



**Rialtas na hÉireann**  
Government of Ireland

# **How the Dáil is Elected**

## **(Lower House of Parliament)**

Prepared by the Department of Housing, Local Government and Heritage

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1. Introduction .....	3
2. Structure of the Dáil .....	3
3. Duration of Dáil .....	3
4. Timing of Dáil elections.....	4
5. The electoral system.....	4
6. Who can be elected? .....	4
7. Who can vote at a Dáil election? .....	5
8. Nomination of candidates .....	6
9. Free postage for candidates .....	7
10. Appointment of election agents .....	7
11. The poll.....	8
12. Alternative voting arrangements.....	8
<b>12.1</b> Postal Voters List.....	8
<b>12.2</b> Special Voters List.....	10
13. Voting .....	11
14. The count .....	13
15. Election petition .....	16
16. Bye-elections.....	16
17. Political donations .....	16
18. Election expenditure.....	18
19. Reimbursement of election expenses.....	18
20. Electoral law .....	18
21. Other Leaflets.....	19

## **How the Dáil is Elected**

(Lower House of Parliament)

### **1. Introduction**

This leaflet is intended as a practical guide. It is not a definitive interpretation of electoral law. For more information you should consult the relevant constitutional and legislative provisions relating to Dáil elections (see 20 below).

### **2. Structure of the Dáil**

The Dáil (Lower House of Parliament) is comprised of 160 members representing 39 constituencies. The Constitution requires the total membership of the Dáil to be set so 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. The constituencies must be revised at least once in every twelve years. In practice, constituencies are revised following the publication of the results of each census of population: a census is normally taken every fifth year. The independent Electoral Commission - An Coimisiún Toghcháin - draws up a revised scheme of constituencies which is given legislative effect by an Act of the Oireachtas (National Parliament).

### **3. Duration of Dáil**

The maximum life of the Dáil is 7 years but, as provided for under the Constitution, a shorter period 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.

## **4. Timing of Dáil elections**

A Dáil election (general election) must be held within 30 days after the dissolution of the Dáil. The Clerk of the Dáil issues a writ to the returning officer in each constituency instructing him or 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 or she signifies that they do not wish to continue as a member.

The Minister for Housing, Local Government and Heritage appoints the polling day which must be between the 18<sup>th</sup> and 25<sup>th</sup> day (excluding Good Friday, Sundays and Public Holidays) after the issue of the writ. The Minister also appoints the polling period which must consist of at least 12 hours between 7.00 a.m. and 10.30 p.m.

## **5. The electoral system**

Voting at a Dáil election is by secret ballot using the PR-STV system (proportional representation by means of the single transferable vote). PR-STV allows the elector to indicate their first and subsequent choices for the candidates on the ballot paper.

## **6. Who can be elected?**

Every citizen of Ireland over 21 years of age who is not disqualified under 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 6 months and persons of unsound mind are disqualified from 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); persons are prohibited from holding Dáil membership and such an occupation at the same time.

## 7. Who can vote at a Dáil election?

Every citizen of Ireland, and British citizens, ordinarily resident in the State who are aged 18 years or over and whose name appears on the register of electors is entitled to vote.

The Register of Electors is maintained on an ongoing basis by registration authorities (county, city and city and county councils in their role as registration authorities under the electoral acts). It is their role to add, remove or update details as necessary to ensure a complete and accurate register of electors. Registration authorities are also required to publish the register in force in advance of an electoral event.

Persons entitled to vote at Dáil elections who are not on the register or whose details in respect of their registration are outdated, can register or update details directly with the registration authority where they ordinarily reside by submitting a form or online at [www.checktheregister.ie](http://www.checktheregister.ie). An application to register or update details in the register must be received at least 15 days before polling day, (excluding Sundays, Good Friday and Public Holidays) in order to be considered for that Dáil election. Different closing dates apply to postal and special voting applications – see paragraphs 12.1 and 12.2 below. An application received on or after the 14th day in advance of polling day will not be considered until after polling day.

Where an application cannot be completed online, or where a person prefers to submit a paper form, the relevant forms can be downloaded at [www.checktheregister.ie](http://www.checktheregister.ie) or requested from the registration authority.

Where a person lives in Dublin and has a verified MyGovID they can also engage with their registration authority via [www.voter.ie](http://www.voter.ie).

The relevant registration authority will consider and decide on each application to register or to update details as soon as practicable, and where an application is refused, the person will be notified of the reasons therefore and of their right to appeal the decision to the county registrar.

An elector can appeal against decisions of a registration authority to the county registrar. Ordinarily, an appeal must be made within 4 weeks of the date of the decision of the registration authority, but where a polling day has been set, this changes. As soon as possible after the date for an electoral event has been set, the County Registrar is required to give public notice of the last dates for receipt of an appeal in respect of that particular electoral event, in the case of postal voting or special voting, this will not be less than 2 days later than the last day for making an application.

More information regarding the register of electors can be found in the separate leaflet "The Register of Electors" available in this series on the Department's website ([www.gov.ie/housing](http://www.gov.ie/housing)).

## **8. Nomination of candidates**

Candidates may nominate themselves or be nominated by a Dáil elector for the constituency. The latest date for nominating a person as a candidate is 12 noon on the seventh day after the issue of the writs. A candidate may have their photograph included on the ballot paper by providing a photograph in the specified format with their nomination. A candidate may also include party affiliation and a party emblem. If the candidate has no party affiliation they may describe themselves as "non-party" or leave the appropriate space blank.

Candidates at a Dáil election, not in possession of a certificate of political affiliation, must comply with one or other of the following procedures before the expiration of the time for receiving nominations.

- (i) The completion of statutory declarations by 30 assentors to the nomination who are registered as Dáil electors in the relevant constituency. The assents must be witnessed by a Notary Public, a Commissioner for Oaths, a Peace Commissioner, a member of the Garda Síochána or an official of the registration authority (city, county or city and county council).
- (ii) Alternatively, the candidate, or someone on his or her behalf, may lodge a deposit of €500 with the returning officer.

The returning officer must rule on the validity of a nomination paper within one hour of its presentation. They are required to object to the name of a candidate if it is not the name by which the candidate is commonly known, is misleading and likely to cause confusion, is unnecessarily long or contains a political reference. The returning officer is also required to object to the description of a candidate that is, in their 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.

## **9. Free postage for candidates**

Each candidate at a Dáil election is entitled to send one election letter free of postage charge to each household 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.

## **10. Appointment of election agents**

Each political party which authenticates the candidature of a candidate must appoint a national agent to account for expenditure nationally at an election. Each candidate is required to appoint an election agent for the purposes of accounting for expenditure incurred by or on behalf of the candidate at the election; the agent may also assist the candidate generally in relation to the election. The appointment of the election agent by the candidate, who may be the candidate him/herself, must be made not later than the last day for receiving nominations and be notified to the returning officer.

A candidate or their agent may also appoint one deputy agent (or sub-agent) for each polling district in the constituency to assist the candidate in the polling district and to act as deputy for the candidate's election agent in the district. The appointment of a deputy agent (or sub-agent) must be notified in writing to the returning officer by the person making the appointment.

## 11. The poll

Polling places are appointed by city, county and city and county councils. The returning officer provides polling stations at each polling place. Schools or public buildings are normally used. The returning officer is responsible for the organisation of the poll, printing of ballot papers and counting of votes in each constituency. The returning officer must send a polling information card to each voter informing the voter of his or her number on the register of electors and the polling station at which he or she may vote. It is an offence to interfere with a polling card or to use a polling card at a polling station which is not addressed to the person presenting it. 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.

## 12. Alternative voting arrangements

Generally, electors vote in person at their local polling station, however, in certain circumstances the following alternative voting arrangements are available.

### 12.1 Postal Voters List

Registration authorities prepare and maintain a postal voters list as part of the register of electors. Postal vote applications require some additional information, documentation or certification – the requirements vary depending on the reason for the application and are set out on the relevant application form.

The following categories of persons **must be registered** as postal voters:

- whole-time members of the Defence Forces - members who live in military barracks may be registered either at the barracks or at their home address; and
- Irish diplomats posted abroad and their spouses/civil partners - they are registered at their home address in Ireland.

The following categories of persons **may apply** for registration as postal voters:

- members of the Garda Síochána (police force);
- persons living at home who are unable to go to a polling station to vote because of an illness or disability;
- persons whose occupations are likely to prevent them from voting at their local polling station on election day, including full-time students registered at home who are living elsewhere while attending an educational institution in the State (*under this arrangement, a ballot paper is posted to the elector at home who must arrange to have his or her declaration of identity witnessed by a Garda before marking the ballot paper and returning it by post to the returning officer.*);
- electors unable to vote at their polling station due to circumstances of their detention in prison pursuant to an order of the court;
- certain election staff employed at a polling station outside the constituency where they live; and
- persons who consider their safety, or the safety of a member of their household would be at risk if their name and address were to be published may apply to be an anonymous elector – such electors may only vote by post.

An application for inclusion in the postal voters list can be made at any time once the elector is eligible for entry on the postal voters list however, the latest date for receipt of applications for a postal vote in respect of a specific electoral event is –

- two days after the date of dissolution of the Dáil in the case of a general election;

- two days after the polling day order is made in the case of a Dáil bye-election;
- in the case of a Presidential, European or local election or a Referendum an application must be received by the registration authority at least twenty-two days before polling day (excluding Sundays, Good Friday and Public Holidays).

Where an application is received after that time it will not have any effect for that electoral event.

As soon as possible after the date for an electoral event has been set, the County Registrar will set the last dates for receipt of an appeal in respect of that particular electoral event, in the case of postal votes, this will not be less than 2 days later than the last day for making an application.

An elector registered as a postal voter may vote by post only and may not vote at a polling station.

## **12.2 Special Voters List**

Registration authorities also prepare a list of special voters comprising electors with an illness or disability which prevents them from going to a polling station to vote and who are living in hospitals, nursing homes, mental health facilities or similar institutions who wish to vote at these locations. In the case of a first application it must be accompanied by a certificate from a registered medical practitioner (such as a GP).

An application may be made at any time once the elector is eligible for entry on the special voters list however, the latest date for receipt of applications for a special vote in respect of a specific electoral event is –

- two days after the date of dissolution of the Dáil in the case of a general election;
- two days after the polling day order is made in the case of a Dáil bye-election;

- in the case of a Presidential, European or local election or a Referendum an application must be received by the registration authority at least twenty-two days before polling day (excluding Sundays, Good Friday and Public Holidays).

Where an application is received after that time it will not have any effect for that electoral event.

As soon as possible after the date for an electoral event has been set, the County Registrar will set the last dates for receipt of an appeal in respect of that particular electoral event, in the case of special votes, this will not be less than 2 days later than the last day for making an application.

Electors on the special voters list vote at the hospital, nursing home, mental health facility or similar institution, where they are residing by marking a ballot paper delivered to them by a special presiding officer accompanied by a Garda.

In the exceptional event that the hospital, nursing home or similar institution of the special voter is not accessible to the special presiding officer, the returning officer can apply special voting procedures such as issuing a postal vote to the special voters affected.

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

## **13. Voting**

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

The following documents are acceptable for identification purposes:

- a passport;
- a driving licence;
- an employee identity card containing a photograph;

- a student identity card issued by an educational institution and containing a photograph;
- a travel document containing name and photograph;
- a Bank or Savings or Credit Union book containing address in constituency or local electoral area;
- a Public Services Card;

OR

the following items, accompanied by a further document which establishes the address of the holder in the constituency or local electoral area -

- a cheque book;
- a cheque card;
- a credit card;
- a birth certificate;
- a marriage certificate.

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

The elector votes in secret in a voting compartment. The names of the candidates appear in alphabetical order on the ballot paper, together with their photograph, political affiliation and party emblem, if any. The voter indicates the order of their choice by writing 1 opposite the name of their first choice, 2 opposite the name of their second choice, 3 opposite the name of their third choice and so on. In this way the voter instructs the returning officer to transfer the vote to the second choice candidate if the first choice is either elected or eliminated. If the same situation applies to the second choice, the vote may be transferred to the third choice and so on. The voter folds the ballot paper to

conceal how it has been marked and places it in a sealed ballot box. A person may only vote once at the election.

Persons with a visual impairment, a physical disability or literacy difficulties may be assisted by the presiding officer or by a companion. Persons with a visual impairment may also use a Ballot Paper Template (available at every polling station) to cast their vote. These are devices that can be attached to a ballot paper to enable vision impaired voters to vote in secret.

The Ballot Paper Template works in conjunction with a Freephone 1800 number that informs the listener of the candidates in the sequence corresponding to the numbers on the Ballot Paper Template. The Freephone number is made available for voters intending to use the template as soon as possible following the receipt of election candidate nominations. The number remains active up to and including polling day.

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

## **14. 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 9 a.m. on the day after polling day. Each ballot box is opened and the number of ballot papers checked against a return furnished by each presiding officer. They are then thoroughly mixed and sorted according to the first preferences recorded for each candidate, invalid papers being rejected.

**Quota:**

The quota is the minimum number of votes necessary to guarantee the election of a candidate. It is ascertained by dividing the total number of valid ballot papers by one more than the number of seats to be filled and adding one to the result. Thus, if there were 40,000 valid papers and 4 seats to be filled, the quota would be 8,001, i.e.  $\frac{40,000}{4+1} + 1$ . 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 or her ballot papers are sorted into separate parcels according to the next preference shown on them. A separate parcel is made of the non-transferable papers (papers on which an effective subsequent preference is not shown). If the surplus is equal to or greater than the number of transferable votes, each remaining candidate will receive all the votes from the appropriate parcel of transferable papers. If the surplus is less than the number of transferable papers each remaining candidate will receive from the appropriate parcel of transferable papers a number of votes calculated as follows:

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

If the surplus arises out of transferred papers, only the papers in the parcel last transferred to that candidate are examined and this parcel is then treated in the same way as a surplus consisting of first preference votes. If 2 or more candidates exceed the quota, the larger surplus is distributed first.

**Elimination of candidate:**

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

**Completion of counting:**

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

**Recount:**

A returning officer may recount all or any of the papers at any stage of a count. A candidate or the election agent of a candidate is entitled to ask for a recount of the papers dealt with at a particular count or to ask for one complete recount of all the parcels of ballot papers. When recounting, the order of the papers must not be disturbed. If 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 or her by the Clerk of the Dáil and returns the writ.

## **15. 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 in accordance with section 132 of the Electoral Act 1992. 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 seat(s). The decision of the High Court is final, subject only to appeal on a question of law to the Supreme Court.

## **16. 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.

## **17. Political donations**

The acceptance of political donations is governed by law. Elected public representatives and candidates for election may not accept a donation from a person in a particular year that exceeds €1,000. In the case of a political party or 'third party' campaign group, the maximum donation that may be accepted cannot exceed €2,500. The acceptance of a donation from a non-Irish citizen residing abroad is prohibited.

A 'corporate donor' that wishes to make a donation greater than €200 to a candidate, elected representative, political party or third party campaign group must be registered with the Standards in Public Office Commission. A donation above this amount from a registered corporate donor must be accompanied by a statement that the making of the donation was approved by the members, shareholders or trustees of the donating body. The

maximum amount that can be accepted from a 'corporate donor' which is not registered is €200. A corporate donor is defined as (i) a body corporate, (ii) an unincorporated body of persons, or (iii) a trust.

The maximum amount that can be accepted as a cash donation in the same year is €200.

An unsuccessful candidate at a Dáil election is required to furnish to the Standards in Public Office Commission, within 56 days of polling day at the election, a statement indicating whether any donations exceeding €600 were received by them for the election and giving particulars of any such donations and the persons who made them. The statement must also include information on: the date on which the donation was received; information on whether the donation was requested from the donor, and if so, the name of the person who requested the donation, and; whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.

Similarly, each member of the Dáil is required to furnish to the Standards in Public Office Commission, by 31<sup>st</sup> January each year, a statement indicating whether any donations exceeding €600 were received, and must include the same information in respect of these donations as is provided by a candidate.

In addition, each political party is required to furnish to the Standards in Public Office Commission, by 31<sup>st</sup> March each year, a statement indicating whether any donations exceeding €1,500 were received by it and giving particulars of any such donations and the persons who made them. As with candidates and members of Dáil Éireann, the statement must also include further detailed information on such donations.

All public representatives, unsuccessful candidates at elections and third parties who receive a donation for political purposes greater than €100 in any particular year must open a political donations account which should then record all donations transactions in the year after the account was opened. Annual and post-election donations statements must be accompanied by a statement from the financial institution specifying the transactions that have

taken place in the account together with a certificate stating that all donations were lodged to the account and were used for political purposes.

## **18. Election expenditure**

The amount of expenditure that may be incurred by candidates and political parties at Dáil elections is also regulated by law. The limits are €30,150.00 for a 3-seat constituency; €37,650.00 for a 4-seat constituency; and €45,200.00 for a 5-seat constituency.

The control of expenditure operates through a system of agents (see 10 above). The national agent of each political party and the election agent of each candidate is required to furnish to the Standards in Public Office Commission, within 56 days of polling day at the election, a statement in writing of all expenses incurred in connection with the election. A copy of each statement submitted to the Standards in Public Office Commission is laid before each House of the Oireachtas.

## **19. Reimbursement of election expenses**

Election expenses up to a maximum of €8,700.00 are reimbursed from the Exchequer to –

- a candidate who is elected at either a general election or a bye-election,
- an unsuccessful candidate at a general election who is not elected but the greatest number of votes credited to him/her exceeds a quarter of the quota of votes necessary for election,
- an unsuccessful candidate at a bye-election who is not elected but the greatest number of votes credited to him/her exceeds a quarter of what would have been the quota had the election been a general election.

## **20. Electoral law**

The law relating to the election of members to the Dáil is contained mainly in:

- Article 16 of the Constitution of Ireland
- Electoral Act 1992, as amended
- Electoral Act 1997, as amended
- Electoral Amendment (Dáil Constituencies) Act 2017
- Electoral, Local Government, Planning and Development Act 2013
- Electoral Reform Act 2022

These publications are available from Government Publications, Office of Public Works, Jonathan Swift Street, Trim, Meath or viewed on [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

## 21. Other Leaflets

Other leaflets available in this series on the Department's website ([www.gov.ie/housing](http://www.gov.ie/housing)) are as follows:

- The Referendum in Ireland
- How the President is Elected
- How the Seanad (Senate) is Elected
- European Parliament: How Ireland's MEPs Representatives are Elected
- How Members of Local Authorities are Elected
- The Register of Electors
- Information for Voters with Disabilities

**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE**

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[gov.ie/housing](https://gov.ie/housing)

