



Rialtas na hÉireann
Government of Ireland

How members of Local Authorities are elected

Prepared by the Department of Housing, Local Government and Heritage

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1. Structure and membership of local authorities

Following the 2019 local elections there are 31 local authorities in Ireland with 949 elected members as follows:

	31 Local Authorities	949 Members
County Councils	26	765
City Councils	3	112
City and County Councils	2	72

County Councils are responsible for local government in 26 administrative areas (covering 24 geographical counties including the county of Dublin which is divided into three administrative counties)

City Councils are responsible for local government in the cities of Dublin, Cork and Galway.

City and County Councils are responsible for local government for combined city and county areas in Limerick and Waterford.

2. Eligibility for election

Every person who is a citizen of Ireland or ordinarily resident in the State and has reached the age of 18 years and is not subject to any of the following disqualifications is eligible for election or co-option to and membership of a local authority:

Disqualifications

- a member of the Commission of the European Communities;
- a member of the European Parliament;

- a Judge, Advocate General or Registrar of the Court of Justice of the European Communities;
- a member of the Court of Auditors of the European Communities;
- a member of Dáil Éireann or Seanad Éireann;
- a Judge or the Comptroller and Auditor General appointed under the Constitution;
- a member of the Garda Síochána or a wholetime member of the Defence Forces;
- a civil servant who is not by terms of employment expressly permitted to be a member of a local authority;
- a person employed by a local authority and is not the holder of a class, description or grade of employment designated by order under *section 161(1)(b) of the Local Government Act 2001*;
- a person employed by the Health Service Executive and who is at a grade or of a description of employment designated by order of the Minister for Health and Children;
- a person undergoing a sentence of imprisonment for any term exceeding six months imposed by a court of competent jurisdiction in the State;
- a person who fails to pay any sum or portion of any sum charged or surcharged by an auditor of the accounts of any local authority upon or against that person;
- a person who fails to comply with a final judgement, order or decree of a court of competent jurisdiction for payment of money due to a local authority;
- a person who is convicted of, or has had a conviction confirmed on appeal for, an offence relating to any of the following –
 - (i) fraudulent or dishonest dealings affecting a local authority,
 - (ii) corrupt practice,
 - (iii) acting when disqualified.

3. Who can vote at a local election?

There are over 3.5 million local government electors. Generally, every person over 18 years of age is entitled to be registered as a local government elector for the electoral area where the person ordinarily resides. Citizenship is not a requirement for voting at

a local election. In general people attend their local polling station on polling day to cast their vote

4. Register of Electors

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. Everybody on the register is entitled to vote at a local election. Persons identified by the letter "L" opposite their names can only vote at a local election.

Persons entitled to vote at local 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. 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 local election. Different closing dates apply to postal and special voting applications – see paragraphs 5.1 and 5.2 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 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.

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).

5. Alternative voting arrangements

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

5.1 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.

5.2 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.

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 station in the constituency.

6. When are local elections held?

Local elections are generally held every five years in the month of May or June. The actual polling day, which is the same in all areas, is fixed by order of the Minister for Housing, Local Government and Heritage. The Minister also fixes the polling period which must last at least twelve hours between 7.00 a.m. and 10.30 p.m.

7. How is the election organised?

Responsibility for conducting the election to each local authority rests with the local authority returning officer. The cost of running the election is met by the local authority.

Local authorities are divided into two or more local electoral areas and an election is held in respect of each local electoral area for the number of council members assigned to that area. Elections were held in respect of 166 local electoral areas in 2019.

8. Nomination of candidates

The period (a week) for nominating candidates to stand at local election occurs four weeks before polling day. A person may nominate him/herself or may be nominated by a local government elector registered in the area concerned. A person can be nominated to stand in more than one area. A nomination form from a candidate of a registered political party must have a certificate of political affiliation attached. If no certificate is attached, one or other of the following procedures must be complied with before the expiration of the time for receiving nominations:

- the completion of statutory declarations 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

- the candidate, or someone on his/her behalf, lodging with the relevant returning officer a deposit of €100.

A candidate may include party affiliation on the nomination paper. If the candidate has no party affiliation, the person may be described as "Non-Party" or may leave the appropriate space blank.

The candidate or proposer is responsible for ensuring that the completed nomination paper is delivered to the returning officer before the closing time for receipt of nominations at the election.

The returning officer must rule on the validity of a nomination paper within one hour of its presentation and may rule that it is invalid if:

- the nomination paper of any candidate is not properly made out or signed; or
- 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, the nomination is not assented to in the manner required.

9. The Poll

The local authority may decide whether or not to issue polling information cards to each elector. This card indicates the date of poll, the time of the poll, the elector's number on the register and the polling station at which the elector may vote. The returning officer also sends a ballot paper by post to each postal voter and arranges to have ballot papers brought to electors with an illness or disability registered on the special voters list, see paragraph 5.2 above for more information.

Polling places are appointed by county/city councils/city and county councils. The returning officer provides polling stations at each polling place. Usually schools or other public buildings are used. Each polling station is supervised on polling day by a presiding officer assisted by a polling clerk. A candidate may be represented at a polling station by an agent who assists in the prevention of electoral offences.

10. Voting

The polls at contested local elections are conducted using the PR-STV system (proportional representation by means of the single transferable vote).

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:

- (i) a passport;
- (ii) a driving licence;

- (iii) an employee identity card containing a photograph;
- (iv) a student identity card issued by an educational institution and containing a photograph;
- (v) a travel document containing name and photograph;
- (vi) a Bank or Savings or Credit Union book containing address in constituency;
- (vii) a Public Services Card;
- (viii) a Temporary Residence Certificate;
- (ix) a Garda National Immigration Bureau Card;
- (x) an Irish Residence Permit;

or the following items accompanied by a further document which establishes the address of the holder in the constituency

- (xi) a cheque book;
- (xii) a cheque card;
- (xiii) a credit card;
- (xiv) a birth certificate;
- (xv) 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 or a physical disability or a person with 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 to cast their vote (available at every polling station). 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.

11. The Count

Counting arrangements:

All ballot boxes are taken to a central counting place for each local authority. 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 local authority.

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. 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: -

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

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

candidate 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. When a significant error is discovered, the papers must be counted afresh from the point at which the error occurred.

12. Results of the election

When the count is completed, the returning officer declares and gives public notice of the results of the election and returns the names of the elected members to the local authority concerned.

If a candidate has been elected as a member in more than one electoral area, they must, within three days of the public notice of the results, declare in writing which area they wish to represent. Consequential vacancies are treated as casual vacancies.

13. Court petition

Any person aged 18 or over may question the outcome of a local election by way of petition in the Circuit Court within 28 days of the declaration of the results. The election may be questioned on grounds of want of qualification, obstruction of or interference with or other hindrance to the conduct of the election, or mistake or other irregularity. The Circuit 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.

14. Chairman/Mayor

Local authorities or municipal district members (following the 2019 local elections in the case of the latter) elect, at every annual meeting, a member to the office of Chairman or Cathaoirleach (described as a Mayor or Lord Mayor in certain cases) of the authority or of the municipal district members. The Chairman presides at all meetings of the council or municipal district members.

15. Casual Vacancies

Casual vacancies arising in the membership of elected local authorities are filled by co-option by the authority concerned. The co-opted member holds the seat until the next election under the same conditions as elected councillors.

16. Expenditure & Donations

The Local Elections (Disclosure of Donations and Expenditure) Act 1999 sets out legal requirements on the acceptance of political donations and on election expenditure that apply to local authority members, political parties, third parties and local election candidates.

Expenditure

Spending limits, first introduced for the 2009 local elections, were revised by the Local Government Reform Act 2014. The limit depends on the population of the local electoral area.

Local electoral area	Candidate spending limit
Population in excess of 35,000	€13,000
Population between 18,001 and 35,000	€11,500
Population of 18,000 or less	€9,750

Candidates nominated by a political party are deemed to automatically allocate 10% of their spending limit to the party's national agent. For example, a party candidate with a limit of €13,000 would be deemed to automatically allocate €1,300 for use by the party. Their effective limit would therefore be €11,700. The 10% figure can be varied upwards or downwards by written agreement between the candidate and national agent.

Election spending incurred during a period before the election must be reported to the local authority concerned and must be below the specified limit. The date of commencement of the spending period is set out in an order made by the Minister before the election and must commence between 50 and 60 days before polling day. Each candidate must submit a statement of their expenses within 90 days of polling day.

Donations

The maximum amount that can be accepted in the same calendar year by a member of a local authority or by a local election candidate from the same source is €1,000.

Details of donations which exceed €600 must be disclosed in a statement made to the local authority. A candidate or member of a local authority that receives a monetary donation that exceeds €100 must open and maintain a political donations account in a financial institution.

Certain donations are restricted. It is prohibited to accept a donation from an anonymous source which exceeds €100. Donations in cash which exceed €200 are also prohibited. There are specific rules covering corporate donations which exceed €200 - the donor must be registered with the Standards in Public Office Commission and evidence that the donation was approved by the corporate body must be provided.

17. Local Electoral Law

The law governing local elections is contained mainly in the following legal provisions, as amended:

- Local Elections (Petitions and Disqualifications) Act 1974
- Electoral Act 1992
- Local Elections Regulations 1995
- Electoral Act 1997
- Local Government Act 1998
- Local Elections (Disclosure of Donations and Expenditure) Act 1999
- Local Government Act 2001
- Local Government Reform Act 2014
- Electoral Reform Act 2022

These may be purchased from Government Publications, Office of Public Works, Jonathan Swift Street, Trim, Meath, or viewed on www.irishstatutebook.ie

18. Other Leaflets

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

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

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

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