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*Number 40 of 2024*

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**Seanad Electoral (University Members) (Amendment) Act 2024**

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*Number 40 of 2024*

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## **SEANAD ELECTORAL (UNIVERSITY MEMBERS) (AMENDMENT) ACT 2024**

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An Act to regulate, for the purpose of Article 18.4.2° of the Constitution of Ireland, elections (including bye-elections as well as general elections) of those elected members of Seanad Éireann who are required by that Constitution to be elected by universities or other institutions of higher education in the State, to define the franchise on which such members are to be elected, to amend the Seanad Electoral (University Members) Act 1937, to provide for vacancies in Seanad Éireann in the Higher Education constituency to be filled from replacement candidates lists and to provide for matters incidental to or connected with such elections. [29th October, 2024]

**Be it enacted by the Oireachtas as follows:**

### **PART 1**

#### **PRELIMINARY AND GENERAL**

#### **Short title, collective construction and collective citation**

1. (1) This Act may be cited as the Seanad Electoral (University Members) (Amendment) Act 2024.
- (2) This Act and the Seanad Electoral (University Members) Act 1937 (other than Part II of that Act) shall be read together as one and may be cited as the Seanad Electoral (Higher Education Members) Acts 1937 and 2024.
- (3) This Act and the Seanad Electoral (University Members) Acts 1937 to 2015 may be cited together as the Seanad Electoral (Higher Education Members) Acts 1937 to 2024.

#### **Commencement**

2. (1) This Act, other than *Part 1*, 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.
- (2) An order under *subsection (1)* shall be laid before each House of the Oireachtas as soon as may be after it is made.

**Definitions****3.** In this Act—

“Act of 1937” means the Seanad Electoral (University Members) Act 1937;

“Advisory Committee” means the committee appointed by the Minister under *section 24*;

“central registration authority” shall be construed in accordance with *section 8*;

“chief registration officer” shall be construed in accordance with *section 10*;

“claimant” means a person who claims to be entitled to be registered as an elector in the Higher Education constituency;

“degree” means a degree (other than an honorary degree) which is at least at bachelor degree level;

“designated institution” means each of the following:

- (a) the National University of Ireland;
- (b) the University of Dublin;
- (c) a “designated institution of higher education” within the meaning of the Higher Education Authority Act 2022;

“Higher Education constituency” has the meaning given to it by *section 6*;

“identifying particulars”, in relation to a person, means all or any of the following:

- (a) the person’s name;
- (b) the person’s former or other name or names, where applicable;
- (c) the person’s date of birth;
- (d) the person’s nationality;
- (e) the address at which the person is normally resident;
- (f) the address or addresses, where applicable, at which the person formerly resided;
- (g) the person’s personal public service number, where applicable;
- (h) the date of the person’s death, where applicable;

“interim period” means the period beginning on the 21st day of March 2025 and ending on the date of the first dissolution of the Dáil after that date;

“Minister” means the Minister for Housing, Local Government and Heritage;

“the National University of Ireland” means the university by that name in Dublin, constituted and founded by charter under the Irish Universities Act 1908;

“personal public service number” has the meaning given to it by section 262 of the Social Welfare Consolidation Act 2005;

“prescribed” means prescribed by regulations under this Act;



“qualifying particulars”, in relation to a person, means all or any of the following, where applicable:

- (a) the person’s student number;
- (b) the degree received by the person;
- (c) the name of the institution that awarded the person a degree; and
- (d) the year of the award of the person’s degree;

“register of electors” has the meaning given to it by *section 9*;

“relevant designated institution”, in relation to a person who claims to be entitled to be registered as an elector in the Higher Education constituency, means the designated institution referred to in *section 7(a)*.

### Regulations

4. The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

### Expenses

5. All expenses incurred by the Minister in the execution of this Act shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

## PART 2

### CONSTITUENCY, FRANCHISE AND REGISTRATION

#### Constituency and electors

6. (1) At every Seanad general election pursuant to an order under section 12 of the Act of 1937 made after the 21st day of March 2025 and at every Seanad bye-election pursuant to an order under section 42 of the Act of 1937—
  - (a) the designated institutions shall, together, be a constituency (in this Act referred to as the “Higher Education constituency”) for the election of six members of Seanad Éireann, and
  - (b) every person who is for the time being registered as an elector in the register of electors shall be entitled to vote in the Higher Education constituency.
- (2) No person shall be entitled to vote at an election in the Higher Education constituency unless he or she is registered as an elector in the register of electors.
- (3) No person shall be entitled to vote more than once in an election in the Higher Education constituency.

- (4) Nothing in this section shall entitle any person to vote at an election in the Higher Education constituency while he or she is prohibited by law from so voting, nor shall anything in this section relieve any person from any penalties to which he or she may be liable for so voting.

### **Franchise**

7. A person shall be entitled to be registered as an elector in the register of electors if he or she—
- (a) has been awarded a degree by, or obtained a degree from, an institution that is a designated institution, or an institution that has been dissolved and the functions of which have been transferred to an institution that is a designated institution,
  - (b) is a citizen of Ireland, and
  - (c) has attained the age of eighteen years.

### **Central registration authority**

8. The governing body of the National University of Ireland shall be the central registration authority for the purposes of this Act and the Act of 1937.

### **Register of electors**

9. (1) The central registration authority shall cause a register (in this Act referred to as a register of electors) to be kept in accordance with this Act of the persons who are for the time being entitled to be registered as electors in the Higher Education constituency.
- (2) No fee shall be charged by the central registration authority or by the chief registration officer to any person in respect of the registration of that person in the register of electors.
- (3) The first register of electors shall be published and come into effect on the 1st day of April 2025 and shall be prepared so as to render such register of electors an accurate register, so far as may be practicable, of the persons who were qualified on the 23rd day of January 2025.
- (4) Every annual revision of the register of electors in accordance with the *Schedule* shall be completed before and come into effect on the 1st day of June and shall be so made as to render such register of electors an accurate register, so far as may be practicable, of the persons who were qualified on the next preceding 26th day of February to be registered in the register of electors.

### **Chief registration officer**

10. (1) There shall be a chief registration officer for the Higher Education constituency who shall be appointed and paid by the central registration authority.

- (2) The central registration authority shall notify the Minister as soon as practicable after it appoints a chief registration officer.
- (3) The register of electors shall be in such form as the chief registration officer shall, with the sanction of the Minister, direct.
- (4) It shall be the duty of the chief registration officer to prepare the register of electors and to revise it annually in accordance with this Act and the rules contained in the *Schedule*.

### **Registration officers**

11. (1) There shall be a registration officer for each designated institution who shall be appointed and paid by the governing body of the institution.
- (2) It shall be the duty of every registration officer to assist the chief registration officer in the carrying out of his or her functions under this Part and the *Schedule*.
- (3) A registration officer shall, where so requested by the chief registration officer, provide the chief registration officer with any information within his or her possession, power, or procurement that the chief registration officer requires to verify information provided to the chief registration officer to show that a person who makes a claim, or on whose behalf a claim is made, under *section 12*, is entitled to be registered in the register of electors.
- (4) No fee shall be charged by a registration officer or by the governing body of a designated institution to any person in respect of the registration of that person in the register of electors or the revision of the register.

### **Claim to be registered in first register of electors**

12. (1) Any person who claims to be entitled to be registered as an elector in the Higher Education constituency may, on or before the 23rd day of January 2025, send to the chief registration officer a claim in the prescribed form to be so registered.
- (2) Where a person referred to in *subsection (1)* so consents, the designated institution that awarded a degree to the person may send to the chief registration officer on behalf of that person, a claim, in the prescribed form to be registered as an elector in the Higher Education constituency.
- (3) A designated institution shall send all claims referred to in *subsection (2)* to the chief registration officer as soon as practicable and no later than the 23rd day of January 2025 for inclusion in the first register of electors.
- (4) The prescribed form of claim shall be such as to enable the claimant to state therein—
  - (a) such particulars (including a person's identifying particulars and qualifying particulars) as shall be requisite to show that he or she is entitled to be registered as an elector in the Higher Education constituency,
  - (b) the address at which he or she is normally resident,

- (c) if he or she so desires, another address as the address to which his or her ballot papers are to be sent, and
  - (d) if he or she so wishes, an address at which he or she may be contacted electronically.
- (5) The prescribed form of claim shall include a declaration to be made by the person filling up the form confirming that the details provided by him or her are true to the best of his or her knowledge and belief.
- (6) The prescribed form of claim shall be such as to enable the claimant, where he or she does not provide a personal public service number, to fill up the form in the presence of a member of the Garda Síochána or any notary or notary public and for the member or, as the case may be, the notary or notary public on being satisfied as to the claimant's identity, including, if necessary, by proof of photographic identification or by completing a statutory declaration, to date, sign and stamp the form.
- (7) The prescribed form of claim shall be such as to enable the claimant, where he or she does not provide a personal public service number and is unable, due to illness or disability, to attend a Garda station, notary or notary public, to have the form endorsed to that effect by a registered medical practitioner and for the medical practitioner to confirm the identity of the claimant.
- (8) A claim in the prescribed form may be sent to the chief registration officer in writing by post or in electronic form or uploaded electronically to such website as the chief registration officer specifies for that purpose.

#### **Consultation with designated bodies in relation to first register of electors**

13. (1) Where the chief registration officer receives a claim referred to in *section 12*, he or she may, for the purposes of verifying the particulars provided by, or on behalf of, the claimant, the claimant's identity or whether or not the claimant is entitled to be registered in the register of electors, consult and share information with—
- (a) where the claimant has stated his or her personal public service number in the claim, the Minister for Social Protection,
  - (b) the relevant designated institution, and
  - (c) An tÚdarás um Ard-Oideachas.
- (2) The chief registration officer may share identifying particulars with the Minister for Social Protection for the purposes of *subsection (1)*.
- (3) The chief registration officer may share qualifying particulars and identifying particulars with the relevant designated institution and with An tÚdarás um Ard-Oideachas for the purposes of *subsection (1)*.

#### **Further evidence as to identity or degree**

14. (1) Where the chief registration officer receives a claim referred to in *section 12* and is unable to verify under *section 13* the particulars provided by, or on behalf of, the

claimant, the claimant's identity or whether or not the claimant is entitled to be registered in the register of electors, or where a claim is incomplete, the chief registration officer shall inform the claimant and may require him or her, where he or she has not already done so—

- (a) to fill up the claim form in the presence of a member of the Garda Síochána or any notary or notary public,
- (b) to satisfy the member or, as the case may be, the notary or notary public, as to his or her identity including, if necessary, by proof of photographic identification or by completing a statutory declaration, and
- (c) to have the member or, as the case may be, the notary or notary public, on being satisfied as to the claimant's identity, date, sign and stamp the form, or
- (d) where he or she is unable, due to illness or disability, to attend a Garda station, notary or notary public, to have the form endorsed to that effect by a registered medical practitioner and to have the medical practitioner confirm the identity of the claimant,

and to resubmit the claim.

- (2) Without prejudice to *subsection (1)*, where the chief registration officer is unable to verify that the claimant has been awarded a degree by an institution that is a designated institution he or she may require the claimant to obtain evidence in writing from the relevant designated institution, that the claimant was awarded such a degree.
- (3) The chief registration officer shall, as soon as practicable following a request under this section, consider and decide on the claim and shall notify the claimant of the decision and, where the claim is refused, of his or her right to appeal the decision in accordance with *section 18* and *Rule 25* of the *Schedule*.

### **First register of electors**

- 15.** (1) Where the chief registration officer receives a claim referred to in *section 12* and it appears to him or her either without further inquiry or following further inquiry in accordance with this Part that the person to whom the claim relates is entitled to be registered in the register of electors, the chief registration officer shall make an entry in the register of electors in respect of that person.
- (2) The chief registration officer shall—
- (a) publish the register prepared under this section on the 1st day of April 2025 by publishing a notice that a copy of such register is open to inspection at his or her office,
  - (b) keep at least one copy of such register available in his or her office for inspection,
  - (c) permit any person to inspect free of charge in his or her office during office hours a copy of such register,

- (d) on the application of any person during office hours and on payment of the prescribed fee, furnish to such person a copy in printed or in electronic form of such register or of so much thereof as is the subject of such application, and
  - (e) whenever so requested by the Minister, transmit to the Minister a copy of such register or a summary of the contents of such register in such form and giving such particulars as he or she shall specify in such request.
- (3) Where the chief registration officer provides to any person a copy of the register of electors, or part thereof, under this section he or she shall draw the attention of the person to *section 21* in relation to the purposes for which the register may be used.

#### **Further evidence that may be required for purposes of registration on first register of electors**

16. (1) The chief registration officer, before registering any person in the register of electors, may if he or she thinks it necessary—
- (a) require such person to produce a certificate of his or her birth or, if that is not practicable or convenient, to make a statutory declaration that he or she has attained the age of eighteen years, and
  - (b) require such person either, as the case may require, to make a statutory declaration that he or she is a citizen of Ireland or to produce a certificate of his or her naturalisation as a citizen of Ireland or a valid passport issued by the Minister for Foreign Affairs.
- (2) The Minister may prescribe the form and manner of making of a statutory declaration under this section.

#### **Offence of furnishing false information**

17. A person who furnishes information purportedly in accordance with this Part or the *Schedule* knowing it to be false or misleading shall be guilty of an offence and shall be liable on summary conviction to a class D fine or to imprisonment for a period not exceeding 3 months or to both such fine and such imprisonment.

#### **Appeals from chief registration officer**

18. (1) An appeal shall lie to the Circuit Court from any decision of the chief registration officer on any claim or objection which has been considered by him or her under this Act.
- (2) An appeal shall lie to the High Court on points of law only from a decision of a Judge of the Circuit Court on an appeal under *subsection (1)*.
- (3) No appeal shall lie from a decision of the High Court on an appeal under *subsection (2)*.
- (4) As soon as may be after a decision on an appeal under this section the registrar of the Court shall send to the chief registration officer notice of such decision and the chief

registration officer shall make such alterations in the register of electors as shall be necessary to give effect to such decision.

- (5) On any appeal under this section, the chief registration officer shall be named as the respondent or one of the respondents.

### **Contents of register of electors**

19. The register of electors shall contain the names of all persons who are entitled under this Act to be registered as electors in the Higher Education constituency, and shall also contain, in respect of every such person, the address at which he or she is normally resident and also, if he or she so desires, another address as the address to which his or her ballot papers are to be sent.

### **Expenses arising from preparation of first register of electors and revisions of the register**

20. (1) The central registration authority, the chief registration officer, registration officers and designated institutions may apply to the Minister for the reimbursement of expenses incurred by them arising from the preparation of the register of electors and its annual revision and the Minister may reimburse such expenses where the Minister is satisfied, having consulted with the Minister for Public Expenditure, National Development Plan Delivery and Reform, that they are necessary and reasonable.
- (2) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make regulations in relation to the expenses that are necessary and reasonable under *subsection (1)*.

### **Offences in relation to use of register of electors**

21. (1) A person who uses or causes to be used, or permits without lawful authority or excuse another person to use, information contained in the register of electors for a purpose other than an electoral or other statutory purpose shall be guilty of an offence.
- (2) Without prejudice to the generality of *subsection (1)*, information contained in the register of electors may be used by—
- (a) an elected representative, political party or electoral candidate for the purpose of communicating with a data subject (within the meaning of Article 4(1) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>1</sup> 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)) about policies or activities, and
  - (b) by an elected representative (within the meaning of section 40 of the Data Protection Act 2018) for the purposes of performing his or her duties.
- (3) It shall be an offence for a person, without lawful authority, to wilfully destroy or mutilate any notice, copy of the register of electors or other document made available for public inspection in connection with the register of electors.

<sup>1</sup> OJ No. L119, 4.5.2016, p.1

- (4) Where an offence under this section is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or any other person who was acting or purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (5) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction to a class D fine or to imprisonment for a period not exceeding 3 months or to both such fine and such imprisonment, or
  - (b) on conviction on indictment to a class C fine or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

### Central registration authority database

22. (1) The central registration authority may establish a database of information relating to persons registered in the register of electors to enable it to efficiently carry out its functions under this Part.
- (2) Without prejudice to *subsection (1)*, the database may contain all or any of the following in relation to each person registered in the register of electors:
- (a) the information in the register of electors;
  - (b) any information provided by the person as part of their claim to be registered in the register of electors or in response to a requirement referred to in *Rule 10, 12 or 13* of the *Schedule* the storage of which is considered by the central registration authority to be necessary and proportionate for the purpose of maintaining the register of electors;
  - (c) an indication whether or not, and by whom, any information referred to in *paragraph (b)* has been verified.
- (3) The chief registration officer may use the database for the purpose of the performance of his or her functions under this Part, in accordance with *section 23*, for the preparation, revision and publication of the register in accordance with this Part and the *Schedule*, including by the storage, sharing and extraction of data from the database.

### Data sharing

23. (1) The chief registration officer may share information with a registration officer, a designated institution, the Minister for Social Protection and any other Minister of the Government or specified public body where it is necessary and proportionate for any one or more of the following purposes:
- (a) to verify the accuracy of information where it forms part of a claim to be registered in the register of electors;



- (b) where information has been entered in the register of electors, to verify that it is accurate;
  - (c) to identify duplicate information and to prevent duplicate entries being entered, or appearing, in the register of electors.
- (2) A registration officer, the Minister for Social Protection and any other Minister of the Government or specified public body may, in order to assist the chief registration officer for any of the purposes referred to in *paragraphs (a) to (c) of subsection (1)*, provide or confirm particulars provided by a person for the purposes of this Part.
- (3) The chief registration officer may require an tArd-Chláraitheoir to furnish information in connection with the death of a person who is registered in the register of electors.
- (4) The chief registration officer may use information shared under this section for the purpose of preparing and revising the register of electors in accordance with this Act.
- (5) In this section, “specified public body” means:
- (a) the central registration authority;
  - (b) a designated institution;
  - (c) An tArd-Chláraitheoir;
  - (d) An tÚdarás um Ard-Oideachas;
  - (e) such other public body as may be prescribed as a specified public body by the Minister.

#### **Seanad Institutions of Higher Education Register of Electors Advisory Committee**

24. (1) The Minister may appoint a committee (referred to in this Part as the “Advisory Committee”) to advise the chief registration officer in relation to the performance of his or her functions under this Part and the *Schedule*.
- (2) The Advisory Committee shall give advice and make recommendations to the Minister in relation to such matters concerning the Higher Education constituency as the Minister may request.
- (3) The number of members of the Advisory Committee, including the chairperson, shall be 9.
- (4) The chief registration officer shall, *ex officio*, be a member of, and shall chair, the meetings of the Advisory Committee.
- (5) The members of the Advisory Committee other than the chief registration officer (referred to in this section and *section 25* as “ordinary members”) shall be appointed by the Minister as follows:
- (a) 4 persons from amongst persons nominated by each designated institution for that purpose;

- (b) 2 persons nominated by the Minister for Further and Higher Education, Research, Innovation and Science;
  - (c) 2 other persons who shall be nominated by the Minister.
- (6) An ordinary member of the Advisory Committee shall be appointed for such term (not exceeding six years) as shall be specified by the Minister on making the appointment.
  - (7) An ordinary member of the Advisory Committee may resign from office by letter addressed to the Minister.
  - (8) The Minister may remove from office an ordinary member of the Advisory Committee if, in the opinion of the Minister, he or she has become incapable through ill-health of effectively performing his or her duties, or for stated misbehaviour, or if his or her removal appears to the Minister to be necessary or desirable for the effective performance by the Advisory Committee of its functions.
  - (9) In the event of a vacancy arising under *subsection (8)* the Minister shall appoint a replacement member in accordance with *subsection (5)* whilst maintaining the same composition of the Advisory Committee as specified under that subsection.

#### **Meetings of Advisory Committee**

- 25.** (1) The Advisory Committee shall meet as often as it considers necessary for the purpose of performing its functions, but there shall be not less than one meeting of the Advisory Committee in each year.
- (2) The Advisory Committee may act notwithstanding vacancies in its membership.
  - (3) The quorum for a meeting of the Advisory Committee shall be five persons.
  - (4) The Advisory Committee shall elect a deputy chairperson from amongst the ordinary members.
  - (5) In the event that the chief registration officer is not present, the deputy chairperson shall act as chairperson, *locum tenens*.
  - (6) The Advisory Committee may regulate, by standing orders or otherwise, its procedures or business.
  - (7) The expenses arising from the performance of functions under this Part by the Advisory Committee shall be paid by the central registration authority.

#### **Functions of An Coimisiún Toghcháin in relation to register of electors**

- 26.** (1) An Coimisiún Toghcháin may commission or conduct research in relation to—
- (a) the accuracy and completeness of the register of electors,
  - (b) the activities undertaken by designated institutions to ensure that all persons entitled to be registered as electors in the register of electors are informed of their right to register and the process for so registering,

- (c) the procedures relating to the processing and management of information by the central registration authority,
  - (d) any other matter that relates to the Higher Education constituency that An Coimisiún Toghcháin considers to be relevant to its functions.
- (2) The chief registration officer shall report annually to An Coimisiún Toghcháin in relation to the register of electors and the performance by the chief registration officer of his or her functions under this Part and, where requested by An Coimisiún Toghcháin, any database established in accordance with *section 22*.
- (3) An Coimisiún Toghcháin shall, once within two years of the commencement of this section, and at least once every two years thereafter, publish a report in relation to the register of electors, based on the research carried out under *subsection (1)* which report shall provide an assessment of how the register of electors is being maintained, along with any recommendations considered by An Coimisiún Toghcháin to be necessary to maintain or enhance the integrity of the register and the registration process.
- (4) An Coimisiún Toghcháin may—
- (a) make recommendations to the chief registration officer in relation to the maintenance and use of the register,
  - (b) set standards for the central registration authority in relation to the register of electors, and
  - (c) make recommendations to the Minister related to the procedures for claiming an entitlement to be registered in the register of electors and the legislation governing such procedures.

### PART 3

#### AMENDMENTS TO ACT OF 1937 IN RELATION TO HIGHER EDUCATION CONSTITUENCY

#### **Amendment of Act of 1937 in relation to conduct of elections in Higher Education constituency**

**27.** (1) The Act of 1937 is amended—

- (a) in section 3, by the substitution of the following definition for the definition of “Seanad general election”:

“ ‘Seanad general election’ means so much of a general election of members of Seanad Éireann held in pursuance of Article 18 of the Constitution as relates to the election of those members who are required by the said Article 18 to be elected by universities or any other institutions of higher education in the State;”

- (b) by the repeal of—

- (i) section 8,
- (ii) section 9,
- (iii) section 10,
- (iv) section 11,
- (v) the First Schedule,
- (c) by the substitution of “the Higher Education constituency” for “a university constituency” in each place where it occurs,
- (d) in section 12, by the substitution of “the Higher Education constituency” for “university constituencies” in the 3 places where it occurs,
- (e) by the substitution of the following section for section 14:
  - “14. (1) At every election in the Higher Education constituency the Vice-Chancellor of the National University of Ireland shall be the returning officer.
  - (2) If at the time of an election in the Higher Education constituency the office of the Vice-Chancellor of the National University of Ireland is vacant, or the holder of that office is through ill-health or from any other cause incapacitated from acting as returning officer in such election, the governing body of the National University of Ireland shall appoint some other officer of that university to be returning officer for such constituency in such election.”,
- (f) in section 15, in subsection (2), by the substitution of “the returning officer” for “returning officers in university constituencies”,
- (g) in section 25, by the substitution of “the Higher Education constituency” for “university constituencies” in both places where it occurs,
- (h) in section 26, in subsection (1), by the substitution of “the Higher Education constituency” for “university constituencies”,
- (i) in section 28A, by the deletion of subsection (2),
- (j) by the repeal of section 31, and
- (k) in section 32, by the substitution of “higher education member” for “university member” in each place where it occurs.

**Absence, incapacity or vacancy in office of Clerk of Seanad Éireann**

**28.** The Act of 1937 is amended by the insertion of the following section after section 32:

“33. If and so long as the office of Clerk of Seanad Éireann is vacant or the holder of that office is unable through illness, absence or other cause to fulfil the duties of Clerk of Seanad Éireann, the functions conferred on

the said Clerk by this Act shall be performed by the Clerk-Assistant of Seanad Éireann.”.

### **Consequential amendment to Schedule 5 to Social Welfare Consolidation Act 2005**

29. Schedule 5 to the Social Welfare Consolidation Act 2005 is amended, in paragraph 1(4), by the insertion of “the National University of Ireland” after “the National Treasury Management Agency,”.

## **PART 4**

AMENDMENTS TO ACT OF 1937 RELATING TO CONDUCT OF BYE-ELECTIONS IN THE INTERIM PERIOD

### **Bye-elections in respect of university members during interim period**

30. The Act of 1937 is amended by the insertion of the following Part after Part IV:

#### **“PART V**

BYE-ELECTIONS DURING INTERIM PERIOD

#### **Interpretation - Part V**

34. In this Part, ‘interim period’ means the period beginning on the 21st day of March 2025 and ending on the date of the first dissolution of the Dáil after that date.

#### **Constituencies and electors for bye-elections during interim period**

35. (1) At every Seanad bye-election directed, under section 13, to be held in the interim period—
- (a) the National University of Ireland shall be a constituency (in this Part referred to as the ‘National University bye-election constituency’) for the election of three members of Seanad Éireann, and
  - (b) the University of Dublin shall be a constituency (in this Part referred to as the ‘Dublin University bye-election constituency’) for the election of three members of Seanad Éireann, and
  - (c) every person who is for the time being registered as an elector in the register of electors for the National University bye-election constituency shall be entitled to vote in that constituency, and
  - (d) every person who is for the time being registered as an elector in the register of electors for the Dublin University bye-election constituency shall be entitled to vote in that constituency.

- (2) No person shall be entitled to vote at a bye-election in a university bye-election constituency unless he or she is registered as an elector in the register of electors for that constituency.
- (3) Nothing in this section shall entitle any person to vote at an election in a university bye-election constituency while he or she is prohibited by law from so voting, nor shall anything in this section relieve any person from any penalties to which he or she may be liable for so voting.
- (4) The National University bye-election constituency and the Dublin University bye-election constituency are in this Part referred to as university bye-election constituencies and the ‘university bye-election constituency’ shall be construed accordingly.

**Franchise for bye-elections during interim period**

- 36.** (1) A person shall be entitled to be registered as an elector in the register of electors for the National University bye-election constituency if, on the date on which the Minister makes a Seanad bye-election order under section 13 in respect of a bye-election directed under that section to be held during the interim period, he or she—
- (a) is registered in the register of electors under *section 9* of the *Seanad Electoral (University Members) (Amendment) Act 2024*, and
  - (b) has received a degree (other than an honorary degree) in, or been awarded a degree (other than an honorary degree) by, the National University of Ireland.
- (2) A person shall be entitled to be registered as an elector in the register of electors for the Dublin University bye-election constituency if, on the date on which the Minister makes a Seanad bye-election order under section 13 in respect of a bye-election directed under that section to be held in the interim period, he or she—
- (a) is registered in the register of electors under *section 9* of the *Seanad Electoral (University Members) (Amendment) Act 2024*, and
  - (b) has received a degree (other than an honorary degree) in, or been awarded a degree (other than an honorary degree) by, the University of Dublin.

**Application of Act to bye-elections during interim period**

- 37.** Where a vacancy referred to in section 13(1) occurs in the membership of Seanad Éireann during the interim period this Act shall apply to the bye-election directed, under section 13, to be held to fill such vacancy subject to the following modifications:

- (a) where the vacancy relates to the National University bye-election constituency, then notwithstanding section 9—
  - (i) the governing body of the National University of Ireland shall cause a register to be prepared of the persons who are for the time being entitled to be registered as electors in the National University bye-election constituency,
  - (ii) the register so prepared shall, on the day of the Seanad bye-election order directing the election, become and be the register of electors for the National University bye-election constituency for the purposes of this Act;
- (b) where the vacancy relates to the Dublin University bye-election constituency, then notwithstanding section 9—
  - (i) the governing body of the University of Dublin shall cause a register to be prepared of the persons who are for the time being entitled to be registered as electors in the Dublin University bye-election constituency,
  - (ii) the register so prepared shall, on the day of the Seanad bye-election order directing the election, become and be the register of electors for the Dublin University bye-election constituency for the purposes of this Act;
- (c) in section 13(1), the words ‘direct a bye-election to be held in such constituency’ shall be read as—
  - ‘direct a bye-election to be held—
    - (a) in the case of a vacancy relating to the National University constituency or the National University bye-election constituency, in the National University bye-election constituency, and
    - (b) in the case of a vacancy relating to the Dublin University constituency or the Dublin University bye-election constituency, in the Dublin University bye-election constituency.’;
- (d) in section 8 (other than subsection (3) and (4)), sections 9 to 11, sections 14 to 17, sections 20 to 28A, and in the First Schedule, the words ‘university constituency’ shall be read as ‘university bye-election constituency’;
- (e) in sections 9, 12, 15(2), 25, 26, 31, the words ‘university constituencies’ shall be read as ‘university bye-election constituencies’;

- (f) in sections 29, 29A and 32, the words ‘a university constituency’ shall be read as ‘a university constituency or a university bye-election constituency’.

#### **Data sharing for purpose of bye-elections during interim period**

- 38.** The governing body of the National University of Ireland and the governing body of the University of Dublin may each request information from the chief registration officer for the purposes of preparing a register referred to in paragraph (a) or (b) of section 37 and the chief registration officer shall comply with any such request;”.

### PART 5

#### NOMINATION OF CANDIDATES AND FILLING OF CASUAL VACANCIES IN HIGHER EDUCATION CONSTITUENCY

#### **Amendment of section 3 of Act of 1937**

- 31.** Section 3 of the Act of 1937 is amended—

- (a) by the substitution of the following definition for the definition of the expression “Seanad bye-election”:

“the expression ‘Seanad bye-election’ means an election of a member of Seanad Éireann to fill a casual vacancy that cannot be filled in accordance with sections 39 and 40;”.

- (b) by the insertion of the following definitions:

“ ‘assessor’ has the meaning given to it by section 16A;

‘candidate’ means a person duly nominated by a nomination paper in accordance with this Act;

‘casual vacancy’ means the place of a member of Seanad Éireann who was elected by the Higher Education constituency and has vacated his or her seat by death, resignation, or disqualification, or by the taking effect under section 17(6) of the Criminal Justice (Corruption Offences) Act 2018 of a forfeiture of office order within the meaning of section 29A in respect of him or her;

‘notice of the poll’ has the meaning given to it by section 18C;

‘replacement candidate’ means a person duly listed on a replacement candidates list;

‘replacement candidates list’ has the meaning given to it by section 16E;”.

#### **Repeal of section 13 of Act of 1937**

- 32.** Section 13 of the Act of 1937 shall stand repealed on the date of the first dissolution of the Dáil after the 21st day of March 2025.



**Candidates at election in Higher Education constituency**

33. The Act of 1937 is amended by the substitution of the following section for section 16:

- “16. (1) No person shall be a candidate at an election in the Higher Education constituency unless that person has been nominated in the manner provided by this Act and the person’s nomination paper has been received by the returning officer in accordance with section 18.
- (2) No person who is for the time being disqualified from or incapable of being elected as a member of Dáil Éireann shall be a candidate at an election in the Higher Education constituency.
- (3) The returning officer shall supply to any person registered as an elector in the register of electors such number of forms of nomination papers, together with replacement candidates lists, as he or she shall reasonably require.”.

**Supplementary provision in relation to nomination of candidates**

34. The Act of 1937 is amended by the insertion of the following sections after section 16:

**“Nomination of candidates**

- 16A. (1) A person may nominate himself or herself as a candidate at an election in the Higher Education constituency or may, with his or her consent, be nominated by another person (being a person registered as an elector in the Higher Education constituency) as proposer.
- (2) Each candidate shall be nominated by a separate nomination paper in such form and containing such information as the Minister may prescribe.
- (3) Each nomination paper shall include the name of the candidate, stating his or her surname first, the address of the candidate and the occupation (if any) of the candidate or a description of the candidate in such manner as in the opinion of the returning officer is sufficient to identify the candidate.
- (4) Without prejudice to the generality of subsection (2), the Minister may require that a nomination paper contain any of the following:
- (a) a note of the qualifications, disqualifications and incapacities relevant to nomination as a candidate in an election to, election to and membership of, Seanad Éireann;
- (b) a description of the provisions of this Act and any other enactment that apply to the nomination of a candidate, and stating—
- (i) that a candidate may either comply with the assent requirement specified in subsection (5)(a) or make a deposit under subsection (5)(b),

- (ii) the procedure for assenting under section 16B, and
  - (iii) the procedure for making a deposit under section 16C;
  - (c) a declaration to be signed, where applicable, by the candidate that he or she has read the note referred to in paragraph (a) and believes himself or herself to be eligible for election and that he or she has consented to the nomination;
  - (d) a declaration to be signed, where applicable, by the candidate's proposer that he or she has read the note referred to in paragraph (a) and believes the candidate to be eligible for election and to have consented to the nomination.
- (5) Before the expiration of the time appointed by the Minister under section 12(1)(a) for receiving nominations, one or other of the following paragraphs shall be complied with:
- (a) the candidate's nomination shall have been assented to by 60 persons (excluding the candidate and any proposer) who are registered as electors in the Higher Education constituency (each of whom in this Act is referred to as an 'assentor');
  - (b) the candidate, or someone on his or her behalf, shall have made a deposit in accordance with section 16C.

#### **Assents required to nomination**

- 16B.** (1) This section applies in respect of the nomination of a candidate under section 16A and assents required by subsection (5)(a) of that section.
- (2) To assent to the nomination, an assentor shall make a statutory declaration in the prescribed form stating the following:
- (a) his or her number in the register of electors in force on the date of the making of the statutory declaration;
  - (b) his or her contact details, including telephone numbers (if any);
  - (c) the name and an address of the candidate;
  - (d) the form of identification produced by him or her in accordance with subsection (3), including any number on it that distinguishes it from similar forms held by others;
  - (e) that he or she assents to the nomination of the candidate;
  - (f) that he or she has not assented to the nomination of any other candidate in respect of that election in the Higher Education constituency;
- (3) When making the statutory declaration referred to in subsection (1), the assentor shall produce to the person taking and receiving the declaration, a prescribed photographic identification and shall, on so

doing, be deemed, for the purposes of the Statutory Declarations Act 1938, to be personally known to the person taking and receiving the declaration;

- (4) An assent shall have effect as respects, and only as respects, the election in the Higher Education constituency held next after the making of the statutory declaration;
- (5) The candidate or proposer shall attach the 60 statutory declarations constituting the assents to the nomination paper and the nomination paper delivered to the returning officer in accordance with section 18 shall have the declarations so attached;
- (6) Where more than the required number of statutory declarations is attached to the nomination paper, the declarations (up to the required number) first attached to the nomination paper shall be taken into account to the exclusion of any others;
- (7) The returning officer shall arrange for the provision of forms for the purposes of making a statutory declaration referred to in subsection (1) free of charge to any person who requests such a form.

#### **Deposit by certain candidates**

**16C.** (1) This section applies to a candidate referred to in section 16A(5)(b).

- (2) A candidate at an election in the Higher Education constituency, or someone on his or her behalf, may, at or before the expiration of the time appointed by the Minister under section 12(1)(a) for receiving nominations, deposit with the returning officer the sum of €1,800, and if he or she fails to do so, his or her candidature shall be deemed to have been withdrawn.
- (3) The deposit that may be made by or on behalf of a candidate pursuant to this section may be made by means of legal tender or, with the consent of the returning officer, in any other manner.

#### **Return or disposal of deposit**

**16D.** (1) The deposit referred to in section 16C shall be returned by the returning officer where the candidate—

- (a) withdraws his or her candidature, or whose candidature is deemed to have been withdrawn,
- (b) dies before the poll is closed,
- (c) has not, at or before the expiration of the time appointed by the Minister under section 12(1)(a) for receiving nominations, been validly nominated as a candidate,
- (d) is elected, or

- (e) is not elected but the greatest number of votes credited to him or her at any stage of the counting of the votes at the election in the Higher Education constituency exceeds one quarter of the quota.
- (2) Any deposit which is not returned under subsection (1) shall be forfeited.
- (3) Where a deposit is to be returned under subsection (1) it shall be returned to the person who made it, provided that a deposit made by a person who dies before the deposit is returned shall be returned to the personal representative of that person.
- (4) A deposit forfeited under this section shall be disposed of by the returning officer in such manner as may be directed by the Minister for Finance.
- (5) In this section ‘personal representative’ has the meaning assigned to it by section 3 of the Succession Act 1965.

**Nomination of replacement candidates**

- 16E.** (1) A candidate at an election in the Higher Education constituency may nominate one or more persons, in accordance with this Part and with the consent of the person or persons concerned, to be replacement candidates in the election in the Higher Education constituency.
- (2) A candidate may nominate replacement candidates at an election in the Higher Education constituency by entering the name of each person to be nominated on a single list (in this Act referred to as a ‘replacement candidates list’).
  - (3) The number of replacement candidates that a candidate nominates in accordance with subsection (1) shall not exceed 6.
  - (4) No person who is for the time being disqualified from or incapable of being elected as a member of Dáil Éireann shall be nominated as a replacement candidate at an election in the Higher Education constituency.
  - (5) A person who is a candidate at an election in the Higher Education constituency shall be eligible for nomination as a replacement candidate at that election.

**Replacement candidates list**

- 16F.** (1) A replacement candidates list shall be in such form and contain such information in relation to the persons nominated as the Minister may prescribe.
- (2) A replacement candidates list shall—
    - (a) have as a heading the name of the candidate, stating his or her surname first,

- (b) include the name of any person nominated by entry thereon as a replacement candidate, stating the person's surname before his or her other name or names, and the address of the person, and
  - (c) be signed by the candidate.
- (3) Without prejudice to the generality of subsection (1), the Minister may require that a replacement candidates list contain any of the following information:
- (a) a note of the qualifications, disqualifications and incapacities relevant to nomination as a candidate in an election to, election to and membership of, Seanad Éireann;
  - (b) a declaration, to be signed by the candidate that he or she has read the note referred to in paragraph (a) and believes that—
    - (i) the information in the replacement candidates list is correct in all material respects, and
    - (ii) each person nominated by him or her as a replacement candidate by inclusion on such list is eligible for nomination under this Act as a replacement candidate and has consented to be so nominated.

#### **Order of replacement candidates**

**16G.** Where a candidate in an election in the Higher Education constituency nominates more than one replacement candidate, the order in which the replacement candidates are nominated shall be determined by that candidate, and the names of such replacement candidates shall be listed on the relevant replacement candidates list in that order.”.

#### **Amendment of section 17 of Act of 1937**

**35.** Section 17(1) of the Act of 1937 is amended, in paragraph (a), by the insertion of “together with replacement candidates lists,” after “forms of nomination papers”.

#### **Amendment of section 18 of Act of 1937**

**36.** Section 18 of the Act of 1937 is amended—

- (a) in subsection (1), by the deletion of “or as seconder”,
- (b) in subsection (3), by the substitution of “within one hour after its delivery to him or her” for “during or as soon as conveniently may be after the said period but not later than one o’clock in the afternoon on the last day for receiving nominations”,
- (c) by the insertion of the following subsection after subsection (3):
 

“(3A) The returning officer shall not exclude a nomination because an assentor has assented to the nomination of more than one candidate at the same election in the Higher Education constituency.”,

- (d) in subsection (4), by the substitution of “four o’clock” for “one o’clock”,
- (e) in subsection (6), by the substitution of “four o’clock” for “one o’clock”,
- (f) in subsection (8), by the deletion of “and seconder”.

### **Procedure in relation to replacement candidates list**

37. The Act of 1937 is amended by the insertion of the following sections after section 18:

#### **“Receipt of replacement candidates list by returning officer**

**18A.** (1) Where a candidate wishes to nominate one or more replacement candidates he or she, or his or her proposer, shall deliver a replacement candidates list to the returning officer with the nomination paper.

(2) Where the returning officer receives a replacement candidates list in accordance with subsection (1) the returning officer shall assign to the list one or more letters for the purpose of identifying it and, when such letter or letters is or are so assigned, the replacement candidates list to which it or they relate may (unless it is withdrawn, deemed under this Act to have been withdrawn or ruled invalid by the returning officer) be referred to on any ballot paper, notice or other document by reference to such letter or letters.

(3) An assignment by the returning officer under subsection (2) shall not form a ground on which an election in the Higher Education constituency of Seanad Éireann may be questioned.

(4) Where the returning officer is of the opinion that a replacement candidates list delivered in accordance with subsection (1) does not comply with section 16F or any regulations made thereunder the returning officer shall rule it invalid.

(5) A ruling under subsection (4) shall be final.

(6) As soon as may be after the receipt by the returning officer at an election in the Higher Education constituency of a replacement candidates list that he or she does not rule invalid, the returning officer shall—

(a) give public notice in such manner as he or she shall think proper of the list and the names and addresses of the replacement candidates nominated by entry thereon and the order in which they appear on the list,

(b) give, by post or otherwise, notice in writing of such receipt to the candidate who signed the list and to each replacement candidate nominated by entry thereon.

(7) A notice given to a replacement candidate pursuant to subsection (6) shall refer to the relevant replacement candidates list and contain the

names of the replacement candidates nominated by entry in the order in which they appear thereon.

- (8) As soon as may be after the expiry of the time specified in section 19 during which a candidate may withdraw his or her candidature the returning officer shall—
  - (a) examine the replacement candidates list,
  - (b) where the number of replacement candidates included in any such list exceeds the maximum number permitted by section 16E(3), delete from the list the number of names equal to the excess, commencing with the name which stands at the bottom of the list and if need be thereafter working up that list, and
  - (c) where the returning officer deletes a name from a replacement candidates list, as soon as may be thereafter, give, by post or otherwise, to the person whose name has been deleted and to the candidate who signed the list notice in writing of the deletion and of the reason therefor.
- (9) Nothing done by the returning officer in exercise of the power conferred by subsection (8) shall form a ground on which an election in the Higher Education constituency may be questioned.

#### **Withdrawal of replacement candidates list**

- 18B.** (1) A candidate who has delivered a replacement candidates list may, before four o'clock in the afternoon on the last day for receiving nominations but not later, withdraw the list by delivering a notice to that effect, signed by him or her, to the returning officer.
- (2) A notice referred to in subsection (1) may be delivered to the returning officer by being given to him or her by the candidate by whom the list was signed under section 16F(2) or by his or her proposer.
  - (3) The returning officer shall, immediately upon receipt of a notice referred to in subsection (1), give public notice in such manner as he or she shall think proper of the withdrawal of the replacement candidates list.
  - (4) Where a person's candidature is withdrawn pursuant to section 19 or deemed to have been withdrawn pursuant to section 16C(2) any replacement candidates list signed by him or her shall be deemed to have been withdrawn.

#### **Notice of Poll**

- 18C.** Where an election in the Higher Education constituency is adjourned in accordance with section 18(6) for the purpose of taking a poll, the returning officer shall, as soon as practicable after the adjournment, give public notice (in this Act referred to as the 'notice of the poll') of—

- (a) the day and hour appointed under section 12(1)(c) for the close of the poll,
- (b) the names and descriptions of the candidates standing nominated, as entered in their nomination papers, and of the proposers, if any,
- (c) any replacement candidates list delivered under section 18A which is not withdrawn, deemed under section 18B(4) to have been withdrawn or ruled invalid by the returning officer, and the name of the candidate by whom, or by whose proposer, such list was delivered, together with the reference assigned to the list under section 18A(2) and the name and address or names and addresses of any person or persons nominated by entry thereon to be replacement candidates as entered in such list and, if there is more than one, in the same order as that in which they appear on such list, and
- (d) the order in which the names of the candidates will appear on the ballot papers.

**Clerk of Seanad Éireann to hold replacement candidates lists**

- 18D.** (1) As soon as may be after the notice of the poll is published pursuant to section 18C, the returning officer shall deliver to the Clerk of Seanad Éireann the replacement candidates lists duly delivered by candidates in the election in the Higher Education constituency (being lists of which public notice was given pursuant to the said section 18C).
- (2) The Clerk of Seanad Éireann shall retain possession of each replacement candidates list delivered to him or her pursuant to subsection (1) and each such list shall, unless the contrary is shown, be evidence of the matters stated therein.”.

**Amendment of section 19 of Act of 1937**

**38.** Section 19 of the Act of 1937 is amended—

- (a) in subsection (1), by the substitution of “four o’clock” for “one o’clock” in both places where it occurs, and
- (b) in subsection (2)—
  - (i) by the deletion of “and seconder”,
  - (ii) by the substitution of “four o’clock” for “one o’clock”, and
  - (iii) by the substitution of “signed by him or her” for “signed by them”.

**Amendment of section 20 of Act of 1937**

**39.** Section 20 of the Act of 1937 is amended by the insertion of the following subsection after subsection (3):



- “(4) In case a replacement candidates list has been signed by a candidate pursuant to section 16F(2), and is not withdrawn, deemed under section 18B(4) to have been withdrawn or ruled invalid by the returning officer, the entry in relation to that candidate shall include a reference (being a reference referred to in section 18A(2)) to that list.”.

### **Filling of casual vacancies in Higher Education constituency**

40. The Act of 1937 is amended by the insertion of the following Part after Part V:

#### “PART VI

##### FILLING OF CASUAL VACANCIES IN HIGHER EDUCATION CONSTITUENCY

#### **Filling of vacancy from replacement candidates list**

39. (1) Where a casual vacancy occurs in respect of a member of Seanad Éireann who, at the election at which he or she was elected, delivered a replacement candidates list of which public notice was given pursuant to section 18C, the Clerk of Seanad Éireann shall, as soon as may be after the casual vacancy occurs, by letter request the person whose name stands first or, as may be appropriate, alone on that list to make and deliver to the said Clerk, within 20 days from the day on which the request is made, a statutory declaration, in such form as the Minister may prescribe, that he or she—
- (a) is the person whose name stands (whether alone or otherwise) on the list, and
  - (b) is eligible and willing to assume membership of Seanad Éireann.
- (2) If the person of whom a request was made under subsection (1) fails or refuses to comply with the request, the Clerk of Seanad Éireann shall, as soon as may be after the refusal or failure concerned, by letter request the person (if any) whose name stands next on the relevant list to make and deliver to the said Clerk a statutory declaration in accordance with subsection (1) and if such person fails or refuses to comply with the request, the Clerk of Seanad Éireann shall, as soon as may be after the refusal or failure concerned, make such a request by letter, in turn, of each of the other persons (if any) whose names appear on the relevant list, in the order in which they so appear, until—
- (a) one such person complies with the request, or
  - (b) the list is exhausted,
- whichever is the sooner.

- (3) Where, pursuant to a request under subsection (1), the Clerk of Seanad Éireann receives a statutory declaration in compliance with that subsection, the Clerk shall, as soon as may be, cause a statement of the declarant's name and address together with a copy of the statutory declaration to be—
  - (a) laid before each House of the Oireachtas,
  - (b) published in *Iris Oifigiúil*, and
  - (c) delivered to each person on the relevant replacement candidates list.
- (4) Where a statement of the declarant's name and address and a copy of the statutory declaration are laid, published and delivered in accordance with subsection (3) the person named therein shall, subject to section 41, upon the expiration of the period of 7 days beginning on the day on which the statement and copy of the statutory declaration are so published in *Iris Oifigiúil*, be regarded as having been elected under this Act to Seanad Éireann.

#### **Oireachtas to select person in certain cases**

- 40.** (1) Where a casual vacancy occurs and—
- (a) the vacancy is in respect of a member of Seanad Éireann to whose candidacy section 39 does not apply, or
  - (b) on an application of section 39—
    - (i) each person of whom a request was made under that section fails or refuses to comply with the request, or
    - (ii) the replacement candidates list referred to in that section is exhausted,
- the Clerk of Seanad Éireann shall cause a statement to that effect to be laid before each House of the Oireachtas.
- (2) Where the Clerk of Seanad Éireann causes a statement referred to in subsection (1) to be laid before each House of the Oireachtas the Houses of the Oireachtas may select a person whose name is on any replacement candidates list in respect of the Higher Education constituency at the last preceding election in the Higher Education constituency—
    - (a) of which public notice was given pursuant to section 18C, and
    - (b) which was delivered by a candidate under section 18A who was subsequently successfully elected in the Higher Education constituency,

and, in case the Houses of the Oireachtas makes a selection under this rule, it shall by resolution specify the person so selected.

- (3) Where—
- (a) pursuant to subsection (2), a resolution is passed by both Houses of the Oireachtas, and
  - (b) the Clerk of Seanad Éireann receives, within 20 days from the day on which the resolution is passed, a statutory declaration made by the person, in such form as the Minister may prescribe, that he or she—
    - (i) is the person specified in the resolution, and
    - (ii) is eligible and willing to assume membership of Seanad Éireann,
- the person specified in the resolution shall, subject to section 41, thereupon be regarded as having been so elected to Seanad Éireann.

**Restrictions on who may be regarded as having been elected under sections 39 and 40**

41. A person shall not be regarded as having been elected to Seanad Éireann pursuant to section 39 or 40 if the person is, for the time being—
- (a) a member of Seanad Éireann,
  - (b) not eligible in accordance with section 16(2) to be a candidate in a Seanad election in the Higher Education constituency, or
  - (c) not willing to assume such office.

**Bye-election to take place where no replacement candidate available**

42. (1) Where a casual vacancy occurs and—
- (a) the vacancy is in respect of a member of Seanad Éireann to whose candidacy section 39 does not apply, or
  - (b) on an application of section 39—
    - (i) each person of whom a request was made under that section fails or refuses to comply with the request, or
    - (ii) the replacement candidates list referred to in that section is exhausted,

and after the Clerk of Seanad Éireann causes a statement referred to in section 40(1) to be laid before each House of the Oireachtas, the Houses of the Oireachtas are unable to select a person referred to in section 40(2), the Minister shall, as soon as conveniently may be and, in any case, not more than six months after the date on which the statement is laid, by order (in this Act referred to as a ‘Seanad bye-election order’) direct a bye-election to be held in the Higher Education constituency to fill such vacancy and shall by such order appoint for the purposes of such bye-election the last day for receiving

nominations, the day for the issue of ballot papers, and the day and hour for the close of the poll.

- (2) Whenever the Minister makes a Seanad bye-election order, the bye-election directed by such order shall be held in accordance with such order and this Act.”.

## PART 6

### EXPENDITURE BY CANDIDATES AT SEANAD ELECTIONS IN HIGHER EDUCATION CONSTITUENCY

#### **Interpretation (*Part 6*)**

41. In this Part, “Act of 1997” means the Electoral Act 1997.

#### **Reimbursement of expenses at elections in Seanad Higher Education constituency**

42. The Act of 1997 is amended by the insertion of the following section after section 21A:

“21B. (1) Subject to subsections (2), (3) and (4), election expenses shall be reimbursed to a candidate at an election in the Seanad Higher Education constituency where—

- (a) he or she is elected at the election, or
- (b) he or she is not so elected but the greatest number of votes credited to him or her at any stage of the counting of votes at the election exceeds one quarter of the quota.
- (2) The amount of election expenses which may be reimbursed to a candidate under this section shall be the actual expenses incurred by the candidate or €13,750, whichever is less.
- (3) Subject to subsection (4), payments in respect of the reimbursement of election expenses under this section shall be made by the Minister for Public Expenditure, National Development Plan Delivery and Reform out of the Central Fund or the growing produce thereof to each candidate referred to in subsection (1) who applies therefor to the Standards in Public Offices Commission in a form directed by the Commission.
- (4) No payment in respect of the reimbursement of election expenses of a candidate shall be made unless and until the Standards in Public Offices Commission—
- (a) certifies to the Minister for Public Expenditure, National Development Plan Delivery and Reform in writing that—
- (i) in respect of the candidate, there has been full compliance with section 36,

- (ii) the statement of election expenses furnished under that section is in compliance with Part V and was prepared in accordance with such guidelines (if any) issued by the Commission under section 4, and
  - (iii) a donation statement has been furnished in accordance with section 24(2)(b) to the Commission and such statement was prepared in accordance with guidelines issued by the Commission under section 4,
- and
- (b) furnishes to the Minister for Public Expenditure, National Development Plan Delivery and Reform details of the amount of actual election expenses incurred by the candidate.
- (5) The Standards in Public Offices Commission shall, if satisfied that a candidate at an election in the Seanad Higher Education constituency is eligible for reimbursement of election expenses incurred for the purpose of that election, furnish the certification and details referred to in subsection (4) in respect of the candidate to the Minister for Public Expenditure, National Development Plan Delivery and Reform, as soon as may be after it has considered—
- (a) the application for reimbursement of election expenses under subsection (3) in respect of that candidate, and
  - (b) the statement of election expenses furnished to it in respect of the candidate under section 36.
- (6) Where a candidate referred to in subsection (1) dies—
- (a) after the close of the poll at an election in the Seanad Higher Education constituency, and
  - (b) before making an application for the reimbursement of election expenses under this section,
- the personal representative of the candidate may make such application and any reimbursement of such expenses shall be made to such personal representative.
- (7) Where a candidate referred to in subsection (1) dies—
- (a) after making an application for the reimbursement of election expenses under this section, and
  - (b) before such reimbursement is made,
- the reimbursement of those expenses shall be made to the personal representative of the candidate.

- (8) A payment made to a candidate, or the personal representative of a candidate, as the case may be, under this section shall not be liable to income tax.
- (9) In this section, ‘election expenses’, insofar as it relates to an election in the Seanad Higher Education constituency, has the meaning assigned to it by section 31.”.

#### **Limitation of election expenses at election in Seanad Higher Education constituency**

43. The Act of 1997 is amended by the insertion of the following section after section 32:

“32A. The aggregate of election expenses which may be incurred by or on behalf of a candidate at an election in the Seanad Higher Education constituency in connection with his or her candidature at such an election shall not exceed €55,000.”.

#### **Application of Part V of Act of 1997 to elections in Seanad Higher Education constituency**

44. The Act of 1997 is amended—

(a) in section 2(1)—

- (i) in the definition of “election” by the substitution of “except in Parts V, VII and VIII” for “except in Parts VII and VIII”,
- (ii) by the substitution of the following definition for the definition of “Seanad election”:

“ ‘Seanad election’ means the election of members to Seanad Éireann from panels of candidates, within the meaning of section 3(1) of the Seanad Electoral (Panel Members) Act 1947, and the election of members to Seanad Éireann from the Seanad Higher Education constituency and includes both a Seanad general election and a Seanad bye-election;”,

and

(iii) by the insertion of the following definition:

“ ‘Seanad Higher Education constituency’ means the Higher Education constituency within the meaning of the *Seanad Electoral (University Members) (Amendment) Act 2024*.”,

- (b) in section 3(1), by the substitution of “31, 32, 32A, 46,” for “31, 32, 46,”,
- (c) in section 18(2), by the substitution of “the Seanad Electoral (Higher Education Members) Acts 1937 to 2024” for “the Seanad Electoral (University Members) Acts, 1937 to 1973”,
- (d) in section 22(2)(b)(v), by the substitution of “Dáil, Seanad or European election” for “Dáil or European election”,

- (e) in section 27—
- (i) in the definition of “candidate”, by the insertion of “, an election in the Seanad Higher Education constituency” after “at a Dáil election”,
  - (ii) in the definition of “notice of the poll”, by the substitution of “, section 87 of the Act of 1992 or section 18C of the Seanad Electoral (University Members) Act 1937” for “or section 87 of the Act of 1992”, and
  - (iii) in the definition of “returning officer”, by the insertion of “, an election in the Seanad Higher Education constituency” after “a Dáil election”,
  - (iv) by the insertion of the following definition:
 

“ ‘election’ means, as the context may require, a Dáil election, an election in the Seanad Higher Education constituency or a European election or any combination thereof;”
- (f) in section 31(3)(a)—
- (i) in subparagraph (ii), by deleting “and”,
  - (ii) by the insertion of the following subparagraph after subparagraph (ii):
 

“(iia) in the case of an election in the Seanad Higher Education constituency, on the date of the order made by the Minister under section 12 of the Seanad Electoral (University Members) Act 1937, and”

and
  - (iii) by the substitution of “ending on the polling day at the election or, in the case of an election in the Seanad Higher Education constituency, on the day on which the poll in that constituency is closed;” for “ending on polling day at the election;”
- (g) in section 36(5)(a), by the insertion of “or subsection (3) of section 19 of the Seanad Electoral (University Members) Act 1937,” after “Act of 1997,”
- (h) in section 40, in paragraph (b), by the substitution of “section 32, 32A or 42” for “section 32 or 42”, and
- (i) in section 41—
- (i) in subsection (1), by the insertion of “or section 19 of the Seanad Electoral (University Members) Act 1937” after “the Act of 1997”, and
  - (ii) in subsection (2), by the insertion of “32A” after “section 32(1)(a),”.

#### **Non-compliance with Electoral Act 1997**

**45.** The Act of 1937 is amended by the insertion of the following section after section 27:

**“27A.** A Seanad election in the Higher Education constituency shall not be declared invalid because of a non-compliance with any provision of Part

V of the Electoral Act 1997 or mistake in the use of forms provided for in that Act, or in any regulation or order made under that Act, where it appears to the court that a candidate complied with the principles laid down in that Part of that Act taken as a whole and that such non-compliance or mistake did not materially affect the result of the election.”.

## PART 7

### AMENDMENTS TO THIRD SCHEDULE TO ACT OF 1937 IN RELATION TO COUNTING OF VOTES

#### **Amendment of Third Schedule to Act of 1937**

**46.** The Third Schedule to the Act of 1937 is amended—

(a) in Rule 4—

(i) by the repeal of paragraph (5),

(ii) by the insertion of the following paragraph:

“(5A) The returning officer shall not transfer the surplus of a candidate deemed to be elected whenever that surplus, together with any other surplus not transferred, is less than both the difference between the quota and the number of votes credited to the highest continuing candidate and the difference between the numbers of the votes credited to the two lowest continuing candidates and either—

(a) the number of votes credited to the lowest candidate is greater than one quarter of the quota or, in the case of a Seanad bye-election where there is more than one vacancy to be filled, one quarter of what would have been the quota were the full number of members of Seanad Éireann for the Higher Education constituency to be elected, or

(b) the sum of the number of votes credited to the lowest candidate together with that surplus and any other surplus not transferred is not greater than one quarter of the quota or, in the case of a Seanad bye-election where there is more than one vacancy to be filled, one quarter of what would have been the quota were the full number of members of Seanad Éireann for the Higher Education constituency to be elected.”,

(iii) by the repeal of paragraph (6),

(iv) by the insertion of the following paragraph:

“(6A) Where at any time there are two or more surpluses which are to be



transferred, the greater or greatest of such surpluses shall first be transferred and the remaining surplus or surpluses shall then, subject to paragraph (5A), be transferred in the order of their descending magnitude.”,

and

(v) by the insertion of the following paragraph after paragraph (7):

“(8) Subject to paragraphs (5A) and (6A), where two or more candidates have each an equal surplus arising from different counts, a surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count.”,

(b) in Rule 5—

(i) by the repeal of paragraph (2), and

(ii) by the insertion of the following paragraph:

“(2A) Where the total of the votes of the two or more lowest candidates together with any surplus not transferred is less than the number of votes credited to the next highest candidate, the returning officer shall in one operation exclude such two or more lowest candidates provided that—

(a) the number of votes credited to the second lowest candidate is greater than one quarter of the quota or, in the case of a Seanad bye-election, one quarter of what would have been the quota were the full number of members of Seanad Éireann for the Higher Education constituency to be elected, or

(b) the number of votes credited to any one of such two or more lowest candidates does not exceed one quarter of the quota or, in the case of a Seanad bye-election, one quarter of what would have been the quota were the full number of members of Seanad Éireann for the Higher Education constituency to be elected and it is clear that the exclusion of the candidates separately in accordance with paragraph (1) and the transfer of any untransferred surplus could not result in a number of votes exceeding one quarter of the quota or, in the case of a Seanad bye-election, one quarter of what would have been the quota were the full number of members of Seanad Éireann for the Higher Education constituency to be elected, being credited to any such candidate.”,

and

(c) in Rule 7, by the substitution of the following paragraph for paragraph (3):

“(3) When the last vacancies can be filled under this Rule, no further transfer of votes shall be made unless—

- (a) any of the continuing candidates has not been credited with a number of votes exceeding one quarter of the quota or, in the case of a Seanad bye-election where there is more than one vacancy to be filled, one quarter of what would have been the quota were the full number of members of Seanad Éireann for the Higher Education constituency to be elected, and
- (b) it is necessary for the purposes of section 21B(1)(b) of the Electoral Act 1997 or section 16D(1)(e) to make such transfer in order to establish whether such a number of votes could be credited to the candidate.”.

SCHEDULE  
REGISTRATION RULES**Publication of electors list.**

1. On the 29th day of January in every year, beginning in 2026, the chief registration officer shall publish a list (in these rules referred to as the electors list) in the prescribed form of all persons who appear to him or her to be entitled to be registered in the register of electors.

**Right to send claims.**

2. Any person who is not entered in the electors list and claims to be entitled to be registered as an elector in the Higher Education constituency may on or before the 26th day of February next after the publication of the electors list, send to the chief registration officer a claim in the prescribed form to be so registered.

**Claim via designated institution.**

3. Where a person referred to in *Rule 2* so consents, a designated institution that awarded a degree to the person may, on or before the 26th day of February next after the publication of the electors list, send to the chief registration officer on behalf of that person a claim, in the prescribed form referred to in that rule, to be so registered.

**Contents of prescribed form of claim.**

4. The prescribed form of claim referred to in *Rule 2* shall be such as to enable the claimant to state therein—
  - (a) such particulars (including a person's identifying particulars and qualifying particulars) as shall be requisite to show that he or she is entitled to be an elector in the Higher Education constituency,
  - (b) the address at which he or she is normally resident,
  - (c) if he or she so desires, another address as the address to which his or her ballot papers are to be sent,
  - (d) if he or she so wishes, an address at which he or she may be contacted electronically.
5. The prescribed form of claim shall include a declaration to be made by the person filling up the same confirming that the details provided by him or her are true to the best of his or her knowledge and belief.
6. The prescribed form of claim shall be such as to enable the claimant, where he or she does not provide a personal public service number, to fill up the form in the presence of a member of the Garda Síochána or any notary or notary public and for the member or, as the case may be, the notary or notary public on being satisfied as to the claimant's identity, including, if necessary, by proof of photographic identification or by completing a statutory declaration, to date, sign and stamp the form.
7. The prescribed form of claim shall be such as to enable the claimant, where he or she does not provide a personal public service number and is unable, due to illness or

disability, to attend a Garda station, notary or notary public, to have the form endorsed to that effect by a registered medical practitioner and for the medical practitioner to confirm the identity of the claimant.

**Submission of claims.**

8. A claim to be registered as an elector in the Higher Education constituency in the prescribed form may be sent to the chief registration officer in writing by post or in electronic form or uploaded electronically to such website as the chief registration officer specifies for that purpose.

**Consultation with designated bodies.**

9. Where the chief registration officer receives a claim referred to in *Rule 2* or *3*, for the purposes of verifying the particulars provided by, or on behalf of, the claimant, the claimant's identity or whether or not the claimant is entitled to be registered in the register of electors, the chief registration officer may consult, and may share information with—
  - (a) where that person has stated his or her personal public service number in the claim, the Minister for Social Protection,
  - (b) the relevant designated institution, and
  - (c) An tÚdarás um Ard-Oideachas.

The chief registration officer may share identifying particulars with the Minister for Social Protection for the purposes specified in this rule.

The chief registration officer may share qualifying particulars with the relevant designated institution and with An tÚdarás um Ard-Oideachas for the purposes specified in this rule.

**Further evidence as to identity and degree.**

10. Where the chief registration officer receives a claim referred to in *Rule 2* or *3* and is unable to verify under *Rule 9* the particulars provided by, or on behalf of, the claimant, the claimant's identity or whether or not the claimant is entitled to be registered in the register of electors, or where a claim is incomplete, the chief registration officer shall inform the person and may require him or her, where he or she has not already done so—
  - (a) to fill up the form in the presence of a member of the Garda Síochána,
  - (b) to satisfy the member or, as the case may be, the notary or notary public as to his or her identity including, if necessary, by proof of photographic identification or by completing a statutory declaration, and
  - (c) to have the member or, as the case may be, the notary or notary public on being satisfied as to the claimant's identity, date, sign and stamp the form, or
  - (d) where he or she is unable, due to illness or disability, to attend a Garda station, notary or notary public, to have the form endorsed to that effect by a

registered medical practitioner and to have the medical practitioner confirm the identity of the claimant,

and to resubmit the claim.

In particular, where the chief registration officer is unable to verify that the claimant has been awarded a degree by an institution that is a designated institution he or she may require the claimant under this rule to obtain evidence in writing from the relevant designated institution that the claimant was awarded such a degree.

**Decision on claim.**

11. The chief registration officer shall, as soon as practicable following a claim under these rules, consider and decide on the claim and shall notify the claimant of the decision and, where the claim is refused, of his or her right to appeal the decision in accordance with *section 18*.

**Further evidence that may be required for purposes of registration.**

12. The chief registration officer, before registering any person in the register of electors, may if he or she thinks it necessary—
  - (a) require such person to produce a certificate of his or her birth or, if that is not practicable or convenient, to make a statutory declaration that he or she has attained the age of eighteen years, and
  - (b) require such person either, as the case may require, to make a statutory declaration that he or she is a citizen of Ireland or to produce a certificate of his or her naturalisation as a citizen of Ireland or a valid passport issued by the Minister for Foreign Affairs.

The Minister may prescribe the form and manner of making of a statutory declaration under this rule.

**Information in connection with deaths of persons.**

13. The chief registration officer may require an tArd-Chláraitheoir to furnish information in connection with deaths of persons who have made claims or whose names are entered in the register of electors and the authority may use such information to update the register.

**Publication of list of claims.**

14. Not later than the 12th day of March in every year the chief registration officer shall prepare and publish a list of claims in the prescribed form and shall enter in such list the name of every person who shall have sent to him or her, on or before the 26th day of February, a prescribed form of claim properly and sufficiently filled up.

**Time for and mode of making objections.**

15. Any registration officer and any person who is registered in the register of electors may object to the registration in such register of any person whose name appears in an electors list or a list of claims in respect of the Higher Education constituency; every such objection shall be made by sending a notice of objection in the prescribed form

to the chief registration officer not later than the 26th day of March next after the publication of the electors list or the list of claims (as the case may be) to which such objection relates.

**Obligation to notify person objected to.**

16. An objection under the next preceding rule shall not be entertained unless, within the time limited for sending the notice of objection, a copy of the notice of objection sent to the chief registration officer is sent by prepaid registered post by the person making the objection to the person whose registration is objected to at his or her address as stated in the electors list or the list of claims, as the case may be.

**Publication of list of objections.**

17. The chief registration officer shall prepare and publish as soon as practicable after the 26th day of March in every year a list of the persons named in the electors list or the list of claims in respect of whose registration a notice of objection has been received by the chief registration officer on or before the said 26th day of March.

**Consideration of and ruling upon objections.**

18. The chief registration officer shall, as soon as practicable, consider and rule upon all objections of which notice has been given to him or her in accordance with these rules, and for that purpose shall give, in respect of every such objection, at least five clear days' notice to the person making the objection and to the person whose registration is thereby objected to of the time and place at which he or she will consider and rule upon such objection.

**Consideration of and ruling upon claims.**

19. The chief registration officer shall also consider, as soon as practicable, every claim mentioned in the list of claims in respect of which no notice of objection has been given in accordance with these rules and,
- (a) if he or she considers that such claim may be allowed without further inquiry, he or she shall allow such claim and give notice thereof to the claimant, or
  - (b) if he or she is not satisfied that such claim can be allowed without further inquiry, he or she shall give at least five clear days' notice to the claimant of the time and place at which he or she will consider and rule upon such claim.

**Objections by chief registration officer.**

20. The chief registration officer may make such further inquiries as he or she may deem necessary in respect of any claim mentioned in the list of claims and, if after such inquiry it shall appear to him or her that the claimant is not entitled to be registered, the chief registration officer may himself or herself at any time object to such claim by sending a notice of objection stating the grounds of the objection to the claimant.

Every objection made by the chief registration officer under this rule shall be considered and ruled upon by him or her, and for that purpose he or she shall give to the claimant at least five clear days' notice of the time and place at which he or she will so consider and rule upon such claim.

**Claims for correction of entries in a register.**

21. Any person who is registered as an elector in the register of electors and claims that he or she is entered in such register in an incorrect manner or with incorrect particulars may send to the chief registration officer, on or before the 26th day of February, a notice in the prescribed form stating that he or she is so entered incorrectly, and stating the alterations which he or she alleges to be necessary in order to make such register correct in regard to him or her, and claiming that the register be altered accordingly.

No claim made under this rule shall be included in the list of claims.

**Consideration of and ruling upon claims for corrections.**

22. The chief registration officer shall consider, as soon as practicable, every claim made under the next preceding rule and—
- (a) if, having consulted with one or more of the designated institutions, he or she considers that such claim may be allowed without further inquiry, he or she shall allow such claim and give notice thereof to the claimant, or
  - (b) if, having consulted with one or more of the designated institutions, he or she is not satisfied that such claim can be allowed without further inquiry, he or she shall give at least five clear days' notice to the claimant of the time and place at which he or she will consider and rule upon such claim.

**Revision of the register.**

23. Not later than the 31st day of May in every year the chief registration officer shall revise the register of electors by doing the following things in regard to such register, that is to say:
- (a) inserting in such register the names and addresses of all persons who were entered in the electors list published on the previous 29th day of January and whose registration was not successfully objected to and of all persons who have claimed to be entitled to be registered in such register and whose claim for such registration has been allowed by the chief registration officer;
  - (b) making all such corrections in such register as may be necessary to give effect to all claims for corrections which have been allowed by the chief registration officer;
  - (c) removing from such register the names of all persons who were omitted from the said electors list because they were dead;
  - (d) removing from such register the name of any person, after reasonable inquiry by the chief registration officer, whose address or the address to which a ballot paper is to be sent is unknown.

**Publication of the revised register.**

24. When the chief registration officer has completed the revision, in accordance with the next preceding rule, of the register of electors, he or she shall do the following things

in relation to such register as so revised (in this rule referred to as the revised register), that is to say—

- (a) publish such revised register not later than the 1st day of June by publishing a notice that a copy of such revised register is open to inspection at his or her office, and
- (b) keep at least one copy of such revised register available in his or her office for inspection, and
- (c) permit any person to inspect free of charge in his or her office during office hours a copy of such revised register, and
- (d) on the application of any person during office hours and on payment of the prescribed fee, furnish to such person a copy in printed or in electronic form of such revised register or of so much thereof as is the subject of such application, and
- (e) whenever so requested by the Minister, transmit to the Minister a copy of such revised register or a summary of the contents of such revised register in such form and giving such particulars as he or she shall specify in such request.

Where the chief registration officer provides to any person a copy of the register, or part thereof, under this rule he or she shall draw the attention of the person to *section 21* in relation to the purposes for which the register may be used.

#### **Method of appealing to the Circuit Court.**

25. A person desiring to appeal against the decision of the chief registration officer must give notice of appeal in the prescribed form to the chief registration officer and to the opposite party (if any) when such decision is given or within five days thereafter.

The chief registration officer shall transmit every such notice of appeal so given to him or her to the county registrar for the county in the manner directed by rules of court together with, in every case, a statement of the material facts which, in the opinion of the chief registration officer, have been established in the case, and of his or her decision upon the whole case and on any point which may be specified as a ground of appeal.

The chief registration officer shall furnish to the court hearing any such appeal such further information, within his or her knowledge or procurement, as such court may require.

#### **Appeals on similar grounds.**

26. Where it appears to the chief registration officer that any two or more notices of appeal from his or her decisions are based on similar grounds, he or she shall inform the county registrar for the county of that fact for the purpose of enabling the judge hearing such appeals (if he or she so thinks fit) to consolidate such appeals or to select one of such appeals as a test case.

#### **Changes of address of registered electors.**



27. Any person registered in the register of electors may at any time inform the chief registration officer of any change in the address of such person (whether the address at which he or she is normally resident or the address to which his or her ballot papers are to be sent) and thereupon the chief registration officer shall amend the register of electors by entering therein such change of address.

**Deletion of deceased electors from the register.**

28. Whenever it comes to the knowledge of the chief registration officer that a person registered in the register of electors is dead he or she shall take note of that fact and shall, at the next annual revision of such register in pursuance of this Act, omit the name of such person from the electors list.

**Method of publishing documents.**

29. Where the chief registration officer is required by these rules to publish any document, and no specific provision is made as to the mode of publication, he or she shall publish such document by—
- (a) making copies thereof available for inspection in his or her office during office hours,
  - (b) publishing a notice electronically on the website of the National University of Ireland, or on another website to which the public has access, stating the times at which such document may be inspected in his or her office, and
  - (c) where he or she thinks it appropriate, publishing the said document electronically on the website of the National University of Ireland or on another website to which the public has access.

**Provision of forms by registration officers.**

30. Every registration officer including the chief registration officer shall, on the application of any person, supply to such person free of charge such number of forms of claim and forms of notice of objection as he or she shall reasonably require.

The chief registration officer shall, on the application of any person, permit such person to inspect and take copies of any claim or notice of objection received by him or her under these rules and shall also, on payment of the prescribed fee, supply to such person a copy of any such claim or notice of objection.

**Method of sending notices.**

31. Any claim, notice of objection, or other document which is, under these rules, to be sent to the chief registration officer may be sent to him or her by prepaid post addressed to him or her at his or her office or where the chief registration officer has provided details by which he or she may be contacted by electronic means, by sending such claim, notice of objection, or other document by such means.

Any claim, objection, notice or other document which is required by these rules to be sent by the chief registration officer or by a registration officer to any person shall be sufficiently sent if sent by post addressed to such person at the address given by him or her for that purpose or, if he or she is a registered elector, at his or her address as stated in the register of electors or, where neither of such addresses is available, at his or her last known place of abode or where such person has provided details by which he or she may be contacted by electronic means, by sending such notice by such means.

**Persons entitled to appear and be heard before the chief registration officer.**

32. On the consideration of any claim or objection or other matter by the chief registration officer in pursuance of these rules, any person appearing to the chief registration officer to be interested may appear and be heard either in person or by some other person (other than counsel) on his or her behalf.

**Power of chief registration officer to take evidence on oath.**

33. On the consideration of any claim or objection, or other matter by the chief registration officer in pursuance of these rules, the chief registration officer may, at the request of any person interested or, if he or she so thinks fit, without such request, require that the evidence tendered by any person should be given on oath and may administer an oath for that purpose.

**Misnomers and inaccurate descriptions.**

34. No misnomer or inaccurate description of any person or place in any list or in the register of electors or in any notice shall prejudice the operation of this Act or these rules as respects that person or place provided such person or place is so designated as to be commonly understood.