

**Submission from the  
National Disability Authority  
to the  
Electoral Commission's Draft Research  
Programme**

January 2024



Údarás Náisiúnta Míchumais  
National Disability Authority

## **I. What is your view on the five proposed research strands? Are there amendments or additions you would suggest?**

See [page 12 of the Draft Research Programme](#) for details of the five proposed research strands.

The National Disability Authority (NDA) welcomes this research programme and looks forward to engaging with the Electoral Commission on some of the issues being covered. The electoral landscape has changed significantly in recent years and so there are many new developments for the Commission to consider.

### **Strand A: Longitudinal Survey Research and Data Collection**

The NDA welcomes the plans to conduct a longitudinal survey. We suggest that a disability marker is captured in this survey. The National Statistics Board advise that all national surveys or data collection use the census disability question in order to allow for comparisons across data sources and a harmonised approach to data collection.<sup>1</sup> The NDA would be happy to advise on same.

Participation in an election is often used in surveys as a proxy to measure social connectedness and civic engagement of disabled people and this could be considered when collecting demographic and other background data on individuals.

There is learning in Ireland on conducting longitudinal surveys including through TILDA (the longitudinal study on ageing) and Growing Up In Ireland (the longitudinal study on children). There may be ways to look at data linkage between these longitudinal surveys and with CSO data to enhance the data collected. This would be in line with the data minimisation principle.

We welcome the fact that the data produced will be open source but we also suggest recommending that any publications in peer review journals arising from the use of the data, by the Commission or others, is published in open access journals.

### **Strand B on Electoral Law, Systems and Electoral Infrastructure. Accessible Voting Checklist**

In 2015, the NDA drew on its own resources and experience in other, similar jurisdictions to compile a checklist for use on voting days. The checklist was

---

<sup>1</sup> [https://www.nsb.ie/media/nsbie/pdffdocs/NSB\\_Statement\\_of\\_Strategy\\_2021\\_2026.pdf](https://www.nsb.ie/media/nsbie/pdffdocs/NSB_Statement_of_Strategy_2021_2026.pdf) (page 27)

created in consultation with the Irish Wheelchair Association and was sent to all Returning Officers. The checklist is a general guide on some of the issues that should be considered in planning for and checking the accessibility of polling stations. It does not constitute a legal interpretation of any statutory provision, rather it is intended to assist returning officers.

Based on feedback received by the Dept of Housing, Local Government and Heritage and considered by the Dept's Working Group on Accessible Voting – since 2018 – it is apparent that the experience of disabled voters on polling days isn't uniform across the country. More work needs to be done on physical accessibility in some polling stations. There are still information gaps on polling day that need to be addressed in relation to the options that disabled voters have to cast their vote.

- Further research is necessary to update this checklist. NDA would be happy to work in collaboration with the Commission and the Working Group on Accessible Voting (see below).

### **Secret Ballot**

There are some voters who are unable to cast their vote in private due to their disability. The legislation currently provides for assistance in voting at the polling station by a companion or by the Presiding Officer for people with a vision impairment, physical disability or literacy difficulty.

People who are blind or vision impaired encounter many barriers to voting. In recent years several efforts have been made to try and create the circumstances to remove these barriers through research, legal action and via statutory and non-statutory methods. On foot of the Sinnott Case and the **Electoral Regulations 2016** a Working Group was established by the Department of Housing, Local Government and Heritage in December 2018. The Working Group - of which the NDA is a member – has made progress on the development of Ballot Paper Templates from an initial template in the 2018 presidential election through to a much larger template, with more accessibility features, for the 2020 General Election.

The **Assisted Decision-Making (Capacity) Act 2015 (as amended)** was commenced on 26 April 2023. The legislation has potential implications for all relevant public bodies – including the Commission. While the Act doesn't mention voting, it is possible that there will be people presenting at polling stations to vote who may not have been assessed previously as having the capacity to do so under the old legislation. It will be important that all officials involved in the electoral process, generally, and in polling stations on election/referendum days are made aware of their roles under the legislation, and the guiding principles of these Acts, the first of which is presumption of capacity.

All election officials would benefit from a survey and research into their knowledge of the possible impact this legislation may have on their conduct of elections.

For postal vote users their name and address are included in the postal vote, therefore it is not a secret ballot.

While some progress has been made it is still the case that the voters described above do not have the same opportunity to cast their vote in secret, as the vast majority of other voters do.

- Research is required to see whether comparable jurisdictions have found solutions to this issue as Article 29 of the UN Convention on the Rights of Persons with Disabilities (UNCPRD) is clear that disabled voters should be able to vote on a par with other voters.

The **Electoral Reform Act 2022** did not repeal subsection 103(6) of the **Electoral Act 1992**<sup>2</sup>. This is where a Presiding Officer may refuse anyone coming to vote, access to vote, if they require assistance and arrive within the last two hours of voting. This is because a disabled person may require the Presiding Officer to spend some time with them, and this could obstruct other voters from voting. This provision impedes the right to vote for those voters who require assistance and may be particularly problematic for voters with capacity issues.

- We would suggest some research with polling station officials on whether removing this provision would have any impact on their ability to conduct their business on election day. Maybe a pilot could be run in selected polling stations to allow for assistance in the final two hours of voting and assess any possible effect?

## **Strand D on Education, Public Engagement and Inclusion**

Accessible communication is very relevant to disabled people. A Universal Design approach to communicating voter information and education will improve the knowledge of all potential voters to ensure equal and meaningful participation in all elements of the electoral process. Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people, regardless of their age, size or disability. This includes public places in the built environment such as buildings, streets or spaces that the public have access to; products and services provided

---

<sup>2</sup> <https://www.irishstatutebook.ie/eli/1992/act/23/section/103/enacted/en/html#sec103>

in those places; and systems that are available including information and communications technology (ICT).

The NDA has produced, in partnership with the Department of Public Expenditure, NDP Delivery and Reform, a **Customer Communications Toolkit for Services to the Public - A Universal Design Approach**<sup>3</sup>. This document offers guidance on best practice in implementing Universal Design in a public body's various means of communicating with its customers. Universal Design principles should be a key element in the design of the new Electoral Commission's communications and the delivery of its functions, as this will address access, and ease of use of voting for all eligible voters, including those with disabilities.

- It will be important to conduct research as to the effectiveness of the communication methods used, where possible disaggregating response by disability status.

## **Strand E: Blue Sky/Curiosity-Driven Research**

The NDA recommends that the Commission review the Government's **Creating Our Future**<sup>4</sup> report for further research ideas under this heading. The NDA held its own "The Big Think" brainstorming event, in November 2021, for disabled people and disability stakeholders. This event formed the basis of the NDA's submission to Creating Our Future. The NDA's submission contains 101 research ideas that had been collected from the participants who attended 'The Big Think' event.<sup>5</sup> Idea No. 44 might be something the Commission could consider in the area of participation: How available is support to enable persons with disabilities participate in social and civic life?

## **2. Which of the research questions under section 4 would you consider most important and why?**

See [page 14 of the Draft Research Programme](#) for details of the Potential Research Projects.

---

<sup>3</sup> <https://universaldesign.ie/products-services/customer-communications-toolkit-for-services-to-the-public-a-universal-design-approach/>

<sup>4</sup> <https://creatingourfuture.ie/the-ideas/>

<sup>5</sup> <https://nda.ie/publications/compilation-of-ideas-on-creating-our-future-event>

## **Strand A: Longitudinal Survey Research and Data Collection**

We consider this to be very important and agree with the reasons outlined in the draft proposal.

## **Strand B on Electoral Law, Systems and Electoral Infrastructure**

### **Use of posters**

The research on election posters is important and the NDA recognises the concerns related to environmental impact. However, posters serve as a prominent and straightforward visual reminder of the identity of candidates for certain people who may have an intellectual or learning difficulty but who still may have the capacity to vote. They can also assist some people with vision impairments due to the large print. Research may be required to ensure that any move away from posters will consider alternative means of communication that will be inclusive of disabled people and mitigate any unintended consequences that may serve to exclude disabled people or create barriers to voting.

### **The extension of postal voting**

We agree with the Commission's proposal to conduct research on the extension of postal voting as many disabled people are unable to attend polling stations to cast a vote due to:

- the accessibility of the polling station
- the accessibility of voter information
- the availability of accessible transport on polling day
- the accessibility of their journey from their residence to the polling station
- the availability of a personal assistant (PA) on polling day
- not being able to attend a polling station due to the nature of their disability

There are provisions in the **Electoral Reform Act 2022** to allow for multiple polling days which arose from concerns about a pandemic interfering with the election process. It will be important that any regulations drafted for this purpose are backed by research to take account of the needs of persons with disabilities. For examples those who employ personal assistants may be limited to certain days that they can vote.

The NDA is aware that the length of time afforded to persons with disabilities to apply for a postal vote is dependent on the legislation in place. In some cases, the time between the advertisements appearing in the media and the deadline for receipt of applications by a local authority, can be as little as 48 hours. It is difficult for anyone to get an application ready and delivered in this timeframe, and persons with disabilities can encounter additional barriers and obstacles

throughout this process. Potential voters who may need to use this facility should be made aware that they can apply to be on these lists throughout the year, not just when elections are called. The current system for postal and special voting means that those who have to vote this way must cast their vote often before the final hustings/debates are held, so they miss the opportunity to hear all the information and then make up their minds. Any research on the extension of postal voting should consider these issues.

### **Electoral register**

Online electoral registers and all the Commission's websites and apps need to comply with the EU Web Accessibility Directive Under the EU Web Accessibility Directive (WAD) public bodies in Ireland must ensure their websites and mobile apps are accessible to all people, including persons with disabilities. It is already a requirement, under sections 26 & 28(2) of the **Disability Act 2005**, that websites and electronic communications, originating within this jurisdiction, are accessible to persons with disabilities<sup>6</sup>.

The Web Accessibility Directive (WAD) was transposed into Irish law via the **European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020** which came into force on 23 September 2020.

- It would be useful to research how similar projects in comparable jurisdictions have accounted for the needs of disabled voters.

### **Democratic and electoral participation**

There are no measures to support those disabled people who wish to run as candidates for election. It is important that persons with disabilities are not prevented from standing as candidates because of barriers they may face. It should be possible for a candidate who is deaf or hard of hearing to be able to access the services of an Irish Sign Language interpreter. A person with a physical disability may need help with transport (e.g., taxi fares) if they don't have access to public transport or an adapted private vehicle. A personal assistant may be required to help a candidate with various activities associated with an election. A potential candidate may also need some form of assistive technology.

Unpublished information about the obstacles that candidates with disabilities standing in the 2019 local elections, found that they faced:

- Extra costs due to their disability

---

<sup>6</sup> <http://www.irishstatutebook.ie/eli/2005/act/14/section/28/enacted/en/html>

- Unavailability of Irish Sign Language Interpreters or PA's
- Structural/accessibility barriers
- Failure of political parties to select disabled candidates
- Inaccessible information
- Difficulty engaging with local government structures without supports

The Oireachtas Joint Committee on Disability Matters published a report, in March 2022, entitled: **Ensuring Independent Living and the United Nations Convention on the Rights of Persons with Disabilities**<sup>7</sup>. The Committee makes the point that they are aware that the voices of persons with disabilities in Ireland are often excluded from decision making, through low representation of disabled people in the Dáil and the Seanad and low uptake in voting through inaccessibility of voting procedures.

Under the latest round of the NDA's Research Promotion Scheme,<sup>8</sup> a team from the University of Galway has been awarded a grant under the theme of Disability in Marginalised Groups and Communities. The project will examine the barriers for disabled people with multiple marginalised identities in political candidature or in holding elected office. This will be a relatively small-scale project hoping to conduct before and after interviews with 10-12 candidates seeking office in the 2024 local elections. It is a follow on from the unpublished research mentioned above. It is likely to recommend further research on barriers to participation is conducted and that may be an area the Commission wishes to include.

- Irish research on this subject has been small scale and is very much in its infancy. The Commission should have the capacity to examine the issues already raised in greater detail and on a wider scale. This research may need to involve examination of the efficacy of a payment for prospective candidates with disabilities who will need additional support to campaign for election

---

<sup>7</sup> <https://www.oireachtas.ie/en/committees/33/disability-matters/>

<sup>8</sup> <https://nda.ie/news/two-projects-awarded-funding-under-the-2023-24-research-promotion-scheme>



### **3. Are there additional research projects that you consider important to promote and enhance Ireland's democracy and electoral events? If yes, please specify?**

#### **Evidence of abuse of disabled people who engage in political life**

It has been well documented that politicians in general are the target of abuse and those with specific characteristics for example, women and ethnic minorities can be additionally targeted based on those specific characteristics. The advent of social media has led to an increase in abuse. Similarly, it has been well documented that persons with disabilities experience higher levels of abuse and discrimination when compared to the general population.<sup>9</sup> Therefore, it is likely that persons with disabilities, particularly those with visible or declared disabilities who participate or attempt to participate in political life may be subject to higher levels of abuse, including online abuse. It is important to note that disability along with gender, race, sexual identity, etc., can be interconnected and can compound the risk of abuse. People can have multiple identities.

There is no current documented evidence of harassment and abuse of disabled people who engage in political life in Ireland. It is likely that if it is happening it is underreported but it is also likely a feature of the very low number of people who have a disability or who choose to share their disability status who are active in political life. In addition, there is a relative lack of candidates with disabilities for political office.

- When section 145 of the **Electoral Reform Act 2022** is commenced and the Commission starts monitoring online electoral information, disinformation, misinformation and manipulative or inauthentic behaviour, research on the experiences of disabled people could be warranted to identify the extent to which these activities act as a deterrent to them engaging in any political activity or debate.

---

<sup>9</sup> For example, CSO Equality and Discrimination survey <https://www.cso.ie/en/releasesandpublications/er/ed/equalityanddiscrimination2019/>, CSO Sexual Violence Survey [Adult Experiences - CSO - Central Statistics Office](#)

#### **4. Are there any other comments or observations that you wish to make regarding An Coimisiún's research programme?**

##### **Participation of disabled people in decision making**

The UNCRPD outlines obligations on Government for how they include disabled people in the development, implementation and monitoring of policies and legislation and other decision-making processes. It applies at the local, national and international level.<sup>10</sup>

Disabled Persons Organisations (DPOs) are civil society organisations of persons with disabilities as distinct from other disability organisations and charities for persons with a disability. The UNCRPD emphasises that for an organisation to qualify as a DPO, it must be (largely) an organisation of persons with a disability where a majority of persons with disabilities form the management, staff, members, volunteers and user groups. The NDA recommends that the Commission consults with DPOs as part of the research programme to garner their views on relevant issues<sup>11</sup>.

The NDA has published '**Participation Matters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making**' that aims to support public bodies in achieving meaningful engagement with disabled people, especially through their representative DPOs.<sup>12</sup> Getting disabled people more visibly involved in decision-making helps to make their concerns, opinions and challenges more widely known which, in turn, helps to break down any possible barriers regarding attitudes and understanding.

##### **Using appropriate language**

The NDA has also produced an '**Advice Paper on Disability Language and Terminology**' which is intended as a practical guide for government departments and public bodies on the use of language about disability.<sup>13</sup> Using incorrect language can cause offence and perpetuate stereotypes and should be avoided.

---

<sup>10</sup> See in particular Article 4(3), Article 33 and General Comment 7.

<sup>11</sup> <https://nda.ie/news/evaluation-of-the-disability-participation-and-consultation-network>

<sup>12</sup> <https://nda.ie/publications/participation-matters-guidelines-on-implementing-the-obligation-to-meaningfully-engage-with-disabled-people-in-public-decision-making>

<sup>13</sup> <https://nda.ie/publications/nda-advice-paper-on-disability-language-and-terminology>