



STATUTORY INSTRUMENTS

**S.I. No. 82 of 2009**



EUROPEAN PARLIAMENT ELECTIONS REGULATIONS 2009

**(Prn. A9/0369)**

## EUROPEAN PARLIAMENT ELECTIONS REGULATIONS 2009

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 3 of the European Parliament Elections Act 1997 (No. 2 of 1997), hereby makes the following Regulations—

1. These Regulations may be cited as the European Parliament Elections Regulations 2009.

2. Each of the forms in Part 1 of the Schedule hereto shall in relation to a European election be the prescribed form for the purpose for which such form is expressed to be applicable.

3. The prescribed photographic identification for the purposes of section 12(3)(b) of the European Parliament Elections Act 1997 shall be:

- (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 bank card with a photograph;
- (vi) a travel document containing name and photograph;
- (vii) a Temporary Residence Certificate card; and
- (viii) a Garda National Immigration Bureau card.

4. (1) A photograph of a candidate at a European election intended for inclusion on a ballot paper shall, pursuant to rule 50 of the Second Schedule to the European Parliament Elections Act 1997, be delivered to the returning officer with the nomination paper in accordance with the requirements specified in Part 2 of the Schedule hereto.

(2) Where the requirements referred to in sub-article (1) of this article are not complied with, the returning officer may not include the photograph on the ballot paper.

(3) Where the nomination paper is not accompanied by a photograph, or sub-article (2) of this article applies, the space provided on the ballot paper for a candidate's photograph shall remain blank.

*Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 17th March, 2009.*

5. (1) The emblem of a political party which may be registered in the Register of Political Parties pursuant to an application under section 25(3) of the Electoral Act 1992, as substituted by section 11 of the Electoral (Amendment) Act 2001, shall, pursuant to rule 50 of the Second Schedule to the European Parliament Elections Act 1997, comply with the requirements specified in Part 3 of the Schedule hereto.

(2) Where no emblem is registered in the Register of Political Parties, the space provided on the ballot paper for an emblem shall remain blank.

6. The form of ballot paper specified in the Fourth Schedule to the European Parliament Elections Act 1997 is modified for the purposes of rule 50 of the Second Schedule to the European Parliament Elections Act 1997 and set out in Part 4 of the Schedule hereto.

7. The European Parliament Elections (Forms) Regulations 2004 (S.I. No. 203 of 2004) and the European Parliament Ballot Paper (Photographs and Emblems) Regulations 2004 (S.I. No. 204 of 2004) are hereby revoked.

**SCHEDULE**

**PART 1**

**FORM EP2  
(Rule 5(1) of the Second Schedule to the  
European Parliament Elections Act 1997)**

**NOMINATION PAPER FOR EUROPEAN PARLIAMENT ELECTIONS**

(..... /.....)  
(month/year)

No. ....

**(To be inserted by returning officer)**

**PLEASE READ NOTES BEFORE COMPLETING FORM AND USE  
BLOCK CAPITALS**

1. I nominate the person named under as a candidate for election to the European Parliament for the constituency of .....

2. I declare that I have read the notes on this nomination paper and that—

(a) the person named as a candidate—

(i) has consented to the nomination;

(ii) is not a candidate at the election in any other constituency;

(iii) is not a candidate at the election in any other EU Member State; and

(b) to the best of my knowledge and belief, the person named as a candidate is eligible for election to the European Parliament and the information furnished in the nomination paper is correct in all material respects.

**Surname of Candidate**

**Other Names**

**Description****Address****Occupation**


--

**Name of Registered Political Party, if any**

--

**Name of European Parliament Political Group, if any**

--

3. The person named above as a candidate is—

(i) a citizen of Ireland or a British citizen [tick, if appropriate]

Yes  No 

(ii) a national of an EU Member State other than Ireland or the United Kingdom [tick, if appropriate]

Yes  No 

*NOTE: If the candidate is a national of a Member State other than Ireland or the United Kingdom, the nomination paper must be accompanied by a statutory declaration (Form EP3) and an attestation - see section 7 of the notes on this form. (This is a mandatory requirement and should not be confused with the option outlined at 4(2) below)*

4. Please tick (1) or, where (1) is not applicable, (2) or (3) of below—

(1) Certificate of Political Affiliation attached, 

or

(2) Assessor statutory declarations (60) attached, 

or

(3) Deposit of €1,800 enclosed.

Name and address of person to whom deposit is to be returned—

Name .....

Address .....

NOTE: See sections 2 and 3 of the notes on this form

5. Please tick, as appropriate—

Photographs attached (see section 4 of notes) for

inclusion on ballot paper.

Yes  No

6. (Where nomination paper is completed by a person other than the candidate).

Proposer's Number and polling district letters on Register of Electors for the county/city of ..... are .....

Signature:

(Candidate/Proposer)

Address: .....

Date: .....

7. Decision of Returning Officer

I have decided that this nomination paper is valid (or is invalid because

.....)

.....

Returning Officer

Date: .....

TO BE HANDED OR SENT TO THE CANDIDATE

I have decided that nomination paper No. ....in respect of ..... is valid (or is invalid because

.....)

.....

Returning Officer

Address: .....

Date: .....

Notes: The notes attached are for guidance only and do not purport to be a legal interpretation.

## Notes on Nomination Paper

*(References in parentheses are to the provisions of the European Parliament Elections Act 1997, as amended by the Electoral (Amendment) Act 2009)*

### **1. Nomination**

A candidate may be nominated for one constituency only and in only one Member State of the European Union (*sections 11 and 12*).

A candidate may nominate himself or herself or may, with the candidate's consent, be nominated by a proposer. A proposer must be registered as a European elector in the constituency for which he or she proposes to nominate the candidate (*section 12*).

### **2. Candidate Nomination Procedures**

A nomination paper from a candidate of a registered political party must have a certificate of political affiliation attached (see 3 below).

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—

- (i) 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

- (ii) the candidate, or someone on his or her behalf, lodging a deposit of €1,800 with the returning officer.

Under the assentors option, the relevant forms for the making of statutory declarations (Form EP2A) are available from returning officers and registration authorities. The relevant details of the assentors must be included on the statutory declarations — number (and polling district letters) on the register of European electors in force at the time of assent, address on the register, contact details, the relevant European Parliamentary constituency on the date of assent where he/she is registered, the name and address of the candidate, and the form of prescribed photographic ID produced and any identifying number on it.

Each assentor MUST when making the statutory declaration bring one of the following photographic documents for identification purposes — passport, driving licence, employee identity card containing a photograph, student identity card issued by an educational institution and containing a photograph, bank card with a photograph, travel document containing name and photograph, Temporary Residence Certificate card, or a Garda National Immigration Bureau card. One of the documents MUST be produced to the person taking the statutory declaration.



An assent is valid only in respect of the European Parliament constituency in which the assentor's address at the time of assent is located at election time. The assent may be made at any time but it may only be used at the next European election in the relevant constituency and it expires when the register current when the statutory declaration was made ceases to be in force, notwithstanding that no such election may have been held by then.

Responsibility lies with the candidate or proposer to secure the necessary assents, to attach the 60 statutory declarations to the nomination paper and to deliver all the documentation to the returning officer by the deadline for receipt of nominations.

An assentor must confirm on the statutory declaration that he or she has not assented to the nomination of any other candidate in the election concerned. Under the Statutory Declarations Act 1938, a person who knowingly makes a false or misleading statutory declaration in any material respect is liable on conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both. However, a candidate's nomination will not be invalid where a person assents to the nomination of more than one candidate.

Under the deposits option, a candidate may choose the alternative of making a deposit and, if he or she does not do so and has not opted to secure 60 assents, their candidature will be deemed to have been withdrawn. A candidate, or someone on his or her behalf, may lodge a deposit of €1,800 with the returning officer before the expiration of the time for receiving nominations. The deposit may be made by means of legal tender or, with the consent of the returning officer, in any other manner. The deposit will be returned in the case of successful candidates, those receiving votes in excess of a quarter of the quota and in certain other circumstances: not being validly nominated, withdrawal of candidature or death. Otherwise, the deposit will be forfeited. (Where the deposit is to be returned, it will be returned to the person making it and the name and address of that person should be entered at 4(3) on the nomination paper).

All relevant parts of the nomination paper must be completed by all candidates (sections 12, 13 and 13A).

### **3. Certificates of Political Affiliation and of European Political Affiliation**

- (a) A party candidate may include in the nomination paper the name of his/her registered political party, together with the name of any European Parliament political group noted on the Register of Political Parties in relation to that party, provided a completed **Certificate of Political Affiliation** is produced to the returning officer with the nomination paper. The name of the party, or of the party and the political group, should be entered in the appropriate part of section 2 of this form.
- (b) A non-party candidate may enter the words "Non-Party" in the part of section 2 of this form relating to a registered political party or may leave the space blank. A non-party candidate who is a sitting MEP

may include on the nomination paper the name of the European Parliament political group of which he/she is a member, provided a completed **Certificate of European Political Affiliation** is produced to the returning officer with the nomination paper. This is a certificate signed by a member of the Secretariat of the relevant political group that the candidate is a member of the political group named in the certificate and formed in accordance with the rules and procedure of the European Parliament.

*(rule 5 of the Second Schedule)*

#### **4. Candidate's Photograph**

If a candidate wishes to have his or her photograph included on the ballot paper, they must provide with the nomination paper—

- A photograph in digitised format (Jpeg) on a CD (passport size — 35mm x 45mm); **AND**
- Two identical printed copies of the photograph.

The photograph must be taken not more than 12 months prior to polling day and must be of good quality, in colour and taken to a professional standard, showing the candidate's full face, head and shoulders only, on a light background (any colour).

Each printed copy of the photograph must have the candidate's name clearly shown on the back.

If the above requirements are not complied with, the returning officer may not include the photograph on the ballot paper. In these circumstances, or if no photograph is supplied, the space for the candidate's photograph will be left blank on the ballot paper.

**THE ONUS IS ON THE CANDIDATE TO MEET THESE REQUIREMENTS.**

#### **5. Delivery of Nomination Paper**

The completed nomination paper must be delivered to the returning officer in person by the candidate or proposer within the period fixed for the receipt of nominations (ending at 12 noon on the last day for receiving nominations). (*rules 10 and 11 of the Second Schedule*).

#### **6. Ruling on Nomination Paper**

The returning officer will rule on the validity of the nomination paper within one hour of its delivery to him/her and may rule that it is invalid if he/she considers that it is not properly made out or signed. A returning officer may also rule as invalid a nomination paper from a candidate without a certificate of political affiliation who has opted for the assenting alternative referred to at 2

above if he or she considers that the candidate has not complied with the statutory requirements relating to assenting.

The returning officer is required to object to the **candidate's name** if it:

- (a) is not the name by which the candidate is commonly known, or
- (b) is misleading and likely to cause confusion, or
- (c) is unduly long, or
- (d) contains a political reference.

The returning officer is also required to object to a **candidate's description** if it is, in his or her opinion, incorrect, insufficient to identify the candidate or unnecessarily long or which contains a political reference other than, where appropriate, a reference to a public or elected office held, or formerly held, by the candidate or an entry in the nomination paper referred to at 3(a) or (b) above.

The ruling on the nomination paper may be attended by the candidate and proposer (if any), one other person designated by the candidate (or his/her proposer) and any other person authorised by the returning officer (*rule 13 of the Second Schedule*).

#### **7. National of EU Member State other than Ireland or the United Kingdom**

In the case of a candidate who is a national of an EU Member State other than Ireland or the United Kingdom, the returning officer is required to rule his/her nomination paper invalid if—

- (a) it is not accompanied by:
    - (i) a statutory declaration made by the candidate on Form EP3 (which may be obtained from the returning officer) stating his/her nationality, the address in Ireland at which he/she is ordinarily resident, the locality/constituency where he/she was last registered as an elector in the home Member State and that the candidate is not a candidate at the election in any other Member State,
- and*
- (ii) an attestation from the competent administrative authority of the candidate's home Member State certifying that he/she has not been deprived, through an individual criminal law or civil law decision, of the right to be a candidate at the election in his/her home Member State or that no such disqualification is known to the competent authority concerned;

*or*

- (b) the statutory declaration or attestation is not properly made out and signed (*rules 6 and 13 of the Second Schedule*).

### **8. Eligibility for election to the European Parliament**

A person is not eligible for election to the European Parliament if he/she—

- (a) is not a citizen of Ireland, or a national of another EU Member State who is ordinarily resident in the State, or
- (b) is a citizen of Ireland contesting the election in any other Member State, or
- (c) is a national of an EU Member State (other than the State or the United Kingdom) who has been deprived, through an individual criminal law or civil law decision, of the right to be a candidate under the law of the home Member State, or
- (d) has not reached the age of 21 years on polling day, or
- (e) holds the office of Minister of the Government; or is a member of the Government of another member state, a Judge or the Comptroller and Auditor General, or
- (f) is a member of the Commission of the European Communities, or
- (g) is a Judge, Advocate General or Registrar of the Court of Justice of the European Communities or the Court of First Instance attached to that Court, or
- (h) is a member of the Board of Directors of the European Central Bank, or
- (i) is a member of the Court of Auditors of the European Communities, or
- (j) is the Ombudsman of the European Communities, or
- (k) is a member of the Economic and Social Committee of the European Community and the European Atomic Energy Community, or
- (l) is a member of a committee or other body established pursuant to the Treaties establishing the European Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or performing a permanent direct administrative task, or
- (m) is a member of the Board of Directors, Management Committee or staff of the European Investment Bank, or

- (n) is an active official or servant of any of the institutions of the European Communities or any of the specialised bodies attached to these institutions or the European Central Bank, or
- (o) is a member of the Garda Síochána, or
- (p) is a wholetime member of the Defence Forces as defined in section 11(4) of the Electoral Act 1992, or
- (q) is a civil servant who is not by the terms of his/her employment expressly permitted to be a member of the European Parliament, or
- (r) is a person of unsound mind, or
- (s) is undergoing a sentence of imprisonment for any term exceeding six months imposed by a court of competent jurisdiction in the State, or
- (t) is an undischarged bankrupt under an adjudication by a court of competent jurisdiction in the State.  
(*section 11*)

Where a member of the Dáil or Seanad is elected as a member of the European Parliament, that member automatically ceases to be a member of the House of the Oireachtas concerned (*section 11(4A)(a), as inserted by section 2(c) of the European Parliament Elections (Amendment) Act 2004*).

## 9. Withdrawal of nomination

A candidate may withdraw his/her nomination up to 12 noon on the day (disregarding any excluded day) after the latest date for receiving nominations. The notice of withdrawal to the returning officer must be signed by the candidate and delivered in person by the candidate or proposer. Where the returning officer is satisfied that a candidate wishes to withdraw and that neither the candidate nor the proposer can attend in person, the returning officer will accept a notice of withdrawal, signed by the candidate and by the person delivering it, which is received by the latest time for withdrawal (*rule 15 of the Second Schedule*).

## 10. Penalties

A person is liable to a fine or imprisonment or both under the European Parliament Elections Act 1997 for—

- (a) producing to the returning officer a forged/forging a—
  - (i) nomination paper, or
  - (ii) certificate of either political affiliation or European political affiliation, or

- (iii) attestation regarding eligibility for election from the competent administrative authority of the candidate's home Member State (*rules 107, 111 and 114 of the Second Schedule*),
- (b) offering or accepting bribes or exercising undue influence in relation to a candidature or the withdrawal, or non-withdrawal, of a candidature (*rules 104 and 105 of the Second Schedule*),
- (c) without the consent of the person concerned—
  - (i) nominating such person as a candidate, or
  - (ii) withdrawing the candidature of such person (*rule 110 of the Second Schedule*),
- (d) making a false declaration that a candidate is eligible for election or has consented to nomination or does not stand validly nominated in any other constituency or is not a candidate at the election in any other EU Member State (*rule 112 of the Second Schedule*).

Penalties under the Statutory Declarations Act 1938 in respect of knowingly making a false or misleading statutory declaration are set out at 2 above.

**FORM EP2A  
(Section 12(3) of the European  
Parliament Elections Act 1997)**

**FORM OF STATUTORY DECLARATION  
BY ASSENTORS TO NOMINATION OF CERTAIN CANDIDATES  
AT EUROPEAN PARLIAMENT ELECTIONS**

I ..... (*name in capitals*)  
do solemnly and sincerely declare the following—

*Particulars of Assentor*

1. Number and polling district letters on Register of Electors currently in force: .....

2. Address on Register of Electors referred to at 1 (*address in capitals*):

3. Contact details, including daytime and mobile telephone numbers: .....

4. Form of photographic identification produced to witness and any identifying number on it: .....

*European Parliament Constituency/Candidate*

5. Name of current European Parliament Constituency in which assentor's address at 2 is located:

6. Name of candidate (*name in capitals*): .....

7. Address of candidate (*address in capitals*):

*Assent*

8. I assent to the nomination of the candidate referred to at 6 and 7 at the next European Parliament election to be held in the European Parliament constituency in which the address at 2 is located at the time of the election.

9. I have not assented to the nomination of any other candidate at the election referred to at 8 or at any other European Parliament election to be held at the same time as that election,

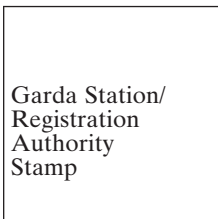
and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed .....

Declared before me ..... [*name in capitals*] [a notary public] [a commissioner for oaths] [a peace commissioner] [a member of the Garda Síochána] [an official of the registration authority] by ..... who is personally known to me at .....

[*place of signature*] this.....day of ..... [*date*].

.....  
[*signature of witness*]



[*where appropriate*]

**FORM OF STATUTORY DECLARATION  
BY ASSENTORS TO NOMINATION OF CERTAIN CANDIDATES  
AT EUROPEAN PARLIAMENT ELECTIONS**

**NOTES**

*(Please read the notes carefully before completing the statutory declaration. These notes are for guidance only and do not purport to be a legal interpretation).*

**General**

The Electoral (Amendment) Act 2009 provides that, if a person is not a candidate of a registered political party, in order to be validly nominated to stand as a candidate at a European Parliament election one or other of the following procedures must be complied with before the expiration of the time for receiving nominations:

- (i) the completion of statutory declarations by 60 assentors to the nomination who are registered as European electors in the relevant European Parliament constituency. The assents must be witnessed by a Notary Public, a Commissioner for Oaths, a Peace Commissioner, a member of the Garda Síochána or an official of the registration authority (City or County Council), or
- (ii) the candidate, or someone on his or her behalf, lodging a deposit of €1,800 with the returning officer.

This form is to be used for making statutory declarations of assent under (i) above; copies of the form are available free of charge from returning officers and registration authorities.

An assent is valid only in respect of the European Parliament constituency in which the assentor's address at the time of assent is located at election time.

An assent may be made at any time but it may only be used at the next European Parliament election in the relevant constituency and it expires when the Register of Electors current when the statutory declaration was made ceases to be in force, notwithstanding that no such election may have been held by then.

Responsibility lies with the candidate or his/her proposer at the election to secure the necessary assents, to attach the 60 statutory declarations to the nomination paper and to deliver all the documentation to the returning officer by the deadline for receipt of nominations at the election.

A returning officer may rule as invalid a nomination paper from a candidate who has opted for the assenting alternative if he or she considers that the candidate has not complied with the statutory requirements relating to assenting.

**Notes to Parts of Form**

All parts of the form must be completed.



**Parts 1 and 2:** The assentor should enter his/her number and polling district letters (Part 1) and address (Part 2) as stated on the Register of Electors in force on the date of the making of the statutory declaration. The Register may be inspected at the city or county council's offices or on their website; at libraries, post offices and Garda Stations; and through [www.checktheregister.ie](http://www.checktheregister.ie).

**Part 3:** Enter contact details, including daytime and mobile telephone numbers.

**Part 4:** Each assentor must when making the statutory declaration bring one of the following photographic documents for identification purposes — passport, driving licence, employee identity card containing a photograph, student identity card issued by an educational institution and containing a photograph, bank card with a photograph, travel document containing name and photograph, Temporary Residence Certificate card, or a Garda National Immigration Bureau card.

One of the documents must be produced to the witness taking the statutory declaration, and the type of document must be recorded in Part 4 along with any identifying number on it (e.g. passport number).

**Part 5:** Enter the name of the European Parliament Constituency where the address at Part 2 of the form is located on the date of the making of the statutory declaration. It should be noted that an assent is valid only in respect of the European Parliament constituency in which the assentor's address at the time of assent is located at election time.

**Parts 6 and 7:** Enter the name (Part 6) and address (Part 7) of the candidate whose nomination is being assented to.

**Part 8:** This is the formal assent to the nomination of the candidate at the next European Parliament election to be held in the constituency in which the address at Part 2 is located at election time.

**Part 9:** The assentor has to confirm on the statutory declaration that he or she has not assented to the nomination of any other candidate in the election concerned or at any other European Parliament election to be held at the same time as that election.

The assentor must sign the declaration in the presence of the witness.

**Witness to Statutory Declaration**

The statutory declaration must be witnessed by a Notary Public, a Commissioner for Oaths, a Peace Commissioner, a member of the Garda Síochána or an official of the registration authority. Where the necessary ID is produced under Part 4, the law provides that this is sufficient for the witness to sign on the form that the assentor is personally known to him/her.

In the case of Gardaí or registration authority officials, the declaration must be stamped with the official stamp of the garda station or registration authority in the box provided.

**Penalties**

Under the Statutory Declarations Act 1938, a person who knowingly makes a false or misleading statutory declaration in any material respect is liable on conviction to a fine of up to €3,000 or imprisonment for a term of up to 6 months or both.

**FORM EP3  
(Rules 6(1)(a) and 19(2)(a) of the Second Schedule  
to the European Parliament Elections Act 1997)**

**STATUTORY DECLARATION BY A CANDIDATE OR A  
REPLACEMENT CANDIDATE WHO IS A NATIONAL OF AN EU  
MEMBER STATE OTHER THAN THE STATE OR THE UNITED  
KINGDOM**

I, .....

do solemnly and sincerely declare that:

(a) I am a national of the following EU Member State .....

(b) I am ordinarily resident in Ireland at the following address

.....  
.....

(c) My name was last entered on the electoral roll in my home Member State in the #locality/constituency [#delete, as appropriate] of ..... , and

(d) I am not standing as a candidate for election to the European Parliament in any other EU Member State,

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed .....

Declared before me.....[*name in capitals*] a [notary public] [commissioner for oaths] [peace commissioner] by .....

[who is personally known to me],

or

[who is identified to me by ..... who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no. [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*], which is an authority recognised by the Irish Government]

or

national identity card no. [*identity card number*] issued on [*date of issue*] by the authorities of [*issuing state*] which is an EU Member State]

at.....

[*place of signature*] this.....day of .....[*date*]

.....

[*signature of witness*]

**PENALTIES**

A person who knowingly makes a false or misleading statutory declaration is liable on conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding six months or both.

**FORM EP4**  
**(Rule 18(1) of the Second Schedule to the**  
**European Parliament Elections Act 1997)**

**REPLACEMENT CANDIDATES LIST**  
**[Registered political parties]**

IDENTIFYING LETTERS ..... (to be assigned by returning officer)

**PLEASE READ NOTES BEFORE COMPLETING FORM**

.....

Name of registered political party presenting replacement candidates list

Initials or Abbreviation of name of Party .....

1. I/we nominate the person(s) named under, in the order stated (which order has been determined by the party), as replacement candidate(s) at the election of members of the European Parliament for the constituency of

REPLACEMENT CANDIDATE(S)			CITIZENSHIP/NATIONALITY	
SURNAME	OTHER NAME(S)	ADDRESS	IRELAND OR UK	OTHER EU MEMBER STATE
PLEASE USE BLOCK LETTERS			TICK AS APPROPRIATE	
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

*NOTE: If a replacement candidate is a national of an EU Member State other than Ireland or the United Kingdom, the replacement candidates list must be accompanied by a statutory declaration and an attestation in respect of such replacement candidate - see section 2 of the notes on this form.*

2. I/we have read the notes on this form and declare that—

(a) each of the person(s) named as a replacement candidate—

- (i) has consented to the nomination;
  - (ii) is, to the best of my/our knowledge and belief, eligible for election to the European Parliament,
- (b) none of the persons named as a replacement candidate—
- (i) is a replacement candidate at the election in any other constituency;
  - (ii) is a candidate at the election in any other EU Member State, and
- (c) to the best of my/our knowledge and belief, the information furnished in the replacement candidates list is correct in all material respects.

*NOTE: See section 4 of the notes on this form.*

Signature(s) of authorised officer(s)

- 1. ....
- 2. ....
- 3. ....

Date: .....

I rule that this replacement candidates list is valid (or is invalid because

.....)

.....  
RETURNING OFFICER

Date .....

**REPLACEMENT CANDIDATES LIST**  
**[Registered political party]**

**NOTES**

*These notes are for guidance only and do not purport to be a definitive statement of the law which is contained in sections 11 and 12 of, and rules 17 to 19 of the Second Schedule to, the European Parliament Elections Act 1997.*

**1. Nomination of replacement candidates**

A person who is not eligible for election to the European Parliament may not be nominated as a replacement candidate (see 4 below).

A registered political party may nominate, with his/her/their consent, one or more persons to be replacement candidates in each constituency. A person who is a candidate at the election may be nominated as a replacement candidate.

The number of replacement candidates nominated by a registered political party in respect of a constituency may not exceed by more than six the number of candidates of that party standing validly nominated for the constituency at the latest time for withdrawal of candidature.

If the number of replacement candidates included in the list exceeds the maximum number permitted, the returning officer will delete from the list, commencing at the bottom, the number of replacement candidates by which the list exceeds the maximum permitted.

The names of replacement candidates must be listed in the order determined by the registered political party.

A person may not be nominated as a replacement candidate for more than one constituency.

A registered political party may present one replacement candidates list only in a constituency.

The replacement candidates list must be signed by the party's authorised officer(s), viz. the person(s) whose name(s) is/are entered in the Register of Political Parties pursuant to section 25(7)(d) of the Electoral Act 1992.

The completed replacement candidates list must be delivered to the returning officer within the period fixed for receiving nominations. Delivery may be made by the authorised officer(s) who signed the list, or by a person who is a candidate of the party in the constituency concerned (*Section 12; rules 17, 18 and 19 of the Second Schedule*).

## **2. National of an EU Member State other than Ireland or the United Kingdom**

Where a person who is a national of an EU Member State other than Ireland or the United Kingdom is nominated as a replacement candidate, and is not nominated as a candidate in the constituency, the replacement candidates list must be accompanied by:—

- (i) a statutory declaration made by the person on Form EP3 (which may be obtained from the returning officer) stating his/her nationality, the address in Ireland at which he/she is ordinarily resident, the locality/constituency where he/she was last registered as an elector in his/her home Member State and that the person is not a candidate at the election in any other Member State, *and*
- (ii) an attestation from the competent administrative authority of the person's home Member State certifying that he/she has not been deprived, through an individual criminal law or civil law decision, of the right to be a candidate at the election in his/her home Member State or that no such disqualification is known to the competent authority concerned.

If these documents are not furnished with the replacement candidates list or if the documents are not properly made out or signed, the returning officer is obliged to delete from the list the name of the person concerned (rule 19 of the Second Schedule).

### **3. Ruling on replacement candidates list**

The returning officer will rule as invalid any list which is not properly made out or signed, if the list is not amended to his/her satisfaction (rule 19 of the Second Schedule).

### **4. Eligibility for election to the European Parliament**

A person is not eligible for election to the European Parliament if he/she—

- (a) is not a citizen of Ireland, or a national of another EU Member State who is ordinarily resident in the State, or
- (b) is a citizen of Ireland contesting the election in any other Member State, or
- (c) is a national of an EU Member State (other than the State or the United Kingdom) who has been deprived, through an individual criminal law or civil law decision, of the right to be a candidate under the law of the home Member State, or
- (d) has not reached the age of 21 years on polling day, or

- (e) holds the office of Minister of the Government; or is a member of the Government of another member state, a Judge or the Comptroller and Auditor General, or
- (f) is a member of the Commission of the European Communities, or
- (g) is a Judge, Advocate General or Registrar of the Court of Justice of the European Communities or the Court of First Instance attached to that Court, or
- (h) is a member of the Board of Directors of the European Central Bank, or
- (i) is a member of the Court of Auditors of the European Communities, or
- (j) is the Ombudsman of the European Communities, or
- (k) is a member of the Economic and Social Committee of the European Community and the European Atomic Energy Community, or
- (l) is a member of a committee or other body established pursuant to the Treaties establishing the European Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or performing a permanent direct administrative task, or
- (m) is a member of the Board of Directors, Management Committee or staff of the European Investment Bank, or
- (n) is an active official or servant of any of the institutions of the European Communities or any of the specialised bodies attached to these institutions or the European Central Bank, or
- (o) is a member of the Garda Síochána, or
- (p) is a wholetime member of the Defence Forces as defined in section 11(4) of the Electoral Act 1992, or
- (q) is a civil servant who is not by the terms of his/her employment expressly permitted to be a member of the European Parliament, or
- (r) is a person of unsound mind, or
- (s) is undergoing a sentence of imprisonment for any term exceeding six months imposed by a court of competent jurisdiction in the State, or
- (t) is an undischarged bankrupt under an adjudication by a court of competent jurisdiction in the State.

*(section 11)*



Where a member of the Dáil or Seanad is elected as a member of the European Parliament, that member automatically ceases to be a member of the House of the Oireachtas concerned (section 11(4A)(a), as inserted by section 2(c) of the European Parliament Elections (Amendment) Act 2004).

### **5. Withdrawal of replacement candidates list**

A replacement candidates list may be withdrawn by notice in writing signed by the authorised officer(s) and handed to the returning officer by such officer(s) or by a party candidate in the constituency concerned within the period fixed for receiving nominations. Where, at the latest time for withdrawal of nominations, no party candidate stands nominated, the replacement candidates list for that party is deemed to have been withdrawn (rule 19 of the Second Schedule).

### **6. Penalties**

A person is liable to a fine or imprisonment or both under the European Parliament Elections Act 1997 for—

- (a) nominating a person as a replacement candidate without the person's consent (rule 110 of the Second Schedule),
- (b) making a false declaration that a person is eligible for nomination as a replacement candidate or does not stand validly nominated as either a replacement candidate in any other constituency or as a candidate in any other Member State (rule 113 of the Second Schedule),
- (c) producing to the Returning Officer a forged attestation regarding eligibility for election from the competent administrative authority of the replacement candidate's home Member State (rule 114 of the Second Schedule).

**FORM EP5**  
**(Rule 18(1) of the Second Schedule to the**  
**European Parliament Elections Act 1997)**

**REPLACEMENT CANDIDATES LIST**  
**(Non-party candidates)**

IDENTIFYING LETTERS ..... (to be assigned by returning officer)

**PLEASE READ NOTES BEFORE COMPLETING FORM**

Name of non-party candidate presenting replacement candidates list:

Surname: .....

Other name(s): .....

1. I nominate the person(s) named under, in the order stated (which I have determined), as replacement candidate(s) at the election of members of the European Parliament for the constituency of .....

REPLACEMENT CANDIDATE(S)			CITIZENSHIP/NATIONALITY	
SURNAME	OTHER NAME(S)	ADDRESS	IRELAND OR UK	OTHER EU MEMBER STATE
PLEASE USE BLOCK LETTERS			TICK AS APPROPRIATE	
1.				
2.				
3.				
4.				

*NOTE: If a replacement candidate is a national of an EU Member State other than Ireland or the United Kingdom, the replacement candidates list must be accompanied by a statutory declaration and an attestation in respect of such replacement candidate-see section 2 of the notes on this form.*

2. I have read the notes on this form and declare that—

(a) each of the person(s) named as a replacement candidate—

(i) has consented to the nomination;

(ii) is, to the best of my knowledge and belief, eligible for election to the European Parliament,

(b) none of the persons named as a replacement candidate—

(i) is a replacement candidate at the election in any other constituency;

(ii) is a candidate at the election in any other EU Member State, and

(c) to the best of my knowledge and belief, the information furnished in the replacement candidates list is correct in all material respects.

NOTE: See section 4 of the notes on this form.

Signature of non-party candidate: .....

Address: .....

Date: .....

I rule that this replacement candidates list is valid (or is invalid because

..... )

.....  
RETURNING OFFICER

Date: .....

**FORM EP5**

**REPLACEMENT CANDIDATES LIST**  
**[Non-party candidates]**

**NOTES**

*These notes are for guidance only and do not purport to be a definitive statement of the law which is contained in sections 11 and 12 of, and rules 17 to 19 of the Second Schedule to, the European Parliament Elections Act 1997.*

**1. Nomination of replacement candidates**

A person who is not eligible for election to the European Parliament may not be nominated as a replacement candidate (see 4 below).

A non-party candidate may nominate, with their consent, up to four persons to be replacement candidates in the constituency. A person who is a candidate at the election may be nominated as a replacement candidate. If the number of replacement candidates included in the list exceeds four, the returning officer will delete from the list, commencing at the bottom, the number of replacement candidates by which the list exceeds four.

The names of replacement candidates must be listed in the order determined by the non-party candidate.

A person may not be nominated as a replacement candidate for more than one constituency.

A non-party candidate may present one replacement candidates list only at an election.

The completed replacement candidates list, signed by the candidate, must be delivered to the returning officer by the candidate or proposer within the period fixed for receiving nominations.

*(Section 12; rules 17, 18 and 19 of the Second Schedule)*

## **2. National of an EU Member State other than Ireland or the United Kingdom**

Where a person who is a national of an EU Member State other than Ireland or the United Kingdom is nominated as a replacement candidate and is not also nominated as a candidate in the constituency, the replacement candidates list must be accompanied by:—

- (i) a statutory declaration made by the person on Form EP3 (which may be obtained from the returning officer) stating his/her nationality, the address in Ireland at which he/she is ordinarily resident, the locality/constituency where he/she was last registered as an elector in his/her home Member State and that the person is not a candidate at the election in any other Member State, *and*
- (ii) an attestation from the competent administrative authority of the person's home Member State certifying that he/she has not been deprived, through an individual criminal law or civil law decision, of the right to be a candidate at the election in his/her home Member State or that no such disqualification is known to the competent authority concerned.

If these documents are not furnished with the replacement candidates list or if the documents are not properly made out or signed, the returning officer is obliged to delete from the list the name of the person concerned.

*(rule 19 of the Second Schedule)*

## **3. Ruling on replacement candidates list**

The returning officer will rule as invalid any list which is not properly made out or signed, if the list is not amended to his/her satisfaction (rule 19 of the Second Schedule).

#### 4. Eligibility for election to the European Parliament

A person is not eligible for election to the European Parliament if he/she—

- (a) is not a citizen of Ireland, or a national of another EU Member State who is ordinarily resident in the State, or
- (b) is a citizen of Ireland contesting the election in any other Member State, or
- (c) is a national of an EU Member State (other than the State or the United Kingdom) who has been deprived, through an individual criminal law or civil law decision, of the right to be a candidate under the law of the home Member State, or
- (d) has not reached the age of 21 years on polling day, or
- (e) holds the office of Minister of the Government; or is a member of the Government of another member state, a Judge or the Comptroller and Auditor General, or
- (f) is a member of the Commission of the European Communities, or
- (g) is a Judge, Advocate General or Registrar of the Court of Justice of the European Communities or the Court of First Instance attached to that Court, or
- (h) is a member of the Board of Directors of the European Central Bank, or
- (i) is a member of the Court of Auditors of the European Communities, or
- (j) is the Ombudsman of the European Communities, or
- (k) is a member of the Economic and Social Committee of the European Community and the European Atomic Energy Community, or
- (l) is a member of a committee or other body established pursuant to the Treaties establishing the European Community and the European Atomic Energy Community for the purpose of managing the Communities' funds or performing a permanent direct administrative task, or
- (m) is a member of the Board of Directors, Management Committee or staff of the European Investment Bank, or
- (n) is an active official or servant of any of the institutions of the European Communities or any of the specialised bodies attached to these institutions or the European Central Bank, or

- (o) is a member of the Garda Síochána, or
- (p) is a wholetime member of the Defence Forces as defined in section 11(4) of the Electoral Act 1992, or
- (q) is a civil servant who is not by the terms of his/her employment expressly permitted to be a member of the European Parliament, or
- (r) is a person of unsound mind, or
- (s) is undergoing a sentence of imprisonment for any term exceeding six months imposed by a court of competent jurisdiction in the State, or
- (t) is an undischarged bankrupt under an adjudication by a court of competent jurisdiction in the State.

*(section 11)*

Where a member of the Dáil or Seanad is elected as a member of the European Parliament, that member automatically ceases to be a member of the House of the Oireachtas concerned *(section 11(4A)(a), as inserted by section 2(c) of the European Parliament Elections (Amendment) Act 2004)*.

#### **5. Withdrawal of replacement candidates list**

A replacement candidates list may be withdrawn by notice in writing signed by the candidate and handed to the returning officer by the candidate or proposer within the period fixed for receiving nominations. Where, at the latest time for withdrawal of nominations, the candidate has withdrawn or is deemed to have withdrawn, the replacement candidates list is deemed to have been withdrawn *(rule 19 of the Second Schedule)*.

#### **6. Penalties**

A person is liable to a fine or imprisonment or both under the European Parliament Elections Act 1997 for—

- (a) nominating a person as a replacement candidate without the person's consent *(rule 110 of the Second Schedule)*,
- (b) making a false declaration that a person is eligible for nomination as a replacement candidate or does not stand validly nominated as either a replacement candidate in any other constituency or as a candidate in any other Member State *(rule 113 of the Second Schedule)*,
- (c) producing to the Returning Officer a forged attestation regarding eligibility for election from the competent administrative authority of the replacement candidate's home Member State *(rule 114 of the Second Schedule)*.

## PART 2

### PHOTOGRAPHS

1. A photograph in digitised format (Jpeg) on a CD and 2 identical printed copies of the photograph (passport size — 35mm x 45mm) shall be delivered with the candidate's nomination paper.

2. The photograph shall be of good quality and in colour showing the candidate's full face, head and shoulders only, on a light background (any colour) and taken to a professional standard.

3. The photograph shall have been taken not more than 12 months prior to the date appointed by the Minister for the Environment, Heritage and Local Government by order under section 10 of the European Parliament Elections Act 1997 for the taking of the poll at the election.

4. Each copy of the printed photograph shall have the candidate's name clearly shown on the back.

## PART 3

### EMBLEMS

1. An emblem shall be delivered to the Registrar of Political Parties with the application form specified by the Registrar under section 25(3) of the Electoral Act 1992, in digitised format on disk (2 copies) along with 2 identical printed copies.

2. The emblem shall be designed to a professional standard.

3. The 2 printed copies of the emblem shall be signed on the back by an officer of the party whose name appears in the Register of Political Parties pursuant to section 25(7)(d) of the Electoral Act 1992.

## PART 4

### Form of Ballot Paper (Front of Paper)

#### Toghchán do Pharlaimint na hEorpa European Parliament Election

### TREORACHA

1. Scríobh an figiúr 1 sa bhosca le hais ghrianghraf an chéad iarrthóra is rogha leat, scríobh an figiúr 2 sa bhosca le hais ghrianghraf an iarrthóra do dhara rogha, agus mar sin de.

2. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin *cúl an pháipéir* don oifigeach ceannais, agus cuir sa bhosca ballóide é.

### INSTRUCTIONS

1. Write 1 in the box beside the photograph of the candidate of your first choice, write 2 in the box beside the photograph of the candidate of your second choice, and so on.

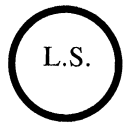
2. Fold the paper to conceal your vote. Show the *back of the paper* to the presiding officer and put it in the ballot box.

Emblem	<b>DOYLE — URBAN PARTY</b> (European Radical Group) (MARY DOYLE of 10 High Street, Knockmore; Nurse) Liosta Ionaid UP Replacement List	<i>Photograph</i>	
	<b>LYNCH</b> (JANE ELLEN LYNCH of 12 Main Street, Ardstown; Shopkeeper) Liosta Ionaid JEL Replacement List	<i>Photograph</i>	
Emblem	<b>MURPHY — DEMOCRATS</b> (Group of European Democrats) (PATRICK MURPHY of 12 Main Street, Ballyduff; Carpenter) Liosta Ionaid DEM Replacement List	<i>Photograph</i>	
Emblem	<b>Ó BRIAIN — CUMANN NA SAORÁNACH</b> (SÉAMUS Ó BRIAIN as 10 An tSráid Ard, Carnmore; Oide Scoile) Liosta Ionaid CS Replacement List	<i>Photograph</i>	
	<b>O'BRIEN — NON-PARTY</b> (EAMON O'BRIEN of 22 Wellclose Place, Knockbeg; Butcher) Liosta Ionaid EOB Replacement List		
Emblem	<b>O'BRIEN — YOUNG IRELAND</b> (Liberal Group) (ORLA O'BRIEN of 102 Eaton Brae, Cahermore; Solicitor) Liosta Ionaid YI Replacement List		
Emblem	<b>O'CONNOR — NATIONAL LEAGUE</b> (CAROLINE O'CONNOR of 7 Green Street, Carnmore; Engineer) Liosta Ionaid NL Replacement List	<i>Photograph</i>	
Emblem	<b>THOMPSON — FARMERS PARTY</b> (WILLIAM HENRY THOMPSON of Dereen, Ballyglass; Farmer) Liosta Ionaid FP Replacement List	<i>Photograph</i>	



**(Back of Paper)**

Comhduille Uimh. Counterfoil No.	Uimh. .... No. .... Toghchán do thoglach ..... Election for constituency of ..... .....
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GIVEN under my Official Seal,  
 12 March 2009

JOHN GORMLEY,  
 Minister for the Environment,  
 Heritage and Local Government.

## EXPLANATORY NOTE

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

These regulations prescribe certain forms for use at elections of members of the European Parliament, the relevant photographic ID documents that assentors are required to produce to the person witnessing a statutory declaration in the course of assenting to the nomination of a candidate, and the requirements for the provision of photographs to returning officers by candidates at a European Parliament election and for the provision of emblems by political parties to the Registrar of Political Parties for their registration in the Register of Political Parties. The regulations also specify the form of the ballot paper to be used at European elections.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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