



Dáil Éireann

TUARASCÁIL ón
gCOISTE um NÓS IMEACHTA
maidir leis an Athbhreithniú ag Cléireach Dháil Éireann
ar Vótáil Leictreonach i nDáil Éireann,
Déardaoin an 17 Deireadh Fómhair 2019

REPORT
of the
COMMITTEE on PROCEDURE
on the Review by the Clerk of Dáil Éireann
of Electronic Voting in Dáil Éireann
on Thursday 17 October 2019

Arna glacadh ag an gCoiste an 24 Deireadh Fómhair 2019

Adopted by the Committee on 24 October 2019

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Dáil Éireann

Report of the Committee on Procedure on the Review by the Clerk of Dáil Éireann of Electronic Voting in Dáil Éireann on Thursday 17 October 2019

1. The Committee on Procedure of Dáil Éireann, at its meeting on 22 October 2019, approved the following terms of reference for a Review by the Clerk of Dáil Éireann:

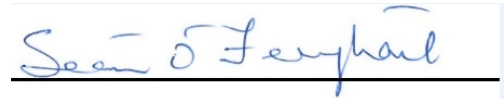
“Having regard to recent revelations in the media regarding electronic voting in the Dáil on Thursday, 17 October 2019, the Clerk of the Dáil, on foot of a request from the Ceann Comhairle and the Committee on Procedure, shall undertake a review.

The review shall set out all relevant facts and make proposals to the Committee on Procedure on any necessary changes to Standing Orders and the electronic voting system that may be required in the short term.

This process aims to ensure that public confidence in the integrity of the voting system in Dáil Éireann is restored. Without prejudice to the above, the Clerk shall also make recommendations on commissioning a wider review of the voting system, drawing on a best practice review across parliamentary systems.”

2. The Clerk’s Review was presented to the Committee on 24 October 2019. The Committee has considered the Clerk’s Review and has agreed –
 - a) to lay this Report before the Dáil, including the Clerk’s Review in the Appendix;
 - b) to approve the recommendations set out in Part 6 of the Clerk’s Review; and accordingly to recommend that motions for amendment of Standing Orders (including adoption of Rules governing the Conduct of Electronic Voting) be tabled in the Dáil as soon as possible; and

- c) to note the advice of the Chief Parliamentary Legal Adviser to the Clerk of Dáil Éireann, referred to in the Clerk's Review, in relation to certain complaints that have been made under the Ethics in Public Office Acts 1995 and 2001.

A handwritten signature in blue ink, reading "Seán Ó Fearghaíl", is positioned above a solid black horizontal line. The signature is written in a cursive style with a distinct flourish at the end.

SEÁN Ó FEARGHAÍL, T.D.,
Ceann Comhairle.
24 Deireadh Fómhair 2019

Appendix: Review by the Clerk of Dáil Éireann of Electronic Voting in Dáil Éireann
on Thursday 17 October 2019

**Review of Electronic Voting in Dáil Éireann
on Thursday 17 October 2019**

**Report by the Clerk of Dáil Éireann
to the Committee on Procedure of Dáil Éireann**

[24 October 2019]

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PART 1: INTRODUCTION AND TERMS OF REFERENCE

The Committee on Procedure of Dáil Éireann, at its meeting on 22 October 2019, approved the following terms of reference for a Review by the Clerk of Dáil Éireann:

“Having regard to recent revelations in the media regarding electronic voting in the Dáil on Thursday, 17 October 2019, the Clerk of the Dáil, on foot of a request from the Ceann Comhairle and the Committee on Procedure, shall undertake a review.

The review shall set out all relevant facts and make proposals to the Committee on Procedure on any necessary changes to Standing Orders and the electronic voting system that may be required in the short term.

This process aims to ensure that public confidence in the integrity of the voting system in Dáil Éireann is restored. Without prejudice to the above, the Clerk shall also make recommendations on commissioning a wider review of the voting system, drawing on a best practice review across parliamentary systems.”

This Report sets out:

- the background and context for the conduct of divisions in Dáil Éireann, including relevant Constitutional provisions, Standing Orders and Salient Rulings of the Chair;
- a description of the process for conducting an electronic vote, and the role of the tellers;
- analysis and summaries of evidence based on reviews of broadcast footage and interviews with relevant members; and
- conclusions and recommendations.

In undertaking this Review, I have taken all reasonable measures to ensure that it does not encroach on any investigations which may be conducted on foot of complaints made under the Ethics in Public Office Acts 1995 and 2001.

I would like to sincerely thank those involved for their co-operation with this Review.

I hereby submit this Report to the Ceann Comhairle and to the Dáil Committee on Procedure for their consideration in accordance with Standing Order 107.

Peter Finnegan,

Clerk of Dáil Éireann

and Secretary General of the Houses of the Oireachtas Service

24 October 2019

PART 2: RULES AND PROCESSES GOVERNING DIVISIONS IN DÁIL ÉIREANN

Voting in the Dáil Chamber is governed by the Constitution, Dáil Standing Orders, and Salient Rulings of the Chair.

Constitution – Article 15.11.1°

Article 15.11.1° of the Constitution states:

“All questions in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present and voting other than the Chairman or presiding member.”

Standing Orders referring to Divisions – Standing Orders 70 to 77¹

- Questions are initially decided by voice vote, with the Ceann Comhairle declaring the result as he/she judges it [DSO 70(1)].
- Any Deputy may challenge the result as declared by calling “Vótáil”, in which case the matter is put to a division. Divisions are generally postponed to the weekly division time (or “voting block”) on Thursdays, except for divisions on the Order of Business, votes on Committee, Report and Final Stages of Bills and in other designated circumstances, such as the election of the Ceann Comhairle, nomination of the Taoiseach and the Government, confidence motions or motions to suspend a member. [DSO 70 (2) and (3)].
- In the case of the first division in the voting block, the bells are first rung for at least six minutes. Then after another interval of at least four minutes, the doors into the Chamber are locked, tellers are appointed for each side and the House then divides. [DSO 71(4) and DSO 72].
- For second and subsequent divisions in the voting block, the bells are rung for one minute and the doors are locked after a further minute. [DSO 71(5)].

¹ See Appendix A for full text of Standing Orders 70 to 77.

- After the doors have been locked, the Ceann Comhairle may put the question to the House again, and may also call on the members claiming the division to rise in their places – if fewer than 10 members rise, the result as determined by the Ceann Comhairle stands and the members are recorded as dissenting in the Journal of the Proceedings [DSO 72].
- Under DSO 73(1), divisions are taken electronically except in the case of:
 - Election of the Ceann Comhairle;
 - Nomination of the Taoiseach and members of the Government;
 - Motions of confidence in the Government.
- The Ceann Comhairle may order that electronic divisions be taken again, either manually or electronically, if the results might be unreliable or for other reasons; the Ceann Comhairle may also order the postponement of divisions in such circumstances. [DSO 73(2)].
- If 10 or fewer votes separate the sides of an electronic division, then the result may be challenged by a teller or by at least 20 Deputies, in which case the division may be re-taken either electronically or manually at the request of the teller/Deputies (DSO 73(3)).
- The Ceann Comhairle may postpone divisions if Deputies' normal access has been impeded by special security measures [DSO 74].
- After the division, the tellers sign the tellers sheet and give it to the Ceann Comhairle, who announces the result and declares the decision. The doors are then re-opened [DSO 75].
- If an irregularity emerges that the tellers are unable to resolve, then the Ceann Comhairle may –
 - (1) order the retaking of the division (which may be either immediate or postponed);
 - (2) postpone the declaration of the result; or
 - (3) declare the determination of the Dáil if he is satisfied that the irregularity does not materially affect the numbers recorded in the division [DSO 76 (i)].
- If the taking of the division has been obstructed and the tellers for one side refuse to sign the tellers sheet without good reason then the Ceann Comhairle may declare the result against them or may postpone the declaration of the result [DSO 76 (ii)].

- As per the Constitution, divisions are decided by a majority of those present and voting, other than the Ceann Comhairle. The Ceann Comhairle exercises a casting vote in the event of an equality of votes [DSO 77].
- Deputies may register an abstention, however this is specifically defined as refraining from voting within the meaning of Standing Orders or the Constitution [DSO 77 (2) and (3)].

Salient Rulings of the Chair

SR's **500 & 501** specifically relate to electronic voting.

- **SR 500** permits tellers to amend result when a member has inadvertently pressed the incorrect button.
- **SR 501** requires Deputies dissatisfied with the recording or non-recording of a vote to draw attention to the issue before the result has been declared.

Also relevant is **SR 489** which requires that points of order regarding alleged irregularities in divisions must be raised before the Chair announces results. **SR 496** states that a Deputy who inadvertently votes in wrong lobby cannot have result amended unless they call the Chair's attention to the matter before the result is announced.

Background to the introduction of electronic voting

The system was first introduced in 2002, following detailed consideration by the then Standing sub-Committee on Dáil Reform. In an advisory memorandum to the sub-Committee dated 2001, the following key points were made in relation to the underlying rationale for the selection of the designated seating model as opposed, for instance, to a card system:

“The main security attaching to the designated seating method of voting is that it is visibly obvious whether or not a particular seat is occupied if the corresponding light on the display board is illuminated while all members are present in the Chamber and voting at the same time.....the card method offers a higher level of security in that it is a more personal method of voting...however the visibility factor associated with designated seating is lost with card voting since Members may vote from any location in the Chamber....”

It can be seen that the transparency of the system was a key factor influencing the designation of seats to Members and this consideration remains valid.

Furthermore, the memorandum acknowledged the risks inherent in either system as follows: *“Neither the designated seating method nor the card method can prevent against the possibility of deliberate or accidental voting on behalf of a member who is not present.”*

The memorandum also noted that: *“Depending on the experience of the system in practice, the House may wish to develop procedures and penalties for deliberate misuse of the system. This would serve as a deterrent and therefore as an additional security feature.”*

No such procedures or penalties/sanctions are currently in place.

Process for conducting an electronic vote

Generally, the process for conducting an electronic vote is as follows:

- After the bells have been rung and the doors locked, the Ceann Comhairle announces the item of business, the question to be decided and the names of the tellers for each side. The Ceann Comhairle advises members of the requirement to take their designated seat for the purposes of electronic voting.
- The Clerk starts the vote, the voting system goes live, and the Deputies have one minute to vote.
- Each Deputy votes from their assigned seat. They will previously have been informed of their seat number, which is displayed on the seat's voting panel. A Deputy's assigned seat is only changed on instruction by the relevant Whip.
- Voting maps are sent to the Whips of parties and groups, and a revised map is re-circulated where changes are made. While Deputies should be familiar with their assigned seat, they can consult their Whip or the Clerks in the House to confirm their seat position.
- For most seats, the Deputy will see the voting panel in front of them. For the seats in the very front row the Deputy lifts one of their armrests to reveal the panel.
- The voting panel displays buttons for Tá, Staon and Níl, each of which has a light beside it.
- When voting begins, the Tá, Staon and Níl lights flash on each Deputy's voting panel. When one of the buttons is pressed the associated light comes on continuously and the other lights stop flashing and turn off. Deputies may change their vote within the one minute window. If a Deputy changes their vote, the light for their new vote turns on.
- When a Deputy has voted, the wall display and TV broadcast shows a green, blue or red light corresponding to the seat, depending on whether the Deputy has voted Tá, Staon or Níl respectively. If they change their vote this changes accordingly.
- The wall display also shows a countdown with the number of seconds remaining in the vote.
- An electronic vote can be changed any number of times in the minute during which voting takes place.

- While a vote can be changed, once cast it cannot be revoked on the system (i.e., once a vote button has been pressed, it can be changed to another voting option, but it cannot be switched off altogether); if a Deputy realises that they have voted from the wrong seat they should bring this to the attention of the tellers so that a correction can be made before the Tellers sign the Teller Sheet and the Ceann Comhairle announces the result.
- When the 60 seconds for the division have expired the vote is stopped at the Clerks desk. Once stopped, no more votes are registered.
- A printout of the results, in the form of a tellers sheet with the numeric result (Tá and Níl) and division sheets listing the names of members who have voted by party/group and alphabetically, is given to the Clerk; once the tellers are satisfied with the results on the tellers sheet, they sign it.
- The tellers for the winning side hand the sheet to the Ceann Comhairle, who announces the numbers in the form of Tá and Níl, along with any Staon numbers, and then declares the decision.

The functionality of the electronic voting system is tested every sitting day in advance of the sitting to ensure all buttons are working properly and that the system is functioning as expected.

Members are advised of the general process of electronic voting as part of their induction.

The following extract from the **Handbook of General Information for Members of Dáil Éireann**² (March 2016) informed members of the electronic voting process and the need to bring issues to the attentions of the Whip. Members were provided with an update when the Electronic Voting System was upgraded in 2016 to include the ‘Staon’ button.

3.11b Electronic Vote

When the House divides, the item of business to be voted on and the names of the Tellers will be displayed on a large display board in the Chamber. Each Member has a

² link on plinth:-

<https://oireachtas.cloud.gov.ie/KnowledgeBase/TDslamnewtotheOireachtas/Shared%20Documents/General-Information-Dail-Members-Handbook-FinalLowRes05.pdf>

designated seat (the Whips will have details of the seat numbers assigned to each member). Seats in the chamber are identifiable by row (lettered A to E), and number (e.g., B23).

Seats should be taken as soon as possible after entering the Chamber. The Chair announces the Question to be put and the names of the Tellers in the usual way and informs Members that they have one minute to vote during which time Members may change their vote but cannot undo their vote after the one minute.

The Member votes by pressing either a green or red (Tá/Níl) button in the wooden panel in front of their designated seat (or, if the designated seat is in the front row, in the seat's armrest). Pressing the green or the red button switches on a light in the voting display screen behind the Ceann Comhairle's chair. At the end of an electronic vote, a light will be switched on in the display screen for each Member who has voted. The number of votes for each side (Tá and Níl) will also be shown. (When votes are not in progress, curtains cover this screen.)

Members can gauge time by the countdown clock at the top right-hand corner of the display board. When the minute has expired, a printed sheet of the result is given to the Tellers, who sign it and it is then presented to the Chair. On presentation of the signed result sheet, the Chair declares the result. The vote is then formally concluded.

If Members have encountered any problem voting it should be raised with the Tellers before they sign the result sheet. The Ceann Comhairle or an appointed Teller or twenty Members may request that a vote be taken again, either electronically or manually. If there is an "absolute equality" of votes for and against, the Constitution gives the Chair a casting vote that he or she must use to decide the issue. This applies to a manual vote also.

Manual versus electronic voting

The traditional role of tellers in a manual vote is set out in **SR 492** which states:

“Clerks are responsible only for recording names of Members; tellers are responsible for accuracy of numbers”.

However, the introduction of electronic voting combined the two processes of recording names and counting numbers so that they are inextricably linked. This means that the tellers must have regard to the list of names of members voting so as to assure themselves of the accuracy of the numbers on the tellers sheet. The role of the Clerk at the table is to advise the tellers on voting procedure and to accurately record any changes agreed by the tellers to the initial output of the electronic voting system (ie. the hard copy division lists and tellers sheet).

The role of the tellers in the context of electronic voting was referred to in the 2001 advisory memorandum to the Standing sub-Committee on Dáil Reform in the following terms:

“..to ascertain before, during and after voting, who should be in a particular seat (whether empty or occupied), how members have voted, whether their vote has been correctly recorded, whether informal pairing arrangements have been observed...”

The memorandum pointed out that the Whips acting as tellers would be specifically facilitated in carrying out their role by –

- (1) the provision of a laminated Chamber seating map;
- (2) the numbering system adopted;
- (3) the designation of Whips seats at the edge of a row so that they can easily enter and leave their seats to confer with other tellers or Whips.

The memorandum also envisaged that Whips would become very familiar with the seating plan so as to be able to easily carry out their role.

The role of the tellers should be more formally set out in rules adopted by the Committee on Procedure.

Multiple voting blocs

The number of Opposition parties and groups in the current Dáil has added a level of complexity to the current voting system in that there can be a multiplicity of parties and groups voting on one side of a particular question, multiple complex questions in a single voting block, and therefore a relatively wide range of members who are called on to act as tellers.

In the traditional model featuring two main opposing blocs physically voting in division lobbies, two tellers are appointed for each side. Each teller “tells” for a different side, ie. a Tá and Níl teller stands at each division gate meaning that each side observes the conduct of voting on both sides.

This model does not translate easily to electronic voting. In particular, there is a difficulty in a teller who has been nominated on behalf of a small party or group being held responsible for the conduct of a division involving up to six other parties/groups, including the two main Opposition parties. The practices governing the nomination of tellers should be more formalised taking account of the requirements of the role. This suggests “mixed tellers” for questions where more than one party is voting together, and a role for party Whips who are not nominated as tellers in certifying their members’ votes on the division sheet, so as to enable the four tellers to sign the tellers sheet.

The rule of thumb on nomination of tellers could be that the sponsor of the proposal nominates the first teller with the second teller being nominated by the largest party/group who are voting the same way.

These changes should be set out in rules adopted by the Committee on Procedure.

PART 5: ANALYSIS OF THE EVIDENCE RELATING TO THE DIVISIONS CONDUCTED ON 17 OCTOBER 2019

OVERVIEW

On Thursday 17 October 2019, during the weekly division block, the following electronic votes were conducted. See [Appendix B](#) for detailed sequence of votes.

Vote	Tá	Níl	Stáon	Tá Tellers	Níl Tellers
Vote 129 (time: 13:26) PMB: Motion re Close to Nature Forestry - Amendment 1	37	72	0	Seán Kyne Peter Burke	Catherine Martin Catherine Murphy
Vote 130 (time: 13:40) PMB: Motion re Close to Nature Forestry - Amendment 2	19	82	7	Aengus Ó Snodaigh Denise Mitchell	Catherine Martin Catherine Murphy
Vote 131 (time: 13:46) PMB: Motion re Close to Nature Forestry	70	38	0	Catherine Martin Catherine Murphy	Seán Kyne Peter Burke
Vote 132 (time: 13:52) PMB: Motion re The Living Wage - Amendment 4	36	67	1	Seán Kyne Peter Burke	Aengus Ó Snodaigh Denise Mitchell
Vote 133 (time: 13:57) PMB: Motion re The Living Wage - Amendment 2	30	73	1	John Curran John Lahart	Aengus Ó Snodaigh Denise Mitchell
Vote 134 (time: 14:03) PMB: Motion re The Living Wage - Amendment 1	16	85	1	Brendan Ryan Jan O'Sullivan	Aengus Ó Snodaigh Denise Mitchell
Vote 135 (time: 14:10) PMB: Motion re The Living Wage - Amendment 3	18	81	0	Mick Barry Ruth Coppinger	Aengus Ó Snodaigh Denise Mitchell
Vote 136 (time: 14:16) PMB: Road Traffic (Amendment) (Use of Electric Scooters) Bill 2019 - Second Stage. Amendment 1	62	32	0	Seán Kyne Peter Burke	John Curran John Lahart

SEATING PLAN

With reference to the Chamber map currently in effect (see below):

Front row, left hand side, green seats from top to bottom

Deputy **Dara Calleary** is assigned seat **A-18**

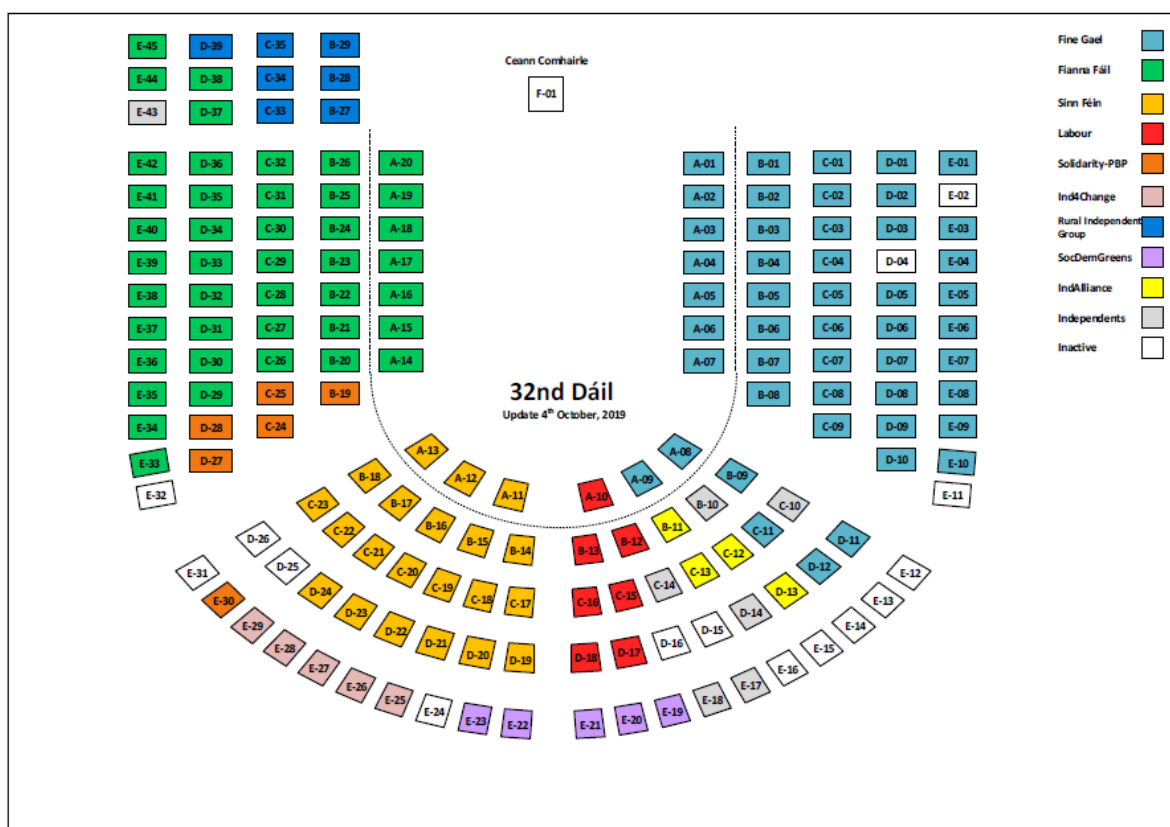
Deputy **Lisa Chambers** is assigned seat **A-17**

Deputy **Niall Collins** is assigned seat **A-16**

Deputy **Barry Cowen** is assigned seat **A-15**

Deputy **Timmy Dooley** is assigned seat **A-14**

Electronic Voting Chamber Seating Map



KEY FACTS WHICH HAVE BEEN ESTABLISHED ON THE BASIS OF THE EVIDENCE

The following evidence has been analysed as part of this Review:

1. broadcast footage of the voting block on Thursday 17 October 2019 – see Appendix B for detailed notes on the sequence of events based on the review of broadcast footage. These notes were provided to all members interviewed for the purpose of this review.
2. interviews with relevant members, including tellers and whips over the course of Tuesday 22 October and Wednesday 23 October 2019 – see Appendix C for the list of members interviewed and Appendix D for detailed statements based on the interviews conducted. All interviewees were provided with their own statement in advance of the finalisation of this Review.

I have established the following facts based on the evidence:

1. Eight electronic votes were held in the voting block on Thursday 17 October 2019. The relevant vote numbers are Votes 129 to 136 inclusive. The votes took place in the approximately 56 minute time period between 13.26 and 14.22.
2. Deputy **Timmy Dooley** was absent from the Chamber with effect from 13.28. The first vote (Vote 129) commenced at 13.37.
3. Deputy **Niall Collins** voted in seat A14 (which is Deputy Dooley's designated seat) in respect of Votes 129 to 134 inclusive (ie. 6 votes in total). He also voted in seat A15 (which is Deputy Cowen's designated seat) in respect of these six votes. Deputy Collins voted in seat A15 (which is Deputy Cowen's designated seat) for the final two votes (Votes 135 and 136). He did not vote in seat A14 in respect of these final two votes.
4. Deputy **Barry Cowen** voted in seat A16 only (which is Deputy Collins' designated seat) in respect of Votes 129 to 136 inclusive (ie. 8 votes in total).
5. Deputy **Lisa Chambers** voted in seat A18 (which is Deputy Calleary's designated seat) in respect of Vote 129 (one vote only). Deputy Chambers also voted in seat A17 (which is

her designated seat) in respect of Vote 129. Deputy Chambers voted in seat A17 only in respect of the remaining seven votes (ie. Votes 130 to 136).

6. Deputy **Dara Calleary** was not present in the Chamber for Votes 129 to 133 inclusive, which took place between 13.40 and 14.03. No votes are recorded for seat A18 (which is Deputy Calleary's designated seat) in respect Votes 130 to 133 inclusive. Deputy Calleary entered the Chamber at 14.04 and voted from seat A18 only.
7. At no stage in the conduct of any of the votes 129 to 136 inclusive were any of the tellers notified of any irregularities or errors in the conduct of the votes of the Members listed at paragraphs 2-6 above, nor did any of the tellers observe any irregularities or errors in respect of those Members.
8. During the voting block, Members take the opportunity to speak to Ministers and other colleagues, and are therefore not always in their designated seats when the vote is taking place. As a result, the practice of Members voting on behalf of their colleagues who are present in the Dáil Chamber has developed significantly in recent years. There is a general acceptance among Members that this is not good practice and must be discontinued. Furthermore, it doesn't align with the Constitutional requirement imposed by Article 15.11.1° which provides as follows:

"All questions in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present and voting other than the Chairman or presiding member."

SYNOPSIS OF VIDEO EVIDENCE AND INTERVIEW EVIDENCE

DEPUTY TIMMY DOOLEY

The video footage shows Deputy Dooley arriving in the chamber at 13.27.55, and speaking to one of the Clerks.

Upon finishing this conversation, Deputy Dooley approached Deputy Collins, who was speaking with another colleague at the time. He is shown to have a brief conversation with Deputy Collins, which included Deputy Dooley pointing towards the front row of the seats. Deputy Collins nods at Deputy Dooley and Deputy Collins continues his conversation with his colleague. Deputy Dooley exits the chamber at 13.28.43.

When asked about the nature of the conversation with Deputy Collins, Deputy Dooley said that he told Deputy Collins that he needed to speak with him. Deputy Dooley said he told Deputy Collins that; "I'll see you at the vote but I have to make a call." When asked about what he meant by pointing at the seats, Deputy Dooley was indicating to Deputy Collins that he would see Deputy Collins when they were voting.

The footage of the eight votes shows Deputy Dooley leaving the Chamber at 13.28.43 and not returning. His designated seat A14 remains vacant for the entirety of the voting block. A vote is registered in his vacant designated seat for votes 1 to 6 inclusive.

Deputy Dooley confirmed that he never voted in any of the eight votes as he never returned to the Chamber. When asked why he didn't return, he indicated that he had to return to his office to make a call. He stated that he should have gone back but that he left the complex. He could not say how long the call lasted, nor could he say at what time he left the complex. When asked whether he left during the voting block, Deputy Dooley responded: "it probably was." When asked whether he had contacted Deputy Collins after leaving the complex, he stated that he hadn't.

When asked whether he requested Deputy Collins to vote for him, he responded: "No, I'm clear on that fact." When asked whether he had given Deputy Collins any reason to have pressed his button, he said he hadn't. He stated that Deputy Collins: "assumed I was in the House. I've done it in the past."

Deputy Dooley was asked when he was made aware that his vote was registered in his absence and he indicated that a journalist had informed him the following day (Friday 18 October 2019). He subsequently contacted Deputy Collins who indicated to him (Deputy Dooley) that he had voted for him (Deputy Dooley) on the assumption that Deputy Dooley was in the Chamber. When asked whether he had taken any steps to correct the record,

Deputy Dooley indicated that he didn't. However, he stated that he contacted the Ceann Comhairle on Sunday 20 October 2019.

DEPUTY NIALL COLLINS

The video evidence shows that Deputy Collins arrived in the Dail chamber around 13.28. He walked towards the front row of the FF front benches and started to speak with a colleague. Deputy Dooley came over and spoke briefly with him, pointing towards the seats in the front row. Deputy Collins nodded and continued to speak with his colleague. Deputy Collins' back was to the exit door and Deputy Dooley left the chamber through the exit door.

When asked about the conversation with Deputy Dooley, Deputy Collins stated that Deputy Dooley indicated that he wished to speak to him but that Deputy Dooley had to deal with a phone-call first. [For the record, it has been confirmed that the colleague did not hear the short conversation that took place between Deputies Dooley and Collins.] When asked if Deputy Dooley had requested him to vote on Deputy Dooley's behalf, Deputy Collins said 'no'. He also stated that he didn't say to Deputy Dooley that he would vote on his behalf. When asked what he believed Deputy Dooley meant by pointing, he said that he had no idea, that he was looking at Deputy's Dooley's face and not his hands. He further stated that he did not see Deputy Dooley leave the Chamber.

Around two and a half minutes after Deputy Dooley left the Chamber, the video evidence shows Deputy Collins sitting down in seat A15 (the seat assigned to Deputy Cowen, for voting purposes).

When asked why he sat in Deputy Cowen's seat, Deputy Collins that there was no particular reason and, when asked if he knew his own seat, he said 'of course'.

At 13.37.07 the video shows the vote commencing. The footage does not show members casting their votes; instead it shows the electronic voting display. At 50 seconds on the display, the voting button on seat A14 is pressed (Deputy Dooley's assigned seat, for voting purposes). At 46 seconds on the display, the button on seat A15 is pressed (Deputy Cowen's assigned seat). At 43 seconds on the display, the button on seat A16 is pressed (Deputy

Collins' assigned seat). When the camera reverts to the chamber after the vote, seat A14 is vacant, seat A15 is occupied by Deputy Collins and seat A16 is occupied by Deputy Cowen.

When asked about what transpired at the vote, Deputy Collins stated that he pressed the button on the vacant seat at A14 (Deputy Dooley's assigned seat), as he assumed that Deputy Dooley was up at the back of the Chamber on the phone. He also stated that he pressed the button on seat A15 (which he was occupying but which is Deputy Cowen's seat for voting purposes). When asked whether he had considered changing seats with Deputy Cowen, he stated: no, as they had voted this way before. Deputy Collins was also asked why he took it on himself to vote on behalf of Deputy Dooley and he responded that he assumed that Deputy Dooley was in the Dáil Chamber.

The video evidence shows the voting buttons on A14 and A15 being pressed for 6 votes in total.

Deputy Collins confirmed that he had pressed both buttons on each and every occasion.

The video evidence for the seventh vote shows that no vote was registered for seat A14 but a vote registered for A15 (which continued to be occupied by Deputy Collins). When asked why he didn't continue to press the voting button on vacant seat A14, Deputy Collins stated: "I don't know, I can't explain that."

The video evidence for the eighth and final vote also shows that no vote was registered for A14 but that a vote was registered for A15. When asked if there was any reason for this, Deputy Collins stated: "I can't explain it."

When asked why he stopped voting on behalf of Deputy Dooley, he responded: "I can't give an explanation. It is an obvious question, but I can't give an explanation."

[For the record: The video evidence for both the seventh and eighth votes shows that a vote was registered for seat A16 (Deputy Collins' assigned seat which was occupied by Deputy Cowen.)]

In summary, the evidence is that Deputy Collins voted 6 times on behalf of Deputy Dooley, whilst also casting a vote in the seat he was occupying (seat A15, Deputy Cowen's assigned seat). For the final two votes, he voted in seat A15 only.

When asked whether he should have gone to the Whips at the conclusion of the voting session, he said that he didn't as he was under the mistaken belief that Deputy Dooley was in the Chamber and he didn't look around to check.

Deputy Collins was asked at what point he became aware that it was known that he had voted twice in six of the votes. He stated that it was when a journalist rang him on Friday afternoon, 18th October 2019. He was asked if he had contacted the Ceann Comhairle. He said that he didn't as he had spoken with Deputy Dooley who indicated that he (Deputy Dooley) would contact the Ceann Comhairle. He was further asked if he was aware of the requirement to be in the Dáil Chamber to cast a vote. He replied: "Of course, I wouldn't cast a vote knowing or believing someone to be outside the Chamber. This reflects on me badly."

Finally, he was asked if he felt he should have corrected the record, or spoken with his Whip, and he replied no, as he believed that Deputy Dooley was in the Dáil Chamber.

DEPUTY BARRY COWEN

The video evidence is that Deputy Barry Cowen arrived in the Dáil Chamber at around 13.32 and Deputy Collins was already sitting in his (Deputy Cowen's) designated seat, A15.

Deputy Cowen said in his interview evidence that he noticed this, so he sat in Deputy Collins' designated seat (Seat A16). When asked if this was unusual he said; "Not necessarily, I came in the door by the Ceann Comhairle. The thought struck me but it's not that unusual". Deputy Cowen's explanation for remaining in Deputy Collins' designated seat and continuing to register a vote in this seat rather than his own was that "I'm voting on his, he's voting on mine but it saves us reaching across each other". When asked whether he spoke to Deputy Collins about changing seat, Deputy Cowen said he didn't.

Deputy Cowen confirmed that he pressed the button for Seat A16 for all votes and no other button.

When asked if anyone had requested him (Deputy Cowen) to vote for them he replied "no".

When asked if Deputy Dooley's name was mentioned during voting, Deputy Cowen stated that it wasn't.

When asked if he believed there was any need to correct the record on account of the fact that he was not sitting in his designated seat he replied; "no, I never did before if similar circumstances arose. You'd have lads voting for each other when up the back of the Chamber but no one queues with the Whip to correct the record".

DEPUTY LISA CHAMBERS

Deputy Chambers stated that when she entered the Dáil Chamber, the Fianna Fáil front bench seats were empty. She stated that as the numbers of the seats in the front row cannot be seen, she normally counts the seats to locate her assigned seat. Nobody was on either side of her and she stated that she inadvertently sat in Deputy Calleary's seat at A18.

[For the record: the video footage shows Deputy Chambers entering the chamber but does not show her taking a seat. The footage displays the electronic voting display, followed by the conclusion of the vote, at which point in time Deputy Chambers is sitting in her designated seat A17].

The video evidence shows that at 41 seconds on the display, the voting button on seat A18 (assigned to Deputy Calleary) is pressed. At 15 seconds on the display, the voting button on seat A17 (assigned to Deputy Chambers) is pressed.

Deputy Chambers stated that after she voted, she looked up at the screen to check the vote. It was at that stage (when the vote appears for Deputy Calleary's seat A18) that she realised she had sat in the wrong seat and had inadvertently pressed the button for Deputy Calleary's seat (A18). She then moved to her designated seat (A17) and pressed her own button to vote.

She stated that she was aware that Deputy Calleary was not in the Chamber. She confirmed that Deputy Calleary did not ask her to vote for him. She stated that her vote in Seat A18 was a mistake. She stated that she did not correct the error by informing the teller, even though she had voted twice, as the vote was lost by a significant margin. She stated that she did not think it was a massive issue and therefore decided to leave it.

Deputy Chambers states that she voted in her own seat for the remainder of the 8 votes. The video evidence shows Deputy Chambers sitting in her designated seat after each of the eight votes.

[For the record, Deputy Calleary entered the Chamber at 14.04.36, before vote 6. For votes 6,7 and 8, a vote is cast from seat A18, which is Deputy Calleary's assigned seat, and Deputy Calleary is visible in this seat after each of those votes.]

Deputy Chambers stated that she told Deputy Calleary of her mistake when he entered the Chamber. She stated that she is of the belief that he would have assumed that she had told the teller of her error.

TELLERS AND WHIPS

In the course of this review I met with Members who acted as both tellers and whips for the voting block on Thursday 17 October 2019.

Their evidence is set out in [Appendix D](#) of this Report. The evidence of the interviewees was such that no irregularities were noticed during the voting block. I was also informed that, apart from one very minor matter, nothing was brought to the attention of the tellers by either the Whips or other colleagues, either during or after the voting block.

The interviewees, particularly those from the smaller parties and groups, pointed out several practical difficulties in monitoring voting practices in other parties/groups. These difficulties included, *inter alia*, the requirement to be aware of other parties' designated seating arrangements.

When speaking about the Thursday voting block, the common view amongst interviewees was that it was an optimum time for Members to speak to Ministers about constituency matters because most of the Ministers are present in the Dáil Chamber at this time. The consequence of Members availing of this opportunity was that there tended to be a number of members out of their seats before and during the votes. The evidence was that a practice existed of Members asking their colleagues to vote on their behalf when they were engaged in conversations with Ministers and other Members whilst in the Chamber.

It is also evident from the discussions with the interviewees that there are varying views on what the role of the teller actually is. The tellers also identified the fact that the original role of tellers hadn't developed in tandem with the technology and the introduction of the electronic voting system. Whilst it is easier to account for anomalies and reconcile the numbers during a walk-through vote, the opinion of the tellers was that this could not be readily done with the electronic voting system.

The interviewees pointed to the requirement for Guidelines to assist them in performing their functions.

PART 6: CONCLUSIONS AND RECOMMENDATIONS

CONCLUSION 1: COMMITTEE ON PROCEDURE'S CONSIDERATION OF THE EVIDENCE SET OUT IN THIS REVIEW

This Review has involved the collation of evidence from all relevant sources within the Terms of Reference which I have endeavoured to do in a fair and balanced way.

It is a now matter for the Committee on Procedure to consider the action, if any, to be taken in the light of this evidence. However, the Committee must be mindful of the fact that a number of complaints have been made under the Ethics in Public Office Acts 1995 and 2001 in respect of the issues comprehended by this Review. I have taken advice from the Chief Parliamentary Legal Adviser on this matter, who is of the view that it would not be legally appropriate for the Committee on Procedure to encroach on the statutory functions of the Select Committee on Members Interests of Dáil Éireann.

The Chief Parliamentary Legal Adviser will be in a position to provide written advices on this important matter to the Committee on Procedure, in due course, if required.

CONCLUSION 2: RULES GOVERNING THE CONDUCT OF ELECTRONIC VOTING SHOULD BE ADOPTED BY THE COMMITTEE ON PROCEDURE

More transparency and clarity on the detailed protocols governing the conduct of electronic voting is required. This includes –

- the roles of the tellers and the basis for their nomination,
- the role of the Whips where multiple parties and groups are represented on one side of a question,
- the responsibilities and obligations of individual members, and
- the procedures for addressing irregularities and mistakes/errors.

RECOMMENDATIONS

1. DSO 107 should provide that the Committee on Procedure shall adopt rules for the conduct of electronic voting.
2. In this context, the rules set out in Appendix E should be adopted by the Committee on Procedure and approved by the Dáil on foot of a report from the Committee. Once adopted by the Dáil, the rules should be set out in a Schedule to Standing Orders.
3. The following key elements in the proposed rules are highlighted in particular:
 - All Members must vote from their designated seat;
 - Where a Member is present in the Dáil but is not in their designated seat, he or she may not ask another Member to vote on his or her behalf;
 - Voting should not commence until all members present have taken their seats;
 - The roles of the tellers and the basis for their nomination are clearly set out; in addition, where multiple parties/groups are represented on one side of a division but are not tellers, the party Whip / group representative will have a role in certifying the division list to the teller before the tellers sheet is signed;
 - The Chair will formally call the tellers and relevant Whips/group representatives to the table to certify the division lists and sign the tellers sheets; this will alert members who wish to correct any inadvertent errors and any other member who wishes to raise an irregularity that they should come to the table to discuss the matter with the tellers.
 - If an error or irregularity comes to light after the result is declared, this must be raised in writing with the Ceann Comhairle who may announce the matter in the House for recording in the Journal of Proceedings, and/or may also refer the matter to the Committee on Procedure, as appropriate.

CONCLUSION 3: THE COMMITTEE ON PROCEDURE SHOULD HAVE A ROLE IN CONSIDERING IRREGULARITIES IN THE CONDUCT OF DIVISIONS AND SANCTIONS FOR DELIBERATE MISUSE OF THE SYSTEM

Given the serious implications of irregularities in voting, the Dáil Committee on Procedure should have an explicit role in considering such matters, on referral by the Ceann Comhairle,

which should include recommending sanctions for individual members who are found to have deliberately misused the system. In order to facilitate transparency and accountability, an appropriate audit trail should be maintained in respect of all electronic votes.

RECOMMENDATIONS

1. DSO 76 should include a right of referral by the Ceann Comhairle to the Committee on Procedure of any irregularity in the conduct of a division, having regard (but not limited) to the protocol adopted by the Committee under DSO 107.
2. DSO 107 should provide that the Committee on Procedure shall consider any referrals from the Ceann Comhairle under DSO 76 and may report thereon to the Dáil. The Standing Order should further provide that the Committee may, in that context, find that a member has deliberately misused the electronic voting system and has thereby abused privilege. In that case, the Committee shall recommend in its report to the House that such member be named for disorder which may result in a member being suspended by the House under DSO 64.
3. A consequential amendment to DSO 64 should include a new para (1) (a)(iii) as follows: “where the member has been found pursuant to DSO 107 to have abused privilege by deliberately misusing the system of electronic voting”.
4. An audit trail should be maintained for each vote, including output from the electronic system, certified hard copy division lists and tellers sheets and broadcast footage from the Chamber.

CONCLUSION 4: A WIDER REVIEW OF THE VOTING SYSTEM SHOULD BE UNDERTAKEN

The current system of electronic voting has delivered many benefits. The Dáil as a parliamentary institution needs to use the best available technology to enable Members to discharge their parliamentary duties efficiently and to effectively serve the people who elected them.

No evidence was adduced during this Review of any technical issues or problems with the current system of electronic voting. The issues which arose in this Review relate solely and exclusively to the manner in which the system was used on Thursday 17 October 2019.

However, as the Ceann Comhairle stated in the Dáil, the integrity of the voting system is of the utmost importance. I therefore believe that there is a need to provide general assurance on the integrity of the voting system given the reputational damage caused by the current controversy. A wider review of the voting system should be undertaken to provide such assurance.

RECOMMENDATIONS

5. A wider review of the voting system should be conducted, drawing on best practice from across parliamentary systems, with a report submitted to the Committee on Procedure by 31 March 2020. The detailed terms of reference for the review will be submitted to the Committee on Procedure by 30 November 2019.

APPENDIX A: STANDING ORDERS RELEVANT TO DIVISIONS

From the consolidated version of the Standing Orders of Dáil Éireann currently in effect, as of 15th January 2019.

DIVISIONS

Divisions may be demanded.

70. (1) When any question is to be put to the Dáil or to a Committee of the whole Dáil, the Ceann Comhairle shall rise and announce that “The question is that”, thereupon reading or stating the question, requiring that as many as are of that opinion shall say “Tá”, and as many as are of contrary opinion shall say “Níl”. He or she shall judge from the answers to his or her questions, and declare the result, in his or her opinion, of the putting of the question.

(2) After the Ceann Comhairle shall have declared the result, in his or her opinion, of the putting of any question, any member who dissents may demand a division upon that question, whereupon the division shall, subject to paragraph (3), be deferred until the weekly division time on the next Thursday following, at 12.47 p.m. Provided that any division demanded on a Thursday before the weekly division time shall be taken at the weekly division time on the same day.

(3) Unless the Dáil shall otherwise order, divisions demanded on the following matters shall be taken forthwith:

- (a) election of Ceann Comhairle,
- (b) nomination of Taoiseach and members of the Government,
- (c) motion of confidence in the Government or a member of the Government,
- (d) proposals on the Order of Business,
- (e) motion to suspend a member,
- (f) questions arising on the Committee, Report and Final Stages of Bills.

Division bells rung and time for locking doors.

71. (1) When a division is demanded on any of the matters listed in Standing Order 70(3), the Ceann Comhairle shall (subject to paragraphs (2) and (3))—

- (a) cause the division bells to be rung once for a period of not less than six minutes, and
- (b) the doors to be locked so soon after the lapse of not less than four minutes as he or she shall direct.

(2) Where the question on which the division has been demanded is put immediately after the result of an earlier division has been declared—

- (a) the period for which the division bells are rung shall be not less than three minutes, and
- (b) the interval between the ringing of the bells and the locking of the doors shall be not less than two minutes.

(3) Where the division has been demanded by a member who is not a member of a group as defined in Standing Order 143(1), the interval between the ringing of the bells and the locking of the doors shall be not less than two minutes.

(4) At the weekly division time on Thursday, when the time has come to deal with any deferred divisions under Standing Order 70(2), the Ceann Comhairle shall (subject to paragraph (5))—

- (a) cause the division bells to be rung once for a period of not less than six minutes, and
- (b) the doors to be locked so soon after the lapse of not less than four minutes as he or she shall direct.

(5) Where there is more than one division at the weekly division time on Thursday, in respect of the second and any subsequent divisions—

- (a) the period for which the division bells are rung shall be not less than one minute, and
- (b) the interval between the ringing of the bells and the locking of the doors shall be not less than one minute.

Divisions.

72. When the doors have been locked, and the division lobbies have been cleared, the Ceann Comhairle shall order the Dáil or Committee of the whole Dáil to divide, and shall appoint two duly nominated tellers for each side: Provided that after the lapse of not less than four or two minutes or one minute, as the case may be, as provided in Standing Order 71, the Ceann Comhairle may again put the question and declare afresh the result, in his or her opinion, of the putting of the question, and a division shall take place only if such fresh declaration is challenged: Provided further that, where tellers are not nominated by one side, the Ceann Comhairle shall declare the determination of the Dáil or Committee in favour of the other side: Provided always that the Ceann Comhairle may, after the lapse of not less than the said four or two minutes or one minute, as the case may be, if in his or her

opinion a division is unnecessary, call upon the members who claim the division to rise in their places. If fewer than ten members so rise, he or she shall forthwith declare the determination of the Dáil or Committee, and the names of the members who so rise shall be recorded as dissenting in the Journal of the Proceedings of the Dáil.

Divisions: conduct of by electronic means.

73. (1) Unless the Dáil shall otherwise order, divisions in the Dáil may be conducted by electronic means save in the case of divisions on any of the following matters:

- a) election of Ceann Comhairle,
- b) nomination of the Taoiseach and members of the Government,
- c) motion of confidence in the Government.

(2) Where the Ceann Comhairle informs the Dáil at any time that it is not possible to conduct divisions by electronic means or that the result may be unreliable or where, for any other reason, he or she considers that divisions should not be so conducted, the Ceann Comhairle may order the Dáil to divide or to divide again, as the case may be, on the question, whether by electronic means or otherwise, as he or she considers appropriate in the circumstances, or may postpone the taking of the division to such later time as he or she shall direct.

(3) On the announcement by the Ceann Comhairle of the result of a division which has been taken by electronic means where, in the result of that division, the difference between the “Tá” and “Níl” votes is 10 or less, any member may demand—

- (a) that the division be taken again by electronic means, or
- (b) that the division be taken again otherwise than by electronic means,

and the Ceann Comhairle shall, unless the member who so demands is a teller nominated for the purposes of that division, call upon the members who support the demand to rise in their places, and

- (i) if fewer than twenty members so rise, the Ceann Comhairle shall forthwith declare the determination of the Dáil or Committee of the whole Dáil, and the names of the members who so rise shall be recorded as dissenting in the Journal of the Proceedings of the Dáil,
- (ii) if twenty or more members so rise or if the member who so demands is a teller nominated for the purposes of that division, the Ceann Comhairle shall order the Dáil to divide again on the question in the manner so demanded.

(4) In respect of divisions by electronic means, where the question on which a division has been demanded is put immediately after the result of an earlier division has been declared, the period for which the division bells are rung and the interval between the ringing of the bells and the locking of the doors shall be not less than two minutes and not less than one minute respectively.

Postponement of taking of division in case of special security measures.

74. If, in the course of proceedings under Standing Orders 71, 72 and 73, in the case of any division, the Ceann Comhairle is satisfied that normal access by members to the Chamber has been impeded by the implementation of special security measures at Leinster House, he or she shall interrupt such proceedings and shall postpone the taking of such division to such later time or date as he or she shall direct.

Declaration of result of division.

75. On the completion of the count, the tellers shall sign a division paper which shall be handed to the Ceann Comhairle who shall announce the numbers and declare the decision.³ The doors shall then be re-opened.

Irregularities in, or obstruction of, divisions.

76. If, in the course of proceedings under Standing Orders 71, 72, 73 and 75, the Ceann Comhairle is satisfied that—

- (i) an irregularity has occurred which has not been resolved by the tellers, he or she may order that the division be taken afresh (unless he or she is satisfied that the irregularity does not materially affect the numbers recorded in the division whereupon he or she shall declare the determination of the Dáil or the Committee); or he or she may postpone the declaration or the taking of the division to such later time or date as he or she shall direct;
- (ii) the taking of the division has been obstructed and the tellers of one side refuse to comply with Standing Order 75 without good reason, he or she may declare the determination of the Dáil or the Committee in favour of the other side or postpone the declaration to such later time or date as he or she may direct.

Casting vote and abstentions.

77. (1) Questions in the Dáil or in a Committee of the whole Dáil, shall, save as otherwise provided by the Constitution, be determined by a majority of the votes of the members present and voting, other than the Ceann Comhairle, or presiding member, who shall have and exercise a casting vote in the case of an equality of votes.⁴

(2) The phrase “members present and voting” means “members present and casting an affirmative or negative vote” and the phrase “to abstain” means “to refrain from voting either for or against the question”.

(3) Members may formally register their abstention but members who abstain from voting, whether they choose to formally register their abstention or not, shall be considered as not voting: Provided that the names of members who formally register abstention shall be recorded as abstaining in the Journal o

³ See also S.O.s 22 and 80 re divisions and quorums in the Dáil.

⁴ See Article 15.11 of the Constitution.

APPENDIX B: DETAILED NOTES ON SEQUENCE OF EVENTS BASED ON REVIEW OF BROADCAST FOOTAGE

VOTING BLOCK ON 17 OCTOBER 2019

SEQUENCE OF EVENTS

Vote 129: MOTION ON FORESTRY SECTOR – AMENDMENT 1

(MINISTER FOR AGRICULTURE, FOOD AND THE MARINE)

- 13.26.25: Clerk rings bells for commencement of voting on Amendment 1.
- 13.27.55: Deputy Dooley arrives in the Chamber and goes over to speak to the Clerk on duty.
- 13.28.13: Deputy Collins arrives in the Chamber, walks towards the front row of the Fianna Fáil benches and starts to speak to Deputy O’Dea.
- 13.28.36: Deputy Dooley, on finishing his conversation with the Clerk on duty, goes over to Deputy Collins and speaks briefly to him.
- 13.28.43: Deputy Dooley leaves the Chamber.
- 13.31.25: Deputy Collins sits down in seat A15.
- 13.34.20: Deputy Collins stands up and speaks to Deputy Cowen.
- 13.37.07: Vote commences:
- @ 50 seconds on countdown clock voting button on Seat A14 (which is Deputy Dooley’s assigned seat and appears vacant) is pressed.
 - @ 46 seconds on countdown clock, the voting button on Seat A15 (which appears to be occupied by Deputy Collins but is Deputy Cowen’s designated seat) is pressed.
 - @ 43 seconds on the countdown clock the voting button on Seat A16 (which appears to be occupied by Deputy Cowen but is Deputy Collins’ designated seat) is pressed.
 - @ 41 seconds on the countdown clock the voting button on Seat A18 (which is assigned to Deputy Calleary) is pressed.
 - @ 15 seconds on the countdown clock the voting button on Seat A17 (which is assigned to Deputy Lisa Chambers) is pressed.
- 13.38.08: Vote ends
- Seat A14 is vacant
 - Deputy Collins is seated in Seat A15
 - Deputy Cowen is seated in Seat A16

- Deputy Chambers is seated in Seat A17.

13.40.05: Ceann Comhairle reads out the result of the Division – Tá 37, Níl 72, Staon 0.

Vote 130 - MOTION RE FORESTRY SECTOR – AMENDMENT 2 (DEPUTY Ó SNODAIGH)

13.40.35: Question put and vote demanded.

13.43.04: Vote commences (Deputy Collins seated in A15 + A14 vacant as beforehand, Deputy Cowen speaking to Minister for Education & Skills)

- @ 50 seconds on countdown clock the voting button on Seat A14 (which is assigned to Deputy Dooley but appears vacant) is pressed.

- @ 47 seconds on the countdown clock the voting button on Seat A15 (which appears to be occupied by Deputy Collins but is assigned to Deputy Cowen) is pressed.

- @ 42 seconds on the countdown clock the voting button on Seat A16 (which appears to be occupied by Deputy Cowen but is assigned to Deputy Collins) is pressed.

- @ 42 seconds the voting button on Seat A17 (which is assigned to Deputy Lisa Chambers) is pressed.

- no vote is recorded in respect of Seat A18 (assigned to Deputy Dara Calleary).

13.44.04: Vote ends.

13.44.13: Seat A14 is vacant (the seat assigned to Deputy Dooley)

Deputy Collins is seated in Seat A15 (the seat assigned to Deputy Cowen).

Deputy Cowen is seat in Seat A16 (the seat assigned to Deputy Collins)

Deputy Lisa Chambers is seat in Seat A17 (her assigned seat).

13.45.40: Ceann Comhairle reads out the result of the division

Tá 19, Níl 82, Staon 7.

Vote 131 - MOTION RE FORESTRY SECTOR – MAIN QUESTION

- 13.46.12: Question put and vote called.
- 13.48.17: Deputy Lisa Chambers leaves her seat and goes upstairs
- 13.48.27: Deputy Niall Collins is seated in Seat A15 (which is assigned to Deputy Cowen)
Deputy Barry Cowen is seated in Seat A16 (which is assigned to Deputy Collins)
Deputy Mary Butler is seated in Seat A17 (which is assigned to Deputy Chambers)
- 13.48:40 Vote commences.
- @ 53 seconds – the voting button on Seat A16 (which appears to be occupied by Deputy Cowen but is assigned to Deputy Collins) is pressed.
 - @ 50 seconds on the countdown clock the voting button on Seat A14 (which appears vacant but is assigned to Deputy Dooley) is pressed.
 - @ 49 seconds on the countdown clock the voting button on Seat A15 (which appears to be occupied by Deputy Collins but is assigned to Deputy Cowen) is pressed.
 - @ 28 seconds – the voting button on Seat A17 (which is assigned to Deputy Lisa Chambers) is pressed.
 - no vote is recorded in respect of Seat A18 (assigned to Deputy Dara Calleary).
- 13.49.43: Vote ends.
- 13.49.44: Seat A14 is vacant
Seat A15 is occupied by Deputy Collins
Seat A16 is occupied by Deputy Cowen
Seat A17 is occupied by Deputy Lisa Chambers
- 13.51:28: Ceann Comhairle reads out the result of the division
Tá 70, Níl 38, Staon 0.

Vote 132 - MOTION ON LIVING WAGE – AMENDMENT 4 –

MINISTER FOR EMPLOYMENT AFFAIRS AND SOCIAL PROTECTION

- 13.51.52: Question put and vote called.
- 13.54.04: Seat A14 (which is assigned to Deputy Dooley) is vacant
Seat A15 (which is assigned to Deputy Cowen) is occupied by Deputy Collins
Seat A16 (which is assigned to Deputy Collins) is occupied by Deputy Cowen
Seat A17 (which is assigned to Deputy Lisa Chambers) is occupied by her.
- 13.54.23: Voting commences
- @ 54 seconds the voting button on Seat A14 (which is assigned to Deputy Dooley but appears vacant) is pressed
 - @ 50 seconds – the voting button on Seat A17 (which is assigned to Deputy Lisa Chambers) is pressed
 - @ 49 seconds the voting button on Seat A16 (which appears to be occupied by Deputy Cowen but is assigned to Deputy Niall Collins) is pressed
 - @ 48 seconds the voting button on Seat A15 (which appears to be occupied by Deputy Collins but is assigned to Deputy Cowen) is pressed
- No vote recorded in respect of Seat A18 (assigned to Deputy Dara Calleary)
- 13.55.23: Division ends
- 13.55.24: Seat A14 is vacant
Seat A15 is occupied by Deputy Collins
Seat A16 is occupied by Deputy Cowen
Seat A17 is occupied by Deputy Lisa Chambers
- 13.57.24: Ceann Comhairle reads out the result of the division
Tá 36, Níl 67, Staon 1

Vote 133- MOTION ON LIVING WAGE – AMENDMENT 2 (DEPUTY WILLIE O’DEA)

- 13.57.51: Question put and vote called
- 14.00.04: Seat A14 (assigned to Deputy Dooley) is vacant
Seat A15 (assigned to Deputy Cowen) is occupied by Deputy Collins
Seat A16 (assigned to Deputy Collins) is occupied by Deputy Cowen
Seat A17 (assigned to Deputy Lisa Chambers) is occupied by her.
- 14.00.20: Division starts
- @ 51 seconds - the voting button on Seat A14 (which appears to be vacant but is assigned to Deputy Dooley) is pressed
 - @ 49 seconds – the voting button on Seat A16 (which appears to be occupied by Deputy Cowen but is assigned to Deputy Collins) is pressed
 - @ 46 seconds the voting block on Seat A15 (which appears to be occupied by Deputy Collins but is assigned to Deputy Cowen) is pressed.
 - @ 39 seconds the voting button on Seat A17 which is assigned to Deputy Lisa Chambers and likely occupied by her is pressed.
- No vote is recorded in respect of Seat A18 assigned to Deputy Dara Calleary.
- 14.01.21: Division ends
- 14.01-22: Seat A14 is vacant
Seat A15 is occupied by Deputy Collins
Seat A16 is occupied by Deputy Cowen
Seat A17 is occupied by Deputy Lisa Chambers
- 14.03.08: Ceann Comhairle reads out the result of the Division
Tá 30, Níl 73, Staon 1

Vote 134 - MOTION ON LIVING WAGE – AMENDMENT 1 (DEPUTY WILLIE PENROSE)

- 14.03.31: Question put and vote called.
- 14.03.44 Leas- Cheann Comhairle leaves the Chamber
- 14.04.28: Leas-Cheann Comhairle returns to the Chamber
- 14.04.36: Deputy Dara Calleary enters the Chamber and sits in Seat A18
- 14.05.09: Seat A14 (which is assigned to Deputy Dooley) is vacant
Seat A15 (which is assigned to Deputy Cowen) is occupied by Deputy Collins
Seat A16 (which is assigned to Deputy Collins) is occupied by Deputy Cowen
Seat A17 (which is assigned to Deputy Lisa Chambers) is occupied by her
Seat A18 (which is assigned to Deputy Calleary) is occupied by him.
- 14.06.13: Voting commences
- @ 52 seconds – the voting button on Seat A14 (which is assigned to Deputy Dooley) is pressed
 - @ 48 seconds the voting button on Seat A16 (which is assigned to Deputy Collins) is pressed
 - @ 47 seconds the voting button on Seat A15 (which is assigned to Deputy Cowen) is pressed
 - @ 45 seconds the voting buttons on Seats A17 and A18 (assigned to Deputy Lisa Chambers and Deputy Dara Calleary respectively) are pressed
- 14.07.16: Voting ends
- 14.07.17: Seat A14 is vacant
Seat A15 is occupied by Deputy Collins
Seat A16 is occupied by Deputy Cowen
Seat A17 is occupied by Deputy Lisa Chambers
Seat A18 is occupied by Deputy Dara Calleary
- 14.09.34: Leas-Cheann Comhairle reads out the result
Tá 16, Níl 85, Staon 1

Vote 135 - MOTION ON LIVING WAGE – AMENDMENT 3 (DEPUTY RUTH COPPINGER)

- 14.10.03: Question put and vote called
- 14.12.10: Seat A14 (which is assigned to Deputy Dooley) is vacant
Seat A15 (which is assigned to Deputy Cowen) is occupied by Deputy Collins
Seat A16 (which is assigned to Deputy Collins) is occupied by Deputy Cowen
Seat A17 (which is assigned to Deputy Lisa Chambers) is occupied by her
Seat A18 (which is assigned to Deputy Dara Calleary) is occupied by him.
- 14.12.28: Voting commences
- @ 51 seconds the voting button on Seat A15 (which is assigned to Deputy Cowen) is pressed
 - @ 51 seconds the voting button on Seat A16 (which is assigned to Deputy Collins) is pressed
 - @ 55 seconds the voting button on Seat A17 (which is assigned to Deputy Chambers) is pressed
 - @ 53 seconds the voting button on Seat A18 (which is assigned to Deputy Calleary) is pressed
- No vote registered for Seat A14 (which is assigned to Deputy Dooley)
- 14.13.29: Division ends.
- 14.13.33: Seat A14 is vacant
Seat A15 is occupied by Deputy Collins
Seat A16 is occupied by Deputy Cowen
Seat A17 is occupied by Deputy Lisa Chambers
Seat A18 is occupied by Deputy Dara Calleary
- 14.15.42: Leas-Cheann Comhairle reads out the result
Tá 18, Níl 81, Staon 0

MOTION ON LIVING WAGE – MAIN QUESTION

- 14.15.55: MOTION AGREED WITHOUT DIVISION

Vote 136 - ROAD TRAFFIC (AMENDMENT) (USE OF ELECTRIC SCOOTERS) BILL 2019 – SECOND STAGE

AMENDMENT 1 (MINISTER FOR TRANSPORT, TOURISM AND SPORT)

- 14.16.24: Question put and vote called
- 14.16.36: Deputy Niall Collins leaves his seat and walks over to the Leas-Cheann Comhairle to speak to him. He also speaks briefly to the Clerk on duty.
- 14.18.26: Deputy Niall Collins returns to A15 (which is assigned to Deputy Cowen).
- 14.18.48: Seat A14 (which is assigned to Deputy Dooley) is vacant
Seat A15 (which is assigned to Deputy Cowen) is occupied by Deputy Collins
Seat A16 (which is assigned to Deputy Collins) is occupied by Deputy Cowen
Seat A17 (which is assigned to Deputy Lisa Chambers) is occupied by Deputy Lisa Chambers
Seat A18 (which is assigned to Deputy Dara Calleary) is occupied by Deputy Dara Calleary
- 14.19.05: Vote commences
- @ 56 seconds the voting buttons on Seats A17 and A18 are pressed
 - @ 53 seconds the voting buttons on Seat A16 is pressed
 - @ 52 seconds the voting button on Seat A15 is pressed
- 14.20.06: Vote ends
Seat A14 is vacant
Seat A15 is occupied by Deputy Collins
Seat A16 is occupied by Deputy Cowen
Seat A17 is occupied by Deputy Lisa Chambers
Seat A18 is occupied by Deputy Dara Calleary
- 14.22.03: Leas-Cheann Comhairle reads out the result of the vote
Tá 62, Níl 32, Staon 0
- 14.22.12: Question put on motion as amended and agreed
- 14.22.30: Voting concluded

APPENDIX C: LIST OF INTERVIEWS CONDUCTED

Members who voted on behalf of another Member

1. Lisa Chambers FF
2. Niall Collins FF
3. Barry Cowen FF

Members who were recorded as voting but were not present in the Chamber

4. Dara Calleary FF
5. Timmy Dooley FF

Members who acted as tellers for parties/groups for the Voting Block on 17 October 2019

6. Sean Kyne FG
7. Peter Burke FG
8. John Curran FF
9. John Lahart FF
10. Aengus Ó Snodaigh SF
11. Denise Mitchell SF
12. Brendan Ryan Lab
13. Jan O'Sullivan Lab
14. Mick Barry Sol-PBP
15. Ruth Coppinger Sol-PBP
16. Catherine Martin SD-GP
17. Catherine Murphy SD-GP

Party / Group Whips who did not act as tellers on 17 October 2019

18. Michael Moynihan FF
19. Thomas Pringle I4C
20. Eamon Ryan GP

APPENDIX D: DETAILED STATEMENTS BASED ON INTERVIEWS WITH MEMBERS

NOTE OF MEETING WITH DEPUTY LISA CHAMBERS ON 22.10.19 AT 17.23

Present: Deputy Chambers (DC), Peter Finnegan (PF), Mellissa English (ME) and Ramona Quinn.

PF: I have been directed by the Ceann Comhairle to conduct a review, which has been approved by the Committee on Procedure of Dail Eireann, to establish the facts and make proposals to the CP regarding electronic voting and to make recommendations regarding a wider review.

(Terms of Reference were provided to DC)

PF: I've gone through the video footage to establish what happened.

(Sequence of Events document provided)

PF: That's just a copy of what happened on screen.

DC: Is there footage of me moving my seat?

PF: No, the voting screen is what's recorded, nothing else.

PF: We will take this vote by vote.

DC: My relevant piece is hitting Deputy Calleary's button. Before that I entered the chamber, I was talking to Fiona O'Loughlin about canvass cards. I recall that the seats were empty as I usually count 4 seats in from the end seat to get to mine. You can't actually see our numbers on the seats, as they are under the flap so I count 4 seats up from the bottom. I ended up in Dara's seat, I don't think Thomas or James were there and there was no one either side of me. I pressed the button and look up to the screen to make sure my vote had registered. It was at that stage that I realised I was in the wrong seat.

PF: How did you know?

DC: It is a force of habit that I looked up at the screen. I then hopped over and voted for myself. I probably should have corrected it but I didn't think it was a massive issue so I left it.

PF: Was there a reason why you didn't inform the teller, even though it was voting twice?

DC: I never made this mistake before, what a day to do it. In the moment, I left it as it was a big loss the vote in question. It is too casual altogether. When I'm usually voting, my button is under my left arm. It makes sense that I was in his chair because otherwise I'd have to lean over an empty seat to vote.

PF: To summarise your first vote, you went in, spoke with Deputy O'Loughlin, saw there were empty seats, took Deputy Calleary's seat, pressed his button thinking it was yours, looked up, realised it was not your seat, moved and then voted again.

DC: Yes.

PF: Moving onto the next vote. You confirm that you voted in your seat.

DC: Yes.

PF: Before vote number 4, you left your seat.

DC: I didn't realise that. Yes, I know why now. I got word from Simon Coveney about a Brexit meeting later that night but I had already arranged to go to Roscommon for another meeting at 6pm. I went up the stairs to Deputy Eugene Murphy to ask him to inform those attending the meeting in Roscommon that I was unavoidably detained.

PF: At this point, before the vote, Mary Butler was in your seat. With 28 seconds left on the clock, you pressed your button. Can you confirm that was you?

DC: Yes.

PF: And after the vote you were pictured in your seat.

DC: Yes.

PF: Moving onto Deputy Willie O'Dea's amendment, immediately before the vote you were caught on camera in your assigned seat.

DC: That's correct. Is this the first time that Dara votes?

PF: No, that's the next one.

PF: Next the Deputy Willie Penrose amendment. The Leas Ceann Comhairle takes the Chair. Deputy Calleary then arrives. Did you indicate to him at that stage that you have voted in error?

DC: I did however, in fairness to Dara he would have assumed that I would have corrected it.

PF: With 45 seconds left to vote, the button at A17 is pressed. Can you confirm this was you?

DC: Yes.

PF: Turning to the next amendment, which was Deputy Ruth Coppinger's. Again immediately before the vote is called, you are captured sitting in seat A17. During the vote, with 55 seconds remaining button A17 is pressed. Can you confirm that this was you?

DC: Yes.

PF: The final vote, the Road Traffic Amendment...

DC: Regarding electronic scooters..

PF: Again immediately before the vote is called, you are captured sitting in seat A17. During the vote, with 56 seconds remaining button A17 is pressed. Can you confirm that this was you?

DC: Yes.

PF: Then we come to the end of the voting sequence.

DC: Just to clarify, how many votes was Dara present for?

PF: He was present for votes 6,7&8.

DC: Yes but he is also registered as having voted in the first vote because of me. If ever there was an intent to register a vote on behalf of Dara, I would have continued to do so. However, it is clear from the record that I didn't.

PF: In terms of lessons learned?

DC: Sit in the right seat and inform the teller. Sit in your own seat and press your own button. The casual attitude is a problem. In my own instance, I should have felt it was important enough to say it. That's wrong of me and it speaks to a wider problem. If it was a financial resolution or the finance bill I would have mentioned if I'd voted in error but that is not my place to decide as all votes are equal.

Mellissa English: For the record, did Deputy Calleary ask you to vote for him?

DC: No. Dara had nothing to do with it and he would have assumed that I had corrected the record. So what is next?

PF: I submit the report. The Ceann Comhairle will probably bring the report to the CP on Thursday and I am working on the assumption that they will publish it.

DC: What about the statutory inquiry? Is that SIPO?

PF: No, that will be conducted by the Select Committee on Members' Interests pursuant to the Ethics legislation.

DC: I've been told second hand that a complaint has been made. Finally, I want to reiterate that it was a genuine mistake and I never entered the chamber with the intent of voting for someone else or at any stage intended to vote for someone else. When I cast that vote in Deputy Calleary's seat, I genuinely and honestly believed I was in my own seat and voting for myself.

END: 17.40

NOTE OF MEETING WITH DEPUTY TIMMY DOOLEY ON 22.10.2019 AT 19.05

Present: Deputy Dooley (DD), Peter Finnegan (PF), Mellissa English (ME), Ramona Quinn.

PF: The Ceann Comhairle with the approval of the CP, has asked me to conduct a review to establish the facts, to test the electronic voting system and to make proposals to the CP regarding the electronic voting system and possible amendments to the Standing Orders. The recommendations may also include the requirement for a wider review.

(Terms of Reference and Sequence of Events document provided)

Ramona Quinn will be taking a note of this meeting and will provide you with a copy of same for your consideration.

PF: IF we start at the beginning of the voting block, I'll take you through it from when you enter the chamber. At 13.26 the bells ring and within 50 seconds of this you enter the chamber. You have a conversation with Noreen Banim. Can you remember what you discussed with the Clerk?

DD: I can't to be honest. Maybe something to do with how many votes there were? Maybe you might ask her to confirm?

PF: So you finish speaking to the Clerk, then you speak to Deputy Collins. You have a brief conversation. Can you remember what you said?

DD: I saw him, I needed to speak with him. I said I'll see you at the vote but I have to take a call. I left and couldn't come back. I left everyone in a difficult position.

PF: The video footage shows you pointing at the seats.

DD: Yes, I was indicating that I'll see you at the votes.

PF: But you're already at the votes.

DD: I meant when we were voting but then I had to return to the office to make a call.

PF: Did you ask Deputy Collins to vote for you?

DD: No, I'm clear on that fact.

PF: So you got waylaid, at any point did it enter your head that you should have come back?

DD: No.

PF: Did you vote in any 8 of the divisions?

DD: No, I never came back.

PF: Any reason for Deputy Collins to have pressed your button?

DD: I didn't give him any reason to have pressed my button. He assumed I was in the House. I've done it in the past.

PF: Would you be aware of the requirement to be in the chamber when voting?

DD: Yes, I'm clear on that.

PF: I'm going to now talk you through the votes.

DD: Yes

PF: Your button, at seat A14 (showed on the seating map of the chamber) was pressed with 50 seconds remaining in vote 1. Can you confirm that you were not present for any part of that vote?

DD: Yes.

PF: Regarding the second vote, looking at the footage, your seat was empty in advance of the vote. Can you confirm that you weren't present, that you never came back through any door?

DD: Yes, I was not present.

PF: At what point did you become aware that your vote was registered?

DD: A journalist called me the next day.

PF: Did you talk to Deputy Collins?

DD: Yes, I told him. I contacted Deputy Collins. He said that he did vote for me as he had assumed that I was in the chamber on the basis that I had to make a call.

PF: After the first vote, you went back to the office and made a phone call. How long did that call last?

DD: I don't know. I should have gone back but I left the complex. I'm not sure at what time.

PF: Was there a particular reason why you left the complex?

DD: Yes, I was going to a meeting.

PF: Did you contact Deputy Collins by text?

DD: No, I didn't but I can check. (DD checks his phone). No, I can confirm that I wasn't.

PF: How long after the start of the voting did you leave. Was the vote still going on?

DD: It probably was.

PF: You received a call from a journalist, did you take any steps thereafter to correct the record?

DD: No, I spoke to the Ceann Comhairle on Sunday.

PF: When was it that you learned again? Was it the day of the votes?

DD: No, it was the day after, Friday. I was in Dublin. It was probably the early afternoon.

PF: I am trying to establish what happened and also what lessons are to be learned from this. From your perspective, what lessons are there?

DD: I've learned a hard lesson. If you're in the complex you stay for the vote. I owe apologies, I was sloppy and I should have delayed taking a call and instead concentrated on the voting. It was my personal responsibility and I didn't follow through on this. You shouldn't require checks for

something as basic as this. As regards how you can manage this in the future, a swipe card perhaps before you vote.

PF: Anything further to add?

DD: No, just to convey my sincere apologies.

ME: When you spoke with Deputy Collins, did you ask him why he voted?

DD: No, I asked him what happened? His response was, "I assumed you were in the chamber." I'm paraphrasing here, they were the general words used. I was driving at the time so I didn't take notes.

DD: What's next?

PF: The Ceann Comhairle will require me to report tomorrow night. The Ceann Comhairle has undertook to present it to the CP on Thursday morning at 9am. After that my functions ends. I don't know where it goes from there with the CP. My recommendations will include suggested changes to Standing Orders, systems and process amendments and establishing a factual account of what happened.

DD: The CP can then decide what to do? Isn't there some talk of other complaints?

PF: Yes, the Ceann Comhairle referred to other complaints in his statement this morning. They will be dealt with separate to this.

DD: It doesn't go to the CP?

PF: No, it is a statutory investigation and it doesn't go to the CP.

END: 19.22

NOTE OF MEETING WITH DEPUTY NIALL COLLINS AT 19.23 ON 22.10.2019

Present: Deputy Collins (DC), Peter Finnegan (PF), Mellissa English (ME) and Ramona Quinn.

PF: The Ceann Comhairle with the approval of the CP, has asked me to conduct a review to establish the facts, to test the electronic voting system and to make proposals to the CP regarding the electronic voting system and possible amendments to the Standing Orders. The recommendations may also include the requirement for a wider review.

(Terms of Reference and Sequence of Events document provided)

Ramona Quinn will be taking a note of this meeting and will provide you with a copy of same for your consideration.

PF: Starting with the voting block, Deputy Dooley arrives and goes to Noreen Banim, the Clerk.

DC: Can I ask, regarding the report, will you report it verbatim?

PF: Ramona will take a note of the meeting and it will be included as an appendix to the report. I will be including parts of your statement in the body of the report also.

DC: Ok.

PF: So, at 13.28 you arrived and started to speak to Deputy O'Dea. During the course of this, Deputy Dooley came over to you. Can you recall what he said?

DC: I entered the chamber and met with Deputy Dooley. He indicated that he wished to speak to me but that he had to deal with a phone call first.

PF: So Deputy Dooley leaves, you sit down and you sit in Deputy Cowen's seat. Why?

DC: No particular reason.

PF: Do you know your own seat?

DC: Of course. There was no reason. I didn't see Deputy Dooley leave the chamber to be clear.

PF: So the vote starts, the button on seat A14 is pressed. Did you press that?

DC: Yes, as I assumed that he was up the back of the chamber on the phone.

PF: Did you say that you would vote on his behalf?

DC: No, I assumed that he was up the back of the chamber on the phone.

PF: You then pressed the button whilst in Deputy Cowen's seat.

DC: Yes, he was beside me.

PF: You didn't offer to change around?

DC: No, but we've done it before.

PF: If I can summarise the first vote, you say that Deputy Dooley didn't ask you to vote. You took a seat in the front row which wasn't your normal seat. Because Deputy Dooley was taking a personal call, you voted for him?

DC: I mistakenly believed that he was in the chamber. That applies for all the votes.

PF: Is there any reason why you took it on yourself to vote?

DC: No, I assumed that he was there. Don't get me wrong, I'm not arguing to broaden it out but there are others that have come out in the last few days admitting to doing the same.

PF: At the end of the vote, did you say it to the teller that you voted twice?

DC: No.

PF: Turning to the second vote. The camera footage shows you in seat A15 with seat A14 vacant. With 50 seconds left on the clock, the button at seat A14 is pressed. Did you press the button?

DC: I did.

PF: 3 seconds later the button at seat A15 is pressed. Did you press the button?

DC: I did.

PF: So the vote ends and at that point did you wonder if Deputy Dooley was coming back?

DC: I assumed he was there.

PF: Onto the third vote. You are on camera seated in seat A15, then the vote commences and with 50 seconds left to go the button on seat A14 is pressed. Did you press the button?

DC: I did.

PF: Then the button on seat A15 is pressed. Did you press the button?

DC: I did.

PF: Then the vote ends. Seat A14 is vacant and you're in seat A15. There is no sign of Deputy Dooley coming back.

DC: I didn't realise he was gone.

PF: But this is 18/20 minutes later. Did alarm bells ring?

DC: No and it should have.

PF: At 4 votes in, did you say anything to the teller?

DC: No.

PF: Any particular reason why?

DC: I thought he was there.

PF: Turing to the next vote, which was the Deputy O'Dea amendment. The cameras have you in seat A15 with A14 vacant. With 51 seconds remaining on the clock, the button for A14 is pressed. Did you press that?

DC: Yes.

PF: The vote concluded at 14.03. At this stage Deputy Dooley had Deputy Dooley been in contact by text or by phone?

DC: No.

PF: The next vote was the Labour Party amendment. The cameras have you in seat A15 with A14 vacant, the button for A14 is pressed. Did you press that?

DC: Yes.

PF: At one stage you took a quick 10 second phone call in the chamber. Can you recall who it was?

DC: No.

PF: The next vote was the Deputy Ruth Coppinger amendment. You are in the video as sitting in seat A15 with seat A14 vacant. There is no vote registered for seat A14. Why didn't you continue to register a vote for that seat?

DC: I don't know, I can't explain that.

PF: The vote concludes at 14.15, the question on the main motion is put and the business moved onto the legislation on electric scooters. The Leas Ceann Comhairle is in the chair and about 50 minutes after the voting block has begun you speak to the Clerk and return to seat A15. The voting commences and the button at seat A15 is pressed. Is that you?

DC: Yes.

PF: But again there is no vote registered for seat A14. Have you any reason as to why?

DC: I can't explain it.

PF: The Leas Cheann Comhairle read out the result and the question was put on the motion. The vote concluded at 14.22 and nearly after an hour of voting and at that stage, seat A14 is still vacant. Did you think that you should have gone to the whips?

DC: I didn't. I was under the mistaken belief that he was in the chamber. I didn't look around to check.

PF: To be very clear, did Deputy Dooley ask you to vote on his behalf?

DC: No.

PF: At what point did you become aware that it was known that you had voted twice on behalf of others?

DC: When a journalist rang me on Friday afternoon.

PF: At what stage did you contact the Ceann Comhairle?

CD: I didn't because I spoke to Deputy Dooley and he indicated that he would contact the Ceann Comhairle.

PF: Would you be aware that you have to be in the chamber to cast your vote?

DC: Of course, I wouldn't cast a vote knowing or believing someone to be outside the chamber. This reflects on me badly.

PF: Did you feel that you should correct the record or speak to the whip?

DC: No as I believed that he was there.

PF: Regarding lessons learned, from your own point of view?

DC: Sit in your own seat. If someone else is not there, don't vote.

PF: Was this the first time that you didn't sit in your own seat?

DC: Not the first time but I can't recall exactly.

ME: In your initial conversation with Deputy Dooley, he points to the voting machine. What did he mean by this?

DC: I've no idea, Mellissa. I was looking at his face and not his hands.

ME: You mentioned your conversation with Deputy Dooley after being contacted by the journalist. Was your recollection of events and that of the Deputy the same?

DC: Yes.

ME: If you thought that Deputy Dooley was there and you didn't look around, why stop?

DC: I can't give an explanation. It is an obvious question but I can't give an explanation.

PF: Anything else of relevance that should be included?

DC: No, other than you have my full co-operation. In relation to the statutory inquiry, is that with the CP?

PF: No, that is for the Select Committee on Members' Interests of Dail Eireann.

DC: Does the CP get your Report?

PF: Yes, once I report to CP my job is done. It is up to the CP thereafter.

DC: Do we get to see a copy of the draft report?

PF: No. Ramona Quinn will give you a copy of the notes and you can come back with any amendments to this if you so wish.

DC: I was careless, I should've checked and I didn't. I am incredibly sorry.

END @ 19.49.

NOTE OF MEETING WITH DEPUTY BARRY COWEN ON 22.10.2019 AT 20.35

Present: Deputy Cowen (DC), Peter Finnegan (PF), Mellissa English (ME), Ramona Quinn.

PF: The Ceann Comhairle with the approval of the CP, has asked me to conduct a review to establish the facts, to test the electronic voting system and to make proposals to the CP regarding the electronic voting system and possible amendments to the Standing Orders. The recommendations may also include the requirement for a wider review.

(Terms of Reference and Sequence of Events document provided)

Ramona Quinn will be taking a note of this meeting and will provide you with a copy of same for your consideration.

PF: The bells ring at 13.26. Deputy Dooley arrives followed by Deputy Collins. At 13.31 Deputy Collins sits in your designated seat.

DC: I noticed that so I sat in his.

PF: Is that unusual?

DC: Not necessarily, I came in the door by the Ceann Comhairle. The thought struck me but it's not that unusual. Vote to the left so I was pressing his and he was pressing mine. We were all voting one way. I'm voting on his, he's voting on mine but it saves us reaching across each other.

[DC confirms position of seat on map.]

PF: You pressed A16 for all votes. I want to confirm you pressed no other button.

DC: No.

PF: At any stage, did Deputy Dooley's name crop up in voting?

DC: No. I might have said 'it's quiet today' but otherwise no.

PF: Did you speak to Niall Collins TD about changing seats?

DC: No.

PF: Did anyone ask you to vote for them?

DC: No.

PF: What emerged afterwards, where you were voting, did you believe that there any need to correct the record?

DC: No, I never did before if similar circumstances arose. You'd hear of lads voting for each other when up the back of the chamber but no one queues with the whip to correct the record. I had been talking to Minister McHugh as I wanted him to meet a public group. I might also have been speaking with Simon Harris on that day too, I certainly intended on looking for him in any case.

PF: Is there anything further that you wish to add?

DC: No, so I'm free to go.

[END: 20.42]

NOTE OF TELEPHONE CONVERSATION WITH DEPUTY DARA CALLEARY ON 23.10.2019 AT 15.19

Present: Deputy Dara Calleary (DC), Peter Finnegan (PF) and Ramona Quinn (RQ).

PF: Deputy Calleary, I am here with RQ, who will be taking a note of the conversation and providing you with a copy of same for your consideration.

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first and primary purpose is to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

PF: I don't want to delay you, I just have two questions. Did you ask Deputy Chambers to vote for you?

DC: No.

PF: Did Deputy Chambers tell you that she had inadvertently voted on your behalf?

DC: Yes and I assumed that she had corrected the record.

END 15.19

Present at Interview: Minister Sean Kyne, Peter Finnegan and Mellissa English

Peter Finnegan outlined the background to the review; that both the Ceann Comhairle and the Committee on Procedure had mandated him with conducting a fact-finding exercise to establish the voting which took place in the Chamber on Thursday, 17 October 2019. PF outlined that he wished to speak with Minister Kyne on the voting which took place and his recollection of same. Peter outlined that the review is to establish the facts as to what occurred, to outline any recommendations as may be necessary and, thirdly, whether a wider review may be necessary.

A copy of the Terms of Reference were given.

PF outlined that he had gone through the video footage of the proceedings on the 17 October and had documented it. He outlined that he had captured the key events being all 8 votes on Thursday, 17 October.

The Minister was asked about his functions as a teller.

PF: Did you notice anything different in the seating arrangements?

Minister SK: No but I spoke another teller in the past few days., In fact, we were discussing whether she had received any notes on the duties of a teller and I said, no, me neither. I mainly watch my own Party.. I tend to vote very quickly. I look left to see are the colleagues on my row there. I then look up and around. That's what I do. I did think, in passing, that the attendance was very low on the Fianna Fáil side. I just thought this in passing as I generally just look at my own Party. Sometimes I have the paired list with me but I know, in any event, who are abroad.

PF: Would you know your votes in advance?

Minister SK: I have a general idea of numbers. A number of Ministers are abroad each day and this can vary.

PF: The first vote was a Government amendment to the Forestry. Do you recall anything at the vote?

Minister SK: I think someone was in the wrong place but I am not sure which vote it was on but the matter was discussed by the Tellers and corrected.

PF: And the next second vote, did anything stand out?

Minister SK: No.

PF: The next issue was the Living Wage motion, was there anything there?

Minister SK: No. There was a Government amendment first. On the next one we weren't sure what Fianna Fáil were doing to the substantive motion on Living Wage. So, I spoke to Regina.

PF: The next one was the Road Traffic legislation, the electric scooters?

Minister SK: The Minister for Transport was not there as he was abroad. I went up the back to Minister of State in that Department, Brendan Griffin. He was chatting with John Deasy and someone else. He said Sinn Fein and Labour are on our side.

PF: Was there any conversation between the tellers when signing?

Minister SK: No. The main conversations are, on each day, with different motions where I try to ascertain what we are doing on each amendment etc and verify corrections that are brought to our attention.

PF: Was there any point when someone came to you re a correction?

Minister SK: Yes, as far as I can recall, as I mentioned earlier. On at least 2 Thursdays out of 3, there will be a correction at some point.

PF: You mentioned earlier that nobody explained the role of the teller? Can you explain what you think the role of the teller is?

Minister SK: I believe it is to sign off that everything is in order. As whip, I need to make sure everyone is there, I'm mainly watching my own people and the numbers. That's basically it, it's whether the people are there and who's sitting at the back, sometimes you can see them easily, other times you have to stand up to see them.

PF: We need to ascertain the lessons learned going forward – what are your thoughts from the teller perspective?

Minister SK: I think the CC's stipulation that we all sit in our own seat will be useful – this will help to see who is there and who is missing – that's the main thing. Now I will be paying more attention to other sides of the House.

PF: What do you think of the role of whips in the voting process? What would you think if whips were to sign off on their own Members?

Minister SK: It would be okay if people were sitting in their own seats. This should then not be an issue. The process would work better if people were seated.

PF: Is there anything further you would like to add?

Minister SK: No - I believe we should keep electronic voting as it will be fine with the CC recommendations as everything will be easier to see.

Meeting end 9.45pm

NOTE OF TELEPHONE CONVERSATION WITH DEPUTY PETER BURKE (GOVT TELLER) ON
23.10.2019 AT 10.52

Present: Deputy Peter Burke (DB), Peter Finnegan (PF) and Ramona Quinn (RQ).

PF: Deputy Burke, I am here with RQ, who will be taking a note of the conversation and providing you with a copy of same for your consideration.

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first and primary purpose is to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

PF: In relation to last Thursday, the reason why I am talking to you is because you were a teller last week on a number of government votes, with the Chief Whip. Did you notice anything unusual?

DB: I didn't notice anything, to be honest. As I am relatively new to this, it was I think only my second time as teller, I was more focussed on my own bench. Who was present, who was missing and why they were missing is vital in the case of a minority government. I would also have been talking to the Chief Whip about the reasons why people were missing.

PF: Had you a sense of your own numbers on your side, as to who is missing etc.? You'd be familiar with your numbers.

DB: I did and I would see Sean Kyne counting the heads on a regular basis and I then started to do the same thing.

PF: During the voting block, did anyone come to you at any stage regarding the vote?

DB: No but I did see Deputy O'Snodaigh query a vote but I was two steps back.

PF: That's a normal procedure.

DB: Yes, totally normally and I have seen changes made before.

PF: To summarise what you're saying, you saw the vote from the government side and noted nothing out of the ordinary.

DB: No.

PF: As a newcomer to the role of teller, does anything strike you now?

DB: The role of the teller is something which isn't clearly defined as to what our functions are? Stand in the chamber and do a headcount and reconcile the numbers? Am I to account for the government numbers or all parties and none? Maybe if tellers had training and there was an awareness as to where our responsibilities being and end? Maybe there is a document there but I'm new to it and haven't seen one.

PF: I don't think there is.

PF: Is there any reason why it is hard to get people seated?

DB: It can difficult to get access to Ministers in the ordinary course of events, so people use this as an opportunity to raise questions or seek advice or to discuss matters with other backbenchers. Then the vote is called, and a member may indicate to another member to vote for him/her when in their direct line of sight.

PF: Why is the voting block a better forum than the parliamentary party meeting?

DB: Well not everyone is at parliamentary party meetings and they have a format that may not be suitable for raising sensitive issues about your constituents.

PF: Anything further to add?

My belief is that the rules are not being enforced in some respects, especially with phones. There is an erosion of respect for the place that you are in.

Thank you

END 11.00

NOTE OF MEETING WITH DEPUTY JOHN CURRAN (FIANNA FÁIL TELLER) AT 18.05 ON 22.10.2019

Present at meeting: Deputy John Curran, Peter Finnegan and Mellissa English.

PF: Outlined the purpose of the review, and that he had been directed by the CC and the Committee on Procedure to conduct the review to establish the following:

1. The facts around voting which took place in the chamber on the 17th October 2019;
2. Whether there should be proposals to CP for any changes to standing orders;
3. Whether a recommendation should be made for a wider review.

Deputy JC: I didn't look back on any of the notes prior to this meeting or on any of the footage.

PF: That's absolutely fine.

(Copy of the terms of reference given.)

PF: I've gone through the eight votes which occurred in the chamber on the 17th October and I have documented it. I've compiled a sequence of the events.

(Copy of the sequence of events given to Deputy Curran).

Deputy JC: Are we talking about 3 people, Dooley, Collins and Chambers. I am not in a position to agree or not to the review taking place.

PF: For the first 3 votes the tellers were government and the two Catherine's. That being Catherine Murphy and Catherine Martin. Second vote was Sinn Fein. The third vote was the two Catherine's and Sean Kyne and Peter Burke. Looking at the 3 votes Deputy Dooley's button was pressed (Peter Finnegan shows John Curran the chamber map).

Deputy JC: I know where he is sitting.

PF: Did you observe the light going on?

Deputy JC: I wouldn't be able to say one way or the other. I would have had no reason to look. We have little panels in front of us. When I look I check the colour. The second thing I do is if I saw someone beside me I would tell them the clock is running. I wouldn't be looking at individual seats.

PF: Fourth vote was on the Living Wage.

Deputy JC: There were government tellers. It was a Sinn Fein motion and Sinn Fein tellers. Next amendment was from Robert Troy.

PF: You and Lahart were tellers. Did you notice anything amiss?

Deputy JC: No. When I get the sheet I check the motion and the numbers. There are no names on the sheet in terms of how people voted.

PF: Do you know the numbers of FF members who should have voted?

Deputy JC: No I just check the score. I didn't observe who was in or out.

PF: Did anyone bring to your attention a discrepancy?

Deputy JC: Categorically no, I know how serious it is if there is a discrepancy.

PF: The vote for number 6 it had Labour tellers.

Deputy JC: My memory ... what were the voting numbers? I think they were around 100. There were a lot of empty seats 50 or 60. If there had been a full chamber it might have been easier to observe an empty seat.

PF: On Amendment number 8 the tellers were Mick Barry and Ruth Coppinger. Was this the same position?

Deputy JC: Yes.

PF: The next one was Road Traffic Electric Scooter there was a government amendment. You were going to vote Nil. There were FF Tellers. Was there anything about that vote that stands out?

Deputy JC: No. There were big margins. I did think that the optics of 50-60 seats would not look good.

PF: What do you think the lessons are that we should learn going forward from this?

Deputy JC: I'm old school. Electronic voting didn't come in 2001. It was manual when I came in 2002. When I was Whip there was much more respect for the CC. People sat down, they took their seat. Now it's like a cattle mart. I would rigorously enforce the rule that people sit down when the CC is operating. People are constantly asking me now what are we voting on now. What's coming next. People need to sit down.

In terms of the voting block we didn't have one before. We're applying previous standing orders. We should have more truncated time to vote. Having to ring a bell multiple times even a short bell, we should have it where you can't leave the Chamber.

PF: Did Deputies Collins, Dooley or Chambers speak to you about the votes in advance of Thursdays?

Deputy JC: No, I'm not normally a teller. If anyone had an issue they wouldn't have known to speak to me.

It is not up to me to determine who voted only that the score on the sheet matches what's on the screen. I check both and that they match; that's my understanding of the role of a teller.

PF: Should there be a greater role for the whips, what are your thoughts on this?

Deputy JC: It will get messy. It will defeat the purpose of an electronic vote. It's not like the old days when you had to win a vote, now it doesn't matter if you win or lose. In the old days you might win by one or two votes and you knew exactly where every vote was before you entered the room. That's why there are so many absentees.

PF: If there's legislation and FF have 44 votes, in the current political environment you wouldn't know how many you would have on any one day?

Deputy JC: No that's really a question for the Whip. Certainly a teller wouldn't know. Voting has become more disorderly it is very casual. I would have people sit and I would amend standing orders to enable a voting block to run much quicker were you could go from one vote to the next.

Meeting ended at 6.20pm

NOTE OF MEETING WITH DEPUTY JOHN LAHART (FIANNA FÁIL TELLER) ON 23.10.2019
AT 10.31

Present: Deputy John Lahart (DL), Peter Finnegan (PF), Mellissa English (ME) and Ramona Quinn (RQ).

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

(Terms of Reference and the Sequence of Events document provided to DL)

PF: To confirm, RQ will take a note of the conversation and provided it to you for your consideration. It would be my intention to include these statements in the final report.

PF: In relation to last Thursday, I have captured the main events in the document provided, where people were sitting and what buttons were pressed. The footage I relied on doesn't show the chamber during the vote, it only shows the voting graphic.

DL: So once the division is call, it cuts to the screen.

PF: That's correct. The Ceann Comhairle has asked me to talk to the tellers and the whips. In terms of last Thursday, what's your recollection?

DL: I'm Deputy Whip so I share the responsibility with Michael Moynihan. My sole preoccupation on that day was to get the votes right as there were 8 votes, one of which was from the 1st of October and was Charlie McConalogue's so I was trying to get them right. Deputies are coming from committees and elsewhere and it is important that they all know how the party is voting on certain matters. (Referring to the votes..) Then there was the social protection one with 4 amendments, we were supporting one. My job was to ensure rubrics of those votes were correct and that we knew which way we were voting. That was that really. In my seat, just want to ensure people know how to vote – i.e. which way. Previously, there was an incident that someone changed way they were voting midstream and I wanted to avoid a situation like that occurring again.

I also had to find the spokespersons, to make sure that they were clear. I had a vote from the 1st of October which was Charlie's but I was sitting beside him and he gave me direction on that in the lead up. The last thing I would have been focussing on was whether people were in their seats or not.

PF: Did you notice anything unusual on that day?

DL: Emphatically no.

PF: Did anyone come to you afterwards, as you were the teller on that day?

DL: Emphatically no – and I shared the teller duty with John Curran on that day.

PF: What do you think are the big lessons learned for us as from your perspective as a teller and a whip?

DL: It's too easy to make a mistake – eg Darragh O'Brien taking a seat in the leader's chair. If a spokesperson has occupied the Leader of the Opposition's Chair for a lengthy period of time taking the lead in a debate, it's an understandable mistake to make (outside of voting block).

If you could combine technology with the walkthrough – if you had the panel of voting buttons up there, that would be good. I've never been here prior to electronic voting though. If you had a system whereby names were visible on the screen and you could see the name with the vote? The walkthrough is probably the answer but it's tediously long.

PF – But if you did that for last Thursday it would be 2 hours as there would have been 8 walkthroughs at about 20 minutes each.

DL: I get that. This has probably emphasised the importance of voting. There's probably a casualness now in voting.

PF: What do you attribute that to?

DL: I would say that there's a previous practice that pre-existed this Dail – of asking someone to press your button for you.

PF: If someone isn't in the Chair, is it possible to say where they are?

DL: Well people are just arriving in from different places and this is their first opportunity to catch up with people. As Deputy Whip, I'm in my seat 99% of the time though. Certainly the efficacy of the vote needs to be reinforced. How you do that though, I think the technology should be there to allow you to attach a name to a vote.

PF: What about another screen to put up names under the Tá and Níls. This should be possible.

JL: That would be a good way to get it done as the walkthrough is excessive. You could walk the wrong way but your colleagues are always there. The public wouldn't be aware that you're coming from committees and meetings etc and not all party members are aware which way they should be voting. My job is to keep focused and ensure everyone is aware of which way they need to vote on every amendment.

END at 10.43

NOTE OF MEETING WITH DEPUTY AENGUS O'SNODAIGH (SINN FÉIN TELLER) ON
23.10.2019 AT 16.40

Present Peter Finnegan and Mellissa English.

A O'S I have the whole background to the review that you were undertaking.

PF: Here is a copy of the terms of reference. So, when the CC spoke to me at the weekend I went on to the Oireachtas website and I worked through the footage of the votes in question on the 17th October 2019. I have documented the main events. I have created a chronology. I have identified where people were sitting before the vote and I have identified when people are voting. I believe it is a reasonable basis for what I am trying to do.

Copy of the sequence given to Deputy O'Snodaigh.

PF: You were the teller starting with the second vote. The amendment number 2 forestry was yourself and another teller. Did you notice anything out of the ordinary during the vote?

A O'S : No. Only change I noticed was another deputy vote in the 4th or 5th vote in what I thought was the wrong way for her politics. Either she called me or I called her and indicated the error and the record was corrected. In general, you wouldn't see anything strange unless, for example, it was an absence button, a red button in a sea of green or a row of blank votes and a single vote. The you look around to see who was there. In general, I wouldn't have a chamber map with me.

PF: Did we provide you with a chamber map?

A O'S: Yes. I have a laminated copy and I have it electronically. I can pull it up electronically. I use it sometimes. I would also look around to find my own people as they may be up the back after they had voted. You'd also have people who say that they sat in the wrong seat but they would say it straight away and it has never been a problem to correct it. There have, however, been more errors in recent times.

PF: What are people doing when they are walking around?

A O'S : Sometimes people are giddy and country members are anxious to leave. The second reason is access to ministers. People have detailed conversations up at the back with ministers. It's constituent work mainly and it's because people are in the one place. Normally people sit in the right place and vote and then move about to have their conversations. Conversations frequently continue on into the next vote. I once voted in the wrong seat but I corrected it. It was because I was having a conversation with a colleague at the time and hit the button for the seat I was sitting in.

PF: When you are operating as a teller. What are you looking for?

A O'S: Anomaly in votes. Sometimes smaller party votes are surprising, politically, but you don't challenge them. I sometimes look at the independence alliance ministers as they sometimes sit in different seats. I sometimes look at the FF bench. Sometimes the whole row is empty and you might wonder if they were all there and you would look around to check.

PF: When did you become aware of the issues arising last Thursday?

A O'S : Saturday when it broke in the media.

PF: Where you surprised?

A O'S : Yes. You don't think that anyone would have the gall to ask someone to vote for them. I have never seen it but sometimes members of our team have been locked out at a vote when they went for a break but, in such circumstances, nobody would vote for them. I look for people and they can be hard to find. I have never seen a vote for somebody who was absent.

I'm 17 years as a whip and I have never once come across someone voting for somebody absent or even voting for somebody who they thought was there. They would never take it upon themselves to vote for someone else. It would occasionally, perhaps commonly, be the case that someone would ask somebody sitting beside them to vote for them but, generally, this would only happen if you were having a conversation with somebody and it would generally only be for one vote. Sometimes different colleagues would vote for each other but only ever if the person was in the chamber.

PF: It would help on our side if we could speed up the software if we could run it off quicker. What are your thoughts?

A O'S: Yes and if people were in their seats it would mean less corrections. Lock doors at start and vote through voting block, no delays or minimal between votes. That is how it works in the voting block in the European parliament.

The teller just hits the button to say: yes, I agree with the vote - once you have checked the screen rather than having it printed out.

PF: The CC has mentioned that it might be that the whips might be asked to certify that their members are there. What are your thoughts?

A O'S : Strange, but I would have no problem doing it. Or perhaps you could use the TD I.D. card in the voting machine prior to voting as they do in the European parliament.

PF : Cards are not watertight either.

A O'S: No but somebody would have to sit in the chair to vote as opposed to leaning across a seat to vote. The key is to have the people remain sitting. We check where everyone is in the run up to the vote and we text people, if needs be, to ascertain their whereabouts. That's the job you're doing as whip and also remembering who has been excused in advanced.

PF : So you know in advance you'll have 21 votes?

A O'S : Yes and if I'm not there - for example if I am at a committee meeting or whatever, that's what the Deputy Whip is for. I challenge absent votes for my own party if they have no permission.

So the matter will now go to the committee on procedure tomorrow and then the Ethics complaints to the Committee on Members Interests?

PF : Yes but that is a separate process. That is separate to the process we are undertaking.

A O'S : This report might help them with the work done already in this report. It is not a good day for politics.

PF: Thank you deputy. We intend to publish all statements as part of our report.

A O'S : I understand.

End of meeting.

NOTE OF MEETING WITH DEPUTY DENISE MITCHELL (SINN FÉIN TELLER) ON 23.10.2019
AT 14.41

Present: Deputy Denise Mitchell (DM), Peter Finnegan (PF) and Ramona Quinn (RQ).

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

(Terms of Reference and the Sequence of Events document provided to DM)

PF: To confirm, RQ will take a note of the conversation and provide it to you for your consideration. It would be my intention to include these statements in the final report.

PF: In relation to last Thursday, I have captured the main events in the document provided, where people were sitting and what buttons were pressed. The footage I relied on doesn't show the chamber during the vote, it only shows the voting graphic.

PF: The Ceann Comhairle has asked me to talk to the tellers and the whips. You were the teller for the Living Wage and Forestry votes. In terms of last Thursday, what's your recollection? Did you notice anything unusual at all?

DM: Well you watch your own block. I did notice that one Deputy was in the wrong seat for the Living Wages one, I think. The Clerk was immediately notified and it was corrected straight away. That Deputy notified the error themselves from their seated position and it was corrected before the Ceann called it over.

PF: Outside of that, did anyone else come over to you?

DM: No, no one did and the first time I heard about it was in the media. I had no suspicions at all to be honest.

PF: In terms of your function as a teller, what do you see as your role?

DM: I make sure that what I am signing off on reflects the actual vote. In relation to the numbers, you just make sure that your people are in their seats and all voting in accordance with the whip in our block.

PF: Would you look at the other blocks at all and how they are going? Would you look at it in a critical way?

DM: I would see how things were going in a general but regarding the specific seating and positions, no. In the timeframe that you have, it is next to impossible to know who has voted and what seats they were sitting in. Also, you have no head count as to who is in the chamber so you can't reconcile the figures. I don't know the seating arrangement for the other parties and you only have a minute during the vote to assess all of this.

PF: Did the Journal Office send you a copy of the seating arrangement?

DM: I don't know.

PF: In relation to the lessons learned for us as an institution, what are your views?

DM: I definitely agree with the proposal that we all have to be in our seats before the vote commences.

PF: Does much of that go on?

DM: It does, also when the Ministers are there and you have a query, it is a great time to speak to them to discuss that query. You see both sides of the House crossing the floor and having discussions. The thing with being seated is that it would make it easier for the whip and teller, especially the whip signing too to make them responsible for their votes. My interpretation is that we are responsible for our block.

PF: If we were to develop Guidelines for the tellers, as the Standing Orders are silent, do you think there would be a value in these guidelines?

DM: Yes as I wasn't aware that you should be looking at the other side. You should be able to take it at face value that people who are voting are in the chamber.

PF: The old walkthrough essentially doesn't translate into the new electronic voting system. With the walkthrough you could scrutinise the numbers but you can't with the electronic voting system.

DM: I wasn't aware of the practice [of the possibility of some deputies possibly voting for other deputies who may not have been present inside the chamber at the time that the vote was taken] nor was I given any reason to suspect it was happening. The public may be unaware with regard to votes that had been won or lost by close voting margins, that Deputies have the authority to call a walk through vote in those instances.

END 14.55

NOTE OF TELEPHONE CONVERSATION WITH DEPUTY BRENDAN RYAN (LABOUR TELLER)
ON 23.10.2019 AT 16.01

Present: Deputy Brendan Ryan (DR), Peter Finnegan (PF) and Ramona Quinn (RQ).

PF: Deputy Ryan, I am here with RQ, who will be taking a note of the conversation and providing you with a copy of same for your consideration.

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first and primary purpose is to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

PF: In relation to last Thursday, the reason why I am talking to you is because you were a teller last week. Did you notice anything unusual?

DR: No.

PF: During the voting block, did anyone come to you at any stage regarding the vote?

DR: No.

PF: What do you understand your role as teller to involve?

DR: My working assumption is that when the vote is cast, the guys come down with the sheets and put them together and the votes are established. Other common occurrences would be if someone voted incorrectly, I'd tell the Clerks and that's been done in the past. Usually it just extends to someone voting the wrong way, genuine stuff for correction really.

PF: Anything else strike you?

DR: Generally that is it. Regarding last week's vote nothing comes to mind. It is a bit of a shock to me that someone who wasn't in the chamber had votes registered. It is routine enough for someone who was in the chamber to ask a colleague to cast their vote for them though.

Regarding the Thursday voting block, you have members and Ministers captive and a lot take the opportunity to talk to them. There is over and back, people are on the steps and in the lobby but I am shocked that someone would vote for an other who wasn't in the chamber. In reality though, both examples are wrong and we are not meeting our constitutional obligations regarding present and voting.

PF: What do you think are the main lessons?

DR: These things happen but I think, having looked at the video, that a member asked a colleague to vote for him when he was not in the chamber. We must guard against this and to do so we must be in our own seats before voting. The constitutional objective regarding present and voting is very important END 16.08

NOTE OF MEETING WITH DEPUTY JAN O’SULLIVAN (LABOUR TELLER) AT 21.09 ON
22.10.19

Present: Deputy Jan O’Sullivan (DOS), Peter Finnegan (PF) , Mellissa English (ME) and Ramona Quinn.

By way of introduction, PF informed the Deputy as to the purpose of the meeting, the purpose of the review and provided DOS with a copy of the terms of reference and the memo entitled ‘Sequence of Events’.

DOS: Yes I was on the Business Committee, I’m aware of the process.

PF: Yes of course.

PF: I’ve documented about an hour of comings and goings, where people were sitting and voting. In relation to your view of the Labour Party Amendment to the Living Wage Bill. Because it was a Sinn Féin motion, Sinn Féin provided Nil tellers and you were one of the Tá tellers.

DOS: That’s correct.

PF: Did you notice anything out of the ordinary?

DOS: I was counting the numbers for us as I knew the numbers against us were so large.

PF: Did anyone come up to you to correct the record?

DOS: No.

PF: Did you notice anything else unusual?

DOS: No, I wasn’t paying attention to the Fianna Fáil votes.

PF: Could you provide your understanding of your role as teller?

DOS: In terms of votes, I wouldn’t have said it was my role to see if everyone was in their place and the buttons being pressed.

PF: And you have a sense of the numbers?

DOS: I counted them as I thought we would be asked to stand up in our seats because we had less than 20. My main interest was in who was supporting us not who was against us as the larger parties, including Sinn Féin, were against us.

PF: What lessons to be taken from this, from your perspective?

JOS: Should all acquaint ourselves with our roles as tellers Probably should see who isn’t in their seats but we have a limited time. People should probably be asked to sit in their seats before voting. Whilst I think that we are probably not given enough time, there might be some time after the doors are locked to make sure everyone is sitting in their seats.

PF: Anything else relevant?

JOS: I’m not in support of ditching the electronic voting system. What happened doesn’t merit that. I am not in favour of throwing the baby out with the bathwater. I have nothing further to add.

[ENDS: 21.16]

Present: Deputy Barry (DB), Peter Finnegan (PF) and Ramona Quinn (RQ)

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

(Terms of Reference and the Sequence of Events document provided to DB)

PF: To confirm, RQ will take a note of the conversation and provided it to you for your consideration. It would be my intention to include these statements in the final report.

PF: In relation to last Thursday, I have captured the main events in the document provided, where people were sitting before and after the votes and what buttons were pressed.

PF: I am interested in speaking to you as you were a teller for the amendment regarding the Living Wage motion, amendment three, which was defeated 81:18. Did anyone come to you or did you notice anything regarding that vote?

DB: Nothing unusual.

PF: Did anyone come to you regarding any irregularities on the tellers' sheets?

DB: No.

PF: You've been a teller before, when performing this function what do you see as your role?

DB: There are two things; firstly, the electronic score board. That's the main thing that I observe. During this vote, Fianna Fáil, Fine Gael and Sinn Féin all voted against it. I subsequently tweeted about it. Secondly, you know that you have to go down to sign the sheets. On the day, the third vote was in relation to electronic scooters and I left the chamber to go to Cork at that stage. Regarding the vote, I was more concerned regarding the block vote than how individuals were voting.

PF: Anything else strike you regarding this vote?

DB: No, not until I read about it in the media but at the time, no.

PF: There is a lot of movement in the chamber, do you have a sense of why?

PF: What are people doing in the chamber. Looking at the events, what are the main lessons that we as an institution need to take on board?

MB: Every Deputy should be mindful of the correct procedure. I understand the provisions put in place at an organisational level [meaning a rule whereby deputies must vote from their seats or some form of ID system] to make sure that it doesn't happen again. The reaction of the public includes a mixture of disgust, this means that best practice will require the organisation to take

organisational measures so as to guarantee the public. My colleagues probably will not have a problem with that.

END 15.46

**NOTE OF TELEPHONE CONVERSATION WITH DEPUTY RUTH COPPINGER (SOL-PBP) ON
23.20.2019 AT 16:26**

Present: Deputy Coppinger (DC), Peter Finnegan (PF) and Mellissa English (ME)

PF: Do you know the review that I am conducting regarding the votes that occurred in the Dáil chamber on 17 October?

DC: Yes I do.

PF: On a motion on Living Wage, you were the Teller with Deputy Barry, can I ask you did you notice anything out of the ordinary with those votes?

DC: No, I was immersed in my own work.

PF: Did anyone draw anything to your attention?

DC: No, nobody did. In future I'll be checking every vote. I didn't notice whether anyone was absent, I just checked the numbers on the vote.

PF: Thank you for taking my call.

End of memo.

NOTE OF MEETING WITH DEPUTY CATHERINE MARTIN (GP TELLER) AT 11.15AM ON
23.10.2019

Present at meeting: Deputy Catherine Martin, Peter Finnegan and Mellissa English.

PF: As you are aware, the CC has asked me to conduct a review on the voting system. This has been endorsed also by the Committee on Procedure. The purpose of the review is, firstly: to establish the facts as to what occurred in the chamber on the 17th October 2019. Secondly, to look at the standing orders in terms of the voting system and the third issue is whether recommendations will be made for a wider review.

(A copy of the Terms of Reference was given to Deputy Martin)

Deputy CM: The CC said there was going to be two reviews?

PF: When the story broke the CC felt that it was so serious that he asked me over the weekend to investigate the issue. Also, over the weekend, a member made a complaint pursuant to the Ethics in Public Office Acts but this is a totally separate investigation. It is totally separate to what we are doing here.

Deputy CM : That's a role then for the Committee on Members' Interests?

PF: Yes.

PF: As I said the terms of reference set out the three things that I am looking at here. The third is the wider review and this may be done with reference to best practice. When the CC contacted me, I went to the website and reviewed the footage that we have on the votes. I documented it. (Copy of sequence of events given to Deputy Martin). I captured the comings and goings and what happens before the votes.

Deputy CM: Can you see every member in the footage?

PF: No. It's taken from where the CC is so you can't see it at all. You can see a few rows on each side but not really the back rows. The principles here were in the front row. The division appears on the screen for voting and that is what recorded. There is no footage of members pressing buttons. There is maybe 2 seconds each side of a vote but that is the footage that we are working with.

CM: Is this investigation only in relation to the two FF members or the Thursday vote?

PF: All votes on the Thursday. You had a prominent role. You were a teller with Catherine Murphy on the Forestry vote. Can you give me your recollection of events?

Deputy CM: I just perform my duty as it takes place. There is nothing clear in the standing orders on the role of a teller, except to sign the paper and there are no real guidelines on the issue. My role is to watch who is supporting who on what vote and to watch the vote.

PF: Did you have a sense who was supporting you on that forestry motion?

Deputy CM : No, you never really know. I thought FG would be against it. I was curious about FF.

PF : Did anything strike you about the voting pattern?

Deputy CM : No.

PF : Did anyone ask you to change or correct a vote.

Deputy CM : Definitely no. There was a lot of chatting and people out of their seats.

PF : Why, do you think, were there people out of their seats?

Deputy CM: I don't know. I always sit in my right seat and vote for myself. Same for Seamus Healy beside me and all my own party. I think that everybody should be in their own seats.

PF : You mentioned the role in standing orders for tellers. In the absence of any particular guidance beyond this: what did you think their functions are?

Deputy CM: That I agree with the electronic vote as recorded. For the votes, I am watching what the vote was and signing off on it. I think the whips should have a role to ensure people are in their seats.

PF: The CC has identified that the role of whips might change to take responsibility. What are your thoughts on this?

Deputy CM: That would help- especially for tellers from smaller parties..

PF: Did anybody contact you after the vote?

Deputy CM : No.

PF: When did you hear about the issue?

Deputy CM: I heard it whenever it was online. No one said it to me. It's such a frantic environment at the moment. In the past I would watch the smaller parties and know how they were voting. As a teller I would never have thought someone would be out of the chamber when their vote would be cast. I would never have thought that this was something I would have to watch out for, and this would apply across all parties.

PF: The Constitution says that members should be present and voting and doesn't make provision for proxy voting.

Deputy CM: Yes I understand that.

End of meeting.

NOTE OF MEETING WITH DEPUTY CATHERINE MURPHY (SD TELLER) AT 17.03 ON
22.10.2019

Present: Deputy Catherine Murphy (DM), Peter Finnegan (PF) , Mellissa English (ME) and Ramona Quinn.

By way of introduction, PF informed the Deputy as to the purpose of the meeting, the purpose of the review and provided DM with a copy of the terms of reference and the memo entitled 'Sequence of Events'.

PF: Did you notice anything unusual?

DM: I noticed some changes in people's voting seats. In particular, I noticed for example that Deputy Carol Nolan had moved seats but that aspect was the only thing that I noticed. In fact I have mentioned this to Róisín Shorthall, who was sitting beside me. I then checked the number on screen.

PF: You were on the Níl side.

DM: That's correct.

PF: Did anyone say anything to you?

DM: Joan Collins sat in the wrong seat because Carol Nolan had moved it may have caused confusion. I don't know what vote that was on. She immediately notified Aengus O'Snodaigh, who was the Teller, and he ensured that was corrected.

PF: What did you see your role as the Teller including on the day in question?

DM: You make sure you know your own Group and the numbers. You make sure they are all there and you check the screen to see if any adjustments are required and reflect that in the vote. As far as I can recall there were no adjustments in the votes I was Teller for on that day , although I couldn't be sure.

PF: Did you see any role for you as teller in relation to the other Groups on the day?

DM: Not really, no. I wouldn't have thought that I had any role in that regard.

PF: Based on your experience of last Thursday what should be done differently?

DM: The whips have a huge role to play. I was previously a whip for the technical group in the last Dail and I understand what's required. You must make sure you know who's there or who's not. I don't think the tellers would have sufficient time to match a person to the vote.

PF: Do you think there's any value in a role call of the votes to mark the teller as being automatically recorded and that they then stand beside the Ceann Comhairle?

DM: Maybe although I still believe the role of the whip is so important. Perhaps if they would interact with the teller to assure them as to the numbers on their side. To ensure that the numbers tot up. Maybe you could stand beside the Ceann Comhairle but you still wouldn't be certain. That's a trust issue as you assume that the people are in the chamber once they've voted. There is a casual pattern of people chatting at the back and asking others in the chamber to vote on their behalf.

END at 17.10

Present: Deputy Moynihan, Peter Finnegan and Mellissa English

Peter Finnegan outlined the purpose of the review, that it was to establish the facts as to what happened at the voting the Chamber on Thursday, 22 October 2019. Secondly, it was to see whether any recommendations ought to be made to Standing Orders in relation to the voting process and, thirdly, whether recommendations should go forward that a wider review of the voting system be conducted. Peter Finnegan outlined that he had gone through the video of the 8 votes for the day in question and gave a copy of the sequence of events document to Deputy Moynihan. He outlined that this gave a sense of what happened over the 8 votes over the hour. Peter Finnegan outlined that he had been asked to speak to the tellers, the whips and the principals involved in the votes.

PF: You weren't able to do teller that day?

Deputy MM: I had a personal issue to deal with and had to attend a meeting in Cork on Thursday pm and so my office contacted Deputy John Curran.

PF: At what point did you learn of the events in the Chamber?

Deputy MM: Friday pm, mid-afternoon.

PF: From who?

Deputy MM: Amy in my office. She contacted me to let me know there was a media query.

PF: Over the weekend, did any of the Principals contact you as to what had occurred in the Chamber?

Deputy MM: No. Not about voting. Not over the weekend. I was not contacted Friday, Saturday, Sunday or Monday as to it.

PF: Would you, as whip, know how many votes you have in the Chamber for the Thursday votes?

Deputy MM: We have 44. Normally, they'd come to you on Wednesday or a day earlier and say "I'm away" and you would agree to this and then you would expect the balance of the numbers to turn up.

PF: One of the issues we need to address is lessons learned for us as an institution.

Deputy MM: I was here when there was a manual system. The electronic voting process did speed up the process big time. I remember on Thursday mornings you could have 8-10 divisions that would go on until 3 o'clock.

Prior to the electronic system manual voting was used as an opportunity to lobby Ministers, particularly for non-Government TDs. This generated an opportunity to deal with a Minister. They'd sit at the back of the Chamber discussing an issue. When the vote is called, people arrive only when there is a minute or two remaining. It is the time, in practice, to get to talk to Ministers. That's why people are out of their seats. It has developed, for example if Michael Moynihan wanted to speak to

the Minister for Agriculture about a local issue. It is the same for Chairs of Committees that they would go to their Minister. If they had an issue that they were pressing with a Minister, they would shout over to someone else to vote for them. The practice should be that people be in their seats. This must be done for the integrity of the House but, from a political perspective, this is closing off a window of opportunity for TDs to meet with Ministers. That is why the practice has developed that Members are out of their seats. In Bertie Ahern's days, Bertie Ahern had his Ministers in the bar for coffee at 11am for the same purpose but that is no longer the case. If you look at any Thursday, TDs are talking with Ministers even standing in the middle of the Chamber to get their issues out. Nobody raised it as an issue as you were in the Chamber, that is my take on it.

Was it short practice to have someone else vote? I don't think so. If the numbers were in the Chamber, that all has to change now for the integrity of the Chamber.

PF: Do you believe the whips should have an extra role?

Deputy MM: An extra level of checks to ensure the integrity of the House is absolutely fine and this would be fine for tellers.

Deputy MM: Do you think we will do a full review of the electronic voting system?

PF: It depends on the outcome of the review and whether the system is found to be technically sound and the effect of the human factor on the system.

End of interview 10:15am.

NOTE OF MEETING WITH THOMAS PRINGLE (I4C REPRESENTATIVE) AT 22.05 ON
22.10.2019

Present: Deputy Thomas Pringle, Peter Finnegan and Mellissa English

Peter outlined the purpose of the review; there are three stands to the review - 1 is to establish the facts, as to the voting that took place in the Dáil chamber on Thursday, 17th October 2019, - 2 is to conduct an examination of the Standing Orders to see if they need to be amended and 3 if we require a further review in to the voting system more generally. A copy of the Terms of Reference were given to the Deputy Pringle

Deputy TP: Our group knows that this review must be done. The problem we have as a group is with the third part as our Members were not involved and we have a problem with this.

PF: The third part of this review will be to look at best practise both at home and abroad. We operate a designated seat system; some Parliaments work with cards. We will look at other practises.

Deputy TP: There is a slot for a card at the moment, can this option be utilised? Why is it not activated, is it an IT issue?

PF: Members, at the time the electronic voting was introduced, almost 17 years ago, it was felt that there would a risk that votes would be lost on serious issues if a Member had simply forgotten to bring his card or lost the card. In the circumstances back then, they opted for designated seating option, rather than verification by way of card.

PF: Were you in the Chamber on Thursday?

Deputy TP: No, I was away in Belgrade at the IPU (Interparliamentary Union).

PF: We would like to talk to you in terms of your experience as a Whip.

Deputy TP: I think the system works fine. I have spoken to the group. If they make a mistake – if for example they sit in the wrong seat, they just notify the tellers and the issue can be quickly remedied. We don't think there's any problem with the system.

PF: Do you think that there should be a cancel button, so you wouldn't have to go to the tellers in such circumstances?

Deputy TP: Do I think you should spend 50k on changing the system to create a cancel button? No. The system is not that broken, we think the system is fine. The Members who are involved in it should be dealt with. That's how our group feels.

PF: The CC outlined that the Whips may be required to sign off on votes. What are your views on this?

Deputy TP: It would be easy for us to do, for other Whips it would be cumbersome, but Members need to take responsibility for their actions, as do tellers. Should the system be fool proofed to keep us straight? No, I don't think so.

PF: What do you see as the tellers function?

Deputy TP: It was never explained to me. I'm responsible for all votes on my side. You need to be aware that you have responsibilities for the votes. Its not just a signing process.

PF: So what's your role?

Deputy TP: If we call a vote, or if it's one of our motions, I see it as being responsible for the group and signing the form, that's it.

PF: Do you think the role includes checking numbers/accuracy?

Deputy TP: I would tell the Clerk if there was an error, if someone came up to me. I don't check what other parties are doing. Whether I would have control over, for example Fianna Fail, if I saw something wrong? I don't know.

Deputy TP: Overall, I would say that if the system is going to be changed, do it in a couple of months. As a group we feel we are taking responsibility for others doing wrong. How are the notes that Mellissa English is taking going to be used?

PF: it is envisaged that the notes will be appendices to the report of the Committee on Procedure.

Deputy TP: That's fine.

END

NOTE OF MEETING WITH DEPUTY EAMON RYAN (GP LEADER) ON 23.10.2019 AT 12.05

Present: Deputy Eamon Ryan (ER), Peter Finnegan (PF), Mellissa English (ME) and Ramona Quinn (RQ).

PF: The Ceann Comhairle, with the approval of the Committee on Procedure, has requested that I conduct a review. The review has three elements, the first to establish the facts of what took place at the voting block on Thursday. The second, to make recommendations regarding possible changes to the electronic voting system and Standing Orders and finally a consideration as to whether a wider review is required into electronic voting practises.

(Terms of Reference and the Sequence of Events document provided to ER)

PF: This captures the entrance and exit from the chamber, where people are seated. Button pressed and seating after every vote. Go to screen at vote. The feed available is the one around so there is no footage of the vote.

PF: The Ceann Comhairle is anxious to speak to the principal persons concerned, the whips and the tellers. It is in that capacity that we are having communications. To confirm, RQ will take a note of the conversation and provided it to you for your consideration. It would be my intention to include these statements in the final report.

PF: Were you in the chamber?

ER: No. I had been invited to speak by the Institute of Directors at the National Concert Hall from 1pm until 2pm. I knew that the forestry motion had been put back because of the budget so I had asked Catherine Murphy would she mind acting as teller instead of me.

PF: Were you paired for that vote?

ER: No. Sometimes I do but more often they ask me. It was the second stage debut and I was confident we had no chance, otherwise I would have cancelled the Institute of Directors or paired. Maybe we should have considered pairing.

PF: Did anyone ring you about the vote?

ER: I got a text from Deputy Murphy's team to say the motion had gone through which was a big thing for us.

PF: At what stage did you learn about the errors?

ER: From the media. I wasn't aware before that.

PF: No one spoke to you from any other party?

ER: No.

PF: What is the role of the teller?

ER: I'm not a teller very often as we only have private members time every 3 – 4 months. My main sense of it is that as teller you are watching the numbers, watching to see whether your

amendment will be carried. It is different from the walk through where you are standing by their shoulders, watching the numbers and looking around.

PF: More interested in blocks than in individual votes.

ER: Yes, I'm looking for anomalies and who's for or against the stream. It is the political aspect more than the technical aspect. Particularly in this Dáil as there are 8 groups, occasionally you see mistakes and it has to be changed. You would note that. Looking at the block rather than the individual.

PF: That makes sense.

ER: Yes, it is a serious issue. Maybe we got lax regarding votes and the general approach too. This Dáil is different to Dáileanna of the past with minority government. Every vote when I was in Government was knife edge and tested. It is different now.

As a whip, the main function is to see how your vote is going. You just cannot participate in every debate. The main concern is, what are the issues and the likely numbers?

The media is saying that the Thursday voting block vote is a terrible idea. To remove it however, would see us throw out innovations achieved. This group votes assist us in planning as you can see what is coming. It is a more thorough process versus the olden days.

Often get votes called unexpectedly and you might not be well briefed however with this system you are more prepared. It is advantageous and I would hate to see us jettison Dáil reform as there's a benefit in this. Advantage to grouping as it gives you time for committees too, which is important.

PF: You mentioned things are lax on Thursdays regarding the voting block.

ER: I'm not expert as it is different for country TDs. I'm here all the time. I hear of people heading home early to their constituencies. Also and in general, the use of mobile phones means people are taking calls in their seat in the middle of debates. It is difficult for the Clerk, in that people are running over time. This is disrespectful to everyone else. There is ongoing breaking of rules and this creates a culture. Often during the debate, there would be people chatting in the lobby area too, which is very off putting. People need to be reminded that we are there to work and concentrate on what is being said.

Getting rid of phones entirely is not a good idea though. Using your phone as a research tool is useful especially where you have a smaller presence. I would miss that if I couldn't do it. I think it would be more beneficial to stop calls in the chamber.

PF: Thursday's voting, you see people out of their seat a lot. Based on your experience, is there a reason for that.

ER: It works. Everyone is there. You have a chance to talk to people. The vote is called on the order of business. Talked to Deputy Martin, Mary Lou McDonald TD, Jan O'Sullivan TD, Richard Boyd Barrett TD, the Taoiseach. In the 5 minutes I could go to all the groups regarding the question and that is a great use of that time in pursuit of a positive political objective. You can't be so rigid. Need to discuss with colleagues especially when issues arise off the hoof. The informed interaction is important. My seat is very beneficial as the government comes in from the landing e.g. can speak to a Government Minister regarding a topical issue and that is very useful.

PF: What do you think of the general suggestion about not being able to start the vote without people being in their seats.

ER: It'll be a tough job for the Ceann Comhairle to make sure this happens.

PF: That's where the whip comes in as a second level of assurance.

ER: A mechanism where you know in advance and get a warning before voting to take your seats but that isn't an issue in my case with 2 members. Everyone knows where their seat is. Seating reflects pecking order too.

PF: The role of the teller in Standing Orders isn't very detailed. Do you think it would be beneficial to have Guidelines to assist?

ER: Yes, guidelines would be of assistance but the whips also need to be stronger. It can't just be on the teller.

[END 12.30.]

APPENDIX E: RULES GOVERNING THE CONDUCT OF ELECTRONIC VOTING – RECOMMENDED FOR ADOPTION BY THE COMMITTEE ON PROCEDURE

Voting from designated seats only

1. The requirement that Members must occupy their designated seats prior to the commencement of the vote will be strictly enforced by the Chair.
2. As members enter the Chamber, they should make their way promptly to their designated seats.
3. On the locking of the doors (signalled by the Ceann Comhairle striking his gong), the Ceann Comhairle will instruct Members to take their designated seats.
4. The Ceann Comhairle will wait until all members are seated, before announcing the business item, the question and the tellers, followed by the commencement of voting for 1 minute.
5. Members must cast their votes in their designated seat.
6. A Member may only vote on their own behalf. Under no circumstances should a Member deliberately press a voting button in more than one seat ie. vote for another Member, whether or not that Member is present in the Chamber.

Errors or irregularities to be notified to tellers at the table

7. When the division lists and tellers sheets are printed and handed to the Clerk, the Chair will rise in his place and formally call on the tellers and relevant Whips/group representatives to come to the table. This will act as a signal to any Member who wishes to raise an issue with the tellers before the result is declared by the Chair.
8. Where a Member wishes to vary their personal result as displayed on the initial vote screen or raise any other issue, this may only be done prior to the signing of the tellers sheets and the formal announcement of the result by the Chair. (This would include for example where a Member inadvertently sits and votes in the wrong seat, votes in two seats, fails to press any button, or presses the wrong button).
9. In the circumstances outlined in paragraph 8, the Member is obliged to advise the nominated tellers at the table. The tellers should collectively agree any change/s

prior to signing the tellers sheet. The Clerk will record and initial the changes in manuscript on the division list and tellers sheet as appropriate.

10. Where any Member becomes aware of any irregularity or error during a division, such Member has an obligation to bring this to the attention of the tellers, Clerk or Chair.

Errors or irregularities discovered following the declaration of the result

11. Where a Member becomes aware of an error or an irregularity after the result has been declared from the Chair, the Member has an obligation to formally raise the issue in writing with the Ceann Comhairle.
12. The Ceann Comhairle may refer the matter to the Committee on Procedure for consideration at his discretion and where appropriate.
13. The Ceann Comhairle may also, following consultation as appropriate with the relevant tellers/Whips, notify the House of such error or irregularity by way of an announcement in the House; and the announcement shall accordingly be recorded in the Journal of the Proceedings of Dáil Éireann for that day.

Responsibilities of tellers and Whips

14. The main function of the tellers is to certify the numerical result of the vote by signing the tellers sheet.
15. Tellers are also required to use their best endeavours to collectively resolve any errors or irregularities which are drawn to their attention prior to signing the tellers sheet. In this context, the tellers must collectively agree any changes to the initial electronic voting output as set out on the printed tellers sheet and/or the division list before the tellers sheet is signed. These changes will be manually noted and initialled on the hard copy documents by the Clerk at the table and witnessed by the tellers.
16. In order to certify the tellers sheet, the tellers must be satisfied with the accuracy of the division list which lists the names of the Members voting Tá and Níl, or abstaining, in party/group order.
17. As tellers can only account for their own party or group, the Whips/representatives of any other Party/Group involved have the primary responsibility for reviewing and

certifying the names of the Members voting for their party/group on the division list; and will be required to come to the table to sign the division list, before the tellers will be in a position to sign off on the tellers sheet.

18. In order to satisfy themselves with the accuracy of the division list for their party/group, tellers and Whips/representatives must –
 - generally familiarise themselves with the seat numbers for their party/group;
 - actively monitor the members of their party/group taking their designated seats in advance of the vote (using the laminated seating map where required); and
 - verify the division list by visually checking it against the members actually seated in the Chamber if necessary.
19. Members should remain in their seats until the result has been formally announced by the Chair for the purposes of verification by the tellers.

Nomination of tellers

20. Where more than one party or group proposes to vote on one side of any question, the sponsor of the proposal shall nominate the first teller, with the second teller being nominated by the largest party/group who are voting the same way.

Introduction

Purpose and Relevance of this Code

The principles and guidance set out in this Code are not intended to be comprehensive or exhaustive.

They provide the basis for a common set of values intended to ensure that the House and its members operate effectively and well.

Such values are the basis for the Standing Orders of the House and the manner in which they are applied and interpreted by successive occupants of the Chair.

Responsibility for regulation of proceedings and maintenance and enforcement of order is and will continue to be a matter for the Chair. This code should be regarded as another resource, available to the Chair and to members generally, to assist in achieving this end.

This Code will be reviewed periodically and may be adapted or expanded in the light of experience.

Status of this Code

This Code was approved by the Committee on Procedure and Privileges on 12 May 2010.

It replaces the memorandum on decorum circulated to members of the Dáil pursuant to a decision of the Committee on Procedure and Privileges of 27 November 2002.

The Code

Principles

1. Members belong to an institution that is a cornerstone of and plays a central part in our democracy. They have a fundamental duty to behave in a manner that supports and reflects this and should endeavour to avoid comment or action that undermines the institution of parliament or how it is perceived.

2. Respect for the rules and Standing Orders is fundamental to the efficient and orderly conduct of business and to how the institution of parliament is perceived.
3. Business can only be conducted efficiently and order can only be maintained on the basis that decisions of the Chair, once given, are accepted and are subject to challenge only by way of formal motion.
4. Subject to Standing Orders and decisions taken by the House from time to time, Members have the right to hear and be heard in debate. It follows that Members should show the respect and consideration for the contributions of their fellow Members that they would expect in relation to their own.
5. The Constitution confers certain privileges and protections on Members, most notably in relation to their utterances in the House. These should not be availed of casually or inappropriately. Members should reflect carefully (and consult with the Chair if they consider it appropriate or necessary) before saying something that might, in another place, be a cause of suit or action.

Guidance

Respect for the Person and Authority of the Chair is fundamental to the orderly and efficient conduct of the business of Dáil Éireann

1. The Chair should always be given a good hearing.
2. If the Chair rises during a debate, any Members speaking or on their feet waiting to speak must resume their seats.
3. When entering or leaving their row of seats, or crossing the middle gangway opposite the Chair, a Member should bow to the Chair.
4. Members should avoid walking across the floor and should not pass between the Chair and a Member speaking. Members should exercise particular care in this regard when entering via the doors at either side of the Ceann Comhairle's dais.

5. The Chair is the sole judge of order. A ruling of the Chair⁵, once given, must be accepted and may be challenged only by way of substantive motion. It is grossly disorderly to cross-examine the Chair, by way of point of order⁶ or otherwise.
6. A Member wishing to raise what he or she considers to be a point of order that does not require immediate decision should give private notice to the Chair of intention to do so. It is a matter for the chair to decide whether a matter sought to be raised is, in fact, a point of order and, if so, how it should be dealt with.
7. The Chair may, on occasion consult officials and it is part of their duty to give advice, if asked. Whether that advice is accepted or not is solely the concern of the Chair and cannot be subjected to comment in the House.

Members are expected to recognise the importance of their collective responsibilities and show respect for the institution of parliament and for each other by conducting themselves with decorum.

8. Members should dress in a manner that reflects the dignity of the House.
9. Members should attend punctually at the opening of each sitting, rising when the Chair is announced and remaining standing while the opening prayer is read. Members who have been delayed should wait until the opening prayer has been read and the Chair has taken his or her seat before entering the Chamber.
10. Interference from mobile phones is a discourtesy to other Members, a distraction from debate and potentially interferes with the recording of proceedings. Accordingly, mobile phones, if brought into the Chamber, should either be switched off or placed so as to avoid any possibility of interference. Members who are speaking and those who are sitting in close proximity to them should ensure that their mobile phones are switched off.

⁵ Rulings are decisions by the Chair on matters not specifically covered by Standing Orders or which apply the Standing Orders in specific circumstances. A ruling of the Chair, when given, may not be altered; A Member who is dissatisfied with a particular Ruling may put down a motion or a private submission may be made to the Chair with a view to the Ruling being reconsidered when the particular point again arises.

⁶ A point of order *cannot* relate to a matter on which the Chair has already ruled. It must relate to order in the House or to Standing Orders and be, in essence, a submission of certain facts or considerations to Chair with a view to influencing a decision which has not *yet* been given but which, when given, *will be accepted*.

11. Emblems of a party-political nature should not be worn or otherwise displayed within the parliamentary precincts, an exception being made solely in respect of persons attending the Distinguished Visitors Gallery.
12. The use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults, obscenities and expletives are not in order.

Members should make their contributions to debate in an orderly way and in a manner that that does not impinge on the rights of other Members

13. A Member who wishes to speak should rise from his or her seat and wait until called on by the Chair before commencing.
14. Members should speak to the business before the House and avoid personalising debate.
15. A Member is not to interrupt any Member who is speaking by disorderly expressions, running commentary, other interruptions like clapping or noises in any disorderly manner.
16. Orderly interjections on a *bona fide* point of order are allowed when the Member seeking to raise the point of order has been called on by the Chair. Use of this mechanism as a device for commenting on, criticising or challenging a statement made or opinion expressed by another member in the course of debate is, however, disorderly.
17. Posters, placards, photographs and other exhibits, newspapers and magazines are distractions from and do not contribute to debate. Accordingly, they should not be displayed (*position in relation to Members not speaking contained in No. 26*).

A contribution to debate etc., is a contribution for the benefit of the House, not a particular Member. Members should therefore address the Chair, who represents the House for this purpose.

18. All remarks should be addressed to the Chair.

Members should refer to each other as “Deputy ...”, “Minister for ...” etc., and should refrain from using the term “you” when addressing each other. “You” is taken to mean that the Member is addressing the person in the Chair.

19. Members should not indulge in personalities; indulgence in personalities leads inevitably to similar retorts and possible scenes and is a distraction from the business of the House.
20. A charge against a Member can only be made by way of formal motion.

Persons outside the House or their actions should not, in the normal course, be introduced into debate

21. Except by way of motion made or in accordance with Standing Order 59 (Privilege: utterances in the nature of being defamatory), Members should not make charges against officials or other persons outside the House, either by name or in such a way as to make them identifiable, as they are defenceless against accusations made under the privilege of the House. The fact that Standing Orders provide some remedy where a person outside the House considers themselves to have been adversely affected by an utterance in the nature of being defamatory should not be regarded as a licence for casual criticism.
22. References to the President, to the Seanad and to members of the Judiciary in the course of debate are not in order.
23. Members, while in the Chamber, should not speak to or otherwise interact with persons in the public or press galleries.

Members not speaking should comport themselves in a way that shows respect for other Members and does not interfere with the business of the House

24. A conversation that can be heard is disorderly as it is a discourtesy to the Member speaking and to Members generally, a distraction from debate and potentially interferes with the recording of proceedings.
25. Members should avoid walking across the floor and should not pass between the Chair and a Member speaking.

26. Members should refrain from reading non-parliamentary material in the House, except where it may be necessary to quote from articles (*position in relation to Members speaking contained in No. 17*).

Consequences of Breaches of the Code

In the ordinary course, the remedies available to the Chair in Standing Orders are likely to be sufficient to secure compliance with the Code or to impose sanction for failure to comply with it.

However, where a member has, in the opinion of the Chair, wilfully or persistently breached the Code and the remedies ordinarily available are considered insufficient or inadequate in the circumstances, the Chair has a duty and obligation to refer the question of whether the behaviour of the member in question constitutes a breach or abuse of privilege to the Committee on Procedure and Privileges.