



Number 14 of 2007

ELECTORAL (AMENDMENT) ACT 2007

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Electoral Act 1992.
 2. Amendment of Electoral Act 1997.
 3. Short title, collective citation and construction.
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[No. 14.] *Electoral (Amendment) Act 2007.* [2007.]

ACTS REFERRED TO

Electoral Act 1992	1992, No. 23
Electoral Act 1997	1997, No. 25
Electoral Acts 1992 to 2006	
Statutory Declarations Act 1938	1938, No. 37
Succession Act 1965	1965, No. 27



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ELECTORAL (AMENDMENT) ACT 2007

AN ACT TO AMEND THE ELECTORAL ACT 1992 AND THE
ELECTORAL ACT 1997 AND TO PROVIDE FOR
RELATED MATTERS.

[10th April, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Electoral Act 1992 is amended—

Amendment of
Electoral Act 1992.

(a) by substituting for sections 44 to 52 the following:

“Notice of
election.

44.—The returning officer shall, within 2 days (disregarding any excluded day) after the day on which he receives the writ, give public notice in the form directed by the Minister (in this Act referred to as the ‘notice of election’) stating—

- (a) the times for receiving nominations,
- (b) the requirement on candidates referred to in section 46(5) to secure 30 assents or make a deposit in accordance with this Part,
- (c) the times and place at which nomination papers may be obtained,
- (d) the times and place at which he will attend to receive nominations, and
- (e) the day and the period fixed for the holding of the poll if the election is contested.

Necessity for
nomination.

45.—A person shall not be entitled to have his name inserted in a ballot paper as a candidate at a Dáil election unless he has been nominated in the manner provided by this Act and his nomination paper has been ruled as valid by the returning officer.

Nomination of candidates. 46.—(1) At a Dáil election a person may nominate himself as a candidate or may, with his consent, be nominated by another person (being a person registered as a Dáil elector in the constituency for which he proposes to nominate the candidate) as proposer.

(2) Each candidate shall be nominated by a separate nomination paper in the form prescribed by regulations made by the Minister. The form of nomination paper may include—

- (a) a note of the qualifications, disqualifications and incapacities as regards election to and membership of the Dáil,
- (b) a note of the provisions that apply under this Part to the nomination of a candidate referred to in subsection (5), including—
 - (i) the procedure for assenting under subsections (5)(a) and (6),
 - (ii) the making of a deposit under section 47, and
 - (iii) the fact a candidate referred to in subsection (5) may either follow the foregoing procedure for assenting or make a deposit under section 47,

and

- (c) a form of declaration, to be signed by the candidate or his proposer, that he has read the note referred to in paragraph (a) and believes the candidate to be eligible for election and that the candidate has consented to the nomination.

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

(4) A candidate may include in his nomination paper the name of the political party registered in the Register of Political Parties as a party organised to contest a Dáil election of which he is a candidate, provided that, at the time the nomination paper is delivered to the returning officer, a certificate in the form directed by the

Minister (in this Act referred to as a ‘certificate of political affiliation’) authenticating the candidature is produced to the returning officer, being a certificate signed by the officer or officers of such party whose name or names appear in the said Register pursuant to section 25(7)(d). Where such a certificate is produced, the returning officer, provided he is satisfied that it is appropriate to do so in relation to the candidate, shall cause—

- (a) a statement of the name of the relevant political party and a copy of the political party’s emblem as registered in the Register of Political Parties to be specified in relation to the candidate on all the ballot papers, and
- (b) a statement of the name of the relevant political party to be specified in relation to the candidate on notices.

(5) In the case of a candidate whose candidature is not authenticated by a certificate of political affiliation under subsection (4), one or other of the following paragraphs shall, before the expiration of the time appointed by this Act for receiving nominations, be complied with:

- (a) the candidate’s nomination shall have been assented to by 30 persons (excluding the candidate and any proposer) who are registered as Dáil electors in the constituency (each of whom in this Part is referred to as an ‘assentor’);
- (b) the candidate, or someone on his behalf, shall have made a deposit in accordance with section 47.

(6) The following provisions apply in respect of the assents required by subsection (5)(a) to the nomination of a candidate referred to in that subsection:

- (a) to assent to the nomination, an assentor shall make a statutory declaration in the prescribed form stating the following:
 - (i) his number (including polling district letters) on the register of Dáil electors in force on the date of the