An Comhchoiste ar an mBunreacht

An Ceathrú Tuarascáil

AIRTEAGAL 16 DEN BHUNREACHT

ATHBHREITHNIÚ AR AN GCÓRAS TOGHCHÁIN CHUN COMHALTAÍ DE DHÁIL ÉIREANN A THOGHADH

An Tuarascáil Deiridh

Iúil 2010

Joint Committee on the Constitution

Fourth Report

ARTICLE 16 OF THE CONSTITUTION

REVIEW OF THE ELECTORAL SYSTEM FOR THE ELECTION OF MEMBERS TO DÁIL ÉIREANN

Final Report
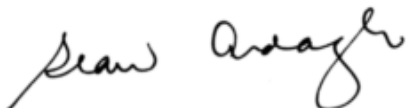
July 2010

Table of Contents

Foreword

In undertaking a review of Article 16 of the Constitution, the Joint Committee on the Constitution has assessed the performance of the current electoral system for the election of members to Dáil Éireann and whether it should be reformed. This report presents the conclusions and recommendations of that review. It provides an update to previous constitutional reviews on electoral reform.

The functioning of an electoral system is reflective of the history, values and culture of the society in which it is used. In the course of its hearings the Committee heard that there is no 'best' electoral system and it is acknowledged that it is not possible to achieve all desired objectives of an electoral system perfectly. The Committee underlines that electoral reform should not be regarded as the panacea that will guarantee desired improvements to the functioning of the democratic process, and that other institutions of the democratic system would also benefit from reform, most importantly reforms to enhance the effectiveness of Parliament.
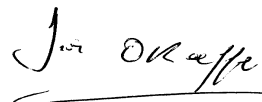
The Committee also wishes to highlight that the choice of an electoral system and any proposals for its reform must not become the focus of partisan action and that citizens should be given every opportunity to choose the system by which they elect their representatives. It therefore recommends the establishment of a Citizens' Assembly on Electoral Reform in Ireland to examine whether electoral reform is desirable and what form such reform should take. The design and operation of a Citizens' Assembly could draw upon the experiences of similar bodies in the Netherlands and the Canadian provinces of Ontario and British Columbia. This report could also be a useful guide to the deliberations of such a Citizen's Assembly.

The Committee presents a number of recommendations for reform of aspects of the current electoral system which it considers could significantly improve the functioning of the system. These proposals will provide a timely input into the considerations for the establishment of an independent Electoral Commission which would assume responsibility for electoral administration in this country and would also implement modern electoral practices.

On behalf of the Committee, we look forward to the acceptance and implementation of the recommendations presented in this report.

Sean Ardagh TD (*Chairman*)   Jim   O'Keeffe   TD   (*Vice-Chairman*)

Acknowledgements

To inform our deliberations, the Committee received evidence from expert witnesses, members of both Houses of the Oireachtas, the academic community and other interested parties.

The Committee particularly welcomed the opportunity to hold hearings in Trinity College Dublin and University College Cork which allowed it to consult directly with young people and to hear their views and perspectives on the electoral system. We would like to record our thanks to the Department of Government in University College Cork and the Department of Political Science in Trinity College Dublin for hosting these hearings.

The Committee would like to acknowledge the valuable contribution to this review of the distinguished academic experts whose specialist knowledge of the Irish electoral system and alternative systems has greatly enriched the Committee's deliberations.

The Committee's work has been greatly facilitated by the unique insights provided by members of the Houses of the Oireachtas which have been most helpful in our deliberations. We thank members for sharing their views and experiences with the Committee.

We also express sincere gratitude to the many individuals and organisations for the effort taken in providing written and oral submissions to the review. Their detailed and constructive proposals have assisted the Committee considerably in this work.

We wish to record particular appreciation to Mr. Séin Ó Muineacháin and Mr. Matthew Wall, PhD research students at the Department of Political Science, Trinity College, for their most valuable input and dedicated efforts in assisting the Committee over the course of this review.

Orders of Reference of the Committee

Dáil Éireann and Seanad Éireann ordered:

"(1)   That a Select Committee, consisting of eleven members of Dáil Éireann, be appointed to be joined with a Select Committee to be appointed by Seanad Éireann, to form the Joint Committee on the Constitution to complete a full review of the Constitution in order to provide focus to the place and relevance of the Constitution and to establish those areas where Constitutional change may be desirable or necessary.

(2)   In considering such matters as it may select and see fit and on which it shall report to both Houses of the Oireachtas, the Joint Committee shall take cognisance of:

(a)   the work already undertaken by the Joint Committee on the Constitution in the 28th and 29th Dáileanna and the All-Party Oireachtas Committee on the Constitution since its establishment in July 1996 and re-establishment in October 1997 and again in December 2002; and

(b)   the Report of the Constitution Review Group.

(3)   The quorum of the Joint Committee shall be five, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann.

(4)   The Joint Committee shall have the powers defined in Standing Order 83(1), (2), (3), (4), (8) and (9).

(5)   The Chairman of the Joint Committee shall be a member of Dáil Éireann."

Membership of the Committee

Deputies

Seán Ardagh (FF)
Chairman

Jim O'Keeffe (FG)
Vice-Chairman

Ned O'Keeffe (FF)

Jimmy Devins (FF)

Michael D'Arcy (FG)

Tom Hayes (FG)

Brendan Howlin (LAB)

Michael Kennedy (FF)

Denis Naughten (FG)

Mary O'Rourke (FF)

Michael Woods (FF)

Senators

Dan Boyle (GP)

Denis O'Donovan (FF)

Eugene Regan (FG)

Alex White (LAB)

BUNREACHT NA hÉIREANN

CONSTITUTION OF IRELAND

DÁIL ÉIREANN

ARTICLE 16

1. 1°   Every citizen without distinction of sex who has reached the age of twenty-one years, and who is not placed under disability or incapacity by this Constitution or by law, shall be eligible for membership of Dáil Éireann.

   2° i   All citizens, and

        ii   such other persons in the State as may be determined by law,

without distinction of sex who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to the election of members of Dáil Éireann, shall have the right to vote at an election for members of Dáil Éireann.

   3°   No law shall be enacted placing any citizen under disability or incapacity for membership of Dáil Éireann on the ground of sex or disqualifying any citizen or other person from voting at an election for members of Dáil Éireann on that ground.

   4°   No voter may exercise more than one vote at an election for Dáil Éireann, and the voting shall be by secret ballot.

2. 1°   Dáil Éireann shall be composed of members who represent constituencies determined by law.

   2°   The number of members shall from time to time be fixed by law, but the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population.

   3°   The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.

   4°   The Oireachtas shall revise the constituencies at least once in every twelve years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of Dáil Éireann sitting when such revision is made.

   5°   The members shall be elected on the system of proportional representation by means of the single transferable vote.

6° No law shall be enacted whereby the number of members to be returned for any constituency shall be less than three.

3. 1° Dáil Éireann shall be summoned and dissolved as provided by section 2 of Article 13 of this Constitution.

 2° A general election for members of Dáil Éireann shall take place not later than thirty days after a dissolution of Dáil Éireann.

4. 1° Polling at every general election for Dáil Éireann shall as far as practicable take place on the same day throughout the country.

 2° Dáil Éireann shall meet within thirty days from that polling day.

5. The same Dáil Éireann shall not continue for a longer period than seven years from the date of its first meeting: a shorter period may be fixed by law.

6. Provision shall be made by law to enable the member of Dáil Éireann who is the Chairman immediately before a dissolution of Dáil Éireann to be deemed without any actual election to be elected a member of Dáil Éireann at the ensuing general election.

7. Subject to the foregoing provisions of this Article, elections for membership of Dáil Éireann, including the filling of casual vacancies, shall be regulated in accordance with law.

Executive Summary

_____

Introduction

In accordance with its orders of reference, the Joint Committee on the Constitution undertook a review of the functioning of the electoral system for the election of members of Dáil Éireann prescribed by Article 16 of the Constitution - Proportional Representation by means of the Single Transferable Vote in multi-seat constituencies (PR-STV).

This report presents the findings of the review. It builds on the interim report published by the Committee in February 2010 which presented an analysis of the results of a survey conducted to explore the experiences and perspectives of members of both Houses of the Oireachtas on the current electoral system and their preferences in relation to reforming the system. The survey found that, overall, members favour retaining the current electoral system, 57%, with 43% in favour of changing the system. The full report is available on the Joint Committee's web page on www.oireachtas.ie.

In undertaking this review, the Committee assessed the performance of the current electoral system against a range of criteria including, partisan proportionality, government stability, public support, intra-party competition, the balance of legislative and constituency work undertaken by TDs, and the representation of women and minority groups in the political system. It also evaluated potential alternative systems in the light of international experiences of electoral system reform.

The Committee also considered technical aspects of the application and implementation of the PR-STV system in Ireland, including, the manner in which constituency boundaries are drawn, the filling of casual vacancies, the transfer of surplus votes, and the number of seats that are contested in each constituency.

Over the course of its deliberations, the Committee considered a broad body of evidence from academic experts with specialised knowledge of electoral systems, parliamentarians, advocacy groups and other interested persons, together with evidence of international best practice in electoral administration.

Outline of Report Structure

Chapter 1 presents a summary of the Committee's recommendations.

To contextualise its programme of work, the Committee studied the history of the PR-STV electoral system in Ireland and also considered the findings of previous studies of the electoral system. Both the history of PR-STV in Ireland and the findings of those previous studies are outlined in Chapter 2 of this report.

Submissions to the Committee expressed particular views on the functioning of the electoral system and proposed options for reform of the system. The main themes presented in the submissions are set out in Chapter 3 of this report.

In Chapter 4, proposals for electoral system reform are considered. Proposed reforms are categorised according to whether they envisage: (1) a complete overhaul of the current system, (2) a change to the rules under which elections are administered that do not necessarily involve a move away from PR-STV, (3) modifications that seek to improve the functioning of the current system, and (4) reforms to other aspects of Ireland's democratic process.

Chapter 4 also considers the methods and approaches used by other jurisdictions to reform their electoral systems. In particular, the idea of establishing a Citizens' Assembly is considered – an Assembly of randomly selected citizens who would be charged with considering and recommending electoral system reforms.

During its deliberations the Committee was briefed by Mr John Gormley TD, Minister for the Environment, Heritage and Local Government, on the proposed establishment of an independent Electoral Commission. The Committee considers that its recommendations will provide a timely input into the Minister's considerations for the establishment of an Electoral Commission including the electoral administration and electoral reform roles proposed to be undertaken by the Commission.

The Committee's conclusions and recommendations are presented in Chapter 5.

Citizens' Assembly

The Committee underlines that the choice of electoral system and the process of electoral reform should be pursued on a non-partisan basis to ensure that such reform comes about in the interests of the democratic system and would not be used, or perceived to be used, as a device to seek to gain political advantage for one party over another.

In order to de-politicise any reform process, it proposes the establishment of a Citizens' Assembly to examine the performance of PR-STV in Ireland, and, if it deems that reforms are necessary, to propose changes. It is the opinion of the Committee that the establishment of such an Assembly would facilitate greater popular engagement with the democratic institutions as well as enhancing the legitimacy of any proposed reform.

Electoral Commission

Implementation of many of the Committee's recommendations would fall under the auspices of the proposed independent Electoral Commission which will assume responsibility for the conduct of elections and referendums in this country. The Committee strongly supports the establishment of such a Commission and recommends that it be placed on a constitutional footing in order to enhance its legitimacy and to guarantee its independence.

Conclusion

The Committee underlines that the functioning of an electoral system is reflective of the history, values and culture of the society in which it is situated and that any process of electoral reform should not take place without an evaluation of the particular attributes of the current system that citizens appear to value, such as stable government, close link between voters and their representative, and voter choice.

The Committee concludes that, on the basis of the evidence it has considered and evaluated, there is not a compelling case for recommending a complete replacement of the PR-STV electoral system. While it does not recommend changing the electoral system, it considers that its performance against certain criteria could be significantly improved.

Areas identified where improvements are required include, the level of women's representation, the political engagement of young people, the implementation of a comprehensive, accurate and up-to-date electoral register, the drawing of constituency boundaries, the filling of casual vacancies, the method of distributing surplus votes, ease of access to the ballot on election day, and the proportionality of vote share to seat share.

Finally, while the Committee has, in general, confined its recommendations to the electoral system in accordance with the scope of its review, it wishes to highlight that reform of the electoral system should not be regarded as the 'panacea' that will guarantee desired improvements to the functioning of the democratic process and that other aspects of the democratic institutional architecture would also benefit from reform, most notably reform to enhance the role of Parliament in providing effective parliamentary accountability.

1. Summary of the Committee's Recommendations

_____

The following is a summary of the Committee's recommendations based on its deliberations, opinions received and consideration of the various submissions presented to it.

An Independent Electoral Commission

Recommendation 1

The establishment of an independent Electoral Commission, as an urgent priority, with responsibility for the administration and oversight of elections and referendums.

Recommendation 2

That the new Electoral Commission be formally established under the Constitution in order to enhance its legitimacy and guarantee its independence.

Recommendation 3

That the new Electoral Commission assume responsibility for implementing the Committee's recommendations, particularly the recommendations concerning the registration of voters, postal voting, voter education programmes, the drawing of constituency boundaries, the counting of surplus vote transfers and examination of the design of the ballot paper.

Recommendation 4

That membership of the new Electoral Commission includes former members of the Houses of the Oireachtas.

Citizens' Assembly on Electoral Reform

Recommendation 5

That a Citizens' Assembly on Electoral Reform be established to enhance the level of public engagement with the democratic and political process.

Recommendation 6

That the Citizens' Assembly examine the current operation of PR-STV in Ireland to determine if it continues to meet the needs of our democracy, and make recommendations on whether changes should be made to the operation of PR-STV or whether PR-STV should be replaced with an alternative electoral system.

The Voting Age

Recommendation 7

That the voting age for elections to Dáil Éireann be lowered from 18 years to 17 years.

Voter Education

Recommendation 8

The introduction of a voter education programme, as part of the senior cycle programme in second-level schools, to promote awareness of the right to vote among newly eligible voters.

Representation of Women

Recommendation 9

That political parties pursue positive measures to promote gender equality in its membership, including in the selection of candidates for election.

Recommendation 10

That the Attorney General be asked to examine the constitutional implications of a proposed measure under which public funding of parties would be regulated so that a proportion of the funding allocated to a party would be determined by the number of women candidates it nominates for election.

Recommendation 11

That the guidelines to be published by the National Women's Strategy Sub-Committee on 'Women and Decision-making' be sent to all registered political parties in receipt of public funding to highlight best practice in facilitating women's involvement in political life.

Recommendation 12

That political parties be required, as one of the conditions for public funding, to submit an annual statement to the new Electoral Commission, for publication, setting out in detail the policies and actions being pursued by them to promote gender equality in their electoral candidates and parliamentary representation.

Recommendation 13

That the objectives of the 'Equality for Women Measure' explicitly include the provision of public funding to support positive actions to encourage women's participation in the political process.

Voter Registration

Recommendation 14

That a new voter registration system be established and maintained under the authority of the new Electoral Commission.

Recommendation 15

That the voter registration process in Northern Ireland be used as a model of best practice in designing and implementing the new voter registration system.

Recommendation 16

That the new voter registration system be based upon the allocation of Personal Public Service (PPS) numbers.

Recommendation 17

That the new voter registration system allow input at local level to verify the accuracy, comprehensiveness and timeliness of registration information.

Filling of Casual Vacancies in Dáil Éireann

Recommendation 18

That whenever a casual vacancy occurs in the membership of Dáil Éireann, legislation would require that a by-election be held to fill the vacancy within six months of the vacancy occurring.

Recommendation 19

Alternatively, that consideration be given to establishing a procedure for filling casual vacancies under which candidates at a general election would nominate replacement lists of candidates from which a vacancy would be filled should they resign or die.

Number of Members of Dáil Éireann

Recommendation 20

That no change would be made to the formula for determining the number of members of Dáil Éireann.

Voting Day

Recommendation 21

That voting at elections takes place at weekends and would take place over two consecutive days.

Postal Voting

Recommendation 22

That the qualifying criteria governing postal voting be extended to voters who would be unable to attend their designated polling station on election day due to conflicting commitments.

Recommendation 23

That the new Electoral Commission undertake a public awareness programme to increase awareness of the postal voting process, and to encourage those who are entitled to vote by post to do so.

Drawing of Constituency Boundaries

Recommendation 24

That the new Electoral Commission assume responsibility for the drawing of constituency boundaries.

Recommendation 25

That, in drawing constituencies according to the required representation ratio, due regard be had to natural and/or county boundaries.

Recommendation 26

That, whenever the new Electoral Commission proposes to make alterations to constituency boundaries, it would publish a draft report upon which members of the Houses of the Oireachtas and members of the public may make submissions; however such submissions would not be binding on the Electoral Commission.

Number of TDs Representing a Constituency

Recommendation 27

That the number of TDs representing a constituency should not be less than 4, except that a constituency represented by 3 TDs may be recommended where the geographical size of such a constituency would be disproportionately large.

Counting Procedure for Transferring Surplus Votes

Recommendation 28

The adoption of the Senate rules for transferring surplus votes, as applied in Northern Ireland Assembly elections, in the counting of votes for elections to Dáil Éireann.

Reform of Parliamentary Procedures

Recommendation 29

That priority be given to the introduction of a structured programme of Dáil reform to enhance parliamentary accountability of Government and engagement with the public.

2.   Outlining and Contextualising the Committee's Work Programme

_____

Introduction

2.1   This chapter discusses the history of the Proportional Representation by means of the Single Transferable Vote (hereafter, PR-STV) electoral system in Ireland, to establish the current legal and constitutional status of the system and to contextualise the work of the Committee in the light of previous studies of the electoral system.

2.2   The first part of this Chapter outlines the circumstances surrounding the adoption of PR-STV for legislative elections in Ireland, as well as discussing two previous referendums (in 1959 and 1968) where alternative electoral systems were voted upon.

2.3   The second part of the Chapter summarises the findings of previous reports that have considered electoral system reform.

A Brief History of PR-STV in Ireland: Its Adoption and Prior Referendums to Change it

2.4   As with many of Ireland's political institutions, the adoption of PR-STV is perhaps best understood in the light of the historical relationship between Ireland and the United Kingdom. The adoption of PR-STV occurred against the backdrop of the genesis of an independent Irish state in the early twentieth century.

2.5   PR-STV has long been the preferred electoral system of those that advocate the use of Proportional Representation (PR) in the UK. In mainland Europe on the other hand, PR has typically been achieved by the use of list-based systems.

2.6   The PR-STV electoral system was developed simultaneously by Carl Andrae in Denmark and by Thomas Hare in England, the latter being a founding member of the Proportional Representation Society (now named the Electoral Reform Society) in the

UK in 1884. The decision of the Proportional Representation Society to campaign in favour of STV (rather than alternative list-based systems) as the ideal form of PR was a significant factor in its adoption in Ireland.

2.7   PR became relevant to Irish politics in the context of the independence movement, with Richard Sinnott (2005) arguing that 'in the early years of the twentieth century, the problem of minority representation in the event of Home Rule seemed to make PR particularly important in Ireland', (p. 107).

2.8   The major nationalist groups, the Sinn Féin party and the Irish Parliamentary Party (IPP) both supported PR in principle. The Sinn Féin leader Arthur Griffith was persuaded of the merits of the system during a visit to Dublin in 1911 by Lord Courtney of Penwith, the president of the British Proportional Representation Society. As a result Griffith became a strong advocate for PR-STV and established the Proportional Representation Society of Ireland. The IPP also supported PR-STV in an effort to address the concerns of the anti-Home Rule minority.

2.9   The Home Rule Bill of 1914 made provision for the election of an Irish House of Commons using PR-STV and this system was adopted under the Government of Ireland Act (1920) for electing the House of Commons in Northern and Southern Ireland.

2.10   The first election to be conducted by PR-STV in Ireland was to Sligo Corporation in 1919. Article 26 of the 1922 Irish Free State Constitution stated that 'members shall be elected on the principle of Proportional Representation.' The form of proportional representation to be adopted was specified in the 1923 Electoral Act, which provided (in Section 17) that 'a contested Dáil (or Seanad) election shall be according to the principle of Proportional Representation, each elector having one transferable vote.' The Act also provided for the division of the country into constituencies.

2.11   It is interesting to observe that there was little debate at the time over the highly unusual variant of PR that was adopted in Ireland (with list-based systems being far more common in countries using PR electoral systems). Most scholarly accounts of the process of electoral system choice (Gallagher 2005; O'Leary 1961; 1975; Sinnott

2005) point to a lack of knowledge among those deciding on electoral systems regarding possible alternatives to STV for PR systems. Indeed, Gallagher (2005) argues that:

> *STV was not included in the 1922 constitution only because TDs (...) did not realise that STV was merely one method, and an unusual one at that, of attaining PR,* (p. 513).

2.12   The 1937 Constitution specified that PR-STV was to be used in Dáil elections; this is dealt with in Article 16 of Bunreacht na hÉireann. It went further than the 1922 Constitution, establishing that the method of election to the Dáil would be: 'on the system of proportional representation by means of the single transferable vote,' (Article 16.2.5°); that every constituency must return at least 3 TDs (Article 16.2.6°); fixed upper and lower limits of Dáil members at not less than one per 30,000 in the population and not more than one per 20,000 in the population (Article 16.2.2°) and stipulated that the ratio of population to members of Dáil Éireann should, 'so far as it is practicable, be the same throughout the country' (Article 16.2.3°). The Constitution was carried by a margin of 57% to 43%. This was arguably the first display of direct (if implicit) support for PR-STV by the Irish electorate.

2.13   There have been two referendums on a proposal to change the electoral system: one in 1959 and the other in 1968. Both initiatives proposed to replace the PR-STV system with First-Past-the-Post single seat plurality elections. Both attempts were proposed by Fianna Fáil single-party governments. On each occasion the proposed change was opposed by all other parties apart from Fianna Fáil (who would have benefited at the expense of other parties from the disproportionality of the First-Past-the-Post system). Both attempts were unsuccessful.

2.14   The first referendum was only narrowly defeated with 48% voting to change and 52% voting to retain. The second referendum, however, was more decisive, with only 39% voting in favour of change and 61% voting to retain PR-STV. Interestingly, during both campaigns the main argument made by proponents of replacing PR-STV with first-past-the-post was that PR-STV made it difficult to form stable governments and thus weakened democracy. For instance, in his second stage speech in the Dáil on the

Third Amendment to the Constitution Bill 1958, the then Taoiseach, Éamon De Valera made the following point:

> *With the present system, there is a multiplicity of Parties, each little group trying to get some support, knowing full well that they have not the slightest chance, independently, of being the Government. Yet they can go out and promise for that very reason, knowing that it will get them some votes. (Dáil Debates, 26 November 1958, col. 997).*

This argument has been largely absent from more recent debates on reform of the electoral system. The contemporary discussion of the electoral system has tended to focus on intra-party competition, the constituency work and legislative duties of TDs.

A Summary of Previous Reports that have Considered Electoral System Reform

2.15   There have been three reports on the Constitution that have dealt significantly with the question of electoral system reform: The report of the Committee on the Constitution (1967), the report of the Constitution Review Group (1996) and the All-Party Committee on the Constitution's Seventh Progress Report (2002) (The Lenihan Report).

The Committee on the Constitution 1967 (Colley Report)

2.16   This was a Committee of Members of the Houses of the Oireachtas drawn from the three main political parties. In its review of the electoral system, it considered the use of the Alternative Vote in single seat constituencies in Ireland as a replacement for the current system.

2.17   There was no overall recommendation made as to whether such a system would be desirable. Indeed, Tom O'Connor (2007), in his review of the evolution of the Dáil's electoral system, notes that the Committee's findings were 'deliberately inconclusive' (p.9) as the Committee was unable to reach unanimity with regard to the reform of the electoral system.

Constitution Review Group 1996 (Whitaker Report)

2.18   This was a non-political group set up to review the entire Constitution, which considered the electoral system as part of that work.

2.19   It proposed no change to the qualifying age for membership to Dáil Éireann (21 years of age) as laid out in Article 16.1.1°, arguing that 'persons should have more experience before qualifying for the position of public representative than is necessary to qualify to vote,' (p. 39).

2.20   The Review Group also recommended no change to Article 16.1.2°, which deals with eligibility to vote in elections to the Dáil. While the Review Group considered the matter of postal voting under this rubric, they concluded that 'any change thought necessary in the current provisions could be best achieved by legislation,' (p. 39) as Article 16.1.2° explicitly provides for further extensions of the franchise via legislation.

2.21   Regarding the number of members elected to Dáil Éireann, the report concluded that the current provisions in Article 16.2.2° of not more than one Deputy per 20,000 members of the population and not less than one deputy per 30,000 provides 'ample scope for varying numbers,' (p. 40). However the Review Group's report cautioned that this finding may need revision in the event of the abolition of the Seanad (in which case, an increase may be necessary) or in the event of significant devolution of powers currently exercised by Dáil Éireann to local government bodies (in which case, a reduction may be warranted).

2.22   In reference to the drawing of constituency boundaries, as provided for in Article 16.2.4°, the Review Group recommended that it would be appropriate to give constitutional status to the Constituency Commission as a permanent element of the electoral system.

2.23   With regards to the filling of casual vacancies as provided for in Article 16.7, the Review Group recommended that the constitution should provide a time limit within

which a by-election must be held following the vacation of a seat (the Review Group's recommendation was that this limit be set at 90 days).

2.24   The Review Group considered in detail whether the PR-STV system itself, as established in Article 16.2.5°, should be replaced with a different system. The report evaluated PR-STV in terms of its performance across a number of desirable attributes of electoral systems, compared to other available systems. These included: legislature and government formation; proportional representation of groups contesting the election; representation in the legislature of social groups not contesting the election; representation of individual voters via constituency work; degree of rivalry within parties; security of tenure versus responsiveness; party discipline and government stability and continuity.

2.25   The deliberations on these points acknowledged that no system satisfies all criteria perfectly, and that a choice of one electoral system over the other will involve certain trade-offs.

2.26   It noted that PR-STV met a large number of these criteria including broad proportionality, encouragement of constituency service, and responsiveness to change. It also facilitated a high level of voter influence over the identity of TDs and coalition arrangements.

2.27   The Review Group also considered criticisms of PR-STV most notably, excessive constituency workloads, the lack of incentives for parties to nominate representative slates, the socially unrepresentative make-up of the Dáil, and the promotion of localised rivalries and consequent discouragement of high-calibre candidates to compete in elections.

2.28   Alternative systems were assessed in the light of these perceived strengths and weaknesses of PR-STV. Single member constituency-based systems were dismissed because they were considered to perform poorly on most of these criteria compared to PR-STV, especially in terms of proportionality of seats with respect to votes.

2.29   In terms of PR systems, open list systems were rejected as they would not address the basis of the strongest objections to PR-STV, namely the electoral competition for voter preferences among members of the same parties. The Review Group concluded that moving to an open-list PR system would 'create the same incentives for local candidates, in terms of internecine rivalry and constituency work, as they have under PR-STV,' (p. 52).

2.30   This left the Review Group with two types of systems which they considered as viable alternatives to PR-STV: closed-list PR systems or Mixed Member systems (which they designated 'Alternative Member Systems').

2.31   In relation to closed-list systems, it was argued that party lists that do not give voters a choice of candidates could serve to reduce incentives towards intra-party rivalries and high constituency workloads criticised under PR-STV. The trade-off, if this were to happen, would come from lower levels of constituency service provided to voters (though this may be alleviated by single-seat members in Mixed Member Systems) as well as lower levels of voter influence over which party candidates are elected.

2.32   The two principal findings of the Review Group with regard to whether PR-STV should be reformed were as follows:

(i)   The present PR-STV system has had popular support and should not be changed without careful advance assessment of the possible effects; and

(ii)   If there were to be a change, the introduction of a PR list or MMP (Mixed Member Proportional) system would satisfy more of the relevant criteria than a move to a non-PR system.

All-Party Committee on the Constitution (1998)

2.33   This Committee produced a number of reports on the Constitution, the seventh of which (2002) dealt with Article 16. A survey of members was carried out under the Committee's auspices in July 1999 which indicated majority support for retaining the current electoral system.

2.34   The Committee's report recommended change with regard to the qualifying age for membership of Dáil Éireann, so that article 16.1.1° be amended to read 'Every citizen without distinction of sex who has reached the age of <u>eighteen years</u>, and who is not placed under disability or incapacity by this Constitution or the law, shall be eligible for membership of Dáil Éireann.'

2.35   In this regard the Committee stated that:

> *We believe that no obstacle should stand in the way of young people's involvement in politics. The age of eighteen is a watershed in most matters, and there is no compelling reason to treat Dáil membership differently. The practical impact of any change is likely to be minimal: voters are quite capable of making up their own minds on a candidate's suitability, (p. 11).*

2.36   The Committee echoed the recommendations of the Constitution Review Group with regard to maintaining the current constitutional provisions on the ratio of Dáil deputies to the population and with regard to keeping intact Article 16.2.3° (which is concerned with even representation throughout the state).

2.37   The Committee considered in detail whether the PR-STV electoral system as enshrined in Articles 16.2.5° and 16.2.6° should be amended.

2.38   Submissions in favour of reform and calling for the adoption of a Mixed Member Proportional System (MMP) were made by (then) Minister for Environment and Local Government, Noel Dempsey TD, and former Taoiseach, Dr. Garret FitzGerald.

2.39   Submissions defending the current system (and outlining the problems that list-systems would entail) were made by Seán Fleming TD and Éamon Gilmore TD.

2.40   In terms of partisan positions, the Progressive Democrats expressed a view in favour of changing the system, while the Labour Party expressed that it was in favour of retaining PR-STV. The other parties did not present a formal position during submissions.

2.41   The conclusions of the Committee indicated that 'the only serious alternative to the present system is the Additional Member System (AMS),' (p. 25). However, the Committee argued that AMS systems throw up 'insurmountable difficulties,' (p. 27) including the generation of intra-party rivalries due to competition for nominations for single seat constituencies and for higher placement on the list between candidates; the removal of significant elements of power and choice from voters and their transfer to party leaders/managers/members; the division of members into 'constituency' and 'list' categories, with the 'list' members having few incentives to provide constituency services. Also under a mixed system there is the potential, as outlined by Laver (1998), for constituency members to disproportionately come from larger parties. According to Laver's calculations nearly all 'constituency' members would have been from the Fianna Fáil party, while nearly all of the other parties' TDs would have been elected via the lists. The Committee also considered the problem of 'wasted votes' in the constituency elections (though this could be off-set to some extent by using single-transferable votes in the single-seat constituency elections) and the possible negative effects on local party organisations, who could only nominate a single 'constituency' candidate under a mixed system.

2.42   As a whole, the Committee was:

> *...not convinced that the weaknesses of PR-STV are as considerable as might be claimed, or, put otherwise, that PR-STV is itself responsible for all of the failings which have been laid at its door (...) a change to AMS would not necessarily achieve all of the potential benefits which have been claimed for it, (p. 29).*

2.43   The overall conclusion of the Committee was that 'No change to the provisions regarding Dáil elections is necessary or desirable,' (p. 30).

3. The Committee's Deliberations on PR-STV

_____

Introduction

3.1   When evaluating the operation of any political institution, it is appropriate to lay out a number of criteria by which the performance of that institution may be judged. In its review of the electoral system the Committee formulated a programme of work and series of public hearings that would allow it to assess the operation of the electoral system against a number of criteria.

3.2   This chapter is divided into a number of sections. The first section briefly explains the criteria chosen by the Committee. The following section details the evidence considered by the Committee in relation to the performance of PR-STV. The final section presents the Committee's conclusions.

Criteria used by the Committee

3.3   In choosing the criteria against which the performance of the electoral system should be judged, the Committee considered previous reports on the Irish electoral system. These included the report of the Constitution Review Group, published in 1996 and the Seventh Progress Report of the All-Party Committee on the Constitution, published in 2002.   In addition, the Committee consulted various academic publications on electoral systems.

3.4   The criteria chosen by the Committee are listed and explained below. The ordering of the criteria does not reflect their relative importance. There is no such thing as a 'perfect' or 'ideal' electoral system, and no system can fully meet all of the criteria below. The nature and course of politics in a country is not a direct consequence of the particular electoral system in use. The electoral system is a component in the overall constitutional architecture of a country which contributes to the overall political outcome.

*Criterion 1:   The electoral system facilitates the election of a parliament whose members'
backgrounds represent, as far as possible, a true reflection of society.*

3.5   The membership of legislatures should provide a true reflection of society with regard
to features such as occupation, gender, and ethnicity. While this may not always be
achievable, an electoral system should aim to ensure that the socio-economic
backgrounds or demographic characteristics of potential election candidates do not
impede their participation in the national legislature.

*Criterion 2:   Intra-party competition manifests itself without negative consequences for
the wider political system, and the electoral system does not interfere with the capacity of
parties to manage intra-party rivalry.*

3.6   The rules of an electoral system have an impact on the attitudes of candidates or
legislators.   Various electoral systems give differing incentives to candidates or
legislators from the same party to intensively compete with one another. The nature
of politics gives rise to intra-party competition and that should not be considered a
bad thing.   Intra-party electoral competition ensures that parliamentarians are
responsive to voters and their concerns.   If intra-party electoral competition is
excessive, it takes away from the legislative role of parliamentarians and can possibly
affect the ability of parliament to act in the national interest.

*Criterion 3:   The electoral system should allow for legislators to be effective in their work,
to hold members of the government to account and strike a balance between their
legislative and constituency role.*

3.7   Parliamentarians have two primary roles – to act as a representative for those in their
constituency and to participate in the legislative process at national level.   These
roles, while not mutually exclusive, can often place competing demands on a
legislator's time.   In some parliaments, members may concentrate on one of these
roles unduly to the detriment of the other, and the electoral system may be one of the
factors that determine whether this is the case or whether a reasonable balance
between the two is struck.

Criterion 4: The electoral system results in the formation of governments that are relatively stable.

3.8   Parliamentary elections are held to choose governments, and the Committee considers that stable government is desirable. The type of electoral system used in a country has some bearing on how stable a government will be. In principle, when an electoral system gives very proportional results, the parliament formed may be quite fragmented and this could lead to unstable government. For more majoritarian systems, the opposite is true.

Criterion 5: The electoral system is understood by, supported by and accessible to the public.

3.9   The electoral system is central to the democratic process. The public must support it, have confidence in it and understand how it operates.

Criterion 6: The electoral system functions well with respect to technical aspects.

3.10   Technical aspects of an electoral system include the rules used in the counting of the votes, the proportionality of votes to seats, the method used for drawing constituency boundaries and the number of TDs that are elected for each constituency.

Setting the Scene: Introductory Analysis of PR-STV

3.11   The Committee invited Professor David Farrell, Professor of Politics in the School of Politics and International Relations at University College Dublin, and Mr. Michael D. Higgins TD to present submissions providing some introductory analysis of the Irish electoral system and the institutional framework within which it operates.

3.12 Professor Farrell looked at the different types of electoral systems used in 178 democracies around the world. He noted that PR-STV was used to elect national parliaments in Malta and Ireland. He discussed the general consequences of electoral systems:

> *In terms of measures of disproportionality - how unfair certain electoral systems can be to small parties. The figures show pretty much what one would expect, that the non-proportional systems like the British single member plurality system, also known as first past the post, has a very bad record on proportionality whereas, by contrast, the single transferable vote has a very good record. The single transferable vote produces the sort of result one would expect — a good proportional election result...*

> *In general, the more proportional systems tend to do better in terms of the representation of women.*

3.13 Professor Farrell also paid particular attention to the representational role of parliamentarians, and how 'ballot structure' could affect this. Ballot structure is defined as the extent of the choice available to voters at election time. He gave examples of different types of ballot structure:

> *Spain, which is an example of a closed list system where when the voters go into the polling booth, literally all the voter can do, if he or she is a Christian Democrat voter, for example, is vote for the Christian Democrat list, and the order in which the politicians are elected is determined in advance by the parties; the voters have no say over that. (...) the other extreme, the single transferable vote where, as we all know, the voter can rank-order the politicians and determine the fate of each of the members in this room in terms of their individual representation of voters.*

> *.... is an attempt to conceptualise the range of options available in terms of ballot structure and the argument is that as one moves up the arrow, one*

increases the emphasis on individual constituency representation by politicians.

3.14 He discussed specifically the effect of ballot structure on the representational role of politicians and mentioned a survey of Members of the European Parliament that considered this particular matter:

> *However, in the research my colleagues and I have done, we have tried to measure the extent to which ballot structure design affects the representative role of politicians. We carried out a large-scale representative survey of Members of the European Parliament in the then 25 member states, which included the Irish MEPs and those from countries using systems not unlike single transferable vote. What we found in our statistical analysis is that there is a relationship. There is evidence that the nature of the ballot structure design can affect the representative role of politicians and can cause a greater emphasis on constituency representation...*
>
> *There is a debate in the academic literature about whether the electoral system or the political culture is causing this, and the fairest conclusion to draw is that the electoral system is able to facilitate a greater emphasis on constituency representation. If there is something about the political culture of a particular country or the way in which the political system operates in a particular country, if the electoral system is of a certain type, like single transferable vote, it is more inclined to facilitate a higher emphasis on constituency representation by politicians. That is really what the summary of the literature would state at this stage. Therefore, if, for example, one was thinking of shifting from the single transferable vote to an open list system, such as that used in Finland, it is likely that one would see very little effect in terms of the representative role of politicians in this country and it would still continue to be much the same.*

3.15 Professor Farrell also discussed the pitfalls of large-scale electoral reform. He suggested that there was no such thing as a 'perfect' electoral system. He referred to a survey of academics on electoral systems. They were asked to choose their favourite electoral system. The findings were as follows:

...the system that comes out on top is the German mixed member proportional system, also known as the AMS system. Coming in a very strong second is the single transferable vote. We have the ironic situation, therefore, that the single transferable vote may be the least used electoral system, but among electoral reformers and electoral systems experts it is one of the most popular. However, the point I want to make is that we were forcing the experts to nail their colours to the mast. Many of them refused to answer that question on the survey and those who did wrote all sorts of rude remarks on the side of the questionnaire to indicate they were only doing so because we asked them to do so.

3.16   Professor Farrell suggested that it was important to be careful about reforming the electoral system without good reason. He made the point that institutional reform in other areas of Irish political life might deal with those shortcomings in politics that are attributed to the electoral system.

3.17   Deputy Michael D. Higgins drew attention to the wider institutional framework within which the electoral system operates. He indicated that reform of the electoral system would not necessarily achieve a stronger legislature. He illustrated this using the legislative committee system as an example:

> *Therefore, the committee system that has been introduced is weak and its weaknesses are not addressed only on other things, because I have done some comparative studies on foreign affairs committees and human rights committees, which are generally underfunded. Our committee system is not separate from the Government in power. It does not have, if one likes, that arm's length distance that other committees have.*

3.18   He proposed that the Committee consider the dangers inherent in 'piecemeal' reform, especially in relation to the electoral system. He argued that democratic engagement of the public was vital to the working of the state.

Response of Members

3.19   Deputy Jim O'Keeffe questioned whether PR-STV could be improved to facilitate greater representation of women in the Parliament. Professor Farrell suggested that features of the electoral system could be changed to improve the representation of women. One example of such a mechanism would be the linking of state funding to the number of female candidates nominated by a party.

3.20   Senator Dan Boyle alluded to the possibility of combining certain features of electoral systems. Specifically, he asked if STV could be used in electing the constituency seats that are elected under the MMP system. Professor Farrell suggested that an increase in district magnitude would lead to other improvements, in particular in women's representation. Senator Boyle agreed with Deputy Higgins that reform in other areas of Irish governance would also be desirable.

3.21   Deputy Brendan Howlin asked whether a different electoral system was needed by modern Ireland. He indicated that a better balance could be achieved between representation of interest-groups and the interests of the entire nation, with specific reference to the role of social partnership. He stated that the legislative process had been made stronger by the significant work carried out by Committees of the Houses.

3.22   Deputy Jimmy Devins expressed interest in whether or not information existed regarding the public's perception of the Irish electoral system. Professor Farrell referred to research conducted in the UK which found that people wanted to change the electoral system, without proposing an alternative system.

3.23   Deputy Michael D'Arcy questioned the importance of vote transfers in modern-day elections, when anecdotal evidence seems to suggest that the majority of seats filled are determined by a candidate's performance in the first count of votes cast.

3.24   Deputy Michael Kennedy asked if the electoral system would be improved if multi-seat constituencies were abolished and replaced with single-seat constituencies. Deputy Ned O'Keeffe stated that he supported the adoption of the single-seat First-Past-the-Post system as used in the United Kingdom. Professor Farrell suggested that

this system would not be conducive to the representation of women or minority groups.

The Representation of Certain Demographic Groups in Parliament

3.25   There is no universally agreed ideal form of representation. Rather, there are competing models of what the ideal relationship between voters and their representatives should be.

3.26   The main models of representation are the 'delegate model', where members of an assembly act as a channel for the people who they represent; the 'mandate model', where parties are the agents of representation, and as such, support for a party dictates the policies and programmes that are implemented; the 'trustee model', where representatives are elected to exercise their own judgement on behalf of their constituents and; the 'resemblance model' where the assembly elected is a 'representative cross-section' of the country electing it.

3.27   The representation of minorities in legislatures has been a constant concern for those designing and choosing electoral systems. It has come more relevant in Ireland in recent times because of immigration and the resultant increase in societal multi-culturalism. The Committee considered whether any features of our current electoral system obstruct the ability of members of ethnic minorities to be represented in parliament, or whether there are aspects of the system that could be improved to facilitate the representation of minorities.

3.28   The results of the 2006 census found that approximately 12% of the population were of non-Irish descent. To put this into context, the Labour Party received over 10% of all first preference votes at the 2007 general election, which elected 20 TDs.

3.29   There is general consensus among academic experts on electoral systems that PR systems are more likely to facilitate the representation of minorities than majoritarian systems. Multi-country empirical studies have confirmed the assertion that ethnic minorities are better represented when PR systems are used, while majoritarian systems tend to under-represent these groups in the policy-making process. For

example, PR-STV is the electoral system used to elect members to the Northern Irish Assembly and was chosen partly to avoid the exclusion of certain groups of voters in a 'winner-takes-all' style contest.

Submissions Received

3.30   The Committee heard evidence concerning the representation of 'New Irish' demographic groups from civil society groups and from members of 'New Irish' communities who had run for office in the local elections in June 2009.

3.31   In their submission on behalf of the Immigration Council of Ireland, Ms. Denise Charlton (Chief Executive Officer) and Mr. Fidèle Mutwarasibo (Research and Integration Officer) considered the political participation of people who have made their home in Ireland over the past two decades.

3.32   Mr. Mutwarasibo noted that 15% of the working population comprised people born outside the country and stated that 'every taxpayer should be allowed to contribute to the debate on how taxes are used.'

3.33   He suggested that, where people born outside the country are precluded from taking part in elections, this may encourage violent tensions among communities in the future. He underlined the importance of full electoral participation by all members of society as well as the importance of ensuring that they are made aware of their voting rights. He cited the recent local elections as an example:

> *We conducted research on several communities of foreign nationals, including Nigerians, Lithuanians, Indians and Chinese and concluded that, among the Indian community, 70% were not aware of their right to vote in local elections. The figure for the Lithuanians was 30%.*

3.34   He also noted that the Dáil, as presently constituted, may not be as representative as it could be, given the fact that long-term residents are not entitled to vote in general elections.

3.35 Ms. Charlton suggested that the naturalisation process was considered quite bureaucratic in Ireland and that this discouraged long-term residents from participating in Dáil elections. She also suggested that this had negative consequences for the representative nature of the Dáil. Ms. Charlton drew attention to a voter education and mobilisation programme, facilitated by Dublin City Council, which increased voter participation by 200% among members of immigrant communities.

3.36 Ms. Anna Rooney, a Town Councillor for Clones, recounted her own experiences as a candidate in the 2009 local elections. She pointed to the supplementary registration process as an element of the electoral system that could be improved, noting in particular that some immigrants may not feel comfortable visiting a Garda station in order to register to vote.

3.37 Awareness of the process of translating votes into seats was also considered. Councillor Rooney stated that 'The issue of transferring votes was a difficult one as foreign nationals had difficulty with the concept of PR-STV. Raising awareness of the electoral process among foreign nationals could help.'

3.38 Ms. Elena Secas, a candidate in the 2009 local elections, also shared her experiences of the Irish electoral system with the Committee. She suggested that some electoral areas may be under-represented and may not reflect the actual population numbers which would have increased in the time since the last census. She suggested that the register of electors was, 'inaccurate and open to abuse,' and that many eligible voters declined to register because they had to get a supplementary registration form stamped at their local Garda station.

3.39 Ms. Secas also suggested that the rules governing eligibility to vote in a general election were currently too strict, and that precluding people who have lived in Ireland for over 30 years from voting in Dáil elections made little sense. She remarked that many 'New Irish' voters found the PR-STV system difficult to understand, and highlighted this as an area where improvements could be made.

3.40   Mr. Rotimi Adebari, a member of Laois County Council and Portlaoise Town Council, gave evidence to the Committee drawing from his experience of the local elections. He argued that the PR-STV electoral system would always favour the majority ethnic group, for a number of reasons:

> *With the present PR-STV system, migrant candidates are never going to get enough transfers to see them through. What we saw in the last local elections will continue, with candidates from the majority ethnic group riding on the backs of migrant candidates to reach the quota and secure seats. I do not see PR-STV as a favourable option for migrants getting elected whether at local or national level.*

> *Every candidate, whether from a majority or minority ethnic background requires a system that is simple and less complicated, in which voters cast their votes once and for all for candidates of their choice and sit back to hear the result. Speaking with people from both majority and minority groups, one conclusion we came to with the PR-STV system is that it is clumsy, time consuming and above all very expensive, not to mention the effect it has on intra-party dynamism.*

3.41   Mr. Adebari summed up the tenor of many submissions made to the Committee when he stated that, 'There is no doubt the voting register is all over the place,' and went on to explain some of the problems that he had encountered:

> *Some of the problems I found with the voting register at the moment include the following: name duplication; name no longer at the address but still in the register; dead person still on the register; thousands not on the register; and a great number of migrants not on the electoral register for many reasons.*

3.42   He also raised a number of ancillary issues. He called for a reduction in the voting age from 18 to 17, and for the establishment of a permanent electoral commission. He stated:

> *The proposed establishment of an electoral commission is a great idea and we should go for it. The current system is great but there is much strain on the*

council staff who have to combine conducting elections with their statutory duties. It is time we had an independent body that would report directly to the Dáil.

Response of Members

3.43   Deputy Jim O'Keeffe showed interest in the extension of the franchise to long-term residents, but queried the possible definitions of 'long-term'. Mr. Mutwarasibo noted that the EU norm was that permanent residency could be granted after five years, and that 'leave to remain without condition as to time" could be granted after eight years.

3.44   Senator Alex White supported the call to improve the citizenship application process. He also suggested that the Seanad could be reformed to allow for the representation of members of the 'new' Irish communities.

3.45   Senator Eugene Regan pointed to the consistency of complaints concerning the electoral register, and suggested that legislative changes could deal with a lot of the shortcomings raised in the oral submissions.

3.46   Deputy Michael Woods suggested that while PR-STV could be clumsy and complex at first glance, it was a positive system for voters because it maximised voter choice.

The Effect of PR-STV on Intra-party Competition

3.47   The intra-party dimension of electoral systems relates to how seats are allocated to candidates within parties. Electoral systems may vary considerably in the choice that voters have in electing certain candidates.

3.48   In single-member-constituency systems voters choose between competing candidates, rather than party lists. Typically, only one candidate is selected per party in each constituency in such cases (in order to avoid splitting the vote) and the power to decide who becomes a MP effectively lies in the parties' hands.

3.49   While in 'closed list' proportional representation systems, (e.g. Israel, South Africa, Spain) voters are given no choice with regard to which candidates are selected. Rather, candidates are awarded seats depending on their placing on the party's list. This placing is determined by the party.

3.50   Under 'preferential list' systems, parties provide lists for elections, and votes are aggregated at the party-level. These systems are different from closed list systems because voters are given a choice as to how seats are awarded to candidates within party lists.

3.51   In compensatory 'mixed' systems in Germany and New Zealand, the list component is usually closed, while the single seat members are elected in the same manner as in the UK. These systems do not give voters a choice between candidates from the same party.

3.52   The PR-STV system allows voters a high degree of choice as to which candidates are elected because they are able to distribute preferences among candidates of the same party and across candidates of opposing parties.

3.53   When examining the effect of these different systems on party unity, electoral systems have been shown to create 'incentives to cultivate a personal vote' (Carey and Shugart, 1995). Electoral systems that allow voters to choose among candidates from the same party can provide greater motivation for individuals to differentiate themselves from party colleagues as opposed to systems that give voters no choice among candidates. Competition among members of the same party for voter preferences is not exclusive to the Irish electoral system, and extends to all preferential list-based systems, as Professor Michael Gallagher (on his Trinity College electoral systems website) points out:

> *Multi-seat PR with competition among candidates of the same party", the bugbear of critics of PR-STV in Ireland, is in fact the norm for smaller European democracies, not an example of Irish exceptionalism.*

3.54   The Committee heard evidence on the intra-party effects of the electoral system. It received evidence from academics and the general secretaries of the political parties represented in the Dáil.

3.55   Professor Michael Marsh, Professor of Comparative Political Behaviour and Dean of the Faculty of Arts, Humanities, and Social Sciences in Trinity College Dublin made a submission to the Committee on intra-party competition under three main headings. The first part of his presentation dealt with the location where intra-party competition can take place. He noted that intra-party conflict was not unusual, in that it was the lifeblood of democracy. He gave examples of where this conflict may take place:

> *In an electoral system such as ours or the one used in America, intra-party conflict is very visible, especially at election time when two candidates from the same party perceive there to be only one seat. That is very exciting for the media who can concentrate on that contest to the exclusion of what the election is about. Conflict also arises before the election as parties decide on which two candidates are to be put forward. Anybody who has experienced the election conventions held by Fine Gael, which are attended by more than 1,000 people, can testify to the intra-party competition that exists. Even if selection is made by the general secretary following a series of interviews there is competition to get an interview. Intra-party competition takes different forms.*

3.56   Professor Marsh emphasised that intra-party competition usually happens in the same place as candidate selection. It could occur over two phases during the selection of a party's candidates and the election of representatives. He suggested that the two may be related, in that party selectors can also decide who is elected by virtue of the order of candidates selected or the geographical districts to which they are assigned.

3.57   Secondly, he outlined the nature of intra-party competition in Ireland, and mentioned a number of grounds upon which running mates from the same party would compete. These included the competence of the candidate seeking election compared to their

colleague or the ability of a candidate to appeal to certain social groups, 'a woman might run as a woman, a trade unionist as a trade unionist or a farmer as a farmer.'

3.58   He indicated that candidates could also decide to compete on the intra-party level on the basis of being seen to represent a certain area, or to be seen as a local candidate. In some instances intra-party competition may also be as a result of different policy strands inside the party. Drawing attention to the Irish instance, Professor Marsh noted:

> *The normal Irish pattern is one where candidates stress their ability to deliver services to an area comprising either an entire constituency or, particularly in cases of divided county boundaries, parts thereof. In other countries, social groups are the basis of a more common pattern, with ideological distinctions in some cases.*

3.59   He illustrated the Irish example of intra-party competition using evidence from the 2002 Irish National Election Study. He noted that personality and party figured significantly in the voter's decision to support a particular candidate. Policy was regarded as a minor factor and was mentioned by less than 10% of voters when explaining their reason to support a particular candidate.

3.60   Using evidence from the 2007 Comparative Candidate Survey, Professor Marsh made a number of arguments in relation to Irish intra-party competition. Firstly, he noted that 24% of those candidates surveyed identified running mates from their own parties as their biggest threat in taking a seat. This compared with 62% who identified candidates from other parties as their main competitors. Secondly, he remarked that just under 80% of incumbent deputies are re-elected. Lastly he noted that over 30% of those TDs that are not re-elected lose their seat to a running mate from their own party, with most of these losses occurring among members of the Fianna Fáil and Fine Gael parties.

3.61   In conclusion, Professor Marsh made a number of observations in relation to PR-STV. He stated that allowing voters to choose between candidates of the same party maximises participation and inclusiveness:

Where do we want the intra-party conflict? Do we want it in the selection convention or also at election time? It is hard to argue against the importance of an election as part of that process because it provides more participation and inclusiveness. In democratic terms, it seems much better. It is not that people would not argue against it, but one is always exposed to the view that it is the most democratic way to do it.

If it was just selection criteria and we were not leaving it up to voters, it is possible that the criteria used by selectors could differ from those used by voters. It is also possible that voters might prefer the outcome. It is not always the case that what voters do gives them the outcome they actually want, or that they would want if they knew what they wanted. One can make an argument that we would all be much better off if we had a list system and let the selectors decide.

3.62   He went on to draw comparisons with intra-party electoral competition in other countries. He noted that the particular way in which candidates engage in intra-party competition is peculiar to Ireland:

By comparison with other countries, candidates here do more to focus attention on themselves and do so by stressing territory and their own capacity to deliver services to an area. In many other countries the question of what parties compete on can seem odd. As I knew I was appearing before the committee and attended conferences with people who study these things in other countries recently, I asked "What do they compete on?" They looked at me somewhat blankly and I had to ask the question in lots of different ways because for some people in countries where there is preference voting the idea that candidates would compete in the way they do here is most peculiar. Where similar incentives exist elsewhere, competition is often much less pronounced. Sometimes voters have very little interest, even if they are given a preference vote they do not use it. They may be happy to choose whatever is recommended by the party. In Denmark, which has a preferential voting system, it could lead to something very similar to our system. Less than 10% of voters gave "candidate" as a reason for their choice of party. In Norway

voters were against the introduction of preferential voting in general elections; Norway has it in local elections. Voters were asked if they would like such a system and they said "No, we would not". They want to deal with parties and not candidates.

3.63　He finished his submission by cautioning against the perception that the electoral system is an institution that causes all political outcomes. He suggested that other factors may be at play:

> *In Ireland the form, nature and extent of intra-party competition is not due to our electoral system as such, because other countries have preferential voting systems. If one wanted to examine the sources of that, one would at least have to examine the combination of electoral systems and other aspects of Irish political culture.*

3.64　Mr. Colm Ó Caomhánaigh, General Secretary of the Green Party, noted that intra-party electoral competition is exceptional in the Green Party because the party is not usually represented by more than one candidate in a constituency in Dáil elections. In instances where more than one candidate is to run, the party must be, 'convinced that there are good reasons for running two candidates and that they will work very well together, which would be very high on our list of priorities.'

3.65　He went into detail as to the type of intra-party competition that takes place:

> *The competition within parties tends to be based on things like hard graft. Professor Marsh went into more detail on that point, but obviously it is difficult for candidates in the same party to openly differ on policy issues because they are all supposed to be buying into the same manifesto. Certain things may be said on individual doorsteps, where candidates try to differentiate themselves. The competition for lower preferences adds to the clientelist [1]nature of Irish politics because one is not just looking for peoples' first or second preference. Even if somebody is voting for a completely different party, one still hopes one*

---

[1] The academic literature differentiates between clientelism and brokerage. Gallagher & Coakley point out that the constituency service performed by TDs is more akin to brokerage than clientelism.

could get a lower preference. One's name and face recognition are significant factors in that.

He suggested that this clientelism was not entirely a result of the electoral system but could be exacerbated by it.

3.66 Mr. Tom Curran, General Secretary of Fine Gael, noted that Fianna Fáil and Fine Gael were traditionally the parties represented by more than one candidate in each constituency. He discussed the strategic considerations of such intra-party competition:

The particular phenomenon of intra-party competition arises in Fianna Fáil and Fine Gael. Competition within party tickets is frequently credited for increasing a party's first preference vote but this does not always result in seat gains. The role of transfers can be critical, particularly if one candidate is to be eliminated. There is also a premium on vote management to ensure a party maximises its position where it has sufficient votes to gain an extra seat. However, this practice is becoming more difficult, given the reduced likelihood of voters supporting a party ticket down the line.

3.67 He outlined the candidate selection procedure in Fine Gael, as well as illustrating the more fractious aspects of intra-party campaigns, especially where running mates are 'chasing the same seat'. He attributed the localism associated with intra-party electoral competition takes place to the fact that:

We are a small country and everything is local. The system is driven at least in part by clientelism and the fact that members of the public feel they have to approach politicians to help them achieve their entitlements, as opposed to having a well-developed system of citizen advice centres, may reflect a failure on the part of the State. It also reflects a national psyche that believes politicians are local and that the public should be able to communicate with their representatives on a personal basis.

3.68   Mr. Robbie Smyth, representing Sinn Féin, suggested that lower district magnitudes (number of seats per constituency) restricted intra-party electoral competition to larger parties. He noted that lower district magnitudes disadvantaged smaller parties. He remarked that areas that were more socially deprived were in constituencies that had lower district magnitudes, and that this trend has become pronounced in recent times:

> *The Boundary Commission is probably the most successful tool whereby Governments thwart the electoral system. For example, why do people in Dublin North-East, Dublin North-West and Dublin North-Central only elect three Members while the cosier suburbs in the south, especially Dublin South, Dún Laoghaire and Dublin South-Central, get to elect four or five Members? Why is that acceptable? What are we saying to voters in north inner city Dublin — that their vote does not count?*

3.69   He followed by pointing out that intra-party competition may not be of direct benefit to the voter all the time. He proposed that a stronger Dáil would be of more benefit to voters:

> *Voters have a pseudo-choice in the form of the intra-party competition. They are to ask which person in Fianna Fáil they like or which in Fine Gael or the Labour Party. According to ballot papers plenty of people stand for election but because the system looks at people rather than parties we have undermined it. The elected representatives, such as those in my party, are incentivised to participate in geographical and local struggles rather than getting on with the business of doing what they were elected for.*

3.70   Mr. Seán Dorgan, General Secretary of Fianna Fáil, outlined the form of intra-party competition in his party:

> *In the last three general elections, Fianna Fáil ran two or more candidates in each Dáil constituency. Of necessity this creates intra-party tensions. In the Irish system, conflicts are most apparent at constituency level but in other systems they are more likely to surface at regional and national levels. It has*

been suggested that a list system would reduce intra-party rivalry but I am not sure if I agree. I am reminded of a comment by Deputy Fleming, who previously worked in the Fianna Fáil head office. He described the list system as profoundly undemocratic and expressed the concern that it would move candidates' focus towards gaining favour with party leadership. Rivalry is merely transferred to another area.

Response of Members

3.71 Deputy Jim O'Keeffe, in response to Professor Marsh's presentation, expressed interest in the manner in which party lists were put together and the extent to which they were controlled by the party leader or party headquarters. He pointed to the strengths and advantages of democratic input in candidate selection using examples from his own party. Deputy Michael Kennedy argued that local organisations are best placed to select candidates, as it ensures that those elected have a real mandate from the people.

3.72 Senator Eugene Regan agreed with Mr. Smyth on the weakness of the Dáil and suggested that the analysis presented by Professor Marsh indicated the dominance of personality and of the individual in the election of candidates.

3.73 Deputy Denis Naughten suggested that larger district magnitudes could allow for the election of members with more focus on legislation, and could also ensure that county boundaries were not violated in the drawing of constituencies. He agreed with Deputy Jimmy Devins that constituency work performed by deputies was of importance to their role as legislators.

The Representation of Women in Parliament

3.74 In his analysis of the results of the 2007 Dáil election, Professor Michael Gallagher, Professor of Comparative Politics at the Department of Political Science, Trinity College Dublin, noted that 'the Dáil has always been highly unrepresentative of the gender balance in Irish society, with the number of female TDs growing at a glacial pace. In 2007 even this slow advance ground to a halt…'

3.75 The percentage of female candidates and TDs in elections to the Dáil between 1977 and 2007 indicates that women are substantially under-represented in Irish public life. There has been a slowly increasing trend, overall, in the proportion of female candidates and TDs. In 1977, 6.6% of candidates and 4.1% of TDs were female, while in 2007, 17% of candidates and 13.3% of TDs were women.

3.76 Equal representation of men and women in legislative assemblies has proved difficult to achieve across the world, and there is significant regional diversity in the average proportion of female representatives in national assemblies. Levels of economic development and cultural norms influence the extent of women's representation.

3.77 The proportion of female deputies elected to the Dáil is low by international standards. In the Inter-Parliamentary Union's comparison of over 150 states, (available online at: http://www.ipu.org/wmn-e/classif.htm) Ireland currently ranks in 87th place.

Submissions Received

3.78 The Committee considered evidence on the representation of women in the Dáil at its meeting on 4 November 2009. It also received 9 written submissions that dealt with this particular subject.

3.79 The Committee heard evidence from: academics, Ms. Fiona Buckley (Lecturer in the Department of Government in UCC); civil society, Ms. Susan McKay (Director of the National Women's Council of Ireland) and practitioners, Senator Ivana Bacik, Senator Lisa McDonald and Ms. Michelle Gildernew MP MLA, Northern Ireland Minister for Agriculture and Rural Development.

3.80 Ms. Fiona Buckley has extensively researched the role of women in parliament and in executive leadership. She made the point to the Committee that the under-representation of women in many European parliaments must be considered problematic from a democratic and human rights perspective. The proportion of female representatives in the parliament affects the type of representation in which

women engage when in parliament. This was presented in terms of substantive and descriptive representation:

Descriptive representation refers to the number of women in parliament. Substantive representation assesses how women, when elected, represent women and their interests. Many people argue that the relationship between descriptive and substantive representation is the critical mass concept. Women must reach a certain percentage of members of parliament before they can affect real influence. Figures for critical mass differ between 30% and 40%.

3.81   Ms. Buckley elaborated further on the importance of women in decision-making. She pointed to international evidence that showed that women in parliament tend to argue on behalf of women and women's interests to a greater extent than their male counterparts:

There is much research to show that having women in politics makes women more connected to the democratic process, boosts their political interest, and their knowledge of and efficacy in politics. Those are very important reasons for having women involved in decision making. The research has shown that when women are in parliament they tend to argue on behalf of women and women's interests more adequately than in parliaments dominated by men. Thomas and Welch, and Epstein, Niemi and Powell advocate that female legislators are more inclined than their male counterparts to advance policy proposals on issues of concern to women

3.82   She suggested that in a state where the population is almost 50% male and 50% female, it is a matter of concern that only 13.85% of the current membership of the Dáil is female. She placed this in a global context:

In the 1960s women held 4.9% of parliamentary seats. In 2008, the figure had risen to 18.6%. In European Parliaments, the average figure for women members in 2009 is 24%. Ireland falls below the world and European

average. In June 2009, the number of seats held by women in the Irish Parliament is 13.85%. We rank 24th of the 27 EU member states.

3.83 On the precise role of the electoral system in facilitating a higher level of representation of women, Ms. Buckley stated that district magnitudes of six or more seats are more likely to bring about gender-equal representation rather than those of five or less seats. She pointed to research from the *International Institute for Democracy and Electoral Assistance (IDEA)* which showed that PR-based systems gave women running for parliament an advantage over women in those countries that use majoritarian systems to elect their parliaments.

3.84 Speaking specifically about PR-STV, Ms. Buckley stated that there were mixed views on the influence of PR-STV on female representation in Ireland:

> *The findings on the influence of PR-STV on female representation in Ireland tend to be somewhat mixed. In 1987 Engstrom concluded that Ireland's relatively small district magnitude hindered female representation. There was a sense that with three, four and even five-seat constituencies, parties considered what they were realistically going to achieve. In a three-seat constituency a party would be likely to run only two candidates and, at a stretch, three candidates. The tendency for those parties was to stick with the incumbent — usually a male candidate — or what was perceived by many parties as the safe bet, the male candidate. Engstrom stated that the small district magnitude in those cases would have affected women's representation. However, Michael O'Kelly in 2000 found that women candidates in Irish elections have been very successful in three and four seat constituencies. I looked at some of the figures from the 2007 general election, which show mixed results including a number of women coming through in the three and four-seat constituencies.*

3.85 She added that there was no evidence from recent years that suggested bias was present against female candidates in Irish elections. She pointed to a recent election study which found that 72% of female voters wanted to see female candidates in the general election.

3.86   Finally, Ms. Buckley noted that there was no one factor to which the low level of female representation could be attributed:

> *However, we also need to get women to the point where their names are put on a ballot paper so that they can be selected by the electorate. What does the research tell us about female representation in Ireland? Is there bias against female candidates among the electorate? There are mixed results. The research from the late 1990s onwards suggests there is little or no bias against female candidates among the electorate. Early research from the 1980s, in 1987 and 1988, showed some evidence of bias against female candidates. That was probably symptomatic of the climate and culture of the time. However, it remains the case that politics is very much seen as a male profession. The issue of incumbency represents a significant challenge for women because the incumbent tends to be male and parties will generally run with a tried and tested individual. The tendency of political parties to act as gatekeepers to the political system also works against women.*

> *My presentation lists the main issues that discourage women from standing in elections. Research points to party selection processes as a significant issue in this regard, with many female respondents referring to the clubby, male dominated, old boys' network of politics. Not surprisingly, child care is a major issue for prospective female candidates. Cash is another issue, with women perhaps less likely than men to have access to the financial resources necessary to fund an electoral challenge. Lack of confidence is another issue cited by women, specifically lack of confidence in their ability to break into this male dominated area.*

3.87   Ms. Susan McKay addressed the question of the under-representation of women in the context of the broader consequences that this has for women's welfare:

> *It has led to poorly developed policies on women's equality and a reliance on the European Union to provide protection and improvements for women in Ireland.*

3.88   She suggested that at the current rate of increase, it would take over 370 years to achieve gender parity in the Dáil. She drew attention to the fact, 'that all public decision-making institutions in Ireland remain male dominated.'

3.89   She pointed to the Council of Europe's research on the subject, which identified both structural and cultural explanations for the under-representation of women in parliament:

> *Structural explanations reveal that women's participation in politics is dependent on factors such as the overall development of the country, an extended welfare state, the socio-economic status of women, the levels of female education or the proportion of women in employment. Cultural approaches refer to gender differences in political socialisation and adult gender roles and to the role of religion or cultural traditions.*

3.90   She discussed examples of these cultural barriers:

> *It is little wonder that for many girls and women, a career in politics or public life is still seen as 'not for us'. The 'jobs for the boys' mentality very much prevails in Ireland. Only 4% of chief executive officers in top Irish companies are women, and women are heavily over-represented among the lower ranks of most of the professions and in the Civil Service. To put our rates of female parliamentary participation in an international context, Ireland ranks 24th in the European Union and 59th out of 120 nations. In other words, our participation rates are considerably lower than the European, American and Asian average and on a par with the sub-Saharan African average of 13%.*

3.91   She further stated:

> *I refer to an article Senator Bacik wrote in the Irish Examiner recently, in which she stated the cultural barrier is probably the most difficult to address. She said in the legal professions, the same culture persists and she referred, in particular, to women solicitors not being invited on crucial golf outings with major clients. We only have to look to yesterday's Supreme Court decision* [a ruling that allowed Portmarnock Golf Club to refuse membership to women]

to realise that the culture of boys clubs, which go to immense lengths to exclude women, is not only about the exceedingly boring game of golf but is a lot to do with the exclusion of women from the places where decisions are made and attitudes to important political issues are formed.

3.92 She drew particular attention to the role of electoral systems. The effect of candidate gender quotas and other institutional mechanisms was mentioned:

The Venice Commission report, which she mentioned, highlights the role strong women's movements and networks in individual states play in increasing the representation of women. It is clear from all the research and our own previous work that a quota system must be incorporated into our electoral process. Given women's profound under-representation, quotas should be viewed as compensation for existing obstacles to women's access to Parliament. They can help to overcome structural, cultural and political constraints.

3.93 Ms. McKay went on:

Besides the electoral system, the effective implementation of gender quotas is an institutional factor of paramount importance. Such quotas provide one of the most notable powers for women's parliamentary representation and specifying the minimum percentages of female candidates for elections will be hugely important in Ireland, where there is no alternative. They must be accompanied by family friendly and other measures that will make it possible for women to put themselves forward. I recommend that members read our 'Who Cares?' document in that regard.

3.94 Senator Ivana Bacik made reference to the 'marked discriminatory culture' that characterised political culture in Ireland. She referenced a report co-authored by her under the aegis of the Joint Committee on Justice, Equality, Defence and Women's Rights. She underlined the comparatively low standing of Ireland internationally in the representation of women in the national legislature, stating that:

In nearly 12% of all Dáil constituencies in the last general election there was no woman candidate. In those five constituencies, all-male tickets were presented to the voters. In at least 60% of constituencies there were no women candidates from either of the two largest political parties.

3.95   Senator Bacik also referred to the report of the Venice Commission's[2] that found that no particular electoral system specifically disadvantaged women. It did state that list-based PR systems were better able to facilitate candidate gender parity. In such systems, a 'zipper-approach' is used to place candidates on the list, e.g. a female candidate would be ranked first on the list, a male candidate would be ranked next, then a female candidate followed by a male and so on. She outlined a number of approaches that had been taken internationally to increase female participation in politics. These options did not just include candidate gender quotas but took a number of forms:

However, opportunity quotas, or placing limits on the number of candidates of each gender which political parties can select to put to the voters, are perfectly lawful and have been adopted in a large number of countries throughout the world. Having started in the Argentine Republic in the 1950s they are widespread in Latin America and now across Europe. We recommend that parties should be required to adopt no more than a stated proportion of candidates of one gender. The Belgian experience, where a law was introduced stipulating that no more than two thirds of candidates should be of one gender, has led to a marked increase in women's representation.

3.96   Senator Lisa McDonald drew the attention of the Committee to the lack of candidate gender quotas in the Irish electoral system. She recounted her personal experiences of participation in local, general and Seanad elections. She mentioned the main factors to which the under-representation of women is attributed:

The five Cs are cited in all reports as a big barrier to women's representation in politics and they have been referred to by speakers today. They are child

---

[2] The Venice Commission is an advisory body of the Council of Europe, composed of independent experts to assist in the review of constitutional and para-constitutional law.

*care, cash, confidence, culture and the candidate selection procedure. I am
sure the research is correct and up to date.*

3.97   Referring to the candidate selection procedure, Senator McDonald suggested that
women in larger parties were impeded to a greater extent than their counterparts in
smaller parties because larger parties run more than one candidate in a constituency.
She expressed some doubt about the effect of district magnitude on the representation
of women:

> *It has been shown that women tend to fare better in six or more seat
> constituencies. This is mirrored in some local election results. I am not sure
> we need to move to such a system. Instead I would support the candidate
> quota system, such as the Belgian one. It can always be re-examined 15 years
> from now if it is found not to have worked. However, we need to immediately
> move to a candidate quota system.*

3.98   Minister Michelle Gildernew MP, MLA, offered some thoughts on the effect of PR-
STV on female representation because it is the same system that is used in Northern
Ireland for the election of the Assembly. She did make the point that PR-STV is
more likely to facilitate the election of female candidates than first-past-the post:

> *There are two electoral systems in the North. In some elections we have
> proportional representation which encourages higher voter turnout than non-
> PR systems. However, in Westminster elections a First-Past-the-Post system
> is used. That is particularly difficult as regards trying to ensure that women
> not only get the candidacy, but have the support they need to get them elected.*

3.99   16.7% of the current members of the Northern Ireland Assembly are female. Minister
Gildernew drew attention to the candidate selection procedures used by the different
parties which made a difference to the representation of women in the Assembly. She
discussed the approach taken by Sinn Féin:

> *When Sinn Féin is choosing its candidates, particularly in constituencies
> where there is a chance of winning more than one seat, we tend to ensure that*

there are women on the ticket. In my first experience as a candidate in the forum elections in the late 1990s – the dim and distant past – we had five people on the ticket. We ensured we had two men, two women and one person from the South to reflect the all-Ireland nature of the party.

3.100 Minister Gildernew indicated that parties should attach particular importance to the selection of female candidates. She suggested that cultural issues may act as a barrier towards full female participation in politics:

> *Democracy requires that all perspectives in society are represented and therefore we need more women in political parties on the basis of equality. We need the party organisation, structure and management to fully support all members on a basis of equality. The decision-making processes need to involve women activists. That is very important and we need candidate selection processes to involve women activists. We have to recognise the importance of selection procedures to persuade parties to select women candidates.*

Response of Members

3.101 Deputy Jim O'Keeffe asked if there were other methods of involving women in politics besides quotas. He noted the importance of grassroots involvement to integrate women fully into the life of political parties.

3.102 Deputy Brendan Howlin proposed that party-based mechanisms were a good way of increasing the number of female candidates, referring to the success of such an approach in the Labour Party.

3.103 Senator Dan Boyle mentioned the gender parity rules in the Green Party. He also suggested that political culture could be a determining factor in encouraging or discouraging women to stand for political office.

3.104 Deputy Michael Woods noted that district magnitude could be increased to facilitate greater electoral participation by women. He called for an examination of the various cultural barriers that impede women's participation in political life.

3.105 Deputy Denis Naughten asked whether larger district magnitudes would lead to increased constituency workloads for TDs, and would be considered wasteful. He drew attention to one of the proposals mentioned to increase female participation in politics, namely the identification of potential panels of female candidates.

3.106 Deputy Margaret Conlon suggested that a cultural change was the most fundamental shift that needed to occur to encourage women to run for political office. Senator Mary White argued that parties needed to lead from the top in ensuring that women put themselves forward to stand for election and to participate fully in the life of the political party.

PR-STV and the Constituency Role of TDs

3.107 Constituency service comprises the activities undertaken by parliamentarians when serving the needs of their constituents and constituency. These activities can be divided into two types – service directed at individuals or special interest groups in the constituency and service oriented towards a locality or the constituency as a whole. Service directed towards constituents or special interest groups includes advocating on their behalf with state agencies or government departments, tabling parliamentary questions on their behalf or bringing matters of concern to constituents to the relevant minister through correspondence or meetings. Service directed towards the locality and constituency involves lobbying on behalf of the constituency in order to attract foreign investment, for example, or visiting the constituency in a ceremonial role, or as a 'local celebrity'. Gallagher and Komito (2005:243) describe these roles as 'welfare officer', 'local promoter' and 'local dignitary' respectively. Constituency service that is performed in other countries corresponds to these categories also.

3.108 There has been some academic research undertaking constituency service in Ireland. Bax (1976) undertook research in Cork and found that a TD would intervene in

constituents' cases. This contrasted with the picture painted by Sacks (1976) of constituency service in Donegal, where he proposed that TDs were largely ineffectual in securing more favourable outcomes for those on whose behalf they lobbied. The true state of affairs lies somewhere between the two pictures painted. Certainly, it seems unlikely that politicians would be referred to as 'good for the area' or 'able to get things done' if there were no basis in reality for such a label.

3.109　TDs (or indeed any parliamentarians) may not secure an extra benefit for a constituent, but as Kelly (1987) found in her analysis, a TD assists them in making sure that their enquiry or application is presented correctly or that the required form is filled completely. If TDs are powerless, then it is worth asking why 21% of people surveyed in the Irish National Election Study in 2002 contacted a TD in the preceding five years. While there have definitely been improvements in recent times, e.g. the increased awareness of the availability of advice from bodies such as the Money Advice and Budgeting Service or the Citizens Information Board, there are still voters who prefer to make contact with their TD. This has become easier given the popular use of e-mail and other forms of information technology. There is also evidence that suggests that voters expect TDs to provide a local service, either at an individual or more general level –over 60% of respondents said as much in the 2007 Irish National Election Study.

3.110　Regarding the electoral system, there is little doubt from the evidence cited by academics who study the subject that a TD's re-election prospects are affected by the extent to which they engage in constituency service. A study conducted by Wood and Young (1997: 221) showed the prevalence of this opinion among a batch of recently elected TDs in 1996. The extent to which this is a consequence of the system is open to some debate, however.

3.111　During the Committee's deliberations, the constituency role of TDs was one of the most mentioned and discussed. It featured in a number of written submissions as well as being raised in oral submissions by witnesses. The Committee commissioned research investigating the constituency role of TDs and the factors which affected this. These results were published in the Committee's Interim Report of February, 2010.

3.112 TDs reported that they spent (on average) 53% of their working time on constituency-based work, 38% on legislative work, and 9% on 'other' work. The largest single category of constituency-based work was 'working on individual constituents' cases, which alone accounted for just over a fifth of the average TD's overall workload.

3.113 TDs typically saw their role as being primarily constituency representatives. They rated constituency-based activities as more important than legislative activities. When asked who a TD should represent, the highest ranking option was that a TD should primarily represent all voters in their constituency, rather than their own supporters, their party's supporters, or all voters in the country.

3.114 Certain background characteristics of TDs appeared to be associated with higher levels of constituency work. These included constituency characteristics, most notably the distance from Dublin to the constituency. TDs' role in the legislature also influenced their workload, and both Ministers and Ministers of State spent less time engaged in constituency-based work, although there was no discernible difference for Committee Chairs and Vice-Chairs or for Party Spokespeople. TDs' ages, educational/occupational backgrounds, and levels of political experience do not appear to be related to their levels of constituency work; however female TDs appeared to engage in slightly higher levels of constituency work than males.

3.115 More overt political factors also appeared to play a role, especially those relating to intra-party competition. These factors included the extent to which deputies faced competition from members of their own party in the previous election, and whether a deputy had ever lost their seat to a member of their own party. Intense intra-party competition was typically associated with higher reported levels of constituency-based activity.

Submissions Received

3.116 The constituency role of TDs was considered in oral submissions to the Committee by Mr. Noel Dempsey, TD, Minister for Transport, Professor Michael Gallagher, Dr. Thomas Lundberg, Lecturer in Politics at the University of Glasgow and Dr. Liam Weeks, Lecturer in Government at University College Cork.

3.117   Professor Gallagher main three main suggestions regarding constituency service. Firstly, he considered that there were many factors that affect the level of constituency service. He indicated that the electoral system does not create the 'demand' for constituency service per se, but it may affect TDs' willingness to 'supply' constituency service. He identified three possible causes: political culture, where constituents expect TDs to attend to the needs of the constituency; the small size of the society - the low ratio of TD to voter leads to a closer relationship with TD expected by the voters; and the functioning of the administrative system can lead people to seek assistance from external sources.

3.118   In examining the link between the electoral system and constituency service, Professor Gallagher emphasised that constituency workloads were associated with different electoral systems. He cited examples from the UK and France:

>   Is there any causal link between the electoral system and constituency focus? At first it might appear there is a link but perhaps there are reasons for doubting that. I said earlier there were two reasons for this and now I will elaborate on each of them in turn. We find a significant constituency workload under a whole range of different electoral systems. In the paper that I have circulated I quoted Michael Mezey as saying that this is almost universal. MPs in nearly every parliament say they have an incessant flow of constituency demands and coping with them requires a substantial portion of their time. For example, in France, deputies are seen as ambassadors from the constituency to central Government. They arrive in Paris on Tuesday morning and leave on Thursday evening and spend all the intervening time on constituency matters. Even some of the time they are in Paris they are engaged in constituency business - that probably sounds familiar. Likewise in the UK, constituency workloads have hugely increased during the past 30 or 40 years and MPs spend about half of their time on it. One analysis stated that:

>   Members of Parliament are preoccupied with endless meetings, ceaseless letters, difficult constituency problems... There is the sense of an "endless

treadmill" of late nights and early mornings, perhaps allowing little time for reflection.

This probably sounds familiar. Even more striking, is the constituency role of MPs in Canada. Constituency work takes up more of an MP's time than any other activity in Canada, which, like Britain and France, uses single member constituencies. There is no intra-party electoral competition. In Canada, Parliament even adjourns for a week every month so that MPs can spend a whole week in their constituencies. It seems in Canada constituents benefit from contacting an MP because queries from MPs are dealt with by skilled and experienced civil servants, whereas constituents who operate under their own steam are diverted, presumably to the less prompt and efficient civil servants. These are just a few examples from various countries, and this is leaving aside the USA.

3.119 Professor Gallagher concluded that PR-STV could not be regarded as the main determinant of the level of constituency service in Ireland. When looking at other PR systems from around the EU, where voters can express a preference for candidates, the need for candidates to maintain a high local profile was considered to be quite common.

3.120 He elaborated on the value of constituency service to the democratic process and posed the normative question to the Committee as to whether or not it was desirable to dilute the link between TD and voter in constituencies, or if in fact this was one of the greater strengths of the Irish political system. He stated:

There are also benefits from constituency work that are sometimes neglected in the debate. One is that it ensures that TDs are kept in close touch with the ordinary lives of people, which is a benefit for constituents, but it also brings a benefit to TDs' work at national level. It means that when legislation comes before the Dáil, TDs are not only considering it in the abstract, they know how it will impinge on people on the ground. If a Government policy that looked great on paper is causing problems on the ground, TDs would be quick to realise that and pick up on it. Another benefit of such work is that it reduces

alienation and encourages ordinary people to feel that someone at least is on their side. Even if a person has a low view of politicians generally, that person will know that his or her local TD is always receptive, helpful and active in the area, is approachable and will at least fight a battle on the person's behalf, even if other elements of the political system seem to be rather unhelpful. In that way it reduces alienation.

3.121   Minister Noel Dempsey also discussed the level of constituency work undertaken by TDs in his submission to the Committee. He suggested that the electoral system had brought about a situation where TDs were elected:

> *...not as public representatives per se but as the private representative of each constituent who contacts us. We pursue such individual issues as medical cards, housing applications, social welfare applications and so forth. We go through the bureaucracy to try to speed up the process. We do so because of our electoral system. Instead of making the bureaucracy more responsive and doing our job to ensure the system is delivering for the citizen, we do these tasks set for us by our constituents. Why do we do so? We do so partly because of the electoral system and partly because the multi-seat constituencies in the electoral system foster such inter and intra-party rivalry.*

3.122   In this respect, Minister Dempsey suggested that a high level of constituency service was a feature of the current electoral system and that this has impacted on the ability of TDs to effectively scrutinise policy and legislation:

> *We need to ask if we all need to be private representatives of individual constituents or whether a change in the electoral system will make us all better public representatives, allow us to better represent the views of our constituents and enable us to hold to account the people who are supposed to deliver services to the people. Those are the questions we need to ask. I have long come to the conclusion that there are better systems which will help our constituents much more.*

3.123 Dr. Thomas Lundberg presented evidence concerning the constituency service undertaken by parliamentarians elected under the Mixed-Member Proportional electoral system. He suggested that the MMP system combined the need for a clear link between the legislator and their constituent, as well as the duty for MPs to legislate for the nation as a whole. In presenting the results of his research into the levels of constituency work performed by MPs elected under the MMP electoral system, Dr. Lundberg noted that one of the major criticisms that is made of the MMP system is that it creates two 'classes' of representative, but only one type of representative engages in constituency service. His research called that assumption into question:

> *The idea that list representatives have nothing to do in terms of constituency service is another criticism that comes up. With dual candidacy, however, some representatives will shadow constituency representatives where they plan to stand. They are hoping to get their name recognition up and to have a better chance when it comes to election time. The parties also want their representatives to be active at constituency level, even if they are elected through the list. List representatives, as I found in my research, do actually serve constituents, but they tend to spend less time on this than their constituency-elected counterparts.*

3.124 He noted that representatives elected by constituencies in Scotland, Wales and Germany spent more time dealing with constituency-based issues than their counterparts who were elected by a list system. He gave a detailed breakdown of this:

> *My research also covered that portion of the work-time reported in surveys of the Scottish Parliament, the Welsh Assembly and two German Landtage, or state parliaments. Looking at the portion of work-time spent helping voters, a traditional constituency service, I found that in Germany less time is spent on this, as one might expect. In Britain there is more time, around 16% or 17%. I also found there was a difference in the time points. I looked at the year 2000, just after the first elections to the Scottish Parliament and the Welsh Assembly in 1999. I looked at the representatives again in 2003, just after the second*

elections to both bodies. I found that the first time around there was not much of a difference between how much time the two different types of member spent in helping voters. Later however, in 2003, after the second elections to the Scottish Parliament and the Welsh Assembly, I found that constituency representatives do spend a lot more time on constituency service — about 21% of their work-time — compared to just under 14% of their time for their list-elected counterparts. I do not see a big difference when looking at Germany, but there is some difference there in that the constituency-elected representatives spend a bit more time on such work.

3.125   Dr. Liam Weeks focused on a particular consequence of constituency service in Ireland – the role of independent members in the Dáil. He discussed the relationship between independent TDs and the PR-STV electoral system. He stated that Ireland is 'unique' as no other democracy has had:

> *...such a significant proliferation of [independent members] as Ireland. In fact, there have been more elected to Dáil Éireann than the combined total elected to national parliaments in western Europe. Some 50% more independents have been elected to the Dáil since World War Two than the combined total in the other select democracies using a candidate-centred electoral system. Some 97 independents have been elected to the Dáil since World War Two. This does not mean 97 different independents. It refers to the number of seats. For example, the late Tony Gregory would have been elected on 11 occasions.*

3.126   In explaining this phenomenon, Dr. Weeks alluded to the importance of constituency work. He stated that, as Irish voters place such value on constituency service, it is not difficult for candidates who do not have the support of party organisations to engage in constituency service to build a local profile and secure election:

> *To return to constituency work, certainly the premium placed on this activity in Ireland means that a single candidate who cannot fall back on party loyalties, party resources or party policy to deliver votes, is not at a major*

disadvantage in Ireland and one need not be a policy expert or a party man or woman to engage in constituency work.

If we had a system where political competition revolved around national issues and where policy expertise was given greater priority, this would probably spell the end for Independents, the great majority of whom have a local focus. That being said, there are many other systems, as has been indicated earlier, where constituency service is an important function for parliamentarians and yet Independents are not elected. The possible difference in Ireland is that it exists alongside a favourable electoral system.

3.127 Dr. Weeks identified four reasons relating to the electoral system that could explain the presence of Independent TDs in Irish politics:

The first reason on which we have elaborated is the facilitation of particularistic-style competition, that is, on constituency work.

The second reason STV might help Independents is because it is a form of PR. It is a proportional system, which, compared with non-PR systems, tends to help minor candidates like Independents. It is one of the few PR systems that both allows Independents to run on their own and ensures them a seat return approximately equitable to their vote and this proportionality is engineered by the presence of multi-seat constituencies. An Independent needs to attract only a fraction of the first preference vote to win a seat and does not need to beat all other party candidates, as would be the case under first past the post, for example.

The third reason PR-STV might help Independents is because unlike most other forms of PR that tend to be party centred, STV is a candidate-centred system that permits candidates to stand alone and not as part of a party. While there is no clear-cut evidence that this fosters candidate-centred political competition, PR-STV does not discourage its presence and it may support its continuing existence in the face of party competition.

The final reason STV may help Independents is because it helps centrist candidates, those who are acceptable to everyone, which is not true of other PR and non-PR systems, for example, candidates such as Mr. Ralph Nader in the US. Single transferable vote does this in two ways. The first is a product of its preferential nature, and STV is often called a preferential system in the academic literature. This preferential system in STV encourages sincere voting, by which we mean it lessens the likelihood of voters being discouraged from wasting their vote on Independents unable to win a seat, as regularly happens under first past the post where voters are free to waste their vote on a candidate who has no chance of winning a seat.

3.128 He suggested that the presence of Independents could not be attributed to the electoral system alone. Independents are not a notable feature of political life in Malta, which employs PR-STV to elect its legislature. As he remarked:

A different electoral system operating in a political culture where an ability to engage in constituency work was not an asset would most likely militate against Independents. However, while changing the former — PR-STV — can be done in a relatively straightforward manner; the same cannot be said about a change in political culture.

Responses of Members

3.129 Deputy Michael D'Arcy asked if Independent TDs were likely to have had links with parties in the past before being elected. Dr. Weeks informed him that one third of independent candidates surveyed at the 2004 local elections said they had been members of parties at some stage.

3.130 Deputy Jim O'Keeffe suggested that members of the Dáil place great importance on assisting their constituents. He also proposed that the process for accessing state services have become quite complex and that this can lead people to seek the assistance of their local TD.

3.131 Senator Dan Boyle noted that PR-STV was used for local elections in Scotland, while MMP was used to elect the Scottish Parliament. He also suggested that the lack of

Independent MPs in Malta was a consequence of the rigid two-party system in that country.

3.132   Deputy Brendan Howlin suggested that strong local government was necessary to allow members of the Dáil to focus on national legislative issues, as well as a re-balancing of the relationship of the Dáil vis-à-vis the Government. This view was echoed by Deputy Michael Kennedy and Senator Alex White.

Public Meeting, University College Cork

3.133   The Committee was invited to hold a public meeting in University College Cork (UCC) on the electoral system at which it received oral submissions from students of the Department of Government, UCC. The meeting was also addressed by Professor David Gwynn Morgan, Faculty of Law, and Dr. Theresa Reidy, Department of Government, UCC, and Dr. Adrian Kavanagh, Department of Geography, National University of Ireland Maynooth.

Submissions Received

3.134   Professor David Gwynn Morgan considered the establishment of an Electoral Commission. He pointed to the lack of co-ordination and the overlap of functions between the decentralised agencies that currently administer elections in Ireland. He noted that the Constituency Commission was not constitutionally recognised and suggested that this was a weakness of the current administration of elections in Ireland.

3.135   He also suggested that the Electoral Commission in the United Kingdom provided a model for any prospective body that might be established in Ireland. He quoted from a review of the UK Electoral Commission:

> *Some evidenced received by the Committee clearly indicates that the Electoral Commission has made a positive impact since its creation...Its presence has also helped to highlight the importance of electoral issues to the democratic process.*

3.136 Dr. Adrian Kavanagh highlighted the importance of geography in Irish elections in Irish politics. He considered the drawing of constituency boundaries, the levels of participation and the size of constituencies. Using the example of the Longford-Westmeath constituency from the 2007 election, he demonstrated the deficiencies in the current system of drawing constituency boundaries by showing how shifting entire electoral areas from one constituency to another affects the outcome of an election. He also considered the considerable geographical variance in the accuracy of the electoral register throughout the country.

3.137 Dr. Theresa Reidy considered the design of the ballot paper in her submission. She suggested that the alphabetic ordering of candidates' names on the ballot gave an unintended advantage to candidates whose surnames began with the letter A through to H, and that there was little justification for this. This was also mentioned in a number of written submissions.

3.138 Dr. Reidy also discussed the effect of introducing candidate photographs on the ballot paper in 1999. She explained that the reason for this development was to assist voters with literacy difficulties in choosing and identifying their preferred candidate and to avoid confusion where different candidates have similar names. She pointed to research that showed that:

> *Voters will vote using only photographs as a cue. Increasing information cues for voters can have unintended consequences. It also raises the question of how voters are using the photographs in terms of stereotypes and gender, age and race.*

3.139 She pointed to the positive features of Irish ballot papers: the use of different ballot papers for each election; the inclusion of clear instructions on the ballot paper and the use of ballot paper cues.

3.140 Students at the Department of Government in UCC also made written submissions to the Committee. Members of the Committee responded orally to a number of these. These submissions concerned the reduction of the voting age (Ms. Orla Murphy & Ms. Mary O'Brien), the strengths of the PR-STV electoral system (Ms. Cliona Ni

Néill & Ms. Eimear O'Leary), the need to improve the voting register (Ms. Mary O'Brien), the use of electronic voting (Mr. Robert Porter) and the need to ensure the Dáil is a true reflection of society (Mr. Craig Acoil).

3.141 Ms. Orla Murphy called for the reduction of the voting age to 16 years. She proposed that a change in the minimum voting age would change voting behaviour. She argued that there was an interest in politics among young people, and that the education system could be used to nurture that:

> *Civic, Social and Political Educaion (CSPE) is taught up to Junior Certificate Level (where the candidate's average age on completion is sixteen). Currently there is a two-year gap until these students register to vote; and this responsibility is often left to their local representative. With the proposed Leaving Certificate subject of Politics and Society to be introduced in the academic yea of 2010/2011 the gap will be bridged for those interested in politics. I think if registering to vote was made a compulsory component of the CSPE Junior Certificate exam the students would see firsthand how their voice is heard and their vote matters. Therefore they would continue voting, and taking interest in politics as a whole.*

3.142 Ms. Mary O'Brien called for an improvement in the voting register and a reduction in the voting age to 17 years. She described the voting register as being:

> *Antiquated and with current technological advances not user-friendly. The localisation of the voting registers, whereby each local authority controls, as it were, who is and who is not registered is open to abuse and in fact may be seen to unwittingly encourage fraudulent voting.*

3.143 She outlined a number of alternative methods of registration, focusing attention on the New Zealand Electoral Enrolment Centre. She claimed that the PPS number would be a good structure to use in improving the electoral register. She argued that the reduction of the voting age could be justified because

> *The nurturing and encouragement of voters from an early age can only have positive effects for the electoral system.*

3.144 Ms. Cliona Ni Néill argued that the electoral system was the reason behind the perceived shortcomings of the Irish political system. She claimed that PR-STV ensured that TDs were responsive to the needs and views of their constituents. She pointed to other elements in the institutional architecture of the State that were also worthy of examination. She concluded by stating;

> *The fact is that all problems raised in relation to PR-STV could be explained elsewhere. It is my recommendation that more focus be put on the solution of these underlying problems and the issue of electoral reform be revisited in a time of less confusion and anger.*

3.145 Ms. Éimear O'Leary made a submission concerning constituency work. She discussed the difference between 'brokerage' and 'clientelist' politics. She argued that PR-STV was an excellent electoral system for the voter because it maximised voter choice. She stated that PR-STV was wrongly identified as the main reason for constituency work among deputies. She ended by askin**g**

> *Hence, one must question whether reforming the system is necessary when it appears that PR-STV is not the only factor leading to constituency work and that in truth the Irish population appear to quite like the localist nature of politics in Ireland and the ability to approach their local TD for assistance, unlike that which occurs in many other states.*

3.146 Mr. Robert Porter argued that institutional reform should go farther than the electoral system and claimed that the Seanad should be reformed also. He pointed out that the Dáil needed to change its procedures in order to assert itself more fully in the legislative process.

3.147 Mr. Craig Acoil made a submission that argued against gender quotas or quotas for members of ethnic minorities. He claimed that such a move would endanger the character of democracy.

3.148   Deputy Jim O'Keeffe stated that the voting age had been reduced before, from 21 to 18. He asked as to whether or not it was time to consider reducing it once again.

3.149   Deputy Noel O'Flynn identified the link between TDs and constituents as one of the electoral system's underlying strengths. He highlighted the need for reform of Dáil procedures to facilitate greater involvement of TDs in the drafting of legislation.

3.150   Deputy Ciarán Lynch referred to the Labour Party policy document on reform of aspects of the electoral system. He pointed to the positive features of the Northern Ireland voter registration system. He also suggested that consideration be given to moving to larger constituency sizes.

3.151   Senator Dan Boyle suggested that any shift from alphabetical ordering of names on the ballot paper would make tallying election results very difficult. He pointed to the proposal concerning the establishment of an Electoral Commission that was included in the Renewed Programme for Government. He remarked that Dr. Kavanagh's submission showed that a local base was extremely important in Irish politics.

3.152   Deputy David Stanton suggested that Dáil reform is essential to increase the effectiveness of Parliament in the democratic process. He noted that committees are extremely important in the work of the Dáil, but that active participation in commitees is not always visible to the electorate. He discussed the importance of local government reform. These remarks were echoed by Deputy Michael Ahern.

3.153   Senator Jerry Buttimer suggested the extension of the use of postal vote. He also proposed a reduction in the voting age and the introduction of a voter education programme for young people.

Government Stability, Proportionality & Party Cohesion

3.154 While one of the criticisms of the PR-STV electoral system is that it produces unstable governments, the Committee notes that, historically, governments in Ireland have been relatively stable. Governments formed between 1923 and 2007 lasted for an average of 3.1 years while governments formed between 1948 and 2007 lasted on average for 3.3 years. Over half (10 of 18) of the governments formed since 1948 have been coalition governments.

Submissions Received

3.155 Professor Richard Sinnott, Professor of Politics in the School of Politics and International Relations, University College Dublin, considered the effect of PR-STV on government stability and political party cohesion.

3.156 Professor Sinnott suggested that two major criticisms are often made of PR-STV. The first concerned the proportionality of the system:

> *The first line of criticism is that it produces results that are too proportional and that are conducive to unstable government. This is easily dealt with. PR-STV produces moderate rather than extreme proportionality; plus, on the Gallagher index of disproportionality, Ireland scores 6.2% compared to an average 11.8% for single member plurality systems, the type of system they use in Great Britain, and 4.8% for list systems. Ireland is in between, and the extent to which it is in between is even clearer if one looks at particular cases.*

> *Ireland's score of 6.2% contrasts strongly with, on the more disproportional side, a score of 17.3% and, on the near perfectly proportional side, a score of 0.99% for the Netherlands. Proportionality or disproportionality can vary extensively, depending on the electoral system and depending on a few other factors which I will deal with later.*

> *One can also look at the issue of proportionality election by election and party by party within Ireland. Fianna Fáil benefits most from the modest PR-STV bonus in share of seats relative to share of votes. This is in line with the*

tendency for all electoral systems to give a bonus to the largest party or parties. In contrast, the Labour Party is more often than not at a deficit in terms of vote-seat ratio.

3.157 The second criticism suggests that PR-STV places undue emphasis on personal vote-seeking by candidates which weakens party discipline:

> *The second main line of criticism of PR-STV is that it devalues parties. Thus, a very prominent American political scientist, Richard Katz, has argued:*

>> *the choice offered by list-system PR ... is a choice within party, while the choice offered under STV [this is his critical point] is a choice without regard to party. The effect has been to offer voters under STV a wider choice, but one which in terms of the arguments used by its advocates, is less meaningful.*

3.158 Professor Sinnott proposed that there was no consistent evidence of weak party discipline under PR-STV. He also suggested that the personal link between voter and representative could be regarded as intrinsic to democracy and was something that should be cherished. The extent to which voter preferences can be reflected means that voters can choose to vote on a party basis if they wish, but ultimately, the voter has a wide range of choice.

3.159 He also drew the attention of the Committee to the report of the Independent Commission on the Voting System in the UK published in 1998. This report indicated that were a number of advantages of the PR-STV electoral system. PR-STV was described as:

> *A system which has several substantial advantages. It maximises voter choice, giving the elector the power to express preferences not only between parties but between different candidates of the same party. It achieves a significantly greater degree of proportionality [interestingly, than the British system]. It avoids the problem of having two classes of member, as is the case with the Additional Member System [the German system being most quoted in this regard as an example of an additional member system]. It also avoids the*

likelihood of fostering a proliferation of small splinter parties, and does this without the need for setting any arbitrary threshold. It has long worked with, on the whole, beneficial results in the Republic of Ireland.

Responses of Members

3.160   Deputy Brendan Howlin suggested that if the number of seats in a constituency were increased, that this would lead to an excessive and unnecessary duplication of constituency work.

3.161   The Chairman, Deputy Seán Ardagh, underlined the importance of contact with the people and identified this as an underlying strength of the PR-STV system.

3.162   Senator Dan Boyle suggested that proportionality could also be guaranteed in MMP systems, though not necessarily in the constituency-based seats.

Reducing the Voting Age

Submissions Received

3.163   In discussing the voting age the Committee considered submissions from Professor Jonathan Tonge, Professor of Politics in the University of Liverpool; Mr. Peter Mannion, President of the Union of Students in Ireland; Ms. Maria Kelly and Ms. Clódagh O'Brien of the National Youth Council of Ireland and His Excellency, Dr. Walter Hagg, Ambassador of Austria to Ireland.

3.164   Professor Jonathon Tonge chaired the Youth Citizenship Commission in the UK that considered whether the voting age should be reduced to 16 years of age.   The Commission was established to examine ways of developing young people's understanding of citizenship and to increase their participation in politics.

3.165   Professor Tonge informed the Committee that the review of the voting age was examined in the context of an examination of youth citizenship.   The debate on reducing the voting age was motivated by the marked decline in voting by people in

the 18-24 age group. He outlined to the Committee the arguments in favour of a reduction in the voting age:

> *Why are young people being turned off by politics and what can be done about it? Part of the problem is that we wait too long to give people the vote. If we linked citizenship education better to the voting process, people would vote. If 16 year olds developed the habit, they would carry on voting through the rest of their lives - that was the argument put forward by the votes at 16 lobby. Increasingly, there was pressure for votes at 16 during the course of the commission's life. The list of parties in favour of voting at 16 in Britain includes the Labour Party, even though it established us, a commission, to look at this, the Liberal Democrats, the SNP and Plaid Cymru.*

3.166 He outlined a number of the proposals that the Commission recommended. These are outlined in Chapter 4.

3.167 Ms. Maria Kelly with Ms. Clodagh O'Brien, suggested that the absence of the vote at 16 years old led to voter apathy in the 18-25 years age group. They proposed that there was a discrepancy between the different ages of responsibility, and that this had broader implications for democracy:

> *If 16 or 17 year olds can leave school, be in full-time employment, be held criminally responsible, pay taxes or join the Army, they should be allowed to vote. Unlike previous generations, young people are now much more informed. They undertake courses in school such as civic, social and political education, CSPE, and also have access to local and national media along with the Internet, where they can access information and engage in politics. A practical benefit of voting rights at 16 years of age would be that it would make the electoral registration system much easier. Most people aged 16 are still in school and can be easily added to the register. The reason so many people aged 18 are not added to the register is that they are generally moving away from home to go to college, training, work and so forth, and thus fall between the administrative cracks.*

3.168 Mr. Peter Mannion outlined the main reasons identified by third-level students who are unable to vote. He presented findings of research he had conducted:

> *Effectively, five points were made by these third level students who cannot vote. They were as follows: they have adult responsibilities but not the rights of their peers; young people pay taxes, live under the country's laws but do not have a vote; politicians will represent their interests if young people can vote; lowering the voting age will increase voter turnout; and the youth perspective on life is missing, a generalisation for how they view politicians at present.*

3.169 He considered that the exclusion of 16 and 17 year olds from the electorate was akin to discrimination. He suggested that it led to a situation where policies were made without the input of young people. He stated

> *They felt that the youth perspective on life was missing, not only from political life but within general Irish society. Several topics they believed should be to the fore, were not addressed.*

3.170 Dr. Walter Hagg discussed the Austrian experience of reducing the voting age from 18 to 16 years. He highlighted the effect this reduction had on the mobilisation of younger voters, including the effort they took to inform themselves about how to vote and their perceptions of the political elite:

> *There was intense post-election analysis of the behaviour of the young voters which led to different conclusions. The following appear to be the main elements. The youngest voters, namely those between 16 and 18 years of age, generally showed a keen interest in politics and political participation. At the same time they were aware that their political knowledge often is inadequate and they, therefore, formulated the wish to obtain better and more information. The young voters distinguished clearly between election rhetorics and substantial information. Specific criticism was directed towards schools which in the eyes of the young voters generally offer insufficient information about political matters. Two-thirds of the young voters showed a keen interest in the election campaign. The same number seems to be satisfied with the*

political system and with democracy. They showed trust in the political institutions of the republic, in particular in social partnership. Considerable dissatisfaction has, however, been expressed at the performance of political actors. Equally the young voters show little trust in the political parties and politicians. According to opinion polls, only 20% of young voters trust in them.

Response of Members

3.171   Deputy Jim O'Keeffe expressed interest in the fact that voter turnout increased when the voting age was reduced. He also asked whether or not there was any particular reason for low voter turnout in the 18-24 year-old age group.

3.172   Deputy Jimmy Devins expressed interest in the Austrian voter registration process, and identified it as a template for reform of the current electoral registration system.

3.173   Deputy Brendan Howlin noted that there was no consensus in Irish legislation as to the point when adult responsibility descended upon an individual, and expressed the view that joined-up thinking in this regard would be desirable. Senator Eugene Regan agreed with this view.

3.174   Deputy Denis Naughten expressed interest in the citizenship education programme used in the United Kingdom, and suggested that changing economic circumstances helped to focus the minds of young people on the political system.

3.175   Senator Dan Boyle suggested that an alternative reform would allow citizens abroad to vote in Presidential elections. He noted that political parties participated in student government in third level education in Germany and that this had promoted greater political interest among young voters.

3.176   Deputy Michael Woods proposed a reduction of the voting age to 17 years suggesting that 17 was an appropriate age to assign responsibility.

3.177 The Chairman, Deputy Seán Ardagh, suggested that it might be worth considering giving the franchise to individuals who have the capacity to vote regardless of age. He also considered the introduction of a citizenship/voting licence.

Discussion of the German Electoral System

3.178 Given that the Mixed-Member Proportional System is the system with which PR-STV is most frequently compared, the Committee decided to hold a hearing comparing the two systems. It received a submission from His Excellency, Busso von Alvensleben, Ambassador of Germany to Ireland at its meeting on 27 January 2010.

Submissions Received

3.179 Mr. von Alvensleben described how the German electoral system worked. The system is explained in detail in Chapter 4. He drew attention to the fact that the German Basic Law ensured that the electoral system fulfilled a number of roles:

> *While the importance of the close link between a directly elected member of Parliament and his constituency is highly appreciated, proportional representation is regarded as equally important.*

3.180 He made a point pertaining to the constituency work undertaken by German MPS:

> *With regard to constituencies, each constituency ahs approximately 130,000 voters. There is no doubt that directly elected members have strong links to their constituencies. They all have offices in their constituencies and, as in this country, they try to return to their constituencies as often as possible as it is expected. It is more difficult for those elected from some areas, such as the Rhur region which has more than 5 million inhabitants, to have close contact with constituents.*

> *Most of the other half of the members also have offices. Although they do not have constituencies, these offices are located where the members are based because they need the strong support of party members in their regions. They cannot just sit in Berlin and deal with national politics without caring about*

their electorate at home. That electorate is not made up of ordinary voters but party membership. The members of parliament must prove that they did something for their Länder *or regions.*

Response of Members

3.181 Deputy Jim O'Keeffe expressed interest in the method by which the party lists were put together, and to what extent the party membership had a democratic input.

3.182 Senator Dan Boyle queried as to what extent non-affiliated candidates were successful under the German electoral system, and noted that the Bavarian *Länd* electoral system was an open-list electoral system.

3.183 Deputy Michael Kennedy queried the amount of Independent MPs that had been elected to the German Bundestag, as well as noting the fact that all *Länder* had not reduced the voting age to 16.

3.184 Deputy Michael Woods expressed interest in the legislative procedures and schedule of the German parliament and whether this facilitated German MPs in their legislative role.

Public Meeting, Trinity College Dublin

3.185 The Committee was invited by the Department of Political Science, Trinity College Dublin to hold a public meeting in Trinity College at which the Committee heard submissions from students from the Junior Sophister Irish Politics class on the electoral system and proposed reforms to the system.

3.186   Submissions were received from Mr. Declan Harmon, Mr. Davy Kehoe, Mr. Barra Roantree, Ms. Julianne Cox, Ms. Eliska Drapalova, Ms. Kimberley Moran, Ms. Talya Housman, Ms. Ciara Begley and Mr. Barry Cahill.

3.187   Mr. Declan Harmon argued that politics in Ireland was characterised by an inherent flaw; an excessive amount of time was spent on constituency service. In his words:

> *One of the principal features of politics in Ireland is the amount of time taken up with constituency activity and the resultant lack of time available for legislative work. Constituency work is important and is not without merit. It should be noted there is a clear public demand for their politicians to deal with such matters. However, a balance needs to be struck between dealing with local concerns and the work of legislating for the country.*

3.188   Mr. Davy Kehoe suggested that the electoral system was not to be blamed for TDs' preoccupation with constituency work.   He cited other possible reasons for this preoccupation, such as weak local government system.   He also proposed that electoral reform was the wrong answer to the right question:

> *Only through institutional reforms at local level and through the provision of an alternative, impartial system of redress can we provide the constituent with a viable substitute for the forms of brokerage with which politicians have become so accustomed. The argument that PR-STV causes excessive amounts of brokerage, is weaker than one would imagine. This insufficient argument centres on the conception that brokerage is a result of the inter-party competition in multi-seat constituencies which PR-STV facilitates. We must remember that constituency work has seemingly always been a prominent part of our political culture.*

3.189   Mr. Barra Roantree called for the reduction of the voting age, and questioned the arbitrary, in his opinion, exclusion of 100,000 citizens from the election process because of their age. He stated:

The lower limit should be consistently arbitrary. The most relevant benchmark in this regard is the age limit set for mandatory education. If the State requires citizens to be in mandatory State-sanctioned education until the age of 16, it is implicit that society regards the development of citizens as incomplete until that age, at least.

3.190   Ms. Julianne Cox and Ms. Eliska Drapalova noted the low number of female TDs in the Dáil placing this in an international context. They identified the role of parties as being extremely important in encouraging the participation of women in public life:

A joint Oireachtas committee report on women in politics launched in November 2008 cited candidate selection as an inhibitor of representation in Parliament. In the 2007 election women comprised merely 17% of all candidates. The candidate lists show 60% of the constituencies in that election were dominated by male candidates. The Fianna Fáil Party did not field female candidates in 28 constituencies, while the Fine Gael Party did not put forward female candidates in 30 constituencies. In these cases, voters had no gender choice despite a national election study revealing that 64% of the public supported gender equality.

3.191   Ms. Kimberley Moran and Ms. Talya Housman addressed the matter of voting rights for members of the Irish diaspora. They suggested that there was no good reason to exclude Irish citizens living abroad from the voting register. They considered that the denial of the right to votes to expatriates challenged their identity as members of the national community. They placed this in an international context:

According to a study done by the University of Surrey, out of 144 countries, 80% allow citizens who are permanently resident abroad to vote. Sadly, Ireland is not one of the countries that allows that.

3.192   Ms. Ciara Begley proposed that there was no need to totally change the electoral system.   She suggested that the approach taken by candidates during election campaigns had to be re-thought to ensure that voters could differentiate between candidates, without relying on personalities.   She also indicated that the current method used for surplus transfer was inadequate:

The problem arises in using a random sampling method as there is no way to be certain that the outcome of the sample would be the same if a different sample were used. This problem is exacerbated by the small size of the Irish electorate. If the ballot boxes are not mixed thoroughly, the sample is not satisfactorily random.

3.193 Mr. Barry Cahill proposed that the alphabetical ordering of candidates on ballot papers was inherently unfair. He suggested that there was an undoubted advantage to a higher placement on the ballot paper. He stated:

To not even attempt to redress the advantage of ballot positioning is regrettable. The idea that ballot paper ordering matters more for candidates who the public know little of is reinforced by a recent study of the Californian governor recall election from several years ago. Minor candidates were helped or hindered by their ballot paper location while the front runners, such as Arnold Schwarzenegger, were not. The study clearly shows that ballot ordering has more impact on candidates with lower profiles.

3.194 Deputy Jim O'Keeffe agreed that the way the Dáil worked had to be changed. He suggested that politics by its nature is local and that constituency work had merits. Deputy Jimmy Devins argued that contact with constituents informed a TD's legislative role.

3.195 Senator Dan Boyle recalled the experiences of the United Kingdom, Austria and certain German Länder in deciding whether or not to reduce the voting age. He noted that evidence seemed to suggest that when young people are encouraged to participate in the voting process at an early stage, they are more likely to establish a voting habit.

3.196 Deputy Brendan Howlin suggested that the all-male membership present at the meeting was a source of embarrassment. He called for realisable targets to be set in achieving gender equality in the Houses of the Oireachtas.

3.197 Senator Eugene Regan suggested that expatriates could be granted the right to vote in Presidential elections. Alternatively, consideration could be given to the appointment of a member of the Seanad to represent their interests. He considered that the

mechanisms for such a process would require further discussion. Deputy Michael Kennedy echoed these views and pointed to the definitional difficulties with a proposal to allow citizens outside of Ireland to vote.

3.198 Deputy Denis Naughten suggested that the proposed electronic voting system could have eliminated the problem associated with random sampling, but that this was not considered part of the original proposal when it was recommended.

3.199 Deputy Michael Woods suggested that the order in which each candidate appears on the ballot paper was an important factor, as well as the inclusion of a photograph beside the candidate's name.

3.200 Deputy Michael D'Arcy argued that PR-STV in Ireland was moving toward single-seat constituencies by stealth. He noted that election candidates tended to concentrate their electoral bases geographically.

3.201 Senator Alex White suggested that the Executive has a dominant role in the Irish political system which in turn does not put Parliament at the centre of the democratic process. He also considered that wider political engagement was necessary in order to motivate interest in the institutions of the State.

3.202 Deputy Ned O'Keeffe noted that moving to an electoral system under which each constituency is represented by a single member of Parliament would reduce the incentive to engage in excessive constituency work. He attributed the prevalence of constituency work to the political culture in Ireland.

Filling Casual Vacancies and Surplus Vote Transfer Procedures

3.203 The Committee considered a number of technical aspects of the PR-STV electoral system. These included the method employed for filling casual vacancies in the Dáil and the counting system used for transferring surplus votes. The filling of casual Dáil vacancies using by-elections was raised in a number of submissions that represented different points of view. A number of submissions were received by the Committee

regarding the counting system used for transferring surplus votes. These submissions all suggested that the system of surplus transfer used in Ireland did not necessarily represent the best and fairest way to distribute transfer votes between candidates.

Submissions Received

3.204   The Committee received evidence on these matters from Professor David Farrell, Dr. Liam Weeks, Professor Richard Sinnott and Professor Gary Murphy, Associate Professor of Government in Dublin City University.

3.205   In his submission, Professor Farrell suggested that by-elections made little sense when used to fill casual vacancies in a legislature that had been elected using a PR electoral system,

> *By-elections should also be replaced because they are an anachronism in a proportional system. Only two proportional systems, those in Ireland and New Zealand, use by-elections. There is no reason to hold them as alternatives are available.*

3.206   Professor Sinnott concurred with this point. He stated that the method of election used in a by-election is not theoretically consistent with the logic of choosing an entire legislature using PR-STV. He stated that:

> *The use of by-elections to fill casual vacancies is extremely rare in countries that use proportional representation. In general, list systems of proportional representation solve the problem of filling casual vacancies by simply taking the next name on the list of the party of the member who created the vacancy...*

> *...this could be seen as using a proportionality criterion for the seats filled by proportional representation, while using a first first-past-the-post criterion for the seats filled by the single member plurality part of the system. Given the centrality of the proportional representation principle in Ireland, as is evident from our Constitution, it seems that the lesson to be drawn from the German and New Zealand cases is that the co-option of a member of the same party is preferable to holding by-elections as a means of filling casual vacancies.*

3.207 Criticism of the status quo concerned the fact that certain voters were under-represented for unacceptably long periods of time. It was noted that the results of by-elections usually meant a defeat for the governing party and that by-election results can be politically destabilising in that regard. This situation gives governing parties an incentive to delay by-elections for as long as possible, which leaves some parts of the population under represented.

3.208 Professor Murphy suggested that the delay in holding by-elections was not desirable and did not represent democratic values in any way, shape or form. He stated that it effectively disenfranchised an entire constituency. He also suggested that people understood the by-election system, and that this was an argument for its retention. He noted that by-elections gave a picture of shifting political realities which can be considered an advantage:

> *The main advantage in retaining the system we have is that it is easy to use and voters understand it. Seán Lemass's dictum expressed 50 years ago that what happens to a third preference is understood by nobody, neither by people in the Dáil nor those outside, misses the point that because of the way it is designed, PR-STV gives voters the opportunity to know full well for what they are voting, and this should be considered before any change. (...) Notwithstanding the relative national importance of by-elections, I am not particularly convinced that tinkering with the by-election system for casual vacancies without full electoral change is the way to go. It may be that without a full-scale change of the system, the filling of vacancies via PR-STV may be as good a method as any.*

3.209 The Committee considered the rules used for the distribution of surplus transfers in Irish elections at present. Professor Farrell outlined how the system currently used in Ireland compares to other PR-STV systems:

> *Four main types of surplus transfer rules are in use. The Irish system involves random selection of surplus ballots at full value. The essence of this system is that when a decision is being made on which surplus transfers to pass on to the next candidate, a "random" selection is taken from the pile of the*

candidate who has just won the seat and has a surplus over quota. These ballot papers are then transferred to the remaining candidates.

Two problems arise with the manner in which this system is employed in Ireland. First, not all ballot papers are treated equally because ballot papers left in the pile of the person who has won the seat remain in the pile throughout the process. As a result, the ballot papers of voters who are unfortunate enough to find their votes in this pile are not used again. As such, the ballot papers of these voters are not treated in the same manner as ballot papers which are transferred to other candidates.

Second, as the count proceeds through each stage, the ballot papers which are transferred continue to come into play. However, as these ballot papers contribute to the surplus of other candidates in later counts, the ballot papers of these candidates remain unused. There are, therefore, many random effects of the current system. I do not need to inform members that in a close election, these effects can lead to the election of the wrong candidate, in other words, a candidate may be elected who may not have won the seat if a different set of ballot papers had been selected at an earlier stage.

3.210 Dr. Liam Weeks made an extensive written contribution to the Committee. In it, he estimated the extent to which the currently used method had produced election results that would not have been reproduced had alternative methods for counting surplus transfers been used. His analysis indicates that between 1981 and 2007 an average of 3.1 seats in each election would have gone to a different party under different counting rules. This suggests that the scale of the problem, while not undermining the results entirely, is nonetheless substantial enough to affect the outcome of an election.

3.211 He argued that:

There is more than an element of chance involved in the counting of votes under PR-STV when the sample surplus method is utilised. This is undesirable on two grounds: (1) the idea of examining only a sample of votes seems

inappropriate for an election count and (2) because it can have an effect on the electoral outcome.

3.212 The 'random' element to the transfer of the surplus votes of those candidates who have won more than a quota is designed to ensure that the surplus votes are transferred to the remaining candidates in proportion to the next available preferences indicated by voters (i.e., the next preference on each vote for a candidate who has not been elected or eliminated). The provision for this is laid out in the Electoral Act 1992. For example, if candidate A receives 100 votes more than the quota on the first count and on examining all of his or her votes, it is found that 30% of these have next available preferences for candidate B, then candidate B gets 30% of candidate A's surplus, i.e., 30 votes. The element of randomness enters into the process with regard to the subsequent preferences on the 30 actual ballots that are selected from candidate A's pile of ballot papers.

3.213 Furthermore, the current system does facilitate counting by hand. Several of the alternative preference transfer methods would not be feasible in a manual vote-counting system. The Committee heard evidence from the Chief Electoral Officer from Northern Ireland on the conduct of vote counts under the Senate rules[3]. The practical application of this system is outlined in Chapter 4.

Response of Members

3.214 Deputy Jim O'Keeffe expressed interest in the Senate rules of transferring surplus votes and regarded it as fairer than the current counting rules.

3.215 Senator Dan Boyle suggested that by-elections ensure that the person elected to fill a Dáil vacancy is required to face the public. He remarked that any change in the rules pertaining to the counting of transfer votes had to be mindful of the number of ballot papers being counted. Deputy Brendan Howlin echoed this concern.

3.216 Deputy Jimmy Devins asked whether the weighted inclusive Gregory method could be employed in a manual vote-counting system. Professor Farrell suggested that the

---

[3] Also known as the 'Gregory' system, named after the mathematician J.B. Gregory of Melbourne who devised it in 1880.

number of ballot papers being counted was important in deciding the method to be used for counting transfer votes.

Administration of Elections and Drawing of Constituency Boundaries

3.217 Currently the administration of elections is performed by a number of bodies: registration of political parties is carried out by the Clerk of the Dáil; the electoral register is compiled by the 34 local authorities in the State; the drawing of constituency boundaries is carried out by a statutory Constituency Commission; administration of the election is carried out under the administration of the Returning Officer for the particularly electoral area, supported by the Department of the Environment, Heritage and Local Government and; the monitoring of party and election funding is carried out by the Standards in Public Office Commission.

3.218 The Constituency Commission is responsible for drawing new constituency boundaries based on the results of the Census. The Commission is charged with drawing constituency boundaries but is required to be aware of certain guidelines when deciding where new boundaries should be. These guidelines require that proposed constituencies have 3, 4 or 5 TDs per constituency; that they are geographically contiguous; that they try to avoid breaching county boundaries and they should take account of significant physical features. They should take account of population densities and ensure continuity with previous boundaries.

3.219 The Committee heard submissions on these matters at its public hearing in 3 March 2010. Evidence was given by Mr. John Gormley TD, Minister for the Environment, Heritage and Local Government in relation to the administration of elections. Professor John Coakley, Professor of Politics at the School of Politics and International Relations in University College Dublin made a submission concerning the drawing of constituency boundaries.

Submissions Received

3.220 Minister John Gormley made a submission to the Committee concerning the administration of elections. He claimed that the administration of elections should

now incorporate modern practices, as well as centralising responsibility for the drawing of constituency boundaries and compilation of a new national electoral register. His plan for the establishment of an Electoral Commission was outlined in detail (see Chapter 4). He outlined to the Committee the findings of research on the establishment of an electoral commission in Ireland:

> *The preliminary study prepared for me by the UCD group gives an overview of the current arrangements for electoral administration in Ireland and an examination of the position in other countries. It suggests options for, and conclusions on, an electoral commission in Ireland, including its membership, functions, funding and relationship with others involved in electoral policy and administration. It makes recommendations concerning approaches to the modernisation and consolidation of legislation in the context of the establishment of an electoral commission. The report also covers issues such as the registration of political parties, the electoral register, constituency revision, running elections and referenda, funding and research and awareness activities.*

3.221 Professor John Coakley, in his submission, suggested that the uncertainty of constituency boundaries from election to election served no-one's interest:

> *It creates unfamiliar and unstable boundaries that breach those of recognised territorial units. Deputies already made this point earlier. There is some evidence that this causes significant electoral alienation.*
>
> *From the perspective of politicians, a certain element of irritation must creep in. The unpredictability of the future shape of constituencies, for example, is something that cannot be pleasing to those contesting elections. It arguably wastes the time of officials, it is an inefficient use of resources and it is expensive. I will try to justify this point in a moment.*
>
> *The number of constituencies created since 1922 is enormous. The number is 348 and by my computation, we only needed 35 over that period of time. We could have started off with 25 constituencies in 1922.*

Professor Coakley went on to propose the establishment of more permanent constituency boundaries, which is outlined in further detail in Chapter 4.

Response of Members

3.222 Deputy Brendan Howlin welcomed the decision to establish an Electoral Commission and suggested that the membership of the Electoral Commission should include former political practitioners. Deputy Michael Kennedy emphasised the importance of having former politicians on the Electoral Commission to ensure that the decisions it takes are practical. He expressed concern that constituency boundaries would fail to take account of county or town boundaries.

3.223 Deputy Michael Woods expressed concern that large constituencies would give rise to excessive and duplicative constituency representation. Deputy Michael D'Arcy concurred.

3.224 Deputy Denis Naughten drew attention to the state of the electoral register. He made this point:

> *We are all aware the appalling system regarding our electoral register. At the time of the last general election there were 800,000 errors in the register of electors. In my own constituency, an entire townland was removed from the register. The Minister can correct me if I am wrong but his own Department does not appear to have a handle on that. For example, in a parliamentary question I tabled to the Minister before Christmas I asked the number of polling cards that were returned undelivered to the local authorities and no one could answer that straightforward question.*

3.225 Senator Dan Boyle noted that the Committee had received differing views on the reduction of the voting age to 16 from British and Austrian witnesses, and encouraged the Minister to examine that evidence when he was providing terms of reference to the Electoral Commission.

The Parliamentary Role of TDs and the Institutional Framework in which they operate

3.226 Given the fact that the Committee examined the extent of the constituency role of TDs in its evaluation of the electoral system, it was thought necessary to convene a hearing considering the parliamentary role of TDs and the institutional framework in which they operate. The purpose of this meeting was to consider whether or not movement to a different electoral system would have any tangible effect on the legislative role of TD's. It also considered the workings of the Dáil.

Submissions Received

3.227 This meeting heard evidence from Minister Pat Carey TD, Government Chief Whip and Chairman of the Committee on Dáil Reform, and Mr. David Stanton TD, member of the Committee on Dáil Reform.

3.228 In his presentation to the Committee, Deputy David Stanton suggested that,

> *...it would not make much difference if one changed the way of sending people here unless we also change what deputies do when they get here, the way in which the House and its Committees operate and the relationship between the Executive and the Legislature in particular.*

3.229 He indicated that many members expressed a desire for a viable parliamentary democracy in the Oireachtas. He recounted a personal experience:

> *I was not long in the House when a senior Member approached me and suggested I was making too many speeches in the Chamber and that I should go to funerals and so on. He maintained there were no votes to be won in the Chamber. Deputies must get re-elected because if one is not re-elected one cannot continue to work. We must concentrate on the constituency and part of the issue is the balance between the two. This is probably the committee's approach to the matter as well. The introduction also referred to the perception that Deputies should be released from the multi-seat constituencies. I agree with this and I believe the alternative vote system is the way to proceed.*

Yesterday, I was taken by the remarks of the Ombudsman which are relevant to today's discussion. She stated that many commentators, including Oireachtas Members, are asking whether the Oireachtas is fit for purpose. She quoted the Minister, Deputy Dempsey, who stated that we should return Dáil Éireann to a central place in public thinking, that it should be the battleground for ideas and the location for intellectual debate where the brightest and best should work in concert to achieve optimal results over the long term rather than engage in cheap point scoring in the short term. The Minister was referring to changing how we operate in the House.

3.230   Deputy Stanton proposed that a number of reforms could be made to the procedures and standing orders of the Dáil in order to encourage participation from backbench deputies (these suggestions are presented in Chapter 4).

3.231   Minister Pat Carey suggested that reform of the workings of the Dáil could be introduced in the short-term to see if the weakness of the Dáil could be addressed without electoral system reform. He outlined some further reforms additional to those mentioned by Deputy Stanton – these are reproduced in Chapter 4 also.

3.232   He made the point that Dáil reform could happen with some initial changes to a number of procedures in the House. He proposed some procedures that were not working as intended for them. He mentioned Taoiseach's Questions:

Issues arise such as the timeliness of Taoiseach's questions. For example, the second bundle of Taoiseach's questions this morning were to do with the climate change conference in Copenhagen, which took place last October-November. One would hardly regard that as being a Parliament addressing immediate issues.

3.233   He made an observation on the workings of the Dáil when there were no support staff available:

On the occasion of the one-day strike, the Dáil acted probably better than it normally does. Members were not able to go into the Whip's office and check

3.234 Minister Carey concluded by touching on a matter of concern to all members of Dáil and Seanad:

> *A further issue that has proven to be difficult to resolve is that of the addressing of the business of bodies such as the NRA, the HSE and, what are colloquially called quangos, which is proving intractable.*

3.235 In an earlier presentation before the Committee, Deputy Michael D. Higgins also suggested that changing the electoral system would not necessarily improve the legislative process. Deputy Higgins argued that there was little evidence to suggest that the electoral system had any significant bearing on the weakness of the legislative process, and that this weakness could be attributed to factors outside of the electoral system.

Response of Members

3.236 Deputy Jim O'Keeffe welcomed the genuine appreciation of Minister Carey and Deputy Stanton for a need for change in Dáil procedures. He expressed support for Dáil reform and remarked that proposals in this regard should be progressed as a matter of urgency.

3.237 Deputy Michael Kennedy welcomed a number of the proposals put forward. He mentioned that the role of the backbencher had to be enhanced in the legislative process, and that participation by backbenchers in forming legislation should be encouraged.

3.238 Deputy Jimmy Devins spoke at length about various aspects of Dáil procedure and made the point that in order to re-establish its credentials in the eyes of the public, the Dáil needed to modernise its working practices, and allow for real input from all members of both Houses of the Oireachtas.

3.239 Senator Dan Boyle refuted the argument that the electoral system should be examined only after Dáil reform has taken place. He asked that consideration be given to restructuring the parliamentary schedule to allow for a week in which committees would only be sitting. This would avoid conflict with members' commitments in the Dáil and Seanad. He called for the adoption of more "family-friendly" hours in the sitting arrangements for both Houses.

3.240 Senator Alex White pointed to the Joint Committee on the Constitutional Amendment on Children as a useful example of progress made, irrespective of party positions. He also noted that Dáil reform was yet to happen in any meaningful way.

3.241 Deputy Denis Naughten suggested that the crux of Dáil reform was convincing ministers that reform in Dáil procedures was required. He pointed out that 'family-friendly' sitting hours can have different definitions depending on where the person defining it resides.

Views of TDs and Senators in relation to PR-STV

3.242 As TDs are the individuals who operate within the framework of the electoral system, the Committee appreciated the opportunity to consider their opinions and perspectives on the performance of the electoral system.

3.243 As mentioned earlier, in its Interim Report, the Committee commissioned research concerning deputies' satisfaction with the system. Of the 74 TDs surveyed, 52 deputies stated that they were extremely or somewhat satisfied with PR-STV. On the other hand, 28 of the 71 TDs recommended that the system be changed.

Submissions Received

3.244 The Committee received oral submissions from members of the Dáil and Seanad - from Ms. Joanna Tuffy, TD, Dr. Rory O'Hanlon, TD, Mr. Bernard Durkan, TD, Mr. Michael D. Higgins, TD and Senators Fiona O'Malley, Ivana Bacik and Lisa McDonald (The submissions of Senators Bacik and McDonald are detailed above).

3.245 In her submission Deputy Joanna Tuffy gave an illustrative account of how her constituency workload aided her in her work as a legislator:

> *In the past year, I have received more queries from constituents about national issues. I received a huge amount of e-mail correspondence and telephone calls about NAMA and public sector pay cuts. Another major issue raised with deputies on many occasions is that of school buildings and the need for new school accommodation or for schools to be repaired. I receive more queries by e-mail and telephone than I do at clinics. I hold clinics on the first and third Monday of each month and I find that manageable. I hold meetings about issues and politics is about attending meetings. In the United States, when President Obama wants to argue about matters such as universal health care he attends local town hall meetings. Face-to face-contact is extremely important.*

3.246 Deputy Tuffy compared PR-STV to other electoral systems and suggested that from the point of view of the individual voter, PR-STV was the system that gave them the most influence. The tenor of her submission is best indicated by the line she quoted from the Seventh Progress Report of the All-Party Committee on the Constitution from 2002:

> *The fundamental and insurmountable argument against change is that the current Irish electoral system provides the greatest degree of voter choice of any available option. A switch to any other system would reduce the power of the individual voter (...). Our current system means there is accountability for the voter right down to a named person on the ballot paper. The person does not just look at the party but at the integrity of the candidate. An important aspect in politics is the relationship and trust the voter places in the person and not in the political party of which the candidate is a member.*

3.247 Deputy Higgins suggested that the electoral system was the wrong answer to the perceived problem in Irish politics today. He stated:

> *... I suggest that the committee began in the wrong place. One could change the electoral system and leave everything else unchanged and be seen as*

responding to a popular pressure that is based on a comprehensive ignorance of politics or citizenship. After the creation of local radio, for example, one could ask whether it deepened citizenship, increase political education or was linked to the extension and deepening of democracy. What of the shortened speech in the Dáil? Why do people only take two or three minutes? They like to be on local radio so that people know they are alive and to enhance their reputations. One piece of artificiality produces another.

3.248 Deputy Bernard Durkan proposed that the Irish electoral system was probably the most democratic system in the world, and indicated that the electoral system has served Ireland well and did not require reform. He stated:

I do not accept the suggestion that we need reform in the parliamentary system. There is a great deal to be learned and gained from reliance on what has proven to be fairly effective in the past. At present, the perception is being created that the economic difficulties in which this country and other countries find themselves can be attributed to the parliamentary system; this is not so. In fact, it is directly attributable to the watering down and erosion of the parliamentary system by the Executive on the one hand and by the European institutions on the other.

3.249 Deputy Rory O'Hanlon drew the attention of the Committee to the fact that population trends, coupled with constituency revisions, would mean that the western part of the country would lose Dáil seats at every constituency revision in the foreseeable future. He noted that this would result in a situation where western part of the country would be under-represented in the Dáil. In his submission, he gave practical example of this:

...every time there has been a revision of constituencies, two seats have been lost on the western seaboard. Practically every County has lost a seat, including Kerry, Donegal, Mayo, Galway, Roscommon as have the constituencies of Cavan-Monaghan and Sligo-Leitrim. I am concerned that over time the large rural areas will be under-represented and there could be a serious problem. There might be only two deputies representing the entire county of Mayo if it continues.

3.250 Senator Fiona O'Malley discussed the lack of parity of gender representation in Dáil Éireann. She stated that:

> *It could be argued that currently, there are barriers to participation by women in politics and that is undemocratic. A subgroup of the Joint Committee on Justice, Equality, Defence and Women's Rights has examined the barriers that exist to women's participation in politics. Whether one agrees with them, the reality is that women are excluded from politics.*

Senator O'Malley also suggested that the electoral system should allow for a more fluid political affiliation among voters. She proposed that an electoral system that placed more emphasis on candidates rather than party affiliation might make for a more modern type of politics.

Conclusions

3.251 In conclusion, the Committee has made an evaluation of the current system on the basis of the criteria set out:

Criterion 1: The electoral system facilitates the election of a parliament whose members' backgrounds represent, as far as possible, a true reflection of society.

3.252 The Committee expresses concern that the representation of women in the Dáil at present is extremely low, and this is something that should be addressed as a priority. The Committee also considers that members of minority ethnic groups should be encouraged to fully participate in the political process. The Committee is firmly of the view that diversity of membership in the Dáil is a positive thing and should be encouraged at all levels of the political system.

3.253 The Committee takes the view that there is not necessarily any feature of the PR-STV electoral system that can be regarded as being an obstacle to the representation of women in the Dáil or the participation of 'New Irish' ethnic groups in the political process. Equally, it also notes that there is no particular feature of the current system

that facilitates the nomination of more women or members of minority groups as candidates. It is aware, however, that there may be factors outside the electoral system that may impede a truly fair reflection of society in the legislature. Based on the evidence that it has received, it does not consider that the electoral system discriminates against women and members of minority groups. It is of the opinion that there are external factors and features of the system that could be improved.

3.254 The Committee sees no case for changing the electoral system in this regard, but is conscious that there are measures that should be taken to ensure that those participating in public life are a true reflection of society.

Criterion 2: Intra-party competition manifests itself without negative consequences for the wider political system, and the electoral system does not interfere with the capacity of parties to manage intra-party rivalry.

3.255 The Committee heard a significant amount of evidence on this subject, and also in relation to the existence of intra-party competition in other countries that use different electoral systems. Having considered all the evidence, the Committee is of the view that intra-party competition is a feature of any electoral system, and is not exclusive to PR-STV. judging from the extensive academic research on this question, and that it is a question of "where", "what type" and "when" this intra-party competition occurs, as opposed to a question of "whether".

3.256 The Committee is not of the view that other electoral systems would address this concern in a better way than PR-STV at the moment.

Criterion 3: The electoral system should allow for legislators to be effective in their work, to hold members of the government to account and strike a balance between their legislative and constituency role.

3.257 The Committee examined the performance of the electoral system extensively against this criterion and notes that where an electoral system involves the election of parliamentarians from geographic constituencies, there are often two roles that the legislator must fulfil - namely a legislative role and a constituency role. The

Committee does not believe that these two rules conflict with each other, but rather that they can be regarded as complementary.

3.258 The Committee took the view that the electoral system did not hinder the ability of members of the Dáil to hold the government to account or for members to participate fully in the legislative life of the Dáil. The Committee believes that Dáil procedures should be reformed because it regards them as the major obstacle to the fuller participation of TDs in the work of the Dáil.

3.259 The Committee has no reason to believe that any other electoral system would necessarily address this criterion any better than PR-STV in the absence of reform of the way that the Dáil does its work.

Criterion 4: The electoral system results in the formation of governments that are relatively stable.

3.260 The Committee believes that governments formed in Ireland have been relatively stable, and the evidence suggests this as well. The Committee views government stability as a positive thing and believes that it should be a key output of any electoral system. The Committee also notes that the stability of governments in Ireland has not been at the expense of proportionality at elections.

3.261 The Committee does not see any electoral system that would guarantee extra stability in the duration of governments, without impeding the ability of the system to deliver proportional results. The Committee sees no case for change in relation to this criterion.

Criterion 5: The electoral system is understood by, supported by and accessible to the public.

3.262 The Committee is firmly of the view that any electoral system must retain the support of the public and be understood by them. They must have confidence in the framework within which the electoral system is administered. The Committee believes, that from the point of view of the voter, the current system is exceptional in

that it allows for as complete a representation of voter preferences as possible when compared with other electoral systems. As well as that, the Committee also notes that the people have supported the current system previously in two referendums.

3.263   The Committee also considers that there are elements of administration of elections in Ireland at present that could be improved and it believes that these should be addressed as a priority, namely the establishment of an Electoral Commission and the compilation of a national electoral register.

3.264   Despite concerns the Committee has in relation to the administration of elections, it does not believe that there is any broad support among the public for fundamentally changing the electoral system.

Criterion 6:   The electoral system functions well with respect to technical aspects.

3.265   The Committee looked at how the electoral system operated at present, in a technical sense. This criterion assesses whether or not there were so many technical shortcomings of the electoral system, that in fact the system itself should be replaced. Topics under this heading included the proportionality of the electoral system, the filling of casual vacancies, the number of seats per constituency and the method of drawing constituency boundaries. The Committee is of the view that there are various ways in which the electoral system may be improved, but there is no technical shortcoming so significant identified that warrants the entire abandonment of the electoral system.

3.266   The Committee does not believe that there is any other electoral system that would function better in terms of technical features than PR-STV and cannot see any case for change in this regard, though it does believe that some improvements could be made to the technical functioning of the system.

4.   Proposals for Reform

_____

Introduction

4.1   In this chapter proposals for electoral reform presented to the Committee are considered. The first category deals with reforms that propose the abandonment of PR-STV and its replacement with an alternative electoral system. The majority of the proposals that advocated this type of reform suggested that Ireland adopt some variation of a Mixed Member Proportional (MMP) system. Other electoral systems were proposed to or considered by the Committee including: Alternative Vote System; First-Past-the-Post system; Closed-list PR systems; and Open-list PR systems.

4.2   The second category deals with rules-based reforms that do not involve a move away from PR-STV but seek to change the ways in which electoral competition is regulated:

- The introduction of gender-based electoral quotas;
- Lowering of the minimum age for voting and/or for becoming a TD;
- Alternative systems of constituency delineation;
- Changes in the number of members to be elected;
- Alternative procedures for filling casual vacancies in Dáil Éireann;
- The adoption of more activist integrationist policies (i.e. political education; funding, etc.) for 'New Irish' candidates;
- Improved access to the electoral register for 'New Irish' members of society;
- Proposals aimed at improving the electoral register generally.

4.3   The third category deals with proposed reforms designed to improve the operation of the current PR-STV system. These include: larger/smaller constituency sizes; different approaches to drawing constituency boundaries; alternative methods of counting surplus votes; and changes to the design of ballot papers.

4.4   The fourth category deals with reforms not directly related to the PR-STV electoral system or with elections to Dáil Éireann. While the work of the Committee has focused primarily on the electoral system for Dáil Éireann, it has sought to acknowledge throughout its work that the electoral system is not the sole political institution of interest in many of the areas that have been considered. Other institutions, and broader though less quantifiable factors such as political culture, will also play a part in determining the nature of the political system with regard to aspects such as the representativeness of the legislature or the behaviour of members of the legislature.

Category 1: Proposals that envision a new electoral system for Dáil Éireann

4.5   Many submissions either advocated the adoption of an alternative system for elections to Dáil Éireann or outlined how alternative electoral systems function. This section of the report focuses on those submissions. It should also be noted that a number written and oral submissions explicitly rejected the notion that the electoral system should be changed or that the electoral system is, in fact, responsible for many of the perceived problems that are attributed to its operation in Ireland.

4.6   Of the 18 oral submissions to the Committee that considered the question of whether PR-STV should be replaced with an alternative system, 12 were against replacing it and 6 were in favour. Similarly, in the Committee's survey of TDs, 57% were in favour of retaining the current system with 43% in favour of replacing it. In written submissions received 11 favoured retaining PR-STV while 14 argued that it should be replaced.

Arguments against a move away from PR-STV

4.7   A number of arguments were presented to the Committee suggesting why the PR-STV electoral system should not be replaced with an alternative:

- All electoral systems have flaws and no one system is universally accepted as optimal. There is no 'ideal' electoral system;

- Reforms that do not entail changing the electoral system may be a more direct way to reduce the constituency workload of TDs. For instance, a number contributors suggested that reforms to the way that the Dáil operates would provide stronger incentives for TDs to engage in legislative work rather than changing the electoral system;

- Large-scale electoral reforms have not met with great success when they have been implemented in other established democracies;

- The present electoral system has public support, is understood by voters and it was given explicit endorsement by the public in two previous elections;

- Constituency work is expected of TDs in Irish political culture; it is not solely a consequence of the electoral system;

- Constituency work being undertaken by TDs is not unique to Irish politics; it is the norm across the world. Constituency work should not be viewed as a 'bad thing'. Instead, it informs the legislative activities of TDs and prevents them from becoming too distant from their voters;

- While the use of PR-STV for national legislative elections is unusual, many other countries employ 'open list' electoral systems which are similar to PR-STV in that they allow voters to choose between candidates from the same party;

- A majority of TDs are in favour of retaining the system. (This was the finding of research carried out for the Lenihan Committee (2002) as well as for the interim report of this Committee's deliberations).

Arguments in favour of replacing PR-STV

4.8   Arguments were also presented to the Committee suggesting why the PR-STV electoral system should be replaced with an alternative. They are as follows:

- PR-STV places too much pressure on TDs to engage in constituency work, which diverts their attention away from their duties as national legislators;

- PR-STV, by allowing candidates from the same party to compete against one another, leads to excessive levels of internal party rivalry;

- The pressure to engage in constituency work makes entry into politics less attractive to some potential candidates;

- PR-STV is not a popular method for electing national legislatures; other nations have not been persuaded of its advantages over alternative systems;

- PR-STV, as it currently operates in Ireland, can lead to relatively high levels of disproportionality of votes to seats for parties;

- Although PR-STV was not rejected by the people on two previous occasions, the choice presented was a system (the UK's 'First-Past-the-Post' system) that is no longer widely advocated as a viable alternative because of the substantial disproportionality associated with it.

Proposed Alternative Electoral Systems

4.9   This section describes electoral systems that have been proposed to the Committee as alternatives to the current PR-STV system. The operation of these systems is outlined below as well as a discussion of the arguments that have been made for and against each system. The most important distinction made between electoral systems is between single-member constituency and proportional representation (PR) systems, with 'mixed' systems combining elements of both.

Single-member constituency systems

4.10   Single-member constituency electoral systems divide the country into as many constituencies as there are seats being contested. In each constituency only one candidate can win a seat. Such systems differ with regard to how the winning candidate in each constituency is determined.

4.11   'First-Past-the-Post' is the system used in UK parliamentary elections where the winner in each constituency is simply the candidate who wins the most votes. It has twice been proposed as an alternative electoral system for Ireland and defeated in both referendums.

4.12   In elections using the 'Double-Ballot' system, if no candidate wins a majority of votes in the first round of voting, a second round is held with only those candidates who pass a given threshold competing. A variant of this system is used in French legislative elections where, if no candidate wins more than 50% of the votes in the first round, only those candidates whose first round votes amount to more than 12.5% of the registered electorate proceed to the second round where the candidate with the most votes is elected.

4.13   The 'Alternative Vote' system is used in Australia's parliamentary elections and in by-elections and Presidential elections in Ireland. Like the Irish system, it uses single transferable votes, the difference being that each constituency elects one member. The Committee notes that the replacement of the 'First-Past-the-Post' electoral system by

the 'Alternative Vote' will be the subject of a referendum in the United Kingdom next year

4.14   Those who advocated single-member systems have done so principally on the basis that it would lessen the perceived exaggerated intra-party rivalry associated with PR-STV.

4.15   Another argument that has been made in favour of single-member constituency systems is that they tend to generate single-party majority governments (although this is not always the case) and that their use in Ireland would lead to greater stability in government and would provide more easily identifiable choices between potential governing parties. Furthermore, each constituency would have one identifiable TD. Mr. Tom O'Connor, in his written submission to the Committee, made arguments along these lines, calling for the Alternative Vote system to be considered for elections to the Dáil.

4.16   The Alternative Vote system appears to be the most favoured single-member constituency system among advocates of electoral reform in Ireland. It presents certain advantages. Firstly, it is familiar to Irish voters. Secondly, the Alternative Vote is the system that is used in by-elections and presidential elections. Finally, the Alternative Vote system lessens the extent to which votes are 'wasted', as lower preferences are taken into account via vote transfers. In plurality systems, on the other hand, voters only express one preference which, if it is not for the winning candidate, does not count towards the election of an MP.

4.17   The main argument against single-member constituency systems is that they tend to lead to outcomes where parties' seat shares are highly disproportionate to their national vote share. Typically, such systems are highly favourable to larger parties and they tend to punish smaller parties. This happens because smaller parties can win a share of votes in each constituency without reaching a plurality/majority, and therefore cannot win a seat. The most striking example of this is probably the consistent under-representation of the Liberal Democrats in the United Kingdom, and the consequent over-representation of the Labour and Conservative parties. It is

through this mechanism that single-member constituency systems generate single party majority governments, even where no single party has a majority of votes.

4.18   Such outcomes are typical of single-member constituency systems generally, and not just of the First-Past-the-Post variant. Professors David Farrell and Richard Sinnott both presented comparative data to the Committee indicating that single-member constituency systems generate significantly higher levels of disproportionality between vote and seat distributions than PR or mixed systems. For instance under the Alternative Vote system in Australia in 1996, both the Liberal Party of Australia and the Australian Labour Party received approximately 39% of first preference votes each. However the Liberals gained 75 seats (out of 148 – 51%) while Labour received only 49 seats – 33%.

4.19   A further argument against single-member constituency systems is that, in a given constituency, citizens may be represented by an MP from whom they did not vote. Finally, reference is made to the rejection by Irish voters of the First-Past-the-Post system on two occasions.

Proportional Representational (PR) systems

4.20   PR systems are designed to facilitate a high degree of correspondence between vote and seat shares for parties. Ireland currently operates a rather unusual version of PR. Most PR systems use party lists. List systems aggregate votes at the party level (rather than at the level of the individual candidate, as with PR-STV) and use a variety of formulae to award seats to parties on a proportional basis. For all PR-based systems, the proportionality of seats to votes is influenced by:

- The number of seats per constituency. As this number increases, the proportionality of the system tends to increase;
- The presence and level of a formally specified threshold for representation (i.e. a minimum level of vote share for a party to receive any seats);
- The formula used for converting a party's share of the vote to the number of seats awarded.

4.21   PR-list systems also differ in terms of which candidates on the party list become MPs. Some give voters no say in this. Such systems give the party selectors effective control in deciding which individuals become MPs while others give varying degrees of choice to voters to determine which of the party's candidates take its seats.

4.22   In 'closed list' systems **v**oters choose between lists put forward by registered parties and cannot express support for any individual candidate on the list. Seats are distributed among parties according to the proportion of votes they receive. In terms of candidates, their election is dependent on their position on the party list, with the parties determining the order in which candidates appear on lists. So, if a party wins 10 seats, these are awarded to the top 10 names on the party list. This system is employed in Spain, South Africa and Israel.

4.23   'Open list' systems allow voters to indicate a preference for a candidate (or sometimes more than one candidate) on the list. These preferences play a role in determining which candidates from a party's list are elected. There is a lot of variation here. With appropriate design the voters can be given: complete control over the choice of which individuals become MPs; hardly any say in the matter; or somewhere in between.

4.24   In fully open systems such as those used in Chile and Finland, the preference votes cast by voters completely determine which candidates become MPs. At the other end of the scale, in countries such as the Netherlands and Norway, it would take concerted action by a large number of voters to overturn the list order drawn up by the candidate selectors, and this scarcely ever happens. An interesting case is the system used in Sweden, where candidates who receive preference votes from at least 8% of their party's voters leapfrog candidates who were placed above them on the list but who receive fewer preference votes.

4.25   While list-systems were not proposed as a replacement for the Irish system, they were mentioned in a number of submissions. Senator Ivana Bacik proposed that closed-list systems would be the best electoral system to increase female representation in the Dáil. Ms. Claire McGing made a similar point in her written submission to the

Committee. Ms. Maríosa Rogan argued in her submission that closed list systems would facilitate a more diverse legislature in terms of social background.

4.26 Arguments against list systems have focused on two areas: firstly, that closed lists remove power from the voter and place it in the hands of party selectors and, secondly (and consequently) that MPs elected under this system have no electoral incentive to work in their constituency between elections as they are more dependent on the party selectors for their re-election than the electorate; though, of course, if the selectorate expects and demands that MPs are active at the constituency level, the incentive to be an active constituency worker remains strong. Open-list systems address these concerns to a certain extent; however they were dismissed by the Constitution Review Group (1996) as being similar to PR-STV.

Mixed Systems

4.27 'Mixed' systems are hybrids which combine elements of single-member constituency and PR systems. The main difference between these systems is whether the PR tier 'compensates' for disproportionality arising from the single-member constituency tier, or whether the two operate separately from but parallel to each other. None of the submissions suggested the 'parallel' variant. The 'compensatory' variant, however, was the most popular alternative proposed, as well as among Members of the Houses of the Oireachtas in a survey on electoral reform options carried out by the Committee. Indeed, the Lenihan Committee Report (2002) concluded that MMP/compensatory list systems (which they termed 'Alternative Member Systems') represent 'the only serious alternative to the present system'.

4.28 Mixed Member Proportional (MMP) systems include the electoral systems used in Germany and New Zealand and for the Scottish Parliamentary and Welsh National Assembly elections. Under this system, voters cast two votes: one for a constituency candidate and one for a party. A number of seats, typically between 40%-50%, are allocated in single member constituencies. Normally, first-past-the post is used, though theoretically any of the single-member constituency systems could be employed. The remaining seats are awarded to parties on the basis of list-PR. The

allocation of the list-PR seats is designed to ensure that parties' seat shares in the whole legislature are proportional to parties' share of the *list* vote.

4.29   For example, if a party were to win 50 seats in the constituency elections, and were entitled to 60 seats on the basis of the list vote, it would receive 10 seats from the list allocation. If another party were due 20 seats on the basis of the list vote, but did not win a single constituency, it would receive 20 seats from the list allocation. As such, under compensatory mixed systems, it is the list vote that determines the seat proportions that each party receives.

4.30   'Parallel' mixed systems were employed in elections to the Russian *Duma* (1993-2003) and in Japan post-1996.   The difference between 'parallel' systems and 'compensatory' systems is that, under parallel systems, the two tiers of votes are aggregated independently of each other so that parties receive their share of the list seats regardless of how many of their candidates won seats in single member constituencies.   As   such,   parallel   systems   carry   no   guarantee   of   overall proportionality.

4.31   Dr. Thomas Carl Lundberg, University of Glasgow, outlined the potential advantages of MMP systems to the Committee. He stated that:

> *As to the advantages of MMP, people like Matthew Shugart and Martin Wattenberg (noted academics specialising in the effects of electoral systems) say it offers the best of both worlds. One can have disciplined national parties whose individual legislators can then be held accountable for their articulation of local interests. The single member constituency representative is basically that human face of the party locally, while PR is achieved nationally. Other parties nominate candidates who might currently be list-selected and they will then shadow a representative in a targeted constituency. So there is competition over constituency service in MMP, but this occurs between the parties not within them. Dual candidacy facilitates this competition. It means that people are able to stand both in a constituency and on the party list. This is typically the case in mixed member systems.*

4.32   Dr. Lundberg also presented the criticisms that have been made regarding this system:

> *The notion that somehow two classes of representative are created - the constituency members of the assembly versus list members. This notion arises from the idea that somehow those who are elected through the lists perhaps could not make it on their own as district or constituency representatives. They come from a closed party list and this is seen as a bad thing. In the UK - and in New Zealand, to a lesser extent - some politicians and journalists who have written about this have been particularly hostile to list representatives.*

4.33   Deputy Joanna Tuffy made a similar point, indicating that under an MMP system:

> *Contrary to the position put across by people like Mr. Pat Kenny - that somehow list deputies would be considered superior - the electorate would probably view them as inferior and would not see them as being directly accountable. The electorate would have a closer relationship to deputies directly elected in constituency seats.*

4.34   The Lenihan Committee Report (2002) also argued that the division of TDs into two categories would present substantial problems. Dr. Lundberg countered this criticism stating that there is little evidence that citizens find 'two classes of representatives' to be a problem where MMP electoral systems operate:

> *Looking at whether the second-class representative issue resonates with citizens, there is not much evidence to support this. Not much research has been done on it. All I have seen is a focus group that was done in Wales, but the result was not clear cut. A slight majority of the people in the focus group thought dual candidacy was a bad thing. They felt it was not fair for people who lost in a constituency to be able to win through the list. There was also an element of seeing two different classes of representative. However, almost as many people in the focus group thought this was not a problem. That is the only research I have seen which examined the class issue.*

It is not an issue in Germany at all. In my research I found that German representatives themselves, if they were elected in constituencies, thought that they were better representatives, but it is not a public issue. It does not make it into the public sphere in Germany at all. Germany has used the system for many decades.

4.35 Professor Michael Gallagher noted that another potential criticism of MMP systems is that they are open to strategic manipulation by parties:

One additional concern with MMP is that it is open to manipulation by parties. A 2-party alliance can ask all their supporters to vote for party A in the constituencies and for party B with their list vote, resulting in them receiving a huge seat bonus. Alternatively, one party can run under different names in the two tiers, or put up party candidates nominally as Independents in the constituency tier. This doesn't happen in Germany, because it would be seen as improper; but it happened in both Italy and Albania while they used MMP (both countries have now abandoned MMP) and still happens in Lesotho.

4.36 Another line of criticism concerns tendency of the PR tier in MMP systems to employ closed party lists. These criticisms mirror those made about closed-list PR systems, namely that MPs have no incentives to perform constituency work, and that their first loyalty is to party selectors, on whom they depend for a higher placement on the list, rather than to voters. Furthermore, the introduction of such a system might not serve to reduce intra-party rivalry; rather it would simply shift competition from among the party's voters to the internal party contests for nomination (in single-seat constituencies) and placement (in list constituencies).

4.37 As mentioned in Chapter 3, Dr. Lundberg countered the criticism that 'list' TDs would not have any incentive to engage in constituency service by outlining his research on regional assemblies elected under MMP in German, Scotland, and Wales. This research indicated that, while the 'list' MPs spend less time on constituency service than the 'constituency' MPs, they still spend a considerable amount of time engaged in constituency-related activities. This is often a result of the tendency for

list MPs to 'shadow' a constituency where they seek election, and from the 'dual candidacy' provision that allows candidates to compete for both 'constituency' and 'list' seats.

4.38   Dr. Lundberg discussed research from German and Scottish legislatures demonstrating that 'list' MPs cater to alternative constituencies of interest, spending more time meeting and working with interest groups than 'constituency' MPs. Furthermore, there are mechanisms by which MMP systems facilitate greater voter choice over candidate identity in relation to the 'constituency' and 'list' candidates, Dr. Lundberg outlined these:

> *The single member constituency nominations could be done by primaries, as is the case in some countries. Also, in terms of the list rankings, these do not have to be closed lists. One could have an open list system. This was recommended by the Arbuthnott commission which looked at the Scottish Parliament electoral system a few years ago. It is unusual to combine open lists with mixed member systems. The only empirical examples of which I know are in the German state of Bavaria and in Lithuania. It is unusual but it is possible to do that.*

4.39   While the single-constituency component could operate using the First-Past-the-Post system (as in Germany and New Zealand) or using the Alternative Vote system, the drawing of single-seat constituencies may be problematic.

4.40   The PR element could comprise a single national constituency or could work on the basis of regional constituencies. The proportion of the seats to be awarded in the PR tier would have to be decided. The nature of the PR list would also have to be decided. The German and New Zealand systems both operate using a closed list. A decision would have to be taken on the presence and level of a vote threshold for parties to win list seats. For example the German ambassador to Ireland, H.E. Mr. Busso von Alvensleben, outlined that the German system operates a 5% vote threshold for a party to win any list seats in order to discourage excessive fragmentation of the party system and to exclude extremist parties with very small

vote shares. The implication of such a system for the election of independent TD would also have to be considered.

4.41   Discussing open lists in MMP systems, the Green Party General Secretary Mr. Colm Ó Caomhánaigh and Minister John Gormley outlined a proposal under which there would continue to be constituency TDs elected using PR-STV, with the introduction of a top-up list for greater proportionality with an even distribution between constituency and list seats. The ordering of candidates on the top-up list would be 'open' to the extent that it would be determined by the number of individual votes won by candidates in the constituency elections (a 'best loser' system).

4.42   One potential problem with such solutions is that they re-introduce competition for electoral support at the constituency level among party members, which is a key criticism of PR-STV. Furthermore, such a proposal assumes that voters who cast a vote for a given candidate are expressing support for that party as a whole. Research on Irish elections has shown that this assumption is not always valid for Irish voters. A further criticism of MMP is that certain parties may be represented by a disproportionate number of 'constituency' TDs while other parties would be almost exclusively composed of 'list' TDs.

4.43   Professor Michael Laver simulated how the 1997 general election would have divided parties in terms of 'list' and 'constituency' TDs in a submission to the Lenihan Committee. The results of his analysis are presented in Table 3.1 below. As Professor Laver acknowledges, these figures represent 'ball park estimates', given uncertainty as to how single-member constituency boundaries would be drawn and whether voters would vote strategically. It is also impossible to know how independents would react to these changes, and whether they would, for example, create an 'umbrella group' to avail of list seats. The major predictions of Professor Laver's simulation are that the vast majority of 'constituency' seats would have been won by Fianna Fáil, with the remainder being mostly occupied by Fine Gael.

Table 3.1   Simulation of the 1997 Election to Dáil Éireann under MMP with the list-PR component using single national constituency and a 2% threshold (Michael Laver, 1998. *A New Electoral System for Ireland?*)

	FF	FG	LAB	PDs	DL	Green	SF	Other
National vote %	39.33	27.95	10.4	4.68	2.51	2.76	2.55	9.82
Seats actually won in 1997 election (PR-STV)	77	54	17	4	4	2	1	7
Projected party seat totals under MMP rules (2% threshold)	72	51	19	9	5	5	5	0
Constituency seats projected for each party under MMP	*64-71*	*10-17*	*2*	*0*	*0*	*0*	*0*	*0*
Additional seats (national constituency, 2% threshold) projected for each party under MMP	*1-8*	*34-41*	*17*	*9*	*5*	*5*	*5*	*0*

Conclusions

4.44   Generally, evidence presented to the Committee seems to suggest that MPs elected from a list behave in a similar manner to MPs elected from constituencies. MMP does not necessarily result in the election of two different types of MP. The reality seems to be that the distinction between the two types of MP is not as clear-cut as first impressions would suggest.

4.45   Professor Richard Sinnott summarised the current discussion of alternative electoral systems in his submission to the Committee:

> *For a variety of reasons, the plurality system which has been twice rejected by the electorate is a non-starter. At the other end of the spectrum, the list system is also unattractive for two main reasons - a closed list system would, by definition, do away completely with the candidate choice to which Irish voters are accustomed and attached, while an open or preferential list system would not do away with the intra-party competition at electoral level which is alleged to be the main disadvantage of the PR-STV system and the reason for proposing a preferential list system. If we want a preferential element in the electoral system and if it is to be at all significant, in the Irish context it will take place very much around issues of constituency service and that aspect of the role of a deputy.*

> *This leaves a mixed system as the only plausible alternative. The danger in the Irish case is that such a system would exacerbate the two-tier character of the Dáil and the division between those with a mainly policy-making orientation and those with a mainly constituency service orientation and that this division could run along party lines. This would result in one party disproportionally elected with a constituency service orientation, with the other party more likely to be elected within the proportional list element of the system...All the evidence indicates that in Ireland such competition would mainly take the form of provision of a constituency service.*

Category 2: Rules-based changes

4.46   Reform proposals that deal with the regulation and conduct of elections, rather than the electoral system, are considered below. A number of these proposals could be implemented through legislation where the constitution explicitly allows for legislation to be enacted in the particular area. Other proposals that fall into this category would require a constitutional amendment; such as proposals to reduce the minimum age for voting or being elected to the Dáil, or a radical reductions in the number of members of the Dáil. Others are not explicitly mentioned in Article 16 of the Constitution, such as gender-based quotas and improvements to the electoral register, though these were nonetheless centrally important to the Committee's consideration of the electoral system.

Changes to the age limits for voting and membership of Dáil Éireann

4.47   As outlined in Chapter 3, the Committee heard proposals concerning a lowering voting age from Professor Jonathan Tonge, who had chaired the Youth Citizenship Commission in Britain, and H.E. Dr. Walter Hagg who discussed Austria's experience of lowering the voting age to 16 at national elections. Ms. Maria Kelly and Ms. Clódagh O'Brien from the National Youth Council of Ireland and Mr. Peter Mannion from the Union of Students in Ireland also put forward proposals in favour of lowering the voting age. A number of reform options emerged from submissions, including:

- the reduction of the voting age to 16 for all elections;
- the reduction of the voting age to 16 for some elections (e.g. local, European Parliament, presidential etc.);
- the reduction of the voting age in conjunction with a citizenship education programme for teenagers;
- the implementation of citizenship education without lowering the voting age;
- Voter registration at 16 years of age, perhaps accompanied by a ceremony;

- The reduction of the qualifying age for membership of the Dáil to 18 years of age.

4.48 It was suggested that it would be easier to register young people to vote while they are still in school. Professor Tonge discussed the conclusions of the Youth Citizenship Commission in the UK, and outlined arguments presented to that Commission:

> *It is fair to say we were divided on the issue of lowering the voting age. The key arguments of the voting at 16 lobby were that it is a breach of human rights not to permit voting at 16. That argument was rejected by the commission, partly because there are only seven countries in the world that permit voting at 16, Austria being one, which would mean 142 countries were in breach of human rights by not allowing votes at 16. We did not find that argument convincing and rejected it.*

> *The second argument related to responsibilities at different ages. It was pointed out that it is possible to join the British armed forces at 16. That is true but it is not possible to see frontline service because the British Government is a signatory to the UN convention in this area. Parental permission is also required to enlist at 16. We did not see that as a convincing argument to lower the voting age.*

> *A stronger argument by the "votes at 16" lobby was that younger people must vote because of the imbalance caused by an ageing society. We felt that was a strong argument, with the electorate being dominated by the over 65s.*

> *The next argument was that young people can work and pay tax. Again we did not regard that as convincing. The school leaving age is about to be raised in Britain to 18 and there are fewer people now working and paying tax at age 16 and 17 than ever in British history. We do not see it as a logical argument, therefore, for lowering the voting age.*

The final argument from the "votes at 16" lobby was that citizenship education ought to lead to voting. Undoubtedly that is a strong argument, there is citizenship education from age 11 and the Goldsmith commission last year recommended extending citizenship education to primary level. Therefore, it seemed perverse not to allow votes until 18, despite years of citizenship education. We felt that was a strong argument.

Public opinion, however, is divided and it would be interesting to see a comparison with the Republic of Ireland on the issue. In terms of who wants votes at 16, 16 and 17 year olds themselves in Britain want it, with 53% in favour, while a substantial minority, 40%, did not want the age to be lowered. Public opinion does not greatly assist us. Every age category above the age of 18 is opposed to lowering the voting age. The electoral commission conducted an investigation in 2004 and found that the population as a whole was satisfied with the voting age remaining at 18. Public opinion does not assist us in the sense that the beneficiaries of votes at 16 are in favour, although not overwhelmingly, while those 18 and over are opposed to the point where only 6% of over 65s are in favour of a reduction in the voting age.

4.49   Considering these arguments, the Youth Citizenship Commission concluded that the most significant problem was not the voting age, but the lack of young people who registered to vote. A major recommendation of the Commission's report was the implementation of electoral registration of students by schools, as part of a broader programme of citizenship education, perhaps to be accompanied by a registration ceremony.

4.50   The Austrian ambassador discussed the implications of the decision to reduce the voting age for legislative elections in Austria:

Most analysis, after the parliamentary elections in September 2008, came to the conclusion that the turnout of the young voters between 16 and 18 years of age was roughly as high as the average, namely around 77%.

There was a widespread impression in the Austrian media that the young voters had predominantly voted for rather right-wing parties. What seems to be clear is that the party most favoured by young voters was the Austrian People's Party which is not the far right party but the centre-right party, the Christian Democrats and this is true, in particular, for the rural areas. The so-called far-right or populist right-wing parties, Freedom Party of Austria FPÖ and BZÖ also performed well with the young voters, in particular with those already in employment, whereas students between 16 and 18 years of age rather preferred to vote for the Green Party. In any case, the Social Democratic Party, which corresponds to the Labour Party, enjoyed the lowest rate of favour from the young voters. This was the party that had strongly suggested the introduction of the voting age of 16.

Some observers have noted that lowering the voting age to 16 has led to a certain politicisation of schools. One part of the young people, certainly a minority, and Professor Tonge has mentioned it in the case of Great Britain, had voiced opposition to the lowering of the voting age. They feel that the new voting power is simply too much for them. They have said openly that they were not interested in politics but because of the legislation they feel they have a duty to cast their vote and it is a dilemma for them.

Gender-based quotas

4.51   The Committee received submissions concerning the adoption of mandatory candidate gender quotas in Dáil elections by political parties. Ms. Fiona Buckley (UCC) outlined the reasoning underlying the proposed introduction of candidate gender quotas, **'**One method often proposed for achieving critical mass (of female representation) is the use of quotas'.'

4.52   Internationally, specific measures taken to achieve higher levels of female participation have typically involved the use of candidate gender quotas. Ms. Buckley outlined some other alternatives:

There have been some suggestions to introduce reserved lists along with the PR-STV system as it stands. That would require nominating or identifying districts that are female-only districts. (…). Reserve lists can be used but it would be necessary to identify all-female lists in some districts or identify one seat per constituency as a female seat and have the typical constituency list and all-female panel with voters voting on two lists. That is a suggestion that could, I suppose, be introduced in the present system.

4.53   There is significant variation in the type of candidate quota that can be implemented; generally, the gender make-up of a given body (e.g. the list of candidates or a legislature) must satisfy a certain proportional level. Ms. Julianne Cox cited international evidence of the successful implementation of gender quotas:

Rwanda, a country at the top of world rankings for female participation in politics, achieved equality through initiatives such as a constitutional quota. The Spanish equality law passed in 2007, which requires political parties to choose roughly equal numbers of men and women in candidate lists, means women enjoy 36.3% representation and dominate the Spanish cabinet. Spain's case shows that it is possible to obtain a positive, balanced effect by implementing this type of affirmative action. Thus, the critical mass of 30% representation of women has been achieved in other countries through legislation on quotas.

4.54   There are many variations in the implementation of candidate gender quotas. A first distinction is between mandated and voluntary quotas. In some countries, including many Scandinavian countries and regional assembly elections in the UK, parties have voluntarily adopted candidate gender quotas. Mandatory quotas can be enshrined either in a country's constitution or electoral legislation. Enforcement procedures range from the reduction of public funding to non-approval of the party list by the national electoral authority. However, Ms. Buckley underlined that:

It is vital that associated legal sanctions are effective. For example, when a quota system was introduced in France whereby any party not fielding at least

50% female candidates would be liable for a fine, many parties favoured paying the fine rather than meeting the quota.

4.55   Quotas can apply at different levels of the political process. One approach focuses on the pool of candidates considered by parties, an example being the British Labour Party in a number of constituencies in UK elections. One dimension of variation is to state a minimum proportion of each gender that must be included across all of the party's nominated candidates. This type of quota was the most common option proposed to the Committee, and the minimum level of each gender suggested varied between 30% and 50% across submissions[4].

4.56   Quotas can also apply at the level of seats to be filled – with a certain proportion of seats reserved for candidates of each gender. Senator Fiona O'Malley's proposal to the Committee envisaged such a system – where each constituency would be obliged to elect one male and one female TD:

> *To elect 120 TDs, we would have 60 two-seat constituencies. Each constituency would have a male panel and a female panel. The candidates in each panel with the most votes would be elected to represent the constituency - to state the obvious, that would be a man and a woman. That would instantly bring about a 50 per cent level of participation. The voter would get two ballot papers, and would cast one vote for each panel. Naturally, people would be free to vote for whoever they wished, but one male and one female would be returned.*

4.57   Finally, it was suggested that other family-friendly practices should be implemented to facilitate higher female representation. Councillor Robert Dowds advocated having a subsidised crèche for members of parliament to facilitate people with young families participating in public life. Ms. Susan McKay, of the National Women's Council of Ireland recommended that gender quotas:

---

[4] Another dimension of variation concerns the placement of candidates on lists (though this only really matters in closed-list PR systems) – some quota systems include provisions on gender balance within the top portion of the list, or 'zipper' systems where male and female candidates must occupy alternate places on the party list.

...must be accompanied by family friendly and other measures that will make it possible for women to put themselves forward. I recommend that members read our Who Cares? document in that regard.

Alternative systems for filling casual vacancies

4.58   Professors Gary Murphy and David Farrell, and Mr. Hermann Schiavone (Maltese PhD student at University of Manchester) all outlined alternative options to the current status quo regarding the filling of casual vacancies in Dáil Éireann between elections. Professor Murphy suggested that the most feasible alternative would be:

> *...the method used in European Parliament elections whereby parties put forward a list of substitutes and if the MEP dies, God help us, or retires, the first name on the list takes over. This is also what is done in PR list systems.*

4.59   Professor Murphy outlined the benefits of this approach:

> *This has the advantage of there being no delay in filling the seat so citizens are not be disenfranchised. The inter-party balance in the Dáil would not be affected by this method.*

4.60   Professor Murphy discussed potential shortcomings of such a system:

> *...this method is open to abuse in that a popular candidate, such as Joe Higgins MEP, could get elected partly because of his or her personal appeal. It is clear the Socialist Party would not gain a seat in a by-election in which Mr. Higgins MEP was not a candidate. He is an especially eloquent and exceptional candidate but his party has very little public support. I believe it was 2% in the most recent opinion poll. The idea that voters would automatically have given his representative the nod is questionable at best.*
>
> *Matters could get very complicated if the individuals on the party ticket fall out and that is not beyond the bounds of possibility. (...) People have moved parties in the past.*

4.61   Mr. Schiavone outlined the 'count-back' system employed for filling casual vacancies in Malta, which also employs PR-STV for elections to its legislature:

> *In contrast to the by-elections held in Ireland, casual vacancies in Malta are not put before the voters but are filled by means of a recount of the vacating candidate's ballot papers. Any candidate who stood unsuccessfully for election in the district is eligible for the seat provided he or she can win 50% plus one of the votes. As cross-party voting is negligible, at 1.5%, eligible candidates who contested on another party's ticket do not bother to compete in casual elections because they have no chance of getting elected.*

> *The procedure begins with the opening of the parcel of ballots credited to the vacating MP and transferring the votes to the first available ballot preference, skipping excluded candidates. All candidates other than those nominated for the vacant seat are deemed to be excluded. Where the number of nominees is two or higher, the candidate with the lowest number of votes is excluded and his or her votes are transferred to the next available valid candidate. This is the same procedure as that used in general elections. The process of excluding the candidate with the least votes and transferring his or her votes to the next available preference continues until one candidate reaches the quota.*

4.62   It was also proposed that if by-elections are to be maintained, provision should be made by legislation specifying a maximum period within which seat must be filled. The CRG report (1996) recommended that this period be set at 90 days. Professor Murphy suggested a range of between 3 and 6 months. Many written submissions also made suggestions along these lines.

4.63   Finally, Professor Murphy suggested that the First-Past-the-Post system could be used for by-elections:

> *It could well be argued that the most radical thing to do is to use plurality, which is first past the post, for by-elections, whereby whoever gets the most votes wins. As only one seat has to be filled, and political competition is much tougher than it was previously, a shoot-out for number one votes should be the*

way it is decided. The drawback is that the plurality system was rejected by the Irish voters on two occasions and its use for by-elections might well be seen as softening up the electorate for the radical alternative of introducing it nationally.

The proposed establishment of an Electoral Commission

4.64   Mr. John Gormley TD, Minister for the Environment, Heritage and Local Government, briefed the Committee on the proposed establishment of an Electoral Commission. The relevant part of his submission is reproduced below:

> *The 2007 programme for Government envisaged that an independent electoral commission would take responsibility for electoral administration and oversight, implement modern and efficient electoral practices and revise constituency boundaries. The commission would take charge of compiling a new national rolling electoral register, take over the functions of the Standards in Public Office Commission related to electoral spending and examine the issue of financing the political system. To assist in consideration of the issues involved, in 2008 I commissioned a report by an expert group from UCD. I published that preliminary study only 12 months ago. The response to the consultation was somewhat disappointing and may have been due to the very busy electoral year we had, with local and European elections, two Dáil by-elections and the Lisbon treaty referendum. While the formal closing date for written submissions has passed, I still welcome and will consider any views and observations which are put forward by this committee or other interested individuals and organisations.(…)*

> *The key findings of the UCD report are that the proposed electoral commission should be responsible for maintaining the register of political parties and assume responsibility for the electoral register with a view to introducing a rolling, individual register, and that the functions currently carried out by the Constituency Commission for Dáil and European elections be transferred to the electoral commission. I understand the committee will consider the matter of constituency boundaries for Dáil Éireann with*

Professor John Coakley later this morning. I look forward to hearing the committee's views on his recommendations as he was part of the UCD team and the feedback of the committee will provide an important input to my further considerations. The study notes that current Irish arrangements for the administration of nominations, polling schemes, the polling process and the counting of votes have several distinct advantages. It recommends that the devolved character of the process is the key to its success and should not be tampered with. We could therefore, even with the establishment of an electoral commission, still have a situation whereby electoral administration is the responsibility of a number of bodies.

The report recommends that, pending the outcome of a review of the law relating to the regulation of party and election funding, a single body should combine the functions currently performed by the Standards in Public Office Commission and by the register of political parties, and that the final powers and functions of the electoral commission in relation to party and election funding should be determined by the Oireachtas following a review undertaken by the commission and the Oireachtas review of its recommendations in that respect.

The report recommends that an electoral commission be given the power to conduct and commission research. It notes that the electoral commission would be independent in the performance of its functions but that any such provision should not preclude an appropriate degree of accountability on the part of the electoral commission to the Minister for the Environment, Heritage and Local Government and to the Oireachtas. It recommends certain specific policy-making functions should be reserved to the Minister, for example fixing the date of polling, deciding whether to approve a specific form of electronic voting recommended by the commission or proposing changes to the electoral system. In those specific cases, the role of the commission would be to advise the Minister.

The report considered which ex officio membership would be most appropriate for an electoral commission and concluded it should comprise a

chairperson who shall be a judge or a former judge of the Supreme Court or the High Court and ordinary members, including the Comptroller and Auditor General, the Ombudsman, the Clerk of Dáil Éireann and the Clerk of Seanad Éireann.

In the October 2009 renewed programme for Government we have added to the mix by further clarifying our intentions and ambitions for what an electoral commission would do. Taking an overview of the two programmes, what we are committed to can be set out in two parts, one being the reform of electoral administration and the other being electoral reform. On electoral administration, it is intended that the new electoral commission would take responsibility for electoral administration and oversight and implement modern efficient practices for the conduct of elections. It would become a standing Constituency Commission for the revision of constituency boundaries and decide the constituency boundaries. It would take charge of the compilation of a new national rolling electoral register, administer the voter registration process and run voter education programmes. It would assume the functions of the Standards in Public Office Commission in regard to electoral expenditure and would provide the new commission with enhanced powers of inspection.

On electoral reform it is intended that the new electoral commission would examine the issue of financing of the political system and recommend revised guidelines on the declaration of donations for political purposes. It would advise on mechanisms to increase the participation of women in political life, including the use of additional criteria for public funding to encourage more women and less well represented groups to participate. It would make recommendations on the feasibility of extending the franchise for the election of the President to the Irish abroad and make recommendations on the possibility of extending the franchise for local elections to those aged 16 or over, something to which I have referred in the past.

The new electoral commission would be invited to examine and make recommendations for changes to the electoral system for Dáil elections,

including the number of Deputies and their means of election. It would be invited to outline new electoral systems for Seanad Éireann. It would advise on the basis for European elections to reflect the new realities of the role and influence of the European Parliament, including consideration of moving towards one national constituency and using the list system. It is also my intention to mandate the new electoral commission to set minimum standards for the taking and publication of political polls within the State to ensure fairness and accuracy.

The establishment of an independent electoral commission is not an insignificant move. New legislation will be required to establish it. Amending legislation will be required to transfer to the electoral commission a range of roles and responsibilities, including those assigned to the Standards in Public Office Commission in electoral law, the roles and responsibilities of the Constituency Commission and the roles and responsibilities of the Minister for the Environment, Heritage and Local Government. This will require changes to more than 20 primary Acts and to the associated regulations.

The UCD study recommends an electoral commission should be established through the enactment of an electoral commission Bill which would amend and consolidate the law in this area, bringing together in one Act the law relating to referendums and elections to local authorities, Údarás na Gaeltachta, the European Parliament, Dáil Éireann, Seanad Éireann and the Office of President of Ireland. This will be a major task. We need to be mindful of the importance of effectiveness and value for money in delivering on structural and organisational change, such as the establishment of an electoral commission. It will not simply be a matter of pulling a few existing bodies together.

If an electoral commission is to achieve the objectives we have set out in the programme for Government, it will have to be adequately resourced and adequately supported by all stakeholders. While putting in place the necessary groundwork for the electoral administration remit of the electoral commission will take time, I do not want to see the electoral reform agenda delayed

unnecessarily. For this reason I am considering establishing an electoral commission on a non-statutory basis to report on the electoral reform agenda set out in the renewed programme for Government.

4.65 In response to the Minister's submission, Deputy Brendan Howlin expressed reservations regarding the transfer of the functions of the Standards in Public Office Commission, which was drawn up in compliance with international best practice norms, to the Electoral Commission.

4.66 Deputy Michael Kennedy raised the proposed relationship between the Electoral Commission and the Minister for Environment, Heritage, and Local Government:

Under the reform being considered by the Minister, some of the decision making process will still be retained by the Minister of the day, such as possible electronic voting and changes to the electoral system. Why does the Minister, on the one hand, recommend that an electoral commission should have responsibility for the recommendation process and, on the other, he will decide whether electronic voting will be introduced or the electoral system needs to be changed? Does he believe it should be one or the other?

Extending the franchise

4.67 In discussing the extension of the franchise to citizens who are abroad at election time, either temporarily or permanently, a number of submissions suggested that a process be put in place to allow such citizens to vote in Dáil elections.

4.68 Senator Ivor Callely put forward a proposal relating to the extension of postal voting. He suggested that legislation should be enacted to 'to allow people to vote up to 10 days prior to polling day in their local Garda Station.'

4.69 On the broader topic of extending the franchise to non-resident citizens, Ms. Kimberly Moran stated:

My personal view, as someone who has lived overseas for 18 years, is that Irish expatriates should have the right to participate in Irish elections because they still have considerable economic, social and legal protection and recognition under the Irish State. Political citizenship, by virtue of allowing expatriates to vote in local and national elections, would be recognition of them, as other countries have for their expatriates across the globe.

4.70 Ms. Tayla Housman suggested that the extension of the franchise to non-resident citizens has been implemented in numerous other countries, as well as being currently available to members of the Defence Forces and diplomatic corps:

[The proposal] simply follows international precedent in extending the rights currently granted to a select group of citizens, such as diplomats, to the wider citizenry. In the past 30 years many countries have enfranchised their citizenry abroad by extending the exemptions already in place for military personnel and ambassadors to encompass the expatriate community.

4.71 A number of concerns relating to the implementation of a programme that would allow non-resident citizens to vote in general elections were raised as follows: firstly, such citizens comprise a sufficiently large number in Ireland's case to heavily influence the result of the elections; secondly, such citizens earn their salaries in another jurisdiction, and consequently pay their taxes elsewhere; finally, such citizens do not have to abide by the laws enacted by the Oireachtas, as they live in another jurisdiction and therefore should not be able to determine its make-up. Further proposals considered that a time limit would apply within which Irish citizens living abroad could continue to vote or that some seats in the Seanad could be set aside for non-resident voters.

4.72 Mr. Fidele Mutwarasibo (Immigrant Council of Ireland) argued in favour of the extension of voting rights to long term residents in Ireland:

People should not be denied a voice. If they are, it is likely they may have to use other ways to make political claims, as is evident from the occurrences in the north east of England in 2001, France in 2005 and 2007 and the United

States in the 1990s following the death of a certain Rodney King in Los Angeles. The implications of such events are significant. The cost of the incidents in Los Angeles alone was €1 billion. We do not want to wait until it is too late to get people involved in the democratic process. We propose to extend the right to vote to long-term residents in the State. This applies to third-country nationals who have been granted long-term residency status and EU nationals who, after five years, are eligible to apply for permanent residency.

4.73 Mr. Rotimi Adebari reflected on his experiences in Irish electoral politics, and echoed Mr. Mutwarasibo's call for long-term residents to be allowed to vote in elections to Dáil Éireann:

> *My election in the last two local elections was made possible because Ireland is one of the five countries in Europe that allows legally resident migrants to vote and stand for local elections. The four other countries that allow political participation of migrants in local elections are Denmark, Finland, Norway and Sweden. A unique aspect to Ireland allowing migrants to participate in local politics is that they do not have to be legally resident in the State for three years, as in most other countries. To be eligible to participate in local politics in Ireland, a migrant only needs to be resident in the State for no less than 12 months. This unique aspect of our electoral process I will urge this committee to keep and would add that migrants with long-term residency should be allowed to vote in general elections.*

4.74 It was suggested that voting rights could be extended to long-term residents in Ireland as a separate measure from citizenship requirements. In practice this would mean extending the current eligibility for voting in local elections to national elections. Alternatively, a simpler procedure for citizenship applications could be established. Proposals were also made to encourage awareness and participation among non-citizen residents in elections in which they are already entitled to vote (local and, for EU citizens, European elections). It was also suggested that the Seanad could have a role to play in the representation of non-citizen residents.

Improving the electoral register

4.75   The shortcomings of the current system of voter registration were raised in many submissions. The use of the Personal Public Service (PPS) number system in the registration of voters was proposed. A number of written submissions suggested that persons who had reached the voting age should be automatically added to the register using the PPSN system. A number of submissions suggested a system of online registration be established to facilitate voters, using PPS numbers. The Committee also considered suggestions for improving access to voter registration for younger people by involving schools in the registration of students.

4.76   The improvement of the current system of maintaining the register was considered, with particular regard to non-citizens residents who are entitled to vote in local elections and, for EU citizens, in European elections. Mr. Adebari made suggestions in this regard:

> *To improve the voting register for the migrant community, I suggest the following. Raising awareness has to be done by producing information leaflets in different languages, using targeted media to reach out to them, such as newspapers, radio, websites, religious institutions, social gatherings and outlets, associations and clubs and so on. The other idea is to use the personal public service, PPS, number. Every migrant resident in the country has a PPS number. It is a great way of getting them on the voting register as they apply for the card. Use one stone to kill two birds. The Department of Social and Family Affairs should share information with the electoral commission which can in turn contact the person.*

4.77   The Committee considered that efficiencies in compiling the electoral register would result from the centralisation of the management of the register under the authority of the Electoral Commission. The Committee considers that the Electoral Commission would be the most appropriate body to implement innovations designed to improve the electoral register.

Changes in the number of members to be elected to Dáil Éireann

4.78   A number of submissions called for a change in the number of members to be elected to Dáil Éireann. Some of these envisioned a radical reduction in the number of seats, whereas others favoured more moderate reductions.   Minister John Gormley advocated a reduction in the membership of the Dáil to 100 TDs. Mr. Joe McMahon, in his written submission, called for a Dáil of 150 members to be elected. The arguments in favour of a reduction in the number of members are typically made on the basis of efficiency – proponents of such a reduction argue that the Dáil could perform its functions equally well with fewer members.

4.79   Opponents of such a reduction suggest that it would be difficult to sustain membership of Oireachtas committees. They also point to the considerable volume of constituency work performed by TDs presently; such a workload would be unmanageable for a smaller number of TDs. In addition to this, a smaller Dáil would mean a limited pool from which ministerial positions could be filled. Finally, opponents of a smaller Dáil suggest that Ireland is not over-represented by the number of TDs who are elected.

4.80   The current constitutional provision allows for considerable variance in the number of members elected. This ranges from a maximum of one TD per 20,000 of the population and a minimum of one per 30,000. The CRG (1996) report found that these provisions provide an adequate degree of flexibility for adjustment of the size of the Dáil.

Category 3: Changes designed to improve the functioning of PR-STV

4.81   Proposals were brought before the Committee that were directed at improving the functioning of the current PR-STV system.

Alternative methods of constituency delineation

4.82   Professor John Coakley made a presentation on the topic of boundary delineation. He proposed that, rather than changing constituency boundaries to accommodate changes in population, constituency boundaries would be fixed along the lines of existing administrative boundaries (say, for example, along county boundaries) within the limits of the constitutional proviso that no constituency could have less than three seats. Census data would then be used to adjust the number of seats in each constituency, while the boundaries would only be revised if the population in a constituency was too small to justify 3 seats.

4.83   Professor Coakley suggested an upper limit of 9 seats per constituency, given the practical difficulties involved in operating PR-STV in very large constituencies (from the point of view of ballot length, counting, etc.). He stated that this approach to constituency delineation is used elsewhere in Europe where PR is employed:

> *How are boundaries drawn elsewhere in countries that use proportional representation? I emphasise the comparison I am making is not with the British system or the American system in which the committee has seen the number of constituencies where different issues arise, but with the continental European system. The typical approach is that territorial boundaries are fixed, they correspond with administrative units - for example, with the Swiss cantons and with the provinces in Belgium, except that one province, the central province of Brabant, is divided - and these administrative units remain stable over the decades. The target size of the chamber is defined and using a simple mathematical formula, seats are allocated periodically between these constituencies on the basis of population after each census. Over time, some boundary changes may be made to avoid excessively large or excessively*

small constituencies, but these changes are very infrequent and, typically, the new constituencies are instantly recognisable.

This is applied in all countries of continental Europe using proportional representation. There are some special cases such as Germany with its two-tiered system, Italy where there is no prior allocation of seats to the regions which have a function partly as constituencies, or the Netherlands where there is a single 150 member constituency covering the entire country. Obviously, in the case of single-member districts the system cannot work and boundaries must be continually changed to ensure that the principle of electoral equality is maintained.

My third general point has to do with the possible application of this system to Ireland. We immediately encounter a difficulty here, that is, that the single transferable vote system of proportional representation imposes a practical upper limit on constituency size. We cannot have 75 member or 150 member constituencies under this system because it is unrealistic to invite voters to rank the large number of candidates that would then result.

However, in the past in this State we have had relatively large constituencies. For example, in the Senate election of 1925 there were 19 vacancies, 76 candidates and 67 counts. Unfortunately, the count went on over three weeks. It discredited this system, perhaps unfairly, at the time. However, there have been other instances of very large constituencies: Galway, from 1923 to 1935, and several other constituencies up to 1947. In the Northern Ireland Assembly, from time to time there are relatively large constituency sizes.

In showing how this system might be applied in Ireland, I assumed a minimum of constituencies with three members and a maximum size of nine to show what this would look like. Essentially, the counties would become constituencies with certain exceptions. Some small counties would be merged involving familiar enough combinations such as Leitrim-Sligo, Cavan-Monaghan and Carlow-Kilkenny. Cork and Dublin would have to be divided. Under a list system, it would not be necessary to divide them but were we to

impose an upper limit of nine Deputies per constituency, these counties would have to be divided. The 1923 Act came close to having this kind of pattern. It stuck closely to the existing county boundaries. Then one would need a decision on the overall size of the Dáil, whether it is to have 166 Deputies or some other number. Then seats would be allocated in a simple mathematical process. Typically, in other countries an official the equivalent to the director of the CSO would make this allocation. (...)

An assessment of this system shows it would be relatively stable, predictable and efficient. It would result in some large constituencies, and a nine-member, an eight-member or even a seven-member constituency would cause certain political cultural problems because since 1947 we have been accustomed to the notion of five-seat constituencies as the maximum size.

However, it would ensure greater compatibility with the Constitution. It is easy to forget that the Constitution stipulates, not only the single-transferable vote but proportional representation. With an average constituency size of four members where the electoral threshold is 20%, one could argue that a party with 15% of the vote which is spread nationwide would end up without any seats and that this is not proportional representation. It might result in slightly larger deviations from the present Deputy-population ratio, possibly resulting in conflict with the Constitution. This would depend on how the Constitution is to be interpreted.

4.84   Some potential drawbacks of his proposal were identified. Deputy Brendan Howlin suggested that smaller parties would be less likely to win seats in 3 seat constituencies than 9 seat constituencies and this would have consequences for proportionality from constituency to constituency. Senator Dan Boyle drew attention to the uniform constituency size used in the Maltese application of PR-STV where all constituencies have 5 seats. Professor Coakley responded that his proposal would overall be fairer to small parties than the current arrangements.

4.85   Professor David Gwynn-Morgan advocated removing all political interference from the constituency delineation process by placing the Constituency Commission (or, an

Electoral Commission, if it were to have the role of constituency delineation under its aegis) on a constitutional footing.

4.86   Dr. Rory O'Hanlon TD suggested that a review of the present system of constituency delineation should take account of the difficulties of representing large rural areas in the western and north western parts of the country, where the large geographic size and dispersed populations make the representative role of TDs difficult to fulfil. Deputy O'Hanlon suggested that a review of the ratio between population and TD be undertaken, and that such a review should consider allowing a smaller number of citizens to TD in the western and north western parts of the country than is currently the case.

A move towards larger constituencies

4.87   A number of submissions advocated an increase in the number of seats per constituency. Professor Farrell put the case for increasing constituency size to the Committee:

> *Ireland has the lowest average district size of any STV system in use. The point made in various other presentations - it would be worth considering constituency size in Ireland - is worth bearing in mind, particularly as it would not require a constitutional amendment. I am sure members are aware that if one were to increase the constituency size, one would get a more proportional result.*

4.88   Academic research has found that proportionality of votes to seats of an electoral system tends to increase as the average number of seats per constituency increases. PR-STV in Ireland, while achieving relatively proportional results compared to the UK's First-Past-the-Post system, is considerably less proportional than other PR systems, such as that used in the Netherlands, because of the small average size of Irish constituencies.

4.89   It was suggested that larger constituencies would increase the likelihood of a more diverse parliament in terms of gender balance and minority representation. Ms. Fiona

Buckley noted that research in Ireland was not definitive regarding the existence of a relationship between constituency size and female representation. Ms. Buckley made some observations in a comparative context:

> *The traditional argument is that multi-member districts tend to benefit representation more than single-member districts because in multi-member districts parties may perceive that they will win more than one seat and will run more than one or two candidates. (...) parties will run with the tried and tested politicians, who tend to be incumbents and also tend usually to be male. They will also be more inclined to run women. There are figures in this regard in the literature. Many people would say that districts of six or seven seats benefit women more than district sizes of fewer than five seats.*

4.90   There is no impediment to legislation being enacted that would substantially increase the size of constituencies as only a constitutional minimum is set out. Professor Coakley suggested that, in the absence of computerised voting and/or counting, the current system's logistical capacities would only tolerate a maximum constituency size of 9 seats.

4.91   An argument against such an increase is that it would lead to TDs being over-burdened in performing constituency work in such geographically large and populous constituencies.   Another potential drawback is that larger constituencies may encourage greater fragmentation of the party system, meaning that government coalitions may become less stable.   Also, while 9-seat constituencies may be theoretically feasible, they would pose greater logistical demands in terms of the counting process than the current largest constituencies (with 5 seats).

Alternative methods for counting surplus transfers

4.92   The Committee also considered the transfer of surplus votes during the vote counting process. Professor Farrell outlined alternative systems for surplus transfer counting and advocated the adoption of the 'Senate rules' counting method for Dáil elections:

Alternatives are available, one of which I strongly support. The Gregory method is known in Ireland as the Senate rules. As the system used for electing Senators, it is not unusual, untested or untried. The point of the Gregory method which is summarised in the presentation is that one takes account of all the ballot papers. The Chairman has referred to an election where the quota is 8,000 and a winning candidate has 10,000 votes. Using the Gregory method, one would transfer all 10,000 ballot papers at a fraction of their original value in order that the original quota technically remained with the winning candidate.

The beauty of this method is that it eliminates the random effect, as occurred in the example of Ben Briscoe's election to the Dáil. The slight disadvantage of the system is that in later counts one only takes account of the original ballot papers. This means that if 2,000 ballot papers are placed in the pile of Gary Murphy who is placed over quota on the fourth count, only the ballot papers which arrived in Mr. Murphy's pile from the first person to win a seat continue to play a role and Mr. Murphy's ballot papers remain untouched. There are, however, ways of addressing this matter. While I propose to refer to these, I would not recommend them for use in Ireland.

One example is the inclusive Gregory method used in elections to the Australian Senate. A second is the weighted inclusive Gregory method used in elections in Western Australia. Members who wish to do so may read about these methods at their leisure. The reason I do not recommend either of them is that they are highly complex, as they take account of all ballot papers at all stages and the computations involved would realistically require computer counting. Since I do not expect computer counts to return in the near future, I do not regard these as options for use in Ireland. My strong recommendation to the joint committee is that it support the use of the Gregory method, which would be a great improvement.

4.93 The Committee was also briefed by Mr. Douglas Bain, Chief Electoral Officer for Northern Ireland, and Ms Jocelyn McCarley, Assistant Chief Electoral Officer, on the practicalities of manual counting of votes under PR-STV using the Senate rules

method. Ms. McCarley outlined the approach used by electoral administrators in Northern Ireland:

Votes are transferred at a transfer value in Northern Ireland. There is a transfer of surplus and then a transfer of consequential surpluses. A consequential surplus, which comes about further on in the count, is a transfer of the last packet of papers that the candidate received. It does not take in the whole amount.

The votes are transferred with a transfer value and this reduces the value of each vote so the value does not exceed the surplus available for transfer. We calculate a transfer value by dividing the surplus of the candidate for whom the votes are being transferred by the number of ballot papers on which those votes are given. Further down the count that can bring a consequential surplus, which is the last packet received by the candidate.

Changes to the ballot paper

4.94   A number of submissions suggested that the design of ballot papers used in PR-STV should be reviewed. A common criticism was the ordering of names on the ballot paper; candidates are currently listed in alphabetical order. Mr. Barry Cahill proposed the introduction of randomised ordering of names using the 'Robson Rotation' system:

The system used in Tasmania to print numerous ballot papers in rotating order from batch to batch links the number of rotations to the number of candidates. The cost of doing this relatively small task in comparison to the overall election is small. The number of rotations can also continue to be increased in line with the reasonable and practical costs involved in doing so.

4.95   A potential problem identified with system was that it may make the counting process more difficult as counters would have to 'find' candidates at various locations on the ballot papers. Professor Michael Gallagher suggested that an alternative approach to randomisation was the Californian randomised alphabet method, where a candidate's

position on the ballot paper is determined by lot before each election. Candidate ordering on the paper is the same for all ballot papers in this case. This alleviates the counting problem that would occur using the Robson method.

4.96   Another suggested reform regarding the design of ballot papers was the adoption of the Maltese practice of grouping candidates by party affiliation. Professor Farrell discussed how this worked in practice:

> *It is noteworthy, however, that while candidates are ranked alphabetically in Malta, this is done under each of the party groupings. It may be worth considering this model as an experiment in local elections to determine the degree to which voter preferences remain within a party group. For example, would a Fianna Fáil Party voter be more inclined to keep preferences within the party? While this may also have an effect on the bailiwick emphasis, it is not a strong point. Nevertheless, I draw members' attention to it.*

4.97   Dr. Theresa Reidy offered two suggestions regarding ballot paper design. The first was to include a 'none of the above' option on the ballot. This would allow voters to register dissatisfaction with the list of proposed candidates in a meaningful manner. This option would encourage participation of voters who do not support the choice of candidates at an election. Dr. Reidy also suggested that the inclusion of a candidate's picture on the ballot paper accentuated the candidate-centred nature of Irish elections and led to superficial considerations, such as candidate appearance, playing a role in their election.

Category 4: Non-electoral system changes

4.98   Suggestions were discussed by the Committee that were not directly related to the electoral system for membership of the Dáil. These suggestions typically sought to address some perceived shortcomings in the current political system that have often been attributed, rightly or wrongly, to PR-STV. Given the Committee's focus on the electoral system these reforms were mostly made in a general manner and are listed here as areas that merit consideration on a broader reform agenda. They include: local

government reform, Seanad reform, civil service reform, the level of resources allocated to TDs to carry out constituency duties, and the reform of Dáil procedures.

Reform of parliamentary procedures

4.99   Reform of parliamentary procedures was the most common non-electoral system reform proposed to the Committee. Senator Alex White summarised the tenor of a number of statements on this topic when he argued that, 'We do not really have a system that puts the Parliament at the centre of things.'

4.100   The Committee heard from Mr. Pat Carey TD, Government Chief Whip and Chairman of the sub-Committee on Dáil Reform, and Mr. David Stanton, TD, member of the sub-Committee. Deputy Stanton advocated that:

> *Changing the way we send deputies to the House without changing how the House transacts business will not make any difference. If the Legislature continues to remain virtually powerless then the way in which one sends deputies to it does not matter.*

4.101   Deputy Jim O'Keeffe gave his opinion on the shortcomings of current Dáil procedures:

> *Article 28 of the Constitution states that the Executive is to be responsible to the Dáil, but is it responsible to, or answerable to, the Dáil? It is not. Every effort is made to stymie that provision of the Constitution which, if honoured in the letter, is certainly not honoured in the spirit. There are many who would suggest that at this stage the Dáil is merely a rubber stamp for the Executive. That is possibly overstating it, but it is only a slight overstatement because the Government of the day controls the Dáil and tries to ensure that its will prevails with the minimum fuss or debate. (...)*
>
> *The Dáil's standing orders seem designed, and are certainly interpreted as far as possible, to ensure that Ministers are protected from the embarrassment of showing that they do not know everything about everything. In other*

parliaments the attitude is that Ministers are not expected to know about everything but they are expected to find out, if so required. That does not happen here.

As regards quangos such as FÁS, the NRA and the HSE, legislation was specifically put through and designed to ensure that there would be no parliamentary scrutiny of the activities of those bodies.

4.102 The Chairman, Deputy Seán Ardagh, summarised the proposals put forward by Deputy Stanton and Minister Carey as follows:

Deputy Stanton has stated that the changes in the House and how the House operates could come about without any constitutional amendment and, therefore, could be made before any change in the way that people are elected to the House. The Government controls the Legislature rather than as provided for in Article 28 of the Constitution, where the Government is responsible to the Legislature.

On the issue of Dáil reform, the whole question of the reading of scripts is against Standing Orders but it is done. It is boring, people do not listen to what is being said and the television audience is turned off by it.

The whole question of the Adjournment debates and the possibility of commencement debates should be reformed so that there is greater interaction in order that supplementary questions can be asked. Instead of seeking to raise matters under Standing Order 32, there should be 30 second questions and responses from Ministers. If the Ministers do not have the response they can get it later in the day. The Order of Business is being abused and would probably be better done on a once-a-week basis by the Chief Whip.

In regard to Question Time, there are too few questions that are responded to. By speeding up the process, more questions could be asked. Bodies such as the HSE, NRA and similar bodies are not responsible directly to the Minister. We receive answers to questions stating that the Minister is not directly

responsible and that it has been passed on to the relevant body, but it would be better if there were more immediate replies.

When the Dáil is in recess, perhaps a small number of parliamentary questions per week per member should be allowed. On the issue of questions, where Members feel that the reply does not address the issue, there should be some right of appeal and that could be brought up at some stage in the House. The question of discussion of ideas in the House of debate is missing.

4.103   Deputy Stanton proposed a change in the way committees currently subject legislation to scrutiny:

Legislation should come before committees prior to going to the Dáil. In that way the principles of legislation would be discussed before it is finalised and becomes politicised, as it is does in the Dáil Chamber, where it is decided and then there is no room for manoeuvre. This would provide an opportunity for individuals, groups and others to have an input into it, as should be the case, before it becomes law and goes to the Dáil Chamber for proper debate.

4.104   Deputy Stanton and Minister Carey also proposed that incremental reforms, such as the introduction of commencement debates, may be a better approach than attempting to bring in a 'big package' reform, which they suggested was unlikely to attain cross-party support.

4.105   Deputy Jim O'Keeffe expressed support for these initiatives and cautioned that, 'If those changes do not come about, the people who are so cynical today will become increasingly cynical with the consequences that can accrue from a total disconnect by the public from the parliamentary system.' Deputy Michael Kennedy outlined other reform ideas and confirmed his support for the contention that statutory agencies should be accountable to the Dáil. Senator Dan Boyle suggested that the organisation of the business of the Houses of the Oireachtas should be changed to give a more comprehensive role to committees. Consensus emerged that the pace of reform was lamentably slow, with a number Committee members noting that many of the reform

ideas discussed had been on the political agenda for many years but had not been implemented.

Local government reform

4.106   Reform of local government was another matter that emerged during consideration of the constituency workload of TDs. It was proposed that if local authorities given significantly more powers, then local councillors, rather than TDs, would be able to assist citizens with local issues. A number of written submissions suggested that measures to strengthen the powers of local government would reduce the demand on TDs to focus on constituency matters.

4.107   Mr. Noel Dempsey, TD, Minister for Transport, addressed the weakness of local government:

> *The current system is a chicken and egg scenario. Which does one change first: the electoral system or local government? (…) The system of local government is, as Deputy Howlin outlined, one in which people spend money, but have very little power. It delivers local services at the direction of national government. It is not, except in small areas, local democracy and it will remain like that until it has a revenue raising role.*

> *Are full-time councillors necessary? My view is that there should be district and regional systems and then a national system. Our system of local government is based on 17th and 18th century English shires that have no part in a modern system. There should be a local system for local delivery that could be largely voluntary but at regional level it would be necessary to have full-time, paid councillors. In that situation Deputies elected under the system we are discussing would be more free in this House to do the things we want them to do.*

4.108 Minister John Gormley echoed this sentiment when proposing a reduction in the number of TDs:

> *A slimmed down and more effective Dáil (…) must go hand in hand with changes at local government level. I suggest a form of regional government, which is outlined in the renewed programme for Government….*

Seanad reform

4.109 Seanad reform was another matter raised in a number of submissions. It was suggested that the Seanad could play in the representation of certain groups who are currently excluded from the electoral process. These groups include Irish citizens who are resident abroad and long-term residents in Ireland who are not Irish citizens.

Other topics addressed

4.110 Reform of the Civil Service was proposed, as a large amount of TDs' constituency work comes from constituents who experience difficulties accessing state services.

The Implementation of Change

4.111 A matter that bears consideration is how the process of electoral system reform should be achieved. The traditional routes to changing Irish political institutions have been either through the enacting of legislation or the proposal of a referendum. Under either process, TDs would be asked to reform the mechanism that elected them. In his submission to the Committee, Professor Kenneth Benoit, Professor of Quantitative Social Sciences and Head of the Department of Political Science at Trinity College Dublin, outlined why there may be problems with this approach or, at least, have an inbuilt bias in favour of retaining the current system:

> *In a legislature in which the number of seats is fixed, any electoral rule which benefits a larger party will harm a smaller party and vice versa. Electoral systems which are more proportional will benefit a greater number of*

typically smaller parties than a more restrictive, majoritarian system which, by its character, benefits fewer, larger parties.

For these reasons, debates on electoral reform typically do not have the character of wise people debating the best institutions for everyone in the general public good. The most noted feature of electoral system reform is the debate in which parties of different sizes calculate their political considerations, try to determine what will be best or worst for them and evaluate the process in these terms. While we can make whatever arguments we wish before this Committee or the public about what is in the greater good, what is good for representation or what is meaningful to voters, in my research in many contexts the strongest finding to emerge is that political parties typically make decisions on electoral reform based on political considerations, which are typically partisan and office-seeking in nature.

Incumbent Legislatures and legislators usually have their interests tied to the status quo. This is evident in proposals in many systems where it would be sensible to reduce the size of the Legislature. Typically, one will not be able to reduce the size of a Legislature by having the Legislature in question take a vote on the matter.

4.112   Professor Benoit suggested that 'extraordinary instruments' may be required in order to arrive at proposals that are viewed as legitimate and to recommend radical change:

Examples of extraordinary instruments include round table talks in countries which have just made a major regime change, typically moving from single party states to democracy, and the use of electoral commissions, usually followed by a referendum on the recommendations of the commission, as was the case in New Zealand. In British Columbia a citizens' electoral commission was appointed. This system would, I believe, be the most workable in the Irish case. There are, however, constitutional implications of these extraordinary mechanisms and it is not always possible to proceed in this manner because the constitution may specify means by which a constitutional change must be approved. In the Irish case, the matter is simple. Any change from the PR-STV

system must be approved ultimately in a referendum because it would involve a constitutional amendment.

4.113 Professor Benoit outlined how two external agencies had functioned in New Zealand and in British Columbia:

> *The desire for legitimacy and fairness is pre-eminent in most systems for the simple reason that the parties who will compete by these rules have to be convinced that the rules were adopted in a fair fashion. Likewise, the public want to be convinced that the rules were adopted in a fair fashion that suits the interests of the country. I will give two examples, the first of which is New Zealand.*
>
> *Since 1914 New Zealand was usually cited as the textbook case of the two-party system. It was more Westminster than Westminster itself. It had a two-party system and it used first past the post. In the 1980s, in order to break the two-party system and in response to electoral reform societies and certain interests calling for consideration of electoral reform, a pledge was made by the Labour Party to look into the issue and establish a royal commission to consider electoral system alternatives. This commission was established and to the horror of many of the Labour MPs, recommended a mixed-member system. A mixed-member system is a hybrid between first past the post and list proportional representations which uses half and half. This would have introduced additional parties and reduced the typical seat advantage enjoyed by Labour.*
>
> *The cat was let out of the bag by the Prime Minister, David Lange, whose remarks during an interview originally led him to make this promise. New Zealand held a referendum on the issue in 1992 and voters overwhelmingly rejected first past the post as an option by 85%. If it had been left to the Legislature to consider the issue, the Labour MPs would have voted it down, but because it was established in a royal commission by a series of pledges that the Government could not back away from, a referendum was called by the National Party when it was in power. Both parties felt committed to it at*

the time and the voters overwhelmingly supported the adoption of a different system.

The second and last example is that of British Columbia. This is a process that concluded somewhat recently. In 2001 the Liberal Party proposed to consider alternatives to the first past the post system and they rejected the New Zealand option of establishing a royal commission. It wanted a more broad citizen-based consideration of the process rather than one perceived as the work of elites or a royal commission, so a citizens' assembly on electoral reform was established. This consisted of 160 citizens drawn from all the different regions in British Columbia and they were chosen for gender balance. There was a rule that there had to be two citizens from each of the districts, one man and one woman.

They heard from experts, similar to Mr. Richard Sinnott and me. They held public hearings, deliberated extensively and issued a recommendation. The recommendation was to use the Irish system, a single transferable vote with a slight modification which in the literature is called BCSTV, that is, the British Columbia version. Essentially it is the same system. It went to a referendum in 2005. The rules for changing this rule were that it had to pass with a threshold not of 50% but of 60% and it had to have simple majorities in three fifths, or 60%, of the 79 districts. However, it failed with 58% of the overall vote, even though it had majority support in 97% of the 79 districts. By and large, the public on a geographical distribution and as a simple majority had quite strongly supported making the change.

4.114   One potential option is to delegate responsibility for deciding on electoral reforms to a Citizens' Assembly. If this system were to be recommended for Ireland, there remain details for consideration. There are a range of options: a Citizens' Assembly could be asked only to consider whether to retain or replace PR-STV; it could be given a broader remit to consider the technical and rules-based reforms to the electoral system that have been outlined in this Chapter; or it could also consider matters such as Dáil and Seanad reform or the powers of local government.

4.115   It is important that the rules regarding the implementation of any constitutional or legislative changes recommended would be set out very clearly. For example, Professor Benoit noted that a super-majority (60% of all votes and a majority in 66% of all districts) was required in order for the recommendations of the Citizens' Assembly established in British Columbia to be adopted. A mandatory referendum could be held on the recommendations of a Citizens' Assembly.

4.116   Any recommendations regarding the reform of the electoral system should give due consideration to the implementation of such recommendations. Appendix A discusses the operational details of Citizens' Assemblies that were convened in British Columbia, Ontario and the Netherlands.

5. Conclusions and Recommendations of the Committee

_____

Introduction

5.1   In formulating its conclusions and recommendations on its review of the Irish electoral system, the Joint Committee considered and evaluated a broad range of evidence and opinions presented to it over the course of its hearings by academics with particular research interests and expertise in electoral systems, parliamentarians, women's groups, youth organisations and other interested parties. It also evaluated the impact of alternative electoral systems in use in various countries throughout the world. In addition the Committee considered the views expressed and reform proposals presented by the many interested parties who made written submissions to the review as part of the Committee's consultation process.

5.2   Drawing on the evidence and submissions reviewed in the preceding chapters, the Committee presents conclusions and makes recommendations that fall into three distinct categories: The first category considers whether a change to a new electoral system is desirable. The second category considers rules-based changes - those reforms that could be made to the rules under which elections are conducted, independent of the choice of electoral system. The third category considers system-based changes – those reforms that could be made to the implementation of PR-STV and the framework within which it operates. Firstly, however, the Committee outlines its conclusions with regard to the establishment of an independent Electoral Commission, an agency that will be of central importance to the future operation of the electoral system.

Establishment of an Electoral Commission

5.3   In the course of its hearings the Committee was briefed by Mr John Gormley TD, Minister for the Environment, Heritage and Local Government, on the proposed establishment of an independent Electoral Commission with overarching

responsibility for electoral administration in this country. The Committee strongly supports this proposal.

5.4   Electoral administration in Ireland is dispersed between a range of different agencies. In order to achieve best practice in the administration of elections in this country, the Committee considers that an integrated approach is necessary to implement modern and efficient electoral processes. In light of the shortcomings in the current arrangements as identified in this report, it is the Committee's opinion that the establishment of a single overarching body to assume responsibility for electoral administration and oversight should be progressed as an urgent priority.

5.5   Implementation of many of the recommendations presented in this report would fall within the scope of the powers and functions to be assumed by the Electoral Commission. The Committee considers that its recommendations will provide an important input into the Minister's considerations for the establishment of an Electoral Commission including the electoral administration and electoral reform roles proposed to be undertaken by the Commission.

5.6   While the establishment of an Electoral Commission does not necessarily require a constitutional amendment, the Committee considers it appropriate that the Commission would be placed on a constitutional footing as such a step would enhance the legitimacy of this process.

5.7   Given the broad range of responsibilities that the Electoral Commission will assume as set out in the Renewed Programme for Government,[5] the Committee considers that membership of the Committee should include former members of the Houses of the Oireachtas.

The Committee recommends the establishment of an independent Electoral Commission, as an urgent priority, with responsibility for the administration and oversight of elections and referendums.

---

[5] Relevant extract set out at Appendix B

The Committee recommends that the new Electoral Commission be formally established under the Constitution in order to enhance its legitimacy and guarantee its independence.

The Committee recommends that the new Electoral Commission assume responsibility for implementing the Committee's recommendations, particularly the recommendations concerning the registration of voters, postal voting, voter education programmes, the drawing of constituency boundaries, the counting of surplus vote transfers and examination of the design of the ballot paper.

The Committee recommends that membership of the new Electoral Commission includes former members of the Houses of the Oireachtas.

Electoral System Reform

5.8   The most fundamental question of reform which the Committee considered was whether or not the PR-STV electoral system should be replaced with an alternative electoral system.   The possible alternative electoral systems considered by the Committee are set out in Chapter 4 of this report.

5.9   In the course of its hearings the Committee examined the performance of the current electoral system.   It also considered evidence on the performance of alternative electoral systems.   In particular, the Committee considered the operation of the Mixed-Member Proportional electoral system (MMP)[6], the electoral system that is most often proposed as an alternative by those that advocate reform. The Committee also considered the electoral systems used in the other member states of the European Union, including single-member plurality as used in the UK, and closed-list and open-list PR systems as used in Spain and Denmark respectively. It also heard evidence in relation to the application of PR-STV in Malta and in elections to the Northern Ireland Assembly.

---

[6] The MMP system is used in Germany, New Zealand and for the devolved legislatures in Scotland and Wales.

5.10   The criteria identified by the Committee upon which an electoral system should be evaluated are: it facilitates the election of a legislature that is representative of the different backgrounds of members of society; it is accessible and understood by voters; it facilitates the formation of stable governments; it facilitates the legislature in holding the government to account; it allows legislators to strike a balance between their legislative and constituency role; and intra-party competition does not have a negative effect on the political system.

5.11   The Committee then assessed the strengths and limitations of the current electoral system against those criteria. Its findings are set out in Chapter 3.

5.12   Based on an evaluation of the performance of the electoral system against those criteria, the Committee concludes that the current PR-STV electoral system has served Ireland relatively well since its adoption in 1922. While the Committee identified a number of shortcomings with the outputs of the electoral system, such as the under-representation of women and the desirability of achieving a higher degree of proportionality, these are matters that can be dealt with without changing the electoral system per se.

5.13   Indeed, the Committee notes that the people have had the opportunity on two occasions to abandon PR-STV and on both occasions have chosen not to do so. It should be noted however that on both those occasions the choice offered to the electorate was between PR-STV and single-member plurality (First-Past-the-Post) and that single-member plurality was not an alternative chosen by all-party consensus.

Based on its analysis and evaluation of the evidence presented to it, including its evaluation of the performance of alternative electoral systems, the Committee concludes that there is not a sufficiently compelling case for reforming the current electoral system at its most fundamental level.

5.14   The Committee acknowledges that the electoral system is an important part of the institutional framework in a democracy and should not be confined to the realm of party politics. It accepts that to change Ireland's electoral system, cross-party agreement would be desirable to ensure that such reform comes about in the interests of the democratic process and would not be used as a device to seek to gain political advantage for one party over another.

5.15   Changing the electoral system would have far-reaching consequences for the wider political and institutional framework in the State which the Committee is not in a position to assess. If there is agreement that the electoral system is worthy of a fundamental review, or at least agreement between the main political parties that it is desirable to re-assess the operation and performance of PR-STV, it is the view of the Committee that the involvement of citizens should be central to such a process and that citizens should be given every opportunity to play a part in choosing the manner in which they elect their political representatives.

5.16   The Citizens' Assembly is a public consultation forum that has been used in the Netherlands and in the provinces of Ontario and British Columbia in the process of considering whether electoral reform was desirable and what form such a reform should take. The design and operation of a Citizens' Assembly in this country could draw upon the experiences of those jurisdictions. The Committee sets out guidelines on the citizens' assembly process in Appendix A of this report.

> *To enhance the level of public engagement with the democratic and political process, the Committee recommends the establishment of a Citizens' Assembly on Electoral Reform.*
>
> *The Committee recommends that the Citizens' Assembly examine the current operation of PR-STV in Ireland to determine if it continues to meet the needs of our democracy, and make recommendations on whether changes should be made to the operation of PR-STV or whether PR-STV should be replaced with an alternative electoral system.*

Rules-based changes

5.17   Under this category the Committee considers those elements of the electoral system and the framework within which it operates that are not directly reliant on the electoral system itself. As such these rules could be changed without necessarily changing the electoral system. The following are the areas in which the Committee considered possible reforms:

The voting age

5.18   Disengagement of the youngest section of the electorate from the political system is reflected in low turnout at elections. Statistics show that younger voters are the group that has the lowest turnout in any given election.

5.19   In considering the voting age the Committee received evidence which suggests that voting is habit-forming: those who vote when they are young are more likely to vote when they are older. The Committee also heard evidence from young people themselves advocating that lowering the voting age would help young people connect with the political process. Academic research on this question suggests that if younger voters develop a habit of non-voting, then a reduction in the voting age may not necessarily result in a higher turnout (Franklin, 2004). If anything, it would seem to suggest that a reduction in the voting age should be complemented by an awareness programme to encourage younger voters to vote.

5.20   The Committee notes that in general, society considers that 16 and 17 year olds are capable of making a number of decisions about themselves. Some of these decisions constitute taking a significant degree of responsibility. It notes also that 18 years of age is by no means an agreed point of maturity in law, for example, young people may join the Defence Forces and pay tax before they reach 18 years of age.

5.21   Article 16.1 of the Constitution provides that:

> *1. 1° Every citizen without distinction of sex who has reached the age of twenty-one years, and who is not placed under disability or*

incapacity by this Constitution or by law, shall be eligible for membership of Dáil Éireann.

2° i   All citizens, and

ii   such other persons in the State as may be determined by law,

without distinction of sex who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to the election of members of Dáil Éireann, shall have the right to vote at an election for members of Dáil Éireann.

5.22   The Committee notes that this provision has, in fact, been amended twice. The first amendment was effected by the *Fourth Amendment of the Constitution Act 1972* which reduced the voting age from 21 years to 18 years. The second was effected by the *Ninth Amendment of the Constitution Act 1984* which allowed for the extension of the Dáil franchise to '*such other persons in the State as may be determined by law*'[7]. This amendment followed the earlier decision of the Supreme Court in *Re article 26 and the Electoral (Amendment) Bill 1983* [1984] IR 268 which had held that, given the self-contained nature of Article 16 and the fact that it prescribed a 'total code' for Dáil elections, the Oireachtas could not extend the franchise through ordinary legislation alone. It follows that any proposal to reduce the voting age to 17 would require a constitutional amendment.

5.23   The Committee gave consideration to the question of reducing the voting age incrementally by, for example, extending the franchise to local elections in the first instance on an experimental basis. It was advised that this would give rise to drafting problems because Article 28A.4 of the Constitution defines the right to vote at a local election by reference to eligibility to vote at a Dáil election. The Committee also considered giving the Oireachtas power to extend the franchise by legislation to citizens aged 17. It was advised that this would present a difficulty as this would create, for the first time, a category of citizens whose right to vote was contingent on legislation as distinct from a basic constitutional right.

---

[7] The Electoral (Amendment) Act 1985 conferred the right to vote at Dáil elections on British citizens who are ordinarily resident in the State.

5.24   In the end, the Committee decided to recommend that the Constitution be amended to reduce the voting age for Dáil elections from the age of 18 to17.

> *The Committee recommends that the voting age for elections to Dáil Éireann be lowered from 18 years to 17 years.*
>
> *The Committee further recommends the introduction of a voter education programme, as part of the senior cycle programme in second-level schools, to promote awareness of the right to vote among newly eligible voters.*

Representation of women in Dáil Éireann

5.25   The under-representation of women in Dáil Éireann and the challenges that women face in seeking election was a recurring theme during the Committee's hearings. Politics is primarily perceived as a male profession in this country. While women represent 50% of the population only approximately 13% of the members of Dáil Éireann are women, well below the 'critical mass' level of 35% that is considered necessary in order to have a decisive influence on the culture of legislative institutions.

5.26   The Committee recognises that, by international standards, progress towards full gender equality or even balance in the Dáil Éireann has been lamentably slow. It is probably idle to dwell on the potential reasons for this. The Committee would certainly wish that everything possible that could be done by way of encouragement, persuasion or even (to the extent it was constitutionally possible) incentivisation of political parties through legislation to ensure greater female participation, should be done.

5.27   Evidence considered by the Committee suggests that when more women candidates run for political office, more women are elected to political office. The process of candidate selection within political parties therefore is an important factor in achieving a more balanced representation of women and men in the Parliament.

5.28   In the 2007 general election, out of a total of 470 candidates that ran for election, just 82 were women, representing 17% of the total number of candidates. In 60% of the constituencies, no women candidates were nominated by the two main parties, Fianna Fáil and Fine Gael. In 5 of the 43 constituencies the electorate was presented with an all-male list of candidates.

5.29   The Committee considers that positive measures in favour of women candidates are required to redress this gender imbalance, while such measures should not restrict the freedom of political parties to select candidates most suited to represent particular constituencies.

5.30   The Committee was advised that measures which went further than merely encouraging political parties to take positive measures with regard to female candidates would raise serious constitutional questions. The right of political parties to organise their own affairs and to select their own candidates without interference is a key feature of political liberty in any free society and this right is plainly protected by the right of association in Article 40.6.1°. The Committee considers that any measure which coerced political parties to select certain types of candidates or which imposed a quota in that regard would probably be unconstitutional.

5.31   The Committee gave consideration to a proposal under which enhanced political funding would be available to political parties who fielded a sufficient number of female candidates. But since it is clear from the Supreme Court's decision in *Kelly v. Minister for Environment* [2002] 4 IR 191 that any form of preferential funding of candidates using public monies is prima facie unconstitutional, the Committee did not consider that this was a practicable proposition.

5.32   So far as public funding is concerned, the Committee sees no difficulty whatever in recommending that political parties should be required to account on steps they have taken to promote gender equality as a condition of public funding. Beyond this, legal and constitutional uncertainties remain. Ideally, the Committee would like to see a situation where political parties were required to take pro-active steps to promote female candidates as a condition of public funding, but it recognises that if any such legislation were to be introduced, such a measure might prove constitutionally frail

for the reasons already stated. The details of any such proposed measure would therefore require particular scrutiny by the Attorney General prior to enactment.

5.33   Access to support networks for women candidates was highlighted as an important consideration in helping to increase the number of women seeking election to political office. In its written submission to the Committee, the National Women's Council of Ireland recommended the establishment of a national cross-party 'Women's Political Caucus' to provide a support base to facilitate women's political participation. The Committee supports this recommendation.

5.34   The Equality for Women Measure (EWM) is a positive action programme, administered by the Department of Community, Equality and Gaeltacht Affairs, which aims to foster gender equality in accordance with the National Women's Strategy 2007-2016. The strategic aim of the EWM is *'[t]o advance the role of women in the Irish economy and in decision making at all levels in accordance with the National Women's Strategy 2007-2016'*. The objectives of the Measure are to make funding available to support positive actions which: improve women's access to education, training and personal development in preparation for employment; support women who are undertaking entrepreneurial activity; and support women who are in employment to advance their careers. The Committee considers that these objectives should include the provision of funding to support positive actions to enhance women's participation in the political process.

5.35   The Committee notes that the Minister for Equality, Integration and Human Rights, will chair the National Women's Strategy Sub-Committee on 'Women and Decision-making' which is to be established to consider advancement of women into politics and other decision-making roles. The Committee welcomes this move and considers that strengthening the role of women in the political decision-making process will form an important element of this work. The evidence and submissions received by the Committee over the course of its review will provide a valuable input into the work of the Sub-Committee.

5.36   The Committee expects that the Sub-Committee will identify appropriate strategies to enhance women's participation in public life. The guidelines that the Sub-Committee

will develop will provide a framework for best practice in facilitating women's involvement in decision-making and political life.

> *The Committee recommends that political parties pursue positive measures to promote gender equality in its membership, including in the selection of candidates for election.*
>
> *The Committee recommends that the Attorney General be asked to examine the constitutional implications of a proposed measure under which public funding of parties would be regulated so that a proportion of the funding allocated to a party would be determined by the number of women candidates it nominates for election.*
>
> *The Committee recommends that the guidelines to be published by the National Women's Strategy Sub-Committee on 'Women and Decision-making' be sent to all registered political parties in receipt of public funding to highlight best practice in facilitating women's involvement in political life.*
>
> *The Committee recommends that political parties be required, as one of the conditions for public funding, to submit an annual statement to the new Electoral Commission, for publication, setting out in detail the policies and actions being pursued by them to promote gender equality in their electoral candidates and parliamentary representation.*
>
> *The Committee recommends that the objectives of the 'Equality for Women Measure' explicitly include the provision of public funding to support positive actions to encourage women's participation in the political process.*

The electoral register

5.37   One of the most important objectives of an electoral registration system is to ensure that persons eligible to vote are registered to vote. An accurate and up-to-date voter

registration list is central to the integrity of the election process. The Committee considers that the current method of compiling the electoral register results in varying levels of accuracy and comprehensiveness. It notes that responsibility for compiling the register is fragmented among a number of bodies, resulting in fragmentation of responsibility, reduced coordination and an administratively burdensome voter registration process.

5.38   The Committee considered alternative voter registration systems to identify best practice that could be applied to the voter registration process in this country. In particular the Committee paid special attention to the system of voter registration in Northern Ireland for which responsibility lies with the Electoral Office for Northern Ireland (EONI).

5.39   The system of registration in Northern Ireland was changed in 2006 from an annual electoral canvass to a system of continuous registration under which names can be added, modified or removed from the register throughout the year. The comprehensiveness and accuracy of the register is maintained using information obtained from a range of public bodies in Northern Ireland. The Representation of the People (Northern Ireland) Regulations 2008[8] lists the public bodies from whom information can be sought by the Chief Electoral Officer for the purpose of registration. For example, in order to keep the register up to date, the Department for Work and Pensions is statutorily obliged to provide national insurance numbers of eligible electors which are then used to contact 17 year olds to facilitate their registration. Equally, the Registrar General of Births and Deaths in Northern Ireland is statutorily obliged to provide information to help identify deaths of registered electors.

5.40   The low levels of electoral registration and participation in the 18-24 age category in this country was highlighted during the Committee's deliberations. The Committee noted with interest that secondary schools and further education colleges are included in the list of authorities from whom the Chief Electoral Officer may request information for the purposes of registration. To further facilitate the registration of

---

[8] Attached at Appendix D.

young people in Northern Ireland, the Chief Electoral Officer undertakes a schools initiative programme, visiting schools and colleges to encourage young people to register to vote. Electors are registered from when they reach 16 years of age with a prefix added to their name on the actual register, while they are not allowed to vote until the reach the age of 18. The Committee notes that in January 2010, 18,000 young people under the age of 18 were registered to vote in Northern Ireland, compared with 244 following the annual canvass in 2006.

5.41   The Committee considers that PPS numbers could serve as a basis for the compilation and updating of the electoral register in this country.[9] This would introduce a shift from household registration to individual registration. In order to maximise the accuracy of the register, decentralisation of the registration process to allow local verification would be desirable.

> *The Committee recommends that a new voter registration system be established and maintained under the authority of the new Electoral Commission.*
>
> *The Committee recommends that the voter registration process in Northern Ireland be used as a model of best practice in designing and implementing the new voter registration system.*
>
> *The Committee recommends that the new voter registration system be based upon the allocation of Personal Public Service (PPS) numbers.*
>
> *The Committee recommends that the new voter registration system allow input at local level to verify the accuracy, comprehensiveness and timeliness of voter registration information.*

Filling casual vacancies in Dáil Éireann

5.42   One of Dáil Éireann's primary functions is to provide democratic representation to the people. Casual vacancies, when they arise, should not inadvertently deny this

---

[9] The method by which the PPS number could be used in the registration of voters is set out in Appendix C.

representation to segments of the population. While there is no constitutional obligation to compel the holding of by-elections within a specific timeframe, it is the view of the Committee that the principle of equality of representation may be breached if a vacancy is not filled within a reasonable time of the vacancy occurring.

5.43   The Committee considers that the filling of casual vacancies should be more closely regulated so that vacancies are filled as expeditiously as possible. In considering the various options available, the Committee examined the procedure for filling casual vacancies in other countries. Options available include replacement elections, listed candidates, and a count-back of the vacating candidate's votes from the last election.

5.44   The system for filling casual vacancies arising in Ireland's representation in the European Parliament, which are filled from lists of replacement candidates presented at the election, was also considered by the Committee.

5.45   The Committee acknowledges that if casual vacancies were to be filled otherwise than through the means of by elections, a constitutional amendment would be required. This very point was made by Birmingham J. in *O'Doherty v. Attorney General* [2009] IEHC 516 when he said, contrasting the provisions of Article 28A. 5 (dealing with the filling of casual vacancies at local authority level) and Article 16. 7 (dealing with the filling of casual vacancies for the Dáil), that:

> *The contrast between Article 28A. 5 which on its face, certainly taken in isolation, leaves the Oireachtas free to determine by what manner casual vacancies are to be filled and Article 16.7 which deals with filling of vacancies in Dáil Éireann, is striking. Article 16.7 clearly envisages that a filling of casual vacancies will be by election. It provides as follows:*
>
> > *Subject to the foregoing provisions of this Article, <u>elections</u> for membership of Dáil Éireann, including the filling of casual vacancies, shall be regulated in accordance with law. <u>[Emphasis added]</u>*
>
> *Thus, Article 16.7 does not envisage that vacancies can be filled by any method other than election.*

5.46   It is thus clear that Article 16.7 precludes the filling of any vacancy otherwise than by means of an election.   Therefore the alternative recommendation presented by the Committee below would require a constitutional amendment.

> *The Committee recommends that whenever a casual vacancy occurs in the membership of Dáil Éireann, legislation would require that a by-election be held to fill the vacancy within six months of the vacancy occurring.*
>
> *Alternatively, the Committee recommends that consideration be given to establishing a procedure for filling casual vacancies under which candidates at a general election would nominate replacement lists of candidates from which a vacancy would be filled should they resign or die.*

Number of members of Dáil Éireann

5.47   Dáil Éireann comprises 166 members representing 43 constituencies. Article 16.2 of the Constitution prescribes the formula for determining the number of members of the Dáil. It also requires that the representation ratio should, as far as is practicable, be the same in each constituency.

Article 16.2.2° prescribes the ratio of population to members of the Dáil:

> *The number of members shall from time to time be fixed by law, but the total number of members of Dáil Éireann shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population.*

Article 16.2.3° prescribes equality of representation, so far as it is practicable, as between constituencies:

> *The ratio between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.*

5.48   Under this representation ratio, based on the 2006 Census, the maximum number of members of the Dáil would be 212 and the minimum number of members would be 142.

5.49   The Committee considers that a reduction in the current number of members of the Dáil would hamper the effectiveness of members in performing the collective parliamentary functions of the House as a whole. In particular a reduction in the number of members would lead to a relative reduction in the effective scrutiny of the Government. It would also limit the range of choice for appointment as Ministers, Ceann Comhairle, Leas-Cheann Comhairle, Ministers of State, Party Whips, Chairs of Committees, membership of Committees and membership of inter-parliamentary assemblies and bodies. A reduced Dáil would restrict the pool from which these appointments are drawn, especially the more senior positions.

5.50   A reduction in the number of members of the Dáil would also affect the proportionality and representativeness of the Dáil.

5.51   The Committee does however recommend that a programme of Dáil reform to enhance, inter alia, the effectiveness of members in carrying out their parliamentary role, would be implemented as a priority.

> *The Committee recommends that no change be made to the formula for determining the number of members of Dáil Éireann.*

Multi-day/weekend voting

5.52　The legitimacy of the democratic system is enhanced when voter participation is maximised. Increasing the opportunities to vote is particularly important in view of the declining turnout at elections, and in particular the low levels of electoral participation in the 18-24 age category.

5.53　The Committee acknowledges that, due to time pressure from work and family commitments, many people do not have the time to cast their vote on election day. Increasing the number of voting days would provide electors with more opportunities to vote and help increase voter participation in the democratic process. If elections were held at weekends, or over two consecutive days, this would facilitate more people in exercising their democratic right to vote.

5.54　In making recommendations in this matter, the Committee underlines the need to have regard to the needs of all religious groups to ensure that they would have the opportunity to vote in a manner consistent with their religious beliefs.

5.55　The Committee notes, however, that Article 16.4.1° provides that:

> *Polling at every general election for Dáil Éireann shall as far as practicable take place on the same day throughout the country.*

In view of this provision, the Committee considers that multi-day elections are precluded by Article 16.4.1° and it acknowledges that its proposal for weekend voting would probably require a constitutional amendment.

The Committee recommends that voting at elections takes place at weekends and would take place over two consecutive days.

Postal voting

5.56　Postal voting increases the opportunities for eligible voters to cast their vote. It also has a positive impact on turnout at elections. While the category of voters who are

eligible to apply for a postal vote has been extended in recent years under the Electoral Acts, in general it is confined to persons with a physical illness or disability, persons whose official duties prevent them from attending their designated polling station on election day, students living away from home, and prisoners.

5.57   The Committee notes that persons who are away from their home on election day due to conflicting commitments are not included in the category of persons who may apply for a postal vote[10]. While underlining the paramount importance of preserving the integrity of the voting system, the Committee considers that this category of persons should be included in the eligibility category for a postal vote.

> *The Committee recommends that the qualifying criteria governing postal voting be extended to voters who would be unable to attend their designated polling station on election day due to conflicting commitments.*
>
> *The Committee recommends that the new Electoral Commission undertake a public awareness programme to increase awareness of the postal voting process, and to encourage those who are entitled to vote by post to do so.*

System-Based Changes

5.58   This category considers those elements of the electoral system and the framework within which it operates that are directly related to the PR-STV electoral system. Proposed reforms recommended here could be undertaken without changing the

---

[10] The availability of postal voting is restricted to:
- Members of the Defence Forces;
- Members of An Garda Siochána;
- Civil servants (and their spouses) attached to diplomatic missions;
- Students attending educational institutions that are not in the constituency in which they are registered;
- Persons who, for reasons of their employment, are unable to vote in person at their polling station on polling day;
- Prisoners;
- People who because of their religious beliefs are unable to vote on polling day and:
- Certain election staff employed at a polling station outside the constituency where they reside.

electoral system itself, but rather by changing the manner it which it is implemented in Ireland.

Alternative methods of constituency delineation

5.59   Since 1977, there has been a political commitment to entrust the drawing of constituency boundaries to an independent body. This was a valuable development since it avoids the real risk that the constituencies might be drawn to suit the interests of the parties in government or, indeed, of incumbent members of the Houses of the Oireachtas.

5.60   At the same time, the system has certain disadvantages. Specifically, a convention has (understandably) grown up whereby the recommendations of the Constituency Commission must be adopted in their entirety by the Oireachtas, regardless (for example) of any cross-party consensus that a particular recommendation ought not to be accepted. The Committee therefore considers that the Electoral Acts should provide for a procedure whereby the Electoral Commission, in its exercise of this function, should be required to publish its report in draft. In that situation, members of the Houses of the Oireachtas and members of the general public should be invited to comment on the draft, with the Commission being enjoined by law merely to consider such submissions.

5.61   The Committee considers that this proposal would have the merit of ensuring there was greater input into the Commission's deliberations. Such a process could only assist the Commission, while ensuring that the independence and autonomy of that body was not compromised.

5.62   While noting that the Constitution does not make reference to county boundaries in the drawing of constituencies, the Committee is strongly of the view that, to the extent that it is possible, constituencies should take account of natural and county boundaries and should not divide towns or counties or artificially divide urbanised areas. The Committee notes that it may not always be possible to draw constituency boundaries without dividing towns or counties. In circumstances where the Electoral

Commission considers that such division is necessary, the Committee would wish that it states reasons for such a proposal.

5.63   In the course of its review the Committee considered the approach used in drawing electoral constituency boundaries in other EU Member States.   In particular the Committee considered the system used in Malta, the only other country in the EU to use PR-STV for its national parliamentary elections.

5.64   The Maltese Electoral Commission is responsible for drawing constituency boundaries. The Commission reviews constituency boundaries at intervals of not less than 2 years and not more than 5 years. Whenever it proposes to make alterations to the boundaries, it submits its report to the House of Representatives for consideration. The House may either approve the alteration or refer it back to the Commission with recommendations for reconsideration. The Commission is not obliged to act on such recommendations although it may modify the proposed alteration following reconsideration.

5.65   The difference between the Maltese system and the Irish system is that in Ireland, convention dictates that the report of the Constituency Commission is implemented without any change or alteration.

The Committee recommends that the new Electoral Commission assume responsibility for the drawing of constituency boundaries.

The Committee recommends that, in drawing constituencies according to the required representation ratio, due regard be had to natural and/or county boundaries.

The Committee recommends that whenever the Electoral Commission proposes to make alterations to constituency boundaries, it would publish a draft report upon which members of the Houses of the Oireachtas and members of the public may make submissions; however such submissions would not be binding on the Electoral Commission.

The number of TDs per constituency

5.66   Proportionality of vote share to seat share is an important goal of an electoral system. During the course of its hearings, some witnesses highlighted what they considered to be an increasing trend towards the creation of three-seat constituencies in Ireland. It was also suggested that this development has made it more difficult for smaller parties, women candidates, and independent candidates to win seats as the effective threshold for parliamentary representation is higher in a three-seat constituency than in larger constituencies. The Committee also considered international evidence which suggests that a larger district magnitude is shown to have positive effects in relation to the representation of women and minorities, as well as allowing for a plurality of ideas in terms of policy.

5.67   While a number of electoral systems require that a party must have won a predetermined 'threshold level' of the votes cast if they are to be allocated seats[11], the effective threshold that exists in a three-seat constituency in Ireland is relatively high for a proportional representation system.

> *The Committee recommends that the number of TDs representing a constituency should not be less than 4, except that a constituency represented by 3 TDs may be recommended where the geographic size of such a constituency would be disproportionately large.*

The choice of method for transferring surplus votes

5.68   In the course of the its hearings the Committee heard evidence that the method employed for transferring surplus votes under our electoral system introduces an element of randomness to the process that, under certain circumstances, may not reflect the collective preferences of voters as expressed on the ballot papers.

5.69   Under the current rules for transferring vote surpluses in Dáil elections, the last parcel of ballot papers received by the newly elected candidate is examined and the surplus

---

[11] In order to avoid the proliferation of smaller parties, for example in Germany and New Zealand, under the MMP electoral system, a party must gain 5% of the total vote if they are to be allocated list seats.

is distributed on the basis of the proportions of the next highest preferences as expressed in that parcel of ballots. The actual ballot papers that are then transferred come from the parcel being examined. This method of counting ballots is known as the Hare method (named after Thomas Hare (1857), the British political scientist who devised it), and has been used in all Dáil elections conducted under PR-STV since its adoption at the foundation of the State.

5.70   The adoption of the 'Senate rules'[12] was recommended to the Committee as a solution to the arbitrariness of the current system. This method is applied in manual vote counting in Northern Ireland elections[13]. It has also been tried and tested in Seanad elections over many years.[14]

> *The Committee recommends the adoption of the Senate rules for transferring surplus votes, as applied in Northern Ireland Assembly elections, in the counting of votes for elections to Dáil Éireann.*

Changes to the ballot paper

5.71   The position of a candidate's name on the ballot paper can affect the number of votes the candidate receives. As part of its review of the electoral system, the Committee took the opportunity to hear evidence relating to ballot paper design, in particular the ordering of candidates' names, the role of party classification, the inclusion of a 'none of the above' option and the inclusion of candidate photographs.

5.72   The Committee identified those areas that the new Electoral Commission might wish to consider when designing a ballot paper for elections:

- Ordering of candidates on the ballot paper: The placing of candidates on the ballot paper may be alphabetical, ascertained using the drawing of lots, or by using differing versions of the ballot paper on which the order of candidates is randomly assigned.

---

[12] Also known as the 'Gregory' system, named after the mathematician J.B. Gregory of Melbourne who devised it in 1880.
[13] In Northern Ireland the single transferable vote electoral system is used for all elections, except parliamentary general elections, and all counts are conducted manually.
[14] The practical application of this method is outlined in Appendix F.

- Party Classification: The grouping of candidates on the ballot party according to party affiliation.

Non-Electoral System Based Changes

Reform of parliamentary procedures

5.73   The Committee has, in general, confined its recommendations to the electoral system, in accordance with the scope of its review. It must be observed, however that the need to enhance the role of Parliament in our democratic process was highlighted by many in the course of the Committee's hearings and in written submissions received by the Committee.

5.74   The structure and workings of Parliament and institutional practices are shaped and influenced by the choice of electoral system.   Parliament is the democratic representative institution of the State. It derives its legitimacy from the people on whose behalf it has been elected and acts. As such it has the right and responsibility to exercise its legislative, oversight and representational functions in an effective and independent manner.

5.75   As part of its review the Committee sought to assess whether the current electoral system is contributing to viable parliamentary democracy in this country.   In particular it examined the influence of the current electoral system on the workings of the Dáil with members of the sub-Committee on Dáil Reform.

5.76   The Committee endorses and recommends the proposals for reform of Dáil procedures presented to it by members of the sub-Committee on Dáil Reform which focussed on achieving a twin-track strategy of enhancing Government accountability to the Dáil and facilitating greater public engagement with the democratic process. Proposed reforms to achieve this outcome included: changes to the format of Taoiseach's Questions to improve the timeliness of questions on current important matters; strengthening the role of parliamentary committee's to enhance their role in exercising effective oversight and scrutiny of policy proposals on behalf of the Dáil; pre-legislative scrutiny by parliamentary committees which would include the taking of evidence from individuals and organisations on draft legislative proposals;

enhancing the role of back-bench TDs to allow more opportunities for them to contribute to the legislative process, particularly during Committee Stage of the process which is usually confined to Party Spokespersons; changes to the way debates are presented to allow greater number of short debates to address topical matters.

5.77   In order to implement these proposals the Committee recommends that a structured programme of reform is introduced as a high priority for the benefit of the institution of Parliament as a whole, not merely to serve the interests of the Executive.

> *The Committee recommends that priority be given to the introduction of a structured programme of Dáil reform to enhance parliamentary accountability of Government and engagement with the public.*

Select Bibliography

All-Party Oireachtas Committee on the Constitution, 2002. *Seventh Progress Report: Parliament*. Dublin: Stationery Office.

Bax, Mart, 1976. *Harpstrings and Confessions: Machine-style Politics in the Irish Republic*. Assen: Van Gorcum.

Coakley, John and Michael Gallagher (eds), 2009. *Politics in the Republic of Ireland*, 5th edn. London: Routledge.

Coakley, J. 2008. 'Does Ireland need a constituency commission?'. *Administration*, 55 (4):77-114.

Coakley, J. 2007. 'Revising Dáil constituency boundaries: Ireland in comparative perspective'. *Administration*, 55 (3):1-29.

Committee on the Constitution, 1967. *Report.* Dublin: Stationery Office.

Constitution Review Group, 1996. *Report*. Dublin: Stationery Office.

Farrell, David 2001. *Electoral Systems: A Comparative Introduction.* Basingstoke: Palgrave.

Fournier, Patrick, Henk Van der Kolk, André Blais, R. Kenneth Carty, Jonathan Rose, 2010. *When Citizens Decide: Lessons from Citizens' Assemblies on Electoral Reform?* Oxford: Oxford University Press (forthcoming).

Franklin, Mark N., 2004. *Voter Turnout and the Dynamics of Electoral Competition in established Democracies since 1945*. Cambridge: Cambridge University Press.

Gallagher, Michael and Lee Komito, 2005 "The constituency role of Dáil deputies" in John Coakley and Michael Gallagher (eds), *Politics in the Republic of Ireland*, 4th edn. London: Routledge.

Gallagher, Michael and Paul Mitchell (eds.), 2005. *The Politics of Electoral Systems*. Oxford: Oxford University Press.

Joint Oireachtas Committee on the Constitution, 2010. *Third Report*. Dublin: Stationery Office.

Kelly, Valerie, 1987. 'Focus on clients: a reappraisal of the effectiveness of TDs' interventions', *Administration* 35(2): 130-51.

O'Connor, Tom, 2007. "No. 1 – The Dáil Electoral System". UCC Department of Government Working Papers.

O'Leary, C., 1975." Ireland: the north and south" in S. Finer (ed) *Adversary Politics and Electoral Reform*. London: Anthony Wigram.

O'Leary, Cornelius, 1961. *The Irish Republic and its Experiment with Proportional Representation*. South Bend, Indiana: University of Notre Dame Press .

Sacks, Paul M., 1976. *The Donegal Mafia: an Irish Political Machine. New Haven, CT and London*: Yale University Press.

Sinnott, Richard, 2005 "The rules of the electoral game" in John Coakley and Michael Gallagher (eds), *Politics in the Republic of Ireland*, 4th edn. London: Routledge.

Wood, David M and Garry Young, 1997. 'Comparing Constituency Activity by Junior Legislators in Great Britain and Ireland', *Legislative Studies Quarterly*, 22 (2): 217-232.

Appendix A

Citizens' Assembly – Structure, Operation, Decisions, Membership

1. In making a recommendation for a citizens' assembly to examine electoral reform, or indeed other matters of institutional reform, the Committee has examined similar experiences in British Columbia, Ontario and the Netherlands. The Committee is particularly grateful to Patrick Fournier, Henk van der Kolk, André Blais, R Kenneth Carty and Jonathan Rose for access to their research on this matter. It has proved invaluable in guiding the Committee as to the topics to be considered when recommending the establishment of such a body.

2. This appendix deals with a number of questions concerning the establishment of a citizens' assembly. In all three jurisdictions mentioned above, the citizens' assembly was set up to discuss electoral reform.

3. As the electoral system is such an important component of the political system, the citizens' assembly was seen as a mechanism that took the question of electoral reform out of the hands of the political parties, and removed any possibility of politically motivated bias that might affect the outcomes of the process. In all three cases, the citizens' assemblies came about because of a government initiative. The Dutch and Ontarian governments looked towards the British Columbian experience as a success and as an inspiration for their own models.

Chairperson

4. A specially appointed individual was chosen as chair in all three cases. Their backgrounds differed extensively – a judge, a newspaper columnist and television host and a former university president.

5. They did not take any active agenda-setting roles, and none of them had any expertise in the policy area being examined, which enhanced the impartial nature of their positions.

Academic support

6. Each assembly had an academic director, who was in charge of ensuring that the assembly's learning programme provided them with the expertise that they required to make an informed decision about electoral reform.

7. This person would have been the only person to have regular contact with the members of the assembly, as well as the chairperson.

Selection

8. There were two stages of random selection. A pool of potential voters was randomly selected from the electoral register and asked to participate in the next stage of selection for the citizens' assembly.

9. Of those people who responded positively and attended information meetings on the proposals, there was a second stage of random selection. Names were drawn randomly from those who indicated interest in participating, to fill the places on the assembly.

10. The only constraint on the membership of the assemblies was that they were to consist of a fair balance between men and women, and that as true an image as possible of the society of the country in which the citizens' assembly was being convened would be represented. The number of members of each assembly ranged from 103 in Ontario, 143 in the Netherlands and 158 in British Columbia.

Learning Phase

11. All three assemblies had curriculums assigned to them. These gave members an opportunity to learn about the broad themes involved in discussion of electoral systems, as well as the more detailed aspects.

12. This information was delivered in a neutral, objective and unbiased fashion and the information sessions were held at weekends. Formal lectures, small-group meetings,

quizzes and provision of readers were used to provide members with the information they required.

Consultation Phase

13. All citizens' assemblies undertook an extensive process of consultation with fellow citizens on the question of electoral reform.

14. These included public meetings, public hearings, set-piece debates and use of websites to engage people in the work of the citizens' assembly. This part of the programme also provided members of the assemblies with the opportunity to verify that they were developing an expertise in discussion of electoral systems. These consultations dealt with broad themes related to the discussion of electoral systems.

Deliberation and Decision-making

15. In deciding what to propose, all citizens' assemblies firstly discussed the values an electoral system should have. They then identified those systems that met with the values that they had chosen and put together a detailed outline of how those systems would work.

16. Following on from that, they moved to assess their detailed outlines against the current system in operation in their jurisdiction. Ultimately, they chose decision rules based on majority rule. There was a premium placed on the need for consensus when it came to making a decision. The procedures for decision-making were chosen by the assembly itself.

Duration

17. The Ontario Citizens' Assembly lasted 14 months from its establishment to the publication of its report. The British Columbia Citizens' Assembly lasted 17 months from its establishment to presentation of its report. The Dutch Citizens' Assembly had a lifetime of 16 months.

Appendix B

Extract from Renewed Programme for Government

Electoral Reform

- We will establish an Independent Electoral Commission incorporating the functions of the Standards in Public Office Commission, with enhanced powers of inspection.

- We will mandate the Commission to:
    - o Decide the constituency boundaries;
    - o Administer the voting registration process;
    - o Run voter education programmes;
    - o Advise on mechanisms to increase the participation of women in political life, including the use of additional criteria for public funding which encourages the involvement of more women and lesser represented groups;
    - o Recommend revised guidelines on the declaration of donations for political purposes.

- Within 12 months, the Electoral Commission will also propose reforms to the electoral system, including:
    - o Make recommendations on the feasibility of extending the franchise for Presidential Elections to the Irish abroad;
    - o Examine and make recommendations for changes to the electoral system for Dáil elections, including the number of deputies and their means of elections;
    - o Outline new electoral systems for Seanad Éireann;
    - o Advise on the basis for European elections to reflect new realities of the role and influence of the European Parliament, including consideration of moving towards one national constituency and using a list system;
    - o Make recommendations on the possibility of extending the franchise for Local Elections to those aged 16 and over;
    - o Set minimum standards for the conduct and publication of political polls within the state to ensure fairness and accuracy;

o Consider options for the timing of elections for Local Authorities, the Dáil, Seanad and European Parliament. This should include the possibility of 'mid-term' elections and running some elections on a 'staggered or 'rolled' basis so that elections do not fall on the same day for every candidate or chamber.

Appendix C

The proposed use of PPS numbers in the registration of voters

1. The PPS number is used in Ireland for accessing a number of services such as social welfare, public health services and the driver theory test. In other European countries, national identity cards are used to maintain the voting register.

2. On issuance of a PPS number, all applicants are required to show that they are resident in Ireland, or that they have Irish citizenship through production of documentary evidence such as a long birth certificate or national identity card.

3. At this stage in the application process, the applicant's eligibility to vote in local, Dáil, European and presidential elections as well as constitutional referendums could be assessed and verified. Each applicant could be placed in a category based on their eligibility. This categorisation is done at present on the electoral register, and is indicated using abbreviations.

4. The PPS numbers would make up a database which would then be used to compile a national register of electors. The proposed Electoral Commission would be given responsibility to update and maintain this national register of electors.

5. The burden would be on the voter to ensure that their address was correct on the national database of PPS numbers, and to ensure that the information pertaining to their eligibility to vote in various elections was correct. Such an update would be subject to verification by the Electoral Commission. For example, if a voter attained Irish citizenship, they would be required to contact the Electoral Commission and inform them of this, so that they could participate in presidential elections and constitutional referendums. This in turn would be subject to verification.

6. However, when a PPS number-holder reaches 18 years of age (or whatever the voting age is), the Electoral Commission would write to them and inform the individual that their name had been included in the national register of electors. It would also inform

them of those elections in which they were entitled to vote. The new voter would be asked to verify all details at this stage.

7. The Electoral Commission could then compile a register for a particular constituency or electoral area based on those PPS numbers resident in that locality, having drawn them from the national register.

8. Verification of residence would be carried out by local officers, maintaining a strong local input into the process.

9. In order to update the current PPS database accordingly, a 'once-off' check could be undertaken to assess the eligibility of those current PPS number-holders for participation in referendums and elections.

10. All current holders of PPS numbers would be contacted and asked to verify the details that were held in relation to them on the national PPS number database. In effect, all PPS number holders would be asked to "reapply" for inclusion on the national register of electors.

11. Following on from the "once-off" check, all new PPS number applicants would be assessed for their eligibility to vote, as well as those elections in which they would be permitted to participate. The national list of PPS numbers would then be converted into a draft register of electors.

12. This would represent a shift in the voter registration system from household registration to individual registration.

13. The Electoral Commission may also decide to contact voters at regular intervals to ask them to verify their details on the electoral register.

14. Information from other public bodies could be used to validate the register. The Electoral Commission could perform spot-checks on voters registered on the national register using other such information, to avoid fraud.

15. These bodies would include (not exhaustive):

a. Department of Social Protection;

b. Revenue;

c. Health Service Executive;

d. Local authorities.

Voter Registration in Northern Ireland

16. The comprehensiveness and accuracy of the register is maintained using information from other public bodies. There is no annual canvass of households.

17. These public bodies include:
    a. district councils;
    b. the Registrar General of Births and Deaths in Northern Ireland;
    c. the Northern Ireland Central Services Agency;
    d. the Department for Work and Pensions;
    e. secondary schools;
    f. the Northern Ireland Housing Executive.

18. The information is not automatically updated using the information from other public bodies. Rather, individual voters are contacted and asked to verify their changed (if at all) circumstances, as provided by the above agencies.

19. An elector can be registered from the age of 16 although they will have a 'date-of-birth' prefix to their name on the electoral register and will not be permitted to vote until they are 18 years old.

x

Appendix D

The Representation of the People (Northern Ireland) Regulations 2008

Provision of information to the registration officer

42.—(1) The authorities set out in paragraph (2) are specified authorities for the purposes of regulation 41.

(2) The specified authorities are—

(a) district councils;

(b) the Registrar General of Births and Deaths in Northern Ireland;

(c) the Northern Ireland Central Services Agency;

(d) the Department for Work and Pensions;

(e) secondary schools within the meaning of article 2 of the Education and Libraries (Northern Ireland) Order 1986(38); and

(f) the Northern Ireland Housing Executive.

(3) For the purposes of regulation 41 the specified information is such of the information set out in paragraphs (4) to (6) as is, in the opinion of the registration officer, required to maintain the accuracy of the register and to ensure that it is comprehensive.

(4) The specified information in respect of persons is such of the following information which relates to a person aged 16 or over—

(a) his name and former name;

(b) his address and last former address;

(c) his date of birth;

(d) his date of death; and

(e) his national insurance number.

(5) The specified information in respect of residential buildings is—

(a) the postal address;

(b) information relating to any change in the usage of the building from residential to non-residential; and

(c) information relating to the current occupants and the last former occupants of the building.

(6) The specified information in respect of non-residential buildings is information relating to any change in the usage of the building from non-residential to residential.

(7) For the purpose of this regulation "residential buildings" includes residential buildings which are under construction and to which a postal address has been assigned.

Appendix E

Postal Voting in the United Kingdom and Northern Ireland

1. In its deliberations, the Committee decided to examine the regulations dealing with the availability of postal voting in other jurisdictions. In this appendix, the Committee sets out the regulations for the provision of a postal vote. As expressed in Chapter 4, the Committee is of the view that more flexible provision of a postal ballot to voters is desirable, and below, it outlines two models in which this may be achieved.

Postal Voting in the United Kingdom (Great Britain)

2. Postal voting is available to all voters in England, Scotland and Wales for all elections. Voters are not required to provide a reason when they apply for their postal votes.

3. In applying for a postal vote, voters are required to specify where they are registered to vote, where they want their postal vote to be sent, the duration of time for which they wish to be classified as a postal voter, the type of election in which they wish to cast their postal vote and whether or not they are on the voting register. Voters may be registered as postal voters indefinitely if they so wish.

4. The application for such a postal vote must also contain a copy of the voter's signature, which is then electronically stored and used to verify the authenticity of the postal ballot when it arrives at the count centre.

5. Such an application must be received by the returning officer eleven working days before an election, and the ballot paper is issued one week before the election. It must arrive at the count centre by the close of poll to ensure that it is counted.

6. On voting, the voter must sign a postal voting statement in the presence of a witness to corroborate the voter's identity.

Postal Voting in Northern Ireland

7. Permission to cast a vote by post is only given where a reason has been given to the Northern Ireland Electoral Office. The voter must be physically unable to attend the polling station to avail of a postal vote, usually by reason of employment, education, disability, being out of the country or a mobility problem. Voters can apply to vote by post indefinitely (with a valid reason), for a specified period of time or for a particular election.

8. Voters are required to make an application for postal voting, signed by a witness.

9. Such an application must be received by the returning officer fourteen working days before an election. The ballot paper is issued ten days before the election. It must arrive at the count centre by the close of poll to ensure that it is counted.

10. It is worth pointing out that at the 2010 general election in Northern Ireland, there was a decrease of 47% in the amount of people who were able to cast a postal vote at the election. This decrease was attributed to the fact that stringent measures were put in place to deal with electoral fraud.

Appendix F

Counting Methods for Surplus Transfers under the Single Transferable Vote

1. In the Single Transferable Vote system, the voter is only required to rank their candidates in order of their preferences. The method in which these ballots are counted does not affect what is required of the voter.

2. There are different ways in which these votes can be counted. The method used for counting votes in Dáil elections is known as the Hare method (named after its inventor, Thomas Hare). The system used for counting votes in Northern Ireland Assembly elections and in Seanad elections is known as the Senate (or Gregory method in honour of J.B. Gregory who first proposed it).

3. If after the first count, a candidate has exceeded the quota, the returning officer is required to distribute the surplus achieved by that candidate. All of the elected candidate's ballot are examined and are divided according to the next preference vote on each ballot paper.

4. The returning officer then calculates the portion of the surplus votes that is due to each other candidate on the basis of the next highest preferences expressed.

5. The Hare and Senate methods differ in what actual ballot papers are distributed.

6. Dáil election rules (Hare method) state that "*the particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel*". The surplus votes are physically transferred to each continuing candidate by taking the necessary number of votes from the top of each relevant pile (in this case, the piles are divided according to the next highest preferences).

7. Using the Senate Method would mean the transfer of all of the ballot papers received by the elected candidate at a fractional value. This value would be calculated by dividing the surplus to be transferred by the total number of votes received by the candidate whose surplus is being transferred.

8. At later stages of the count when another candidate has exceeded the quota, their surplus is also distributed. Dáil election rules (Hare method) state that the package of votes *that put the most recently elected candidate over the quota* (the last package of votes received by the elected candidate) should be examined. They should be divided up according to the next highest preferences expressed on each vote. The surplus should then be distributed, by transferring the appropriate number of ballot papers as required. These ballot papers should be sourced from the package of ballots that was used to calculate the way in which the surplus was to be distributed.

9. Using the Senate Method, the same package of votes as above would be examined, and used to calculate the proportions of the surplus vote that the continuing candidates should get. The key difference is that *all the ballot papers* in this package are transferred at a transfer value to the continuing candidates according to the next higher preference. This transfer value is calculated as in paragraph 7 above.

10. Using the Dáil rules (Hare Method), if a candidate is to be eliminated; all that candidates' actual ballot papers are transferred to the continuing candidates according to the next highest preference vote available.

11. Using the Senate Method, if a candidate is to be eliminated, all that candidates' votes are transferred at their transfer value to the continuing candidates according to the next highest preference available. When a candidate is eliminated, their votes will typically be a mixture of their own first preferences plus the votes they have received from transfers from other candidates. The latter may well include some votes originating in a surplus, which under Senate rules are not transferred at their full values.

Appendix G

Committee's Hearings and Briefings

Wednesday, 8 July 2009 (Private Session)

Wednesday, 23 September 2009

Electoral systems, constituency representation and the option of large-scale electoral reform:

(i)   Professor David Farrell, Chair of Politics, School of Politics and International Relations, UCD;

(ii)   Mr. Michael D Higgins TD, Adjunct Professor at the Irish Centre for Human Rights at NUIG.

Wednesday, 7 October 2009

The representation of certain demographic groups in parliament:

(i)   Cllr. Anna Rooney;

(ii)   Ms. Elena Secas;

(iii)   Mr. Rotimi Adebari;

(iv)   Immigrant Council of Ireland.

Wednesday, 21 October 2009

The effect of PR-STV on Intra-Party Electoral systems:

(i)   Professor Michael Marsh, Dean of Arts, Humanities and Social Sciences, TCD;

(ii)   Mr. Seán Dorgan, General Secretary, Fianna Fáil;

(iii)   Mr. Tom Curran, General Secretary, Fine Gael;

(iv)   Mr. Colm Ó Caomhánaigh, General Secretary, Green Party;

(v)   Mr. Robbie Smyth, Sinn Féin.

Wednesday, 4 November 2009

The effect of PR-STV on Women's Representation in Parliament:

(i)   Ms. Susan McKay, Director of the National Women's Council of Ireland;

(ii)   Ms. Fiona Buckley, Department of Government, UCC;

(iii)   Senator Ivana Bacik;

(iv)   Senator Lisa McDonald;

(v)   Ms. Michelle Gildernew MP, MLA, Minister for Agriculture and Rural Development.

Wednesday, 18 November 2009

PR-STV and the Constituency Role of TD's:

      (i)   Professor Michael Gallagher, Department of Political Science, TCD;

      (ii)   Dr. Thomas Lundberg, Department of Politics, University of Glasgow;

      (iii) Dr. Liam Weeks, Department of Government, UCC;

      (iv) Mr. Noel Dempsey TD, Minister for Transport.

Thursday, 26 November 2009

The Electoral System (Public Meeting hosted by the Department of Government, University College Cork):

      (i)   Professor David Gwynn Morgan, Faculty of Law, UCC;

      (ii)   Dr. Theresa Reidy, Department of Government, UCC;

      (iii) Dr. Adrian Kavanagh, Department of Geography, NUI Maynooth.

Wednesday, 2 December 2009 (Private Session)

Wednesday, 9 December 2009

Alternative Electoral Systems and the Process of Electoral Reform:

      (i)   Professor Kenneth Benoit, Department of Political Science, TCD;

      (ii)   Professor Richard Sinnott, School of Politics and International Relations, UCD.

Wednesday, 13 January 2010

Reducing the Voting Age:

      (i)   Professor Jonathon Tonge, Department of Politics, University of Liverpool;

      (ii)   His Excellency, Dr Walter Hagg, Ambassador of Austria to Ireland.

      (iii) Mr. Peter Mannion, President, Union of Students in Ireland;

      (iv) National Youth Council of Ireland.

Wednesday, 27 January 2010

Alternatives to PR-STV - Mixed Member Proportional Electoral System, (MMP):

      (i)   His Excellency Busso von Alvensleben, Ambassador of Germany to Ireland.

Tuesday, 2 February 2010

The Electoral System for the Election of Members of Dáil Éireann:

(Students from the Irish Politics Junior Sophister Class, Department of Political Science, TCD)

(i)   Declan Harmon;

(ii)   Davy Kehoe;

(iii)   Barra Roantree;

(iv)   Julianne Cox;

(v)   Kimberley Moran;

(vi)   Talya Housman;

(vii)   Ciara Begley;

(viii) Barry Cahill.

Thursday, 4 February 2010 (Private Session)

Wednesday, 10 February 2010

(a) Variations in the design of Single Transferable Vote Electoral Systems, and

(b) Surplus Vote Transfer Procedures in Proportional Voting Systems:

(i)   Professor David Farrell, Chair of Politics, School of Politics and International Relations, UCD.

(c) Filling Casual Vacancies in Dáil Éireann:

(ii)   Professor Gary Murphy, Associate Professor of Government, DCU;

(d) Application of the PR-STV Electoral System in Malta:

(iii)   Mr. Hermann Schiavone, PhD Student, University of Manchester.

Wednesday, 24 February 2010

Parliamentarians' perspectives on PR-STV:

(i)   Mr. Michael D. Higgins TD, Adjunct Professor at the Irish Centre for Human Rights at NUIG;

(ii)   Ms. Joanna Tuffy TD.

Wednesday, 3 March 2010

Proposed establishment of an Electoral Commission:

(i)   Mr. John Gormley TD, Minister for the Environment, Heritage and Local Government;

Constituency Boundary Revision:

(ii)   Professor John Coakley, School of Politics and International Relations, UCD.

Wednesday, 10 March 2010

> The Parliamentary Role of TDs and the Institutional Framework in which they operate:
>
> > (i)   Mr. Pat Carey TD, Government Chief Whip, Chairman of the sub-Committee on Dáil Reform;
> >
> > (ii)   Mr. David Stanton TD, member of the sub-Committee on Dáil Reform.

Wednesday, 24 March 2010 (Private Session)

Wednesday, 31 March 2010

> Application of the 'Gregory' Method for Transferring Surplus Votes in Manual Vote Counting Systems:
>
> > (i)   Mr. Douglas Bain, Chief Electoral Officer for Northern Ireland;
> >
> > (ii)   Ms. Jocelyn McCarley, Assistant Chief Electoral Officer for Northern Ireland.

Wednesday, 28 April 2010

> Parliamentarians' perspectives on the PR-STV Electoral System:
>
> > (i)   Dr. Rory O'Hanlon TD;
> >
> > (ii)   Mr. Bernard Durkan TD;
> >
> > (iii)   Senator Fiona O'Malley.

Wednesday, 12 May 2010 (Private Session)

Wednesday, 26 May 2010 (Private Session)

Wednesday, 16 June 2010 (Private Session)

Wednesday, 30 June 2010 (Private Session)

Wednesday, 7 July 2010 (Private Session)

Thursday, 15 July 2010 (Private Session)

Thursday, 22 July 2010 (Private Session)

Appendix H

Oral Submissions

1. Electoral systems, Constituency Representation and the option of Large-scale Electoral Reform:

    (i) Professor David Farrell, Chair of Politics, School of Politics and International Relations, UCD;

    (ii) Mr. Michael D Higgins TD, Adjunct Professor at the Irish Centre for Human Rights at NUIG.

2. The Representation of Certain Demographic Groups in Parliament:

    (i) Cllr. Anna Rooney;

    (ii) Ms. Elena Secas;

    (iii) Mr. Rotimi Adebari;

    (iv) Immigrant Council of Ireland.

3. The effect of PR-STV on Intra-Party Electoral Systems:

    (i) Professor Michael Marsh, Professor of Comparative Political Behaviour, Department of Political Science, TCD; Dean of Arts, Humanities and Social Sciences, TCD

    (ii) Mr. Seán Dorgan, General Secretary, Fianna Fáil;

    (iii) Mr. Tom Curran, General Secretary, Fine Gael;

    (iv) Mr. Colm Ó Caomhánaigh, General Secretary, Green Party;

    (v) Mr. Robbie Smyth, Sinn Féin.

4. The effect of PR-STV on Women's Representation in Parliament:

    (i) Ms. Susan McKay, Director of the National Women's Council of Ireland;

    (ii) Ms. Fiona Buckley, Department of Government, UCC;

    (iii) Senator Ivana Bacik;

    (iv) Senator Lisa McDonald;

    (v) Ms. Michelle Gildernew MP, MLA., Minister for Agriculture and Rural Development.

5. The effect of PR-STV and the Constituency Role of TD's.:
   (i) Professor Michael Gallagher, Department of Political Science, TCD;
   (ii) Dr. Thomas Lundberg, Department of Politics, University of Glasgow;
   (iii) Dr. Liam Weeks, Department of Government, UCC;
   (iv) Mr. Noel Dempsey, TD, Minister for Transport.

6. The Electoral System for the Election of Members of Dáil Éireann:
   (Public Meeting, UCC)
   (i) Dr. Theresa Reidy, Department of Government, UCC;
   (ii) Dr. Adrian Kavanagh, Department of Geography, NUIM;
   (iii) Professor David Gwynn Morgan, Lecturer in Public Law, Department of Law, UCC.

7. Alternative Electoral Systems and the Process of Electoral Reform:
   (i) Professor Kenneth Benoit, Department of Political Science, TCD;
   (ii) Professor Richard Sinnott, School of Politics and International Relations, UCD.

8. Reducing the Voting Age:
   (i) Professor Jonathon Tonge, Department of Politics, University of Liverpool;
   (ii) His Excellency, Dr Walter Hagg, Ambassador of Austria to Ireland;
   (iii) Mr. Peter Mannion, President, Union of Students in Ireland;
   (iv) National Youth Council of Ireland.

9. Alternatives to PR-STV: Mixed Member Proportional Electoral System, (MMP):
   (i) His Excellency Busso von Alvensleben, Ambassador of Germany to Ireland.

10. The Electoral System for the Election of Members of Dáil Éireann:
    (Students from the Irish Politics Junior Sophister Class, Department of Political Science, TCD)
    (i) Declan Harmon

(ii)   Mr. David Stanton TD, member of the sub-Committee on Dáil Reform.

18.   Application of the 'Senate' method for transferring surplus votes in manual vote counting systems:

    (i)   Mr. Douglas Bain, Chief Electoral Officer for Northern Ireland;

    (ii)   Ms. Jocelyn McCarley, Assistant Chief Electoral Officer for Northern Ireland.

19.   The Electoral System for the election of members of Dáil Éireann:

    (i)   Dr. Rory O'Hanlon TD;

    (ii)   Mr. Bernard Durkan TD;

    (iii)   Senator Fiona O'Malley.

Appendix I
Written Submissions

Acknowledgement

The Committee wishes to acknowledge the valuable contribution of individuals and organisations who made submissions to the Committee.

Organisations

1. Association of City Councils
2. Green Party (Dublin Central and North West)
3. Labour Women
4. National Women's Council of Ireland
5. National Youth Council of Ireland
6. The Bar Council
7. The De Borda Institute

Individuals

8. Adrian Colley
9. Dan Donovan
10. Jason Fitzharris
11. Jason O'Mahony
12. Joanna Tuffy TD
13. Joe McMahon
14. Michael G. Dickson
15. Micheál Ó Béarra
16. Owen Rooney
17. Cllr. Robert Dowds
18. Senator Ivor Callely
19. Tom Kennington

Third Level Institutions

NUI Maynooth: M.A. in Society and Space, Department of Geography

20. Dr. Adrian Kavanagh, Department of Geography, NUI Maynooth.
21. Aidan McGuiness
22. Áine Rickard
23. Áine Hicks

24.   Carol Kissane

25.   Caitriona Bracken

26.   Christopher E. Booth

27.   Clare McGing

28.   David Fagan

29.   Emma Mescall

30.   Gary W. Malone

31.   Hugh E. Lyons

32.   Ian G. Kinlon

33.   Karen McMenamin

34.   Mariosa Rogan

35.   Maura Connelly

36.   Patrick C. Halligan

Trinity College Dublin

37.   Lucy Whiston

38.   William Kingston, Research Associate, School of Business, TCD.

University College Cork

39.   Clíodhna Ní Néill (Third Year Politics, Department of Government, UCC.)
40.   Prof. David Gwynn Morgan (Lecturer in Public Law, Department of Law, UCC.)
41.   Eamon McSweeney

42.   Eimear O'Leary (PhD Candidate, Department of Government, UCC.)

43.   Dr. F.M. Burke (University Dental School and Hospital, UCC.)

44.   Dr. Liam Weeks (Lecturer in Politics, Department of Government, UCC.)

45.   Mary Geraldine O'Brien

46.   Orla Murphy (First Year Politics, Department of Government, UCC.)

47.   Owen Kinsella

48.   Dr. Theresa Reidy (Department of Government, UCC.)

49.   Tom O'Connor (Department of Government, UCC.)

University College Dublin

50.   Professor John Coakley (School of Politics and International Relations, UCD.)

Appendix J

Research Paper commissioned by the Joint Committee on the Constitution on Parliamentary Electoral Systems in the European Union

Abstract

This paper is intended to inform the Joint Committee on the Constitution about the electoral system used to elect members to national parliaments in each of the EU Member States.

In particular, the Joint Committee has requested that it be provided with a description of how each electoral system works in practice.

Foireann na gCoistí, Seirbhís Leabharlainne & Taighde an Oireachtais |

Committees Team, Oireachtas Library & Research Service

Summary of Parliamentary Electoral Systems in the European Union

Types of Electoral System

There are several main types of electoral system, which academics have grouped in different manners, but those below are used in most examples (though they may be arranged differently depending on the source):

- Single-member constituency systems
  - o Single-member plurality
  - o The alternative vote
  - o The two-round system
- Mixed systems
  - o Mixed compensatory
  - o Mixed parallel
- Closed-list systems
- Preferential-list systems
  - o Open list
  - o Flexible list
- PR-STV – Proportional Representation – Single Transferable Vote (the system we use in Ireland)

Member State	Parliament Type	Parliament Chamber	Number of Members	Constituencies	Voting System
Austria	Bicameral	Nationalrat / National Council	183 Directly Elected	9 regional / state multi-member constituencies (from 7 to 36 seats each); subdivided into 43 local constituencies.	Proportional: party-list system: Preferential list system
Austria	Bicameral	Bundesrat / Federal Council	62 Indirectly Elected	9 multi-member (3 to 12 seats) constituencies.	Indirectly elected
Belgium	Bicameral	Chambre des Représentants / House of Representatives	150 Directly Elected	11 multi-member constituencies.	Proportional: party-list system: Preferential list system Voting is compulsory; any unjustified abstention is punishable, penalties ranging from a possible fine to removal from the register
Belgium	Bicameral	Sénat - Senaat – Senat / Senate	40 Directly elected 31 Other	3 multi-member and 2 electoral colleges.	Proportional: party-list system: Preferential list system Also Community Senators and Co-opted Senators Voting is compulsory; any unjustified abstention is punishable, penalties ranging from a fine to removal from the electoral register.
Bulgaria	Unicameral	Narodno Sabranie / National Assembly	240 Directly Elected	31 multi-member constituencies.	Proportional: Mixed (Parallel) system: 209 members are elected under the proportional representation (PR) system using the closed party list 31 members are elected using first-past-the-post / single-member plurality
Cyprus	Unicameral	Vouli Antiprosopon / House of Representatives	80 Directly Elected	6 multi-member constituencies.	Proportional: party-list system: Preferential list system Voting is compulsory; unjustified failure to vote is punishable by a fine and/or imprisonment.
Czech Republic	Bicameral	Poslanecka Snemovna / Chamber of Deputies	200 Directly Elected	14 multi-member constituencies ("electoral regions").	Proportional: party-list system: Preferential list system

Country	Chamber type	Chamber name	Composition	Constituencies	Electoral system
Czech Republic	Bicameral	Senát / Senate	81 Directly Elected	81 single-member constituencies.	Single-member constituency system: The two-round system
Denmark	Unicameral	Folketinget / The Danish Parliament	179 Directly Elected	10 multi-member constituencies corresponding to counties, subdivided into 92 nomination districts.	Proportional: party-list system: Preferential list system
Estonia	Unicameral	Riigikogu / The Estonian Parliament	101 Directly Elected	12 multi-member (6 to 13 seats, according to population) constituencies.	Proportional: party-list system: Preferential list system
Finland	Unicameral	Eduskunta – Riksdagen / Parliament	200 Directly Elected	- 14 multi-member (6 to 33 seats) provincial constituencies - 1 single-member constituency	Proportional: party-list system: Preferential list system
France	Bicameral	Assemblée nationale / National Assembly	577 Directly Elected	577 single-member constituencies: 555 for metropolitan France 17 for overseas departments and "collectivités territoriales" 5 for overseas territories	Single-member constituency system: The two-round system
France	Bicameral	Sénat / Senate	331 Indirectly Elected	128 territorial constituencies (number of seats dependent on population) comprising the departments of metropolitan France, overseas departments and territories, territorial collectivities and French citizens residing abroad	Mixed: Indirect election by popularly chosen departmental electoral colleges with mixed system of voting: - Two-round majority ballot Proportional: party-list system: Closed list system Voting is compulsory.
Germany	Bicameral	German Bundestag	598 Directly elected 24 Other	- 299 single-member constituencies - 16 multi-member constituencies corresponding to the Länder (component states of the federation)	Mixed: Single-member constituency system: Single-member plurality Proportional: party-list system: Closed list system
Germany	Bicameral	Bundesrat / Federal Council	69 Appointed	16 multi-member (3 to 6 seats) constituencies corresponding to the Länder.	Other: Indirectly Elected.

Greece	Unicameral	Vouli Ton Ellinon / Hellenic Parliament	300 Directly Elected	56 single or multi-member constituencies for 288 seats 1 multi-member nationwide constituency for 12 "State Deputies"	Proportional: party-list system: Preferential list system Voting is compulsory until the age of 70. Failure to vote is punishable by a prison sentence of one month to one year, and a loss of the offender's post (however, no one has ever been prosecuted).
Hungary	Unicameral	Országgyűlés / National Assembly	386 Directly Elected	176 single-member constituencies 20 territorial multi-member constituencies (returning 146 Deputies) (the remaining 64 Deputies are chosen from "national lists" of candidates)	Mixed system: Single-member constituency system: The two-round system Proportional: party-list system: Closed list system
Ireland	Bicameral	Dáil Éireann / House of Representatives	166 Directly Elected	42 multi-member (3 to 5 seats) constituencies.	Proportional: Single-transferable-vote (PR-STV)
Ireland	Bicameral	Seanad Éireann / Senate	49 Indirectly elected 11 Appointed	41 multi-member constituencies.	Other. Indirect Election and Appointment.
Italy	Bicameral	Camera dei Deputati / Chamber of Deputies	630 Directly Elected	26 multi-member constituencies for 617 seats 1 single-member constituency in Valle d'Aosta 1 constituency for Italians abroad representing 4 geographical groups (12 seats): a) Europe; b) South America, c) North and Central America; and d) Africa, Asia, Oceania and Antarctica.	Proportional: party-list system: Closed list system Single-member constituency system / Single-member plurality for the single-member constituency in Valle d'Aosta.
Italy	Bicameral	Senato della Repubblica / Senate	315 Directly elected 4 Appointed 3 Other	20 multi-member constituencies (302 seats) 1 single-member constituency in Valle d'Aosta (1 seat) 6 single-member constituencies in Trentino-Alto Adige (6 seats) 1	Proportional: party-list system: Closed list system Single-member constituency system / Single-member plurality for single-seat-constituencies in Valle d'Aosta and

				constituency for Italians abroad representing 4 geographical groups (6 seats): a) Europe; b) South America; c) North and Central America; and d) Africa, Asia, Oceania and Antarctica	Trentino-Alto Adige (12 seats).
Latvia	Unicameral	Saeima / Parliament	100 Directly Elected	5 multi-member constituencies (from 14 to 29 seats each).	Proportional: party-list system: Preferential list system
Lithuania	Unicameral	Seimas / Parliament	141 Directly Elected	71 single-member constituencies 1 multi-member (70 seats) nationwide constituency	Mixed: Mixed system: Single-member constituency system: Single-member plurality / Proportional: party-list system: Preferential list system
Luxembourg	Unicameral	Chambre des Députés / Chamber of Deputies	60 Directly Elected	4 multi-member (23 seats for the South, 21 for the Center, 9 for the North and 7 for the East) constituencies.	Proportional: party-list system: Preferential list system Voting is compulsory for citizens residing in the country until the age of 75. Only citizens over 75 years old and those residing abroad are allowed to vote by post. Failure to vote is punishable by a fine of between 100 and 250 euros. In case of repeated abstention over a period of five years, the fine can increase to between 500 and 1,000 euros and citizens risk having their names removed from the voters' roll.
Malta	Unicameral	Il-Kamra Tad-Deputati / House of Representatives	65 Directly elected 4 Other	13 multi-member (5 seats) constituencies ("divisions").	Proportional: Single-transferable-vote (PR-STV)
Netherlands	Bicameral	Tweede Kamer der Staten-Generaal / House of Representatives	150 Directly Elected	18 multi-member constituencies.	Closed-party list system with preferential vote
Netherlands	Bicameral	Eerste Kamer der Staten-Generaal / Senate	75 Indirectly Elected	12 provincial councils.	Proportional: party-list system: Closed list system
Poland	Bicameral	Sejm	460 Directly Elected	41 multi-member (7-19 seats) constituencies.	Proportional: party-list system: Preferential list system

Poland	Bicameral	Senat / Senate	100 Directly Elected	40 multi-member constituencies: 2-4 senators each.	Proportional: party-list system: Preferential list system
Portugal	Unicameral	Assembleia da Republica / Assembly of the Republic	230 Directly Elected	22 multi-member constituencies.	Proportional: party-list system: Closed list system
Romania	Bicameral	Camera Deputatilor / Chamber of Deputies	315 Directly elected 19 Other	315 single-member constituencies; there is one Deputy for every 70,000 inhabitants.	Mixed: Mixed system Single-member constituency system: Single-member plurality Proportional: party-list system: Closed list system
Romania	Bicameral	Senatul / Senate	137 Directly Elected	137 single-member constituencies; there is one Senator for every 160,000 inhabitants.	Mixed: Mixed system Single-member constituency system: Single-member plurality Proportional: party-list system: Closed list system
Slovakia	Unicameral	Národná rada / National Council	150 Directly Elected	One nationwide constituency.	Proportional: party-list system: Preferential list system
Slovenia	Bicameral	Drzavni Zbor / National Assembly	90 Directly Elected	8 electoral units each divided into 11 single-seat constituencies (88 seats in all) Special constituencies for two members, respectively representing the Hungarian and Italian minorities	Proportional: party-list system: Preferential list system Simple majority preferential vote for the two Deputies representing the Italian and Hungarian communities.
Slovenia	Bicameral	Drzavni Svet / National Council	40 Indirectly Elected	22 single-member constituencies for elections of the representatives of local. - There are no constituencies for other interest groups.	Other. The elections of the representatives of functional interests are carried out in electoral assemblies by electors, elected by interest groups in accordance with their rules.
Spain	Bicameral	Congreso de los Diputados / Congress of Deputies	350 Directly Elected	- 50 multi-member constituencies corresponding to the country's provinces 2 single-member constituencies (North African enclaves of Ceuta and Melilla)	Proportional: party-list system: Closed list system 2 Single-member constituencies: Single-member plurality

Spain	Bicameral	Senado / Senate	208 Directly elected 56 Indirectly elected	Directly elected Senators: 52 multi-member constituencies corresponding to the country's provinces, plus Ceuta and Melilla. Indirectly elected Senators: each of the 17 Autonomous Communities return one Senator, plus one more for each 1,000,000 inhabitants, chosen by the legislative assembly of each Community.	Mixed: Mixed system: Directly elected Senators: Proportional: party-list system: Preferential list system Indirectly elected Senators: elected by the legislative assemblies of the Autonomous Communities
Sweden	Unicameral	Riksdagen / Parliament	349 Directly Elected	29 multi-member constituencies for 310 members 1 other multi-member constituency for 39 "at large" seats	Proportional: party-list system: Preferential list system
United Kingdom	Bicameral	House of Commons	646 Directly Elected	646 single-member constituencies: - 529 for England - 59 for Scotland - 40 for Wales - 18 for Northern Ireland	Single-member constituency system: Single-member plurality
United Kingdom	Bicameral	House of Lords	614 Appointed 118 Other	(not applicable)	Other