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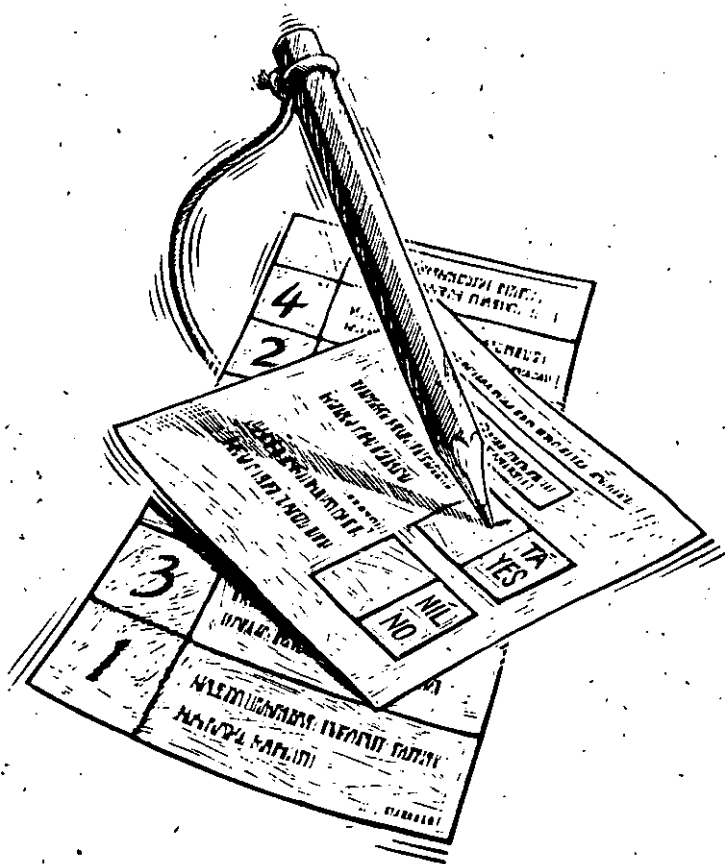
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# European Parliament

*How Ireland's Representatives  
are Elected*



## **1. Representation in the European Parliament**

The European Parliament exercises the legislative, budgetary and supervisory powers conferred on it by the Treaties establishing the European Union. Its primary role is to represent the interests of the citizens of the Union in the preparation of Community legislation. The role of the Parliament has been progressively strengthened by measures such as the Single European Act and the Treaty on European Union (the Maastricht Treaty).

While the Treaties provide for the election of representatives in accordance with a uniform procedure in all Member States, full uniformity has not yet been introduced. At present the conduct of the elections is governed partly by Community law (the Act of 20th September, 1976) and partly by national law (in Ireland's case, the European Parliament Elections Acts, 1977 to 1993).

The Parliament originally consisted of delegates nominated by the national parliaments of the Member States. The Treaties, however, envisaged a directly elected assembly and, since 1979, representatives (i.e. MEPs) have been elected directly. The Parliament has a total membership of 567, including 15 members from Ireland and three members elected from Northern Ireland as part of the UK representation.

## **2. Constituencies**

The 15 Irish representatives in the European Parliament are elected by secret ballot on the single transferable vote system in four multi-member constituencies. The constituencies, drawn up on the recommendation of an independent constituency commission, are as follows:

<b>Constituency</b>	<b>Number of Members</b>
Connacht-Ulster	3
Dublin	4
Leinster	4
Munster	4

## **3. Elections to the Parliament**

Direct elections to the European Parliament are held every five years commencing in 1979. The elections take place throughout the European Union within a four day period in the month of June fixed by the Council of Ministers. The Minister for the Environment appoints the polling day and the polling period, which must last at least 12 hours between 8.30am and 10.30pm. Polling at the last European elections took place on Thursday, 9th June, 1994.

## **4. Maastricht Treaty**

Under the terms of the Maastricht Treaty, nationals of Member States are entitled to vote and stand as candidates at European elections in the Member State in which they are living. Nationals of the European Union resident in Ireland have been entitled to vote at European elections in this country since the first direct elections to the Parliament in 1979.

Irish citizens living in other Member States can now vote and stand at European elections in their country of residence (in the case of Luxembourg a minimum period of residence may be required in order to stand as a candidate).

### **5. Who can become an MEP?**

Every citizen of Ireland and every resident EU national, over 21 years of age, who is not disqualified by Community or national law and is not standing as a candidate in another Member State, is eligible to be elected to the European Parliament. Persons undergoing a prison sentence in excess of six months, undischarged bankrupts and persons of unsound mind are disqualified for election. Certain occupations are incompatible with membership of the Parliament, for example, Ministers and Ministers of State, members of the judiciary, senior officials of the institutions of the European Union, civil servants, whole-time members of the Defence Forces and Gardaí (police).

### **6. Who can vote at a European election?**

There are approximately 2.6 million registered electors entitled to vote at European elections.

Every citizen of Ireland and resident EU national, over 18 years, whose name appears on the register of electors is entitled to vote. A register of electors is compiled each year by the county council or city corporation. A draft register is published on 1st November and is displayed for public inspection in public libraries, post offices and other public buildings. Claims for corrections to the draft may be made up to 25th November. Claims are adjudicated on by the county registrar who is a legally qualified court officer. An appeal may be made to the Circuit Court against a county registrar's decision. The register of electors comes into force on 15th February. Eligible persons not included in the published register may apply for inclusion in a supplement to the register.

Members of the Garda Síochána (police force), Defence Forces and civil servants (and their spouses) attached to Irish missions abroad may vote by post. Electors with physical disabilities may apply to have their names entered on the special voters list and vote at home. A ballot paper is delivered to them at their residence by a special presiding officer accompanied by a member of the Garda Síochána. Electors with physical disabilities, who have difficulty in gaining access to their local polling station, may be authorised to vote at a more accessible station in the constituency. Otherwise, electors vote in person at their local polling station.

### **7. Who conducts the election?**

The responsibility for conducting the election in each of the four constituencies rests with a returning officer appointed by the Minister for the Environment, who must be a county registrar or a city or county sheriff. A local returning officer has the responsibility of taking the poll in each county and county borough.

The cost to returning officers of running the election is met by the Exchequer.

## **8. Nomination of candidates**

The nomination of candidates takes place about one month before polling day and a period of 7 days is allowed for this purpose. A person may nominate him/herself as a candidate or be nominated by one elector for the constituency. A person may only be nominated in one constituency. A deposit of £1,000 must be lodged in respect of each candidate. The deposit is refunded if the candidate withdraws, dies, is elected or receives more than one-third of the quota of votes necessary for election (see section 13). A candidate may include party affiliation in the nomination paper. If the candidate has no party affiliation, he/she may describe him/herself as "non-party" or leave the appropriate space blank.

A candidate who is a national of a Member State other than Ireland or the United Kingdom must also make a statutory declaration and produce an attestation from his/her home Member State that he/she is not disqualified from standing as a candidate there.

The returning officer must rule on the validity of a nomination paper within one hour of its presentation. The returning officer is required to object to the name of a candidate if it is not the name by which he/she is commonly known, if it is misleading and likely to cause confusion, is unnecessarily long or contains a political reference. He/she is also required to object to the description of a candidate which is, in his/her opinion, incorrect, insufficient to identify the candidate or unnecessarily long. The candidate or the returning officer may amend the particulars shown on the nomination paper. The returning officer may rule a nomination paper invalid only if it is not properly made out or signed, or, in the case of a national of a Member State other than Ireland or the United Kingdom, if it is not accompanied by the necessary declaration and attestation regarding eligibility to stand.

## **9. Replacement Candidates**

Casual vacancies in the Parliament are filled from lists of replacement candidates presented at the election. The replacement list presented by a registered political party may contain up to 4 names more than the number of candidates presented by the party in the constituency, the replacement list of a non-party candidate may contain up to 3 names. A replacement candidate who is a national of a Member State other than Ireland or the United Kingdom must make a statutory declaration and provide the necessary attestation from his/her home Member State (see section 8).

The entry on the ballot paper in relation to each candidate contains a reference to the associated replacement list. The lists of replacement candidates are published by the returning officer and copies are displayed in each polling station. A casual vacancy arising is filled by the person whose name stands highest on the relevant list of replacement candidates (see also section 15).

## **10. Free postage for candidates**

Each candidate at a European election is entitled to send one election letter free of postage charge to each elector in the constituency. Where two or more candidates of the same political party stand for election in a

constituency, they are limited to one election letter under this arrangement. The cost of this facility is met by the Exchequer.

## **11. The Poll**

The returning officer is responsible for the general organisation of the poll, printing of ballot papers and counting of votes in each constituency.

The local returning officer is responsible for the detailed polling arrangements in the county or county borough concerned. He/she must send a polling information card to each elector informing the elector of his/her number on the register of electors and the polling station at which he/she may vote. The local returning officer also makes the necessary arrangements for voting by postal and special voters.

Polling places are appointed by county councils or county borough corporations, subject to the approval of the Minister for the Environment. The local returning officer provides polling stations at each polling place. Usually schools or public buildings are used. At each polling station the poll is taken by a presiding officer assisted by a poll clerk. Each candidate may be represented at a polling station by a personation agent who assists in the prevention of electoral offences.

## **12. Voting**

The elector applies for a ballot paper in the polling station by stating his/her name and address. The elector may be required to produce evidence of identity and, if he/she fails to do so, will not be permitted to vote. Where the presiding officer is satisfied as to the elector's identity, a ballot paper is stamped with an official authenticating mark and handed to the elector.

The elector votes in secret in a voting compartment. The names of the candidates appear in alphabetical order on the ballot paper, together with an indication of their political affiliation, if any. The voter indicates the order of his/her choice by writing 1 opposite the name of his/her first choice and, if he/she so wishes, 2 opposite the name of the second choice, 3 opposite the name of the third choice and so on. In this way the voter instructs the returning officer to transfer the vote to the second choice candidate if the first choice is either elected or eliminated. If the same situation applies to the second choice, the vote may be transferred to the third choice and so on. The voter folds the ballot paper to conceal how it has been marked and places it in a sealed ballot box. A person may only vote once at the election, whether in this country or in another Member State.

Persons with a visual impairment or physical disability who cannot vote without help may be assisted by the presiding officer or by a companion. Persons with reading or writing difficulties who cannot vote without help may be assisted by the presiding officer.

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

### 13. The Count

Under European law, the count at a European election cannot start until voting throughout the Union is completed. However, the verification of the ballot paper accounts takes place on the day following polling day. The local returning officer, in the presence of candidates' agents, opens all ballot boxes, counts the number of ballot papers in each box and compares the number with the account furnished by the presiding officer. The ballot papers are then transmitted to the count centre for the constituency.

The count proper commences on the final day of the election period and is supervised by the candidates' agents. All the ballot papers for the constituency are thoroughly mixed and sorted according to the first preferences recorded for each candidate, invalid papers being rejected.

#### **Quota:**

The quota is the minimum number of votes necessary to guarantee the election of a candidate. It is ascertained by dividing the total number of valid ballot papers by one more than the number of seats to be filled and adding one to the result. Thus, if there were 400,000 valid papers and 4 seats to be filled the quota would be 80,001, i.e.

$$\frac{400,000}{(4+1)} + 1$$

It will be seen that in this example only four candidates (the number to be elected) could possibly reach the quota.

#### **Transfer of Surplus:**

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

$$\frac{\text{surplus} \times \text{number of papers in parcel}}{\text{total number of transferable papers}}$$

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

#### **Elimination of Candidate:**

If no candidate has a surplus or the surplus is insufficient either to elect one

of the remaining candidates or to materially affect the progress of the count, the lowest of the remaining candidates is eliminated and his/her papers are transferred to the remaining candidates according to the next preference indicated on them. If a ballot paper is to be transferred and the second preference shown on it is for a candidate already elected or eliminated, the vote passes to the third choice and so on.

### **Completion of Count:**

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

### **Recount:**

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

### **Results:**

When the count is completed, the returning officer declares the results of the election and returns the names of the elected members to the chief returning officer for notification to the European Parliament.

## **14. Election petition**

Any person aged 18 or over may question the results of a European election by way of petition in the High Court within four weeks of the declaration of the results by the returning officer. The High Court, at the trial of an election petition, must determine the correct result of the election and, for this purpose, may order the votes to be recounted. The Court may declare the whole or part of the election in the constituency void and, in that event, a fresh election will be held to fill the vacant seats. The decision of the High Court is final, subject only to appeal on a question of law to the Supreme Court.

## **15. Casual vacancies**

Casual vacancies arising in Ireland's representation in the European Parliament are filled from the replacement candidates' list presented by the party or non-party candidate which won the seat at the previous election (see section 9). The vacancy is filled by the person standing highest on the relevant list who is both eligible and willing to become an MEP. If no replacement candidate list was presented in respect of the MEP who originally won the seat or the list is exhausted or no one on the list is both eligible and willing to become an MEP, Dáil Éireann (Lower House of Parliament) may select a person to fill the vacancy from any replacement candidates' list presented for the constituency at the previous election.



## **16. Electoral law**

The law relating to the election of members to the European Parliament is contained in the following legislation:

- Council Decision (76/787/EEC) of 20 September 1976 to which was annexed an Act concerning the election of the representatives of the Assembly by direct universal suffrage. This decision and Act were published in the Official Journal of the European Communities on 8 October, 1976 (OJ No. L278).
- Council Directive (93/109/EC) of 6 December, 1993, laying down detailed arrangements for the exercise of the right to vote and stand as candidate in elections in the European Parliament for citizens of the Union residing in a Member State of which they are not nationals. This Directive was published in OJ No. L329 on 30 December, 1993.
- European Assembly Elections Act, 1977. (IR£12.30)
- European Assembly Elections Act, 1984. (IR£2.20)
- Electoral (Amendment) Act, 1986. (IR£1.30)
- Electoral (Amendment) (No. 2) Act, 1986. (IR£3.10)
- Electoral Act, 1992. (IR£13.35)
- European Parliament Elections Act, 1993. (IR£1.95)
- European Parliament Elections (Voting and Candidature) Regulations, 1994. (IR£2.40)

These publications can be obtained from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

## **17. Other Leaflets**

Other leaflets available in this series are as follows:

How the President is elected

The Referendum in Ireland

How the Dáil (Lower House of Parliament) is elected

How the Seanad (Senate or Upper House of Parliament) is elected

The Register of Electors

Information for Voters with Disabilities