



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreacht
Department of Housing,
Local Government and Heritage

Electoral Reform: The Electoral Reform Act 2022

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Programme for Government

Our Shared Future

Electoral Reform

We will:

- Establish an Electoral Commission to provide independent oversight of elections and referendums, to inform the public about elections and referendums, to update and maintain the electoral register, and to conduct elections. We will ensure that this Commission is in place by the end of 2021.
- Empower the Electoral Commission to regulate online political advertising in the public interest and introduce a consistent regime relating to political advertising across all media.
- Mandate the new Electoral Commission to examine the use of postal voting, with a view to expanding its provision.
- Task the new Electoral Commission to examine the issue of the use of posters at elections and referendums within 12 months of its establishment, and consult on placing limitations on the number of posters that can be used or fixing certain locations for their use. The Government will legislate for its recommendations in advance of the 2024 Local Elections.
- Complete the modernisation process for voter registration, involving:
 - The simplification of forms and the registration process, including an online option.
 - A rolling (continuously updated) Electoral Register.
 - A single, national Electoral Register Database.
 - A move to a system of identity verification, using one's PPSN.
- Reform and consolidate the Ethics in Public Office legislation.
- Review our current electoral laws and the conduct of politics in Ireland, to ensure that donations and resources from non-citizens outside the State are not being utilised to influence our elections and political process. We will legislate to prevent this, if necessary.

strengthening local democracy and the review of the governance of Údaras na Gaeltachta.

Oireachtas Reform

We will work with other parties in the Oireachtas to:

- Expand the role of the Parliamentary Budget Office to independently audit the cost of individual tax and spending measures contained in political parties' budget submissions and general election manifestos, their overall dynamic impact, and to assess their broader economic impact.
- Continue to ensure that Oireachtas Committee chairs are allocated according to the D'Hondt system.
- Introduce a new system to register Oireachtas attendance and to protect the integrity of the expenses system.
- Ensure that funding to Independents under the Leaders' Allowance is fully vouched and audited, as it is for political parties.
- Fully respond to the ruling in the Kerins' Supreme Court Case and make appropriate changes.
- Review the Dáil Business Committee, with a view to introducing the D'Hondt system.
- Encourage the use of Irish as a working language of the Oireachtas.
- Expand Oireachtas Committees' research resources.
- Support the work of the Oireachtas Women's Parliamentary Caucus.
- Develop supports and alternatives for members of the Oireachtas to take parental leave.

Constitutional Reform

We will hold referendums on housing and extending the franchise at presidential elections to Irish citizens living outside the State.

Informed by the work of the Citizens' Assembly, we will hold a referendum on Article 41.2 of the Constitution.





Number 30 of 2022

ELECTORAL REFORM ACT 2022

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Online Political Advertising



Background:

Inter-Departmental Group on the Security of Ireland's Electoral Process and Disinformation
- 2018 Report to Government

Recommendations:

- Expediting the establishment of an Electoral Commission;
- Advancing the modernisation of the voter registration process;
- Regulating the transparency of online political advertising;

Online Political Advertising



Requirements of Act:

Relates to online, paid-for political advertisements commissioned for use during electoral periods

- Labelling as ‘Political Advert’;
- Display “transparency notice”;

Applies to:

- online platforms;
- to the buyers of political adverts;

Requirements will apply during electoral periods only:

- date of polling day order to polling day (inclusive).

Online Political Advertising



Transparency Notices:

- Details of buyer
- Micro-targeting
- Amount paid for advertisement
- Number of days to run
- Intended reach of advertisement

Online Political Advertising



Role of Electoral Commission:

- Responsibility for compliance
- Overseen by ‘Authorised Officers’
 - *Investigate and take appropriate action*

Broader Context:

European Democracy Action Plan

Electoral Integrity



Definitions:

- **"disinformation"** : false or misleading content, spread with intention to deceive
- **"misinformation"** : false or misleading content, shared without harmful intent though the effects may still be harmful.
- **"manipulative or inauthentic behaviour"** : tactics, techniques and procedures that:
 - (a) involve the deceptive use of services or features, artificially amplifying reach
 - (b) are likely to influence the information visible to other users of that platform,
 - (c) gives rise to the inference that they are intended to result in the dissemination, publication or increased circulation of false or misleading online electoral information, and
 - (d) may cause public harm.

Electoral Integrity



Electoral Commission Role

- Monitoring and investigation functions as regards the dissemination of:
 - *disinformation relating to online electoral information*
 - *misinformation relating to online electoral process information*...as well as functions to prevent manipulative or inauthentic behaviours online;
- power for the chief executive to issue during an electoral campaign period –
 - *a take-down notice,*
 - *a correction notice,*
 - *a labelling order,*
 - *an access-blocking order, or*
 - *a notice containing a statement that the online content has been affected by unlawful bot activity;*

Voting During Pandemics



Part 6 : Measures to assist returning officers in running electoral events, should public health restrictions be in place due to pandemics.

- flexibility to allow polling to take place at electoral events over more than one day;
- If special voting not practicable, postal vote for persons on the special voters list;

Amendments to Electoral Act 1997



Part 7 : Addresses PfG Commitment to:

“Review our current electoral laws and the conduct of politics in Ireland, to ensure that donations and resources from non-citizens outside the State are not being utilised to influence our elections and political process.”

- SIPO investigatory & enforcement powers;
- Leaders’ statements;
- Consolidated annual statements of accounts by registered political parties;
- Clarity around rules for political donations and election expenses;

Island Voting



Part 8 – Polling on Islands

- Same-day voting on the islands as for the rest of the country;
- Removal of early voting;

Gaming and Lotteries



Part 9 – Gaming & Lotteries

- Political parties may apply to District Court for license to run lotteries;
- Lotteries previously operated by political parties can continue to run;



Electoral Commission

Ireland's Electoral Structures



‘Governmental’

- Minister for Housing, Local Government & Heritage is central point of accountability for electoral policy
- Department has responsibility for:
 - *Electoral policy issues*
 - *Preparing legislation*
 - *Supporting the operation of the electoral system*

Ireland's Electoral Structures



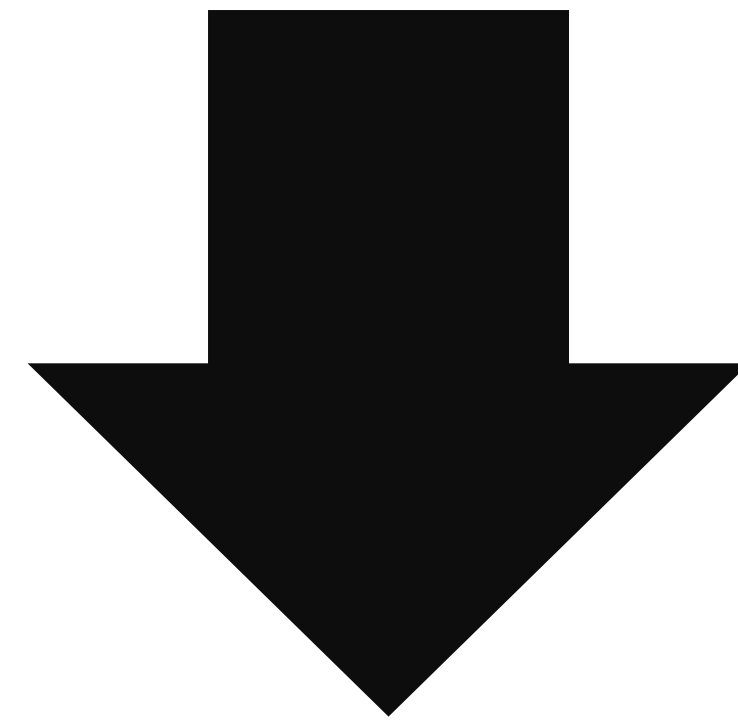
‘Decentralised’

<u><i>Function:</i></u>	<u><i>Responsibility:</i></u>
National and European Elections	Returning Officers (County Registrars, Sherifs)
Local Elections	Local Councils
Regulation of Political Funding & Election Expenditure	Standards in Public Office Commission
Registrar of Political Parties	Clerk of the Dáil
Electoral Boundary Reviews	Constituency Commission (National) Local Electoral Area Boundary Committee (Local)
Explanation of Referendums	Referendum Commission

Internationally...



Governmental



Independent

International Context



THE AUSTRALIAN Wednesday, September 18, 2019 | Today's Paper | Mind Games

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Electoral Commission to visit Brown offices over funding concerns

Body makes announcement after Gordon Brown highlighted issues over PayPal payments

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The Electoral Commission wants political campaigning online to be more transparent

09 Aug 2019

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nd Heritage

An Electoral Commission for Ireland



2011-2016



Fine Gael and Labour
2007-2009



Fianna Fáil, Green Party and Progressive Democrats

2009-2011



Fianna Fáil and Green Party
1993-1994



Fianna Fáil and Labour

Preparatory Work



- 2015 Consultation Paper
- 2016 JOC Report
- 2018 RIA
- 2019 Public Consultation on RIA

...Common understanding, consensus on Commission

Membership



Mix of Ex Officio and Recruited Members

- Serving or retired senior member of judiciary, selected by Chief Justice
- Ombudsman
- Clerk of the Dáil

- Persons recruited on the basis of expertise and experience in:
 - electoral matters (incl. former membership of Oireachtas or local authority)
 - the administration of Irish electoral system
 - electoral systems outside the State
 - public administration and governance
 - financial matters
 - ICT and its application to elections and referendums
 - Advertising and publicity, particularly in relation to digital aspects of political campaigning

Membership

Mix of Ex Officio and Recruited Members



- Ms Justice Marie Baker (Serving Supreme Court Judge) (Chair)
- Peter Finnegan (Clerk of the Dáil)
- Ger Deering (Ombudsman)

- Alex Attwood
- Caroline Fennell
- John Curran
- Maura Quinn

Functions



Transferring

- Register of Political Parties
 - Referendum Commission
 - Constituency Commission
 - Local Electoral Area Boundary Committees
-

New

- Public Education and Awareness
- Oversight of the Modernised Electoral Register
- Electoral Policy Research and Advisory
- Reviewing Administration of Electoral Events
- Regulation of Online Political Advertising to Ensure Transparency
- Safeguarding Integrity of Electoral and Democratic Processes

Positioning in Electoral System



Department of Housing, Local Government and Heritage

Electoral Commission

Administrators of Electoral Events

Questions?



Thank you