

**Detailed Scrutiny of the Electoral (Amendment) (No. 3) Bill 2014 [PMB] by the Joint
Oireachtas Committee**

14 November 2017 at 12.30pm

Opening Statement

**Ríona Ní Fhlanghaile, Principal Officer, Franchise Section
Department of Housing, Planning and Local Government**

Introduction

Chair and members of the Committee, I'd like to thank you for inviting the Department to appear before you this morning. I'm accompanied this morning by colleagues from the Franchise Section within the Department - Mairéad Ryan and Mary Lane.

We welcome the opportunity to engage with you in your scrutiny of the Electoral (Amendment) (No 3) Bill 2014 – a Bill which proposes to repeal the option of early polling on our offshore islands. This will mean that voting on these islands will take place on the same day as voting on the mainland, in referendums and at Dáil and Presidential elections.

This morning's discussions provide a timely opportunity to examine the Bill in more detail and to discuss some of the practicalities arising from taking a poll on the islands on the same day as on the mainland - some of the issues were raised at the committee's scrutiny of the Bill on 12 October last.

Firstly, by way of background, polling takes place on 7 islands in Cork, on 5 islands in Galway, on 3 islands in Mayo and on 5 islands in Donegal. In all, there are 2,583 island voters on the current register of electors. The decision on when to take the poll on an island is a matter for the local returning officer in accordance with section 85 of the Electoral Act 1992. The law provides that the returning officer may arrange for early polling on an island

up to 5 days in advance of the appointed polling day, if he or she considers that taking the poll is going to be affected by weather or transportation difficulties.

Practice has varied from election to election and from constituency to constituency. This can be expected given that elections take place at different times of the year and having regard to the different geographic positions of the islands. Weather and sea conditions can vary considerably on any day and at any time of the year.

At the 2016 general election, polling took place on the Donegal, Mayo and Galway islands on the day before polling day on the mainland; polling on the Cork islands took place on the same day as the mainland. This was the pattern also for the 2015 referendums and the 2014 local and European elections. Before that the pattern varied somewhat.

The Bill does not provide for the repeal of the early voting option for European Parliament elections or for local elections. It would seem to make sense to have the same arrangement in place for all elections. We will therefore be giving consideration to bringing forward amendments to address this at Committee stage. Indeed the need for committee stage amendments was signalled by the Minister during the second stage debate on 6 December 2016.

Amendments might also be needed to the provisions for the preliminary proceedings at a count. One of the practicalities arising from the Bill, and this was raised by the committee on 12 October last, relates to having the island ballot boxes delivered to the count centre in the constituency by 9am on the morning following polling day. There can be no count results in a constituency unless the ballot boxes from the islands are included. In the case of a Presidential election or a referendum any delay with count results at constituency level will, in turn, generate a delay in the count at national level.

With that in mind, we note that the Bill does not propose to amend section 86 of the Electoral Act 1992, which provides for a shorter polling day on the islands if there are weather or transport difficulties. This degree of flexibility would therefore be retained. We think that this is important and helpful. Indeed this has been the arrangement on the Cork islands where there's been so-called 'same day' polling for some years. It would continue to

be possible for the poll to start later than the appointed time and, once the poll has continued for at least 4 hours, the Presiding Officer could close the poll if he has concerns about getting the ballot boxes to the count centre in time for the commencement of the count.

Notwithstanding the provision in section 86 for a shorter polling day on the islands, there still remains a possibility that in the event of weather or transport difficulties, ballot boxes may not reach the count centre in time. Consideration could therefore be given to amending the legislation to allow the preliminary proceedings for the count to be carried out up to a certain point for all other ballot boxes in the event of the late arrival to the count centre of 'island' ballot boxes, if that arose. We're examining this in consultation with the returning officers in the first instance in anticipation of the committee stage reading of the Bill.

And finally, we're curious about section 5 of the Bill and the regulation making power for the Minister provided for in it. I'm not sure that it's necessary or what regulations are anticipated, given that the Bill is an amending Bill. It would be helpful for us to have information on that.

Thank you for your attention and my colleagues and I are happy to answer any questions you might have.