



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183514 Faics | Fax 066 7183848 Rphost | Email secretar@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Mo Thag/My Ref: Corporate Affairs\An Daingean Plebiscite\Update to Council on An Daingean-Dingle Plebiscite June 2006.doc

Dáta/Date: 15th June, 2006.

Chuig/To: A Méara & Gach ball do Chomhairle Chontae Chiarraí

Ábhar/Subject: Timescale for the holding of the Plebiscite in An Daingean

The Council at its meeting on the 15th May 2006 passed a resolution, proposing a “plebiscite be taken to ascertain whether the majority of the qualified electors in the non-municipal town of An Daingean consent to an application being made to the Government for an order changing the name of *An Daingean* to *Dingle Daingean Uí Chúis*”.

This report sets out the procedures to be followed and the anticipated timescale to comply with the statutory requirements.

Following the adoption by Council of the Local Area Plan for An Daingean at the Special Planning meeting of the 9th June 2006, the boundary for the non-municipal town of An Daingean will be as indicated on the attached map. The town encompasses the townlands of “Fearann Mhic Réamainn”, “An Choill”, “Fearann Na Cille”, “An Daingean”, Imleacht Thiar an Daingean”, “An Gróbh”, “An Cheapaigh” and part of the townlands of “Baile na Buaile”, Coimin Baile an Mhuilinn”, “Baile an Mhuilinn”, “Fearann Uí Fhlaitheartaigh”, “Moin Na Ceapai”, “An Baile Beag”, “Gortanora” and “An Tearann”.

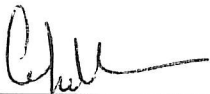
By virtue of the fact that the electoral area encompasses parts of townlands, it will be necessary to identify the electorate independently of the normal enumeration process for the Register of Electors and this will entail carrying out an extensive ground survey. The hereditament of rated occupiers entitled to vote in the plebiscite, identified by the Revenue Section, will also have to be verified on the ground. Thus there is a substantial amount of ground work to be carried out before the list of the “qualified electors” can be put on public display.

Having carefully examined the procedures involved, I anticipate that the dates for completing the critical milestones in this process are as follows:-

Critical Milestone

Target completion date

Identify qualified electorate	7 th July 2006
Verify electorate on ground	27 th July 2006
Place advertisement in Local Press	3 rd Aug 2006
Closing date for receipt of Written Objections	1 st Sept 2006
Report to Council to adopt list of "qualified electors"	18 th Sept 2006
Prepare Electoral Roll & Ballot Papers	6 th Oct 2006
Post Ballot Papers	9 th Oct 2006
Projected Latest date for receipt of Ballot Papers	19 th Oct 2006
Opening of Ballot Box	20 th Oct 2006



pp John D. Flynn
Director of Corporate Services

Procedures for changing the name of a Townland

In accordance with the provisions of Section 77 of the Local Government Act 1946, as amended by Section 53 of the Local Government Act 1955 and Section 67 of the Local Government Act 1994 and the Local Government (Change of Placenames) Regulations 1956, the procedures are set out as follows:-

	<i>Action</i>	<i>By</i>	<i>Update</i>	<i>Notes</i>
1	Decide on what specific name is proposed to be changed and what name it is proposed to be changed to	Council Resolution	Passed 15 th May 2006	
2	Identify boundaries of the non-municipal town of An Daingean	SEO		Council adopted by resolution the local area plan for the town of An Daingean, at its meeting of the 9 th June 2006
3	Notify prescribed persons in Section 3 of the 1956 Regulations: <ul style="list-style-type: none"> • <i>the Minister for Education</i> • <i>Uachtarán Comhdháil Náisiúnta na Gaeilge</i> • <i>the Commissioner of Valuation</i> • <i>the Chief Boundary Surveyor</i> • <i>The Director of Ordnance Survey</i> 	SEO		
4	Prepare list of <i>qualified electors</i> in the non – municipal town:- <ul style="list-style-type: none"> • Identify all local government electors on the register of local government electors for the time being in force • Identify all rated occupier's of a hereditament other than a hereditament which attracts an allowance equal to full abatement of rates pursuant to Section 3 of the Local Government (Financial Provisions) Act, 1978. 	Franchise Revenue		“Qualified Electors” amended under <i>Local Govt Act 1994 Sect 67 (2)</i> List of rate payers in non – municipal town to be adopted by Council – <i>Local Govt Act 1955 Sec 53 (2) as amended</i>
5	Place advertisement in one or more than one, newspaper circulating in the functional area, and if they think fit, by the display of posters in or near the place, cause notice to be given that the <i>list of qualified electors</i> has been prepared and is open for inspection at the offices of the authority – allow 3 week for written objections.	SEO		Amended by Sect 67 (1) (b) of the Local Govt Act 1994 - <i>“qualified electors” for “ratepayers”</i>
6	Bring <i>list of qualified electors</i> to Council for adoption -- - Council to adopt list with or without alterations having regard to any objection received in writing within three weeks of the publication of the advertisement giving notice of the preparation of the list of ratepayers	Council		

7	Returning Officer for plebiscite is Secretary of Kerry County Council			
8	<p>Prepare an <i>electoral roll</i> containing:-</p> <ul style="list-style-type: none"> the name of each person who is on the list of qualified electors in the place, and the address at which each such person ordinarily resides <u>or</u> the address at which demand for payment of rates by such person is made. <p>The names on the roll shall be numbered consecutively.</p>	SEO		
9	<p>The returning officer shall send by ordinary post to every person whose name is on the electoral roll at the person's address in that roll a ballot paper and a postage prepaid envelope addressed to the returning officer.</p> <p>The returning officer shall post the ballot papers in the presence of the chairman or such other member or members of the local authority as may be authorised by that authority to witness such posting</p>	SEO & Mayor		Ballot in prescribed form is by post.
10	<p>The ballot paper shall be in the form set out in Form I of Part II of the Schedule – attached</p> <ul style="list-style-type: none"> Every ballot paper shall have a number printed on it, and shall have attached a counterfoil with the same number printed on the face thereof 			Ballot paper amended by Sect 67 (1) (b) of the Local Govt Act 1994 - “ <i>qualified electors</i> ” for “ <i>ratepayers</i> ”
11	A qualified elector shall have one vote only in a plebiscite notwithstanding that he is rated in respect of more than one hereditament in the place			
12	<p>(1) Every ballot paper shall, at the time of the issue thereof, be <i>marked with an official mark</i>, and the <i>number on the electoral roll of the person to whom it is being issued shall be entered on the ballot paper and the counterfoil</i></p> <p>(2) The <i>counterfoil shall be detached from the ballot paper before it is issued and shall be retained by the returning officer</i></p>			
13	Completed ballot papers <u>may be</u> returned by ordinary post <u>or otherwise</u> to the returning officer who shall place them in a sealed ballot box			

14	The last day and hour for receiving completed ballot papers shall be fixed by the returning officer	SEO		
15	No ballot paper received by the returning officer after the hour on the last day fixed for receipt thereof shall be placed in the ballot box			
16	The returning officer shall open the ballot box in the presence of the chairman or such other member or members of the appropriate authority as may be authorised by that authority to attend at the counting of the votes	SEO & Mayor		
17	The returning officer having counted the valid votes and ascertained the number of votes consenting and the number of votes dissenting to the proposed application or the proposed change, shall declare the result of the plebiscite accordingly	SEO		
18	The returning officer shall declare the result of the plebiscite in the form set out in Form III of Part II of this Schedule - attached	SEO		

Where an application in relation to the non-municipal town is duly made under this section, the Government **may by order** change the name of the non-municipal to such other name as they think fit. – refer to section 77 (5) – (10) of the Local Government Act 1946 as amended by Section 67 of the Local Government Act 1994.

The prescribed persons for the purposes of subsection (7) of section 77 of the act shall be—

- (a) *The Minister for Education ;*
- (b) *the Minister for Health ;*
- (c) *the Minister for Industry and Commerce ;*
- (d) *the Minister for Justice ;*
- (e) *the Minister for Lands ;*
- (f) *the Minister for Posts and Telegraphs ;*
- (g) *the Minister for Social Welfare ;*
- (h) *the Commissioner of Valuation ;*
- (i) *the Chief Boundary Surveyor and*
- (j) *the Director of Ordnance Survey.*

BALLOT PAPER. [SAMPLE]

No.....

To.....

.....

.....

Counterfoil Number.....(This number should correspond with that on the ballot paper).

The *Council of the County of Kerry* at a meeting on the 15th May 2006 passed a resolution proposing that a plebiscite be taken to ascertain whether *the majority of the qualified electors* in the *non-municipal town* consent to an application being made to the Government for an order changing the name of *An Daingean* to *Dingle Daingean Ui Chúis*

As a qualified elector concerned in the proposed application you are requested to indicate whether you consent to the application being made. In the presence of a witness to whom you are known personally you should place the mark " X " opposite the word " Yes " below if you consent or opposite the word " No " if you do not consent. This ballot paper must be signed in the presence of the witness who must also sign in the appropriate place. It should be returned so as to reach the address on the enclosed envelope before **XXX** o'clock on the *dd/mm/year*

Yes
No

Signature of Qualified Elector.....

Address.....

Date.....

The above-named, who is personally known to me, has marked and signed this ballot paper in my presence.

Signature of Witness.....

Address.....

Note : "qualified electors" means every person who in relation to the non-municipal town of An Daingean

- (a) is registered as a local government elector in the register of local government electors for the time being in force, or
- (b) not being so registered is a rated occupier of a hereditament other than a hereditament which attracts an allowance equal to full abatement of rates pursuant to Section 3 of the Local Government (Financial Provisions) Act, 1978.

