



**Rialtas na hÉireann**  
Government of Ireland

## **European Parliament How Ireland's MEPs are Elected**



Prepared by the Department of Housing, Local Government and Heritage

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

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## 1. Representation in the European Parliament

The European Parliament is elected to promote the interests of the 448 million citizens of the European Union. It has legislative, budgetary and supervisory powers through which it plays an important part in the EU legislative process, in shaping the annual EU budget, and in the supervision of the economy.

The Parliament originally consisted of delegates nominated by the national parliaments of the Member States but, since 1979, Members of the European Parliament (MEPs) have been elected directly. Ireland elected 15 MEPs from the first direct elections but that number was reduced to 13 for the 2004 elections, to 12 for the 2009 elections and to 11 for the 2014 elections as part of the EU enlargement process. At the 2019 elections 13 MEPs were elected, but the last candidate elected in the Dublin constituency and in the South constituency did not take their seats until the UK left the EU on 31 January 2020.

## 2. Constituencies

The Irish members of the European Parliament are elected by secret ballot in three constituencies under the single transferable vote system of proportional representation. The constituencies for the election of 13 members to the European Parliament are as follows:

<b>Constituency</b>	<b>Number of Members</b>
Dublin	4
Midlands-North-West	4
South	5

### **3. Elections to the Parliament**

Direct elections to the European Parliament are held every five years: the first direct elections were held in 1979. The elections take place in each Member State within a four-day period fixed by the Council of Ministers. Elections are usually in the month of June but in 2014 and 2019 elections were held in May. The Minister for Housing, Local Government and Heritage appoints the polling day and the polling period, which must last at least 12 hours between 7 a.m. and 10.30 p.m

### **4. Who can become an MEP?**

Every Irish citizen and every resident citizen of another EU Member State, over 21 years of age, who is not disqualified by Community or national law and is not standing as a candidate in another Member State, is eligible to be elected in Ireland to the European Parliament. Persons undergoing a prison sentence in excess of six months are disqualified from election. Certain occupations are incompatible with membership of the Parliament, for example, Ministers and Ministers of State, Members of the Houses of the Oireachtas, members of the judiciary, members and officials of various EU institutions, civil servants, wholetime members of the Defence Forces and Gardaí (police).

Irish citizens living in another Member State are entitled to contest the European elections in that country. However, a person is not entitled to seek election to the Parliament in more than one constituency or country.

### **5. Who can vote at a European election?**

In Ireland, there are over 3.3 million registered electors entitled to vote at European elections.

Every Irish citizen and every citizen of another EU Member State who is ordinarily resident, aged 18 years or over and whose name appears on the

register of electors is entitled to vote in the constituency in which they ordinarily reside.

Irish citizens living in another Member State are entitled to vote at the European election in that country. However, a person is not entitled to vote at the elections in more than one constituency or country.

EU citizens not registered to vote at previous European elections in Ireland must apply for registration and must also complete a statutory declaration form (EP1) which is available from County, City and City and County Councils. The statutory declarations are sent to the EU Member State of the elector to guard against double voting.

The Register of Electors is maintained and updated on an ongoing basis by the registration authorities (county, city and city and county councils) by adding, removing or updating details as necessary to ensure a complete and accurate register of electors. Registration authorities are also required to publish the register in advance of an electoral event.

A person can check and update their own details on the register at any time of the year directly with their registration authority or at [www.checktheregister.ie](http://www.checktheregister.ie). Mostly this can be done using an online form, or in some cases the relevant form will need to 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).

Where a person checks the register and becomes aware of any errors or omissions in the register, they should be brought immediately to the attention of the relevant registration authority.

Persons entitled to vote at European 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 may be made at any time, but in order to be considered for inclusion in the register for a specific European election, the application must be received by the registration

authority at least 15 days before polling day (excluding Sundays, Good Friday and Public Holidays) in order to be considered for that European election. Different closing dates apply to postal and special voting applications – see paragraphs 6.1 and 6.2 below.

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)).

## 6. Voting arrangements

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

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. More information on this and other aspects of voting for people with disabilities is available in another leaflet in this series – “Information for voters with disabilities”

### 6.1 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.

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

## **6.2 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.



Electors on the special voters list cast their 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, mental health facility 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.

## **7. Who conducts the election?**

There are three European 'constituency' returning officers who are responsible for conducting the election in each of the three constituencies. The European 'constituency' returning officers are appointed by the Minister for Housing, Local Government and Heritage. A European local returning officer has the responsibility of taking the poll in each county and city. A returning officer must be a county registrar or in the case of Dublin and Cork the city or county sheriff.

## **8. Nomination of candidates**

The nomination period is one or two weeks depending on the nationality of the candidate. This allows time for the confirmation process outlined below.

- The period for nomination of all candidates commences about 6 weeks before polling day.
- The one week period for nomination of candidates who are nationals of Member States other than Ireland closes about 5 weeks before polling day.
- The two week period for nomination of candidates who are Irish citizens closes about 4 weeks before polling day.

The Notice of Election published by the European 'constituency' returning officer will state the precise times for receiving nominations.

A person may nominate him or herself as a candidate or be nominated by one elector from the constituency. A candidate may only be nominated in one constituency. 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 60 assentors registered as European electors in the relevant constituency 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 or her behalf, lodging a deposit of €1,800 with the returning officer.

If the candidate is not an Irish-citizen, the nomination paper must be accompanied by a statutory declaration (form EP3 available from the returning officer) which includes a declaration that the candidate does not stand deprived of the right to stand as a candidate at the European election in their home State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies. The information in the statutory declaration is sent to the person's home State for confirmation and to guard against dual candidacy.

A candidate may include party affiliation in the nomination paper. If the candidate has no party affiliation, they may describe themselves as "Non-Party" or leave the appropriate space blank. A non-party candidate who is a member of a political group in the European Parliament may have the name of that group included on all ballot papers and notices. A candidate may have his or her photograph included on the ballot paper.

The returning officer must rule on the validity of a nomination paper within one hour of its presentation. The returning officer is required to object to the name of a candidate if it is not the name by which the person is commonly known, if it 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 which is, in the officer's opinion, incorrect, insufficient to identify the candidate, unnecessarily long or contains a political reference. The candidate or the returning officer may amend the particulars shown on the nomination paper. The returning officer may rule a nomination paper invalid if it is not properly made out or signed, if it is not assented to in the manner required (in appropriate cases) or, in the case of a national of a Member State other than Ireland, if it is not accompanied by the necessary declaration regarding eligibility to stand.

## **9. Replacement candidates**

Casual vacancies in the Parliament are filled from lists of replacement candidates presented at the election. The replacement list presented by a registered political party may contain up to 6 names more than the number of candidates presented by the party in the constituency: the replacement list of a non-party candidate may contain up to 4 names. A replacement candidate who is a national of a Member State other than Ireland must make a statutory declaration as outlined in section 8.

The entry on the ballot paper in relation to each candidate contains a reference to the associated replacement list. The lists of replacement candidates are published by the returning officer and copies are displayed in each polling station. A casual vacancy is filled by the person whose name stands highest on the relevant list of replacement candidates (see also section 18).

## 10. Free postage for candidates

Each candidate at a European 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. The cost of this facility is met by the Exchequer.

## 11. Disclosure of donations

MEPs are required to furnish a donation statement to the Standards in Public Office Commission each year indicating whether a donation exceeding €600 was received during the year and giving particulars of any such donation. A donation consists of any contribution made for political purposes and may include money, property, goods or services. Following a European Parliament election, unsuccessful candidates must furnish a similar statement in relation to donations received by them at the election.

A member of the European Parliament or a candidate at a European election must open a political donations account in a financial institution if they receive a monetary donation which exceeds €100. The annual statement of a member or the statement of an unsuccessful candidate must be accompanied by a statement from the financial institution and a certificate stating that all monetary donations received were lodged to the account and that all amounts deducted from the account were used for political purposes.

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.

A member of the European Parliament or a candidate at a European election may not accept a donation which exceeds €1,000 in any year from the same donor. Acceptance of anonymous donations exceeding €100 is prohibited and any such donations must be surrendered to the Standards in Public Office Commission.

## **12. Election expenditure**

The Electoral Act 1997 provides for the limitation of expenditure at a European election. The control of expenditure operates through a system of agents. Expenditure by a party at national level must be channelled through a national agent. An election agent is responsible for expenditure on behalf of each candidate. The spending limit for a candidate at a European election is €230,000.

A statement in writing of all election expenses must be submitted to the Standards in Public Offices Commission within 56 days of polling day at the election. Statements are laid before each House of the Oireachtas.

## **13. The poll**

The European returning officer is responsible for the general organisation of the poll, taking of nominations, printing of ballot papers and the counting of votes in each constituency.

The European local returning officer is responsible for the detailed polling arrangements in the county, city or city and county council concerned. The officer must send a polling information card to electors informing them of the date and time of poll, their number on the register of electors and the polling

station at which they may vote. The European local returning officer also makes the necessary arrangements for voting by postal and special voters.

Polling places are appointed by county, city or city and county councils. The European local returning officer provides polling stations at each polling place. Usually schools or public buildings are used. The poll is taken at each polling station 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.

## 14. 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;
- a Public Services Card;

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

- 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 or 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 (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.

## 15. 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. 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. The result of the poll is not declared until polling has closed in the last Member State.

### **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 480,000 valid papers and 3 seats to be filled, the quota would be 120,001. It will be seen that in this example only three 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:-

Surplus x number of papers in parcel

Total number of transferable papers

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

#### **Elimination of Candidate:**

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

## **16. Results**

When the count is completed, the returning officer declares the results of the election and returns the names of the elected members to the Chief Returning Officer for notification to the European Parliament. The result of the poll is not declared until polling has closed in the last Member State.

## **17. Election petition**

A European election result may only be questioned by a petition to the High Court. Any person registered or entitled to be registered as a European elector in a constituency may apply to the High Court within 14 days of the declaration of the election result for leave to present a petition. In addition, the Director of Public Prosecutions may present a petition where it appears that a European election may have been affected by the commission of electoral offences.

At the trial of an election petition, the High Court must determine the correct result of the election and, for this purpose, may order the votes to be recounted. The Court may declare the whole or part of the election in the constituency void and, in that event, a fresh election will be held to fill the vacant seats. The decision of the High Court is final, subject only to appeal on a question of law to the Supreme Court.

## 18. Casual vacancies

Casual vacancies arising in Ireland's representation in the European Parliament are filled from the replacement candidates list presented by the party or non-party candidate which won the seat at the previous election (see section 9). The vacancy is filled by the person standing highest on the relevant list who is both eligible and willing to become an MEP. If no replacement candidates list was presented in respect of the MEP who won the seat at the election or it is not possible to fill the vacancy from the relevant list, Dáil Éireann (House of Representatives) may select a person to fill the vacancy from any replacement candidates list presented for that constituency at the election.

## 19. Electoral law

The law relating to the election of members to the European Parliament is contained in the following legislation, as amended:

- Electoral Act 1992
- European Parliament Elections Act 1997
- Electoral Act 1997
- Electoral, Local Government and Planning and Development Act 2013

These can be obtained from Government Publications Office of Public Works, Jonathan Swift Street, Trim, Meath or at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

## 20. 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:

- How the President is Elected
- The Referendum in Ireland
- How the Dáil (House of Representatives) is Elected

- How the Seanad (Senate) is 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](http://gov.ie/housing)

