

## **An Electoral Commission**

The establishment of an electoral commission was first raised in the Oireachtas in 2004 and has been agreed in consecutive Programme's for Government since 2007.

Sinn Féin supports the establishment of such a Commission and views it as a key measure of much needed political reform. There are many examples of such Commissions with 66 state-run electoral commissions currently operating worldwide, 28 of which are established in European countries.

Currently responsibilities for the electoral system lie with disparate bodies which lead to a lack of capacity to take meaningful initiatives to improve and modernise the state's electoral processes. Different standards and processes lead to duplication and inconsistency and weaken the electoral system.

Sinn Féin believe that a Commission needs to be adequately resourced to carry out its functions and must deliver a step change in professionalising how elections are run in the state in an ever changing technological landscape that create opportunities to improve participation and counter dangers to the integrity of the electoral process.

To date, successive Governments have shown a lack of political will to deliver on a Commission despite it being in each of the three previous programmes for Government. Sinn Féin hope to see this process being the final one leading to its delivery.

Sinn Féin accepts the logic of establishing the Commission initially on an incremental basis as recommended by the Joint Committee on Environment, Culture and the Gaeltacht as it is a priority to ensure that we progress this matter urgently while retaining full public confidence in the process.

Sinn Féin recommends that:

- A permanent electoral commission be established. It should be done on an incremental basis over five years with the main regulatory functions (such as the Register of Political Parties, function of SPIO, THE Referendum Commission and the policy role of the franchise section of the Department of Housing, Planning and Local Government) as well as assigning the Electoral Commission an expanded policy role, be transferred immediately, with other functions (if any) transferred in later phases

## **Functions of the Electoral Commission**

The proposals of the Joint Committee on Environment, Culture and the Gaeltacht in its report entitled 'Consultation on the Proposed Electoral Commission 2016' set out a number of bodies related to carrying out electoral law and recommended the following be transferred over to an Electoral Commission:

- The Register of political parties;
- The operational and policy role of the Franchise Section of the Department of the Environment, Community and Local Government, understanding that the Department would continue to play a role in supporting the Minister and in developing legislation; the Electoral Commission's policy role would expand and deepen the policy advice available to the Government on electoral issues;

- The regulation of political funding and election expenditure currently carried out by Standards in Public Office Commission (“SIPO”) at the national level and by local authorities at a local level;
- The functions of the Referendum Commission;
- The functions of Constituency Commission and Local Boundary Committees.
- Electoral Register;
- The organisation of Elections and Referendums.

While Sinn Féin largely agree with the recommendations of this report and that current bodies and remits as mentioned above should be subsumed by the Electoral Commission, we must point out certain recommendations to ensure that this transition is done effectively and the Oireachtas remains the supreme body that oversees electoral law e.g. statute that is not purely administrative in nature should be a matter for Oireachtas via primary legislation to ensure public accountability.

We wholeheartedly share the concerns of the Joint Committee in regard to the narrow capacity of the Franchise Section of the Department of the Housing, Planning and Local Government. We believe that the current section could be retained within the Department but the policy unit within the Electoral Commission would provide advisory and regulatory support.

The Electoral Commission should also be required to produce periodical reports with a view to enhancing and maximising voter participation, in areas or demographics where voter turnout is traditionally low and produce recommendations to remedy this.

We believe that the political and electoral functions of SIPO should be subsumed into the Electoral Commission as well as the register of members’ interests for Oireachtas members. The Commission would need to be adequately resourced to deliver on the roles SIPO currently carries out as well as taking on the role of local authorities in collating donation, electoral returns and interests information for councillors.

The Commission also needs to be capable of meeting the needs of online transparency and regulation in our elections and referenda. An Electoral Commission Bill should include this in their statutory obligations and Governments should ensure that they are funded to a degree to be able to carry out that objective effectively.

We also recommend that while the work of the various boundary commissions be subsumed, we believe that all changes to electoral boundaries must still be accepted through primary legislation within the Oireachtas.

## **Independence and Formation of an Electoral Commission**

The Electoral Commission should be independent of Government and any other political influence in the conduct of its duties.

The Electoral Commission should be granted statutory powers in relation to the general operation of public votes, voter registration, accessibility of polling stations and maintenance of the register. However, this should be purely operational.

The Oireachtas, in order to ensure public accountability, should retain all statutory powers in relation to general changes in electoral law, changing of electoral boundaries, calling of referenda and setting public standards of political office.

The Electoral Commission should hold an advisory role in this regard and an expectation would be that they should furnish the Oireachtas and the Department with policy recommendations on issues of public debate.

Sinn Féin believe that the operation of an Electoral Commission should be led by a Chief Electoral Officer accountable to a Board. The Board should be independent and have the necessary range of skills required to adequately oversee the range of functions that would be conducted by the Commission and retain the full confidence of the public in the electoral process. To this end the Chairperson of the Board should have strong experience and a reputation for good corporate governance and all board minutes should be published.

All appointments to the board should be conducted through the Public Appointments Service. While having previously served in elected office should not preclude a person from serving on the board, Sinn Féin does not believe that this should be an required competence on the Board.

Furthermore, a stakeholder advisory group should be established to inform the Electoral Commission on matters from civic society. This advisory group should include former and current holders of elected office with representation across the political spectrum.

## **Data Collation**

As it stands, neither the relevant departments, nor local authorities collate data on voter turnout.

The last data collated on turnout by age was compiled by the CSO in 2011 (which saw a turnout of 62% of young people aged between 18 and 25 years in the 2011 General Election. Overall turnout was 69.9%.

When asked by Donnchadh Ó Laoghaire TD in July 2017 on the issue of government collating electoral turnout data by age, Minister for Housing, Planning, Community and Local Government Eoghan Murphy TD stated that the government had “no immediate plans” to do so and referred to the establishment of an electoral commission in his response.

It is clear that there is neither the appetite from leadership, nor the resources to collate such data.

Furthermore, the department does not wish to mandate any existing public bodies to do so. Without sufficient data on age demographic, the behavioural analysis of youth turnout cannot be examined. For example, without the percentage turnout for the marriage equality referendum versus other given referenda, the level of participation cannot be gauged on an issue that was seen to have a particularly high turnout.

This should be extended to other demographics and data could be used in combatting nonparticipation amongst typically disengaged demographics and areas.

Sinn Féin recommends that:

- Data collation should be within the remit of a permanent electoral commission when established. In the interim, this task should be delegated to the CSO.
- A permanent election and referendum study should be established. Sinn Féin propose that this permanent election and referendum study should be established within the Electoral Commission. The work should mirror the work undertaken between 2002 and 2007 and each election and referendum should be studied. The research should be conducted in a transparent way and funding for such studies should be based on the costs of the studies undertaken between 2002 and 2007.

### **Increasing Participation**

Sinn Féin has also made a submission to a separate consultation on the electoral register which provides many of the practical means to make it as easy as possible for all eligible voters from registering and casting their votes. The Commission should have responsibility for rolling out these changes to the process.

Additionally, the Commission should be adequately resourced and tasked with promoting voter registration and turnout. This must include targeted registration drives and promotion through advertising and other publicity initiatives.

The Commission should ensure there is intensive outreach programmes in place across civic society as well as in schools and other institutions. There should be a willingness to work with other groups and organisations to promote the shared goals of maximising participation in the electoral process.

Sinn Féin recommends that:

- The Electoral Commission, once established, should be given resources to run truly widespread and targeted campaigns encouraging people to become registered voters, including demographics that are traditionally marginalised from the processes.