REPORT

ON THE

CONDUCT OF THE FIRST ELECTION TO
SEANAD EIREANN.

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REPORT

CONDUCT OF THE FIRST ELECTION TO
SÉAN T ÓRREGAN
Article 82 in the First Schedule to the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922, directed that the first Seanad Eireann should consist of sixty members, of whom thirty were to be nominated by the President of the Executive Council, and the other thirty to be elected by Dáil Eireann voting on principles of Proportional Representation. Of the thirty elected members, the first fifteen elected hold office for the period of nine years, and the remaining fifteen for the period of three years.

Rules providing for the holding of the election and the counting of the votes were introduced by the Minister for Local Government and passed by Dáil Eireann on the 1st day of November, 1922, and appear in the appendix hereto. Voting papers were distributed to Deputies at 3 o'clock p.m. on the 7th December, 1922, and were delivered to the Returning Officer on or before 5 o'clock on that day. The counting commenced immediately and the result of the election was ascertained shortly after midnight. A copy of the result sheet giving full details of all transfers is also attached.

Before discussing the actual conduct of the election, it is well to consider the problem involved, and its various possible solutions. In order that the result of an election may be true to the principles of Proportional Representation it is necessary that the rules shall ensure that a majority will always have a majority of the representatives, that a minority will have a minority of the representatives, but that man for man, the minority will be as fully represented as the majority.

The election might have been held according to the "list" system, which finds favour in certain continental elections. In these systems, the candidates are arranged on the voting paper not in alphabetical order, but according to parties, and the order in which the names appear in the party list is usually arranged by the party. The voter votes for the party but may vote for individual candidates in the party if he so chooses. This system is rigid in that it does not permit the voter to vote, e.g., 1st preference for No. 7 on list 5, 2nd preference for No. 2 on list 4, 3rd preference for No. 9 on list 5, 4th preference for No. 3 on list 1 and so on.

If to a party list of twenty names, ten seats were secured, only a strong combination of the electors in that party could prevent the first ten names on the list from being elected.

A further method suggested was the holding of five simultaneous elections according to the single transferable vote rules in force at Parliamentary Elections. A result obtained from such a method would have been false to the principle. A group of nine electors, out of an electorate of 81 is entitled to 3 representatives from a total of 30; but the quota would have been 12, consequently the return of one representative could not have been guaranteed to such a minority group.

The method which seemed most certain to give an accurate result was the single transferable vote method with certain modifications rendered necessary by reason of the electorate being so small, and the number to be elected correspondingly large.

In elections where the number of papers is large, the element of chance, which in theory is present is in practice absent. Where the number of papers is small this element of chance is serious and requires to be eliminated. This was accomplished by the adoption of the Gregory method of transfer which avoids the selection of papers for transfer by causing each paper to be transferred at a calculated transfer value, which in the case of a surplus is usually less, and in cases of exclusion equal to, the value of the paper at which the elected or excluded candidate obtained the paper. For convenience in working and to avoid noticeable loss of effective value in transfers owing to disregard of fractions in calculating the transfer value, each paper was regarded as being of the value of 1,000.
The order of election of candidates in the usual election presents no difficulty. If two candidates are elected on the same count the candidate credited with the greatest number of votes is regarded as elected before the other. In all other cases the number of the count at which a candidate is elected determines the order of election. The order of election is generally not a matter of paramount importance. In the election to the first Seanad Éireann, however, the person elected sixteenth had a tenure of office six years less than the person elected fifteenth, under the terms of the Constitution. A new and important extension of the general principle for determining the order of election was found necessary in order to avoid the determination of this important question by lot or any other form of chance.

Rule 5. in Part I of the Schedule to the Resolution of 1st November, 1922, provides for the establishment of an absolute Order of Preferences at the commencement of the counting. The effect of the rule is to secure the election first of the candidate with the greatest number of first preferences, and the election second of the candidate with the next greatest number of first preferences and so on. Whenever it happens that a group of candidates have each the same number of first preferences, the number of second preferences recorded for each of those candidates on all the papers is ascertained. This establishes the priority of one or more of the candidates. If there is still equality between any or all of these candidates, the third preferences are similarly examined, and so on if necessary to the last preference to secure a real order of preference. This Order of Preferences is used in any case where the Returning Officer would otherwise require to determine the order of election, transfer, or exclusion, by lot, but is in addition to, and not substitution for, the ordinary rules governing this question.

Details of Counting.

Eighty-one Ballot papers were issued, and the same number was found to be in the locked ballot box. The real quota was found to be 2,613. In accordance with the Rules, each paper was deemed to be of the value of 1,000, and the value necessary to secure the election of a candidate was therefore 2,613.

The first count showed that a value of 4,000 was credited to one candidate only, and as this was the greatest, this candidate was elected first. A value of 3,000 was credited to 17 candidates, a value of 2,000 to 11 candidates, a value of 1,000 to 4 candidates, and no value to the remainder.

The order of preferences was next established. After examination of preferences up to 20, an absolute order was established, except in the case of two candidates, where a persistent case of equality was not determined until a 91st preference had been examined.

In this way the order of election of the candidates credited with a value greater than the quota was determined, without recourse to lot or chance.

The next operation was the transfer of the surplus of the candidate elected first. Four papers were in the parcel and on each of them a preference was recorded for a candidate not elected; three being for one candidate and one for another. The value available for transfer was 4,000 minus 2,613 or 1,387. Each paper was therefore transferred to the candidate next in order of preference, at the value of 346 (i.e., 1,387) as shown on the Result Sheet "Second Count"; fractions of an integer were disregarded, and the negligible loss of value was 3.

The value from three of the papers (3 x 346) 1,038 was transferred to a candidate who was credited already with a value of 2,000. He was therefore elected, and that surplus was noted for transfer as soon as all the surpluses which arose on the first count had been transferred.

The next surplus to be transferred was that of the candidate found to be second in the order of preferences. The three papers of this candidate were all found to be transferable and the transfer value being 3,000-2,613 or 129 exactly.
It will be seen in the Result Sheet under the heading Second Count.

Two of the candidates to whom a value was transferred had received no value from first preferences. In similar manner the surplus value credited to the other candidates credited with a value of 3,000 was transferred. This was completed at the nineteenth count. In the next five counts the surpluses of those candidates who had been elected as a result of transfers of surpluses at previous counts were transferred, and on completion of the twenty-fourth count it was found that no candidate had a surplus.

Exclusion of Candidates.

At this stage it became necessary to exclude from the count those candidates to whom no value at any previous count had been credited, and also the candidate who at the completion of the twenty-fourth count was credited with the smallest value. One paper only had been transferred to this candidate, i.e., at the twenty-first count, the value being 32. This paper was transferred to the candidate next in order of preference who had not then been elected or excluded. The election proceeded in similar manner to the thirty-fifth count.

The transfer of value on exclusion at the thirty-fifth count gave a candidate a small surplus value of 44. At the conclusion of that count there were therefore six candidates not elected, and one surplus which could have been distributed. The lowest value was 1,903, and the next lowest 2,000. Assuming the surplus value of 44 was transferred to this lowest candidate at a thirty-sixth count, he would only have a value of 1,947, i.e., still less than the candidate with 2,000; and the next step would have been to exclude this candidate at a thirty-seventh count. Therefore the transfer of this surplus was not necessary. At this stage five vacancies remained unfilled, and there were six candidates not elected or excluded.

No transfer of surplus being necessary the candidate credited with the value of 1903, was formally excluded.

This exclusion reduced the number of candidates not elected and not excluded to a number equal to the number of vacancies remaining unfilled, and these five candidates were therefore elected. It was not necessary to transfer the value of 1,903 credited to the excluded candidate, as such transfer could only have effected the order in which the last five candidates were elected, and this was of no real importance.

Non-Transferable Papers.

Two papers only were non-transferable. The first arose on the thirty-third count and the second on the thirty-fourth count, each being of the value of 1,000. If the electors who had marked these papers had continued to express preferences so as to include either or both of the candidates excluded at the thirty-fourth and thirty-fifth counts, one or both of these candidates might have been elected.

Candidates Elected where the Value is Less than the Quota.

As has been stated above, six candidates were elected at the 35th count, of whom five were then credited with a value less than the quota, the values being 2,657, 2,539, 2,516, 2,450, 2,212, 2,000.

The candidate excluded, without any actual transfer of value being made, was credited with a value of 1,903.

Thus the total effective value of all the papers of continuing candidates at that count was 16,277, or 6 quotas and 599 over. This value was available for transfer but it was not then necessary to do so.

The large number of candidates credited with a value of 3,000 at the first count would seem to indicate that, in order to ensure the priority of election of certain candidates, some deputies arranged to vote in groups of three. This grouping placed priority of election beyond any possible doubt, but did not affect in any way the exclusion of a candidate, and a similar result would no doubt have been obtained if the whole of the first preferences had been recorded for only a few of the candidates.
WHEREAS it is provided by Article 82 of the Constitution of Saorstát Eireann that the first Seanad Eireann shall consist of sixty members, of whom thirty shall be elected by Dáil Eireann, voting on principles of Proportional Representation, and it is necessary that rules for the conduct of such election should be prescribed.

NOW, THEREFORE, this Dáil doth hereby resolve that the aforesaid election of members to the first Seanad Eireann, hereinafter referred to as "the election," shall be conducted in accordance with the following rules:

RETURNING OFFICER.

1. The Ceann Comhairle of Dáil Eireann shall be the Returning Officer for the purpose of the election.

NOMINATION.

2. A candidate for election shall be nominated in writing. The writing shall be subscribed by a Deputy of Dáil Eireann, as proposer, and by another Deputy as seconder.

A nomination paper subscribed by a Deputy of Dáil Eireann who has not signed the Roll shall be invalid.

3. Each candidate shall be nominated by a separate nomination paper, and the nomination paper shall be in the form set out in Part II. of the Schedule hereto, and shall contain the particulars required thereby.

4. The Returning Officer shall cause nomination papers to be supplied to any Deputy of Dáil Eireann requiring the same during the period commencing at the time of the passing of these resolutions and ending at 12 o'clock noon on the day following the day of the coming into force of the Constitution of Saorstát Eireann which period is herein referred to as the "time for election."
5. Tabharfaidh an taighdeoir no an cuiditheoir na páipéiri amhmúcháin den Cheann Comhairlír i rith ama an togh-cháin, le linn na n-aireanta agus ag na háiteanna san ar a scéadfadh an Ceann Comhairlír, ach ní tabharfach do iad tar éis déire isa an togh-cháin.

6. Feadfaidh an Ceann Comhairlír le linn an taithne isteach dírithe d’aoi pháipéir amhmúcháin a bheidh gan bhri, toise gan an t-éolais rícheannaigh do bhreith ann, nó toise gurb’ é a intinn amhmúcháin do chaillteachtaí, agus, chuimhneachtaí agus, chun gach éireacht, an pháipéir amhmúcháin a bhí sna háiteanna an togh-cháin is gá chun an chéadúntacht nó cháileacht is gá chun é do thogtha mar chéadúntacht nó cháileacht.

7. Chú leath agus is féidir é tar éis páipéir amhmúcháin le n-a bhfuil brí, seilbhí a d’fháil trí d’fháil, feasaigh a do Chéime Gorm Chomh-shíreacht a bheidh tar éis deire ama an togh-cháin.

8. Is de na báis, báis mór an togh-cháin.

9. Is sa bhfuirm aí mar i gCúid II. den Teachta, a bhfuil le feiceáil do pháipéir bhóttála, agus is ar órdú aithint a bhfuí an feiceáil, a bhfuí an bhóttála a bheidh tar éis deire ama an togh-cháin.

10. Chú leath agus is féidir é tar éis lucht na bhfuí na bhfuí an chaidreamh do pháipéir bhóttála, agus is ar órdú aithint a bhfuí an feiceáil, a bhfuí an bhóttála a bheidh tar éis deire ama an togh-cháin.

11. Chú leath agus is féidir é tar éis lucht na bhfuí na bhfuí an feiceáil, a bhfuí an bhóttála a bheidh tar éis deire ama an togh-cháin.

12. Aon Teachta a lóithidh páipéir bhóttála láidir agus a bhfuí an feiceáil a bhfuí an bhóttála a bheidh tar éis deire ama an togh-cháin.

13. Comhairleanna na Bhóttanna.

14. Díreach tar éis an Dáil do chur ar ath-chú a pháipéir bhóttála, comhairleanna na bhfeicigh a bhí ann do theachtaí do pháipéir bhóttála.

15. Fógairt na dtóiranna.

5. Nomination papers shall be delivered to the Returning Officer by the proposer or seconder during such hours, and at such places, during the time for election, as the Returning Officer may fix, but not after the expiration of the time for election.

6. The Returning Officer may, at the time of delivery, reject as invalid any nomination paper which does not contain the required particulars, or which purports to nominate a person who is not qualified to be elected as a senator, or who is placed under disability or incapacity by the Constitution or by law, and the decision of the Returning Officer, that a nomination paper is valid or is invalid shall be final for all purposes.

7. As soon as practicable, after receiving a valid nomination paper, the Returning Officer shall cause a notice of such nomination to be issued to each Deputy of Dáil Éireann who has signed the Roll. Such notice shall contain the name in full of the person nominated, his address, profession or occupation, and a statement of such person’s useful public service or special qualifications or attainments in reference to important aspects of the Nation’s life.

VOTING.

8. The voting shall be by secret ballot.

9. The voting paper shall be in the form set out in Part II. of the Schedule hereto, and the names of candidates nominated shall be arranged in alphabetical order.

10. The voting shall take place at the first meeting of Dáil Éireann held after the expiration of the “time for election.”

11. As soon as may be, after the commencement of such meeting, the Returning Officer shall cause to be distributed to Deputies who have signed the Roll, and who shall be in attendance at such meeting, voting papers in the prescribed form and containing the required particulars.

12. Any Deputy who may inadvertently spoil a voting paper may deliver it to the Returning Officer and obtain another voting paper.

13. At or before the adjournment of the Dáil, each Deputy shall deliver his voting paper to the Returning Officer.

COUNTING THE VOTES.

14. Immediately after the adjournment of the Dáil, the Returning Officer shall cause the voting papers to be counted and the result of the election determined in accordance with the rules contained in Part I. of the Schedule hereto.

DECLARATION OF RESULTS.

15. The Returning Officer shall give notice of the result of the election by declaring to the Dáil the names of
1. The election shall be conducted in accordance with the following Rules:

2. (1) Every elector shall have one vote and may, in casting his vote, place the figures 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, or any of them, opposite the name of the candidate for whom he votes:

(a) must place on his voting paper the figure 1 opposite the name of the candidate for whom he votes;

(b) may in addition place on his voting paper the figures 2, 3, 4, 5, 6, 7, 8, and 9, or 10, or any of them, opposite the name of the candidate for whom he votes;

(c) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or

(d) on which the figure 1 standing alone indicating a first preference for some one candidate, is not placed; or

(e) on which the figure 1 standing alone indicating a first preference and some other number is set opposite the name of the same candidate; or

(f) which is unmarked, or void for uncertainty.

The Returning Officer shall then ascertain the number of First Preferences recorded on all the voting papers for each candidate, beginning with the candidate for whom the greatest number of First Preferences are recorded, and shall then arrange the candidates on a list (hereinafter called "the Order of Preferences") in the order of the number of First Preferences recorded for each candidate, beginning with the candidate for whom the greatest number of First Preferences are recorded. If the number of First Preferences recorded for any two or more candidates (hereinafter called "equal candidates") is equal, the Returning Officer shall ascertain the number of Second Preferences recorded on all the voting papers for each of the equal candidates, and shall arrange the equal candidates as amongst themselves on the Order of Preferences in the order of the Second Preferences recorded for each of the equal candidates.
Aistriú 8. (1) Ar dheireadh an uimhir is mó de Dhara Roga, Má's có-ionann an uimhir de chéad roghanna is de dhara roghanna do breacadh d'aoi bheithe no do nósos mó d'airthóirí có-ionannacha, gheobhaidh an Ceann Comhairimh amach as chuma chéanna uimhir na dtreas roghanna do breacadh do gach iarthetaí có-ionannach do bhfásach san an iarrthóirí do toghadh, do réir na dháirse a theasbáintar ar na páipéirí bhótála ata i mbeart no i bhfo-bheartara, agus ar do chuid iarrthóirí le fhoilsú do ghrádúil agus an éifeacht a cuirfear i leith do gach iarrthóir.

(2) Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri do shocraí an mbeartanna do réir na geacáid roghanna do breacadh do gach iarthetaí.

(3) Deacrúadh an Ceann Comhairímh anuas na páipéirí bhóthála le n-a bhfuil bri do shocraí mbeartanna, agus do réir fo-ailt den Riall seo cuireadh sé i leith gach iarthetaí có-ionannach, socróidh an Ceann Comhairimh le crann-chur an t-ordú 'na gceapadh, ná gcéad iarrthóirí do toghadh, do réir na dháirse a theasbáintar ar na páipéirí bhótála ata i mbeart no i bhfo-bheartara, agus ar do chuid iarrthóirí do fhoilsú do ghrádúil agus an éifeacht a cuirfear i leith do gach iarrthóir.

(4) Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

(5) Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

(6) Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

(7) 1. Anspot a caint amach.

2. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

3. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

4. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

5. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

6. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

7. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

8. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.

9. Chun gur bhfusa do dhéanamh an obair a leagann na rialacha so amach, tuigfear gur ní 1000 gach páipéir bhóthála le n-a bhfuil bri.
déanfá sé fo-bheart sé leith de sna páipéirí neamh-aistrithe.

(b) Má’s as bun-bhéithanna agus bhóthanna aistrithe nó as bhóthanna aistrithe a thugann an anfhéacht a cuítear i leith iarrthóirí toghtha, agus déanfá sé a thuille fo-bheartanna de sna páipéirí aonstarthóireachta atá ann do réir na gcéad roghanna eile atá braseachta orthu, agus déanfá sé leith de sna páipéirí neamh-aistrithe.

(c) In aon de sna cărsanna dá dtuagtar in mionanna (a) agus (b) sa bhfo-alt, gheobhfar an Ceann Comhairimh amach uimhir agus éifeacht iomlán na páipéirí atá fo-bheartanna de sna páipéirí sa bhfo-bheart is déanaí fuair an roghanna eile atá breacuithe ortha, páipéirí neamh-aistrithe.

In mionanna (a) agus (b) sa bhfo-alt so, páipéirí ion-aistrithe agus i bhfo-alt’s mó é ná éifeacht iomlán na bpáipéirí atá i ngach fo-bheart de amach uimhir agus éifeacht iomlán na gheobhaidh an Ceann Comhairimh bpáipéirí ion-aistrithe, aistreóidh an thóir leanúnach atá teasbánta ortha pháipéirí ion-aistrithe go dtí an t-iarrthóir gach fo-bheart de, le is mó an fuighleach a thárlóidh ag comh-mhó níos mó de bharr an chomhairimh aon chomhairimh, roinnfear é sara roinnaireamh 'na dhiaidh.

(c) In eithne de na ceannanna, sé an ceann is mó a roinnfear nó ag níos mó iarrthóirí de bharr an iarrthóirí sin ag an bhóthar do bhall an t-iarrthóirí níos maith, roinnfear na cinn eile in fuighleach an iarrthóra gur cuireadh an chomhairimh chéanna, roinnfear i n-ghearrnacht i n-áiríthiú. A bhfuil leith cheana, sé an ceann is mó a roinnfear ón bhfuighleach a thárlóidh ag comhairimh, rónfear é sara roinnfear i gceannaireacht 'na dhiaidh.

When the surplus is greater than the total value of the sub-parcels of transferable papers the non-transferable papers shall be set aside as not effective, at a value which is equal to the difference between the surplus and the value of the sub-parcels of transferable papers.

When the surplus is less than the total value of the transferable papers the Returning Officer shall transfer each paper in such sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, each paper being transferred at the value at which it was received by the candidate whose surplus is being transferred.

(4) If the surplus is less than the total value of the transferable papers the Returning Officer shall transfer each paper in such sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, at a value which is equal to the difference between the surplus and the value of the sub-parcels of transferable papers.

When two or more candidates have an equal surplus arising out of the same count, the surplus of the candidate indicated thereon as the voter's next available preference, at the earliest count at which the values credited to such candidates were unequal shall be first dealt with. Where the values credited to such candidates were equal at all counts, the Returning Officer shall deal first
Iaír6as. 9. (1) Má thárluíonn ar dheire aon aistrithe. cuirfear gach fo-bheart de páipéiri roint aon cheann de sná Rialacha roimhe seo, thóra gur breacadh san órdú rogha gurb i bhfo-bheartanna an iarrthóra do cuirbhótálaí mar a chéad rogha eile ar fáil ar na páipéirí bhótála ata atá i mbeart nó i bhofo-bheartanna an iarrthóra do cuireadh as, agus cuire sé éifeacht na bpáipéiri aistrithe i leith an iarrthóra leanúnaigh nó na n-iarrthóirí leanúna. 

(2) (e) Aistreofar ar dtús an beart na bhfuil bunbhótanna, agus is é éifeacht aistrithe gach páipéir ná mile.

(5) Aistreofar ansan na fo-bheartanna na bhfuil bhótála aistriú san órdú agus ar an éifeacht gur tugadh as don iarrthóir do cuireadh as.

(c) Chun a shocru pe'ca iarrthóir leanúnaíochta aistríochta agus cuirfeadh iad san leacaibh ar an éifeacht ar ar sná páipéirí neamh-aistriú, agus cuirfeadh, déanfar fo-bheart fé leith de gcomhaireamh is túisce nár chó-ionann chun na n-éifeachtaí iomláine do cuirfeadh as.

(4) Má thárluíonn, nuair is gá iarrthóir do chur as féin Rialaí seo, gurb é an éifeacht chéanna atá i leith beirte nó níos mó iarrthóirí agus gurb iad is liú, féachfhar chun iomlán eifeachaigh na bhfuil bhótanna do cuireadh i leith gach iarrthóir bhíobh, agus is é an t-iarrthóir ag a bhfuil an éifeacht iomlán is liú a chirfeadh as, agus nuair is có-íomáin na hfeásaíomhanna, féachfhar chun na n-eifeachtaí iomláine do cuireadh as, agus iarrthóirí, agus is é an t-iarrthóir ag a raibh an éifeacht is liú ag an geomhaireamh san a chirfeadh as.

Má thárluíónn do bhfeart nó do níos mó iarrthóirí bhíobh ar deire agus gurb é an éifeacht chéanna do cuireadh sa leith gach duine aca, ag gach chaomhshaireamh, déanfaidh an Comóin Comhairirimh am t-iarrthóir gur breacaíth ón órdú rogha ghubh é do fuair an iúmhir ba mhó de chéad roghanna.

10. Pé uair a déanfar aon aistriú féin tosach de sná Rialacha réimh seo, cuireadh gach fo-bheart de pháipéiri aistrrofré ar bharr an bhíORT no an fho- bhíORT, má bhíonn ann, de pháipéirí a iarrthóirí, airdfeadh a dhéanfar an t-aistrriú, agus cuireadh éifeacht a cheobhnaír amach do réir na Rialacha sa leith an iarrthóra íomhánach, with the surplus of the candidate recorded in the Order of Preferences as having received the greatest number of first preferences. 

9 (1) If at the end of any count no candidate has a surplus and one or more vacancies remain unfilled, the Returning Officer shall exclude the candidate credited with the lowest value and shall transfer his papers to the continuing candidate or candidates indicated on the voting papers in the parcel or sub-parcels of the excluded candidate as the voter’s next available preference, and shall credit the continuing candidate or candidates with the value of the papers transferred.

(2) (a) The Parcel containing original votes shall first be transferred, the transfer value of each paper being one thousand.

(b) The sub-parcels containing transferred votes shall then be transferred in the order in which and at the value of which the excluded candidate obtained them.

(c) For the purpose of determining whether a candidate is a continuing candidate the transfer of each parcel or sub-parcel shall be regarded as a separate count.

(3) In the transfer of each parcel or sub-parcel a separate sub-parcel shall be made of the non-transferable papers which shall be set aside at the value at which the excluded candidates obtained them.

(4) If, when a candidate has to be excluded under this Rule, two or more candidates are each credited with the same value and are lowest, regard shall be had to the total value of original votes credited to them or their candidates at the earliest count at which they had unequal values, and the candidate with the smallest value at that count shall be excluded.

If two or more candidates are lowest and are each credited with the same value at all counts, the Returning Officer shall exclude the candidate recorded on the Order of Preferences as having received the smallest number of First Preferences.

10. Whenever any transfer is made under any of these preceding Rules, each sub-parcel of papers transferred shall be placed on top of the parcel or sub-parcel, if any, of papers on which the transfer is made, and that candidate shall be credited with the value ascertained in pursuance of these Rules.
11. (1) If at the end of any count the number of elected candidates is equal to the number of vacancies to be filled no further transfers shall be made.

(2) (a) When the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereafter be deemed to be elected.

(b) When only one vacancy remains unfilled and the value credited to some one continuing candidate exceeds the total of the values credited to the continuing candidates, together with any surplus not transferred, that candidate shall thereafter be deemed to be elected.

(3) When the last vacancies can be filled under this Rule, no further transfer shall be made.

12. The Returning Officer shall record the total of the values credited to each candidate at the end of every count. Such record shall include:

(1) The value of the non-transferable papers not effective; and

(2) The loss of votes owing to disregard of fractions, and may be in accordance with the form set out in Part Two of this Schedule, or in a form to the like effect.

13. The Candidates shall be deemed to have been elected in the order in which their surpluses were transferred.

A Candidate credited at the end of a count with a value exactly equal to the quota shall be regarded as having the smallest surplus at that count for the purposes of this Rule.

When two or more candidates are deemed to have been elected under Rule 11 (2) (a) such candidates shall be deemed to have been elected in the order of election of such candidates, and so on, and if two or more candidates are credited with equal values at that stage the candidate, credited at that stage with the greatest value being deemed to have been the first elected of such candidates, and so on, and if two or more candidates are deemed to have been the last elected.

Such record shall include:

(1) The value of the non-transferable papers not effective; and

(2) The loss of votes owing to disregard of fractions, and may be in accordance with the form set out in Part Two of this Schedule, or in a form to the like effect.

14. In these Rules

(1) The expression "continuing candidates" means any candidate not deemed to be elected and not excluded.

(2) The expression first preference means the figure 1 standing alone; the expression
"second preference" means the "figure 2" standing alone in succession to the "figure 1", and the expression "third preference" means the "figure 3" standing alone in succession to the figures "1" and "2" set opposite the name of any candidate, and so on.

(3) The expression "next available preference" means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preference next in order on the voting paper for candidates already deemed to be elected or excluded being ignored.

(4) The expression "transferable paper" means a voting paper on which following a first preference a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.

(5) The expression "non-transferable paper" means a voting paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to have become a non-transferable paper whenever—

(a) The names of two or more candidates (whether continuing or not) are marked with the same number, and are next in order of preference: or

(b) The name of the candidate next in order of preference (whether continuing or not) is marked—

(1) by a number not following consecutively after some other number on the voting paper; or

(II) by two or more numbers; or

(c) it is void for uncertainty.

(6) The expression "original vote" in regard to any candidates means a vote derived from a voting paper on which a first preference is recorded for that candidate.

(7) The expression "transferred vote" in regard to any candidate means a vote derived from a voting paper on which a second or subsequent preference is recorded for that candidate.

(8) The expression "surplus" means the number by which the total value of the votes, original and transferred, credited to any candidate exceeds the quota.

(9) The expression "count" means:

(a) All the operations involved in the counting of the first preferences recorded for candidates; or
FORM OF NOMINATION PAPER IN ELECTION TO MANAD EIREANN (FIRST ELECTION).

1. I, the undersigned A, being a Deputy for the Constituency of, hereby nominate the following person for election as Member of Seanad Eireann:

   Name: Alexander Devereux
   Surname: Devereux
   Age: 41
   Sex: Male
   Nationality: Citizen of Saorstát Eireann
   Profession: Chemist
   Address and Abode: 41 Alsard Street, Dublin
   Occupation: Analytical Booters

   I hereby declare that the above-named A.B. and C.D. have taken their seats as Deputies in Dáil Éireann.

   Signed, A. B.

   (b) All the operations involved in the transfer of the surplus of an elected candidate; or
   (c) All the operations involved in the transfer of the votes of an excluded candidate.

   (10) The expression "deemed to be elected" means deemed to be elected for the purpose of counting, but without prejudice to the declaration of the result of the election.
   (11) The expression "determined by lot" in Rule 5 means determined in accordance with the following directions:

   The names of the candidates concerned having been written on slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidates concerned shall as amongst themselves be arranged on the Order of Preferences in the order in which the slips containing their names are drawn beginning with the candidate whose name is on the slip drawn first.
FORM II.
FORM OF BALLOT PAPER.
SEANAD ÉIREANN (FIRST ELECTION).

Mark
Order of Preferences
in Spaces below.

Names of Candidates.

ADAMS, Patrick Adams, The Elms, Portlaw, Banker.

BURKE, Martin Burke, 62 Henry Street, Dun Laoghaire, Professor of Chemistry.

O'COCHRANE, Eamonn O'Cochrane, Tullow, Carlow, Farmer.

DEVERELL, Sean Deverell, Main Street, Grangeville, Stockbroker.

FOLEY, Brendan Foley, Mount House, Wexford, Stockbroker.

INSTRUCTIONS TO ELECTORS.
The Elector votes:—
(a) By placing the figure 1 opposite the name of the candidate he likes best.
(b) He is also invited to place:—
(c) The figure 2 opposite the name of his second choice.
(d) The figure 3 opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not restricted to the number of vacancies.

FORM III.
FORM OF RESULT SHEET.
SEANAD ÉIREANN.

Number of valid votes
Full total value of valid votes
Number of members to be elected
Quota (value sufficient to secure the election of a candidate)

Names of Candidates.

First Count.
Second Count.

Value of Votes of
Transfers of
Transfers of
Transfers of

Candidates.

Value of
quota

Disregard
of fractions.

Total

Names of
Candidates elected and order of election.

Dublin, this 1st day of November, 1922.

COLM Ó MURCHADA,
Cléireach na Dála.
(Clerk of the Dáil).