

How the Seanad is Elected (Senate/Upper House of Parliament)



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SEANAD ELECTORAL LAW

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How the Seanad (Senate) is Elected (Upper House of Parliament)

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INTRODUCTION

This note is intended as a practical guide. It is not a legal interpretation of Seanad electoral law. For more information you should consult the law in relation to Seanad elections (see **16** over).

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STRUCTURE OF THE SEANAD

The Seanad is comprised of 60 members. Eleven members are nominated by the Taoiseach (Prime Minister), 6 members are elected by university graduates and 43 are elected from panels of candidates representing specified vocational interests.

3

WHO CAN BECOME A SENATOR?

Every citizen of Ireland over 21 years of age who is not disqualified by the Constitution or by law is eligible to be elected to the Seanad. A member of the Seanad is referred to as Seanadóir or Senator. Persons undergoing a prison sentence in excess of six months, undischarged bankrupts and persons of unsound mind are disqualified for election. Certain occupations are incompatible with membership of the Seanad, for example, members of the judiciary, senior officials of the institutions of the European Union, civil servants, wholetime members of the Defence Forces and Gardaí (police).

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TIME OF ELECTION

A general election to the Seanad must take place not later than 90 days after the dissolution of the Dáil (Lower House). The dates for the various stages of the election (nomination, polling, etc.) are appointed by order of the Minister for the Environment, Heritage and Local Government.

5

METHOD OF ELECTION

The elections are held on the system of proportional representation by means of the single transferable vote and by secret postal ballot.

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PANEL MEMBERS ELECTION OF 43 PANEL MEMBERS

Before each General Election five panels are formed of candidates having knowledge and practical experience of the following interests and services respectively:-

(i) Cultural and Educational Panel: - national language and culture, literature, art,

education, law and medicine;

- (ii) **Agricultural Panel:** - agricultural and allied interests and fisheries;
- (iii) **Labour Panel:** - labour, whether organised or unorganised;
- (iv) **Industrial and Commercial Panel:** - industry and commerce, including banking, finance, accountancy, engineering and architecture;
- (v) **Administrative Panel:** - public administration and social services, including voluntary social activities.



REGISTER OF NOMINATING BODIES

The Seanad returning officer (Clerk of the Seanad) maintains a register of bodies entitled to nominate candidates to the panels of candidates. To be eligible for registration as a nominating body, an organisation must be concerned mainly with and be representative of the interests and services of one or other of the panels. A body cannot be registered in respect of more than one panel.

Organisations which are mainly profit-making concerns are not eligible for registration. The register is revised annually.



NOMINATION OF CANDIDATES

There are two sub-panels for each panel: the Nominating Bodies sub-panel and the Oireachtas sub-panel. Each nominating body registered in respect of a panel may nominate a fixed number of candidates for that panel. These candidates comprise the nominating bodies' sub-panel of the different panels. Any four members of the newly elected Dáil or outgoing Seanad may nominate one candidate for any panel but each member may join in only one nomination. These candidates form the Oireachtas (Parliament) sub-panel. A specified minimum number of members must be elected for each sub-panel.

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NUMBER OF ELECTED MEMBERS

The number of members to be elected from each panel and the minimum number which must be elected from each sub-panel are as follows:-

Panel	Number of members	Minimum number to be elected from each sub-panel
Cultural and Educational	5	2
Agricultural	11	4
Labour	11	4
Industrial and Commercial	9	3
Administrative	7	3
Total	43	

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WHO CAN VOTE?

The following persons may vote at a general election of panel members:

- Members of the incoming Dáil,
- Members of the outgoing Seanad,
- Members of county councils and city councils.

Each elector has only one vote in respect of each panel even if he or she is qualified in more than one respect. The electorate numbers approximately 1,000.

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THE POLL

The returning officer issues to each voter a list of the candidates nominated for each panel, indicating the bodies or persons who made the nominations. On the day appointed by order of the Minister for the Environment, Heritage and Local Government, the returning officer sends by registered post to each voter five ballot papers (one for each panel) showing the names of the candidates in alphabetical order, their addresses and descriptions, photographs, if any and the sub-panel for which each is nominated. The political affiliation, if any, of the candidates is not shown on the ballot papers. The voter, after completing a declaration of identity in the presence of an authorised person, marks on each paper the order of their choice of candidates and returns the ballot papers by registered post to the returning officer.

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THE COUNT

There is a separate count for each panel. The ballot papers are sorted in accordance with the first preference shown on them. To facilitate counting each

vote is given a value of 1,000. The appropriate value of his or her first preference votes is credited to each candidate. The quota is the minimum number of votes necessary to guarantee the election of a candidate. It is ascertained by dividing the total value of the valid votes by one more than the number of seats to be filled and adding one to the result. If, for example, the total value of the votes cast in relation to a panel is 900,000 and there are 5 seats to be filled, the quota will be 150,001,

that is $\frac{0.9m}{6} + 1$

It will be seen that, in this example, only five candidates (the number to be elected) could possibly reach the quota.

If the value of a candidate's votes equals or exceeds the quota, they are deemed elected unless their election would make impossible the election of the minimum number of members from each sub-panel (see 9). If a candidate receives more than a quota, the surplus is distributed to the remaining candidates in accordance with the next effective preference shown on the ballot papers. Where the maximum number of candidates has been elected for a sub-panel, the values of the votes of the remaining candidates on that sub-panel are distributed in accordance with the next effective preference shown on the ballot papers concerned. If no candidate has a surplus, the lowest candidate is excluded and his or her votes distributed at the value at which he or she received them. A candidate cannot, however, be excluded if his or her exclusion would make impossible the election of the minimum number of members from each sub-panel.



BYE-ELECTIONS

When a casual vacancy occurs in the Seanad through the death, disqualification or resignation of a panel member, the vacancy is filled by bye-election. Nine members of the Oireachtas may nominate a candidate in relation to an Oireachtas sub-panel vacancy; a nominating body for the relevant panel may nominate a candidate for a vacancy in a nominating bodies sub-panel. The electorate at a bye-election is composed of the members of the Dáil and Seanad, 226 in all. Voting is by secret postal ballot. The counting procedure is the same as at a Seanad General Election but without the modification necessary to ensure that a minimum number is elected from each sub-panel.



UNIVERSITY MEMBERS ELECTION OF 6 UNIVERSITY MEMBERS

Constituencies

The constituencies for the election of university members to the Seanad are the National University of Ireland and the University of Dublin (Trinity College). Each elects 3 members. The other universities and institutions of higher education are not represented in the Seanad at present.

Who can Vote?

Every citizen of Ireland who is at least 18 years old and who has received a degree, other than an honorary degree, from the university concerned is entitled to be registered as an elector. The electorate of the National University of Ireland numbers 102,000 approximately and that of the University of Dublin 39,000 approximately. The electoral roll is maintained and up-dated by the university concerned.

Nomination of Candidates

Candidates must be nominated by two registered electors for the university. Eight other registered electors for the university must assent to the nomination. There is no requirement that a candidate must be a graduate of the university concerned or be connected with it in any way.

Free Postage for Candidates

Each candidate at a Seanad university election is entitled to send one election letter, free of postage charge, to each elector in the constituency. The cost of the facility is met by the Exchequer.

General Election

Within 7 days after the dissolution of the Dáil the Minister for the Environment, Heritage and Local Government is required to appoint the relevant dates for the conduct of a general election of university members to the Seanad. The election is conducted by a returning officer who is an officer of the university concerned. Voting is by post and the election is held in accordance with the principles of proportional representation, each elector having a single transferable vote. When issuing ballot papers, the returning officer also issues a form of declaration of identity which must be completed by the elector in the presence of a witness and returned with the ballot paper. The count is conducted in the same manner as a count at an election of members to the Dáil.

Bye-Elections

When a casual vacancy occurs through the death, disqualification or resignation of a university member, the vacancy is filled by bye-election. The procedure at a bye-election is the same as that at a general election of university members.



DISCLOSURE OF DONATIONS

The acceptance of donations for political purposes is governed by law. Elected public representatives and candidates for election may not accept a donation from a person in a particular year that exceeds €2,539.48. In the case of a political party or campaign group, the maximum donation that may be accepted cannot exceed €6,348.69. The acceptance of donations from a non-Irish citizen residing abroad is prohibited. An unsuccessful candidate at a Seanad election is required to furnish to the Public Offices Commission, within 56 days of the close of the poll at the election, a

statement indicating whether any donations exceeding €634.87 were received by them for the election and giving particulars of any such donations and the persons who made them. Each member of the Seanad is required to furnish to the Public Offices Commission, by 31st January each year, a similar donation statement in respect of the preceding calendar year.

In addition each political party is required to furnish to the Public Offices Commission, by 31st March each year, a statement indicating whether any donations exceeding €5,078.95 were received by it and giving particulars of any such donations and the persons who made them.



SEANAD ELECTORAL LAW

The law relating to the election of members to the Seanad is contained principally in:

- Articles 18 and 19 of the Constitution of Ireland
- The Seanad Electoral (Panel Members) Act 1947
- The Seanad Electoral (Panel Members) Act 1954
- The Seanad Electoral (University Members) Act 1937
- The Electoral Act 1997 and the Electoral (Amendment) Act 1998

These publications are available from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

OTHER LEAFLETS

Other leaflets available in this series are as follows:

How the President is Elected

The Referendum in Ireland

How the Dáil (Lower House of Parliament) is Elected

European Parliament: How Ireland's
Representatives are Elected

How Members of Local Authorities are Elected

The Register of Electors

Information for Voters with Disabilities

Department of the Environment, Heritage and Local Government

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