

The Law on Election Posters



The regulation of when and where election posters may be erected touches on questions of civic participation, freedom of expression, free and fair elections, littering, environmental protection and the aesthetic of the public space. A number of statutory provisions seek to balance the nuisance posters may cause with their democratic purpose of informing the electorate.

The restrictions apply to posters placed in publicly visible places including trees, gates, poles and posts.¹ They do not apply to commercial advertisements within the planning regulations; for example, where a politician pays to advertise on a bus shelter. The public meeting exception, discussed below, has been increasingly used in recent years to circumvent the strict limitation on when election posters may be displayed.

Temporal limitations

Election posters may only be erected after polling day has been fixed by ministerial order, and for a maximum of 30 days before polling day.² Posters must be removed

¹ Section 19(1) of the Litter Pollution Act 1997, as substituted by s 56 of the Protection of the Environment Act 2003.

² Section 19(7)(c) of the Litter Pollution Act 1997, as substituted by s 9 of the Electoral (Amendment)(No 2) Act 2009. A period shorter than 30 days will apply if there are fewer than 30 days between the signing of the order and polling day.

within 7 days after polling day.³ Each breach of these provisions may result in a €150 on-the-spot fine.⁴

Poster content

Posters must include the name and address of the printer.⁵ Failure to include these details constitutes an offence, punishable by fine and imprisonment for up to 3 months,⁶ committed by anyone who prints, posts or directs the printing or posting of such posters.⁷

Location restrictions

Election posters may not be displayed within 50 metres of a polling station. This restriction takes effect 30 minutes before the official commencement of polling and lasts until 30 minutes after the polls have closed.⁸ Contravention of this requirement can result in a prison sentence of up to 2 years.⁹ The distance was reduced to 50 metres from 100 metres by s 33 of the Electoral (Amendment) Act 2001.



³ Section 19(7)(c) of the Litter Pollution Act 1997, as substituted by s 9 of the Electoral (Amendment)(No 2) Act 2009.

⁴ Section 28(1)(b) of the Litter Pollution Act, as amended by Art 4 of the Litter Pollution (Increased Notice Payment) Order 2007.

⁵ Section 140(1) of the Electoral Act 1992.

⁶ Section 157(2) of the Electoral Act 1992.

⁷ Section 140(2) of the Electoral Act 1992.

⁸ Section 147(2)(c) of the Electoral Act 1992, as amended by s 33 of the Electoral (Amendment) Act, 2001.

⁹ Section 157(1) of the Electoral Act 1992.

Public meeting exception

A poster advertising a public meeting may be erected in public at any time, as long as it is not an advertisement for an auction.¹⁰ The poster may be in place for up to 30 days before the meeting and must be removed within 7 days of the date of the meeting specified on the poster. The poster must contain the name and address of the person promoting the meeting.¹¹ In recent years politicians and aspiring politicians have availed of this exception and have erected posters with their images advertising meetings on such themes as school subject choices, migraine management and tax reform. These posters are often identical to election posters, with a photograph of the political figure dominating the poster. Dublin City Council has issued a protocol governing the erection of notices advertising public meetings on its property. The protocol requires advance permission from the Council for the erection of meeting posters and stipulates that the name and picture of the person holding the meeting may only cover 25% of the poster.¹²

Election hoardings in gardens

Hoardings erected in the gardens of private houses by the householder do not fall within the rules discussed above, as those rules are concerned with the placing of notices on structures that are not owned or occupied by the person so placing them. Under planning law, election advertisements may be erected on private property without planning permission.¹³ They must be removed within 7 days after polling day.¹⁴

UCD's Constitutional Studies Group builds on a long and distinguished tradition of constitutional scholarship at UCD. The Group has two core objectives. Firstly, it to promote research in this area by providing an active and co-ordinated research community which engages in both traditional individual scholarship and collaborative and inter-disciplinary research and secondly, to encourage understanding and discussion of constitutional law both in Ireland and internationally through a wide range of activities including publications, conferences, public lectures, research seminars, policy submissions and research projects. If you have any questions on this, please contact: John O'Dowd, UCD Sutherland School of Law at john.odowd@ucd.ie.

¹⁰ Section 19(7)(b) of the Litter Pollution Act 1997, as substituted by s 9 of the Electoral (Amendment)(No 2) Act 2009.

¹¹ Section 19(1)(b)(i) of the Litter Pollution Act 1997, as substituted by s 56 of the Protection of the Environment Act 2003.

¹² *Protocol for the Erection of Temporary Posters/Notices on Dublin City Council Property to Advertise Public Meetings/Events* (August 2015), available at: www.dublincity.ie/sites/default/files/content/YourCouncil/StrategicPolicyCommitteeandCorporatePolicyGroup/Environ/Posters%20Protocol.pdf

¹³ Part 2 of Schedule 2 of the Planning and Development Regulations 2001-2015.

¹⁴ Part 2 of Schedule 2 of the Planning and Development Regulations 2001-2015.