

FORM OF STATUTORY DECLARATION BY ASSENTORS TO NOMINATION OF CERTAIN CANDIDATES AT DÁIL ELECTION

I _____ (*assentor name in capitals*)

do solemnly and sincerely declare the following -

Particulars of Assentor

1. Number and polling district letters on Register of Electors:

2. Address on Register of Electors referred to at 1 (*address in capitals*):

3. Contact details, including daytime and mobile telephone numbers:

4. Form of photographic identification produced to witness and any identifying number on it:

Constituency/Candidate

5. Name of current Dáil constituency in which assentor's address at 2 is located:

6. Name of candidate (*name in capitals*):

7. Address of candidate (*address in capitals*):

Assent

8. I assent to the nomination of the candidate referred to at 6 and 7 at the next Dáil election to be held in the constituency in which the address at 2 is located at the time of the election.

9. I have not assented to the nomination of any other candidate at the election referred to at 8 or at any other Dáil election to be held at the same time as that election,

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signature of assentor _____

Declared before me _____ [*name in capitals*] [a notary public] [a commissioner for oaths] [a peace commissioner] [a practising solicitor] [a member of the Garda Síochána] [an official of the registration authority] by

_____ who is personally known to me

at _____

[*place of signature*] this _____ day of _____ [*date*]

[*signature of witness*]



[*where appropriate*]

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NOTES

(Please read the notes carefully before completing the statutory declaration. These notes are for guidance only and do not purport to be a legal interpretation.)

General

The Electoral (Amendment) Act 2007 (No. 14 of 2007) provides that, if a person is not a candidate of a registered political party, in order to be validly nominated to stand as a candidate at a Dáil election 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 30 assentors to the nomination who are registered as Dáil electors in the relevant constituency. The assents must be witnessed by a Notary Public, a Commissioner for Oaths, a Peace Commissioner, a practising solicitor, a member of the Garda Síochána or an official of the registration authority (City or County Council), or
- (ii) the candidate, or someone on his or her behalf, lodging a deposit of €500 with the returning officer.

This form is to be used for making statutory declarations of assent under (i) above; copies of the form are available free of charge from returning officers and registration authorities.

An assent is valid only in respect of the Dáil constituency in which the assentor's address at the time of assent is located at the next election.

An assent may be made at any time but it may only be used at the next general or bye-election in the relevant constituency.

Responsibility lies with the candidate or his/her proposer at the election to secure the necessary assents, to attach the 30 statutory declarations to the nomination paper and to deliver all the documentation to the returning officer by the deadline for receipt of nominations at the election.

A returning officer may rule as invalid a nomination paper from a candidate who has opted for the assenting alternative if he or she considers that the candidate has not complied with the statutory requirements relating to assenting.

Notes to Parts of Form

All parts of the form must be completed.

Parts 1 and 2: The assentor should enter his/her number and polling district letters (Part 1) and address (Part 2) as stated on the Register of Electors. The Register may be inspected at the city or county council's offices or on their website; at libraries, post offices and Garda Stations; and through www.checktheregister.ie.

Part 3: Enter contact details, including daytime and mobile telephone numbers.

Part 4: 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, bank card with a photograph, a travel document containing name and photograph or a Public Services Card.

One of the documents must be produced to the witness taking the statutory declaration, and the type of document must be recorded in Part 4 along with any identifying number on it (e.g. passport number).

Part 5: Enter the name of the Dáil constituency where the address at Part 2 of the form is located on the date of the making of the statutory declaration. It should be noted that an assent is valid only in respect of the Dáil constituency in which the assessor's address at the time of assent is located at the next election (general election or bye-election).

Parts 6 and 7: Enter the name (Part 6) and address (Part 7) of the candidate whose nomination is being assented to.

Part 8: This is the formal assent to the nomination of the candidate at the next Dáil election to be held in the constituency in which the address at Part 2 is located at election time.

Part 9: The assessor has to confirm on the statutory declaration that he or she has not assented to the nomination of any other candidate in the election concerned or at any other Dáil election to be held at the same time as that election.

The assessor must sign the declaration in the presence of the witness.

Witness to Statutory Declaration

The statutory declaration must be witnessed by a Notary Public, a Commissioner for Oaths, a Peace Commissioner, a practising solicitor, a member of the Garda Síochána or an official of the registration authority. Where the necessary ID is produced under Part 4, the law provides that this is sufficient for the witness to sign on the form that the assessor is personally known to him/her.

In the case of Gardaí or registration authority officials, the declaration must be stamped with the official stamp of the garda station or registration authority in the box provided.

Penalties

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 fine of up to €2,539 or imprisonment for a term of up to 6 months or both.

**FOIRM AN DEARBHAITHE REACTÚIL Ó AONTAITHEOIRÍ
LE hAINMNIÚ IARRTHÓIRÍ ÁIRITHE
I dTOGHCHÁN DÁLA**

Dearbhaímse (*ainm an aontaitheora i gceannlitreacha*) an méid seo a leanas go sollúnta agus go fírinneach:-

Sonraí an Aontaitheora

1. Uimhir agus litreacha ceantair vótaíochta ar Chlár na dToghthóirí:

2. Seoladh ar Chlár na dToghthóirí dá dtagraítear ag 1 (*seoladh i gceannlitreacha*):

3. Sonraí teagmhála, lena n-áirítear uimhir theileafóin i rith an lae agus uimhir fóin póca:

4. An cineál fianaise fhótaghrafaí arna thabhairt ar aird don fhinné mar aon le haon uimhir shainiúil atá air:

Dáilcheantar/Iarrthóir

5. Ainm an dáilcheantair reatha Dála ina bhfuil seoladh an aontaitheora ag 2 suite:

6. Ainm an iarrthóra (*ainm i gceannlitreacha*):

7. Seoladh an iarrthóra (*seoladh i gceannlitreacha*):

Aontú

8. Aontaím le hainmniú an iarrthóra dá dtagraítear ag 6 agus 7 ag an gcéad toghchán Dála eile atá le bheith ann sa dáilcheantar ina bhfuil an seoladh ag 2 suite tráth an toghcháin.

9. Níor aontaigh mé le hainmniú aon iarrthóra eile sa toghchán dá dtagraítear ag 8 nó in aon toghchán Dála eile a bheidh ann an tráth céanna leis an toghchán sin,

agus déanaim an dearbhú sollúnta seo á chreidiúint go coinsiasach go bhfuil sé fíor agus de bhua an Achta i dTaobh Dearbhuithe Reachtúla 1938.

Síniú an aontaitheora

Arna dhearbhú os mo chomhairse _____ [*ainm i gceannlitreacha*] [nótaire poiblí] [coimisinéir mionnaí] [feidhmeannach síochána] [aturnae cleachtach] [ball den Gharda Síochána] [oifigeach de chuid an údaráis clárúcháin] ag _____ ar a bhfuil aithne phearsanta agam

i _____
[*an áit a sínítear an dearbhú*] an _____ [*dáta*]

.....
[*síniú an fhinné*]

Stampa Stáisiún an Gharda Síochána/an Údaráis Chlarúcháin
--

[más iomchuí]

**FOIRM AN DEARBHAITHE REACHTÚIL Ó AONTAITHEOIRÍ
LE hAINMNIÚ IARRTHÓIRÍ ÁRITHE
I dTOGHCHÁN DÁLA**

NÓTAÍ

(Léigh na nótaí go cúramach le do thoil roimh an dearbhú reachtúil a chomhlánú. Is mar threoir amháin a thugtar na nótaí atá i gceangal leis seo agus ní míniú dlíthiúil iad.)

Ginearálta

Foráiltear leis an Acht Toghcháin (Leasú) 2007 (Uimh. 14 de 2007) nach mór, más rud é nach bhfuil duine ina (h)iarrthóir de chuid páirtí polaitíochta cláraithe, d'fhonn a bheith ainmnithe go bailí chun seasamh mar iarrthóir i dtoghchán Dála, ceann amháin de na nósanna imeachta seo a leanas a chomhlíonadh roimh dheireadh an ama chun ainmniúcháin a ghlacadh:

- (i) dearbhuithe reachtúla a bheith comhlánaithe ag 30 aontaitheoir atá cláraithe mar thoghthóirí Dála sa dailcheantar iomchuí. Ní mór go bhfianóidh a bheith fianaithe ag Nótaire Poiblí, Coimisinéir Mionnaí, Feidhmeannach Síochána, aturnae cleachtach, ball den Gharda Síochána nó oifigeach de chuid an údaráis clárúcháin (Comhairle Cathrach nó Contae) na haontuithe sin, nó
- (ii) éarlais €500 a bheith taiscthe leis an gCeann Comhairimh ag an iarrthóir, nó ag duine éigin atá ag gníomhú thar ceann an iarrthóra.

Tá an fhoirm seo le húsáid chun dearbhuithe reachtúla a dhéanamh maidir le haontú faoi (i) thuas; tá cóipeanna den fhoirm iar fáil saor in aisce ó chinn chomhairimh agus ó údaráis chlárúcháin.

Níl aontú bailí ach amháin i leith an dailcheantair Dála ina bhfuil seoladh an aontaitheora suite tráth an aontaithe le linn an toghcháin.

Féadfar an t-aontú a dhéanamh tráth ar bith ach ní fhéadfar é a úsáid ach amháin sa chéad olltoghchán nó fothoghchán eile sa dailcheantar iomchuí.

Tá an t-iarrthóir nó an moltóir an iarrthóra freagrach as na haontuithe riachtanacha a fháil, as an 30 dearbhú reachtúil a chur i gceangal leis an bpáipéar ainmniúcháin agus as na doiciméid go léir a sheachadadh ar an gceann comhairimh faoin spriocdháta chun ainmniúcháin a ghlacadh sa toghchán.

Féadfaidh ceann comhairimh a rialú go bhfuil páipéar ainmniúcháin neamhbhailí freisin i gcás páipéir ainmniúcháin gan deimhniú cleamhnachta polaitíochta ó iarrthóir a roghnaigh modh an aontaithe má mheasann sé nó sí nár chomhlíon an t-iarrthóir na ceanglais reachtúla a bhaineann le haontú.

Nótaí maidir le Codanna Éagsúla den Fhoirm

Ní foláir gach cuid den fhoirm a chomhlánú.

Cuid 1 agus **2:** Is ceart don aontaitheoir a (h)uimhir agus litreacha a c(h)eantair vótaíochta (Cuid 1) agus seoladh (Cuid 2) a chur isteach mar atá sonraithe ar Chlár na dToghthóirí. Féadfar an Clár a iniúchadh in oifigí na comhairle cathrach nó contae nó ar an suíomh gréasáin atá acu; i leabharlanna, in oifigí poist agus i Stáisiúin na nGardaí; agus trí www.checktheregister.ie.

Cuid 3: Cuir isteach sonraí teagmhála, lena n-áirítear uimhir theileafóin i rith an lae agus uimhir fóin póca.

Cuid 4: Nuair atá an dearbhú reachtúil á dhéanamh ní foláir do gach aontaitheoir ceann de na doiciméid fhótagrafacha seo a leanas a thabhairt leo chun críocha céannachta – pas, ceadúnas tiomána, cárta aitheantais fostaí ar a bhfuil grianghraf, cárta aitheantais mic léinn arna eisiúint ag foras oideachais agus ar a bhfuil grianghraf, cárta bainc lar a bhfuil grianghraf, nó doiciméad taistil ar a bhfuil ainm agus grianghraf.

Ní foláir ceann de na doiciméid a thabhairt ar aird don fhinné a ghlacann an dearbhú reachtúil, agus ní foláir an cineál doiciméid, mar aon le haon uimhir shainiúil atá air (e.g. uimhir phas), a thairfeadh i gCuid 4.

Cuid 5: Cuir isteach ainm an dáilcheantair Dála ina bhfuil an seoladh i gCuid 2 den fhoirm suite ar an dáta a dhéantar an dearbhú reachtúil. Is ceart é a thabhairt do d'aire nach bhfuil aontú bailí ach amháin i leith an dáilcheantair Dála ina bhfuil seoladh an aontaitheora suite tráth an aontaithe le linn an toghcháin.

Codanna 6 agus 7: Cuir isteach ainm (Cuid 6) agus seoladh (Cuid 7) an iarrthóra a bhfuil aontú á thabhairt maidir lena (h)ainmniú.

Cuid 8: Is é seo an t-aontú foirmiúil le hainmniú an iarrthóra sa chéad toghchán Dála eile atá le bheith ann sa dáilcheantar ina bhfuil an seoladh i gCuid 2 suite le linn an toghcháin.

Cuid 9: Ní mór don aontaitheoir a dhaingniú ar an dearbhú reachtúil nach bhfuil sé nó sí tar éis aontú le hainmniú aon iarrthóra eile sa toghchán lena mbaineann nó in aon toghchán eile don Dáil atá le bheith ann an tráth céanna leis an toghchán sin.

Ní foláir don aontaitheoir an dearbhú a shíniú i láthair an fhinné.

Finné ar Dhearbhú Reachtúil

Ní mór go bhfianóidh Nótaire Poiblí, Coimisinéir Mionnaí, Feidhmeannach Síochána, atur nae cleachtach, ball den Gharda Síochána nó oifigeach de chuid an údaráis clárúcháin na haontuithe. I gcás ina dtugtar ar aird an comhartha aitheantais riachtanach faoi Chuid 4, foráiltear leis an dlí gur leor an méid sin chun go bhféadfaidh an finné síniú ar an bhfoim go bhfuil aithne phearsanta aige/aici ar an aontaitheoir.

I gcás Gardaí nó oifigeach údaráis chlárúcháin, ní foláir stampa oifigiúil stáisiún na ngardaí nó an údarás clárúcháin a stampáil ar an dearbhú sa bhosca a sholáthraítear chuige sin.

Pionóis

Faoin Acht i dTaobh Dearbhuithe Reachtúla 1938, dlífear fineáil nach mó ná €2,539 nó príosúnacht ar feadh téarma nach faide ná 6 mhí, nó iad araon, a chur ar dhuine a dhéanann, go feasach, dearbhú reachtúil a thabhairt atá bréagach nó míthreorach i bponc ábhartha.