Statistics Office, of the preliminary result of a census of population of the State;

(b) following the receipt, by the Commission, of a written direction from the Minister, which shall be made by the Minister where either a Constituency Commission or the Commission has presented a report under *section 57*, and where— 30

(i) after such presentation, the total number of members of the European Parliament to be elected in the State specified pursuant to the treaties governing the European Union is different from the total number to which the Constituency Commission or the Commission had regard when preparing its report under *section 56*, and 35

(ii) the Constituency Commission or the Commission is not due to prepare and present a report under *section 56(1)(a)* before the date of the next European Parliament election.

(2) In this section, “Constituency Commission” means a Constituency Commission established pursuant to section 5 of the Electoral Act 1997. 5

Constituency review reports

56. (1) (a) Where the Commission has conducted constituency reviews under *section 55(1)(a)* it shall prepare reports containing the recommendations of the Commission in relation to:

(i) the constituencies for the election of members to Dáil Éireann; 10

(ii) the constituencies for the election of members of the European Parliament.

(b) Where the Commission has conducted constituency reviews under *section 55(1)(b)* it shall prepare a report containing the recommendations of the Commission in relation to the constituencies for the election of members of the European Parliament. 15

(c) A report under *paragraphs (a) or (b)* may include such recommendations as the Commission considers appropriate in relation to the alteration of constituencies referred to in those paragraphs.

(2) When preparing a report under *subsection (1)(a)(i)*, the Commission shall, in observing the relevant provisions of the Constitution in relation to Dáil constituencies, have regard to the following: 20

(a) the total number of members of Dáil Éireann, subject to Article 16.2.2 of the Constitution, shall be not less than 166 and not more than 172;

(b) each constituency shall return 3, 4 or 5 members;

(c) the breaching of county boundaries shall be avoided as far as practicable; 25

(d) each constituency shall be composed of contiguous areas;

(e) there shall be regard to geographic considerations including significant physical features and the extent of and the density of population in each constituency;

(f) subject to this section, the Commission shall endeavour to maintain continuity in relation to the arrangement of constituencies. 30

(3) When preparing a report under *subsection (1)(a)(ii) or (1)(b)*, the Commission shall have regard to the following:

(a) the total number of members of the European Parliament to be elected in the State, which shall be such number as may be specified for the time being pursuant to the treaties governing the European Union; 35

(b) the need for reasonable equality of representation as between constituencies;

(c) the matters specified in *paragraphs (b) to (f) of subsection (2)*.

- (4) The reference in *subsection (2)(c)* to county boundaries shall be deemed not to include a reference to the boundary of a city or any boundary between any 2 of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin.
- (5) A report of the Commission under this section may indicate that, in the opinion of the Commission having regard to *subsection (2)* or *(3)*, no alteration is required to be made in the constituencies to which the report relates. 5

Laying of constituency review reports

- 57. (1) Where the Commission has conducted constituency reviews under *section 55(1)(a)*, it shall, not later than 3 months after the publication of the final result of every census of population of the State, present the reports prepared by the Commission under *section 56(1)(a)* to the Joint Oireachtas Committee and lay those reports before each House of the Oireachtas. 10
- (2) Where the Commission has conducted constituency reviews under *section 55(1)(b)*, it shall, not later than 2 months after receiving a written direction from the Minister under *section 55(1)(b)* present to the Joint Oireachtas Committee and lay before each House of the Oireachtas a report prepared under *section 56(1)(b)* containing the recommendations of the Commission in relation to the constituencies for the election of members of the European Parliament and any alteration of those constituencies which the Commission considers appropriate. 15

Public submissions 20

- 58. (1) The Commission shall, as soon as may be following the commencement of its constituency reviews under *section 55*, give public notice of its intention to prepare a report relating to—
 - (a) in the case of a report under *section 56(1)(a)*—
 - (i) the constituencies for the election of members to Dáil Éireann, and 25
 - (ii) the constituencies for the election of members of the European Parliament, and
 - (b) in the case of a report under *section 56(1)(b)*, the constituencies for the election of members of the European Parliament only.
- (2) In the case of a report under *section 56(1)(a)*, the Commission shall prepare— 30
 - (a) a statement setting out the relevant provisions of the Constitution in relation to Dáil constituencies to which the Commission is required to observe, and
 - (b) statements based on the preliminary result of the most recent census of population of the State showing, for the constituencies for the time being in force for Dáil and European elections, in relation to each constituency— 35
 - (i) the number of members of Dáil Éireann or the European Parliament, as the case may be,
 - (ii) the population of the constituency,

- (iii) the population per member of Dáil Éireann or the European Parliament, as the case may be, of the constituency, and
 - (iv) the percentage variation of population per member of Dáil Éireann or the European Parliament, as the case may be, of the constituency from the national average population per member. 5
- (3) The statements prepared by the Commission, and any submissions received by it, under this section shall be made available free of charge by the Commission, to any person wishing to examine them, in accordance with the public notice referred to in *subsection (1)*.
- (4) The public notice referred to in *subsection (1)* shall indicate that the statements prepared by the Commission under this section shall be made available free of charge by the Commission, to any person wishing to examine them, in such a manner as shall be specified in the notice. 10
- (5) The public notice referred to in *subsection (1)* shall indicate that—
- (a) any person may make a submission to the Commission in such manner and within such period (which shall not be less than three months in the case of a report referred to in *subsection (1)(a)* and not less than one month in the case of a report referred to in *subsection (1)(b)*), as shall be specified in the notice, 15
 - (b) any submissions received by the Commission in the manner and within the period specified in the notice shall be made available free of charge by the Commission, to any person wishing to examine them, in such manner and within such period as shall be specified in the notice. 20
- (6) The Commission shall consider every submission made to it in accordance with a public notice referred to in *subsection (1)*.

CHAPTER 8

25

Local electoral area boundary review functions

Amendment of section 32 of Act of 1991

59. Section 32 of the Act of 1991 is amended by the substitution of the following subsection for subsection (2):

- “(2) (a) Before deciding whether to make an order under section 23 of the Local Government Act 2001 in relation to a local electoral boundary the Minister shall request the Electoral Commission to prepare a report, in accordance with *sections 60 to 62* of the *Electoral Reform Act 2022*, in relation to the boundary concerned. 30
- (b) The Commission shall, if so requested, prepare and furnish to the Minister a report in writing which shall include its recommendations and the Minister shall publish the report and shall have regard to it when deciding whether or not to make the order.”. 35

Local Electoral Area Boundary Review functions of Commission

60. (1) The Minister may include, in a request to the Commission under section 32(2) of the Local Government Act 1991, a requirement that the Commission shall, when preparing the report under that section, have regard to such matters as may be specified by the Minister in the request and the Commission shall comply with any such requirement. 5
- (2) The Minister shall, before specifying, under *subsection (1)*, the matters to which the Commission shall have regard, prepare a draft of the request under the said section 32(2) of the Local Government Act 1991 and the draft request may only be sent to the Commission if it has been— 10
- (a) laid before each House of the Oireachtas, and
- (b) approved by resolution passed by each such House.
- (3) The Commission may, for the purposes of a report referred to in *subsection (1)*, by notice in writing, request any local authority to furnish to it such information (including documents) as it may reasonably require within such period as shall be specified in the notice and the local authority shall comply with the request. 15

Local electoral area boundary reports

61. A report of the Commission under section 32(2) of the Act of 1991 shall be issued within such timeframe as may be specified by the Minister.

Public and stakeholder submissions

20

62. (1) The Commission shall, as soon as may be after receiving a request from the Minister under section 32(2) of the Act of 1991, give public notice that it is preparing a report under that section.
- (2) The public notice referred to in *subsection (1)* shall indicate that:
- (a) any person may make a submission to the Commission in such manner and within such period, which shall not be less than one month, as shall be specified in the notice; 25
- (b) any submissions received by the Commission in the manner and within the period specified in the notice shall be made available free of charge by the Commission, to any person wishing to examine them, in such manner and within such period as shall be specified in the notice. 30
- (3) The Commission shall consider every submission made to it in accordance with a public notice referred to in *subsection (1)*.
- (4) Any submissions received by the Commission under this section shall be made available free of charge by the Commission, to any person wishing to examine them, in accordance with the public notice referred to in *subsection (1)*. 35

*Research, advisory and voter education functions***Research function of Commission**

- 63.** The Commission may commission or conduct research on electoral policy and procedure, including on matters relating to the discharge of its functions under this Act, and may, arising from that research, make such recommendations to the Minister and the Government as it considers appropriate. 5

Research programmes to be carried out by Commission

- 64.** (1) The Commission shall prepare, annually, programmes specifying:
- (a) the subjects in relation to which it proposes to conduct research under *section 63* and the objectives of such research; 10
 - (b) the manner in which such research shall be carried out;
 - (c) the estimated cost of such research.
- (2) The Commission shall, when preparing programmes under *subsection (1)*, consult with the Joint Oireachtas Committee, the Minister and any other person, as the Commission considers appropriate. 15
- (3) The Commission shall, as soon as may be after the preparation of a programme under *subsection (1)*, cause a copy of it to be laid before each House of the Oireachtas.
- (4) The Commission shall, within 6 months of the laying of a programme before each House of the Oireachtas under *subsection (3)*, submit to the Joint Oireachtas Committee, an update on the programme. 20

Advisory function of Commission

- 65.** (1) The Commission may, and shall when requested by the Minister, advise and, as appropriate, make recommendations to the Government or the Minister, in relation to any proposals for legislative change, or any other policy matters concerning electoral policy or procedures. 25
- (2) The Minister shall, as soon as may be after receiving a recommendation under *subsection (1)* lay the report before each House of the Oireachtas.

Education function of Commission

- 66.** (1) The Commission shall, through educational and information programmes promote public awareness of, and participation in, the State's electoral and democratic processes and encourage the public to vote at electoral events. 30
- (2) The following are electoral events to which this section and *section 67* applies:
- (a) a Dáil election;
 - (b) a Seanad election; 35
 - (c) a European election;

- (d) a presidential election;
- (e) a local election;
- (f) a referendum.

Post electoral event reviews

- 67.** (1) The Commission may, after each electoral event to which this section applies, prepare and publish (in such a manner as the Commission may determine) a report on the administration of the electoral event concerned. 5
- (2) Where the Commission prepares a report under *subsection (1)*, the report shall be published and laid before the Houses of the Oireachtas and a copy of the report shall be provided to the Minister no later than 6 months after the electoral event the subject matter of the report. 10
- (3) A report under *subsection (1)* shall include a description of the assistance given by presiding officers or returning officers to certain persons under:
- (a) sections 28, 88, 94, 100, 103 and 112 of the Act of 1992;
 - (b) sections 37 and 43 of the Act of 1993; 15
 - (c) section 31 of the Act of 1994;
 - (d) rules 50, 56, 59, 61, 64 and 67 of the Second Schedule to the Act of 1997;
 - (e) articles 51, 57, 62, 65 and 74 of the Local Elections Regulations, 1995.

CHAPTER 10

Oversight of electoral register 20

Oversight of electoral register

- 68.** (1) Notwithstanding the generality of *section 63*, the Commission may, in relation to the electoral register, commission or conduct research in relation to:
- (a) the accuracy and completeness of the electoral register maintained by a registration authority; 25
 - (b) the activities undertaken by a registration authority in relation to the maintenance of the electoral register;
 - (c) the processes relating to the compilation, maintenance and functioning of the electoral register referred to in *paragraph (a)*;
 - (d) any other matter considered by the Commission to be relevant to its functions under this section. 30
- (2) The Commission shall, on foot of the information provided by a registration authority under section 20A of the Act of 1992 or by a designated registration authority under section 13B of that Act, publish and lay before each House of the Oireachtas, annually, a report setting out: 35
- (a) such research, if any, carried out by the Commission under *subsection (1)*;

- (b) the Commission’s assessment of the status and functioning of the electoral register maintained by registration authorities and any recommendations the Commission considers necessary to maintain or enhance the integrity of the electoral register and the registration process.
- (3) The Commission may— 5
- (a) make recommendations to a registration authority in relation to the performance of the functions of that registration authority under section 20 of the Act of 1992,
 - (b) make recommendations to a designated registration authority in relation to the performance of the functions of that designated registration authority under section 13B of the Act of 1992, 10
 - (c) set standards for registration authorities in relation to the electoral register,
 - (d) make recommendations to the Minister in relation to such legislative changes regarding the electoral register and the registration process as the Commission considers necessary to maintain or enhance the integrity of the electoral register and the registration process. 15
- (4) In this section—
- (a) “designated registration authority” means a registration authority prescribed as a designated registration authority by regulations made under section 13B of the Act of 1992;
 - (b) “registration authority” means a county council, a city council or a city and county council. 20

CHAPTER 11

Amendments to other enactments

Amendment of Broadcasting Act 2009

- 69.** The Broadcasting Act 2009 is amended— 25
- (a) in section 41(6), by the substitution of “broadcast at the request of the Electoral Commission in relation to a matter referred to in *section 30* of the *Electoral Reform Act 2022*” for “broadcast at the request of the Referendum Commission in relation to a matter referred to in section 3 of the Act of 1998”,
 - (b) by the substitution, in section 106(4), of “Electoral Commission” for “Referendum Commission” in each place it occurs, and 30
 - (c) by the substitution, in section 127(8), of “Electoral Commission” for “Referendum Commission” in each place it occurs.

Amendment of Data Protection Act 2018

- 70.** The Data Protection Act 2018 is amended— 35
- (a) in section 48, by the substitution of the following paragraph for paragraph (b):
 - “(b) by the Electoral Commission in the performance of its functions.”,

- (b) in section 58, by the substitution of the following paragraph for paragraph (b):
 “(b) by the Electoral Commission in the performance of its functions.”,
 and
- (c) in section 59, by the substitution of the following paragraph for paragraph (b):
 “(b) by the Electoral Commission in the performance of its functions.”. 5

Amendment of Act of 1992

71. The Act of 1992 is amended—
- (a) in section 46(4), by the substitution of “*section 46(d) of the Electoral Reform Act 2022*” for “section 25(7)(d)”,
 - (b) in section 46(10), by the substitution of “*section 54 of the Electoral Reform Act 2022*” for “section 25C(7)”, 10
 - (c) in section 62(2)(g), by the substitution of “*section 54 of the Electoral Reform Act 2022*” for “subsection (7) of section 25C”,
 - (d) in section 63(1)(b)(vi), by the substitution of “*section 53 of the Electoral Reform Act 2022*” for “subsection (7) of section 25C”, and 15
 - (e) in section 107(1), by the deletion of “(disregarding any excluded day)”.

Amendment of Houses of the Oireachtas Commission Act 2003

72. The Houses of the Oireachtas Commission Act 2003 is amended, in section 14C(4)(b)(v), by the deletion of “or as the Registrar of Political Parties under section 25 of the Electoral Act 1992”. 20

Amendment of Local Elections (Disclosure of Donations and Expenditure) Act 1999

73. The Local Elections (Disclosure of Donations and Expenditure) Act 1999 is amended, in section 19A, in the definition of “third party”, by the substitution of “the Register of Political Parties under *Chapter 6 of Part 2 of the Electoral Reform Act 2022*” for “the Register of Political Parties under Part III of the Act of 1992”. 25

Amendment of Act of 1997

74. The Act of 1997 is amended, in Rule 5(3)(a) of the Second Schedule, by the substitution of “*section 46(d) of the Electoral Reform Act 2022*” for “section 25(7)(d) of the Act of 1992”.

Amendment of Local Elections Regulations 1995 30

75. Article 14(5) of the Local Elections Regulations 1995 is amended by the substitution of “*section 46(d) of the Electoral Reform Act 2022*” for “section 25(7)(d) of the Act of 1992”.

Amendment of Electoral Act 1997

76. The Electoral Act 1997 is amended—

- (a) in section 2, in the definition of “political party”, by the substitution of “in accordance with *Chapter 6 of Part 2 of the Electoral Reform Act 2022*” for “in accordance with section 25 of the Act of 1992”, 5
- (b) in section 16, by the substitution of the following paragraph for paragraph (a)—
 - “(a) the party is registered in the Register of Political Parties in accordance with *Chapter 6 of Part 2 of the Electoral Reform Act 2022* as a party organised (within the meaning of *section 44* of that Act) in the State or in a part thereof specified in an application under that section to contest a Dáil election, and”, 10
- (c) in section 22(2)(aa), in the definition of “third party”, by the substitution of “the Register of Political Parties under *Chapter 6 of Part 2 of the Electoral Reform Act 2022*,” for “the Register of Political Parties under Part III of the Electoral Act 1992,”, and 15
- (d) in section 46(1), in the definition of “third party”, by the substitution of “in accordance with *Chapter 6 of Part 2 of the Electoral Reform Act 2022*” for “in accordance with section 25 of the Act of 1992”.

PART 3

FRANCHISE AND REGISTRATION OF ELECTORS

20

CHAPTER 1

Amendments to the Act of 1992

Amendment of section 6 of Act of 1992

77. Section 6 of the Act of 1992 is amended—

- (a) by the insertion of the following definitions: 25
 - “ ‘anonymous elector’ has the meaning assigned to it by section 15E(1);
 - ‘closing date’ shall be construed in accordance with Rule 1(2) of Part I of the Second Schedule;
 - ‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016⁴ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); 30
 - ‘Designated Registration Authority’ has the meaning assigned to it by section 13B(1); 35
 - ‘registered medical practitioner’ means a registered medical practitioner

4 OJ No. L 119, 4.5.2016, p.1

- within the meaning of section 2 of the Medical Practitioners Act 2007;
- ‘pending elector list’ has the meaning assigned to it by section 17A;
- ‘personal public service number’ has the meaning assigned to it by section 262 of the Social Welfare Consolidation Act 2005;
- ‘shared database’ has the meaning assigned to it by section 13B;”, 5
- (b) by—
- (i) the substitution of the following definition for the definition of “the county registrar”:
- “ ‘county registrar’ means a person appointed to be a county registrar under section 35 of the Court Officers Act 1926 including any deputy for a county registrar for the time appointed under section 40 of that Act or a person who, under section 9(1)(b) of the Court Officers Act 1945, is required and authorised to perform any of the duties of any other county registrar, and who carries out the functions conferred on him or her by this Part in respect of the administrative area of a particular county council, a city council or a city and county council or other area coterminous with or contained in a registration area or a person appointed or designated under Rule 24 of Part IV of the Second Schedule;”, 10 15
- (ii) the substitution of the following definition for the definition of “local authority”:
- “ ‘local authority’ has the meaning assigned to it by section 2 of the Local Government Act 2001;”, 20
- (iii) the substitution of the following definition for the definition of “the register”:
- “ ‘the register’ means the register of presidential electors or the register of Dáil electors or the register of European electors or the register of local government electors or all such registers as the case may require and, where the context so requires, includes the postal voters list and the special voters list;”, 25
- (iv) the substitution of the following definition for the definition of “registration area”:
- “ ‘registration area’ means the administrative area (within the meaning of section 2 of the Local Government Act 2001) of a county council, a city council or a city and county council;”, 30
- (v) the substitution of the following definition for the definition of “registration authority”:
- “ ‘registration authority’ means a county council, a city council or a city and county council;”, 35
- and
- (c) by the deletion of the following definitions: 40

- (i) “edited register”;
- (ii) “national edited register”;
- (iii) “medical practitioner”;
- (iv) “national register”;
- (v) “qualifying date”;
- (vi) “the specified date”.

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Amendment of section 7 of Act of 1992

78. Section 7 of the Act of 1992 is amended—

- (a) in subsection (1), by the substitution of “is” for “was, on the qualifying date”,
- (b) in subsection (2)(i), by the substitution of “Presidential Elections Acts 1992 to 2006” for “Presidential Elections Acts, 1937 to 1992”,
- (c) in subsection (2)(ii), by the substitution of “Referendum Acts 1992 to 2022” for “the Referendum Acts, 1942 to 1992”, and
- (d) in subsection (3), by the substitution of “Presidential Elections Acts 1992 to 2006” for “Presidential Elections Acts, 1937 to 1992”.

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Amendment of section 8 of Act of 1992

79. Section 8 of the Act of 1992 is amended—

- (a) in subsection (1), by the substitution of “is” for “was, on the qualifying date”, and
- (b) in subsection (2)—
 - (i) in paragraph (a), by the deletion of “on the qualifying date”, and
 - (ii) in paragraph (a)(ii)(II), by the deletion of “on that date”.

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Amendment of section 9 of Act of 1992

80. Section 9 of the Act of 1992 is amended by the substitution of “if he or she has reached the age of 18 years and if he or she is ordinarily resident in that constituency and is either” for “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”.

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Amendment of section 10 of Act of 1992

81. Section 10 of the Act of 1992 is amended by the substitution of “is” for “was, on the qualifying date”.

Amendment of section 11 of Act of 1992

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82. Section 11 of the Act of 1992 is amended—

- (a) by the substitution of the following subsection for subsection (2):

- “(2) Subject to sections 7, 8, 9 and 10, a person shall be entitled to be registered as an elector on or after the day on which that person reaches 18 years, including where such day falls during the period beginning on the last day on which applications for entry in the register in respect of a specific Dáil, presidential, European or local election or a referendum can be received and ending on polling day, provided that any application is received by the registration authority before the closing date.”, 5
- (b) in subsection (4)(a)—
- (i) by the deletion of “on the qualifying date”, 10
- (ii) by the substitution of “applications” for “claims”,
- (c) in subsection (5), by the deletion of “on the qualifying date,”,
- (d) in subsection (6), by the deletion of “on the qualifying date,”, and
- (e) by the insertion of the following subsections after subsection (6):
- “(7) (a) Where a person is not ordinarily resident at any premises at the time of making an application under subsection (1) or (2) of section 15D, as the case may be, he or she may make a declaration of circumstances to the registration authority in accordance with this subsection setting out his or her reason for making an application to be registered at an address provided in the declaration of circumstances. 15 20
- (b) A declaration of circumstances shall be completed in accordance with Rule 37 of Part VII of the Second Schedule in a form directed by the Minister and shall include:
- (i) the name of the person; 25
- (ii) (I) an address to which correspondence can be delivered, or (II) confirmation that the person is willing to collect correspondence from a specified office of the relevant registration authority;
- (iii) the date of the declaration; 30
- (iv) the address of, or which is nearest to, a place where the person commonly spends a substantial part of his or her time (whether during the day or at night) and at which the person wishes to be considered ordinarily resident;
- (v) the reason for the application by the person under this subsection. 35
- (c) If the registration authority is satisfied that there is no other address at which the person would be more appropriately registered, the person shall be deemed ordinarily resident at the address provided in the declaration of circumstances as the address at which he or she wishes to be considered ordinarily resident. 40

- (d) Registration of an elector at an address provided in the declaration of circumstances under this subsection shall have effect for 1 year and an elector registered in a registration area in accordance with this subsection shall renew his or her registration annually.
- (e) A declaration of circumstances made under this subsection may be withdrawn by the elector who made it at any time and, shall be deemed to be withdrawn, where—
 - (i) he or she submits a new declaration of circumstances, or
 - (ii) he or she submits an application to a registration authority under section 15D(2)—
 - (I) to be entered on the register in a different registration area, or
 - (II) to update details of his or her entry on the register in the same registration area.
- (8) (a) The Minister shall—
 - (i) not later than 3 years after the coming into operation of *section 82* of the *Electoral Reform Act 2022*, carry out or cause to be carried out a review of the operation of that subsection, and
 - (ii) not later than 12 months after the commencement of the review, publish a report of the findings resulting from the review and of the conclusions drawn from the findings and arrange for a copy of the report to be laid before each House of the Oireachtas.
- (b) In carrying out a review under this subsection, the Minister or such person as the Minister shall cause to carry out the review, shall consult with the registration authorities and such other persons as the Minister or person carrying out the review considers appropriate for the purposes of the review.”.

Amendment of section 12 of Act of 1992

83. Section 12 of the Act of 1992 is amended—

- (a) in subsection (1), by the insertion of the following definition:
 - “ ‘civil partner’ has the meaning assigned to it by the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;”,
- (b) in subsection (2), by the deletion of—
 - (i) “within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010”, and
 - (ii) “on the qualifying date”,
- (c) by the substitution of the following subsection for subsection (3):

“(3) A qualified person may, not later than the date specified in section 14, send to the appropriate registration authority a statement in a form directed by the Minister providing the following information:

- (a) the address of the premises in the State in which, but for the requirements of his or her duties, he or she would be resident; 5
- (b) particulars of his or her spouse or civil partner (if any).”,

and

(d) in subsection (5)—

- (i) by the deletion of “on the qualifying date”, and
- (ii) by the insertion of “or civil partner” after “spouse”. 10

Amendment of section 13 of Act of 1992

84. Section 13 of the Act of 1992 is amended—

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

“(1) A register, by reference to registration areas, of persons entitled to be registered as electors shall be maintained in accordance with this Part and the Second Schedule and, in so far as it relates to presidential electors, it shall be the register of presidential electors, in so far as it relates to Dáil electors, it shall be the register of Dáil electors, in so far as it relates to European electors, it shall be the register of European electors and, in so far as it relates to persons entitled to vote at local elections, it shall be the register of local government electors.”. 15 20

(b) by the insertion of the following subsection after subsection (1):

“(1A) The register prepared and published under this section by each registration authority for the registration area of that registration authority that was in force immediately before the coming into operation of *section 84 of the Electoral Reform Act 2022* shall continue in force on and after that coming into operation and shall, after such coming into operation, be maintained and published in accordance with section 20.”. 25

(c) by the substitution of the following subsection for subsection (2): 30

“(2) Subject to subsection (5), the name of a person who has submitted an application for entry in the register on or after the fourteenth day before polling day (disregarding any excluded day) and ending on polling day shall not be included in the register in force and published before polling day at that election or referendum.”. 35

(d) in subsection (3), by the substitution of “register of electors maintained for the purposes of this Part” for “the draft register prepared for the purposes of this Part, or the electors lists prepared, under section 16, by a registration authority the subject of a direction under that section”, and

(e) by the insertion of the following subsection after subsection (4): 40

“(5) Subject to section 15E and without prejudice to anything required to be done under section 20, each registration authority shall, as soon as practicable after the fourteenth day before polling day (disregarding any excluded day) at an election or a referendum—

- (a) publish the register, and 5
- (b) publish a list of the names of electors added to the register, from the date of the making of the polling day order in respect of that election or referendum.”.

Amendment of section 13B of Act of 1992

85. The Act of 1992 is amended by the substitution of the following section for section 13B: 10

“Designated Registration Authority

13B. (1) The Minister may by regulations prescribe a registration authority (in this Part referred to as the ‘Designated Registration Authority’) to establish, manage and maintain a shared database (in this Part referred to as the ‘shared database’) for the purposes of enabling the efficient performance by registration authorities of their functions under sections 13E and 20. 15

(2) The shared database shall include, in respect of the registration area of each registration authority, such information as is necessary and proportionate for the performance by registration authorities of their functions as registration authorities and shall contain— 20

- (a) the information in the register of electors,
- (b) the information in the pending elector list,
- (c) identifying particulars (within the meaning of section 13E(7)),
- (d) information provided in accordance with this Part and the Second Schedule used to compile the register of electors and the pending electors list, and 25
- (e) such other supporting documentation provided in accordance with this Part and the Second Schedule used to compile the register of electors and the pending electors list, the storage of which is considered by the registration authority to be necessary and proportionate to the performance of its functions. 30

(3) Each registration authority shall use the shared database for the purpose of the performance of its functions under this Part, in accordance with section 13E, for the preparation and publication of the register, including by the storage, sharing and extraction of data from the shared database. 35

(4) Notwithstanding the existence of the shared database, each registration authority shall, on and after the coming into operation of *section 85* of the *Electoral Reform Act 2022*, continue to perform its functions under section 20 in respect of its registration area. 40

- (5) The Minister shall, before prescribing a registration authority as the Designated Registration Authority under subsection (1), be satisfied that the authority has or has available to it, appropriate experience, expertise and knowledge to perform the functions under that subsection. 5
- (6) The Designated Registration Authority may make and carry out an agreement with one or more registration authorities for sharing the cost of the management and maintenance by the Designated Registration Authority of the shared database and the related systems necessary for the effective functioning of the database. 10
- (7) The Designated Registration Authority shall, on an annual basis and by such date as may be specified to it by the Electoral Commission, submit a report to the Commission on the performance by it of its functions under this section.”.

Use of the electoral register 15

86. The Act of 1992 is amended by the insertion of the following section after section 13C:

- “13D.(1) The information contained in the register of electors maintained and published under this Part shall only be used for electoral or other statutory purposes.
- (2) Without prejudice to the generality of subsection (1), information 20 contained in the register maintained and published under section 13 may be used—
 - (a) by a specified person (within the meaning of section 39 of the Data Protection Act 2018), for the purpose of communicating with a data subject (within the meaning of Article 4(1) of the Data Protection 25 Regulation) in accordance with section 39 of that Act, or
 - (b) by an elected representative (within the meaning of section 40 of the Data Protection Act 2018) for the purposes of section 40 of that Act.”.

Data sharing 30

87. The Act of 1992 is amended by the insertion of the following section after section 13D:

- “13E.(1) A registration authority may share information with another registration authority where it is necessary and proportionate for any one or more of the following purposes:
 - (a) to check for duplicate entries on the register of electors; 35
 - (b) to verify the accuracy of the register of electors;
 - (c) to examine whether information supplied in a form submitted to the registration authority in relation to the register of electors is accurate;
 - (d) to update and maintain the register of electors; 40

- (e) in pursuance of any other of its functions under this Part.
- (2) The Minister for Social Protection may, solely for the purpose of assisting a registration authority in updating, maintaining and ensuring the accuracy of the register of electors, provide, for the purposes of confirming information submitted to or held by the registration authority including the Designated Registration Authority, confirmation of a person's identifying particulars and the authority or authorities may use such confirmation to update, maintain and ensure the accuracy of the register. 5
- (3) The Minister, may by order, solely for the purpose of assisting a registration authority including the Designated Registration Authority in updating, maintaining and ensuring the accuracy of the register of electors and to identify information or entries on the register that may require to be updated, provide for the conduct of a periodic data-sharing exercise between an authority or authorities and a Minister of the Government or a specified public body. 15
- (4) An order under subsection (3) shall specify the information, which is considered by the Minister to be necessary and proportionate, to be shared, the process to be followed including suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects, and any specified public body to whom the order shall apply. 20
- (5) A Minister of the Government or a specified public body may, for the purpose of the periodic data-sharing exercise under subsection (3), provide a registration authority including the Designated Registration Authority with such information as is necessary and proportionate to the data-sharing exercise referred to in that subsection and the registration authority or authorities may use any such information as is provided for that purpose. 25
- (6) A registration authority may require *an tArd-Chláraitheoir* to furnish information in connection with deaths of persons in the registration area of the registration authority concerned. 30
- (7) In this section—
- ‘data-sharing’ means the disclosure of information, including personal data, by a specified public body to another specified public body;
- ‘identifying particulars’, in relation to a person, means any one or more of the following particulars: 35
- (a) full name (including all former names, if applicable);
 - (b) date of birth;
 - (c) address;
 - (d) nationality; 40
 - (e) personal public service number (if any);
 - (f) in the case of a deceased person, his or her date of death;

‘information’ means any personal data extracted from the register of electors referred to in section 13 or the shared database;

‘specified public body’ means:

- (a) a registration authority;
- (b) the Designated Registration Authority; 5
- (c) *an tArd-Chláraitheoir*;
- (d) such other public body as may be prescribed as a specified public body by the Minister.”.

Amendment of section 14 of Act of 1992

88. (1) Section 14 of the Act of 1992 is amended in paragraph (d)— 10

- (a) by the insertion of “or at the place where he or she is deemed to be ordinarily resident under section 11(6)” after “residence”, and
- (b) by the deletion of “physical” in each place where it occurs.

(2) Section 14 of the Act of 1992 (as amended by *subsection (1)*) is amended—

(a) by the designation of the existing section as subsection (1), 15

(b) in subsection (1)—

- (i) in paragraph (a), by the substitution of “applications” for “claims”,
- (ii) in paragraph (c), by the substitution of “in the State, or,” for “in the State on the qualifying date, or”,
- (iii) by the substitution of the following paragraph for paragraph (d): 20

“(d) a person who is ordinarily resident at his or her residence or at the place where he or she is deemed to be ordinarily resident under section 11(6), and applies to be so entered in the postal voters list and satisfies the registration authority that he or she is unable to go in person to vote at the polling place for his or her polling district by reason of his or her illness or disability, or”, 25

and

(iv) by the insertion of the following paragraph after paragraph (d):

“(e) a person who is an anonymous elector.”,

and 30

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

“(2) An application to be entered in the postal voters list received on a date that is on or after—

- (a) the third day after the date of dissolution of the Dáil in the case of a general election, 35

(b) the third day after the date of the making of the order appointing polling day in the case of a Dáil bye-election, or

(c) the twenty-first day (disregarding any excluded day) before polling day in the case of a presidential, European or local election, or a referendum,

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shall have no effect in relation to that election or referendum, as the case may be.

(3) Part VI of the Second Schedule shall apply to an application to be entered in the postal voters list.”.

Amendment of section 15C of Act of 1992

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89. Section 15C of the Act of 1992 is amended by—

(a) the substitution of “Where” for “Notwithstanding the provisions of subsection (4) of section 15A or subsection (4) of section 15B, where”,

(b) the deletion of “the supplement to” in both places where it occurs, and

(c) the substitution of “subsection (2) of section 14 or subsection (6) of section 17” for “subsection (4) of section 15A or subsection (4) of section 15B” in both places where it occurs.

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Application to the register of electors

90. The Act of 1992 is amended by the insertion of the following section after section 15C:

“15D.(1) A person who is entitled to be registered as an elector may apply to the registration authority to be entered in the register, in accordance with Rule 29 of Part V of the Second Schedule in a form directed by the Minister.

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(2) A person who is entered as an elector in the register but in respect of whom the information in the register has become outdated or inaccurate, may apply to the registration authority, in accordance with Rule 30, or where appropriate Rule 31, or both such Rules, of Part V of the Second Schedule, in a form directed by the Minister to have the information in respect of him or her updated.

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(3) Where, following consideration by it of an application under subsection (1) or (2), the registration authority is satisfied—

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(a) that the person is a person to whom section 7, 8, 9 or 10 applies, and

(b) the application complies with this section and the requirements of Rule 29 and Rule 30 or 31 of Part V of the Second Schedule, or both Rule 30 and 31, as the case may require,

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the authority shall enter the name of the person on the register or update the information in respect of the person, as the case may require.

- (4) Where, following consideration by it of an application under subsection (1) or (2), the registration authority is not satisfied—
- (a) that the person is a person to whom section 7, 8, 9 or 10 applies, or
 - (b) that the application complies with this section and the requirements of Rule 29 and Rule 30 or 31 of Part V of the Second Schedule, or both Rule 30 and 31, as the case may require,
- the authority shall refuse to enter the name of the person in the register or to update the information in respect of the person, as the case may be.
- (5) Where an application under this section is refused by the registration authority under subsection (4), the applicant may appeal the decision to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule.
- (6) An application under subsection (1) or (2) received by the registration authority on a date that is on or after the fourteenth day before polling day (disregarding any excluded day) at an election or a referendum shall have no effect in relation to that election or referendum.”.

Anonymous electors

91. The Act of 1992 is amended by the insertion of the following section after section 15D:

- “**15E.**(1) A person who—
- (a) is entitled to be registered as an elector and applies to be so entered on the register under section 15D(1), or
 - (b) a person who is an elector on the register,
- may, where the publication or the making available for inspection of the name and address of the person or a member of the household of the person would be prejudicial to the personal safety of the person or member of the person’s household, apply to the registration authority in the registration area in which he or she is ordinarily resident to have his or her name and address omitted from the register published or made available by the registration authority for inspection under section 20 and Rules 13 and 14 of Part I of the Second Schedule (and, where the application is granted by the registration authority, shall be referred to in this Act as an ‘anonymous elector’).
- (2) An application under subsection (1) shall be made in accordance with Rule 36 of Part VII of the Second Schedule in a form directed by the Minister and shall be evidenced by any of the following:
- (a) a specified order within the meaning of the Domestic Violence Act 2018 made in favour of the person applying under subsection (1) or a member of the household of that person that is in force;
 - (b) an order under section 10(3) of the Non-Fatal Offences against the Person Act 1997 made in favour of the person applying under

- subsection (1) or a member of the household of that person that is in force;
- (c) an harassment order under section 46 of the Criminal Law (Sexual Offences) Act 2017 made in favour of the person applying under subsection (1) or a member of the household of that person that is in force; 5
- (d) a declaration by a qualified person, in the form provided under Rule 36 of Part VII of the Second Schedule, stating that, in the opinion of that person, the personal safety of the person applying under subsection (1) or a member of the household of that person would be at risk if the register published or made available for inspection by the registration authority contained the name and address of the person. 10
- (3) Where the registration authority is satisfied that the requirements of this section and Rule 36 of Part VII of the Second Schedule have been met, it shall— 15
- (a) notify the applicant of its decision,
- (b) direct that the name and address of the person shall not be published or made available for inspection, and
- (c) include the name of the person on the postal voters list under section 14 and Part VI of the Second Schedule. 20
- (4) Where the registration authority is not satisfied that the requirements of this section and Rule 36 of Part VII of the Second Schedule have been met, it shall refuse the application and notify the applicant of its decision, the reasons for the decision and of the applicant’s right to appeal the decision to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule. 25
- (5) Where an application under this section is refused by the registration authority under subsection (4), the applicant may appeal the decision to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule. 30
- (6) (a) The Minister shall—
- (i) not later than 3 years after the coming into operation of *section 91* of the *Electoral Reform Act 2022*, carry out or cause to be carried out a review of the operation of this section, and 35
- (ii) not later than 12 months after the commencement of the review, publish a report of the findings resulting from the review and of the conclusions drawn from the findings and arrange for a copy of the report to be laid before each House of the Oireachtas.
- (b) In carrying out a review under this section, the Minister or such person as the Minister shall cause to carry out the review, shall consult with registration authorities and such other persons as the 40

Minister or person carrying out the review considers appropriate for the purposes of the review.

(7) In this section, ‘qualified person’ means—

- (a) a member of the Garda Síochána not below the rank of superintendent, or
- (b) a registered medical practitioner.”.

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Amendment of section 17 of Act of 1992

92. (1) Section 17 of the Act of 1992 is amended in subsection (2)—

(a) in paragraph (a)—

(i) by the substitution of “an illness or disability” for “a physical illness or physical disability”, and

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(ii) by the substitution of “illness or disability” for “physical illness or physical disability”,

and

(b) in paragraph (b), by the deletion of “physical” in both places where it occurs.

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(2) Section 17 of the Act of 1992 (as amended by *subsection (1)*) is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) The registration authority shall enter in the special voters list the name of every elector who applies to be so entered in accordance with Rule 19 of Part III of the Second Schedule and who satisfies the registration authority that he or she is ordinarily resident in a hospital or in a home or similar institution for persons with an illness or disability and is unable to go in person to vote at the polling place for that elector’s polling district by reason of his or her illness or disability.”,

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(b) by the substitution of the following subsection for subsection (4):

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“(4) An application to be entered in the special voters list shall be made in accordance with Part III of the Second Schedule.”,

and

(c) by the insertion of the following subsection after subsection (5):

“(6) An application to be entered in the special voters list received on a date that is a date on or after—

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(a) the third day after the date of dissolution of the Dáil in the case of a general election,

(b) the third day after the date of the making of the order appointing polling day in the case of a Dáil bye-election, or

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(c) the twenty-first day (disregarding any excluded day) before polling day in the case of a presidential, European or local election, or a referendum,

shall have no effect in relation to that election or referendum, as the case may be.”.

Pending elector list

93. The Act of 1992 is amended by the insertion of the following section after section 17:

“**17A.**(1) Each registration authority shall prepare and maintain a list of persons specified in subsection (3) in its registration area and the list shall be referred to in this Act as the “pending elector list”.

(2) A registration authority and the Designated Registration Authority shall ensure that the pending elector list shall not—

- (a) be included in the register of electors,
- (b) be published, as a separate list or otherwise,
- (c) be included in the published register of electors, or
- (d) be available for inspection.

(3) Subject to subsection (4), a registration authority shall enter the name of a person on the pending elector list where—

- (a) the person has reached 16 years but has not reached 18 years and who, otherwise than in relation to his or her age, meets the requirements of section 7, 8, 9 or 10, as the case may be, and
- (b) the person applies to the registration authority to be entered in the pending elector list in accordance with Rule 38 of Part VII of the Second Schedule in a form directed by the Minister.

(4) Where the name of a person is entered on the pending elector list in accordance with subsection (3), the registration authority—

- (a) (i) shall enter the name of the person on the register of electors prepared and maintained under section 13 from the day on which the person reaches 18 years, or
- (ii) shall if an order appointing polling day is made in the case of a Dáil, presidential, European or local election or a referendum and the person will reach 18 years on a day that falls during the period beginning on the last day on which applications for entry in the register can be received and ending on polling day in the case of such an election or referendum, enter the name of the person on the register of electors published for the purpose of the election or referendum, as the case may be, or both that election and referendum, in respect of which the order appointing polling day was made,

and

- (b) where paragraph (a) applies, remove the name of the person from the pending elector list.”.

Amendment of section 19 of Act of 1992

94. Section 19 of the Act of 1992 is amended by the deletion of “in force at the time of the revision and in every such register coming into force subsequent to such revision.”.

Amendment of section 20 of Act of 1992

95. Section 20 of the Act of 1992 is amended— 5

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

“(1) Each registration authority shall, in accordance with this Part and the Second Schedule—

(a) maintain the register of electors by—

(i) entering on the register the names of persons entitled to be registered as electors, 10

(ii) removing from the register the names of persons not entitled to be registered as electors,

(iii) updating such details as may be necessary, and

(iv) correcting details that are found to be erroneous, as may be necessary, 15

to ensure a complete and accurate register of electors, and

(b) subject to section 15E(3)(b), make available for inspection the register.”,

(b) in subsection (4)(b), by the substitution of “maintaining and publishing” for “preparing and publishing”, and 20

(c) in subsection (5)—

(i) in paragraph (a), by the substitution of “maintaining and publishing” for “preparing and publishing”,

(ii) by the substitution of the following paragraph for paragraph (b): 25

“(b) Without prejudice to the generality of paragraph (a), the Minister may under this subsection cause a greater proportion of the cost of maintaining, updating and publishing the register to be borne by the registration authority than that provided for under subsection (4) if, in the opinion of the Minister, there are deficiencies attributable to the registration authority in the register.”, 30

and

(iii) in paragraph (c), by the substitution of “maintaining and publishing” for “preparing and publishing”.

Oversight and reporting

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96. The Act of 1992 is amended by the insertion of the following section after section 20:

“20A.(1) Each registration authority shall, on an annual basis and by such date as may be specified to it by the Electoral Commission, submit a report to the Commission which shall include the following:

(a) information on the activities undertaken and measures applied by the registration authority in the preceding calendar year to ensure the maintenance of a complete and accurate register of electors for its registration area; 5

(b) information on the activities undertaken and measures applied by the registration authority under paragraph (a) in the preceding calendar year to evaluate whether, and if so, how, those activities and measures have contributed to the maintenance of a complete and accurate register of electors for its registration area; 10

(c) such other matters as may be directed by the Commission in relation to the performance of the functions of a registration authority. 15

(2) A registration authority may make arrangements with another registration authority or other registration authorities to submit a report jointly with that authority or those authorities for the purpose of discharging its duties under subsection (1).”.

Amendment of section 21 of Act of 1992 20

97. Section 21 of the Act of 1992 is amended—

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

“(1) An appeal shall lie to the Circuit Court against any decision by a county registrar on an appeal made to him or her in accordance with Rule 39 of Part VIII of the Second Schedule,” 25

and

(b) in subsection (2)—

(i) by the substitution of “a person” for “a claimant or objector or applicant”, and

(ii) by the substitution of “his or her appeal decided” for “his claim or objection or application decided”, 30

(c) in subsections (3) and (5), by the substitution of “Court of Appeal” for “Supreme Court” in each place where it occurs.

Third party claims

98. The Act of 1992 is amended by the insertion of the following section after section 21: 35

“21A.(1) Where a person, on inspecting the register of electors has, on reasonable grounds, formed an opinion that information in the register or an entry in the register relating to details of an elector is or are

inaccurate, the person may submit a third party claim to the registration authority in a form directed by the Minister.

- (2) On receipt of a third party claim, the registration authority may make such inquiries as it considers necessary to satisfy itself as to the correctness of the information in the third party claim having regard to the relevant entry in the register and determine what action, if any, it should take in respect of the claim, and shall inform the claimant and any person who in the opinion of the registration authority may be affected by the proposed action, if any, it proposes to take as a consequence of the claim.
- (3) Rule 7 of Part I of the Second Schedule shall apply to third party claims and any inquiries or action taken or proposed to be taken (if any) by a registration authority, and any notice to the claimant or any party affected by any action or proposed action by a registration authority under this section.”.

Amendment of section 46 of Act of 1992

99. Section 46 of the Act of 1992 is amended—

- (a) in subsection (6)—
- (i) in paragraph (a)(i), by the deletion of “in force”,
 - (ii) in paragraph (d), by the deletion of “subject to paragraph (e)”, and
 - (iii) by the deletion of paragraph (e),
- and
- (b) in subsection (7), by the deletion of “a supplement to”.

Amendment of section 78 of Act of 1992

100. Section 78 of the Act of 1992 is amended by the insertion of the following definitions:

“ ‘relevant official in the place where the special voter is ordinarily resident’ means the person in charge of the place where the special voter is ordinarily resident or any person authorised by the person in charge who is employed in the place where the special voter is ordinarily resident, but the person shall not be the same person as the person appointed as special presiding officer (if any) under section 80(1);

‘person in charge’ means the owner or operator of the place where the special voter is ordinarily resident or the person under whose direction and control the activities at that place are being conducted;”.

Provision of postal vote to special voter in certain circumstances

101. The Act of 1992 is amended—

- (a) by the insertion of, in Part XIV, the following section after section 84:
- “**84A.** Where a person is entered on the special voters list under section 17 but

the place where the special voter is ordinarily resident is not accessible to the special presiding officer and as a consequence the special voter would be unable to vote at the poll at the election in accordance with section 82, the returning officer for the constituency in which the special voter is ordinarily resident shall, as circumstances may require—

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- (a) issue a postal vote to that special voter as if that voter was a postal voter entered on the postal voters list under section 14(d) and in that case Part XIII shall apply, or
- (b) apply this Part to voting by that special voter with the modification that references in this Part to ‘member of the Garda Síochána’ shall be read as references to ‘relevant official in the place where the special voter is ordinarily resident’.”

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and

- (b) in section 84A(a) (as inserted by *paragraph (a)*), by the substitution of “section 14(1)(d)” for “section 14(d)”.

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Amendment of section 99 of Act of 1992

102. Section 99 of the Act of 1992 is amended in subsection (2)—

- (a) in paragraph (a), by the deletion of—

- (i) “a supplement to”, and

- (ii) “which the registration authority is empowered to prepare and publish in accordance with section 15A”,

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- (b) (i) by the substitution of the following paragraph for paragraph (c):

- “(c) Rule 33 (other than paragraphs (6) and (7)) and Rule 34(1) and (2) of Part VI of the Second Schedule shall apply to an application to be entered in the postal voters list under paragraph (a) as if references to section 14 and to section 14(a), (b) or (c) were references to section 99(2)(a).”

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- (ii) in paragraph (c) (as amended by *subparagraph (i)*), by the substitution of “section 14(1)(a), (b) or (c)” for “section 14(a), (b) or (c)”

and

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- (c) in paragraph (d), by the substitution of “Subsection (2) of section 14” for “Subsection (4) of section 15A”.

Amendment of section 133 of Act of 1992

103. Section 133 of the Act of 1992 is amended—

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

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- “(1) Any person who knowingly furnishes false information in any application under section 14, 15D, 15E, 17 or 17A or under the Second Schedule including a third party claim or, being required pursuant to

the Second Schedule to give any information in his or her possession which a registration authority or county registrar may require for the purposes of their duties, fails or refuses to give the information or knowingly gives false or misleading information, shall be guilty of an offence.”,

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

“(d) uses or causes to be used, or permits without lawful authority or excuse another person to use, information contained in the register maintained and updated under Part II for a purpose other than electoral or other statutory purposes,”,

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and

- (c) in subsection (3)—

(i) in paragraph (a), by the substitution of “any notice, copy of the register of electors or other document” for “any notice, draft register, copy of the register of electors, electors lists or other document”, and

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(ii) in paragraph (b), by the deletion of “draft register.”.

Amendment of Second Schedule to Act of 1992

104. The Act of 1992 is amended in the Second Schedule—

- (a) in Part I—

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(i) by the substitution of the following Rule for Rule 1:

“Register, published register and closing date for registration

1. (1) The register shall be the register of electors including the postal voters list and the special voters list as maintained and updated by a registration authority in accordance with this Schedule and, notwithstanding the omission of their names and addresses from the register under section 15E(3)(b), shall include anonymous electors by such reference as the registration authority considers appropriate.

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(2) The register shall be deemed closed from the fourteenth day before polling day (disregarding any excluded day) at an election or referendum, and an application by a person under Part II of this Act, including an application to have his or her name entered in the register, received by the registration authority on or after that fourteenth day (disregarding any excluded day) before polling day shall have no effect in relation to that election or referendum.

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(3) The register in force at an election or referendum shall be the register published after the fourteenth day before polling day (disregarding any excluded day) at that election or a referendum and shall include the names of persons (if any) whose applications to be entered in the register were received before that fourteenth

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day before polling day (disregarding any excluded day) and allowed by the registration authority, or on appeal by the county registrar and, notwithstanding the omission of their names and addresses from the register under section 15E(3)(b), anonymous electors by such reference as the registration authority considers appropriate. 5

(4) Where the date on, or by reference to, which any act or thing is required by this Schedule to be performed or done falls on an excluded day that act or thing shall be done on or by reference to the next following day which is not an excluded day.”, 10

(ii) in Rule 2—

(I) in paragraph (1), by the deletion of “the qualifying date for”, and

(II) by the substitution of the following paragraph for paragraph (2):

“(2) The names in the register for a registration area shall be arranged under polling districts and— 15

(a) if the registration area is a city council, shall be arranged in street order unless the registration authority considers that, having regard to the general character of any part of the area, arrangement in street order for that part is inappropriate,

(b) if the registration area is a county council, shall be arranged alphabetically in townland order unless the registration authority considers that, having regard to the general character of any part of the area, arrangement in street order or in any other order is possible and convenient, and 20

(c) if the registration area is a city and county council, shall be arranged in street or townland order, having regard to the general character of any part of the area, as considered appropriate by the registration authority.”, 25

(iii) by the deletion of Rule 4,

(iv) by the substitution of the following Rule for Rule 5: 30

“5. (1) In order to maintain and update the register, in accordance with section 20, each registration authority shall make sufficient inquiries in their registration area in accordance with this Rule.”,

(2) For the purposes of paragraph (1), each registration authority may do any one or more of the following: 35

(a) conduct house to house inquiries;

(b) by means of public notice or public meeting, invite persons to check, submit or update their details, as the case may be;

(c) undertake any other activity the authority considers appropriate to gather such information or invite individuals to participate in the gathering of such information. 40

- (3) A registration authority may, for the purposes of its duties in relation to the maintenance and updating of the register require a person—
- (a) to provide any information in his or her possession which the registration authority may require, 5
 - (b) without prejudice to the generality of subparagraph (a), to provide in respect of his or her own registration—
 - (i) a personal public service number, if a person has one,
 - (ii) address and Eircode, in respect of his or her address, and
 - (iii) his or her date of birth, 10
 - (c) to produce his or her certificate of birth, or, if that is not practicable, make a statutory declaration as to his or her age,
 - (d) to produce proof of his or her address, or if that is not practicable, make a statutory declaration that he or she is ordinarily resident at the address he or she has provided, 15
 - (e) to provide documentary evidence or make a statutory declaration that he or she is a person entitled to be registered as a Dáil elector under section 8,
 - (f) to produce a certificate of naturalisation, a valid passport issued by the Minister for Foreign Affairs or make a statutory declaration that he or she is a citizen of Ireland, or 20
 - (g) to produce a valid passport or national identity card issued by the authorities of a Member State (other than the State) or make a statutory declaration that he or she is a national of such a Member State, 25
- and where a statutory declaration is so required, any fees payable in connection with such a declaration shall be paid by the authority requiring it.
- (4) Subject to section 15E, the registration authority shall, during office hours, allow any person, for any purpose connected with the registration of electors, to inspect and take a copy of any declaration furnished under subparagraphs (c) to (g) of paragraph (3) but not the documentary evidence on which the declaration is based. 30
- (5) The registration authority may require *an tArd-Chláraitheoir* to furnish information in connection with deaths of persons in the registration area of the registration authority and the authority may use such information to update the register. 35
- (6) In this Rule—
- ‘certificate of birth’ means: 40

- (a) a document issued under section 13(4) of the Civil Registration Act 2004 in respect of an entry in the register of births;
- (b) a certified copy of an entry in the Adopted Children Register maintained under section 22 of the Adoption Act 1952 which is issued under subsection (11) of that section; 5
- (c) a document purporting to be a copy of an entry in a foreign births entry book or in the foreign births register, both of which are kept under section 27 of the Irish Nationality and Citizenship Act 1956, and which is duly authenticated as such; 10
- (d) a document purporting to be a copy of an entry in the Register of Foreign Adoptions issued under section 6(7) of the Adoption Act 1991; or
- (e) a document issued in accordance with a civil system of registration of births in the place where the birth occurs; 15

‘Member State’ means a Member State of the European Union.”,

(v) by the deletion of Rule 6,

(vi) by the substitution of the following Rule for Rule 7:

“Third party claims in relation to the register” 20

- 7. (1) Any person may claim to have a correction made in the register, including in particular a claim to have the name of a person entered on or removed from the register.
- (2) A claim submitted under this Rule on or after the closing date in respect of an election or referendum shall have no effect in respect of the register in force for that election or referendum. 25
- (3) The registration authority shall, on the application of any person, supply forms on which third party claims may be made.
- (4) A claim shall include the name, address and contact details of the claimant, details of information relevant to the claim and the grounds on which the claim has been made and such other information in relation to the claim as the registration authority may reasonably require to be provided by the claimant. 30
- (5) The registration authority shall prepare and make available for inspection a list of claims received in the previous month in such form as may be directed by the Minister. 35
- (6) Subject to section 15E, the registration authority shall, during office hours, allow any person, for any purpose connected with the registration of electors, or who, in the opinion of the authority, may be affected by the claim, to inspect and take a copy of a claim or extracts from a claim or may provide to such a person copies of a claim. 40

- (7) The registration authority shall, on receipt of a claim—
- (a) make such inquiries as it considers necessary and appropriate for the purpose of considering the claim, and paragraphs (2), (3) and (5) of Rule 5 shall apply in relation to the consideration of such claims, and 5
 - (b) notify the claimant and any other person who, in the opinion of the authority, may be affected by or interested in, the claim, of the process to be followed.
- (8) The registration authority shall, as soon as practicable, consider any claim and determine what action, if any, it should take in respect of the claim and decide— 10
- (a) subject to paragraphs (3) and (4) of Rule 10, to amend the register by proposing to remove the name of a person from the register,
 - (b) to amend the register to correct information other than by proposing to remove the name of a person from the register, or 15
 - (c) not to amend the register.
- (9) The registration authority shall make its decision within 4 weeks from the date of receipt of the claim and shall, as soon as practicable, inform the claimant and any person who, in the opinion of the registration authority, may be affected by its decision and of the action it proposes to take as a consequence of its decision and of the right of the person affected to appeal the decision to the county registrar in accordance with Rule 39. 20 25
- (10) Where a claim relates to any person whose name the claimant considers should be entered in the register, the registration authority shall, where it considers it appropriate, provide information and the appropriate forms to any person referred to in the claim which the person may use to apply to be included on the register in accordance with section 15D. 30
- (11) A person affected by the decision of a registration authority under—
- (a) paragraph (8)(a), or
 - (b) paragraph (8)(b) other than where the decision concerns the correction of an inaccuracy which does not involve a change of substance or the deletion of the name of a person who is deceased, 35
- may appeal the decision to the county registrar in accordance with Rule 39. 40
- (12) A decision of the registration authority under subparagraphs (a) or (b) of paragraph (8) shall take effect on the expiration of the

period of time for the making of an appeal under Rule 39 or, where applicable, section 21.”,

(vii) by the deletion of Rule 8,

(viii) in Rule 9—

(I) by the substitution of the following paragraph for paragraph (2): 5

“(2) The county registrar, if it appears to him or her that the register should be corrected in any respect, may himself or herself make a claim for a correction.”,

and

(II) by the insertion of the following paragraph after paragraph (3): 10

“(4) Where a county registrar (the ‘first county registrar’) has made a claim for a correction under this Rule, any appeal of such a claim shall be considered and determined by a county registrar in an adjacent registration area (the ‘second county registrar’) and the first county registrar shall make such arrangements with a second county registrar as may be necessary to transfer such appeals to the county registrar to enable him or her to consider and determine that appeal.” 15

(ix) by the substitution of the following Rule for Rule 10:

“Correction of register by registration authority” 20

10. (1) The registration authority shall take steps to ascertain if any corrections in the register are necessary because of errors of a clerical or typographical nature or because of misnomers or inaccurate descriptions and, if any such corrections are considered to be necessary, the registration authority shall correct the register accordingly and make available for inspection a list of corrections made in the previous month. 25

(2) The registration authority shall make any corrections by way of the removal of duplicate entries (subject to any expression of choice in accordance with section 11(1)(b) by any person affected by those entries), the deletion of the names of persons who are deceased, or the placing of marks or the correction of marks placed against the name of an elector, or otherwise as may be necessary in order to ensure that— 30

(a) a person is not registered as an elector more than once, and 35

(b) the register is complete and accurate.

(3) Where a registration authority considers it necessary under paragraph (2), in order to ensure a complete and accurate register, to remove a name, other than that of a deceased person, from the register, it shall make not less than 3 documented attempts at contacting the person concerned giving appropriate notice and clear information on how to update the register under section 40

15D(2) should the person wish to do so.

- (4) On the third documented attempt at contacting a person whose name the registration authority considers should be removed from the register under paragraph (3), the authority shall provide a notice to the person informing him or her of the date on which the decision to remove his or her name from the register shall take effect and that the person may appeal the decision to the county registrar in accordance with Rule 39. 5
- (5) A registration authority may at any time up to the end of the period within which an appeal may be made withdraw a decision to delete the name of a person from the register.” 10

(x) by the substitution of the following Rule for Rule 11:

“Notice and appeal in relation to correction by registration authority

11. (1) Subject to paragraphs (2), (3) and (4) of Rule 10, where the registration authority decides to make any corrections in the register under section 20 and Rule 10(2) (other than to correct an inaccuracy which does not involve a change of substance or the deletion of the name of a person who is deceased), it shall give notice to any person who, in the opinion of the registration authority may be affected by the correction under Rule 10(2) of his or her right to appeal the decision to the county registrar in accordance with Rule 39. 15 20
- (2) A person affected by the decision of the registration authority under Rule 10(2) may appeal the decision to the county registrar in accordance with Rule 39. 25
- (3) A decision of the registration authority under Rule 10(2) shall take effect on the expiration of the period of time for the making of an appeal under Rule 39 or, where applicable, section 21.”,

(xi) by the deletion of Rule 12, 30

(xii) by the substitution of the following Rule for Rule 13:

- “13. (1) Each registration authority shall, as soon as practicable after the closing date, publish—
- (a) the register,
- (b) a list of names of electors added to the register since the making of an order— 35
- (i) under section 96 in the case of a Dáil election,
- (ii) under section 6 of the Presidential Elections Act 1993 in the case of a Presidential election,
- (iii) under section 10 of the European Parliament Elections Act 1997 in the case of a European Parliament election, 40
- (iv) under section 10 or 12 of the Referendum Act 1994 in

the case of a referendum, or

(v) under section 26 of the Local Government Act 2001 in the case of a local election.

- (2) Without prejudice to Rule 25, as soon as may be after the publication of the register in accordance with paragraph (1), the registration authority shall send a copy of the register in electronic format to— 5
- (a) the Minister, if requested, and to the county registrar and each head postmaster in its registration area,
 - (b) each member of the European Parliament for a European Parliament constituency to which the register relates, 10
 - (c) each member of the Dáil for a Dáil constituency to which the register relates and to each member of the Seanad residing in the constituency, and
 - (d) each member of a local authority for a local electoral area to which the register relates.”, 15

(xiii) by the substitution of the following Rule for Rule 14:

- “14. (1) The registration authority shall make arrangements whereby any person may, during office hours, inspect for purposes connected with the registration of electors a copy of the register maintained under section 13. 20
- (2) The registration authority shall provide to any person at his or her request a copy of the register or the appropriate part thereof on the payment of a fee which shall not exceed the reasonable cost of providing such copy. 25
- (3) Where a registration authority provides to any person a copy of the register, or part thereof, the registration authority shall draw the attention of the person to sections 13D and 133 in relation to the purposes for which the register may be used.
- (4) No fee shall be charged by the registration authority for providing on request— 30
- (a) one copy of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area, as the case may be, in his or her registration area, to—
 - (i) the local agent of each duly nominated candidate at a presidential election, 35
 - (ii) each candidate duly nominated for the constituency at a Dáil election, and
 - (iii) each candidate duly nominated for the local electoral area at a local election, 40
 - (b) one copy of the register for each European Parliament constituency or part thereof contained in the registration area

to each candidate duly nominated at a European election for such constituency,

- (c) one copy of the register for each Dáil constituency to each member of the Dáil for the constituency and each member of the Seanad resident in the constituency for use by a personation agent appointed by such member of the Dáil or the Seanad or a body declared by the Electoral Commission to be an approved body under *section 32* of the *Electoral Reform Act 2022* at a referendum, 5
 - (d) such number of copies of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area, as the case may be, as the returning officer at a Dáil election or a local election or the local returning officer at a presidential election or a referendum requires for the purpose of his or her duties as returning officer or local returning officer, as the case may be, at that election or referendum, 10
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 - (e) such number of copies of the register for the registration area or any part thereof as the returning officer or local returning officer at a European election requires for the purpose of his or her duties at that election, and 20
 - (f) one copy of the register to the persons referred to in Rule 13(2) for—
 - (i) each Dáil constituency or part of a Dáil constituency contained in the registration area, 25
 - (ii) a European Parliament constituency or part of a European Parliament constituency contained in the registration area, or
 - (iii) for a local electoral area in the registration area.
 - (5) The registration authority shall provide, on request and free of charge, a copy, in standard computer medium and format, of any computer data files used in the production of the register to the returning officer at a Dáil election or a local election, the local returning officer at a presidential election or a referendum or the returning officer or local returning officer at a European election as he or she may require for the purposes of his or her duties at that election or referendum, as the case may be. 30
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 - (6) The registration authority shall supply, free of charge, to the county registrar such number of copies of the register for the registration area as he or she shall require for the purposes of his or her duties as county registrar with respect to that registration area.”, 40
- (b) by the deletion of Part IA,
- (c) in Part II, in Rule 14A, in paragraph (2)—

- (i) by the substitution of “due to an illness or disability” for “due to a physical illness or physical disability”,
- (ii) by the substitution of “registered medical practitioner” for “medical practitioner”, and
- (iii) in subparagraph (a), by the substitution of “illness or disability” for “physical illness or physical disability”, 5
- (d) by the deletion of Part II,
- (e) in Part III—
 - (i) in Rule 19—
 - (I) in paragraph (c)— 10
 - (A) by the substitution of “registered medical practitioner” for “medical practitioner”,
 - (B) by the substitution of the following subparagraphs for subparagraphs (i) and (ii):
 - “(i) that the applicant has an illness or disability, and 15
 - (ii) that the nature of the illness or disability is such that the applicant is unable to go to a polling station to vote, and”,
 - and
 - (C) by the insertion of the following subparagraph after subparagraph (ii): 20
 - “(iii) the likely duration of the illness or disability from the date of certification.”,
 - and
 - (II) by the deletion of paragraph (d), 25
 - (ii) in Rule 21—
 - (I) by the substitution of “shall arrange annually for the giving of public notice of” for “shall, within the period specified for the purpose in Rule 1, arrange for the giving of public notice of”,
 - (II) by the substitution of the following paragraph for paragraph (a): 30
 - “(a) the categories of electors entitled to be entered in the special voters list or the postal voters list;”,
 - and
 - (III) by the substitution of the following paragraph for paragraph (b):
 - “(b) the manner in which applications must be submitted;”, 35
 - (iii) in Rule 23—

- (I) in paragraph (1)(ii), by the insertion of “including the duration of any special voting arrangement, where appropriate, having regard to Rule 19(c)(iii)” after “the decision”,
- (II) by the substitution of the following paragraph for paragraph (2)(ii):
- “(ii) notify the applicant of the decision and the reasons for the decision and of his or her right to appeal the decision to the county registrar in accordance with Rule 39.”, 5
- (III) by the deletion of paragraph (3), and
- (IV) by the insertion of the following paragraph after paragraph (3):
- “(4) Where an application under section 17 is refused by the registration authority, the applicant may appeal the decision to the county registrar in accordance with Rule 39.”, 10
- (f) in Part IV—
- (i) by the substitution of the following Rule for Rule 26:
- “26. Any claim, objection, notice or other document or a copy thereof which is required under this Schedule to be sent to any person shall be sufficiently sent if sent— 15
- (a) by such means as indicated by the person for the purpose (including by electronic means if the person has provided details by which he or she may be contacted by electronic means), or 20
- (b) by post to the address of that person as appearing on the register, or if there is no such address, to his or her last known address or place of abode or such address as indicated by that person under section 11(7)(b)(ii).”, 25
- (ii) by the substitution of the following Rule for Rule 27:
- “27. An inquiry or request made pursuant to this Schedule by a registration authority or by a county registrar may extend to matters outside the registration area.”, 30
- and 30
- (iii) by the insertion of the following Rule after Rule 27:
- “Communication or submission of documents by digital or electronic means**
28. In relation to the registration of electors, where it is reasonable and practicable to give public notice of certain matters or where a registration authority has arrangements in place by which forms, information or documents may be submitted by digital or electronic means, which in all other respects meets the requirements of this Schedule, the giving of such notice or the submission of such forms, information or documents may be done by electronic or digital means.”, 35 40

(g) by the insertion of the following Part after Part IV:

“PART V

APPLICATION FOR ENTRY IN THE REGISTER OF ELECTORS

New application for entry in the register

29. (1) An application to be entered on the register of electors under section 15D shall be in a form directed by the Minister and shall be made by the applicant directly to the registration authority for the registration area in which he or she is ordinarily resident, and shall include, at a minimum, the following information: 5
- (a) full name (including all former names, if applicable); 10
 - (b) date of birth;
 - (c) address and Eircode in respect of his or her address;
 - (d) nationality;
 - (e) personal public service number (if any).
- (2) The application form shall be completed in accordance with the instructions provided on the form and shall include a declaration made by the applicant confirming that the details provided by the applicant are true to the best of his or her knowledge and belief. 15
- (3) Where the registration authority has arrangements in place by which it can verify the identity of an applicant by electronic means using the information referred to in paragraph (1)(a) to (e), the registration authority shall consider the application in accordance with paragraph (7). 20
- (4) Where the registration authority has arrangements in place by which the identifying particulars of an applicant can be confirmed in accordance with section 13E(2)— 25
- (a) if the identifying particulars can be successfully confirmed, the registration authority shall consider the application in accordance with paragraph (7), or
 - (b) if the identifying particulars cannot be successfully confirmed, the registration authority shall inform the person and require him or her to complete the procedure in paragraph (5) and resubmit his or her application to the registration authority. 30
- (5) Before an applicant may resubmit his or her application to the registration authority to be considered in accordance with paragraph (7), the application form shall be signed by the applicant in the presence of— 35

- (a) a member of the Garda Síochána, or a member of the civilian staff of the Garda Síochána, from the applicant’s local Garda station, or
 - (b) an official of the registration authority,
- who, on being satisfied of the applicant’s identity, including if necessary by the production of photographic identification and any other identity documents that may be requested, shall sign, date and stamp the application form. 5
- (6) Where, due to an illness or disability, the applicant is unable to comply with paragraph (5), the application shall be accompanied by a certificate in the form directed by the Minister from a registered medical practitioner certifying that the applicant is unable to so comply due to his or her illness or disability. 10
 - (7) The registration authority shall make such inquiries as it considers appropriate for the purpose of considering and deciding on such an application and paragraphs (2), (3) and (5) of Rule 5 shall apply in relation to the consideration of and decision on the application. 15
 - (8) The registration authority shall, as soon as practicable, consider and decide on the application and shall notify the applicant of the decision, and where the application is refused, of his or her right to appeal the decision to the county registrar in accordance with Rule 39. 20
 - (9) In paragraph (5), ‘member of the civilian staff of the Garda Síochána’ means a person appointed under section 19(1) of the Garda Síochána Act 2005 or designated under section 19(5) of that Act and, on being so designated, transferred to and having become a member of the civilian staff of the Garda Síochána. 25

Change of name or address of registered electors

- 30. (1) Notwithstanding sections 7(1)(b), 8(1)(b), 9 and 10 and subject to section 11(1)(a), a person who is registered as an elector shall apply in a form directed by the Minister— 30
 - (a) where he or she has taken up ordinary residence in another constituency or local electoral area, to the registration authority in the constituency in which he or she has taken up ordinary residence to have his or her name entered in the register in respect of that registration area, or 35
 - (b) where his or her name or address have changed (other than a change to which subparagraph (a) applies) since his or her previous entry on the register, to the registration authority to have his or her details updated. 40
- (2) The application form shall be completed in accordance with the instructions provided on the form and shall include a declaration

made by the applicant confirming that the details provided by the applicant are true to the best of his or her knowledge and belief.

- (3) The application form shall contain—
- (a) the information required under Rule 29(1),
 - (b) the former address or addresses and Eircodes in respect of the applicant's former address or addresses as may be required, and 5
 - (c) such other information as is necessary to enable the registration authority to carry out its functions, and paragraphs (3), (4) or (5) of Rule 29 shall apply with respect to the application, as the case may require. 10
- (4) An applicant referred to in paragraph (1)(a) shall satisfy the registration authority that he or she has taken up ordinary residence in the constituency or local electoral area with respect to which the application relates and, in considering the application, the registration authority may require the applicant to furnish proof of address, or where that is not possible, a statutory declaration that he or she has taken up ordinary residence in the constituency or local electoral area concerned. 15
- (5) A registration authority shall, on receipt of an application referred to in paragraph (1), having carried out its functions under paragraph (3) and being satisfied as to the information provided, do one or more of the following, as the case may require: 20
- (a) enter the applicant's name on the register for the registration area concerned; 25
 - (b) update details of the applicant's address at which he or she has taken up ordinary residence in the registration area of the registration authority concerned;
 - (c) where the name of the applicant has changed, update the applicant's name on the register in the registration area of the registration authority concerned; 30
 - (d) where the address at which the applicant was ordinarily resident was in the registration area of another registration authority, provide the applicant's details (including his or her name and former address in the registration area in which the applicant was ordinarily resident and current address at which he or she has taken up residence) to that registration authority and inform it that the applicant has been added to the register in the registration area in which the applicant has taken up ordinary residence. 35 40
- (6) Where a registration authority receives notification from another registration authority under paragraph (5)(d) that a person was ordinarily resident in the registration area of the first-mentioned

registration authority but the person has taken up ordinary residence in the registration area of the other registration authority, the first-mentioned registration authority shall remove the name of the person from the register of electors in respect of its registration area.

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- (7) The registration authority shall, as soon as practicable, consider and decide on the application and shall notify the applicant of the decision, and where the application is refused, of his or her right to appeal the decision to the county registrar in accordance with Rule 39.

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Change of details regarding citizenship

31. (1) Notwithstanding sections 7(1)(a), 8(1)(a) and 9 and subject to section 11(1)(a), a person who is registered as an elector in a constituency or local electoral area as a local or European elector, or as a Dáil elector under section 8(2), and becomes a citizen of Ireland shall, in a form directed by the Minister, apply directly to the registration authority for the registration area in which he or she is ordinarily resident to have his or her name entered in the register of presidential electors.

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- (2) The application form shall contain such information as required under Rule 29(1), details of the applicant's previous nationality and other information as is necessary to enable the registration authority to carry out its functions in accordance with paragraphs (3), (4) or (5) of Rule 29, as the case may require.

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- (3) The application form shall be completed in accordance with the instructions provided on the form and shall include a declaration made by the applicant confirming that the details provided by the applicant are true to the best of his or her knowledge and belief.

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- (4) An applicant referred to in paragraph (1) shall satisfy the registration authority that he or she is an Irish citizen by providing to the registration authority such information and documents as the authority may require, which may include a certificate of naturalisation or a valid passport issued by the Minister for Foreign Affairs or make a statutory declaration that he or she is a citizen of Ireland, to enable the registration authority to satisfy itself that the person is a citizen of Ireland.

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- (5) The registration authority, on receipt of an application under paragraph (1) and on being satisfied under paragraph (4) that the applicant is a citizen of Ireland, shall remove the name of the person from the register of local, European or Dáil electors, as appropriate, and include his or her name in the register of electors as a presidential elector.

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- (6) The registration authority shall, as soon as practicable, consider and decide on the application and shall notify the applicant of the decision, and where the application is refused, of his or her right

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to appeal the decision to the county registrar in accordance with Rule 39.”,

(h) by the insertion of the following Part after Part V:

“PART VI

POSTAL VOTERS LIST

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Postal voters list

32. The registration authority shall prepare and maintain a separate list in such form as may be directed by the Minister for the whole registration area or, where the area includes all or part of more than one constituency, for each constituency or part of a constituency in the registration area, of persons entitled to vote as postal voters but, in doing so, shall not remove the names of those voters from the register. 10

Application for entry in the postal voters list

33. (1) A person who is not entered in the postal voters list may apply, under section 14, to be entered in the postal voters list in accordance with this Rule. 15
- (2) An applicant shall apply to the registration authority for the registration area in which he or she is ordinarily resident to have his or her name entered in the postal voters list in a form directed by the Minister. 20
- (3) The application form shall be completed in accordance with the instructions provided on the form.
- (4) The registration authority shall consider an application under paragraph (1) and shall satisfy itself that an applicant—
- (a) is a person to whom section 14 applies, 25
- (b) has duly completed his or her application form, and
- (c) where appropriate, has submitted any certificate required under this Part.
- (5) Where the registration authority is satisfied as to the matters referred to in paragraph (4), it shall grant the application and mark the application form accordingly and shall notify the applicant of its decision including the duration of any postal voting arrangement and having regard to Rule 35, where appropriate. 30
- (6) Where the registration authority is not satisfied as to all or any of the matters referred to in paragraph (4), it shall refuse the application and mark the application form accordingly and shall notify the applicant of its decision and the reasons for the decision and inform the applicant that he or she may appeal the decision to the county registrar in accordance with Rule 39. 35

- (7) Where an application under section 14 and this Rule is refused by the registration authority under paragraph (6), the applicant may appeal the decision to the county registrar in accordance with Rule 39.

Supplemental provisions for applications to be entered in the postal voters list pursuant to section 14(a), (b) or (c) 5

34. (1) An applicant who applies to be entered on the postal voters list under section 14(a), (b) or (c) shall provide, on request in writing, to the registration authority any information or documents in his or her possession or procurement which the registration authority may require from him or her to enable the authority— 10
- (a) to satisfy itself that the applicant is a person to whom section 14(a), (b) or (c) applies, as the case may be, or
 - (b) with respect to that application to carry out its functions in relation to the preparation of the postal voters list. 15
- (2) Whenever a registration authority requires, under paragraph (1), information or documents from an applicant, the applicant shall provide the authority with the information or documents within the time specified in the request (being not less than 7 days from the day on which the request is made) or such further period as may be extended by the authority and, if the applicant does not provide the information or documents, or both as the case may be, required by the authority within the time so specified, his or her application to be entered in the postal voters list shall be deemed to have been withdrawn. 20 25
- (3) A reference in this Rule to “section 14(a), (b) or (c)” shall on and from the coming into operation of *section 88(2) of the Electoral Reform Act 2022* be construed as “section 14(1)(a), (b) or (c)”. 25

Supplemental provisions for applications to be entered in the postal voters list under section 14(d) 30

35. (1) Subject to paragraph (2), an applicant who applies to be entered on the postal voters list under section 14(d) shall provide, on request in writing, to the registration authority any information or documents in his or her possession or procurement which the registration authority may require from him or her to enable the authority— 35
- (a) to satisfy itself that the applicant is a person to whom section 14(d) applies, or
 - (b) with respect to that application to carry out its functions in relation to the preparation of the postal voters list. 40
- (2) Without prejudice to the generality of paragraph (1), an applicant shall, in the case of the first such application by the applicant, and in the case of subsequent applications whenever required by the

registration authority, provide to the authority in support of his or her application a certificate, in a form directed by the Minister, from a registered medical practitioner certifying—

- (a) that the applicant has an illness or disability,
 - (b) that the nature of the illness or disability is such that the applicant is unable to go in person to vote at the polling place for his or her polling district, and
 - (c) the likely duration of the illness or disability from the date of certification.
- (3) Whenever a registration authority requires, under paragraph (1), information or documents from an applicant, the applicant shall provide the authority with the information or documents within the time specified in the request (being not less than 7 days from the day on which the request is made) or such further period as may be extended by the authority and, if the applicant does not provide the information or documents, or both as the case may be, required by the authority within the time so specified, his or her application to be entered in the postal voters list shall be deemed to have been withdrawn.
- (4) Where, on the date of the application under section 14(d) in accordance with paragraph (1), the applicant is entered in the special voters list, the application shall be deemed not to be a first application for entry in the postal voters list for the purposes of paragraph (1).
- (5) A reference in this Rule to “section 14(d)” shall on and after the coming into operation of *section 88(2) of the Electoral Reform Act 2022* be construed as “section 14(1)(d)”.

and

- (i) by the insertion of the following Part after Part VI:

“PART VII 30

ANONYMOUS ELECTORS, APPLICATIONS UNDER SECTION 11(7) AND PRE-REGISTRATION OF
PERSONS AGED 16 YEARS BUT LESS THAN 18 YEARS

Anonymous electors

36. (1) An application to be entered on the register of electors under section 15E shall be in a form directed by the Minister and shall be made by the applicant directly to the registration authority for the registration area where he or she is ordinarily resident.
- (2) An application to be entered on the register as an anonymous elector shall—
- (a) be in writing on the appropriate form,

- (b) state the applicant's full name,
 - (c) state the address at which the applicant is ordinarily resident,
 - (d) state the reason for the application,
 - (e) state the date of the application, and
 - (f) be signed by the applicant. 5
- (3) The application shall be supported by the evidence specified in section 15E(2), which shall be submitted with the application.
- (4) Where the supporting evidence referred to in paragraph (3) relates not to the applicant but to another person who is a member of the applicant's household, the application must be accompanied by evidence that that person is a member of the applicant's household. 10
- (5) The application form shall be completed in accordance with the instructions provided on the form and shall include a declaration made by the applicant confirming that the particulars provided by the applicant in accordance with paragraph (2), the supporting evidence submitted with the application referred to in paragraph (3), and if applicable, evidence that the person referred to in paragraph (4) is a member of the applicant's household, are true to the best of the applicant's knowledge and belief. 15 20
- (6) A declaration by a qualified person under section 15E(2)(d) shall—
- (a) be in writing in a form directed by the Minister,
 - (b) state the full name of the qualified person,
 - (c) state the position held by the qualified person, 25
 - (d) state the work address of the qualified person,
 - (e) be signed by the qualified person, and if—
 - (i) the person is a member of the Garda Síochána, state his or her rank and number, or
 - (ii) the person is a registered medical practitioner, state his or her Medical Council number, 30
- and
- (f) state the date on which the declaration was signed.

Applications from electors in accordance with section 11(7)

37. (1) An application to be entered on the register of electors in accordance with section 11(7) shall be in a form directed by the Minister and shall be made by the applicant directly to the registration authority for the registration area in which the applicant is ordinarily resident as provided for under that provision. 40

- (2) The application form shall be completed by the applicant in accordance with the instructions provided on the form and, where necessary and appropriate and insofar as reasonable and practicable, the registration authority shall assist the applicant to complete the form and make the application under paragraph (1). 5
- (3) The registration authority shall consider an application under paragraph (1) and shall satisfy itself that an applicant—
- (a) is a person to whom section 11(7) applies, and
 - (b) has duly completed his or her application form.
- (4) Where the registration authority is satisfied as to the matters referred to in paragraph (3), it shall grant the application and mark the application form accordingly and shall notify the applicant of its decision to enter him or her on the register of electors in accordance with section 11(7). 10
- (5) Where the registration authority is not satisfied as to all or any of the matters referred to in paragraph (3), it shall refuse the application and mark the application form accordingly and shall notify the applicant of its decision and the reasons for the decision and inform the applicant that he or she may appeal the decision to the county registrar in accordance with Rule 39. 15 20
- (6) Where an application made in accordance with this Rule is refused by a registration authority, the applicant may appeal the decision to the county registrar in accordance with Rule 39.

Pending elector list

38. (1) An application to be entered in the pending elector list under section 17A shall be in a form directed by the Minister and shall be made by the applicant directly to the registration authority for the registration area in which he or she is ordinarily resident, and shall include, at a minimum, the following information: 25
- (a) full name (including all former names, if applicable); 30
 - (b) date of birth;
 - (c) address and Eircode in respect of the applicant’s address;
 - (d) nationality;
 - (e) personal public service number (if any).
- (2) The application form shall be completed in accordance with the instructions provided on the form and shall include a declaration made by the applicant confirming that the details provided by the applicant are true to the best of his or her knowledge and belief. 35
- (3) Where the registration authority has arrangements in place by which it can verify the identity of an applicant by electronic means using the information referred to in paragraph (1)(a) to (e), 40

- the registration authority shall consider the application in accordance with paragraph (7).
- (4) Where the registration authority has arrangements in place by which the identifying particulars of an applicant can be confirmed in accordance with section 13E(2)— 5
- (a) if the identifying particulars can be successfully confirmed, the registration authority shall consider the application in accordance with paragraph (7), or
- (b) if the identifying particulars cannot be successfully confirmed, the registration authority shall contact the person and require him or her to complete the procedure in paragraph (5) and resubmit his or her application to the registration authority. 10
- (5) Before an applicant may resubmit his or her application to the registration authority, the application form shall be signed by the applicant in the presence of— 15
- (a) a member of the Garda Síochána, or a member of the civilian staff of the Garda Síochána, from the applicant’s local Garda station, or
- (b) an official of the registration authority, 20
- who, on being satisfied of the applicant’s identity, including if necessary by the production of photographic identification and any other identity documents that may be requested, shall sign, date and stamp the application form.
- (6) Where, due to an illness or disability, the applicant is unable to comply with paragraph (5), the application shall be accompanied by a certificate in a form directed by the Minister from a registered medical practitioner certifying that the applicant is unable to so comply due to his or her illness or disability. 25
- (7) The registration authority shall make such inquiries as it considers appropriate for the purpose of considering and deciding on such an application and paragraphs (2), (3) and (5) of Rule 5 shall apply in relation to the consideration of and decision on the application. 30
- (8) The registration authority shall, as soon as practicable, consider and decide on the application and shall notify the applicant of the decision, and where the application meets the requirements of section 17A and this Rule, the name of the applicant shall be included on the pending elector list. 35
- (9) In paragraph (5), ‘member of the civilian staff of the Garda Síochána’ means a person appointed under section 19(1) of the Garda Síochána Act 2005 or designated under section 19(5) of that Act and, on being so designated, transferred to and having 40

become a member of the civilian staff of the Garda Síochána.”,

and

(j) by the insertion of the following Part after Part VII:

“PART VIII

Appeal to county registrar

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39. (1) Subject to paragraphs (2) and (3), the county registrar shall consider and determine all appeals against decisions of a registration authority made in writing to him or her, including where Rule 9(4) applies, appeals transferred to him or her from the county registrar of an adjacent registration area, under sections 15D, 15E and Rules 7, 11, 23, 33 and 37. 10
- (2) (a) Subject to subparagraph (b), an appeal to the county registrar under paragraph (1) shall be made within 4 weeks from the date of the decision of the registration authority.
- (b) Where an order appointing a polling day in an election or referendum has been made, the county registrar shall, as soon as possible after the making of that order, give public notice of the latest dates for the receipt of appeals under paragraph (1) in order for the appeal to be considered by him or her prior to the election or referendum, or both, as the case may be, and the place where the appeal shall be considered, and where the appeal relates to applications for postal voting or special voting, the date shall be not less than 2 days after the last day for making such applications as specified in section 14(2) or section 17(2), as the case may be, in respect of that election or referendum, and any appeals received after that date shall not be considered by the county registrar until after polling day for that election or referendum. 15
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- (3) Subject to paragraph (4), before considering an appeal in relation to the deletion of the name of a person from the register the county registrar shall, except where he or she is satisfied that the person is deceased, give not less than 5 clear days’ notice to the appellant and any other person who, in the opinion of the county registrar, may be interested, of the time and place at which the appeal will be considered by him or her. 30
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- (4) If the county registrar is satisfied that an appeal, other than an appeal in relation to the deletion of the name of a person from the register, should not be allowed without inquiry, he or she shall give not less than 5 clear days’ notice to the appellant and any other person who, in the opinion of the county registrar, may be interested, of the time and place at which the appeal will be considered by him or her. 40

- (5) Before determining an appeal made to him or her under paragraph (1), the county registrar may make such further inquiry as he or she may consider necessary and may require any person to give any information in his or her possession which the county registrar considers necessary for the purpose of carrying out his or her functions under this Rule. 5
- (6) The county registrar may require any officer of a registration authority or any person whose duty it is to make a house to house or other inquiry under Rule 5 to attend at such times and at such place as he or she may consider necessary for the purpose of enabling him or her to decide any appeal. 10
- (7) The county registrar may, on consideration of any appeal, require that the evidence tendered by any person should be given on oath or affirmation and may administer an oath or affirmation for that purpose. 15
- (8) The appellant and any other person who, in the opinion of the county registrar, may be interested, may appear and be heard, either in person or by any other person on his or her behalf, at the hearing of the appeal by the county registrar.
- (9) The county registrar shall consider the appeal and make his or her decision within a reasonable period from the date of receipt of the appeal and shall inform, as soon as practicable after the making of the decision, the appellant and the registration authority and any person who, in the opinion of the registration authority may be interested— 20
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- (a) of the decision, and
- (b) where the appeal is refused, of the right of appeal against the decision to the Circuit Court under section 21.
- (10) (a) Where the decision of the county registrar under paragraph (9) is to allow the appeal, the registration authority shall take such action, if any, as is necessary to give effect to the decision as soon as practicable after notification to it of the decision. 30
- (b) Subject to section 21(4), where the decision of the county registrar under paragraph (9) is to refuse the appeal, the decision shall take effect on the expiration of the period of time for the making of an appeal under section 21. 35

CHAPTER 2

Amendments to the Electoral Act 1997

Amendment of section 63 of Electoral Act 1997

105. Section 63 of the Electoral Act 1997 is amended—

- (a) in subsection (1), by the substitution of “every elector who, subject to section 14(2) of the Act of 1992, applies to be so entered” for “every elector who, not later than the last date for making claims for correction in the draft register, applies to be so entered”, and
- (b) by the substitution of the following subsection for subsection (3): 5
 - “(3) Where an application to be entered in the postal voters list under subsection (1) is refused by the registration authority, the applicant may appeal the decision in writing to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule to the Act of 1992.”. 10

Amendment of section 64 of Electoral Act 1997

106. Section 64 of the Electoral Act 1997 is amended, in subsection (1)—

- (a) in paragraph (b), by the substitution of “as the case may require.” for “as the case may require;”, and
- (b) by the deletion of paragraph (c). 15

Amendment of section 66 of Electoral Act 1997

107. Section 66 of the Electoral Act 1997 is amended in subsection (1) by the substitution of “The registration authority shall arrange, at least once every year, for the giving of public notice of—” for “The registration authority shall, within the period of fourteen days ending on the qualifying date for registration as an elector, arrange for the giving of public notice of—”. 20

Amendment of section 67 of Electoral Act 1997

108. (1) Section 67 of the Electoral Act 1997 is amended—

- (a) in subsection (2)(ii), by the insertion of “and of the applicant’s right to appeal the decision to the county registrar under section 63(3)” after “therefor”, and 25
- (b) in subsection (3), by the substitution of the following paragraph for paragraph (a):
 - “(a) Section 14(2) of the Act of 1992 shall apply to applications under this Part.”.

CHAPTER 3 30

Amendments to other enactments

Amendment of section 2 of Act of 2006

109. Section 2 of the Act of 2006 is amended in subsection (1) by the substitution of the following paragraph for paragraph (a):

- “(a) applies, subject to section 14(2) of the Act of 1992, to be so entered,”. 35

Amendment of section 3 of Act of 2006

110. Section 3 of the Act of 2006 is amended in subsection (1) by the substitution of the following paragraph for paragraph (c):

“(c) the application form, duly completed and accompanied by the certificate referred to in subsection (2), shall be handed to the relevant official who shall send it or cause it to be sent to the registration authority, and where polling day has been appointed in respect of a particular election or referendum, or both, shall be sent so as to be received by the authority before the dates specified in section 14(2) of the Act of 1992.”.

Amendment of section 5 of Act of 2006

111. Section 5 of the Act of 2006 is amended in subsection (1) by the substitution of “The registration authority shall arrange, at least on an annual basis, for the giving of public notice of—” for “The registration authority shall, within the period of 14 days ending on the qualifying date for registration as an elector, arrange for the giving of public notice of—”.

Amendment of section 6 of Act of 2006

112. Section 6 of the Act of 2006 is amended by the substitution of the following subsection for subsection (6):

“(6) Where an application to be entered in the postal voters list under section 2 is refused by the registration authority, the applicant may appeal in writing to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule to the Act of 1992.”.

Amendment of Act of 1997

113. The Act of 1997 is amended—

(a) in section 12—

(i) in subsection (3)—

(I) in paragraph (a)(i), by the deletion of “in force”,

(II) in paragraph (d), by the deletion of “subject to paragraph (e),” and

(III) by the deletion of paragraph (e),

(ii) in subsection (4), by the deletion of “a supplement to”,

(b) in the Second Schedule—

(i) in Rule 41, by the insertion of the following definitions:

“ ‘person in charge’ means the owner or operator of the place where the special voter is ordinarily resident or the person under whose direction and control the activities at that place are being conducted;

‘relevant official in the place where the special voter is ordinarily

resident’ means the person in charge of the place where the special voter is ordinarily resident or any person authorised by the person in charge who is employed in the place where the special voter is ordinarily resident, but the person shall not be the same person as the person appointed as special presiding officer (if any) under Rule 43(1);”, and 5

(ii) by the insertion of the following Rule after Rule 47:

“47A. Where a person is entered on the special voters list under section 17 of the Act of 1992 but the place where the special voter is ordinarily resident is not accessible to the special presiding officer and as a consequence the special voter would be unable to vote at the poll at the election in accordance with section 82 of the Act of 1992 the returning officer for the constituency in which the special voter is ordinarily resident shall, as circumstances may require— 10 15

(a) issue a postal vote to that special voter as if that voter was a postal voter entered on the postal voters list under section 14(d) of the Act of 1992 and in that case Part XIII of that Act shall apply, or

(b) apply Part XIV of the Act of 1992 to voting by that special voter with the modification that references in that Part to ‘member of the Garda Síochána’ shall be read as references to ‘relevant official in the place where the special voter is ordinarily resident’.”, 20

(iii) in Rule 47A(a) (as inserted by subparagraph (ii)), by the substitution of “section 14(1)(d)” for “section 14(d)”, 25

and

(c) in the Second Schedule in paragraph (2) of Rule 60—

(i) in subparagraph (a), by the deletion of—

(I) “a supplement to”, and 30

(II) “which the registration authority is empowered to prepare and publish in accordance with section 15A of the Electoral Act 1992”,

(ii) by the substitution of the following subparagraph for subparagraph (b):

“(b) Rule 33 (other than paragraphs (6) and (7)) and Rule 34(1) and (2) of Part VI of the Second Schedule to the Act of 1992 shall apply to an application to be entered in the postal voters list under subparagraph (a) as if references to section 14 and to section 14(a), (b) or (c) were references to Rule 60(2)(a).” 35

and

(iii) by the substitution of the following subparagraph for subparagraph (c): 40

“(c) Subsection (2) of section 14 of the Act of 1992 shall not apply to an application under this paragraph.”.

Amendment of Local Elections Regulations 1995

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

- (a) in Article 14— 5
 - (i) in sub-article (8)—
 - (I) in paragraph (a)(i), by the deletion of “in force”,
 - (II) in paragraph (d), by the deletion of “subject to paragraph (e),” and
 - (III) by the deletion of paragraph (e),
 - (ii) in sub-article (9)(a), by the deletion of “the supplement to”, 10
- (b) in sub-article (2) of Article 61—
 - (i) in subparagraph (a), by the deletion of—
 - (I) “a supplement to”, and
 - (II) “which the registration authority is empowered to prepare and publish in accordance with section 15A of the Electoral Act, 1992”, 15
 - (ii) by the substitution of the following paragraph for paragraph (b):
 - “(b) Rule 33 (other than paragraphs (6) and (7)) and Rule 34(1) and (2) of Part VI of the Second Schedule to the Act of 1992 shall apply to an application to be entered in the postal voters list under paragraph (a) as if references to section 14 and to section 14(a), (b) 20 or (c) were references to Article 61(2)(a).”,

and

 - (iii) by the substitution of the following paragraph for paragraph (c):
 - “(c) Subsection (2) of section 14 of the Act of 1992 shall not apply to an application under this sub-article.”, 25
- (c) in Article 42, by the insertion of the following definitions:
 - “ ‘person in charge’ means the owner or operator of the place where the special voter is ordinarily resident or the person under whose direction and control the activities at that place are being conducted;
 - ‘relevant official in the place where the special voter is ordinarily 30 resident’ means the person in charge of the place where the special voter is ordinarily resident or any person authorised by the person in charge who is employed in the place where the special voter is ordinarily resident, but the person shall not be the same person as the person appointed as special presiding officer (if any) under Article 44(1);”, 35
- (d) by the insertion of the following Article after Article 48:
 - “**48A.** Where a person is entered on the special voters list under section 17 of

the Act of 1992 but the place where the special voter is ordinarily resident is not accessible to the special presiding officer and as a consequence the special voter would be unable to vote at the poll at the election in accordance with section 82 of the Act of 1992 the returning officer for the constituency in which the special voter is ordinarily resident shall, as circumstances may require— 5

(a) issue a postal vote to that special voter as if that voter was a postal voter entered on the postal voters list under section 14(d) of the Act of 1992 and in that case Part XIII of that Act shall apply, or

(b) apply Part XIV of the Act of 1992 to voting by that special voter with the modification that references in that Part to ‘member of the Garda Síochána’ shall be read as references to ‘relevant official in the place where the special voter is ordinarily resident’., 10

and

(e) in Article 48A(a) (as inserted by *paragraph (d)*), by the substitution of “section 14(1)(d)” for “section 14(d)”. 15

Amendment of Act of 1994

115. The Act of 1994 is amended—

(a) in subsection (2) of section 29, by the substitution of “sections 78 and 80 to 84A” for “sections 78 and 80 to 84”, and 20

(b) in subsection (1A) of section 31—

(i) in paragraph (a), by the deletion of—

(I) “a supplement to”, and

(II) “which the registration authority is empowered to prepare and publish in accordance with section 15A of the Electoral Act, 1992”, 25

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) Rule 33 (other than paragraph (6) and (7)) and Rule 34(1) and (2) of Part VI of the Second Schedule to the Act of 1992 shall apply to an application to be entered in the postal voters list under paragraph (a) as if references to section 14 and to section 14(a), (b) or (c) were references to section 31(1A)(a).” 30

and

(iii) by the substitution of the following paragraph for paragraph (d):

“(d) Subsection (2) of section 14 of the Act of 1992 shall not apply to an application under this subsection.” 35

Amendment of Act of 1993

116. The Act of 1993 is amended—

- (a) in subsection (2) of section 41, by the substitution of “sections 78 and 80 to 84A” for “sections 78 and 80 to 84”, and
- (b) in subsection (1A) of section 43—
- (i) in paragraph (a), by the deletion of—
- (I) “a supplement to”, 5
- (II) “which the registration authority is empowered to prepare and publish in accordance with section 15A of the Electoral Act, 1992”,
- and
- (ii) by the substitution of the following paragraph for paragraph (c):
- “(c) Rule 33 (other than paragraph (6) and (7)) and Rule 34(1) and (2) 10
of Part VI of the Second Schedule to the Act of 1992 shall apply to an application to be entered in the postal voters list under paragraph (a) as if references to section 14 and to section 14(a), (b) or (c) were references to section 43(1A)(a).”,
- and 15
- (iii) by the substitution of the following paragraph for paragraph (d):
- “(d) Subsection (2) of section 14 of the Act of 1992 shall not apply to an application under this subsection.”.

PART 4

REGULATION OF ONLINE POLITICAL ADVERTISING

20

Interpretation

117. (1) In this Part—

“authorised officer” shall be construed in accordance with *section 126*;

“Board” means the members of the Commission referred to in *section 8(1)*;

“buyer of online political advertisement” means a person who purchases an online political advertisement, or a person on whose behalf an online political advertisement is purchased, for placement, display, promotion or dissemination on an online platform, and unless the context otherwise requires includes a person acting for or on behalf of a buyer (or any intermediary however described); 25

“company” means a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act; 30

“electoral period” means the period of time commencing on the day of the making of a polling day order and ending on polling day;

“look-alike targeting” means a targeting method involving the use of data from an existing online audience and which applies the use of data analysis techniques, tools 35

or other methods to identify new persons who have similar characteristics or are engaged in similar activities on an online platform;

“Member State” means a Member State of the European Union;

“micro-targeting” means a targeting method involving the use of data analysis techniques, tools or other methods to address, transmit or communicate a tailored online political advertisement either to a specific person or group of persons or to increase the circulation, reach or visibility of an online political advertisement; 5

“online archive or library” shall be construed in accordance with *section 119(5)*;

“online platform” means any provider of a website, web application, digital application or other seller of an online political advertisement accessible to the general public or a section of the public that— 10

(a) has not less than 10,000 unique monthly users in the State for a period of not less than 7 months during the 12 months immediately preceding the date of the making of a polling day order, and

(b) receives payment or payment in kind for the placement, display, promotion or dissemination of an online political advertisement on the provider’s website, web application or digital application; 15

“online political advertisement” means any form of communication in a digital format for political purposes purchased for placement, display, promotion or dissemination on an online platform during an electoral period and for which a payment or payment in kind is made to the online platform concerned; 20

“political purposes” shall have the meaning assigned to it by section 22(2)(aa) of the Electoral Act 1997;

“polling day order” means an order made by the Minister appointing a day for the holding of a poll which— 25

(a) in the case of a Dáil election, is made under section 96 of the Act of 1992,

(b) in the case of a European election, is made under section 10 of the Act of 1997,

(c) in the case of a local election, is made under section 26 of the Act of 2001,

(d) in the case of a presidential election, is made under section 6(1)(c) of the Act of 1993, 30

(e) in the case of a referendum, is made under section 10 or section 12 of the Act of 1994, or

(f) in the case of a Seanad election, is made under section 12 of the Seanad Electoral (University Members) Act 1937 and under section 24 of the Seanad Electoral (Panel Members) Act 1947; 35

“regulated financial service provider” shall have the meaning assigned to it by section 2(1) of the Central Bank Act 1942;

“seller of an online political advertisement” means a person who receives payment or payment in kind in return for the placement, display, promotion or dissemination of an online political advertisement; 40

“transparency notice” shall be construed in accordance with *section 119(2)*;

- (2) For the purposes of this Part, a company shall be deemed to be resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be resident at its principal office or place of business.

Application of Part

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- 118.** This Part applies to the purchase for placement, display, promotion or dissemination, directly or indirectly including through an intermediary, of an online political advertisement during an electoral period.

Public information requirements for online political advertisements

- 119.** (1) An online platform shall ensure that an online political advertisement shall— 10
- (a) be labelled with the text “Political Advert” in a conspicuous position where the user will easily see it or be made aware of it, and
 - (b) include a button, icon, tab, hyperlink or other connection which shall connect the user of the online platform to a transparency notice which is clearly displayed on the online platform placing, displaying, promoting or disseminating that advertisement. 15
- (2) A transparency notice shall be a notice that shall include but shall not be limited to—
- (a) the name, postal address, telephone number, email address and, where applicable, the website address of the buyer of the online political advertisement and, where the buyer of the online political advertisement is not the person who has paid or will pay for the advertisement, shall include the same information with respect to the person who has paid or will pay for the advertisement, 20
 - (b) confirmation of whether micro-targeting was applied in the placement, display, promotion or dissemination of the online political advertisement and, if so, a description of the criteria or information, and the source of the information, used as the basis for any such micro-targeting and providing a link or connection to the online platform’s policy, if any, on micro-targeting, 25
 - (c) confirmation of whether the particular audience at whom the buyer of the online political advertisement intends the advertisement to be directed includes persons included on the basis of the application of look-alike targeting and, if so, a description of the characteristics of, or the activities engaged in by, the particular audience and the source of the information used to identify that particular audience and providing a link or connection to the online platform’s policy, if any, on look-alike targeting, 30
 - (d) the total amount paid or due to be paid for the online political advertisement which shall be the aggregate of the amounts paid or due to be paid for the production of the content of the advertisement by, for or on behalf of the buyer of the online political advertisement and for the placement, display, promotion or dissemination of the advertisement by the online platform, 35
 - (e) the number of days during which the online political advertisement will be placed, displayed, promoted or disseminated on the online platform and the date 40

- on which that advertisement will be placed, displayed, promoted or disseminated on that online platform and the date on which it will cease to appear on that online platform,
- (f) the estimated size of the audience that the buyer of the online political advertisement intends the online political advertisement to reach, 5
 - (g) the number of times the online political advertisement has been viewed by users,
 - (h) an indication of the election or referendum to which the online political advertisement relates,
 - (i) a link or connection to the online archive or library established and maintained by the online platform under *subsection (5)*, and 10
 - (j) information and contact details of the online platform where a person may notify the online platform that an online political advertisement may not or does not comply with this Part.
- (3) The information specified in *subsection (2)* contained in a transparency notice shall be maintained and updated by the online platform in real time. 15
 - (4) A transparency notice displayed by an online platform in accordance with *subsection (2)* shall be notified by the online platform to the Commission as soon as may be after it has been displayed.
 - (5) (a) Subject to *subsection (6)*, an online platform shall establish, maintain and update in real time an online archive or library comprising each online political advertisement purchased for placement, display, promotion or dissemination on that platform and its accompanying transparency notice. 20
 - (b) An online platform shall retain in the online archive or library each online political advertisement placed, displayed, promoted or disseminated on that platform and its accompanying transparency notice for a period of not less than 7 years after the end of the period on which the online political advertisement was placed, displayed, promoted or disseminated as provided for in *subsection (2)(e)*. 25
 - (c) Where, during the period specified in *paragraph (b)*, an online platform is acquired by or merges with another body corporate, the online platform or, as appropriate, any body corporate that is a successor to or a continuation of that online platform, shall comply with the requirements of *paragraph (b)*. 30
 - (6) An online platform shall make available to the public on its platform the online archive or library established, maintained and updated by it in accordance with *subsection (5)*.
 - (7) Where, during the period specified in *subsection (5)(b)*, an online platform is to be wound up, dissolved, liquidated or otherwise cease trading, the online platform shall make arrangements with the Commission for the transfer to it of the online archive or library, and shall transfer the online archive or library to the Commission in accordance with those arrangements. 35
 - (8) An online platform which fails to comply with this section (other than *subsection (7)*) shall be guilty of an offence. 40

Obligations on online platforms regarding online political advertisements

120. (1) An online platform shall apply the measures required to verify the identity of the buyer of an online political advertisement and the information and documentation provided by such a buyer in accordance with *section 121*.
- (2) If for any reason the online platform considers that the information and documents provided to the online platform under *section 121* are insufficient to verify the identity of the buyer of the online political advertisement, the online platform shall request and obtain such other information and documents from the buyer as are necessary and appropriate in order to verify the identity of the buyer. 5
- (3) An online platform shall not place, display, promote or disseminate an online political advertisement on its platform where a buyer of an online political advertisement fails to provide all the information and documentation required to be provided by the buyer under *subsection (1)* and, where applicable *subsection (2)*, for so long as the failure continues. 10
- (4) An online platform shall, in accordance with *section 133*, keep records of the measures applied and information, documents and records obtained by it to verify the identity and address of a buyer of an online political advertisement. 15
- (5) An online platform which fails to comply with this section (other than *subsection (2)*) shall be guilty of an offence.

Identification and verification of buyers

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121. (1) An online platform shall apply the measures specified in *subsection (2)* in relation to the buyer of an online political advertisement prior to the purchase for placement, display, promotion or dissemination in the State by the buyer of that advertisement.
- (2) The measures that shall be applied by an online platform for the purposes of *subsection (1)* shall consist of the following: 25
- (a) (i) ascertain and verify the identity of the buyer of an online political advertisement on the basis of official documents (whether or not in electronic form) issued by—
- (I) a Department of State or other national authority of the State,
- (II) the national governmental authorities of another state, or 30
- (III) with respect to a European political party, the Authority for European Political Parties and European Political Foundations,
- provided that there are reasonable grounds to be satisfied that the documents can be relied upon to confirm the identity of the buyer, and
- (ii) ascertain and verify the address of the buyer of an online political advertisement on the basis of documents (whether or not in electronic form) or information including— 35
- (I) the documents referred to in *subparagraph (i)*, or
- (II) documents from a regulated financial service provider or other utility or service provider, 40

confirming the address of the buyer (whether within the State or not) and that the buyer is a customer of that utility or service provider, provided that there are reasonable grounds to be satisfied that the documents or information can be relied upon to confirm the address of the buyer and that the buyer is resident in the State other than where *section 123(1)* applies;

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and

- (b) obtain from the buyer of an online political advertisement a written statement verified by a statutory declaration as provided for in *subsection (5)*.
- (3) When applying the measures specified in *subsection (2)*, an online platform shall take reasonable steps to verify that any person purporting to act for or on behalf of a buyer of an online political advertisement is acting with the approval and consent of the buyer. 10
- (4) An online platform which is unable to apply the measures specified in *subsection (2)* in relation to a buyer of an online political advertisement as a result of any failure on the part of the buyer to provide the online platform with documents or information required under this section or *section 120(2)*, or both, shall not place, display, promote or disseminate any online political advertisement purchased by the buyer, or for or on behalf of the buyer, on the online platform where it can be accessed or seen by users of the online platform for so long as the failure remains unrectified. 15
- (5) (a) For the purposes of *subsection (2)(b)*, a buyer of an online political advertisement shall provide to the online platform a written statement, verified by a statutory declaration, that to the best of the knowledge and belief of the person concerned the statement is correct in every material respect and that the person has taken all reasonable action in order to be satisfied that the statement is accurate, confirming— 20
25
 - (i) (I) that the funds for the purchase of the online political advertisement for placement, display, promotion or dissemination in the State have been provided by the buyer, or
 - (II) if the funds have been or will be provided by a person other than the buyer, the identity of the person who has provided or will provide the funds for the purchase of the online political advertisement and that the person is not prohibited by law, including under this Part, from purchasing such an advertisement for placement, display, promotion or dissemination in the State, 30
- and 35
- (ii) (I) that the buyer of the online political advertisement is not controlled by any other person, company, body corporate or unincorporated body of persons, or
- (II) if the buyer is so controlled, the name and address of the person exercising ultimate control over the buyer. 40
- (b) The written statement and statutory declaration under this subsection shall, where the buyer is a company, a body corporate or an unincorporated body of persons, be made by one of the following persons:

- (i) in the case of a company, by a director, secretary or other officer of the company;
 - (ii) in the case of a body corporate (other than a company) or an unincorporated body of persons, by any officer of the body or any person for the time being performing the functions of an officer of the body. 5
- (6) (a) Subject to *paragraph (b)*, where a buyer of an online political advertisement purchases more than one online political advertisement from an online platform in respect of the same election or referendum, as the case may be, it shall be sufficient for the purposes of compliance with *subsections (2) and (5)* by the online platform and the buyer respectively if the online platform applies the measures in *subsection (2)* to the buyer prior to the purchase of the first online political advertisement by that buyer. 10
- (b) *Paragraph (a)* applies only where the buyer of the online political advertisement is the same buyer and the buyer confirms that there is no change—
 - (i) in the circumstances relating to that buyer in the period after the application of the measures in *subsection (2)*, 15
 - (ii) in the information required to be provided by the buyer of the online political advertisement under *sections 119, 122, 123* and this section and included in the online political advertisement and its accompanying transparency notice, and 20
 - (iii) in any material fact or circumstance in the period since the making by the buyer of the written statement verified by a statutory declaration under *subsection (5)* and that statement continues to be correct and accurate in every material respect.
- (7) Where an online platform becomes or is made aware of information on which there are reasonable grounds to consider that a buyer of an online political advertisement or a person providing the funds to the buyer is prohibited by virtue of this Part from purchasing an online political advertisement for placement, display, promotion or dissemination in the State, the online platform shall examine the information and documents provided by the buyer prior to the purchase for placement, display, promotion or dissemination of the advertisement, and make such inquiries as are necessary to ascertain the accuracy of the information and veracity of the documents provided by the buyer. 25 30
- (8) If there are reasonable grounds to conclude that the information or documents provided by the buyer under this section are inaccurate in a material particular, the online platform shall remove the advertisement from its platform immediately on forming that conclusion. 35
- (9) An online platform which fails to comply with *subsection (1), (4) or (8)* shall be guilty of an offence.
- (10) A person who makes a written statement and provides a statutory declaration pursuant to *subsection (5)* that he or she knows, or ought reasonably to know, is false or misleading in any material particular shall be guilty of an offence. 40

Obligations on buyers regarding online political advertisements

122. (1) The buyer of an online political advertisement shall provide such information and documents required under *sections 119, 120, 121 and 123* to an online platform for the purposes of the purchase for placement, display, promotion or dissemination of an online political advertisement on an online platform. 5
- (2) The buyer of an online political advertisement shall comply with any reasonable request by an online platform for such information and documents (including information and documents additional to those required under *sections 119, 120, 121 and 123*) as may be required by the online platform for the purpose of enabling it to comply with its obligations under those sections. 10
- (3) The buyer of an online political advertisement shall provide to an online platform the information required under *section 119(2)* (other than *paragraphs (g), (i) and (j)*) to be contained in a transparency notice prior to the placement, display, promotion or dissemination of an online political advertisement on that platform.
- (4) The buyer of an online political advertisement shall provide such information as may be required in order to enable the online platform to comply with its obligations under *section 119(3)* and shall, where the buyer wishes to extend the period during which the advertisement is placed, displayed, promoted or disseminated on that online platform, inform the online platform of that fact and provide up to date information to the online platform in relation to any matter required under *section 119* to be included in the transparency notice. 15 20
- (5) Notwithstanding *subsections (2) and (3)*, a buyer of an online political advertisement may, at any time up to the placement, display, promotion or dissemination of an online political advertisement on an online platform, decide not to provide the information and documents required under *sections 119, 120, 121 and 123* or any additional information and documents requested by the online platform under this section, and in that case, the buyer shall confirm that decision in writing to the online platform. 25
- (6) A buyer who provides information or documents to an online platform pursuant to *subsection (2), (3) or (4)*, that the buyer knows, or ought reasonably to know, is false or misleading in any material particular shall be guilty of an offence. 30
- (7) In this Part, where a person is acting for or on behalf of a buyer of an online political advertisement any obligation imposed on the buyer shall be construed as an obligation on the person acting for or on behalf of the buyer, but the buyer remains liable—
- (a) for any failure to comply with an obligation under this section by a person acting for or on behalf of the buyer, and 35
- (b) for complying with any such obligation imposed on the buyer under this Part.

Online political advertisements commissioned from outside the State

123. (1) Notwithstanding *section 121*, an online political advertisement shall not, directly or indirectly, be placed, displayed, promoted or disseminated in the State by a person resident at an address outside the State, unless the buyer of the online political advertisement— 40
- (a) is a natural person and provides evidence that he or she is a citizen of Ireland,

- (b) is a company, body corporate or an unincorporated body of persons, and the buyer provides evidence that it maintains an office in the State from which the buyer carries on one or more than one of the buyer’s principal activities or from which the carrying on of those activities are directed,
- (c) is a natural person and provides evidence that he or she is a national of a Member State (other than the State) and the online political advertisement relates to an election to the European Parliament held in the State in accordance with the Act of 1997, 5
- (d) is a company, body corporate or an unincorporated body of persons, and the buyer provides evidence that it is registered or incorporated in a Member State (other than the State) in accordance with the laws of that Member State and maintains an office in that Member State from which the buyer carries on one or more than one of the buyer’s principal activities or from which the carrying on of those activities are directed and the online political advertisement relates to an election to the European Parliament held in the State in accordance with the Act of 1997, or 10 15
- (e) is a European political party and provides evidence of its registration under Regulation (EU, Euratom) No. 1141/2014 and the online political advertisement relates to an election to the European Parliament held in the State in accordance with the Act of 1997. 20
- (2) Nothing in *subsection (1)* shall operate to prevent the buyer of an online political advertisement from purchasing an online political advertisement for placement, display, promotion or dissemination in the State if the buyer is a natural person and is resident at an address in the State.
- (3) The purchase of an online political advertisement for placement, display, promotion or dissemination in the State by a buyer of an online political advertisement referred to in *subsection (1)(b)*, shall be arranged through the buyer’s office in the State. 25
- (4) For the purposes of this section, an online platform is deemed to know that a person referred to in *subsection (1)* is resident at an address outside the State if there are reasonable grounds for concluding that the online platform so knows on the basis of— 30
- (a) information in the possession of the online platform (whether obtained under *section 120, 121, 122* or otherwise),
- (b) in a case where the online platform has contravened *section 120* or *121*, information that would have been in the possession of the online platform if it had complied with that provision or those provisions, or 35
- (c) public information that is widely available.
- (5) Subject to *subsection (1)*, a person resident outside the State shall not, directly or indirectly, purchase an online political advertisement for placement, display, promotion or dissemination in the State.
- (6) An online platform which places, displays, promotes or disseminates an online political advertisement purchased by a person who is prohibited by this section from purchasing such an advertisement for placement, display, promotion or dissemination in the State shall be guilty of an offence. 40

Exemptions from public information requirements

- 124.** (1) A notice placed or displayed on an online platform by the persons specified in *subsection (2)* for the purpose, and in the course, of performing their statutory functions under the enactments specified in *subsection (3)* shall not be construed as being an “online political advertisement” for the purposes of this Part. 5
- (2) The following persons are specified for the purposes of *subsection (1)*:
- (a) the Minister;
 - (b) the Commission;
 - (c) a returning officer (within the meaning of section 30 of the Act of 1992);
 - (d) the presidential returning officer and a local returning officer (within the meaning of sections 9 and 10, respectively, of the Act of 1993); 10
 - (e) the referendum returning officer and a local returning officer (within the meaning of sections 14 and 15, respectively, of the Act of 1994);
 - (f) the chief returning officer, a returning officer and a local returning officer (within the meaning of sections 15A, 16 and 17, respectively, of the Act of 1997); 15
 - (g) a returning officer (within the meaning of section 14 of the Seanad Electoral (University Members) Act 1937);
 - (h) the Seanad returning officer (within the meaning of section 4 of the Seanad Electoral (Panel Members) Act 1947);
 - (i) a returning officer (within the meaning of Article 4 of the Local Elections Regulations 1995); 20
 - (j) a local authority.
- (3) The enactments specified for the purposes of *subsections (1)* and *(2)* are:
- (a) the Electoral Acts 1992 to 2022;
 - (b) the European Parliament Elections Act 1992 to 2022; 25
 - (c) the Presidential Elections Acts 1992 to 2006;
 - (d) the Referendum Acts 1922 to 2022;
 - (e) the Seanad Electoral (Panel Members) Acts 1947 to 2018;
 - (f) the Seanad Electoral (University Members) Acts 1937 to 2015;
 - (g) the Local Elections Regulations 1995. 30

Functions of the Commission

- 125.** (1) For the purposes of this Part, the Commission shall have the following functions:
- (a) to monitor online political advertising and online political advertisements;
 - (b) to monitor online platforms with respect to their role in the placement, display, promotion or dissemination of online political advertisements; 35

- (c) to monitor buyers of online political advertisements and the online political advertisements purchased by them for placement, display, promotion or dissemination on online platforms;
 - (d) to encourage compliance with this Part, which may include the publication of notices containing practical guidance as to how those provisions may be complied with; 5
 - (e) to carry out such investigations as it considers appropriate, on the basis of information obtained on its own initiative or having regard to information provided to it by any person, into any suspected breach of this Part that may be occurring or has occurred; 10
 - (f) to decide appeals from directions given by the chief executive under *section 131*;
 - (g) to enforce the relevant statutory provisions in this Part;
 - (h) to make such arrangements as may be necessary to arrange for the transfer to it of online archives or libraries of online platforms as provided for under *section 119* and to maintain such online archives or libraries for a period after such transfer so that each online political advertisement and its accompanying transparency notice in an online archive or library transferred to the Commission shall be maintained for a period of 7 years in total from the date of its inclusion in that archive or library; 15
 - (i) to identify any trends in relation to contraventions or other matters that may be relevant to the Commission's functions under this Part raised by investigations by the Commission or directions by the chief executive and prepare and publish reports on such trends; 20
 - (j) to prepare and publish such information in connection with online political advertising to the public as it considers appropriate; 25
 - (k) such other functions relating to *paragraphs (a) to (j)* as may be appropriate.
- (2) The Commission, in performing any of its functions under this Part, may where it considers it appropriate and to the extent that it may be necessary, appoint authorised officers to assist the Commission in the performance of its functions.
 - (3) In performing its functions under this Part, the Commission may co-operate and collaborate with other statutory authorities whether in the State or elsewhere in connection with online political advertising and related matters. 30
 - (4) The Commission shall have all such powers as are necessary or expedient for, or incidental to, the performance of its functions under this Part and shall ensure that those functions are performed effectively and efficiently. 35

Appointment of authorised officers

- 126.** (1) The Commission may at any time appoint in writing such and so many persons, including members of the staff of the Commission or other suitably qualified persons, as it considers appropriate to be authorised officers for the purpose of the performance by the Commission of any of its functions under this Part. 40

- (2) An authorised officer shall, on his or her appointment, be furnished by the Commission with a warrant of his or her appointment, and shall, when exercising a power conferred by this Part, if requested by any person affected, produce the warrant of appointment to that person for inspection.
- (3) The Commission may revoke in writing any appointment made by it under *subsection (1)*, whether or not the appointment was for a fixed period. 5
- (4) An appointment of an authorised officer under this section shall cease—
- (a) if it is revoked in writing by the Commission,
 - (b) if it is for a fixed period, on the expiry of that period, or
 - (c) if the person appointed is a member of the staff of the Commission, when that person ceases to be a member of staff of the Commission. 10
- (5) Where the Commission is satisfied that an authorised officer or other member of the staff of the Commission has discharged his or her duties in pursuance of the functions of the Commission under this Part in good faith, the Commission may, in the manner and to the extent and subject to the terms and conditions that the Commission may determine from time to time in consultation with the Minister, indemnify the authorised officer or other member of staff against all actions or claims however they arise in respect of the discharge by him or her of his or her duties. 15
- (6) A person who falsely represents himself or herself to be an authorised officer shall be guilty of an offence. 20
- (7) In this section, “suitably qualified person” means any person (other than a member of the staff of the Commission) who, in the opinion of the Commission, has the qualifications and experience or expertise necessary to exercise the powers conferred on an authorised officer under this Part.

Monitoring compliance for the purposes of this Part

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- 127.** (1) Without prejudice to *section 131*, the Commission may, for the purpose of performing any of its functions under this Part, monitor or make arrangements with other suitable persons for the carrying out of monitoring on its behalf of, the placement, display, promotion or dissemination of online political advertisements and related matters on online platforms by buyers of online political advertisements and of compliance by online platforms and buyers of online political advertisements with their obligations under this Part. 30
- (2) Without prejudice to *section 15*, the Commission may engage any person to assist it in the performance of its functions under *subsection (1)* and, for that purpose, it may do any or all of the following: 35
- (a) enter into a contract with any person on such terms and conditions and for such period as the Commission considers appropriate;
 - (b) pay out of the funds at its disposal, to any person referred to in *paragraph (a)*, such fees (if any) or allowances for expenses (if any) incurred by the person as the Commission may determine. 40

- (3) Any person may provide to the Commission information concerning any matter in respect of which the person has reason to believe that there may have been, or may be, a contravention of the requirements of this Part including in relation to—
- (a) an online political advertisement placed, displayed, promoted or disseminated on an online platform and its accompanying transparency notice, 5
 - (b) an online archive or library established and maintained by an online platform under *section 119(5)*,
 - (c) an online platform with respect to the placement, display, promotion or dissemination by it of an online political advertisement, or
 - (d) a buyer of an online political advertisement with respect to an online political advertisement purchased by the buyer and which an online platform has placed, displayed, promoted or disseminated on its platform. 10

Investigations

- 128.** (1) Where the Commission has reason to believe, whether on the basis of information obtained itself or provided to it by any person or otherwise, that there is, has or may have been a contravention of this Part, the Commission may examine or investigate, and may, for that purpose, authorise or direct any member of staff of the Commission (other than the chief executive when he or she is performing his or her functions under *section 131*) or appoint an authorised officer to examine or investigate, any suspected contravention. 15 20
- (2) The Commission may make such inquiries as it considers appropriate or direct an authorised officer or a member of its staff (other than the chief executive when he or she is performing his or her functions under *section 131*) to make such inquiries, and the Commission, or an authorised officer or member of staff, may require any person to furnish without delay any information, document or relevant thing in the possession or procurement of that person which the Commission or an authorised officer or member of staff may require for the purposes of an investigation. 25
- (3) (a) An authorised officer or member of staff shall carry out an investigation authorised under *subsection (1)* with all due expedition consistent with fairness and efficiency and may make such inquiries as he or she considers appropriate. 30
- (b) Where the person carrying out the investigation under this section is an authorised officer he or she may, for the purposes of making any inquiries as in his or her opinion may be required, use any one or more of his or her powers under *section 134*.
- (4) Following the carrying out of the investigation, an authorised officer or member of staff of the Commission shall prepare a draft report of the findings of his or her investigation under *subsection (3)* including whether, in his or her opinion, there are reasonable grounds for believing that a contravention has or has not occurred and the reasons for his or her findings and opinion. 35
- (5) The authorised officer or member of staff of the Commission shall provide his or her draft report to any person who, in the opinion of the authorised officer or member of staff, may be contravening or has contravened his or her obligations under this Part, and shall invite the person to make submissions in writing within the period specified 40

- by the authorised officer or member of staff in relation to his or her opinion and the draft report.
- (6) The authorised officer or member of staff of the Commission shall consider any submissions made to him or her under *subsection (5)* and, if he or she considers it appropriate, shall revise his or her draft report on foot of any such submissions, and shall include in the report prepared by him or her a summary of the submissions (if any) received by him or her. 5
- (7) The authorised officer or member of staff of the Commission shall, having considered any submissions made to him or her under *subsection (5)*, prepare a report and shall—
- (a) set out whether or not in his or her opinion the person is contravening or has contravened this Part, 10
- (b) if he or she considers that the person is contravening or has contravened this Part, make any recommendation as he or she considers appropriate as to what action, if any, the Commission may take in respect of any such contravention, and
- (c) present the report and any submissions made to him or her under *subsection (5)* to the Commission. 15
- (8) The Commission shall consider the report, any submissions made and any recommendations by the authorised officer or member of staff of the Commission presented to it under *subsection (7)*.
- (9) The Commission may, as it considers appropriate, invite any person who, in the opinion of the authorised officer or member of staff of the Commission, there are reasonable grounds for believing may be contravening, may have contravened or has contravened his or her obligations under this Part to make further submissions in writing to the Commission within the period specified by it in relation to the opinion of, and the report presented to the Commission under *subsection (7)* by, the authorised officer or member of staff. 20 25
- (10) Following consideration of the report and any recommendations made by the authorised officer or member of staff of the Commission under *subsection (7)*, and any further submissions under *subsection (9)*, the Commission may—
- (a) take no further action, 30
- (b) if it is satisfied that a contravention is taking or has taken place, issue a compliance notice under *section 129* with respect to any person whom the Commission considers is contravening or has contravened the requirements of this Part,
- (c) publish the report of the investigation, or 35
- (d) if it is satisfied that a contravention is taking or has taken place, bring a prosecution in respect of any offence that may have been committed in accordance with *section 137(3)*.
- (11) Nothing in this Act shall operate to prevent the Commission exercising any of its powers under this Part as it considers appropriate either during or outside an electoral period. 40

- (12) For the purposes of this Part, the Commission may give such directives to an authorised officer or member of its staff (other than the chief executive when he or she is performing his or her functions under *section 131*) as it considers appropriate in the circumstances.
- (13) Nothing in this section shall affect the exercise by an authorised officer of any power which, apart from this section, he or she could exercise by virtue of *section 134*, either during or outside an electoral period in connection with the placement, display, promotion or dissemination of an online political advertisement in the State. 5

Compliance notice

- 129.** (1) Where the Commission is satisfied, following receipt of a report under *section 128*, that there is or has been a contravention by a person of the obligations under this Part, the Commission may serve a notice in writing (in this Part referred to as a “compliance notice”) on the person. 10
- (2) A compliance notice shall—
- (a) state the reasons for the Commission being satisfied that there is or has been a contravention referred to in *subsection (1)*, 15
- (b) identify any provision of this Part with respect to which the Commission is satisfied that there is or has been a contravention,
- (c) direct the person to take such action as is necessary to bring the contravention to an end or to otherwise remedy the contravention in any other manner as the Commission may specify, 20
- (d) specify the date by which the person is to comply with the compliance notice,
- (e) specify the date and time by which the person to whom a compliance notice is addressed shall confirm to the Commission that the notice has been complied with, 25
- (f) state that the person may appeal the compliance notice to the District Court under *section 130* and include information specifying—
- (i) the form and manner of such an appeal, and
- (ii) the service address of the Commission for the purposes of notifying the Commission of the making of the appeal under *section 130*, 30
- (g) state that, if an appeal is not made in accordance with *section 130* and within the period specified in that section, then—
- (i) the compliance notice will be treated as not disputed, and
- (ii) the person will be deemed to have accepted the compliance notice and have agreed to comply with it, 35
- and
- (h) state that if the person to whom the compliance notice is given fails to comply with the notice the person shall be guilty of an offence.

- (3) The date specified under *subsection (2)(d)* shall not be earlier than the end of the period within which an appeal may be made under *section 130*.
- (4) The Commission may—
- (a) other than where an appeal has been made to the District Court under *section 130(1)*, amend the compliance notice, 5
 - (b) withdraw the notice at any time, or
 - (c) if no appeal is made or pending under *section 130(1)*, extend the date specified in the notice under *subsection (2)(d)*.
- (5) Withdrawal by the Commission of a compliance notice under *subsection (4)(b)* does not prevent the Commission serving another compliance notice on the person, whether in respect of the same matter or a different matter, as circumstances may require. 10
- (6) The Commission may, notwithstanding that the judge of the District Court has not made any direction under *section 130(6)*, conduct a fresh investigation under *section 128* into a matter the subject of a previous compliance notice (and the provisions of *section 128* and this section shall apply to any such investigation). 15
- (7) A person to whom a compliance notice has been given who fails to comply with, or causes or permits another person to fail to comply with, the notice shall be guilty of an offence.
- (8) Where in the opinion of the Commission, a person to whom a compliance notice was served is failing or has failed to comply with the notice by or on the day specified in the notice or, where an appeal was made under *section 130(1)*, on the day after the day on which the notice is confirmed or varied on appeal, the Commission may apply to a judge of the District Court in the district court district in which the notice was served or the appeal was heard and determined for an order directing the person to comply with the notice, or the notice as so varied, and the Court may, as it thinks fit, on the hearing of the application, make or refuse to make such an order. 20 25
- (9) An application under *subsection (8)* shall be on notice to the person against whom the order is sought.

Appeal to District Court from compliance notice

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130. (1) An appeal may be made to a judge of the District Court in the district court district in which the compliance notice under *section 129* was served on a person by the Commission under *section 129(1)* not later than 7 days from the date on which the compliance notice was served.

(2) An appeal under *subsection (1)*—

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(a) shall be in writing,

(b) shall, subject to *subsection (3)*, state all of the grounds on which the appeal is made and provide all of the documents intended to be relied on to support those grounds, and

- (c) shall, as soon as may be after it is made to the District Court, be addressed to and be delivered or sent so as to reach the Commission within the period specified in *subsection (1)*.
- (3) An appeal shall be made on one or more of the following grounds only:
- (a) that the Commission in making its decision committed a serious and significant error of law or fact, or a series of minor errors of law or fact which when taken together amount to a serious and significant error; 5
- (b) that the Commission did not comply with fair procedures in making its decision.
- (4) The Commission shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal. 10
- (5) In determining an appeal of a compliance notice under this section, the judge may—
- (a) confirm the notice,
- (b) vary the notice on such terms as he or she considers appropriate, or
- (c) set aside the notice.
- (6) Where the judge of the District Court sets aside the compliance notice under *subsection (5)(c)* he or she may, as the Court considers appropriate, direct the Commission to— 15
- (a) conduct a fresh investigation under *section 128* into the matter (and the provisions of this section shall apply to such an investigation), or
- (b) publish in a specified manner notice of the decision of the Court. 20
- (7) If, on appeal, the compliance notice is not set aside, the notice takes effect on the later of the following:
- (a) the day after the day on which the notice is confirmed or varied on appeal;
- (b) if the appeal is withdrawn by the appellant, the day after the day it is withdrawn;
- (c) the day specified in the notice. 25
- (8) If there is no appeal under *subsection (1)*, the compliance notice takes effect on the day specified in the notice.
- (9) If there is no appeal under *subsection (1)*, or if the compliance notice is confirmed or varied on appeal, the Commission may publish, in such manner as it thinks fit, notice of the issuing of the compliance notice or the notice as so varied by the Court under *subsection (5)(b)*, to the person including the giving of any advice on the conduct of the person which is giving rise or has given rise to the contravention. 30
- (10) There shall be no appeal to the Circuit Court from a decision of the District Court under this section.

Directions 35

- 131.** (1) (a) Without prejudice to *section 129*, where, during an electoral period, the chief executive is satisfied from information available to him or her, whether obtained through monitoring of online political advertisements by the Commission,

- referral to him or her by the Board, information provided by any person or otherwise, that there is or has been a clear contravention of *sections 119, 120, 121, 122 or 123* the chief executive may give a direction in writing (in this Part referred to as a “direction”) to an online platform or buyer of an online political advertisement, or both, that he or she is so satisfied that such a contravention is taking or has taken place and to do or to refrain from doing anything which the chief executive specifies in the direction and to bring the contravention to an end. 5
- (b) A direction shall take effect immediately upon service on the online platform or buyer of an online political advertisement, or both, to whom it is addressed and shall, other than where *subsection (2)(h)* or *subsection (6), (7) or (8)* of *section 132* apply, continue in effect until the end of the electoral period. 10
- (c) The chief executive may publish any direction given by him or her in such manner as he or she thinks fit.
- (2) A direction referred to in *subsection (1)* shall—
- (a) state the reasons for the chief executive being satisfied that there is or has been a contravention of a provision of *sections 119, 120, 121, 122 or 123*, 15
- (b) identify the provision of this Part with respect to which the chief executive is satisfied that there is or has been a contravention,
- (c) specify the action which the online platform, the buyer of the online political advertisement, or both, shall take with respect to the online political advertisement and its accompanying transparency notice, as the case may require, to remedy the contravention, 20
- (d) specify any action which the online platform, the buyer of the online political advertisement, or both, shall refrain from taking with respect to the online political advertisement and its accompanying transparency notice, as the case may require, 25
- (e) specify any information required under the direction to be given to the chief executive by the online platform, the buyer of the online political advertisement, or both, in respect of any matter specified in the direction,
- (f) specify the date and time by which the online platform or buyer of an online political advertisement, or both, to whom a direction is addressed is to comply with the direction, 30
- (g) specify the date and time by which the online platform or buyer of an online political advertisement, or both, to whom a direction is addressed shall confirm to the chief executive that the direction has been complied with, 35
- (h) state that the online platform or buyer of an online political advertisement, or both, to whom a direction is addressed may appeal the direction in writing to the Board under *section 132(1)* within the period specified in that subsection, and include information specifying—
- (i) the form and manner of such an appeal, and 40
- (ii) the service address of the Board for the purposes of making the appeal under *section 132(1)*,

- (i) state that, if an appeal is not made in accordance with *section 132* and within the period specified in that section, then—
- (i) the direction will be treated as not disputed, and
 - (ii) the online platform or buyer of an online political advertisement, or both, will be deemed to have accepted the direction and has or have agreed to comply with it, 5
- and
- (j) state that if the online platform or buyer of an online political advertisement, or both, to whom the direction is given fails to comply with the direction he, she or it shall be guilty of an offence. 10
- (3) The action specified as being required under *subsection (2)(c)* may include a requirement to suspend the online political advertisement and its accompanying transparency notice on the online platform from where it can be accessed or seen by users of the platform until the contravention is brought to an end or otherwise remedied in accordance with the direction. 15
- (4) The chief executive may request in writing information from any person within the period specified in the request as he or she may reasonably require for the purposes of the performance of his or her functions under *subsection (1)*.
- (5) The chief executive may amend (including to extend the date and time specified in *subsection (2)(f)* and *(g)*) or withdraw any direction given by him or her under this section, other than where— 20
- (a) an appeal has been made to the Board under *section 132(1)*,
 - (b) an order has been made by the High Court in relation to the direction under *subsection (8)* or *(10)*,
 - (c) on appeal to it under *section 132(1)*, the Board has made a determination under *section 132(7)* varying or cancelling the direction, or 25
 - (d) on an appeal to it under *section 132(1)*, the determination of the Board under *section 132(7)* confirming or varying the direction is the subject of an application for leave to apply for judicial review or an application for such judicial review.
- (6) Withdrawal by the chief executive of a direction under *subsection (5)* does not prevent the chief executive giving another direction to the online platform or the buyer of an online political advertisement, or both, whether in respect of the same matter or a different matter, as circumstances may require. 30
- (7) An online platform or a buyer of an online political advertisement, or both, to whom a direction has been given by the chief executive who fails to comply with, or causes or permits another person to fail to comply with, the direction shall be guilty of an offence. 35
- (8) Where, in the opinion of the chief executive, an online platform or buyer of an online political advertisement to whom a direction was given is failing or has failed to comply with the direction by or on the date and time specified in the direction or, where an appeal was made under *section 132(1)* and the direction was varied by the Board on appeal, the direction as so varied, the chief executive may, by motion, apply 40

to the High Court for an order directing the online platform or buyer of an online political advertisement, or both, to comply with the direction, or the direction as so varied, and the Court may, as it thinks fit, on the hearing of the application, make or refuse to make such an order or make such order including an order varying the direction as it considers appropriate in the circumstances. 5

- (9) An application under *subsection (8)* shall be on notice to the person against whom the order is sought.
- (10) (a) The High Court, when considering the application under *subsection (8)*, may make such interim or interlocutory order (if any) as it considers appropriate.
- (b) The order of the High Court determining the application under *subsection (8)* may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate. 10
- (11) Nothing in this section shall operate to prevent the Commission (including the Board) providing information to the chief executive for the purpose of the performance by him or her of his or her functions under this section. 15

Appeal to Board from direction

- 132.** (1) (a) An appeal may be made to the Board in respect of a direction given by the chief executive under *section 131(1)* not later than 3 days from the date on which the direction was served, but the making of an appeal shall not, pending the outcome of the appeal, affect the operation of the direction, unless the Board otherwise directs. 20
- (b) An appeal under *paragraph (a)* may be made by—
- (i) the online platform, or
- (ii) where the direction materially affects the placement, display, promotion or dissemination of an online political advertisement on the online platform, the buyer of the online political advertisement concerned. 25
- (c) Where an appeal is made by—
- (i) an online platform as provided for by *paragraph (b)(i)*, the buyer of the online political advertisement shall be entitled to make submissions to, and if an oral hearing is conducted, to be heard by, the Board in relation to the matters the subject of the appeal, or 30
- (ii) a buyer of an online political advertisement as provided for by *paragraph (b)(ii)*, the online platform on which the online political advertisement concerned is placed, displayed, promoted or disseminated shall be entitled to make submissions to, and if an oral hearing is conducted, to be heard by, the Board in relation to the matters the subject of the appeal. 35
- (2) An appeal under *subsection (1)*—
- (a) shall be in writing,
- (b) shall state all of the grounds on which the appeal is made and provide to the Board all of the documents and evidence intended to be relied on to support those grounds, and 40

- (c) shall be addressed to the chairperson of the Board and be delivered or sent so as to reach the chairperson within the period specified in *subsection (1)*.
- (3) The Board shall determine an appeal without an oral hearing unless, having regard to the particular circumstances of the appeal, it considers that it is necessary to conduct an oral hearing in order to properly and fairly determine the appeal. 5
- (4) The Board may make such rules and establish such procedures in relation to the conduct of appeals and oral hearings as it considers appropriate and shall publish those rules and procedures on a website maintained by or on behalf of the Commission.
- (5) The chairperson of the Board shall have discretion as to the conduct of an oral hearing under this section and shall conduct the hearing or ensure that the hearing is conducted expeditiously and without undue formality. 10
- (6) The Board, in determining an appeal under this section—
- (a) shall consider the grounds for the appeal stated pursuant to *subsection (2)(b)*,
- (b) shall consider the online political advertisement or its accompanying transparency notice, or both, and any such other information in connection with the online political advertisement or its accompanying transparency notice as, in the opinion of the Board, may be relevant to its determination, and 15
- (c) may, where it considers it necessary or expedient for the fair and proper determination of the appeal, have regard to such submissions, documents or evidence not contained in the direction as the Board considers appropriate. 20
- (7) In determining an appeal under this section, the Board may, if satisfied that it is reasonable to do so—
- (a) confirm the direction,
- (b) vary the direction on such terms as it considers appropriate, or 25
- (c) cancel the direction.
- (8) If, on appeal, the Board varies the direction, the direction as so varied takes effect immediately on the determination of the appeal.
- (9) The Board may, for the purpose of ensuring the efficient, fair and timely determination of an appeal, specify procedures in respect of the conduct of the appeal. 30
- (10) The Board may request in writing information from any person within the period specified in the request as it may reasonably require for the purposes of the performance of its functions under this section.
- (11) An appeal under this section shall be heard by the Board or by such specified member or members of the Board as may be appointed by the Board to hear the appeal. 35
- (12) Nothing in this section shall operate to prevent the Board providing information to the chief executive for the purpose of the performance by him or her of his or her functions under *section 131*.

Requirement on online platform and buyer of online political advertisement to retain records, information and documentation

133. (1) An online platform shall retain information, documents and records evidencing the procedures and measures applied, and the information and documents obtained, by it for the purposes of demonstrating compliance with *subsections (2) and (5) of section 119, subsections (1) and (2) of section 120, subsections (1), (2), (3), (5) and (7) of section 121 and subsections (1) and (4)(a) of section 123* for a period of 30 months after the date on which a buyer of an online political advertisement purchased an online political advertisement for placement, display, promotion or dissemination on the platform or the date on which the online platform removed from its platform an online political advertisement placed, displayed, promoted or disseminated on the platform by the buyer, whichever is the later. 5 10
- (2) Without prejudice to the generality of *subsection (1)*, an online platform shall—
- (a) take and retain the original or a copy of all documents, information or records provided by a buyer of an online political advertisement to the online platform and used by it to verify the identity and address of the buyer, and 15
- (b) retain documents and records generated by the online platform in relation to the purchase of an online political advertisement and its placement, display, promotion or dissemination on the platform by a buyer of an online political advertisement. 20
- (3) A buyer of an online political advertisement shall retain information, documents and records evidencing the information and documents provided by him, her or it for the purposes of demonstrating compliance with *section 119(2), subsections (1) and (2) of section 120, subsection (2), (3), (5) and (7) of section 122 and section 123(1)* for a period of 30 months after the date on which the buyer of the online political advertisement purchased the online political advertisement for placement, display, promotion or dissemination on an online platform or the date on which the online platform removed from its platform the online political advertisement placed, displayed, promoted or disseminated on the platform by the buyer, whichever is the later. 25 30
- (4) Without prejudice to the generality of *subsection (3)*, a buyer of an online political advertisement shall—
- (a) retain the original or a copy of all documents, information or records provided by the buyer to the online platform to verify the buyer's identity and address, and
- (b) retain documents and records generated by the buyer in relation to the purchase of an online political advertisement and its placement, display, promotion or dissemination on the online platform by the buyer. 35
- (5) An online platform or a buyer of an online political advertisement may retain the documents, information or records wholly or partly in electronic, mechanical or other non-written form only if they are capable of being reproduced in a written form. 40
- (6) The documents, information or records required to be retained by an online platform or a buyer of an online political advertisement shall be retained in the State and shall be made available on request, to—
- (a) the Commission,

- (b) the chief executive,
 - (c) an authorised officer, or
 - (d) a member of the Garda Síochána.
- (7) The requirements imposed by this section are in addition to and not in substitution for any other requirements imposed by any other enactment or rule of law with respect to the keeping and retention of documents, information or records by an online platform or a buyer of an online political advertisement. 5
- (8) The obligations imposed on an online platform or buyer of an online political advertisement under this section shall continue to apply to the online platform and the buyer of an online political advertisement notwithstanding that the online platform has ceased the placement, display, promotion or dissemination of an online political advertisement on its platform or has removed an online political advertisement from its platform. 10
- (9) A requirement for an online platform or buyer of an online political advertisement that is a body corporate to retain any documents, information or records under this section extends to any body corporate that is a successor to, or continuation of, the body corporate. 15
- (10) An online platform or a buyer of an online political advertisement who or which fails to comply with this section shall be guilty of an offence.

Powers of authorised officers 20

- 134.** (1) For the purposes of this Part and ensuring compliance with its provisions, an authorised officer may—
- (a) subject to *subsection (3)* enter (if necessary by the use of reasonable force) or, where the premises is a vehicle, stop and enter (if necessary by the use of reasonable force) at all reasonable times any premises— 25
 - (i) that he or she has reasonable grounds for believing has been or is being used in connection with the placement, display, promotion or dissemination of an online political advertisement, and
 - (ii) at which he or she has reasonable grounds for believing that information, documentation, books, records or relevant things in connection with the placement, display, promotion or dissemination of an online political advertisement are kept, 30

and search and inspect the premises and any information, documentation, books, records or relevant things at that premises,
 - (b) secure for later inspection any premises or any part of any premises which is being used in connection with the placement, display, promotion or dissemination of an online political advertisement, or where such information, documentation, books, records or relevant things are kept or there are reasonable grounds for believing that such information, documentation, books, records or relevant things are kept, for such period as may reasonably be necessary for the purposes of his or her functions under this Part, 35 40

- (c) require any person employed in connection with the placement, display, promotion or dissemination of an online political advertisement to produce to the authorised officer such information, documentation, books or records and where such information, documentation, books or records are kept in non-legible form to reproduce in a legible form and to give him or her any information as the officer may reasonably require in relation to such information, documentation, books or records, 5
- (d) inspect and take copies of, or extracts from, any such information, documentation, books, records or relevant things at the premises in connection with the placement, display, promotion or dissemination of an online political advertisement, including in the case of information in non-legible form, copies of or extracts from such information in a permanent legible form or require that such a copy be provided, 10
- (e) make a record whether in writing, by photography or otherwise of any information, documentation, books, records or relevant things at the premises in connection with the placement, display, promotion or dissemination of an online political advertisement, 15
- (f) remove and retain such information, documentation, books, records or relevant things in connection with the placement, display, promotion or dissemination of an online political advertisement for such periods as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part, 20
- (g) require any such person to give to the authorised officer any information which the authorised officer may reasonably require in connection with the placement, display, promotion or dissemination of an online political advertisement,
- (h) require any such person to give to the authorised officer any other assistance or information which the authorised officer may reasonably require in connection with the placement, display, promotion or dissemination of an online political advertisement, 25
- (i) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the data equipment or any associated apparatus or material, to afford the authorised officer all reasonable assistance in relation to it and assist in the retrieval of information connected with the operation of such data equipment, apparatus or material, 30
- (j) summon, at any reasonable time, any other person employed in connection with the placement, display, promotion or dissemination of an online political advertisement to give the authorised officer any information which the authorised officer may reasonably require and to produce to the authorised officer any records which are in the power, possession or control of that other person, 35
- (k) carry out, or arrange to have carried out, inspections and such checks of the premises or relevant things on the premises as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part, 40

- (l) pay or make tender of payment for the purchase of an online political advertisement, or confirm, by such other manner as he or she considers appropriate, that the requirements of this Part are being complied with,
 - (m) require a person, who makes available facilities such as post office boxes, telecommunications or electronic mail addresses or other like facilities, to give him or her such assistance and information as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part in any case where the officer has reasonable grounds for believing that an online political advertisement is being commissioned by mail or other means of delivery,
 - (n) at the direction of the Commission, serve compliance notices, and
 - (o) take possession of and remove from the premises for examination and analysis any relevant things in connection with the placement, display, promotion or dissemination of an online political advertisement, and detain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part.
- (2) When performing a function under this Part, an authorised officer may, subject to any warrant under *subsection (5)*, be accompanied by such number of authorised officers or members of the Garda Síochána as he or she considers appropriate.
- (3) An authorised officer shall not enter a dwelling, other than—
- (a) with the consent of the occupier, or
 - (b) pursuant to a warrant under *subsection (5)*.
- (4) Where an authorised officer is, in the exercise of his or her powers under this section, prevented from entering any premises an application may be made under *subsection (5)* authorising such entry.
- (5) Without prejudice to the powers conferred on an authorised officer under this section, where a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds to suspect that—
- (a) there is information required by an authorised officer for the purposes of his or her functions under this Part on or at any, or any part of any dwelling,
 - (b) information, documentation (including documentation stored in non-legible form), books, records or relevant things referred to in *subsection (1)(a)* are being stored or kept in any dwelling, or
 - (c) a dwelling is occupied in whole or in part by an undertaking engaged in association with any trade, business or activity connected with the placement, display, promotion or dissemination of an online political advertisement,
- the judge may issue a warrant authorising an authorised officer (accompanied, where appropriate, by such other authorised officers or members of the Garda Síochána or both as may be necessary) at any time or times within one month of the date of issue of the warrant, on production if so requested of the warrant, to enter the premises or dwelling as the case may be, using reasonable force where necessary, and exercise all or any of the powers conferred on an authorised officer under this section.
- (6) A person who—

- (a) obstructs or interferes with an authorised officer or a member of the Garda Síochána in the course of exercising a power under this section,
 - (b) fails or refuses to comply with a requirement of an authorised officer or a member of the Garda Síochána under this section,
 - (c) fails or refuses to comply with a request of an authorised officer under *subsection (1)*, 5
 - (d) in purported compliance with a compliance notice gives information that is false or misleading in a material respect, or
 - (e) fails or refuses to comply with a requirement of an authorised officer under *subsection (7)*, 10
- shall be guilty of an offence.
- (7) Where an authorised officer, upon reasonable grounds, believes that a person has committed an offence under this Part, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides and, if the authorised officer considers it necessary, to produce corroborative evidence of his or her name and address. 15
- (8) A statement or admission made by a person pursuant to a requirement under *subsection (1)* shall not be admissible as evidence in proceedings brought against the person for an offence under this Act (other than an offence under *paragraph (a), (b), (c) or (d) of subsection (6)*). 20
- (9) The powers of an authorised officer conferred on him or her by or under this section shall apply, in like manner and with all necessary modifications, to the Commission.
- (10) In this section—
- “data equipment” means any electronic, photographic, magnetic, optical or other equipment for processing data; 25
- “record” includes, in addition to a record in writing—
- (a) a disc, tape, sound-track or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,
 - (b) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and 30
 - (c) a photograph,
- and any reference to a copy of a record includes—
- (i) in the case of a record to which *paragraph (a)* applies, a transcript of the sounds or signals embodied therein, 35
 - (ii) in the case of a record to which *paragraph (b)* applies, a still reproduction of the images embodied therein, and
 - (iii) in the case of a record to which *paragraph (a) and (b)* apply, such a transcript together with such a still reproduction. 40

Power of Commission to obtain information from online platform and buyer of online political advertisement

- 135.** (1) The Commission may at any time, by notice in writing, require an online platform or a buyer of an online political advertisement to provide it with such written information which the Commission shall specify in the notice as it considers necessary to enable it to carry out its functions under this Part. 5
- (2) An online platform or a buyer of an online political advertisement shall be guilty of an offence if he or she or it—
- (a) fails to comply with a requirement made under *subsection (1)* within the period specified in the notice or within such extended period as the Commission allows, or 10
- (b) in purporting to comply with such a requirement, provides to the Commission information that the online platform or buyer knows to be false or misleading.
- (3) In proceedings for an offence under *subsection (2)(a)*, it is a defence if the online platform or buyer of an online political advertisement establishes— 15
- (a) that he or she or it did not know and could not be reasonably expected to know or ascertain the required information, or
- (b) that the disclosure of the information was prohibited by a law of the State.
- (4) If, after being convicted of an offence under this section, an online platform or a buyer of an online political advertisement continues to fail to comply with the requirement made under *subsection (1)*, the online platform or the buyer commits a further offence on each day or part of a day during which the failure continues. 20

Power of Commission to request information from other persons

- 136.** (1) The Commission may require any person (other than an online platform or a buyer of an online political advertisement) who possesses information or possesses or controls a document or relevant thing that is relevant to the performance by the Commission of any of its functions under this Part to provide the information, document or thing to the Commission and, where appropriate, may require the person to attend before it for the purpose of the performance by the Commission of any of those functions. 25
- (2) A person referred to in *subsection (1)* shall co-operate with the Commission in its performance of its functions and answer fully and truthfully any question put to him or her by it. 30
- (3) Where a person fails to comply with a requirement made under *subsection (1)*, the Commission may apply to the High Court, on notice to the person, and the High Court may— 35
- (a) order the person to comply with the requirement, and
- (b) include in the order any other provision it considers necessary to enable the order to have full effect.
- (4) If the person fails to comply with an order of the High Court under *subsection (3)*, the Court may treat the failure for all purposes as if it were a contempt of the Court. 40

- (5) Any information, document or relevant thing provided by a person in accordance with a requirement made under *subsection (1)* shall not be admissible in any criminal proceedings against the person, and this shall be explained to the person in ordinary language by the Commission.
- (6) The power under *subsection (1)* is in addition to any other power conferred on the Commission, the chief executive, an authorised officer or member of staff of the Commission by this Part. 5

Offences and penalties

137. (1) A person guilty of an offence under this Part shall be liable—
- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or 10
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.
- (2) In proceedings for an offence under this Part, it shall be a defence for the accused to prove that the accused exercised due diligence and took all reasonable precautions to avoid commission of the offence. 15
- (3) Subject to *subsection (4)*, summary proceedings for an offence under this Part may be brought and prosecuted by the Commission.
- (4) Proceedings for an offence under this Part shall not be instituted except by or with the consent of the Director of Public Prosecutions. 20
- (5) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Part may be instituted within 2 years from the date on which the offence was committed or alleged to have been committed.
- (6) Where an offence under this Part is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 25 30
- (7) Where the affairs of a body corporate are managed by its members, *subsection (6)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.
- (8) (a) Where a person is convicted of an offence under this Part, the court may, where it is satisfied that there are good reasons for so doing, order the person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecutor in relation to the investigation, detection and prosecution of the offence, including the costs and expenses of and incidental to an examination of any information provided to the Commission or an authorised officer. 35 40
- (b) An order for costs and expenses referred to in *paragraph (a)* shall be in addition to and not instead of any fine or penalty the court may impose.

Online platform liable for acts of third parties engaged by it to carry out its obligations under this Part

- 138.** An online platform may either itself or by means of another service provider or agent engaged by the online platform for that purpose apply a measure or undertake any action required under this Part provided that the online platform remains liable— 5
- (a) for any failure to apply the measure or comply with any requirement, and
 - (b) for complying with any obligation imposed on the online platform under this Part.

Service of documents

- 139.** A notice or other document that is required to be served on or given to a person under this Part shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways: 10
- (a) by sending it to the person by electronic means to an email address, fax number or other electronic contact point used by the person for receiving emails, faxes or other electronic messages and a record that the email, fax or other electronic message has been sent to the person is made for the sender by the email system, fax machine or other electronic system used; 15
 - (b) by delivering it to the person;
 - (c) by leaving it at the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been furnished, at that address; 20
 - (d) by sending it by post in a prepaid registered letter or by any other form of recorded delivery service to the address referred to in *paragraph (c)*.

PART 5

ADVANCE POLLING DURING PANDEMIC OR COVID-19 25

CHAPTER 1

Amendment of Act of 1992

Amendment of Act of 1992 (advance polling)

- 140.** The Act of 1992 is amended by the insertion of the following section after section 96:

- “**96A.**(1) Notwithstanding section 96, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of the Electoral Commission, make an order providing that, in addition to the poll provided for under section 96— 30
- (a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 96, and 35

- (b) a poll referred to in paragraph (a) shall continue for such period, not being less than twelve hours, between the hours of 7 a.m. and 10.30 p.m.
- (2) An order under this section shall be published in *Iris Oifigiúil* as soon as may be after it is made. 5
- (3) The returning officer in a constituency to which an order under subsection (1) applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken.
- (4) In this section— 10
- ‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations; 15
- ‘pandemic’ means an outbreak of disease—
- (a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and
- (b) which has been declared by the World Health Organisation to be a pandemic.”. 20

CHAPTER 2

Amendment of Act of 1994

Amendment of Act of 1994 (advance polling)

- 141.** The Act of 1994 is amended by the insertion of the following section after section 10: 25
- “**10A.**(1) Notwithstanding section 10(1), section 11(1) and section 12(1), the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of the Electoral Commission, make an order providing that, in addition to a poll provided for under section 10(1), section 11(1) or section 12(1)— 30
- (a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 10(1), section 11(1) or section 12(1), and 35
- (b) a poll referred to in paragraph (a) shall continue for such period, not being less than twelve hours, between the hours of 7 a.m. and 10.30 p.m.
- (2) An order under this section shall be published in *Iris Oifigiúil* as soon as may be after it is made. 40

- (3) The returning officer in a constituency to which an order under subsection (1) applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken.
- (4) In this section— 5
- ‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations; 10
- ‘pandemic’ means an outbreak of disease—
- (a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and
- (b) which has been declared by the World Health Organisation to be a pandemic.”. 15

CHAPTER 3

Amendment of Act of 1993

Amendment of Act of 1993 (advance polling)

- 142.** The Act of 1993 is amended by the insertion of the following section after section 6: 20
- “**6A.** (1) Notwithstanding section 6(1) and section 8, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of the Electoral Commission, make an order providing that, in addition to 25
- a poll provided for under section 6(1) or section 8—
- (a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 6(1) or section 8, and
- (b) a poll referred to in paragraph (a) shall continue for such period, 30 not being less than twelve hours, between the hours of 7 a.m. and 10.30 p.m.
- (2) An order under this section shall be published in *Iris Oifigiúil* as soon as may be after it is made.
- (3) The returning officer in a constituency to which an order under 35 subsection (1) applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken.
- (4) In this section—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations; 5

‘pandemic’ means an outbreak of disease—

- (a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and
- (b) which has been declared by the World Health Organisation to be a pandemic.” 10

CHAPTER 4

Amendment of Act of 1997

Amendment of Act of 1997 (advance polling)

143. The Act of 1997 is amended by the insertion of the following section after section 10: 15

“**10A.**(1) Notwithstanding section 10, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of the Electoral Commission, make an order providing that, in addition to the poll provided for under section 10— 20

- (a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 10, and
- (b) a poll referred to in paragraph (a) shall continue for such period, not being less than twelve hours, between the hours of 7 a.m. and 10.30 p.m. 25

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

(3) The returning officer in a constituency to which an order under subsection (1) applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken. 30

(4) In this section—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations; 35

‘pandemic’ means an outbreak of disease—

- (a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and
- (b) which has been declared by the World Health Organisation to be a pandemic.”.

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CHAPTER 5

Amendment of Act of 2001

Amendment of Act of 2001 (advance polling)

144. The Act of 2001 is amended by the insertion of the following section after section 26:

“**26A.**(1) Notwithstanding section 26, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of the Electoral Commission, make an order providing that, in addition to the poll provided for under section 26—

10

15

(a) in one or more local authorities, an advance poll may be taken on the day before the day appointed by the Minister under section 26, and

(b) a poll referred to in paragraph (a) shall continue for such period, not being less than twelve hours, between the hours of 7 a.m. and 10.30 p.m.

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

(3) In this section—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

25

‘pandemic’ means an outbreak of disease—

30

(a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and

(b) which has been declared by the World Health Organisation to be a pandemic.”.

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Amendment of Local Elections Regulations 1995

Amendment of Local Elections Regulations 1995 (advance polling)

145. The Local Elections Regulations 1995 are amended by the insertion of the following article after article 50:

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“50A. The returning officer in a local authority to which an order under section 26A(1) of the Local Government Act 2001 applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken.”.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir leis an gCoimisiún Toghcháin a bhunú: do thabhairt don Choimisiún feidhmeanna áirithe i ndáil le Clár na bPáirtithe Polaitíochta a ullmhú agus a chothabháil; do dhéanamh socrú chun go ndéanfaidh an Coimisiún ábhar reifreann a mhíniú don phobal; do dhéanamh socrú chun go ndéanfaidh an Coimisiún faisnéis faoi phróisis toghcháin a sholáthar don phobal agus rannpháirteachas an phobail i bpróisis dhaonlathacha an Stáit a spreagadh; do dhéanamh socrú maidir leis an gCoimisiún d'athbhreithniú toghlach chun comhaltai a thoghadh chun Dáil Éireann agus chun Parlaimint na hEorpa; do dhéanamh socrú maidir leis an gCoimisiún d'athbhreithniú teorainneacha toghlimistéar údarás áitiúil; do thabhairt feidhm bheartais, thaghde agus chomhairleach don Choimisiún; do dhéanamh socrú chun go ndéanfaidh an Coimisiún formhaoirsiú ar chláir na dtoghthóirí; do thabhairt na cumhachta don Choimisiún chun caighdeán le haghaidh údarais chlárúcháin a leagan síos agus moltaí a dhéanamh d'údarais chlárúcháin nó don Aire i ndáil le toghthóirí a chlárú; do nuachóiriú na socrúithe chun toghthóirí a chlárú; do dhéanamh socrú maidir le clárú leanúnach ar bhonn iarratais ó phearsana aonair; do dhéanamh socrú maidir le comhroinnt riachtanach chuí sonraí d'fhonn cabhrú le húdarais chlárúcháin an clár a nuashonrú agus a chothabháil; do dhéanamh socrú maidir le tuairiscíú bliantúil ag údarais chlárúcháin don Choimisiún; do dhéanamh socrú chun go mbeinisteachas údarais chlárúcháin sainaimnithe bunachar sonraí comhroinnte lena úsáid ag údarais chlárúcháin i gcomhlíonadh a bhfeidhmeanna; do dhéanamh socrú maidir le clárú anaithnid i gcásanna teoranta áirithe; do sholáthar próiseas clárúcháin sonrach do dhaoine nach bhfuil seoladh seasta acu; do dhéanamh socrú maidir le liosta toghthóirí feithimh do dhaoine atá 16 bliana agus 17 mbliana d'aois; do dhéanamh socrú maidir le hearnálacha postvótálaithe a leathnú chun go n-áireofaí iontu vótálaithe speisialta in imthosca áirithe; do sholáthar creata chun go ndéanfaidh an Coimisiún fógraíocht pholaitiúil ar líne a rialáil le linn tréimhsí toghcháin; do dhéanamh socrú maidir le fógraíocht pholaitiúil ar líne a lipéadú; do dhéanamh socrú maidir le fógraí trédhearcachta le haghaidh fógraíocht pholaitiúla ar líne; do thabhairt na cumhachta don Choimisiún chun faireachán a dhéanamh ar chomhlíonadh, imscrúduithe a dhéanamh agus gníomh forfheidhmíocháin a dhéanamh faoin Acht seo a mhéid a bhaineann sé le fógraíocht pholaitiúil ar líne; d'éascú toghcháin le linn paindéime nó Covid-19; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Tithíochta, Rialtais Áitiúil agus
Oidhreacht a thíolaic,

30 Márta, 2022

BILL

(as initiated)

entitled

An Act to provide for the establishment of the Electoral Commission; to confer on the Commission certain functions in relation to the preparation and maintenance of the Register of Political Parties; to provide that the Commission shall explain, to the public, the subject matter of referendums; to provide that the Commission shall provide information, to the public, on electoral processes and encourage participation, by the public, in the democratic processes of the State; to provide for the review, by the Commission, of constituencies for the election of members to Dáil Éireann and to the European Parliament; to provide for the review, by the Commission, of local authority electoral area boundaries; to confer on the Commission a policy, research and advisory function; to provide that the Commission shall oversee the electoral register; to confer on the Commission the power to set standards for registration authorities and make recommendations to registration authorities or to the Minister in relation to the registration of electors; to modernise the arrangements for the registration of electors; to provide for continuous registration on the basis of individual application; to provide for necessary and appropriate data sharing to assist registration authorities in updating and maintaining the register; to provide for annual reporting by registration authorities to the Commission; to provide for a designated registration authority to manage a shared database for registration authorities to use in the performance of their functions; to provide for anonymous registration in certain limited cases; to provide a specific registration process for persons with no fixed address; to provide for a pending electors list for persons aged 16 and 17; to provide for the extension of postal voter categories to include special voters in certain circumstances; to provide a framework for the regulation of online political advertising during election periods by the Commission; to provide for the labelling of online political advertisements; to provide for transparency notices for online political advertisements; to confer on the Commission the power to monitor compliance, carry out investigations and take enforcement action under this Act in so far as it relates to online political advertising; to facilitate elections during a pandemic or Covid-19; and to provide for related matters.

Presented by the Minister for Housing, Local
Government and Heritage,

30th March, 2022

BAILE ÁTHA CLIATH
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