



**An Bille um Athchóiriú Toghcháin, 2022**  
**Electoral Reform Bill 2022**

*Meabhrán Miniúcháin*  
*Explanatory Memorandum*





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**ELECTORAL REFORM BILL 2022**

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**EXPLANATORY MEMORANDUM**

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**Introduction**

The Electoral Reform Bill 2022 provides for:

- The establishment of a statutory, independent Electoral Commission for Ireland.
- The modernisation of electoral registration processes.
- The regulation of online political advertising.
- Provisions to assist with the holding of electoral events where Covid-19-type restrictions are in place.
- The extension of voting facilities for persons with mental health difficulties in line with the facilities that are currently in place for persons with physical illnesses or disabilities.

Provisions of the Act:

**PART 1 - PRELIMINARY AND GENERAL**

**(SECTIONS 1 – 4)**

This Part contains general provisions, including the short title, collective citation, construction and commencement provisions (*section 1*), and interpretation provisions which set out a range of necessary definitions (*section 2*).

*Section 3* sets out the range of existing legislation being repealed.

*Section 4* is a standard expenses provision.

**PART 2 - ELECTORAL COMMISSION**

**(SECTIONS 5 – 76)**

This Part provides for the establishment of the Electoral Commission, which will conduct a range of electoral functions and oversee Ireland's electoral system and processes.

**CHAPTER 1**

**DEFINITIONS**

**(SECTION 5)**

*Section 5* sets out definitions which are particular to the establishment and functions of the Electoral Commission.

## CHAPTER 2

### ESTABLISHMENT OF COMMISSION

#### (SECTIONS 6 – 7)

This chapter provides for the Electoral Commission's establishment.

*Section 6* is a standard provision which provides for an establishment day for the new Commission.

*Section 7* contains a number of technical provisions regarding the establishment of the Commission as a body corporate with perpetual succession and an official seal.

## CHAPTER 3

### GOVERNANCE ARRANGEMENTS

#### (SECTIONS 8 – 28)

This chapter sets out the Commission's organisational structures, processes and accountability mechanisms.

*Section 8* sets out the composition of the Commission's membership. It describes a Commission which initially comprises seven members – a chairperson who is a serving or retired senior court judge nominated by the Chief Justice, two *ex officio* members (the Clerk of the Dáil and the Ombudsman) and four ordinary members. The section sets out the process whereby the chairperson and the ordinary members are appointed – the ordinary members are selected by the Public Appointments Service (PAS), recommended by Government and appointed by the President, following the passing of supporting resolutions by both Houses of the Oireachtas. The chairperson is appointed by the President, following the nomination of the Chief Justice. Arrangements for the pre-establishment designation of members are also provided for in this section.

*Section 9* details the process for the selection of persons to serve as ordinary members of the Commission. The Minister acts as focal point for the process, instigating the selection process by writing to the PAS and agreeing with PAS general selection criteria, receiving from PAS the details of the candidates which they recommend for appointment and bringing these recommendations to Government.

The PAS selection process involves the conducting of an open, publicly-advertised selection process which seeks candidates who fulfil the aforementioned general criteria, as well as, having skills and experience across a range of disciplines set out in subsection (4). The process ensures that the selection of candidates is effected independently of Government.

This section provides flexibility for the Commission, to request that its membership be expanded to a maximum of six ordinary members. Any additional skills and/or experience which the Commission sets out as being required of the membership in its request will then be additional to the list of the desired skills and experience (set out in subsection (4)) which apply to future selection processes.

*Section 10* sets out the terms and conditions of ordinary members. The length of term of ordinary members is defined as being a maximum of four years, with the possibility of serving a maximum of two terms. Where a member seeks re-appointment towards the end of their first term and the re-appointment is approved, it will not be necessary for them to participate in a selection competition or have their re-appointment endorsed via supporting motions from either House of the Oireachtas. In order to

achieve a gradual replacement of members, this section provides that two of the initially-appointed members serve terms of three years. Any further terms and conditions attaching to ordinary members – including levels of remuneration – will be set by the Government at the time of appointment or re-appointment.

*Section 11* is a standard provision which sets out circumstances under which persons will not be considered eligible for appointment as ordinary members of the Commission. These include being elected to either House of the Oireachtas, the European Parliament or a local authority. It also sets out circumstances where a person will be disqualified from holding office, or shall cease to be either a member of the Commission, or a member of a committee.

*Section 12* sets out the mechanism for the removal from office of members of the Commission. Given the Commission's accountability to the Houses of the Oireachtas, such a removal from office where certain grounds apply is effected via the passing of resolutions by both Houses of the Oireachtas recommending the removal. These grounds include: failure without reasonable excuse to discharge the duties of the office; incapacity through ill health of performing their functions; stated misbehaviour; or that their removal is necessary for the effective and efficient performance by the Commission of its functions.

*Section 13* provides for the organisation of its meetings by the Commission. The Commission is required to meet not less than once every three months, with a quorum of four members. Subject to this Act, the Commission regulates its own procedures.

*Section 14* allows for the establishment of Committees, which may carry out delegated functions of the Commission, and advise and assist the Commission in the performance of its functions. This section provides flexibility for Committees to include persons who are not members of the Commission or its staff, creating an avenue for the Commission to bring in additional skills and perspectives to assist it in its work.

*Section 15* provides for the appointment and engagement of consultants and advisers by the Commission to assist it in the performance of its functions.

*Section 16* is a standard provision which provides for the staffing of the Commission, the designation of staff as civil servants, and for their remuneration to be set according to civil service structures and processes.

*Section 17* sets out that the Commission's accounts shall be prepared in the standard public service format and provides for such accounts to be laid before the Houses of the Oireachtas.

*Section 18* sets out terms and conditions relating to the role of chairperson.

*Section 19* makes provision for a member of the Commission to act as deputy chairperson, performing the functions of the chairperson at their request, where the office of chairperson is vacant, or where the chairperson is unable to perform their functions.

*Section 20* defines the position of the chief executive of the Commission, sets out the terms and conditions of the post (including the length of term of office, scope for re-appointments and delegation) and defines the selection and appointment processes. The chief executive is appointed by the Government, on the advice of PAS, following an open, independent selection process conducted by PAS.

*Section 21* describes the role of the chief executive and sets out their accountability to the Commission.

*Section 22* describes the process by which the chief executive can be removed from office. Given the chief executive's accountability to the membership, removal is effected by a decision of a simple majority of the membership. The process of removal includes the opportunity for the chief executive to make representations to the members, and allows a period of at least 30 working days for such representations to be made.

*Sections 23 and 24* are standard-type provisions relating to the accountability of the chief executive to the Committee of Public Accounts and other Oireachtas Committees in respect of the accounts of the Commission and its general administration.

*Section 25* is a standard provision, defining the chief executive as the Accounting Officer, as it is intended that the Commission will be funded by its own Vote.

*Section 26* requires the Commission to prepare an annual report which will be laid before each House of the Oireachtas. It details the information which must be contained in the report. This provision is a facet of the Commission's direct accountability to the Oireachtas.

*Section 27* requires the Commission to prepare a strategy statement not later than 6 months after the commencement of this section. This statement will cover the period from its preparation to the third anniversary of the Commission's establishment. The Commission will outline its progress on implementation of the applicable strategy statement in each annual report. This section also provides for the preparation and publication of succeeding strategy statements, each of which shall cover consecutive three-year periods.

*Section 28* assures the Commission of the support of the Central Statistics Office and Ordnance Survey Ireland, transferring to the Commission such supports as are currently available to Constituency Commissions under section 11 of the Electoral Act 1997.

#### **CHAPTER 4**

### **FUNCTIONS OF ELECTORAL COMMISSION**

#### **(SECTION 29)**

*Section 29* summarises the functions of the Commission, as are provided for in Chapters 5 to 10.

#### **CHAPTER 5**

### **REFERENDUM FUNCTIONS**

#### **(SECTIONS 30 – 40)**

This chapter transfers the functions of Referendum Commissions to the Commission. This entails the repeal of the Referendum Act 1998 (as amended by the Referendum Act 2001 and the Court of Appeal Act 2014) and the restatement of the appropriate legislative provisions, amended to take account of their new organisational context.

*Section 30* sets out the Commission's functions relating to referendums, and the powers vested in the Commission in this regard. The Commission's functions are the preparation of statements explaining the subject matter of the proposal for referendums, the publication and distribution of these statements, and the promotion of public awareness of referendums and

encouragement of the public to vote at referendums. The latter is set out in accordance with section 66 (“Education function of Commission”).

The section also prohibits the Commission or its members from advocating for, or promoting a particular result at a referendum.

*Section 31* grants the Commission some free advertising on radio and television and exempts the Commission from the general prohibition on adverts which are directed towards a religious or political end, where such adverts are placed by the Commission relating to a referendum.

*Section 32* allows for the Commission to declare bodies as ‘approved bodies’ in respect of particular referendums, and sets out the process for the Commission to consider and rule on such an application. Approved bodies may have representatives present: (1) when postal ballot papers are being sent out and opened, (2) at polling stations, and (3) at the counting of the vote.

*Section 33* provides for the publication of referendum notices once the holding of a referendum is in train. Where the publication of such notices previously followed the establishment of a Referendum Commission, due to the continuing nature of the Commission, this has been updated so that the publication of notices follows the making of a Polling Day Order under sections 10 or 12 of the Referendum Act 1994.

*Section 34* gives the Commission the power to request such supporting documentation as may be required from a body seeking designation as an approved body under section 32 in order for the Commission to rule on the application.

*Section 35* provides for the referendum returning officers and local returning officers to be provided with the details of bodies approved under section 32, and bodies who have had their approved status revoked under section 32 or section 34.

*Section 36* allows for approved bodies to appoint agents in a similar manner as applies to members of Dáil Éireann and Seanad Éireann under section 26 of the Referendum Act 1994, and as applies in respect of personation agents at General Elections under section 60 of the Electoral Act 1992.

*Section 37* amends section 43 of the Referendum Act 1994 in respect of the grounds for referendum petitions, which can be brought to the High Court questioning the validity of results. The amendments replace references to Referendum Commissions with references to the Commission.

*Section 38* provides for the Commission to report to the Houses of the Oireachtas on the performance of its functions in respect of each referendum under this Act within six months of the polling day.

*Section 39* allows for offences referred to in section 32 and section 34 to apply to bodies corporate, and persons acting or purporting to act on behalf of the body corporate.

## **CHAPTER 6**

### **REGISTRATION OF POLITICAL PARTIES FUNCTIONS**

#### **(SECTIONS 40 – 54)**

Chapter 6 provides for the transfer of responsibility and functions relating to the oversight and maintenance of the Register of Political Parties from the Houses of the Oireachtas to the Commission.

*Section 40* defines the role of ‘Registrar of Political Parties’ and assigns it to the chief executive of the Commission. It also provides that the Registrar is independent in the performance of his or her duties.

*Section 41* defines the Register of Political Parties, in effect providing for its transfer from the Houses of the Oireachtas.

*Section 42* sets out the fundamentals of a political party making an application to be registered in the Register of Political Parties. It includes transitional provisions to address potential applications which are in process on the Commission’s establishment day.

*Section 43* provides for the inclusion of an emblem on a political party’s entry in the Register of Political Parties for use by candidates of the party on ballot papers, and includes qualifying criteria for such emblems.

*Section 44* sets out the requirements governing eligibility for registration on the Register of Political Parties.

*Section 45* sets out the acceptability criteria for the titles of political parties put forward for registration.

*Section 46* specifies the information which is entered in the Register of Political Parties in respect of each registered political party.

*Section 47* makes provision for the addition in the Register of Political Parties of information concerning membership of European political groupings or European political parties, where a party is registered as a party organised to contest a European election, or applies for such registration.

*Section 48* sets out the procedure to be followed by the Registrar in respect of informing an applicant of the Registrar’s decision in respect of an application for registration.

*Section 49* sets out the obligations of the Registrar and registered parties in respect of keeping the register up-to-date.

*Section 50* defines the procedures which govern appeals to the Commission against the decision of the Registrar in respect of an application for registration, amendment of particulars entered in the Register of Political Parties or the cancellation of a party’s registration.

This section provides that appeals will be adjudicated on by the Commission’s membership (which is termed the Board of the Commission).

*Section 51* assigns responsibility for the maintenance of the Register of Political Parties to the Registrar (the chief executive of the Commission) and provides for the means of complying with a Court Order requiring production of the Register of Political Parties.

*Section 52* obliges individuals and political parties applying for registration or the amendment of their registration to comply with requests for information (as may be reasonably required) from the Registrar for the performance of his/her duties.

*Section 53* specifies that the registration of parties may only have effect in respect of the type(s) of election for which they are registered. It also sets out that where a party’s registration is only in respect of contesting such types of election in specified parts of the State, that the registration only has effect in relation to that part of the State.

*Section 54* requires the Registrar to provide returning officers with a copy of the register no later than three days after the issuing of a writ/writs at a Dáil election.

## CHAPTER 7

### DÁIL AND EUROPEAN PARLIAMENT CONSTITUENCY REVIEW FUNCTIONS

(SECTIONS 55 – 58)

Chapter 7 provides for transfer to the Commission of the function of reviewing and reporting on Dáil and European Parliament constituencies from Constituency Commissions.

*Section 55* sets out the circumstances where the Commission will carry out Dáil and/or European Parliament electoral boundary reviews. Constituency Commissions were previously established by Ministerial Order, following the publication of the preliminary result of a Census by the Central Statistics Office, or in certain circumstances where the number of European Parliament seats allocated to Ireland has been amended. This section provides that Census-driven reviews will be undertaken by the Commission following the publication of preliminary results without a need for Ministerial Order, reflecting the independence of the Commission and the new organisational context for the function.

*Section 56* sets out the types of reports which the Commission is required to prepare, having regard to the circumstances which triggered the review. It also specifies the matters which the Commission will have regard to in conducting reviews and preparing reports under this chapter.

*Section 57* sets out the timelines for the Commission to present reports prepared under this chapter to the Joint Oireachtas Committee and lay same before the Houses of the Oireachtas. It also provides that reports may state that no alteration of boundaries is required.

*Section 58* provides the framework for the public to be informed of the Commission's undertaking of a review under this chapter, setting out the information to be provided by the Commission in a public statement, the particulars of how public submissions should be made and recorded, and requiring that all such statements be considered by the Commission in its review.

## CHAPTER 8

### LOCAL ELECTORAL AREA BOUNDARY REVIEW FUNCTIONS

(SECTIONS 59 – 62)

Chapter 8 provides for the transfer of the function of reviewing and reporting on local electoral area boundaries from Local Electoral Area Boundary Committees to the Commission.

*Section 59* amends section 32 of the Local Government Act 1991, requiring that before the Minister amends local electoral area boundaries under section 23 of the Local Government Act 2001, he or she first requests the Commission to prepare a report, and has regard to it when deciding to amend the boundary/boundaries. This has the effect of transferring the report-making function from Local Electoral Area Boundary Committees to the Commission.

*Section 60* stipulates that the Minister may, in his/her request to the Commission under section 32(2) of the Local Government Act 1991 (as amended by section 59), set out matters to which the Commission will have regard to in preparing its report. These matters are subject to the approval of both Houses of the Oireachtas. The section also requires local

authorities to provide the Commission with any information which it may need in preparing its report.

*Section 61* sets out that the Minister specifies the timeframe for the delivery by the Commission of its report.

*Section 62* requires that the Commission gives public notice of its preparation of a report under this chapter, and that the Commission makes provisions for the public and stakeholders to make submissions on the review. It further requires that the Commission have regard to all submissions received.

## **CHAPTER 9**

### **RESEARCH, ADVISORY AND VOTER EDUCATION FUNCTIONS**

#### **(SECTIONS 63 – 67)**

This chapter gives the Commission a function conducting research on electoral policy and procedure, promoting public awareness and participation in democratic processes and conducting reviews and reporting on the administration of electoral events.

*Section 63* requires the Commission to conduct research on electoral policy and procedure, including on matters relating to its other functions. A research programme is prepared annually (under *section 64*) in this regard.

*Section 65* assigns to the Commission an advisory role to the Minister and Government in respect of proposals for legislative change, or any other policy matters relating to electoral policy or procedures. It provides that any such reports are to be published shortly after submission to Government.

*Section 66* gives the Commission a broad public education role, requiring that it promotes public awareness of, and increases public participation in, the State's electoral and democratic processes via information and education campaigns.

*Section 67* assigns to the Commission a role of reviewing and reporting on the administration of electoral events. It provides that such reports include information on the assistance provided to persons with disabilities under existing legislation.

## **CHAPTER 10**

### **OVERSIGHT OF ELECTORAL REGISTER**

#### **(SECTION 68)**

*Section 68* assigns to the Commission responsibility for the oversight of the electoral register, researching and considering the accuracy and completeness of the electoral register across registration authorities, and the activities undertaken by registration authorities in updating the electoral register. The Commission's findings will be set out in an annual report. The Commission will include in such annual reports an assessment of how well electoral registers are functioning, and make recommendations as to how improvements can be made. It will be open to the Commission to set standards for registration authorities, and make recommendations for legislative changes to electoral registration processes to the Minister.

## CHAPTER 11

### AMENDMENTS OF OTHER ACTS

#### (SECTIONS 69 – 76)

This chapter sets out consequential amendments to other legislation which are necessitated by the foregoing chapters in this Part.

*Section 69* replaces references to the Referendum Commission in the Broadcasting Act 2009 with references to the Electoral Commission, and references to the Referendum Act 1998 with references to this Act. These references include:

- the exemption of a Referendum Commission from the prohibition on political advertising; and
- the provision of some free advertising time to Referendum Commissions in the performance of their functions.

*Section 70* replaces references to the Referendum Commission in the Data Protection Act 2018 with references to the Electoral Commission. These references consist of provisions for:

- a Referendum Commission to process personal data revealing political opinions (subject to the appropriate safeguards);
- a Referendum Commission to conduct direct mailing in the course of its functions; and
- the removal of the right for individuals to object to the processing of personal data by a Referendum Commission in the performance of its functions.

*Section 71* replaces internal references within the Electoral Act 1992 relating to the registration of political parties with references to this Act. This is necessitated due to the repeal of Part 3 of that Act, which provided for the Register of Political Parties, and the insertion of its (updated) provisions into chapter 6 of this Part.

*Section 72* removes a reference to the Clerk of the Dáil's role of Registrar of Political Parties, given that this role is now transferring to the chief executive of the Commission.

*Section 73* updates a reference to the Register of Political Parties' legislative basis, similarly to section 72.

*Section 74* updates a reference to the Register of Political Parties' legislative basis, similarly to section 72.

*Section 75* updates a reference to the Register of Political Parties' legislative basis, similarly to section 72.

*Section 76* updates several references to the Register of Political Parties' legislative basis, similarly to section 72.

### **PART 3 - FRANCHISE AND REGISTRATION OF ELECTORS**

#### (SECTIONS 77 - 116)

This Part provides for the modernisation of arrangements for the registration of electors; including continuous registration on the basis of individual application; necessary and appropriate data sharing to assist registration authorities in updating and maintaining the register; annual reporting by registration authorities to the Commission; for a designated registration authority to manage a shared database for registration authorities to use in the performance of their functions; for anonymous

registration in certain limited cases; for a specific registration process for persons with no fixed address; for a pending electors list for persons aged 16 and 17; and to provide for the extension of postal voter categories to include special voters in certain circumstances.

## CHAPTER 1

### AMENDMENTS TO THE ELECTORAL ACT 1992

#### (SECTIONS 77 TO 104)

*Section 77* amends section 6 of the Electoral Act 1992 which sets out definitions for Part II of that Act which relates to the registration of electors. It includes new definitions and amends existing definitions. It also removes definitions that are no longer needed, including references to the edited register and qualifying dates.

*Section 78* amends section 7 of the Electoral Act 1992 and updates the collective citations for the Presidential Acts and the Referendum Acts, and removes references to a qualifying date as this is no longer needed on foot of the introduction of a rolling register.

*Section 79* amends section 8 of the Electoral Act 1992 by removing references to a qualifying date that are no longer needed on foot of the move to a rolling register.

*Section 80* amends section 9 of the Electoral Act 1992 by removing references to a qualifying date that are no longer needed on foot of the move to a rolling register.

*Section 81* amends section 10 of the Electoral Act 1992 by removing references to a qualifying date that are no longer needed on foot of the move to a rolling register.

*Section 82* amends section 11 of the Electoral Act 1992 to remove references to a qualifying date that are no longer needed on foot of the move to a rolling register. It also includes a new provision to enable a person who is not resident at any premises at the time of application to provide an address for correspondence and an address at which they spend their time. The details are further elaborated in the amended Second Schedule to the Electoral Act 1992. It also provides for a review of this new provision within three years of its coming into operation.

*Section 83* amends section 12 of the Electoral Act 1992 by updating references including those arising on foot of the move to a rolling register.

*Section 84* amends section 13 of the Electoral Act 1992 to provide for the move to a rolling register. It retains and updates the definition of register and provides that the register in force continues to be in force on commencement of this section, becoming the electoral register to be maintained and published on an ongoing basis in accordance with the revised processes being set out in the Electoral Reform Act 2022.

*Section 85* replaces existing section 13B of the Electoral Act 1992, a never used provision related to a potential national register, and provides that one registration authority, which will be prescribed by regulation as a 'designated registration authority' can manage a shared database for all registration authorities, and for associated matters related to the shared database. It also requires the designated registration authority to report annually to the Electoral Commission.

*Section 86* inserts a new section 13D in the Electoral Act 1992, to provide that the register of electors may only be used for electoral or other

statutory purposes. These provisions were previously set out in section 13A relating to the edited register, which is being repealed.

*Section 87* inserts a new section 13E to the Electoral Act 1992 to provide for data sharing between registration authorities in relation to the electoral register. It also provides for data-sharing to enable the confirmation of ‘identifying particulars’ between the Minister for Social Protection and registration authorities and the designated registration authority. This section also provides for the conduct of a possible periodic data sharing exercise between a Minister of the Government or a specified public body and a registration authority, in accordance with an Order by the Minister.

*Section 88* amends section 14 of the Electoral Act 1992 to update provisions relating to the postal voters list, including by removing the limitation on illness or disability to ‘physical’. It adds a reference to anonymous electors and provides for the inclusion of the closing dates that apply to applications to the postal voters list in this section.

*Section 89* amends section 15C of the Electoral Act 1992 to remove references no longer required in the context of a rolling register, and to update cross-references.

*Section 90* inserts a new section 15D to the Electoral Act 1992 to provide for individual applications to the register or to amend details. It also provides that registration authorities consider such applications and sets out the right of appeal in cases of refusal.

*Section 91* inserts a new section 15E in the Electoral Act 1992 to provide for anonymous registration where a person’s safety may be compromised by publication of their details; it sets out the supporting documentation required, and related matters, including a future review of this provision.

*Section 92* amends section 17 of the Electoral Act 1992 which relates to applications to be on the special voters list, by removing the limitation on illness or disability to ‘physical’ illness or disability, and provides for the specific inclusion of the closing dates for applications.

*Section 93* inserts a new section 17A in the Electoral Act 1992 to provide for pre-registration of 16 and 17 year olds on a pending electors list and for the inclusion of these persons on the register from when they turn 18.

*Section 94* amends section 19 of the Electoral Act 1992 to remove a reference which becomes outdated in the context of a rolling register.

*Section 95* amends section 20 of the Electoral Act 1992 which sets out the registration duties of each registration authority in relation to maintaining the register of electors and making it available for inspection.

*Section 96* inserts a new section 20A in the Electoral Act 1992. It requires reports to be submitted by registration authorities to the Electoral Commission each year setting out their activities in relation to the register for the preceding year. These reports feed into the oversight function of the Commission, as set out in section 68 of the Electoral Reform Act 2022.

*Section 97* amends section 21 of the Electoral Act 1992 by updating references in relation to appeals, including by introducing reference to the general appeals process being set out in a new Rule 39 of the Second Schedule to the Electoral Act 1992.

*Section 98* inserts a new section 21A in the Electoral Act 1992, setting out the revised process whereby any person can notify the registration authority of any changes they consider necessary to the register in respect of entries that are not their own.

*Section 99* amends section 46 of the Electoral Act 1992 which is a technical amendment that deletes a reference that is outdated as a result of the move to a rolling register.

*Section 100* amends section 78 of the Electoral Act 1992 to insert new definitions in relation to voting by special voters to support provisions being made in section 101.

*Section 101* inserts a new section 84A in the Electoral Act 1992 to provide for arrangements to facilitate voting when the ordinary place of residence of the special voter is not accessible to the special presiding officer.

*Section 102* amends section 99 of the Electoral Act 1992 which relates to persons in the employment of returning offices, by updating references on foot of the move to a rolling register, and updating cross-references relating to the postal voters list.

*Section 103* amends section 133 of the Electoral Act 1992 by updating existing provisions to remove outdated references and expanding the existing provisions on offences to cover the new application processes being set out; it also further specifies the offence relating to misuse of the register.

*Section 104* amends the Second Schedule to the Electoral Act 1992 in line with the revisions made in this chapter; to set out in more detail the operation and processes for these sections; to set out relevant and updated definitions; to amend outdated references and delete provisions where necessary; and to move provisions to more appropriate places where relevant.

#### PART I – THE REGISTER OF ELECTORS

The following Rules are amended:

*Rule 1* is being substituted with new provisions which provide for the closing of the register for amendments before a polling day, and for publication in advance of an election or referendum.

*Rule 2* is amended by updating references.

*Rule 4* is deleted, and is now provided for in Rule 32 in Part VI of the Second Schedule, which brings together provisions on postal voting.

*Rule 5* is substituted with new text which provides for the maintenance of the register, activities that can be undertaken and information that can be sought by registration authorities to update the register.

*Rule 6* is deleted as it relates to the draft register which will no longer be required on foot of the move to a rolling register.

*Rule 7* is amended to set out details of how a third party claim to amend the register will operate. This will be dealt with by the registration authority in the first instance and a decision can be appealed, by the person affected, to the county registrar.

*Rule 8* is deleted. A general appeal provision is set out in Rule 39.

*Rule 9* updates the process for a county registrar to make a claim for a correction to the register and provides that in such cases a different county registrar is to hear any appeal arising.

*Rule 10* is amended, and sets out details in relation to the correction of the register by a registration authority including provision that

where an authority seeks to delete a name from the register, there will be three documented attempts to contact the person concerned informing them of the process to update their details.

*Rule 11* concerns corrections by registration authorities and provides for the right of appeal and the giving of notice of same.

*Rule 12* is deleted.

*Rule 13* is substituted with new provisions which outline arrangements for the publication and inspection of the register, including the making available of the register to specified persons, including elected representatives, and the Minister if requested.

*Rule 14* is being substituted to provide for the making available of the register for inspection and provides that where a registration authority does so that they draw the attention of the person to the provisions of sections 13D and 133 of the Electoral Act 1992 relating to the use of the register.

#### PART 1A – EDITED VERSION OF THE REGISTER OF ELECTORS

This part is being deleted as the edited register is being abolished.

#### PART II – SUPPLEMENT TO THE REGISTER OF ELECTORS

*Rule 14A* is amended in the first instance to remove the limitation on illness or disability to a ‘physical’ illness or disability. On commencement of the remaining sections of Part III of the Electoral Reform Act 2022, those amendments will be carried through to other sections and enable the deletion of Part II, which is no longer relevant on foot of the move to a rolling register.

#### PART III – SPECIAL VOTERS LIST

*Rule 19* is amended to update certain references and removes the requirement for a medical certification to provide details as to the nature of a person’s illness. It also removes the limitation on illness or disability to ‘physical’ illness or disability.

*Rule 21* is amended to provide for an annual process for notifying the public of the option to apply to be on the special voters list.

*Rule 23* is amended to update references in the context of a rolling register, to include a right of appeal and to provide that such arrangements can be given for a specific duration. The closing dates for applications for a special voting arrangement are now included in the amended section 17 of the Electoral Act 1992 so the reference here is removed.

#### PART IV – GENERAL

*Rule 26* is substituted to provide that contact can be made using the details provided by a person for that purpose.

*Rule 27* is substituted to allow registration authorities to make enquiries that may extend to matters outside the registration area.

*Rule 28* is a new rule inserted to provide that where registration authorities have the facilities in place, electronic or digital means may be used for communication or submission of documents.

## NEW PART V – APPLICATION FOR ENTRY IN THE REGISTER OF ELECTORS

*Rule 29* is a new rule setting out requirements for individual registration under section 15D; it adds a verification step to the registration process and details some supporting information, the provision of which may be required by the registration authority.

*Rule 30* is a new rule which sets out the process for changing the name and/or address of electors, including regarding supporting documentation, and the submission of the form to the registration authority where the elector currently resides, and sets out the right of appeal in case of refusal.

*Rule 31* is a new rule regarding a change of citizenship to Irish citizenship, and the relevant application process, and rights of appeal in case of refusal.

## NEW PART VI – POSTAL VOTERS LIST

*Rule 32* was previously Rule 4, which provides for the postal voters list.

*Rule 33* is a new rule which sets out the application process, and information requirements for the postal voters list, and sets out the right of appeal. It also provides that a postal voting arrangement can be given for a specific duration.

*Rule 34* is a new rule which re-states existing requirements for entry to the postal voters list for a person who is a member of the Garda Síochána, Defence Forces, or a person to whom section 12 applies.

*Rule 35* brings together and updates existing provisions setting out requirements for entry to the postal voters list for a person with an illness or disability.

## NEW PART VII – ANONYMOUS ELECTORS, ELECTORS WITH NO FIXED ADDRESS AND PRE-REGISTRATION OF PERSONS THAT HAVE REACHED 16 YEARS OF AGE BUT HAVE NOT REACHED 18 YEARS OF AGE

*Rule 36* is a new rule which sets out further details of the application process for an anonymous elector under section 15E.

*Rule 37* is a new rule which sets out the application process under section 11(7) for electors with no fixed address, including provision for an appeal to the county registrar.

*Rule 38* is a new rule which sets out the process for application to the pending electors list, and similarly to Rule 29, includes a verification step and information requirements.

## NEW PART VIII– APPEAL TO COUNTY REGISTRAR

*Rule 39* is a new rule which sets out in detail the process in respect of an appeal against the decision of a registration authority to the county registrar. It sets out the process of appeal, decision and notification. It also includes provision for the county registrar to notify the public of the latest date for making appeals in advance of an electoral event.

## CHAPTER 2

### AMENDMENTS TO THE ELECTORAL ACT 1997

#### (SECTIONS 105 - 108)

*Section 105* amends section 63 of the Electoral Act 1997 updating references in respect of the appeals mechanism and closing dates.

*Section 106* amends section 64 of the Electoral Act 1997. This is a consequential amendment arising from the amendment made to section 63.

*Section 107* amends section 66 of the Electoral Act 1997. This is a consequential amendment arising on foot of the move to rolling registration and provides for an annual process for notifying the public of the option to apply to be on the postal voters list.

*Section 108* amends section 67 of the Electoral Act 1997, which provides for the right to appeal the decision of the registration authority to the county registrar and redirects the references to closing dates.

## CHAPTER 3

### AMENDMENTS TO OTHER ENACTMENTS

#### (SECTIONS 109 - 116)

*Section 109* amends section 2 of the Electoral (Amendment) Act 2006, removing references to the draft register and the dates for making claims that are no longer relevant on foot of the move to rolling registration.

*Section 110* amends section 3 of the Electoral (Amendment) Act 2006. This is a consequential amendment arising from the move to rolling registration. It provides that where a polling day has been appointed an application shall be sent to the registration authority so as to be received before the dates set out in section 14(2) of the Electoral Act 1992, as amended.

*Section 111* amends section 5 of the Electoral (Amendment) Act 2006, removing references to the qualifying date as it is no longer applicable in the context of a rolling register and provides for an annual notification process.

*Section 112* amends section 6 of the Electoral (Amendment) Act 2006, updating the reference to the right to appeal when an application is refused.

*Section 113* amends the European Parliament Elections Act 1997 by, in section 12, providing for consequential amendments arising from a move to a rolling register; in Rule 41 of Part V of the Second Schedule the insertion of new definitions; the insertion after Rule 47 of a new rule which relates to the making of arrangements for those on the special voters list where the place where they are ordinarily resident is not accessible; and in Rule 60, the updating of references in relation to arrangements for persons in the employment of the returning officer.

*Section 114* amends the Local Elections Regulations 1995 by providing in Article 14 for amendments arising from the move to a rolling register; and by inserting a new Article 48A which relates to the issuing of a postal vote for those on the special voters list where the place where they are ordinarily resident is not accessible, and for related matters.

*Section 115* amends sections 29 and 31 of the Referendum Act 1994 to update the references in relation to arrangements for persons in the employment of the returning officer.

*Section 116* amends section 41 and 43 of the Presidential Elections Act 1993 to update the references in relation to arrangements for persons in the employment of the returning officer.

#### **PART 4 - REGULATION OF ONLINE POLITICAL ADVERTISING**

##### **(SECTIONS 117 – 139)**

This Part sets out the regulatory framework to ensure there is transparency in respect of online political advertisements which are purchased for placement, display, promotion or dissemination during electoral periods. Online political advertisements shall be clearly labelled as ‘political’ and shall be accompanied by a transparency notice setting out specified information for the viewers of such advertisements.

*Section 117* sets out the interpretation provisions and a number of key definitions that are specific to the provisions of Part 4.

*Section 118* provides that the provisions of Part 4 apply to the purchase, whether directly or indirectly or through an intermediary, for placement, display, promotion or dissemination on an online platform of a political advertisement during an electoral period.

*Section 119* provides that each online political advertisement purchased for placement, display, promotion or dissemination during an electoral period shall be clearly labelled as a ‘political advert’ and shall include a button, icon, tab, hyperlink or other connection which shall connect the user to a transparency notice on the online platform. A transparency notice shall be maintained and updated in real time and shall display:

- the name, postal address, email address and website address of the buyer of the online political advertisement and, where different, the name, postal address, email address and the website address of the person who paid for the advertisement;
- confirmation of whether micro-targeting was applied and, where applicable, a description of the criteria used and the online platform’s policy in respect of any such micro-targeting;
- confirmation of whether the target audience contains a ‘look-alike’ target list and, where applicable, a description of the characteristics of the target audience and the online platform’s policy in respect of any such ‘look-alike’ targeting;
- the amount paid for the online political advertisement, including the amounts paid for content creation and for online placement, display and promotion;
- the number of days during which the online political advertisement will be placed, displayed and promoted on the online platform and the start and end date of the online advertising campaign;
- the estimated size of the audience that the buyer intends the online political advertisement to reach and the number of times the advertisement has been viewed by users;
- an indication of the election or referendum to which the advertisement relates;
- a link or connection to the online platform’s archive or library which shall be established under this section; and
- information and contact details relevant to the online platform where a person may notify the platform that an online political advertisement does not comply with the requirements of Part 4.

*Section 120* provides that online platforms shall take measures to verify the identity and the address of the buyers of online political advertisements, shall request information and documents for that purpose and shall keep records of the measures applied and information, documents or records obtained by it. Where an online platform cannot verify the identity and address of the buyer of an online political advertisement, it shall not place, display, promote or disseminate the advertisement on its platform.

*Section 121* sets out the specific measures that online platforms shall take to verify the identity of the buyers of online political advertisements and to confirm their addresses. Verification of identity shall be confirmed on the basis of official documents from a Department of State, a national authority of the State or from the national governmental authorities of another state. Confirmation of address shall be ascertained by official documents, documents from either a regulated financial service provider or other utility or service provider. In addition, the online platform shall obtain from the buyer of an online political advertisement a written statement, verified by a statutory declaration, confirming that:

- that the funds for the purchase of the online political advertisement have been provided by the buyer; or
- if the funds have been provided by a person other than the buyer, the identity of the person who has provided the funds for the purchase of the online political advertisement and that the person is not prohibited by law from purchasing such an advertisement for placement; and
- that the buyer of the online political advertisement is not controlled by any other person, company, body corporate or unincorporated body of persons, or if the buyer is so controlled, the name and address of the person exercising ultimate control over the buyer.

An online platform which is unable to apply the measures set out in this section as a result of any failure on the part of the buyer to provide the online platform with documents or information required shall not place, display, promote or disseminate any online political advertisement purchased by the buyer on its platform.

*Section 122* provides that the buyers of online political advertisements shall provide the necessary information and documents to online platforms and shall comply with reasonable requests from online platforms for additional information and documents as may be required. Where a buyer decides not to provide such information and documents to an online platform, the buyer shall confirm that decision in writing to the online platform.

*Section 123* provides that an online political advertisement shall not be placed, displayed, promoted or disseminated in the State by a person resident at an address outside the State, unless the buyer:

- is a natural person and provides evidence that he or she is a citizen of Ireland;
- is a company, body corporate or an unincorporated body of persons, and the buyer provides evidence that it is registered in the State and 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;
- is a natural person and provides evidence that he or she is a national of a Member State of the European Union (other than the State) and the online political advertisement relates to an election to the European

Parliament in accordance with the European Parliament Elections Act 1997;

- is a company, body corporate or an unincorporated body of persons, and the buyer provides evidence that it is registered in a Member State of the European Union (other than the 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 in accordance with the European Parliament Elections Act 1997; or
- 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 in accordance with the European Parliament Elections Act 1997.

*Section 124* provides that notices placed or displayed on online platforms by specified persons for the purpose of performing their statutory functions under the Electoral Acts shall not be construed as being online political advertisements under this Act.

*Section 125* provides that, for the purposes of Part 4, the Electoral Commission shall have a wide range of specified functions to enable it to monitor online political advertisements, online platforms and the buyers of online political advertisements, to encourage compliance which may include the publication of notices containing practical guidance, to carry out investigations, to publish reports and to enforce the provisions of Part 4. 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.

*Section 126* provides that the Electoral Commission may appoint 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 of its functions under this Part. The appointment of an authorised officer shall be in writing and an authorised officer shall be furnished with a warrant of his or her appointment.

*Section 127* provides that the Electoral Commission may, for the purpose of performing its functions under this Part, monitor the placement, display, promotion or dissemination of online political advertisements on online platforms by the buyers of online political advertisements and of compliance by online platforms and the buyers of online political advertisements with their obligations under this Part. The Commission may also make arrangements with other suitable persons for the carrying out of monitoring on its behalf by way of entering into a contract or otherwise as may be considered appropriate.

*Section 128* provides that the Electoral Commission may examine or investigate, or authorise or direct a member of its staff to examine or investigate, or appoint an authorised officer to examine or investigate, any suspected contravention of this Part. The member of staff or authorised officer may make such inquiries as he or she considers appropriate and may require any person to furnish without delay any information, document or thing in the possession or procurement of that person which he or she may require for the purposes of an investigation. An investigation shall be carried out with all due expedition consistent with fairness and efficiency.

Following an investigation, the member of staff or authorised officer shall prepare a draft report of his or her findings and shall provide

his or her draft report to any person who, in his or her opinion, may be contravening or has contravened his or her obligations under this Part. The member of staff or authorised officer shall invite any such person to make submissions in writing within a specified period, shall revise his or her draft report having considered such submissions and shall present his or her report to the Commission for its consideration.

Following consideration of the report and any recommendations the member of staff or authorised officer has made, the Commission shall:

- take no further action;
- if it is satisfied that a contravention is taking or has taken place, issue a compliance notice to any person whom the Commission considers is contravening or has contravened the requirements of this Part;
- publish the report of the investigation; or
- 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.

The Commission may exercise any of its powers under this Part either during or outside of an electoral period, including the bringing of a prosecution for an offence that may have been committed.

*Section 129* provides that where the Commission is satisfied that there has been a contravention by a person of the obligations under this Part, it may serve a compliance notice on that person which shall, among other things, direct that person to take such action to remedy the contravention within a specified timeframe.

Subject to an appeal to the District Court, the Commission may amend, extend or withdraw a compliance notice without prejudice to the serving of another compliance notice in the same matter or in a different matter as the circumstances may require.

Failure by a person to comply with a compliance notice is an offence. Where a person does not comply with a compliance notice, the Commission may apply to the District Court for an order directing the person to comply with the notice. A person may appeal a compliance notice to the District Court.

*Section 130* provides that a person, on whom a compliance notice is served, may appeal that notice to the District Court. An appeal shall be made not later than seven days from the date on which the compliance notice was served, shall be in writing and shall 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. The appeal shall also be addressed to the Commission which shall have a right to appear, be heard and adduce evidence on the hearing of the appeal. In determining an appeal, the District Court may confirm, vary or set aside the compliance notice. Where a compliance notice is set aside, the District Court may require a fresh investigation in the matter to be carried out by the Commission.

*Section 131* provides that where, during an electoral period, the chief executive is satisfied from information available to him or her 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 to a person directing that person to do, or to refrain from doing, anything which the chief executive specifies in the direction to bring the contravention to an end. This section only applies during an electoral period and is without prejudice to the provisions of section 129 on compliance notices. A direction shall take effect immediately upon service on the person to whom it is addressed and may, among other things, include a requirement to suspend an online

political advertisement and its accompanying transparency notice from an online platform.

Subject to an appeal to the Board of the Commission, the chief executive may amend, extend or withdraw a direction without prejudice to the serving of another direction in the same matter or in a different matter as the circumstance may require.

Failure by a person to comply with a direction is an offence. Where a person does not comply with a direction, the chief executive may apply to the High Court for an order directing the person to comply with the direction. A person may appeal a direction to the Board of the Commission.

*Section 132* provides that a person, on whom a direction is served, may appeal that direction to the Board of the Commission. The making of an appeal shall not, pending the outcome of the appeal, affect the operation of the direction, unless the Board of the Commission otherwise directs. An appeal shall be made not later than three days from the date on which the compliance notice was served, shall be in writing to the chairperson of the Board and shall 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.

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. 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 its website. In determining an appeal, the Board of the Commission may confirm, vary or cancel the direction. An appeal shall be heard by the Board of the Commission or by such specified member or members of the Board as may be appointed by the Board of the Commission.

*Section 133* provides that online platforms and buyers of online political advertisements shall retain information, documents and records evidencing the procedures and measures applied, and the information and documents provided for the purposes of demonstrating compliance with the requirements of this Part for a period of 30 months from the date of the purchase of an online political advertisement.

All documents, information or records shall be retained in the State and may be kept wholly or partly in electronic, mechanical or other non-written form on the proviso that they are capable of being reproduced in a written form. The documents, information or records required to be retained shall be made available on request to the Commission, its chief executive, an authorised officer or a member of an Garda Síochána.

*Section 134* provides a wide range of powers to authorised officers to assist them in monitoring, investigating and taking appropriate action where contravention of the requirements of this Part have taken place or are taking place.

*Section 135* provides an explicit power to the Commission, by way of a notice in writing, to obtain written information from online platforms and the buyers of online political advertising. Failure by an online platform or the buyer of an online political advertisement to comply with a written notice is an offence.

*Section 136* provides an explicit power to the Commission to require any person (other than an online platform or the buyer of an online political advertisement) who possesses information, documents or relevant things that are relevant to the performance by the Commission of its functions

under this Part to provide such information, documents or relevant things to the Commission. In addition, the Commission may, where appropriate, require a person to attend before it for the purpose of the performance of its functions under this Part and a person shall co-operate with the Commission in this regard.

*Section 137* provides for offences and penalties under this Part. A person guilty of an offence shall be liable:

- on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or
- on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

Summary proceedings for an offence under this Part may be brought and prosecuted by the Commission, with the consent of the Director of Public Prosecutions, and may be instituted within 2 years from the date on which the offence was committed or alleged to have been committed.

*Section 138* provides that an online platform may undertake any action or measure under this Part through a third party although the online platform will remain liable for any failure by a third party to apply an action or measure or to comply with any requirement that falls within the responsibility of the online platform.

*Section 139* provides that 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 served on or given to the person in one of the following ways:

- by sending it to the person by electronic means to an email address, fax number or other electronic contact point used by the person (provided that a record is made by the electronic system to confirm that the notice has been sent to the person);
- by delivering it to the person;
- 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; or
- by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or carries on business.

## **PART 5 - ADVANCE POLLING DURING PANDEMIC OR COVID-19**

### **(Sections 140 – 145)**

This Part sets out legislative amendments to electoral law to assist with the holding of polls where public health restrictions are in place during a pandemic.

#### **CHAPTER 1**

#### **AMENDMENTS OF ACT OF 1992**

#### **(SECTION 140)**

*Section 140* inserts a new section 96A into the Electoral Act 1992 to enable the Minister to make an order with the consent of the Electoral Commission, in the event of a pandemic or Covid-19 posing a serious and exceptional risk to human life and public health, providing for an advance poll in one or more constituencies on the day before the day appointed by

the Minister for a poll at a Dáil election under section 96 of the Electoral Act 1992. Such an advance poll would continue for a period of no less than 12 hours, between the hours of 7 a.m. and 10.30 p.m. and the returning officer in a constituency to which an order under the new section 96A(1) applies shall give public notice of the day and times on which the advance poll will take place. The new section 96A also provides that an order made under subsection (1) of the same section shall be published in *Iris Oifigiúil* as soon as it is made.

## **CHAPTER 2**

### **AMENDMENT OF ACT OF 1994**

#### **(SECTION 141)**

*Section 141* inserts a new section 10A into the Referendum Act 1994 to enable the Minister to make an order with the consent of the Electoral Commission, in the event of a pandemic or Covid-19 posing a serious and exceptional risk to human life and public health, providing for an advance poll in one or more constituencies on the day before the day appointed by the Minister for the poll at a referendum under section 10(1), section 11(1) or section 12(1) of the Referendum Act 1994. Such an advance poll would continue for a period of no less than 12 hours, between the hours of 7 a.m. and 10.30 p.m. and the returning officer in a constituency to which an order under the new section 10A(1) applies shall give public notice of the day and times on which the advance poll will take place. The new section 10A also provides that an order made under subsection (1) of the same section shall be published in *Iris Oifigiúil* as soon as it is made.

## **CHAPTER 3**

### **AMENDMENT OF PRESIDENTIAL ELECTIONS ACT 1993**

#### **(SECTION 142)**

*Section 142* inserts a new section 6A into the Presidential Elections Act 1993 to enable the Minister to make an order with the consent of the Electoral Commission, in the event of a pandemic or Covid-19 posing a serious and exceptional risk to human life and public health, providing for an advance poll in one or more constituencies on the day before the day appointed by the Minister for polling under section 6(1) or section 8 of the Presidential Elections Act 1993. Such an advance poll would continue for a period of no less than 12 hours, between the hours of 7 a.m. and 10.30 p.m. and the returning officer in a constituency to which an order under the new section 6A(1) applies shall give public notice of the day and times on which the advance poll will take place. The new section 6A also provides that an order made under subsection (1) of the same section shall be published in *Iris Oifigiúil* as soon as it is made.

## **CHAPTER 4**

### **AMENDMENT OF ACT OF 1997**

#### **(SECTION 143)**

*Section 143* inserts a new section 10A into the European Parliament Elections Act 1997 to enable the Minister to make an order with the consent of the Electoral Commission, in the event of a pandemic or Covid-19 posing a serious and exceptional risk to human life and public health, providing for an advance poll in one or more constituencies on the day before the day appointed by the Minister for a poll at a European election under section 10 of the European Parliament Elections Act 1997.

Such an advance poll would continue for a period of no less than 12 hours, between the hours of 7 a.m. and 10.30 p.m. and the returning officer in a constituency to which an order under the new section 10A(1) applies shall give public notice of the day and times on which the advance poll will take place. The new section 10A also provides that an order made under subsection (1) of the same section shall be published in *Iris Oifigiúil* as soon as it is made.

#### **CHAPTER 5**

#### **AMENDMENT OF ACT OF 2001**

#### **(SECTION 144)**

*Section 144* inserts a new section 26A into the Local Government Act 2001 to enable the Minister to make an order with the consent of the Electoral Commission, in the event of a pandemic or Covid-19 posing a serious and exceptional risk to human life and public health, providing for an advance poll in one or more local authorities on the day before the day appointed by the Minister for a poll at local elections under section 26 of the Local Government Act 2001. The new section 26A also provides that an order made under subsection (1) of the same section shall be published in *Iris Oifigiúil* as soon as it is made and that an advance poll would continue for a period of no less than 12 hours, between the hours of 7 a.m. and 10.30 p.m.

#### **CHAPTER 6**

#### **AMENDMENT OF LOCAL ELECTIONS REGULATIONS 1995**

#### **(SECTION 145)**

*Section 145* amends the Local Elections Regulations 1995 (S.I. No. 297 of 1995) by the insertion of a new regulation 50A which provides that the returning officer in a local authority to which an order under the new section 26A(1) of the Local Government Act 2001 applies shall give public notice of the day and times on which the advance poll will take place.

*An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta,  
Márta 2022.*