Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.

Number 30 *of* 2022

ELECTORAL REFORM ACT 2022

REVISED

Updated to 10 October 2025

This Revised Act is an administrative consolidation of the *Electoral Reform Act 2022*. 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 *Housing Finance Agency (Amendment) Act 2025* (11/2025), enacted 28 October 2025, and all statutory instruments up to and including the *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), made 9 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 30 *of* 2022

ELECTORAL REFORM ACT 2022

REVISED

Updated to 10 October 2025

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Number 30 *of* 2022

ELECTORAL REFORM ACT 2022

REVISED

Updated to 10 October 2025

An Act to provide for the establishment of *An Coimisiún Toghcháin*; to confer on the Commission certain functions in relation to the preparation and maintenance of the Register of Political Parties; to provide that the Commission shall explain, to the public, the subject matter of referendums; to provide that the Commission shall provide information, to the public, on electoral processes and encourage participation, by the public, in the democratic processes of the State; to provide for the review, by the Commission, of constituencies for the election of members to Dáil Éireann and to the European Parliament; to provide for the review, by the Commission, of local authority electoral area boundaries; to confer on the Commission a policy, research and advisory function; to provide that the Commission shall oversee the electoral register; to confer on the Commission the power to set standards for registration authorities and make recommendations to registration authorities or to the Minister in relation to the registration of electors; to modernise the arrangements for the registration of electors; to provide for continuous registration on the basis of individual application; to provide for necessary and appropriate data sharing to assist registration authorities in updating and maintaining the register; to provide for annual reporting by registration authorities to the Commission; to provide for a designated registration authority to manage a shared database for registration authorities to use in the performance of their functions; to provide for anonymous registration in certain limited cases; to provide a specific registration process for persons with no fixed address; to provide for a pending electors list for persons aged 16 and 17; to provide for the extension of postal voter categories to include special voters in certain circumstances; to provide a framework for the regulation of online political advertising during election periods by the Commission; to provide for the labelling of online political advertisements; to provide for transparency notices for online political advertisements; to confer on the Commission the power to monitor compliance, carry out investigations and take enforcement action under this Act in so far as it relates to online political advertising; to provide for a regulatory framework to protect the integrity of elections and referendums against the dissemination or publication of online disinformation, online misinformation and manipulative or inauthentic behaviour online; to facilitate elections during a pandemic or Covid-19; to provide for polling on the islands; to amend the Electoral Act 1997 to enhance transparency in relation to certain donations to political parties and to provide, *inter alia*, for the preparation by political parties of consolidated annual statements of accounts; to provide for the holding of fundraising lotteries by political parties; and to provide for related matters.

[25*th July*, 2022]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citations, construction and commencement

1. (1) This Act may be cited as the Electoral Reform Act 2022.

(2) The Electoral Acts 1992 to 2019 and *sections 6* to *30*, *41* to *59*, *61* to *69*, *72*, *77* to *114* and *173* may be cited together as the Electoral Acts 1992 to 2022 and shall be construed together as one.

(3) The European Parliament Elections Acts 1992 to 2019 and *sections 75*, *115* and *176* may be cited together as the European Parliament Elections Acts 1992 to 2022 and shall be construed together as one.

(4) The Referendum Acts 1992 to 2013 and *sections 31* to *40*, *117* and *174* may be cited together as the Referendum Acts 1992 to 2022 and shall be construed together as one.

(5) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal of different provisions of enactments effected by *section 4*.

Annotations

Editorial Notes:

E1 A table showing commencement information ordered by section is available at https://www.irishstatutebook.ie/eli/isbc/2022_30.html.

E2 Power pursuant to subs. (5) exercised (1.11.2024) by *Electoral Reform Act 2022 (Commencement) Order 2024* (S.I. No. 593 of 2024).

2. The 1st day of November 2024 is appointed as the day on which Part 7, insofar as it is not already in operation, of the Electoral Reform Act 2022 (No. 30 of 2022) shall come into operation.

E3 Power pursuant to subs. (5) exercised (9.02.2023) by *Electoral Reform Act 2022 (Commencement) Order 2023* (S.I. No. 32 of 2023).

2. The 9th day of February 2023 is appointed as the day on which the following provisions of the Electoral Reform Act 2022 (No. 30 of 2022) shall come into operation:

(a) paragraphs (h) to (k) of subsection (1) of section 4 of Part 1;

(b) subsections (3) and (4) of section 4 of Part 1;

(c) Part 2 (insofar as it is not already in operation);

(d) section 98 of Chapter 1 of Part 3;

(e) Part 9.

E4 Power pursuant to subs. (5) exercised (1.01.2023) by *Electoral Reform Act 2022 (Commencement) (No. 2) Order 2022* (S.I. No. 720 of 2022).

2. The 1st day of January 2023 is appointed as the day on which the following provisions of the Electoral Reform Act 2022 (No. 30 of 2022) shall come into operation:

(a) section 7 of Chapter 2 of Part 2;

(b) sections 179, 180, 181, 184, 185, 186, 188, 190, 191, 194, 195, 196, 197, 198 and 199 (insofar as it relates to the insertion of section 91 into the Electoral Act 1997 (No. 25 of 1997)) of Part 7.

E5 Power pursuant to subs. (5) exercised (13.10.2022) by *Electoral Reform Act 2022 (Commencement) Order 2022* (S.I. No. 512 of 2022).

2. The 13th day of October 2022 is appointed as the day on which the following provisions of the Electoral Reform Act 2022 (No. 30 of 2022) shall come into operation:

(a) Part 1, other than –

(i) section 3,

(i) paragraphs (h) to (k) of subsection (1) of section 4, and

(i) paragraphs (h) to (k) of subsection (1) of section 4, and

(iii) subsections (3) and (4) of section 4;

(b) Chapter 1 of Part 2 and sections 9, 10, 11, 12, 19 and 21 of Chapter 3 of Part 2;

(c) Part 3 (other than section 98);

(d) Part 6;

(3) Part 8.

Interpretation

2. In this Act—

"Act of 1992" means the Electoral Act 1992;

"Act of 1993" means the Presidential Elections Act 1993;

"Act of 1994" means the Referendum Act 1994;

"Act of 1997" means the European Parliament Elections Act 1997;

"Act of 2001" means the Local Government Act 2001;

"Act of 2006" means the Electoral (Amendment) Act 2006;

"Act of 2014" means the Companies Act 2014;

"chairperson" means the chairperson of the Commission;

"chief executive" has the meaning assigned to it by *section 21*;

"Commission" means *An Coimisiún Toghcháin* established under *section 8*;

"Dáil" means Dáil Éireann;

"Dáil bye-election" means an election of a member of the Dáil to fill a vacancy occasioned by a person having ceased to be a member of the Dáil otherwise than in consequence of a dissolution;

"Dáil election" means an election of a member or members to serve in the Dáil, and includes a Dáil bye-election;

"election" means, as the context may require, a Dáil election, a European election, a local election, a presidential election F1**[**, a Seanad election or a Limerick mayoral election;**]**

"enactment" has the same meaning as it has in the Interpretation Act 2005;

"European Communities" has the same meaning as it has in the European Communities Act 1972;

"European election" means an election in the State of members to the European Parliament;

"European political party" means a European political party established and registered with the Authority for European Political Parties and European Political Foundations in accordance with Regulation (EU, Euratom) No. 1141/2014;

"local election" means an election under Part 4 of the Act of 2001;

F2**[**"Limerick mayoral election" means an 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;**]**

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

"F2**[**plebiscite" means a plebiscite held under Part 6 of the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024;**]**

"political party" means a political party registered in the Register of Political Parties in accordance with *Chapter 6* of *Part 2*;

"presidential election" means an election of a person to the office of President of Ireland;

"presidential elector" has the same meaning as it has in section 7 of the Act of 1992;

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

"Regulation (EU, Euratom) No. 1141/2014" means Regulation (EU, Euratom) No. 1141/2014 of the European Parliament and of the Council of 22 October 2014[1] on the statute and funding of European political parties and European political foundations, as amended by—

(a) Regulation (EU, Euratom) 2018/673 of the European Parliament and of the Council of 3 May 2018[2] amending Regulation (EU, Euratom) No. 1141/2014 on the statute and funding of European political parties and European political foundations, and

(b) Regulation (EU, Euratom) 2019/493 of the European Parliament and of the Council of 25 March 2019[3] amending Regulation (EU, Euratom) No. 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament;

"Seanad bye-election" means an election of a member of Seanad Éireann to fill a vacancy occasioned by the death, resignation or disqualification of an elected member of Seanad Éireann;

"Seanad election" means an election of a member or members to serve in Seanad Éireann and includes a Seanad bye-election.

[1] OJ No. L 317, 4.11.2014, p. 1
[2] OJ No. L 114, 4.5.2018, p. 1
[3] OJ No. L 85, 27.3.2019, p. 7

Annotations

Amendments:

F1 Substituted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(a)(i), S.I. No. 123 of 2024.

F2 Inserted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(a)(ii), S.I. No. 123 of 2024.

Power to prescribe

3. The Commission may, by order, prescribe such period as it considers appropriate to be an election campaign period in relation to any election or referendum and different periods may be prescribed in relation to different elections or different referendums.

Repeals

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

(a) section 13A;

(b) section 13C;

(c) section 14A;

(d) section 15;

(e) section 15A;

(f) section 15B;

(g) section 16;

(h) section 25;

(i) section 25A;

(j) section 25B;

(k) section 25C;

(l) section 85.

(2) Section 19 of the Act of 2006 is repealed.

(3) Sections 5 to 15 of the Electoral Act 1997 are repealed.

(4) The Referendum Act 1998 is repealed.

Expenses

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

PART 2

Electoral Commission

Chapter 1

Definitions

Definitions (*Part 2*)

6. In this Part—

"accounting unit", in relation to a political party, means a branch, including the headquarters of a political party if it is a separate accounting unit or other subsidiary organisation of the party, which in any particular year, receives a donation the value of which exceeds €100;

"Act of 1991" means the Local Government Act 1991;

"approved body" means a body declared by the Commission to be an approved body under *section 33* ;

"ballot paper" has the meaning assigned to it by section 88 of the Act of 1992;

"committee" means a committee established under *section 15*;

"constituency" means, as the context may require, a Dáil constituency or a European Parliament constituency;

"electoral register" —

(a) means the register of presidential electors, the register of Dáil electors, the register of European electors, the register of local government electors or all such registers as the context may require, and

(b) where the context so requires, includes the postal voters list and the special voters list;

"establishment day" means the day appointed under *section 7*;

"European elector" has the meaning assigned to it by section 2 of the Act of 1992;

"excluded day" means a day which is a Sunday, Good Friday or a day which is a public holiday within the meaning of the Organisation of Working Time Act 1997, or a day which by virtue of a statute or proclamation is a public holiday;

"Joint Oireachtas Committee" means the Joint Oireachtas Committee on Housing, Local Government and Heritage;

"local authority" means a local authority within the meaning of section 2 of the Act of 2001;

"local electoral area" means an area referred to in section 23 of the Act of 2001 by reference to which a local election is held;

"local government elector" has the meaning assigned to it by section 2 of the Act of 1992;

"local returning officer" has the meaning assigned to it by section 15 of the Act of 1994;

"postal voters list" has the meaning assigned to it by section 2 of the Act of 1992;

"presiding officer" means a person appointed as a presiding officer under section 95 of the Act of 1992;

"recognised accountancy body" means a body granted recognition or deemed to have been granted recognition under section 930 of the Act of 2014;

"referendum returning officer" has the same meaning as it has in section 14 of the Act of 1994;

"Register of Political Parties" shall be construed in accordance with *section 41*;

"responsible person" means, in relation to an accounting unit, the treasurer or any other person responsible for dealing with donations to the unit, or, in relation to a third party, the person or persons responsible for the organisation, management or financial affairs of the third party;

"returning officer" has the meaning assigned to it by Part V of the Act of 1992;

"Service" means the Public Appointments Service;

"special voters list" has the meaning assigned to it by section 2 of the Act of 1992;

"treaties governing the European Union" has the same meaning as in the European Communities Acts 1972 to 2012;

"third party" has the meaning assigned to it by section 22(2)(aa) of the Electoral Act 1997.

Chapter 2

Establishment of Commission

Establishment day

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

Annotations

Editorial Notes:

E6 Power pursuant to section exercised (9.02.2023) by *Electoral Reform Act 2022 (Establishment Day) Order 2023* (S.I. No. 31 of 2023).

2. The 9th day of February 2023 is appointed to be the establishment day for the purposes of the Electoral Reform Act 2022 (No. 30 of 2022).

Establishment of Commission

8. (1) There shall stand established, on the establishment day, a body to be known, in the Irish language, as *An Coimisiún Toghcháin* to perform the functions conferred on it by this Act.

(2) The Commission shall be a body corporate with perpetual succession and an official seal and shall have the power:

(a) to sue and be sued in its corporate name;

(b) with the consent of the Minister for Public Expenditure and Reform, to acquire, hold and dispose of property, other than land or an interest in land.

(3) The official seal of the Commission shall be authenticated by the signature of—

(a) a member of the Commission, and

(b) the chief executive or other member of the staff of the Commission authorised by the Commission to act in that behalf.

(4) Judicial notice shall be taken of the seal of the Commission and every document purporting to be—

(a) an instrument made by the Commission, and

(b) sealed with the seal of the Commission authenticated in accordance with *subsection (3)*,

shall be received in evidence and be deemed to be such instrument without proof, unless the contrary is shown.

(5) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal, may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission to act in that behalf.

Chapter 3

Governance arrangements for Commission

Membership of Commission

9. (1) Subject to this section and *section 11* , the Commission shall comprise not more than 9 and not less than 7 members:

(a) a chairperson (in this Act referred to as the "Chairperson");

(b) 2 *ex officio* members;

(c) not less than 4 and not more than 6 ordinary members.

(2) Subject to this section—

(a) the appointment of a person to be an ordinary member of the Commission shall, upon the nomination of the Government, be made by the President, and

(b) the appointment of a person to be the Chairperson of the Commission shall, upon the nomination of the Chief Justice, be made by the President.

(3) The Chairperson shall be—

(a) a former judge of the Supreme Court, a former judge of the Court of Appeal or a former judge of the High Court,

(b) a judge of the Supreme Court,

(c) following consultation by the Chief Justice with the President of the Court of Appeal, a judge of the Court of Appeal, or

(d) following consultation by the Chief Justice with the President of the High Court, a judge of the High Court.

(4) Each of the following shall, *ex officio*, be a member of the Commission:

(a) the Ombudsman, or where that office is vacant, the Director of the Office of the Ombudsman;

(b) the Clerk of Dáil Éireann or, where that office is vacant, the Clerk Assistant of Dáil Éireann.

(5) The Chief Justice shall, before the establishment day, following a request from the Minister, nominate a person to be designated by the President as the first chairperson of the Commission.

(6) If, immediately before the establishment day, a person stands designated under *subsection (5)*, the person shall, on that day, stand appointed as the first chairperson of the Commission.

(7) The President shall, before the establishment day, designate persons to be appointed as the first ordinary members of the Commission.

(8) If, immediately before the establishment day, a person stands designated under *subsection (7)*, the person shall, on that day, stand appointed by the President as an ordinary member of the Commission.

(9) Subject to *section 11(5)*, a person shall not be appointed as an ordinary member of the Commission unless a resolution has been passed by each House of the Oireachtas recommending his or her appointment.

(10) Subject to *section 11(5)*, the President shall appoint the ordinary members of the Commission from among such persons as are recommended by the Service and nominated by the Government in accordance with *section 10* for appointment as such ordinary members.

Recommendations for appointment of ordinary members of Commission

10. (1) This section shall apply in relation to the filling of a vacancy that arises in the ordinary membership of the Commission.

(2) The Minister shall invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Government persons who are suitable for appointment as ordinary members of the Commission.

(3) The Minister shall agree with the Service the requirements relating to knowledge, ability and suitability for appointment as an ordinary member of the Commission for the purposes of a selection competition under this section.

(4) Where making recommendations of persons who are suitable for appointment as ordinary members of the Commission under this section, the Service shall have regard to the desirability of the members of the Commission possessing knowledge of, and experience in, matters connected with the following:

(a) electoral matters, including any experience or expertise gained as a former member of the Houses of the Oireachtas or a local authority;

(b) the administration of the Irish electoral system;

(c) the administration of electoral systems outside the State;

(d) public administration and governance, at a senior level;

(e) expertise in financial matters (including by virtue of membership of a recognised accountancy body);

(f) expertise in information and communications technologies and the application of such technologies in the context of elections and referendums;

(g) advertising and publicity, in particular in relation to the digital aspects of a political campaign.

(5) Where recommending to the Government persons for appointment as ordinary members of the Commission, the Service shall, in so far as practicable, endeavour to ensure that among the ordinary members of the Commission there is an equitable balance between men and women.

(6) The Service shall provide the Minister with particulars of experience, training and expertise of each person whom it recommends under this section.

(7) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Service of a particular person for appointment as an ordinary member, it shall inform the Service of that fact and the reasons for it and shall request the Service to recommend another person for appointment as an ordinary member.

(8) (a) Where the number of ordinary members of the Commission is less than 6 and the Commission considers it necessary for the effective performance of its functions, it may, with the consent of the Minister for Public Expenditure and Reform and subject to *section 9(1)*, request the Minister to invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Government persons who are suitable for appointment as additional ordinary members of the Commission.

(b) *Subsections (3)* to *(6)* shall apply in relation to the appointment of additional members under *paragraph (a)*.

Terms and conditions of appointment of members of Commission

11. (1) Subject to *subsection (2)*, an ordinary member of the Commission shall hold office, unless the member sooner dies, resigns, becomes disqualified or is removed from office, for such period, not exceeding 4 years from the date of his or her appointment, as the President, on the advice of the Government, shall determine.

(2) Such 2 of the ordinary members of the Commission that is first constituted under this Act as are determined by the President, on advice of the Government, shall hold office for a period of 3 years from the date of their respective appointments or reappointments, as the case may be, as such ordinary members.

(3) A member of the Commission shall hold office on such terms and conditions as may be determined by the Government at the time of appointment or reappointment of the member.

(4) Subject to *subsection (6)*, an ordinary member of the Commission whose term of office expires by the efflux of time shall be eligible for reappointment by the Government as an ordinary member of the Commission.

(5) Where it is proposed to reappoint a person as an ordinary member of the Commission, it shall not be necessary for the person—

(a) to participate in a selection competition undertaken by the Service under *section 10* or to be recommended for reappointment by the Service, or

(b) to be recommended for reappointment following the passing of a resolution of each House of the Oireachtas under *section 9*.

(6) A person who is reappointed as an ordinary member of the Commission in accordance with *subsection (4)* shall not hold office for periods the aggregate of which exceeds 2 terms.

(7) An ordinary member of the Commission may resign from office by notice in writing addressed to the President and the resignation takes effect on the date the President receives the notice.

(8) Subject to *section 14(5)*, the Commission may act notwithstanding any vacancy among its membership.

(9) No person shall, without the consent of the Commission, disclose to any person any information obtained while serving as a member of the Commission or providing services to the Commission.

Ineligibility and disqualification of ordinary members of Commission

12. (1) A person shall not be eligible to be recommended for appointment to, or appointed as a member of, the Commission or a committee if he or she:

(a) is a member of either House of the Oireachtas;

(b) is entitled under the rules of procedure of the European Parliament to sit in that Parliament;

(c) is a member of a local authority;

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

(2) A person shall be disqualified from holding and shall cease to hold office as an ordinary member of the Commission or a committee if he or she:

(a) is convicted on indictment of an offence;

(b) is convicted of an offence involving fraud or dishonesty;

(c) has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act;

(d) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act.

(3) Where a member of the Commission or a committee is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to be a member of the European Parliament, or

(d) elected or co-opted as a member of a local authority,

he or she shall thereupon cease to be a member of the Commission or committee, as the case may be.

Removal of ordinary member of Commission

13. (1) An ordinary member of the Commission shall cease to be a member of the Commission where—

(a) one or more of the grounds specified in *subsection (2)* apply, and

(b) a resolution has been passed by each House of the Oireachtas recommending his or her removal.

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

(a) the ordinary member has, without reasonable excuse, failed to discharge the functions of the office;

(b) the ordinary member has become incapable, through ill-health, of performing his or her functions;

(c) the ordinary member has committed stated misbehaviour;

(d) the removal of the ordinary member is necessary for the effective and efficient performance by the Commission of its functions.

Meetings and procedure

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

(2) The Commission may publish, on its website, all or any of the following:

(a) agendas for its meetings and those of a committee;

(b) the papers relating to those meetings;

(c) reports of those meetings.

(3) At a meeting of the Commission—

(a) if the Chairperson is present, he or she shall be the chairperson of the meeting,

(b) if the Chairperson is not present or if the office of Chairperson is vacant, the deputy Chairperson shall, if he or she is present, act as the chairperson of the meeting, or

(c) if and so long as the Chairperson and deputy Chairperson are not present, the members of the Commission who are present shall choose one of their number to act as the chairperson of the meeting.

(4) At a meeting of the Commission, a question on which a vote is required shall be determined by a majority of the votes of the members of the Commission present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second or casting vote.

(5) The quorum for a meeting of the Commission shall be 4 or such other number, not being less than 4, as the Commission may determine.

(6) Subject to this Act, the Commission shall regulate its own procedures.

Power to establish Committees

15. (1) The Commission may establish committees to—

(a) advise and assist the Commission in the performance of its functions, and

(b) perform such functions of the Commission as may be delegated to them.

(2) In appointing members of a committee, the Commission will have regard to the range of qualifications and experience necessary for the proper and effective performance of the functions of the committee.

(3) A committee—

(a) shall consist of such number of members as the Commission may determine, and

(b) may include persons who are not members of the Commission or its staff.

(4) The Commission may:

(a) appoint a person to be the chairperson of a committee;

(b) at any time remove a member from a committee for stated reasons;

(c) at any time dissolve a committee.

(5) The Minister may, with the consent of the Minister for Public Expenditure and Reform, determine the remuneration and expenses, if any, payable to a member of a committee under this section.

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

Power to appoint consultants and enter into contracts

16. (1) The Commission may, as it considers necessary to assist it in the performance of its functions:

(a) enter into contracts with persons;

(b) appoint consultants or advisers.

(2) There may be paid by the Commission, out of the funds at its disposal, to persons, consultants or advisers referred to in *subsection (1)*, such fees (if any) or allowances for expenses (if any) incurred by them as the Commission may determine.

(3) The appointment of a person as a consultant or adviser under this section shall be for such period and on such terms and conditions as the Commission considers appropriate.

Staffing

17. (1) The Commission may appoint such and so many persons to be members of staff of the Commission as it may determine.

(2) The terms and conditions of service of a member of staff of the Commission, and the grade at which he or she serves, shall be such as may be determined by the Commission, with the consent of the Minister for Public Expenditure and Reform.

(3) Members of staff of the Commission are civil servants within the meaning of the Civil Service Regulation Act 1956.

(4) The Commission shall be the appropriate authority (within the meaning of the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005) in relation to members of its staff.

Accounts of Commission

18. (1) The Commission shall keep in such form as may be approved by the Minister for Public Expenditure and Reform all proper and usual accounts of all monies received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister for Public Expenditure and Reform may, from time to time direct.

(2) Accounts kept in accordance with this section shall be submitted, not later than the 1st day of April in the year immediately following the financial year to which they relate, or on such earlier date as the Minister for Public Expenditure and Reform may direct, to the Comptroller and Auditor General for audit and, immediately after the audit, the Chief Executive of the Commission shall cause a copy of the Comptroller and Auditor General's report on the accounts to be laid before each House of the Oireachtas.

Chairperson of Commission

19. (1) The chairperson shall be appointed in accordance with *section 9* and shall hold office for a period of 7 years from the date of his or her appointment.

(2) A person may not be reappointed as chairperson for a second term.

(3) The chairperson may resign from office by notice in writing to the President, the chief executive of the Commission and the Minister, and the resignation shall take effect on the date the President receives the notice.

(4) In the event of the death, resignation or expiry of the term of the chairperson, the Chief Justice shall nominate a new chairperson.

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

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

(b) where such person, on being appointed, is the President of the Court of Appeal or another judge of the Court of Appeal, other than a judge who is *ex officio* an additional judge of that Court, then for so long as such person continues to hold the judicial office held by such person on so being appointed, the number of ordinary judges of the Court of Appeal otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former President of the Court of Appeal to whom section 4(2) of the Courts (No. 2) Act

1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1A) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the Court of Appeal to whom the said section 4(2) relates;

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

Deputy chairperson of Commission

20. (1) The members of the Commission may, by a simple majority, nominate one or more than one member of the Commission (in this Act referred to as a "deputy chairperson") to deputise for the chairperson under *subsection (2)*.

(2) The deputy chairperson shall deputise for the chairperson:

(a) where the chairperson so requests;

(b) in the event that the chairperson is unable to perform his or her functions;

(c) if the office of the chairperson is vacant.

(3) The deputy chairperson may, in addition to his or her remuneration as a member, be paid such additional remuneration (if any) as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

Appointment and reappointment of chief executive of Commission

21. (1) There shall be a chief executive of the Commission (in this Act referred to as the "chief executive") who shall be appointed by the Government.

(2) The Government may, before the establishment day, designate a person to be appointed as the first chief executive of the Commission.

(3) If, immediately before the establishment day, a person stands designated under *subsection (2)*, the person shall, on that day, stand appointed as the first chief executive of the Commission.

(4) The chief executive shall hold office for a term of not more than 5 years.

(5) The Government may reappoint a person whose term of office as chief executive expires by the passage of time.

(6) A person who is reappointed to be the chief executive under *subsection (5)* shall not hold office for periods the aggregate of which, including the period for which he or she was first appointed as chief executive, exceeds 10 years.

(7) Where a vacancy arises, or is anticipated will arise, for the position of chief executive the Minister shall invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Minister a person who is suitable for appointment as chief executive.

(8) The Minister shall agree with the Service the requirements relating to knowledge, ability and suitability for appointment as the chief executive for the purposes of a selection competition under this section.

(9) A vacancy for the position of chief executive shall be advertised publicly and shall include details of the agreed selection criteria for the filling of the vacancy and the process to be implemented in respect of filling that vacancy.

(10) The Service may adopt such procedures as it thinks fit to carry out its functions under this section.

(11) A person shall not be recommended to the Minister under *subsection (7)* unless the person is, in the opinion of the Service, suitably qualified for such appointment by reason of his or her possessing such relevant experience, qualifications, specialist knowledge or other criteria as the Minister, following consultation with the Commission, and having regard, in particular, to the functions conferred on the Commission by this Act, may specify.

(12) The Service shall provide the Minister with particulars of experience and qualifications of the person whom it recommends under this section.

(13) In exceptional circumstances, where the Government, for substantial and stated reasons, is unable to accept the recommendation by the Service of a particular person, it shall inform the Service of that fact and the reasons for it and shall request the Service to make another recommendation in respect of the vacancy and the Service shall, as soon as is practicable, comply with that request.

(14) If the Service is unable to select any suitable candidate pursuant to a particular request—

(a) the Minister shall recommend for appointment the person who was the candidate selected by the Service pursuant to a previous request (if any) in relation to that appointment, or

(b) the Minister shall make a further such request to the Service and the Government shall appoint as chief executive the candidate selected by the Service pursuant to that request or pursuant to another such request made in relation to that appointment.

(15) The chief executive shall—

(a) hold office subject to such terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Commission, with the consent of the Minister and the Minister for Public Expenditure and Reform, and

(b) be paid out of funds at the disposal of the Commission.

(16) The chief executive shall not be a member of the Commission, or a committee, but he or she may, in accordance with procedures established by the Commission or such a committee, as the case may be, attend

meetings of the Commission or committee and shall be entitled to speak at and give advice at such meetings.

(17) The chief executive shall not hold any other office or occupy any position in respect of which remuneration is payable, or carry on any business, trade or profession, without the consent of the Commission.

(18) The chief executive may, with the consent of the Commission, authorise one or more members of staff of the Commission to perform a specified function of the chief executive and such member or members so authorised may perform the function accordingly.

(19) If the chief executive—

(a) dies, resigns or is removed from office, or

(b) is for any reason temporarily unable to continue to perform his or her functions,

the Commission may nominate such member or members of the staff of the Commission as it considers appropriate to perform the functions of the chief executive until—

(i) in the circumstances mentioned in *paragraph (a)*, a new chief executive is appointed in accordance with this section, or

(ii) in the circumstances mentioned in *paragraph (b)*, the chief executive is able to resume the performance of his or her functions.

(20) The chief executive may resign his or her office by letter sent by registered post to the Minister and copied to the Chairperson of the Commission and the resignation shall take effect on the date on which the letter is received by the Minister.

Role of chief executive

22. (1) The chief executive shall—

(a) implement the policies and decisions of the Commission,

(b) manage and control generally the staff, administration and business of the Commission,

(c) perform such other functions (if any) as may be required by the Commission or as may be authorised under this Act,

(d) subject to *section 41(3)*, be accountable to the Commission for the efficient and effective management of the Commission and for the due performance of his or her functions, and

(e) provide the Commission with such information (including information with respect to the performance of those functions in so far as they relate to the financial affairs of the Commission) as the Commission may require.

(2) The chief executive may make proposals to the Commission on any matter relating to its functions.

Removal of chief executive

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

(2) The grounds referred to in *subsection (1)* are that—

(a) the chief executive has become incapable, through ill-health, of performing his or her functions,

(b) the chief executive has committed stated misbehaviour, or

(c) the removal of the chief executive is necessary for the effective and efficient performance by the Commission of its functions.

(3) Where the members propose to remove the chief executive from office under *subsection (1)*, they shall notify the chief executive in writing of the proposal.

(4) A notification under *subsection (3)* shall include a statement—

(a) of the reasons for the proposed removal,

(b) that the chief executive may, within 30 working days of the sending of the notification or such longer period as the members may, having regard to the requirements of natural justice specify, make representations to the members in such form and manner as may be specified by the members as to why the chief executive should not be removed from office, and

(c) that, where no representations are received within the period referred to in *paragraph (b)*, the members shall, without further notice to the chief executive, proceed with the removal of the chief executive from office in accordance with this section.

(5) In considering whether to remove the chief executive from office under *subsection (1)*, the members shall take into account—

(a) any representations made pursuant to *subsection (4)(b)*, and

(b) any other matter that the members consider relevant for the purposes of their decision.

(6) Where, having taken into account the matters referred to in *subsection (5)*, the members decide to remove the chief executive from office, they shall notify, in writing, the chief executive, the Joint Oireachtas Committee and the Minister of their decision and the reasons for their decision.

Accountability of chief executive to Public Accounts Committee

24. The chief executive shall, whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee in relation to—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Commission is required by this Act to prepare,

(b) the economy and efficiency of the Commission in the use of its resources,

(c) the systems, procedures and practices employed by the Commission for the purpose of evaluating the effectiveness of its operations, and

(d) any matter affecting the Commission referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other

report of the Comptroller and Auditor General (insofar as it relates to a matter specified in *paragraph (a)*, *(b)* or *(c)*) that is laid before Dáil Éireann.

Accountability of chief executive to Oireachtas

25. (1) Subject to *subsection (2)*, the chief executive shall, at the request in writing of an Oireachtas Committee, attend before it to give account for the general administration of the Commission.

(2) The chief executive shall not be required to give account before an Oireachtas Committee for any matter which is or has been or may be at a future date, the subject of proceedings before a court or tribunal in the State.

(3) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give an account before an Oireachtas Committee is a matter to which *subsection (2)* applies, he or she shall inform the Committee of the opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at the time when the chief executive is before it, the information shall be so conveyed in writing.

(4) Where the chief executive has informed an Oireachtas Committee of his or her opinion in accordance with *subsection (3)* and the Committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to the subject matter of that opinion—

(a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or

(b) the chairperson of the Oireachtas Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(5) Pending the determination of an application under *subsection (4)*, the chief executive shall not attend before the Oireachtas Committee to give account for the matter that is the subject of the application.

(6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Oireachtas Committee shall withdraw the request referred to in *subsection (1)* but if the High Court determines that *subsection (2)* does not apply, the chief executive shall attend before the Oireachtas Committee to give account for the matter.

(7) In this section, "Oireachtas Committee" means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Public Accounts Committee referred to in *section 24* or a Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann) or a subcommittee of such a Committee.

Accountability of chief executive for accounts of Commission

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

Annual report of Commission

27. (1) As soon as may be after the end of each financial year, but not later than 6 months thereafter, the Commission shall cause a report on the performance of its functions during that year to be laid before each House of the Oireachtas.

(2) A report under *subsection (1)* shall include information on the performance of the functions of the Commission during the period to which the report relates, including an account of—

(a) research works completed by the Commission,

(b) any reports prepared under *sections 66*, *68* and *69*, and

(c) progress regarding implementation of the strategy statement published under *section 28*.

(3) The Commission shall ensure that, as soon as practicable after copies of an annual report are laid before each House of the Oireachtas in accordance with *subsection (1)*, the annual report is published in such manner as the Commission considers appropriate.

Strategy statement

28. (1) Subject to *subsection (2)*, the Commission shall, every 3 years, prepare and submit to the Joint Oireachtas Committee a strategy statement in respect of the following 3 years.

(2) The first strategy statement shall be prepared by the Commission as soon as practicable after the establishment day and shall relate to the period from its submission to the Joint Oireachtas Committee until the day immediately before the third anniversary of the establishment day.

(3) A second or subsequent strategy statement shall be submitted to the Joint Oireachtas Committee within the period of 6 months before the expiry of the period to which the previous strategy statement relates and the second or subsequent strategy statement shall relate to the period of 3 years from the expiry of the period to which the previous strategy statement relates.

(4) The Commission shall, in a strategy statement prepared under this section, specify—

(a) the key aims, objectives, outputs and strategies of the Commission, and

(b) having regard to the matters specified in *paragraph (a)*, the key priorities of the chief executive.

(5) The Commission may—

(a) publish in such manner as the Commission considers appropriate a draft of the strategy statement and, where it publishes the draft, it shall allow persons 30 days from the date of that publication within which to make representations in writing to the Commission with regard to the draft strategy statement, and

(b) where appropriate, having considered any representations made under *paragraph (a)*, make such modifications as may be necessary to take account of such representations.

(6) The Commission shall, as soon as may be after the preparation of a strategy statement under this section, cause a copy of it to be laid before each House of the Oireachtas.

(7) The Commission shall ensure that, as soon as practicable after copies of a strategy statement are laid before each House of the Oireachtas in accordance with *subsection (6)*, the strategy statement is published (in both the Irish and English languages) in such manner as the Commission considers appropriate.

Assistance of State bodies to Commission

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

Chapter 4

Functions of Commission

Functions of Commission

30. (1) The Commission shall have the following functions:

(a) to explain to the public, in accordance with *Chapter 5*, the subject matter of referendums;

(b) to review, in accordance with *Chapter 7*, the constituencies for the election of members to the Dáil and the election of members to the European Parliament and to report to the Joint Oireachtas Committee in relation thereto;

(c) to review local electoral area boundaries and report to the Minister in relation to those boundaries, in accordance with *Chapter 8*;

(d) to conduct research on electoral policy and procedure and make such recommendations to the Minister as it considers appropriate, in accordance with *Chapter 9*;

(e) to provide, to the public, information on electoral processes (including referendums) and to encourage participation, by the public, in the electoral and democratic processes of the State, in accordance with *section 67* ;

(f) to prepare and maintain, in accordance with *Chapter 6*, the Register of Political Parties;

(g) to oversee the electoral register in accordance with *Chapter 10*;

(h) to regulate online political advertising in accordance with *Part 4*;

(i) to protect the integrity of elections and referendums against the dissemination or publication of online disinformation, online misinformation and manipulative or inauthentic behaviour online in accordance with *Part 5*.

(2) The Commission shall have all such powers as are necessary or expedient for, or incidental to, the performance of its functions.

(3) The Commission shall, subject to this Act, be independent in the performance of its functions.

Chapter 5

Referendum functions

Referendum functions of Commission

31. (1) The Commission shall have, in addition to any functions conferred on it by any other provision of this Act, the following principal functions in relation to a referendum:

(a) to prepare a statement or statements containing a general explanation of the subject matter of the proposal for the referendum concerned and of the text thereof in the relevant Bill and any other information relating to those matters that the Commission considers appropriate;

(b) to publish (in both the Irish and English languages) and distribute such statements in relation to the referendum concerned in such manner and by such means including the use of television, radio and other electronic media as the Commission considers most likely to bring them to the attention of the electorate and to ensure as far as practicable that the means employed enable those with a sight or hearing disability to read or hear the statements concerned;

(c) to promote public awareness of the referendum and encourage the public to vote at the referendum, in accordance with *section 67*.

(2) Without prejudice to the generality of *section 30(2)*, the Commission shall have the following powers in relation to a referendum:

(a) to prepare, publish and distribute brochures, leaflets, pamphlets and posters; and

(b) to distribute the statements aforesaid to each presidential elector or each household.

(3) The Commission or a member of the Commission shall not advocate or promote a particular result at a referendum.

Advertisements etc. by Commission

32. (1) F3**[**Section 46M(2)(a)**]** of the Broadcasting Act 2009 shall not apply to advertisements broadcast at the request of the Commission in relation to a matter referred to in *section 31* concerning a referendum.

(2) The Minister for the Environment, Climate and Communications, if so requested by the Commission following consultation by the Commission with Radio Teilifís Éireann (in this section referred to as "RTE") and Teilifís na Gaeilge (in this section referred to as "TG4") and consideration of any proposals of RTE and TG4 for broadcasts in connection with the referendum that RTE and TG4 communicate to the Commission, shall direct RTE and TG4, in writing, to allocate broadcasting time to facilitate the Commission in performing its functions, and RTE and TG4 shall comply with a direction under this subsection.

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

(4) In this section, "broadcasts", "sound broadcasting service" and "television programme services" have the same meanings as they have, respectively, in section 2 of the Broadcasting Act 2009.

Annotations

Amendments:

F3 Substituted (15.03.2024) by *Online Safety and Media Regulation Act 2022* (41/2022), s. 80, S.I. No. 71 of 2023.

Modifications (not altering text):

C1 Functions transferred and references to Minister for the Environment, Climate and Communications construed (24.01.2024) by *Electoral Reform (Transfer of Departmental Administration and Ministerial Functions) Order 2024* (S.I. No. 28 of 2024), arts. 2, 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) References to the Department of the Environment, Climate and Communications contained in any Act or any instrument made under such Act and relating to any administration and business transferred by *paragraph (1)* shall, from the commencement of this Order, be construed as references to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

(2) References to the Department of the Environment, Climate and Communications contained in any Act or any instrument made under such Act and relating to any administration and business transferred by *paragraph (1)*shall, from the commencement of this Order, be construed as references to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

3. (1) The functions vested in the Minister for the Environment, Climate and Communications by or under *section 32* of the Electoral Reform Act 2022 (No. 30 of 2022) are transferred to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

(2) References to the Minister for the Environment, Climate and Communications in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

...

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

33. (1) A body may apply to the Commission, in accordance with this section, for a declaration to be an approved body for the purposes of a referendum.

(2) An application under *subsection (1)* shall be in writing in a form specified by the Commission or in a form to the like effect and shall be made within such time as the Commission may specify and shall include the address, in the State, of the body concerned.

(3) Where a body makes an application under this section, it shall nominate a person to be its nominated person for the purposes of this Part (in this Part referred to as "the nominated person") and the name and address of the person so nominated shall be included in the application.

(4) The Commission may refuse to make a declaration under *subsection (1)* where—

(a) in the opinion of the Commission, the body concerned does not have a *bona fide* interest in the proposal the subject of the referendum concerned,

(b) the body concerned fails or refuses to comply with this section or *section 35*, or

(c) the name of the body concerned is identical to the name of any party registered in the Register of Political Parties, or in the opinion of the Commission so closely resembles such name as to be calculated to mislead, confuse or deceive.

(5) Upon the determination of an application under this section, the Commission shall, as soon as may be—

(a) by notice in writing inform the body concerned of the determination and, if it is a refusal to make a declaration under this section, the notice shall include a statement of the reasons for the refusal, and

(b) publish a notice in *Iris Oifigiúil* of the result of the determination.

(6) A person who knowingly furnishes false information in relation to an application under this section shall be guilty of an offence.

(7) A person who contravenes *subsection (6)* shall be guilty of an offence and shall be liable on summary conviction to a class E fine or imprisonment for a term not exceeding 3 months or both.

(8) Where the Commission is satisfied that false information has been furnished to it under this section, the Commission shall revoke any declaration made by it in relation to the application concerned and shall, as soon as may be, notify the body concerned of the revocation and of the reasons therefor.

(9) (a) Subject to *paragraph (b)*, in this section and in *sections 34*, *35* and *36*, "body" means a body corporate or unincorporated body which, or a branch of which, is established in the State, governed by a constitution, a memorandum of association or other such document or other written rules and having a membership of not less than 300.

(b) A political party that is for the time being registered in the Register of Political Parties shall be deemed to be a body.

(10) A reference in any enactment to an approved body within the meaning of the Referendum Act 1998 shall be construed as including a reference to an approved body under this section.

Publication of referendum notices by Commission

34. (1) The Commission shall publish (in both the Irish and English languages) a notice (in this section referred to as a "referendum notice") in 2 or more national newspapers as soon as practicable following the making of an order under section 10 or 12 of the Act of 1994.

(2) A referendum notice shall—

(a) indicate that a body may apply to the Commission for a declaration under *section 33*,

(b) specify time limits for the receipt of such applications, and

(c) specify the procedures for making such applications.

Obligation to provide information or statutory declaration if required

35. (1) The Commission may request, from a body that applies for a declaration under *section 33*, all such information or documents in the possession or procurement of the body that the Commission reasonably requires from it for the purposes of the determination of the application under that section.

(2) Where the Commission makes a request under *subsection (1)*, the nominated person of the body shall furnish to the Commission the information or documents within the time (being not more than 7 days from the day on which the request is made) specified in the request and, if the nominated person does not comply with the request, the application of that body for a declaration under *section 33* shall be deemed to be withdrawn.

(3) The Commission may require that information furnished to the Commission under this section shall be accompanied by a statutory declaration made by the nominated person concerned that, to the best of the person's knowledge and belief, the information is correct in every material respect and that the person has taken all reasonable steps to ensure the accuracy of the information.

(4) A person who knowingly furnishes false information pursuant to a request under this section shall be guilty of an offence.

(5) A person guilty of an offence under *subsection (4)* shall be liable on summary conviction to a class E fine or imprisonment for a term not exceeding 3 months or both.

(6) Where the Commission is satisfied that false information has been furnished to it under this section, the Commission shall revoke any declaration made by it in relation to the application concerned and shall, as soon as may be, notify the body concerned of the revocation and of the reasons therefor.

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

36. (1) As soon as practicable after the Commission has made a declaration under *section 33* or revoked a declaration under *section 33* or *35*, as the case may be, in respect of a body, the Commission shall notify the referendum returning officer of the name and address of the body and the name and address of the nominated person of the body.

(2) The referendum returning officer shall, as soon as practicable after receipt of a notification under *subsection (1)*, notify each local returning officer of the particulars so notified to him or her under *subsection (1)*.

Appointment by approved body of agents at a referendum

37. (1) Subject to section 26 of the Act of 1994, as applied by *subsection (3)*, an approved body may appoint a person or persons to act as agent for the body at the referendum in respect of which the body is an approved body, to be present—

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

(b) at the opening of postal ballot boxes, and

(c) at the counting of votes,

at the referendum.

(2) An approved body may appoint one person to be present as the body's agent in each polling station for the purpose of assisting in the detection of personation, and such appointment shall be in writing.

(3) Subsections (2), (4) to (9), (11) and (12) of section 26 of the Act of 1994 shall apply to persons appointed to act as agents under this section as they apply to agents appointed under the said section 26 with the modification

that references to a member of Dáil Éireann shall include references to an approved body and with any other necessary modifications.

Amendment of section 43 of Act of 1994

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

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

Reports and information to Minister and Joint Oireachtas Committee

39. (1) As soon as may be after the completion of the performance of its functions under this Chapter and under *section 67* in relation to each referendum, but not later than 6 months thereafter, the Commission shall prepare and submit a report in writing to the Joint Oireachtas Committee in relation to the performance by it of those functions.

(2) The Commission shall, when submitting the report under *subsection (1)*, furnish a copy of the report to the Minister.

(3) The Commission shall, whenever so requested by the Joint Oireachtas Committee, furnish to the Committee information in relation to such matters as the Committee may specify in respect of any report referred to in *subsection (1)*.

Provisions in relation to offences

40. (1) Where an offence under this Chapter is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of any person, being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(3) Proceedings for an offence under this Part shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Chapter 6

Registration of political parties functions

Registrar of political parties

41. (1) There shall be an office, the holder of which shall be known as the Registrar of Political Parties (in this Chapter referred to as the "Registrar")

and the Registrar shall, subject to this Chapter, prepare and maintain a Register of Political Parties.

(2) (a) The person who for the time being holds the office of chief executive of the Commission shall be the Registrar.

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

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

Register of political parties

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

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

Application for registration of political parties

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

(a) a Dáil election;

(b) a European election;

F4**[**(c) a local election;**]**

F5**[**(d) a Limerick mayoral election.**]**

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

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

Annotations

Amendments:

F4 Substituted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(b)(i), S.I. No. 123 of 2024.

F5 Inserted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(b)(ii), S.I. No. 123 of 2024.

Registration of political emblems

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

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

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

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

(b) is obscene or offensive,

(c) is of such a character that its publication would be likely to amount to the commission of an offence, or

(d) includes a word or expression which, if it were, or were part of, the party's name, would, by virtue of *section 46*, prevent the party from being registered in the Register of Political Parties.

Qualifying criteria for registration of political parties

45. Subject to *section 46*, the Registrar shall register a political party which applies for registration provided the application complies with the requirements of this Chapter and that—

(a) the party is organised in the State or in a part thereof specified in the application as a party organised to contest all or any of the elections referred to in *section 43(1)*,

(b) (i) (I) the party has not less than 300 recorded members or, in the case of a party applying for registration as a party organised to contest elections in part of the State or local elections only, 100 recorded members, each of whom (in any of the foregoing cases) has reached the age of 18 years, and

(II) at least 50 per cent of the recorded members are registered in the electoral register,

(ii) the party has at least one member who, at the time the application for registration is made, is a member of Dáil Éireann or is a representative in the European Parliament (whether by reason of his or her having been elected as such a representative in the State or having been nominated as a replacement candidate under the Act of 1997) and who certifies in writing to the Registrar that he or she is a member of the party, or

F6[(iii) in the case of a party which applies for registration as a party organised to contest—

(I) a local election only,

(II) a Limerick mayoral election only, or

(III) both a local election and a Limerick mayoral election,

it has at least 3 members who are, at the time the application for registration is made, members of a local authority and each of whom

certifies in writing to the Registrar that he or she is a member of the party,**]**

and

(c) the organisation and direction of the party are governed by a constitution, a memorandum of association or other such document or other written rules adopted by the party and which provide for—

(i) an annual or other periodic meeting or conference of the party, and

(ii) the conduct of the business of the party by an executive committee or similar body elected by the party.

Annotations

Amendments:

F6 Substituted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(c), S.I. No. 123 of 2024.

Titles of political parties

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

(a) is identical to the name or an abbreviation or acronym of the name of any party for the time being registered in the Register of Political Parties or, so nearly resembles such name, abbreviation or acronym as to be likely to mislead, confuse or deceive,

(b) comprises more than 6 words, or

(c) in the case of a party operating in relation to a particular part of the State, does not include such reference to that part so as to distinguish the party as so operating.

Details to be entered in register of political parties

47. The following particulars shall be entered in the Register of Political Parties in respect of a political party registered therein—

(a) the name of the party, including any abbreviation or acronym of the name,

(b) the emblem, if an application for its registration under *section 44* has been granted,

(c) the address of the party's headquarters,

(d) the name or names of the officer or officers of the party authorised to sign certificates authenticating the candidatures of candidates of the party at elections,

(e) the type or types of election for which the party is registered as being organised to contest,

(f) where the party is registered as organised to contest elections in a specified part of the State, a reference to that fact and to the part of the State concerned,

(g) the name of any political group or European political party in accordance with *section 48*, and

(h) the name and address of each accounting unit of the political party and the name and address of the responsible person or persons of the accounting unit.

Political groups

48. Where a party which is registered in the Register of Political Parties as a party organised to contest a European election, or which applies for such registration in the Register of Political Parties, informs the Registrar that a member of the party, being a representative in the European Parliament (whether by reason of that member having been elected as such a representative in the State or having been nominated as a replacement candidate under the Second Schedule to the Act of 1997), is a member of—

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

(b) a European political party,

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

Notification of decision on application for registration

49. The Registrar shall, as soon as practicable after it has considered an application for registration under this Part, notify the applicant concerned of his or her decision and, where the application has been refused, the reasons for it and that the applicant may appeal the decision under *section 51*, and shall cause notice thereof to be published in *Iris Oifigiúil*.

Amendments to Register of Political Parties

50. (1) If there is any change in the particulars entered in the Register of Political Parties with respect to the name or names of the officer or officers of a political party referred to in *section 47(d)* or in the address of the party's headquarters, the party shall, as soon as may be after the change occurs, inform the Registrar of the change and, where appropriate, the Registrar shall amend the particulars entered in the register in relation to the party accordingly.

(2) A political party registered in the Register of Political Parties may apply in writing to the Registrar in such form as shall be specified by the Registrar to have any of the particulars, (other than those referred to in *subsection (1)*) including the party emblem entered in the register in relation to the party amended and the Registrar shall consider each such application and may, subject to this Chapter, amend the register accordingly.

(3) The Registrar shall, as soon as practicable after it has considered an application for amendment of the register under *subsection (2)*, notify the applicant concerned of his or her decision, the reasons for it and that the applicant may appeal the decision under *section 51* and shall cause notice of the decision to be published in *Iris Oifigiúil*.

(4) The Registrar shall, with respect to each party registered in the register, inquire in writing at least once in each year from a responsible person referred to in *section 47(h)* whether the party desires to remain registered

and, unless the Registrar receives an affirmative reply to such an inquiry within 21 days from the date of the making of such inquiry, *subsection (6)* shall apply in relation to the party.

(5) When replying to an inquiry under *subsection (4)*, the responsible person shall provide the Registrar with the name and address of each accounting unit of the party and the name and address of the responsible person or persons of the accounting unit, including any changes that have occurred during the period from when the particulars were last provided to the Registrar and the Registrar shall enter the particulars provided in the register.

(6) Where a political party registered in the register fails to comply with *subsection (1)*, or information provided by it, in purported compliance with that subsection, is not such as to enable the Registrar to comply with *section 47* or otherwise fails to comply with the requirements of this Chapter, the Registrar shall, following such inquiry as it considers appropriate, publish in *Iris Oifigiúil* notice of its intention to cancel the registration of the party and the Registrar shall notify the party concerned of its intention and that the party may appeal the decision under *section 51*.

(7) Any doubt, dispute or question arising in connection with the particulars required to be entered in the register pursuant to *section 47* shall be decided by the Commission and deemed to be an appeal under *section 51*, and the Registrar or the political party concerned may submit the doubt, dispute or question to the Commission in accordance with that section.

Appeal against decision of Registrar

51. (1) A decision by the Registrar in relation to—

(a) an application for registration under *section 43* or *44*,

(b) an application under *section 50* for amendment of the particulars entered in relation to a party in the Register of Political Parties, or

(c) the cancellation of the registration of a party under *section 50(6)*,

may be questioned by way of an appeal to the Board under this section and, pending the determination by the Board of such an appeal, the decision of the Registrar shall not have effect.

(2) Where the Registrar has decided to refuse an application for registration including the registration of an emblem or an application for an amendment of the register and has stated the reasons for so doing in accordance with *section 49* or *50(3)*, such statement shall be regarded as a sufficient statement of the reasons for the decision.

(3) (a) Not later than 12 noon on the twenty-first day after the publication in *Iris Oifigiúil* of a decision by the Registrar on an application for registration under *section 43* or *44*, or for the amendment of the particulars in relation to a party entered in the register under *section 50(1)* or in respect of the cancellation of the registration of a party under *section 50(6)*, an appeal may be made to the Board against the decision—

(i) in the case of a decision to refuse either an application for registration including the registration of an emblem or an application for an amendment of the register, by the party by which the application was made,

(ii) in the case of a decision to allow either an application for registration or an application for amendment of the register, by any political party

registered in the register at the time of the giving by the Registrar of such notice,

(iii) in the case of a decision to cancel a registration, by the party whose registration it is proposed to cancel.

(b) Where no appeal is made under this section within the period specified in *paragraph (a)*, the decision shall at the expiration of the said period become final and the Registrar shall notify the applicant or, as the case may be, the party whose registration he or she has decided to cancel.

(c) An appeal under this section shall be in writing, shall state the grounds on which the appeal is made, shall be addressed to the Chairperson and shall be delivered or sent by post so as to reach the Chairperson not later than the time specified in *paragraph (a)*, together with the deposit referred to in *paragraph (d)*, and any such appeal which is received by the Chairperson after that time or without that deposit shall not be entertained or considered by the Commission.

(d) An appeal under this section shall not be considered by the Board unless at the time the appeal is made a deposit of €500 is lodged with the Chairperson by, or on behalf of, the appellant, which sum shall on the determination of the appeal be returned to the person by whom it was made unless the Board considers the appeal to be frivolous or vexatious and directs that the deposit be forfeited.

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

(f) The Chairperson, immediately on receipt of an appeal under this section, shall—

(i) notify the Registrar of such receipt,

(ii) furnish the Registrar with a copy of the appeal,

(iii) publish a notice in *Iris Oifigiúil* that an appeal has been lodged, and

(iv) make the documentation in relation to the appeal available for inspection at all convenient times.

(4) (a) The Board, in determining an appeal under this section, shall consider—

(i) the grounds for the appeal stated pursuant to *subsection (3)(c)*, and

(ii) such information (if any) as was made available to the Registrar in connection with the application for registration (including registration of a political party emblem), the application for amendment of the register or the proposed cancellation of the registration, as the case may be.

(b) The Registrar shall give to the Commission such information in relation to every appeal considered pursuant to this section as the Commission may reasonably require of him or her.

(c) Where information additional to that referred to in *paragraph (a)(ii)* is furnished to the Commission, the appeal application, if the Commission considers it appropriate and directs accordingly, shall be returned to the Registrar for their consideration and treated, if appropriate, as a new application for registration or an amendment of the register by the Registrar.

(d) The decision of the Commission shall be final and binding.

(5) A decision by the Registrar on an application for registration, including the registration of an emblem, or for amendment of the particulars entered in the register in respect of a party or in relation to the cancellation of the registration of a party under *section 50* or a decision by the Commission on an appeal under this section shall not have effect in relation to the relevant election where the decision of the Registrar or the Commission is made or the period for making an appeal under *subsection (3)* against the decision of the Registrar expires—

(a) in the case of a Dáil election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a Dáil election, after the date of the issue of the writ or writs,

(b) in the case of a European election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a European election, after the date of the making of the order of the Minister under section 10(1) of the Act of 1997,

(c) in the case of a local election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a local election, after the date of the making of the order of the Minister under section 26(2) of the F7**[**Act of 2001, or**]**

F8**[**(d) in the case of a Limerick mayoral election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a Limerick mayoral election, after the date of the making of the order of the Minister under paragraph 6 of Schedule 2 to the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024.**]**

(6) The Board shall determine an appeal under this section without an oral hearing unless, having regard to the particular circumstances of the appeal, it considers that it is necessary to conduct an oral hearing in order to properly and fairly determine the appeal.

(7) An appeal which has been commenced under section 25B of the Act of 1992 and not completed before the establishment day shall be carried on or completed by the Board under this section on or after the establishment day.

(8) In this section, "Board" means the members of the Commission referred to in *section 9(1)*.

Annotations

Amendments:

F7 Substituted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(d)(i), S.I. No. 123 of 2024.

F8 Inserted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(d)(ii), S.I. No. 123 of 2024.

Inspection and production of copy of register

52. (1) The Registrar shall maintain the Register of Political Parties and permit any person to inspect the register at such time and under such conditions as he or she may specify.

(2) Where an order of a court or a request by any person is made for the production by the Registrar of the register or a copy thereof, the production of a copy of the register accompanied by a certificate of the Registrar that such copy is a copy of the register shall, in any civil or criminal proceedings, be *prima facie* evidence of the fact so certified and it shall not be necessary, unless the court on receipt of the certificate and copy of the register so orders, for the Registrar to attend in person to attest to any matter relating to the register or the certificate.

Requirement to comply with request by Registrar for information

53. (1) The Registrar may require any person to give any information in the possession of such person which the Registrar may require for the purpose of his or her duties under this Chapter.

(2) Without prejudice to *subsection (1)*, the Registrar may require from any political party which applies for registration (including registration of an emblem) in, or for amendment of, the Register of Political Parties all such information as the Registrar reasonably requires for the determination of the application, and the Registrar may refuse the application of any party which fails or refuses to give any information so required of it under this section.

(3) For the avoidance of doubt and notwithstanding the authority of the Registrar to request information, it shall be the duty of every political party which applies for registration (including the registration of an emblem) in, or for amendment of, the register to provide to the Registrar such information as may be necessary to enable the Registrar to consider the application.

(4) The Registrar may require that—

(a) information furnished for the purposes of this Chapter shall be accompanied by a statutory declaration made by the person by whom the information is furnished (or by such other person as the Registrar considers appropriate in the circumstances) that, to the best of the person's knowledge and belief, the information is correct in every material respect and that the person has taken all reasonable steps in order to be satisfied as to the accuracy of the information,

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

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

Registration in relation to particular types of election

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

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

Provision of copies of register to returning officers

55. Not later than the third day (disregarding any excluded day) after the day of the issuing under section 39 of the Act of 1992 of the writ or writs at a

Dáil election, the Registrar shall send to the returning officer or each returning officer, as the case may be, a copy of the Register of Political Parties then in force, including a copy of any emblems of political parties registered in it.

Chapter 7

Dáil and European Parliament constituency review functions

Constituency reviews

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

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

(b) following the receipt, by the Commission, of a written direction from the Minister, which shall be made by the Minister where either a Constituency Commission or the Commission has presented a report under *section 58*, and where—

(i) after such presentation, the total number of members of the European Parliament to be elected in the State specified pursuant to the treaties governing the European Union is different from the total number to which the Constituency Commission or the Commission had regard when preparing its report under *section 57*, and

(ii) the Constituency Commission or the Commission is not due to prepare and present a report under *section 57(1)(a)* before the date of the next European Parliament election.

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

Constituency review reports

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

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

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

(b) Where the Commission has conducted constituency reviews under *section 56(1)(b)* it shall prepare a report containing the recommendations of the Commission in relation to the constituencies for the election of members of the European Parliament.

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

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

(a) the total number of members of Dáil Éireann, subject to Article 16.2.2 of the Constitution, shall be not less than 171 and not more than 181;

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

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

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

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

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

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

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

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

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

(4) The reference in *subsection (2)(c)* to county boundaries shall be deemed not to include a reference to the boundary of a city or any boundary between any 2 of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin.

(5) A report of the Commission under this section may indicate that, in the opinion of the Commission having regard to *subsection (2)* or *(3)*, no alteration is required to be made in the constituencies to which the report relates.

Laying of constituency review reports

58. (1) Where the Commission has conducted constituency reviews under *section 56(1)(a)*, it shall, not later than 3 months after the publication of the final result of every census of population of the State, present the reports prepared by the Commission under *section 57(1)(a)* to the Joint Oireachtas Committee and lay those reports before each House of the Oireachtas.

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

Public submissions

59. (1) The Commission shall, as soon as may be following the commencement of its constituency reviews under *section 56*, give public notice (in both the Irish and English languages) of its intention to prepare a report relating to—

(a) in the case of a report under *section 57(1)(a)* —

(i) the constituencies for the election of members to Dáil Éireann, and

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

and

(b) in the case of a report under *section 57(1)(b)*, the constituencies for the election of members of the European Parliament only.

(2) In the case of a report under *section 57(1)(a)*, the Commission shall prepare—

(a) a statement setting out the relevant provisions of the Constitution in relation to Dáil constituencies to which the Commission is required to observe, and

(b) statements based on the preliminary result of the most recent census of population of the State showing, for the constituencies for the time being in force for Dáil and European elections, in relation to each constituency—

(i) the number of members of Dáil Éireann or the European Parliament, as the case may be,

(ii) the population of the constituency,

(iii) the population per member of Dáil Éireann or the European Parliament, as the case may be, of the constituency, and

(iv) the percentage variation of population per member of Dáil Éireann or the European Parliament, as the case may be, of the constituency from the national average population per member.

(3) The statements prepared by the Commission, and any submissions received by it, under this section shall be made available free of charge by the Commission, to any person wishing to examine them, in accordance with the public notice referred to in *subsection (1)*.

(4) The public notice referred to in *subsection (1)* shall indicate that the statements prepared by the Commission under this section shall be made available free of charge by the Commission, to any person wishing to examine them, in such a manner as shall be specified in the notice.

(5) The public notice referred to in *subsection (1)* shall indicate that—

(a) any person may make a submission to the Commission in such manner and within such period (which shall not be less than three months in the case of a report referred to in *subsection (1)(a)* and not less than one month in the case of a report referred to in *subsection (1)(b)*), as shall be specified in the notice,

(b) any submissions received by the Commission in the manner and within the period specified in the notice shall be made available free of charge by the Commission, to any person wishing to examine them, in such manner and within such period as shall be specified in the notice.

(6) The Commission shall consider every submission made to it in accordance with a public notice referred to in *subsection (1)*.

Chapter 8

Local electoral area boundary review functions

Amendment of section 32 of Act of 1991

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

"(2) (a) Before deciding whether to make an order under section 23 of the Local Government Act 2001 in relation to a local electoral boundary the Minister shall request *An Coimisiún Toghcháin* to prepare a report, in accordance with *sections 61* to *63* of the Electoral Reform Act 2022, in relation to the boundary concerned.

(b) *An Coimisiún* shall, if so requested, prepare and furnish to the Minister a report in writing which shall include its recommendations and the Minister shall publish the report and shall have regard to it when deciding whether or not to make the order.".

Local Electoral Area Boundary Review functions of Commission

61. (1) The Minister may include, in a request to the Commission under section 32(2) of the Local Government Act 1991, a requirement that the Commission shall, when preparing the report under that section, have regard to such matters as may be specified by the Minister in the request and the Commission shall comply with any such requirement.

(2) The Minister shall, before specifying, under *subsection (1)*, the matters to which the Commission shall have regard, prepare a draft of the request under the said section 32(2) of the Local Government Act 1991 and the draft request may only be sent to the Commission if it has been—

(a) laid before each House of the Oireachtas, and

(b) approved by resolution passed by each such House.

(3) The Commission may, for the purposes of a report referred to in *subsection (1)*, by notice in writing, request any local authority to furnish to it such information (including documents) as it may reasonably require within such period as shall be specified in the notice and the local authority shall comply with the request.

Local electoral area boundary reports

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

Public and stakeholder submissions

63. (1) The Commission shall, as soon as may be after receiving a request from the Minister under section 32(2) of the Act of 1991, give public notice (in both the Irish and English languages) that it is preparing a report under that section.

(2) The public notice referred to in *subsection (1)* shall indicate that:

(a) any person may make a submission to the Commission in such manner and within such period, which shall not be less than one month, as shall be specified in the notice;

(b) any submissions received by the Commission in the manner and within the period specified in the notice shall be made available free of charge

by the Commission, to any person wishing to examine them, in such manner and within such period as shall be specified in the notice.

(3) The Commission shall consider every submission made to it in accordance with a public notice referred to in *subsection (1)*.

(4) Any submissions received by the Commission under this section shall be made available free of charge by the Commission, to any person wishing to examine them, in accordance with the public notice referred to in *subsection (1)*.

Chapter 9

Research, advisory and voter education functions

Research function of Commission

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

Research programmes to be carried out by Commission

65. (1) The Commission shall prepare, annually, programmes specifying:

(a) the subjects in relation to which it proposes to conduct research under *section 64* and the objectives of such research;

(b) the manner in which such research shall be carried out;

(c) the estimated cost of such research.

(2) The Commission shall, when preparing programmes under *subsection (1)*, consult with the Joint Oireachtas Committee, the Minister and any other person, as the Commission considers appropriate.

(3) The Commission shall, as soon as may be after the preparation of a programme under *subsection (1)*, cause a copy of it to be laid before each House of the Oireachtas.

(4) The Commission shall, within 6 months of the laying of a programme before each House of the Oireachtas under *subsection (3)*, submit to the Joint Oireachtas Committee, an update on the programme.

Advisory function of Commission

66. (1) The Commission may, and shall when requested by the Minister, advise and, as appropriate, make recommendations to the Government or the Minister, in relation to any proposals for legislative change, or any other policy matters concerning electoral policy or procedures.

(2) The Minister shall, as soon as may be after receiving a recommendation under *subsection (1)* lay the report before each House of the Oireachtas.

Education function of Commission

67. (1) The Commission shall, through educational and information programmes promote public awareness of, and participation in, the State's electoral

and democratic processes and encourage the public to vote at electoral events.

(2) The following are electoral events to which this section and *section 68* applies:

(a) a Dáil election;

(b) a Seanad election;

(c) a European election;

(d) a presidential election;

(e) a local election;

F9**[**(f) a referendum;**]**

F10**[**(g) a Limerick mayoral election;

(h) a plebiscite.**]**

Annotations

Amendments:

F9 Substituted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(e)(i), S.I. No. 123 of 2024.

F10 Inserted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(e)(ii), S.I. No. 123 of 2024.

Post electoral event reviews

68. (1) The Commission may, after each electoral event to which this section applies, prepare and publish (in such a manner as the Commission may determine) a report on the administration of the electoral event concerned.

(2) Where the Commission prepares a report under *subsection (1)*, the report shall be published and laid before the Houses of the Oireachtas and a copy of the report shall be provided to the Minister no later than 6 months after the electoral event the subject matter of the report.

(3) A report under *subsection (1)* shall include a description of the assistance given by presiding officers or returning officers to certain persons under:

(a) sections 28, 88, 94, 100, 103 and 112 of the Act of 1992;

(b) sections 37 and 43 of the Act of 1993;

(c) section 31 of the Act of 1994;

(d) rules 50, 56, 59, 61, 64 and 67 of the Second Schedule to the Act of 1997;

F11**[**(e) articles 51, 57, 62, 65 and 74 of the Local Elections Regulations 1995;**]**

F12**[**(f) paragraphs 37 and 42 of the Schedule 2 to the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024.**]**

Annotations

Amendments:

F11 Substituted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(f)(i), S.I. No. 123 of 2024.

F12 Inserted (31.03.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 45(f)(ii), S.I. No. 123 of 2024.

Chapter 10

Oversight of electoral register

Oversight of electoral register

69. (1) Notwithstanding the generality of *section 64*, the Commission may, in relation to the electoral register, commission or conduct research in relation to:

(a) the accuracy and completeness of the electoral register maintained by a registration authority;

(b) the activities undertaken by a registration authority in relation to the maintenance of the electoral register;

(c) the processes relating to the compilation, maintenance and functioning of the electoral register referred to in *paragraph (a)*;

(d) any other matter considered by the Commission to be relevant to its functions under this section.

(2) The Commission shall, on foot of the information provided by a registration authority under section 20A of the Act of 1992 or by a designated registration authority under section 13B of that Act, publish and lay before each House of the Oireachtas, annually, a report setting out:

(a) such research, if any, carried out by the Commission under *subsection (1)*;

(b) the Commission's assessment of the status and functioning of the electoral register maintained by registration authorities and any recommendations the Commission considers necessary to maintain or enhance the integrity of the electoral register and the registration process.

(3) The Commission may—

(a) make recommendations to a registration authority in relation to the performance of the functions of that registration authority under section 20 of the Act of 1992,

(b) make recommendations to a designated registration authority in relation to the performance of the functions of that designated registration authority under section 13B of the Act of 1992,

(c) set standards for registration authorities in relation to the electoral register,

(d) make recommendations to the Minister in relation to such legislative changes regarding the electoral register and the registration process as

the Commission considers necessary to maintain or enhance the integrity of the electoral register and the registration process.

(4) In this section—

(a) "designated registration authority" means a registration authority prescribed as a designated registration authority by regulations made under section 13B of the Act of 1992;

(b) "registration authority" means a county council, a city council or a city and county council.

Chapter 11

Amendments to other enactments

Amendment of Broadcasting Act 2009

70. The Broadcasting Act 2009 is amended—

(a) in section 41(6), by the substitution of "broadcast at the request of *An Coimisiún Toghcháin* in relation to a matter referred to in *section 31* of the *Electoral Reform Act 2022* " for "broadcast at the request of the Referendum Commission in relation to a matter referred to in section 3 of the Act of 1998",

(b) by the substitution, in section 106(4), of "*An Coimisiún Toghcháin* " for "the Referendum Commission" in each place it occurs, and

(c) by the substitution, in section 127(8), of "*An Coimisiún Toghcháin* " for "the Referendum Commission" in each place it occurs.

Amendment of Data Protection Act 2018

71. The Data Protection Act 2018 is amended—

(a) in section 48, by the substitution of the following paragraph for paragraph (b):

"(b) by *An Coimisiún Toghcháin* in the performance of its functions.",

(b) in section 58, by the substitution of the following paragraph for paragraph (b):

"(b) by *An Coimisiún Toghcháin* in the performance of its functions.",

and

(c) in section 59, by the substitution of the following paragraph for paragraph (b):

"(b) by *An Coimisiún Toghcháin* in the performance of its functions.".

Amendment of Act of 1992

72. The Act of 1992 is amended—

(a) in section 46(4), by the substitution of " *section 47(d)* of the *Electoral Reform Act 2022* " for "section 25(7)(d)",

(b) in section 46(10), by the substitution of " *section 55* of the *Electoral Reform Act 2022* " for "section 25C(7)",

(c) in section 62(2)(g), by the substitution of " *section 55* of the *Electoral Reform Act 2022* " for "subsection (7) of section 25C",

(d) in section 63(1)(b)(vi), by the substitution of " *section 54* of the *Electoral Reform Act 2022* " for "subsection (7) of section 25C", and

(e) in section 107(1), by the deletion of "(disregarding any excluded day)".

Amendment of Houses of the Oireachtas Commission Act 2003

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

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

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

Amendment of Act of 1997

75. The Act of 1997 is amended, in Rule 5(3)(a) of the Second Schedule, by the substitution of " *section 47(d)* of the *Electoral Reform Act 2022* " for "section 25(7)(d) of the Act of 1992".

Amendment of Local Elections Regulations 1995

76. Article 14(5) of the Local Elections Regulations 1995 is amended by the substitution of " *section 47(d)* of the *Electoral Reform Act 2022* " for "section 25(7)(d) of the Act of 1992".

Amendment of Electoral Act 1997

77. The Electoral Act 1997 is amended—

(a) in section 2, in the definition of "political party", by the substitution of "in accordance with *Chapter 6* of *Part 2* of the *Electoral Reform Act 2022* " for "in accordance with section 25 of the Act of 1992",

(b) in section 16, by the substitution of the following paragraph for paragraph (a)—

"(a) the party is registered in the Register of Political Parties in accordance with *Chapter 6* of *Part 2* of the *Electoral Reform Act 2022* as a party organised (within the meaning of *section 45* of that Act) in the State or in a part thereof specified in an application under that section to contest a Dáil election, and",

(c) in section 22(2)(aa), in the definition of "third party", by the substitution of "the Register of Political Parties under *Chapter 6* of *Part 2* of the *Electoral Reform Act 2022*," for "the Register of Political Parties under Part III of the Electoral Act 1992,", and

(d) in section 46(1), in the definition of "third party", by the substitution of "in accordance with *Chapter 6* of *Part 2* of the *Electoral Reform Act 2022* " for "in accordance with section 25 of the Act of 1992".

Amendment of Taxes Consolidation Act 1997

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

"207. *An Coimisiún Toghcháin*.".

PART 3

Franchise and registration of electors

Chapter 1

Amendments to Act of 1992

Amendment of section 6 of Act of 1992

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

(a) by the insertion of the following definitions:

" 'anonymous elector' has the meaning assigned to it by section 15E(1);

'closing date' shall be construed in accordance with Rule 1(2) of Part I of the Second Schedule;

'Data Protection Regulation' means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 [4] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

'Designated Registration Authority' has the meaning assigned to it by section 13B(1);

'registered medical practitioner' means a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007;

'pending elector list' has the meaning assigned to it by section 17A;

'personal public service number' has the meaning assigned to it by section 262 of the Social Welfare Consolidation Act 2005;

'shared database' has the meaning assigned to it by section 13B;",

(b) by—

(i) the substitution of the following definition for the definition of "the county registrar":

" 'county registrar' means a person appointed to be a county registrar under section 35 of the Court Officers Act 1926 including any deputy for a county registrar for the time appointed under section 40 of that Act or a person who, under section 9(1)(b) of the Court Officers Act 1945, is required and authorised to perform any of the duties of any

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

other county registrar, and who carries out the functions conferred on him or her by this Part in respect of the administrative area of a particular county council, a city council or a city and county council or other area coterminous with or contained in a registration area or a person appointed or designated under Rule 24 of Part IV of the Second Schedule;",

(ii) the substitution of the following definition for the definition of "local authority":

" 'local authority' has the meaning assigned to it by section 2 of the Local Government Act 2001;",

(iii) the substitution of the following definition for the definition of "the register":

" 'the register' means the register of presidential electors or the register of Dáil electors or the register of European electors or the register of local government electors or all such registers as the case may require and, where the context so requires, includes the postal voters list and the special voters list;",

(iv) the substitution of the following definition for the definition of "registration area":

" 'registration area' means the administrative area (within the meaning of section 2 of the Local Government Act 2001) of a county council, a city council or a city and county council;",

(v) the substitution of the following definition for the definition of "registration authority":

" 'registration authority' means a county council, a city council or a city and county council;",

and

(c) by the deletion of the following definitions:

(i) "edited register";

(ii) "national edited register";

(iii) "medical practitioner";

(iv) "national register";

(v) "qualifying date";

(vi) "the specified date".

Amendment of section 7 of Act of 1992

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

(a) in subsection (1), by the substitution of "is" for "was, on the qualifying date",

(b) in subsection (2)(i), by the substitution of "Presidential Elections Acts 1992 to 2006" for "Presidential Elections Acts, 1937 to 1992",

(c) in subsection (2)(ii), by the substitution of "Referendum Acts 1992 to 2022" for "the Referendum Acts, 1942 to 1992", and

(d) in subsection (3), by the substitution of "Presidential Elections Acts 1992 to 2006" for "Presidential Elections Acts, 1937 to 1992".

Amendment of section 8 of Act of 1992

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

(a) in subsection (1), by the substitution of "is" for "was, on the qualifying date", and

(b) in subsection (2)—

(i) in paragraph (a), by the deletion of "on the qualifying date", and

(ii) in paragraph (a)(ii)(II), by the deletion of "on that date".

Amendment of section 9 of Act of 1992

82. Section 9 of the Act of 1992 is amended by the substitution of "if he or she has reached the age of 18 years and if he or she is ordinarily resident in that constituency and is either" for "if he has reached the age of eighteen years and if, on the qualifying date, he was ordinarily resident in that constituency and was either".

Amendment of section 10 of Act of 1992

83. Section 10 of the Act of 1992 is amended by the substitution of "is" for "was, on the qualifying date".

Amendment of section 11 of Act of 1992

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

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

"(2) Subject to sections 7, 8, 9 and 10, a person shall be entitled to be registered as an elector on or after the day on which that person reaches 18 years, including where such day falls during the period beginning on the last day on which applications for entry in the register in respect of a specific Dáil, presidential, European or local election or a referendum can be received and ending on polling day, provided that any application is received by the registration authority before the closing date.",

(b) in subsection (4)(a)—

(i) by the deletion of "on the qualifying date",

(ii) by the substitution of "applications" for "claims",

(c) in subsection (5), by the deletion of "on the qualifying date,",

(d) in subsection (6), by the deletion of "on the qualifying date,", and

(e) by the insertion of the following subsections after subsection (6):

"(7) (a) Where a person is not ordinarily resident at any premises at the time of making an application under subsection (1) or (2) of section 15D, as the case may be, he or she may make a declaration of circumstances to the registration authority in accordance with this subsection setting out his or her reason

for making an application to be registered at an address provided in the declaration of circumstances.

(b) A declaration of circumstances shall be completed in accordance with Rule 37 of Part VII of the Second Schedule in a form directed by the Minister and shall include:

(i) the name of the person;

(ii) (I) an address to which correspondence can be delivered, or

(II) confirmation that the person is willing to collect correspondence from a specified office of the relevant registration authority;

(iii) the date of the declaration;

(iv) the address of, or which is nearest to, a place where the person commonly spends a substantial part of his or her time (whether during the day or at night) and at which the person wishes to be considered ordinarily resident;

(v) the reason for the application by the person under this subsection.

(c) If the registration authority is satisfied that there is no other address at which the person would be more appropriately registered, the person shall be deemed ordinarily resident at the address provided in the declaration of circumstances as the address at which he or she wishes to be considered ordinarily resident.

(d) A declaration of circumstances made under this subsection may be withdrawn by the elector who made it at any time and, shall be deemed to be withdrawn, where—

(i) he or she submits a new declaration of circumstances, or

(ii) he or she submits an application to a registration authority under section 15D(2)—

(I) to be entered on the register in a different registration area, or

(II) to update details of his or her entry on the register in the same registration area.

(8) (a) The Minister shall—

(i) not later than 3 years after the coming into operation of *section 84* of the *Electoral Reform Act 2022*, carry out or cause to be carried out a review of the operation of that subsection, and

(ii) not later than 12 months after the commencement of the review, publish a report of the findings resulting from the review and of the conclusions drawn from the findings and arrange for a copy of the report to be laid before each House of the Oireachtas.

(b) In carrying out a review under this subsection, the Minister or such person as the Minister shall cause to carry out the review, shall consult with the registration authorities and such other

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

Amendment of section 12 of Act of 1992

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

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

" 'civil partner' has the meaning assigned to it by the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;",

(b) in subsection (2), by the deletion of—

(i) "within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 ", and

(ii) "on the qualifying date",

(c) by the substitution of the following subsection for subsection (3):

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

(a) the address of the premises in the State in which, but for the requirements of his or her duties, he or she would be resident;

(b) particulars of his or her spouse or civil partner (if any).",

and

(d) in subsection (5)—

(i) by the deletion of "on the qualifying date", and

(ii) by the insertion of "or civil partner" after "spouse".

Amendment of section 13 of Act of 1992

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

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

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

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

"(1A) The register prepared and published under this section by each registration authority for the registration area of that registration authority that was in force immediately before the coming into operation of *section 86* of the *Electoral Reform Act 2022* shall continue in force on and after that coming into operation and

shall, after such coming into operation, be maintained and published in accordance with section 20.",

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

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

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

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

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

(a) publish the register, and

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

Amendment of section 13B of Act of 1992

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

"Designated Registration Authority

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

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

(a) the information in the register of electors,

(b) the information in the pending elector list,

(c) identifying particulars (within the meaning of section 13E(7)),

(d) information provided in accordance with this Part and the Second Schedule used to compile the register of electors and the pending electors list, and

(e) such other supporting documentation provided in accordance with this Part and the Second Schedule used to compile the register of electors and the pending electors list, the storage

of which is considered by the registration authority to be necessary and proportionate to the performance of its functions.

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

(4) Notwithstanding the existence of the shared database, each registration authority shall, on and after the coming into operation of *section 87* of the *Electoral Reform Act 2022*, continue to perform its functions under section 20 in respect of its registration area.

(5) The Minister shall, before prescribing a registration authority as the Designated Registration Authority under subsection (1), be satisfied that the authority has or has available to it, appropriate experience, expertise and knowledge to perform the functions under that subsection.

(6) The Designated Registration Authority may make and carry out an agreement with one or more registration authorities for sharing the cost of the management and maintenance by the Designated Registration Authority of the shared database and the related systems necessary for the effective functioning of the database.

(7) The Designated Registration Authority shall, on an annual basis and by such date as may be specified to it by *An Coimisiún Toghcháin*, submit a report to *An Coimisiún* on the performance by it of its functions under this section.".

Use of the electoral register

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

"13D. (1) The information contained in the register of electors maintained and published under this Part shall only be used for electoral or other statutory purposes.

(2) Without prejudice to the generality of subsection (1), information contained in the register maintained and published under section 13 may be used—

(a) by a specified person (within the meaning of section 39 of the Data Protection Act 2018), for the purpose of communicating with a data subject (within the meaning of Article 4(1) of the Data Protection Regulation) in accordance with section 39 of that Act, or

(b) by an elected representative (within the meaning of section 40 of the Data Protection Act 2018) for the purposes of section 40 of that Act.".

Data sharing

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

"13E. (1) A registration authority may share information with another registration authority where it is necessary and proportionate for any one or more of the following purposes:

(a) to check for duplicate entries on the register of electors;

(b) to verify the accuracy of the register of electors;

(c) to examine whether information supplied in a form submitted to the registration authority in relation to the register of electors is accurate;

(d) to update and maintain the register of electors;

(e) in pursuance of any other of its functions under this Part.

(2) The Minister for Social Protection may, solely for the purpose of assisting a registration authority in updating, maintaining and ensuring the accuracy of the register of electors, provide, for the purposes of confirming information submitted to or held by the registration authority including the Designated Registration Authority, confirmation of a person's identifying particulars and the authority or authorities may use such confirmation to update, maintain and ensure the accuracy of the register.

(3) The Minister, may by order, solely for the purpose of assisting a registration authority including the Designated Registration Authority in updating, maintaining and ensuring the accuracy of the register of electors and to identify information or entries on the register that may require to be updated, provide for the conduct of a periodic data-sharing exercise between an authority or authorities and a Minister of the Government or a specified public body.

(4) An order under subsection (3) shall specify the information, which is considered by the Minister to be necessary and proportionate, to be shared, the process to be followed including suitable and specific measures to safeguard the fundamental rights and freedoms of data subjects, and any specified public body to whom the order shall apply.

(5) A Minister of the Government or a specified public body may, for the purpose of the periodic data-sharing exercise under subsection (3), provide a registration authority including the Designated Registration Authority with such information as is necessary and proportionate to the data-sharing exercise referred to in that subsection and the registration authority or authorities may use any such information as is provided for that purpose.

(6) A registration authority may require *an tArd-Chláraitheoir* to furnish information in connection with deaths of persons in the registration area of the registration authority concerned.

(7) In this section—

'data-sharing' means the disclosure of information, including personal data, by a specified public body to another specified public body;

'identifying particulars', in relation to a person, means any one or more of the following particulars:

(a) full name (including all former names, if applicable);

(b) date of birth;

(c) address;

(d) nationality;

(e) personal public service number (if any);

(f) in the case of a deceased person, his or her date of death;

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

'specified public body' means:

(a) a registration authority;

(b) the Designated Registration Authority;

(c) *an tArd-Chláraitheoir*;

(d) such other public body as may be prescribed as a specified public body by the Minister.".

Amendment of section 14 of Act of 1992

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

(a) by the insertion of "or at the place where he or she is deemed to be ordinarily resident under section 11(6)" after "residence", and

(b) by the deletion of "physical" in each place where it occurs.

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

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

(b) in subsection (1)—

(i) in paragraph (a), by the substitution of "applications" for "claims",

(ii) in paragraph (c), by the substitution of "in the State, or," for "in the State on the qualifying date, or",

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

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

and

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

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

and

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

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

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

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

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

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

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

Amendment of section 15C of Act of 1992

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

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

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

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

Application to the register of electors

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

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

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

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

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

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

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

(4) Where, following consideration by it of an application under subsection (1) or (2), the registration authority is not satisfied—

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

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

the authority shall refuse to enter the name of the person in the register or to update the information in respect of the person, as the case may be.

(5) Where an application under this section is refused by the registration authority under subsection (4), the applicant may appeal the decision to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule.

(6) An application under subsection (1) or (2) received by the registration authority on a date that is on or after the fourteenth day before polling day (disregarding any excluded day) at an election or a referendum shall have no effect in relation to that election or referendum.".

Anonymous electors

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

"15E. (1) A person who—

(a) is entitled to be registered as an elector and applies to be so entered on the register under section 15D(1), or

(b) a person who is an elector on the register,

may, where the publication or the making available for inspection of the name and address of the person or a member of the household of the person would be prejudicial to the personal safety of the person or member of the person's household, apply to the registration authority in the registration area in which he or she is ordinarily resident to have his or her name and address omitted from the register published or made available by the registration authority for inspection under section 20 and Rules 13 and 14 of Part I of the Second Schedule (and, where the application is granted by the registration authority, shall be referred to in this Act as an 'anonymous elector').

(2) An application under subsection (1) shall be made in accordance with Rule 36 of Part VII of the Second Schedule in a form directed by the Minister and shall be evidenced by any of the following:

(a) a specified order within the meaning of the Domestic Violence Act 2018 made in favour of the person applying under subsection (1) or a member of the household of that person that is in force;

(b) an order under section 10(3) of the Non-Fatal Offences against the Person Act 1997 made in favour of the person applying under subsection (1) or a member of the household of that person that is in force;

(c) an harassment order under section 46 of the Criminal Law (Sexual Offences) Act 2017 made in favour of the person applying under subsection (1) or a member of the household of that person that is in force;

(d) a declaration by a qualified person, in the form provided under Rule 36 of Part VII of the Second Schedule, stating that, in the opinion of that person, the personal safety of the person applying under subsection (1) or a member of the household of that person would be at risk if the register published or made available for inspection by the registration authority contained the name and address of the person.

(3) Where the registration authority is satisfied that the requirements of this section and Rule 36 of Part VII of the Second Schedule have been met, it shall—

(a) notify the applicant of its decision,

(b) direct that the name and address of the person shall not be published or made available for inspection, and

(c) include the name of the person on the postal voters list under section 14 and Part VI of the Second Schedule.

(4) Where the registration authority is not satisfied that the requirements of this section and Rule 36 of Part VII of the Second Schedule have been met, it shall refuse the application and notify the applicant of its decision, the reasons for the decision and of the applicant's right to appeal the decision to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule.

(5) Where an application under this section is refused by the registration authority under subsection (4), the applicant may appeal the decision to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule.

(6) (a) The Minister shall—

(i) not later than 3 years after the coming into operation of *section 93* of the *Electoral Reform Act 2022*, carry out or cause to be carried out a review of the operation of this section, and

(ii) not later than 12 months after the commencement of the review, publish a report of the findings resulting from the review and of the conclusions drawn from the findings and arrange for a copy of the report to be laid before each House of the Oireachtas.

(b) In carrying out a review under this section, the Minister or such person as the Minister shall cause to carry out the review, shall consult with registration authorities and such other persons as the Minister or person carrying out the review considers appropriate for the purposes of the review.

(7) In this section, 'qualified person' means—

(a) a member of the Garda Síochána not below the rank of superintendent, or

(b) a registered medical practitioner.".

Amendment of section 17 of Act of 1992

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

(a) in paragraph (a)—

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

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

and

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

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

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

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

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

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

and

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

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

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

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

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

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

Pending elector list

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

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

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

(a) be included in the register of electors,

(b) be published, as a separate list or otherwise,

(c) be included in the published register of electors, or

(d) be available for inspection.

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

(a) the person has reached 16 years but has not reached 18 years and who, otherwise than in relation to his or her age, meets the requirements of section 7, 8, 9 or 10, as the case may be, and

(b) the person applies to the registration authority to be entered in the pending elector list in accordance with Rule 38 of Part VII of the Second Schedule in a form directed by the Minister.

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

(a) (i) shall enter the name of the person on the register of electors prepared and maintained under section 13 from the day on which the person reaches 18 years, or

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

and

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

Amendment of section 19 of Act of 1992

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

Amendment of section 20 of Act of 1992

97. Section 20 of the Act of 1992 is amended—

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

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

(a) maintain the register of electors by—

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

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

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

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

to ensure a complete and accurate register of electors, and

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

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

(c) in subsection (5)—

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

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

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

and

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

Oversight and reporting

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

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

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

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

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

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

Amendment of section 21 of Act of 1992

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

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

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

(b) in subsection (2)—

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

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

and

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

Third party claims

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

"21A. (1) Where a person, on inspecting the register of electors has, on reasonable grounds, formed an opinion that information in the register or an entry in the register relating to details of an elector is or are inaccurate, the person may submit a third party claim to the registration authority in a form directed by the Minister.

(2) On receipt of a third party claim, the registration authority may make such inquiries as it considers necessary to satisfy itself as to the correctness of the information in the third party claim having regard to the relevant entry in the register and determine what action, if any, it should take in respect of the claim, and shall inform the claimant and any person who in the opinion of the registration authority may be affected by the proposed action, if any, it proposes to take as a consequence of the claim.

(3) Rule 7 of Part I of the Second Schedule shall apply to third party claims and any inquiries or action taken or proposed to be taken (if any) by a registration authority, and any notice to the claimant or any party affected by any action or proposed action by a registration authority under this section.".

Amendment of section 46 of Act of 1992

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

(a) in subsection (6)—

(i) in paragraph (a)(i), by the deletion of "in force",

(ii) in paragraph (d), by the deletion of "subject to paragraph (e)", and

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

and

(b) in subsection (7), by the deletion of "a supplement to".

Amendment of section 78 of Act of 1992

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

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

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

Provision of postal vote to special voter in certain circumstances

103. The Act of 1992 is amended—

(a) by the insertion of, in Part XIV, the following section after section 84:

"84A. Where a person is entered on the special voters list under section 17 but the place where the special voter is ordinarily resident is not accessible to the special presiding officer and as a consequence the special voter would be unable to vote at the poll at the election in accordance with section 82, the returning officer for the constituency in which the special voter is ordinarily resident shall, as circumstances may require—

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

(b) apply this Part to voting by that special voter with the modification that references in this Part to 'member of the Garda Síochána' shall be read as references to 'relevant official in the place where the special voter is ordinarily resident'.",

and

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

Amendment of section 99 of Act of 1992

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

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

(i) "a supplement to", and

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

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

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

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

and

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

Amendment of section 133 of Act of 1992

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

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

"(1) Any person who knowingly furnishes false information in any application under section 14, 15D, 15E, 17 or 17A or under the Second Schedule including a third party claim or, being required pursuant to the Second Schedule to give any information in his or her possession which a registration authority or county registrar may require for the purposes of their duties, fails or refuses to give the information or knowingly gives false or misleading information, shall be guilty of an offence.",

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

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

and

(c) in subsection (3)—

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

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

Amendment of Second Schedule to Act of 1992

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

(a) in Part I—

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

"Register, published register and closing date for registration

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

(2) The register shall be deemed closed from the fourteenth day before polling day (disregarding any excluded day) at an election or referendum, and an application by a person under Part II of

this Act, including an application to have his or her name entered in the register, received by the registration authority on or after that fourteenth day (disregarding any excluded day) before polling day shall have no effect in relation to that election or referendum.

(3) The register in force at an election or referendum shall be the register published after the fourteenth day before polling day (disregarding any excluded day) at that election or a referendum and shall include the names of persons (if any) whose applications to be entered in the register were received before that fourteenth day before polling day (disregarding any excluded day) and allowed by the registration authority, or on appeal by the county registrar and, notwithstanding the omission of their names and addresses from the register under section 15E(3)(b), anonymous electors by such reference as the registration authority considers appropriate.

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

(ii) in Rule 2—

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

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

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

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

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

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

(iii) by the deletion of Rule 4,

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

"Maintaining and updating register

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

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

(a) conduct house to house inquiries;

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

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

(3) A registration authority may, for the purposes of its duties in relation to the maintenance and updating of the register require a person—

(a) to provide any information in his or her possession which the registration authority may require,

(b) without prejudice to the generality of subparagraph (a), to provide in respect of his or her own registration—

(i) a personal public service number, if a person has one,

(ii) address and Eircode, in respect of his or her address, and

(iii) his or her date of birth,

(c) to produce his or her certificate of birth, or, if that is not practicable, make a statutory declaration as to his or her age,

(d) to produce proof of his or her address, or if that is not practicable, make a statutory declaration that he or she is ordinarily resident at the address he or she has provided,

(e) to provide documentary evidence or make a statutory declaration that he or she is a person entitled to be registered as a Dáil elector under section 8,

(f) to produce a certificate of naturalisation, a valid passport issued by the Minister for Foreign Affairs or make a statutory declaration that he or she is a citizen of Ireland, or

(g) to produce a valid passport or national identity card issued by the authorities of a Member State (other than the State) or make a statutory declaration that he or she is a national of such a Member State,

and where a statutory declaration is so required, any fees payable in connection with such a declaration shall be paid by the authority requiring it.

(4) Subject to section 15E, the registration authority shall, during office hours, allow any person, for any purpose connected with the registration of electors, to inspect and take a copy of any declaration furnished under subparagraphs (c) to (g) of paragraph (3) but not the documentary evidence on which the declaration is based.

(5) The registration authority may require *an tArd-Chláraitheoir* to furnish information in connection with deaths of persons in the registration area of the registration authority and the authority may use such information to update the register.

(6) In this Rule—

'certificate of birth' means:

(a) a document issued under section 13(4) of the Civil Registration Act 2004 in respect of an entry in the register of births;

(b) a certified copy of an entry in the Adopted Children Register maintained under section 22 of the Adoption Act 1952 which is issued under subsection (11) of that section;

(c) a document purporting to be a copy of an entry in a foreign births entry book or in the foreign births register, both of which are kept under section 27 of the Irish Nationality and Citizenship Act 1956, and which is duly authenticated as such;

(d) a document purporting to be a copy of an entry in the Register of Foreign Adoptions issued under section 6(7) of the Adoption Act 1991; or

(e) a document issued in accordance with a civil system of registration of births in the place where the birth occurs;

'Member State' means a Member State of the European Union.",

(v) by the deletion of Rule 6,

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

"Third party claims in relation to the register

7. (1) Any person may claim to have a correction made in the register, including in particular a claim to have the name of a person entered on or removed from the register.

(2) A claim submitted under this Rule on or after the closing date in respect of an election or referendum shall have no effect in respect of the register in force for that election or referendum.

(3) The registration authority shall, on the application of any person, supply forms on which third party claims may be made.

(4) A claim shall include the name, address and contact details of the claimant, details of information relevant to the claim and the grounds on which the claim has been made and such other information in relation to the claim as the registration authority may reasonably require to be provided by the claimant.

(5) The registration authority shall prepare and make available for inspection a list of claims received in the previous month in such form as may be directed by the Minister.

(6) Subject to section 15E, the registration authority shall, during office hours, allow any person, for any purpose connected with the registration of electors, or who, in the opinion of the authority, may be affected by the claim, to inspect and take a copy of a claim or extracts from a claim or may provide to such a person copies of a claim.

(7) The registration authority shall, on receipt of a claim—

(a) make such inquiries as it considers necessary and appropriate for the purpose of considering the claim, and paragraphs (2), (3) and (5) of Rule 5 shall apply in relation to the consideration of such claims, and

(b) notify the claimant and any other person who, in the opinion of the authority, may be affected by or interested in, the claim, of the process to be followed.

(8) The registration authority shall, as soon as practicable, consider any claim and determine what action, if any, it should take in respect of the claim and decide—

(a) subject to paragraphs (3) and (4) of Rule 10, to amend the register by proposing to remove the name of a person from the register,

(b) to amend the register to correct information other than by proposing to remove the name of a person from the register, or

(c) not to amend the register.

(9) The registration authority shall make its decision within 4 weeks from the date of receipt of the claim and shall, as soon as practicable, inform the claimant and any person who, in the opinion of the registration authority, may be affected by its decision and of the action it proposes to take as a consequence of its decision and of the right of the person affected to appeal the decision to the county registrar in accordance with Rule 39.

(10) Where a claim relates to any person whose name the claimant considers should be entered in the register, the registration authority shall, where it considers it appropriate, provide information and the appropriate forms to any person referred to in the claim which the person may use to apply to be included on the register in accordance with section 15D.

(11) A person affected by the decision of a registration authority under—

(a) paragraph (8)(a), or

(b) paragraph (8)(b) other than where the decision concerns the correction of an inaccuracy which does not involve a change of substance or the deletion of the name of a person who is deceased,

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

(12) A decision of the registration authority under subparagraphs (a) or (b) of paragraph (8) shall take effect on the expiration of the period of time for the making of an appeal under Rule 39 or, where applicable, section 21.",

(vii) by the deletion of Rule 8,

(viii) in Rule 9—

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

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

and

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

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

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

"Correction of register by registration authority

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

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

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

(b) the register is complete and accurate.

(3) Where a registration authority considers it necessary under paragraph (2), in order to ensure a complete and accurate register, to remove a name, other than that of a deceased person, from the register, it shall make not less than 3 documented attempts at contacting the person concerned giving appropriate notice and clear information on how to update the register under section 15D(2) should the person wish to do so.

(4) On the third documented attempt at contacting a person whose name the registration authority considers should be removed from the register under paragraph (3), the authority shall provide a notice to the person informing him or her of the date on which the decision to remove his or her name from the register shall take effect and that the person may appeal the decision to the county registrar in accordance with Rule 39.

(5) A registration authority may at any time up to the end of the period within which an appeal may be made withdraw a decision to delete the name of a person from the register.",

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

"Notice and appeal in relation to correction by registration authority

11. (1) Subject to paragraphs (2), (3) and (4) of Rule 10, where the registration authority decides to make any corrections in the register under section 20 and Rule 10(2) (other than to correct an inaccuracy which does not involve a change of substance or the deletion of the name of a person who is deceased), it shall give notice to any person who, in the opinion of the registration

authority may be affected by the correction under Rule 10(2) of his or her right to appeal the decision to the county registrar in accordance with Rule 39.

(2) A person affected by the decision of the registration authority under Rule 10(2) may appeal the decision to the county registrar in accordance with Rule 39.

(3) A decision of the registration authority under Rule 10(2) shall take effect on the expiration of the period of time for the making of an appeal under Rule 39 or, where applicable, section 21.",

(xi) by the deletion of Rule 12,

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

"13. (1) Each registration authority shall, as soon as practicable after the closing date, publish—

(a) the register,

(b) a list of names of electors added to the register since the making of an order—

(i) under section 96(1) in the case of a Dáil election,

(ii) under section 6 of the Presidential Elections Act 1993 in the case of a Presidential election,

(iii) under section 10(1) of the European Parliament Elections Act 1997 in the case of a European Parliament election,

(iv) under section 10 or 12 of the Referendum Act 1994 in the case of a referendum, or

(v) under section 26(2) of the Local Government Act 2001 in the case of a local election.

(2) Without prejudice to Rule 25, as soon as may be after the publication of the register in accordance with paragraph (1), the registration authority shall send a copy of the register in electronic format to—

(a) the Minister, if requested, and to the county registrar and each head postmaster in its registration area,

(b) each member of the European Parliament for a European Parliament constituency to which the register relates,

(c) each member of the Dáil for a Dáil constituency to which the register relates and to each member of the Seanad residing in the constituency, and

(d) each member of a local authority for a local electoral area to which the register relates.",

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

"14. (1) The registration authority shall make arrangements whereby any person may, during office hours, inspect for purposes connected with the registration of electors a copy of the register maintained under section 13.

(2) The registration authority shall provide to any person at his or her request a copy of the register or the appropriate part thereof on the payment of a fee which shall not exceed the reasonable cost of providing such copy.

(3) Where a registration authority provides to any person a copy of the register, or part thereof, the registration authority shall draw the attention of the person to sections 13D and 133 in relation to the purposes for which the register may be used.

(4) No fee shall be charged by the registration authority for providing on request—

(a) one copy of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area, as the case may be, in his or her registration area, to—

(i) the local agent of each duly nominated candidate at a presidential election,

(ii) each candidate duly nominated for the constituency at a Dáil election, and

(iii) each candidate duly nominated for the local electoral area at a local election,

(b) one copy of the register for each European Parliament constituency or part thereof contained in the registration area to each candidate duly nominated at a European election for such constituency,

(c) one copy of the register for each Dáil constituency to each member of the Dáil for the constituency and each member of the Seanad resident in the constituency for use by a personation agent appointed by such member of the Dáil or the Seanad or a body declared by *An Coimisiún Toghcháin* to be an approved body under *section 33* of the *Electoral Reform Act 2022* at a referendum,

(d) such number of copies of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area, as the case may be, as the returning officer at a Dáil election or a local election or the local returning officer at a presidential election or a referendum requires for the purpose of his or her duties as returning officer or local returning officer, as the case may be, at that election or referendum,

(e) such number of copies of the register for the registration area or any part thereof as the returning officer or local returning officer at a European election requires for the purpose of his or her duties at that election, and

(f) one copy of the register to the persons referred to in Rule 13(2) for—

(i) each Dáil constituency or part of a Dáil constituency contained in the registration area,

(ii) a European Parliament constituency or part of a European Parliament constituency contained in the registration area, or

(iii) for a local electoral area in the registration area.

(5) The registration authority shall provide, on request and free of charge, a copy, in standard computer medium and format, of any computer data files used in the production of the register to the returning officer at a Dáil election or a local election, the local returning officer at a presidential election or a referendum or the returning officer or local returning officer at a European election as he or she may require for the purposes of his or her duties at that election or referendum, as the case may be.

(6) The registration authority shall supply, free of charge, to the county registrar such number of copies of the register for the registration area as he or she shall require for the purposes of his or her duties as county registrar with respect to that registration area.",

(b) by the deletion of Part IA,

(c) in Part II, in Rule 14A, in paragraph (2)—

(i) by the substitution of "due to an illness or disability" for "due to a physical illness or physical disability",

(ii) by the substitution of "registered medical practitioner" for "medical practitioner", and

(iii) in subparagraph (a), by the substitution of "illness or disability" for "physical illness or physical disability",

(d) by the deletion of Part II,

(e) in Part III—

(i) in Rule 19—

(I) in paragraph (c)—

(A) by the substitution of "registered medical practitioner" for "medical practitioner",

(B) by the substitution of the following subparagraphs for subparagraphs (i) and (ii):

"(i) that the applicant has an illness or disability, and

(ii) that the nature of the illness or disability is such that the applicant is unable to go to a polling station to vote, and",

and

(C) by the insertion of the following subparagraph after subparagraph (ii):

"(iii) the likely duration of the illness or disability from the date of certification.",

and

(II) by the deletion of paragraph (d),

(ii) in Rule 21—

(I) by the substitution of "shall arrange annually for the giving of public notice of" for "shall, within the period specified for the purpose in Rule 1, arrange for the giving of public notice of",

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

"(a) the categories of electors entitled to be entered in the special voters list or the postal voters list;",

and

(III) by the substitution of the following paragraph for paragraph (b):

"(b) the manner in which applications must be submitted;",

(iii) in Rule 23—

(I) in paragraph (1)(ii), by the insertion of "including the duration of any special voting arrangement, where appropriate, having regard to Rule 19(c)(iii)" after "the decision",

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

"(ii) notify the applicant of the decision and the reasons for the decision and of his or her right to appeal the decision to the county registrar in accordance with Rule 39.",

(III) by the deletion of paragraph (3), and

(IV) by the insertion of the following paragraph after paragraph (3):

"(4) Where an application under section 17 is refused by the registration authority, the applicant may appeal the decision to the county registrar in accordance with Rule 39.",

(f) in Part IV—

(i) by the substitution of the following Rule for Rule 26:

"26. Any claim, objection, notice or other document or a copy thereof which is required under this Schedule to be sent to any person shall be sufficiently sent if sent—

(a) by such means as indicated by the person for the purpose (including by electronic means if the person has provided details by which he or she may be contacted by electronic means), or

(b) by post to the address of that person as appearing on the register, or if there is no such address, to his or her last known address or place of abode or such address as indicated by that person under section 11(7)(b)(ii).",

(ii) by the substitution of the following Rule for Rule 27:

"27. An inquiry or request made pursuant to this Schedule by a registration authority or by a county registrar may extend to matters outside the registration area.",

and

(iii) by the insertion of the following Rule after Rule 27:

"Communication or submission of documents by digital or electronic means

28. In relation to the registration of electors, where it is reasonable and practicable to give public notice of certain matters or where a registration authority has arrangements in place by which forms, information or documents may be submitted by digital or electronic means, which in all other respects meets the

requirements of this Schedule, the giving of such notice or the submission of such forms, information or documents may be done by electronic or digital means.",

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

"PART V

Application for entry in the register of electors

New application for entry in the register

29. (1) An application to be entered on the register of electors under section 15D shall be in a form directed by the Minister and shall include, having regard to Rule 5(3), such information as is necessary to enable the registration authority to carry out its functions.

(2) The application form shall be completed in accordance with the instructions provided on the form and shall be made by the applicant directly to the registration authority for the registration area in which he or she is ordinarily resident and shall include a declaration made by the applicant confirming that the details provided by the applicant are true to the best of his or her knowledge and belief.

(3) Where the registration authority has arrangements in place by which it can verify the identity of an applicant by electronic means, the registration authority shall consider the application in accordance with paragraph (7).

(4) Where the registration authority has arrangements in place by which the identifying particulars of an applicant can be confirmed in accordance with section 13E(2)—

(a) if the identifying particulars can be successfully confirmed, the registration authority shall consider the application in accordance with paragraph (7), or

(b) if the identifying particulars cannot be successfully confirmed, the registration authority shall inform the person and require him or her to complete the procedure in paragraph (5) and resubmit his or her application to the registration authority.

(5) A registration authority shall consider, in accordance with paragraph (7), an application form which is signed by the applicant in the presence of—

(a) a member of the Garda Síochána, or a member of the civilian staff of the Garda Síochána, from the applicant's local Garda station, or

(b) an official of the registration authority,

who, on being satisfied of the applicant's identity, including if necessary by the production of photographic identification and any other identity documents that may be requested, shall sign, date and stamp the application form.

(6) Where, due to an illness or disability, the applicant is unable to comply with paragraph (5), the application shall be accompanied by a certificate in the form directed by the Minister from a registered medical practitioner certifying that

the applicant is unable to so comply due to his or her illness or disability.

(7) The registration authority shall make such inquiries as it considers appropriate for the purpose of considering and deciding on such an application and paragraphs (2), (3) and (5) of Rule 5 shall apply in relation to the consideration of and decision on the application.

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

(9) In paragraph (5), 'member of the civilian staff of the Garda Síochána' means a person appointed under section 19(1) of the Garda Síochána Act 2005 or designated under section 19(5) of that Act and, on being so designated, transferred to and having become a member of the civilian staff of the Garda Síochána.

Change of name or address of registered electors

30. (1) Notwithstanding sections 7(1)(b), 8(1)(b), 9 and 10 and subject to section 11(1)(a), a person who is registered as an elector shall apply in a form directed by the Minister—

(a) where he or she has taken up ordinary residence in another constituency or local electoral area, to the registration authority in the constituency in which he or she has taken up ordinary residence to have his or her name entered in the register in respect of that registration area, or

(b) where his or her name or address have changed (other than a change to which subparagraph (a) applies) since his or her previous entry on the register, to the registration authority to have his or her details updated.

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

(3) The application form shall contain—

(a) the information required pursuant to Rule 29(1),

(b) the former address or addresses and Eircodes in respect of the applicant's former address or addresses as may be required, and

(c) such other information as is necessary to enable the registration authority to carry out its functions, and paragraphs (3), (4) or (5) of Rule 29 shall apply with respect to the application, as the case may require.

(4) An applicant referred to in paragraph (1)(a) shall satisfy the registration authority that he or she has taken up ordinary residence in the constituency or local electoral area with respect to which the application relates and, in considering the application, the registration authority may require the applicant to furnish proof of address, or where that is not possible, a

statutory declaration that he or she has taken up ordinary residence in the constituency or local electoral area concerned.

(5) A registration authority shall, on receipt of an application referred to in paragraph (1), having carried out its functions under paragraph (3) and being satisfied as to the information provided, do one or more of the following, as the case may require:

(a) enter the applicant's name on the register for the registration area concerned;

(b) update details of the applicant's address at which he or she has taken up ordinary residence in the registration area of the registration authority concerned;

(c) where the name of the applicant has changed, update the applicant's name on the register in the registration area of the registration authority concerned;

(d) where the address at which the applicant was ordinarily resident was in the registration area of another registration authority, provide the applicant's details (including his or her name and former address in the registration area in which the applicant was ordinarily resident and current address at which he or she has taken up residence) to that registration authority and inform it that the applicant has been added to the register in the registration area in which the applicant has taken up ordinary residence.

(6) Where a registration authority receives notification from another registration authority under paragraph (5)(d) that a person was ordinarily resident in the registration area of the first-mentioned registration authority but the person has taken up ordinary residence in the registration area of the other registration authority, the first-mentioned registration authority shall remove the name of the person from the register of electors in respect of its registration area.

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

Change of details regarding citizenship

31. (1) Notwithstanding sections 7(1)(a), 8(1)(a) and 9 and subject to section 11(1)(a)—

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

(b) a person who is registered as an elector and who becomes a citizen of a state other than Ireland shall, in a form directed by the Minister, apply directly to the registration authority for the registration area in which he or she is ordinarily resident to have the relevant information held by the registration authority in respect of him or her updated.

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

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

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

(b) An applicant referred to in paragraph (1)(b) shall satisfy the registration authority that the information provided to the authority is correct and shall provide to the authority such further information and documents as the authority may require, having regard to Rule 5(3).

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

(6) The registration authority, on receipt of an application under paragraph (1)(b) and on being satisfied, under paragraph (4)(b) that the information provided to the authority is correct, shall update the relevant information held by the registration authority in respect of him or her.

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

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

"PART VI

Postal voters list

Postal voters list

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

Application for entry in the postal voters list

33. (1) A person who is not entered in the postal voters list may apply, under section 14, to be entered in the postal voters list in accordance with this Rule.

(2) An applicant shall apply to the registration authority for the registration area in which he or she is ordinarily resident to have his or her name entered in the postal voters list in a form directed by the Minister.

(3) The application form shall be completed in accordance with the instructions provided on the form.

(4) The registration authority shall consider an application under paragraph (1) and shall satisfy itself that an applicant—

(a) is a person to whom section 14 applies,

(b) has duly completed his or her application form, and

(c) where appropriate, has submitted any certificate required under this Part.

(5) Where the registration authority is satisfied as to the matters referred to in paragraph (4), it shall grant the application and mark the application form accordingly and shall notify the applicant of its decision including the duration of any postal voting arrangement and having regard to Rule 35, where appropriate.

(6) Where the registration authority is not satisfied as to all or any of the matters referred to in paragraph (4), it shall refuse the application and mark the application form accordingly and shall notify the applicant of its decision and the reasons for the decision and inform the applicant that he or she may appeal the decision to the county registrar in accordance with Rule 39.

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

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

34. (1) An applicant who applies to be entered on the postal voters list under section 14(a), (b) or (c) shall provide, on request in writing, to the registration authority any information or documents in his or her possession or procurement which the registration authority may require from him or her to enable the authority—

(a) to satisfy itself that the applicant is a person to whom section 14(a), (b) or (c) applies, as the case may be, or

(b) with respect to that application to carry out its functions in relation to the preparation of the postal voters list.

(2) Whenever a registration authority requires, under paragraph (1), information or documents from an applicant, the applicant shall provide the authority with the information or documents within the time specified in the request (being not less than 7 days from the day on which the request is made) or such further

period as may be extended by the authority and, if the applicant does not provide the information or documents, or both as the case may be, required by the authority within the time so specified, his or her application to be entered in the postal voters list shall be deemed to have been withdrawn.

(3) A reference in this Rule to 'section 14(a), (b) or (c) ' shall on and from the coming into operation of *section 90(2)* of the *Electoral Reform Act 2022* be construed as 'section 14(1)(a), (b) or (c) '.

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

35. (1) Subject to paragraph (2), an applicant who applies to be entered on the postal voters list under section 14(d) shall provide, on request in writing, to the registration authority any information or documents in his or her possession or procurement which the registration authority may require from him or her to enable the authority—

(a) to satisfy itself that the applicant is a person to whom section 14(d) applies, or

(b) with respect to that application to carry out its functions in relation to the preparation of the postal voters list.

(2) Without prejudice to the generality of paragraph (1), an applicant shall, in the case of the first such application by the applicant, and in the case of subsequent applications whenever required by the registration authority, provide to the authority in support of his or her application a certificate, in a form directed by the Minister, from a registered medical practitioner certifying—

(a) that the applicant has an illness or disability,

(b) that the nature of the illness or disability is such that the applicant is unable to go in person to vote at the polling place for his or her polling district, and

(c) the likely duration of the illness or disability from the date of certification.

(3) Whenever a registration authority requires, under paragraph (1), information or documents from an applicant, the applicant shall provide the authority with the information or documents within the time specified in the request (being not less than 7 days from the day on which the request is made) or such further period as may be extended by the authority and, if the applicant does not provide the information or documents, or both as the case may be, required by the authority within the time so specified, his or her application to be entered in the postal voters list shall be deemed to have been withdrawn.

(4) Where, on the date of the application under section 14(d) in accordance with paragraph (1), the applicant is entered in the special voters list, the application shall be deemed not to be a first application for entry in the postal voters list for the purposes of paragraph (1).

(5) A reference in this Rule to 'section 14(d)' shall on and after the coming into operation of *section 90(2)* of the *Electoral Reform Act 2022* be construed as 'section 14(1)(d)'.",

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

"PART VII

Anonymous electors, applications under section 11(7) and pre-registration of persons aged 16 years but less than 18 years

Anonymous electors

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

(2) An application to be entered on the register as an anonymous elector shall—

(a) be in writing on the appropriate form,

(b) state the applicant's full name,

(c) state the address at which the applicant is ordinarily resident,

(d) state the reason for the application,

(e) state the date of the application, and

(f) be signed by the applicant.

(3) The application shall be supported by the evidence specified in section 15E(2), which shall be submitted with the application.

(4) Where the supporting evidence referred to in paragraph (3) relates not to the applicant but to another person who is a member of the applicant's household, the application must be accompanied by evidence that that person is a member of the applicant's household.

(5) The application form shall be completed in accordance with the instructions provided on the form and shall include a declaration made by the applicant confirming that the particulars provided by the applicant in accordance with paragraph (2), the supporting evidence submitted with the application referred to in paragraph (3), and if applicable, evidence that the person referred to in paragraph (4) is a member of the applicant's household, are true to the best of the applicant's knowledge and belief.

(6) A declaration by a qualified person under section 15E(2)(d) shall—

(a) be in writing in a form directed by the Minister,

(b) state the full name of the qualified person,

(c) state the position held by the qualified person,

(d) state the work address of the qualified person,

(e) be signed by the qualified person, and if—

(i) the person is a member of the Garda Síochána, state his or her rank and number, or

(ii) the person is a registered medical practitioner, state his or her Medical Council number,

and

(f) state the date on which the declaration was signed.

Applications from electors in accordance with section 11(7)

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

(2) The application form shall be completed by the applicant in accordance with the instructions provided on the form and, where necessary and appropriate and insofar as reasonable and practicable, the registration authority shall assist the applicant to complete the form and make the application under paragraph (1).

(3) The registration authority shall consider an application under paragraph (1) and shall satisfy itself that an applicant—

(a) is a person to whom section 11(7) applies, and

(b) has duly completed his or her application form.

(4) Where the registration authority is satisfied as to the matters referred to in paragraph (3), it shall grant the application and mark the application form accordingly and shall notify the applicant of its decision to enter him or her on the register of electors in accordance with section 11(7).

(5) Where the registration authority is not satisfied as to all or any of the matters referred to in paragraph (3), it shall refuse the application and mark the application form accordingly and shall notify the applicant of its decision and the reasons for the decision and inform the applicant that he or she may appeal the decision to the county registrar in accordance with Rule 39.

(6) Where an application made in accordance with this Rule is refused by a registration authority, the applicant may appeal the decision to the county registrar in accordance with Rule 39.

Pending elector list

38. (1) An application to be entered on the pending electors list under section 17A shall be in a form directed by the Minister and shall include, having regard to Rule 5(3), such information as is necessary to enable the registration authority to carry out its functions.

(2) The application form shall be completed in accordance with the instructions provided on the form and shall be made by the applicant directly to the registration authority for the registration area in which he or she is ordinarily resident and shall include a declaration made by the applicant confirming that the details provided by the applicant are true to the best of his or her knowledge and belief.

(3) Where the registration authority has arrangements in place by which it can verify the identity of an applicant by electronic means, the registration authority shall consider the application in accordance with paragraph (7).

(4) Where the registration authority has arrangements in place by which the identifying particulars of an applicant can be confirmed in accordance with section 13E(2)—

(a) if the identifying particulars can be successfully confirmed, the registration authority shall consider the application in accordance with paragraph (7), or

(b) if the identifying particulars cannot be successfully confirmed, the registration authority shall contact the person and require him or her to complete the procedure in paragraph (5) and resubmit his or her application to the registration authority.

(5) A registration authority shall consider in accordance with paragraph (7) an application form which is signed by the applicant in the presence of—

(a) a member of the Garda Síochána, or a member of the civilian staff of the Garda Síochána, from the applicant's local Garda station, or

(b) an official of the registration authority,

who, on being satisfied of the applicant's identity, including if necessary by the production of photographic identification and any other identity documents that may be requested, shall sign, date and stamp the application form.

(6) Where, due to an illness or disability, the applicant is unable to comply with paragraph (5), the application shall be accompanied by a certificate in a form directed by the Minister from a registered medical practitioner certifying that the applicant is unable to so comply due to his or her illness or disability.

(7) The registration authority shall make such inquiries as it considers appropriate for the purpose of considering and deciding on such an application and paragraphs (2), (3) and (5) of Rule 5 shall apply in relation to the consideration of and decision on the application.

(8) The registration authority shall, as soon as practicable, consider and decide on the application and shall notify the applicant of the decision, and where the application meets the requirements of section 17A and this Rule, the name of the applicant shall be included on the pending elector list.

(9) In paragraph (5), 'member of the civilian staff of the Garda Síochána' means a person appointed under section 19(1) of the Garda Síochána Act 2005 or designated under section 19(5) of that Act and, on being so designated, transferred to and having become a member of the civilian staff of the Garda Síochána.",

and

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

"PART VIII

Appeal to county registrar

39. (1) Subject to paragraphs (2) and (3), the county registrar shall consider and determine all appeals against decisions of a registration authority made in writing to him or her, including where Rule 9(4) applies, appeals transferred to him or her from the county registrar of an adjacent registration area, under sections 15D, 15E and Rules 7, 11, 23, 33 and 37.

(2) (a) Subject to subparagraph (b), an appeal to the county registrar under paragraph (1) shall be made within 4 weeks from the date of the decision of the registration authority.

(b) Where an order appointing a polling day in an election or referendum has been made, the county registrar shall, as soon as possible after the making of that order, give public notice of the latest dates for the receipt of appeals under paragraph (1) in order for the appeal to be considered by him or her prior to the election or referendum, or both, as the case may be, and the place where the appeal shall be considered, and where the appeal relates to applications for postal voting or special voting, the date shall be not less than 2 days after the last day for making such applications as specified in section 14(2) or section 17(2), as the case may be, in respect of that election or referendum, and any appeals received after that date shall not be considered by the county registrar until after polling day for that election or referendum.

(3) Subject to paragraph (4), before considering an appeal in relation to the deletion of the name of a person from the register the county registrar shall, except where he or she is satisfied that the person is deceased, give not less than 5 clear days' notice to the appellant and any other person who, in the opinion of the county registrar, may be interested, of the time and place at which the appeal will be considered by him or her.

(4) If the county registrar is satisfied that an appeal, other than an appeal in relation to the deletion of the name of a person from the register, should not be allowed without inquiry, he or she shall give not less than 5 clear days' notice to the appellant and any other person who, in the opinion of the county registrar, may be interested, of the time and place at which the appeal will be considered by him or her.

(5) Before determining an appeal made to him or her under paragraph (1), the county registrar may make such further inquiry as he or she may consider necessary and may require any person to give any information in his or her possession which the county registrar considers necessary for the purpose of carrying out his or her functions under this Rule.

(6) The county registrar may require any officer of a registration authority or any person whose duty it is to make a house to house or other inquiry under Rule 5 to attend at such times and at such place as he or she may consider necessary for the purpose of enabling him or her to decide any appeal.

(7) The county registrar may, on consideration of any appeal, require that the evidence tendered by any person should be given on oath or affirmation and may administer an oath or affirmation for that purpose.

(8) The appellant and any other person who, in the opinion of the county registrar, may be interested, may appear and be heard, either in person or by any other person on his or her behalf, at the hearing of the appeal by the county registrar.

(9) The county registrar shall consider the appeal and make his or her decision within a reasonable period from the date of receipt of the appeal and shall inform, as soon as practicable after the making of the decision, the appellant and the registration authority and any person who, in the opinion of the registration authority may be interested—

(a) of the decision, and

(b) where the appeal is refused, of the right of appeal against the decision to the Circuit Court under section 21.

(10) (a) Where the decision of the county registrar under paragraph (9) is to allow the appeal, the registration authority shall take such action, if any, as is necessary to give effect to the decision as soon as practicable after notification to it of the decision.

(b) Subject to section 21(4), where the decision of the county registrar under paragraph (9) is to refuse the appeal, the decision shall take effect on the expiration of the period of time for the making of an appeal under section 21.".

Chapter 2

Amendments to Electoral Act 1997

Amendment of section 63 of Electoral Act 1997

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

(a) in subsection (1), by the substitution of "every elector who, subject to section 14(2) of the Act of 1992, applies to be so entered" for "every elector who, not later than the last date for making claims for correction in the draft register, applies to be so entered", and

(b) by the substitution of the following subsection for subsection (3):

"(3) Where an application to be entered in the postal voters list under subsection (1) is refused by the registration authority, the applicant may appeal the decision in writing to the county registrar in accordance with Rule 39 of Part VIII of the Second Schedule to the Act of 1992.".

Amendment of section 64 of Electoral Act 1997

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

(a) in paragraph (b), by the substitution of "as the case may require." for "as the case may require;", and

(b) by the deletion of paragraph (c).

Amendment of section 66 of Electoral Act 1997

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

Amendment of section 67 of Electoral Act 1997

110. Section 67 of the Electoral Act 1997 is amended—

(a) in subsection (2)(ii), by the insertion of "and of the applicant's right to appeal the decision to the county registrar under section 63(3)" after "therefor", and

(b) in subsection (3), by the substitution of the following paragraph for paragraph (a):

"(a) Section 14(2) of the Act of 1992 shall apply to applications under this Part.".

Chapter 3

Amendments to other enactments

Amendment of section 2 of Act of 2006

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

"(a) applies, subject to section 14(2) of the Act of 1992, to be so entered,".

Amendment of section 3 of Act of 2006

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

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

Amendment of section 5 of Act of 2006

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

Amendment of section 6 of Act of 2006

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

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

Amendment of Act of 1997

115. The Act of 1997 is amended—

(a) in section 12—

(i) in subsection (3)—

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

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

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

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

(b) in the Second Schedule—

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

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

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

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

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

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

(b) apply Part XIV of the Act of 1992 to voting by that special voter with the modification that references in that Part to 'member of the Garda Síochána' shall be read as references

to 'relevant official in the place where the special voter is ordinarily resident'.",

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

and

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

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

(I)"a supplement to", and

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

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

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

and

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

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

Amendment of Local Elections Regulations 1995

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

(a) in Article 14—

(i) in sub-article (8)—

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

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

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

(ii) in sub-article (9)(a), by the deletion of "the supplement to",

(b) in sub-article (2) of Article 61—

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

(I) "a supplement to", and

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

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

"(b) Rule 33 (other than paragraphs (6) and (7)) and Rule 34(1) and (2) of Part VI of the Second Schedule to the Act of 1992

shall apply to an application to be entered in the postal voters list under paragraph (a) as if references to section 14 and to section 14(a), (b) or (c) were references to Article 61(2)(a).",

and

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

"(c) Subsection (2) of section 14 of the Act of 1992 shall not apply to an application under this sub-article.",

(c) in Article 42, by the insertion of the following definitions:

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

'relevant official in the place where the special voter is ordinarily resident' means the person in charge of the place where the special voter is ordinarily resident or any person authorised by the person in charge who is employed in the place where the special voter is ordinarily resident, but the person shall not be the same person as the person appointed as special presiding officer (if any) under Article 44(1);",

(d) by the insertion of the following Article after Article 48:

"48A. Where a person is entered on the special voters list under section 17 of the Act of 1992 but the place where the special voter is ordinarily resident is not accessible to the special presiding officer and as a consequence the special voter would be unable to vote at the poll at the election in accordance with section 82 of the Act of 1992 the returning officer for the constituency in which the special voter is ordinarily resident shall, as circumstances may require—

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

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

and

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

Amendment of Act of 1994

117. The Act of 1994 is amended—

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

(b) in subsection (1A) of section 31—

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

(I) "a supplement to", and

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

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

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

and

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

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

Amendment of Act of 1993

118. The Act of 1993 is amended—

(a) in subsection (2) of section 41, by the substitution of "sections 78 and 80 to 84A" for "sections 78 and 80 to 84", and

(b) in subsection (1A) of section 43—

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

(I) "a supplement to",

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

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

"(c) Rule 33 (other than paragraph (6) and (7)) and Rule 34(1) and (2) of Part VI of the Second Schedule to the Act of 1992 shall apply to an application to be entered in the postal voters list under paragraph (a) as if references to section 14 and to section 14(a), (b) or (c) were references to section 43(1A)(a).",

and

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

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

PART 4

Regulation of online political advertising

Interpretation

119. F13**[**...**]**

Annotations

Amendments:

F13 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Application of Part

120. F14**[**...**]**

Annotations

Amendments:

F14 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Public information requirements for online political advertisements

121. F15**[**...**]**

Annotations

Amendments:

F15 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Obligations on online platforms regarding online political advertisements

122. F16**[**...**]**

Annotations

Amendments:

F16 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Identification and verification of buyers

123. F17**[**...**]**

Annotations

Amendments:

F17 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Obligations on buyers regarding online political advertisements

124. F18**[**...**]**

Annotations

Amendments:

F18 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Online political advertisements commissioned from outside the State

125. F19**[**...**]**

Annotations

Amendments:

F19 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Exemptions from public information requirements

126. F20**[**...**]**

Annotations

Amendments:

F20 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Editorial Notes:

E7 Previous affecting provision: the reference in subsection (3)(b) to the "European Parliament Elections Act 1992 to 2022" appears to be a typographical error and should likely be read as a reference to the "European Parliament Elections Acts 1992 to 2022"; section substituted as per F-note above.

Functions of the Commission

127. F21**[**...**]**

Annotations

Amendments:

F21 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Appointment of authorised officers

128. F22**[**...**]**

Annotations

Amendments:

F22 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Monitoring compliance for the purposes of this Part

129. F23**[**...**]**

Annotations

Amendments:

F23 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Investigations

130. F24**[**...**]**

Annotations

Amendments:

F24 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Compliance notice

131. F25**[**...**]**

Annotations

Amendments:

F25 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Appeal to District Court from compliance notice

132. F26**[**...**]**

Annotations

Amendments:

F26 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Directions

133. F27**[**...**]**

Annotations

Amendments:

F27 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Appeal to Board from direction

134. F28**[**...**]**

Annotations

Amendments:

F28 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Judicial review

135. F29**[**...**]**

Annotations

Amendments:

F29 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

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

136. F30**[**...**]**

Annotations

Amendments:

F30 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Powers of authorised officers

137. F31**[**...**]**

Annotations

Amendments:

F31 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

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

138. F32**[**...**]**

Annotations

Amendments:

F32 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Power of Commission to request information from other persons

139. F33**[**...**]**

Annotations

Amendments:

F33 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Offences and penalties

140. F34**[**...**]**

Annotations

Amendments:

F34 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

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

141. F35**[**...**]**

Annotations

Amendments:

F35 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Service of documents

142. F36**[**...**]**

Annotations

Amendments:

F36 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

Review of *Part 4*

143. F37**[**...**]**

Annotations

Amendments:

F37 Repealed (10.10.2025) by *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), reg. 36(2), in effect as per reg. 2.

PART 5

Regulation of electoral process information, online electoral information and manipulative or inauthentic behaviour

Chapter 1

Preliminary

Definitions (*Part 5*)

144. In this Part—

"authorised officer" shall be construed in accordance with *section 128* ;

"bot" means an automated online account, software programme or process where all or substantially all of the actions or posts of the account, programme or process are not the result of a person;

"disinformation", for the purposes of this Act, means any false or misleading online electoral information that—

(a) may cause public harm, and

(b) by reason of the nature and character of its content, context or any other relevant circumstance gives rise to the inference that it was created or disseminated in order to deceive;

"election campaign period" means—

(a) such period (including an electoral period) as may be prescribed by the Commission, by order, from time to time and in relation to any election or referendum, commencing on a date before an impending election or referendum and ending on polling day at the time at which the polls close, which dates shall be set out in a notice published by the Commission, in such manner as it thinks fit, not less than 7 days before the earlier date,

(b) the period commencing 3 months prior to the latest date when an election is required by law to be held and ending when the electoral period ends, or

(c) where *paragraphs (a)* and *(b)* do not apply, the electoral period;

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

"look-alike targeting" means the use of data from an existing online audience to identify other persons who have similar characteristics or are engaged in similar activities on an online platform;

"manipulative or inauthentic behaviour" means tactics, techniques and procedures that—

(a) constitute the deceptive use of services or features provided by an online platform, including user conduct having the object of artificially amplifying the reach or perceived public support of particular content,

(b) are likely to influence the information visible to other users of that platform,

(c) by reason of their nature and character, context or any other relevant circumstance, give rise to the inference that they are intended to result in the dissemination, publication or increased circulation of false or misleading online electoral information, and

(d) may cause public harm.

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

"misinformation", for the purposes of this Act, means any false or misleading online electoral process information that may cause public harm, whether or not the information was created or disseminated with knowledge of its falsity or misleading nature or with any intention to cause such harm;

"online electoral information" means—

(a) any online electoral process information, or

(b) any online content relating to—

(i) a candidate in an election,

(ii) a political party that has candidates standing in an election,

(iii) issues that are of relevance to an election, or

(iv) issues that are of relevance to a referendum;

"online electoral process information" means online content of a factual nature relating to the holding of an election or referendum including but not limited to the registration of voters or candidates, voting times and locations, arrangements for postal voting, the secrecy of the ballot, the counting of votes and any other factual content relating to the holding of a particular election or referendum or to elections or referendums more generally;

"online platform" means any host, operator or provider of a website, web application or digital application accessible to the general public or a section of the public where the website, web application or digital application—

(a) has at least 100,000 unique monthly users in the State for a period of not less than 7 months during the 12 months immediately preceding the date of the making of a polling day order, and

(b) displays any content that has political purposes, including but not limited to online political advertisements;

"online political advertisement" has the meaning assigned to it by *Part 4* ;

"political party" has the meaning assigned to it by *Part 2* ;

"political purposes" has the meaning assigned to it by section 22(2)(aa) of the Electoral Act 1997;

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

(a) in the case of a Dáil election, is made under section 96(1) of the Act of 1992,

(b) in the case of a European election, is made under section 10(1) of the Act of 1997,

(c) in the case of a local election, is made under section 26(2) of the Act of 2001,

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

(e) in the case of a referendum, is made under section 10, 11 or 12 of the Act of 1994, or

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

"public harm" means any serious threat to the fairness or integrity of an election or referendum;

"recommender system" means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed.

Online electoral information, disinformation, misinformation and manipulative or inauthentic behaviour functions

145. (1) The Commission shall—

(a) protect the fairness and integrity of elections and referendums in accordance with this Part.

(b) monitor, investigate and combat the dissemination of—

(i) disinformation, and

(ii) misinformation,

(c) monitor, investigate, identify and combat manipulative or inauthentic behaviour,

(d) monitor, investigate and identify trends in respect of—

(i) disinformation,

(ii) misinformation, and

(iii) manipulative or inauthentic behaviour,

(e) promote public awareness of misinformation, disinformation and manipulative or inauthentic behaviour and it may establish, facilitate or promote educational or information programmes for the purpose of the performance of its functions under this Part.

(2) Without prejudice to *section 16* , the Commission may engage any person to assist it in the performance of its functions under *subsection (1)* and, for that purpose, it may do any or all of the following:

(a) enter into a contract with any person on such terms and conditions and for such period as the Commission considers appropriate;

(b) pay out of the funds at its disposal, to any person referred to in *paragraph (a)*, such fees (if any) or allowances for expenses (if any) incurred by the person as the Commission may determine.

Establishment and role of Advisory Board

146. (1) The Commission shall establish an online electoral information advisory board (to be known as "the Advisory Board").

(2) The Advisory Board shall, on request and, if appropriate, by its own motion, provide advice to the Commission on—

(a) the nature and effect of disinformation and misinformation, and

(b) where practicable, on the use by the Commission of its powers under this Part.

(3) The Advisory Board shall comprise not more than 6 persons, to be appointed by the Commission, and each of whom shall have expertise in all or any of the following—

(a) electoral processes (including referendums) in the State,

(b) promoting fairness and integrity in elections and referendums, or

(c) the use of information technology and online dissemination of information in the context of elections and referendums.

(4) The Minister may, with the consent of the Minister for Public Expenditure and Reform, determine the remuneration and expenses, if any, payable to a member of the Advisory Board under this section.

(5) The remuneration and allowances for expenses, if any, determined in accordance with *subsection (4)* shall be payable by the Commission out of funds at its disposal to a member of the Advisory Board.

Establishment and role of stakeholder council

147. (1) The Commission shall, from time to time, establish a stakeholder council to provide advice and opinions to the Commission generally and in relation to the preparation and use of codes of conduct under *Chapter 5*.

(2) The stakeholder council shall comprise not more than 15 persons, to be appointed by the Commission, the composition of which shall reflect the views of members of the Oireachtas as well as those of print, broadcast and online media.

Chapter 2

Obligations on online platform

Obligation on online platform to provide information to Commission

148. (1) Where, during an election campaign period, an online platform is satisfied from information of which it is aware, including by way of a notification received by way of a mechanism set up under *section 149* , that—

(a) its services may be being used for the purposes of disinformation,

(b) there may be misinformation on its services, or

(c) there may be manipulative or inauthentic behaviour on its services,

the online platform shall, without undue delay, notify the Commission of such disinformation, misinformation or manipulative or inauthentic behaviour.

(2) Without prejudice to *subsection (1)*, an online platform with over 1 million unique monthly users in the State shall, as early as possible in an election campaign period, prepare and transmit a report to the Commission specifying any significant risks to the fairness or integrity of an election or referendum posed by disinformation, misinformation, or manipulative or inauthentic behaviour on its services.

(3) The report referred to at *subsection (2)* shall include information concerning—

(a) the prevalence of relevant misinformation and disinformation on the services provided by the online platform, including notifications received under *section 149* ,

(b) the prevalence of manipulative or inauthentic behaviour on the online platform's service, including notifications received under *section 149* ,

(c) the prevalence of micro-targeting or look-alike targeting on the services provided by the online platform, and

(d) significant risks posed by the operation of any recommender system employed by the online platform to distribute and promote content.

(4) The information provided in the report referred to at *subsection (2)* shall include non-technical summaries of the matters referred to in *subsection (3)*.

(5) The Commission shall monitor the compliance of online platforms with the requirements of this provision.

Obligation on online platform in relation to notification mechanism

149. (1) An online platform shall put mechanisms in place to allow any individual, entity or person to notify it of the presence on the platform of information that the individual or entity considers to be—

(a) disinformation, or

(b) misinformation.

(2) An online platform shall put mechanisms in place to allow any individual, entity or person to notify it of the presence on their service of specific activities or behaviours in respect of online electoral information that the individual or entity considers may amount to manipulative or inauthentic behaviour.

(3) The mechanisms provided for under *subsections (1)* and *(2)* shall be accessible, user-friendly and shall allow for the submission of notifications referred to in those subsections exclusively by electronic means.

(4) An online platform shall, without undue delay, assess, process and determine the validity of the concerns raised by notices received under *subsection (1)* or *(2)*.

(5) An online platform shall maintain a record of all notifications received under *subsection (1)* or *(2)* and the outcome of the determination referred to at *subsection (4)* for a period of 2 years following the end of the electoral period concerned.

(6) An online platform shall make the record referred to at *subsection (5)* available to the Commission for inspection on reasonable notice.

Chapter 3

Powers of Commission

Monitoring, and investigation, of online electoral information

150. (1) The Commission may, for the purpose of performing its functions under this Part, monitor online electoral information.

(2) Where the Commission reasonably believes that any online electoral information may—

(a) constitute disinformation,

(b) constitute misinformation, or

(c) involve manipulative or inauthentic behaviour, including the use of undisclosed bots,

the Commission, or a member of staff of the Commission, may examine or investigate or appoint an authorised officer to examine or investigate, any such matter and the authorised officer or member of staff shall, following its investigation, furnish a report to the Commission.

(3) The Commission, or member of staff of the Commission, may make such inquiries as it considers appropriate or direct an authorised officer to make such inquiries, and the Commission, member of staff of the Commission or authorised officer, may require any person to furnish without delay any information, document or thing in the possession or procurement of that person that the Commission, member of staff of the Commission or authorised officer may require for the purposes of an investigation.

(4) The powers of an authorised officer conferred on him or her by or under *section 137(1)* to *(9)* shall apply, in like manner and with all necessary modifications, to an authorised officer appointed under *subsection (2)* or to the Commission, or member of staff of the Commission.

(5) The procedures set out in *section 130(3)* to *(6)* shall, with all necessary modifications, apply to the performance of functions under this Part, by an authorised officer appointed under *subsection (1)* or by the Commission, or member of staff of the Commission.

(6) Where an authorised officer or a member of staff of the Commission furnishes a report to the Commission in respect of the matters referred to in *subsection (1)*, the Commission shall consider that report and any submissions or recommendations made by the authorised officer or such member.

(7) Where the Commission considers it appropriate, the Commission may invite any person to make any submissions in writing to the Commission within the period specified by the Commission.

(8) Following the Commission's consideration of the report referred to in *subsection (6)* and any submissions referred to in *subsections (6)* and *(7)*, the Commission may—

(a) take no further action,

(b) if it is satisfied that a contravention is taking place or has taken place, exercise any of the powers available to it under *sections 153* to *157* with respect to any person whom the Commission considers is contravening or has contravened any provision of this Part,

(c) prepare and publish a report of its investigation into the matter, or

(d) if it is satisfied that a contravention is taking or has taken place, prosecute any offence that may have been committed in accordance with *section 169* .

Delegation of powers of Commission to chief executive

151. (1) Subject to this section, the Commission may, by order, delegate the exercise of such of its powers under *section 153* , *154* , *155* , *156* or *157* as the Commission considers appropriate to the chief executive or to another member of the Commission and the chief executive or other member of the Commission shall perform such duties as are appropriate to the powers so delegated and shall for that purpose act in place of the Commission.

(2) Where a delegation is made under *subsection (1)* —

(a) the chief executive or other member of the Commission shall exercise the delegated power under the general direction and control of the Commission,

(b) the chief executive or other member of the Commission shall exercise the delegated power in accordance with such (if any) limitations as may be specified in the delegation as to the period in which or the extent to which he or she is to exercise that power, and

(c) a provision referred to in *subsection (1)* under which powers are vested in the Commission or which regulates the manner in which any such power is to be exercised shall, if and in so far as it is applicable to the delegated power, have effect, for the purposes of the exercise of the power by the chief executive or other member of staff of the Commission, with the substitution of the chief executive or other member of staff of the Commission for the Commission and every such provision shall be read accordingly.

(3) Where the exercise of a power is delegated under this section, the power shall continue to be vested in the Commission but shall be so vested concurrently with the chief executive or other member of the Commission to whom it is delegated so as to be capable of being exercised by either the Commission or the chief executive or other member of the Commission concerned.

(4) The Commission may, by order, amend or revoke a delegation made under this section.

(5) The Commission may, at any time, furnish any materials or information arising from an investigation under *section 150* , including any report, to the chief executive or other member of staff of the Commission to whom the exercise of a power has been delegated under *subsection (1)* where the Commission considers that the information may be necessary in order to allow the proper exercise of the powers concerned.

Exercise of powers of Commission

152. (1) The Commission shall only exercise its powers under *sections 153* , *154* , *155* , *156* , *157* or *158* where the Commission is satisfied that it is in the public interest to do so, having regard to all the circumstances including the rights of any person whom the Commission considers may be affected by the exercise of such powers.

(2) Without prejudice to *subsection (1)*, the Commission shall, in considering the exercise of its powers under *sections 153* , *154* , *155* , *156* , *157* or *158* give due weight to the following matters:

(a) the right to freedom of expression;

(b) the right to freedom of association;

(c) the right to participate in public affairs; and

(d) the obligation on the State to defend and secure the fairness and integrity of elections and referendums.

(3) Without prejudice to *subsections (1)* and *(2)*, the Commission shall, in considering the exercise of its powers under *sections 153* , *154* , *155* , *156* , *157* or *158* have regard to the following matters:

(a) the need to ensure the economic and efficient use of the Commission's resources;

(b) the public harm concerned, as it relates to the overall integrity and fairness of the election or referendum;

(c) any guidelines published under *subsection (4)*.

(4) The Commission shall prepare and publish guidelines to inform the proper exercise, by the Commission or a person to whom the exercise of a power has been delegated under *section 151* , of its powers under this Part.

(5) Guidelines under *subsection (4)* may include measures to ensure that the exercise of the Commission's powers is transparent to the public and in accordance with international best practice and in the public interest.

(6) Any notice or order issued under *section 153* , *154* , *155* , *156* or *157* shall—

(a) include a statement of reasons for the Commission's opinion that it is appropriate that such notice or order should be issued,

(b) specify the time and date by which the person to whom the notice or order is addressed shall comply with the notice or order,

(c) specify the time and date by which the person to whom a notice or order is addressed shall confirm to the Commission that the notice or order has been complied with,

(d) state that the person to whom the notice or order is addressed may appeal the notice or order pursuant to *section 161* and that such appeal shall be made through the portal on the Commission's website within a period 5 days from the date on which the notice or order was issued,

(e) state that if no such appeal is made in accordance with *section 161* , that the notice or order shall be treated as not disputed, and

(f) state that it is an offence not to comply with the notice or order.

(7) For the avoidance of doubt, the Commission may determine that it is appropriate having regard to all the circumstances to issue more than one notice or order under *section 153* , *154* , *155* , *156* or *157* in relation to the same online content or behaviour.

Take-down notice

153. (1) Where—

(a) during an election campaign period, the Commission is satisfied from the information available, whether obtained through its monitoring, or otherwise, of online electoral information or provided by any other person or otherwise, that any online electoral information constitutes disinformation, or

(b) at any time, the Commission is satisfied from the information available, whether obtained through monitoring, or otherwise, of online electoral information or provided by any other person or otherwise, that any online electoral process information constitutes misinformation,

and the Commission is satisfied that the issuing of such a notice is necessary to protect the fairness or integrity of the election or referendum, the Commission may issue a take-down notice requiring any natural or legal person, including any online platform, to remove, within a specified period, the content to which the take-down notice relates.

(2) A notice under this section shall:

(a) include a statement of reasons for the Commission's opinion that the conditions in *subsection (1)* are met;

(b) include the precise online location of the online electoral information referred to in *subsection (1)(a)* or the online electoral process information referred to in *subsection (1)(b)* and, where necessary, any additional data enabling the identification of the information;

(c) contain a statement of the Commission, in compliance with *subsection (3)*, in respect of the online electoral information referred to in *subsection (1)(a)* or the online electoral process information referred to in *subsection (1)(b)*;

(d) inform the person to whom the notice is addressed that he, she or it shall cause the statement in *paragraph (c)* to be published at the online location referred to in *paragraph (b)*;

(e) inform the person to whom the notice is addressed of the right to appeal the notice under *section 161* within 5 days from the date on which the notice was issued.

(3) The statement referred to at *subsection (2)(c)* shall—

(a) state that it is a statement required to be published pursuant to a take-down notice issued by the Commission, under which the removal of certain content visible at a precise online location has been required by the Commission pursuant to this section,

(b) state that this action has been taken because the content previously published at the location constituted disinformation or misinformation,

(c) contain a summary of the reasons for the Commission's opinion that it was necessary to require the removal of the information in order to protect the fairness or integrity of the election or referendum, as the case may be, and

(d) state that any natural or legal person directly affected by the notice may appeal the notice under *section 161* within 5 days from the date on which the notice was issued.

Correction notice

154. (1) Where—

(a) during an election campaign period, the Commission is satisfied from the information available, whether obtained through its monitoring, or otherwise, of online electoral information or provided by any other person or otherwise, that any online electoral information constitutes disinformation, or

(b) at any time, the Commission is satisfied from the information available, whether obtained through its monitoring, or otherwise, of online electoral information or provided by any other person or otherwise, that any online electoral process information constitutes misinformation,

and the Commission is satisfied that the issuing of such a notice is necessary to protect the fairness or integrity of the election or referendum, he or she may issue a correction notice requiring any natural or legal person to whom it is directed, including any online platform, to communicate to all persons who access the online platform a statement by the Commission under this section.

(2) A notice under this section shall—

(a) include a statement of reasons for the Commission's opinion that the conditions in *subsection (1)* are met,

(b) include the precise online location of the online electoral information referred to in *subsection (1)(a)* or the online electoral process information referred to in *subsection (1)(b)* and, where necessary, any additional data enabling the identification of the information,

(c) contain a statement of the Commission, in compliance with *subsection (3)*, in respect of the online electoral information referred to in *subsection (1)(a)* or the online electoral process information referred to in *subsection (1)(b)*,

(d) inform the person to whom the notice is addressed that he or she shall cause the statement in *paragraph (c)* to be published at the online location referred to in *paragraph (b)*,

(e) inform the person to whom the notice is addressed of the right to appeal the notice under *section 161* within 5 days from the date on which the notice was issued.

(3) The statement referred to in *subsection (2)(c)* shall—

(a) state that it is a statement required to be published pursuant to a correction notice issued by the Commission under which the correction of certain content visible at a precise online location has been required by the Commission pursuant to this section,

(b) state that this action has been taken because the content at the online location constituted disinformation or misinformation,

(c) contain a summary of the reasons for the Commission's opinion that the issuing of a correction notice was appropriate in all the circumstances to protect the fairness or integrity of the election or referendum, as the case may be,

(d) state that any natural or legal person directly affected by the notice may appeal the notice under *section 161* within 5 days from the date on which the notice was issued.

(4) The statement referred to in *subsection (2)(c)* may also contain any or all of the following:

(a) a statement setting out in what respects the content was false or misleading;

(b) a correct statement of information; and

(c) such further information or statement as the Commission shall deem appropriate, having regard to all the circumstances.

Labelling order

155. (1) Where—

(a) during an election campaign period, the Commission is satisfied from the information available, whether obtained through its monitoring, or otherwise, of online electoral information or provided by any other person or otherwise, that any online electoral information may constitute disinformation, or

(b) at any time, the Commission is satisfied from the information available, whether obtained through its monitoring, or otherwise of online electoral information or provided by any other person or otherwise, that any online electoral process information may constitute misinformation,

and the Commission is satisfied that the issuing of such an order is appropriate in all the circumstances, the Commission may, pending further investigation by the Commission, issue a labelling order requiring the online platform to state that the subject content is currently being investigated by the Commission pursuant to this Part to determine whether or not it constitutes disinformation or misinformation.

(2) An order under this section shall:

(a) include a statement of reasons for the Commission's opinion that the conditions in *subsection (1)* are met;

(b) include the precise online location of the online electoral information referred to in *subsection (1)(a)* or the online electoral process

information referred to in *subsection (1)(b)* and, where necessary, any additional data enabling the identification of the information;

(c) contain a statement of the Commission, in compliance with *subsection (3)*, in respect of the online electoral information referred to in *subsection (1)(a)* or the online electoral process information referred to in *subsection (1)(b)*;

(d) inform the person to whom the notice is addressed that he, she or it shall cause the statement in *paragraph (c)* to be published at the online location referred to in *paragraph (b)*;

(e) inform the person to whom the notice is addressed of the right to appeal the order under *section 161* within 5 days from the date on which the notice was issued.

(3) The statement referred to in *subsection (2)(c)* shall:

(a) confirm that it is a statement required to be published pursuant to a labelling order issued by the Commission under this section, where the Commission is of the opinion that the subject statement may contain disinformation or misinformation;

(b) state that the issuing of the order is not a determination that the content is either disinformation or misinformation;

(c) contain a summary of the reasons for the Commission's opinion that the requirements of *subsection (1)* are met;

(d) state that a determination as to whether the content is disinformation or misinformation shall be made pending further investigation; and

(e) state that any natural or legal person directly affected by the order can appeal the order under *section 161* within 5 days.

(4) The order may also contain such further information or statement as the Commission shall deem appropriate having regard to all the circumstances.

(5) The Commission shall make the determination referred to in *subsection (3)(d)* and, as soon as reasonably practicable—

(a) shall give a direction to the person to whom the labelling order was directed informing that person that the labelling order has been revoked, or

(b) where the determination is that the content is disinformation or misinformation, may, as it considers appropriate, exercise any of its powers under *section 153* , *154* or *156* .

(6) Where the Commission gives a direction referred to in *subsection (5)(a)*, the statement referred to in *subsection (2)(c)* shall be taken down.

Access-blocking order

156. (1) Where—

(a) during an election campaign period, the Commission is satisfied from information available, whether obtained through its monitoring, or otherwise, of online electoral information or provided by any other person or otherwise, in relation to a previously identified online location, that any online electoral information constitutes disinformation,

(b) at any time, the Commission is satisfied from information available in relation to a previously identified online location, obtained through its

monitoring of online electoral information or provided by any other person or otherwise, that any online electoral process information constitutes misinformation, or

(c) during an election campaign period, the Commission is satisfied from the information available, that bot activity that constitutes manipulative or inauthentic behaviour or the use of an undisclosed bot contrary to *section 167* is taking or has taken place at a previously identified online location, and the Commission is satisfied that the issuing of such an order is necessary to protect the fairness or integrity of the election or referendum, the Commission may issue an access-blocking order, for such period as the Commission considers appropriate, requiring any online platform to take reasonable steps to disable access to the online location.

(2) An order under this section shall:

(a) include a statement of reasons for the Commission's opinion that the conditions in *subsection (1)* are met;

(b) include the precise previously identified online location for the online electoral information referred to in *subsection (1)(a)* or the online electoral process information referred to in *subsection (1)(b)*;

(c) contain a statement by the Commission in respect of the previously identified online location;

(d) inform the person to whom the order is addressed that he or she shall cause the statement in *paragraph (c)* to be published at the previously identified online location referred to in *paragraph (b)*;

(e) inform the person to whom the order is addressed of the right to appeal the order under *section 161* within 5 days from the date on which the order was issued.

(3) The statement referred to in *subsection (2)(c)* shall state clearly—

(a) that an access-blocking order has been issued pursuant to this section,

(b) a summary of the reasons why the Commission made the order, and

(c) such further information as may be specified in guidelines issued under *section 152* or deemed necessary or appropriate by the Commission in all the circumstances.

(4) The order may also contain such further information or statement as the Commission shall deem appropriate having regard to all the circumstances.

(5) In this section, "previously identified online location" means an online location where 2 or more separate pieces of online content have been the subject of a notice or order under *section 153* , *154* , *156* or *157* within the same electoral period, which election period is the same as the election period in respect of which it is proposed to make the access-blocking order.

Manipulative or inauthentic behaviour (including undisclosed bot activity) notice

157. (1) Where, during an election campaign period, the Commission is satisfied from the information available that—

(a) bot activity that constitutes manipulative or inauthentic behaviour or the use of an undisclosed bot contrary to *section 167* is taking or has taken place, and

(b) the issuing of a notice under this subsection is necessary to protect the fairness or integrity of an election or referendum,

the Commission may issue a notice, giving reasons, requiring any online platform to publish a statement informing all users of the manipulative or inauthentic behaviour or the use of an undisclosed bot that is contrary to *section 167* .

(2) The statement required to be published under *subsection (1)* shall—

(a) state that the Commission pursuant to this section has issued a notice identifying bot activity that constitutes manipulative or inauthentic behaviour,

(b) state that this action has been taken because the bot activity threatened the fairness or integrity of an upcoming election or referendum,

(c) contain the statement of reasons for the Commission's opinion that it was appropriate to require the publication of the statement in relation to the activity in all the circumstances, and

(d) state that any natural or legal person directly affected by the notice may appeal the notice under *section 161* within 5 days from the date on which the notice was issued.

(3) Where, during the electoral period, the Commission is satisfied that—

(a) manipulative or inauthentic behaviour has occurred (including where such behaviour involves the use of bots), and

(b) the issuing of a notice under this subsection is necessary to protect the fairness or integrity of an election or referendum,

the Commission may issue a notice requiring any online platform to take reasonable steps to prevent or prohibit such behaviour or use.

(4) A notice under *subsection (3)* shall—

(a) state that the Commission, pursuant to this section, has issued a notice requiring the cessation of the behaviour in question because it has been identified as manipulative or inauthentic behaviour,

(b) state that this action has been taken by the Commission because the identified activity threatened the fairness or integrity of an upcoming election or referendum,

(c) contain a statement of reasons for the Commission's opinion that it was appropriate to require any online platform to take reasonable steps to prevent or prohibit such behaviour or use, and

(d) state that any natural or legal person directly affected by the notice may appeal the notice under *section 161* within 5 days.

Application to court for order directing compliance with notice or order

158. (1) The Commission may apply to the High Court for an order directing compliance with a notice or order issued under *section 153* , *154* , *155* , *156* or *157* .

(2) An application under *subsection (1)* may be made in relation to a person outside the State where a notice or order referred to *sections 153* , *154* , *155* , *156* or *157* is addressed to that person and relates to anything done or omitted to be done under those sections.

Communication with public

159. (1) The Commission may, in such manner it considers appropriate, communicate with the public or any class of the public in relation to misinformation, disinformation or the use of manipulative or inauthentic behaviour.

(2) The Commission may where it is of the opinion that there is a threat to the fairness or integrity of an election or referendum such that it is in the public interest to draw attention to such threat, communicate with the public in relation to that threat.

(3) The Commission may, when communicating with the public under *subsection (2)* specify—

(a) the nature, source and severity of the threat,

(b) any actions the Commission proposes to take or consider in relation to it, and

(c) any recommendations to the public or others in relation to it.

Mechanism for public to report disinformation, misinformation and manipulative or inauthentic behaviour

160. The Commission may provide a direct reporting facility on its website to allow members of the public to report—

(a) suspected instances of disinformation during an electoral period or election campaign period,

(b) suspected instances of misinformation at any time, or

(c) suspected manipulative or inauthentic behaviour, including the undisclosed use of bots, during an electoral period or election campaign period.

Chapter 4

Procedural rights

Appeal to appeal panel

161. (1) The Commission shall, from time to time, establish an appeal panel which shall be comprised of one or more members of the Commission and shall be independent of the original decision-maker.

(2) (a) An appeal may be made to an appeal panel in respect of any notice or order issued pursuant to *sections 153* , *154* , *155* , *156* or *157* , not later than 5 days from the date on which the notice or order was issued, but the making of an appeal shall not, pending the outcome of the appeal, affect the operation of the notice or order, unless the appeal panel otherwise directs.

(b) An appeal under *paragraph (a)* may be made by—

(i) any natural or legal person directly affected by the notice or order, or

(ii) an online platform.

(c) No appeal shall be accepted unless it has been submitted by a natural person (whether on their own behalf or on behalf of a named legal person), and such natural person shall provide such information as may be specified by the Commission.

(3) An appeal under *subsection (2)* —

(a) shall be in writing, made through a portal provided on the Commission's website for that purpose,

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

(c) shall be addressed to the chairperson of the appeal panel and be delivered or sent so as to reach the chairperson within the period specified in *subsection (2)*.

(4) The appeal panel shall determine an appeal without an oral hearing unless, having regard to the particular circumstances of the appeal, it considers that it is necessary to conduct an oral hearing in order to properly and fairly determine the appeal.

(5) The Commission may make such rules and establish such procedures in relation to the conduct of appeals and oral hearings as it considers appropriate and shall publish those rules and procedures on a website maintained by or on behalf of the Commission.

(6) An appeal under this section shall be heard by the appeal panel or by such specified member or members of the appeal panel as may be assigned by the appeal panel to hear the appeal.

(7) The appeal panel shall have discretion as to the conduct of an oral hearing under this section and shall conduct the hearing or ensure that the hearing is conducted expeditiously and without undue formality.

(8) The appeal panel, in determining an appeal under this section—

(a) shall consider the grounds for the appeal stated pursuant to *subsection (3)(b)*,

(b) shall consider the notice or order, and any such other information in connection with the notice or order as, in the opinion of the appeal panel, may be relevant to its determination, and

(c) may, where it considers it necessary or expedient for the fair and proper determination of the appeal, have regard to such submissions, documents or evidence not contained in the notice or order as the appeal panel considers appropriate.

(9) In determining an appeal under this section, the appeal panel may, if satisfied that it is reasonable to do so—

(a) confirm the notice or order,

(b) vary the notice or order on such terms as it considers appropriate, or

(c) cancel the notice or order.

(10) If, on appeal, the appeal panel varies the notice or order, the notice or order as so varied takes effect immediately on the determination of the appeal.

(11) The appeal panel may, for the purpose of ensuring the efficient, fair and timely determination of an appeal, specify procedures in respect of the conduct of the appeal.

(12) The appeal panel may request in writing information from any person within the period specified in the request as it may reasonably require for the purposes of the performance of its functions under this section.

(13) It shall be an offence to submit an appeal in the name of another person or in a false name, or on behalf of a company absent the consent of the directors of that company (or as may be provided for in the company's constitution).

(14) An appeal shall be heard and determined as soon as is practicable.

Judicial review

162. Nothing in this Part shall be construed as limiting the entitlement of a person affected by a decision of the Commission to apply to the High Court to seek relief by way of an application for judicial review.

Chapter 5

Codes of conduct

Codes of conduct

163. (1)(a) The Commission may publish codes of conduct in respect of online electoral information or online electoral process information.

(b) A code published under *paragraph (a)* shall, as soon as is practicable, be laid before both Houses of the Oireachtas.

(2) A code referred to in *subsection (1)* may be addressed to:

(a) an online platform;

(b) a candidate in an election;

(c) a political party;

(d) any other person.

(3) The Commission may, before publishing a code of conduct under *subsection (1)*, consult with the Advisory Board, the stakeholder council or any other group convened by the Commission for that purpose.

(4) A code of conduct published under *subsection (1)* that relates to online electoral information other than online electoral process information shall have effect during a specified electoral period only.

(5) The Commission may determine whether a code of conduct is an optional code of conduct or a mandatory code of conduct.

(6) The Commission shall, before publishing a code of conduct under *subsection (1)*, have regard to the following:

(a) the need to protect democratic values in society;

(b) the public interest in having a well-informed electorate;

(c) the threat posed to democratic values by misinformation and disinformation;

(d) the right to freedom of expression;

(e) the right to freedom of assembly.

(7) Where, in the opinion of the Commission, a person to whom a [mandatory] code of conduct is addressed is failing or has failed to comply with the code, the Commission may apply, by motion, to the High Court for an order directing the person to comply with the code, and the Court may, as it thinks fit, on the hearing of the application, make or refuse to make such an order.

Chapter 6

Consultation

Consultation by Commission

164. (1) The Commission may, where it considers appropriate for the purposes of its functions under this Part, consult with, and have regard to any information received from—

(a) the Data Protection Commission,

(b) An Garda Síochána,

(c) Coimisiún na Meán, or

(d) the Minister for the Environment, Climate and Communications, acting in his or her capacity as competent authority under the European Union (Measures for a High Common Level of Security of Network and Information Systems) Regulations 2018 (S.I. No. 360 of 2018).

(2) Where—

(a) the Data Protection Commission,

(b) An Garda Síochána,

(c) Coimisiún na Meán, or

(d) the Minister for the Environment, Climate and Communications, acting in his or her capacity as competent authority under the European Union (Measures for a High Common Level of Security of Network and Information Systems) Regulations 2018 (S.I. No. 360 of 2018),

receives or becomes aware of information regarding activities or trends which may affect the fairness or integrity of an election or referendum, the authority or the Minister referred to in *paragraph (d)*, as the case may be, shall immediately notify the Commission of the said information, activities or trends.

Chapter 7

Offences and penalties

Offence of failing to comply with notice or order issued under *sections 153* to *157*

165. (1) It shall be an offence for any person to fail to comply with any notice or order issued under *section 153* , *154* , *155* , *156* or *157* , whether that notice or order is addressed to a person within or outside the State.

(2) A person found guilty of an offence under this section shall be liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

Offences of disinformation and misinformation

166. (1) A person who, or any director of a body or association which, during the electoral period or election campaign period with the intention of influencing the results of an election or referendum, or of interfering with the fairness or integrity of that election or referendum, makes or publishes—

(a) a false statement of the withdrawal of a candidate for election from that election,

(b) a false statement of fact (including but not limited to a statement of misinformation) with the intention of causing one or more voters to abstain from voting in the election or referendum, or

(c) a statement, online, that purports to be from another person,

shall be guilty of an offence, unless that person can show that he or she had reasonable grounds for believing and did believe that the statement was true.

(2) A person found guilty of an offence under this section shall be liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

Offence of using undisclosed bot to mislead or influence election or referendum

167. (1) Any person who knowingly uses a bot, or causes a bot to be used, in such a way as to generate multiple online presences that—

(a) are directed towards influencing the result of an election or referendum,

(b) are designed or intended to mislead persons as to the bot's artificial identity, or

(c) may cause public harm,

shall be guilty of an offence.

(2) It shall be a defence in proceedings for an offence under this section for a person to show that the use of the bot concerned was disclosed in a manner that was clear, conspicuous and reasonably designed to inform persons with whom the bot interacted or communicated or was intended to interact or communicate that it was a bot.

(3) A person found guilty of an offence under this section shall be liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

Offence of failure to comply with obligations placed on online platform

168. (1) An online platform which fails to comply with *section 149* shall be guilty of an offence.

(2) A person found guilty of an offence under this section shall be liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 5 years or to both.

Prosecution of offences

169. (1) Subject to *subsection (2)*, summary proceedings for an offence under this Part may be brought and prosecuted by the Commission.

(2) Proceedings for an offence under this Part shall not be instituted except by or with the consent of the Director of Public Prosecutions.

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Part may be instituted within 2 years from the date on which the offence was committed or alleged to have been committed.

(4) Where an offence under this Part is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(5) Where the affairs of a body corporate are managed by its members, *subsection (4)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(6) (a) Where a person is convicted of an offence under this Part, the court may, where it is satisfied that there are good reasons for so doing, order the person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecutor in relation to the investigation, detection and prosecution of the offence, including the costs and expenses of and incidental to an examination of any information provided to the Commission or an authorised officer.

(b) An order for costs and expenses referred to in *paragraph (a)* shall be in addition to and not instead of any fine or penalty the court may impose.

Extraterritoriality

170. (1) A person who, in a place outside the State—

(a) does an act or fails to do an act that, if done or was omitted to be done in the State, would constitute an offence under *section 165* , or

(b) does an act that, if done in the State, would constitute an offence under *section 166* or *167* ,

shall be guilty of an offence.

(2) A person guilty of an offence under this section is liable on conviction to the penalty to which he or she would have been liable if he or she did the act or failed to do the act that constitutes the offence in the State.

(3) Proceedings for an offence under *subsection (1)* may be taken in any place in the State and the offence may, for all incidental purposes, be treated as having been committed in that place.

(4) Where a person is charged with an offence under this section, no further proceedings in the matter (other than a remand in custody or on bail) may be taken except by, or with the consent of, the Director of Public Prosecutions.

Chapter 8

Miscellaneous

Immunity from suit

171. (1) The Commission shall perform its duties under this Part *bona fide* and in the interests of the public and electorate in general, having regard to the resources available to it and no action shall lie against it by reason merely of an alleged failure to perform such duties.

(2) No action shall lie personally against any member of the Commission by reason of any act or omission in the performance of his or her duties under this Part.

Service of notices or orders

172. Service of a notice or order issued under *section 153* , *154* , *155* , *156* or *157* shall be made in accordance with *section 142* .

PART 6

Advance polling during pandemic or Covid-19

Chapter 1

Amendment of Act of 1992

Advance polling

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

"96A. (1) Notwithstanding section 96, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of *An Coimisiún Toghcháin*, make an order providing that, in addition to the poll provided for under section 96—

(a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 96(1), 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.".

Chapter 2

Amendment of Act of 1994

Advance polling

174. The Act of 1994 is amended by the insertion of the following section after section 10:

"10A. (1) Notwithstanding section 10(1), section 11(1) and section 12(1), the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of *An Coimisiún Toghcháin*, make an order providing that, in addition to a poll provided for under section 10(1), section 11(1) or section 12(1)—

(a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 10(1), section 11(1) or section 12(1), and

(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.".

Chapter 3

Amendment of Act of 1993

Advance polling

175. The Act of 1993 is amended by the insertion of the following section after section 6:

"6A. (1) Notwithstanding section 6(1) and section 8, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of *An Coimisiún Toghcháin*, make an order providing that, in addition to a poll provided for under section 6(1) or section 8—

(a) in one or more constituencies, an advance poll may be taken on the day before the day appointed by the Minister under section 6(1) or section 8, and

(b) a poll referred to in paragraph (a) shall continue for such period, 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.".

Chapter 4

Amendment of Act of 1997

Advance polling

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

"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.".

Chapter 5

Amendment of Act of 2001

Advance polling

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

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

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

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

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

(3) In this section—

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

'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.".

Chapter 6

Amendment of Local Elections Regulations 1995

Advance polling

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

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

PART 7

Amendment of Electoral Act 1997 - Political donations and accounts

Definition

179. In this Part, "Principal Act" means the Electoral Act 1997.

Amendment of section 2 of Principal Act

180. Section 2(1) of the Principal Act is amended by the substitution of the following definition for the definition of "property":

" 'property', other than in Part IX, means real and personal property;".

Amendment of section 3 of Principal Act

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

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

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

Amendment of section 4 of Principal Act

182. Section 4 of the Principal Act is amended, in subsection (3), by the substitution of the following paragraph for paragraph (c)—

"(c) Where, following consideration of any comments which the person to whom a notification issues under paragraph (a), or where such person fails to make any such comments, the Standards in Public Offices Commission continues to be of the opinion that there may have been a contravention of a provision of Part IV, V or VI or regulations made under section 72, it shall consider—

(i) whether, in the opinion of the Standards in Public Office Commission, there is evidence sufficient to justify the bringing of proceedings in relation to an offence for a contravention of the provisions of Part IV, V or VI or regulations made under section 72, or

(ii) where there is not sufficient evidence, whether to direct the carrying out of an investigation by an authorised officer under section 4B(1).".

Powers of investigation

183. The Principal Act is amended by the insertion of the following section after section 4A:

"4B. (1) Notwithstanding subsections (3), (4), (4A), (4B) and (4C) of section 4, where the Standards in Public Office Commission reasonably believes that a person may have committed or may be committing a contravention of Parts IV, V, VI or IX, the Standards in Public Office Commission may direct the carrying out of an investigation by an authorised officer under this section.

(2) The Standards in Public Office Commission may appoint such and so many persons as it may determine (each of whom is referred

to in this section as an 'authorised officer') to carry out investigations under this section.

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

(4) An authorised officer may, for the purposes of carrying out an investigation under this section—

(a) require any person to provide any information or explanation which the authorised officer may reasonably require for the purposes of the investigation,

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

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

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

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

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

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

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

(a) with the consent of the occupier, or

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

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

the premises using reasonable force where necessary, and exercise all or any of the powers conferred on an authorised officer.

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

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

(9) As soon as reasonably practicable after the conclusion of an investigation under this section the authorised officer by whom the investigation was carried out shall give to the Standards in Public Office Commission a copy of a report stating the findings of the investigation and the authorised officer's conclusions on the findings together with his or her reasons for making them and the Commission shall consider the authorised officer's report and, if it is satisfied that a contravention is taking or has taken place, may bring summary proceedings in respect of an offence under Parts IV, V, VI or IX.

(10) A statement or admission made by a person pursuant to a requirement under subsection (4) shall not be admissible in evidence in proceedings brought against that person for an offence (other than for an offence under sections 25(1)(d), 25(1A)(b), 25(1B)(a), 25(1C), 25(1D), 25(1E)(b), 25(1F), 43(2)(d), 43(3)(c), 61(2)(d), 61(2)(g), 61(2A), 61(2B)(b), 61(3)(c) and 92(1)(d)).

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

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

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

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

Amendment of section 22 of Principal Act

184. Section 22 of the Principal Act is amended—

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

(b) in paragraph (a) of subsection (2), by the substitution of "given within or outside the State for political purposes by any person (including a subsidiary organisation that has an office outside the State)" for "given for political purposes by any person",

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

(i) by the insertion of the following definition:

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

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

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

"(e) An Post,

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

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

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

(i) in clause (I) of subparagraph (iii), by the substitution of "the individual's profession and provided that the individual is not, directly or indirectly, paid by any other person for that service or to facilitate the provision of the service" for "the individual's profession",

(ii) in clause (II) of subparagraph (iii), by the substitution of "political party (other than an individual in the employment of a subsidiary organisation of that party that has an office outside the State)" for "political party",

(iii) in subparagraph (vi), by the deletion of "candidate authenticated by the political party at a Dáil or European election,",

(iv) in subparagraph (vii), by the substitution of "or funds provided to such candidate by the political party in relation to those expenses," for "other than a donation of money;",

(v) by the insertion of the following subparagraphs after subparagraph (vii):

"(viii) election expenses incurred by a political party on behalf of a candidate authenticated by the political party at a Dáil or European election or funds provided to such candidate by the political party in relation to those expenses, or

(ix) any payment, contribution or supply of goods or services (without payment or other consideration or at less than the commercial price) given outside the State by a person to a political party and accepted by that political party in accordance with the laws of the state in which it is accepted and, where it is a monetary payment or contribution, is kept or retained in a separate designated fund;".

Amendment of section 23A of Principal Act

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

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

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

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

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

Party leader's statement

186. The Principal Act is amended by the insertion of the following section after section 24A:

"24B. (1) Not later than 31 March in every year, the leader of each political party, which, in the preceding year, had members in either House of the Oireachtas or, as the case may be, in the European Parliament, shall furnish to the Standards in Public Office Commission a written statement, in the form directed by the Commission, in respect of the preceding year, indicating the value of each donation received by the political party from outside the State (if any), whether in cash or in kind, exceeding €100 in value and confirming that each such donation (including all contributions) has been included in the written statement for that year.

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

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

Amendment of section 25 of Principal Act

187. Section 25 of the Principal Act is amended—

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

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

(1G) A person who—

(a) fails to notify the Standards in Public Office Commission of the receipt of a donation the acceptance of which is prohibited by section 23, 23A or 23AA,

(b) (i) fails to remit to the Standards in Public Office Commission a donation the acceptance of which is prohibited by section 23 or 23A(2), or in the case of a donation referred to in section 23A(1) or 23AA(1) which is a monetary donation, the part of it exceeding the limit concerned or the value thereof, to the Commission, or

(ii) fails to return to the donor the donation referred to in section 23A(1) or 23AA(1) or that part of the donation exceeding the limit,

(c) fails to furnish the statement of an institution, certificate or statutory declaration referred to in section 23B or furnish the donation statement or make the statutory declaration referred to in section 24(3) to the Standards in Public Office Commission,

(d) fails to furnish the statement referred to in section 24(1A) or make the statutory declaration referred to in section 24(3) to the Standards in Public Office Commission, or

(e) (i) fails to notify the Standards in Public Office Commission of the receipt of a donation the acceptance of which is prohibited by section 24A(2), or

(ii) fails to remit a donation the acceptance of which is prohibited by section 24A(2), or its value, to the Commission,

shall be guilty of an offence.",

(b) in paragraph (b) of subsection (2), by the substitution of "(1D), (1E)(b) or (1G)" for "(1D) or (1E)(b)", and

(c) by the substitution of the following subsection for subsection (3):

"(3) Summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.".

Amendment of section 31 of Principal Act

188. Section 31 of the Principal Act is amended, in paragraph (a) of subsection (1), by the substitution of "In this Part and in section 22 'election expenses' means" for "In this Part 'election expenses' means".

Amendment of section 43 of Principal Act

189. Section 43 of the Principal Act is amended—

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

"(e) fails otherwise to comply with the provisions of section 36, or

(f) fails to furnish to the Standards in Public Office Commission the statement of election expenses or the statutory declaration referred to in section 36.",

(b) in subsection (3), by the substitution of the following paragraphs for paragraph (d):

"(d) fails otherwise to comply with the provisions of section 36, or

(e) fails to furnish to the Standards in Public Office Commission the statement of election expenses or the statutory declaration referred to in section 36.",

(c) in paragraph (b) of subsection (5), by the substitution of "subsection (2)(a), (2)(d), (2)(f), (3)(c) or (3)(e)" for "subsection (2)(d) or (3)(c)", and

(d) by the substitution of the following subsection for subsection (7):

"(7) Summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.".

Amendment of section 46 of Principal Act

190. Section 46 of the Principal Act is amended—

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

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

and

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

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

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

"(e) An Post,

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

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

Amendment of section 48A of Principal Act

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

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

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

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

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

Amendment of section 61 of Principal Act

192. Section 61 of the Principal Act is amended—

(a) by the insertion of the following subsection after subsection (2B):

"(2C) A person who—

(a) fails to furnish the statement of election expenses or the statutory declaration referred to in section 56 to the Standards in Public Office Commission,

(b) fails to furnish the presidential election donation statement or make the statutory declaration referred to in section 48 or the statement of an institution, certificate or statutory declaration referred to in section 48B to the Standards in Public Office Commission,

(c) fails to notify the Standards in Public Office Commission of the receipt of a donation the acceptance of which is prohibited by section 47, 48A or 48AA,

(d) (i) fails to remit to the Standards in Public Office Commission a donation the acceptance of which is prohibited by section 47 or 48A(2), or in the case of a donation referred to in section 48A(1) or 48AA(1) which is a monetary donation, the part of it exceeding the limit concerned or the value thereof, to the Commission, or

(ii) fails to return to the donor the donation referred to in section 48A(1) or 48AA(1) or that part of the donation exceeding the limit,

shall be guilty of an offence.",

(b) in subsection (3), by the substitution of the following paragraphs for paragraph (d):

"(d) fails otherwise to comply with the provisions of section 56,

(e) fails to furnish the statement of election expenses or the statutory declaration referred to in section 56 to the Standards in Public Office Commission.",

(c) in paragraph (b) of subsection (5), by the substitution of "subsection (2)(a), (2)(d), (2)(g), (2A), (2B)(b), (2C), (3)(c) or (3)(e)" for "subsection (2)(d) or (g), subsection (2A), (2B)(b) or subsection (3)(c)", and

(d) by the substitution of the following subsection for subsection (7):

"(7) Summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.".

Fixed payment notices

193. The Principal Act is amended by the insertion of the following section:

"82A. (1) Where a person commits an offence under a relevant provision, the Standards in Public Office Commission may serve a notice (in this section referred to as a 'fixed payment notice') on the person.

(2) The fixed payment notice shall—

(a) be in a form directed by the Minister,

(b) state that the person is alleged to have committed an offence under the relevant provision concerned,

(c) state that the person is not obliged to pay the fixed payment,

(d) state that, if the fixed payment is paid to the Commission by the date specified in it, a prosecution in respect of the offence under the relevant provision concerned will not be initiated, and

(e) contain details of how the fixed payment is to be paid.

(3) The fixed payment notice may be served on the person:

(a) by sending it to the person by electronic means to an email address, fax number or other electronic contact point used by

the person for receiving emails, faxes or other electronic messages and a record that the email, fax or other electronic message has been sent to the person is made for the sender by the email system, fax machine or other electronic system used;

(b) by delivering it to the person;

(c) by sending it by post in a prepaid registered letter or by any other form of recorded delivery service to—

(i) in the case of an individual, the address at which the individual ordinarily resides or any other address provided by the individual for the purposes of this section,

(ii) in the case of a company, its registered office, or

(iii) in the case of any other body corporate or unincorporated body, its principal office or place of business.

(4) The fixed payment is €200.

(5) No prosecution in respect of the offence under the relevant provision shall be initiated against the person—

(a) until after the date specified in the fixed payment notice as that by which the fixed payment is to be paid, or

(b) at all, if the fixed payment is paid to the Standards in Public Office Commission before that date.

(6) The amount of any fixed payment received by the Standards in Public Office Commission under this section shall be paid into or disposed of for the benefit of the Exchequer as the Minister for Finance directs.

(7) In this section, 'relevant provision' means section 25(1)(c), 25(1A)(a), 43(2)(c) (insofar as it relates to section 36(1)(a)), 43(3)(b), 61(2)(c), 61(2)(f), 61(3)(b) or 92(1)(c).".

Amendment of section 83 of Principal Act

194. Section 83 of the Principal Act is amended—

(a) by the insertion of the following definitions:

" 'FRS 102' means the accounting standard entitled 'The Financial Reporting Standard applicable in the UK and Republic of Ireland', issued by the Financial Reporting Council Limited (being a body prescribed under the Companies Act 2014 (Accounting Standards) (Prescribed Body) Regulations 2018 (S.I. No. 84 of 2018));

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

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

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

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

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

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

(a) forms part of such political party,

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

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

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

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

Amendment of section 84 of Principal Act

195. Section 84 of the Principal Act is amended—

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

(b) in subsection (2)—

(i) in paragraph (a)—

(I) by the insertion of ", and of each of its subsidiary organisations," after "party", and

(II) by the substitution of "time," for "time, and",

and

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

"(b) be furnished by each subsidiary organisation to the appropriate officer within the period of 3 months from the end of the financial year to which the relevant books of accounts relate, and

(c) enable the appropriate officer to ensure that the annual statement of accounts complies with the guidelines.".

Amendment of section 85 of Principal Act

196. Section 85 of the Principal Act is amended—

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

"(1) Subject to section 91(1), the appropriate officer shall prepare a statement of accounts for the political party concerned and itssubsidiary organisations (in this Part referred to as the 'annual statement of accounts') in respect of each financial year.",

and

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

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

(ii) include a breakdown of the aggregate amount of donations received by the political party and each of its subsidiary organisations as provided for in guidelines, and

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

and".

Amendment of section 86 of Principal Act

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

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

Amendment of section 88 of Principal Act

198. Section 88 of the Principal Act is amended—

(a) in subsection (3)—

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

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

(iii) by the insertion of "and on the outcome of any prosecution that may have been instigated under section 92" after "in its possession)",

(b) in subsection (4), by the insertion of "(including any requirements under FRS 102)" after "guidelines", and

(c) in paragraph (b) of subsection (6), by the insertion of "and on the outcome of any prosecution that may have been instigated under section 92" after "non-compliance".

Amendment of Principal Act - insertion of sections 91 and 92

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

"Subsidiary organisations

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

(a) an income of €15,000 or less in a calendar year, or

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

sections 85(1), 86(1) and 87(1) shall not apply and the appropriate officer of the political party shall not be required to prepare an annual statement of accounts for that subsidiary organisation.

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

(a) has an income greater than €15,000 but less than €40,000 in a calendar year,

(b) holds cash or similar assets, land or buildings valued at greater than €40,000 but less than €100,000 in value at any time during a calendar year, or

(c) has expenditure of €40,000 or less in that calendar year,

sections 86(1) and 87(1)(b) shall not apply and the annual statement of accounts for that subsidiary organisation shall not be required to be audited by a statutory auditor.

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

(a) has income greater than €40,000 in a calendar year,

(b) holds cash or similar assets, land or buildings greater than €100,000 in value, or

(c) has expenditure greater than €40,000 in that calendar year,

the requirements of sections 85(1), 86(1) and 87(1) shall apply to that subsidiary organisation and the appropriate officer of the political party shall be required to prepare an annual statement of accounts for that subsidiary organisation and those annual statements of accounts shall be audited by a statutory auditor.

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

Offences and penalties

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

(a) fails to keep, or cause to be kept, all proper and usual books of accounts under section 84,

(b) fails to prepare an annual statement of accounts in respect of each financial year under section 85,

(c) fails to furnish an annual statement of accounts and a copy of the auditor's report no later than the end of the period provided for in section 87,

(d) fails to furnish an annual statement of accounts and a copy of the auditor's report to the Standards in Public Office Commission, or

(e) knowingly furnishes a statement of accounts to the Standards in Public Office Commission which is false or misleading in any material respect.

(2) It shall be a defence to proceedings for an offence under this section for the person charged with the offence to show that he or she took all reasonable steps to avoid the commission of the offence.

(3) Where a person is guilty of an offence under this section—

(a) the person shall be liable on summary conviction to a class D fine,

(b) the person shall be liable, where the offence is an offence referred to in paragraphs (b), (d) or (e) of subsection (1), on conviction on indictment to a fine not exceeding €25,000 to imprisonment for a period not exceeding 3 years or to both, and

(c) where the conviction relates to a failure to furnish an annual statement of accounts and a copy of the auditor's report referred to in section 87, the person shall be guilty of a further offence on every day on which the failure continues after such conviction and for each such offence the person shall be liable, on summary conviction, to a fine not exceeding €100.

(4) Summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission. ".

PART 8

Polling on Islands

Amendment of Act of 1992

200. The Act of 1992 is amended—

(a) in section 86—

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

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

(I) "sudden onset of" before "stress of weather", and

(II) "unforeseen" before "transport difficulties",

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

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

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

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

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

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

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

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.",

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

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

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

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

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

Amendment of Act of 1993

201. The Act of 1993 is amended—

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

(b) in section 7—

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

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

"(2) Notwithstanding subsection (1)(b), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the local returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island for the period referred to in subsection (1)(b), the Minister may

by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

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

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

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

(6) In subsection (2), 'local circumstances' includes:

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

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

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.",

and

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

Amendment of Act of 1994

202. The Act of 1994 is amended—

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

(b) in section 13—

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

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

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

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

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

order under subsection (2) during which, the poll shall be taken on the island.

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

(6) In subsection (2), 'local circumstances' includes:

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

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

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.",

and

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

Amendment of Local Elections Regulations 1995

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

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

(b) in sub-article (3)—

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

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

(I) "sudden onset of" before "stress of weather", and

(II) "unforeseen" before "transport difficulties",

and

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

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

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

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

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

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

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

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

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

Amendment of Act of 2001

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

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

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

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

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

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

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.".

Amendment of Act of 1997

205. The Act of 1997 is amended—

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

"(1A) Notwithstanding subsection (1)(b), where the Minister is of the opinion that due to local circumstances concerning an island, and taking account of advice from the returning officer for the constituency in which the island is situated, it would be unnecessary or impracticable for the poll to continue on the island

for the period appointed by the Minister by order under subsection (1)(b), the Minister may by order, not later than the seventh day before polling day, shorten the period of the poll on the island.

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

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

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

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

(c) advance forecasts of stress of weather;

(d) foreseen transport difficulties.",

and

(b) in the Second Schedule—

(i) in rule 48—

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

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

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

(A) "sudden onset of" before "stress of weather", and

(B) "unforeseen" before "transport difficulties",

and

(IV) by the deletion of paragraph (4),

(ii) in rule 49—

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

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

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

and

(iii) in rule 75—

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

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

with subparagraphs (a), (c) and (d) in respect of the other ballot boxes,",

and

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

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

PART 9

Lottery fundraising by political parties

Fundraising by political parties

206. (1) A political party may apply to the District Court for a licence (in this section referred to as a "lottery licence") to promote periodical lotteries.

(2) An application under *subsection (1)* shall—

(a) be accompanied by a fee of €150, and

(b) be made to the District Court not less than 60 days before the first day on which it is intended to promote the lottery to which the application relates.

(3) When considering an application for a lottery licence, a District Court judge shall have regard to the purpose of the lottery concerned.

(4) The superintendent of the Garda Síochána for the district in which the lottery is to be held and any other person who appears to the court to be interested may appear and adduce evidence in relation to the application.

(5) Subject to *subsection (10)*, the District Court shall either grant the application and issue the lottery licence or refuse the application.

(6) A lottery licence issued under *subsection (5)* shall continue in force for such period, not exceeding 12 months, as may be specified in the licence.

(7) An application under *subsection (1)* shall be made to a judge of the District Court assigned to the District Court district in which it is proposed to promote the lottery.

(8) A political party to which a lottery licence has been issued under *subsection (5)* shall not transfer that licence to any other person and any such purported transfer shall be void and of no effect.

(9) A political party to which a lottery licence has been issued under *subsection (5)* shall not accept a stake from a person under the age of 18 years in relation to the lottery.

(10) A lottery licence shall be issued subject to the following conditions:

(a) the value of each prize and the name of the intended beneficiary of the lottery shall be stated on every ticket or coupon or, where the lottery

is conducted in a premises, prominently displayed at the normal means of access to the premises proposed to be used;

(b) the total value of the prizes shall—

(i) if more than one lottery is held in any week, be not more than €30,000, or

(ii) if one lottery is held in any year, be not more than €360,000.

(11) A political party to which a lottery licence has been issued under *subsection (5)* shall comply with the conditions of the lottery licence.

(12) The District Court clerk for the District Court district in which the application under *subsection (1)* was made shall keep a register of all lottery licences issued under *subsection (5)*.

(13) Every register maintained under *subsection (12)* may be maintained electronically and shall be available for inspection at all reasonable times by members of the public.

(14) (a) A political party which contravenes *subsection (9)* or *(11)* shall be guilty of an offence.

(b) Where a political party is charged with an offence under *subsection (9)*, it shall be a good defence to such charge to prove that the political party took reasonable steps to verify the age of the person in respect of whom such offence is alleged to have been committed.

(15) In this Part, "lottery" includes all competitions for money or money's worth involving guesses or estimates of future events or of past events the results of which are not yet ascertained or not yet generally known.

Offences and penalties

207. (1) A political party guilty of an offence under *section 206(9)* shall be liable on summary conviction to a class E fine.

(2) A political party guilty of an offence under *section 206(11)* shall be liable—

(a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €50,000.

(3) Where an offence under this Part is committed by a political party or by a person purporting to act on behalf of a political party, and is proved to have been committed with the consent or connivance, or to be attributable to any wilful neglect, of a person who, when the offence is committed, is—

(a) a director, manager, secretary or other officer of the political party, or a person purporting to act in that capacity, or

(b) a member of the executive committee or other controlling body of the political party, or a person purporting to act in that capacity,

that person is taken to have also committed the offence and may be proceeded against and punished accordingly.

Number 30 *of* 2022

ELECTORAL REFORM ACT 2022

REVISED

Updated to 10 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

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 this 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), in so far as it relates to functions of the 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)
- *Local Government Reform Act 2014* (1/2014), s. 1(6), s. 5(4) and sch. 2 part 2, sch. 4 paras. 17, 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)
- *Electoral (Amendment) Act 2016* (5/2016)
- *Electoral (Amendment) (Dáil Constituencies) Act 2017* (39/2017)
- *Companies (Statutory Audits) Act 2018* (22/2018), ss. 71, 73

- *European Parliament Elections (Amendment) Act 2019* (7/2019), s. 8
- *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(2)). The Acts in this group are:

- *Electoral Act 1992* (23/1992), Parts II (ss. 6-24), III (ss. 25, 26), IV (ss. 27-29), XXIII (ss. 161-174) 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), insofar as it relates to European elections and the European Parliament Elections Acts, 1992 to 1997
- *Local Elections (Disclosure of Donations and Expenditure) Act 1999* (7/1999), s. 1(4) and so much of ss. 2 and 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
- *European Parliament Elections (Amendment) Act 2004* (2/2004)
- *Electoral (Amendment) Act 2004* (15/2004), in so far as it relates to European Parliament elections
- *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), in so far as it relates to European Parliament elections
- *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

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 this group are:

- *Electoral Act 1992* (23/1992), Parts II (ss. 6-24), XXIII (ss. 161-174), insofar as they relate to referendums
- *Referendum Act 1994* (12/1994)
- *Referendum Act 1998* (1/1998) *(Repealed)*
- *Electoral (Amendment) Act 2001* (48/2001), in so far as it relates to referendums
- *Referendum Act 2001* (53/2001)
- *Electoral (Amendment) Act 2004* (15/2004), in so far as it relates to referendums
- *Electoral (Amendment) Act 2006* (33/2006), in so far as it relates to referendums
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), in so far as it relates to referendums
- *Electoral Reform Act 2022* (30/2022), ss. 31-40, 117, 174

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024)
- *Online Safety and Media Regulation Act 2022* (41/2022)

All Acts up to and including *Housing Finance Agency (Amendment) Act 2025* (11/2025), enacted 28 October 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025)
- *Electoral Reform Act 2022 (Commencement) Order 2024* (S.I. No. 593 of 2024)
- *Electoral Reform (Transfer of Departmental Administration and Ministerial Functions) Order 2024* (S.I. No. 28 of 2024)
- *Electoral Reform Act 2022 (Commencement) Order 2023* (S.I. No. 32 of 2023)
- *Electoral Reform Act 2022 (Establishment Day) Order 2023* (S.I. No. 31 of 2023)
- *Electoral Reform Act 2022 (Commencement) (No. 2) Order 2022* (S.I. No. 722 of 2022)
- *Electoral Reform Act 2022 (Commencement) Order 2022* (S.I. No. 512 of 2022)

All statutory instruments up to and including *European Union (Political Advertising) Regulations 2025* (S.I. No. 474 of 2025), made 9 October 2025, were considered in the preparation of this revision.