



PRESS RELEASE

Thursday, 11 April 2019

COUNCIL ADVISES ON REGULATIONS FOR ELECTION POSTERS

Kerry County Council is advising candidates for the forthcoming European and local elections that election posters may not be erected before Wednesday, 24 April 2019. Polling day for the European and local elections is Friday, 24 May 2019.

The statutory time period for the erection of election posters for the 2019 elections is 30 days before the poll date meaning that 24 April is the first day on which election posters can be legally erected.

Candidates for both the European and local elections who erect posters before this date can be liable for fines under the Litter Pollution Acts, with fines of €150 per poster. Council staff may remove posters erected before this date and recover the costs of removal and storage from the candidates.

In addition, candidates are reminded that under Section 95 of the Road Traffic Act 1961, it is an offence to attach any sign or poster to any road traffic sign or pole. Traffic/road signs are specifically designed to be clearly read by passing motorists. Election posters attached to road signs can obstruct or obscure the sign making it difficult to read. Any posters displayed on traffic signs or poles will be removed.

In addition, Kerry County Council is advising against candidates hanging banners and posters from road overbridges and pedestrian bridges as they could become loose or be interfered with by third parties and could fall onto moving traffic.

The council is also asking candidates and their representatives to ensure that election posters are sited so they do not obstruct the view of traffic and pedestrians on public roads.

Under law, all election posters must bear the name and address of the printer of the posters.

Following polling day, candidates have seven days to remove all election posters and signage, as set out in statute. Candidates are also asked to remove cable ties which are often left behind when posters are removed, and which are unsightly and constitute litter.

The council has published a series of FAQs on its website, as follows:

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. In this case, the first date on which posters can be erected is 24 April, which is 30 days before polling day on 24 May.

Q. What about the May 2019 elections?

A. The European Parliament and local elections will be held on 24 May 2019. The date from which posters may be erected is 30 days before polling day i.e. 24 April 2019.

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.

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/on private property?

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. 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 to arrange for their removal.

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.

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 2001-2018 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.