

## Memorandum

TO: The Working Group on Seanad Reform, Department of an Taoiseach

FROM: Senator Sean D. Barrett, Ph.D., FTCD (Independent, University of Dublin Panel)

DATE: 16.01.2015

RE: Submission to the Seanad Reform Working Group

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The Seanad Bill 2014 is being hailed by the government as an extension of franchise, a reforming and widening of our democracy. In reality, replacing the present two university constituency with a single six-seat constituency will put an end to the independent voices which have been the stalwart of these university constituencies, will pave the way for this six seat constituency to be dominated by the political parties and will in no way further the democratisation of the electoral process. The people did not vote against the proposed abolition of the Seanad only to have the upper house of the Oireachtas damaged, made less effective and less independent-minded.

The current design of the 6 university seats owes much of its origin to the defence of private property. The participation of Provost Bernard of Trinity College resulted in the allocation of places for Trinity College in the original Senate and creating a situation where the 1937 Constitution continued the tradition. The design of the constituencies of NUI and TCD resulted in the returning of members in keeping with the original intent of the Seanad.

The TCD seats have been long associated with reform and alternative viewpoints in the history of the Irish state. Though largely forgotten now, Trinity senators proposed free trade, women's rights, against corporal punishment, the need for freedom of conscience and a peaceful solution to Northern Ireland during times when those views were considered unpopular, anti-government, anti-Irish and downright peculiar by the parties in power at the time. The unusual nature of the constituency and a historical habit of remaining outside of the party structure, not government, nor opposition, allowed the 3 TCD seats and the 3 NUI seats to speak truth to power and to march to a different drum than the other members. Political scientists will inform you that Fine Gael and Fianna Fáil are so-called "catch all" parties and reflect what we economists call the "median voter". As such, minority voices have great difficulty entering the political system. Parties provide vehicles for people and instruments for elections and structures for governments. The advantage of the 6 TCD and NUI seats was that their nomination and

election process left them largely immune to the to processes of parties. Nomination was personal. Electorates were small but with an intimate knowledge of what they wanted to represent. It was a clear, operationally effective articulation of the Madisonian principle that tyranny of the majority should be avoided and counteracted. That was the aim of the 1922 Irish Senate and the 6 university seats attempted to carry that on in the Seanad. Unfortunately the proposals set out in the Heads of the Seanad Electoral (University Members) (Amendment) Bill 2014 put in place an expensive structure that threatens to ensure diluted representation and domination by the political parties.

Why? The new constituency will be very large, disparate in character and constitute nearly 17% of the Irish population. There will be no base of issues, no commonality to the grouping that was present, at least as a legacy, within the NUI and TCD groupings. In such an environment “catch all” parties reap benefits and the tyranny of the majority becomes a reality. In Ireland this is even more apparently due to the rigidity of the whip system. The response by the Taoiseach to government members that broke the whip during the Protection of Life During Pregnancy Act 2013 made it clear that dissent is not accepted within Leinster House as long as you remain a member of a political party. Under similarly contentious issues, such as the vote for further military intervention by the UK, the famously rigid whip system of Westminster bowed and nobody was ejected from the government benches. Westminster also has a long tradition of crossbench peers in the House of Lords with 26% as crossbench, independent or otherwise unaffiliated. This legislation threatens to turn the last bastion of truly independent seats in the Seanad into yet more accommodation for the political parties. That is not reform, that is retrograde.

The Seanad was designed along the lines of a corporatist structure that was designed to ensure a balance of voices of different interest groups in Ireland. The current Panels reflect this:

- Administrative
- Agricultural
- Educational and Cultural
- Industrial and Commercial
- Labour

These panels constitute 43 members of the Seanad. That is 72% of the membership.

The 6 university members represent 10% of the membership.

The appointed 11 members by the Taoiseach 18% of the membership and provide the Government with a natural majority.

Though the Seanad provides a useful avenue for amendments and airing unusual or complicated legislation it rarely has the power to stop legislation. As I stated earlier this is due to the in built majority

and the powerful and rigid whip system imposed by the party leadership in the Dail. The university independent senators were favoured by the public during the referendum campaign over the rigid party whip system in both the Dáil and Seanad. The Irish whip system is more rigid than in other parliaments known to Irish citizens. It punishes dissent and stifles debate. The people are hungry for politicians who are not slave to groupthink and conformity.

Importantly, the 43 seats are located in a structure that is administratively flexible.

The 6 university seats reside within a constitutional straitjacket.

The 11 Taoiseach nominees are constitutionally protected.

The 43 panel seats are flexible. The panels must be maintained as a requirement of the constitution but the number, content and method of election can be determined by legislation. This legislation can be within the constraints of the constitution and propose some real and meaningful reform.

To put this in perspective I received a total of 1,051 first preferences. The total number of electors for the 43 panel seats was 1,065. That is, the number of people that put a “1” beside my name was equal to 98.7% of the entire electorate for the 43 seats. My NUI colleague, Sen. Ronan Mullen received 6,459 first preferences. This would be considered to be highly impressive even for a senior minister with years of constituency work behind them and hadn’t the challenge of hitting doorsteps that, literally, spanned the globe.

Due to the unacknowledged flexibility of the the 43 panel seats I have appended a piece of model legislation that is constitutionally and administratively correct and has a series of distinct advantages. These advantages are:

1. The retention of the NUI and Dublin University (TCD) panels. This allowing those constituencies to have a voice and structure as they have had in the past.
2. Providing proportionality of representation. NUI, TCD, UL, DCU, Institutes of Technology and RCSI by having:
  - a. 3 NUI (in existing 6)
  - b. 3 TCD (in existing 6)
  - c. 8 Forming the Cultural & Educational Panel
    - i. 4 from Universities (UL, DCU, IOTs, RCSI, et al.)
    - ii. 2 from Cultural
    - iii. 2 from Educational
3. The model legislation sets in place an example of how to go about changing the role of the 43 Panel Senators and improving the democratic accountability of those members.

4. Ensures that the university seats relate to meaningful interest groups that will be able to project minority views and voices into the political system.
5. Addresses some of the administrative and logistical problem presented by the current Heads.

The proposed legislation presents several logistical and administrative problems.

1. The present analysis of the constituency suffers from some basic problems:
  - a. Location of members - the present system provides votes to all Irish citizens that are graduates of TCD and NUI regardless of domicile. Approximately 20% of my constituents lives outside the Republic of Ireland.
  - b. Status of members academic credentials - though the definition under Level 7 of the National Qualifications Framework attempts to clarify the situation the NQF has only existed for 11 years and many certificates and higher qualifications previously issued by institutions in Ireland will be difficult to map to such a structure.
  - c. The role of Northern Ireland continues to be ignored in this legislation. Part of the reason for the creation of the Trinity College Dublin constituency was the protection of minority interests and to provide an avenue for representation for a small but important community in Ireland. Now many members of my constituency are located in Northern Ireland. This legislation does not clearly protect their current franchise. Nor does it clearly state how existing constituency members located abroad will be treated. For a government that was previously very concerned about the role and position of the diaspora and offering them reduced university fees, it seems very uninterested in protecting the voting rights of the current diaspora, even ones located less than 90 minutes by car to the north of Dublin. As it stands the Government has not consulted, or at least the Minister for Foreign Affairs has not reassured the Seanad, that this policy change in no way jeopardizes the work on North-South relations. Such considerations were openly discussed and paramount when the 1937 Constitution retained the Seanad and the TCD/NUI seats.
  - d. Young graduates. Due to the economic situation a significant number of young people are emigrating. Repeating the classic “brain drain” theory that highlight emigration during the 1980s, a large number of the the economic migrants leaving Ireland are highly educated. In *Irish Emigration in the Age of Austerity*, researchers in UCC found that 70% of emigrants are in the 20s and 62% of that age cohort will be degree holders. While these people are now gone, they do not forget about their homeland and 70% are reported as having read an Irish daily newspaper online “frequently”. Looking at the statistics that is some 50,900 Irish people that have left the country between March 2012 and April 2013. If you include non-Irish, that figure rises to 89,000. If we have a large volume of people leaving the country, a majority young, a majority graduates, we must ensure that our university representation takes into account these people. If the

Irish economy has failed their hopes and dreams, they need a voice to at least force those in power at home to acknowledge their failure as economic managers. The current heads does little the ensure that voice will continue to be there.

- e. Double counting. At present NUI and TCD graduates who are alumni of both institutions have two votes, one for each panel. This would be eliminated under the current proposal. Many of my constituents would argue that they are being denied a voting right. The ethos of NUI and the ethos of TCD are understood to be profoundly different to many constituency members.
- f. It should be acknowledged that the NUI seats had a history of being connected to the clerical and teaching professions. TCD also had a link to the Anglican/Church of Ireland clerical tradition. NUI and TCD seats allowed both tradition equal access and opportunities to map their ethos to representatives. These representatives would be difficult to elect in a standard geographical constituency and have, over the years, contributed to the “parity of esteem” policy tradition in Ireland.
- g. Graduates in Ireland. Ireland has graduates from many international institutions as resident citizens. In Trinity College, I know several staff members who have not been graduates of TCD or NUI but of other eminent colleges and universities abroad but are not electors as a result. Would it be proposed that these persons of eminent qualification, under this new structure be ignored? Many would have obtained doctorates at Ivy League universities in America or Oxbridge, appear in the Census 2011 figures and then not in this new constituency. Does Ireland feel that a citizen that did his BA in Queens and his MSc at Warwick and his PhD at Harvard is less of a graduate with less of a right to contribute to the his new electorate? The current system has limits based on the time it was created but if we are starting afresh, it should be done with the idea that there is a global market in intellectual development.
- h. TCD and DIT. While it is not often mentioned, DIT has been part of the Dublin University (commonly known as the TCD) constituency from 1975 until 1997 as a function of DIT graduates obtaining degrees from Dublin University. Though TCD has dominated the field in terms of numbers there have been candidates that have raised issues from the DIT part of the constituency over the years. Though graduates after 1997 from DIT are no longer part of the University of Dublin constituency since they did not receive a University of Dublin degree. Those that did graduate between 1975 and 1997 continue to have a franchise in what is considered by most to be the TCD constituency. Any person obtaining a degree from the University of Dublin, even if they did not attend Trinity College will be a member of the University of Dublin (commonly known as the TCD) constituency.
- i. Many degree and certificate granting colleges delivering courses in Ireland are not domiciled for degree granting purposes in Ireland. Would their graduates be able to participate in this constituency? Certain higher education establishments are Irish for the

purposes of everything except the parchment received by the graduate. This lack of clarity opens the potential for judicial review.

- j. Current legislation related to the Institutes of Technology and the Universities does not include private colleges. Private colleges have many complicating factors relating to award granting powers, the domicile of those powers and the location of the delivery of those courses. How does the constituency design hope to address all these variables with a modicum of fairness, given the issues of Irish residency, Irish citizenship, EU citizenship and EU residency that arises and the potential for judicial review at national and supranational levels?
- k. In a world of Massive Open Online Courses (MOOC), such as those delivered from Harvard and awarding certificates from Harvard but to an Irish citizen at a level the NQF recognizes how will such a graduate be treated? Especially if part of the MOOC is facilitated in conjunction with local university or Institute of Technology facilities.
- l. General Scheme- Head 8 Filling of casual vacancies. This section proposes the abolition of bye-elections for Seanad Eireann. The proposed system seeks to fill casual vacancies from a replacement list as currently operates for European Parliament elections in Ireland. The proposal cites cost and administrative efficiency as influencing the proposal. Bye-elections for the Oireachtas reflect public opinion at the time of the bye-election. This is emphasised in the High Court decision in the Pearse Doherty (Doherty -v- Government of Ireland & Anor, [2010] IEHC 369 (2010)) case regarding the Donegal bye-election during the term of the last government. It was not acceptable then that the government should hold out in time until public opinion might be more favourable. The present proposal seeks to freeze public opinion as at the last general election. It is thus more draconian than the mere postponement of bye-elections by the last government. Then there was at least a possibility that a mid-term rebuff could be delivered by the electorate to the government. The proposal thus seeks to set aside the Doherty case ruling. In addition to seeking to avoid a verdict of the public at the time a vacancy arises the General Scheme confers discretion on a member of the Oireachtas to hand on a parliamentary seat to a person chosen by the incumbent rather than by the electorate. The replacement member does not have to seek election in his/her own right but becomes a member of parliament by dint of a connection to an outgoing member instead of a popular mandate.

## Seanad Reform: By the Numbers

As an economist it is always important for me to add a financial dimension and to look at the numbers.

In 2011 there were:

19 TCD candidates

27 NUI candidates

46 total candidates for all 6 seats

NUI has an electorate of 97,734 out of an alumni pool of 381,843

TCD has an electorate of 53,583 out of an alumni pool of 146,116

The current accepted figure for the new electorate, based on CSO data, which I may add does not conform with alumni data held by the universities, is placed at approximately 800,000. The figure provided by Prof. John Coakley of UCD and based on CSO census data is 739,992. A further 135,122 would also potentially qualify if further clarification was made to the membership criteria. That would result in 875,114 people being allowed to vote. This is a significant matter of confusion. As it stands, both Trinity and NUI have only been able to maintain at best 37% of their alumni within their electorate as register. In terms of returned ballots the figure is much lower. TCD had a total number of returned ballots that equalled 29% of the electorate and NUI 35% of the electorate. In terms of the total known alumni pool it was 11% and 9% respectively.

These figures now allow us to discuss costs.

According to the Dáil record, Minister Batt O'Keeffe in 2005 costed the price of the *litir um thoghchán* at approximately 48 cents per item within Ireland.<sup>1</sup>

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<sup>1</sup> "It was never intended that these items would be regarded as election expenses for the purposes of the 1997 Act. Moreover, all but one of these items were expressly exempted in the 1997 Act, the other being exempted by law in 1998. This section does not, therefore, add any new exemptions but rather restores those which were inadvertently deleted from the relevant legislation. The effect of the deletion of this section would be to prescribe as election expenses expenditure items which were intended to be treated as such. If, for example, the *litir um thoghchán* is treated as an election expense, any candidate using it is likely to immediately breach the election expenditure limit. In the Dún Laoghaire constituency, for example, use of this facility, for an electorate which numbered 91,522 at the last election, would cost almost €44,000. This must be viewed in the context of the spending limit of just under €39,000 per candidate." Electoral (Amendment) Bill 2005: Committee Stage. Wednesday, 25 May 2005  
<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/ENS2005052500003>

According to the Dáil record, Government Chief Whip, Paul Keogh in 2014 costed the price of a the postal ballot for Seanad Éireann at €5.25.<sup>2</sup>

A quick calculation provides the following on the basis of the Government's proposed figure of 800,000 persons.

Assuming that the number of candidates for the enlarged constituency would be no less than what was presented in 2011, therefore 26 in total. The following would be the costs:

*litir um thoghchán* (assuming a uniform 2005 48 cent cost across all locations)

48 cents each item of litir

26 candidates with right to litir

800,000 constituents to receive 1 item of litir per candidate

= €17,691,921.07

Postal Ballot (assuming a uniform 2011 price of €5.25 across all locations)

€5.25 per ballot papers

800,000 constituents to receive 1 ballot paper

= €4,200,000.00

Total cost of the 2016 Seanad University Panel election (before manpower costs):

**€21,891,921.07**

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<sup>2</sup> The motion put down by Senator Zappone and other Senators calls for legislative reform of the Seanad within the existing terms of the Constitution but reflecting what the motion describes as two core principles, namely, that each citizen should have a vote in the general elections of the Seanad and that there should be one person, one vote in such elections. The motion mentions that some citizens have up to seven votes in a Seanad general election, while other citizens have no vote at all. It is important to clarify that the current entitlement to vote at Seanad panel elections arises not from citizenship but from holding elected office. If it was the intention, in framing the Constitution, that there would be a universal franchise for Seanad Éireann, then the Constitution would have so provided and the provisions on the election of the Members of Seanad Éireann would have mirrored those for the election of Members of Dail Éireann. The Constitution also stipulates that Members of the Seanad are elected by secret postal ballot. Arising from this provision, ballot papers are issued to voters by registered post. It is important to point out that the cost of running Seanad elections on a universal franchise, without a referendum to amend the secret postal ballot provision in the Constitution, would be quite significant. Based on the Seanad 2011 election, it costs €5.25 to send each ballot paper and that gives an indication of what it would cost to send a postal ballot paper by registered post to over 3 million electors. That would not include the cost of staff to administer the election and count the votes. [Seanad Reform: Motion \(Continued\)](http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/seanad2014012900033) Wednesday, 29 January 2014  
<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/seanad2014012900033>



So before staffing costs, overtime potential, constituency database preparation and legal advice are all included in the process of running this election would be approximately €22 million with a reduced proportion of representation per member and nothing to address the wider problems within the 43 panel member senator selection process.

## Model Legislation




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**An Bille Toghcháin an tSeanaid (Rolla-Chomhaltaí) (Leasú) 2014**

**Seanad Electoral (Panel Members) (Amendment) Bill 2014**

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*Mar a tionscnaíodh*

*As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title, collective citation and commencement.
2. Definitions.
3. Amendment of section 3 of the Principal Act.
4. Amendment of section 34 of the Principal Act.

5. Amendment of section 52 of the Principal Act.
6. Elections to the educational constituency.

#### Acts Referred to

Dublin City University Act, 1989	1989, No 15
Dublin Institute of Technology Act, 1992	1992, No 15
Institutes of Technology Act 2006	2006, No 25
Regional Technical Colleges Act, 1992	1992, No 16
Seanad Electoral (University Members) Act, 1937	1937, No 30
Seanad Electoral (Panel Members) Act, 1947	1947, No 42
Royal College of Surgeons in Ireland (Charter Amendment) Act, 1965	1965, No 1 (Private)
Universities Act, 1997	1997, No 24
University of Limerick Act, 1989	1989, No 14
Qualifications and Quality Assurance (Education and Training) Act 2012	2012, No 28



**An Bille Toghcháin an tSeanaid (Rolla-Chomhaltaí) (Leasú) 2014**

**Seanad Electoral (Panel Members) (Amendment) Bill 2014**

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**BILL**

*entitled*

AN ACT TO AMEND THE SEANAD ELECTORAL (PANEL MEMBERS) ACT, 1947 AND TO MAKE PROVISION FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1. **Short title, collective citation and commencement.**

- (1) This Act may be cited as the Seanad Electoral (Panel Members) (Amendment) Act 2014.

- (2) This Act and the Principal Act, as amended, may be cited together as the Seanad Electoral (Panel Members) Acts 1947 to 2014.
- (3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (4) An order under subsection (3) shall be laid before each House of the Oireachtas as soon as may be after it is made.

## **2. Definitions.**

- (1) In this Act

“degree” means any qualification at level 7 or higher on the National Framework of Qualifications continued in being by *section 52* of the Act of 2012 and maintained by the Qualifications and Quality Assurance Authority of Ireland in accordance with that section;

“the Act of 1937” means the Seanad Electoral (University Members) Act, 1937;

“the Act of 1954” means the Seanad Electoral (Panel Members) Act, 1954;

“the Act of 2012” means the Qualifications and Quality Assurance (Education and Training) Act 2012;

“Minister” means the Minister for Department of the Environment, Community and Local Government; and

“Principal Act” means the Seanad Electoral (Panel Members) Act, 1947.

## **3. Amendment of section 3 of the Principal Act.**

- (1) *Section 3* of the Principal Act is amended by substituting the following *sub-sections* for *sub-section (2)*:

- “(2) The cultural and educational panel shall be composed of two constituencies, namely –
  - (a) a constituency containing the names of persons having knowledge and practical experience of the following interests and services, namely, the national language and culture, literature, art, and such professional interests as may be defined by law for the purpose of this panel (in this Act referred to as “the cultural constituency”), and

- (b) a constituency containing the names of persons having knowledge and practical experience of education (in this Act referred to as “the educational constituency”).
- (3) The professional interests for the purposes of the cultural constituency are hereby defined as—
  - (a) law, and
  - (b) medicine, including surgery, dentistry, veterinary medicine, and pharmaceutical chemistry.
- (4) Every reference in this Act to sub-panels of the cultural and educational panel shall be construed as a reference to sub-panels of the cultural constituency of the cultural and educational panel.”.

**4. Amendment of section 34 of the Principal Act.**

*Section 34 sub-section (2)(a)* of the Principal Act is amended by inserting “the cultural constituency of” before “the cultural and educational panel”.

**5. Amendment of section 52 of the Principal Act.**

*Section 52* of the Principal Act is repealed and replaced by the following section:

- “52(1) The numbers of members of Seanad Éireann to be elected from each of the panels shall be as follows:—
- (a) eight members shall be elected from the cultural and educational panel pursuant to *sub-section (2)*;
  - (b) ten members shall be elected from the agricultural panel, of whom four at least shall be elected from each sub-panel of that panel;
  - (c) ten members shall be elected from the labour panel, of whom four at least shall be elected from each sub-panel of that panel;
  - (d) eight members shall be elected from the industrial and commercial panel, of whom three at least shall be elected from each sub-panel of that panel; and
  - (e) seven members shall be elected from the administrative panel, of whom three at least shall be elected from each sub-panel of that panel.
- (2) The eight members of Seanad Éireann to be elected from the cultural and educational panel for the purposes of *sub-section (1)* shall be as follows:—

- (a) four members shall be elected from the cultural constituency, of whom two shall be elected from each sub-panel of that constituency; and
- (b) four members shall be elected from the educational constituency pursuant to *Part VI*.”.

**6. Elections to the educational constituency.**

The Principal Act is amended by inserting the following Part after *section 85*:

“PART VI

ELECTIONS TO THE EDUCATIONAL CONSTITUENCY

**86 The constituency**

- (1) At every Seanad election, the following institutions (in this Act referred to as “the relevant institutions”), shall together form a constituency for the election of four members of Seanad Éireann to the educational constituency:
  - (a) Dublin City University, as established by the Dublin City University Act, 1989, as amended by the Universities Act, 1997,
  - (b) the Dublin Institute of Technology, as established by the Dublin Institute of Technology Act, 1992,
  - (c) the University of Limerick, as established by the University of Limerick Act, 1989, as amended by the Universities Act, 1997,
  - (d) the Institutes of Technology, as established by the Regional Technical Colleges Act, 1992 as amended by the Institutes of Technology Act 2006;
  - (e) the Royal College of Surgeons in Ireland, incorporated by Letters Patent dated the 11th day of February 1784, as amended by divers Charter or Letters Patent, and by the Royal College of Surgeons in Ireland (Charter Amendment) Act, 1965;
  - (f) a linked provider of a designated awarding body as defined by Act of 2012;
  - (g) any institution, other than those provided for in this sub-section, which is a relevant provider of the Qualifications and Quality Assurance Authority of Ireland, providing a programme of education and training leading to a major award of the Qualifications and Quality Assurance Authority of Ireland which is recognised through the National Framework of Qualifications to degree level;



- (h) such other institution of higher education as may be established in the future by or under an Act of the Oireachtas; and
  - (i) such other institution of higher education as may be prescribed by the Minister with the consent of the Minister for Education and Skills.
- (2) Every person who is for the time being registered as an elector in the register of electors established pursuant to section 87 shall be entitled to vote in the educational constituency.
- (3) No person shall be entitled to vote at an election in the educational constituency unless he or she is registered as an elector in the register of electors established pursuant to section 87.
- (4) Nothing in this section shall entitle any person to vote at an election in the educational constituency while he or she is prohibited by law from so voting, nor shall anything in this section relieve any person from any penalties to which he or she may be liable for so voting.
- (5) A person who has been received more than one degree from a relevant institution shall be registered in the educational constituency only in respect of the first degree so received.

## **87 The register of electors**

- (1) Every person who is a citizen of Ireland and has received a degree (other than an honorary degree) in one of the relevant institutions and has attained the age of twenty-one years shall be entitled to be registered as an elector in the register of electors for the educational constituency.
- (2) The governing body of each of the relevant institutions shall cause a register (in this Part referred to as a “register of electors”) to be kept in accordance with this Act of the persons who have received a degree from that institution and are entitled to be registered as electors in the educational constituency.
- (3) The register of electors for each of the relevant institutions shall contain the names of all persons who are entitled under this Act to be registered as electors in that institution, and shall also contain, in respect of every such person, the address at which he or she is normally resident and also, if he or she so desires, another address as the address to which his or her ballot papers are to be sent.
- (4) Every register of electors kept under this Part by a relevant institution shall be in such form as the governing body of each relevant institution, with the sanction of the Minister, direct.

- (5) No fee shall be charged by the governing body of a relevant institution in respect of the registration of any person in the register of electors kept under this Part by a relevant institution.

## **88 Registration officers**

- (1) There shall be a registration officer for each of the relevant institutions who shall be appointed and paid by the governing body of the relevant institution.
- (2) On the 29th day of January in the year second next after the commencement of this Act, it shall be the duty of every registration officer for each of the relevant institutions to publish a list in the prescribed form of all persons who appear to him or her to be entitled to be registered in the register of electors for his or her institution.
- (3) The list so published shall be an electors list for the purposes of the First Schedule to the Act of 1937, and sections 3 to 26 of that Schedule shall thereafter apply; and the proviso shall apply.
- (4) It shall be the duty of every registration officer for each of the relevant institutions to revise annually, in accordance with the rules contained in the First Schedule to the Act of 1937, the register of electors for such institution; and the proviso shall apply.
- (5) Every annual revision, in pursuance of this section, of a register of electors shall be completed before and shall come into effect on the 1st day of June and shall be so made as to render such register of electors an accurate register, so far as may be practicable, of the persons who were qualified on the next preceding 15th day of November to be registered in such register of electors.
- (6) Appeals from decisions of a registration officer shall lie pursuant to section 37 of the Act of 1937; provided that the reference in that section to a “university constituency” shall be construed as a reference to a “relevant institution” as defined in this Act.

## **89 Returning officer**

- (1) For the first election to Seanad Éireann held after 15th day of November in the year second next after the commencement of this Act, and for all subsequent elections, Part III of the Act of 1937 shall apply; and the proviso shall apply.
- (2) *Section 14* of the Act of 1937 is amended by inserting the following *sub-section* after *sub-section (3)*:
  - (4) Between the 15th day of November and the 31st day of December each year, the Presidents of the relevant institutions shall choose one of their number to be

the returning officer in the constituency for the election of four members of Seanad Éireann to the educational constituency for any election to Seanad Éireann which is held in the following year.

- (5) If at the time of such an election, the office of President chosen pursuant to *sub-section (4)* is vacant, or the holder of that office is through ill-health or from any other cause incapacitated from acting as returning officer in such election, the Presidents of the relevant institutions shall choose another of their number to be the returning officer for any such election to Seanad Éireann.
- (3) *Section 15* of the Act of 1937 is amended in *sub-section (2)*, by inserting, after “university constituencies” and before “, and every such”, the following: “and in the educational constituency for the election of four members of Seanad Éireann as members of the cultural and educational panel as provided for in the Seanad Electoral (Panel Members) Act, 1947 (as amended)”.

## **90 Miscellaneous**

- (1) A member of Seanad Éireann for the educational constituency may voluntarily resign his or her membership of Seanad Éireann by notice in writing to the Chairman of Seanad Éireann who shall announce such resignation to Seanad Éireann at the next meeting thereof.
- (2) The resignation under this section of a member of Seanad Éireann shall take effect immediately upon the announcement thereof by the Chairman of Seanad Éireann in pursuance of this section.
- (3) For the avoidance of doubt, no member of Seanad Éireann shall, while retaining his or her membership thereof, be a candidate at a Seanad bye-election.
- (4) No person may be a candidate both in the educational constituency for the election of four members of Seanad Éireann as members of the cultural and educational panel as provided for in this Act and in either any of the panels provided for in this Act or any of the university constituencies provided for in the Act of the 1937; and any person who has been so nominated shall be disqualified from standing as a candidate in both such constituencies.

## **91 Interpretation**

For the purposes of this Part, where the proviso shall apply, then, except where the contrary intention appears or the context otherwise requires

- (a) references in the Act of 1937 to a “university constituency” shall be construed as references to a “relevant institution” as defined in this Act,
- (b) other references to a “constituency” shall be construed as references to an “institution”, and
- (c) cognate phrases shall be construed accordingly.”