



STATUTORY INSTRUMENTS.

S.I. No. 270 of 2014



EDUCATION AND TRAINING BOARDS ACT 2013 (ELECTION OF
STAFF) REGULATIONS 2014

EDUCATION AND TRAINING BOARDS ACT 2013 (ELECTION OF STAFF) REGULATIONS 2014

I, RUAIRÍ QUINN, Minister for Education and Skills, in exercise of the powers conferred on me by sections 3 and 30(7) of the Education and Training Boards Act 2013 (No. 11 of 2013), and following consultation with Education and Training Boards Ireland and recognised trade unions and staff associations representing members of the staff of education and training boards, hereby make the following regulations:

Citation.

1. These Regulations may be cited as the Education and Training Boards Act 2013 (Election of Staff) Regulations 2014.

Interpretation.

2. In these Regulations, except where the context otherwise requires—

“Act” means the Education and Training Boards Act 2013 (No. 11 of 2013);

“agent” shall be construed in accordance with Regulation 5;

“ballot box” shall be construed in accordance with Regulation 19;

“ballot paper envelope” has the meaning assigned to it in Regulation 18(1)(b);

“candidate” means a person ruled to be a candidate by a returning officer in accordance with Regulation 9;

“casual vacancies panel” has the meaning assigned to it in Regulation 14(1);

“casual vacancy” shall be construed in accordance with section 37 of the Act;

“covering envelope” has the meaning assigned to it in Regulation 18(1)(c);

“deputy returning officer” shall be construed in accordance with Regulation 4;

“election” means the election of members to an education and training board under section 30(1)(b) of the Act;

“elector” means a person whose name is entered on the electoral roll;

“electoral roll” has the meaning assigned to it by Regulation 6(6);

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 20th June, 2014.

“eligible staff member ” means a person who, on the date determined by the Minister under Regulation 6(1), is employed as a member of staff by the education and training board concerned and whose remuneration in respect of that employment is paid by that education and training board;

“nominee” means a person who has been nominated as a candidate in accordance with Regulation 8;

“notice of election” has the meaning assigned to it by Regulation 7;

“official mark” has the meaning assigned to it by Regulation 17;

“panel of men candidates” shall be construed in accordance with Regulation 12;

“panel of women candidates” shall be construed in accordance with Regulation 12;

“poll” means a ballot among electors on the electoral roll;

“returning officer” shall be construed in accordance with Regulation 4.

Conduct of election.

3. An election shall be conducted in accordance with these Regulations.

Returning officer.

4. (1) The Minister shall appoint a returning officer for each election.

(2) A returning officer may appoint, in writing, one or more than one person to be his or her deputy returning officer or officers for an election and may delegate to any such deputy any of the functions of the returning officer that may be specified in the appointment.

(3) A returning officer may at any time revoke the appointment of a deputy returning officer appointed under paragraph (2).

(4) A deputy returning officer shall have all the rights and be subject to all the duties and liabilities of a returning officer in relation to the functions for which he or she is appointed.

(5) A returning officer, or any person engaged by him or her for any purpose relating to an election, shall not be a candidate or an agent of a candidate at that election or be associated in furthering the candidature of any candidate at that election.

(6) A returning officer shall not engage for any purpose relating to an election a person who to the knowledge of the returning officer—

(a) is or has been a candidate at that election, or

(b) has been an agent of, or has been associated in furthering the candidature of, a candidate at that election.

(7) In these Regulations, any reference to a returning officer in relation to any act, matter or function in relation to which a deputy returning officer is appointed by or under paragraph 2 shall, unless the context otherwise requires, be construed as a reference to the deputy returning officer.

(8) The reasonable expenses of a returning officer in relation to the conduct of an election shall be defrayed by the education and training board concerned.

(9) On the request of a returning officer for an advance on account of his or her expenses relating to the conduct of the election, the education and training board concerned may make an advance on such terms as it considers appropriate.

(10) Subject to these Regulations, a returning officer is responsible for the conduct of the election and his or her decisions on all matters arising are final.

General provisions regarding agents.

5. (1) Each nominee may appoint one or more agents and the name of each person so appointed shall be notified to the returning officer in writing by the nominee before the expiry of the period determined by the Minister for the purpose of Regulation 7(2)(f).

(2) An agent—

(a) whose appointment is notified in writing to a returning officer in accordance with paragraph (1) may be present on behalf of the nominee at the ruling on nominations, the sealing of the ballot box or ballot boxes and the counting of votes for the election, and

(b) shall, if so required, produce the written consent of the nominee to his or her appointment as their agent for inspection by the returning officer or by any person authorised to act on behalf of a returning officer.

Provisional electoral roll and electoral roll.

6. (1) The Minister shall determine the date on which eligible staff members shall be eligible for admission to the provisional electoral roll.

(2) On his or her appointment, a returning officer shall cause to be prepared a provisional electoral roll containing the name and address of each eligible staff member.

(3) Following the date determined by the Minister in accordance with paragraph (1), the returning officer shall—

(a) make the provisional electoral roll available to the eligible staff members included thereon in such manner as the returning officer considers appropriate, and

(b) cause to be made available, in such manner as the returning officer considers appropriate, a notice to the effect that any eligible staff

member who wishes to take part in the forthcoming election may, before the closing date for receipt of applications specified in the notice, apply in writing to the returning officer—

- (i) to have his or her name and address entered on the provisional electoral roll, or
- (ii) where his or her name is already entered, to have his or her name or address amended.

(4) The notice made available under paragraph (3)(b) shall be in the form specified in Schedule 1.

(5) Not later than a date determined by the Minister, the returning officer shall examine the applications received under paragraph (3)(b) to establish the eligibility of applicants, and where he or she considers it appropriate to do so, shall—

- (a) amend the provisional electoral roll by entering the name of any eligible staff member whose name and address was not included on the roll, and
- (b) where the name and address of an eligible staff member is already entered, amend his or her name or address.

(6) The provisional electoral roll as amended under paragraph (5) shall, in these Regulations, be referred to as the “electoral roll”.

Publication of notice of election and further information to electors

7. (1) Not later than a date determined by the Minister, the returning officer shall make available, in such manner as he or she considers appropriate, notice of the election (in these Regulations referred to as the “notice of election”) to be held for that education and training board.

(2) In addition to the notice of election, the returning officer shall take whatever steps he or she considers necessary to make the following information available to electors:

- (a) the eligibility requirements for candidates;
- (b) the electoral roll in relation to the election concerned;
- (c) the number of male candidates and the number of female candidates who may be elected to the education and training board;
- (d) the place at which nomination papers may be obtained;
- (e) the address at which nomination papers are to be received by him or her;
- (f) the period during which nomination papers may be received;

- (g) the period during which the returning officer will attend to rule on the validity of nomination papers;
- (h) any other information which a returning officer may deem necessary for the conduct of the election.

(3) The periods referred to in subparagraphs (f) and (g) of paragraph (2) are such periods as shall be determined by the Minister for the purposes of those subparagraphs.

Nomination of candidate

8. (1) (a) A candidate for election shall be an eligible staff member and shall be nominated in writing by means of a nomination paper in the form set out in Schedule 2.

(b) Such nomination paper shall be subscribed by 5 electors whose names are entered in the electoral roll for which the candidate is nominated, and shall, together with a completed form of declaration in the form set out in Schedule 3, be delivered by the nominee so as to reach the returning officer at any time between the date of publication of the notice of election and the expiration of the time for receiving nominations.

(2) A nominee shall not be entitled to have his or her name entered on a ballot paper:

(a) for more than one education and training board, and

(b) unless he or she has been duly nominated and the nomination has been ruled as being valid by the returning officer.

(3) Each nominee shall be nominated on a separate nomination paper and an elector may not sign more than one nomination paper.

(4) The returning officer may require a nominee to:

(a) give to the returning officer in writing further information relating to his or her eligibility, and

(b) furnish evidence in relation to that information.

(5) If a returning officer does not receive the information or evidence requested under paragraph (4) by the expiry of the period referred to in Regulation 7(2)(g), the returning officer may rule the nomination concerned invalid on the ground that the information or evidence was not so received.

Ruling on validity of nomination papers.

9. (1) The returning officer shall rule on the validity of each nomination paper received by him or her during the period determined by the Minister for the purposes of Regulation 7(2)(g) and may rule that a nomination is invalid where he or she considers that:

- (a) the nomination paper has been completed incorrectly or is incomplete,
- (b) the nomination paper is signed by less than 5 electors, or
- (c) the nominee is not an eligible staff member.

(2) Each nomination paper received by the returning officer shall be endorsed by him or her in the order that it is received by the returning officer with a unique number and that number shall determine the order of receipt of valid nominations.

(3) The nominee and the nominee's agent, if any, shall be entitled to attend, by prior arrangement with the returning officer, while the validity of the nomination paper concerned is being ruled on by the returning officer and no other person shall be entitled to attend except with the permission of the returning officer.

(4) A misnomer or inaccurate description of any person or place named in any nomination paper shall not invalidate the nomination if, in the opinion of the returning officer, the description is sufficient to identify the person or place, and where this is the case, such description may be amended at the sole discretion of the returning officer.

(5) The returning officer may, for the purpose of determining the validity of a nomination for election, take account of such objections to that nomination as he or she considers appropriate, and may require a nominee to:

- (a) give to the returning officer in writing further information relating to his or her eligibility, and
- (b) furnish evidence in relation to that information.

(6) If a returning officer does not receive the information or evidence requested under paragraph (5) by the expiry of the period determined by the Minister for the purposes of Regulation 7(2)(g), the returning officer may rule the nomination concerned invalid on the grounds that the information or evidence was not so received.

(7) No objection to a nomination paper on the ground of any description of the candidate being insufficient or not being in compliance with these Regulations shall be allowed or deemed valid unless the objection is made to the returning officer by a nominee or the nominee's agent during the period referred to in Regulation 7(2)(g).

(8) A nominee or candidate may, before the expiry of a period determined by the Minister, withdraw his or her nomination or candidature, as the case may be, by giving to the returning officer a written notice of withdrawal signed by the nominee or candidate.

Death of nominee or candidate.

10. (1) If at any time before the time that falls 48 hours after the expiry of the period determined by the Minister for the purposes of Regulation 7(2)(g), a returning officer becomes satisfied that a nominee or candidate has died, the returning officer shall immediately deem the nomination or candidature of that nominee or candidate, as the case may be, to have been withdrawn.

(2) If at any time after the time that falls 48 hours after the expiry of the period determined by the Minister for the purposes of Regulation 7(2)(g), a returning officer becomes satisfied that a candidate has died, his or her death shall not, of itself, invalidate his or her candidature or any preference recorded for him or her and, if he or she is elected, his or her election shall not be invalidated by reason of his or her death, but the candidate shall be deemed to have vacated his or her membership of the education and training board concerned on the day on which the newly elected members come into office and the vacancy shall be deemed to be a casual vacancy and shall be filled accordingly.

Publication of nominations.

11. As soon as practicable after ruling on the validity of nomination papers the returning officer—

- (a) shall cause a notice to be displayed in respect of each electoral roll, at the place at which the officer has received nominations, stating the name and address of each candidate validly nominated, and the names and addresses of the electors who nominated each candidate for the electoral roll for which the candidate was nominated, and
- (b) may, in addition to the means provided for in that regard by subparagraph (a), also bring to the attention of electors by any other means that he or she considers appropriate the list of candidates validly nominated for the election.

Determination of panels.

12. The returning officer shall, as soon as practicable after causing a notice to be displayed in accordance with Regulation 11, subdivide the validly nominated candidates into—

- (a) a panel of all women candidates (in these Regulations known as a panel of women candidates), and
- (b) a panel of all men candidates (in these Regulations known as a panel of men candidates).

Election of members.

13. (1) The members elected in respect of each education and training board shall comprise one woman and one man.

- (2) (a) Where in respect of—
 - (i) a panel of women candidates, or

(ii) a panel of men candidates,

the panel includes only one candidate, the returning officer shall declare that candidate to be elected.

(b) Where in respect of—

(i) a panel of women candidates, or

(ii) a panel of men candidates,

no candidate is included on the panel, a new election shall take place not less than 3 months and not more than 6 months after the expiry of the period determined by the Minister in accordance with subparagraph (a) of paragraph (1) of Regulation 15.

(c) Where in respect of—

(i) a panel of women candidates, or

(ii) a panel of men candidates,

the panel includes 2 or more candidates, a poll using the single transferable vote system set out in Schedule 6 shall be taken by the returning officer and the first candidate to reach the quota referred to in paragraph 4 of that Schedule, or, where no candidate reaches the quota, the last candidate to remain standing after all others have been eliminated, shall be deemed to be elected.

Casual vacancies panel

14. (1) Where the number of candidates in an election exceeds the number of vacancies the returning officer shall, as soon as practicable after the election, form a panel for the purpose of filling casual vacancies (in this Regulation referred to as the “casual vacancies panel”).

(2) The returning officer shall subdivide the casual vacancies panel into 2 sub-panels, one of all women candidates and the other of all men candidates.

(3) Where—

(a) the panel of women candidates, or

(b) the panel of men candidates,

contained 2 candidates, the candidate who was not deemed to have been elected will be placed on the appropriate sub-panel of casual vacancies and will be the only person on that sub-panel.

(4) Where—

(a) the panel of women candidates, or

(b) the panel of men candidates,

contained 3 or more candidates the returning officer shall, after a candidate has been deemed to be elected, continue to count and transfer the votes in accordance with Schedule 6 to determine the order in which the candidates will be placed on the appropriate sub-panel of casual vacancies.

(5) Where a casual vacancy arises in respect of a member of an education and training board elected in accordance with these Regulations and—

(a) there is only one candidate on the appropriate sub-panel of casual vacancies, that candidate shall be deemed to be elected to fill the casual vacancy, or

(b) there is more than one candidate on the appropriate sub-panel of casual vacancies, the first available candidate (determined in accordance with paragraph 4) on the appropriate sub-panel shall be deemed to be elected to fill the casual vacancy.

(6) Subject to paragraph (7), all casual vacancies shall be filled from the appropriate sub-panel of casual vacancies.

(7) Where a sub-panel of casual vacancies has been exhausted, a subsequent casual vacancy shall be filled by way of election conducted in accordance with these regulations to take place not less than 3 months and not more than 6 months after the date on which the vacancy concerned arose.

Notice of poll.

15. (1) Whenever the returning officer is required to take a poll, he or she shall, as soon as is practicable give, in such manner as he or she considers appropriate, notice of the taking of the poll, to include:

(a) the period during which the votes may be received;

(b) the place and times for the counting of votes; and

(c) any other particulars that he or she considers appropriate.

(2) The period referred to in subparagraph (a) of paragraph (1), is such period as shall be determined by the Minister for the purposes of that subparagraph.

Ballot papers.

16. The returning officer shall prepare a ballot paper in respect of the panel of women candidates and a ballot paper in respect of the panel of men candidates, in the form set out in Schedule 4, for each electoral roll in respect of which a poll is to be taken, setting out, in each case, the names of the candidates alphabetically in the order of their surnames or, if there are 2 or more candidates having the same surname, in the alphabetical order of their forenames or, if their surnames and forenames are the same, in the order that shall be determined by lot by the returning officer.

The official mark.

17. (1) Every ballot paper shall be marked with an official mark (in these Regulations referred to as the “official mark”).

(2) The returning officer shall ensure that the official mark is kept secret prior to the issue of the ballot papers.

Preparation and issue of ballot papers and election material

18. (1) The returning officer shall cause to be prepared:

- (a) a declaration of identity form in the form set out in Schedule 5;
- (b) an inner envelope in which the ballot paper is, or ballot papers are, to be placed (in these Regulations referred to as the “ballot paper envelope”);
- (c) an outer envelope in which the ballot paper envelope is to be placed with the declaration of identity form (in these Regulations referred to as the “covering envelope”); and
- (d) instructions to electors on the appropriate procedure to be followed for voting (which shall include a statement of the provisions of Regulation 20).

(2) (a) Not later than a date to be determined by the Minister, the returning officer shall post to each elector at his or her address on the electoral roll or such alternative address as the returning officer considers appropriate, a securely fastened envelope in which there shall have been placed a ballot paper or ballot papers marked with the official mark and containing the names of the nominated candidates, a declaration of identity form, a ballot paper envelope, a covering envelope, a statement of the provisions of Regulation 20 and a statement of the closing date and time for receipt of completed ballot papers.

(b) The returning officer shall record the total number of ballot papers with an official mark posted to electors pursuant to subparagraph (a) in respect of each panel.

Ballot box.

19. (1) The returning officer shall provide a ballot box or ballot boxes for the reception of the covering envelopes returned by the electors and shall at all appropriate times make provision for the safe custody of the ballot box or ballot boxes and the security of the ballot papers and other documents relating to the poll.

(2) The returning officer shall, immediately on receipt of covering envelopes, place them unopened in a ballot box.

(3) The returning officer shall, on expiry of the period determined by the Minister in accordance with subparagraph (1)(a) of Regulation 15:

- (a) seal the ballot box or ballot boxes with the seal of the returning officer;
 - (b) seal the ballot box or ballot boxes so that no further papers can be inserted; and
 - (c) make provision for the safe custody of said box or boxes.
- (4) Any covering envelopes received after the time fixed for the completion of the poll shall be retained unopened by the returning officer and shall be endorsed "Late".
- (5) In this Regulation, "returning officer" includes a person nominated by the returning officer to act on his or her behalf for the purposes of this Regulation.

Procedure for voting

20. (1) Each elector shall mark a ballot paper or ballot papers so as to indicate his or her first and any subsequent preferences against the names of the person or persons for whom he or she wishes to vote and shall place the ballot paper or ballot papers in the ballot paper envelope and securely fasten the envelope.

- (2) The elector shall—
 - (a) sign, in the presence of a witness, the declaration of identity form in the form set out in Schedule 5,
 - (b) have the declaration of identity duly witnessed and signed by the witness, and
 - (c) place the declaration of identity form with the ballot paper envelope inside the covering envelope, and
 - (d) send it by ordinary post to the returning officer.

(3) A covering envelope sent by any means other than by ordinary post shall remain unopened by the returning officer and endorsed "Not by post".

Time and place for the counting of votes.

21. (1) The counting of votes shall commence not later than 72 hours after the expiry of the period determined by the Minister in accordance with subparagraph (a) of paragraph (1) of Regulation 15.

(2) Each returning officer shall take due precautions for the security of the ballot papers and other documents relating to the polls in any intervening period.

(3) The returning officer shall appoint a place at which the votes shall be counted and shall give each candidate notice of the time and place at which he or she shall proceed to open the ballot boxes.

Attendance at the opening of the ballot box or ballot boxes and the counting of votes.

22. (1) At the opening of the ballot box or ballot boxes and the counting of votes no person other than the candidates, the returning officer, any deputy returning officer, the returning officer's assistants and the candidates' agents may be present, except with the permission of the returning officer.

(2) The returning officer shall give those present all such reasonable facilities for observing the proceedings at the opening of the ballot box or ballot boxes and the counting of votes and all information in that respect consistent with the orderly conduct of the proceedings and the performance of the returning officer's duties and functions.

Preliminary proceedings.

23. (1) The returning officer shall, at the time fixed for opening the ballot box or ballot boxes and the counting of votes—

- (a) where there is more than one ballot box, decide the order in which ballot boxes are to be opened and the ballots counted;
- (b) open the ballot box or ballot boxes;
- (c) remove the covering envelopes;
- (d) count and record the number of covering envelopes so removed;
- (e) open the covering envelopes; and
- (f) examine the declaration of identity forms.

(2) If a declaration of identity form is deemed by the returning officer to be valid, the ballot paper envelope shall be placed unopened in a special receptacle provided by the returning officer for ballot paper envelopes.

- (3) (a) If the returning officer is not satisfied that a declaration of identity form has been duly signed and the signature duly witnessed, or if a declaration of identity form is not present, the returning officer shall endorse on the ballot paper envelope "Vote rejected" without opening such envelope.
- (b) The returning officer shall show any declaration of identity form which he or she proposes to reject on the ground that it has not been properly signed and witnessed to the candidates or agents present and, if an objection is made by any candidate or agent to his or her decision, shall add to the endorsement the words "rejection objected to".
- (c) The returning officer shall keep all rejected declaration of identity forms with the attached ballot paper envelopes separate from other documents.

- (d) The returning officer shall record in writing the total number of ballot paper envelopes rejected under this Regulation.
 - (e) Where a ballot paper envelope has been endorsed with the words “rejection objected to” the candidate or agent who made the objection shall set out in writing the reasons for the objection and such reasons will be considered by the returning officer, who will make a decision in the matter.
 - (f) Where a returning officer, having considered the reasons for an objection under subparagraph (e), determines that he or she will amend his or her decision pursuant to subparagraph (a), the ballot paper envelope shall be endorsed with the words “valid vote” and placed in the special receptacle provided by the returning officer for ballot paper envelopes.
 - (g) The decision of the returning officer pursuant to subparagraph (e) shall be final.
 - (h) The returning officer shall record in writing the total number of ballot paper envelopes endorsed with “rejection objected to” in accordance with subparagraph (b) and which have not subsequently been endorsed with “valid vote” in accordance with subparagraph (f).
- (4) When all the ballot paper envelopes have been transferred to the special receptacle provided for them, they shall be opened, examined, segregated according to each poll and counted in accordance with Regulation 25.

Times for the counting of votes.

24. (1) A returning officer shall, as far as is practicable, proceed with the counting of the votes without interruption save for such periods of interruption in that counting as the returning officer, at his or her sole discretion, decides for the purposes of necessary rest and refreshment.

(2) During any such periods of interruption the returning officer shall take due precautions for the security of the ballot papers and other documents relating to the poll.

Conduct of the counting of votes.

25. (1) A returning officer shall for each poll cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be determined by the returning officer as invalid and shall, in accordance with Schedule 6, ascertain and record the number of votes given to each candidate.

(2) In counting the votes for each poll the returning officer shall credit the candidates at the election with votes in accordance with Schedule 6.

(3) Candidates or their agents shall not handle ballot papers during the counting of votes.

Return of persons elected.

26. The returning officer shall, as soon as practicable, give to every candidate elected written notice of his or her election and shall furnish the education and training board concerned with a list of the candidates certified by the returning officer to have been duly elected.

Powers of returning officer.

27. Any question arising with regard to the eligibility of an elector, nominee or candidate, the validity of a nomination or ballot paper, or otherwise in connection with the election, shall be determined by the returning officer.

General provision.

28. (1) An election shall not be invalidated by reason of any misdescription or non-compliance with these Regulations or by reason of any miscount or non-delivery, loss or otherwise of any document required under these Regulations, if it appears to the returning officer that the election was conducted substantially in accordance with these Regulations, and the result of such misdescription, non-compliance, miscount, non-delivery, loss or otherwise did not materially affect the result of the election.

(2) All voting papers received by the returning officer shall be retained by him or her for not less than 12 months after the completion of the election at the expiration of which period they shall be disposed of in such manner as he or she considers appropriate.

Schedule 1**Regulation 6****Notice of Formation of an Electoral Roll**

Notice is hereby given that an electoral roll of eligible staff members is to be prepared for the purpose of participating in the election of members to _____ Education and Training Board in accordance with section 30(1)(b) of the Education and Training Boards Act 2013.

Electors

An eligible staff member means a person who, on the date determined by the Minister in accordance with Regulation 6(1) of the Education and Training Boards Act 2013 (Election of Staff) Regulations 2014, is employed as a staff member by _____ Education and Training Board and whose remuneration in respect of that employment is paid by that education and training board.

Provisional electoral roll

For the purposes of preparing an eligible staff member electoral roll, a provisional electoral roll containing the names and addresses of every eligible staff member, on the date determined by the Minister in accordance with Regulation 6(1) of the of the Education and Training Boards Act 2013 (Election of Staff) Regulations 2014, has been prepared and may be viewed by arrangement with the returning officer.

Any eligible staff member—

- (a) whose name does not appear on the provisional electoral roll and who wishes to have his or her name entered on the electoral roll, or
- (b) whose name appears on the electoral roll but who wishes to have his or her name and/ or address amended,

shall complete the application form set out below and return it to:

The Returning Officer,

_____ **ETB,**

_____ ,

_____ ,

_____ .

(Address)

The closing date for receipt of applications is _____ .

APPLICATION FORM FOR AMENDMENT TO THE STAFF
ELECTORAL ROLL

I, _____, declare that I am an eligible staff member who, on the date referred to in Regulation 6(1) of the of the Education and Training Boards Act 2013 (Election of Staff) Regulations 2014, is employed as a staff member by _____ Education and Training Board and whose remuneration in respect of that employment is paid by that education and training board and that consequently—

- (a) I am eligible to be included on the electoral roll, or
- (b) I wish my name and/or address on the electoral roll to be amended as set out below.

(delete (a) or (b) as appropriate).

Full Name of Applicant:

Address of applicant:

Place of employment:

Payroll number:

Signed:

Date:

Schedule 2

Regulation 8

NOMINATION PAPER FOR ELECTION OF MEMBERS OF STAFF AS MEMBERS

TO

_____ **EDUCATION AND TRAINING BOARD**

1. We, the undersigned, being eligible staff members of _____ Education and Training Board hereby nominate the person named hereunder as a candidate for election to _____ Education and Training Board.

Surname of Candidate

Other Names of Candidate

Address of Candidate

Signature of Candidate

2. We declare that—

- (a) we believe that the person named as a candidate is eligible for election,
- (b) the candidate has consented to his or her nomination, and
- (c) we have not signed any other nomination paper.

3. List and signatures of Nominators

| No. | Nominator's Name (Block letters) | | Name and Address of Nominator's place of work | Nominator's Signature |
|-----|-------------------------------------|--|--|--------------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |

Date: _____

SCHEDULE 3

Regulation 8

FORM OF DECLARATION

(to be issued with Nomination Papers for return by the candidate nominated)

I, (Print Name of Candidate in BLOCK LETTERS), being an eligible staff member of _____ Education and Training Board, CONSENT to be nominated for election as a staff member to _____ Education and Training Board.

I DECLARE that the statements on the nomination papers with regard to my nomination as a candidate are correct.

Signature:

Name and Address of Nominee's place of work:

Date:

Correspondence Address:

Schedule 4

Regulation 16

**BALLOTS PAPER FOR THE ELECTION OF MEMBERS OF STAFF TO
EDUCATION AND TRAINING BOARD**

PANEL OF WOMEN CANDIDATES

| Name of Candidate | Address | MARK IN ORDER OF PREFERENCE IN SPACE BELOW |
|-------------------|---------|--|
| | | |
| | | |
| | | |
| | | |
| | | |

Ballot Paper No.

PANEL OF MEN CANDIDATES

| Name of Candidate | Address | MARK IN ORDER OF PREFERENCE IN SPACE BELOW |
|-------------------|---------|--|
| | | |
| | | |
| | | |
| | | |
| | | |

Ballot Paper No.

Instructions

1. In relation to each ballot paper, enter the figure “1” beside the candidate of your first choice, “2” beside your second choice and so on in order of preference against the name or names of the persons for whom you wish to vote.

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2. Fold the ballot papers and place in the ballot paper envelope.
3. Securely fasten the ballot paper envelope.

Schedule 5

Regulation 18

DECLARATION OF IDENTITY FORM

I, the undersigned, hereby declare that I am the person entitled to receive the enclosed ballot paper or ballot papers, that I am an eligible staff member of _____ Education and Training Board, and that I have not marked a ballot paper in respect of the election of staff members to any other education and training board.

Elector's Name (BLOCK capitals):

Elector's Signature:

Date:

The above named is personally known to me and has signed the above declaration in my presence

Witness Name (BLOCK capitals):

Signature:

Address

Occupation:

Schedule 6*Regulation 25***ELECTION OF MEMBERS TO AN EDUCATION AND TRAINING BOARD****RULES RELATING TO THE COUNTING OF VOTES IN ACCORDANCE WITH THE SINGLE TRANSFERRABLE VOTE SYSTEM.****Definitions.**

1. In this Schedule—

“continuing candidate” means any candidate not deemed elected and not excluded;

“count” includes—

- (a) all the operations involved in the counting of the first preferences recorded for candidates,
- (b) all the operations involved in the transfer of the votes of an excluded candidate,
- (c) all the operations involved in the transfer of the votes of 2 or more candidates excluded together.
- (d) all the operations involved in the distribution of surplus votes.

“determine by lot” means determine in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates in cases of exclusion—

- (a) shall be excluded in the order in which their names are drawn,
- (b) in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn, and
- (c) in cases of equality of fractions, the fraction relating to the candidate whose name is first drawn shall be deemed to be the largest;

“mark” means a figure, or word or a mark such as “X”;

“non-transferable paper” means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate, provided that a paper shall be deemed to have become a non-transferable paper whenever—

- (a) the names of 2 or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference, or
- (b) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with 2 or more marks, or
- (c) it is void for uncertainty;

“original vote” in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

“preference” shall be read as follows:

- (a) “first preference” means any mark which, in the opinion of the returning officer, clearly indicates a first preference;

“second preference” means any mark which, in the opinion of the returning officer, clearly indicates a second preference standing in succession to a first preference;

“third preference” means any mark which, in the opinion of the returning officer, clearly indicates a third preference standing in succession to a second preference;

and so on;

- (b) “next available preference” means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already deemed to be elected or excluded being disregarded;

“quota” has the meaning assigned to it by paragraph 4;

“surplus” means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota;

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” in relation to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

Invalid ballot papers.

2. (1) Any ballot paper—

- (a) which does not bear the official mark,
- (b) on which the figure "1" standing alone, or the word "one" or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is not placed at all or is not so placed as to indicate a first preference for some candidate,
- (c) on which the figure "1" standing alone indicating a first preference, or the word "one" or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is set opposite the name of more than one candidate,
- (d) on which anything is written or marked which, in the opinion of the returning officer, is calculated to identify the elector,
- (e) which is unmarked or, if marked, is so marked as to cause uncertainty as to the identity of the candidate for whom the voter desires to record a first preference, or
- (f) on which anything extraneous to the purpose of the election is written or marked or which is in any way defiled or defaced by comment or mark,

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words "one", "two", "three" (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.

- (2) (a) The returning officer shall endorse "rejected" on any ballot paper which under this paragraph is not to be counted.
- (b) The returning officer shall prepare a statement showing the number of ballot papers rejected under subparagraph (1) and shall, on request, allow any candidate or candidate's agent to copy the statement.

First count.

3. (1) The returning officer shall arrange the valid ballot papers in parcels according to the first preferences recorded for each candidate.

(2) The returning officer shall then count the number of ballot papers in each parcel and credit each candidate with a number of votes equal to the number of valid ballot papers on which a first preference has been recorded for the candidate and the returning officer shall ascertain the number of all valid ballot papers.

The quota.

4. (1) The returning officer shall then divide the number of all valid papers by a number exceeding by one the number of members to be elected; the result

increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a candidate and this number is referred to in this Schedule as "the quota".

(2) Where at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected.

Transfer of surplus.

5. (1) Where at the end of any count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with and subject to this paragraph to the continuing candidate or candidates indicated on the ballot papers in the parcel or sub-parcel of the candidate deemed to be elected according to the next available preferences recorded thereon.

(2) Where the votes credited to a candidate deemed to be elected whose surplus is to be transferred consist of original votes only, the returning officer shall examine all the papers in the parcel of that candidate and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon.

(3) Where the votes credited to a candidate deemed to be elected whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by that candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preference recorded thereon.

(4) In either of the cases referred to in subparagraphs (2) and (3) the returning officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(5) Where—

- (a) the surplus is equal to the total number of papers in the sub-parcels of transferable papers, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference,
- (b) the surplus is greater than the total number of papers in the sub-parcels of transferable papers, the returning officer shall proceed as specified in clause (a) and shall in addition make a sub-parcel of a number of non-transferable papers equal to the difference between such total number and the surplus and set the papers therein aside as finally dealt with, such papers being described as non-transferable papers not effective, and the non-transferable papers, as the case may be, also arranged as a sub-parcel shall be placed with the papers of the candidate deemed to be elected.

- (6) Where the surplus is less than the total number of transferable papers the following apply:
- (a) the returning officer shall transfer from each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference that number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers;
 - (b) the number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers;
 - (c) a note shall be made of the fractions (which may be expressed in decimal form), if any, in each quotient ascertained in respect of each candidate in accordance with clause (b) and if, owing to the existence of such fractions, the number of papers to be transferred is less than the surplus, so many of these fractions taken in the order their magnitude (beginning with largest) as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity and the remaining fractions shall be disregarded;
 - (d) where 2 or more fractions are of equal magnitude, and it is not possible for the purposes of clause (c) to reckon all of those fractions as of the value of unity, that fraction shall be deemed to be the largest which arises from the largest sub-parcel, and if those sub-parcels are equal in size, that fraction shall be deemed to be the largest which relates to the candidate credited with the largest number of original votes. Where the numbers of those original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first count at which they were credited with an unequal number of votes, and the fraction relating to the candidate credited with the greatest number of votes at that count shall be deemed to be largest. Where the numbers of votes credited to those candidates were equal at all counts the returning officer shall determine by lot which fraction shall be deemed to be the largest.
- (7) The papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel, and each paper so transferred shall be marked to indicate the number of the count at which the transfer took place.
- (8) The returning officer need not necessarily transfer the surplus of a candidate deemed to be elected whenever that surplus, together with any other surplus not transferred, is less than both the difference between the quota and the number of votes credited to the highest continuing candidate and the difference between the numbers of the votes credited to the 2 lowest continuing candidates and either—

- (a) the number of votes credited to the lowest candidate is greater than one-quarter of the quota, or
- (b) the sum of the number of votes credited to the lowest candidate together with that surplus and any other surplus not transferred is not greater than one quarter of the quota.

(9) Where at any time there are 2 or more surpluses which are to be transferred, the greater or greatest of such surpluses shall first be transferred and the remaining surplus or surpluses shall then, subject to subparagraph (8), be transferred in the order of their descending magnitude.

(10) Where 2 or more candidates have each an equal surplus arising from the same count regard shall be had to the number of original votes credited to each candidate and the surplus of the candidate credited with the largest number of original votes shall be first dealt with. Where the numbers of such original votes are equal regard shall be had to the total number of votes credited to such candidates at the first count at which they had an unequal number of votes and the surplus of the candidate with the greatest number of votes at that count shall be first dealt with. Where the number of votes credited to such candidates was equal at all counts the returning officer shall determine by lot which surplus shall be dealt with.

(11) Subject to subparagraphs (8) and (9), where 2 or more candidates have a surplus arising from different counts, a surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count.

Exclusion of candidate.

6. (1) If at any time no candidate has reached the quota the returning officer shall—

- (a) exclude the candidate or candidates credited with the lowest number of votes,
- (b) examine all the ballot papers of that candidate or candidates,
- (c) arrange the transferable ballot papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates,
- (d) transfer each sub-parcel to the candidate for whom that preference is recorded, and
- (e) make a separate sub-parcel of the non-transferable ballot papers.

(2) The non-transferable ballot papers shall be set aside and not further taken into account and shall be labelled as non-transferable ballot papers not effective.

(3) Where the total of the votes of the 2 or more lowest candidates is less than the number of votes credited to the next highest candidate, the returning officer may in one operation exclude those 2 or more lowest candidates.

(4) If, when a candidate has to be excluded under this paragraph, 2 or more candidates have each the same number of votes and are lowest, regard shall be had to the numbers of original votes credited to each of those candidates, and the candidate with the lowest number of original votes shall be excluded and where the number of the original votes are equal, regard shall be had to the total numbers of votes credited to those candidates at the first count at which they had an unequal number of votes and the candidate with the lowest number of votes at that count shall be excluded and, where the numbers of votes credited to those candidates were equal at all counts, the returning officer shall determine by lot which shall be excluded.

Transfer of votes.

7. (1) Where a transfer of votes is made under paragraph 5, each sub-parcel of papers transferred shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to that candidate.

(2) If, after any transfer, a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to paragraph 5 before any other candidate is excluded.

Filling of vacancies.

8. Where, for purposes of a poll, there is only one continuing candidate after the other candidates have been excluded for purposes of the poll, that continuing candidate shall be deemed to be elected.

Recount.

9. (1) Any candidate or candidate's agent present at the counting of votes may, at the conclusion of any count, request the returning officer to re-examine and recount all or any of the papers dealt with during that count and the returning officer shall, as soon as practicable, re-examine and recount the papers accordingly, without making any alterations in the arrangement of the papers in the various parcels, save where such alterations may be necessary in consequence of any error discovered in the recount.

(2) The returning officer may also at his or her discretion recount papers either once or more often in any case in which he or she is not satisfied as to the accuracy of any count but nothing in this paragraph shall make it obligatory for the returning officer to recount the same parcel of papers more than once.

(3) The power of the returning officer under subparagraphs (1) and (2) to recount at his or her discretion papers in any case in which he or she is not satisfied as to the accuracy of any count shall extend to papers dealt with at an earlier count than the immediately preceding one.

- (4) (a) One request (and not more) may be made by each candidate or by his or her agent for a complete re-examination and recount of all parcels of ballot papers and the returning officer shall as soon as practicable re-examine and recount the parcels of ballot papers accordingly.
- (b) In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed.
- (c) Nothing in this paragraph shall make it obligatory on the returning officer to re-examine or recount the same parcel of papers more than once, but if an error is discovered which is, in the opinion of the returning officer, a significant error likely to affect the result of the election, the returning officer shall count all the papers afresh from the point at which the error occurred.
- (d) Nothing in this paragraph shall make it obligatory for the returning officer to comply with a request by a candidate that, in the opinion of the returning officer, is frivolous or vexatious.
- (e) A request under this subparagraph may be made only at the conclusion of a count.
- (5) Where an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him or her.

Declaration of the result of the poll.

10. On the completion of the counting of votes the returning officer shall determine and declare the results of the poll and the candidates deemed to be elected shall stand elected.

Decisions of returning officer.

11. The decision of the returning officer, whether expressed or implied by his or her acts, on any question which arises at a count in relation to the exclusion of any candidate under paragraph 6 or to any ballot paper or transfer of votes is final.



GIVEN under my Official Seal,
6 June 2014.

RUAIRÍ QUINN,
Minister for Education and Skills.

EXPLANATORY NOTE

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

These Regulations set out the procedures for the conduct of elections of members of staff to education and training boards.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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