



# POST ELECTORAL EVENT REVIEW

Seanad Éireann General Election | January 2025

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# 1. Foreword



The general election for Seanad Éireann was the first electoral event in Ireland in 2025, and the first contested election to the Irish legislature's upper house since the establishment of An Coimisiún Toghcháin on 9 February 2023.

We took the decision, in exercise of the statutory powers vested in An Coimisiún by s.68 of the *Electoral Reform Act 2022*, to prepare and publish a Post Electoral Event Review (PEER) for the 2025

Seanad General Election, and so advised the Department of Housing, Local Government and Heritage and the returning officers appointed in connection with this election. This review also includes details of the information campaign undertaken by An Coimisiún in the lead up to this Seanad election and the registration deadline for the new Higher Education constituency.

Dáil Éireann and its elections often dominate conversation about our national legislature, and there is much less focus on the upper house and its unique electoral system. Seanad Éireann constitutes one of three branches of the Oireachtas defined in Article 15 of the Constitution. This upper house plays an integral role in many of the processes and systems upon which the State is founded, and is part of Ireland's democratic system of checks and balances.

An Coimisiún's work aims to ensure inclusivity, participation and engagement in Ireland's electoral and democratic systems. The Seanad electoral system has features not found elsewhere in our electoral system, and this PEER is important therefore as it presents the opportunity to learn about this aspect of Ireland's democracy. Of all our electoral events, Seanad elections are perhaps the least well understood. We therefore felt it important in this report to explain the history, processes and features of Seanad Éireann and its electoral system. Eleven of the Seanad's members are nominated by the Taoiseach, and the remaining 49 are selected through seven unique elections with differing electoral systems, processes and electorates, all of which are described in this report.

Unique amongst Irish electoral events, all electors in a Seanad election cast their vote by post. As An Coimisiún progresses its *Research Programme 2024-2026*, this election provided us with useful insights regarding postal voting, a topic which we have flagged as one priority for research, and which is dealt with briefly in the November 2024 General Election PEER,<sup>1</sup> to be explored in more detail in the future.

I wish to thank the respective returning officers for welcoming An Coimisiún behind the scenes to observe the many important processes in the Seanad election, and for their cooperation as we gathered data to inform this report. On every occasion across each election, we were thoroughly impressed by the expertise, dedication and diligence of returning officers and their staff in the performance of their duties. During our conversations with returning officers and as we conducted our observations, we formed the view that some reforms could improve the current system, the details of which are set out in this report.



We are also conscious that this election marked a pivotal juncture in the history of Irish democracy, as it was the final time the National University of Ireland and University of Dublin constituencies would elect members to the Seanad. We note that Dublin's Trinity College has been a constant constituency in Irish politics since 1613; first electing Members of Parliament, then Teachtaí Dála, and finally senators.

As this current chapter in the history of our upper chamber and our democratic structures draws to a close, we look forward with optimism as the franchise for Seanad elections is widened. The Irish people emphatically supported the Seventh Amendment of their Constitution in 1979. The establishment of the Higher Education constituency will provide greater inclusivity in Seanad elections, and we hope it will further engagement with the electoral process.

I hope that this report will elucidate the unique and complex features of Seanad Éireann and its elections, and I commend it to the reader.

**The Honourable Ms. Justice Marie Baker**  
Chairperson, An Coimisiún Toghcháin

## 2. Executive Summary

Seanad Éireann is the upper house of Ireland's legislature and one of three branches of the Oireachtas, the other two being Dáil Éireann and the President. The Irish Free State's legislature featured a Seanad for most of its history, and the current Seanad and its electoral system were established by Bunreacht na hÉireann in 1937.

The Seanad plays a key role in many of the democratic processes set out in the Constitution. Its function is mainly legislative: Senators can introduce, amend and debate most legislation, and may delay, but not veto, legislation from the Dáil. The Seanad has a limited number of absolute discretionary powers.

The President dissolved the 33rd Dáil at the request of the Taoiseach on Friday 8 November 2024. The Constitution requires that a general election to the Seanad shall take place within ninety days of such a dissolution.

The Seanad electoral system is unlike any other electoral system in Ireland. There are sixty senators in total, eleven of whom are nominated at the discretion of the newly-elected Taoiseach. Six senators are elected by university graduates, three by graduates of the University of Dublin (of which Trinity College is the sole constituent college) and three by graduates of the National University of Ireland (of which University College Cork, the University of Galway, Maynooth University and University College Dublin are constituency universities). By reason of the *Seanad Electoral (University Members) (Amendment) Act 2024* a new register of electors came into effect on April 1 2025.<sup>2</sup> From that date these six university senators will be elected by a new Higher

Education constituency which extends the enfranchisement of graduates to a broader range of third-level institutions.

The remaining 43 senators are elected by TDs, local councillors and outgoing senators, an electorate of less than 1,200, in the *panel elections*. Candidates can be nominated either by members of the Oireachtas or specialist nominating bodies to run in one of five panel elections pertaining to their own expertise and experience, each of which corresponds to a particular vocational field: Cultural and Educational, Agricultural, Labour, Industrial and Commercial, or Administrative.

Uniquely among Irish elections, all voting in both the university and panel elections is conducted by post, which meant that An Coimisiún was not focused on polling stations as in other PEER reports. Our staff attended all key stages of the various electoral processes and maintained dialogue with the three returning officers and other key stakeholders throughout this election.

Close of poll in the university elections was 11am on Wednesday 29 January. The National University of Ireland count concluded the following day in the RDS, while a recount in the University of Dublin election meant the count continued into Friday 31 January in the Trinity College Exam Hall. When rejected and spoilt ballots are included, turnout stood at 33.8% in the NUI election, and at 24.8% in the University of Dublin. However, it should be noted that issues with the accuracy of both registers (incorrect addresses, deceased electors etc.) likely contributed to the perceived low turnout.

Close of poll in the panel elections was 11am on Thursday 30 January, and the








count continued until Monday 3 February in the Members' Restaurant in Leinster House. When rejected and spoilt ballots are included, turnout was reported at 99.3% across the five panel elections.

An Coimisiún was impressed by the levels of expertise, diligence and thoroughness exhibited by returning officers and their staff throughout the election. Nonetheless, there remains room for improvement in how Seanad elections are conducted. Drawing on our observations during this election, An Coimisiún makes the




recommendations contained in this report. At the time of writing, a case was ongoing in the High Court regarding the Agricultural Panel election following a petition initiated by an unsuccessful candidate. While An Coimisiún has attempted to broadly identify the matters at issue, those matters have not been considered within An Coimisiún's recommendations at this point in time. If the Oireachtas so requires, an Coimisiún will be happy to furnish an addendum PEER upon the conclusion of the High Court case.



## Recommendations: Higher Education constituency

	<b>Amend legislation to facilitate the introduction of a supplementary register ahead of the next Seanad general election.</b>
	<b>Strengthen quality assurance checks on the new register of electors and take all necessary steps to ensure its accuracy.</b>
	<p><b>Review procedures surrounding delivery of Seanad ballot papers by registered post:</b></p> <ul style="list-style-type: none"> <li>• <b>Apply delivery procedures regarding registered post and the related signature requirement consistently across the country to safeguard electoral integrity.</b></li> <li>• <b>Explore the possibility of explicitly notifying voters that they have missed the delivery of their Seanad ballot paper.</b></li> <li>• <b>Give further consideration to the process of collecting/re-issuing undelivered ballot papers to ensure that as many electors as possible can cast their vote.</b></li> </ul>
	<b>Include a standardised stamp or watermark on all ballot papers before they are issued.</b>
	<b>Amend the text of instruction materials provided to voters to make clear that anyone personally known to them can act as their witness.</b>
	<b>Provide additional and improved supports to voters with an illness or disability, including those with a vision impairment.</b>
	<b>Review the potentially disincentivising costs for voters living abroad, with a view to better facilitating their right to vote.</b>

## Recommendations: Panel Elections


	<p>Review the current practice of continuing the count beyond the point at which the number of continuing candidates equals the number of available seats and consider amending this process in line with other election types.</p>
	<p>Amend legislation to ensure that candidates can decline a nomination and/or withdraw their own nomination.</p>
	<p>Provide additional supports to the Seanad Returning Officer and their staff, if required.</p>

## Matters at issue in High Court Petition

(ongoing at time of publication)<sup>3</sup>

- Whether the failure to carry out a full recount at the request of a candidate amounted to a mistake or an irregularity likely to have affected the result of the election.
- Whether the visibility of all counts subsequent to the first count was restricted or “effectively conducted in private” which ultimately led to an oversight breach.
- The entitlement to a recount generally in a Seanad panel election.

## Recommendations: All Seanad Elections

	<p>Ensure that all announcements in count centres are delivered in English, Irish and Irish Sign Language.</p>
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### 3. Background, Scope and Methodology

An Coimisiún Toghcháin, Ireland's independent electoral commission, was established on 9 February 2023. The *Electoral Reform Act 2022* vested in it a broad range of functions and powers pertaining to Ireland's electoral system and wider democracy. Although it has no direct role in the organisation or administration of electoral events themselves, one of An Coimisiún's electoral reporting functions is the preparation and publication of **Post Electoral Event Reviews (PEERs)**.

The *Electoral Reform Act 2022* (Part 2, Chapter 9, s.68(1)) permits An Coimisiún to prepare and publish after each electoral event, and in such a manner as An Coimisiún may itself determine, a report on the administration of that electoral event. In accordance with s.68(2) of the 2022 Act, if An Coimisiún does prepare such a report, it is to be published and laid before the Houses of the Oireachtas, no more than six months after the electoral event in question, and a copy provided to the relevant Minister.

An Coimisiún has previously published a PEER for every electoral event that took place since our establishment, namely the Family and Care Referendums; the local, European and Limerick mayoral elections; and the general election to Dáil Éireann in November 2024. An Coimisiún has taken the decision to again prepare a PEER for the Seanad general election of January 2025.

Previous PEERs have largely been based upon data collected by representatives of An Coimisiún observing the voting process at polling stations across the country. In 2024 PEER observer teams visited all 26 counties for the electoral events of 8 March, 7 June and again on 29 November, with a total of 285 polling station visits,<sup>4</sup> including three offshore islands.

Given the distinct nature of Seanad elections, in which polling is conducted by secret postal vote and only specific cohorts of the population are eligible to cast a ballot, this PEER has adopted a new methodology and focus.



Representatives of An Coimisiún attended and observed all key stages of the university and panel electoral processes, including the completion of panels; the processing, issuing and re-issuing of ballots; and all days of the count at the three count centres. An Coimisiún also met with and maintained dialogue with all Seanad returning officers and their respective teams before, during and after the election, as well as other key stakeholders (see details of An Coimisiún's work and information campaign in Chapter 10).

Given the complex nature of Seanad elections, and the relative lack of awareness surrounding them among the public, this PEER seeks to describe the Seanad electoral process and its key stages and features. This PEER also recommends improvements to the electoral process, based on observations made by An Coimisiún's representatives during the election, and guided by the principles of inclusivity, integrity and equality.<sup>5</sup>

Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) relates to participation in political and public life. Ireland ratified the UNCRPD in 2018, and flowing from that, it is incumbent on public bodies and those who oversee the infrastructure of elections in Ireland to have regard to accessibility issues. The rights of persons with disabilities to vote and participate in public life is as relevant for Seanad elections as it is for other electoral events. This review will examine matters of accessibility and how they featured in this election.

It should be noted that this PEER is a review of the administration of the most recent Seanad election and is not intended to address the broader question of Seanad reform.



## 4. History

Ireland's parliament, the Oireachtas, is a bicameral system, meaning that it features two distinct chambers. Seanad Éireann is the name given to the upper house, while Dáil Éireann is the name given to the lower. Sittings of the Seanad and Dáil take place in their respective chambers in Leinster House in Dublin 2. Members of Dáil Éireann are known as Teachtaí Dála or TDs, while members of the Seanad are known as Seanadóirí or Senators.

The Irish Free State's (1922-1937) parliament featured an upper chamber with the same name for most of its history. The primary stated reasons for creating the Seanad in 1922 were the desire to ensure parliamentary representation for minority groups otherwise underrepresented in the lower chamber,<sup>6</sup> and to ease the transition to a new State by acting as a "democratic check against over-hasty or autocratic government legislation."<sup>7</sup> The powers, electoral system and franchise of the Free State Seanad underwent significant changes during its fourteen-year history,<sup>8</sup> before the chamber was abolished entirely in 1936.

During the drafting process of Bunreacht na hÉireann, Ireland's new Constitution, then President of the Executive Council Éamon de Valera appointed a Commission to assess the merits of establishing a new upper chamber.<sup>9</sup> In light of that Commission's recommendations, a new Seanad was included in the 1937 Constitution. This Constitution and the upper chamber established therein both remain in place today, the Constitution having been amended by referendum from time to time.

The restored Seanad was considered to be the direct successor of its namesake in the Free State, in spite of the significant differences between the two both in composition and electoral systems. Given the rolling nature of Seanad membership in the Free State, where a certain proportion of the terms of service of a senator would come to an end every three years, the entire history of the chamber was considered to constitute the 1st Seanad. Bunreacht na hÉireann introduced a new system, whereby a new Seanad would be elected within 90 days of the dissolution of the Dáil, thus tethering Dáil and Seanad elections to one another. The Seanad elected following the adoption of Bunreacht na hÉireann was referred to as the 2nd Seanad, while the Seanad elected in 2025 is the 27th.

A significant number of countries, states and provinces have abolished their upper houses in favour of a unicameral (one chamber) system over the past century, including Greece (1935), New Zealand (1951), Denmark (1953), Sweden (1970) and Croatia (2001). Nonetheless, twelve of the 27 EU member states' parliaments continue to use a bicameral system.<sup>10</sup> Both the United Kingdom (House of Commons and House of Lords) and the United States (House of Representatives and Senate) also maintain bicameral legislatures. A proposed 32nd Amendment of the Constitution, which sought to abolish the Seanad, was rejected by the Irish electorate on 4 October 2013 by 51.7% to 48.3%, resulting in the retention of the upper house.

## 5. Role and Functions

Seanad Éireann holds a “distinct role in the legislative and political process.”<sup>11</sup>

The upper chamber’s primary function is legislative: namely the scrutiny and revision of legislation from the Dáil, and the initiation of new legislation introduced by senators. Any Bill can be initiated in the Seanad, with the exception of Money Bills (which deal solely with taxation or expenditure) and Bills to amend the Constitution: both of which must be initiated in the Dáil. During the legislative process, Bills pass back and forth between both Houses of the Oireachtas, giving senators the opportunity to debate, critique and amend legislation, including that which originated in the Dáil.

In practice, Article 23 of the Constitution ensures that the Dáil can overrule the Seanad if the Seanad rejects a Bill, fails to pass a Bill on time, or attempts to

implement amendments with which the Dáil does not agree. However, the 90-day window set out in Article 23.1.2° does ensure that the Seanad can *delay* the passage of a Bill if it sees fit. Article 21.2 reduces this window to a maximum of 21 days for Money Bills, and Article 24.1 allows for the window to be reduced as much as necessary, if the Dáil and President approve, in the event of a Bill being of urgent importance. Article 22.2.2° does empower the Seanad to request that the President establish a Committee of Privileges to assess whether or not a Bill is a Money Bill, however the President may decline this request having consulted the Council of State.

While many of the Seanad’s functions and powers are contingent upon the agreement and cooperation of the lower chamber, the Seanad does possess a set of absolute powers and vetoes which it can exercise



at its own discretion, independently of the Dáil majority. These include:<sup>12</sup>

- the right of initiation and the right of veto in a Presidential impeachment;
- the right of initiation and the right of veto on the impeachment of judges;
- the right of initiation and the right of veto on the removal from office of the State's financial watchdog, the Comptroller and Auditor General;
- the right of veto over the declaration of a state of emergency;
- the right of veto over the surrender of certain of the State's sovereign rights under provisions of the EU treaties;
- the right of veto over the exercise certain of the State's important options and discretions under the EU treaties;
- the right to petition the President to refer controversial Bills to the People.

As is the case with TDs, each parliamentary term features several standing and select committees comprised entirely of senators. Senators also sit with TDs on joint committees.

The chairperson of Seanad Éireann is known as the Cathaoirleach and their deputy as the Leas-Chathaoirleach, both of whom are elected by the sixty members of the Seanad. The Cathaoirleach is also a member of the Council of State, which advises the President regarding the exercise of their discretionary powers, and of the Presidential Commission which deputises for the President in their absence or in the event of a vacancy arising in that office.

A maximum of two senators may be members of any given Cabinet, although a senator cannot be appointed Minister for Finance.<sup>13</sup> Seán Moylan was appointed Minister for Agriculture in 1954 and James Dooge as Minister for Foreign Affairs in 1981.<sup>14</sup> There are currently no senators in Cabinet.



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## 6. Composition



Article 18.1 of Bunreacht na hÉireann stipulates that Seanad Éireann shall contain a total of 60 senators, unlike the size of the Dáil which is linked to the population of the State. The Constitution provides that senators are to be elected or appointed by one of three pathways:

1. Elected by universities  
(6 Senators)
2. Elected on a vocational panel  
(43 Senators)
3. Nominated by the Taoiseach  
(11 Senators)

Article 18.5 dictates that all elections to Seanad Éireann “shall be held on the system of proportional representation by means of the single transferable vote [PR-STV], and by secret postal ballot.” Although the electoral system for Seanad elections may thus be comparable to those of other elections in Ireland, they are the only elections in the State in which votes are cast primarily by post rather than in-person. All Irish citizens of 21 years of age or older are eligible to become senators, with some exceptions, such as persons serving a prison sentence of more than six months, and persons of particular professions

(e.g. TDs, Gardaí, civil servants, members of the judiciary).<sup>15</sup> The voting age for Seanad elections is 18.

In the case of the university seats, Article 18.4.1<sup>o</sup> stipulates that three members shall be elected by the University of Dublin (of which Trinity College Dublin is the sole constituent college), and another three shall be elected by the National University of Ireland (of which University College Cork, Maynooth University, the University of Galway and University College Dublin are constituent universities). The Constitution allows for the franchise for these elections to be specified in law, as was subsequently set out in the *Seanad Electoral (University Members) Act, 1937*, as amended.

In practice, this Act allows graduates of Trinity College Dublin (TCD) to elect three senators, with the remaining three being elected by graduates of Maynooth University, the University of Galway, University College Dublin, University College Cork and any other National University of Ireland (NUI) constituent colleges. Only graduates who are at least 18 years of age, hold Irish citizenship and

have attained a degree other than an honorary degree are eligible to vote.

The franchise for the election of these senators will be significantly broadened at the next Seanad election with the introduction of the new Higher Education constituency (see Chapter 10), as is permitted by Article 18.4.2° of the Constitution.

The Constitution also specifies that 43 of the 60 senators must be elected from the vocational panels set out in Article 18.7.1°. This vocational model was adopted in the drafting process of Bunreacht na hÉireann on the recommendation of the Commission which examined the merits of reintroducing the upper chamber.<sup>16</sup> There are five panels in total: Cultural and Educational, Agricultural, Labour, Industrial and Commercial, and Administrative.

Candidates running for election on one of these panels are required to have “knowledge and practical experience”<sup>17</sup> of the relevant field. Notably, the Constitution does not specify who should be eligible to vote in these elections, with the franchise instead being set out in the *Seanad Electoral (Panel Members) Act, 1947*, as amended. All sitting councillors, TDs, and outgoing senators are entitled to a vote on each of the five panels under the current system: an electorate of less than 1,200 voters. The Constitution stipulates that between five and eleven candidates should be elected from each panel, with the specific numbers used today being drawn from the 1947 Act (see Table 1).

The remaining eleven senators are nominated at the discretion of the newly-elected Taoiseach.

**Table 1: Summary of Seanad composition**

Category	Senators	Total
<b>University Members</b>		
• University of Dublin	3	
• National University of Ireland	3	6
<b>Panel Members</b>		
• Cultural and Educational	5	
• Agricultural	11	
• Labour	11	
• Industrial and Commercial	9	
• Administrative	7	43
<b>Nominated by the Taoiseach</b>		11
Total		<b>60</b>

## 7. Seanad General Election 2025

The President dissolved the 33rd Dáil at the request of the then Taoiseach on Friday 8 November 2024. The date for the Dáil election was subsequently set for Friday 29 November by the then Minister for Housing, Local Government and Heritage.

Article 18.8 of the Constitution states that “a general election for Seanad Éireann shall take place not later than ninety days after a dissolution of Dáil Éireann.” The Minister, on 15 November, thus signed the Polling Day Orders for a Seanad general election to take place before the ninety-day window

elapsed. These Polling Day Orders also set out the time and date of key events to take place as part of the electoral process (see Table 2). The close of poll for the university elections was 29 January 2025, while close of poll for the panel elections was 30 January 2025.

Unlike the Dáil, the Seanad is not dissolved once an election has been called. Instead, members of the 26th Seanad remained in office until the day before close of poll, as provided in Article 18.9 of the Constitution.

Table 2: Key Dates of Seanad General Election 2025

Date	Panel Members	University Members
08/11/2024	Dissolution of the 33rd Dáil	
15/11/2024	Polling Day Order issued by Minister	Polling Day Order issued by Minister
06/12/2024		Deadline for nominations (12:00)
18/12/2024	Deadline for nominating bodies to nominate candidates (12:00)	
30/12/2024		Issuing of ballot papers
31/12/2024	Deadline for Oireachtas members to nominate candidates (12:00)	
08/01/2025	Seanad Returning Officer sits in Leinster House to complete panels (11:00)	
15/01/2025	Issuing of ballot papers	
29/01/2025		Close of poll (11:00)
30/01/2025	Close of poll (11:00)	



## Donations and expenses

Unlike in other elections in Ireland, there are no spending limits set out in law for candidates in Seanad elections. Seanad and local elections are the only election types in Ireland in which candidates cannot reclaim any of their expenses.<sup>18</sup>

Rules surrounding donations are set out in electoral law, including the following:

- As with other public representatives and election candidates, sitting senators and candidates in Seanad elections may “not accept a donation from a person in a particular year that exceeds €1,000. In the case of a political party or campaign group, the maximum donation that may be accepted cannot exceed €2,500. The acceptance of donations from a non-Irish citizen residing abroad is prohibited.”<sup>19</sup>
- “An unsuccessful candidate at a Seanad election is required to furnish to the Standards in Public Offices Commission, within 56 days of the close of the poll at the election, a statement indicating whether any donations exceeding €600 were received by them for the election and giving particulars of any such donations and the persons who made them. Each member of the Seanad is required to furnish to the Public Offices Commission, by 31 January each year, a similar donation statement in respect of the preceding calendar year.”<sup>20</sup>
- “Each political party is required to furnish to the Standards in Public Offices Commission, by 31 March each year, a statement indicating whether any donations exceeding €2,500 were received by it and giving particulars of any such donations and the persons who made them.”<sup>21</sup>

## 8. University Elections

This Post Electoral Event Review also seeks to describe and evaluate the university and panel elections which took place as part of the 2025 Seanad General Election. We commence with the description and evaluation of the university elections in this chapter, before moving on to the panel elections in Chapter 9.

As part of the Seanad General Election in January 2025, two concurrent university elections took place. Three senators were to be elected by graduates of the National University of Ireland, and three by graduates of the University of Dublin. Given that Trinity College Dublin (TCD) is the only constituent college of the University of Dublin, this election will henceforth be referred to as the TCD election in this report.

### Returning officers

Section 14 of the *Seanad Electoral (University Members) Act, 1937* stipulates that the returning officer for the TCD election shall be the college's Provost, and that the returning officer for the NUI election shall be the university's Vice-Chancellor.

Dr. Linda Doyle, Provost and President of TCD, was the returning officer for the 2025 TCD Seanad election.

The Act allows for another officer of the university in question to fulfil the role of returning officer in the event that one of the above offices is vacant, or if the holder of the office is incapable of acting as returning officer due to ill-health or any other cause. This provision was utilised by NUI for the 2025 election.

Dr. Patrick O'Leary, Registrar of NUI, was the returning officer for the 2025 NUI Seanad election.

### Register of electors

To be eligible to vote in these elections, graduates of NUI and TCD were required to be registered by midnight on 26 February 2024.<sup>22</sup> Registration for Seanad elections is not automatic upon graduation. Unlike in any other Irish election, current legislation does not allow any supplementary register or late registrations and provides for only one yearly closing date (discussed further in Chapter 11). Therefore, it was not possible to register to vote in the Seanad election



during the campaign, or as in this case, for several months before it began. The official deadline by which voters could update their contact details, but not register, for this election was 29 November 2024.<sup>23</sup>

The NUI and TCD electoral registers were published on 1 June 2024. The total electorate for the NUI election was 112,832, while for TCD it was 76,019.

Both universities maintained their own databases which contained the qualifications of their respective graduates, as well as various personal details including whether a graduate had registered to vote at Seanad elections. It is from these databases that the NUI and TCD electoral registers were created. Notably, if an elector had graduated from both TCD and NUI, they were entitled to vote in both elections.

The databases were regularly updated to improve their accuracy. For example, if a person was reported as deceased, or if a person requested that they be removed from the register, the register was amended. Other measures were also implemented. For example, if a ballot paper was returned to NUI indicating the elector was not at that address for three consecutive elections, and NUI was unable to contact the elector, the elector was

removed from the register. An Coimisiún was impressed by the diligent work undertaken by TCD and NUI to update their respective registers and to uphold the integrity of the electoral process.

However, as is the case with other electoral registers in Ireland, it is apparent that the finalised registers contained several deceased electors, as well as inaccurate contact details for others. These issues would be extremely challenging to remedy entirely under the current system, given that the registration authorities largely relied on electors or their relatives to inform the university if someone on the register had died or moved to a new address.

Inaccuracies such as this create issues at other electoral events in Ireland as polling information cards can be sent to the wrong address, or to electors who have passed away. The potential for misuse of a ballot poses a heightened risk at Seanad university elections, as the ballot paper is sent by post to all electors and could be returned by someone other than the intended elector, and with a forged declaration of identity. While there is no suggestion that the system is being abused in such a manner at present, the potential for such exploitation does exist.





The current NUI and TCD registers have now been replaced by the register of electors for the new Higher Education constituency, for which NUI is the sole registration authority (see Chapter 11). An Coimisiún's representatives were highly impressed by the work undertaken by NUI to facilitate the establishment of this new register, which needed to be completed within a short timeframe and during the conduct of the 2025 Seanad election.

Section 26 of the *Seanad Electoral (University Members) (Amendment) Act 2024* gives An Coimisiún power to commission or conduct research in relation to the accuracy and completeness of this new register of electors and the activities undertaken by designated institutions to ensure registration of those entitled to vote. The section requires An Coimisiún to publish reports which “shall provide an assessment of how the register of electors is being maintained, along with recommendations considered by An Coimisiún Toghcháin to be necessary to maintain or enhance the integrity of the register and the registration process.” The first such report must be published within two years of the commencement of s.26 of the Act (i.e. within two years of 5 December 2024), and every two years thereafter. An Coimisiún may make recommendations and set standards in relation to the use and maintenance of the register under s.26(4).

The move to a completely new register,<sup>24</sup> to which even existing electors need to reapply for inclusion, provides a unique opportunity to improve the accuracy of the voter roll. During our meetings with election staff, An Coimisiún was pleased to hear of efforts to introduce more comprehensive quality checks. We recommend that all possible steps be taken to ensure the accuracy of the new register.

## Nominations

There is no requirement that a candidate in a Seanad university election have ever attended the university in question or be in any way associated with that university. However, all nominations must be proposed by a registered elector from the relevant university. The nomination must be seconded by another registered elector and assented to by eight more: ten people in total.

The deadline for nominations was 12 noon on 6 December 2024.

On this date, the returning officers reviewed the respective sets of nomination papers. Candidates, their proposers and seconders, and one other nominated person per candidate were entitled to be present for these proceedings, as well as assistants of the returning officer. Candidates had until 1pm to withdraw their



nomination, which could also be done by a candidate's proposer and seconder if the candidate was outside of Ireland. Those present could also object to any of the nominating papers being reviewed by the returning officer. Once the returning officer had approved the nomination of a candidate (by no later than 1pm on 6 December), this decision was final and could not be challenged in court.

Upon the completion of this process, there were 12 candidates contesting the NUI election, and 16 contesting the TCD election.

All candidates running on a university panel are entitled to send one piece of information literature (Litir um Thoghchán) to every elector in the relevant constituency, a facility utilised by all but two of the 28 university candidates in the 2025 election. The cost of personalisation and delivery is covered by An Post (and refunded by the

Exchequer), while the cost of design and printing is covered by the candidate.

An Post worked with candidates and provided them with details of their 'framework printers' which had been selected through a competitive procurement process, as well as a specification for the layout of the Litir um Thoghchán. Candidates could contact any of these printers to produce their Litir um Thoghchán, or another printer of their own choosing.

It has been suggested that it may be beneficial to send every candidate's Litir um Thoghchán to electors at the same time. Having discussed this idea with stakeholders, we understand that this may pose logistical challenges, and it appears that there is no agreement among candidates regarding when in the campaign such a delivery should take place.

## Issuing and delivering ballots

Seanad university elections are, by some margin, the most extensive postal voting events in Ireland's democracy. All 188,851 registered electors were issued with an envelope of materials, including their ballot paper, by registered priority post on 30 December 2024.

All Seanad elections must be completed by "secret postal ballot", per Article 18.5 of the Constitution. The requirement for ballots in university elections to be sent by registered post originated in the 1937 Act and has continued since. The definition of registered post is set out in Section 16 of the *Communications Regulation (Postal Services) Act 2011*.

Both universities worked with a commercial communications company to print materials, and with An Post to deliver all ballots to the electorate. The universities shared the relevant information from their respective databases with the printers and An Post to facilitate this process. Ballots were not directly printed in or posted from either of the universities. Early transmission of information to the external suppliers facilitates timely and efficient delivery. However, it must also be acknowledged that the relatively short length of the election campaign can pose problems in early sharing of information.

Each envelope featured a barcode unique to the elector in question, meaning that all envelopes were identifiable. For the first time ever, the barcode was printed directly onto the envelope, which expedited the issuing process. The use of barcodes did not compromise the secrecy of the ballot, as the envelope returned to the returning officer did not feature the unique identifier.

Only Irish citizens can vote in Seanad university elections. However, electors were entitled to have their ballot paper sent to an address outside of Ireland, so that voters who no longer reside in Ireland could vote from abroad. Unlike in other elections, there is no requirement to be a resident of Ireland to vote in a Seanad university election.

Given the timing of the election, ballot papers were issued during the peak time of year for postal deliveries internationally, and in the middle of a holiday period. An Coimisiún commends the work of An Post in ensuring that the ballot papers were issued and delivered to Seanad electors across the country, and outside Ireland, in spite of operational pressures and limitations.

As ballots were issued by registered post (as stipulated by the 1937 Act), a signature is required to confirm successful delivery. This signature ensures that ballot papers can be tracked at all stages of the postal process, and that their safe delivery to the elector or at least to the elector's address can be ensured. Notably, postal votes at other electoral events are sent by regular post and therefore do not require a signature on delivery.

Therefore, if the addressee or another person was not at home and able to sign for the letter, it would be returned to a local delivery office for collection. In this instance, a Docket In Box (DIB) notice was left at the address to inform the intended recipient of the missed delivery, the collection point, opening hours etc. If the elector did not present at the designated delivery office with a valid photo ID within three business days, the ballot was returned to the university in question (see pg. 24/5).

Notwithstanding the rules surrounding registered post, feedback received by An Coimisiún and both universities suggests

that not all voters were asked to sign upon delivery. It is also apparent that some electors, particularly given the time of year, did not manage to collect their ballots from the collection point within the three-day window if they missed the initial delivery. Anecdotal evidence would suggest that, due to signatures not being sought, some ballot papers were delivered to communal post areas and to addresses at which the elector no longer resided. An Coimisiún recommends that the procedures surrounding delivery of Seanad ballot papers by registered post be applied consistently across the country, to ensure the integrity of the electoral process.

The DIB notice provided to voters who had missed a delivery followed a standard format, and did not inform voters that the delivery missed was that of a Seanad ballot paper. An Coimisiún also recommends that the possibility of explicitly notifying voters that they have missed the delivery of their Seanad ballot paper be explored ahead of the next election.

## Casting your vote

The envelope issued to all electors contained the following:

1. Ballot paper
2. Ballot paper envelope
3. Instructions and declaration of identity
4. Return envelope

The ballot paper resembles that of other election types, and features a candidate's photograph, name, occupation, and address. The 1937 Act stipulates that the address must feature enough information so that the returning officer can be satisfied that it will "effectively distinguish" the candidate. Candidates are listed in alphabetical order, by surname. These ballot papers do not feature any official stamp or mark, or a candidate's party affiliation, if any. The boxes in which preferences are marked is on the left side of the paper, rather than the usual right.

### Example of return envelope in NUI election



The back of the ballot paper features the title of the electoral event, and a unique code associated with that ballot paper.

An Coimisiún recognises that the postal nature of Seanad elections would somewhat undermine the effectiveness of ‘stamping’ a ballot paper as is done in other elections, given that polling takes place in people’s homes over several weeks (thus making it easier to replicate the official mark). An Coimisiún does recommend that a standard stamp or watermark be printed on all ballot papers in future before issuing, thus allowing count staff to identify any forged ballot papers without breaching the secrecy of the ballot, in the unlikely event that any should exist. An Coimisiún stresses that there is no indication that forged ballot papers were present at this, or any other, Seanad election.

The voter then places their completed ballot paper into the ballot paper envelope provided, and seals it.

Electors are also provided with a bilingual set of instructions on how to complete their ballot, as well as a declaration of identity to be signed by the elector and a witness. It is common practice in other democracies to require those availing of a postal vote to sign such a declaration or the return envelope itself, with some (e.g. New Zealand) also requiring a witness’s signature. Any person personally known to the elector may act as their witness in the university elections. Feedback received by An Coimisiún from Seanad electors would suggest that this point was not clear to some voters. Therefore, An Coimisiún recommends that the text of the instruction materials be amended to make clear that anyone personally known to the elector may fulfil the role of witness, and that the declaration of identity must be signed by them.



The voter then places their ballot paper envelope and their declaration of identity into the return envelope, which can then be sealed and returned to the returning officer. Postage of the ballot paper is free of charge if posted in Ireland. Ballot papers must be returned by post.

Those voting from abroad were not entitled to return their ballot free of charge, instead they incur whichever fees were imposed in the jurisdiction in question. Such costs could act as a disincentive to electors residing abroad, who are fully entitled to participate in these elections. An Coimisiún recommends that this issue be examined further, and solutions sought ahead of future elections so as to avoid potentially disenfranchising a section of the electorate, particularly in light of the expanded franchise introduced by the new Higher Education constituency.

An Post made daily deliveries of completed ballots to both universities, where they could then be stored until the close of poll. Severe weather events before Christmas and the closure of Holyhead following Storm Darragh impacted Ireland’s postal system from late 2024 into January 2025. Storm Éowyn hit Ireland on Friday 24 January, leading to the entire island being placed on a status red weather warning. Over 760,000 premises were left without power in Ireland, with thousands also left without water. Over 130,000 were still without power at the close of poll on Wednesday 29 January.

Postal services were suspended due to the red weather warning and several post offices were closed on the Friday and Saturday due to power outages. However, An Post conducted extra deliveries and collections of post across the weekend, thus ensuring that all voters were able to cast their vote on time. An Post confirmed that every ballot posted by the ‘Last Time of Post’ on Tuesday 28 January (as detailed on the post box or in the post office in question) was delivered on time for the close of poll the following morning.

### Undelivered ballots

At every Seanad university election, thousands of ballot papers go undelivered for a variety of reasons. Through our engagement with the universities and An Post, it became clear that the majority of undelivered ballots could be attributed to an elector not being at home at the time of delivery, while a sizeable number could also be categorised as “not known at this address”, “deceased” or “incomplete address”.

If an elector was deceased or no longer known at the intended delivery address, the ballot was returned to the relevant university immediately. If an elector was away at the time of delivery, the ballot paper was returned to the relevant university if not collected within three days of the attempted delivery.

**Table 3: Undelivered and re-issued ballots - Seanad General Election 2025**

University	Undelivered	Re-issued	Total Electorate
NUI	19,810 (17.6%)	491 (0.4%)	112,832
TCD	14,388 (18.9%)	409 (0.5%)	76,019

(Figures provided by the National University of Ireland and Trinity College Dublin)

Undelivered ballots were returned to the universities alongside An Post's daily deliveries of completed ballots. An Post also provided a manifest (list) containing the unique identifier codes printed on all undelivered ballots being returned on that day. The undelivered ballots could then be processed by the university using their respective databases and the unique barcode on the envelope.

If a registered elector contacted their university after the deadline to amend contact details to request that their ballot be re-issued to another address, or that it be re-issued to the same address in the event that they had missed the three-day collection window, both universities facilitated such re-issuing. Change of address was facilitated only after email request in these instances.

Details of these electors and their addresses were provided to the printers, and a new ballot was issued. Re-issuing could be done only if the original ballot paper had been returned and received by

the university, to avoid duplicate voting. For voters at Irish addresses, re-issuing of ballots was done for those who contacted their university by Wednesday 22 January, one week before close of poll.

TCD also provided candidates with lists of electors whose ballot papers had gone undelivered, to give the opportunity to attempt to contact them personally. In some instances, electors were also provided with a replacement ballot paper having presented at their university, for example if they could show that they had accidentally damaged their ballot.

We would like to commend both universities for going to these lengths to ensure that electors were able to vote. In total, NUI re-issued 491 ballots, and TCD re-issued 409. An Coimisiún recommends that further consideration be given to the current process of collecting/re-issuing undelivered ballots, to ensure that as many electors as possible are successful in casting their vote in the future.



## The count

The count for the NUI election took place in the Serpentine Hall of the Royal Dublin Society, Dublin 4, on 29 and 30 January. The count for the TCD election took place in the college's Exam Hall, Dublin 2, on 29, 30 and 31 January.

The close of poll for both elections was 11am on Wednesday 29 January. Sealed ballot boxes full of returned envelopes were transported to the two count centres, and a final delivery was made by An Post to the count centres on the morning of the count. The universities' post boxes were also checked for a final time at 11am for any last-minute arrivals. A small number of ballot papers which had arrived at the wrong university were exchanged before the commencement of the counting process.

In total, NUI received 38,109 return envelopes by close of poll, a turnout of 33.8% (including votes later rejected at opening or found to be spoilt). TCD

received 18,830, a turnout of 24.8% (including votes later rejected at opening or found to be spoilt). A further 1,652 ballots arrived late at NUI (1.5% of registered voters), and 508 arrived late at TCD (0.7% of registered voters). These were not opened or counted and are to be stored by the respective universities for a period of six months. Issues with the accuracy of both registers (incorrect addresses, deceased electors etc.) likely contributed to the perceived low turnout.

Present at each count centre were the respective returning officers, a team of count staff, and an election agent to oversee the process. As in other Irish electoral events, the count centres were laid out to provide for candidates, tally people and other interested parties to observe the process unfolding, and to examine the content of individual ballot papers. Both count centres were open to the public and the media. The transparency of our electoral processes is essential to the health of our democracy, and An Coimisiún





was impressed by the openness of the count process in both the RDS and TCD.

First, the return envelopes were opened to separate the ballot paper envelopes within from the declarations of identity. Declarations of identity were inspected to check that both the elector and a witness had signed them. The universities and candidates agreed on a common, flexible approach to this examination process, in line with legislation, so that if any two signatures were present on the declaration of identity, it was deemed to be valid. Signatures were not cross-referenced with any databases, nor were the quality or content of the signatures scrutinised. This practical approach avoided the potential of significant delays to the count; however, it does raise questions about the extent to which the declarations have a significant material impact in ensuring the integrity of the electoral process.

If a completed declaration of identity was not immediately visible, the ballot paper envelope was then opened to ensure that it

had not mistakenly been enclosed there. If a valid declaration was then discovered, the vote was forwarded for counting as normal. At no point was a ballot paper removed from the ballot paper envelope during this process, to preserve the secrecy of the vote. If a valid declaration had not been found at this point, the vote was deemed to be rejected at opening and was not counted in the total poll. 1,995 NUI ballots (5.2% of return envelopes) and 1,009 TCD ballots (5.4% of return envelopes) were rejected at opening. An Coimisiún would welcome, for the sake of transparency, the publication of these figures in future even if they are not included in the total poll.

Count staff then began to remove the ballot papers themselves from the ballot paper envelopes and sorting them into bundles of 100. Ballot papers were laid out to face the observers present, maximising transparency and facilitating tallies. At this stage, doubtful ballots (potentially spoilt) were identified and later adjudicated on by the returning officer in the presence of candidates and their agents. The number

of spoilt votes was low: 37 in NUI and 24 in TCD, accounting for approximately 0.1% of the total poll in each university. Ballot papers were spoilt in a variety of ways, including some which were entirely blank, some with multiple first preferences, and some with multiple ✓ or X marks.

TCD opted for the manual opening of envelopes throughout the day, which was a slower process. NUI utilised machines to assist with the opening of envelopes. Although this was more efficient and significantly reduced the time taken for the process, it led to some issues. As the smaller ballot paper envelopes were being sliced open, a small number of the ballot papers were inadvertently damaged, some of which were cut in half. This issue was quickly identified, and tape was used to repair damaged ballot papers before counting began. No ballot paper was deemed invalid or the vote discounted because of this error. The returning officer took the decision to open envelopes along the short edge rather than the long edge to prevent any further significant damage being done to the ballot papers, which swiftly resolved the issue.

Once ballots had been counted and arranged into bundles of 100, and the total poll calculated, they were then placed in pigeonholes corresponding to the candidate to which the first preference vote had been given. The first preference votes awarded to each candidate were then counted. An Coimisiún's representatives at both count centres were satisfied that numerous steps were built into the count process to ensure the accuracy of the results, and that returning officers and their staff took the utmost care to uphold the integrity of the process. Where any doubts emerged regarding the accuracy of a result, additional checks were conducted as well as the regular spot-checks undertaken throughout the process.

As in a Dáil election, the first count was of first preference votes. Where a candidate reached the quota on this count, they were deemed to be elected. The total valid poll for NUI was 36,114, with a quota of 9,029. In the TCD election, the total valid poll was 17,797 with a quota of 4,450. The formula for calculating the quota in all Seanad elections is identical to that used in other Irish elections:

$$\left( \frac{\text{TOTAL VALID POLL}}{\text{NO. OF SEATS} + 1} \right) + 1$$

For example, imagine that an election takes place in constituency A. The total valid poll (number of unspoilt votes) is 10,000. There are three seats available in the constituency.  $3 + 1 = 4$ , so we divide 10,000 by 4, leaving us with 2,500. The quota of votes required to be deemed elected is therefore  $2,500 + 1 = \mathbf{2,501}$ .

As in a Dáil election, subsequent counts consisted of the next continuing preference from the ballots of excluded candidates<sup>25</sup> or the next continuing preference from the surplus ballots of elected candidates.<sup>26</sup>

The NUI count concluded on the afternoon of Thursday 30 January with the election of three senators. By that evening, two senators were also deemed to be elected from the TCD panel.

At the conclusion of the TCD count process, the fourth placed candidate trailed the third placed candidate by 31 votes. The fourth placed candidate requested a full recount. The 1937 Act entitles candidates

to a recount of some or all of the ballots from the most recent count. However, full recounts are conducted only at the discretion of the returning officer. Having received legal advice, the returning officer agreed to commence a simple recount on Friday 31 January. Following the recount, the margin between the candidates increased to 64 votes and the third placed candidate was thus deemed to be elected, marking the completion of the 2025 Seanad university elections.

Ballot papers are stored by the respective universities for a period of six months after the election.

**Table 4: University election statistics**

	NUI	TCD
<b>Electorate</b>	112,832	76,019
<b>Return Envelopes Received</b>	38,109	18,830
<b>Rejected at Opening (Incomplete)</b>	1,995	1,009
<b>Total Poll</b>	36,151	17,821
<b>Invalid (Spoilt)</b>	37	24
<b>Total Valid Poll</b>	36,114	17,797
<b>Quota</b>	9,029	4,450
<b>Arrived Late</b>	1,652	508

(Figures provided by the National University of Ireland and Trinity College Dublin)



## Accessibility

The universal use of postal voting avoids the accessibility issues sometimes posed in polling stations, which have been a focus of An Coimisiún's three previous PEERs (albeit that electors with disabilities can apply for a postal vote at other electoral events). The extended polling period also gives all electors a greater chance to cast their vote, particularly those who may be out of the country or working on a given polling day.

For other electoral events, two of the groups eligible for a postal vote are those studying in Irish third-level institutions away from home, and those with an illness or disability. Prohibitive costs and/or timelines can be associated with obtaining certification of illness or disability from a medical practitioner. The timelines involved can also make it difficult for students and electors with an illness or disability to acquire certification and register for a postal vote before the deadline. The automatic right to a postal vote in Seanad elections means that voting is free for those living in Ireland, and is not threatened by any restrictive registration timelines.

An Coimisiún's *Research Programme 2024-2026* identified the potential for the extension of postal voting as a priority research project. Our observations of postal voting as part of the Seanad election will be considered as part of this research, including the potential benefits of postal

voting in terms of its accessibility for electors. However, such research will also need to consider the potential risks from postal voting to the security and integrity of the electoral process.<sup>27</sup>

Both universities have made clear that they would be happy to assist voters with a disability with any issues they may have when completing their ballot paper, and support was provided to voters with a disability in a small number of instances during the 2025 election. An Coimisiún was pleased to find that both count centres were wheelchair accessible and provided space for observers to move around the hall. Results were also posted online throughout both counts.

The accessibility of the electoral process for all electors is of paramount importance. While recognising the accessibility benefits, An Coimisiún believes that there is scope for further supports to be provided for electors with an illness or disability, particularly those with a vision impairment. An Coimisiún recommends that additional, improved supports be made available to electors with an illness or disability at the next Seanad general election.

To further improve the accessibility of the democratic process for all, An Coimisiún recommends that all count centre announcements at elections to the Higher Education constituency be delivered in English, Irish and Irish Sign Language.



## 9. Panel Elections

The Seanad General Election of 2025 also featured five distinct elections to the five vocational panels set out in Bunreacht na hÉireann (Cultural and Educational, Agricultural, Labour, Industrial and Commercial, and Administrative). The electorate consisted of sitting TDs, councillors and outgoing senators: an electorate of 1,172. The returning officer for these elections, known as the Seanad Returning Officer, was the Clerk of Seanad Éireann Mr. Martin Groves.

### Nominations and sub-panels

There are two pathways to becoming a candidate on a panel.

1. Nomination by a nominating body.
2. Nomination by four members of the Oireachtas.

Organisations must feature on the register of bodies maintained and updated annually by the Clerk of Seanad Éireann to qualify as a nominating body. A nominating body “must be concerned mainly with and be representative of the interests and services” associated with a particular panel.<sup>28</sup> No nominating body may be registered to nominate candidates to more than one panel. The number of candidates that can be nominated by a particular body varies by election and is set out in detail in s.22 of the *Seanad Electoral (Panel Members) Act, 1947*. The deadline for nominations by nominating bodies was 12 noon on 18 December 2024.

Under s.25 of the Act of 1947, candidates may also be nominated by four members of the Oireachtas, whether they be TDs, senators or a combination of both. All

sitting members of the Oireachtas were entitled to nominate one candidate for the 2025 Seanad General Election for inclusion on one of the five panels. The deadline for nominations by members of the Oireachtas was 12 noon on 31 December 2024.

Notably, a candidate can be nominated without their consent. There is also no provision in law for the withdrawal of a nomination paper (either by a nominating body, or Oireachtas nominators, or by the candidate) once submitted to the Seanad Returning Officer. An Coimisiún recommends that the law be amended to ensure that no candidate appears on a ballot paper without their consent.

Each of the five panels is divided into two ‘sub-panels’:

1. Nominating bodies sub-panel
2. Oireachtas sub-panel

Candidates nominated by a nominating body feature on the nominating bodies sub-panel, while candidates nominated by members of the Oireachtas feature on the Oireachtas sub-panel. These sub-panels are sometimes referred to informally as the ‘outside’ and ‘inside’ sub-panels, respectively. While candidates from the two sub-panels appear on the same ballot paper, the sub-panels are an important feature of this electoral process as a minimum number of candidates must always be nominated (see pg. 32) and elected (see pg. 38) from each.

### Completion of panels

Following the close of nominations, the Seanad Returning Officer held a sitting at 11am on 8 January in Leinster



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House to complete the five panels in accordance with s.43 of the Act of 1947. This session is not broadcast, and the details of proceedings are not published. The 1947 Act provides in s.40 that only specific people may be in attendance. Representatives of An Coimisiún Toghcháin were present at the sitting on 8 January 2025, they being admitted under the residual provision in s.40(f) which gives the returning officer discretion to admit.

As previously mentioned, all candidates were required to demonstrate both knowledge and practical experience in a field relevant to the panel to which they sought election. During this sitting the returning officer ruled upon the validity of each nomination paper and ruled upon the validity of each nomination contained therein. Mr. Justice Richard Humphreys of the High Court was present to act as judicial referee. The returning officer, as well as any candidates and agents in attendance, were entitled to refer any questions regarding the validity of nominations to Mr. Justice Humphreys, whose rulings were final.

All nomination papers were deemed to be valid by the returning officer, but one candidate's nomination was referred to the judicial referee. Mr. Justice Humphreys ruled that the candidate in question was not qualified, and they were therefore removed from the nominating bodies sub-panel of the Agricultural Panel.

No candidate may appear on two different panels or sub-panels. Following the examination of the nominating papers, two candidates appeared on two sub-panels each. Both were asked to select one and were deleted from the other.

The number of candidates nominated from each sub-panel must exceed the maximum number of candidates that can be elected from that sub-panel (see Table 6) by at least two. For example, up to four people can be elected from either sub-panel of the Administrative Panel, meaning that there must be at least six candidates from each sub-panel on the Administrative Panel ballot paper.

The Oireachtas sub-panels of both the Cultural and Educational Panel and

the Labour Panel fell one short of this threshold. As provided for under the provisions of the 1947 Act, the returning officer briefly adjourned proceedings to ask the Taoiseach to nominate a new candidate to each of these two sub-panels, which he duly did. The ten sub-panels were thus complete.

The finalised panels and the Electoral Roll of all eligible electors were published in *Iris Oifigiúil* of 10 January 2025.

## Issuing and returning ballot papers

Ballot papers for the panel elections were prepared in, and issued directly from, Leinster House on 15 January 2025.

Each panel was assigned a different colour ballot paper to avoid any confusion for the voter or the count staff. An Coimisiún noted that the vibrant colours could be of use at other electoral events to help the voter differentiate between ballot papers, particularly for voters with a vision impairment.

The number of candidates on each panel were as follows:

**Table 5: Number of candidates in each panel election**

Cultural and Educational	21
Agricultural	28
Labour	19
Industrial and Commercial	27
Administrative	17

As in other electoral events, candidates were listed in alphabetical order by surname, and their photograph, address and occupation were featured on the ballot paper. However, unusually for an Irish election, each ballot paper contained two columns of candidates, rather than one vertical list. As in the NUI and TCD elections, the boxes in which preferences could be marked were to the left of the candidates, unlike in any other Irish election. A unique number was printed on the back of each ballot paper and, unlike in the university elections, each ballot paper featured an official stamp.

The sub-panel on which a candidate was running was also listed below the candidate's address and occupation. The nominating body or members of the Oireachtas who nominated them were not included. Candidates were not divided into their respective sub-panels on the ballot paper (candidates were listed solely based on the alphabetical order of their surnames). The candidate's political affiliation if any was also absent from the ballot paper, as in the NUI and TCD elections. All ballot papers were issued via registered post on 15 January, and all counterfoils were securely stored in Leinster House.

The process for verifying the identity of the voter is notably more rigorous for these elections than in the university elections. Electors are required to complete their ballot papers in the presence of an authorised person, namely:

- The Clerk or Clerk-Assistant of the Seanad or Dáil
- County/city registrars
- County/city sheriffs
- Local authority chief executives and secretaries
- Garda superintendents or, in certain circumstances, Garda inspectors

- Designated prison officials where the elector is detained in prison

The 1947 Act does not specify where voting should take place, however most voters utilised the polling station set up in Leinster House by the Clerk and Clerk-Assistant of the Seanad, or the offices of other authorised persons listed above.

The declaration of identity form is not provided with the ballot papers and must instead be obtained from the authorised person when completing the ballots.

Once the five ballot papers have been completed, they are placed in the ballot paper envelope by the elector. This ballot paper envelope is then placed, alongside the completed declaration of identity, in the covering envelope to be sent to the returning officer. The authorised person then signs the seal provided to them by the returning officer and uses it to securely close the covering envelope.

The covering envelope must always be sent back to the Seanad Returning Officer by registered post, even if the ballot papers were completed in his or her presence in Leinster House. This ensures that every elector across the country is subject to the same procedures and requirements.

Ballot papers may be re-issued in specific circumstances as defined in sections 49(2) and 51(2) of the 1947 Act. These ballot papers are grey in colour, so that they can be easily identified and validated during the count process.

Once ballot papers were received by the returning officer, they were stored in ballot boxes in Leinster House until the close of poll.

## The count

At 11am on Thursday 30 January, the ballot boxes containing the covering envelopes for the Seanad panel elections were escorted by Oireachtas ushers into the Members' Restaurant in Leinster House. The count process thus commenced and continued for five days until the evening of Monday 3 February 2025.

Unlike at the NUI and TCD elections, the panel counts are open only to those who have acquired permission to be in attendance in advance, given the relatively limited space and the security measures in place in Leinster House. The Members' Restaurant was laid out in a horseshoe pattern, with observers confined to a relatively narrow area around the perimeter of the room while counting took place in the centre.

The count was livestreamed so that all interested parties not in attendance could observe, and regular updates were posted on the Houses of the Oireachtas website and social media channels. Dedicated staff were present to ensure that this was facilitated.

Once the ballot boxes were unsealed and emptied, the covering envelopes within were counted. A total of 1,164 covering envelopes were received by the Seanad Returning Officer by close of poll, out of a total electorate of 1,172: a turnout of 99.3% including spoilt ballots. The ballot papers contained in 14 covering envelopes were rejected before the count began: seven because there was no seal on the covering envelope, one because the seal had not been correctly completed, and six because the declaration of identity had not been completed.

The remaining 1,150 ballot paper envelopes were then opened to ensure that they

contained five ballot papers each. While electors are free to leave blank, or otherwise spoil, one or more of the ballot papers, if all five are not returned then none of them could be counted. All 1,150 of these ballot paper envelopes contained five ballot papers.

The votes for the five panels were counted consecutively in the following order, with the count for each panel only commencing once the one preceding it had fully concluded:

1. Cultural and Educational Panel
2. Agricultural Panel
3. Labour Panel
4. Industrial and Commercial Panel
5. Administrative Panel

Ballot papers were divided into their respective panels, so that counting could begin on the Cultural and Educational Panel. Those not pertaining to that panel were once again sealed in ballot boxes, removed from the room by the ushers, and securely stored.

As at any other Irish election, each panel count began with the counting of first preferences. Between one and five ballot papers were invalid in each of the counts, primarily as there was no first preference present on the ballot paper.

Ballot papers were first grouped in alphabetical bundles on a central table within the horseshoe, based on the first letter of the surname of the candidate receiving the first preference. For example, during the first step of the Agricultural Panel count, all ballots with a first preference for anyone between Blaney and Coughlan on the ballot paper were placed in the same bundle. Once this was complete, the ballots were moved to the outer ring of the horseshoe, where observers watched on intently as they were



given their first glance at the papers. A name tag for each candidate was placed along the horseshoe in alphabetical order, and that candidate's votes were then placed directly next to this marker.

### Value of votes

Given the relatively small electorate and the potential for impractically small fractions being distributed during the count process, each vote is assigned a value of 1,000 at the outset, rather than one. This is unique to Seanad panel elections. Therefore, if a candidate receives 74 votes in a given panel, this is counted as 74,000 votes. The quota is calculated using the same formula as at other elections in Ireland (see pg. 28).

The pile of ballot papers beside a candidate's name is referred to as a parcel of votes. A slip is placed on top of each candidate's parcel containing information about the number of papers and their value. The returning officer can then announce the result of the first count.

If any candidate exceeds the quota on the first count, they are deemed to be elected,

and their surplus (extra votes exceeding the quota) can be distributed in subsequent counts. If multiple candidates achieve a surplus on the same count and all need to be distributed, the returning officer will begin by redistributing the largest surplus.

If no candidate exceeds the quota or if the existing surpluses cannot save the lowest candidate(s) from elimination, that candidate/those candidates are excluded, and their votes redistributed. This continues over and over in subsequent counts until all seats have been filled, much like in an election to the Dáil, European Parliament or local council.

### A visual story

When a candidate is deemed to be elected, a green label reading 'Deemed to be Elected' is placed beside their name on the horseshoe. If a candidate is excluded, a red label reading 'Eliminated' is placed beside their name. The progress of the count and the fate of the candidates can thus be tracked by looking at the height of the vote parcels and the colour of the labels that are eventually placed beside them.



When a candidate is eliminated or deemed to be elected with a surplus, the votes that need to be redistributed are returned to the central table. These ballots are once again sorted into piles (sub-parcels) based on which candidate will receive them. So, if candidate A was eliminated after the first count, count 2 comprised of the redistribution of all their ballot papers. If candidate B received a second preference on five of those ballot papers, they will receive a new sub-parcel of five votes, with a total value of 5,000.

Once the ballot papers have been counted, sorted and checked, sub-parcels can be moved to the outer horseshoe. The sub-parcel is placed on top of the sub-parcel of votes received by candidate B in the first count to make up his total parcel of votes. By the end of all the counts, there may be several sub-parcels of votes stacked on top of one another beside a candidate's name. This way, the returning officer can keep track of how individual ballot papers move between counts, and how their value may be altered (see pg. 39).

As will be noted further below, one unsuccessful Seanad candidate has initiated a petition in the High Court seeking a recount of the Seanad election. An Coimisiún notes that one of the matters at issue is the visibility of the distribution of ballot papers. This case was ongoing at the completion of this review. An Coimisiún understands that the High Court will be asked to determine a number of matters, including whether the transparency of the process requires improvements.

When a candidate is excluded, their votes are redistributed one sub-parcel at a time, beginning with the oldest (i.e. the sub-parcel at the bottom of the bundle, which comprises the candidate's first preference votes). If a candidate reaches the quota by the distribution of a sub-parcel, the

count in progress is effectively paused and the successful candidate deemed to be elected. They are then unable to receive any further votes, and the counting of remaining sub-parcels resumes.

### Breaking a tie

The returning officer is also obliged to determine the 'Order of Preferences' at the conclusion of the first count. If multiple candidates receive the same number of first preferences, ballot papers are checked again to ascertain how many second preferences these candidates received. If there is another tie, the third preferences of the affected candidates are checked, and so forth. This process continues until each candidate can be listed from first to last in an official order of preferences.

If at the conclusion of a count a candidate must be excluded, but two or more candidates are tied in last place, the returning officer will check which candidate was ahead on count 1. If they were tied, he will check count 2, and so forth until the tie is broken. If the affected candidates were tied at every count, the returning officer will refer to the order of preferences and eliminate the lowest placed candidate.

For each of the five panels, a minimum number of candidates must be elected from both the Oireachtas and nominating bodies sub-panels (see Table 6). The sub-panels used at these elections can lead to situations arising that would not be possible at any other election in Ireland, namely that a candidate can be elected at the expense of another candidate who received more votes than them.

For example, on the Administrative Panel, three candidates must be elected from the Oireachtas sub-panel, three from the nominating bodies sub-panel, leaving only one seat that may be filled from either sub-panel. Therefore, if four candidates were elected from the Oireachtas sub-panel, every remaining candidate from that sub-panel would automatically be excluded,

even if they were ahead of candidates from the other sub-panel. When this occurs, the candidate with the most votes is excluded first, and so on until all remaining candidates from the affected sub-panel have been excluded, or all seats have been filled. No such situation arose in the 2025 election.

**Table 6: Number of candidates to be elected from each panel and sub-panel**

Panel	Number of Members	Min. to be Elected from each Sub-panel	Max. to be Elected from each Sub-panel
Cultural and Educational	5	2	3
Agricultural	11	4	7
Labour	11	4	7
Industrial and Commercial	9	3	6
Administrative	7	3	4



## Surplus distribution

Seanad panel elections use a more proportionate method of surplus distribution than any other election in Ireland. This system is often seen as fairer and more representative than the system used at other elections.

Imagine that candidate C at a Dáil election received 200 votes on count 8, and thus exceeded the quota by 100 votes. To redistribute this surplus, the next continuing preference is checked on each of the 200 ballot papers in candidate C's most recent sub-parcel. If candidate D was the next continuing preference on 50 of the ballots, she will receive a transfer of 25 votes (because the surplus was 100 votes, half of the 200 that have been counted). When it comes to physically redistributing these ballot papers to candidate D, the top 25 ballot papers in the pile with candidate D as the next continuing preference will be transferred. The remaining 25 ballot papers are left behind. Therefore, the order of the ballot papers in the parcel is significant, as the closer to the top of the pile a ballot is, the more likely it is to be redistributed. If the ballot papers had been shuffled in a different way at the beginning of the count, it could cause a 'butterfly effect' that would lead to a different outcome in the election.

The random element of surplus distribution is not present at Seanad panel elections. Instead, when a candidate exceeds the quota, every ballot paper in their most recent sub-parcel of votes is redistributed. If a candidate is elected on the first count with a surplus, this means that all their ballot papers will be redistributed.

To facilitate this redistribution, the value of the transferrable ballot papers must be decreased. If candidate E received ten votes (value: 10,000) on count 12, pushing them over the quota with a surplus of 5,000, count staff will then ascertain the next continuing preference (if any) on all ten ballot papers in the sub-parcel that pushed candidate E over the quota.

However, 10,000 votes cannot be redistributed, given that there was only a surplus of 5,000 to spare. Therefore, each of the ten ballot papers has their value halved from 1,000 to 500 and is redistributed as such. As ballot papers move around the horseshoe throughout the counts, particular ballot papers can end up with a value of only a fraction of the original 1,000 they were assigned, which is duly noted on the slip on top of the sub-parcel in which they sit. This is how one candidate missed out on election by 116 votes: less than one eighth of an actual vote.

The returning officer uses a software system to assist with calculations and to keep track of results, with a new programme being introduced for the 2025 election. Nonetheless, the skilled work of count staff was still vital to the success of the process.

Another quirk of the Seanad panel count system is that counting sometimes must continue even when it is certain who will be elected to the remaining seats. For example, a situation may arise where two seats remain to be filled, and there are two continuing candidates in the race, but the

count continues per the rules governing these elections. This can prolong an already lengthy process and is out of line with other Irish elections. Given that the order in which candidates are elected has no bearing on their work as senators, An Coimisiún recommends that reform of this rule be considered.

At the end of each count, the ballot papers were placed back into their ballot boxes, sealed, and escorted into storage by the Oireachtas ushers. The ushers then brought the ballot papers for the next count to the Members' Restaurant, and so on until all ballot papers had been counted, returned to storage, and the 2025 Seanad panel elections concluded.

An Coimisiún would like to compliment the count staff on their diligence and stamina as they worked into the morning hours across the five-day count, which took place throughout the St. Brigid's Day bank holiday weekend. Intricate counts were conducted with the utmost care and consistent attention to detail. An impressive number of checks were conducted at every stage of the process to ensure the accuracy of the result.

An Coimisiún noted that the expertise and dedication of the Seanad Returning Officer and his deputy were paramount to the success of the electoral process and would welcome additional supports being made available to them at future elections if required.

## Recounts

The returning officer is obliged to carry out a recount of a count, at the conclusion of that count, if requested to do so by a candidate or agent. This occurred on two occasions in this election, once on the Cultural and Educational Panel and once on the Agricultural Panel.

Candidates and agents may also request a full recount for a particular panel; however, the returning officer may deny this request if they are satisfied as to the accuracy of the count. There were three such requests during this election (one each on the Agricultural, Labour, and Cultural and Educational Panels), all of which were denied.

A candidate who missed out on a seat on the Agricultural Panel has initiated





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proceedings by petition in the High Court seeking a full recount of that panel, a request which had been denied by the returning officer on the day of the count. As this review was going to print, the matter had not concluded. The outcome of these proceedings may have further implications for how Seanad counts are run. The petition is notable for being the first of its kind challenging the outcome of an election to either House of the Oireachtas. If it proceeds to full hearing and determination, it may prove instructive for future Seanad elections.

## Accessibility

As in the case of the NUI and TCD elections, the accessibility of the panel election process for voters with a disability is to be commended. Universal access to postal voting again circumvented some of the accessibility issues posed by polling stations at other electoral events. The polling station and count centre in Leinster House are wheelchair accessible (although the latter may be quite difficult to navigate during busy periods). The Clerk and Clerk-Assistant of Seanad Éireann also confirmed that they make reasonable endeavours

to ensure that voters with an illness or disability can vote, including by way of visits to an elector's home or hospital. Such assistance was not required at this election.

As mentioned above, the vibrant colours used for the five ballot papers were noted by An Coimisiún as an effective way of ensuring that voters could easily distinguish between the respective elections. It may be worth considering the use of vibrant colours on other occasions where several electoral events take place simultaneously, to maximise accessibility and reduce the risk of confusion among voters, particularly those with a vision impairment. Furthermore, graphics in the count centre containing results from the count were prepared in a colour scheme suitable for colourblind attendees.

An Coimisiún was also pleased to find that an Irish Sign Language interpreter was present for all announcements throughout the five-day count. In line with this high standard of inclusivity and accessibility, An Coimisiún recommends that all announcements be delivered in both English and Irish at future Seanad panel elections, as well as Irish Sign Language.

## 10. An Coimisiún Toghcháin's Work

### PEER data collection

An Coimisiún Toghcháin was present for all major milestones in the respective Seanad electoral processes in early 2025.

Representatives of An Coimisiún were invited to Trinity College Dublin to meet with election staff, witness the receipt and processing of returned ballots, and to view the IT system used to facilitate the electoral process. An Coimisiún also visited NUI headquarters in Dublin to witness the same stages of the electoral process, as well as the work being undertaken to create a register for the new Higher Education constituency (see Chapter 11).

Regarding the panel elections, An Coimisiún attended the finalisation of panels in Leinster House on 8 January, as well as the issuing of postal votes from Leinster House on 15 January.

An Coimisiún was represented in all three count centres on all days that the respective counts were ongoing, namely 29 and 30 January at the NUI count in the RDS; 29, 30 and 31 January in Trinity College; and 30 and 31 January and 1, 2 and 3 February in Leinster House. An Coimisiún has been in regular contact with all three returning officers and/or their staff since December 2024.

An Coimisiún hosted a meeting with representatives of An Post in March 2025 to reflect on their role in the 2025 election, particularly regarding the *Litir um Thoghchán* and the issuing and return of postal ballots.

Representatives of An Coimisiún were also present in the public gallery during proceedings pertaining to the

aforementioned election petition at the High Court, which was ongoing at the time of writing.

We would again like to thank the three returning officers and their staff for welcoming An Coimisiún to attend and observe the different stages of the electoral process, and for their cooperation in providing information to assist with the completion of this report.

### Information campaign for Seanad general election

The commitment of An Coimisiún to public engagement is set out in our *Strategy Statement 2024-2026*. It outlines a tailored approach to educate and raise awareness amongst the electorate to engage in electoral events.

The Seanad elections, given the limited electorates and use of postal voting, required a distinct communications approach compared to other electoral events.

Ahead of polling day for the Seanad election, An Coimisiún delivered an information and awareness campaign which focused on building awareness of the upcoming votes, and informing eligible voters on the important postal voting deadlines and how to complete their vote.

Alongside providing information to encourage eligible voter participation in these Seanad elections, it was also necessary in parallel to inform people about the establishment of a new Higher Education constituency for future Seanad elections as the deadlines for each were six days apart.



## Social media

An Coimisiún delivered a programme of social media content across our regular channels, namely X, Instagram, Facebook, Threads, Snapchat, TikTok and LinkedIn. Information was provided bilingually in Irish and English.

Particular focus was placed on producing and circulating specific video pieces to explain the following:

- How to complete and cast your postal vote for the Seanad university elections.
- Explaining the parallel processes being run around Seanad election voting and the separate creation of a Higher Education constituency.
- Explaining what the new Higher Education constituency is and highlighting that this process does not impact on eligibility to vote in the 2025 Seanad elections.

Alongside our own bespoke Seanad information materials such as infographics encouraging NUI and TCD graduates to cast their vote, and infographics on the new

Seanad Higher Education constituency, we also circulated information materials from Trinity College Dublin, the National University of Ireland, and SeanadVoter.ie in relation to the elections and the new Higher Education constituency.

Our Seanad General Election 2025 social media campaigns reached over 36,900 accounts across all platforms. Our most popular video — an information video on how to complete and cast your postal vote for the Seanad university panels — reached almost 11,000 views across platforms.

## Website

Our website, [www.electoralcommission.ie](http://www.electoralcommission.ie), was populated with targeted information and FAQs about the Seanad election with a user-friendly layout and a user experience focused on accessibility, particularly for those with disabilities.

From 1 January to 1 February 2025, our information page on the Seanad elections was viewed 2,849 times by 2,172 individual users, making this by far our most viewed web page during this period.

# 11. Future Seanad Elections

## Next Seanad general election

In line with Article 18.8 of the Constitution, the next Seanad general election will take place within 90 days of the 34th Dáil being dissolved by the President.

It is envisaged at present that the election of panel members and the nominations by the Taoiseach will take place using the same systems as were used in the 2025 election, as detailed in this report. However, the process governing the election of the six remaining senators will be significantly different at the next election.

## Higher Education constituency

The Seventh Amendment to the Constitution was approved by 92.4% of the electorate in 1979, thus amending Article 18.4 to allow higher education institutions other than the University of Dublin and the National University of Ireland to join in the election of those six senators.

Such an expansion of the franchise was only recently enacted in law by the *Seanad Electoral (University Members) (Amendment) Act 2024*. This followed a Supreme Court decision in July 2023 in the case of *Heneghan v. the Minister for Housing, Planning and Local Government*,<sup>29</sup> which set a deadline of 31 May 2025 for the franchise to be extended, almost 46 years after the electorate approved the 7th Amendment.<sup>30</sup>

The 2025 Seanad General Election was thus the last to use the current TCD and NUI panels. Henceforth, a single 'Higher Education' constituency will be used to elect all six of these senators, and graduates of a much broader range of third-level institutions will be eligible to vote. The Higher Education constituency will utilise a new electoral register, with existing Seanad electors also required to re-register for the new constituency if they are to retain their right to vote. Electors will now be eligible to vote only once in these elections, even if they have graduated from more than one of the designated institutions.





The Higher Education constituency register is managed and maintained by the National University of Ireland, including for electors who are not graduates of NUI themselves. The website [SeanadVoter.ie](http://SeanadVoter.ie) was created to facilitate the new registration process. Dr. Patrick O’Leary, Registrar of NUI and returning officer for the 2025 NUI Seanad Election, is the Chief Registration Officer.

Both TCD and NUI wrote to existing electors to advise them of the new constituency and the need to re-register, as well as to provide them with a unique code for ease of registration. The registration process was also open to graduates of TCD and NUI who had not previously been registered to vote in Seanad elections or who did not have their unique code, as well as graduates of newly enfranchised higher education institutions.

These new applicants were required to provide proof of Irish citizenship (e.g. photo of Irish passport) and either a PPS number or a witness form completed and signed in the presence of a member of An Garda

Síochána, a notary/notary public, or a registered medical practitioner.

The deadline for inclusion on the 2025 register of electors for the Higher Education constituency was 23 January 2025. Although this registration drive took place simultaneously with the 2025 Seanad General Election, registering for the new constituency did not entitle a graduate to vote in the ongoing election. The 2025 register of electors for the Seanad Éireann Higher Education constituency was produced on 1 April 2025.

There are 62,775 people on the new register, 45,150 of whom were previously registered for the NUI and/or TCD constituencies. 10,488 electors on the new register are graduates of institutions other than NUI or TCD.

The application process for the Higher Education constituency will reopen annually, with a closing date of 26 February each year, and the new register published on 1 June. Registration is free of charge.



As was the case with the TCD and NUI panels, there is currently no provision in law for a supplementary register to be produced with a registration deadline closer to election day. Seanad elections are the only electoral events in Ireland that do not utilise supplementary registers. As was seen in 2025, this can create a situation where the deadline to register is many months before an election is even declared. Many prospective electors only become aware of an electoral event during the campaign itself, at which point the registration deadline would have already passed. Other persons may graduate from the designated institution only after the voter registration deadline has passed for that year. Such a situation could hinder the ability of many citizens to exercise their voting rights, particularly in the context of a less well-known election with hundreds of thousands of newly enfranchised voters.

An Coimisiún therefore recommends that legislation be amended to facilitate the establishment of a supplementary register for the Higher Education constituency, similar to that used in other electoral events, ahead of the next Seanad general election.

## Seanad bye-elections

If a vacancy occurs among the 11 nominated senators, the Taoiseach shall nominate a replacement.

If one of the 43 senators elected from the vocational panels vacates their seat, nominations open for a bye-election. The vacancy must be filled by a candidate who is nominated to the same panel and sub-panel from which the vacating candidate was originally elected. These regulations are set out in the *Seanad Electoral (Panel Members Act), 1947*.

For example, in the event of a vacancy on the Oireachtas sub-panel, candidates must be nominated by nine Oireachtas members, rather than the usual four. Nominating bodies may nominate candidates if a vacancy arises on the nominating bodies sub-panel. In either event, the electorate consists of the approx. 230 sitting members of the Oireachtas, notably not including councillors (who usually make up the majority of the electorate for panel elections during a Seanad general election).

If only one candidate is nominated, or if only one nomination is deemed valid by the returning officer, that candidate is deemed to be elected without the need for a vote.

Up until now, in the event of a senator elected from a university panel vacating their seat, the vacancy was filled by way of a bye-election, as occurred on the TCD panel in 2022. The electorate for such bye-elections was that for a Seanad general election to a university panel.

If any of the six senators elected from the NUI and TCD panels in 2025 were to vacate their seats, a bye-election would again be called. However, the electorate would be drawn from the new Higher Education constituency register of electors, as the NUI and TCD registers have now expired and are no longer in effect.

When registering for the new constituency, applicants were asked whether they would like to be included on the register for any

bye-elections that may arise between then and the next Seanad general election. If an applicant ticked this box, and if they are a graduate of the relevant university, they would be entitled to vote in such a bye-election. For example, if one of the three senators elected from the NUI panel were to vacate their seat before the next Seanad general election, a bye-election would be called, and the electorate would consist of NUI graduates on the Higher Education constituency register who opted into the bye-election register.

Following the next Seanad general election and the election of six senators to the new Higher Education constituency, a replacement list system will be introduced, similar to the system utilised at European elections. This system will allow election candidates to provide a list of potential replacements if they are elected and later vacate their seat. In practice, it is likely that this system will spell the end of bye-elections to fill these six Seanad seats.



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## 12. Conclusion and Recommendations

An Coimisiún would again like to commend the diligent efforts of election staff, postal workers and all others involved in Seanad General Election 2025 to ensure that it was a success.

When the next general election to the Seanad takes place, many of its constituent parts will look much the same as those outlined in this report. However, the introduction of the Higher Education constituency will fundamentally alter how six of the sixty senators are elected.

As noted earlier, at the time of writing, a case was ongoing in the High Court regarding the Agricultural Panel election following a petition initiated by an unsuccessful candidate. While An








Coimisiún has attempted to broadly identify the matters at issue, those matters have not been considered within An Coimisiún's recommendations at this point in time. If the Oireachtas so requires, an Coimisiún will be happy to furnish an addendum PEER upon the conclusion of the High Court case.

We hope that this report has helped to explain the intricacies of our upper chamber and the multifaceted electoral system that is used to select its members. In light of this moment of historic electoral reform, and having considered our observations during this election, we wish all those involved the best of luck with the next Seanad elections and present the following recommendations:






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## Recommendations: Higher Education constituency

	<p>Amend legislation to facilitate the introduction of a supplementary register ahead of the next Seanad general election.</p>
	<p>Strengthen quality assurance checks on the new register of electors and take all necessary steps to ensure its accuracy.</p>
	<p>Review procedures surrounding delivery of Seanad ballot papers by registered post:</p> <ul style="list-style-type: none"> <li>• Apply delivery procedures regarding registered post and the related signature requirement consistently across the country to safeguard electoral integrity.</li> <li>• Explore the possibility of explicitly notifying voters that they have missed the delivery of their Seanad ballot paper.</li> <li>• Give further consideration to the process of collecting/re-issuing undelivered ballot papers to ensure that as many electors as possible can cast their vote.</li> </ul>
	<p>Include a standardised stamp or watermark on all ballot papers before they are issued.</p>
	<p>Amend the text of instruction materials provided to voters to make clear that anyone personally known to them can act as their witness.</p>
	<p>Provide additional and improved supports to voters with an illness or disability, including those with a vision impairment.</p>
	<p>Review the potentially disincentivising costs for voters living abroad, with a view to better facilitating their right to vote.</p>

## Recommendations: Panel Elections

	<p>Review the current practice of continuing the count beyond the point at which the number of continuing candidates equals the number of available seats and consider amending this process in line with other election types.</p>
	<p>Amend legislation to ensure that candidates can decline a nomination and/or withdraw their own nomination.</p>
	<p>Provide additional supports to the Seanad Returning Officer and their staff, if required.</p>

## Matters at issue in High Court Petition

(ongoing at time of publication)<sup>31</sup>


- Whether the failure to carry out a full recount at the request of a candidate amounted to a mistake or an irregularity likely to have affected the result of the election.
- Whether the visibility of all counts subsequent to the first count was restricted or “effectively conducted in private” which ultimately led to an oversight breach.
- The entitlement to a recount generally in a Seanad panel election.

## Recommendations: All Seanad Elections

	<p>Ensure that all announcements in count centres are delivered in English, Irish and Irish Sign Language.</p>
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## 13. Endnotes

- 1 An Coimisiún Toghcháin, *General Election 2024 Post Electoral Event Review*.
- 2 Following the Seventh Amendment of the Constitution in 1979 and the insertion of Article 18.4.2°. See *Heneghan v Minister for Housing, Planning and Local Government* 2023 IESC 7.
- 3 For context, see The Irish Times, *Labour councillor takes High Court challenge over Seanad vote count*, 14 February 2025.
- 4 Including return visits to select polling stations in light of the findings of An Coimisiún's observations.
- 5 See An Coimisiún Toghcháin's *Strategy Statement 2024-2026*.
- 6 Lynch, Catherine, *Seanad 100: The Origins and Purpose of Seanad Éireann, Oireachtas Library and Research Service*, 14 February 2022.
- 7 Working Group on Seanad Reform, *Report of the Working Group on Seanad Reform 2015*, 13 April 2015, 16.
- 8 Lynch, *Seanad 100*.
- 9 Lynch, *Seanad 100*; Seanad Reform Working Group, *Report 2015*.
- 10 Lynch, *Seanad 100*.
- 11 Seanad Reform Working Group, *Report 2015*, 10.
- 12 Taken from: Seanad Reform Working Group, *Report 2015*, 20-1.
- 13 Lynch, *Seanad 100*.
- 14 Ibid.
- 15 Department of Housing, Local Government and Heritage, *How the Seanad is Elected* (Upper House of Parliament), March 2021.
- 16 Lynch, *Seanad 100*.
- 17 Department of Housing, *How the Seanad is Elected*, 4.
- 18 Citizens Information, *Election Expenses*.
- 19 Department of Housing, *How the Seanad is Elected*, 8-9.
- 20 Ibid., 9.
- 21 Ibid., 9.
- 22 Trinity College Dublin, *Seanad Electoral Register*, November 2024; National University of Ireland, *The NUI constituency Seanad Éireann Register*, November 2024 [Accessed January 2025].
- 23 Ibid.
- 24 The various rules and procedures governing the establishment of the Register of Electors of the Higher Education constituency are set out in the Schedule and Part 2 of the *Seanad Electoral (University Members) (Amendment) Act 2024*.
- 25 When the candidate(s) with the fewest votes is excluded, their votes are redistributed to whichever candidates received the next highest number on the ballot papers. If the next continuing preference cannot be ascertained (e.g. if the lowest number marked on the ballot paper has already been reached), then the vote cannot be transferred.
- 26 When a candidate exceeds the quota and is deemed to be elected, their surplus above the quota can be redistributed to the candidates with the next highest number on the ballot papers. If the next continuing preference cannot be ascertained (e.g. if the lowest number marked on the ballot paper has already been reached), then the vote cannot be transferred.

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- 27 See, for example, point 5. COMMISSION RECOMMENDATION (EU) 2023/2829 of 12 December 2023 on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament
- 28 Department of Housing, *How the Seanad is Elected*, 4.
- 29 *Heneghan v Minister for Housing, Planning and Local Government* 2023 IESC 7.
- 30 Free Legal Advice Centres, Supreme Court sets May 2025 deadline for expansion of electorate in Seanad University Panel elections, 26 July 2023.
- 31 For context, see The Irish Times, *Labour councillor takes High Court challenge over Seanad vote count*, 14 February 2025.



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