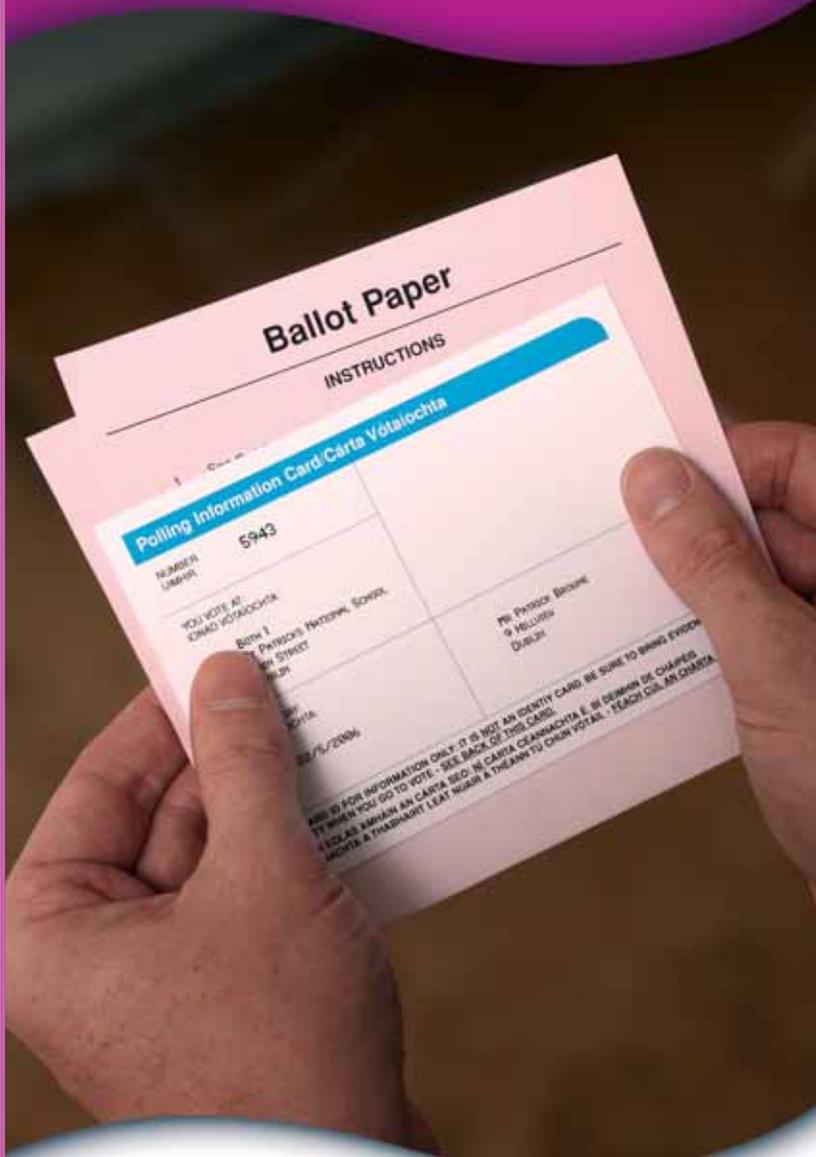


Information for Voters with Disabilities



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DEPARTMENT OF THE ENVIRONMENT, HERITAGE
AND LOCAL GOVERNMENT

Information for Voters with Disabilities

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INTRODUCTION

There are special arrangements to assist electors with certain disabilities to exercise their voting rights. This leaflet details these arrangements, which can be summarised as follows:

- voting at an alternative polling station if a person's local station is inaccessible;
- postal voting by electors living at home who cannot go to the polling station due to a physical disability or illness;
- special voting facilities provided in hospitals, nursing homes or similar institutions for residents who cannot go to the polling station due to a physical disability or illness;
- assistance in voting at the polling station by a companion or by the presiding officer for people with a visual impairment, physical disability or literacy difficulty;
- the use of photographs and party political emblems on ballot papers to assist visually impaired people and people with literacy difficulties;
- the display of a large print copy of the ballot paper in polling stations to further assist visually impaired people and people with literacy difficulties.

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VOTING AT ALTERNATIVE POLLING STATION

Insofar as is possible local authorities must endeavour to appoint polling places where at least one polling station is accessible to wheelchair users. The returning officer is the person responsible for the conduct of an election in each constituency. In Dublin and Cork the returning officer is the city or county sheriff, in the rest of the country it is the county registrar. If a person has difficulty gaining access to a local polling station, they may apply in writing to the returning officer - at least a week before polling day - to be authorised to vote at another polling station in the same constituency. The returning officer will give public notice of all the polling stations in the constituency which are not accessible to wheelchair users.

When applying, a person should explain why they cannot gain access to their local station. If a person communicates their particular needs to the returning officer it will assist in the

process of selecting a suitable alternative station. If possible, they should suggest an alternative polling station which is both accessible and convenient for themselves. The returning officer will send written authorisation enabling them to vote at another polling station in the same constituency, normally the station suggested by them. This authorisation should be presented when they go to vote at that station (remember to bring evidence of identity as well). Once another station in which to vote has been assigned a person may not vote at their local station.

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ACCESS WITHIN POLLING STATIONS

The standard voting compartment is designed to accommodate voters standing to mark their ballot papers on ledges at average waist height. These compartments may not be suitable for older people and people with disabilities. Returning officers are required to make available at polling stations a table and chair at which electors can vote if they find that more convenient.

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ASSISTANCE WITH VOTING

The responsibility for taking the poll at a polling station rests with the presiding officer, who is the person who asks for the name and address of the elector and looks at the polling information card on arrival at the station. A supervising presiding officer may also be on duty. Their responsibilities include monitoring the arrangements for voters with disabilities. Any of the staff on duty will call the supervising presiding officer at your request.

Voting is a fundamental democratic activity and there are strict procedures in place to ensure that voting is properly carried out and that the secrecy and security of the ballot are maintained. For example, assisted voting is only permitted in limited circumstances.

The law is specific about the types of electors who may be assisted in voting and how and by whom they may be helped. The presiding officer is obliged to apply the law, which is intended to ensure that an elector **can** vote while the secrecy of that vote is protected.

Depending on the nature of the disability, an elector may be assisted to vote in two ways.

Companion Voting:

In the case of a visual impairment, physical disability or literacy difficulty, an elector may receive assistance to vote from a companion. To act as a companion, a person must be at least sixteen years old, must be neither a candidate nor an agent of a candidate and may not assist more than two electors at an election. The presiding officer must not permit a companion to assist an elector unless they are satisfied that the companion fulfils these conditions. If a person is not eligible to act as a companion, the elector can have another

person act as a companion or they may ask to be assisted by the presiding officer.

Assistance by Presiding Officer:

This facility can be availed of in the case of visual impairment, physical disability or literacy difficulty which prevents an elector from voting without help but do not wish to be assisted by a companion.

Under this procedure, the presiding officer and the personation agents go with an elector to a part of the polling station where a conversation in normal tones cannot be overheard. If necessary, the presiding officer will suspend entry to the polling station and have the station cleared to ensure that no other person can overhear the voting process. The presence of the personation agents is a safeguard to confirm that the presiding officer complies with your instructions. It is a protection for the elector and for the presiding officer. As with all other persons involved in a poll, there is a statutory obligation on personation agents to maintain the secrecy of the ballot.

The presiding officer will ask which candidates the elector wishes to vote for and will mark the ballot paper in accordance with these instructions. If necessary, the presiding officer will read out the particulars of the ballot paper in relation to each candidate and ask to which candidate the elector wishes to give their first preference vote. He/she will repeat the procedure for the elector's second preference vote and so on. When the ballot paper has been marked in accordance with the elector's instructions, the presiding officer will put it in the ballot box in the normal way.

The law specifically prohibits a presiding officer from acting on any written instructions received from a voter. The reason for this is that the written instructions may not represent the voter's real wishes - someone else may have written them, for example.

Anyone wishing to be assisted in voting **by the presiding officer**, should, if possible, go to the polling station well before it closes at night. Assisting an elector can take time and the law, therefore, allows a presiding officer to refuse a request for assistance during the last two hours of voting (i.e., the busiest time) if helping one elector would delay or obstruct others. Presiding officers are reluctant to use this power and sensible co-operation should make its use unnecessary. This restriction does not apply to companion voting, i.e., an elector can be helped to vote by a companion at any time during polling hours.



VOTING BY POST

In circumstances where a physical disability or illness prevents an elector from going to the polling station and where the elector is living at home, they can vote by post by applying to be included in the postal voters list which is drawn up each year as part of the register of electors.

In order to be entered on the postal voters list, an application must be made by 25th November each year to the relevant county or city council. Application forms may be obtained by phoning the county or city council and are also available in post offices, public libraries, local authority offices and Garda stations. An application form is normally sent by post to each person on the current year's postal voters list. The application form includes provision for a medical certificate which is generally required in the case of a first application only.

At an election or referendum, a postal voter will be sent a set of voting documents comprising a ballot paper, a receipt for the ballot paper, an envelope in which to put the marked ballot paper and a larger envelope for sending back the voting documents to the returning officer. When the ballot paper has been marked, the elector must put it into the envelope marked "Ballot Paper Envelope" and seal it. This envelope together with the completed receipt for the ballot paper should then be put into the large envelope addressed to the returning officer, sealed and posted at once. The ballot paper must be posted and cannot be handed to the returning officer.

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VOTING AT HOSPITALS, NURSING HOMES, ETC.

A person residing in a hospital, nursing home or similar institution who has a physical disability or illness which prevents them from going to the polling station, can vote at the hospital/nursing home etc. if they apply to be included in the special voters list which is drawn up each year as part of the register of electors.

In order to be entered on the special voters list, an application must be made by 25th November each year to your county or city council. Application forms may be obtained by phoning the county or city council and are also available in post offices, public libraries, local authority offices and Garda stations. An application form is normally sent by post to each person on the current year's special voters list. The application form includes provision for a medical certificate which is generally required in the case of a first application only.

At an election or referendum, the elector will be notified of the day and approximate time (am/pm) when a special presiding officer will call at the hospital/nursing home/etc. to enable you to vote. The special presiding officer will carry evidence of identity and an appointment warrant which he/she will present to the elector for inspection on arrival. The special presiding officer will be accompanied by a Garda whose role is to guard the ballot papers (in the same way as in a polling station) and to act as an independent witness to ensure that the voting procedure is carried out properly.

Only the presiding officer and the Garda may be present when the vote is cast. The presiding officer will give the elector a declaration of identity which they will witness. The elector then marks the ballot paper in secret, places it in the special envelope provided, closes the envelope and gives it to the presiding officer.

If assistance in voting is required, it will be provided by the special presiding officer in the same way as at a polling station.

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SUPPLEMENTS TO THE POSTAL AND SPECIAL VOTERS LISTS

Electors with a physical illness or disability who are eligible for, but not included in, the postal or special voters list, as appropriate, may apply for entry in the relevant supplement to these lists which are published prior to each election and referendum.

The latest date for receipt of supplement applications by registration authorities before a poll is two days after the date of dissolution of the Dáil in the case of a general election and two days after the polling day order is made in the case of a Dáil bye-election or a Presidential, European or local election or Referendum. However, as in the case of ordinary supplement to the register, an application for inclusion in the postal and special voters supplement can be made at any time once the elector is eligible for entry on the supplement.

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ELECTORAL LAW

The information contained in this note does not purport to be a definitive statement of the law on the registration of electors, assistance with voting, the postal voters list, the special voters list and the supplements to these lists. The law is set out in:

- Part II of and the Second Schedule to the Electoral Act 1992
- Electoral (Amendment) Act 1996
- Section 76 of the Electoral Act 1997
- Electoral (Amendment) Act 2001

These Acts are available from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2. They may also be downloaded from the Oireachtas website at www.oireachtas.ie

OTHER LEAFLETS

Other leaflets available in this series are as follows:

How the President is Elected

The Referendum in Ireland

How the Dáil (Lower House of Parliament) is Elected

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

European Parliament: How Ireland's
Representatives are Elected

How Members of Local Authorities are Elected

The Register of Electors

Department of the Environment, Heritage and Local Government

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