



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Oifig an Aire
Office of the Minister

25 February 2010

Ms. Mary Maguire,
Meeting Administrator,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24.

RE: REP387/JG/10

Dear Ms. Maguire,

I have been asked by Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government, to refer to your recent letter regarding the motion passed at the meeting of South Dublin County Council concerning postal voting for citizens who are unable to vote due to illness or who are out of the country on holiday.

Postal voting is provided for in electoral law in respect of certain categories of person who are entered in the register of electors. The Electoral Act 1992 provides for postal voting by wholtime members of the Defence Forces, members of the Gardai, and Irish diplomats serving abroad and their spouses. Subsequent legislation enacted by the Oireachtas has extended postal voting to other categories: electors living at home who are unable to vote because of a physical illness or a physical disability (the Electoral (Amendment) Act 1996); electors whose occupation, service or employment makes it likely that they will be unable to vote in person at their local polling station on polling day – in these cases, the law provides for completion of the necessary voting documentation at a Garda station (the Electoral Act 1997); fulltime students registered at their home who are living elsewhere while attending an educational institution in the State (the Electoral Act 1997); certain election staff employed at the poll outside the constituency where they reside (the Electoral (Amendment) Act 2001); and electors who because of the circumstances of their detention in prison pursuant to an order of



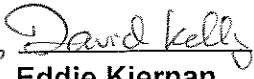
a court are likely to be unable to go in person on polling day to vote (the Electoral (Amendment) Act 2006).

Special voting is provided for electors with a physical illness or physical disability living in hospitals, nursing homes or similar institutions who wish to vote at these locations. In order to qualify, an elector's physical illness or physical disability must be likely to continue for the duration of the register of electors and prevent him/her from going to a polling station to vote. Applications to be entered on the special voters list had to be made by 25th November and – in the case of a first application – must be accompanied by a medical certificate. Electors on the special voters list vote at the hospital, nursing home etc. where they are residing by making a ballot paper delivered to them by a special presiding officer accompanied by a Garda.

The Programme for Government, agreed in 2007, contained a commitment to establish an independent Electoral Commission. The revised Programme for Government published in October 2009 reaffirms the original commitment and states that the Electoral Commission will, within 12 months, propose reforms to the electoral system including making recommendations on the feasibility of extending the franchise for Presidential elections to the Irish abroad.

I trust this clarifies the matter for the Members.

Yours sincerely,


Eddie Kiernan,
Private Secretary