

Section 3 – Nomination Procedure

Article 14(2)

(a) Nomination Papers

Revised nomination papers, directed by the Minister on 19 March 2024 have been sent to you (*Appendix 3*).

Articles 14, 17 &
18

The period for receipt of nominations commences at 10 am on Saturday, 11 May 2024 and ends at 12 noon on Saturday, 18 May 2024. You must arrange to have a supply of nomination papers available at your office during normal office hours on each day between the publication of the notice of election (i.e. Friday, 10 May 2024 at the latest) and 12 noon on the last day for receiving nominations (i.e. Saturday, 18 May 2024).

You must attend for receipt of nominations from 10 am to 12 noon and from 2 pm to 5pm on Friday 17 May 2024 and from 10 am to 12 noon on Saturday, 18 May 2024. Candidates or their proposers are not obliged to use forms provided by you but the nomination paper used must be in the form directed by the Minister.

If the day before the last day for receiving nominations falls on an excluded day you are not required to attend on that day but you must attend instead for the prescribed periods on the next preceding day which is not an excluded day.

A person may nominate himself or herself as a candidate or, with his or her consent, may be nominated by a person who is registered as a local government elector in the local electoral area where the candidate proposes to stand for election.

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A separate nomination paper is required for each local electoral area for which a candidate is nominated.

Nomination papers should be delivered personally to you by the candidate or their proposer. Have a copy of the register of electors for the entire area of the authority available to check whether the proposer is registered and for which local electoral area. Arrange with your Franchise Section to check for an entry on the ‘balancing list’ if the name is not on the published register.

S.12 of the Local Government Act 2001

Part II of Schedule/1995 Regulations

A person who reaches 18 years of age on or before polling day is eligible to stand for election.

A candidate may include in their nomination paper the name of the political party, registered in the Register of Political Parties, of which they are a candidate, provided a certificate in the specified form authenticating their candidature is produced to you at the time the nomination paper is delivered. A candidate who is not a candidate of a registered political party may, if they so wish, include the expression “Non-Party” after their name on the nomination paper. A description such as “Independent” is not permissible. A candidate is permitted to leave blank the space provided on the nomination paper for the political party. The name of the registered political party or the expression “Non-Party”, if properly included in the nomination paper, must be specified in relation to the candidate concerned on ballot papers and on notices.

Articles 14 & 15

A non-party candidate at a local election (i.e. who is not in possession of a certificate of political affiliation authenticating the candidature of a candidate on behalf of a political party registered in the Register of Political Parties), must comply with one or other of the following procedures before the expiration of the time for receiving nominations:

- (i) completion of statutory declarations (*Appendix 4*) by 15 assentors registered as local electors in the electoral area concerned, which must be witnessed by a Commissioner for Oaths, a Peace Commissioner, a Notary Public, a member of the Garda Síochána or an official of the registration authority,

Or

- (ii) the candidate, or someone on his or her behalf, lodging a deposit of €100 with you.

Article 19

The nomination papers should be numbered in the order in which you receive them. Insert the same number on the detachable slip attached to the nomination paper for the purposes of identification. If more than one valid nomination paper is received in respect of a candidate in the same local electoral area, the first valid nomination paper received is deemed to be the nomination of that candidate for that area.

Article 20

(b) Ruling on Nomination Papers

You must rule on the validity of each nomination paper within one hour of its receipt. You may rule a nomination paper invalid **only** if you consider:

- (a) that the nomination paper is not properly made out or signed.
- (b) in the case of a nomination paper of a candidate who is not a member of a political party and who has opted to be nominated by way of assentors, that the nomination is not assented to in accordance with the requirements of sub-articles 7(a) and (8) of Article 14 of the 1995 Regulations, as amended.

Under Article 20(1)(c) of the 1995 Regulations, a nomination paper is not to be ruled invalid because an assentor has assented to the nomination of more than one candidate.

Article 20(3)

You are **required** to object to the name of a candidate on the nomination paper if such name –

- is not the name by which the candidate is **commonly known**; or
- is misleading and likely to cause confusion; or
- is **unduly** long; or
- contains a political reference.

Where you object to either the name or description, you must allow the candidate or their proposer to amend it and, if it is not amended to your satisfaction, you may amend it (or in the case of a description, if you think fit, delete it), following consultation with the candidate or their proposer, if either is present, or rule the nomination paper invalid as not being properly made out.

Where you rule a nomination paper invalid, it will be open to the candidate or their proposer to submit a fresh nomination provided the time for receipt of nominations has not expired.

(c) Name of candidate

Normally a candidate's name might be expected to contain not more than three words: a surname with one or two forenames or a hyphenated surname with a single forename. In any instance where a name exceeds three words, you should consider whether it would be appropriate to object.

You must object if the name on the nomination paper is not the name by which the candidate is commonly known. In a situation where you have doubts as to whether the name on the nomination paper is in fact the name by which the person is commonly known, the candidate or their proposer should be given an opportunity to produce evidence to show that the name is one by which the candidate is commonly known. It should be borne in mind that the fact that a person may have changed his or her name by deed poll is not on its own sufficient evidence as they may not be commonly known by that name. Documentation such as the extract from the register of electors or a driving licence, passport, medical card, energy bill, etc. may be relevant evidence in this regard.

You must object if it appears to you that the form of name is likely to mislead and cause confusion. For example, the form of name may be calculated to suggest that the candidate is somebody other than they actually are, or may be so close to that of another candidate as to raise

suspicion that the particular form of name may have been chosen with a view to confuse or mislead.

Article 51(2)

It is, of course, recognised that there may be two or more genuine candidates with identical names in one local electoral area. You should follow the prescribed procedure in Article 51(2) of the 1995 Regulations for distinguishing between such candidates and for deciding on the order of their names on the ballot paper.

You must object to the form of the forename as well as the surname if you consider an objection is appropriate for any of the reasons referred to. However, this should not be taken as prohibiting the use of diminutives or nicknames, provided you are satisfied that the candidate is commonly known by such name. For example, you should accept such names as “Madge”, “Toddy”, “P.J.”, “Chub”.

The fact that a particular form of name was accepted at previous elections does not preclude you from objecting now. You should, therefore, raise objection in every case where any of the relevant considerations referred to Article 20 of the Local Elections Regulation 1995 arises.

You must object if the name contains a political reference. This may be a direct political reference such as the name of a non-registered party or group or an indication of the candidate’s views on, or interest in, a particular social, political or other matter.

Some family names may in themselves have political connotations. You should not object to such a name, provided you are satisfied that it is the name by which the candidate is commonly known. Nor should the use by a candidate of her maiden name and/or her married name, of itself, give ground for objection.

Article 20(4)

- (d) Description of candidate**
Under Article 20(4) of the 1995 Regulations, you must object to the description of a candidate which, in your opinion, is incorrect,

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insufficient to identify the candidate, or unnecessarily long. In addition, you must object if the description contains a political reference other than, where appropriate, a reference to a public or elected office held, or formerly held, by the candidate or to a registered political party (of which he or she is a candidate) or to the “Non-Party” status of the candidate. The purpose of this provision is to prevent the inclusion on the nomination paper and, hence, on the ballot paper, of the name of a non-registered political party or group or any political or emotive reference.

You **must** object to the inclusion in the occupation of a candidate of references such as “Secretary of Party”, “Political Organiser”, etc.

The only reference of a political nature which may be accepted in the description of a candidate are expressions such as “County/City Councillor”, “Public Representative”, etc.

(e) Address of Candidate

Returning officers have taken the view that a candidate's address need not necessarily relate to their residence, but could refer to their place of business. Thus, an address like "Liberty Hall" (for a trade union official) is regarded as acceptable. In addition, addresses of political party HQ or constituency offices have been accepted in the past.

Article 21

(f) Procedure after ruling on nomination papers

When you have ruled on a nomination paper, make a note of your decision on the space provided for this purpose on the nomination paper and sign and date it.

If you rule a nomination paper invalid, you must include a statement of your reasons for doing so in the note. Notify the candidate in writing of your decision: use the detachable slip provided on the nomination paper for this purpose.

As soon as you have ruled a nomination paper valid, display a notice outside the place at which you are receiving nominations, stating the

name and description (including the name of the political party, if any) of the candidate nominated.

Include the name and address of the proposer of any candidate who has not nominated himself or herself and the name of the local electoral area for which the person has been nominated. The poster “Nomination of Candidates” (*Appendix 7*) allows for several names to be displayed together and for further names to be added as required.

(g) Decision of Returning Officer on Nomination Paper

The decision in relation to the particulars contained in a nomination paper is, subject to the law, a matter for the Returning Officer. In accordance with Article 20(5) of the 1995 Regulations, **your decision is final, subject only to reversal on petition questioning the election.**

Articles 15 & 16

(h) Deposit by Non-Party Candidates

Where a non-party candidate does not opt to secure 15 assents, a sum of **€100** must be deposited with you by or on behalf of the candidate before the expiration of the time appointed for receipt of nominations, i.e. 12 noon on Saturday, 18 May 2024. The deposit may be made in legal tender or in any other form agreed to by you. In the past, the general practice seems to have been to require cash or a bank draft in every case. If the deposit has not been made by 12 noon on the last day for receiving nominations, the candidature is deemed to be withdrawn.

The deposit is returnable if the candidate –

- (a) withdraws, or is deemed to have withdrawn, his or her candidature before 12 noon on the day (disregarding any excluded day) after the latest date for receiving nominations (i.e. by 12 noon on Monday, 20 May 2024),
- (b) dies before the poll is closed,
- (c) has not, before the expiration of the time for the receipt of nominations, been validly nominated,
- (d) is elected,

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- (e) is not elected but the greatest number of votes credited to him or her at any stage of the counting of the votes exceeds one-quarter of the quota.

The deposit should be returned to the person who lodged it. Provision is made in the nomination paper for insertion of the name and address of the person to whom a deposit is to be returned. In the case of a deceased person, the deposit should be returned to his or her personal representative.

Article 22

(i) Withdrawal of nominations

A candidate may withdraw his or her candidature at any time up to 12 noon on Monday, 20 May 2024.

A candidate may withdraw by delivering, or having their proposer deliver to you, a notice of withdrawal signed by the candidate. If you are satisfied that a candidate or their proposer cannot attend in person and that the candidate wishes to withdraw, the withdrawal may be effected by delivery to you of a notice signed by the candidate and by the person presenting the notice.

Where a candidate has been nominated for more than one local electoral area of the same local authority, the notice of withdrawal shall state the local electoral area in respect of which the candidate wishes their candidature to be withdrawn.

Articles 102 & 117

In any case in which the withdrawal is not effected by the candidate in person, send a written acknowledgement of the withdrawal to the candidate immediately so that they will know as soon as possible that a withdrawal notice has been lodged in their respect. There are severe penalties, including imprisonment, for withdrawing a candidate's nomination without his or her consent. Make sure that any person, other than the candidate, presenting a notice of withdrawal is aware of this.

Article 23

Display the poster "Withdrawal of Candidates" (*Appendix 8*) outside the place at which you receive nominations. Show on it the name, description, the name of the local electoral area concerned and the name of the proposer, if any, of any candidate who withdraws or is deemed to have withdrawn.