

To the Irish Electoral Commission:

Despite them being provisional, recent population figures (as stated by the CSO) show that Irish State population has reached a new limit – 5,123,536 inhabitants. Consequently, next Dáil Éireann will be the largest ever since independence. This is expected to bring about new challenges to current constitutional and statutory provisions in the mid-term. Even though this submission is intended to contribute to a much compelling, short-term issue (Dáil constituencies redistricting), I would like to begin it with a brief assessment of such possible challenges and how could they be dealt with by commissioners and legislators.

This submission is backed by a group of Spanish academics who have contributed to my undergraduate and master's dissertations assessment. Regarding the latter, it deals with Dáil constituencies redistricting process and how could it be turned into a shorter and more systematic one. In my honest opinion, certain aspects of the Dáil electoral system are flawed regarding two issues: unreadiness and a high volatility. Regarding unreadiness, there is a real possibility for a snap election call to happen before constituencies are revised to reflect population shifts. This was the case of the 1989 general election. As the plaintiff in O'Malley v An Taoiseach [1990] disclosed, Dublin South-West showed a ratio deviation of 25%. According to the 1986 Census report, it had a population of 106,848. Considering a national average of 21,329 inhabitants per TD, it should have been entitled to exactly five TDs instead of the four that were finally returned in 1989. Had Dáil constituencies been revised sooner, such a passive malapportionment would not have occurred.

I acknowledge it was O'Malley that decreased the chance of using unrevised Dáil constituencies by establishing a shorter revision frequency. However, it might still happen that a snap election is called in less than a year after Census figures have been released. In contrast, this is not possible in Spain – whenever an election is called, the Government requests the National Statistics Institute (INE) to disclose updated population figures for each of our lower chamber fifty-two constituencies, proceeding to apportion our lower chamber 350 seats among them immediately.

It is true that this causes no problem for two reasons: first, because we have fixed constituencies (which match our fifty provinces and our two autonomous cities); second, because there is no constitutional nor legal provision regarding equality of representation between constituencies. In fact, the contrary is constitutionally enshrined, as our fifty provincial constituencies are entitled to a minimum of two seats each. Besides, both city constituencies can only return one seat each. Such provisions can certainly admit an automatic reapportionment process. Given the fact the Dáil electoral system requires compliance with a minimum and maximum constituency magnitude and an equal representation clause, the Spanish remedy would also turn problematic if, for instance, a constituency returned more or less TDs than it is permitted. What can be done halfway between the Spanish and the Irish paradigms is establishing semi-rigid constituencies. By this I mean territorial arrangements based on administratively or geographically relevant units, namely municipal districts or local electoral areas, that can be combined together in case a constituency required redistricting to match magnitude and ratio requirements, abandoning ED-level (or even at a lower level) micromanagement arrangements.

This remedy would also contribute to fix the other flaw I referred to earlier in this submission: high territorial volatility in Irish constituencies. It is a consequence of a strict interpretation of the equal representation clause. Without challenging its relevance in Irish political culture, the principle enshrined in the Irish Constitution and upheld by the ruling in O'Donovan v Attorney General [1961] lacks a concrete specification regarding which degree of deviation should be deemed acceptable. In my opinion, the ruling in O'Donovan was aimed at preventing ratio divergences from occurring as a result of a bias towards rural areas and not as the application of a mathematical apportionment rule. Before discussing how certain divergence degree is mathematically unavoidable, it should be remembered that the stricter the equal representation clause is, the more volatile constituencies will be in the sense they should be subject to boundary revision more frequently. As I discussed in my master's dissertation, this leads to both candidates and voters to lack stable territorial bases, which is essential in a State where party identification is among the weakest in Europe – being it complemented with a strong preference for local

candidates. Even though territorial change is unavoidable from time to time, this is not meant to undo constituency work from representatives with every election. Instead, allowing a greater deviation would permit TDs and voters from bordering areas adapt for further changes in the long run, respecting one term of reference that is stated by Section 57(2) of the Electoral Reform Act, 2022 – continuity. The ruling in Murphy v Minister for Environment [2007] admits that a greater degree of divergence could be deemed acceptable if this leads to a more coherent set of constituencies by reference to the relevant [redistricting] criteria. Later on, it also states that considering a certain margin of deviation appropriate may depend on the extent to which other relevant factors can properly be met. This is enough to support a larger margin for deviation, yet it does not define how large could it be not to breach the equal representation clause. If we check current constituencies population figures at the time they were last revised (2017), we observe that the national average was of 29,762 inhabitants per TD, having Dublin North-West the highest absolute deviation (5,25%). According to the 2017 report made by former Constituency Commission, a 5% deviation was considered a desirable limit, which was only exceeded by Dublin North-West and Dún Laoghaire. However, this limit is rather narrow to maintain constituency boundaries untouched for a long time. Consider a range of national averages from 29,500 to 30,000, for which a margin of $\pm 5\%$ deviation is applied to calculate population figures required for three, four and five-seat constituencies to fall within it, which are as follows:

	29,500 \pm 1,475	30,000 \pm 1,500
x 3 seats =	84,075 – 92,925	85,500 – 94,500
x 4 seats =	112,100 – 123,900	114,000 – 126,000
x 5 seats =	140,125 – 154,875	142,500 – 157,500

There is a range of roughly 19,000 inhabitants between three and four-seaters in which a constituency exceeds the 5% limit, and roughly 16,000 between four and five-seaters. This is to say that any mathematical reapportionment can leave most of a current constituency scheme obsolete. If current Dáil Éireann constituencies

had their population divided by a divisor which is close to the constitutional limit of 30,000, leaving their boundaries untouched, 25 out of 39 constituencies would have an absolute ratio deviation above a 5% (three of them would exceed current five-TDs limit, but even a perfect split into two three-seaters would not avoid that excess). Another point that should be made is that the range of populations that not comply with a given deviation margin is narrower whenever the constituency magnitude increases. The following table shows all possible populations for every three, four and five-seaters for the same national divisors as stated in the former, using a standard rounding rule (similar to an exact proportional apportionment):

	29,500	30,000
x 2.5 (3 seats) =	73,750 – 103,249	75,000 – 104,999
x 3.5 (4 seats) =	103,250 – 132,749	105,000 – 134,999
x 4.5 (5 seats) =	132,750 – 162,249	135,000 – 164,999

These ranges of population would lead to the following ratios:

	29,500	30,000
/ 3 seats =	24,583 – 34,416	25,000 – 35,000
/ 4 seats =	25,813 – 33,187	26,250 – 33,750
/ 5 seats =	26,550 – 32,450	27,000 – 33,000

It can be noticed that the highest deviation from the national average for each of these ranges is equal (or roughly equal) to the quotient between the 0.5 – which is the fractional value used in a standard rule, and the number of TDs apportioned to a constituency. Hence, three-seaters can cause a deviation as high as around a 17%; four-seaters, around a 12.5%; and five-seaters, around a 10%. The minimum of TDs required for a constituency to always fall within a 5% limit is ten – being it rather high for an election conducted under a STV method, although it would be desirable that six and seven-seat constituencies were allowed in general elections (as it already happens when it comes to local elections). There is a reason behind this: avoiding division of over-populated constituencies that implies arranging for

one or two three-seaters, which are more likely to cause a high deviation degree. In recent years, five-seat constituencies have been prioritised by commissioners. Considering this and statutory requirements (especially continuity), a principle of equal representation could be constructed in such a manner that it would permit a deviation as high as a 10% – which is the number set by the Venice Commission in its Code on Good Practice in Electoral Matters (2002), upheld later in its Report on Constituency Delineation and Seat Allocation (2017).

Nonetheless, whenever such a limit is lower than the one which the constituency with the least number of TDs could return in an extreme case, micromanagement could still be considered a remedy if no combination of MDs, LEAs or recognisable physical features can be below the maximum deviation. In such cases, what could be done is lowering its impact by ensuring transferred areas are somehow linked to the recipient constituency, as any territorial transfers between Laois and Offaly, or any other counties which have long shared constituency. Unavoidably, certain county boundaries have to be breached when such transfers are to be made. For this reason, I find it necessary to concentrate micromanaged areas in just one MD or LEA to, at least, preserve a high rate of co-ordination between councillors' and TDs' territorial bases. There might not be a perfect match, but a more pragmatic, territorially consistent approach is likely to achieve a more satisfactory districting. Before moving on to my proposal, I would like to finish this first part by making a point on the need for a simultaneous redistricting process for both local and Dáil constituencies, as well as European Parliament ones – as in Spain, where it is well established that, for instance, our national constituencies match one (or several) regional elections constituencies, and these match several local electoral ones so there is no such a case where parts of a municipality are spread in several higher-tier elections. This might not be that important in Spain, where national and local politics may differ substantially due to our higher degree of decentralisation, but it definitely is in Ireland – which has rather centralised local councils and a lesser territorial extent. Hence, a better co-ordination between both tiers is essential. However, this is left to the commissioners' judgment as such an approach has not been properly implemented as a statutory term of reference.

This submission is double – one for a hypothetical situation, where six and seven-seaters are allowed in a near future; and another one, where all prospective six and seven-seaters are to be split to comply with current terms of reference. What is not suggested here is what the electoral map should be like, but an outline and general indications to orient redistricting. Before proceeding, I have calculated an ideal Dáil size of 173. This number is far from arbitrary: as the Schedule attached to this document shows, this Dáil size returns the lowest ratio deviation amongst all legally possible number of TDs (currently between 171 and 181). Figures in the table show each territorial unit (which shall be split into constituencies in certain cases) average population-per-TD ratio deviation from the national average, so it reflects a perfect adjustment. For instance, in a 173-member Dáil, South Dublin is entitled to 10 TDs and returns a 1.23% deviation – which means that a perfect split into two five-seaters would result in a deviation as low as a 1.23%. It can rise if another arrangement is decided. In both proposals (with and without the upper five-TD limit), the maximum deviation level for a 173-member Dáil is returned by Wexford, which can easily be split in almost two equally populated constituencies – so it virtually implies that a maximum ratio deviation of an 8% can be achieved. It is not casual that constituencies from the first proposal comprise one or several constituencies from the second one. This has been made to respect continuity in case the maximum number of TDs is finally risen.

Please note unless I state the contrary, I refer to entire administrative counties.

(A) CARLOW-KILKENNY (6): it could be split in two, CARLOW (3) and KILKENNY (3). As Carlow would fall behind $\pm 20,000$ inhabitants, these could be transferred from MD Castlecomer in North-Kilkenny – hence I suggest naming both constituencies Carlow-North Kilkenny and Kilkenny South.

(B) CAVAN-MONAGHAN (5)

(C) CLARE (4): although this constituency would be slightly below the 8% limit, it would be possible to transfer EDs that are north of the Shannon in neighbouring Limerick City. It could be renamed as Clare-North Limerick if it was brought about.

(D) CORK CENTRAL (7): it would encompass the entire City of Cork (under current boundaries). Its division in CORK NORTH-CENTRAL and SOUTH-CENTRAL (a three and a four-seater, depending on which one is more populated) could be achieved either by following river Lee or the current split between both constituencies that fall within Cork City – or a similar arrangement that could match its current LEAs.

(E) CORK COUNTY: under the first proposal, it could be divided into CORK NORTH-EAST (6) and CORK SOUTH-WEST (6). While the former could encompass all areas north of the Lee (excluding MD Macroom), the latter could spread mostly across the Southernmost parts of the county. Under the second proposal, it can be split into already-existing CORK EAST, CORK NORTH-WEST and CORK SOUTH-WEST. My suggestion is that they are all four-seaters, although I am aware that Cork North-West is deemed a rather difficult area to canvass due to geographic features, but I certainly recommend that commissioners align them with current MDs or LEAs.

(F) DONEGAL (6): its division would restore formerly existing DONEGAL NORTH-EAST (3) and DONEGAL SOUTH-WEST (3), roughly following their last boundaries.

(G) DUBLIN CITY: while, south of the Liffey, both DUBLIN SOUTH-CENTRAL (4) and DUBLIN SOUTH-EAST (4) could be maintained for both proposals, they may differ north of the Liffey. Under the first one, a new DUBLIN NORTH-CENTRAL (6) could replace current Dublin North-West and Dublin Central (part) and DUBLIN NORTH-EAST (6) could replace current Dublin Bay North and Dublin Central (part). Under the second, DUBLIN NORTH-WEST (3), DUBLIN NORTH-CENTRAL (4) and DUBLIN NORTH-EAST (5) could be maintained (although renamed if it is deemed suitable). In all cases, no ED (or part of it) outside Dublin City is to be included within them, and no ED (or part of it) inside Dublin City is to be included within constituencies outside it – this should be applied to all administrative counties in County Dublin.

(H) DÚN LAOGHAIRE-RATHDOWN: DUBLIN RATHDOWN (4) and DÚN LAOGHAIRE (4), being the former entitled to one extra seat as to keep a more precise division.

(I) FINGAL: DUBLIN WEST (5) and DUBLIN NORTH (6) – the latter could be split in FINGAL NORTH (3) around Swords and rural areas and FINGAL SOUTH (3) around Dublin Bay and those parts of Swords not included within suggested Fingal North.

(J) GALWAY CITY AND COUNTY: due to geographical considerations, GALWAY EAST (5) could encompass all Galway County MDs east of Galway City and Lough Corrib and GALWAY WEST (4) could encompass Galway City and MD Conamara.

(K) KERRY (5)

(L) KILDARE: both KILDARE NORTH (4/5) and KILDARE SOUTH (3/4) could be kept.

(M) LAOIS-OFFALY (6): under the second proposal, it would be necessary to divide it into shortly-lived LAOIS (3) and OFFALY (3). Given their similar population, there would be no need to transfer population from Laois to Offaly.

(N) LIMERICK CITY AND COUNTY (7): under the second proposal, it would be split into current LIMERICK CITY (4) and LIMERICK COUNTY (3). Note that, in case north of the Shannon EDs in Limerick City were transferred to Clare, then I suggest that Limerick City is renamed as Limerick City South.

(O) LONGFORD-WESTMEATH (5)

(P) LOUTH (5)

(Q) MAYO (5)

(R) MEATH (7): it could be split into existing MEATH EAST (3/4) and MEATH WEST (3/4), transferring to them all EDs in County Meath which are not currently within them (under their 2017 boundaries).

(S) SLIGO-LEITRIM-ROSCOMMON (6): it can be split into formerly existing SLIGO-NORTH LEITRIM (3) and ROSCOMMON-SOUTH LEITRIM (3), as County Leitrim has a natural division north and south of Lough Allen.

(T) SOUTH DUBLIN: it can maintain current DUBLIN MID-WEST and SOUTH-WEST, although I suggest that both of them are five-seaters.

(U) TIPPERARY (6): it can be split again into TIPPERARY NORTH (3) and SOUTH (3).

(V) WATERFORD (4)

(W) WEXFORD (6): it can be split into both WEXFORD NORTH (3) and SOUTH (3).

(X) WICKLOW (5)

While the first proposal would only have 33 constituencies, this figure rises to 45 for the second one, being it a consequence of a comparatively low upper limit in constituencies size. I strongly recommend that a debate on electoral reform starts as soon as possible, especially because of the following flaws:

(1) The lack of a quicker redistricting process, which should not take much longer than it takes a new Census to come into effect – I know that only definite figures, not preliminary, are the ones which are constitutionally relevant, but the former are reliable enough to envisage what a future electoral scheme should look like.

(2) Attachment to strict, although undefined and imprecise, ratio deviation limits, which causes a systematic breaching of the terms of reference for redistricting – especially territorial continuity, which is more important in a political culture that is more locally-oriented than party-oriented in comparison with Western Europe.

(3) Over-presence of three and four-seat constituencies, which might reach ratio deviations above a 10% from the national average. This starts to be minimised at five seats and completely eliminated at more than six seats. Nevertheless, a large constituency size is undesirable under STV (among other reasons, because a low constituency magnitude is already highly representative thanks to vote transfers). In order to find a balanced remedy, rising the upper limit to seven seats would enhance a more stable electoral map that could be left untouched for longer without risking a degree of deviation, above international standards, to appear.

(4) Although it has not been stated before, the fact that Dáil constitutional ratio of one TD for every 20,000-30,000 people was implemented at the time of the independence – with a much lower population, around 3 million inhabitants. This could be adapted to current population and rising it so that 30,000 becomes the minimum ratio. Another suggestion is that a variable formula can be applied. The findings in Taagepera and Shugart's Votes from Seats: Logical Models of Electoral Systems show that, in many States, their lower chamber size roughly equals the cube root of its population. This would leave current 181-TD upper limit feasible up to 6 million people, so a 200-member Dáil can be avoided if such a population figure is ever reached.

I shall thank the Irish Electoral Commission for considering this submission. Here I express my wish to be able to contribute to a deeper debate on a Dáil electoral reform. My interest on it is due to my enthusiasm towards the STV voting method – which I am devoting my ongoing PhD thesis to, and whose introduction in Spain I support. Certainly, this submission is more a middle way between the paradigm I defended within my master’s dissertation (where a higher deviation degree and a more strict attachment to MDs are upheld) and the more flexible Irish approach regarding redistricting. I hope this submission can provide another insight to one of the most appreciated among academics (but overwhelmingly unknown within non-English speaking countries) voting methods – the STV.

For any further request or queries, please do not hesitate to contact me through this address: [REDACTED]. I would be very pleased to offer my insights as well as a copy of my further discussion on the Irish electoral system in my master’s dissertation.

Yours sincerely,

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Territorial unit	Population	171	Dev.	172	Dev.	173	Dev.	174	Dev.	175	Dev.	176	Dev.	177	Dev.	178	Dev.	179	Dev.	180	Dev.	181	Dev.
Carlow-Kilkenny	165.616	5	10,55	6	7,34	6	6,80	6	6,26	6	5,72	6	5,18	6	4,64	6	4,10	6	3,56	6	3,03	6	2,49
Cavan-Monaghan	146.033	5	2,52	5	1,95	5	1,38	5	0,81	5	0,24	5	0,33	5	0,90	5	1,47	5	2,04	5	2,61	5	3,18
Clare	127.419	4	6,32	4	6,94	4	7,56	4	8,18	4	8,80	4	9,43	4	10,05	4	10,67	4	11,29	4	11,91	4	12,53
Cork City	222.333	7	6,01	7	6,63	7	7,25	8	5,62	8	5,07	8	4,53	8	3,99	8	3,45	8	2,90	8	2,36	8	1,82
Cork County	358.898	12	0,18	12	0,40	12	0,99	12	1,57	12	2,16	12	2,74	12	3,32	13	4,09	13	3,55	13	3,01	13	2,47
Donegal	166.321	6	7,48	6	6,94	6	6,40	6	5,86	6	5,32	6	4,78	6	4,24	6	3,70	6	3,15	6	2,61	6	2,07
Dublin City	588.233	20	1,84	20	1,26	20	0,69	20	0,12	20	0,46	20	1,03	20	1,61	20	2,18	21	2,14	21	1,59	21	1,05
Dún Laoghaire-Rathdún	233.457	8	2,60	8	2,03	8	1,47	8	0,90	8	0,32	8	0,24	8	0,81	8	1,38	8	1,95	8	2,52	8	3,09
Fingal	329.218	11	0,11	11	0,47	11	1,06	11	1,64	11	2,23	11	2,81	11	3,39	11	3,98	11	4,56	12	3,62	12	3,08
Galway City and County	276.451	9	2,52	9	3,12	9	3,72	9	4,32	9	4,92	10	5,04	10	4,50	10	3,96	10	3,42	10	2,88	10	2,34
Kerry	155.258	5	3,64	5	4,24	5	4,85	5	5,45	5	6,06	5	6,67	5	7,27	5	7,88	5	8,48	5	9,09	5	9,70
Kildare	246.977	8	3,04	8	3,64	8	4,24	8	4,84	8	5,45	8	6,05	9	5,20	9	4,66	9	4,13	9	3,59	9	3,06
Laois-Offaly	174.325	6	3,03	6	2,46	6	1,90	6	1,33	6	0,76	6	0,20	6	0,37	6	0,94	6	1,51	6	2,07	6	2,64
Limerick City and County	205.444	7	2,05	7	1,47	7	0,90	7	0,33	7	0,25	7	0,82	7	1,39	7	1,96	7	2,54	7	3,11	7	3,68
Longford-Westmeath	142.474	5	4,90	5	4,34	5	3,79	5	3,23	5	2,67	5	2,12	5	1,56	5	1,00	5	0,45	5	0,11	5	0,66
Louth	139.100	5	7,15	5	6,61	5	6,06	5	5,52	5	4,98	5	4,43	5	3,89	5	3,35	5	2,81	5	2,26	5	1,72
Mayo	137.231	5	8,40	5	7,86	5	7,33	5	6,79	5	6,25	5	5,72	5	5,18	5	4,65	5	4,11	5	3,58	5	3,04
Meath	220.296	7	5,04	7	5,65	7	6,26	7	6,88	8	5,94	8	5,41	8	4,87	8	4,33	8	3,79	8	3,26	8	2,72
Sligo-Leitrim-Roscommon	174.901	6	2,71	6	2,14	6	1,57	6	1,00	6	0,43	6	0,13	6	0,70	6	1,27	6	1,84	6	2,41	6	2,98
South Dublin	299.793	10	0,06	10	0,64	10	1,23	10	1,81	10	2,40	10	2,98	10	3,57	10	4,15	10	4,74	10	5,32	11	3,72
Tipperary	167.661	6	6,74	6	6,19	6	5,65	6	5,10	6	4,55	6	4,01	6	3,47	6	2,92	6	2,37	6	1,83	6	1,28
Waterford City and County	127.085	4	6,04	4	6,66	4	7,28	4	7,90	4	8,52	4	9,14	4	9,76	4	10,38	4	11,00	4	11,62	4	12,24
Wexford	163.527	5	9,16	5	9,79	6	7,97	6	7,44	6	6,91	6	6,38	6	5,85	6	5,31	6	4,78	6	4,25	6	3,72
Wicklow	155.485	5	3,79	5	4,39	5	5,00	5	5,61	5	6,22	5	6,82	5	7,43	5	8,04	5	8,64	5	9,25	5	9,86
Average deviation			4,41		4,30		4,22		4,10		4,03		4,04		4,08		4,16		4,16		4,08		3,96
Standard deviation			2,84		2,65		2,56		2,60		2,65		2,68		2,61		2,64		2,80		3,06		3,32
Maximum deviation			10,55		9,79		7,97		8,18		8,80		9,43		10,05		10,67		11,29		11,91		12,53