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

Number 33 *of* 2006

ELECTORAL (AMENDMENT) ACT 2006

REVISED

Updated to 16 May 2024

This Revised Act is an administrative consolidation of the *Electoral (Amendment) Act 2006*. 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 *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024* (14/2024), enacted 9 May 2024, and all statutory instruments up to and including *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024* (S.I. No. 207 of 2024), made 16 May 2024, 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 33 *of* 2006

ELECTORAL (AMENDMENT) ACT 2006

REVISED

Updated to 16 May 2024

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Entry of names in postal voters list.
3. Application to be entered in postal voters list.
4. Applicant to provide information or documents.
5. Notices and application forms.
6. Consideration of applications.
7. Voting by electors under this Act.
8. Amendment of Second Schedule to European Parliament Elections Act 1997.
9. Amendment of Regulations of 1995.
10. Amendment of section 15A of Act of 1992.
11. Amendment of Rule 1 of Second Schedule to Act of 1992.
12. Amendment of Rule 14A of Second Schedule to Act of 1992.
13. Amendment of section 22 of Seanad Electoral (University Members) Act 1937.
14. Amendment of Seanad Electoral (Panel Members) Act 1947.
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16. Amendment of section 6 of European Parliament Elections Act 1997.
17. Amendment of Articles 83, 84, 89 and 90 of Regulations of 1995.
18. Amendment of Presidential Elections Act 1993.
19. List relating to draft register and register in force. *(Repealed)*
20. Short title, collective citation and construction.

ACTS REFERRED TO

Data Protection Acts 1988 and 2003	
Electoral Act 1992	1992, No. 23
Electoral Act 1997	1997, No. 25
Electoral Acts 1992 to 2005	
Electoral (Amendment) Act 2002	2002, No. 4
European Parliament Elections Act 1997	1997, No. 2
European Parliament Elections Acts 1992 to 2004	
Local Elections Acts 1974 to 2004	
Presidential Elections Act 1993	1993, No. 28
Presidential Elections Acts 1992 to 2004	
Prisons Acts 1826 to 1980	
Referendum Act 1994	1994, No. 12
Referendum Acts 1992 to 2004	
Seanad Electoral (Panel Members) Act 1947	1947, No. 42
Seanad Electoral (Panel Members) Acts 1947 to 2001	
Seanad Electoral (University Members) Act 1937	1937, No. 30
Seanad Electoral (University Members) Acts 1937 to 2001	



Number 33 *of* 2006

ELECTORAL (AMENDMENT) ACT 2006

REVISED

Updated to 16 May 2024

AN ACT TO PROVIDE FOR POSTAL VOTING AT ELECTIONS AND REFERENDUMS BY PERSONS WHO ARE IMPRISONED IN THE STATE AND WHO ARE ELIGIBLE TO VOTE AT ELECTIONS AND REFERENDUMS; TO AMEND THE PRESIDENTIAL ELECTIONS ACT 1993, THE EUROPEAN PARLIAMENT ELECTIONS ACT 1997 AND CERTAIN OTHER ENACTMENTS AND TO PROVIDE FOR RELATED MATTERS.

[11*th December*, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.— In this Act—

"Act of 1992" means the Electoral Act 1992;

"constitutional referendum" means a referendum on a proposal for the amendment of the Constitution;

"Minister" means the Minister for the Environment, Heritage and Local Government;

"ordinary referendum" means a referendum on a proposal other than a proposal for the amendment of the Constitution;

F1**[**"prison" means a place to which the Prisons Acts 1826 to 2015 apply;**]**

"referendum" means a constitutional referendum or an ordinary referendum;

"Regulations of 1995" means the Local Elections Regulations 1995 (S.I. No. 297 of 1995);

"relevant official", in relation to a prison, means the governor or other person in charge of the prison or any person employed in the prison who is authorised by the said governor or other person in charge to perform any function expressed by this Act, other than this section, to be performable by such an official.

Entry of names in postal voters list.

2.— (1) The registration authority shall enter in the postal voters list the name of every elector who—

F2**[**(*a*) applies, subject to section 14(2) of the Act of 1992, to be so entered,**]**

(*b*) satisfies the registration authority that the circumstances of the elector's detention in prison, pursuant to an order of a court, are such as to render it

likely that he or she will be unable to go in person on polling day to vote at the polling place for the polling district, and

(*c*) satisfies the registration authority that he or she was ordinarily resident in the State prior to his or her detention in prison.

(2) For the purposes of—

(*a*) determining in which of the postal voters lists (for the various constituencies in the State) his or her name shall be entered, and

(*b*) otherwise for the purposes of this section (other than *subsection (1) (c)*),

a person to whom this section applies shall be deemed to be ordinarily resident in the place where he or she would have been residing but for his or her detention in prison.

Application to be entered in postal voters list.

3.— (1) The following provisions shall apply in relation to an application to be entered in the postal voters list pursuant to *section 2* :

(*a*) the application shall be in the form directed by the Minister;

(*b*) the application shall be signed by the applicant or, if the applicant is unable to write, he or she shall place his or her mark on the application form and, in either case, the form shall be completed in accordance with the instructions provided thereon;

F3**[**(*c*) the application form, duly completed and accompanied by the certificate referred to in *subsection (2)*, shall be handed to the relevant official who shall send it or cause it to be sent to the registration authority, and where polling day has been appointed in respect of a particular election or referendum, or both, shall be sent so as to be received by the authority before the dates specified in section 14(2) of the Act of 1992.**]**

(2) The certificate referred to in *subsection (1) (c)* is a certificate, in the form directed by the Minister, under the hand of the relevant official of the prison concerned stating that the applicant is a person who is detained in prison pursuant to an order of a court and the circumstances of the elector's detention are such as to render it likely that he or she will be unable to go in person on polling day to vote at the polling place for the polling district.

Applicant to provide information or documents.

4.— (1) A person making an application to be entered in the postal voters list pursuant to *section 2* shall furnish to the registration authority any information or documents in the applicant's possession or procurement which the authority may require for the purposes of—

(*a*) satisfying itself that the applicant is a person to whom *section 2* applies, or

(*b*) determining the place where he or she would have been residing but for his or her detention in prison.

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

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

Notices and application forms.

5.— (1) F4**[**The registration authority shall arrange, at least on an annual basis, for the giving of public notice of—**]**

(*a*) the category of electors entitled to apply to be entered in the postal voters list pursuant to *section 2* ,

(*b*) the manner in which, and the time before which, applications under that section must be submitted, and

(*c*) the times and places at which application forms for that purpose may be obtained.

(2) The registration authority shall arrange for the provision of application forms referred to in *subsection (1)* at such times and places as are specified in a notice pursuant to that subsection (and the places so specified shall include every prison situated in the area of the registration authority) and such an application form shall be supplied free of charge to any person who requests such a form.

Consideration of applications.

6.— (1) Where the registration authority is satisfied that a person making an application under *section 2* (the "applicant")—

(*a*) is an elector to whom *section 2* applies,

(*b*) has duly completed the application form referred to in *section 3* , and

(*c*) has furnished the certificate required under *section 3* ,

the registration authority shall—

(i) rule that the application is granted and mark the application form accordingly, and

(ii) notify the applicant of that ruling.

(2) Where the registration authority is not satisfied, as respects the applicant's application with regard to the matters referred to in *subsection (1) (a)* , *(b)* and *(c)* , the registration authority shall—

(*a*) rule that the application is refused and mark the application form accordingly, and

(*b*) notify the applicant of that ruling and of the reason therefor.

(3) Subject to *subsection (4)* , whenever an application is received by the registration authority after the date specified in *section 2 (1) (a)* , the application shall be disregarded and the applicant shall be notified accordingly.

(4) An applicant may apply to be entered in the postal voters list in force at the date of coming into operation of this Act and, in this regard, the Minister may by order appoint—

(*a*) a date to be the latest date for receiving applications under *section 2* in lieu of the date specified in *paragraph (a)* of *subsection (1)* of that section and *section 3 (1) (c)* , and

(*b*) a period within which the notice referred to in *section 5 (1)* shall be given in lieu of the period specified therein,

and *subsection (3)* shall be construed accordingly.

(5) The Minister may include in an order under *subsection (4)* a provision providing that—

(*a*) applicants who are duly entered in the postal voters list referred to in that subsection ("the first-mentioned list") following an application in that behalf made before the date appointed by that order shall be deemed also to be so entered in the postal voters list which comes into force immediately following the first-mentioned list ceasing to be in force, or

(*b*) applicants who have applied for entry in the first-mentioned list before the date appointed by that order and whose applications are granted under this section shall, in lieu of being entered in the first-mentioned list, be duly entered in the postal voters list which comes into force immediately following the first-mentioned list ceasing to be in force.

F5**[**(6) Where an application to be entered in the postal voters list under *section 2* is refused by the registration authority, the applicant may appeal in writing to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule to the Act of 1992.**]**.

Voting by electors under this Act.

7.— (1) The provisions of Part XIII of the Act of 1992 shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors at a Dáil election whose names are entered in the postal voters list pursuant to this Act, 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 section 68 of that Act, 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 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) The modifications of Part XIII of the Act of 1992 provided for in this section shall have effect in relation to the provisions of the said Part XIII as applied to presidential

elections by section 40 of the Presidential Elections Act 1993, and to referendums by section 28 of the Referendum Act 1994.

(3) In this section—

"ballot paper envelope" has the meaning specified in section 68(3) of the Act of 1992;

"covering envelope" has the meaning specified in section 68(3) of the Act of 1992.

Amendment of Second Schedule to European Parliament Elections Act 1997.

8.— The European Parliament Elections Act 1997 is amended by inserting the following Rule after Rule 29A (inserted by section 69 of the Electoral Act 1997) of the Second Schedule:

"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*.".

Amendment of Regulations of 1995.

9.— The Regulations of 1995 are amended by inserting the following Article after Article 30A (inserted by section 70 of the Electoral Act 1997):

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

30B.— (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 Article 33(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 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 Article—

'ballot paper envelope' has the meaning specified in Article 33(3);

'covering envelope' has the meaning specified in Article 33(3);

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

Amendment of section 15A of Act of 1992.

10.— Section 15A of the Act of 1992 (inserted by section 76 of the Electoral Act 1997) is amended—

(*a*) in subsection (1), by substituting ", in section 63 of the Electoral Act 1997 or in *section 2* of the *Electoral (Amendment) Act 2006*" for "or in section 63 of the Electoral Act, 1997";

(*b*) by inserting the following paragraph after paragraph (*b*) of subsection (2):

"(*bb*) The provisions of *sections 3*, *4*, *5* (other than *subsection (1)*) and *6* (other than *subsections (3)*, *(4)*, *(5)* and *(6)*) of the *Electoral (Amendment) Act 2006* shall apply to an application for entry in the supplement to the postal voters list under this section from an elector referred to in *section 2* (but who has not complied with *subsection (1)(a)* of that section) of that Act as if:

(i) references to 'postal voters list' were references to 'supplement to the postal voters list';

(ii) references to '*section 2*', other than those which occur in *sections 4(1)(a)* and *6(1)(a)*, were references to this section;

(iii) in *section 3(1)(c)*, 'to the registration authority' were substituted for 'so as to be received by the registration authority not later than the last date for making claims for corrections in the draft register'; and

(iv) in *section 5(2)*, '*section 3*' were substituted for '*subsection (1)* at such times and places as are specified in a notice pursuant to that subsection (and the places so specified shall include every prison situated in the area of the registration authority)'.".

Amendment of Rule 1 of Second Schedule to Act of 1992.

11.— (1) The Table to Rule 1(4) of the Second Schedule to the Act of 1992 is amended as respects, and only as respects, the preparation of the register of electors which comes into force immediately following the register in force at the date of coming into operation of this Act, by substituting—

(*a*) in paragraph 7, "9th December" for "25th November",

(*b*) in paragraph 8, "12th December" for "30th November", and

(*c*) in paragraph 9, "12th January" for "23rd December".

(2) In this section "preparation", in relation to the register of electors, includes any relevant act in relation to the register mentioned in the Table to Rule 1(4) of the Second Schedule to the Act of 1992.

(3) This section shall be deemed to have come into operation on 25 November 2006.

Amendment of Rule 14A of Second Schedule to Act of 1992.

12.— Rule 14A of the Second Schedule to the Act of 1992 (inserted by section 1 of the Electoral (Amendment) Act 2002) is amended—

(*a*) in paragraph (1), by substituting "Subject to paragraphs (2) and (2A)," for "Subject to paragraph (2),", and

(*b*) by inserting the following paragraphs after paragraph (2):

"(2A) The following provisions shall apply in relation to an application to be entered in the supplement to the register of electors by an elector who is detained in prison pursuant to an order of a court:

(*a*) the application shall be in the form directed by the Minister;

(*b*) the application shall be signed by the applicant or, if the applicant is unable to write, he or she shall place his or her mark on the application form and, in either case, the form shall be completed in accordance with the instructions provided thereon;

(*c*) the application form, duly completed and accompanied by the certificate referred to in paragraph (2B), shall be handed to the relevant official (within the meaning of *section 1* of the *Electoral (Amendment) Act 2006*) who shall send it or cause it to be sent by post to the registration authority.

(2B) The certificate referred to in subparagraph (*c*) of paragraph (2A) is a certificate, in the form directed by the Minister, under the hand of the relevant official of the prison concerned stating that he or she is satisfied as to the identity of the applicant.".

Amendment of section 22 of Seanad Electoral (University Members) Act 1937.

13.— Section 22 of the Seanad Electoral (University Members) Act 1937 is amended by inserting the following subsection after subsection (3):

"(4) In this section—

the word 'prison' has the meaning assigned to it in *section 1* of the *Electoral (Amendment) Act 2006*;

the expression 'relevant official' has the meaning assigned to it in *section 1* of the *Electoral (Amendment) Act 2006*;

the expression 'returning by post' includes, in the case of an elector who is detained in prison pursuant to an order of a court, the return by the relevant official, or by a person acting under the relevant official's direction, of the documents referred to in subsection (1) on behalf of the elector concerned.".

Amendment of Seanad Electoral (Panel Members) Act 1947.

14.— The Seanad Electoral (Panel Members) Act 1947 is amended—

(*a*) in section 2—

(i) by inserting the following definition after that of "prescribed":

"the word 'prison' has the meaning assigned to it in *section 1* of the *Electoral (Amendment) Act 2006*;",

and

(ii) by inserting the following definition after that of "the register of nominating bodies":

"the expression 'relevant official' has the meaning assigned to it in *section 1* of the *Electoral (Amendment) Act 2006*;",

(*b*) in section 51, by inserting the following subsection after subsection (3):

"(4) In this section the expression 'returning by registered post' includes, in the case of an elector who is detained in prison pursuant to an order of a court, the return by the relevant official, or by a person acting under the relevant official's direction, of the documents referred to in subsection (1) on behalf of the elector concerned.",

(*c*) in section 73, by inserting the following subsection after subsection (1):

"(2) In this section the expression 'returning by registered or ordinary post' includes, in the case of an elector who is detained in prison pursuant to an order of a court, the return by the relevant official, or by a person acting under the relevant official's direction, of the documents referred to in subsection (1) on behalf of the elector concerned.",

and

(*d*) in the First Schedule—

(i) in paragraph (1) of Rule 8—

(I) in subparagraph (*b*), by substituting "elector," for "elector.", and

(II) by inserting the following subparagraph after subparagraph (*b*):

"(*c*) where the authorised person referred to in subparagraph (*b*) is the relevant official, he, on being handed the covering envelope, shall affix thereto in the prescribed manner a label in the prescribed form and, if he is satisfied that it is proper to sign the certificate appearing on the label, shall sign that certificate and send the covering envelope or cause it to be sent by registered post to the Seanad returning officer.",

(ii) in paragraph (2) of Rule 8—

(I) in subparagraph (*f*), by substituting "nominate," for "nominate.", and

(II) by inserting the following subparagraph after subparagraph (*f*):

"(*g*) in case the elector is an elector who is detained in prison pursuant to an order of a court, the relevant official of the prison where he or she is detained.".

Alternative voting arrangements under this Act.

15.— (1) Where an elector's name is entered in the postal voters list pursuant to this Act the elector may give notice in writing to the registration authority—

(*a*) on or before the second day after the dissolution of the Dáil at a general election, or

(*b*) on or before the second day after the date of the making of the order appointing polling day at a Dáil bye-election, or a Presidential, European or local election, F6**[**, a Limerick mayoral election, including a mayoral by election, held in accordance with Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024, or a plebiscite within the meaning of Part 6 of that Act,**]** or a referendum,

requesting that his or her name be deleted from the postal voters list and the registration authority shall comply with that request.

(2) Notwithstanding the provisions of *subsection (1)* , where a request by an elector to have his or her name deleted from the postal voters list is received after the relevant date referred to in *paragraph (a)* or *(b)* of that subsection in relation to an election or a referendum but before the relevant date referred to in either *paragraph (a)* or *(b)* in relation to another election or referendum, the poll at which is to be held on the same day, the relevant date for the second or subsequent election or referendum shall apply to a request received under either of the said paragraphs in connection with the elections or referendums.

(3) Where—

(*a*) an elector's name is entered in the postal voters list pursuant to this Act and the elector is discharged from the prison in which he or she has been detained before polling day at an election or a referendum in circumstances where the elector has not given notice in accordance with *subsection (1)* , and

(*b*) the envelope in respect of the elector containing a ballot paper and the other documents referred to in section 68 of the Act of 1992, Rule 32 of the Second Schedule to the European Parliament Elections Act 1997 or Article 33 of the Regulations of 1995, as the case may be, is returned before that polling day

by the relevant official of the prison as a ballot paper and documents that have not been delivered to a person whose name has been entered in the postal voters list pursuant to this Act,

then the returning officer may re-address the envelope and send it by post to the elector concerned at his or her address.

(4) The relevant official of a prison may re-address an envelope containing a ballot paper and the other documents referred to in section 68 of the Act of 1992, Rule 32 of the Second Schedule to the European Parliament Elections Act 1997 or Article 33 of the Regulations of 1995, as the case may be, and send it by post to another prison where the elector concerned is detained or, as the case may be, to the returning officer if the elector is no longer detained in any prison.

(5) In a case to which *subsection (3)* applies, the elector concerned shall be deemed to be a postal voter for the purposes of Part VII of the Electoral Act 1997, and section 68 of that Act, Rule 29A of the Second Schedule to the European Parliament Elections Act 1997 or Article 30A of the Regulations of 1995, as the case may be, shall accordingly apply to voting by the elector.

Amendment of section 6 of European Parliament Elections Act 1997.

16.— Section 6 of the European Parliament Elections Act 1997 is amended by inserting the following subsection after subsection (1):

"(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).".

Amendment of Articles 83, 84, 89 and 90 of Regulations of 1995.

17.— The Regulations of 1995 are amended—

(*a*) in Article 83, by substituting the following subarticle for subarticle (8):

"(8) The returning officer 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.",

(*b*) in Article 84, by substituting the following subarticle for subarticle (2):

"(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.",

(*c*) in Article 89, by deleting "in the order ascertained in accordance with article 88", and

(*d*) in Article 90(3)—

(i) by substituting "transfer of votes and" for "transfer of votes,", and

(ii) by substituting "place." for "place, and the order in which the candidates were elected.".

Amendment of Presidential Elections Act 1993.

18.— The Presidential Elections Act 1993 is amended—

(*a*) in section 20, by substituting "3 p.m." for "12 noon", and

(*b*) in section 51(2), by substituting for "operation." the following:

"operation, 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 subsection (1) could not result in a number of votes exceeding one quarter of the quota being credited to any such candidate.".

List relating to draft register and register in force.

19.— F7**[**...**]**

Short title, collective citation and construction.

20.— (1) This Act may be cited as the Electoral (Amendment) Act 2006.

(2) The Electoral Acts 1992 to 2005 and this Act may be cited together as the Electoral Acts 1992 to 2006 and shall be read together as one.

(3) The European Parliament Elections Acts 1992 to 2004 and this Act (in so far as it relates to European Parliament elections) may be cited together as the European Parliament Elections Acts 1992 to 2006 and shall be read together as one.

(4) The Presidential Elections Acts 1992 to 2004 and this Act (in so far as it relates to presidential elections) may be cited together as the Presidential Elections Acts 1992 to 2006 and shall be read together as one.

(5) The Local Elections Acts 1974 to 2004 and this Act (in so far as it relates to local elections) may be cited together as the Local Elections Acts 1974 to 2006 and shall be read together as one.

(6) The Referendum Acts 1992 to 2004 and this Act (in so far as it relates to referendums) may be cited together as the Referendum Acts 1992 to 2006 and shall be read together as one.

(7) The Seanad Electoral (University Members) Acts 1937 to 2001 and this Act (in so far as it relates to Seanad elections) may be cited together as the Seanad Electoral (University Members) Acts 1937 to 2006 and shall be read together as one.

(8) The Seanad Electoral (Panel Members) Acts 1947 to 2001 and this Act (in so far as it relates to Seanad elections) may be cited together as the Seanad Electoral (Panel Members) Acts 1947 to 2006 and shall be read together as one.

Number 33 *of* 2006

ELECTORAL (AMENDMENT) ACT 2006

REVISED

Updated to 16 May 2024

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 first passed.

Related legislation

Electoral 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(2)). The Acts in the group are:

- *Electoral Act 1992* (23/1992)
- *Electoral (Amendment) Act 1995* (21/1995) (repealed)
- *Electoral (Amendment) Act 1996* (43/1996)
- *Electoral Act 1997* (25/1997)
- *Electoral (Amendment) Act 1998* (4/1998)
- *Electoral (Amendment) (No. 2) Act 1998* (19/1998) (repealed)
- *Local Elections (Disclosure of Donations and Expenditure) Act 1999* (7/1999)
- *Standards in Public Office Act 2001* (31/2001), insofar as it relates to functions of the Standards in Public Office Commission under the *Electoral Act 1997* (25/1997)
- *Electoral (Amendment) Act 2001* (38/2001)
- *Electoral (Amendment) Act 2002* (4/2002)
- *Electoral Amendment (No. 2) Act 2002* (23/2002)
- *Electoral (Amendment) Act 2004* (15/2004)
- *Electoral (Amendment) Act 2005* (16/2005)
- *Electoral (Amendment) Act 2006* (33/2006)
- *Electoral (Amendment) Act 2007* (14/2007)
- *Electoral (Amendment) Act 2009* (4/2009)
- *Electoral (Amendment)(No. 2) Act 2009* (9/2009), other than s. 9
- *Electoral (Amendment) Act 2011* (14/2011)
- *Electoral (Amendment) Act 2012* (27/2012)
- *Electoral (Amendment) (Political Funding) Act 2012* (36/2012)
- *Electoral (Amendment) (Dáil Constituencies) Act 2013* (7/2013)
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), except Parts 8 and 9
- *Local Government Reform Act 2014* (1/2014), ss. 1(6), s. 5(4), Schedule 2, Part 2 and Schedule 4, paras. 17 and 18, in so far as it relates to the *Electoral Act 1992*
- *Electoral (Amendment) Act 2014* (8/2014)
- *Electoral (Amendment) (No. 2) Act 2014* (24/2014)
- *Electoral (Amendment) Act 2015* (62/2015), ss. 3 and 4
- *Electoral (Amendment) Act 2016* (5/2016)
- *Electoral (Amendment) (Dáil Constituencies) Act 2017* (39/2017)

- *Electoral Reform Act 2022* (30/2022), ss. 6-30, 41-59, 61-69, 72, 77-114, 173
- *Electoral (Amendment) Act 2023* (40/2023), other than s. 5

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 the group are:

- *Electoral Act 1992* (23/1992), Parts II, III, IV and XXIII and Second Schedule so far as they relate to European elections and European electors
- *European Parliament Elections Act 1997* (2/1997)
- *Electoral Act 1997* (25/1997), insofar as it relates to the European elections
- *Local Elections (Disclosure of Donations and Expenditure) Act 1999* (7/1999), subs. 1(4) and so much of ss. 2 and 25 as relate to the European Parliament elections
- *Electoral (Amendment) Act 2001* (38/2001), insofar as it relates to European Parliament elections
- *Electoral (Amendment) Act 2002* (4/2002), insofar as it relates to European Parliament elections
- *European Parliament Elections (Amendment) Act 2004* (2/2004)
- *Electoral (Amendment) Act 2004* (15/2004), insofar as it relates to European Parliament elections
- *Electoral (Amendment) Act 2006* (33/2006), insofar 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
- *Electoral Reform Act 2022* (30/2022), ss. 75, 115, 176
- *Electoral (Amendment) Act 2023* (40/2023), s. 5

Local Elections Acts 1974 to 2014: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government Reform Act 2014* (1/2014), s. 1(5)). The Acts in the group are:

- *Local Elections (Petitions and Disqualifications) Act 1974* (8/1974)
- *Electoral Act 1992* (23/1992), Part II insofar as it relates to local government electors and Part XXIII insofar as it relates to local elections
- *Local Government Act 1994* (8/1994), Parts II and III (repealed)
- *Electoral Act 1997* (25/1997), Parts VII and VIII insofar as they relate to local elections
- *Local Government Act 1998* (16/1998), ss. 9 and 10
- *Local Elections (Disclosure of Donations and Expenditure) Act 1999* (7/1999), s. 1, other than subs. (4), and so much of s. 25 as relates to the European Parliament elections
- *Local Government Act 2001* (37/2001), Parts 3 and 4, Part 5 Chapter 3 and s. 243
- *Electoral (Amendment) Act 2001* (38/2001), insofar as it relates to local elections
- *Electoral (Amendment) Act 2002* (4/2002), insofar as it relates to local elections
- *Local Government (No. 2) Act 2003* (17/2003)
- *Electoral (Amendment) Act 2004* (15/2004), insofar as it relates to local elections.
- *Electoral (Amendment) Act 2006* (33/2006), insofar as it relates to local elections
- *Electoral (Amendment) Act 2009* (4/2009), insofar as it relates to local elections
- *Electoral (Amendment)(No. 2) Act 2009* (9/2009), other than s. 9
- *Electoral (Amendment) (Political Funding) Act 2012* (36/2012), in so far as it relates to local elections
- *Local Government Reform Act 2014* (1/2014), ss. 1(5), s. 5(4) and Schedule 2, part 2 in so far as it relates to *Local Elections (Petitions and Disqualifications) Act 1974* and *Local Elections (Disclosure of Donations and Expenditure) Act 1999*

Presidential Elections Acts 1992 to 2006: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Electoral (Amendment) Act 2006* (33/2006), s. 20(4)). The Acts in the group are:

- *Electoral Act 1992* (23/1992), Part II, insofar as it relates to presidential electors, and Part XXIII, insofar as it relates to presidential elections
- *Presidential Elections Act 1993* (28/1993)

- *Electoral Act 1997* (25/1997), Part VI and, insofar as they relate to presidential elections, Parts VII and VIII
- *Electoral (Amendment) Act 2001* (38/2001), insofar as it relates to presidential elections
- *Electoral (Amendment) Act 2004* (15/2004), insofar as it relates to presidential elections
- *Electoral (Amendment) Act 2006* (33/2006), insofar as it relates to presidential elections

Referendum Acts 1992 to 2022: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Electoral Reform Act 2022* (30/2022), s. 1(4)). The Acts in the group are:

- *Electoral Act 1992* (23/1992), Parts II and XXIII, insofar as they relate to referenda
- *Referendum Act 1994* (12/1994)
- *Referendum Act 1998* (1/1998)
- *Electoral (Amendment) Act 2001* (38/2001), insofar as it relates to referendums
- *Referendum Act 2001* (53/2001)
- *Electoral (Amendment) Act 2004* (15/2004), insofar as it relates to referendums
- *Electoral (Amendment) Act 2006* (33/2006), insofar as it relates to referendums
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), insofar as it relates to referendums
- *Electoral Reform Act 2022* (30/2022), ss. 31-40, 117, 174

Seanad Electoral (Panel Members) Acts 1947 to 2018: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Companies (Statutory Audits) Act 2018* (22/2018), s. 1(5)). The Acts in the group are:

- *Seanad Electoral (Panel Members) Act 1947* (42/1947)
- *Seanad Electoral (Panel Members) Act 1954* (1/1954)
- *Electoral (Amendment) Act 1972* (4/1972), s. 6
- *Electoral (Amendment) Act 2001* (38/2001), insofar as it relates to Seanad elections
- *Electoral (Amendment) Act 2006* (33/2006), insofar as it relates to Seanad elections
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011), s. 44
- *Court of Appeal Act 2014* (18/2014), s. 40
- *Electoral (Amendment) Act 2015* (62/2015), s. 2
- *Companies (Statutory Audits) Act 2018* (22/2018), s. 70

Seanad Electoral (University Members) Acts 1937 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Electoral (Amendment) Act 2015* (62/2015), s. 6(2)). The Acts in the group are:

- *Seanad Electoral (University Members) Act 1937* (30/1937)
- *Electoral (Amendment) Act 1972* (4/1972), s. 2
- *Electoral (Amendment) Act 1973* (3/1973), in so much as it amends the *Seanad Electoral (University Members) Acts 1937 to 1973*
- *Electoral (Amendment) Act 2001* (38/2001), insofar as it relates to Seanad elections
- *Electoral (Amendment) Act 2006* (33/2006), insofar as it relates to Seanad elections
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011), s. 34
- *Communications Regulation (Postal Services) Act 2011* (21/2011), s. 62
- *Electoral (Amendment) Act 2015* (62/2015), s. 1

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.