



STATUTORY INSTRUMENTS.

S.I. No. 238 of 2024

ELECTORAL ACT 1992 (SECTION 165) REGULATIONS 2024

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S.I. No. 238 of 2024

ELECTORAL ACT 1992 (SECTION 165) REGULATIONS 2024

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage in exercise of the powers conferred on me by sections 3 and 165 of the Electoral Act, 1992 (No. 23 of 1992) for the purpose of giving effect to the said section 165 in relation to the polls to be taken on the 7th day of June 2024, hereby order as follows:

Citation.

1. These Regulations may be cited as the Electoral Act, 1992 (Section 165) Regulations, 2024.

Interpretation.

2. In these Regulations -

"the Act of 1992" means the Electoral Act, 1992;

"the Act of 1997" means the European Parliament Elections Act, 1997 (No. 2 of 1997);

"the Act of 2024" means the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (No. 7 of 2024);

"the 1995 Regulations" means the Local Elections Regulations, 1995 (S.I. No. 297 of 1995);

"European election" means an election of members of the European Parliament;

"the European Communities" has the same meaning as in the European Communities Acts 1972 to 2007;

"European local returning officer" means the person who, in accordance with section 17 of the Act of 1997 is a local returning officer for a county or city or city and county;

"European Parliament" means the Parliament of the European Communities and references to "European Parliament constituency" and "European Parliament election" shall be construed accordingly;

"Limerick City and County Electoral Area" means the area by reference to which a Limerick mayoral election is held;

"Limerick mayoral election" means an election of a Mayor of Limerick;

"Limerick mayoral election ballot paper" means a ballot paper at a Limerick mayoral election;

"Limerick mayoral election returning officer" means a returning officer appointed under paragraph 9 of Schedule 2 to the Act of 2024 for the purpose of the election of a Mayor of Limerick;

"local authority returning officer" means a returning officer appointed under article 4 of the Local Elections Regulations 1995 for the purpose of the election of members of a local authority;

"local election" means an election of members of a county council, city council or city and county council;

"local election ballot paper" means a ballot paper at a local election;

"local electoral area" means the area by reference to which a local election is held;

"the Minister" means the Minister for Housing, Local Government and Heritage;

"postal voter" means a person whose name is included in the list prepared pursuant to section 14 of the Act of 1992 and section 63 of the Electoral Act 1997 and section 2 of the Electoral (Amendment) Act 2006;

"postal voters list" means the list prepared pursuant to section 14 of the Electoral Act 1992 and section 63 of the Electoral Act 1997;

"special voter" means a person whose name is included in the special voters list prepared under section 17 of the Act of 1992.

Effect of Regulations.

3. (1) These Regulations shall have effect in relation to every election the poll, if any, at which is to be taken on the 7th day of June 2024.

(2) These Regulations shall not have effect in relation to a fresh election held pursuant to Rule 23(2) or Rule 27 of the Second Schedule to the Act of 1997 or paragraph 29(3) or paragraph 33 of Schedule 2 to the Act of 2024 or article 28 of the 1995 Regulations where the poll at such fresh election is to be taken on a day other than the 7th day of June 2024.

Returning officers.

4. (1) Subject to regulations 5 and 6, the European local returning officer for a county, city or city and county shall be the returning officer as respects a local election in a local electoral area or part of a local electoral area situate in the county, city or city and county concerned for the purposes of the following provisions of the 1995 Regulations-

- (a) articles 5 and 25(1)(a) insofar as they relate to the taking of the poll otherwise than by postal voting,
- (b) articles 26(3) and 26(6),
- (c) articles 44 to 48,
- (d) articles 52 to 54,
- (e) articles 56 to 58,
- (f) Part XI (subject to regulations 12 and 13 of these Regulations), and
- (g) article 76(1), (1A), (3) and (4)

and the powers and duties of the relevant local authority returning officer under these provisions shall be exercised and performed by the said European local returning officer and references in the said provisions to the returning officer shall be construed as references to the European local returning officer.

(2) Subject to regulations 5 and 6, the European local returning officer for the city and county of Limerick shall be the returning officer as respects a Limerick mayoral election in the Limerick City and County electoral area for the purposes of the following provisions of Schedule 2 to the Act of 2024-

- (a) paragraph 10 insofar as it relates to the taking of the poll otherwise than by postal voting,
- (b) paragraph 29(1),
- (c) paragraph 31(3) and (6),
- (d) paragraph 35,
- (e) paragraph 38,
- (f) articles 53, 54, 56, 57 and 58 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 39 of Schedule 2 to the Act of 2024),
- (g) articles 59 to 73 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 41 of Schedule 2 to the Act of 2024),
- (h) paragraph 44(1), (2), (3) and (4)

and the powers and duties of the Limerick mayoral election returning officer under these provisions shall be exercised and performed by the said European local returning officer and references in the said provisions to the returning officer shall be construed as references to the European local returning officer.

- (3) (a) The powers and duties of the returning officer in relation to a local election (other than those referred to in paragraph (1)) shall be exercised and performed by the local authority returning officer.
- (b) The powers and duties of the returning officer in relation to a Limerick mayoral election (other than those referred to in paragraph (2)) shall be exercised and performed by the Limerick mayoral election returning officer.

(4) Notwithstanding paragraphs (1), (2) and (3) a local authority returning officer and the Limerick mayoral election returning officer shall be entitled to be admitted to any polling station where a poll at an election for which he or she is the returning officer is being taken and to any place appointed for the counting of the votes at the election.

Deputy European local returning officer.

5. It shall be lawful for a European local returning officer to appoint a deputy European local returning officer for the discharge of all, or any particular part of, the duties of such European local returning officer.

Mutual assistance.

6. It shall be the duty of every person upon whom any function is conferred by or under the law for the time being in force in relation to an election to which these Regulations apply and of every person appointed or employed (otherwise than by a candidate) for any purpose related to such election to furnish such information and render such other assistance to any other such person as that other person requires for the purposes of the election.

Agents.

7. (1) In the case of a European election, rules 24, 25 and 26 of the Second Schedule to the Act of 1997 shall apply.

(2) In the case of a Limerick mayoral election, paragraphs 30, 31 and 32 of Schedule 2 to the Act of 2024 shall apply.

(3) In the case of a local election, articles 26 and 27 of the 1995 Regulations shall apply, subject to regulations 4 and 20 of these Regulations.

Notices of poll and situation of polling stations.

8. (1)(a) Where, under articles 25 or 28 of the 1995 Regulations, the local election for a local electoral area is adjourned for the purpose of taking a poll or the candidates standing nominated are declared elected or the election is not proceeded with, the relevant local authority returning officer shall so inform the relevant European local returning officer in which the local electoral area is situate.

(b) Where an election is adjourned under sub-paragraph (a) of paragraph (1), the relevant local authority returning officer shall furnish to the European local returning officer a copy of the notice of poll given under article 50 of the 1995 Regulations.

(2) (a) Where, under paragraphs 29 or 33 of Schedule 2 to the Act of 2024, the Limerick mayoral election is adjourned for the purpose of taking a poll or the candidates standing nominated are declared elected or the election is not proceeded with, the Limerick mayoral election returning officer shall so inform the relevant European local returning officer.

(b) Where an election is adjourned under sub-paragraph (a) of paragraph (1), the Limerick mayoral election returning officer shall furnish to the European local returning officer a copy of the notice of poll given under paragraph 36 of Schedule 2 to the Act of 2024.

(3) The European local returning officer shall furnish a copy of the public notice in relation to the location of polling stations given by him or her under rule 56(4) of the Second Schedule to the Act of 1997 to the relevant local authority returning officer and the Limerick mayoral election returning officer.

Polling districts, polling places and register of electors.

9. The European local returning officer may make such modifications to a polling district or a polling place, notwithstanding a polling scheme confirmed under section 28 of the Act of 1992, or to a register of electors published in accordance with section 13 of the Act of 1992, as is considered necessary having regard to the convenience of electors in facilitating voting at the polls to be taken on 7th June 2024.

Polling information cards.

10. (1) The European local returning officer shall send under section 92 of the Act of 1992 a polling information card to each person registered as a local government elector.

(2) Where a polling information card is sent to an elector under paragraph (1), a polling information card shall not be sent to that elector under rule 54 of the Second Schedule to the Act of 1997 or under article 55 of the 1995 Regulations or under paragraph 40 of the Second Schedule to the Act of 2024.

Polling on islands.

11. (1) Article 49 of the 1995 Regulations shall not have effect in relation to an election to which these Regulations apply.

(2) Rule 48 of the Second Schedule to the Act of 1997 shall apply in relation to every local election the poll at which is to be taken on 7th June 2024 in the same manner as the said rule applies to the poll at the European elections to be taken on the same day.

Voting by persons in the employment of local returning officer.

12. (1) Article 61 of the 1995 Regulations and article 61 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 41 of Schedule 2 to the Act of 2024) shall not have effect in relation to a local election or a Limerick mayoral election to which these Regulations apply.

(2) Rule 60 of the Second Schedule to the Act of 1997 shall apply in relation to every local election and the Limerick mayoral election the poll at which is to be taken on 7th June 2024 in the same manner as the said Rule applies to the poll at the European elections to be taken on the same day, except that, in the case of a local election or Limerick mayoral election, the alternative polling station shall be in same local electoral area.

Authorisation of physically ill or physically disabled elector to vote at another polling station.

13. (1) Article 62 of the 1995 Regulations and article 62 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 41 of Schedule 2 to the Act of 2024) shall not have effect in relation to a local election or a Limerick mayoral election to which these Regulations apply.

(2) Rule 61 of the Second Schedule to the Act of 1997 shall apply in relation every local election and Limerick mayoral election the poll at which is to be taken on 7th June 2024 in the same manner as the said rule applies to the poll at the European elections to be taken on the same day, except that, in the case of a local election or Limerick mayoral election, the alternative polling station shall be in the same local electoral area.

Special voting.

14. (1) Where ballot papers and related documents are to be delivered to a special voter at more than one poll to which these Regulations apply, the same person shall be appointed as special presiding officer for each of the polls and the functions of the special presiding officer under the Act of 1997, the 1995 Regulations and the 1995 Regulations as applied at a Limerick mayoral election by paragraph 35(3) and 35(4) of Schedule 2 to the Act of 2024, shall be performed by the officer at the same time in respect of each poll.

(2) Each local authority returning officer and the Limerick mayoral election returning officer shall supply to the European local returning officer such numbers of ballot papers and related documents as that officer shall require for the purposes of special voting at the local elections and Limerick mayoral election.

(3) Where ballot papers and related documents are to be delivered to a special voter at one or more than one poll to which these Regulations apply:

- (a) the European local returning officer shall, on the copy of the special voters list issued to the special presiding officer, cause –
 - (i) the letters “E” to be placed against the name of each person on the list entitled to vote at the European election, at the local election and at the Limerick mayoral election only,
 - (ii) the letter “L” to be placed against the name of each person on the list entitled to vote at the local election and at the Limerick mayoral election only,
- (b) a single declaration of identity shall be completed by the special voter,
- (c) the special presiding officer shall, as soon as he or she has given a ballot paper(s) for each of the polls concerned to the special voter, strike a line through the person’s name on the copy of the special voters list. Where ballot papers for all polls are not issued,

the special presiding officer shall, in addition, mark against the person's name on the special voters list -

- (i) the letters "E" if a ballot paper in respect of the European election has been issued to him or her,
- (ii) the letter "L" if a local election ballot paper has been issued to him or her,
- (iii) the letters "M" if a Limerick mayoral election ballot paper has been issued to him or her,
- (d) the completed ballot paper for the European election shall be put in a buff ballot paper envelope by the voter, and the completed ballot papers for the local election and the Limerick mayoral election shall be put in a white ballot paper envelope by the voter,
- (e) the special presiding officer shall place the ballot paper envelope or envelopes and the completed declaration of identity in a single covering envelope which he or she shall seal and to which he or she shall affix a label in the form directed by the Minister for Housing, Local Government and Heritage, signed by himself or herself and by the member of the Garda Síochána,
- (f) the special presiding officer shall complete a ballot paper account for each poll to which these Regulations apply.

(4) The European local returning officer shall immediately on receipt of covering envelopes from a special presiding officer, place them unopened in a sealed ballot box marked "special voters ballot box" (by which name such ballot box is in this regulation subsequently referred) and shall make provision for the safe custody of the ballot box.

(5) The European local returning officer shall open the special voters ballot box as soon as may be after all covering envelopes have been received from all the special presiding officers appointed by the officer for the polls to which these Regulations apply.

(6) The provisions of rules 36 and 37 of the Second Schedule to the Act of 1997 shall apply to the opening of the special voters ballot box by the European local returning officer as if –

- (a) rule 36(1) were deleted,
- (b) "opening of the special voters ballot box" and "special voters ballot box" were substituted for "polling day" and "postal voters ballot boxes" in rule 36(2),
- (c) "special voters ballot box" were substituted for "postal voters ballot box",
- (d) "declaration of identity" were substituted for "receipt",
- (e) "regulation 14(8) of the Electoral Act 1992 (Section 165) Regulations 2024" were substituted for "rule 38" in rule 36(4),
- (f) "declaration of identity has been duly signed and witnessed" were substituted for "receipt has been duly signed" in rule 36(5).

- (7) (a) In the event that the covering envelope does not have the label referred to in rule 45(7) of the Second Schedule to the Act of 1997 or if such label is not duly signed by the special presiding officer and the member of the Garda Síochána, the European local returning officer shall reject the covering envelope and deal with it as if it were a declaration of identity which had not been duly signed and witnessed,
- (b) the European local returning officer shall provide a separate receptacle for each poll and for declarations of identity which have been duly signed and witnessed and shall label them accordingly,
- (c) each ballot paper envelope (or ballot paper which is not contained in a ballot paper envelope) accompanied in a covering envelope by a declaration of identity which has been duly signed and witnessed shall be placed in the receptacle for the poll to which it relates.

(8) When the covering envelopes in the special voters ballot box have been opened and their contents dealt with in accordance with paragraphs (6) and (7), the European local returning officer shall, in the presence of agents, place the contents of the receptacle(s) for the European election into the appropriate postal voters ballot box.

(9) The ballot paper envelope (or a ballot paper which is not contained in a ballot paper envelope) in each receptacle for a local election and Limerick mayoral election shall be sealed in a separate packet and delivered as soon as may be to the appropriate local authority returning officer and the Limerick mayoral election returning officer who shall open the packet and place the contents in the postal voters ballot box for the local election and Limerick mayoral election concerned. The packet should be accompanied by a receipt form in duplicate and a signed copy should be returned to the European local returning officer. The European local returning officer shall also send to the said local authority returning officer and the Limerick mayoral election returning officer the items concerning the local election referred to in article 47(2)(a), (b) and (d) of the 1995 Regulations and the items concerning the Limerick mayoral election referred to in article 47(2)(a), (b) and (d) of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 35 of Schedule 2 to the Act of 2024).

(10) The marked copy of the special voters list shall be sent to the relevant local authority returning officer and dealt with in accordance with the provisions of regulation 48(1) of the 1995 Regulations.

Postal Voting at European election, local election and Limerick mayoral election.

15. (1) Where a ballot paper and related documents are to be sent to a postal voter under rule 32 of the Second Schedule to the Act of 1997:

- (a) the ballot papers and documents shall be enclosed in a single covering envelope addressed to the postal voter,

- (b) a single covering envelope addressed to the European local returning officer shall be provided for the return of the documents by the postal voter,
 - (c) a single form of receipt shall be sent to each postal voter, and
 - (d) a single ballot paper envelope shall be sent to each postal voter.
- (2) Where ballot papers and related documents are to be sent to a postal voter both under article 33 of the 1995 Regulations and under article 33 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 34(7) of Schedule 2 to the Act of 2024):
- (a) the ballot papers and documents shall be enclosed in a single covering envelope addressed to the postal voter,
 - (b) a single covering envelope addressed to the local authority returning officer shall be provided for the return of the documents by the postal voter,
 - (c) a single form of receipt shall be sent to each postal voter, and
 - (d) a single ballot paper envelope shall be sent to each postal voter.

Postal voter documents.

16. A ballot paper returned by a postal voter shall not be rejected solely on the grounds that it is not included in the correct envelope or is accompanied by a receipt (or declaration of identity, as the case may require) other than that issued by the relevant returning officer.

Special voter documents at opening of postal voter ballot boxes.

17. (1) The procedure in paragraph (2) shall apply to special voter ballot paper envelopes or special voter ballot papers not in a ballot paper envelope when the postal voter ballot boxes are opened under -

- (a) rule 36 of the Second Schedule to the Act of 1997,
- (b) article 38 of the 1995 Regulations,
- (c) article 38 of the 1995 regulations (as applied to a Limerick mayoral election by paragraphs 34(7) and 34(8) of Schedule 2 to the Act of 2024).

(2) The European local returning officer, or the local authority returning officer, as the case may be, shall first extract the special voter ballot paper envelopes and any special voter ballot papers not contained in ballot paper envelopes. The officer shall place -

- (a) each such ballot paper envelope in the receptacle for ballot paper envelopes and subsequently treat it in the same manner as a ballot paper envelope extracted from a postal voter covering envelope following the opening of the postal voter ballot boxes and placed in the same receptacle,

- (b) each such ballot paper, without unfolding it, in a ballot box in accordance with, as the case may be –
 - (i) rule 38 of the Second Schedule to the Act of 1997,
 - (ii) article 40 of the 1995 Regulations,
 - (iii) article 40 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraphs 34(7) and 34(8) of Schedule 2 to the Act of 2024).

Opening of postal and special voter ballot paper envelopes.

18. At the time of opening the postal voter and special voter ballot paper envelopes, the European local returning officer or the local authority returning officer, as the case may be, finds a ballot paper relating to the other election for which the officer is not the relevant returning officer, he or she shall -

- (a) place such ballot papers in a packet together with two copies of a statement showing the number of papers enclosed in the packet, and
- (b) seal each such packet and transmit it by hand to the relevant returning officer, who shall acknowledge receipt of the packet on one copy of the statement and transmit it to the other returning officer.

Provisions relating to taking of polls in polling station.

19. The following provisions shall have effect in relation to the taking of the polls in a polling station at the elections, to which these Regulations apply:

- (a) each poll shall be taken by a European local returning officer,
- (b) the same person shall be appointed to be the presiding officer at each poll,
- (c) the same copy of the register of electors, as defined in section 6 of the Act of 1992, shall be used for the poll at each election, and such copy of the register shall be marked in the manner set out in regulation 14(3)(c) to indicate the poll or polls in respect of which a ballot paper is delivered to each elector,
- (d) each local authority returning officer and the Limerick mayoral election returning officer shall furnish to the European local returning officer such numbers of ballot papers and other documents as that officer shall require for the purpose of taking the poll at the relevant local election and the Limerick mayoral election in each relevant polling station,
- (e) the following questions shall be substituted for those set out in rule 72(1)(c) of the Second Schedule to the Act of 1997, article 73(2) of the 1995 Regulations, and article 73(2) of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 41 of Schedule 2 to the Act of 2024):

- "(i) Are you the same person as the person whose name appears as AB on the register of electors now in force for the county, city or city and county of -----?
- (ii) Have you already voted at these elections?
- (iii) Have you reached the age of eighteen years?
and (in the case only of a person who applies for a ballot paper relating to the European election)
- (iv) Are you either or both of the following -
(a) a citizen of Ireland,
(b) a national of a Member State of the European Communities other than Ireland?"
- (f) the following oath (or affirmation) shall be substituted for the oath (or affirmation) set out in rule 72(1)(d) of the Second Schedule to the Act of 1997, article 73(3) of the 1995 Regulations, and article 73(3) of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 41 of Schedule 2 to the Act of 2024):

"I swear by Almighty God (or - do solemnly, sincerely and truly declare and affirm - as the case may be) that I am the same person as the person whose name appears as AB on the register of electors now in force and that I have not already voted at these elections and that I have reached the age of eighteen years and (in the case only of a person who applies for a ballot paper relating to the European election) that I am a citizen of Ireland (or - a national of a Member State of the European Communities other than Ireland - or - both a citizen of Ireland and a national of a Member State of the European Communities other than Ireland - as the case may be)".

Verification of postal ballot paper accounts at local election and Limerick mayoral election.

20. (1) On the next day following the polling day, at the time fixed by the local authority returning officer for a local election and the Limerick mayoral election returning officer for a Limerick mayoral election (which time shall not be earlier than 9 a.m. on that day) and at the place appointed under article 74(2) of the 1995 Regulations and paragraph 42 of Schedule 2 to the Act of 2024, the local authority returning officer shall, in the presence of the agents of the candidates, open the postal ballot box, which was sealed under article 40 of the 1995 Regulations and under article 40 of the 1995 Regulations (as applied to a Limerick mayoral election by paragraphs 34(7) and 34(8)), and extract the postal ballot papers therefrom.

(2) The ballot papers in respect of a local election extracted by the local authority returning officer from the postal voters ballot box under paragraph (1) shall be counted and their total number so ascertained shall be compared with the number shown in the appropriate ballot paper account. The local authority

returning officer shall prepare a statement showing the result of this comparison and shall, on request, allow the agent of any candidate to copy the statement.

(3) The local authority returning officer shall place the counted ballot papers in respect of a local election in a ballot box which shall be sealed. When the local authority returning officer receives the ballot papers for the local election from the European local returning officer under regulation 21(3)(c), he or she shall mix together the whole of the ballot papers in respect of each local electoral area and shall proceed to count the votes in respect of each such area in accordance with Parts XII and XIII of the 1995 Regulations.

(4) The ballot papers in respect of a Limerick mayoral election extracted by the local authority returning officer from the postal voters ballot box under paragraph (1) shall be counted and their total number so ascertained shall be compared with the number shown in the appropriate ballot paper account. The Limerick mayoral election returning officer shall prepare a statement showing the result of this comparison.

(5) The Limerick mayoral election returning officer shall place the counted ballot papers in respect of a Limerick mayoral election in a ballot box which shall be sealed. When the Limerick mayoral election returning officer receives the ballot papers for the Limerick mayoral election from the European local returning officer under regulation 21(4)(c), he or she shall mix together the whole of the ballot papers in respect of the Limerick City and County Electoral Area and shall proceed to count the votes in respect of such area in accordance with Chapter 12 of Schedule 2 to the Act of 2024.

(6) The provisions of article 75 of the 1995 Regulations and paragraph 43 of Schedule 2 to the Act of 2024 in relation to attendance at the counting of the votes shall apply to attendance at the proceedings under this regulation.

Opening of ballot boxes relating to European election, local election, and Limerick mayoral election.

21. (1) The European local returning officer shall appoint the hour of 9 a.m. on the day next following the polling day as the day and time at which he or she will open the ballot boxes pursuant to rule 73 of the Second Schedule to the Act of 1997, article 76 of the 1995 Regulations and paragraph 42 of Schedule 2 to the Act of 2024.

(2) At the time and on the day referred to in paragraph (1), and at the place appointed under the rule 73(2) of the Second Schedule to the Act of 1997, the European local returning officer shall open the ballot box relating to each polling station, and shall in accordance rule 75(1A) of the Second Schedule to the Act of 1997, article 76(1A) of the 1995 Regulations and paragraph 44(2) of Schedule 2 to the Act of 2024, open any ballot box containing not more than 50 ballot papers in respect of any one of the polls taken on 7th June 2024 in such manner that, although the box is opened in the presence of the agents of the candidates, the preferences on the individual ballot papers for the poll where there is not more than 50 ballot papers cannot be read by those agents or other persons present at the count.

(3) The European local returning officer shall-

- (a) count the number of local election ballot papers found in each box and compare the total number of papers so ascertained with the number shown in the appropriate local election ballot paper account,
 - (b) prepare a statement showing the result of this comparison in respect of all the ballot boxes, and
 - (c) deliver the local election ballot papers to the local authority returning officer, together with the appropriate statements referred to in sub-paragraph (b) and the packets and statements relating to such ballot papers received by him or her from presiding officers under article 72(2)(a), (c) and (d) of the 1995 Regulations, making adequate arrangements for the safety and safe custody of the ballot papers and other documents in the course of such delivery.
- (4) The European local returning officer shall-
- (a) count the number of Limerick mayoral election ballot papers found in each box and compare the total number of papers so ascertained with the number shown in the appropriate Limerick mayoral election ballot paper account,
 - (b) prepare a statement showing the result of this comparison in respect of all the ballot boxes, and
 - (c) deliver the Limerick mayoral election ballot papers to the Limerick mayoral election returning officer, together with the appropriate statements referred to in sub-paragraph (b) and the packets and statements relating to such ballot papers received by him or her from the presiding officers under article 72(2)(a), (c) and (d) of the 1995 Regulations (as applied to a Limerick mayoral election by paragraph 41 of Schedule 2 to the Act of 2024), making adequate arrangements for the safety and safe custody of the ballot papers and other documents in the course of such delivery.
- (5) The European local returning officer shall then deal with the ballot papers relating to the European election in accordance with Part IX of the Second Schedule to the Act of 1997.
- (6) The local authority returning officer on receipt of the local election ballot papers delivered to him or her in accordance with sub-paragraph (c) of paragraph (3), shall forthwith deal with them in accordance with the relevant Parts of the 1995 Regulations and regulation 20(3) of these Regulations.
- (7) The Limerick mayoral election returning officer on receipt of the Limerick mayoral election ballot papers delivered to him or her in accordance with sub-paragraph (c) of paragraph (4), shall forthwith deal with them in accordance with the relevant Chapters of Schedule 2 to the Act of 2024 and regulation 20(5) of these Regulations.
- (8) The European local returning officer, his or her assistants and clerks, the local authority returning officer, the Limerick mayoral election returning officer members of the Garda Síochána on duty, agents of the candidates duly appointed

for this purpose and no other person, except with the permission of the European local returning officer, may be present at the proceedings under this article.

Marked register of electors.

22. (1) Notwithstanding rule 93(3)(d) of the Second Schedule to the Act of 1997 and article 92(2)(a) of the 1995 Regulations and paragraph 57(2)(a) of Schedule 2 to the Act of 2024, the European local returning officer shall place the marked copies of the register of electors referred to in regulation 19(c) of these Regulations in separate sealed packets and shall mark on each packet particulars of its contents, date of polling day at the polls and the county, city or city and county to which they relate and shall as soon as practicable forward the packet or packages to the relevant local authority returning officer.

(2) The local authority returning officer shall, in relation to the marked copies of the register of electors received by him or her pursuant to paragraph (1), comply with the provisions of regulations 92(3) and 94 of the 1995 Regulations.

(3) Section 20 and rule 93 of the Second Schedule of the Act of 1997 and paragraph 57 of Schedule 2 to the Act of 2024 shall apply to the marked register retained by the local authority returning officer under this regulation.

Modification of Act of 2024.

23. The Act of 2024 shall have effect as if:

- (a) in paragraph 10(a) of Schedule 2, "and the Electoral Act, 1992 (Section 165) Regulations 2024," were inserted after "this Part"; and
- (b) paragraph 57(2)(d) of Schedule 2 were deleted.

Modification of Act of 1997.

24. The Act of 1997 shall have effect as if in section 17(2)(b) "and the Electoral Act 1992 (Section 165) Regulations 2024" were inserted after "by this Act".

Modification of 1995 Regulations.

25. The 1995 Regulations shall have effect as if:

- (a) in article 5, "and the Electoral Act, 1992 (Section 165) Regulations 2024" were inserted after "and these Regulations",
- (b) in article 25(1)(a), "for the purpose of the taking of" were substituted for "and shall take" and "and the Electoral Act 1992 (Section 165) Regulations 2024" were inserted after "these Regulations",

- (c) in article 69(3), "European local returning officer who shall forthwith inform the local authority" were inserted after "such adjournment to the", and
- (d) article 92(2)(d) were deleted.



L.S.

GIVEN under my Official Seal,
23 May, 2024.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations make certain provisions in relation to the taking on the same day (7th June 2024) of the polls at the European Parliament elections, the local elections and the Limerick mayoral election. They cover matters such as returning officers, public notices, polling information cards, voting at polling stations, postal voting, special voting and the counting of the votes.

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Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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