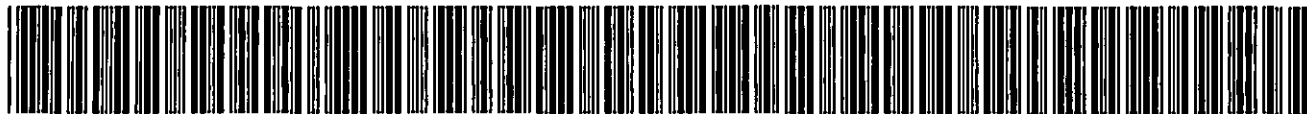


Date Printed: 04/21/2009

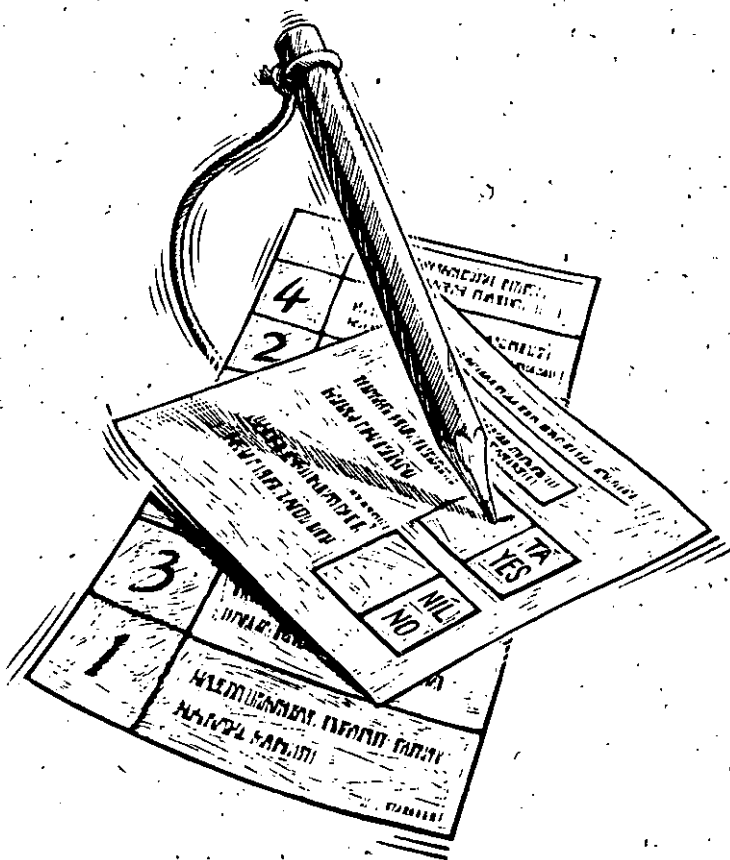
JTS Box Number: IFES_65
Tab Number: 19
Document Title: How the Dail id Elected
Document Date: 1994
Document Country: Ireland
Document Language: English
IFES ID: CE00863



* E 5 F 3 0 2 6 E - 3 3 7 1 - 4 3 4 0 - 9 E A 3 - 6 5 3 4 B 7 5 8 C 9 1 8 *

How the Dáil is Elected

(Lower House of Parliament)



DEPARTMENT OF THE
ENVIRONMENT

1. Structure of the Dáil

The Dáil (Lower House of Parliament) is composed at present of 166 members representing 41 constituencies. The Constitution requires the total membership of the Dáil to be so set that the national average population per member will be between 20,000 and 30,000. The Constitution also requires that the ratio of population to member must, as far as is practicable, be equal in each constituency. No constituency may have less than 3 members. The constituencies must be revised at least once in every twelve years. In practice, constituencies are revised on the publication of the results of each census of population: a census is normally taken every fifth year. An independent Commission draws up a revised scheme of constituencies which is given effect by an Act of the Oireachtas (National Parliament).

2. Duration of Dáil

The maximum life of the Dáil is limited by the Constitution to 7 years but a limit of 5 years has been set by law. The Dáil may be dissolved by the President on the advice of the Taoiseach (Prime Minister) at any time.

3. Who Can Be Elected?

Every citizen of Ireland over 21 years of age who is not disqualified by the Constitution or by law is eligible to be elected to the Dáil. A member of the Dáil is referred to as Teachta Dála (TD). 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 Dáil, for example, members of the judiciary, senior officials of the institutions of the European Union, civil servants, wholetime members of the Defence Forces and Gardaí (police).

4. The Electoral System

Voting at a Dáil election is by secret ballot on the system of proportional representation by means of the single transferable vote. The system enables the elector to indicate his/her first and subsequent choices for the candidates on the ballot paper. The form of ballot paper is prescribed by law.

5. Who Can Vote at a Dáil Election?

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

Every citizen of Ireland and British citizen, 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 correction 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.

6. General Elections

A general election must be held within thirty days after the dissolution of the Dáil. The Clerk of the Dáil issues a writ to the returning officer in each constituency instructing him/her to hold an election of the prescribed number of members. The returning officer is the county registrar or, in Dublin and Cork, the city or county sheriff. The Ceann Comhairle (chairman of the Dáil) is automatically returned without an election unless he/she signifies that he/she does not wish to continue as a member. The latest time for nominating a person as a candidate is 12 noon on the ninth day after the issue of the writs.

The Minister for the Environment appoints the polling day which must be between the 17th and 25th day (excluding Sundays and public holidays) after the issue of the writ. He also appoints the polling period which must consist of at least 12 hours between 8.00am and 10.30pm.

7. Nomination of Candidates

A candidate may nominate himself/herself or be nominated by a Dáil elector for the constituency. A deposit of IR£300 must be lodged in respect of each candidate. The deposit is refunded if the candidate withdraws, is elected or if the greatest number of votes credited to him/her exceeds one-quarter of the quota of votes necessary for election (see section 11. for explanation of the "quota"). A candidate may include party affiliation in the nomination paper. If the candidate has no party affiliation, he/she may describe himself/herself as "non-party" or leave the appropriate space blank.

A register of political parties is maintained by the Clerk of the Dáil. In it the Clerk registers particulars of each party which applies for registration and which satisfies him/her that it is a genuine political party and is organised to contest elections.

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 the candidate 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.

8. Free Postage for Candidates

Each candidate at a Dáil 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 the facility is met by the Exchequer.

9. The Poll

Polling places are appointed by county councils or county borough corporations, subject to the approval of the Minister for the Environment. The returning officer provides polling stations at each polling place. Usually schools or public buildings are used. The returning officer is responsible for the organisation of the poll, printing of ballot papers and counting of votes in each constituency. He/she must send a polling information card to each voter informing the voter of his/her number on the register of electors and the polling station at which he/she may vote. The returning officer also makes the necessary arrangements for voting by postal and special voters.

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.

10. 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.

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.

11. The Count

Counting arrangements:

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

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

Quota:

The quota is the minimum number of votes necessary to guarantee the election of a candidate. It is ascertained by dividing the total number of valid ballot papers by one more than the number of seats to be filled and adding one to the result. Thus, if there were 40,000 valid papers and 4 seats to be filled, the quota would be 8,001, i.e.

$$\frac{40,000}{(4+1)} + 1$$

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:-

$$\frac{\text{surplus, x number of papers in parcel}}{\text{Total number of transferable papers}}$$

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

Elimination of Candidate:

If no candidate has a surplus or the surplus is insufficient to elect one of the remaining candidates or materially affect the progress of the count, the

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

Completion of Counting:

Counting continues until all the seats have been filled. If the 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, endorses the names of the elected members on the writ issued to him/her by the Clerk of the Dáil and returns the writ.

12. Election Petition

Any person who is registered or entitled to be registered as a Dáil elector in a constituency may question the results of a Dáil election by way of petition in the High Court. The petition must be presented 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.

13. Bye-Elections

Casual vacancies in the membership of the Dáil are filled by bye-elections. On the instruction of the Dáil, the Clerk issues a writ to the returning officer for the constituency concerned directing the holding of a bye-election to fill the vacancy. Procedure at a bye-election is the same as at a general election.

14. Electoral Law

The law relating to the election of members to the Dáil is contained in Article 16 of the Constitution of Ireland (IR£1.30), the Electoral (Amendment) Act, 1990 (IR £2.20) and the Electoral Act, 1992 (IR£13.35). These publications are available from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

15. Other Leaflets

Other leaflets available in this series are as follows:

How the President is elected

The Referendum in Ireland

European Parliament: How Ireland's representatives are elected

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

The Register of Electors

Information for Voters with Disabilities