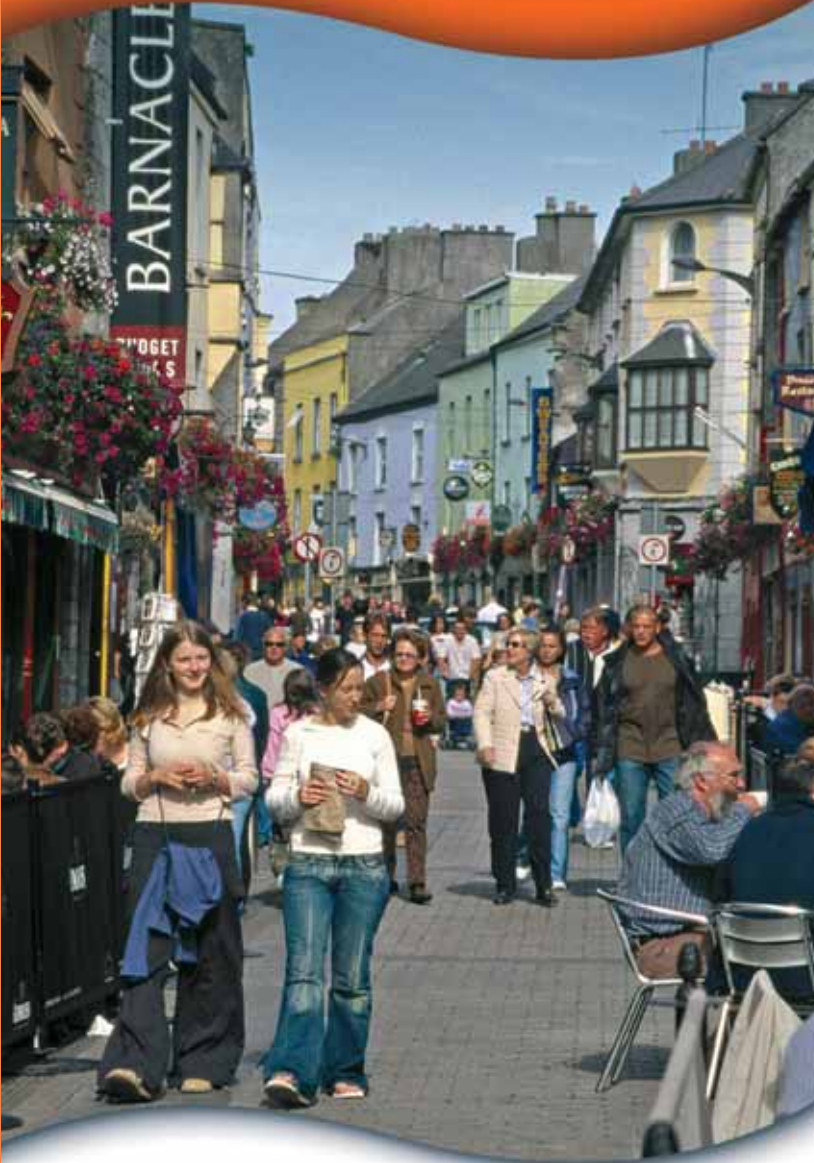


How Members of Local Authorities are Elected

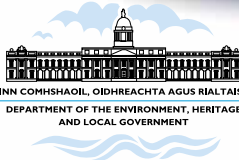
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AND LOCAL GOVERNMENT

How Members of Local Authorities are Elected

1

STRUCTURE AND MEMBERSHIP OF LOCAL AUTHORITIES

There are 114 local authorities in Ireland with 1,627 elected members as follows:

Category of Authority	Number of Authorities	Total Number of Members
County Councils	29	753
City Councils	5	130
Borough Councils	5	60
Town Councils	75	684
Totals	114	1,627

County Councils are responsible for local government in the 29 administrative counties (there are 26 geographical counties but the county of Tipperary and the county of Dublin are divided into two and three administrative counties respectively).

City Councils are responsible for local government in the cities of Dublin, Cork, Galway, Limerick and Waterford.

Borough Councils have certain local government functions in the larger towns.

Town Councils have limited functions in 75 towns throughout the country.

2

ELIGIBILITY FOR ELECTION

Every person who is a citizen of Ireland or ordinarily resident in the State and has reached the age of 18 years and is not subject to any of the following disqualifications is eligible for election or co-option to and membership of a local authority:

Disqualifications

- a member of the Commission of the European Communities;
- a representative in the European Parliament;
- a Judge, Advocate General or Registrar of the Court of Justice of the European Communities;
- a member of the Court of Auditors of the European Communities;
- a Minister of the Government or a Minister of State; the chairman of Dáil Éireann (An Ceann Comhairle); the chairman of Seanad Éireann;
- a Judge or the Comptroller and Auditor General appointed under the Constitution;
- a member of the Garda Síochána or a wholetime member of the Defence Forces;
- a civil servant who is not by terms of employment expressly permitted to be a member of a local authority;
- a person undergoing a sentence of imprisonment for any term exceeding six months imposed by a court of competent jurisdiction in the State;
- a person who fails to pay any portion of any sum charged or surcharged by an auditor of the accounts of any local authority upon or against that person;
- a person who fails to comply with a final judgement, order or decree of a court of competent

jurisdiction for payment of money due to a local authority;

- a person who is convicted of, or has had a conviction confirmed on appeal for, an offence relating to any of the following –
- (i) fraudulent or dishonest dealings affecting a local authority,
- (ii) corrupt practice,
- (iii) acting when disqualified.

3

WHO CAN VOTE AT A LOCAL ELECTION?

There are over 3 million local government electors. Generally, every person over 18 years of age is entitled to be registered as a local government elector for the electoral area where the person ordinarily resides. Citizenship is not a requirement for voting at a local election. Persons who live in urban areas administered by borough councils and town councils are entitled to vote at elections for both the county council and the borough or town council concerned.

4

REGISTER OF ELECTORS

A register of electors is compiled each year by county and city councils. Everybody on the register is entitled to vote at a local election. Persons identified by the letter "L" opposite their names can only vote at a local election. A draft of the register is published on 1 November each year and is displayed for public inspection in post offices, libraries and other public buildings. A person can lodge a claim for correction in the draft register up to 25 November. Claims are adjudicated on by the county registrar, whose decision may be appealed to the Circuit Court. The register of electors comes into force on 15 February. Persons who are not on the register can make "late" applications for inclusion in a supplement which is published prior to polling day at an election. An application may be made at any time but in order to be considered for the supplement to be published at an election, the application must be received by the county/city council at least 15 working days before polling day.

5

VOTING ARRANGEMENTS

Generally, electors vote in person at their local polling station.

Postal voting is available to members of the Garda Síochána, Defence Forces and civil servants (and their spouses) attached to Irish missions abroad, as well as to electors living at home who are unable to vote at a polling station due to a physical illness or disability or employment including third level students. A person employed by a returning officer on polling day in a local electoral area other than where they are registered to vote may apply for entry on the supplement to the postal voters list.

A form of postal voting is also available to electors whose occupations are likely to prevent them from voting at their local polling station (including full-time students registered at home who are living elsewhere while attending an educational institution in the State). Under this arrangement, a ballot paper is posted to the elector at home who must arrange to have their declaration of identity witnessed by a Garda before marking the ballot paper and returning it by post to the returning officer.

Special voting is available to electors living in a hospital, nursing home or similar institution who are unable to vote at a polling station due to a physical illness or disability. The ballot paper is brought to them in the hospital etc. and they vote in the presence of a special

presiding officer accompanied by a Garda.

Electors with physical disabilities who have difficulty in gaining access to their local polling station may be authorised to vote at a more accessible station in the constituency.

6

WHEN ARE LOCAL ELECTIONS HELD?

Local elections are generally held every five years in the month of June. The actual polling day, which is the same in all areas, is fixed by order of the Minister for the Environment, Heritage and Local Government. The Minister also fixes the polling period which must last at least twelve hours between 7.00 a.m. and 10.30 p.m. However, in the event of weather or transport difficulties, polling on islands may take place in advance of polling day and the polling period may be reduced to four hours.

7

HOW IS THE ELECTION ORGANISED?

The responsibility for conducting the election to each local authority rests with the local authority returning officer. The cost of running the election is met by the local authority.

The 38 larger local authorities are divided into two or more local electoral areas and an election is held in respect of each local electoral area for the number of council members assigned to that area. In total, elections are held in respect of 268 areas.

8

NOMINATION OF CANDIDATES

The period (a week) for nominating candidates to stand at local election occurs four weeks before polling day. A person may nominate themselves or may be nominated by a local government elector registered in the area concerned. A person can be nominated to stand in more than one area. A nomination form from a candidate of a registered political party must have a certificate of political affiliation attached. If no certificate is attached, the form must be assented to by 15 persons (excluding the candidate and any proposer) registered in the local electoral area concerned. A candidate may include party affiliation on the nomination paper. If the candidate has no party affiliation, the person may be described as "Non-Party" or may leave the appropriate space blank.

The candidate or proposer is responsible for ensuring that the completed nomination paper is delivered to the returning officer before the closing time for receipt of nominations at the election.

The returning officer must rule on the validity of a nomination paper within one hour of its presentation and may rule that it is invalid if:

- in the case of a nomination paper of a candidate who is not a member of a political party, the nomination is not assented to in the manner required and
- the nomination paper of any candidate is not properly made out or signed. The returning officer is required to object to the description of a candidate which is, in the officer's opinion, incorrect, insufficient to identify the candidate or unnecessarily long. The candidate or the returning officer may amend the particulars shown on the nomination paper.

9

THE POLL

The local authority may decide whether or not to issue polling information cards to each elector. This card indicates the date of poll, the elector's number on the register and the polling station at which the elector may vote. The returning officer also sends a ballot paper by post to each postal voter and arranges to have ballot papers brought to electors with physical disabilities registered on the special voters list.

Polling places are appointed by county/city councils. The returning officer provides polling stations at each polling place. Usually schools or other public buildings are used. Each polling station is supervised on polling day by a presiding officer assisted by a polling clerk. A candidate may be represented at a polling station by an agent who assists in the prevention of electoral offences.

10

VOTING

The polls at contested local elections are conducted using the PR-STV system (proportional representation by means of the single transferable vote).

On polling day, the elector applies for a ballot paper in the polling station by stating his or her name and address. The elector may be required to produce evidence of identity and, if they fail to do so, will not be permitted to vote.

The following documents are acceptable for identification purposes:

- | | |
|--|--|
| (i) a passport; | (ii) a driving licence; |
| (iii) an employee identity card containing a photograph; | (iv) a student identity card issued by an educational institution and containing a photograph; |
| (v) a travel document containing name and photograph; | (vi) a Bank or Savings or Credit Union book containing address in constituency; |
| (vii) a Temporary Residence Certificate card; | (viii) a Garda National Immigration Bureau card; |
| (ix) a cheque book; | (x) a cheque card; |
| (xi) a credit card; | (xii) a birth certificate; |
| (xiii) a marriage certificate. | |

Items (ix) to (xiii) must be accompanied by a further document which establishes the address of the holder in the constituency.

Items (vii) and (viii) are identity documents acceptable for local elections only.

Where the presiding officer is satisfied as to the elector's identity, a ballot paper is stamped with an official mark and handed to the elector.

The elector votes in secret in a voting compartment. The names of the candidates appear in alphabetical order on the ballot paper, together with their photograph, political affiliation and party emblem, if any. The voter indicates the order of their choice by writing 1 opposite the

name of their first choice, 2 opposite the name of their second choice, 3 opposite the name of their third choice and so on. In this way the voter instructs the returning officer to transfer the vote to the second choice candidate if the first choice is either elected or eliminated. If the same situation applies to the second choice, the vote may be transferred to the third choice and so on. The voter folds the ballot paper to conceal how it has been marked and places it in a sealed ballot box. A person may only vote once at the election.

Persons with a visual impairment, physical disability or a person with literacy difficulties may be assisted by the presiding officer or by a companion.

The presiding officer may order the arrest of any person suspected of committing an electoral offence.



THE COUNT

Counting arrangements:

All ballot boxes are taken to a central counting place for each local authority. Agents of the candidates are permitted to attend at the counting place to oversee the counting process. Before the counting of votes begins, the envelopes containing the postal and special voters' ballot papers are opened in the presence of the agents of the candidates and the ballot papers are associated with the other ballot papers for the local authority.

The count commences at 9 a.m. on the day after polling day. Each ballot box is opened and the number of ballot papers checked against a return furnished by each presiding officer. They are then thoroughly mixed and sorted according to the first preferences recorded for each candidate, invalid papers being rejected.

Quota:

The quota is the minimum number of votes necessary to guarantee the election of a candidate. It is ascertained by dividing the total number of valid ballot papers by one more than the number of seats to be filled and adding one to the result. Thus, if there were 40,000 valid papers and 4 seats to be filled, the quota would be 8,001, i.e. +1. It will be seen that in this example only four candidates (the number to be elected) could possibly reach the quota.

Transfer of Surplus:

At the end of the first count any candidate who has received a number of votes equal to or greater than the quota is deemed to be elected. If a candidate receives more than the quota, the surplus votes are transferred proportionately to the remaining candidates in the following way. If the candidate's votes are all first preference votes, all his or her ballot papers are sorted into separate parcels according to the next preference shown on them. A separate parcel is made of the non-transferable papers (papers on which an effective subsequent preference is not shown). If the surplus is equal to or greater than the number of transferable votes, each remaining candidate will receive all the votes from the appropriate parcel of transferable papers. If the surplus is less than the number of transferable papers each remaining candidate will receive from the appropriate parcel of transferable papers a number of votes calculated as follows:

$$\frac{\text{Surplus} \times \text{number of papers in parcel}}{\text{Total number of transferable papers}}$$

If the surplus arises out of transferred papers, only the papers in the parcel last transferred to that candidate are examined and this parcel is then treated in the same way as a surplus consisting of first preference votes. If two or more candidates exceed the quota, the larger

surplus is distributed first.

Elimination of Candidate:

If no candidate has a surplus or the surplus is insufficient to elect one of the remaining candidates or materially affect the progress of the count, the lowest of the remaining candidates is eliminated and his or her papers are transferred to remaining candidates according to the next preference indicated on them. If a ballot paper is to be transferred and the second preference shown on it is for a candidate already elected or eliminated, the vote passes to the third choice and so on.

Completion of Counting:

Counting continues until all the seats have been filled. If the number of seats left to be filled is equal to the number of candidates still in the running, those remaining candidates are declared elected without having reached the quota.

Recount:

A returning officer may recount all or any of the papers at any stage of a count. A candidate or the election agent of a candidate is entitled to ask for a recount of the papers dealt with at a particular count or to ask for one complete recount of all the parcels of ballot papers. When recounting, the order of the papers must not be disturbed. When a significant error is discovered, the papers must be counted afresh from the point at which the error occurred.



RESULTS OF THE ELECTION

When the count is completed, the returning officer declares and gives public notice of the results of the election and returns the names of the elected members to the local authority concerned.

If a candidate has been elected as a member in more than one electoral area, they must, within three days of the public notice of the results, declare in writing which area they wish to represent. Consequential vacancies are treated as casual vacancies.



COURT PETITION

Any person aged 18 or over may question the outcome of a local election by way of petition in the Circuit Court within 28 days of the declaration of the results. The election may be questioned on grounds of want of qualification, obstruction of or interference with or other hindrance to the conduct of the election, or mistake or other irregularity. The Circuit Court, at the trial of an election petition, must determine the correct result of the election and, for this purpose, may order the votes to be recounted. The Court may declare the whole or part of the election in the constituency void and, in that event, a fresh election will be held to fill the vacant seats.



CHAIRPERSON/MAYOR

Local authorities annually elect a Chairperson, Cathaoirleach or Mayor (Lord Mayor in the case of Dublin and Cork City Councils) from among their members. The Chairperson presides at all meetings of the council.



CASUAL VACANCIES

Casual vacancies arising in the membership of elected local authorities are filled by co-option by the authority concerned. The co-opted member holds the seat until the next election under the same conditions as elected councillors.



EXPENDITURE & DONATIONS

The Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended by the Electoral (Amendment) Act 2001 provides for an expenditure and donation disclosure regime at local elections.



LOCAL ELECTORAL LAW

The law governing local elections is contained mainly in the following legal provisions:

- Local Elections (Petitions and Disqualifications) Act 1974
- Electoral Act 1992
- Local Elections Regulations 1995
- Electoral (Amendment) Act 1996
- Electoral Act 1997
- Local Government Act 1998
- Local Elections (Disclosure of Donations and Expenditure) Act 1999
- Electoral (Amendment) Act 2001
- Local Government Act 2001
- Electoral (Amendment) Act 2002
- Local Government (No. 2) Act 2003
- Electoral (Amendment) Act 2004

These legal provisions may be purchased from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2. (Telephone: 01-6793515).

OTHER LEAFLETS

Other leaflets available in this series are as follows:

How the President is Elected

How the Dáil (Lower House of Parliament) is Elected

How the Seanad (Senate/Upper House of Parliament) is Elected

European Parliament: How Ireland's
Representatives are Elected

The Referendum in Ireland

The Register of Electors

Information for Voters with Disabilities

Department of the Environment, Heritage and Local Government

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