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To: ELC Research
Subject: Submission to An Coimisiún Toghcháin

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To whom it concerns, I would like to make the following submissions to An Coimisiún Toghcháin in relation to its research priorities in the context of its first draft research programme:

Election posters

While many complain about the plastic used in election posters and oppose their use, they are a vital part of our democratic process. The restrictions on posterage, in the Litter Pollution Act 1997 and other instruments, mean that the time within which posters are up is quite limited. They are a vital announcement of a poll at a time when channels of communication, from official notices to mainstream media, are not necessarily followed by every citizen; when posters are erected, it is clear that an election is happening and people know to inform themselves if they want to.

Furthermore, posters are a hugely important vehicle for non-incumbent or first-time candidates, who might not be as well known as public figures or those previously elected. To ban or restrict posters (such as the practice in many continental European jurisdictions), would be to seriously disadvantage a lesser known candidates and restrict his/her ability to make his/her candidature known.

There are already clear limits on how much each candidate is allowed to spend on an election campaign, so it is not the case that an unlimited number of posters can be erected; hence, there is a natural restriction on the amount of election material that can be displayed. My own view is that the presence of election posters is not unsightly, but a colourful and cultural feature of the democratic process.

There remains an issue, however, with plastic cable ties, which are used to affix posters to poles. There appears to be no way to trace these plastic products to the users, and consequently, poles all over the country are (illegally) littered with the remnants of election material. I wonder if the Commission could consider some system for recording or registering the source of these cable ties so that polluters could be held responsible? This could be done by stamping or colouring the ties, with an obligation on candidates to have their cable ties marked or registered before using them to erect posters, and a further rule that only marked cable ties could be used to erect election material.

Voting from age 16

I support the proposal to reduce the minimum voting age to 16 years. The reality is that young people are the ones who will most directly have to deal, tomorrow, with the consequences of decisions made by politicians and governments today.

The assignation of 18 as the age of majority and the minimum voting age is arbitrary and out-dated. It is difficult to justify that there is a such a substantial difference between the maturity or understanding of an 18-years old person and a 17- or 16-years old person. It is inconsistent with other minimum age limits such as those for marriage (with permission), joining the defence forces, employment or driving certain vehicles, and many parts of Europe are moving towards lowering the voting age for a number of good reasons.

The age of maturity has change in real terms, even in the fifty years since the voting age was set at 18, in 1973, by the 4th Amendment to the Constitution. In real terms, young people in Ireland today mature at an earlier age and are required to grapple with greater issues at younger ages. The continued prohibition on voting until 18 does not reflect this change in the experiences of young people.

Repeated studies prove that people who engage in democracy at a younger age are more likely to remain engaged and to participate in the democratic process throughout their lives. I feel that it would be easier to engage and enfranchise more young people at a time when most of them will still be in full-time education.

Postal voting

I believe there is a value to the majority of voters going to the polls on the same day, per Article 16.4.1°; therefore, I think that postal votes should remain the exception. However, the very fact that a person is disenfranchised because he or she is not available, for whatever reason, on the chosen polling day, is wrong.

The current operation of the legislation allows only people in very limited circumstances to avail of a postal vote, and they are limited to work or employment circumstances, and health circumstances. Hence, people who are unavailable because of holidays away, are disenfranchised through no fault of their own. It seems arbitrary, unfair and unreasonable that an accommodation should be afforded to people who are away for work, but not people who are away for other reasons.

I think that a postal vote should be available to any person who needs one because of absence on polling day, but should require to be the subject of an application at each poll.

Electronic voting

We are lucky enough to have an excellent, fair and representative electoral system in Ireland. It is complicated but relatively well understood by the electorate, specifically in that voters understand the value of their votes and the preferential system. The manner in which votes are counted publicly also gives this system an extraordinary level of transparency.

Electronic voting does not have the same qualities, as we saw during the trials of same in 2002. A simple announcement of a calculated result does not provide transparency or understanding and should be avoided. There is a visceral benefit to the physical marking of the ballot paper that does not come with electronic voting, even if the electronic voting system provides a printout or verification copy of the vote cast.

Tallying at election counts

As mentioned above, there is a superior transparency to the public counting system that we have in Ireland. A key element of this is that the count is observed by representatives of candidates and their parties. Parallel to the count is an unofficial tally of votes by those representatives, who carefully observe and note the counting of ballots and the numbers of votes.

The experience of tally staff/volunteers varies hugely, with some count staff facilitating the tally by turning ballots slowly, placing the ballots upright for the observers, and acquiescing to occasional requests to slow down, count again, or clarify. None of these cooperations or courtesies conflicts with the integrity of the ballot. However, sometimes, count staff will see tally staff/volunteers as a hindrance and will not cooperate with them, will not facilitate clarifications, will place ballots upside-down for observers, et cetera.

It is very important that returning officers and count staff understand that tally staff/volunteers play a crucial role in underpinning the validity, accuracy and integrity of the count process: if the tally is substantially different from the count, questions should be asked as to why this is. The tally and the official count should be very close, and in such circumstances, it reinforces the accuracy and authenticity of the official result.

Wherever possible, observers and tally staff/volunteers should be encouraged, facilitated, assisted and respected. To do otherwise is to disregard an important transparency element of our electoral count process.

Polling stations

Polling stations should be, without exception and without the need for a request for a ramp or other facility, be accessible for people with mobility issues.

Polling stations should include clear notices of the provisions for persons with accessibility issues such as vision impairment, reading and/or writing issues, or any other difficulty that the voting process might pose for a voter.

Electoral register

I welcome the work being done by the Commission on modernising and up-dating the electoral register. The improved voter registration process is enfranchising and extremely positive. I support the linking of electoral registration to PPS numbers, dates of birth and contact details, which will improve its accuracy, reduce duplication and result in a more reliable register.

As I understand it, while it is clearly an offence to vote more than once, it is not an offence or impermissible to be registered more than once. Certainly, many citizens remain on the register in two locations, more often than not in different constituencies. This is facilitative of people who spread their lives across different locations, such as work and home, or homeplace and other location. This way, depending on where that voter is on polling date, he or she can still cast a vote without having to migrate to a polling station that may be very far away.

While the will make no difference to the results in national referenda or Presidential elections, it can affect the results of individual local of Dáil elections, and it is undoubtedly undesirable from the point of view of the risk of abuse and more than one vote being cast. Currently, I understand that new systems are endeavouring to prevent duplication on the electoral register, which not only carries this risk, but also skews turnout figures if more voters are registered than may vote.

While I support efforts to rationalise the register nationally, I think it important to facilitate voters who might have grown up in one constituency but who now live in another. All voters should be able to choose their polling station by a certain juncture in the election cycle so that they can vote at the most appropriate and convenient polling station for them. Obviously, provision may also have to be made for such voters in the context of by-elections, but the technology exists to allow the flexibility of the electoral register in such circumstances.

Abolishing by-elections

One of the strongest and most unusual features of our lower house is that every single member has been elected there by a popular mandate. Even a TD who is automatically deemed re-elected by virtue of being the out-going Ceann Comhairle, obtained his or her position in the first instance by the vote of the people. No member of Dáil Éireann is there because of a substitution or default.

This bring a unique authority and validity to our legislature and should not be diluted by the implementation of a reserve system.

A possible exception to this might be provisions to allow a TD to be temporarily replaced by a substitute (nominated at the time of his or her election and listed on the ballot paper) in the event of parental leave or illness.

Votes for citizens abroad

I am in favour of enfranchisement, in general, and am aware of the substantial lengths that many other countries go to allow their citizens to vote while living abroad. However, all those countries differ from Ireland in the size of their diasporas, relative to their populations. Ireland has an enormous diaspora; because of our citizenship laws, we have tens of millions of citizens who do not live in the Republic of Ireland, or indeed on the island of Ireland. Some of those citizens have limited affinity for, connection to or understanding of Ireland and its politics, and many have no real connection beyond their passports.

There is a genuine danger with any proposal to extend the franchise beyond resident citizens, that it will result in political decisions being made by people who are not affected by them.

While the old maxim that there should not be taxation without representation is valid in its own place and time, I believe that there should be no representation without taxation in the context of Irish elections.

I am aware that there is a proposal to hold a referendum on extending the franchise in Presidential elections, and I am opposed to it. However, a similar proposal in relation to parliamentary or local elections is fraught with even greater difficulty.

Votes for persons in custody

Given the remit of the Commission in increasing turnout, can I suggest that a campaign of voter registration be launched within places of detention in advance of any poll as many prisoners - who have the right to vote - are unaware of it and do not, *de facto*, have the opportunity to exercise it.

Archiving of election material

The Commission should consider an archive of electoral material from all parties and none, from its own material, and from across the country. As mentioned above, election material constitutes a cultural expression of our polity and has a historic, research and heritage value. Currently, although there are some people (including elected representatives and political parties) who retain political literature and maintain collections of same, this is only done in a private capacity.

It seems that there is a missed opportunity, at official or State level, for there to be a collection or archive of this unique material, including digital material, which would be of immense value to future generations and scholars.

There is a unique role and capacity for An Coimisiún Toghcháin to step into this role and fill this need.

If you require anything further, please do not hesitate to contact me.

Yours faithfully,

Barry.

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