Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 2 *of* 1997

EUROPEAN PARLIAMENT ELECTIONS ACT 1997

REVISED

Updated to 1 October 2025

This Revised Act is an administrative consolidation of the *European Parliament Elections Act 1997* (2/1997). It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, and all statutory instruments up to and including the *Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025* (S.I. No. 467 of 2025), made 1 October 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 2 *of* 1997

EUROPEAN PARLIAMENT ELECTIONS ACT 1997

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Number 2 *of* 1997

EUROPEAN PARLIAMENT ELECTIONS ACT 1997

REVISED

Updated to 1 October 2025

AN ACT TO CONSOLIDATE WITH AMENDMENTS THE ENACTMENTS RELATING TO ELECTIONS TO THE EUROPEAN PARLIAMENT AND TO GIVE EFFECT TO COUNCIL DIRECTIVE NO. 93/109/EC OF 6 DECEMBER, 1993 AND TO PROVIDE FOR RELATED MATTERS.

[24*th February*, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short title collective citation, construction and commencement.

1.—(1) This Act may be cited as the European Parliament Elections Act, 1997.

(2) Parts II, III, IV and XXIII of and the Second Schedule to the Act of 1992, so far as they relate to European elections and European electors, and this Act may be cited together as the European Parliament Elections Acts, 1992 to 1997, and shall be construed together as one Act.

(3) This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act.

(4) An order made under *subsection (3)* shall be laid before each House of the Oireachtas as soon as may be after it is made.

Interpretation.

2.—(1) In this Act—

"the Act of 1992" means the Electoral Act, 1992;

F1**[**"chief returning officer" has the meaning assigned to it by *section 15A*;**]**

"competent administrative authority" in relation to a Member State means the competent administrative authority designated by that Member State for the purposes of F2**[**Articles 6, 7 and 13**]** of the Directive;

"county" means an administrative county;

"Dáil" means Dáil Éireann;

F2**[**"Directive" means Council Directive 93/109/EC of 6 December 1993[2] laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, as amended by Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals;**]**

"election" means an election of representatives to the European Parliament;

"the European Communities" has the same meaning as in the European Communities Acts, 1972 to 1995;

"European election" has the meaning assigned to it by *section 7*;

"European elector" means a person who is entitled to vote at a European election;

"excluded day" has the meaning given to it by *rule 150* of the *Second Schedule*;

"home Member State" in relation to any person means the Member State of which the person is a national;

"local returning officer" means a person who pursuant to *section 17(1)* is a local returning officer for the purpose of this Act and includes a deputy or acting local returning officer pursuant to that section;

"Member State" means a Member State of the European Communities;

"the Minister" means the Minister for the Environment;

"non-party candidate" means a candidate who is not the candidate of a registered political party;

"the Parliament" means the Parliament of the European Communities;

"petition" means a petition presented to the High Court under this Act;

"the polling day", except where the context otherwise requires, has the meaning assigned to it by *section 10(1)*;

"the postal voters list" means the list prepared pursuant to section 14 of the Act of 1992 so far as it relates to European electors;

"registered political party" means a party which pursuant to section 25 of the Act of 1992 is for the time being registered in the Register of Political Parties as a party organised to contest a European election;

F3**[**"relevant postal service provider" has the meaning assigned to it by section 61 of the Communications Regulation (Postal Services) Act 2011;**]**

"replacement candidate" means a replacement candidate for the purposes of this Act;

"replacement candidates list" has the meaning assigned to it by *rule 17* of the *Second Schedule*;

"returning officer" means a person who is appointed by the Minister under *section 16(1)* to be a returning officer for the purposes of this Act;

"Seanad" means Seanad Éireann;

"the special voters list" means the list prepared pursuant to section 17 of the Act of 1992 so far as it relates to European electors;

[2] OJ No. L329 of 30.12.93, p. 34

"the treaties" means the treaties governing the European Communities (within the meaning of section 1 (as amended, whether before or after the passing of this Act) of the European Communities Act, 1972);

(2) In this Act—

(*a*) a reference to a section, Schedule or part of a Schedule is to a section of or a Schedule or part of a Schedule to this Act, unless it is indicated that reference to some other enactment is intended;

(*b*) a reference to a subsection, paragraph, subparagraph or rule is to a subsection, paragraph, subparagraph or rule of the provision (including a Schedule) in which the reference occurs, unless it is indicated that reference to some other provision is intended;

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Regulations.

3.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Expenses.

4.—(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be F4**[**sanctioned by the Minister for Finance with the consent of the Minister for Public Expenditure and Reform**]**, be paid out of moneys provided by the Oireachtas.

(2) The expenses incurred by reason of this Act by F5**[**a relevant postal service provider**]** (whether such expenses relate to the exercise by candidates of the right of free postage conferred by *rule 22* of the *Second Schedule* or are otherwise so incurred in relation to a European election) shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of the Central Fund or the growing produce thereof.

Repeals.

5.—The enactments mentioned in *Part I* of the *First Schedule* are hereby repealed, and the regulations mentioned in *Part II* of the said Schedule are hereby revoked, to the extent specified in the *third column* of that Schedule.

PART II

Elections

Registration of European electors.

6.—(1) Subject to *subsection (3)*, a person referred to in section 9 of the Act of 1992, who is a national of a Member State other than the State , shall not be entitled to be registered as a European elector in a constituency unless such person—

(*a*) applies to be so registered by completing an application paper in the form directed by the Minister, and

(*b*) furnishes to the registration authority a statutory declaration stating—

(i) the nationality of the person,

(ii) the address in the State at which the person is ordinarily resident,

(iii) where applicable, the locality or constituency in the person's home Member State on the electoral roll of which the person's name was last entered, and

(iv) the intention of such person to exercise the right to vote at a European election in the State only.

F6**[**(1A) It shall be lawful for a member of the Garda Síochána or an official of the registration authority to take and receive a statutory declaration referred to in *subsection (1)*.**]**

(2) Where a registration authority receives a statutory declaration referred to in *subsection (1)* it shall, as soon as may be, forward a copy of the declaration to the Minister who shall transmit such copy to the competent administrative authority of the home Member State of the person to whom the said declaration relates.

(3) *Subsection (1)* shall not apply in relation to any person who was registered as a European elector in a constituency in a register of electors which came into force in the year 1994 including any supplement thereto published under section 15 of the Act of 1992.

(4) Where a citizen of Ireland applies to be entered on the electoral roll in the Member State, other than the State or the United Kingdom, in which the citizen resides, the Minister shall, on the request of the competent administrative authority of the Member State concerned, furnish to the said authority such relevant information available to the Minister as would indicate whether the citizen has the right to vote at an election in the State.

Method of election.

7.—(1) Elections of representatives to the Parliament shall be held and each such election (in this Act referred to as "a European election") shall be conducted in accordance with this Act, and in case a European election is contested, the poll shall be taken according to the principle of proportional representation, each elector having one transferable vote.

(2) Voting at a European election shall be by secret ballot.

(3) In this section "transferable vote" means a vote which is—

(*a*) capable of being given so as to indicate the voter's preference for the candidates in order, and

(*b*) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is excluded from the list of candidates.

Right to vote.

8.—Subject to *rule 72* of the *Second Schedule*, every person whose name is on the register of European electors for the time being in force for a constituency, and no other person, shall be entitled to vote at the poll at a European election in that constituency.

Manner of voting.

9.—(1) Subject to *subsections (2)* and *(3)*, a person who is entitled to vote at a European election shall be entitled to vote in person only and at the polling station allotted to him or her, or, in case the person is authorised under *rule 60* or *61* of the *Second Schedule* by a local returning officer, at the polling station specified in the authorisation.

(2) Every European elector whose name is, at the time of a European election, in the postal voters list for a county or county borough or any part thereof situate in a

constituency shall be entitled to vote in that constituency at the poll at such election by sending the ballot paper by post to the local returning officer for that county or county borough and shall not be entitled to vote in any other manner.

(3) Every European elector whose name is, at the time of a European election, in the special voters list for a county or county borough or any part thereof situate in a constituency shall be entitled to vote in that constituency at the poll at such election in accordance with *rule 45* of the *Second Schedule* and shall not be entitled to vote in any other manner.

Polling day and commencement of count.

10.—(1) The poll at a European election shall—

(*a*) be taken on such day as shall be appointed by the Minister by order (which order shall be made not less than F8**[**sixty days**]** before the day thereby appointed), and

(*b*) shall continue for such period, not being less than twelve hours, between the hours of F9**[**7 a.m.**]** and 10.30 p.m. as may be appointed by the said order, subject to the restriction that the same day and the same period shall be so appointed for all constituencies,

and the day so appointed is in this Act referred to as "the polling day".

F10**[**(1A) Notwithstanding *subsection (1)(b)*, where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period appointed by the Minister by order under *subsection (1)(b)*, the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

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

(1C) In *subsection (1A)*, "local circumstances" includes:

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

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

(*c*) advance forecasts of stress of weather;

(*d*) foreseen transport difficulties.**]**

(2) The counting of the votes at a European election shall begin on the day and at the time appointed by the Minister by order.

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

F11**[**Advance polling.

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 An Coimisiún Toghcháin, make an order providing that, in addition to the poll provided for under *section 10*—

(*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.

(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.

(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;

"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.**]**

Eligibility for election to and membership of the Parliament.

11.—(1) Subject to the following subsections of this section, every person who has reached the age of 21 years F12**[**on polling day or, if there is no polling day in relation to the constituency concerned by reason of the operation of *Rule 23(1)(b)*, the day which is polling day generally throughout the State in relation to the election concerned**]** and is either—

(*a*) a citizen of Ireland, or

(*b*) a national of a Member State other than the State and ordinarily resident in the State,

shall be eligible for election under this Act to be a representative in the Parliament and for nomination under this Act as a replacement candidate.

(2) A person shall not be eligible under *subsection (1)* if the person—

(*a*) is subject to any of the disqualifications applicable to membership of the Dáil referred to in F13**[**paragraphs (*f*) to (*j*)**]** of section 41 of the Act of 1992, or

(*b*) holds office as a Judge or as the Comptroller and Auditor General, or

(*c*) being a citizen of Ireland, is a candidate at the relevant election in a Member State other than the State, or

F14**[**(*d*) being a national of a Member State other than the State F15**[**...**]**, stands deprived, as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, of the right to stand as a candidate under the law of that person's home Member State, or**]**

F16**[**(*e*) is a Minister of the Government, or

(*f*) is a member of the Government of another Member State, or

(*g*) is a member of the Commission of the European Communities, or

(*h*) is a Judge, Advocate-General or Registrar of the Court of Justice of the European Communities or the Court of First Instance attached to that Court, or

(*i*) is a member of the Board of Directors of the European Central Bank, or

(*j*) is a member of the Court of Auditors of the European Communities, or

(*k*) is the Ombudsman of the European Communities, or

(*l*) is a member of the Economic and Social Committee of the European Community and the European Atomic Energy Community, or

(*m*) is a member of a committee or other body established pursuant to the Treaties establishing the European Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or performing a permanent direct administrative task, or

(*n*) is a member of the Board of Directors, Management Committee or the staff of the European Investment Bank, or

(*o*) is an active official or servant of—

(i) any of the institutions of the European Communities,

(ii) any of the specialised bodies attached to those institutions, or

(iii) the European Central Bank.**]**

F17**[**(3) Where a citizen of Ireland proposes to stand as a candidate at an election in the Member State, other than the State F15**[**...**]**, in which the citizen resides, the Minister (who shall be the competent administrative authority for the State) shall, as soon as practicable and not later than five working days after receipt of notification from a Member State of a declaration made by that citizen referred to in Article 10(1) of the Directive, furnish to the Member State any information available to the Minister indicating whether the citizen stands deprived, as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, of the right to stand as a candidate under the law of the State.**]**

F18**[**(4) (*a*) A person who is elected under this Act to be a representative in the Parliament, and who when so elected, holds office as—

(i) the Attorney General,

(ii) the Chairman or Deputy Chairman of the Dáil or the Chairman or Deputy Chairman of the Seanad, or

(iii) a Minister of State,

shall, on such election and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, cease to hold that office.

(*b*) A person who pursuant to *section 19* of this Act is to be regarded as having been elected to be a representative in the Parliament or when he or she commences to be so regarded holds office as—

(i) the Attorney General,

(ii) the Chairman or Deputy Chairman of the Dáil or the Chairman or Deputy Chairman of the Seanad, or

(iii) a Minister of State,

shall on being regarded as having being so elected, on the day on which he or she commences to be so regarded, and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, cease to hold that office.**]**

F19**[**(4A) F20**[**(*a*) A person who is elected under this Act to be a representative in the Parliament, and who, when so elected, is a member of either House of the Oireachtas, shall on such election and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, cease to be a member of the House of the Oireachtas concerned.**]**

F20**[**(*b*) A person who pursuant to *section 19* of this Act is to be regarded as having been elected to be a representative in the Parliament or when he or she commences to be so regarded, and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, shall cease to be a member of the House of the Oireachtas concerned.**]**

(*c*) In this subsection "member of either House of the Oireachtas" means a member of the Dáil or Seanad other than—

(i) a Minister of the Government,

(ii) a Minister of State, or

(iii) the Chairman or Deputy Chairman of the Dáil or the Chairman or Deputy Chairman of the Seanad.**]**

F21**[**(5) If while a person is a member of the European Parliament the person—

(*a*) becomes subject to any of the disqualifications referred to in *paragraph (a)* of *subsection (2)*, or

(*b*) becomes the holder of an office or the occupier of a position, as the case may be, referred to in *paragraph (b)*, *(e)*, *(f)*, *(g)*, *(h)*, *(i)*, *(j)*, *(k)*, *(l)*, *(m)*, *(n)* or *(o)* of *subsection (2)* or *subsection (4)*, or,

(*c*) is elected as a member of the Dáil or is elected or nominated as a F22**[**member of the Seanad, or**]**

F23**[**(*d*) is deemed to be elected as Mayor of Limerick under paragraph 54 of Chapter 12 of Schedule 2 to the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024,**]**

the person shall thereupon cease to be a member of the Parliament.**]**

F24**[**Forfeiture of office order under Criminal Justice (Corruption Offences) Act 2018.

11A.—If while a person is a member of the European Parliament an order for the forfeiture of the office of the person as such a member under subsection (4)(b) of section 17 of the Criminal Justice (Corruption Offences) Act 2018 takes effect under subsection (6) of that section, he or she shall thereupon cease to be such a member.**]**

F25**[**Nomination of candidates and replacement candidates.

12.—(1) At a European election a person may nominate himself or herself as a candidate or may, with his or her consent, be nominated by another person (being a person registered as a European elector in the constituency for which the person proposes to nominate the candidate) as proposer.

(2) In the case of a candidate whose candidature is not authenticated by a certificate of political affiliation under *rule 5(3)* of the *Second Schedule*, one or other of the following paragraphs shall, F26**[**at or before the latest relevant time specified in *rule 10* for the receipt of that candidate's nomination**]**, be complied with:

(*a*) the candidate's nomination shall have been assented to by 60 persons (excluding the candidate and any proposer) who are registered as European electors in the constituency (each of whom in this Act is referred to as an "assentor");

(*b*) the candidate, or someone on his or her behalf, shall have made a deposit in accordance with *section 13*.

(3) The following provisions apply in respect of the assents required by *subsection (2)(a)* to the nomination of a candidate referred to in that subsection:

(*a*) to assent to the nomination, an assentor shall make a statutory declaration in the prescribed form stating the following:

(i) his or her number (including polling district letters) on the register of European electors F27**[**...**]** on the date of the making of the statutory declaration;

(ii) his or her place of ordinary residence in respect of which he or she is registered in the register of European electors referred to in *subparagraph (i)*;

(iii) his or her contact details, including telephone numbers (if any);

(iv) the name of the European Parliament constituency, on the date of the making of the statutory declaration, in which he or she is ordinarily resident;

(v) the name and address of the candidate;

(vi) the form of identification produced by him or her in accordance with *paragraph (b)*, including any number on it that distinguishes it from similar forms held by others;

(vii) that he or she assents to the nomination of the candidate;

(viii) that he or she has not assented to the nomination of any other candidate in respect of that European election;

(*b*) when making the statutory declaration referred to in *paragraph (a)*, the assentor shall produce to the person taking and receiving the declaration a prescribed photographic identification and shall, on so doing, be deemed, for the purposes of the Statutory Declarations Act 1938, to be personally known to the person taking and receiving the declaration;

(*c*) the assent shall have effect as respects, and only as respects, the European Parliament constituency in which the place referred to in *paragraph (a)(ii)* is situate at the time of the European election concerned;

(*d*) F27**[**...**]** the assent shall have effect as respects, and only as respects, the European election in the constituency referred to in *paragraph (c)* held next after the making of the statutory declaration;

(*e*) F27**[**...**]**

(*f*) the candidate or proposer shall attach the required number of statutory declarations (that is to say, the 60 statutory declarations constituting the assents) to the nomination paper and the nomination paper delivered to the returning officer in accordance with *rule 11* of the *Second Schedule* shall have the declarations so attached;

(*g*) where more than the required number of statutory declarations is attached to the nomination paper, the declarations (up to the required number) first attached to the nomination paper shall be taken into account to the exclusion of any others;

(*h*) it shall be lawful for a member of the Garda Síochána or an official of the registration authority to take and receive a statutory declaration referred to in *paragraph (a)* and any such declaration shall be stamped by the member or official concerned;

(*i*) a registration authority and a returning officer shall arrange for the provision of forms for the purposes of making a statutory declaration referred to in *paragraph (a)* free of charge to any person who requests such a form.

(4) For the purposes of *subsections (2)(a)* and *(3)*, a person whose application to have his or her name entered in F27**[**...**]** the register of European electors is approved by the registration authority at or before F26**[**the latest relevant time for delivery of the relevant candidate's nomination paper**]** to the returning officer shall be deemed to be registered as a European elector in the applicable constituency.

(5) At a European election—

(*a*) a registered political party, and

(*b*) a person who in relation to the election is a non-party candidate,

may, subject to and in accordance with *rules 17, 18* and *19* of the *Second Schedule*, nominate one or more persons, with the consent of the person or persons concerned, to be as regards the election replacement candidates.

(6) Subject to *rule 17(b)* of the *Second Schedule*, a person who is a candidate at a European election shall be eligible for nomination as a replacement candidate.

(7) At a European election a person may not be nominated as a candidate or as a replacement candidate in respect of more than one constituency.**]**

F28**[**Deposit by candidates.

13.—(1) This section applies to a candidate referred to in *section 12(2)* unless the candidate concerned has opted to have his or her nomination assented to by the means specified in *section 12(2)(a)* and *(3)*.

(2) A candidate at a European election referred to in *section 12(2)*, or someone on his or her behalf, may, F29**[**at or before the latest relevant time specified in *rule 10* for the receipt of that candidate's nomination**]**, deposit with the returning officer the sum of €1,800, and if he or she fails to do so, his or her candidature shall be deemed to have been withdrawn.

(3) The deposit that may be made by or on behalf of a candidate pursuant to this section may be made by means of legal tender or, with the consent of the returning officer, in any other manner.**]**

F30**[**Return or disposal of deposit.

13A.—(1) The deposit referred to in *section 13* shall be returned where the candidate—

(*a*) withdraws his or her candidature in accordance with *rule 15* of the F31**[***Second Schedule*, or whose candidature is deemed to have been withdrawn in accordance with *rule 6(4)* of that Schedule**]**,

(*b*) dies before the poll is closed,

(*c*) has not, F31**[**at or before the latest relevant time specified in *rule 10* for the receipt of that candidate's nomination**]**, been validly nominated as a candidate,

(*d*) is elected, or

(*e*) is not elected but the greatest number of votes credited to him or her at any stage of the counting of the votes at the European election exceeds one quarter of the quota.

(2) Any deposit which is not returned under the foregoing subsection shall be forfeited.

(3) Where a deposit is to be returned under *subsection (1)* it shall be returned to the person by whom it was made, provided that a deposit made by a person who dies before the deposit is returned shall be returned to the personal representative of that person.

(4) A deposit forfeited under this section shall be disposed of by the returning officer in such manner as may be directed by the Minister for Finance.

(5) In this section "personal representative" has the meaning assigned to it by section 3 of the Succession Act 1965.**]**

Conduct of elections.

14.—The rules contained in the *Second Schedule*, other than *Parts XIII* and *XV* thereof, shall have effect in relation to a European elections.

Constituencies.

15.—(1) The constituencies for which candidates shall be elected under this Act to be representatives in the Parliament shall be those specified in the *Third Schedule* and the number of representatives to be so elected for such a constituency shall be the number specified in respect thereof in the *third column* of that Schedule.

(2) The Minister shall, having considered any report presented on statutory authority to each House of the Oireachtas recommending any alteration in the constituencies for which candidates shall be elected under this Act to be representatives in the Parliament, and not later than the first day of December, 2003 and at least once in every ten years thereafter, submit to the Oireachtas proposals for a review of the said constituencies.

F32**[**(3) An area specified in the *Third Schedule* shall be taken to be that area as constituted on 1 October 2023.**]**

F33**[**(4) Sections 28 and 29 of the Local Government Act 2019 shall apply for the purposes of the holding of European elections in the year 2019 as they apply for the purposes of the holding of local elections in that year, subject to the following modifications in section 28—

(*a*) by the substitution of "European" for "local government" in paragraph (b) of subsection (1),

(*b*) by the substitution of "European" for "local government" in subsection (2), and

(*c*) by the substitution of "this Act" for "Part 4 of the Principal Act" in subsection (3).**]**

F34**[**Chief returning officer.

15A.—(1) Not later than the day on which an order appointing the polling day at a European election is made, the Minister shall appoint a person to be the chief returning officer for the purposes of this Act.

(2) It shall be the duty of the chief returning officer to receive the returns furnished to him or her in pursuance of this Act by the returning officer for each constituency, to make in the prescribed form to the Parliament a return of the persons elected pursuant to this Act and to do such other things in respect of a European election as he or she is required by law to do.

(3) There shall be charged on and paid out of the Central Fund or the growing produce thereof to the chief returning officer such sums as the F35**[**Minister for Finance shall, with the approval of the Minister for Public Expenditure and Reform,**]** sanction for that officer's services and expenses in respect of a European election.**]**

Returning officers.

16.—(1) There shall for the purposes of this Act be a returning officer in respect of each constituency specified in the *Third Schedule* and the returning officer for a constituency shall be such one of the persons, who by virtue of *section 17* is the local returning officer for a county or county borough wholly or partly situate in the constituency, as the Minister may from time to time appoint.

(2) It shall be the general duty of the returning officer to do all such acts and things, other than acts or things which are by this Act required to be done by a local returning officer, as may be necessary for effectually conducting a European election in that officer's constituency in accordance with this Act, to ascertain and declare the results of the election and to furnish to the F36**[**chief returning officer**]** a return of the persons elected for the constituency.

(3) Where the returning officer is prevented by illness or other reasonable cause from performing all or any of the duties of returning officer, the Minister shall appoint a person, who by virtue of *section 17* is the local returning officer for a county or county borough wholly or partly situate in the constituency, to act as returning officer during the period of the prevention and a reference in this Act to a returning officer shall, where appropriate, include a reference to an acting returning officer.

(4) An appointment of a person as returning officer under section 14(1) of the European Assembly Elections Act, 1977 which was in operation immediately before the commencement of this section shall be deemed to be an appointment under *subsection (1)*.

Local returning officers.

17.—(1) There shall for the purposes of this Act be a local returning officer for every county or county borough wholly or partly situate in a constituency and the local returning officer shall be—

(*a*) in the case of the counties of Cork, Dun Laoghaire-Rathdown, Fingal and South Dublin and the county boroughs of Cork and Dublin, the sheriff, and

(*b*) in every other case, the county registrar.

(2) Subject to *subsection (3)(a)*, it shall be the duty of a local returning officer—

(*a*) to take the poll at a European election in the part of the constituency for which he or she is the local returning officer,

(*b*) to do such acts and things as he or she is otherwise by this Act required to do, and

(*c*) to render such assistance to the returning officer for the said constituency as that returning officer may require,

and if any doubt arises as to the duties of a local returning officer, the doubt shall be determined by the Minister.

(3) (*a*) Where a local returning officer is appointed under *section 16* to be the returning officer for a constituency, it shall be lawful for the said officer to appoint a deputy local returning officer for the discharge of all or any particular part of his or her duties as local returning officer.

(*b*) Where at an election the same person is local returning officer for two or more counties or for a county and a county borough, the person may appoint in respect of each county or county borough (except one) a deputy local returning officer to open the ballot boxes and verify the ballot paper accounts.

(4) Where a vacancy occurs in the office of county registrar or sheriff and the holder was a local returning officer or a local returning officer is prevented by illness or other reasonable cause from performing all or any of his or her duties, the Minister shall, where appropriate, appoint a person to act as local returning officer during the period of the vacancy or prevention.

(5) A reference in this Act to the local returning officer shall, where appropriate, be construed as including a reference to a deputy or acting local returning officer.

Expenses of returning officers and local returning officers.

18.—(1) F37**[**The Minister for Public Expenditure and Reform**]** shall, in respect of such services and expenses where it is practicable to do so, prepare a scale of maximum charges for returning officers and local returning officers and F37**[**the Minister for Finance shall, upon the request of the Minister for Public Expenditure and Reform, recoup to**]** (or, where appropriate, pay on behalf of) every such officer out of the Central Fund or the growing produce thereof the officer's reasonable charges in relation to every European election in respect of which he or she is the returning officer or local returning officer, not exceeding the maximum charges specified in the scale prepared under this subsection and applying for the time being.

(2) The Minister for Finance shall, in respect of services and expenses which are not covered by the foregoing subsection F37**[**, and upon the request of the Minister for Public Expenditure and Reform, recoup to**]** (or, where appropriate, pay on behalf of) every returning officer and local returning officer out of the Central Fund or the growing produce thereof the officer's reasonable charges in relation to every European election in respect of which he or she is the returning officer or local returning officer. For the avoidance of doubt, the expenses which may be recouped under this subsection shall include expenses incurred by a returning officer or local returning officer in being represented at and meeting any damages and costs in legal proceedings (except where the court is satisfied that such officer has been grossly negligent in the discharge of the duties of the office). For the purposes of this subsection "legal proceedings" shall not include the trial of petitions presented in accordance with the provisions of *section 21* of this Act.

(3) For the purpose of the payment of charges under this section, the returning officer or local returning officer, as the case may be, shall submit an account (or, where necessary, accounts) to the Minister for Finance and the said Minister may issue to returning officers and local returning officers directions as to the time when and the manner and form in which the accounts shall be submitted.

(4) The Minister for Finance may, if he or she thinks fit, before payment of a returning officer's or local returning officer's charges under this section apply to a judge of the Circuit Court having jurisdiction in the constituency concerned for the taxation of an account submitted by the returning officer or local returning officer (which shall be in the form directed by the Minister for Finance) and the judge shall tax such account and determine the amount payable thereunder.

(5) The taxation under this section of the account of a returning officer or local returning officer shall, if the judge so directs on the application of such officer, include determination of the amount of any claim made by any person against such officer in respect of any matter charged for in such account.

F38**[**(6) On the request of a returning officer or local returning officer for an advance on account of the officer's charges, the Minister for Finance may, F37**[**with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister**]**, (irrespective of whether the scale of charges referred to in *subsection (1)* has been prepared or not), if the Minister for Finance thinks fit, and on such terms as the said Minister of the Government thinks fit, make such an advance.**]**

Casual vacancies.

19.—(1) Where a casual vacancy occurs amongst the persons who by virtue of this Act are representatives in the Parliament, the vacancy shall be filled in accordance with *Part XIII* of the *Second Schedule*.

(2) In this section "a casual vacancy" means—

(*a*) a vacancy occasioned by a person who, though elected or regarded as having been elected to the Parliament pursuant to this Act, is, by virtue of any provision laid down under the treaties, not entitled to assume the office of representative in the Parliament, or

(*b*) a vacancy occasioned by a person having ceased to be a representative in the Parliament otherwise than by the effluxion of time or in consequence of the

making of an order under *section 21* by the High Court or in the circumstances referred to in *rule 23(2)* of the *Second Schedule*.

Inspection of ballot papers and other documents.

20.—(1) No person shall be allowed to inspect any of the documents mentioned in *subsection (2)* except under an order of the High Court.

(2) The documents referred to in *subsection (1)* are:

(*a*) the counterfoils of the ballot papers sent to postal voters under *rule 32* of the *Second Schedule*,

(*b*) the documents mentioned in *paragraphs (2)* and *(3)* of *rule 39* of the said Schedule,

(*c*) the counterfoils of the ballot papers delivered to special voters under *rule 45* of the said Schedule,

(*d*) the documents mentioned in *subparagraphs (a)* and *(b)* of *rule 93(1)* of the said Schedule, and

(*e*) the documents mentioned in *subparagraphs (a)* and *(c)* of *rule 93(3)* of the said Schedule.

(3) An order referred to in *subsection (1)* shall not be made unless the court is satisfied that the inspection or production of such documents is required for the purposes of instituting or maintaining a prosecution for an offence under this Act or for the purpose of a petition.

(4) An order referred to in *subsection (1)* may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court may think expedient, and shall make provision to ensure that the manner in which any voter voted shall not be disclosed.

(5) Where an order F39**[**of a court (including an order under *subsection (1)*)**]** is made for the production by the F40**[**chief returning officer**]** of any document in that officer's possession relating to a European election, the production of that document accompanied by the certificate of the F40**[**chief returning officer**]** that the document relates to the specified election shall be *prima facie* evidence of the fact so certified and it shall not be necessary to prove the signature of the Clerk or the official position of the person signing the certificate. Unless the court so orders, it shall not be necessary for the Clerk to attend in person to attest to any matter relating to the document or certificate.

(6) Any endorsement appearing on any packet produced pursuant to *subsection (5)* shall be, until the contrary is shown, sufficient evidence that the contents of the packet are as stated in the endorsement.

(7) All documents sent by a local returning officer or a returning officer in pursuance of this Act to the F40**[**chief returning officer**]**, other than documents referred to in *subsection (2)*, shall be open to public inspection at such time and under such conditions as may be specified by the F40**[**chief returning officer**]**. The F40**[**chief returning officer**]** shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees not exceeding the reasonable cost of copying and subject to such conditions as may be sanctioned by the Minister for Finance.

Questioning of European elections.

21.—(1) A European election may, and may only, be questioned by a petition to the High Court.

(2) (*a*) Subject to *paragraph (b)*, a petition shall not be presented to the High Court unless that court, on application made to it in that behalf by or on behalf of the person proposing to present the petition not later than F41**[**fourteen**]**

days after the declaration by the returning officer of the result of the election, by order grants leave to the person to do so.

(*b*) Where a person applying for leave to present a petition to the High Court alleges bribery and specifically alleges a payment or other consideration to have been made or to have passed after the result of the European election was declared by the returning officer, notwithstanding the fact that another petition relating to the same election may have been previously presented or tried, the application to the High Court may be made within the F41**[**fourteen**]** days next after the day on which the said payment or consideration is alleged to have been made or to have passed.

F42**[**(*bb*) Where a petition alleges an irregularity or non-compliance with any provision of Part V of the Electoral Act, 1997 whether before or after the result of the European election was declared by the returning officer, notwithstanding the fact that another petition relating to the same election may have been previously presented or tried, leave of the High Court to present a petition under *paragraph (a)* may be applied for not later than fourteen days next after the laying of a copy of a statement of election expenses before each House of the Oireachtas in accordance with section 37 of the Electoral Act, 1997.**]**

(*c*) An application for leave to present a petition may be made by any person who is registered or entitled to be registered as a European elector in the constituency.

(3) The High Court shall not grant leave under *subsection (2)* unless it is satisfied—

(*a*) that there is *prima facie* evidence of a matter referred to in *subsection (8)* in relation to which the petition questions the election concerned, and

(*b*) that the said matter is such that it is likely to have affected the result of the election.

(4) A petition shall be presented by being lodged in the Central Office of the High Court not later than 3 days after the grant of leave by the High Court under *subsection (2)*.

(5) (*a*) Subject to *paragraph (b)* and *rule 131(2)* of the *Second Schedule*, a petition shall not be accepted for lodgement with the court unless the petitioner lodges with the petition security in the sum of £5,000 for costs which may become payable by the petitioner.

(*b*) Where the court is satisfied that a petitioner is unable to lodge the amount specified in *paragraph (a)* or that to require a petitioner to lodge the said amount would cause the petitioner serious hardship, the court may require the petitioner to lodge such lesser amount as the court considers appropriate.

(6) Where a petition has been lodged with the court as soon as may be the petitioner shall give a copy of the petition—

(*a*) to any person to whose election the petition relates,

(*b*) to the Minister,

(*c*) to the F43**[**chief returning officer**]**,

(*d*) to the returning officer for the constituency to which the petition relates, and

(*e*) except in the case of a petition presented by the Director of Public Prosecutions, to the Director of Public Prosecutions.

(7) The provisions of *Part XV* of the *Second Schedule* shall have effect as regards a petition.

(8) (*a*) A European election may be questioned on the grounds that the result of the election was likely to have been affected by:

(i) want of eligibility under *section 11*;

(ii) the commission of an offence referred to in *Part XIV* of the *Second Schedule*;

(iii) obstruction of or interference with or other hindrance to the conduct of the election;

(iv) mistake or other irregularity;

(v) failure by the returning officer or any local returning officer to complete or otherwise to conduct the election in accordance with law.

(*b*) No European election shall be declared invalid by reason of non-compliance with any provision contained in this Act or any mistake in the use of forms provided for in this Act if it appears to the High Court that the election was conducted in accordance with the principles laid down in this Act taken as a whole and that such non-compliance or mistake was not likely to have affected the result of the election.

F42**[**(*bb*) A European election shall not be declared invalid because of a non-compliance with any provision of Part V of the Electoral Act, 1997 or mistake in the use of forms provided for in that Act, or in any regulation or order made under that Act, where it appears to the court that a candidate or party, as the case may be, complied with the principles laid down in that Part of that Act taken as a whole and that such non-compliance or mistake did not materially affect the result of the election.**]**

(*c*) Notwithstanding any other provision of this Act, a petition shall not be dismissed on account of an informality in its contents which does not materially affect its substance.

(9) Any party to a petition may appeal on a question of law to the Supreme Court against a decision of the High Court on the petition and, subject to the foregoing, the decision of the High Court shall be final and not appealable.

(10) At the trial of a petition the court shall determine the matter at issue in the petition and, if it does not dismiss the petition, shall where appropriate include in its order determining the matter at issue either—

(*a*) a declaration of the correct result of the election concerned, or

(*b*) if it considers that it is unable to determine the correct result of the election, a declaration that the election or a specified part thereof was void together with a statement of its reasons for making the declaration.

(11) Where the court declares that the whole or any part of a European election was void, a fresh election shall be held in accordance with the provisions of this Act to fill the resulting vacancy or vacancies in the Parliament and the poll at the fresh election shall be taken on such day, being a day within the period of three months beginning on the date of the court's order, as the Minister by order appoints; provided that it shall not be obligatory under this subsection to hold a fresh election if a European election otherwise is due to be held in the State within the period of six months next following the said date.

Prohibition of disclosure of vote.

22.—A person who has voted at a European election shall not in any legal proceedings be required to state how or for whom he or she voted.

Amendment of Postal and Telecommunications Services Act, 1983.

23.—The Postal and Telecommunications Services Act, 1983 is hereby amended by—

(*a*) the substitution in paragraph (*h*) of subsection (3) of section 63, as inserted by paragraph (*a*) of section 173 of the Electoral Act, 1992, for "European Assembly Elections Acts, 1977 to 1992" where that expression occurs of "*European Parliament Elections Acts, 1992 to 1997*"; and

(*b*) the substitution of the following paragraph for paragraph (*d*) of subsection (1) of section 74, as substituted by paragraph (*c*) of section 173 of the Electoral Act, 1992:

"(*d*) *Rule 22* of the *Second Schedule* to the *European Parliament Elections Act, 1997*.".

Amendment of section 28 of Local Government Act, 1991.

24.—The Local Government Act, 1991 is hereby amended by the substitution in paragraph (*e*)(ii) of subsection (4) of section 28 for "section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977," of "*section 19* of the *European Parliament Elections Act, 1997*,".

Amendment of Electoral Act, 1992.

25.—The Electoral Act, 1992 is hereby amended by—

(*a*) the substitution in subsection (1) of section 17 for "or at any other election or referendum in accordance with the Electoral (Amendment) (No. 2) Act, 1986" of ", at a presidential election in accordance with the said Part XIV (as applied to a presidential election by section 41 of the Presidential Elections Act, 1993), at a referendum in accordance with the said Part XIV (as applied to a referendum by section 29 of the Referendum Act, 1994), at a European election in accordance with *Part V* of the *Second Schedule* to the *European Parliament Elections Act, 1997* or at a local election in accordance with Part VIII of the Local Elections Regulations, 1995 (S.I. No. 297 of 1995)",

(*b*) the substitution in paragraph (*d*)(ii) of subsection (3) of section 164 for "the European Assembly Elections Acts, 1977 to 1992" of "the *European Parliament Elections Acts, 1992* to *1997*",

(*c*) the substitution in subsection (1)(*c*) of section 165 for "the European Assembly Elections Acts, 1977 to 1992" of "the *European Parliament Elections Acts, 1992* to *1997*", and

(*d*) the substitution in subsection (5) of section 165 for "Rule 18 of the First Schedule to the European Assembly Elections Act, 1977" of "*Rule 22* of the *Second Schedule* to the *European Parliament Elections Act, 1997*".

FIRST SCHEDULE

PART I

Enactments Repealed

Section 5.

Number and Year	Short Title	Extent of Repeal
No. 19 of 1963	Electoral Act, 1963.	The whole Act.
No. 30 of 1977	European Assembly Elections Act, 1977.	The whole Act.
No. 6 of 1984	European Assembly Elections Act, 1984.	The whole Act.
No. 12 of 1986	Electoral (Amendment) Act, 1986.	The whole Act.
No. 35 of 1986	Electoral (Amendment) (No. 2) Act, 1986.	The whole Act.
No. 23 of 1992	Electoral Act, 1992.	Sections 1(3), 23, 26, 170(1)(*c*) and (2), 171, 172 and 174.
No. 30 of 1993	European Parliament Elections Act, 1993.	The whole Act.

PART II

Regulations Revoked

Number and Year	Title	Extent of Revocation
S.I. No. 162 of 1978	European Assembly Elections (Forms) Regulations, 1978.	The whole of the regulations.
S.I. No. 120 of 1984	European Assembly Elections (Forms) Regulations, 1984.	The whole of the regulations.
S.I. No. 5 of 1987	Electoral Regulations, 1987.	The whole of the regulations.
S.I. No. 14 of 1994	European Parliament Elections (Voting and Candidature) Regulations, 1994.	The whole of the regulations.
S.I. No. 75 of 1994	European Parliament Elections (Forms) Regulations, 1994.	The whole of the regulations.

Section 14.

SECOND SCHEDULE

Rules for the conduct of the election, etc.

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NOMINATIONS

Rule

1. Order under *section 10*.
2. Notice of election.
3. Register of Political Parties.
4. Necessity for nomination.
5. Nomination of candidates.
6. Declaration and attestation in the case of certain candidates.
7. Declaration by Irish citizen standing as candidate in another Member State.
8. Deposit by candidates.
9. Return or disposal of deposit.
10. Times for receiving nominations.
11. Delivery of nomination papers.
12. Selection of nomination papers.
13. Ruling on validity of nomination papers.
14. Publication of nominations.
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16. Publication of withdrawal.
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18. Replacement candidates list.
19. Delivery and withdrawal of replacement candidates list, etc.
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21. Obstruction of nominations.
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23. Procedure after nominations.

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24. Appointment of agents.
25. General provisions as to agents.
26. Officers not to act as agents of candidates, further candidatures, etc.

PART III

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27. Death of a candidate.

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29A. Voting by electors referred to in *section 63* of the *Electoral Act, 1997*.

29B. Voting by electors referred to in section 2 of the Electoral (Amendment) Act 2006.

30. Form of ballot paper and receipt.

31. Presence of agents.

32. Issue of postal ballot papers.

33. Provision of postal voters ballot boxes.

34. Envelopes to be placed in postal voters ballot boxes.

35. Envelopes to be treated as covering envelopes.

36. Opening of postal voters ballot boxes.

37. Rejected receipts.

38. Ballot papers to be placed in ballot boxes.

39. Duties of local returning officer in relation to documents relating to postal voters.

40. Definition of agent.

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VOTING BY SPECIAL VOTERS

41. Interpretation (*Part V*).

42. Voting by special voters.

43. Special presiding officers.

44. Ballot paper etc. for special voters.

45. Method of voting by special voters.

46. Duties of special presiding officer in relation to covering envelopes and other documents.

47. Duties of local returning officer in relation to documents relating to special voters.

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112. False declaration on nomination paper.
113. False declaration on replacement candidates list.
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116. Obstruction of nomination or poll.
117. Interference with or destruction of postal ballot papers.
118. Obstruction of or interference with electors.
119. Personation agent leaving polling station without permission.
120. Unlawful marking of ballot papers by persons acting as companions.
121. False statement of withdrawal or death of a candidate.
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SECOND SCHEDULE

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PART I

Nominations

Order under *section 10*.

1. As soon as may be after making an order under *section 10* the Minister shall send a copy of the order to each returning officer and to the Registrar of Political Parties.

F42[Notice of election.

2. The returning officer shall, not later than the F41[the forty-fifth day] (disregarding any excluded day) before the polling day, give public notice in the form directed by the Minister of the European election (in this Schedule referred to as the "notice of election") stating—

(*a*) the times for receiving nominations,

(*b*) the requirement on candidates referred to in *section 12(2)* to secure 60 assents or make a deposit in accordance with *section 13*,

(*c*) the times and place at which nomination papers, replacement candidates lists and the forms of statutory declaration referred to in *rule 6* may be obtained,

(*d*) the times and place at which the returning officer will attend to receive nominations, and

(*e*) the day and the period fixed for the holding of the poll if the election is contested.]

F42[Register of Political Parties.

3. On the day (disregarding any excluded day) before the latest date for the publication of the notice of election, the Registrar of Political Parties shall send to each returning officer a copy of the Register of Political Parties.]

F43[Necessity for nomination.

4. A person shall not be entitled to have his or her name inserted in a ballot paper as a candidate at a European election unless that person has been nominated in the manner provided by this Act and the person's nomination paper has been ruled as valid by the returning officer.]

F47**[**Nomination of candidates.

5. (1) Each candidate shall be nominated by a separate nomination paper in the prescribed form. The form of nomination paper may include—

(*a*) a note of the qualifications, disqualifications and incapacities as regards election to and membership of the Parliament,

F48**[**(*aa*) a note of—

(i) the details to be entered on the nomination paper of a candidate referred to in *section 12(1A)* by a person assenting in accordance with *section 12* to the candidate's nomination, and

(ii) the form of identification to be produced by the assentor;**]**

(*b*) a note of the provisions that apply under this Act to the nomination of a candidate referred to in *section 12(2)*, including—

(i) the fact that a candidate referred to in *section 12(2)* may either follow the procedure for assenting under *section 12(2)(a)* and *(3)* or make a deposit under *section 13*,

(ii) the procedure for assenting under *section 12(2)(a)* and *(3)*, and

(iii) the procedure for making a deposit under *section 13*,

F49**[**(*c*) a form of statement indicating whether the candidate is—

(i) a citizen of Ireland, or

(ii) a national of a Member State, other than the State,**]**

and

(*d*) a form of declaration, to be signed by the candidate or the candidate's proposer, that he or she has read the note referred to in *paragraph (a)* and believes that—

(i) the information furnished in the nomination paper is correct in all material respects, and

(ii) the candidate is eligible for election, has consented to the nomination, does not stand validly nominated in respect of any other constituency and is not a candidate at the election in any other Member State.

(2) Each nomination paper shall state the names (the surname being stated first) and the address and the occupation (if any) of the candidate.

F49**[**(3) (*a*) A candidate may include in the nomination paper the name of the registered political party of which he or she is a candidate or the name of such political party together with the name of any political group or European political party noted on the Register of Political Parties in relation to that political party, provided that, at the time the nomination paper is delivered to the returning officer, a certificate in the form directed by the Minister (in this Schedule referred to as a "certificate of political affiliation") authenticating the candidature is produced to the returning officer, being a certificate signed by the officer or officers of such party whose name or names appear in the said Register pursuant to F50**[**section 47(d) of the Electoral Reform Act 2022**]**. Where such a certificate is produced, the returning officer, provided he or she is satisfied that it is appropriate to do so in relation to the candidate, shall cause—

(i) a statement of the name of the relevant political party and a copy of the political party's emblem as registered in the said Register to be specified in relation to the candidate on all the ballot papers, and

(ii) a statement of the name of the relevant political party to be specified in relation to the candidate on notices.

(*b*) Where a candidate includes in the nomination paper a statement of the name of a political group or a European political party in addition to the name of a political party, the returning officer, provided he or she is satisfied that it is appropriate to do so in relation to the candidate, shall cause a statement of the name of such political group or such European political party in addition to the name of such party to be specified on all such ballot papers and notices.**]**

(4) Where a candidate is not the candidate of a registered political party, the candidate shall be entitled to enter after his or her name on the nomination paper the expression "Non-Party" and, if the candidate does so, the returning officer shall cause a statement of that expression to be specified in relation to the candidate on all the ballot papers and on notices.

F49**[**(5) A person to whom *paragraph (4)* applies may include in the nomination paper the name of any—

(*a*) political group formed in accordance with the rules of procedure of the European Parliament, or

(*b*) European political party established in accordance with Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014[3] on the statute and funding of European political parties and European political foundations,

of which he or she is a member, provided that, at the time the nomination paper is delivered to the returning officer, a certificate (in this Schedule referred to as a "certificate of European political affiliation") is also produced to the returning officer, being a certificate signed by a member of the Secretariat of the relevant political group or European political party that the person in question is a member of the political group or European political party named in the certificate. Where such a certificate is produced, the returning officer, provided he or she is satisfied that it is appropriate to do so in relation to the candidate, shall cause a statement of the name of such political group or such European political party, in addition, where appropriate, to the expression "Non-party", to be specified in relation to the candidate on all the ballot papers and on notices.**]**

(6) Every reference in this rule to the Register of Political Parties shall be construed as a reference to the copy of that Register sent to the returning officer pursuant to *rule 3*.**]**

Declaration and attestation in the case of certain candidates.

F51**[**6. (1) Where a person named as a candidate on a nomination paper is a national of a Member State, other than the State F52**[**...**]**, there shall be delivered to the returning officer at the time of delivery of the nomination paper a statutory declaration in the prescribed form made by the candidate stating—

(*a*) the Member State of which the person is a national,

(*b*) the person's date and place of birth,

(*c*) the person's last address in the person's home Member State,

[3] OJ No. L 317, 4.11.2014, p.1

(*d*) the address in the State at which the person is ordinarily resident,

(*e*) where applicable, the locality or constituency in the person's home Member State on the electoral roll of which the person's name was last entered,

(*f*) that the person is not a candidate at the election in any other Member State, and

(*g*) that the person does not stand deprived of the right to stand as a candidate under the law of the person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.

(2) The returning officer, immediately after ruling on the validity of the nomination paper in accordance with *paragraph (1)* of *rule 13*, shall, in the case of each valid nomination paper, forward to the Minister a copy of the statutory declaration delivered in connection with the nomination paper, and the Minister shall, as soon as may be—

(*a*) transmit a copy of the statutory declaration to the competent administrative authority of the home Member State of the person who made the statutory declaration, and

(*b*) request information from that competent administrative authority verifying whether or not that person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, and the Minister may ask for such information to be provided within a specified period of time.

(3) The Minister shall, as soon as may be after receiving the information requested in *paragraph (2)(b)*, notify the returning officer as to whether the person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.

(4) If, at or before the time specified in *paragraph (1)* of *rule 15* as the latest time for the withdrawal of candidature, the returning officer is notified under *paragraph (3)* that a person stands deprived of the right to stand as a candidate, the candidature of the person shall be deemed to have been withdrawn.**]**

Declaration by Irish citizen standing as candidate in another Member State.

7. (1) The Minister shall, as soon as practicable after receipt, forward to each returning officer a copy of every statutory declaration received from the competent administrative authority of another Member State made by a citizen of Ireland who is a candidate at the election in that Member State.

(2) Each returning officer shall, during the period ending on the seventh day next after the results of the election have been declared, keep available for public inspection during the usual office hours at the office of the returning officer the copy of every statutory declaration which has been transmitted to the returning officer by the Minister in accordance with *paragraph (1)*.

Deposit by candidates.

8. F53**[**...**]**

Return or disposal of deposit.

9. F54**[**...**]**

Times for receiving nominations.

F55**[**10. (1) The earliest time for receiving nominations shall be 10 a.m. on the day (disregarding any excluded day) after the latest date for the publication of the notice of election.

(2) Where a person named as a candidate on a nomination paper is a national of a Member State, other than the State F56**[**...**]**, the latest time for receiving a nomination for that person shall be 12 noon on the seventh day (disregarding any excluded day) after the latest date for the publication of the notice of election.

(3) Where a person named as a candidate on a nomination paper is a citizen of Ireland F56**[**...**]**, the latest time for receiving a nomination for that person shall be 12 noon on the fourteenth day (disregarding any excluded day) after the latest date for the publication of the notice of election.**]**

Delivery of nomination papers.

11. (1) Every nomination paper shall be delivered to the returning officer within the times specified in *rule 10* , by the candidate or the proposer of the candidate.

(2) The delivery of the nomination paper shall be made by the candidate in person except that, where the candidate is proposed by another person, it may be made either as aforesaid or by the proposer in person.

F57**[**(3) The returning officer shall attend to receive nominations at the place specified in that behalf in the notice of election between the hours of 10 a.m. and 12 noon and between the hours of 2 p.m. and 5 p.m. on the day (disregarding any excluded day) before each of the latest dates for receiving nominations specified in rule 10 and between the hours of 10 a.m. and 12 noon on each of the said latest dates.**]**

Selection of nomination papers.

12. The returning officer shall number the nomination papers in the order in which they are received; and the first valid nomination paper nominating a candidate for election shall be deemed to be the nomination of that candidate.

F58**[**Ruling on validity of nomination papers.

13.— (1) (*a*) The returning officer shall rule on the validity of each nomination paper within one hour after its delivery to him or her and, subject to paragraph (*d*), may rule that it is invalid if, but only if, he or she considers that the paper is not properly made out or signed.

(*b*) Without prejudice to *paragraphs (a*) and *(d)*, the returning officer may also rule that the nomination paper of a candidate referred to in *section 12(2)(a)* is invalid if he or she considers that the provisions of *section 12(2)(a)* and *(3)* have not been complied with.

(*c*) The returning officer shall not rule that a nomination paper is invalid because an assentor has assented to the nomination of more than one candidate at the same European election.

F59**[**(*d*) The returning officer shall rule invalid any nomination paper relating to a person referred to in *rule 6(1)* which is not accompanied by the statutory declaration referred to in that rule or where it appears to the returning officer that the said declaration does not conform with the said *rule 6(1)*.**]**

(2) The candidate nominated by each nomination paper and the candidate's proposer, if any, and one other person designated by the candidate or proposer, as the case may be, and no other person, except with the permission of the returning officer, shall be entitled to attend while the said nomination paper is being ruled upon by the returning officer.

(3) The returning officer shall object to the name of a candidate in a nomination paper if such name—

(*a*) is not a name by which the candidate is commonly known,

(*b*) is misleading and likely to cause confusion,

(*c*) is unduly long, or

(*d*) contains a political reference,

and where the returning officer so objects, he or she shall allow the candidate or proposer, as may be appropriate, to amend the name and, if it is not so amended to the returning officer's satisfaction, the returning officer may amend it, as he or she thinks fit, after consultation with the candidate or proposer, if either is present, or may rule that the nomination paper is invalid as not being properly made out.

(4) The returning officer shall object to the description of a candidate in a nomination paper which is, in the opinion of the returning officer, incorrect, insufficient to identify the candidate or unnecessarily long or which contains a political reference other than, where appropriate, a reference to a public or elected office held, or formerly held, by the candidate or an entry made pursuant to *paragraph (3)*, *(4)* or *(5)* of *rule 5*. Where a returning officer so objects, he or she shall allow the candidate or proposer, as may be appropriate, to amend the description and, if it is not so amended to the returning officer's satisfaction, the returning officer may amend or delete it, as he or she thinks fit, after consultation with the candidate or proposer, if either is present, or may rule that the nomination paper is invalid as not being properly made out.

(5) Having ruled on the validity of a nomination paper, the returning officer shall put a note of the decision on the nomination paper and shall sign the note. If the returning officer rules that the paper is invalid, the officer shall include a statement of the reasons for the decision. The decision of the returning officer under this rule shall be final subject only to reversal on a petition questioning the election.

(6) As soon as practicable after ruling on the validity of a nomination paper, the returning officer shall give, by post or otherwise, notice in writing of the ruling to the candidate.

(7) Every person in respect of whom a nomination paper has, under this rule, been determined to be valid and whose candidature is not withdrawn in accordance with *rule 15* or is not deemed under F59**[***section 13(2)*, *rule 6(4)* or *rule 27(1)***]** to have been withdrawn shall stand validly nominated as a candidate.**]**

Publication of nominations.

14. The returning officer shall, as soon as practicable after ruling that a nomination paper is valid, cause a notice to be displayed outside the place at which the officer is receiving nominations stating the name and description of the person nominated in the paper and the name and address of the person's proposer, if any.

Withdrawal of candidature.

15. (1) A candidate may withdraw his or her candidature by a notice of withdrawal signed by the candidate and delivered in person by the candidate or by the candidate' s proposer to the returning officer not later than the hour of 12 noon on the day (disregarding any excluded day) next following the F60**[**latest date for receiving nominations specified in *rule 10(3)***]**.

(2) Where the returning officer is satisfied that a candidate wishes to withdraw his or her candidature and that the candidate and proposer are unable to attend, the withdrawal may be effected by delivering to the returning officer, not later than the said hour, a notice of withdrawal signed by the candidate and by the person delivering the notice.

Publication of withdrawal.

16. The returning officer shall, immediately on the delivery of a notice of withdrawal under *rule 15*, give public notice of the withdrawal (and, in the case of the withdrawal

of a candidate who was nominated by another person as proposer, of the name of the other person).

Nomination of replacement candidates.

17. The following provisions shall apply in relation to the nomination of replacement candidates at a European election —

(*a*) the number of replacement candidates to be so nominated shall not —

(i) in the case of replacement candidates so nominated by a registered political party, exceed by more than F61**[**six**]** the number of candidates of that party standing validly nominated at the latest time for withdrawal of candidature under *rule 15*, and

(ii) in the case of replacement candidates so nominated by a non-party candidate, exceed F61**[**four**]**,

(*b*) a person shall not be nominated as a replacement candidate unless that person is eligible under this Act for election to the Parliament,

(*c*) the replacement candidates so nominated as regards a particular constituency shall be nominated by each of their names being entered on a list (in this Act referred to as the "replacement candidates list") and in nominating replacement candidates as regards a particular constituency, the registered political party or, as may be appropriate, the non-party candidate concerned, shall, subject to *rule 19(4)(a)*, use a single such list.

Replacement candidates list.

18. (1) A replacement candidates list shall be in the prescribed form and may, if the Minister so thinks proper, include —

(*a*) a note of the qualifications, disqualifications and incapacities as regards election to and membership of the Parliament,

F62**[**(*b*) a form of statement indicating whether a person nominated by entry thereon as a replacement candidate is —

(i) a citizen of Ireland, or

(ii) a national of a Member State other than the State,

and**]**

(*c*) a form of declaration, to be signed by the appropriate person that he or she has read the note referred to in *paragraph (a)* and believes that —

(i) the information furnished in the replacement candidates list is correct in all material respects, and

(ii) as regards the replacement candidates nominated by entry on such list, each of them is eligible for nomination under this Act as a replacement candidate and has consented to such nomination and none of them stands validly nominated as a replacement candidate as regards any other constituency or is a candidate at the election in any other Member State.

(2) In *paragraph (1)(c)* " appropriate person " means —

(*a*) in case the replacement candidates list is signed by an officer referred to in *paragraph (3)(a)* , the officer or, as may be appropriate, the officers signing the list, and

(*b*) in case the list is signed by a person who is a non-party candidate at the relevant election, that person.

(3) A replacement candidates list shall be signed by —

(*a*) in case the list contains the names of one or more replacement candidates nominated by a registered political party, the officer or, as may be appropriate, the officers of such party whose name or names are entered in the Register of Political Parties pursuant to F63**[**section 25(7)(*d*)**]** of the Act of 1992,

(*b*) in case the list contains the names of one or more replacement candidates nominated by a person who is a non-party candidate at the election, that person.

(4) As regards a replacement candidates list the surname of any person nominated by entry thereon as a replacement candidate shall be placed before that person ' s other name or names and the list shall also contain his or her address.

(5) Where a registered political party or a non-party candidate at a European election nominates more than one replacement candidate, the order in which the replacement candidates are nominated shall be determined by that party or, as may be appropriate, that candidate, and the names of such replacement candidates shall be listed on the relevant replacement candidates list in that order and, in applying any provision of this Act, in relation to the list, the names on the list shall be listed or given in the order in which they have been so determined and listed or, as may be appropriate, regard shall be had to that order.

(6) As may be appropriate, a replacement candidates list shall be headed by —

(*a*) where the list is signed by an officer or officers referred to in *paragraph (3)(a)* , the name together with (if the officer or officers by whom the list is signed so wish) the initials or other abbreviation (if any) by which the party concerned is known, or

(*b*) in case the list is signed by a non-party candidate at the election, the name of that candidate (the surname being stated first).

(7) (*a*) Where a replacement candidates list is presented to the returning officer, the returning officer shall assign to the list one or more letters for the purpose of identifying it and, when such letter or letters is or are so assigned, the replacement candidates list to which it or they relate may (unless it is withdrawn, deemed under this Act to have been withdrawn or ruled by the returning officer as being invalid) be referred to on any ballot paper, notice or other document by reference to such letter or letters.

(*b*) An assignment by the returning officer under this paragraph shall not form a ground on which a European election may be questioned.

Delivery and withdrawal of replacement candidates list, etc.

19. (1) Each replacement candidates list shall be delivered to the returning officer within the times specified for receiving nominations F64**[**that apply, under *rule 10*, to the candidate to whom the replacement candidates list relates and**]** such delivery shall be made by —

(*a*) in case the list is signed by an officer referred to in *rule 18(3)(a)* , the officer or, as may be appropriate, any of the officers, by whom the list was signed or any person who is as regards the European election in the constituency concerned a candidate of the party to which the list relates,

(*b*) in case the list is signed by a person who is a non-party candidate at such election, that person or the person ' s proposer.

F64**[**(2) Where a person nominated as a replacement candidate on a replacement candidates list is a national of a Member State, other than the State F65**[**...**]**, and a

statutory declaration in conformity with *rule 6(1)* in respect of the person concerned has not been delivered to the returning officer for the constituency concerned pursuant to the said *rule 6(1)*, there shall be delivered to the returning officer at the time of delivery of the replacement candidates list a statutory declaration in the prescribed form made by the person stating—

(*a*) the Member State of which the person is a national,

(*b*) the person's date and place of birth,

(*c*) the person's last address in the person's home Member State,

(*d*) the address in the State at which the person is ordinarily resident,

(*e*) where applicable, the locality or constituency in the person's home Member State on the electoral roll of which the person's name was last entered,

(*f*) that the person is not a candidate at the election in any other Member State, and

(*g*) that the person does not stand deprived of the right to stand as a candidate under the law of the person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.**]**

(3) (*a*) Where the returning officer is of opinion that a replacement candidates list is not properly made out or signed and the list is not amended to his or her satisfaction, the returning officer shall rule it as being invalid.

(*b*) A decision under this paragraph shall be final.

(*c*) As soon as may be after the receipt by the returning officer at a European election of a replacement candidates list which he or she does not rule as being invalid the returning officer shall —

(i) cause to be displayed outside the place at which the officer is receiving nominations a notice referring to the list and stating the names and addresses of the replacement candidates nominated by entry thereon and in the order in which they appear on the list,

(ii) give, by post or otherwise, notice in writing of such receipt to the person or persons by whom the list was signed, and to each replacement candidate nominated by entry thereon and a notice given pursuant to this subparagraph to a replacement candidate shall refer to the relevant replacement candidates list and contain the names of the replacement candidates nominated by entry, and in the order in which they appear, thereon.

(*d*) As soon as may be after the time specified in *rule 15(1)* as the latest time for the withdrawal of candidature, the returning officer shall examine the replacement candidates lists (if any), and —

(i) where the number of replacement candidates included in any such list exceeds the maximum number permitted by *rule 17(a)*, the returning officer shall delete from the list the number of names equal to the excess commencing with the name which stands at the bottom of the list and if need be thereafter working up that list,

(ii) where, in relation to a person referred to in *paragraph (2)*, the relevant F64**[**statutory declaration referred to in that paragraph and conforming thereto is not**]** delivered to the returning officer in accordance with that

paragraph, the returning officer shall delete the name of the person concerned from the replacement candidates list,

(iii) in case the returning officer deletes a name from a replacement candidates list the returning officer shall, as soon as may be, give, by post or otherwise, to the person whose name has been deleted and to the person or, as may be appropriate, each of the persons, by whom the list was signed, notice in writing of the deletion and of the reason therefor.

(4) (*a*) A replacement candidates list may be withdrawn by notice in writing signed by—

(i) in case the list is a replacement candidates list referred to in *paragraph (3)(a)* of *rule 18*, the person who is or, as may be appropriate, the persons who are for the time being the officer or officers referred to in that paragraph, or

(ii) in case the list is a replacement candidates list referred to in *paragraph (3)(b)* of *rule 18*, the non-party candidate by whom it was signed,

and delivered to the returning officer not later than F64**[**the latest time for receiving nominations specified in *rule 10(3)***]**.

(*b*) A notice referred to in *subparagraph (a)* may be delivered to the returning officer by being given to him or her by —

(i) in case the notice relates to a replacement candidates list referred to in *rule 18(3)(a)* —

(I) the officer or, as may be appropriate, any of the officers, by whom it was signed, or

(II) any person who is as regards the European election in the constituency concerned a candidate of the party to which the list relates,

(ii) in case the notice relates to a replacement candidates list referred to in *rule 18(3)(b)*, the non-party candidate by whom the list was signed or the proposer of that candidate.

(*c*) The returning officer shall, immediately on the delivery to him or her of a notice referred to in *subparagraph (a)*, give public notice of the withdrawal concerned.

(5) Where a replacement candidates list is presented at a European election and—

(*a*) in case such list was presented by a registered political party, at the latest time for withdrawal of candidature under *rule 15* no candidate of that party stands nominated, or

(*b*) in case such list was presented by a non-party candidate and the candidature of that candidate is, or pursuant to either F64**[***section 13*, *rule 6(4)* or *rule 27(1)***]** is deemed to have been, withdrawn,

the replacement candidates list shall be deemed to have been withdrawn.

(6) Nothing done by a returning officer in exercising the power conferred on such officer by *paragraph (3)(d)* shall form a ground on which a European election may be questioned.

(7) As soon as may be after the notice of poll is published in a constituency pursuant to *rule 49*, the returning officer concerned shall deliver to the Clerk of the Dáil the replacement candidates lists duly presented at that election in respect of the

constituency (being lists of which public notice was given pursuant to the said *rule 49*).

(8) The Clerk of the Dáil shall retain possession of each replacement candidates list delivered to him or her pursuant to *paragraph (7)* and each such list shall, unless the contrary is shown, be evidence of the matters stated therein.

F64**[**(9) The returning officer shall, immediately after a statutory declaration referred to in *paragraph (2)* is delivered to him or her, forward to the Minister a copy of the declaration and the Minister shall, as soon as may be—

(*a*) transmit a copy of the statutory declaration to the competent administrative authority of the home Member State of the person who made the statutory declaration, and

(*b*) request information from that competent administrative authority verifying whether or not that person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, and the Minister may ask for such information to be provided within a specified period of time.**]**

F66**[**(10) The Minister shall, as soon as may be after receiving the information requested in *paragraph (9)(b)*, notify the returning officer as to whether the person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.

(11) If, at or before the time specified in *paragraph (1*) of *rule 15* as the latest time for the withdrawal of candidature, the returning officer is notified under *paragraph (10)* that a person stands deprived of the right to stand as a candidate, the returning officer shall delete the name of the person concerned from the replacement candidates list.**]**

Provision of forms by returning officer.

20. At a European election the returning officer shall, during the usual office hours and at such place or places as are named in the notice of election, on each week day during the period beginning on the publication of that notice and ending at F67**[**the latest time for receiving nominations specified in *rule 10(3)***]**, provide —

(*a*) the form of nomination paper,

(*b*) forms for use as replacement candidates lists, and

(*c*) forms of statutory declaration referred to in *rules 6* and *19(2)* ,

and the returning officer shall supply such a paper or forms free of charge to any person applying therefor, but the use at an election of a paper or form supplied by the returning officer pursuant to this rule shall not be obligatory: provided that the document so used is in the form prescribed under *rule 5, 6, 18* or *19(2)* as may be appropriate.

Obstruction of nominations.

21. (1) If the proceedings for or in connection with the nomination of candidates or replacement candidates are obstructed by violence the returning officer may adjourn the proceedings to a later hour on the same day or to the next following day (disregarding any excluded day) and, if the returning officer so considers it necessary, he or she may further adjourn the proceedings until such obstruction shall have ceased.

(2) Where any proceedings for or in connection with such nomination are adjourned under this rule the returning officer shall so inform the Minister who may, by order,

postpone the latest date for receiving nominations in the constituency for a period equal to the period of such adjournment and appoint the day for the taking of the poll in that constituency. In case the Minister appoints a day under this rule the poll shall be taken in the constituency concerned on the day so appointed and the order under *section 10* shall, in so far as it relates to the constituency, be construed and have effect as if the day appointed under this rule were the day specified in the said order for taking the poll.

Candidates entitled to free postage.

22. (1) Subject to *paragraph (3)* , each candidate at a European election shall, subject to F68**[**section 61 of the Communications Regulation (Postal Services) Act 2011**]**, be entitled to send, free of any charge for postage, to each F69**[**household in the constituency**]**, one postal communication containing matter relating to the election only and not exceeding 50 grammes in weight.

(2) A candidate shall not be entitled to exercise the right of free postage conferred by this rule before he or she is validly nominated, unless he or she has given such security as may be required by F68**[**the relevant postal service provider**]** for the payment of the postage on all communications sent by the candidate under this rule in case he or she does not eventually become nominated.

(3) Where in a constituency two or more candidates at a European election are candidates of the same political party then for the purposes of this rule those candidates shall be regarded as a single candidate.

(4) The Minister may, after consultation with the Minister for Transport, Energy and Communications and such other persons as the Minister considers appropriate, by order amend the provisions of this rule.

(5) (*a*) The Minister may amend or revoke an order under this rule (including an order under this paragraph).

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

Procedure after nominations.

23. (1) If at 12 noon on the day (disregarding any excluded day) next following the F70**[**latest date for receiving nominations specified in *rule 10(3)***]** —

(*a*) the number of candidates standing nominated exceeds the number of representatives to be elected, the returning officer shall adjourn the European election and shall take a poll in accordance with this Act, or

(*b*) the number of candidates standing nominated is equal to or less than the number of representatives to be elected, the returning officer shall forthwith declare the candidates standing nominated to be elected, make a return to the F71**[**chief returning officer**]** in accordance with *rule 92(2)* and give public notice in accordance with *rule 92(3)*.

(2) Where, at the time specified in *paragraph (1)*, the number of candidates standing nominated in a constituency is less than the number of representatives to be elected, a fresh election shall be held in the constituency in accordance with the provisions of this Act to fill the vacancy or vacancies in the Parliament arising from the deficiency in the number of candidates standing nominated and the poll at the fresh election shall be taken on such day, being a day within the period of six months beginning on the day appointed by the order under *section 10* for the taking of the poll at the original election, as the Minister by order directs.

PART II

Agents of Candidates

Appointment of agents.

24. (1) A candidate may appoint in relation to the constituency —

(*a*) F72**[**...**]**

(*b*) one local agent for each county or county borough contained in the constituency to assist the candidate in such county or county borough and to act as deputy in such county or county borough for the election agent of the candidate.

(2) A candidate or the election agent or the local agent of the candidate may appoint with respect to any polling district in the constituency one deputy local agent to assist the candidate in the polling district and to act therein as deputy for the candidate ' s election agent and local agent.

(3) An appointment under this rule may be revoked by —

(*a*) in case the appointment is made under *paragraph (1)*, the candidate,

(*b*) in case the appointment is otherwise made under this rule, the candidate or the election agent or the local agent of the candidate.

(4) Where an appointment under this rule is revoked or an agent appointed under this rule dies, resigns or becomes incapable of acting during a European election, another agent may be appointed under this rule to replace him or her.

F73**[**(5) The name and address of every agent appointed under this Rule (whether originally or substitutionally) shall immediately after the appointment be communicated by the person by whom the appointment was made to the local returning officer.**]**

General provisions as to agents.

25. (1) Each candidate, the election agent or the local agent of the candidate for the county or county borough concerned may appoint agents to be present on the candidate's behalf —

(*a*) at the issue of ballot papers to postal voters,

(*b*) in polling stations,

(*c*) at the opening of the postal voter ballot boxes, and

(*d*) at the opening of the ballot boxes and the verification of the ballot paper accounts.

(2) Each candidate or the election agent of the candidate may appoint agents to be present on the candidate's behalf at the counting of the votes.

(3) Subject to *paragraph (4)*, the number of agents who may be appointed to be present on behalf of any candidate shall be fixed —

(*a*) in the case of agents appointed to be present at the counting of the votes, by the returning officer,

(*b*) in the case of any other agents appointed under this rule, by the local returning officer,

so, however, that the same number shall be allowed on behalf of each candidate.

(4) Each candidate, the election agent of the candidate or the local agent of the candidate for the county or county borough concerned may appoint one person (in this Schedule referred to as a "personation agent") to be present as the candidate's

agent in each polling station for the purpose of assisting in the detection of personation and such appointment shall be in writing and shall be produced to the presiding officer for the polling station concerned.

(5) An appointment under this rule may be revoked by —

(*a*)in case the appointment is made pursuant to *paragraph (2)*, the candidate or the election agent of the candidate,

(*b*) in case the appointment is otherwise made under this rule, the candidate, the election agent of the candidate or the local agent of the candidate for the county or county borough concerned.

(6) A candidate, the election agent or the local agent of the candidate shall, not later than the time for the commencement of the issue of ballot papers to postal voters, give written notice to the local returning officer of the name and address of every agent appointed by the candidate or the election agent or the local agent of the candidate to be present at the said issue and the local returning officer may refuse to admit to the place where the ballot papers are to be issued any agent whose name and address have not been so notified to the said local returning officer.

(7) A candidate or the election agent or the local agent of the candidate shall, not less than two days (disregarding any excluded day) before the polling day, give written notice to the local returning officer of the name and address of every personation agent appointed by the candidate or the election agent or the local agent of the candidate together with the name of the polling station for which the personation agent is appointed. A personation agent appointed in accordance with this rule and whose name and address have been duly notified to the local returning officer shall be entitled to be present in the polling station referred to in the notification during the period commencing 30 minutes before the time fixed by the Minister for the commencement of the poll and ending when the ballot boxes have been sealed by the presiding officer as provided by *rule 71(2)* and the documents and materials specified in that section have been placed in sealed packets.

(8) A candidate or the election agent or the local agent of the candidate shall, not less than two days (disregarding any excluded day) before the polling day, give written notice to the local returning officer of the name and address of every agent appointed by the candidate or the election agent or the local agent of the candidate to be present at the opening of the postal voter ballot boxes and the local returning officer may refuse to admit to the place where the postal voter ballot boxes are to be opened any agent whose name and address have not been so notified to the local returning officer.

(9) A candidate or the election agent or the local agent of the candidate shall, not less than two days (disregarding any excluded day) before the polling day, give written notice to the local returning officer of the name and address of every agent appointed by the candidate or the election agent or the local agent of the candidate to be present at the opening of the ballot boxes and the verification of ballot paper accounts and the local returning officer may refuse to admit to the place where the ballot boxes are to be opened any agent whose name and address have not been so notified to the local returning officer.

(10) A candidate or the election agent of the candidate shall, not less than two days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every agent appointed by the candidate or the election agent of the candidate to be present at the counting of the votes and the returning officer may refuse to admit to the place where the votes are to be counted any agent whose name and address have not been so notified to the returning officer.

(11) Where the appointment of an agent under this rule is revoked or an agent appointed under this rule dies, resigns or becomes incapable of acting during a European election, another agent may be appointed under this rule in place of the first-mentioned agent and, where such an appointment is made, the person making the appointment shall forthwith give written notice of the name and address of the agent appointed to —

(*a*) in case the appointment is an appointment referred to in *paragraph (2)*, the returning officer,

(*b*) in every other case the local returning officer.

(12) A candidate may lawfully do or assist in the doing of any thing which may lawfully be done on the candidate's behalf by an agent appointed under this rule or *rule 24* and may be present (in addition to, or in substitution for, any such agent) at any place at which any such agent may, pursuant to this Schedule, be present.

(13) Any thing required by this Schedule to be done in the presence of an agent of a candidate shall not be invalidated by reason of the agent not being present at the time and place appointed for doing such thing.

Officers not to act as agents of candidates, further candidatures, etc.

26. (1) A returning officer, a local returning officer or any person employed by any such officer for any purpose relating to a European election shall not act as an agent for a candidate at that election and shall not be associated in furthering the candidature of a candidate or promoting the interests of a political party at the election.

(2) A returning officer or a local returning officer shall not employ in any capacity for the purposes of a European election a person who has been employed by or on behalf of a candidate in or about the election or has been associated in furthering the candidature of a candidate or promoting the interests of a political party at the election.

PART III

DEATH OF A CANDIDATE

Death of a candidate.

27. (1) Where, not less than forty eight hours before the F74**[**latest time for receiving nominations specified in *rule 10(3)***]**, the returning officer becomes satisfied that a candidate standing nominated has died, the returning officer shall immediately give public notice to that effect and the candidature of the candidate shall be deemed to have been withdrawn.

(2) Where, at any time during the period beginning forty eight hours F74**[**before the latest time for receiving nominations specified in *rule 10(3)***]** and ending on the commencement of the poll, the returning officer becomes satisfied that a candidate standing nominated for election has died, the following provisions shall have effect in relation to the European election —

(*a*) the returning officer shall forthwith notify the Minister and the F75**[**chief returning officer**]** of the death of the candidate and at the same time, if notice of the poll has been given, the returning officer shall countermand the poll,

(*b*) the returning officer shall forthwith give public notice that all acts done in connection with the election (other than the nomination of the surviving candidates) are void and that a fresh election will be held,

(*c*) all the proceedings for the election shall be commenced afresh, but a fresh nomination or consent shall not be necessary in respect of any candidate who stood nominated at the time when notification of the death of the candidate was sent to the Minister,

(*d*) at the fresh election the earliest time for receiving nominations shall be 10 a.m. on the day (disregarding any excluded day) next following the date of the publication of the notice under *subparagraph (b)* in relation to the fresh election and the latest time for receiving nominations shall be 12 noon on the third day (disregarding any excluded day) next following the said date,

(*e*) the polling day at the fresh election shall be fixed by the Minister,

(*f*) *rule 3* shall not apply in relation to the fresh election and references to the Register of Political Parties contained in *rule 5* shall, in relation to the fresh election, be construed as references to the copy of that Register sent to the returning officer in relation to the original election.

(3) Where, at any time after the commencement of the poll in a constituency and before the close of such poll, the returning officer becomes satisfied that a candidate has died —

(*a*) all votes cast at the European election in the constituency shall be disregarded and the ballot papers destroyed by the returning officer,

(*b*) the provisions of *subparagraphs (a)* to *(f)* of *paragraph (2)* shall apply.

(4) Where a candidate at a European election dies in circumstances other than those referred to in *paragraph (1), (2)* or *(3)* the following provisions shall apply:

(*a*) the death of the candidate shall not invalidate the candidate's nomination or any preference recorded for him or her, and

(*b*) if the candidate is elected —

(i) such election shall not be invalidated by reason of the candidate's death and he or she shall be deemed to have been elected as a representative to the Parliament by virtue of this Act and to have resigned office immediately after having so become such a representative, and

(ii) *section 19* shall apply as regards the resultant vacancy in the Parliament.

(5) Where a poll is countermanded under this rule, all ballot papers issued to postal voters and special voters shall be disregarded and the local returning officer shall destroy, without opening, all ballot papers received for inclusion in the countermanded poll.

PART IV

Postal Voting

Voting by post.

28. The local returning officer for a county or county borough situate in a constituency shall, as soon as practicable after the adjournment of a European election for the purpose of taking a poll, send by post to each European elector whose name is on the postal voters list for that county or county borough a ballot paper and form of receipt in the form directed by the Minister, and if the ballot paper duly marked by the said elector and accompanied by the said receipt duly signed by the elector is received by the local returning officer before the close of the poll, it shall be treated in the same manner as a ballot paper placed in a ballot box in the ordinary way at the taking of the poll.

Voting by electors referred to in section 12 of Act of 1992.

29. (1) The provisions of this Part shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors at a European election whose names are entered in the postal voters list pursuant to section 14 (*c*) of the Act of 1992 subject to the following modifications—

(*a*) an elector whose name is so entered in the postal voters list, in order to cast his or her vote, shall, in the presence of an authorised person and no other person, do the following things in the following order—

(i) produce to the authorised person the envelope addressed to the elector pursuant to *rule 32(3)*, the ballot paper (in relation to which the authorised person shall establish that it is unmarked) and a form of declaration of identity in the form directed by the Minister;

(ii) complete and sign the said declaration of identity;

(iii) hand the declaration of identity to the authorised person who shall, on being satisfied as to the identity of the person who has signed the declaration of identity, witness the signature;

(iv) mark, in secret, the ballot paper;

(v) place the marked ballot paper in the ballot paper envelope and effectually seal such envelope;

(vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope;

and shall send the last-mentioned envelope by post to the local returning officer;

(*b*) a reference to "receipt", in relation to documents appropriate to such electors, shall be construed as a reference to "declaration of identity"; and

(*c*) a reference to "receipt duly signed", in relation to such documents, shall be construed as a reference to "declaration of identity duly signed and witnessed".

(2) In this rule —

"authorised person" means a person appointed by the Secretary of the Department of Foreign Affairs to be an authorised person for the purposes of this rule;

"ballot paper envelope" and "covering envelope" have the meanings specified in *rule 32(3)*.

F76[Voting by electors referred to in *section 63* of the *Electoral Act, 1997*.

29A. (1) The provisions of this Part shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to section 63 of the Electoral Act, 1997, subject to the following modifications:

(*a*) an elector whose name is so entered in the postal voters list, in order to vote, shall in a Garda Síochána station in the presence of a member of the Garda Síochána do the following things in the following order—

(i) produce to the member of the Garda Síochána the envelope addressed to the elector pursuant to Rule 32(3), the ballot paper (in relation to which the member of the Garda Síochána shall establish that it is unmarked) and a form of declaration of identity in the form directed by the Minister;

(ii) complete and sign the said declaration of identity;

(iii) hand the declaration of identity to the member of the Garda Síochána who shall, on being satisfied as to the identity of the person who has signed the declaration, witness the signature and stamp the declaration of identity with the stamp of the Garda Síochána station and destroy the envelope addressed to the elector;

(iv) mark, in secret, the ballot paper;

(v) place the marked ballot paper in the ballot paper envelope, and effectually seal such envelope; (vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope; and shall send the last-mentioned envelope by post to the local returning officer;

(vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope; and shall send the last-mentioned envelope by post to the local returning officer;

(*b*) a reference to "receipt", in relation to documents appropriate to such electors, shall be construed as a reference to "declaration of identity"; and

(*c*) a reference to "receipt duly signed", in relation to such documents, shall be construed as a reference to "declaration of identity duly signed and witnessed and stamped with the stamp of the Garda Síochána station".

(2) In this Rule "ballot paper envelope" and "covering envelope" shall have the meanings specified in *Rule 32(3)*.**]**

F77**[**Voting by electors referred to in section 2 of the Electoral (Amendment) Act 2006.

29B. (1) The provisions of this Part shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to the Electoral (Amendment) Act 2006, subject to the following modifications:

(*a*) an elector whose name is so entered in the postal voters list, in order to vote, shall in the presence of the relevant official of the prison in which he or she is detained do the following things in the following order:

(i) produce to the relevant official the envelope addressed to the elector pursuant to Rule 32(3), the ballot paper (in relation to which the relevant official shall establish that it is unmarked) and a form of declaration of identity in the form directed by the Minister;

(ii) complete and sign the declaration of identity;

(iii) hand the declaration of identity to the relevant official who shall, on being satisfied as to the identity of the person who has signed the declaration, witness the signature and stamp the declaration of identity with the stamp of the prison and destroy the envelope addressed to the elector;

(iv) mark, in secret, the ballot paper;

(v) place the marked ballot paper in the ballot paper envelope, and effectually seal such envelope;

(vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope;

and shall hand the last-mentioned envelope to the relevant official who shall send it or cause it to be sent by post to the local returning officer;

(*b*) a reference to "receipt", in relation to documents appropriate to such electors, shall be construed as a reference to "declaration of identity";

(*c*) a reference to "receipt duly signed", in relation to such documents, shall be construed as a reference to "declaration of identity duly signed and witnessed and stamped with the stamp of the prison"; and

(*d*) a reference to "sign", in relation to an elector who is unable to write, shall be construed as a reference to the making by the elector of his or her mark.

(2) In this Rule—

"ballot paper envelope" has the meaning specified in Rule 32(3);

"covering envelope" has the meaning specified in Rule 32(3);

"relevant official" has the meaning specified in section 1 of the Electoral (Amendment) Act 2006.**]**

Form of ballot paper and receipt.

30. (1) The ballot paper to be sent to postal voters shall be in the same form as, and indistinguishable from, the ballot papers delivered to other electors.

(2) The receipt sent with the ballot paper to postal voters shall be in the form directed by the Minister and shall have printed thereon the instructions to the voter and a statement of the offences and penalties relating to postal voting contained in *Part XIV*.

Presence of agents.

31. The local returning officer, the local returning officer's assistants and clerks, members of the on duty, the agents of the candidates appointed for this purpose under *rule 25*, and no other person, except with the permission of the local returning officer, may be present at the proceedings on the issue of postal ballot papers and on the opening of the postal voters ballot boxes and the envelopes contained therein.

Issue of postal ballot papers.

32. (1) The local returning officer shall give each candidate at a European election at least twenty-four hours notice in writing of the time and place at which, if the election is contested, the officer will issue ballot papers to postal voters and of the number of persons each candidate may appoint to attend such issue and, where any subsequent issue of ballot papers is made, the local returning officer shall give each candidate, as soon as practicable, notice of the time and place at which the said officer will make such subsequent issue and of the number of persons each candidate may appoint to attend such issue.

(2) Each ballot paper issued shall be marked with the official mark which shall be embossed or perforated so as to be visible on both sides of the paper and the number (including polling district letter) and name of the elector as stated in the postal voters list shall be called out, and a mark shall be placed in a copy of the postal voters list opposite the number of the elector to denote that a ballot paper has been issued to the elector, but without showing the number of the ballot paper so issued.

(3) The local returning officer shall place in an envelope addressed to the postal voter—

(*a*) the ballot paper,

(*b*) the form of receipt,

(*c*) an envelope (in this Schedule referred to as a "covering envelope") addressed to the local returning officer, and

(*d*) a smaller envelope, marked "ballot paper envelope",

and shall effectually seal the first-mentioned envelope.

(4) All envelopes addressed to the postal voters shall be counted and forthwith delivered by the local returning officer to the nearest head post office or such other post office as may be arranged with the head postmaster; and the postmaster shall stamp with the date stamp of An Post a receipt, to be presented to the postmaster by the local returning officer, stating the number of envelopes so delivered and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

(5) Where an envelope containing a ballot paper and other documents referred to in this rule is, before polling day, returned to the local returning officer as not having been delivered to a postal voter, the local returning officer may re-address the envelope and send it by post to that voter.

Provision of postal voters ballot boxes.

33. (1) The local returning officer shall provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters.

(2) Every such ballot box shall, at the time of the issue of the ballot papers to postal voters, be shown open and empty to the agents present, and shall be sealed with the seal of the local returning officer and the seals of such of the agents as desire to affix their seals, and shall be marked "Postal Voters Ballot Box" (by which name such ballot box is in this Schedule subsequently referred to), and with the name of the constituency and the county or county borough and the local returning officer shall make provision for the safe custody of such ballot box.

Envelopes to be placed in postal voters ballot boxes.

34. The local returning officer shall, immediately on the receipt of covering envelopes, place them unopened in the postal voters ballot box.

Envelopes to be treated as covering envelopes.

35. If the local returning officer receives, before the close of the poll, an envelope other than a covering envelope and finds therein any document which it would have been appropriate to send to the officer in a covering envelope, the local returning officer shall —

(*a*) securely seal the envelope;

(*b*) endorse thereon, and sign, a statement that the envelope has been sealed with the contents intact;

(*c*) place the closed envelope in a postal voters ballot box;

(*d*) thereafter treat the envelope as a covering envelope;

and any reference in this Part to a covering envelope shall be construed as including a reference to an envelope which has been dealt with by the local returning officer in accordance with this rule.

Opening of postal voters ballot boxes.

36. (1) The postal voters ballot boxes shall be opened before the time appointed by the local returning officer under *rule 73* for the opening of ballot boxes and verification of ballot paper accounts.

(2) Not less than four days before the polling day, the local returning officer shall give each candidate notice in writing of the time and place at which the said officer will proceed to open the postal voters ballot boxes, and the envelopes contained therein, and of the number of agents each candidate may appoint to attend at the opening. The local returning officer shall give the said agents reasonable facilities for overseeing the proceedings at the opening of the boxes and all information with

respect thereto which the local returning officer can give them consistent with the orderly conduct of the proceedings and the performance of the officer's functions.

(3) When a postal voters ballot box has been opened, the local returning officer shall extract the covering envelopes therefrom and count and note the number of envelopes so extracted and shall then open each covering envelope separately and examine the receipt.

(4) Where the receipt is found to be duly signed, the local returning officer shall place the receipt and the ballot paper envelope in separate receptacles or, if the ballot paper is not contained in a ballot paper envelope, the local returning officer shall place the receipt in the appropriate receptacle and shall place the ballot paper, without unfolding it, in a ballot box in accordance with *rule 38*.

(5) If the local returning officer is not satisfied that the receipt has been duly signed, he or she shall endorse the receipt "rejected" and shall attach thereto the ballot paper envelope, without opening such envelope, or, if there is no such envelope, the ballot paper.

(6) Where a receipt does not appear to accompany the ballot paper envelope, the local returning officer shall open the envelope, and if it is found to contain the receipt, shall deal with such receipt and ballot paper in accordance with this Part.

(7) Any receipt not accompanied by a ballot paper, and any ballot paper not accompanied by a receipt, shall be marked "Rejected".

(8) Where a ballot paper and receipt are received together, the ballot paper shall not be rejected solely on the ground that the ballot paper and receipt were, or either of them was, not placed in the proper envelopes or that any such envelope was not sealed.

Rejected receipts.

37. (1) The local returning officer shall on a request being made by the agent of a candidate show to the agent any receipt which the officer is rejecting on the ground that it has not been properly signed.

(2) The local returning officer shall keep all rejected receipts with the attached envelopes or ballot papers, as the case may be, separate from other documents.

Ballot papers to be placed in ballot boxes.

38. When the covering envelopes in any postal voters ballot box have been opened and their contents dealt with under the two preceding rules, the local returning officer shall open each unopened ballot paper envelope (other than the ballot paper envelopes referred to in *rule 36(5)*) and place the ballot paper, without unfolding it, in a ballot box previously shown open and empty to the agents present and sealed with the seal of the local returning officer and the seals of such of the agents as desire to affix their seals, which box shall be subsequently dealt with in accordance with *rule 75*.

Duties of local returning officer in relation to documents relating to postal voters.

39. (1) The local returning officer, as soon as may be practicable after the completion of the issue of the ballot papers to postal voters and in the presence of the agents of the candidates, if any, shall make up in separate packets, sealed with the officer's own seal and sealed by such of the agents as desire to affix their seals, the marked copy of the postal voters list and the counterfoils of the ballot papers: provided that where any subsequent issue of ballot papers is made, the sealed packet containing the marked copy of the postal voters list may be opened by the local returning officer for the purposes of that issue, and on completion of that issue, the list and the counterfoils of the ballot papers at that issue shall be made up and sealed in accordance with this rule.

(2) Having completed the placing of the ballot papers in the ballot box mentioned in *rule 38* the local returning officer shall seal up in separate packets—

(*a*) the receipts which accompanied any ballot papers duly accepted;

(*b*) any rejected receipts, with envelopes, if any, attached; and

(*c*) any rejected ballot papers, with envelopes, if any, attached.

(3) Where covering envelopes are received by the local returning officer after the close of the poll, or where any envelopes addressed to postal voters are returned as undelivered, the local returning officer shall not open such envelopes and shall, subject to the power of readdressing such envelopes pursuant to *rule 32(5)*, seal such envelopes up into separate packets.

(4) The local returning officer shall endorse on each packet mentioned in *paragraphs (1), (2)* and *(3)* a description of its contents, the name of the constituency and of the county or county borough for which he or she is the local returning officer and the date of the polling day at the European election to which such contents relate.

(5) The local returning officer shall forward to the F78**[**chief returning officer**]** at the same time as he or she forwards the documents mentioned in *rule 93*—

(*a*) the packets referred to in the foregoing provisions of this rule, and

(*b*) a statement in such form as may be directed by the Minister showing the number of ballot papers sent to postal voters, and giving with respect to such papers the particulars required by the form.

(6) Any envelopes returned as undelivered and any covering envelopes received by the local returning officer after the said packets have been forwarded to the F78**[**chief returning officer**]** shall not be opened and shall be forwarded to the F78**[**chief returning officer**]**.

Definition of agent.

40. In this Part "agent" includes the election agent and the local agent of a candidate and any person appointed by or on behalf of a candidate to be present at the issue of ballot papers to postal voters or the opening of postal voters ballot boxes.

PART V

VOTING BY SPECIAL VOTERS

Interpretation (*Part V*).

41. In this Part —

"ballot paper envelope" has the meaning specified in *rule 44(c)*;

"covering envelope" has the meaning specified in *rule 44(d)*;

F79**[**"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;**]**

F79**[**"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)*;**]**

"special presiding officer" means a person appointed to be a special presiding officer pursuant to *rule 43*.

Voting by special voters.

42. A European elector whose name is, at the time of a European election, entered in the special voters list for a constituency shall be entitled to vote in that constituency at the poll at the election in accordance with the provisions of *rule 45* and shall not be entitled to vote in any other manner.

Special presiding officers.

43. (1) The local returning officer shall, as circumstances may require, for the purposes of this Part appoint one, or more than one, person to be a special presiding officer to carry out the functions conferred on a special presiding officer by this Part.

(2) The provisions of this Schedule relating to the powers, rights and duties of a presiding officer appointed for a polling station at an election shall apply to a special presiding officer appointed under this rule as if that officer were a presiding officer so appointed and as if the place where the special voter is casting his or her vote were a polling station at an election.

(3) The local returning officer may perform all or any of the functions of a special presiding officer appointed under this rule and the provisions of *paragraph (2)* shall apply to the local returning officer while so performing.

(4) The provisions of *rule 64* relating to the right of an elector to request that the elector's ballot paper be marked by a companion shall not apply in relation to a special voter.

Ballot paper etc. for special voters.

44. As soon as practicable after the adjournment of the European election for the purpose of taking a poll the local returning officer shall cause to be delivered pursuant to *rule 45* to every special voter entitled to vote at that election, the following—

(*a*) a ballot paper for the election;

(*b*) a form of declaration of identity in the form directed by the Minister;

(*c*) an envelope marked (and in this Part referred to as a "ballot paper envelope"); and

(*d*) an envelope addressed to the local returning officer (in this Part referred to as a "covering envelope").

Method of voting by special voters.

45. (1) At a European election, a special presiding officer shall, in the presence of a member of the deliver to the special voter the form of declaration of identity referred to in *rule 44*.

(2) No person other than the special presiding officer and the member of the Garda Síochána shall be present when the special voter is voting pursuant to this rule.

(3) The special voter shall complete the declaration of identity and shall sign it or, if the voter is unable to write, place his or her mark thereon and the said signature, or as the case may be mark, shall be witnessed by the special presiding officer.

(4) The special presiding officer shall, on being satisfied as to the identity of the special voter, mark a ballot paper with the official mark and deliver it to the special voter together with a ballot paper envelope.

(5) The special presiding officer shall, as soon as he or she has given the ballot paper and the ballot paper envelope to the special voter, place a mark against the name of the special voter concerned on a copy of the special voters list to denote that a ballot paper has been issued to such voter but without showing the number of the ballot paper so issued.

(6) The special voter shall thereupon record in secret his or her vote upon the ballot paper and shall then fold the ballot paper so that the vote is concealed and place the

ballot paper, so folded, in the ballot paper envelope and seal the envelope and hand the ballot paper envelope to the special presiding officer.

(7) On receiving the ballot paper envelope, the special presiding officer shall place it together with the completed declaration of identity in a covering envelope which the special presiding officer shall thereupon seal and to which the special presiding officer shall affix a label in the form directed by the Minister signed by the officer and the member of the Garda Síochána.

Duties of special presiding officer in relation to covering envelopes and other documents.

46. (1) The special presiding officer shall, before the time fixed for the close of the poll at the European election, deliver to the local returning officer every covering envelope referred to in *rule 45(7)*.

(2) On the completion of voting by special voters, each special presiding officer shall seal up, in separate packets—

(*a*) the unused ballot papers and any spoilt ballot papers, placed together;

(*b*) the counterfoils of the ballot papers;

(*c*) the marked copy of the special voters list;

(*d*) a ballot paper account in such form as may be directed by the Minister completed by the special presiding officer;

(*e*) the marking instrument, any unused stationery and any other documents or materials in the special presiding officer's possession which relate to voting by special voters at the election;

and shall deliver all such packets to the local returning officer.

Duties of local returning officer in relation to documents relating to special voters.

47. (1) The local returning officer shall deal with the packets delivered by a special presiding officer pursuant to *rule 46* in the same manner as the local returning officer would, in accordance with the provisions of this Schedule, deal with other packets containing similar documents and materials relating to a European election.

(2) The local returning officer shall place the covering envelopes returned by a special presiding officer pursuant to *rule 46*, in the postal voters ballot box referred to in *rule 33*, and the covering envelopes and the documents therein shall thereafter be treated as if they were envelopes and documents returned to the local returning officer by postal voters and the provisions of *rules 36, 37, 38* and *39* shall apply to such envelopes and documents.

(3) In the application of the provisions of this Schedule relating to postal voters to special voters —

(*a*) a reference to "receipt" shall, in relation to documents appropriate to special voters, be construed as a reference to "declaration of identity", and

(*b*) a reference to "receipt duly signed" in relation to such documents, shall be construed as a reference to "declaration of identity duly signed and witnessed", and

(*c*) if the covering envelope does not have the label referred to in *rule 45* attached thereto or if such label is not duly signed by the special presiding officer and the member of the Garda Síochána, the local returning officer shall reject the covering envelope and deal with it as if it were a receipt which had not been duly signed.

F80**[**Arrangements where ordinary residence not accessible to special presiding officer.

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—

(*a*) issue a postal vote to that special voter as if that voter was a postal voter entered on the postal voters list under F81**[**section 14(1)(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".**]**

PART VI

Polling on Islands

Polling on islands.

48. (1) F82**[**...**]**

(2) F82**[**...**]**

(3) Where a poll is to be taken F83**[**at a European election**]** in a constituency, notwithstanding anything contained in this Act, the following provisions shall have effect in relation to a polling station on an island, whether the poll at such station is taken on the polling day appointed by the Minister or otherwise —

(*a*) where, owing to F83**[**sudden onset of**]** stress of weather or F83**[**unforeseen**]** transport difficulties, the poll cannot begin at the hour fixed by the Minister for the commencement of the poll, it shall begin as soon as possible after that hour,

(*b*) where, after the poll has continued for not less than four hours, the presiding officer is of opinion that if the poll were further continued the ballot boxes could not reach the place for the counting of the votes at or before the time fixed for the commencement of the count under *section 10*, the presiding officer may then close the poll.

(4) F82**[**...**]**

PART VII

Arrangements for the Poll

Notice of the poll.

49. F84**[**(1)**]** Where a European election is adjourned for the purpose of taking a poll, the returning officer shall, as soon as practicable after the adjournment, give public notice (in this Schedule referred to as "the notice of poll") of —

(*a*) the day on which and the hours during which the poll will be taken,

(*b*) the names and descriptions of the candidates standing nominated as entered in their nomination papers and of the proposers, if any,

(*c*) any replacement candidates list duly presented at the election (being such a list which is not withdrawn, deemed under *rule 19(5)* to have been withdrawn or ruled by the returning officer as being invalid) and the name of the

registered political party or non-party candidate by whom such list was presented together with the reference assigned to the list under *rule 18(7)(a)* and the name and address or names and addresses of any person or persons nominated by entry thereon to be replacement candidates as entered on such list and, if there are more than one, in the same order as that in which they appear on such list, and

(*d*) the order in which the names of the said candidates will appear on the ballot papers.

F85**[**(2) Where an order is made under *section 10(1A)* the returning officer for the constituency in which the island is situated shall, as soon as may be after it is made, give public notice in the polling district in which the island is situated stating the day appointed under *section 10(1)(a)* on which, and the period shortened by the order under *section 10(1A)* during which, the poll shall be taken on the island.**]**

Ballot papers.

50. (1) The ballot of a voter at a European election shall consist of a paper (in this Schedule referred to as a "ballot paper") in the form specified in the *Fourth Schedule* F86**[**subject to any modifications which may be provided for in regulations under *paragraph 2(b)***]**.

(2) Ballot papers shall be prepared in accordance with the following provisions —

(*a*) a ballot paper shall contain the names and descriptions of the candidates standing nominated at the election, as shown in their respective nomination papers. The names shall be arranged alphabetically in the order of the surnames, or if there are 2 or more candidates bearing the same surname, in the alphabetical order of their other names or, if their surnames and other names are the same, in such order as shall be determined by lot by the returning officer,

F87**[**(*b*) a ballot paper may include a photograph of each candidate and the emblem registered in the Register of Political Parties under Part III of the Electoral Act, 1992, of the candidate's political party in accordance with the requirements prescribed in regulations which may be made by the Minister (and such regulations may provide for the modification of the form of the ballot paper for that purpose),**]**

(*c*) the surname of each candidate shall be printed in large capitals, the candidate' s surname and other name shall be printed in small capitals and the address and occupation, if any, of each candidate as appearing in the relevant nomination paper shall be printed in ordinary characters,

F88**[**(*d*) the name of each candidate's political party, if any, or, if appropriate, the expression "Non-Party" shall be printed in large capitals, and the name of each candidate's political group or European political party, if any, shall be printed in ordinary characters.**]**

(*e*) in case a replacement candidates list has been signed by an officer of such political party pursuant to *rule 18(3)(a)*, and is neither withdrawn nor ruled by the returning officer as being invalid, the entry in relation to any candidate of that party shall include a reference (being a reference referred to in *rule 18(7)(a)*) to that list,

(*f*) in case a replacement candidates list has been signed by a non-party candidate pursuant to *rule 18(3)(b)* , and is neither withdrawn nor ruled by the returning officer as being invalid, the entry in relation to that candidate shall include a reference (being a reference referred to in *rule 18(7)(a)*) to that list,

(*g*) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical

order) as, in the opinion of the returning officer, is best for marking and counting, but subject to the restriction that the spaces on the ballot paper within which the candidates' names and descriptions appear shall be the same for each of the candidates,

(*h*) the ballot papers shall be numbered consecutively on the back and the back of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper,

(*i*) apart from things permitted by the form specified in the *Fourth Schedule* F86**[**and the modifications which may be provided for in regulations under *paragraph (b)***]**, nothing shall appear on the ballot paper except in accordance with these provisions.

F86**[**(2A) A notice containing a copy of the ballot paper in large print shall be displayed by the presiding officer in the polling station.**]**

(3) The returning officer shall be responsible for the printing and procuring of a sufficient quantity of ballot papers and it shall be the duty of the said officer to supply as soon as practicable to every local returning officer such number of ballot papers as that officer shall reasonably require.

The official mark.

51. (1) A ballot paper shall at the time of issue be marked with an official mark (in this Schedule referred to as "the official mark"), which shall be either embossed or perforated so as to be visible on both sides of the paper, and the local returning officer shall provide a sufficient number of marking instruments for this purpose.

(2) The returning officer shall ensure that the official mark is kept secret before the taking of the poll and that an interval of not less than 10 years shall intervene between each use of the same official mark at a European election in the constituency.

Ballot boxes.

52. Every ballot box shall be so constructed that it can be securely locked and that while it is so locked ballot papers can be inserted therein but cannot be extracted and that the box and the aperture for the insertion of ballot papers can be sealed.

Use of Dáil and local elections ballot boxes etc.

53. Where any constituency comprises the whole or any part of any Dáil constituency or local electoral area any ballot boxes, fittings for polling stations and compartments provided for Dáil or local elections in such Dáil constituency or local electoral area may be used for any European election in such constituency; and it shall be the duty of the local returning officer at any European election in such constituency to make use so far as practicable of the ballot boxes, fittings and compartments aforesaid, and upon taxation of the accounts of the local returning officer regard shall be had to the provisions of this rule, and any damage, other than reasonable wear and tear, caused to any such ballot boxes, fittings and compartments by such user at a European election shall be paid as part of the expenses of the election.

Polling information cards.

54. (1) Where a poll is to be taken at a European election in a constituency, the local returning officer shall send to every elector whose name is on the register of European electors for the county or county borough, for which he or she is the local returning officer, and is not on the postal voters list or the special voters list a card (in this rule referred to as a "polling information card") in such form as may be directed by the Minister informing the elector of his or her number (including polling district letter) on the register of European electors and of the place at which the elector will be entitled to vote and containing a statement in relation to the specified documents referred to in *rule 72* F89**[**and where appropriate, other information concerning the poll**]**.

(2) A polling information card shall be addressed to the elector at the address in respect of which the elector is registered in the register of European electors and shall be delivered at that address not later than the third day before the polling day.

(3) Where a polling information card is dispatched by post it shall be transmitted without prepayment of the charges therefor by the earliest practicable post.

(4) No action or other proceedings shall lie against a local returning officer in respect of any failure to send, non-delivery of or error or mis-statement in a polling information card.

Use of schools and public premises.

55. (1) The local returning officer may, for the purpose of taking the poll or the verification of ballot paper accounts at a European election, and the returning officer may, for the purpose of counting the votes at such an election use, free of charge, any school or any room in a school and any premises (other than a dwelling house) owned or occupied by a local authority.

(2) The returning officer or the local returning officer shall make good any damage to, and may defray any expenses incurred by the person having control over such school, room or premises by reason of its being used by the said officer at a European election.

(3) The use of any unoccupied premises or any part thereof for the purpose of taking the poll, verifying the ballot paper accounts or counting the votes at a European election shall not make the premises liable to be rated or render any person liable to pay any rate for the premises.

(4) A person having charge of a school adjoining or forming part of a church or other place of worship or a religious establishment may, within twenty-four hours after receiving notice from the returning officer or local returning officer of an intention to use such school or any part thereof at a European election, object to such use by sending a statement of such objection to the officer by whom the notice was given. Any objection made under this paragraph may, on the application of the returning officer or the local returning officer, as may be appropriate, be over-ruled by the Minister if the Minister thinks it right so to do, but unless and until such objection is so over-ruled, no part of the school referred to in such objection may be used under this rule.

(5) In this rule "school" means any school receiving a grant out of moneys provided by the Oireachtas and includes a national school and a secondary, vocational or other post-primary school.

Polling stations.

56. (1) At every polling place the local returning officer shall provide a sufficient number of polling stations, conveniently distributed for the accommodation of the European electors entitled to vote there. Where, by reason of any difficulty, a polling station or a sufficient number of polling stations cannot be provided at the appointed polling place, the local returning officer may provide a polling station or polling stations at any other convenient place.

(2) The local returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users.

(3) The local returning officer shall allot the European electors to the polling stations in such manner as, in the local returning officer's opinion, will be most convenient for them.

(4) The local returning officer shall give public notice of the location of polling stations in each polling place and the description of the European electors allotted to vote at each such place.

(5) The local returning officer shall, where practicable, give public notice of all polling stations which are inaccessible to wheelchair users not later than the eighth day before polling day.

(6) The local returning officer shall make adequate provision for the heating, lighting and cleaning of each polling station.

(7) The local returning officer shall provide at each polling station—

(*a*) such number of compartments in which the voters can mark their ballot papers screened from observation, as the local returning officer considers necessary,

(*b*) such furniture as the local returning officer considers necessary,

(*c*) a sufficient number of ballot boxes,

(*d*) such number of ballot papers as the local returning officer considers necessary,

(*e*) instruments for placing the official mark on ballot papers,

(*f*) copies of the register or such part thereof as contains the names of the European electors allotted to vote at the station,

(*g*) such materials as the local returning officer considers necessary to enable voters to mark their ballot papers,

(*h*) such other documents, forms, stationery and other materials as the local returning officer considers necessary,

(*i*) such other arrangements as may serve to facilitate the marking and placing in the ballot box of ballot papers by voters who are wheelchair users,

(*j*) such arrangements as may be provided for by regulations under section 94 (5) (*j*) of the Act of 1992 for the time being in force as may serve to facilitate voters with visual impairments to mark their ballot papers without assistance.

(8) The local returning officer shall keep a record of the numbers on the ballot papers provided at each polling station.

Presiding officers and poll clerks.

57. (1) The local returning officer shall appoint a presiding officer to preside at each polling station and may also appoint a poll clerk or clerks to assist each presiding officer. Any such appointment may be revoked at any time by the local returning officer and where the appointment revoked is the appointment of a presiding officer, the local returning officer shall forthwith appoint a fresh presiding officer to preside at the relevant polling station.

(2) The local returning officer shall, on request, permit a person in respect of whom the officer is satisfied that the person has a *bona fide* interest in the European election either as a candidate or as a prospective candidate, or the agent of such a person, to inspect the list of persons to whom the local returning officer has offered, or proposes to offer, appointments as presiding officers or poll clerks.

(3) A presiding officer shall keep order at the station, regulate the number of European electors to be admitted at a time and shall exclude all other persons except those authorised by *rule 59* to be present in the station.

(4) The presiding officer may do by a clerk appointed to assist him or her any act which the presiding officer is required or authorised to do by this Schedule, except ordering the arrest, exclusion or ejection from the polling station of any person.

(5) The local returning officer or a person appointed by the local returning officer under *paragraph (6)* may perform all or any of the functions of a presiding officer

and while so doing shall be subject to the provisions of this Schedule in like manner as if the officer or person had been appointed a presiding officer.

(6) The local returning officer may appoint a person to act as his or her representative in a polling place to carry out such duties as the local returning officer may assign to that person.

PART VIII

THE POLL

Opening of the poll.

58. Immediately before the commencement of the poll the presiding officer at each polling station shall show each ballot box in his or her charge to such persons as are present in the station, so that they may see that it is empty, and shall then lock the box and seal it in such manner as to prevent its being opened without breaking the seal and shall place it in his or her view for the receipt of ballot papers, and keep it so locked, sealed and in view during the poll.

Admission to polling station.

59. No person shall be admitted to a polling station other than—

(*a*) the returning officer, the local returning officer and any deputy of either such officer,

(*b*) the presiding officer and poll clerk for the station,

(*c*) a candidate, the election agent or the local agent of the candidate and the deputy local agent of the candidate for the polling district concerned,

(*d*) the personation agents duly appointed in writing for the station by or on behalf of the candidates,

(*e*) European electors admitted for the purpose of voting at the polling station,

(*f*) companions of European electors whose sight is so impaired or who are otherwise so physically incapacitated F90**[**or who are unable to read or write to such an extent**]** that they are unable to vote without assistance while such companions are assisting such electors,

(*g*) members of the Garda Síochána on duty,

(*h*) messengers sent by or on behalf of the local returning officer, and

(*i*) other persons authorised by the local returning officer to be present in the station.

Voting by persons in the employment of local returning officer.

60. F91**[**(1)**]** Where a European elector for a constituency is employed by a local returning officer for any purpose in connection with a European election for that constituency, and the circumstances of that elector' s employment are, in the opinion of the local returning officer, such as to prevent the elector from voting at the polling station at which that elector would otherwise be entitled to vote, the elector may, if so authorised in writing by the local returning officer in such form as may be directed by the Minister, vote at such other polling station in the constituency as may be specified in the authorisation.

F91**[**(2) (*a*) Where a European elector is employed by a returning officer or a local returning officer for any purpose in connection with a European election and is registered to vote in a constituency, other than one in which the employment occurs, the elector shall, on application being made by him or

her in that behalf, be entitled to have his or her name entered in F92**[**...**]** the postal voters list F92**[**...**]**. An application under this paragraph shall be made on a form directed by the Minister, and the local returning officer who is employing the person shall certify on the form that the person will be employed by him or her on polling day in connection with the election and will be unable to vote in person in the constituency at the polling station at which the European elector would otherwise be entitled to vote.

F93**[**(*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)*.**]**

F93**[**(*c*) Subsection (2) of section 14 of the Act of 1992 shall not apply to an application under this paragraph.**]]**

Authorisation of physically ill or physically disabled elector to vote at another polling station.

61. Where, not less than 7 days before polling day at a European election, a European elector whose name is not on the postal voters list or the special voters list, satisfies the local returning officer that the elector is unable, by reason of his or her physical illness or physical disability, to vote at the polling station at which the elector would otherwise be entitled to vote and the local returning officer is of opinion that it would be more convenient for the elector because of that physical illness or physical disability to vote at another polling station in the same constituency the elector may, if so authorised in writing by the local returning officer in such form as may be directed by the Minister, vote at such other polling station in the same constituency as may be specified in the authorisation.

Procedure for voting.

62. (1) Subject to the provisions of *section 9 (2)* and *(3)* and *rules 28, 42, 60, 61, 64, 65, 66* and *72*, the presiding officer shall deliver a ballot paper to a European elector who applies therefor and declares his or her name and address.

(2) Immediately before a ballot paper is delivered to a European elector—

(*a*) the number (including polling district letter) and name of the elector as stated in the register shall be called out,

(*b*) the ballot paper shall be marked with the official mark,

(*c*) a mark shall be placed in the register against the number of the elector to denote that a ballot paper has been issued to that elector but without showing the number of the ballot paper so issued.

(3) A European elector on receiving the ballot paper shall (subject to the provisions of *rule 64*) go alone into one of the compartments in the polling station and there shall secretly record his or her vote on the ballot paper and fold the paper so that the vote is concealed. The elector shall then return to the presiding officer ' s table, show the back of the folded paper to the presiding officer so as to disclose the official mark and then put the folded paper into the ballot box. The elector shall vote without undue delay and shall leave the polling station as soon as he or she has put the ballot paper into the ballot box.

Spoilt ballot papers.

63. A voter who has inadvertently spoilt his or her ballot paper shall, on returning it to the presiding officer and satisfying the presiding officer as to the inadvertence, be given another ballot paper. The presiding officer shall immediately mark "Spoilt" on the spoilt ballot paper and on the counterfoil thereof. The presiding officer shall retain the spoilt ballot paper and counterfoil and deal with them in accordance with *rule 71*.

Voting by incapacitated persons.

64. (1) Where a European elector applying for a ballot paper satisfies the presiding officer that the elector's sight is so impaired or that the elector is otherwise so physically incapacitated or is unable to read or write to such an extent that he or she is unable to vote without assistance, this rule shall apply.

(2) For the purposes of *paragraph (1)* the presiding officer may, and if required by any personation agent present in the polling station shall, administer to the European elector before delivery of the ballot paper an oath or (in the case of a person who objects to taking an oath on the ground that the person has no religious belief or that the taking of an oath is contrary to the person's religious belief) an affirmation in the following form:

> " I swear by Almighty God (*or* — do solemnly, sincerely and truly declare and affirm — *as the case may be*) that my sight is so impaired (*or* — that I am so physically incapacitated *or* — that I am unable to read or write to such an extent — *as the case may be*) that I am unable to vote without assistance";

and if the elector refuses to take the oath or make the affirmation, this rule shall not apply.

(3) Where this rule applies in the case of a European elector who satisfies the presiding officer that the elector's sight is so impaired or that the elector is otherwise so physically incapacitated F94**[**or he or she is unable to read or write to such an extent**]** that he or she is unable to vote without assistance, the elector may request that the ballot paper shall be marked by a companion and, subject to *paragraph (4)*, the companion may go with the elector into one of the compartments in the polling station and there shall mark the ballot paper for the elector and shall fold it and show the back of the folded paper to the presiding officer so as to disclose the official mark and forthwith place the paper in the ballot box.

(4) The presiding officer may, and if required by any personation agent present in the polling station shall, put to the companion before delivery of the ballot paper, the following questions or any one or more of them:

(i) Have you attained the age of sixteen years?

(ii) Have you marked as a companion more than one ballot paper at this election?

(iii) Are you a candidate at this election?

(iv) Are you an agent of a candidate at this election?

and unless such of those questions as are put to the companion are answered, in the case of the first of those questions, in the affirmative and, in the case of any other of those questions, in the negative, the companion may not mark the ballot paper.

(5) Where this rule applies and —

(*a*) the European elector is unable to read or write, or

(*b*) the European elector does not request that the ballot paper shall be marked by a companion, or

(*c*) the European elector having so requested, the marking of the ballot paper by the companion would be in contravention of *paragraph (4)*,

the presiding officer shall, in the presence of the elector and the personation agents and no other person, mark a ballot paper as instructed by such elector and shall then fold it and place it in the ballot box.

(6) A request made by a European elector within two hours before the hour fixed by the Minister for the close of the poll to have the ballot paper marked for the elector under this rule otherwise than by a companion may be refused by the presiding officer

if, in the presiding officer ' s opinion, having regard to the number of European electors then coming in to vote or likely to come in to vote before the close of the poll, acceding to such request would interfere with the proper discharge of the presiding officer ' s duties or would unduly obstruct the voting of other European electors.

(7) Where a ballot paper is to be marked pursuant to *paragraph (5)* the presiding officer may assist the European elector by reading out in full from the ballot paper the particulars stated in respect of each candidate, but the presiding officer shall not act on any written instruction.

(8) Where, pursuant to this rule, a person has marked as a companion two ballot papers at a European election, that person shall not, at that election, mark as a companion any other ballot paper.

(9) A person shall not mark as a companion a ballot paper at a European election if that person has not reached the age of 16 years or is a candidate or an agent of a candidate at that election.

Alleged personation.

65. (1) Where, at a European election, a ballot paper has been issued to a person representing himself or herself to be a particular European elector named on the register of European electors and another person representing himself or herself to be that European elector applies for a ballot paper and duly produces a specified document having been so required by the presiding officer under *rule 72* and answers such of the questions as may be put to the person or takes the oath or makes the affirmation under the said rule, subject to *rule 72*, that other person shall be entitled to receive a ballot paper and mark and place it in the ballot box in like manner as any other European elector.

(2) The presiding officer shall make out a statement showing the total number of ballot papers issued pursuant to this rule and the name and number (including polling district letter) on the register of European electors of each of the persons to whom such papers were issued.

Arrest of person committing certain offences.

66. (1) Where a presiding officer has reasonable cause to believe that any person who applies for or has applied for a ballot paper is committing or has committed personation or an offence under *rule 102* the presiding officer may, before such person has left the polling station, direct a member of the Garda Síochána to arrest the person on the charge of having committed personation or an offence under the said *rule 102*, as may be appropriate, and the member of the Garda Síochána shall comply with such direction.

(2) If at the time a person applies for a ballot paper at a European election, or after the person has applied for a ballot paper and before that person has left the polling station, a personation agent declares to the presiding officer that the agent believes and undertakes in writing to prove that the applicant has committed personation or an offence under *rule 102*, the presiding officer may direct a member of the Garda Síochána to arrest the applicant on the charge of having committed personation or an offence under the said *rule 102*, as may be appropriate, and the member of the Garda Síochána shall comply with such direction.

(3) Any member of the Garda Síochána may, without any warrant, arrest any person who, the said member has reasonable cause to believe, is committing, or has committed, personation or an offence under *rule 102*.

(4) Any arrest authorised by this rule may be made at any place whether in a polling station or out of such a station.

(5) No action or other proceeding shall lie against a presiding officer in respect of the arrest on the officer's direction, without malice, of any person on a charge of having committed personation or an offence under *rule 102*.

Maintenance of order in polling station.

67. (1) If any person misconducts himself or herself at a polling station or fails to obey the lawful orders of the presiding officer for that station, that person may immediately, by order of the said presiding officer, be removed from the polling station by any member of the or by any other person authorised in writing by the presiding officer to remove the first-mentioned person. A person so removed shall not re-enter the polling station without the permission of the presiding officer.

(2) The presiding officer shall, as far as practicable, ensure that all material which advocates or opposes the candidature of a particular person or persons or of members of a political party is removed from the polling station.

(3) For the purpose of this rule a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate.

Obstruction of the poll.

68. (1) Where the poll at any polling station is obstructed by violence, the presiding officer for that station may adjourn the said poll until the next following day (disregarding any excluded day) and on such day the said poll shall be resumed at a time corresponding to the time fixed for the commencement of the poll and shall continue until a time corresponding to the time fixed for the close of the poll on the polling day. References in this Act to the close of the poll shall be construed accordingly in relation to the said polling station.

(2) In the event of such obstruction, only the poll at such polling stations as are actually affected by the obstruction may be adjourned and the poll at all other polling stations shall be continued without adjournment.

(3) Where a poll is adjourned under this rule the presiding officer shall forthwith give notice of such adjournment to the local returning officer who shall forthwith inform the returning officer. The returning officer shall not commence to count the votes in the constituency until the adjourned poll has been completed.

(4) This rule shall apply to any obstruction caused by persons being prevented by violence from going to any polling station and to obstruction caused in any other manner by violence.

Damage to polling stations.

69. Subject to *rules 21, 27, 48, 68* and *70* where, for any reason, including damage to a polling station, the poll at any polling station cannot be taken or continued in accordance with *section 10* the following provisions shall have effect:

(*a*) the local returning officer shall—

(i) forthwith give public notice to that effect,

(ii) inform the Minister and the returning officer, and

(iii) take all such steps and give all such directions as the local returning officer thinks proper for the holding or completion of the poll at such polling station,

(*b*) a fresh poll shall be held or the poll shall be continued, as may be appropriate, at such polling station on a day (not being later than seven days after the polling day) appointed for the purpose by the local returning officer,

(*c*) the provisions of this Act shall apply in respect of such fresh poll or the continued poll in like manner as they apply to the original poll, and

(*d*) the returning officer shall not commence to count the votes in the constituency until the fresh poll or the continued poll has been completed.

Destruction etc. of ballot boxes or ballot papers.

70. If at a European election any ballot boxes or ballot papers are, without lawful authority, taken out of the custody of the returning officer, a local returning officer or of a presiding officer or are in any way tampered with or are destroyed or (in the case of ballot papers) are maliciously torn or defaced the following provisions shall have effect:

(*a*) the poll at every polling station at which any of the said ballot boxes or ballot papers were used shall be void,

(*b*) the returning officer shall forthwith inform the Minister and the F95**[**chief returning officer**]** of the polling having so become void,

(*c*) upon receipt of that information, the Minister shall forthwith take all such steps and give all such directions as the Minister thinks proper for the taking of a fresh poll at every such polling station,

(*d*) a fresh poll shall be taken at every such polling station on a day appointed for this purpose by the Minister,

(*e*) the provisions of this Act shall apply in respect of such fresh poll in like manner as they apply to the original poll,

(*f*) the returning officer shall not commence to count the votes in the constituency until the fresh poll has been completed.

Duties of presiding officer at close of poll.

71. (1) At the time fixed for the close of the poll the presiding officer shall take steps to ensure that no further European electors are admitted to the polling station, but any elector on the premises at that time shall, subject to the provisions of this Act, be entitled to receive a ballot paper and to vote.

(2) As soon as practicable after the close of the poll, the presiding officer shall seal each ballot box in his or her charge so that no further ballot papers can be inserted therein and shall attach the key thereto and seal up in separate packets —

(*a*) the unused and spoilt ballot papers, placed together,

(*b*) the marked copies of the register of European electors,

(*c*) the counterfoils of the ballot papers,

(*d*) a ballot paper account in such form as may be directed by the Minister made out by the presiding officer and a statement prepared in accordance with *rule 65(2)*,

(*e*) any authorisations given by the local returning officer under *rule 60* or *61* authorising persons to vote at the polling station, and any undertakings by a personation agent to prove that a person has committed personation, or an offence under *rule 102*, and

(*f*) the marking instruments, unused stationery and other documents and materials relating to the European election,

and shall deliver all such ballot boxes and packets to the local returning officer.

(3) The local returning officer shall make adequate arrangements for the safe custody of the ballot boxes delivered in pursuance of this rule and of all documents connected with the poll.

Right to vote.

72. (1) For the purposes of *section 8*—

(*a*) a person's name shall be taken to be on a register of European electors if the register includes a name which in the opinion of the local returning officer or presiding officer was intended to be the person's name;

(*b*) (i) the local returning officer or the presiding officer may of the officer's own volition, or if so required by a personation agent present in the polling station, request any person at the time of applying for a ballot paper, but not afterwards, to produce a specified document and, if the person fails to produce such a document, or if the local returning officer or the presiding officer is not satisfied that the person is the person to whom the document relates, such person shall not be permitted to vote;

(ii) for the purposes of this paragraph "specified document" means such document as may be specified in regulations made by the Minister under section 111(2) of the Act of 1992 and in force for the time being;

(*c*) the local returning officer or presiding officer may, and if so required by a personation agent present in the polling station shall, put to any person when that person applies for a ballot paper, but not afterwards, the following questions, or any one or more of them:

(i) Are you the same person as the person whose name appears as AB on the register of European electors now in force for the constituency of ....?

(ii) Have you already voted at this election?

F96**[**(iii) Have you reached the age of eighteen years?**]**

(iv) Are you either or both of the following:

(A) a citizen of Ireland,

(B) a national of a Member State of the European Communities other than Ireland?

and unless such of those questions as are put to the person are answered, in the case of the first, third and fourth of those questions, in the affirmative and, in the case of the second of them, in the negative, the person shall not be permitted to vote;

(*d*) the local returning officer or presiding officer may, and if so required by a personation agent present in the polling station shall, administer to any person when that person applies for a ballot paper, but not afterwards, an oath or (in the case of any person who objects to taking an oath on the ground that the person has no religious belief or that the taking of an oath is contrary to that person's religious belief) an affirmation in the following form:

"I swear by Almighty God (*or* — do solemnly, sincerely and truly declare and affirm — *as the case may be*) that I am the same person as the person whose name appears as AB on the register of European electors now in force for the constituency of …. and that I have not already voted at this election, and that I F96**[**have attained the age of eighteen years**]**. (*date of coming into force of the register*) and that I am a citizen of Ireland (*or* — a national of a Member State of the European Communities other than Ireland — *or* — both a citizen of Ireland and a national of a Member State of the European Communities other than Ireland — *as the case may be*)";

and if such person refuses to take the oath or make the affirmation the person shall not be permitted to vote.

(2) Save as is provided by this rule and *rule 64*, no request to a voter to produce a document shall be made, and no question, oath, affirmation or objection shall be put

or permitted at the time of the poll at a European election as to the right of any person to vote, and no objection thereto shall be made or received by any local returning officer or presiding officer.

(3) Nothing in this rule shall be construed as entitling any person to vote who is not entitled to do so, or as relieving such person from any penalties to which that person may be liable for voting.

PART IX

Verification of Ballot Paper Accounts

Time and place for verification of ballot paper accounts.

73. (1) The local returning officer for a county or county borough shall appoint a time which shall not be later than 9 a.m. on the day next following the polling day, at which the officer will open the ballot boxes and verify the ballot paper accounts in accordance with this Part.

(2) The local returning officer shall appoint a place within or convenient to the county or county borough for which he or she is the local returning officer at which the said officer will open the ballot boxes pursuant to *rule 75* and shall, at the place so appointed, provide suitable accommodation and all necessary furniture and equipment for the verification of ballot paper accounts under this Part and shall make adequate arrangements for the safe custody of the ballot papers and other documents relating to the European election. The local returning officer shall, where practicable, ensure that the appointed place is accessible to wheelchair users.

Attendance at verification of ballot paper accounts.

74. (1) Not less than 4 days before the polling day, the local returning officer shall give each candidate notice in writing of the day, time and place at which the officer will open the ballot boxes pursuant to *rule 75* and of the number of agents each candidate may appoint to be present at the opening.

(2) The local returning officer, the assistants and clerks of the local returning officer, members of the Garda Síochána on duty and the agents of the candidates duly appointed for this purpose and no other person, except with the permission of the local returning officer, may be present at the proceedings referred to in this Part.

(3) The local returning officer shall give the agents of the candidates such reasonable facilities for overseeing the proceedings at the opening of the boxes and the verification of the ballot paper accounts and all information with respect thereto which the officer can give them consistent with the orderly conduct of the proceedings and the performance of his or her functions.

Verification of ballot paper accounts.

75. (1) At the time appointed under *rule 73* the local returning officer shall —

(*a*) open each ballot box and count the number of ballot papers found therein and compare the total number of papers ascertained with the number shown in the appropriate ballot paper account,

F97**[**(*aa*) where ballot boxes from a polling station situated on an island have not reached the place appointed for the verification of ballot paper accounts under *rule 73(2)* before the time appointed under *rule 73(1)*, due to stress of weather or transport difficulties, proceed in accordance with *subparagraphs (a), (c)* and *(d)* in respect of the other ballot boxes,**]**

F98**[**(*b*) when all the ballot boxes, including all the ballot boxes from polling stations situated on an island, have been dealt with in accordance with *subparagraphs (a), (c)* and *(d)*, prepare a statement showing the result of the comparison under *subparagraph (a)* in respect of all the ballot papers

for the county or county borough for which he or she is the local returning officer,**]**

(*c*) open the ballot box in which the postal and special voters ballot papers were placed pursuant to *rule 38* and count and record the number of such ballot papers,

(*d*) make up in separate packets the ballot papers found in each ballot box (including postal voters ballot papers), endorse on each such packet the number of ballot papers contained therein and particulars of the polling station to which they relate (or, where appropriate, that they are postal and special voters ballot papers) and place the packets in boxes which the local returning officer shall seal and on each of which the said officer shall endorse the number of packets contained therein and the name of the county or county borough for which he or she is the local returning officer, and

(*e*) forthwith deliver to the returning officer for the constituency all such boxes together with —

(i) the statement referred to in *subparagraph (b)*, and

(ii) a statement of the number of postal and special voters ballot papers recorded under *subparagraph (c)*.

F99**[**(1A) For the purposes of *paragraph (1)(a)*, the manner in which a ballot box, being a ballot box containing not more than 50 ballot papers, shall be opened shall be such that, although the box is opened, in the presence of the agents of the candidates, the preferences on the individual ballot papers cannot be read by those agents or other persons present at the count.**]**

(2) The local returning officer, while counting and recording the number of ballot papers pursuant to this rule, shall cause the said papers to be kept face upwards and due precautions to be taken to prevent any person from seeing the numbers printed on the backs of the said papers.

Handling of ballot papers by candidates or agents.

76. Candidates or agents shall not handle ballot papers during the verification of the ballot paper accounts or the counting of the votes.

PART X

ARRANGEMENTS FOR THE COUNTING OF THE VOTES

Place for the counting of the votes.

77. The returning officer for a constituency shall appoint a place within or convenient to the constituency as the place at which the officer will count the votes and shall, at the place so appointed, provide suitable accommodation and all furniture and equipment necessary for counting the votes in accordance with *Part XI* and shall make adequate arrangements for the safe custody of the ballot papers and other documents relating to the European election. The returning officer shall ensure that the place appointed under this rule at which he or she will count the votes is accessible to wheelchair users.

Attendance at the counting of the votes.

78. (1) Not less than 4 days (disregarding any excluded day) before the polling day the returning officer shall give written notice to each candidate of the time and place at which he or she will proceed to count the votes and of the number of agents each candidate may appoint to be present at the counting of the votes.

(2) The returning officer, the assistants and clerks of the returning officer, members of the Garda Síochána on duty, the agents of the candidates duly appointed for the purpose under this Schedule may be present at the counting of the votes and no other person shall be present without the permission of the returning officer.

(3) The returning officer shall give the agents of the candidates all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfying themselves that the ballot papers have been correctly sorted) and all such information with respect thereto as the returning officer can give them consistent with the orderly conduct of the proceedings and the performance of the functions of the returning officer.

Preliminary proceedings.

79. (1) On the day and commencing at the time appointed by the Minister under *section 10* and at the place appointed under *rule 77* , the returning officer for the constituency shall, in the presence of the agents of the candidates, open the ballot boxes and the packets contained therein and extract the ballot papers therefrom.

(2) The returning officer shall mix together the whole of the ballot papers and shall proceed to count the votes in accordance with this Schedule.

Time for the counting of the votes.

80. The returning officer shall, so far as practicable, proceed continuously with the counting of the votes, except during the time for necessary rest and refreshment.

Conduct of the counting of the votes.

81. (1) The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with *Part XI*, ascertain and record the number of votes given to each candidate.

(2) The returning officer, while counting the ballot papers, shall cause the said papers to be kept face upwards and shall take due precautions to prevent any person from seeing the numbers printed on the backs of the said papers.

PART XI

Rules for the Counting of the Votes

Interpretation (*Part XI*).

82. (1) In this Part —

"continuing candidate" means any candidate not deemed to be elected and not excluded;

"count" means —

(*a*) all the operations involved in the counting of the first preferences recorded for candidates;

(*b*) all the operations involved in the transfer of the surplus of a candidate deemed to be elected;

(*c*) all the operations involved in the transfer of the votes of an excluded candidate; or

(*d*) all the operations involved in the transfer of the votes of two or more candidates excluded together;

"deemed to be elected" means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

"determine by lot" means determine in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates shall in cases of exclusion be excluded in the order in which their names are drawn, and, in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn, and, in cases of equality of fractions, the fraction relating to the candidate whose name is first drawn shall be deemed to be the largest;

"non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate; provided that a paper shall be deemed to have become a non-transferable paper whenever —

(*a*) the names of two or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference; or

(*b*) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with two or more marks; or

(*c*) it is void for uncertainty;

"original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

"preference" shall be interpreted as follows—

(*a*) "first preference" means any mark which, in the opinion of the returning officer, clearly indicates a first preference;

"second preference" means any mark which, in the opinion of the returning officer, clearly indicates a second preference standing in succession to a first preference;

"third preference" means any mark which, in the opinion of the returning officer, clearly indicates a third preference standing in succession to a second preference and so on;

(*b*) "next available preference" means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already deemed to be elected or excluded being disregarded;

"surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota;

"transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

"transferred vote" in regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

(2) Any ballot paper —

(*a*) which does not bear the official mark; or

(*b*) on which the figure 1 standing alone, or the word "one" or any other mark which, in the opinion of the returning officer, clearly indicates a first

preference, is not placed at all or is not so placed as to indicate a first preference for some candidate; or

(*c*) on which the figure 1 standing alone indicating a first preference, or the word "one" or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is set opposite the name of more than one candidate; or

(*d*) on which anything is written or marked which, in the opinion of the returning officer, is calculated to identify the elector;

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words "one", "two", "three" (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.

(3) The returning officer shall endorse "rejected" on any ballot paper which under this rule is not to be counted. The returning officer shall prepare a statement in such form as may be directed by the Minister showing the number of ballot papers rejected under each of the *subparagraphs (a), (b), (c)* and *(d)* of *paragraph (2)* and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(4) The returning officer may endorse on any ballot paper which the officer does not reject as invalid an indication of the officer's decision on it without, however, interfering with any mark placed by the elector on the ballot paper.

First count.

83. (1) After the ballot papers have been mixed in accordance with *rule 79*, the returning officer shall, rejecting any that are invalid, arrange them in parcels according to the first preferences recorded for each candidate.

(2) The returning officer shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate and the returning officer shall ascertain the number of all valid papers.

The quota.

84. (1) The returning officer shall then divide the number of all valid papers by a number exceeding by one the number of representatives to be elected; the result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a candidate and this number is referred to in this Schedule as "the quota".

(2) Where at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected.

Transfer of surplus.

85. (1) Where at the end of any count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with and subject to the provisions of this rule to the continuing candidate or candidates indicated on the ballot papers in the parcel or sub-parcel of the candidate deemed to be elected according to the next available preferences recorded thereon.

(2) Where the votes credited to a candidate deemed to be elected whose surplus is to be transferred consist of original votes only, the returning officer shall examine all the papers in the parcel of that candidate and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon.

(3) Where the votes credited to a candidate deemed to be elected whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by that candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences recorded thereon.

(4) In either of the cases referred to in *paragraphs (2)* and *(3)* the returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(5) Where —

(*a*) the surplus is equal to the total number of papers in the sub-parcels of transferable papers, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference,

(*b*) the surplus is greater than the total number of papers in the sub-parcels of transferable papers, the returning officer shall proceed as specified in *paragraph (a)* and shall in addition make a sub-parcel of a number of non-transferable papers equal to the difference between such total number and the surplus and set the papers therein aside as finally dealt with, such papers being, for the purposes of *rule 92(3)*, described as non-transferable papers not effective,

and the non-transferable papers or the remaining non-transferable papers, as the case may be, also arranged as a sub-parcel shall be placed with the papers of the candidate deemed to be elected.

(6) Where the surplus is less than the total number of transferable papers the following provisions shall apply:

(*a*) the returning officer shall transfer from each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference that number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers,

(*b*) the number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers,

(*c*) a note shall be made of the fractions (which may be expressed in decimal form), if any, in each quotient ascertained in respect of each candidate in accordance with *subparagraph (b)* and if, owing to the existence of such fractions, the number of papers to be transferred is less than the surplus, so many of these fractions taken in the order of their magnitude (beginning with the largest) as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity and the remaining fractions shall be disregarded,

(*d*) where two or more fractions are of equal magnitude, and it is not possible for the purposes of *subparagraph (c)* to reckon all of the said fractions as of the value of unity, that fraction shall be deemed to be the largest which arises from the largest sub-parcel, and if such sub-parcels are equal in size, that fraction shall be deemed to be the largest which relates to the candidate credited with the largest number of original votes. Where the numbers of such original votes are equal, regard shall be had to the total number of votes credited to such candidates at the first count at which they were credited with an unequal number of votes, and the fraction relating to the candidate credited with the greatest number of votes at that count shall be deemed to be the largest. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which fraction shall be deemed to be the largest.

(7) The papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel, and each paper so transferred shall be marked to indicate the number of the count at which the transfer took place.

(8) The returning officer F100**[**shall not**]** transfer the surplus of a candidate deemed to be elected whenever that surplus, together with any other surplus not transferred, is less than both the difference between the quota and the number of votes credited to the highest continuing candidate and the difference between the numbers of the votes credited to the two lowest continuing candidates and either—

(*a*) the number of votes credited to the lowest candidate is greater than one quarter of the quota, or

(*b*) the sum of the number of votes credited to the lowest candidate together with that surplus and any other surplus not transferred is not greater than one quarter of the quota.

(9) Where at any time there are two or more surpluses which are to be transferred, the greater or greatest of such surpluses shall first be transferred and the remaining surplus or surpluses shall then, subject to *paragraph (8)*, be transferred in the order of their descending magnitude.

(10) Where two or more candidates have each an equal surplus arising from the same count regard shall be had to the number of original votes credited to each candidate and the surplus of the candidate credited with the largest number of original votes shall be first dealt with. Where the numbers of such original votes are equal regard shall be had to the total number of votes credited to such candidates at the first count at which they had an unequal number of votes and the surplus of the candidate with the greatest number of votes at that count shall be first dealt with. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which surplus shall be first dealt with.

F100**[**(11) Subject to *paragraphs (8)* and *(9)*, where two or more candidates have each an equal surplus arising from different counts, a surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count.**]**

Exclusion of candidate.

86. (1) If at any time no candidate has a surplus (or when under *rule 85* an existing surplus is not transferred) and one or more vacancies remain unfilled, the returning officer shall —

(*a*) exclude the candidate credited with the lowest number of votes and examine all the papers of that candidate;

(*b*) arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates and transfer each sub-parcel to the candidate for whom the preference is recorded;

(*c*) make a separate sub-parcel of the non-transferable papers and set them aside as finally dealt with, such papers being, for the purposes of *rule 92(3)*, described as non-transferable papers not effective.

(2) Where the total of the votes of the two or more lowest candidates together with any surplus not transferred is less than the number of votes credited to the next highest candidate, the returning officer shall in one operation exclude such two or more lowest candidates provided that—

(*a*) the number of votes credited to the second lowest candidate is greater than one quarter of the quota, or

(*b*) where the number of votes credited to any one of such two or more lowest candidates does not exceed one quarter of the quota, it is clear that the

exclusion of the candidates separately in accordance with *paragraph (1)* and the transfer of any untransferred surplus could not result in a number of votes exceeding one quarter of the quota being credited to any such candidate.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with the lowest number of original votes shall be excluded and where the numbers of the original votes are equal, regard shall be had to the total numbers of votes credited to those candidates at the first count at which they had an unequal number of votes and the candidate with the lowest number of votes at that count shall be excluded and, where the numbers of votes credited to those candidates were equal at all counts, the returning officer shall determine by lot which shall be excluded.

Transfer of votes.

87. (1) Where a transfer of votes is made under *rule 85* or *86*, each sub-parcel of papers transferred shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to the said candidate.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions of *rule 85* before any other candidate is excluded.

Filling of last vacancies.

88. (1) F101**[**Subject to *paragraph (4)*, when**]** the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected.

F102**[**(1A)F101**[** Subject to *paragraph (4)*, when**]** the number of continuing candidates exceeds by one the number of vacancies remaining unfilled and the total of the votes credited to the lowest continuing candidate together with the surplus or surpluses not transferred is less than the number of votes credited to the next highest continuing candidate, the continuing candidates, with the exception of the lowest such candidate, shall thereupon be deemed to be elected.**]**

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates together with any surplus not transferred, that candidate shall thereupon be deemed to be elected.

F103**[**(3) When the last vacancies can be filled under this rule, no further transfer of votes shall be made unless any of the continuing candidates has not been credited with a number of votes exceeding one quarter of the quota and it is necessary for the purposes of section 21 of the Electoral Act 1997 or *section 13A(1)(e)* to make such transfer in order to establish whether such a number of votes could be credited to that candidate.**]**

F104**[**(4) For the purpose of the European elections held in the year 2019—

(*a*) *paragraph (1A)* shall not apply in the constituencies of Dublin and South as specified in the Third Schedule, and

(*b*) subject to *paragraph (5)*, when all vacancies have been filled in the constituencies of Dublin and South as specified in the Third Schedule, the order in which candidates are deemed to be elected in each such constituency shall be—

(i) where a candidate is deemed to be elected at the end of a count, that candidate shall be deemed to be elected before a candidate deemed to be elected at a subsequent count,

(ii) where two or more candidates are deemed to be elected at the end of a count, the candidate with the greater number of votes credited at the end of that count shall be deemed to be elected before a candidate with a lower number of votes credited at the end of that count.

(5) F105**[**...**]**

(6) F105**[**...**]]**

Recount.

89. (1) Any candidate or the election agent of a candidate may, at the conclusion of any count, request the returning officer to re-examine and recount all or any of the papers dealt with during that count, and the returning officer shall re-examine and recount such papers accordingly without making any alterations in the arrangement of the papers in the various parcels, save where such alterations may be necessary in consequence of any error discovered in the recount. Nothing in this paragraph shall make it obligatory on the returning officer to re-examine or recount the same parcel of papers more than once.

(2) The returning officer may at his or her discretion recount papers either once or more often in any case in which the officer is not satisfied as to the accuracy of any count. The power under this paragraph of a returning officer to recount papers shall extend to papers dealt with at an earlier count than the immediately preceding one.

(3) (*a*) One request (and not more) may be made by each candidate or the election agent of the candidate for a complete re-examination and recount of all parcels of ballot papers and the returning officer shall re-examine and recount the parcels of ballot papers accordingly.

(*b*) In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed.

(*c*) Nothing in this paragraph shall make it obligatory on the returning officer to re-examine or recount the same parcel of papers more than once, but if an error is discovered which is, in the opinion of the returning officer, a significant error likely to affect the result of the election, the returning officer shall count all the papers afresh from the point at which the error occurred.

(*d*) Nothing in this paragraph shall make it obligatory on the returning officer to comply with a request by a candidate or the election agent of a candidate which, in the opinion of the returning officer, is frivolous or vexatious.

(*e*) A request under this paragraph may be made only at the conclusion of a count.

(4) Where an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him or her.

(5) Where a request made under *paragraph (3)* is withdrawn by the candidate as respects whom it is made or by the election agent of the said candidate, it shall be open to the returning officer not to proceed, or to proceed further with the re-examination and recount.

Declaration of result of the poll.

F106**[**90. (1) Subject to *paragraph (2)*, on the completion of the counting of the votes the returning officer shall determine and declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected.

(2) The returning officer shall not declare the result of the poll until polling has closed in the Member State whose electors are the last to vote in the relevant election.**]**

Decision of returning officer.

91. The decision of the returning officer, whether expressed or implied by his or her acts, on any question which arises in relation to the exclusion of any candidate under *rule 86* or to any ballot paper or transfer of votes shall be final, subject only to reversal on a petition questioning the European election.

PART XII

Result of Election, Disposal of Documents etc.

Return of persons elected.

92. (1) The returning officer for a constituency shall make a return to the F107**[**chief returning officer**]** of the candidates elected in the constituency to be representatives in the Parliament.

(2) The return shall be made by a certificate in the form directed by the Minister of the names and descriptions of such candidates signed by the returning officer, as soon as possible after the result of the poll has been declared in accordance with *rule 90* or, where there is no poll, when such persons have been declared elected in accordance with *rule 23(1)(b)*.

(3) The returning officer shall give public notice of the names and descriptions of the candidates elected and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not, of any transfer of votes and the total number of votes credited to each candidate at the end of the count at which such transfer took place. The returning officer shall send a copy of the said notice to the Minister, F108**[**the chief returning officer**]**, the Clerk of the Dáil and each person elected. The returning officer shall also send to the Minister a copy of each replacement candidates list of which public notice was given pursuant to *rule 49*.

F109**[**(4) Notwithstanding *paragraph (3)*, for the purpose of the European elections held in the year 2019, the returning officer for the constituency of Dublin and the returning officer for the constituency of South shall give public notice of the last candidate deemed to be elected, in accordance with *rule 88*, in each said constituency. The returning officer for the constituency of Dublin and the returning officer for the constituency of South shall send a copy of the said notice to the Minister, the chief returning officer, Clerk of the Dáil (or, where he or she is unable through illness, absence or other cause to fulfil his or her duties or where there is a vacancy in the office of Clerk of Dáil Éireann, the Clerk-Assistant of Dáil Éireann) and to each person elected.**]**

Retention and disposal of documents.

93. (1) On the completion of the counting of the votes the returning officer shall place in separate sealed packets—

(*a*) the counted ballot papers,

(*b*) the ballot papers rejected at the counting of the votes,

(*c*) the statements prepared in accordance with *rule 75(1)*, and

(*d*) the candidates' nomination papers, whether valid or invalid, any certificates of political affiliation or of European political affiliation, any replacement candidates lists, whether valid or invalid (other than those delivered to the F110**[**chief returning officer**]** pursuant to *rule 19(7)*) and any declarations F111**[**...**]** delivered to the returning officer pursuant to *rules 6* and *19(2)*,

and shall mark on each packet particulars of its contents, the date of the polling day at the European election and the constituency to which they relate and shall as soon as practicable forward the said packets to the F110**[**chief returning officer**]**.

(2) On the expiry of the seventh day after the results of the election have been declared the returning officer shall place in a sealed packet any statutory declarations transmitted to the returning officer in accordance with *rule 7(2)* and shall mark on the packet particulars of its contents, the date of the polling day at the European election and the constituency to which it relates, and shall as soon as practicable send the packet to the F110**[**chief returning officer**]**.

(3) The local returning officer shall place in separate sealed packets —

(*a*) the unused and spoilt ballot papers,

(*b*) the ballot paper accounts,

(*c*) the counterfoils of ballot papers issued at polling stations,

(*d*) the marked copies of the register of European electors, and

(*e*) any authorisations to electors to vote at other polling stations,

and shall mark on each packet particulars of its contents, the date of the polling day at the European election and the constituency and county or county borough to which they relate and shall as soon as practicable forward to the F110**[**chief returning officer**]** the said packets and the packets sealed up in accordance with *rules 39* and *46(2)*.

(4) The documents referred to in this rule including those referred to in *rules 39* and *46* shall be retained by the F110**[**chief returning officer**]** for 6 months from the date of the poll at the election. At the expiration of the said period the F110**[**chief returning officer**]** shall, unless otherwise directed by an order of the High Court, or the F110**[**chief returning officer**]** has reason to believe that the documents may be required for a purpose referred to in *section 20(3)*, cause the documents to be destroyed.

Return by Clerk of the Dáil.

F112**[**94. (1) The chief returning officer shall, as soon as may be after receipt of the return referred to in rule 92 from each returning officer, make a return, in the form directed by the Minister, to the Parliament of the persons elected in the State to be representatives in the Parliament.

(2) For the purpose of the European elections held in the year 2019, the return made by the chief returning officer under *paragraph (1)* shall declare that the last candidate deemed to be elected, as set out in the public notice given in accordance with *rule 92*, in each of the constituencies of Dublin and South as specified in the Third Schedule, shall not take up their seats in the European Parliament until such time as a date has been specified by the Parliament for the taking up of such seats.**]**

Absence, incapacity or vacancy in office of Clerk of Dáil.

95. F113**[**...**]**

PART XIII

Casual Vacancies

Filling of vacancy from replacement candidates list.

96. (1) Where a casual vacancy occurs amongst the persons who by virtue of this Act are representatives in the Parliament and the relevant representative elected under this Act at the last preceding European election was at that election a candidate of a registered political party which, or a non-party candidate who, as regards that election, presented a replacement candidates list, being a list of which public notice was given pursuant to *rule 49*, the Clerk of the Dáil, shall, as soon as may be after the

casual vacancy occurs, by letter request the person (if any) whose name stands first or, as may be appropriate, alone on that list to make and deliver to the said Clerk, within 20 days from the day on which the request is made, a statutory declaration, in such form as the Minister may direct, that—

(*a*) the person is the person whose name stands (whether alone or otherwise) on the list,

(*b*) the person is eligible and willing to assume the office of representative in the F114**[**Parliament**]**

F115**[**(*bb*) where the person is a national of a Member State, other than the State F116**[**...**]**, the person does not stand deprived, as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, of the right to stand as a candidate under the law of that person's home Member State, and**]**

(*c*) in case the relevant representative so elected was at such election a candidate of a registered political party, the person is a member of the registered political party concerned.

(2) If the person of whom a request was made under *paragraph (1)* fails or refuses to comply with the request, the Clerk of the Dáil, shall, as soon as may be after the refusal or failure concerned, by letter request the person (if any) whose name stands next on the relevant list to make and deliver to the said Clerk a statutory declaration in accordance with the said *paragraph (1)* and if such person fails or refuses to comply with the request, the Clerk of the Dáil shall, as soon as may be after the refusal or failure concerned, make such a request by letter, in turn, of each of the other persons (if any) whose names appear on the relevant list, in the order in which they so appear, until —

(*a*) one such person complies with the request, or

(*b*) the list is exhausted,

whichever is the sooner.

(3) F114**[**Subject to *paragraphs (3A)* to *(3C)*, where**]**, pursuant to a request under *paragraph (1)*, the Clerk of the Dáil receives a statutory declaration in compliance with the said paragraph, the Clerk shall, as soon as may be, cause a statement of the declarant's name and address together with a copy of the statutory declaration to be—

(*a*) laid before each House of the Oireachtas,

(*b* published in *Iris Oifigiúil*,

(*c*) delivered to—

(i) each person on the relevant replacement candidates list, and

(ii) in case the list was presented by a registered political party, that party.

F115**[**(3A) Where a statutory declaration received by the Clerk of the Dáil pursuant to a request under *paragraph (1)* and in compliance with that paragraph includes a declaration under *subparagraph (bb)* of that paragraph, the Clerk, shall, as soon as may be, and before performing the duties required by *paragraph (3)* in respect of that declaration, forward to the Minister a copy of the declaration, and the Minister shall, as soon as may be—

(*a*) transmit a copy of the declaration to the competent administrative authority of the home Member State of the person who made the declaration, and

(*b*) request information from that competent administrative authority verifying whether or not that person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, and the Minister may ask for such information to be provided within a specified period of time.

(3B) The Minister shall, as soon as may be after receiving the information requested in *paragraph (3A)(b)*, notify the Clerk of the Dáil as to whether the person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.

(3C) Where a statutory declaration received by the Clerk of the Dáil pursuant to a request under *paragraph (1)* and in compliance with that paragraph includes a declaration under *subparagraph (bb)* of that paragraph, the Clerk shall perform the duties required by *paragraph (3)* in respect of the statutory declaration—

(*a*) as soon as may be after the Clerk receives notification pursuant to *paragraph (3B)* that the person does not stand deprived of the right to stand as a candidate, or

(*b*) not later than twenty-five days from the date on which the Clerk received the statutory declaration under *paragraph (3A)*,

whichever is the sooner.**]**

(4) Where a statement of the declarant's name and address and a copy of the statutory declaration are laid, published and delivered in accordance with *paragraph (3)* the person named therein shall, upon the expiration of the period of 7 days beginning on the day on which the statement and copy of the statutory declaration are so published in *Iris Oifigiúil*, be regarded as having been elected under this Act to the Parliament.

Dáil to select person in certain cases.

97. (1) In case —

(*a*) the relevant representative elected under this Act at the last preceding European election was not a candidate described in *rule 96(1)*,

(*b*) the persons of whom a request was made under the said rule fail or refuse to comply with the request, or

(*c*) the relevant replacement candidates list is exhausted,

the Clerk of the Dáil shall cause a statement to the effect set out in *subparagraph (a), (b)* or *(c)*, as may be appropriate, to be laid before each House of the Oireachtas, and the Dáil may select a person whose name is on any replacement candidates list in respect of the constituency concerned, being a list of which public notice was given pursuant to the said *rule 49* or, as may be appropriate, the sole such list presented at the last preceding European election in respect of the constituency and, in case the Dáil makes a selection under this rule, it shall by resolution specify the person so selected.

(2) Where, pursuant to *paragraph (1)* a resolution is passed by the Dáil, the person specified in the resolution shall thereupon be regarded as having been so elected under this Act to the Parliament.

Notification to Parliament of person regarded as having been elected.

98. As soon as may be after a person is, by virtue of this Part, regarded as having been elected under this Act to the Parliament, the Clerk of the D á il shall notify the Parliament of the name and address of the person together with the date on which the person's election took effect.

Term of office of person regarded as having been elected.

99. Where, pursuant to *rule 96* or *97* a person is regarded as having been elected under this Act to the Parliament the person shall, unless he or she sooner dies, resigns, becomes disqualified for election under this Act to the Parliament, is removed from office or otherwise ceases to be a representative in the Parliament, hold office as such a representative for the residue of the term for which the representative whom the person replaces would have held office had the representative not ceased to hold office.

Certain person not to be regarded as having been elected.

100. A person shall not be regarded as having been elected to the Parliament pursuant to this Part if the person is, for the time being—

(*a*) a representative in the Parliament,

(*b*) not eligible for election under this Act to the Parliament,

(*c*) a person who, by virtue of any provision laid down under the treaties, is not entitled to assume the office of representative in the Parliament,

(*d*) not willing to assume such office, or

(*e*) in case—

(i) the vacancy concerned is not one to which *rule 97* applies, and

(ii) the relevant representative elected under this Act to the Parliament at the last preceding European election was at that election a candidate of a registered political party,

a person who is not a member of that party.

Absence, incapacity or vacancy in office of Clerk of Dáil.

101. If and so long as the office of Clerk of the Dáil is vacant or the holder of that office is unable through illness, absence or other cause to fulfil the duties of Clerk of the Dáil, the functions conferred on the said Clerk by this Part shall be performed by the Clerk-Assistant of the Dáil.

PART XIV

ELECTORAL OFFENCES

Prohibition on voting more than once etc.

102. (1) A person shall not in any year in which a European election is held both—

(*a*) apply for a ballot paper or vote at the election, and

(*b*) apply for a ballot paper or vote at an election being held as regards any Member State other than the State in pursuance of any provision laid down under any or all of the treaties.

(2) A person—

(*a*) who is registered in the register of European electors for the time being in force but is not entitled to be so registered, or

(*b*) who is not registered in that register,

shall not vote at a European election.

(3) A person who contravenes *paragraph (1)* or *(2)* shall be guilty of an offence.

(4) Where a fresh European election is held pursuant to *section 21 (11)* and such election is held in a year other than that in which the relevant European election declared wholly or partly void by the court was held, then for the purposes of this rule the fresh European election and the election to which the declaration relates shall be regarded as being held in the same year.

(5) For the purposes of this rule, a person to whom a ballot paper has been issued pursuant to *rule 32* shall be deemed to have obtained a ballot paper.

Personation.

103. (1) A person who—

(*a*) at a European election applies for a ballot paper in the name of some other person, whether that name be the name of a living person or of a dead person or of a fictitious person, or

(*b*) having obtained a ballot paper once at a European election applies at the same election for a ballot paper in his or her own name (otherwise than under *rule 63*),

shall be guilty of the offence of personation.

(2) For the purposes of this rule, a person to whom a ballot paper has been issued pursuant to *rule 32* shall be deemed to have obtained a ballot paper.

(3) A person who aids, abets, counsels or procures the commission of the offence of personation shall be guilty of an offence.

Bribery.

104. (1) A person shall not, in relation to a European election—

(*a*) give valuable consideration to induce a voter to vote, or to procure the election of any person or the vote of any voter, or on account of a voter having voted; or

(*b*) procure, by means of, or in consequence of, valuable consideration, the election of any person or the vote of any voter; or

(*c*) withdraw or refrain from withdrawing, in consequence of any valuable consideration, from being a candidate; or

(*d*) induce, by means of, or in consequence of, valuable consideration, any person to withdraw or to refrain from withdrawing from being a candidate; or

(*e*) receive, agree or contract to receive, valuable consideration for voting or agreeing to vote.

(2) A person who contravenes *paragraph (1)* shall be guilty of an offence.

(3) A person who aids, abets, counsels or procures the commission of an offence under this rule shall be guilty of an offence.

(4) In this rule —

"give", "induce" and "procure" include agreeing or promising or attempting to give, induce or procure, as the case may be, and whether directly or indirectly;

"valuable consideration" includes the giving, lending or agreeing to give or lend, or the offer or promise to procure or to attempt to procure, any money, money's worth or valuable security or any office, place or employment to or for any person;

"vote" includes voting in a particular way or refraining from voting.

Undue influence.

105. A person who, in relation to a European election, directly or indirectly makes use of or threatens to make use of any force, violence or restraint against or inflicts or causes or threatens to inflict or cause any temporal or spiritual injury or loss on or to any person, or attempts by abduction, duress, or fraud—

(*a*) to induce or compel any person to vote or refrain from voting, or to vote or refrain from voting for a particular person or in a particular way, or

(*b*) to induce or compel any person to withdraw, or to refrain from withdrawing, from being a candidate, or

(*c*) to induce or compel any person to be a candidate or to impede or prevent any person from being a candidate, or

(*d*) to impede or prevent the free exercise of the franchise by any European elector,

shall be guilty of an offence.

Breach of secrecy.

106. (1) A person who is present at the issue of ballot papers to postal voters or at voting by special voters or at the opening of postal voters ballot boxes shall be guilty of an offence if, except for some purpose authorised by law, the person—

(*a*) communicates, before the poll is closed, to any person any information obtained at the said issue or the said voting as to the official mark, or

(*b*) attempts to ascertain at the said issue or the said voting or the said opening the number on the back of any ballot paper or the candidate for whom any vote is given in any ballot paper, or communicates to any other person any information with respect thereto obtained at the said issue or the said voting or the said opening.

(2) A person admitted to a polling station in any capacity at a European election shall be guilty of an offence if, before the poll is closed, the person communicates, except for some purpose authorised by law, to any other person any information as to the name or the number on the register of European electors of any voter who has or has not applied for a ballot paper or voted at a polling station, or as to the official mark.

(3) A person who is present in any capacity at the verification of ballot paper accounts or the counting of the votes at a European election shall be guilty of an offence if, except for some purpose authorised by law, the person ascertains or attempts to ascertain at such verification or such counting the number on the back of any ballot paper, or if at any time the person communicates any information obtained at such verification or such count as to the candidate for whom any vote is given on any ballot paper.

(4) A person shall be guilty of an offence if, at a European election, except for some purpose authorised by law, the person—

(*a*) interferes with or attempts to interfere with a voter when marking a ballot paper, or obtains or attempts to obtain in a polling station information as to the candidate for whom any voter in the station is about to vote or has voted, or

(*b*) communicates at any time to any other person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper issued to a voter at that station, or

(*c*) directly or indirectly induces any voter to display a ballot paper after the said voter has marked it so as to make known to any person the name of the candidate for whom the said voter has or has not voted, or

(*d*) interferes with or attempts to interfere with the receipt, marking or return of a ballot paper by any postal voter or attempts to obtain information as to the candidate for whom any such voter has or has not voted.

Offences relating to ballot boxes, election documents, official marks etc.

107. A person shall be guilty of an offence if the person—

(*a*) wilfully and without lawful authority, takes, destroys, conceals, opens or otherwise interferes with any ballot box or packet of ballot papers, or any packet of papers or documents of any kind then in use or intended to be used for the purposes of a European election, or any ballot paper account or marked copy of a register of European electors prepared or used for the purposes of the election, or any unused ballot paper, or

(*b*) maliciously destroys, tears, or defaces a ballot paper, or

(*c*) forges or counterfeits a ballot paper or the official mark on a ballot paper, or

(*d*) without lawful authority, supplies a ballot paper to any person, or

(*e*) fraudulently puts into a ballot box any paper other than the ballot paper which the person is authorised by law to put in it, or

(*f*) without lawful authority takes a ballot paper out of a polling station, or

(*g*) forges or fraudulently defaces or fraudulently destroys any nomination paper or any replacement candidates list F117**[**...**]** or any certificate of political affiliation or of European political affiliation, or any authorisation under *rule 60* or *61* or any official envelope or form of declaration of identity or form of receipt used in connection with special voting or voting by post, or any other form or document used at an election, or

(*h*) produces to the returning officer a nomination paper or replacement candidates list, knowing the same to be forged, or

(*i*) counterfeits the official mark, or

(*j*) without lawful authority, removes, destroys or damages any instrument for stamping the official mark on ballot papers or makes or is in possession of any imitation or counterfeit of any such instrument.

Disorderly conduct at election meeting.

108. (1) A person shall be guilty of an offence if, between the date of publication of the notice of election and the date on which the return is made by the returning officer under *rule 92* of persons elected to be representatives in the Parliament for a constituency, the person acts in a disorderly manner at a lawful public meeting held in connection with the election.

(2) A person who aids, abets, counsels or procures the commission of an offence under *paragraph (1)* shall be guilty of an offence.

Omission of name and address of printer and publisher from European election documents.

109. (1) Every notice, bill, poster or similar document having reference to a European election or distributed for the purpose of furthering the candidature of any candidate or the interests of a political party at a European election shall bear upon its face the name and address of the printer and of the publisher thereof.

(2) A person shall be guilty of an offence if the person prints, publishes or posts, or causes to be printed, published or posted, any such notice, bill, poster or similar

document as aforesaid which does not bear upon its face the name and address of the printer and of the publisher thereof.

(3) The provisions of *paragraphs (1)* and *(2)* shall not apply as respects any such notice, bill, poster or similar document printed, published or posted by a returning officer or a local returning officer.

(4) For the purposes of this rule "print" includes any process for producing copies of a notice, bill, poster or similar document, other than copying it by hand.

Nominating or withdrawing a candidate without consent.

110. (1) A person shall not—

(*a*) nominate another person for election under this Act to be a representative in the Parliament, or

(*b*) withdraw the candidature of another person for such election, or

(*c*) nominate a person as a replacement candidate,

save with the consent of that person.

(2) A person who contravenes *paragraph (1)* shall be guilty of an offence.

Forged certificate of political affiliation.

111. A person who produces to a returning officer a certificate such as is referred to in *rule 5(3)* or *(5)* which that person knows to be forged, shall be guilty of an offence.

False declaration on nomination paper.

112. (1) In case a person who, being a candidate or the proposer of a candidate at a European election, makes a declaration on a nomination paper that the person has read the notes on the nomination paper and believes that the candidate—

(*a*) is eligible for election under this Act,

(*b*) has consented to the nomination,

(*c*) does not stand validly nominated in respect of any other constituency, and

(*d*) is not a candidate at the election in any other Member State,

then if the candidate—

(i) is not eligible for election under this Act, or

(ii) has not consented to the nomination, or

(iii) stands validly nominated in respect of any other constituency, or

(iv) is a candidate at the elections in any other Member State,

the person shall be guilty of an offence.

(2) In a prosecution for an offence under *paragraph (1)*, it shall be a good defence for the defendant to show that he or she had reasonable grounds for believing that the candidate was eligible for election, had consented to the nomination, did not stand validly nominated in respect of any other constituency or was not a candidate at the election in any other Member State.

False declaration on replacement candidates list.

113. (1) In case a person by whom a replacement candidates list is signed makes a declaration on such list that he or she has read the notes on the list and believes that each of the persons whose names appear on the list as being replacement candidates—

(*a*) is eligible for nomination under this Act as a replacement candidate and has consented to such nomination, and

(*b*) none of such persons stands validly nominated as a replacement candidate in respect of any other constituency, or is a candidate at the election in any other Member State,

then if any person whose name so appears,

(i) is not eligible for nomination or has not consented to such nomination, or

(ii) stands validly so nominated in respect of any other constituency or is a candidate at the election in any other Member State,

the person by whom the declaration is made shall be guilty of an offence.

(2) In a prosecution for an offence under *paragraph (1)*, it shall be a good defence for the defendant to show that he or she had reasonable grounds for believing that the relevant person or, as may be appropriate, a relevant person was eligible for nomination under this Act as a replacement candidate and had consented to such nomination, did not stand validly nominated as a replacement candidate in respect of any other constituency and was not a candidate at the election in any other Member State.

Forged attestation.

114. F118**[**...**]**

Officer acting as agent of candidate or furthering a candidature.

115. A returning officer, a local returning officer or any person employed by any such officer for any purpose relating to a European election who acts as agent for any candidate at that election or who is actively associated in furthering the candidature of any candidate or promoting the interests of any political party at the election shall be guilty of an offence.

Obstruction of nomination or poll.

116. A person who at a European election obstructs by violence the nomination of candidates or the poll shall be guilty of an offence.

Interference with or destruction of postal ballot papers.

117. (1) Any person who, at a European election—

(*a*) wilfully and without lawful authority takes, destroys, conceals, opens or otherwise interferes with any ballot paper or other document sent to a postal voter under this Act, or

(*b*) without lawful authority knowingly supplies any such ballot paper or other document to a person other than the person lawfully entitled to receive it,

shall be guilty of an offence.

(2) A person who aids, abets, counsels or procures the commission of an offence under this rule or who solicits or incites any other person to commit such an offence shall be guilty of an offence.

Obstruction of or interference with electors.

118. (1) A person shall not interfere with or obstruct or impede an elector going to or coming from or in the vicinity of or in a polling station.

(2) During the period commencing 30 minutes before the time appointed for the opening of a poll at a European election, including a poll which has been adjourned under *rule 68*, and ending 30 minutes after the close of the said poll, a person shall not, in or in the curtilage of a polling station or in any place within F119**[**50 metres**]**

of such station, for the purpose of promoting the interest of a political party or furthering the candidature of a candidate or candidates or soliciting votes for a candidate or candidates or for any contrary purpose, do any or all of the following things:

(*a*) loiter or congregate with other persons;

(*b*) attempt to induce, by any means whatsoever, an elector to vote for a candidate or candidates or vote in a particular way or refrain from voting;

(*c*) display or distribute any notice, sign or poster (other than a notice, sign or poster displayed by the returning officer or local returning officer) or card, circular or other document relating to the election; or

(*d*) use or cause to be used any loud-speaker or other public address mechanism to broadcast matter relating to the election.

(3) For the purpose of this rule, a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate and the distance referred to in *paragraph (2)* shall be measured from any entrance to the polling station or to the curtilage thereof.

(4) A person who contravenes *paragraph (1)* or *(2)* shall be guilty of an offence.

Personation agent leaving polling station without permission.

119. (1) A personation agent shall not, during the hours fixed under *section 10* for the holding of the poll, leave the polling station to which the said agent is appointed without previously obtaining the permission of the presiding officer and depositing with the presiding officer all registers, books and documents in which the personation agent has made any note, writing or mark during the poll.

(2) A personation agent who contravenes *paragraph (1)* shall be guilty of an offence and in addition shall not, save with the permission of the presiding officer, return to the polling station in question.

Unlawful marking of ballot papers by persons acting as companions.

120. A person who contravenes *paragraph (8)* or *(9)* of *rule 64* shall be guilty of an offence.

False statement of withdrawal or death of a candidate.

121. A person who, between the date of publication of the notice of election and the date on which the return is made by the returning officer to the F120**[**chief returning officer**]** under *rule 92* of persons elected to be representatives in the Parliament, knowingly publishes a false statement of the withdrawal or death of a candidate at the European election shall be guilty of an offence.

Misleading statement as to process of voting.

122. Any person who, before or during a European election, makes or publishes any statement which is likely to mislead voters as to the actual process of voting shall be guilty of an offence.

Handling of ballot papers by candidates or agents.

123. A candidate or the agent of a candidate who handles a ballot paper during the verification of the ballot paper accounts or the counting of the votes at a European election shall be guilty of an offence.

Unauthorised inspection of documents.

124. Unauthorised inspection of any document which is a document mentioned in *section 20(2)* shall be an offence.

Corrupt withdrawal of petition.

125. A person who makes any agreement or enters into any undertaking in relation to the withdrawal of a petition in consideration of any payment or the cesser of membership of the Parliament or for any substantial reason not stated in the affidavit referred to in *rule 135(2)* shall be guilty of an offence.

Limitation of time for prosecution of offence.

126. Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under this Act may be instituted within twelve months from the date of the offence or, if the offence was committed in relation to a European election as respects which proceedings questioning the election are held before the High Court, may be commenced within twelve months from the date of the offence or within three months from the decision of the court, whichever period last expires, but proceedings for an offence under this Act shall not be commenced after the expiration of the period of two years beginning on the date of the offence.

Penalties.

127. (1) Where a person is guilty of an offence under this Act, other than an offence mentioned in *paragraph (2)*, such person shall be liable—

(*a*) on summary conviction to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, or

(*b*) on conviction on indictment to a fine not exceeding £2,500 or, at the discretion of the court, to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) Where a person is guilty of an offence under *rule 109, 119* or *123*, such person shall be liable on summary conviction to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Compensation where certain charge is unjustly made or not prosecuted.

128. Where any person is arrested under *rule 66* on a charge made by a personation agent that such person has committed the offence of personation or an offence under *rule 102* and either such personation agent (or someone on the agent's behalf) fails to appear before the court and support the charge, or the court acquits the person of having committed the offence and finds that the charge was made by the personation agent without reasonable or just cause, the court may, at the request of the person so charged but not otherwise, order the personation agent to pay to the person such sum not exceeding £500 as the court shall think proper by way of damages, and such sum when duly paid shall be accepted by the person so charged in full satisfaction of all claims by that person in respect of damages arising from the said charge and arrest and detention thereon.

Certificate of returning officer *prima facie* evidence.

129. In any civil or criminal proceedings in relation to an alleged offence at a European election, the certificate of the returning officer for the constituency concerned of the due holding of the election or that a particular person was a candidate thereat shall be *prima facie* evidence of the facts stated therein and it shall not be necessary to prove the signature of the returning officer or that the person was in fact such returning officer.

PART XV

EUROPEAN ELECTION PETITIONS

Questioning a European election.

130. Without prejudice to *section 21 (2)(c)*, where it appears to the Director of Public Prosecutions that a European election may have been affected by the commission of electoral offences, the Director may question the election pursuant to this Act.

Security for costs.

131. (1) The security required to be given by *section 21* shall be given either by recognisances entered into by any number of sureties satisfactory to the court not exceeding four or by a deposit of money, or partly in one way and partly in the other.

(2) Where a petition is presented by the Director of Public Prosecutions, *section 21 (5)* shall not apply.

Particulars in petition.

132. A petition shall be signed and dated by the petitioner and shall specify—

(*a*) the European election to which it relates,

(*b*) the grounds on which it is based,

(*c*) the remedy it seeks,

(*d*) the name and address of the petitioner and of the petitioner ' s solicitor or agent, if any.

Trial of petition.

133. (1) A petition shall be tried by the High Court and references to the court in this Part shall be construed as references to the High Court.

(2) The following provisions shall have effect in relation to the trial of a petition:

(*a*) in fixing the date for and conducting the trial, the court shall deal with the matter as soon as is reasonably possible;

(*b*) notwithstanding the death of any person to whose election the petition relates, the resignation of a person as a representative in the Parliament or a person otherwise ceasing to be such representative, the court shall have power to continue the trial if it considers it to be in the interests of justice to do so;

(*c*) the Director of Public Prosecutions may at any stage be represented at and take part in the trial as a party, whether on the Director's own motion or at the request of the court;

(*d*) the returning officer for the relevant constituency and any local returning officer concerned shall, at the request of the court, attend the trial and give such assistance as shall be requested of such officer by the court, but without prejudice to the officer being a party to the proceedings or being called as a witness by any such party.

Counting of votes afresh.

134. (1) The court may, for the purposes of the trial of a petition questioning a European election, if it thinks fit, order—

(*a*) that all the votes cast at the election in the constituency to which the petition relates shall be counted afresh, or

(*b*) that all the votes so cast and recorded on the ballot papers contained in a particular parcel shall be so counted,

and where the court so orders, the provisions of the following paragraphs shall have effect.

(2) Votes to which an order under this rule relates shall be counted afresh under the direction of the court and, subject to *paragraphs (3)* and *(4)* and to such modifications (if any) as the court considers necessary, the provisions of *Part XI* relating to the counting of votes at an election shall apply to such counting.

(3) Where votes are counted afresh pursuant to an order under this rule, the court shall cause the following to be disregarded:

(*a*) preferences recorded on ballot papers which are invalid by virtue of *rule 82(2)*,

(*b*) preferences recorded on forged or counterfeited ballot papers, and

(*c*) preferences recorded for any person who, with respect to the relevant European election, is found by the court not to have been eligible for election under this Act to the Parliament.

(4) The court shall have power to reverse any decision of the returning officer at the original count.

(5) The costs of giving effect to an order under this rule shall be paid by the Minister for Finance out of the Central Fund or the growing produce thereof and *section 18* shall, with respect to the services and expenses properly rendered or incurred by the returning officer for the purposes of, or in connection with, giving effect to the order, apply in the same manner as it applied in respect of the services and expenses rendered or incurred by the returning officer for, or in connection with, the relevant European election.

Withdrawal of petition.

135. (1) A petition shall not be withdrawn without the leave of the court and in giving such leave the court shall be satisfied that the notice given by the petitioner pursuant to *paragraphs (3)* and *(4)* was reasonable, and in addition to the foregoing, where a petition is presented by more than one petitioner the court, before giving such leave, shall be satisfied that all the petitioners agree to the withdrawal.

(2) Except in the case of a petition presented by the Director of Public Prosecutions, when applying for leave for the withdrawal of a petition, the petitioner shall submit to the court an affidavit stating—

(*a*) the reasons for the proposed withdrawal, and

(*b*) that, to the best of the petitioner's knowledge and belief, neither an agreement nor an undertaking has been made or entered into in relation to the withdrawal of the petition in consideration of any payment or the cesser of membership of the Parliament or for any substantial reason not stated in the affidavit.

(3) Notice of intention to apply for leave to withdraw a petition shall be given by the petitioner by the publication in at least two daily newspapers circulating in the constituency to which the petition relates of a notice to that effect and the notice shall also state the time and place at which the application will be made and that any person may apply to the court to be substituted for the petitioner.

(4) Except in the case of a petition presented by the Director of Public Prosecutions, a copy of the affidavit mentioned in *paragraph (2)* together with notice of the time and place at which the application will be made shall be given by the petitioner to the Director of Public Prosecutions who may be represented at, and if the Director thinks fit, oppose the application.

(5) Where the petition has been presented by more than one petitioner, the affidavit mentioned in *paragraph (2)* shall, unless the court otherwise directs, be made by all the petitioners.

(6) The withdrawal of a petition pursuant to this rule shall not affect the liability of any person (or of the estate of such person) for the payment of costs previously incurred.

Substitution of new petitioner following withdrawal.

136. (1) On the hearing of an application for leave to withdraw a petition, any person who, under *section 21*, would be eligible to apply for leave to present a petition, may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute that person accordingly.

(2) In case the court substitutes a petitioner under *paragraph (1)* and is of opinion that the application for leave to withdraw the petition was the result of any agreement or undertaking the making of which or the entering into which is declared by *rule 125* to be an offence, the court may direct that the security for costs given by the original petitioner shall remain as security for the costs that may be incurred by the substituted petitioner and that, to the extent of the sum named in the security, the original petitioner and his or her sureties, if any, shall be liable to pay the costs of the substituted petitioner.

Substituted petitioners.

137. (1) Subject to *rule 136(2)*, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(2) In case the court substitutes a petitioner under *rule 136* and does not make a direction under *paragraph (2)* of that rule, or in case the court substitutes a petitioner under *rule 136*, the security required by *section 21* in the case of a new petition, and subject to the like conditions, shall be given by the substituted petitioner, and in case such security is not so given, no further proceedings shall be had on the petition and the petition shall abate, but the abatement shall not affect the liability of any person (or of the estate of such person) for the payment of costs previously incurred.

Abatement of petition.

138. (1) A petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition by virtue of *paragraph (1)* shall not affect the liability of the petitioner or any other person (or of the estate of such person) for the payment of costs previously incurred.

(3) At any time within the fourteen days next after the day of any such abatement, any person may apply to the court to be substituted as a petitioner and the court may, if it thinks fit, substitute that person accordingly, and in case the court makes an order under this rule the petition shall thereupon be revived.

Matters relating to final order on trial of petition.

139. (1) A copy of the order determining the petition in accordance with *section 21* shall be given forthwith by the court to each of the following, namely, any person to whose election the order relates, the Minister, the returning officer concerned, F121**[**the chief returning officer,**]** the Clerk of the Dáil and the Director of Public Prosecutions.

(2) The court shall have power to make such amendments in the return of persons elected made to the F122**[**chief returning officer**]** by a returning officer as it considers necessary in consequence of its decision on a petition.

Effect of certain declarations by court.

140. (1) Where the order of the court determining the trial of a petition declares that a person was not duly elected as a representative to the Parliament, or was not qualified for election under this Act as a representative in the Parliament, or that the whole or part of a European election was void, the person to whom the declaration relates, or any person declared to be elected at such void election or void part of

such election (as the case may be) shall, as and from the date of the said order, cease to be a representative in the Parliament.

(2) Where an order mentioned in *paragraph (1)* declares that, in the place of any person declared by the order not to have been duly elected or not to have been eligible for election under this Act to the Parliament, a specified other person was ascertained to have been elected, that other person shall, as and from the date of the said order, stand elected as a representative to the Parliament.

No action to be taken in certain circumstances to fill vacancy in Parliament.

141. Except by an election of all the representatives to the Parliament, no action shall be taken to fill a vacancy in the representation in the Parliament caused by the death or cesser as such representative of a person who has died or resigned or otherwise ceased to be a representative in the Parliament while the trial of the petition relating to that person is pending or proceeding.

Witnesses.

142. (1) The court shall be entitled of its own volition, at any time during the trial of a petition, to direct that a particular person shall be brought before the court and shall give evidence at the trial, and where the court so directs the cost of bringing the person before the court (including any moneys payable to the person as witness's expenses) shall be regarded as part of the costs of the petition.

(2) Subject to *paragraph (3)*, a person who is called as a witness at the trial of a petition shall not be excused from answering any question relating to any offence at or connected with the relevant European election on the ground that the answer thereto may incriminate or tend to incriminate that person or on grounds of privilege: provided that—

(*a*) a witness who satisfies the court that he or she has answered truly all the questions which the witness is required by the court to answer shall be entitled to receive from the court a certificate stating that the witness has so answered, and

(*b*) an answer by a witness who has received such a certificate to a question put at the trial of a petition shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against the witness.

(3) Nothing in this rule shall be construed as affecting the right of any party to a petition to call any person as a witness.

Costs of petition.

143. (1) All costs, other than the costs of counting votes afresh under *rule 134*, of and incidental to a petition shall be in the discretion of the court which shall have power to order such costs or any part of such costs of any party to the petition to be paid by any other such party, and, where the costs or any part of the costs of any such party are so ordered to be paid by the petitioner, the court shall, where necessary, make provision for the payment of those costs, to the extent of the amount named in the security given by the petitioner, out of or by means of such security.

(2) Without prejudice to *paragraph (1)*, where on the trial of a petition, it appears to the court that any person or persons committed electoral offences in relation to the relevant European election, the court may, after giving the person or persons an opportunity of being heard to show cause why the order should not be made, if it so thinks fit, order the whole or part of the costs of the petition other than the costs of counting votes afresh under *rule 134*, to be paid by that person, or those persons or any of them, and may order that in case such costs cannot be wholly recovered from the person or persons they shall be paid by some other or others of those persons.

Further provisions regarding costs.

144. (1) Subject to *paragraph (4)*, the costs and other expenses incurred on behalf of a returning officer or a local returning officer at the trial of a petition shall be paid out of the Central Fund.

(2) Costs awarded to the returning officer or a local returning officer at the trial of a petition shall be a simple contract debt due to the Minister for Finance and such debt, in default of being discharged, may be recovered by that Minister in any court of competent jurisdiction.

(3) Subject to *paragraphs (4)* and *(5)*, costs awarded against the returning officer or a local returning officer at the trial of a petition shall be paid out of the Central Fund.

(4) Where the court is satisfied that the returning officer or a local returning officer has been grossly negligent in the discharge of the duties of the office, the court may order that the officer shall be personally liable for any costs awarded against the officer by the court.

(5) Where an order is made under *paragraph (4)* any costs awarded against the returning officer or local returning officer concerned which are paid out of the Central Fund shall be a simple contract debt due to the Minister for Finance by the officer, and may be recovered by that Minister in any court of competent jurisdiction.

Statement of case to Supreme Court.

145. (1) At any stage of the trial of a petition the court may, if it so thinks proper, on its own motion or on the application of any party to the petition, state a case for the opinion of the Supreme Court on any question of law arising at the trial.

(2) Notwithstanding anything contained in this Schedule, where a case is stated under this rule the court shall not determine the petition until the Supreme Court has given its decision and may adjourn the trial or any part thereof until such decision is given.

(3) Costs incurred in relation to a case stated under this rule shall for all purposes be part of the costs incurred in relation to the petition.

Service of documents.

146. Where a copy of an order, petition or other document is required by this Part to be given to a person, it shall be addressed and given to that person in some one of the following ways:

(*a*) by delivering it to the person;

(*b*) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(*c*) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address.

PART XVI

GENERAL

Secrecy.

147. A person who is—

(*a*) present at the issue of ballot papers to postal voters, or

(*b*) present while a special voter is voting, or

(*c*) present at the opening of postal voter ballot boxes, or

(*d*) admitted to a polling station in any capacity, or

(*e*) present in any capacity at the verification of ballot paper accounts or the counting of the votes,

shall maintain, and aid in maintaining, the secrecy of the ballot.

Publication of notices.

148. Any public notice required by this Act to be given, may be given by any method which the returning officer or local returning officer concerned thinks necessary or desirable for the purpose of bringing to the attention of the public the matter so required to be notified.

Polling districts and polling places.

149. Each constituency specified in the *Third Schedule* shall be deemed to be divided for the purpose of the taking of the poll at a European election into the same polling districts as those into which the area specified in the second column of the said Schedule in respect of each such constituency is for the time being divided for the purpose of a Dáil election and the places which are for the time being appointed as polling places in each such polling district for the purpose of a Dáil election shall be the polling places for the purpose of taking the poll at a European election. Any references in this Schedule to polling districts and polling places shall be construed accordingly.

Interpretation (*Second Schedule*).

150. (1) In this Schedule—

F123**[**...**]**;

"ballot paper" has the meaning assigned to it by *rule 50(1)*;

"certificate of European political affiliation" has the meaning assigned to it by *rule 5(5)*;

"certificate of political affiliation" has the meaning assigned to it by *rule 5(3)*;

"covering envelope" has the meaning assigned to it by *rule 32(3)(c)*;

"excluded day" means a day which is a Sunday, Good Friday or a day which is a public holiday by the Holidays (Employees) Act, 1973, or a day which by virtue of a statute or proclamation is a public holiday;

"notice of election" has the meaning assigned to it by *rule 2*;

"notice of poll" has the meaning assigned to it by *rule 49*;

"the official mark" has the meaning assigned to it by *rule 51(1)*;

"personation agent" has the meaning assigned to it by *rule 25(4)*;

"postal voters ballot box" has the meaning assigned to it by *rule 33*;

"the quota" has the meaning assigned to it by *rule 84(1)*;

"registrar of political parties" and "register of political parties" mean the registrar of political parties and the register of political parties for the purposes of Part III of the Act of 1992;

(2) References in this Schedule to polling districts and polling places shall be construed having regard to *rule 149*.

Section 15.

F124**[**THIRD SCHEDULE

Constituencies

Constituency	Area	Number of Members
Dublin	The counties of: Dún Laoghaire-Rathdown, Fingal and South Dublin; and the city of Dublin.	4
Midlands-North-West	The counties of: Cavan, Donegal, Galway, Kildare, Laois, Leitrim, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo and Westmeath; and the city of Galway.	5
South	The counties of: Carlow, Clare, Cork, Kerry, Kilkenny, Tipperary, Wexford and Wicklow; the cities and counties of Limerick and Waterford; and the city of Cork.**]**	5

Second Schedule.
Rule 50.

FOURTH SCHEDULE

Form of ballot paper

(Front of Paper)

Toghch á n do Pharlaimint na hEorpa

European Parliament Election

Marcáil ord do rogha sna spáis seo síos Mark order of preference in spaces below	
	DOYLE — URBAN PARTY (European Radical Group) (MARY DOYLE of 10 High Street, Knockmore; Nurse) Liosta Ionaid UP Replacement List
	LYNCH

	(JANE ELLEN LYNCH of 12 Main Street, Ardstown; Shopkeeper) Liosta Ionaid JEL Replacement List
	MURPHY — DEMOCRATS (Group of European Democrats) (PATRICK MURPHY of 12 Main Street, Ballyduff; Carpenter) Liosta Ionaid DEM Replacement List
	O'BRIAIN — CUMANN NA SAORÁNACH (SEAMUS O'BRIAIN as 10 An tSráid Ard, Carnmore; Oide Scoile) Liosta Ionaid CS Replacement List
	O'BRIEN — NON-PARTY (EAMON O'BRIEN of 22 Wellclose Place, Knockbeg; Butcher) Liosta Ionaid EOB Replacement List
	O'BRIEN — YOUNG IRELAND (Liberal Group) (ORLA O'BRIEN of 102 Eaton Brae, Cahermore; Solicitor) Liosta Ionaid YI Replacement List
	O'CONNOR — NATIONAL LEAGUE (CAROLINE O'CONNOR of 7 Green Street, Carnmore; Engineer) Liosta Ionaid NL Replacement List
	THOMPSON — FARMERS PARTY (WILLIAM HENRY THOMPSON of Dereen, Ballyglass; Farmer) Liosta Ionaid FP Replacement List

TREORACHA

I. Scríobh an figiúr 1 le hais ainm an chéad iarrthóra is rogha leat, an figiúr 2 le hais do dhara rogha, agus mar sin de.

II. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.

INSTRUCTIONS

I. Write 1 beside the name of the candidate of your first choice, 2 beside your second choice, and so on.

II. Fold the paper to conceal your vote. Show the *back of the paper* to the presiding officer and put it in the ballot box.

(Back of Paper)

Comhduille Uimh.	Uimh ..... No. .....
Counterfoil No.	Toghchán do thoglach ..... Election for constituency of ....

Number 2 *of* 2024

EUROPEAN PARLIAMENT ELECTIONS ACT 1997

REVISED

Updated to 1 October 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

European Parliament Elections Acts 1992 to 2023: this Act is one of a group of acts included in this collective citation, to be construed together as one (*Electoral (Amendment) Act 2023* (40/2023), s. 7(3)). The Acts in this group are:

- *Electoral Act 1992* (23/1992), Parts II, III, IV, XXIII and sch. 2, so far as they relate to European elections and European electors
- *European Parliament Elections Act 1997* (2/1997)
- *Electoral Act 1997* (25/1997), in so far as it relates to European Parliament elections
- *Local Elections (Disclosure of Donations and Expenditure) Act 1999* (7/1999), ss. 1(4) and so much of ss. 2, 25 as relate to the European Parliament elections
- *Electoral (Amendment) Act 2001* (38/2001), in so far as it relates to European Parliament elections
- *Electoral (Amendment) Act 2002* (4/2002), in so far as it relates to European Parliament elections
- *Electoral (Amendment) Act 2004* (15/2004), in so far as it relates to European Parliament elections
- *European Parliament Elections (Amendment) Act 2004* (2/2004)
- *Electoral (Amendment) Act 2006* (33/2006), in so far as it relates to European Parliament elections
- *Electoral (Amendment) Act 2009* (4/2009), in so far as it relates to European Parliament elections
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013)
- *European Parliament Elections (Amendment) Act 2014* (2/2014)
- *Electoral (Amendment) Act 2014* (8/2014), in so far as it relates to European Parliament elections
- *European Parliament Elections (Amendment) Act 2019* (7/2019), other than s. 8
- *Electoral Reform Act 2022* (30/2022), ss. 75, 115, 176
- *Electoral (Amendment) Act 2023* (40/2023), s. 5

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual

amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.