

Submission regarding An Coimisiún Toghcháin's first draft Research Programme

Pat McArdle

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While I am submitting as an individual, I am doing so as someone with a background in political science, having given long-term consideration and research to many of these proposals.

Although I have outlined below a large number of issues/areas to be researched and commented on proposals put forward, I believe that each of them are certainly worthy of at least minimum levels of research, if not subsequent action. Democracies across the world have unfortunately come under increasing threat from a myriad of sources, trends, and developments in the last number of years, with widespread democratic backsliding in many western established democracies. It is only through substantial levels of political research, democratic innovation, and ultimately adaptability, that Irish democracy can survive in the long term. While we currently can be proud of our relatively healthy democratic system compared to elsewhere, sticking with a stagnant status-quo in the long-term will only lead our democratic systems to succumb to the same erosion that has been witnessed in many other democratic countries. In light of this, please find my submission to An Coimisiún Toghcháin below:

N.B. I have reordered the 4 questions and my answers below as I refer to my answer for Q3 in my answer for Q2.

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

I think the five proposed strands are well considered and are well categorised. However, there needs to be a broad scope within each of the strands and with care taken that there is not an overly narrow interpretation or focus.

Strand A – I am fully supportive of a permanent National Election Study – I think for such a longitudinal research project to have weight it needs to have a sample size of at least 3,000 but ideally 5000 face-to-face, and also possibly augmented with online surveys for panel data with sample sizes of 10,000 or greater. Importantly this NES needs to be done for all election types.

Qualitative element – Critically, there needs to be a significant qualitative element as part of any serious long-term longitudinal study – use of longer interviews/focus groups to develop a more in-depth richer picture of voter behaviour, attitudes, and characteristics that simply can't be captured in mass quantitative data.

The suggestion of regular polling of representative samples of the public on their attitudes towards different aspects of elections and democracy in general between elections is also to be commended, and will provide useful data.

Strand B – Significant research ought to be devoted to the issue of constituency design and makeup, in particular but not limited to Dáil constituencies. In light of Ireland's increased and continuously growing population and the oversized nature of the Dáil relative to the country's population compared with other western parliaments, a constitutional fixed cap on the number TD's should be considered to replace the current ratio based one. In tandem with this, larger constituency magnitudes should be considered with more seats (up to 5/6) and eliminating the existence of 3-seater constituencies.

I would also request research into the possibility of less adherence to county boundaries and the beneficial effects this may have. While county boundaries retain significant popular support, there is a strong case to be made that this interferes with the effective design of the constituencies and electoral system given that the representatives elected are national representatives in the country's parliament debating and voting on national policies and legislation, and should not be overly concerned or influenced by parochial issues, in particular intangible aspects such as 'county identities', which are questionable as to their relevance.

If research into alternative/amended voting systems is also being considered, I would like to see research into a parallel/dual voting system for general elections where voters cast 2 votes. One being a national party list system using proportional representation and one being a multi-seat constituency system using PR-STV as is currently the case. This may help reduce the overly parochial nature of our national parliamentary discourse as referenced above, while still maintaining a 'local link' to TD's for voters.

I would also encourage research into the historically large number of independent TD's in the Dáil, and the effect this may have on stable coalition formation given the increasing multi-party plurality we are seeing as we move into a 3.5 party system

Lastly, as part of efforts to improve accessibility and voter participation I fully support efforts to research changes to polling times, postal voting, voting abroad. With reference to the last issue, I think it would certainly be prudent to consider allowing Irish citizens who are temporarily abroad (for leisure, work, medical reasons etc) to vote at Irish embassies. Additionally, research should also be conducted into extending franchise to Irish citizens living abroad for up to 5 years for general elections (the length of 1 Dáil term) and 7 years for Presidential elections.

Strand C – I think this strand will be of increasing importance moving into the future, with that timeframe possibly arriving even sooner than we expect. I think there needs to be an immediate focus on commencing Parts 4 and 5 of the Electoral Reform Act, ensuring that the necessary resources are in place to support their implementation in the upcoming elections. A key part of this, will also be working with Coimisiún na Meán, when it comes to researching, monitoring, and regulating the online information space, as well as SIPO regarding Part 4 activities.

In terms of research on the topic of Electoral Integrity, I would like to see research projects commissioned on political spending by candidates/parties/campaigns as well as on the information consumption sources/habits of voter cohorts, misinformation/disinformation and how to improve both the physical security and cybersecurity of our elections. However perhaps what is most important and most urgently needed is research on what interventions are actually most effective in curtailing and counteracting mis/disinformation experienced by voters. I believe those working in subjects areas including political psychology and communication studies would be able to contribute valuably to these efforts.

Additional research which I believe will be very important to carry out under this strand is to research the effect of targeting in online political advertising (as opposed to when all ads were seen by everybody), and furthermore, the possibility of (through legislation) limiting the ability of platforms to enable targeting in political advertising – e.g. Only geographic targeting allowed (similar to in-real-life advertising). In conjunction, the importance of public broadcasting in supplying reliable electoral and political information (and for combatting mis/disinfo) should also be studied, and what policies/measures will ultimately improve transparency, accountability, and engender greater levels of trust in the Irish public.

As part of this, research should consider greater powers for SIPO, particularly regarding party spending, and donations, declaration of financial interests and assets, lobbying/revolving door/taking up positions after politics, and most importantly, increased investigative, sanction, and enforcement powers for SIPO.

Lowering spending limits for Candidates and the period of time that donations can be made as well as increasing the sanction for breaches of laws regarding political spending, donations, and transparency regarding such would complement this.

Lastly, the conducting of Post Electoral Event Reviews is to be welcomed, however if not already planned, it would be preferable to see emphasis and expansion of the electoral observation element (the key component) going forward, both the timeline being observed and the scope of observation. The invitation of foreign electoral observers to our electoral events would also be quite valuable, and presumably also ensuring that our own electoral observers can gain experience of electoral observation activity abroad and international best practice.

Strand D – I strongly welcome any and all research to be carried out on increasing political participation and electoral turnout – vital to the health of every democracy. I would urge that particular attention is given to supporting research concerning Democratic Education, and how to deliver best practice with regard to democratic and political education, both in terms of methods and content. I think it would be especially important to (i.) consider the beneficial value of future ‘political and civic education’ programmes in secondary schools, (ii.) evaluate the effectiveness of the current Junior Cycle CSPE subject in contributing to future voters’ political education, and (iii.) engage with local community groups as a means of increasing political participation of several underrepresented/minority groups simultaneously.

Finally, research into reducing the voting age to 16 as a means of increasing political participation at a key life stage is a positive step, however also equally important will be to consider the reduction of the age of candidacy for both Presidential and Dáil elections, which at their current ages of 35 and 21 respectively, are at odds with the principle of equal rights

to democratic participation for all adult citizens. Further research on youth representation in a reformed Seanad (as mentioned below) and encouraging more young people to run for election would also be beneficial.

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

There are 3 research projects in particular which I think are of public importance and merit significant consideration, and each should be included in the Electoral Commission's research work as urgently as possible. They may be suitable for inclusion under the existing research strands (A to D), or if not, then to be included in research undertaken as part of Strand E.

(i.) Expansion and formal codification of the Citizen's Assembly

Ireland's Citizen's Assemblies of the last number of years have been heralded by both political scientists and politicians worldwide as a highly successful democratic innovation, which has overcome and corrected for some of the limits of traditional parliamentary democracy and policymaking. This has of course been complimented by the broad welcome it has received among the general Irish public as a valuable vehicle for deliberative democracy. However, two critical weaknesses of this positive new feature of Irish democracy have been its lack of any formal institutional power whatsoever and the subsequent limitations this has on the scope of its deliberations and recommendations, as well as its very existence being subject to the support of the government of the day. These design features have the unfortunate effect of substantially limiting the effect of what is otherwise a groundbreaking democratic innovation.

To rectify this, I would strongly urge that research be undertaken as a matter of priority into the formal institutionalisation of an expanded and empowered Citizen's Assembly. In particular, a proposal that should be considered is that it should be enshrined in the Constitution as a standing institution of the state, in order to protect its existence and its powers. Its size should be expanded to at least 1,000 citizens (although ideally 3,000) randomly selected from the register of electors. Attendance would be compulsory if selected (in a similar manner to Jury Service) however the average national living wage would be paid to participants for days served. Its formal powers would need to be expanded and constitutionally codified, such as a majority vote of the Assembly being able to put issues on the Dáil agenda for discussion and debate, and a two-thirds supermajority vote of the Assembly being able to send legislation before the Dáil to vote on or to initiate a referendum on an issue. While these are bold innovative reforms, I would strongly welcome research into them as a way of developing Ireland's nascent deliberative democracy in complimentary parallel to its established parliamentary democracy.

(ii.) The holding of a referendum to amend/clarify the role of the 'money message' provision in the constitution and prevent its undemocratic use

A Money message is a message from the Government approving the expenditure of public monies, required for any Bill (including Private Members' Bills) to proceed to Committee

Stage. The existence of the Money Message arises from Article 17.2 of the Irish Constitution, which states:

Dáil Éireann shall not pass any vote or resolution, and no law shall be enacted, for the appropriation of revenue or other public moneys unless the purpose of the appropriation shall have been recommended to Dáil Éireann by a message from the Government signed by the Taoiseach.

While this clause of the constitution exists for good reason (allowing the government of the day to control taxation/expenditure of any substantial amount of public money) it has been abused in its interpretation/usage in recent years as a method to veto any opposition-proposed Bills. This 'Money Message' tool enabled the government of day to claim a position as a veto player, even in the event of a bill achieving majority support.

Urgent research is required into the use of the 'money message' provision of the constitution, which has been misused by governments to block bills originating from the opposition (even those without any substantial expenditure) which have received a majority vote in support in the Dáil from going through.^{1 2 3} A fundamental tenet of a functioning parliamentary democracy is that a piece of legislation must require majority support in parliament to pass, however if it receives such majority support it must be allowed to be passed, and not be able to be vetoed by a minority group in parliament. The current misuse of the money message feature is highly undemocratic in nature, and could substantially reduce the 'democratic-ness' and effectiveness of the Dáil in the long term. However, such an undesirable situation as it currently stands can easily be fixed with an amending referendum which clarifies that the provision is indeed only for budgetary bills/bills with a substantial financial outlay, and thus research into this matter by the Electoral Commission is more than warranted.

(iii.) Reform of Seanad Éireann

The unproductive nature of the Seanad and its abolition or reform has been discussed for decades in Ireland as a result of widespread dissatisfaction with the institution. With the referendum proposal to abolish Seanad Éireann defeated in 2013, it clearly marks substantial reform of the Seanad as the way forward.

While many more minor proposals have been put forward/are being considered, the only way to convert the Seanad into an effective chamber of the Oireachtas and institution of the State with popular support, is to make substantial reforms to it based on high-quality independent research. These will ultimately need to be based on what the ultimate desired purpose of Seanad is – Which as it currently stands, appears to be as acting as a voice for underrepresented/less influential segments of society and as a deliberative chamber on how proposed legislation might impact those cohorts.

¹ <https://www.tandfonline.com/doi/pdf/10.1080/07907184.2021.1928083>

² <https://www.socialjustice.ie/content/policy-issues/governments-use-money-message-veto-undemocratic>

³ <https://www.irishtimes.com/opinion/court-may-be-only-solution-to-money-message-stand-off-1.4074757>

Therefore, I request that significant research be carried out on the issue of Seanad reform. A proposed version of what a future iteration of the Seanad could be includes -
Eliminating/substantially reducing government appointed candidates/public representative elected candidates so that it does not simply reflect party composition of the Oireachtas/Local authorities. So that therefore it would not be typical for there to be a 'government majority' in the Seanad.

To reflect this, any bill which a majority of the Seanad votes against should only be delayed by 18 months before the Dáil can approve it without the Seanad. However, if a two-thirds supermajority of the Seanad votes against a bill, then it should be delayed by 5 years (ie one Dail term) before it can be passed by the Dáil.

Furthermore, in addition to some of the existing panels representing Trade Unions, Businesses, and Agriculture, new panels should be formed to focus on representation of minorities (Travellers, LGBT, Gaeltacht etc), young people, Irish diaspora, non-Irish citizens living in Ireland, both nationalists, unionists, and non-aligned political parties in the north, as well as reformulating and splitting existing panels to represent the (primary, secondary, and tertiary/further) education sectors, health sector, community sector, environment, culture arts & media, and civil service among others. As one of our two houses of the Oireachtas, it is imperative that research and subsequent reform be carried out to return the Seanad to an effective legislative body of the state which has widespread support from the population.

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

All are important, and the biggest risk is prioritising just a few projects/areas – in reality, a breath of research projects need to be commenced across all 5 strands immediately, in light of the significant need for democratic reform and innovation as highlighted in my introduction.

With that being said, the research questions I outlined concerning (i) the expanded/codified citizen's assembly/deliberative democracy, (ii) how to actually effectively combat misinformation, (iii) democratic education, (iv) constituency changes/electoral system reform, and (v) reform of the 'money message' procedure, are the most important research questions and should be prioritised. The latter two issues as they have the most immediate impact on the political system and the running of the country, the middle two issues as they are critical to the protection of and participation in our democracy and are urgently needed, and the first issue as it is the most important, progressive, and significant reform that needs to be researched/made to the political system in Ireland.

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

There are three key requirements of An Coimisiún Toghcháin as it concludes its consultation on its draft research programme. They are the need to urgently commence a large of amount of research across a number of areas; the need to convince the public of its findings from the research and not just be passive in hoping that they will accept the changes without

advocating for them; and the need to best ensure the Government of the day does not ignore any recommendations for legislation/referendums from the Electoral Commission as an independent state body (which would otherwise undermine it).

Finally, in conclusion, I sincerely hope to see An Coimisiún Toghcháin engaging closely with and taking on board the suggestions and research of the political science community in Ireland at large as it moves forward through the eventful next number of years.