

Cork County Council Meeting 23rd July, 2018

Notice of Motion: Councillor Diarmaid Ó Cadhla

“In the interests of democracy, but without endorsing the policy positions of anyone or any Party, that this council:

1. Wishes to nominate a candidate for the office of President of Ireland.
2. Invite potential candidates to submit written proposals for consideration by members and invite them to address Council at a meeting designated to make such nomination.
3. That the meetings administrator should make arrangements for this as soon as the electoral process allows it.”

Response

The procedure for nomination of candidates by a County Council or a City Council is governed by the Presidential Elections Act 1993. It is a reserved function and the main points arising are as follows:

- Before a Council can nominate a candidate the Minister must first sign the Presidential Election Order (Section 6 (1)). This will indicate the closing date for nominations
- A resolution of Council under Section 16 (nominating a candidate) shall not be passed before the date of making the Presidential Election Order
- Not less than 3 clear days notice of the intention to propose the resolution must be given in writing to every person, who, at the time when the notice is given, is a member of the council
- A Council may, by resolution, resolve to nominate one candidate – where two candidates are nominated on different days the first nomination will be valid
- Where two candidates are nominated on the same date both papers will be invalid
- The election must take place by the date on which the current President's term of office expires but may not take place more than 60 days before this.

In 2011 Cork County Council was contacted by a number of candidates requesting the opportunity to address the members of Cork County Council to seek their support for nomination as a Presidential Candidate. The Mayor invited all candidates who asked to address Members to do so.

The Presidential Election Order was signed on the 30th August 2011 by Minister Phil Hogan.

Ms. Mary Davis and Mr. Richard McSweeney attended the Full Council Meeting on the 12th September 2011 and addressed the Members. The Mayor advised that if the Council was to nominate a Presidential Candidate, it would do so at the next Council Meeting to be held on 26th September, 2011.

A motion was not submitted to nominate any candidate within the timeframe required for the Council meeting on the 26th September 2011. A motion was submitted on Friday 23rd September 2011 proposing that the Council nominate Senator David Norris. Due to the requirement to give Members 3 clear days notice this motion could not be included for the meeting of the 26th September 2011. As the deadline for submission of nominations to the Presidential Returning Officer was Wednesday 28th September 2011 a Special Meeting of Council was called for Tuesday 27th September 2011. The motion was defeated.

The legislation does not require a special meeting to be called, however this can be done in accordance with Standing Orders .

A circular letter was issued by the Department of Environment, Community and Local Government on 18th July 2018 regarding requirements in relation to the nomination of candidates for election as President (copy attached - circulated to members on 18th July)

Extract from Presidential Elections Act 1993

Section 6

- (1) Before a presidential election, the Minister shall by order (“the presidential election order”) appoint for the purposes of the election –
 - a. The day which shall be the last day on which the presidential returning officer may receive nominations
 - b. The place at which the presidential returning officer will sit to rule open nominations on the last day for receiving nominations
 - c. The day (polling day) on which and the period during which the poll (if any) at the election shall be taken and
 - d. The address of the presidential returning officer at which nomination papers may be delivered and to which other communications may be sent to the officer

Nomination of Candidates – Part II

Section 14

- (1) A candidate at presidential election shall be nominated in accordance with the provisions of this part
- (2) A nomination shall be effected by means of a nomination paper or nomination papers in such one of the prescribed forms as may be appropriate.
- (3) A nomination paper shall include a declaration that the person proposed to be nominated thereby to be a candidate is eligible for election to the office of President and has consented to the proposed nomination
- (4) A nomination paper purporting to nominate a person to be a candidate at an election shall be delivered by the person or one or more persons making the nomination to the presidential returning officer not earlier than 10a.m. on the second day (excluding any excluded day) next following the date of the presidential election order and not later than 12 noon on the last day for receiving nominations.

- (5) A nomination paper purporting to nominate a candidate at a presidential election a person who has been re-elected once to the office of President shall be invalid.

Section 16 – Nomination by County Councils or County Borough Corporations

- (1) A council of a county or a corporation county borough may, by resolution (of the intention to propose which not less than 3 clear days' notice has been given in writing to every person who, at the time when such notice is given, is a member of the council or the corporation as appropriate) resolve to nominate one named person to be a candidate at a presidential election.
- (2) A resolution under this section shall not be passed before the date of the making of the presidential election order in respect of the presidential election to which the resolution relates and subject to Sections 30 and 31 (withdrawal or death of candidate), such a resolution shall not be rescinded.
- (3) A resolution passed under this section shall be given effect by means of a nomination paper in the form prescribed for this purpose sealed with the seal of the council or corporation concerned.
- (4) A nomination paper referred to in this section shall state the names (the surname being stated first) address and occupation (if any) of the person nominated to be a candidate and shall also state such matters as are required by the nomination paper to be stated therein.