

NOMINATION PAPER FOR LOCAL ELECTIONS

(_____/_____)
(month / year)

No.: _____
(To be inserted by Returning Officer)

PLEASE READ NOTES BEFORE COMPLETING FORM AND USE BLOCK CAPITALS

Local Authority: **KILKENNY COUNTY COUNCIL**

1. I nominate the person named under as a candidate for election to the above mentioned Local Authority for the _____ Local Electoral Area.
2. I declare that I have read the notes on this nomination paper and that -
 - (a) I believe the person named as candidate to be eligible for election, and
 - (b) the person has consented to the nomination.

Please use BLOCK CAPITALS

Surname of Candidate:

Other Names:

DESCRIPTION

Address:

Occupation:

**Name of Registered Political Party
[if any]:**

3. Please tick (1) or, where (1) is not applicable, (2) or (3) below -

- (1) Certificate of Political Affiliation attached,
or
(2) Assentor statutory declarations (15) attached,
or
(3) Deposit of €100 enclosed.

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

Name: _____

Address: _____

NOTE: See Sections 2 & 3 of the Notes on this Form.

4. Please tick, as appropriate:

Photographs attached [See Section 4 of Notes]
for inclusion on Ballot Paper Yes No

5. [Where Nomination Paper is completed by a person other than the candidate.]

Proposer's Number & Polling District Letters on Register of Electors for the area of the
Local Authority concerned _____

Signature: _____
[Candidate/Proposer]

Address: _____

Date: _____

6. **Decision of Returning Officer**

I have decided that this Nomination Paper is:

valid or invalid because

Anne Maria Walsh
Returning Officer

Date

TO BE HANDED OR SENT TO THE CANDIDATE

I have decided that:

Nomination Paper No.: _____

in respect of: _____

is valid

or

invalid because

Signed: _____

**Anne Maria Walsh
Returning Officer**

Address: Kilkenny County Council

County Hall, John Street, Kilkenny, R95 A39T

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 Local Elections Regulations 1995 as amended, unless otherwise stated)

1. **Nomination**

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 local government elector in the local electoral area of the local authority for which he or she proposes to nominate the candidate (*Article 14*).

2. **Candidate Nomination Procedures**

A nomination paper from a candidate of a registered political party must have a certificate of political affiliation attached (see paragraph 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 15 assentors registered as local government electors in the relevant local electoral area 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 €100 with the Returning Officer.

Under the assentors option, the relevant forms for the making of statutory declarations (Form LE1A) 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 local government electors, address on the register, contact details, the relevant local electoral area 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, travel document containing name and photograph, Public Services Card, Temporary Residence Certificate 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 local electoral area 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 local election in the relevant local electoral area.

Responsibility lies with the candidate or proposer to secure the necessary assents, to attach the 15 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 class B fine¹ 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 15 assents, their candidature will be deemed to have been withdrawn. A candidate, or someone on his or her behalf, may lodge a deposit of €100 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 3(3) on the nomination paper).

All relevant parts of the nomination paper must be completed by all candidates (articles 14,15 and 16).

3. **Certificate of Political Affiliation**

- (a) If a candidate represents a registered political party, a completed certificate of political affiliation must be lodged with the nomination paper and the name of the party inserted in the appropriate column at 2 of the nomination paper.
- (b) If the candidate does not represent a registered political party, the column may be left blank or the words "Non-Party" may be entered in it (article 14)

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 (*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). (articles 17 and 18).

¹ See Part 2 of Fines Act 2010

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 (*article 20*).

7. **Eligibility For Election to Local Authority**

- (a) Every Irish citizen and every person ordinarily resident in the State, who has reached the age of 18, who is not subject to any of the disqualifications outlined in paragraph (b) below, is eligible for election;
- (b) A person is disqualified for election to a local authority if he/she -
 - is a member of the Commission of the European Community, or
 - is a representative in the European Parliament, or
 - is a Judge, Advocate General or Registrar of the Court of Justice of the European Community, or
 - is a member of the Court of Auditors of the European Community, or
 - is a member of Dáil Éireann or Seanad Éireann, or
 - is appointed under the Constitution as a Judge or as the Comptroller and Auditor General, or
 - is a member of the Garda Síochána, or
 - is a wholetime member of the Defence Forces, or
 - is a civil servant who is not by the terms of his or her employment expressly permitted to be a member of a local authority, or
 - is a person employed by a local authority, the Health Service Executive or the Child and Family Agency and is not the holder of a class, description or grade of employment designated by order under *section 161(1)(b) of the Local Government Act 2001*, or

- is a person employed by the Health Service Executive and is at a grade or of a description of employment designated by order of the Minister for Health and Children, or
- is undergoing a sentence of imprisonment for any term exceeding 6 months imposed by a court of competent jurisdiction in the State, or
- fails to pay any sum or any portion of any sum charged or surcharged by an auditor of the accounts of any local authority upon or against that person, or
- fails to comply with a final judgement, order or decree of a court of competent jurisdiction, for payment of money due to a local authority, or
- is convicted of, or has had a conviction confirmed on appeal for, an offence relating to fraudulent or dishonest dealings affecting a local authority or corrupt practice or acting when disqualified.

(Local Government Act 2001, as amended – sections 13 and 13A).

A person in any of the categories listed above is also disqualified from nomination for election (*Local Government Act 2001 – section 2(4)*).

8. **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 (*article 22*).

9. **Penalties**

There are penalties for –

- (a) producing a forged:
 - (i) nomination paper, or
 - (ii) certificate of political affiliation
 to the Returning Officer (*articles 99 and 103*),
- (b) without the consent of the person concerned:
 - (i) nominating such person as a candidate, or
 - (ii) withdrawing the candidature of such person (*article 102*),
- (c) making a false declaration with respect to the eligibility of a candidate for election (*article 104*).

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