

ELECTION AND REFERENDUM POSTERS - FREQUENTLY ASKED QUESTIONS

LITTER LAW

Q. How many days before an election can election candidates erect posters?

A. Posters may only be erected for a certain specified time period before an election. This time period is **either** (a) 30 days before the poll date or (b) from the date the polling day order for the election has been made, whichever provides the shorter period of time.

Examples:

- The 2009 Local Elections Order was signed on 31 March 2009 and fixed polling day for 5 June 2009. Therefore the number of days to the poll was 67 days and the 30 day period applied. Posters could be erected in that case from 6 May 2009.
- The 2011 General Election Order was signed on 1st February and fixed polling day on 25th February 2011. Therefore, the number of days to the poll was 25 days and the 30 day period did not apply. Posters could be erected in that case from 1 February 2011.

Q. What about the May 2014 elections?

A. The European Parliament and local elections will be held on 23 May 2014. While polling day orders have not yet been signed, it is expected that the date from which posters may be erected will be 30 days before polling day i.e. 23 April 2014.

Q. How many days before a referendum can posters be erected?

A. Referendum posters can be displayed from the date on which the Minister makes the polling day order appointing the day on which the referendum shall be held.

Example:

- In 2013, the Polling Day Order on the referendum on the Abolition of Seanad Éireann and the referendum on the Court of Appeal was signed on 24 July 2013. The referendums were held on the 4 October 2013. Posters could be erected in that case from 24 July 2013.

Q. Can posters be put up on billboards?

A. This is commercial advertising, not election/referendum postering as such – any person may buy this advertising space at any time of the year to advertise their product/service. There are planning regulations relevant to this type of advertising space so check with your local authority planning section.

Q. What about people parking vehicles with election/referendum slogans printed on the side in free parking spots?

A. This is not an offence under the Litter Pollution Acts, however, section 19 of the Litter Pollution Act 1997 does make it an offence to place adverts (e.g. flyers) on mechanically propelled vehicles unless they are secured by mechanical means. This, for example, prohibits the placement of flyers under wiper blades.

Q. How many days after polling day do posters have to be removed?

A. All election/referendum posters must be removed within 7 days after polling day.

Q. Can local authorities remove posters?

A. Section 20 of the Litter Pollution Act 1997 gives local authorities powers to serve notices on occupiers of property, visible from a public place, to remove advertisements, if it appears to the local authority that it is in the interests of amenity or of the environment of an area to do so.

Q. What penalties are in place for breaches of the legislation governing election/referendum posters?

A. The responsibility for enforcement of litter law lies with the local authority. Any election/referendum posters in place before or after the stipulated timeframe are deemed to be in breach of the legislation and are subject to an on-the-spot litter fine of €150. Local authorities are also responsible for the removal of posters which constitute a hazard to either pedestrians or road users. Complaints about such posters should be made directly to the appropriate local authority stipulating their exact location to enable local authorities arrange for their removal.

ELECTION LAW

Q. Does the name and address of the printer and publisher have to be printed on the poster?

A. Yes.

- Under Section 140 of the Electoral Act 1992 every poster having reference to a **Dáil election** or distributed for the purpose of furthering the candidature of any candidate at a Dáil election must have printed on its face the name and address of the printer and of the publisher on the poster. The omission of the name and address of the printer and publisher is an offence.
- Section 6 of the Referendum Act 1994 applies these provisions for every poster having reference to a **referendum** or distributed for the purpose of furthering a particular result in a referendum.
- Regulation 101 of the Local Elections Regulations 1995 provides that a poster having reference to **local elections** or distributed for the purpose of furthering the candidature of any candidate at a local election must have printed on its face the name and address of the printer and publisher.
- Rule 109 of the Second Schedule to the European Parliament Elections Act 1997 applies similar provisions to **European Parliament elections**.

Q. What is the penalty if the name and address of the printer and publisher is not printed on the poster?

A. Where a person is guilty of an offence, such person shall be liable on summary conviction to a fine not exceeding €634.87 or, at the discretion of the court, to imprisonment for a period not exceeding three months or to both such fine and such imprisonment as per Section 157 of the Electoral Act 1992; Section 6 of the Referendum Act 1994; Regulation 117 of the Local Elections Regulations 1995 and Rule 127 of the Second Schedule to the European Parliament Elections Act 1997.

ROAD SAFETY LAW

Q. Where can posters be erected so they do not cause a disruption to road users?

A. The Road Traffic Acts contain requirements in relation to maintaining clear lines of sight for road users which may impact on where posters can be placed, e.g. not on road signs, at traffic junctions or on roundabouts where they may cause road safety risks. It is an offence to erect any sign or notice that makes a traffic sign less visible to road users (Road Traffic Act 1961, Section 95, Subsection 14). Those erecting posters should exercise extreme caution when on or near roadways and should be aware of their own and other road users physical safety, e.g. crossing busy roads, obstructing footpaths, parking of vehicles etc. For more information, check with the Roads section of your local authority.

PLANNING LAW

Q. Are there any planning requirements for putting up posters?

A. In general planning permission is required for the erection of posters unless specifically exempted. Part 2 of Schedule 2 of the Planning and Development Regulations 2001-2013 provides that the erection of election posters is exempted development subject to certain conditions and limitations and the general restrictions on exemptions provided for in article 9 of the Regulations. If you have any queries in this regard you should contact your local planning authority who will advise you on the matter of whether the posters you wish to put up would be exempted development. In addition, Dublin City Council, for instance, have rules for public notices relating to the size of text and images. Again, you should contact your local authority with any queries.

Relevant Legislation:

- 1. Litter Pollution Act 1997, amended by the Electoral (Amendment) (No. 2) Act 2009**
- 2. Protection of the Environment Act 2003**
- 3. Planning and Development Regulations 2001-2013**
- 4. European Parliament Elections Act 1997**
- 5. Local Elections Regulations 1995**
- 6. Referendum Act 1994**
- 7. Electoral Act 1992**
- 8. Road Traffic Act 1961**

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