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An Comhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreach
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Ghinearálta an Bhille um Athchóiriú Toghcháin, 2020
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Joint Committee on Housing, Local Government & Heritage
Report on Pre-Legislative Scrutiny of the General
Scheme of the Electoral Reform Bill 2020
July 2021

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FOREWORD



The importance of public trust in the electoral process has rarely been more important than in modern times. The rapid advancement of technology coupled with an increasingly diverse electorate and the growing influence of online media platforms means now has never been a more appropriate time to modernise and update the State's electoral infrastructure.

The proposed Electoral Reform Bill is a significant step in the modernisation process as it will provide for the establishment of an independent Electoral Commission, the modernisation of the electoral register and the registration process, and the regulation of online political advertising around electoral events. It will also assist in holding electoral events in the event COVID-19 restrictions are in place.

In conducting pre-legislative scrutiny of the general scheme of the bill, the Committee heard evidence from a range of experienced stakeholders, from social media organisations and academics to civil society organisations and those representing marginalised groups. A number of stakeholders contributed written submissions on the General Scheme which also informed the Committee's deliberations.

The Committee broadly welcomes the provisions concerning the establishment of the Electoral Commission, the modernisation of the register, and the provisions for holding electoral events during COVID-19 restrictions, but there was much discussion and concern that the proposed legislation does not go far enough in addressing other aspects of the modern electoral environment, particularly around the influence of the online social media environment and thus the role of social media organisations.

In this regard the Committee is aware that work on these matters is also being undertaken on a European level and looks forward to the outcome of this and to further engagement with the Minister and the Department on these important issues.

As a result of the Committee's scrutiny of the Genera Scheme, we have made a total of 42 recommendations which I hope will be taken on board by the Department when finalising the proposed legislation.

I would like to thank the Minister, the Department, and the stakeholders for their valuable engagement with the Committee, and the Members for their hard work. I would also like to acknowledge the assistance of the Oireachtas Library and Research Service in scrutinising this legislation and the Committee Secretariat in preparing this report.



Steven Matthews TD

Cathaoirleach

04 August 2021

INTRODUCTION

In accordance with Standing Order 146A the General Scheme of the Electoral Reform Bill 2020¹ (the General Scheme) was referred to the Joint Committee on Housing, Local Government and Heritage (the Committee) on 07 January 2021. The Committee agreed at its meeting on 14 January 2021 to undertake pre-legislative scrutiny of the General Scheme.

The Committee conducted pre-legislative scrutiny at seven meetings and engaged with various stakeholders, detailed below. The Committee also invited a number of stakeholders to make written submissions on the General Scheme and these are linked in [Appendix 5](#).

Friday 22 January 2021

Department of Housing, Local Government and Heritage

- Mr Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform
- Mr Barry Ryan, Principal Officer
- Ms Petra Woods, Principal Officer
- Mr Martin Hehir, Assistant Principal
- Mr Paris Beausang, Assistant Principal

Tuesday 02 February 2021

- Dr Theresa Reidy, Head of Department of Government and Politics, University College Cork
- Dr Jane Suiter, Associate Professor, School of Politics and International Relations, Dublin City University

¹ <https://www.gov.ie/en/publication/34cf6-general-scheme-of-the-electoral-reform-bill-2020/>

Tuesday 23 March 2021

Data Protection Commission

- Mr Dale Sunderland, Deputy Commissioner
- Mr David Murphy, Assistant Commissioner

Digital Action

- Ms Liz Carolan, Executive Director

Tuesday 30 March 2021

Facebook Ireland

- Mr Dualta Ó Broin, Head of Public Policy

Twitter

- Mr Ronan Costello, Senior Manager of Public Policy

Thursday 20 May 2021

- Mr Darragh McShea, Assistant General Secretary, Fianna Fáil
- Mr John Carroll, General Secretary, Fine Gael
- Ms Maura Rose McMahon, General Secretary, Green Party
- Mr Brian Sheehan, General Secretary, Social Democrats
- Mr Eoin Ó Broin TD, Sinn Féin
- Ms Billie Sparks, General Secretary, Labour Party

Tuesday 08 June 2021

National Youth Council of Ireland

- Mr James Doorley, Deputy Director

Irish Traveller Movement

- Mr Bernard Joyce, Director
- Ms Jacinta Brack, Political Advocacy, Communications and Campaigns Coordinator

National Women's Council of Ireland

- Ms Jennifer McCarthy Flynn, Head of Policy
- Ms Catherine Lane, Women in Local Community and Rural Development Officer

Tuesday 22 June 2021

Department of Housing, Local Government and Heritage

- Mr Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform
- Mr Barry Ryan, Principal Officer
- Ms Petra Woods, Principal Officer

BACKGROUND

The 'Programme for Government: Our Shared Future'² sets out commitments in respect of the following areas of electoral reform:

- the establishment of an Electoral Commission.
- the modernisation of the Register of Electors; and
- the regulation of online political advertising during election periods.

In addition, the ongoing Covid – 19 pandemic requires revisions to electoral law to ensure electoral events could proceed effectively if restrictions, put in place for public health reasons, persist.

On 20 October 2020, the Government approved the drafting of a General Scheme of an Electoral Reform Bill which aims to provide for each of the above, and subsequently on 15th December 2020 approved the drafting of an Electoral Reform Bill 2021 which under Dáil standing order 146A, was referred to the Joint Oireachtas Committee on Housing, Local Government and Heritage on 07 January 2021.

A summary of each part of the General Scheme is set out below:

ESTABLISHMENT OF AN ELECTORAL COMMISSION (PART 2: HEADS 3 TO 80)

The Government Decision of 20 October 2020 approved the establishment of a statutory independent Electoral Commission which would take on a range of new and existing statutory functions from the outset. The functions and key organisational features provided for in the General Scheme are set out below:

GOVERNANCE ARRANGEMENTS (HEADS 5 TO 27)

The membership of the Commission will initially comprise 7 members (with provision for up to 9 members):

- A nominated Chairperson: a serving or retired judge of the High Court, Supreme Court or Court of Appeal, nominated by the Chief Justice.

² <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>

- Two Ex-Officio Members: the Ombudsman and the Clerk of the Dáil or the Clerk of the Seanad (serving in rotation).
- Four 'Selected Members': selected by the Public Appointments Service (PAS) via an independent public selection process. Each will be selected on the basis of expertise in specific areas. A set of general criteria will be agreed between the Minister and PAS.

The appointment of Selected Members and the Chairperson will be made by the President, on the recommendation of the Minister and the Government. The appointment of Selected Members will also require the passing of positive resolutions by both House of the Oireachtas recommending the appointments.

A Chief Executive will be responsible for implementing the policies and decisions of the Electoral Commission and managing its administration and business. The Chief Executive will be the Electoral Commissions Accounting Officer, and thereby accountable to the Oireachtas. The Chief Executive will not be a Member of the Electoral Commission but may attend all Commission meetings with the entitlement to speak and give advice at such meetings.

The Commission will be funded via its own Vote.

FUNCTIONS OF THE ELECTORAL COMMISSION (HEADS 28 TO 80)

The General Scheme provides for the Electoral Commission to take on the following functions:

REFERENDUM FUNCTIONS (HEAD 29 TO 40)

The transfer of this function from the Referendum Commissions will entail the Electoral Commission taking on the decision-making, oversight, secretariat and supporting services associated with explaining the subject matter of referendum proposals, the promotion of public awareness of referendums and encouragement of the electorate to vote at referendum polls.

REGISTRATION OF POLITICAL PARTIES FUNCTION (HEADS 41 TO 64)

The Electoral Commission will take on responsibility for the registration of political parties, and for the preparation and maintenance of the register of political parties. This function is currently carried out by the Clerk of the Dáil.

DÁIL AND EUROPEAN PARLIAMENT CONSTITUENCY REVIEW FUNCTIONS (HEADS 65 TO 69)

The Commission will make reports in relation to the constituencies for the election of members to the Dáil and the election of members to the European Parliament. This function will be transferring from Constituency Commissions.

LOCAL ELECTORAL AREAS BOUNDARY REVIEW FUNCTIONS (70 TO 76)

The Commission will make reports for the minister in relation to local electoral boundaries, taking over the function from Local Electoral Area Boundary Committees.

RESEARCH, ADVISORY AND VOTER EDUCATION FUNCTION (HEADS 77 TO 79)

The Commission will conduct research on electoral policy and procedure, and provide advice, as required, to the Oireachtas, Government and the Minister. Its work will include the development of ways to increase participation in our political processes through voter education and turnout.

OVERSIGHT OF THE ELECTORAL REGISTER (HEAD 80, AND SEE PART 3: HEADS 81 TO 119)

This will involve the Commission conducting research centring on the accuracy and completeness of the Register, and the actions and processes undertaken by the registration authorities. An annual report will be published in this regard.

REGULATION OF ONLINE POLITICAL ADVERTISING DURING ELECTION PERIODS

This is as provided for in Part 4: Heads 120 to 130.

FRANCHISE AND REGISTRATION OF ELECTORS (PART 3: HEADS 81 TO 119)

The provisions in the general scheme in relation to the modernisation of the electoral registration process provide the legislative framework for the introduction of rolling (continuously updated) registration; the simplification of forms and the registration

process, including provision for an online option; a single, national Electoral Register Database; and the use PPSNs as part of a data verification process. These features give effect to commitments made in the Programme for Government. Several additional features are also provided for, including the abolition of the edited register, the facilitation of anonymous registration for victims of domestic violence, arrangements for those experiencing homelessness, and pre-registration for 16-17-year olds.

The proposals entail substantive changes to the Electoral Act 1992 (Heads 81 to 113), the Electoral Act 1997 (Heads 114 to 116) and the Electoral (Amendment) Act 2006 (Heads 117 to 119).

Some key features of the modernisation project are outline below.

ROLLING REGISTER

The general scheme provides for the introduction of the single, live, continuously updated 'rolling' electoral register to replace the current annually updated register of electors. Individuals can inspect the rolling register at any time and submit updates or changes, whenever necessary, up to 14 days before any polling day.

IDENTITY CHECKS AND INDIVIDUAL REGISTRATION

The current household form which issued to add multiple persons to the register will be replaced by a system where an individual must apply to the registration authority themselves. The removal of the supplement and creation of a single register means that the same procedure will be in place for all applications at whatever point in the electoral cycle they are made.

Applications for entry to, or amendment of details on, the electoral register will be made via prescribed form, which will include a requirement for name, address, Eircode, PPSN and date of birth.

NATIONAL ELECTORAL REGISTER SHARED DATABASE / ON-LINE REGISTRATION

The general scheme provides for one designated registration authority to manage a national electoral shared central database, which all registration authorities will use.

Individual local registration authority shall continue to have duties in relation to the updating and management of their own registers.

DATA SHARING

The general scheme provides for data-sharing for the purposes of updating and maintaining the electoral register. This will include sharing data between local authorities and enabling data to be matched against other public sector data, for example, public service identity (PSI) data held by the Department of Social protection

ANONYMOUS REGISTRATION

Anonymous Registration is provided for where a person's safety may be compromised by their name and address being publicly available specifically in cases of domestic violence or harassment.

ARRANGEMENTS FOR ELECTORS EXPERIENCING HOMELESSNESS

The legislation will ensure consistency across all local authorities when dealing with those experiencing homelessness. Where a person doesn't have a permanent address, they can register at an address where they are availing of emergency accommodation or where they spend most of their time, for example a homeless shelter where they are availing of essential services, e.g., outreach services.

PRE-REGISTRATION FOR 16 AND 17-YEAR OLDS – PENDING ELECTORS

Local authorities will be enabled to maintain a list of 16 and 17-year old's who have applied to be entered onto the register. Once a person turns 18, they will be moved to the register and their details will be removed from a pending elector list. The person will then be notified so they can ensure their details are up to date.

ABOLITION OF THE EDITED REGISTER

The General Scheme provides for the abolition of the Edited Register, which can be used by companies and others for range of purposes such as direct marketing.

REGULATION OF ONLINE POLITICAL ADVERTISING (PART 4: HEADS 120 TO 130)

The General scheme provides for the compulsory labeling of online paid-for political advertisements commissioned for use during an electoral period. It also provides for the clear display of specified information, or a link to that information, in a transparent and conspicuous manner. In doing so, it applies similar but enhanced requirements for online political advertising during election periods to those that apply to traditional poster-type advertising.

Its legislative provisions apply to online platforms, as sellers or intermediaries of political advertising, and to the buyers of political adverts. It places an obligation on sellers of advertising to determine if adverts fall under the scope of the legislation, and to identify and verify the information and documentation provided by the buyer.

HOLDING OF ELECTORAL EVENTS WHERE COVID-19 RESTRICTIONS ARE IN PLACE (PART 5: HEADS 131 TO 142)

The General Scheme includes legislative amendments to electoral law to facilitate the holding of polls if Covid-19 restrictions are in place. These include:

- Provision of alternative voting arrangements for special voters i.e. long-stay residents in nursing homes and similar institutions, if those places are not accessible, to ensure that residents can exercise their right to vote. This will also have the benefit of having alternative arrangements in place for special voters if nursing homes and similar institutions were inaccessible for reasons other than Covid-19 restrictions.
- Flexibility for polling to take place at Dáil elections (including bye-elections) and referendums over more than one day to facilitate social distancing and polling stations. The next local and European elections are scheduled for 2024 and the next presidential election is scheduled for 2025. Further consideration can be given closer to these events as to whether similar legislative amendments are required to the relevant electoral codes.

KEY ISSUES WITH THE PROPOSED LEGISLATION

In examining the General Scheme, the Committee has identified areas that are of particular interest and/or where further consideration should be provided. In scrutinising the General Scheme, the Committee largely focussed on four significant areas of the General Scheme: Part 1 – Preliminary and General; Part 2 – Establishment of Electoral Commission; Part 3 - Franchise and Registration of Electors; and Part 4 – Regulation of Online Political Advertising. As such, these four elements of the General Scheme form the basis of the key issues discussed below.

KEY ISSUE 1: DEFINITIONS

POLITICAL PURPOSES

Issues surrounding the definitions of an *'online political advertisement'* and *'political purposes'* as outlined under Part 1 of the General Scheme were raised by a number of stakeholders, both during committee meetings and through written submissions.

The Irish Council for Civil Liberties, ICCL, notes that the General Scheme of the Bill proposes to define an *'online political advertisement'* as *'any form of communication in a digital format commissioned for **political purposes** for placement, display or promotion on an online platform during an electoral period and for which a payment is made to the online platform'*. They advise in their submission to the Committee that the definition of *'political purposes'*, as inserted in 2001 through the Electoral (Amendment) Act 2001 into section 22 of the Electoral Act 1997³, is so broad as to have the potential to impact on almost all advocacy work that Civil Society Organisations, CSOs, in Ireland engage in both inside and outside of electoral periods, as it refers to *'promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority'*.

In this regard the ICCL note that the 2001 amendment to the Act has meant that restrictions on donations, which previously applied to political parties and electoral candidates, were applied to all contributions given 'for political purposes' to any 'third party', with a third party in this sense taken to mean any person or organisation other

³ <http://www.irishstatutebook.ie/eli/2001/act/38/enacted/en/print#sec49>

than a political party or election candidate that engages in work around public policy. The restrictions on donations under section 22 include a prohibition on receiving any donation that is not originating from Ireland or from an Irish citizen resident abroad, and also place limitations on the size of a donation that can be received from these sources.

The ICCL advised the Committee that this broad definition of 'political purposes' is having a negative impact on the work of Civil Society Organisations in Ireland such as charities, NGOs, and residents' associations outside of election and referendum periods, has severely constrained funding efforts, and has led to a number of organisations being forced to shut down or to being threatened with legal action by the Standards in Public Office Commission, SIPO.

While the ICCL support a clear and precise definition of '*political purposes*' in Head 120, they do not exclude the possibility that the transparency regulations in relation to advertising, as contained in the General Scheme, might also apply to a wider category of 'issue based advertising' concerning matters of social or economic policy outside of electoral periods. However, they informed the Committee that any such rules around issue-based advertising should be clearly distinguishable from rules pertaining to 'political advertising'. The ICCL notes that the Bill presents an opportunity to disentangle explicitly 'political advertising' from 'issue-based advertising' and to develop separate transparency guidelines on the latter.

Liz Carolan of Digital Action also acknowledged the difficulties faced by CSOs stemming from the definition of political purposes and reaffirmed their calls for an exploration of whether there should be a distinction between issue-based advertisements and political advertisements.

The Irish Human Rights and Equality Commission, IHREC, also remarked on the wide scope of the definition of 'political purposes' under the Electoral Act and gave the view that while the work and funding of CSO's in Ireland should be clearly regulated and subject to high standards of scrutiny, transparency and accountability, such measures should avoid placing undue restrictions on wider civil society activity engaging in legitimate advocacy aiming to influence political decision and policy

making. In this regard the IHREC note the general scheme of the Bill does not address this concern.

The above issues were echoed by the Coalition for Civil Society Freedom, CCSF, in their submission to the Committee and they also advised that the Electoral Reform Bill presents an opportunity to address and clarify the existing definition of ‘*political purposes*’ as contained in the 1997 Electoral Act. The CCSF advise that the new definition should be clearly grounded in matters concerning electoral politics: parties, candidates, elections, and referendums, with provisions applying within clearly defined electoral periods. In this regard both the ICCL and CCSF advise the Committee that a legislative remedy to the above issue exists in the form of the *Electoral (Civil Society Freedom)(Amendment) Bill 2019*⁴, which provides for a new definition of ‘political purposes’, and they submit that the wording of this legislative amendment be incorporated into the Electoral Reform Bill as a workable solution to the unintended consequences of the ambiguity of the 1997 Electoral Act (as amended).

As well the civil society organisations mentioned above, both Facebook and Twitter advised the Committee that they too noted possible issues with the definition of ‘*online political advertisement*’ and ‘*political purposes*’ as currently provided for in the general scheme.

Facebook, in their engagement with the Committee, advised that the current definition of ‘political purposes’ is problematic for the platform as although they can detect the content of an advertisement and assess whether it relates to elections, politics, or social issues, they cannot detect the purpose or intent of advertisers. In this regard they suggest that the General Scheme define ‘political advertisement’ in line with a more objective definition, as outlined in their written submission⁵. Such a definition, they noted, would allow intermediaries like Facebook to impose transparency obligations and other requirements on a wide variety of ads that might

⁴ <https://data.oireachtas.ie/ie/oireachtas/bill/2019/35/eng/initiated/b3519s.pdf>

⁵ [Facebook Submission](#)

influence political discourse without having to speculate as to the advertiser's purpose or intent.

Twitter also highlighted similar issues with the definition of 'political purposes' and noted that the day-to-day campaigning of non-profit organisations and NGOs may be captured in the scope of the legislation. In addition, Twitter noted that the definition may capture apolitical voter education and engagement campaigns that the Department of Housing, Local Government and Heritage or the proposed Electoral Commission would seek to run, which may bring unforeseen and unintended consequences.

RECOMMENDATIONS

The Committee recommends that the definition of 'online political advertising', and related definition of 'political purposes', as included in the Bill be amended to incorporate the definition of "political purpose" as contained in the Electoral (Civil Society Freedom) (Amendment) Bill (2019) so as to assist in addressing and managing during the electoral cycle any unintended consequences that might negatively impact on the work of Civil Society Organisations.

The Committee recommends that the Bill provide for the definition of 'issue-based advertisements' in addition to but distinct from the current definition of "political advertisements" and that the Department provide for the regulation and the development of transparency guidelines for such 'issue-based advertisements.

KEY ISSUE 2: ELECTORAL COMMISSION

The Committee broadly welcomes the introduction of an Electoral Commission and notes the functions of the Commission as outlined in the [introduction](#) above. However, throughout the pre-legislative scrutiny sessions a number of stakeholders raised issues regarding the composition, resources, and functions of the Commission amongst others.

COMPOSITION

In addressing the Committee Minister of State Malcom Noonan TD advised that the Electoral Commission will be comprised of seven members and will consist of a mix of public officials experienced in electoral functions and experts to be recruited through the Public Appointments Service, PAS, process on the basis of their skills and experience. Mr Barry Ryan of the Department noted that the four Selected Members of the Commission would have specific skills and experience, for example someone with experience in international electoral matters, Irish electoral matters, and in terms of general public administration somebody with financial experience etc.

Dr Jane Suiter also remarked on the proposed composition of the Commission and highlighted that the large size of the board, the requirement that the leadership be drawn from the judicial community and the inclusion of the Clerk of the Dáil and the Seanad are all consistent with Irish administrative practice but are not in keeping with international norms. Drawing on comparisons with other jurisdictions, Dr Suiter advised that the electoral commissions of New Zealand and Australia have boards of three members and noted that while electoral commissions always have strong internal legal sections, few require that the Chairperson is a judge.

Dr Theresa Reidy also acknowledged these differences and noted that many effective electoral commissions around the world have smaller boards and stated that the larger the board the greater the potential for long, protracted discussions and impediments to progress. Dr Reidy also suggested it is legitimate to question why the Clerk of the Seanad would be sitting on the electoral commission given that most aspects of Seanad elections are not related to national elections involving the entire electorate and queried the same as to the Ombudsman's role. Dr Reidy also queried

as to why a judge should be appointed as Chairperson of the Commission and questioned what specific skills judges have that they should chair Commissions, and noted that often around the world it is people from political backgrounds or senior civil servants who are appointed to Chairperson positions. In this regard Dr Jane Suiter noted that the type of experience and expertise that former politicians have would prove useful to an electoral commission, adding that they would be expected to act in a non-partisan matter.

Mr James Doorley of the National Youth Council of Ireland, NYCI, similarly spoke about the proposed composition of the Committee and how it might better serve young people and those historically under-represented in electoral activities. Mr Doorley advised the Committee that if one is serious about promoting greater electoral participation by young people and under-represented groups, the legislation governing the Commission membership should provide for a youth representative or someone with experience of promoting participation by those from under-representative groups in the electoral process.

Mr Doorley also suggested that the electoral commission have a member with expertise in IT systems and digital cybersecurity given the remit of the commission and the importance of this expertise now and into the future. Members of the Committee also shared this view and queried if it might be of benefit to have at least one member of the Commission with experience in online and digital information, in order to assist the Commission in dealing with the complexities of online digital advertising.

Similar to the issues mentioned above by Mr Doorley, Mr Bernard Joyce of the Irish Traveller Movement, ITM, also highlighted the lack of representation of members of the Travelling community in electoral matters and spoke of the difficulties this community faces in both seeking to represent their communities and also when seeking to engage in the electoral process more generally. Mr Joyce spoke of how far removed the Travelling community can be from the electoral process and recommended that the proposed electoral commission appoint a minority advisory committee to help inform the Commissions work and to progress the engagement process with the Travelling community and other minority-representative groups. Mr

Joyce noted that this would ensure that the Commission would not just be talking about those communities, but those communities would be engaged in the process and he emphasised the positive step this would be in bridging the gap between disenfranchised communities and the political establishment.

Having discussed the proposed membership of the Electoral Commission with a number of witnesses as outlined above, the Committee is of the view that the Commission should be small in nature and should include members which have expertise in data protection, information technology, and practical experience of the political system.

RECOMMENDATIONS

The Committee recommends that the Department review the proposed composition of the Electoral Commission with consideration to be given to international best practice.

The Committee recommends that the proposed Electoral Commission include a Member with expertise or experience in IT systems, cybersecurity, data and digital security or a related background, and include a former political representative with experience at both local and national level.

The Committee recommends that the proposed electoral commission be mandated to include, or liaise with, or establish a sub-committee with representatives from those communities historically under-represented in electoral matters including but not limited to women, black people and people of colour, new communities, LGBTQI+ people, members of the Traveller and Roma communities, migrants, young people, people with disabilities and people from disadvantaged socio-economic backgrounds.

RESOURCES

The Department informed the Committee that it is intended that the Electoral Commission will not be funded from the Department of Housing, Local Government and Heritage as it will have its own Vote of expenditure, and as such will compete for resources in the budget in the normal way with other organisations. In discussing the funding arrangement of the proposed Electoral Commission, Dr Jane Suiter noted that due to the Electoral Commission having its own Vote, negotiations and discussions with the line Department will have to take place around the annual budget. Dr Suiter advised that in contrast, the Irish Fiscal Advisory Council, IFAC, and the Houses of the Oireachtas's costs come from non-voted expenditure and Dr Suiter advised that this may be more appropriate for the Commission given the need for complete independence and autonomy.

In this regard Members questioned how much funding it is estimated will be provided for the Electoral Commission to allow it to carry out its functions effectively. The Department in responding to this stated that the first-year costs are estimated to be between €2.25 million and €2.7 million and advised that this accounts for start-up costs, salaries, and ongoing costs, with subsequent costs expected to be in the region of €1.5 million to €1.7 million per annum. Minister Noonan noted that additional costs would be anticipated as the Commission advances its activities into the future. When queried as to what an adequate budget for an electoral commission would be, Dr Theresa Reidy could not say but noted that the Electoral Commission of New Zealand could be considered a similar model to the one proposed as it works with local authorities and has a small allocation of staff, but highlighted that a great deal of work might be done by local authorities so the total cost of electoral administration might be greater than what is to be included in the budget the Commission itself.

Elaborating on such costs in similar jurisdictions, it was noted that the New Zealand Electoral Commission has an annual budget in a non-election year of equivalent to €14 million and in an election year, the equivalent of €44 million. Though it was noted that this may cover many of the costs that local authorities might cover, this

comparison with the budget as estimated by the Department illustrates the need for the Commission to be adequately funded and resourced.

Liz Carolan from Digital Action also raised the need for the Commission to have a decent operational budget and a staff complement of over 30 or more if it is to have a fully functional research function along with the ability to commission research around post-electoral surveys, risk assessments and active communications around voter engagement.

Mr Dualta Ó Broin from Facebook echoed this sentiment and called for the commission to be appropriately staffed and resourced.

RECOMMENDATIONS

The Committee recommends that the Electoral Commission be funded through non-Voted Expenditure to maintain its independence and autonomy, with an increased budget to be made available on election years.

The Committee recommends that the Electoral Commission be adequately funded, resourced, and staffed to ensure it can carry out and progress its functions effectively in line with best international practice for a comparative electoral process.

The Committee recommends that local authorities be adequately funded, resourced, and staffed to allow them to carry out the additional requirements resulting from the proposed legislation.

FUNCTIONS

In discussing the functions of the proposed Electoral Commission as outlined in the General Scheme, issues were raised across a number of meetings by stakeholders, many of which shared similar views.

In her engagement with the Committee Dr Jane Suiter noted that the democratic processes in the State are overdue for an update in the current digital age and should better address and accommodate a more diverse and fragmented electorate. Dr Suiter welcomed the fact that proposed commission has cross-party support and widespread backing from civil society groups and noted the potential in the Bill to create an innovative and robust institution. However, Dr Suiter advised that a concerning aspect of the general scheme is the overall lack of ambition envisaged for the commission.

In this regard, Dr Suiter noted the General Scheme is prescriptive as to the structures and functions of the Commission leaving little room for expansion of the current election management activities or to allow for its capacity to adapt to electoral integrity challenges of the future. Dr Suiter remarked that apart from the proposed additional functions yet to be legislated for as noted in the 'Notes' section under Head 28, there is very little information in the general scheme as to how the Commissions function might evolve. Dr Suiter noted the General Scheme will consolidate the roles of existing bodies but does not significantly broaden the scope of electoral management in Ireland. Particularly with regard to this aspect, Dr Suiter highlighted that the Commission does not have a specific function to maintain integrity in the electoral processes as there is no engagement with the possibility of disinformation and interference in elections. Dr Suiter also suggested that promoting political and electoral participation should be a standalone function of the commission, covering the promoting of voting, provision of political information and encouraging and supporting candidacy, a point also raised by Dr Theresa Reidy.

From an overall point of view Dr Suiter advised that the commission as currently proposed would be taking a static approach to a dynamic environment and she suggested the design of the legislation should allow for the Commission to evolve over time.

Dr Theresa Reidy raised similar concerns to those of Dr Suiter and similarly advised that on the issue around the evolution of the Commission, the roles and the functions are too tightly defined at present with little ability to allow for the Commission to develop its role.

With respect to the perceived shortfalls in the functions of the commission, Dr Reidy noted that there is no function providing for the auditing by the Commission of electoral events, nor is there a function for the provision of voter information around elections as there is for referenda. Elaborating on this, Dr Reidy advised that it is important that there is some sort of election audit or evaluation at each election covering not just the election day itself, but the entire electoral cycle, including the operation and organisation of the event. This might include auditing and evaluating everything from voter registration, party registration, the provision of voter information to the campaign period itself and to polling day. Dr Suiter also suggested that it might be of more benefit if monitoring of electoral events and the information environment was done in real time.

Dr Reidy also noted that due to the Referendum Acts being consolidated into the proposed legislation, the electoral commission is mandated to provide information to the public concerning upcoming referenda. However, there is no responsibility for the commission to provide similar information on upcoming elections, resulting in a situation where if there is a referendum and election scheduled to run concurrently information will be provided on the referendum but not the election.

The above points were also raised by Mr James Doorley of the Youth Council of Ireland, who likewise expressed disappointment that the remit of the electoral commission omits key functions. Mr Doorley also suggested that the commission be mandated to promote public awareness of elections as is the case with the referendum functions, and advised that the commission should have an explicit role to increase electoral participation and should be empowered to do so by supporting actions by non-governmental organisations and non-partisan bodies concerned with promoting voter participation. In this regard, Mr Dooley noted that Head 77 does provide the Commission with a role to *“increase participation in our political processes through voter education”*, though he remarked that this appears vague

and should be clarified and expanded on in the published bill. In addition, he noted that the commission has not been given an explicit function to promote voter registration and regarded this as a significant omission.

Separately to the points mentioned above, Ms Catherine Lane of the National Women's Council also highlighted the need for the proposed commission to have equality, diversity and inclusion evident across all the functions of the commission, with specific mention of the promotion of gender balance in political life and electoral contests. Ms Lane reaffirmed the suggestions of Mr Doorley in calling for the commission to engage with those groups facing barriers to the electoral system, including Travellers, young people, those with disabilities and people from minority ethnic backgrounds. Ms Lane acknowledged the commitments in the Programme for Government to introduce measures to encourage more women to stand for elections and advised that a gender quota for local elections is necessary if the State is serious about achieving gender equality in political life.

Ms Lane also suggested the functions of the commission include monitoring the reporting and public investment of political parties to ensure the participation of women, noting that this might include examining the funding used for gender and equality audits of parties, covering membership, officer roles, candidate recruitment and selection. Ms Lane also recommended the commission develop standards for political discourse that are free from discriminatory rhetoric and hate speech, and that it should have a role in tackling online abuse.

The issue of discrimination and its effect on electoral participation was a matter raised in detail by Mr Bernard Joyce from the Irish Traveller Movement, ITM, and he noted that Travellers in particular encounter many obstacles to participating fully in political democracy, from low voting turnout, lack of political awareness, and apathy to the political system which has under-served Traveller needs and diminished trust in many settings. Mr Joyce informed the Committee that this is coupled with a lack of sanctions for running candidates and elected representatives who have, over many years, articulated anti-Travellers sentiments in electioneering matters, often in housing decisions, with some openly canvassing against Travellers as a strategy for election.

In their written submission to the Committee the Irish Human Rights and Equality Commission, IHREC, also raised the subject of discriminatory rhetoric and hate speech in political campaigning and recommended that the Electoral Commission be mandated to address this issue by developing and promoting standards in political discourse during elections and referendums.

Mr Joyce further informed the Committee that structural obstacles to Traveller participation in the political sphere are significant given the statistical disadvantage resulting from the proportional representation system, with just 45,000 to 57,000 Irish Travellers in the State. In addition to this constituency pathways to political representation, such as through social and civic engagement and sporting and cultural arena, are also a barrier. Even after this barrier is reached, Mr Joyce noted that Travellers encountered deeply ingrained prejudices at this level also, including for nominations by political parties and groups.

To address and overcome these barriers Mr Joyce advised that improving Traveller visibility in mainstream politics would support integration and inclusion and noted that Traveller-led articulations would not only promote but could be seen as an approach that would also mainstream Traveller identity beyond stereotypes. Mr Joyce also advised that by design, the Seanad and Presidential election systems disadvantage Travellers and under-represented groups and the entry level requirements should be broadened to facilitate such groups.

In addition to the issues discussed relating to under-represented and disadvantaged groups, the Committee also received submissions from IHREC and the National Disability Authority, NDA, which emphasised the need for the proposed legislation to accommodate the needs of those with disabilities when engaging with electoral services. In relation to this the NDA advised the Committee that Electoral Commission be mandated to provide electoral information in formats that are accessible to those with disabilities, particularly when implementing voter awareness and education initiatives, and these should include Plain English and Easy to Read versions as well as Irish Sign Language videos.

The NDA also suggest that the Electoral Commission should considers ways and explore how it might support more persons with disabilities to become candidates at all levels of the electoral and political system. They advised the Committee that the proposed legislation should extend the period for registering for a postal vote for persons with disabilities and it should also alter the existing criteria for those who are eligible to apply for a postal vote as there are many voters with sensory and physical disabilities who made have difficulty in traveling to a polling station.

RECOMMENDATIONS

The Committee recommends that the proposed bill provide for the promotion of voter registration and electoral participation, particularly for under-represented groups, as an explicit function of the Electoral Commission.

The Committee recommends that the proposed bill provide for the audit and evaluation of electoral events as an explicit function of the Electoral Commission.

The Committee recommends that the proposed bill provide for the maintenance of electoral integrity and the protection against election interference as an explicit function of the Electoral Commission.

The Committee recommends that the proposed Bill provide for the provision of public awareness campaigns for all electoral events in line with the referendum functions as provided for in the proposed bill, and also to provide for a public campaign explaining the single transferable vote system.

The Committee recommends that the proposed bill empower the Electoral Commission to work with and support actions by NGOs concerned with promoting public participation in electoral processes.

The Committee recommends that the proposed bill mandate the Electoral Commission to encourage and promote gender balance in all elements of the electoral process.

The Committee recommends that the proposed bill mandate the Electoral Commission to develop guidelines and standards governing political discourse during referendum and electoral events.

The Committee recommends that the proposed bill provide for the sanctioning of political parties or candidates who engage in discriminatory actions or rhetoric.

The Committee recommends that the Department engage with the National Disability Authority to explore how the proposed legislation might be improved so as to better serve the needs of people with disabilities.

The Committee recommends that the Electoral Commission be mandated to develop guidelines to ensure that all electoral and political information produced by parties is accessible for persons with disabilities.

The Committee recommends that the proposed bill provide for the promotion, inclusion, facilitation, and participation of persons with disabilities in the electoral and political process as an explicit function of the Electoral Commission.

KEY ISSUE 3: REGISTER OF ELECTORS

CENTRALISED NATIONAL DATABASE

In discussing the general scheme's proposal for a modernised electoral register, the Committee was made aware of a number of potential issues and addressed numerous queries as to how the proposed system of registration will operate.

One of the most queried aspects of the proposed electoral register centred around the role of local authorities in maintaining the register and how this would interact with the oversight role given to the proposed electoral commission. In this respect the Committee queried whether it would be better to assign the maintenance and control of the register to the electoral commission as opposed to a mere oversight role. The Department advised that the role of local authorities in maintaining the register was in recognition of the public confidence in local authorities in their management of the register, and also due to the practical benefits that local authorities have when it comes to local knowledge. The Department also acknowledged that during times of peak engagement on the register, it would be easier for local authorities to draw in staff from other parts of the authority to assist with that work.

However, members of the Committee noted that the current register could not necessarily be described as fit for purpose and as such queries were raised surrounding the logic of having local authorities continue to inadequately maintain local databases with the Electoral Commission unable to implement improvement and reform. Mr James Doorley repeated these concerns and noted that while he welcomed the move towards a rolling register and online registration, he advised that the registration system is outdated and under-resourced. Mr Doorley stated that the NYCI would have anticipated that the legislation would assign responsibility for the electoral register to the electoral commission rather than assigning it an oversight role, and voiced concerns that instead of being a regulatory body with powers and resources to improve and reform the register the Commission will be limited to undertaking research and making recommendations,

In this regard the Department noted that they are moving towards one single national database within which the local authorities will manage the register for their respective areas. The Department explained that in the process of doing so there would be a significant amount data cleaning required of local authorities and that streamlining this process using a centralised database overseen by the proposed electoral commission would assist with this.

Elaborating on the benefits of have local authorities maintain their own registers, Dr Theresa Reidy advised the Committee that it is not uncommon internationally to have electoral management boards working with networks of local authorities managing electoral registers. In this regard Dr Reidy noted that one of the reasons for the current inaccuracies in the register is due to an absence of overarching guidelines, structures and requirements that local authorities have to adhere to, but advised that one of the strengths of the proposed bill is that it would address this by assigning an oversight role to an Electoral Commission.

Dr Reidy also advised that electoral expertise should be kept on the ground in terms of the organisation of polling and counting, as this is one of the strengths of the current system. In this regard Dr Reidy noted that the reporting requirements envisaged by the electoral commission would help to eliminate the geographic variances in the electoral register between local authorities, and remarked that it makes sense to have franchise expertise at local as the proposed system would have some requirement for structured organisation and offices across the country. In particular Dr Reidy welcomed this aspect as it would accommodate the provisions for postal voting and special voting for those with temporary residence or of no fixed abode.

In exploring the issues relating to where responsibility for the register should be situated, the Committee notes the legislation leaves the primary responsibility for maintaining the electoral register with local authorities, with an oversight role played by the Electoral Commission. It is the view of the committee that this does not sufficiently reform the current system and leaves open the possibility of an elector being registered in multiple local authorities.

The Committee also queried how the existing register would be transferred onto the proposed modernised system. In response to this the Department informed the Committee that this would consist of the two-step process but would not be started from scratch. Once it has been established that people can update their details on the register there would then be a large public awareness campaign encouraging the public to update their records on the register. The Department advised that in order to address the situation where people may need to be removed from the register, the proposed legislation provides for efforts to be made to contact such persons through three documented attempts before they are removed.

With regard to the above issue of removing persons from the electoral register, several witnesses and members of the Committee highlighted the issue of deceased persons remaining on the register, and the impact this can have on families as well as on the accuracy of the register. Several witnesses remarked that the experience of receiving voting card for deceased family members can be upsetting for families and it was broadly welcomed that the proposed legislation provides for the removal of such persons from the register. The Department in this regard noted that there is already provision for the sharing of data on deaths with the superintendent registrar and advised that they are in discussions with the General Register Office to ensure the process is more seamless and that local authorities have access to that information. In this regard the Committee welcomes the provision in the Bill for three documented attempts to contact a person before they are removed from the register but noted that it may be beneficial if these three attempts were time-time bound.

To better understand the current political landscape in the context of the Electoral Reform Bill, the general secretaries of Fine Gael, Fianna Fáil, Sinn Féin, The Social Democrats, The Green Party, The Labour Party, Solidarity – People Before Profit, Aontú, Independents For Change, and Renua were invited to attend the committee. Fine Gael, Fianna Fáil, Sinn Féin, The Social Democrats, The Green Party and The Labour Party attended.

There was much debate about whether Eoin Ó Broin TD was an appropriate witness from Sinn Féin, with members of the Committee noting that he was the only non-General Secretary / Deputy General Secretary presenting as a witness and that

potentially he had an unfair advantage over the other witnesses, given that he could avail of full Dáil privilege. The Chair deemed this allowable but did not facilitate Deputy Ó Broin acting as both a member of the Committee and a witness, for the duration of this particular session. In this regard Deputy Ó Broin noted that there was precedent for acting as both.

Members noted that it was very disappointing that Aontú, Independents For Change, Solidarity – People Before Profit, and Renua did not respond to the Committee's invitation and there was much commentary that political parties who receive State funding should engage in the work of the Oireachtas in an appropriate way.

The political strategists who did present gave an account of how they currently use the electoral register and an overview of their online campaigning. One political party explained that they have one centralised database compiled of the electoral registers from each constituency and that locally this information was enhanced through information supplied in multiple marked registers. It was explained that in some well organised constituencies a small number of people with access to the register manually cross-referenced local marked registers produced after a number of different election events, with the register of electors, to determine whether or not constituents have voted in previous elections. The Committee notes that such an onerous task is very manual and admin-heavy, but if technology was adapted to do this nationally and all political parties had access to that information via the Electoral Commission, it would eliminate the need for Data Protection Impact Assessments to be carried out by multiple political parties in 39 constituencies and would give all political parties equal access to information around democratic participation. In this regard the Committee notes the Electoral Commission could use the information gleaned from this exercise to increase democratic participation amongst those who traditionally do not vote.

In hearing from outside bodies the Committee was made aware that one political party, Sinn Féin, were taking data from the digital version of the electoral register and that this data was being combined with data from the marked register and data from a third database containing political intelligence. While only one political party was engaging in this cross-referencing of data from different sources, it was of

concern to the committee that there was little transparency about this unique arrangement. It was not clear that there was a statutory mechanism which allowed for such data collection involving data collected by public agencies and there was clearly no permission sought from individual voters. In this regard the Committee is concerned that should any of this data be entered incorrectly it could have an impact on how voters accessed their elected representatives.

RECOMMENDATIONS

The Committee recommends that the Department clarify in the Bill the method by which the modernised electoral register will interact with those registers maintained by local authorities.

The Committee recommends that the Electoral Commissions role in the oversight of the Electoral Register be strengthened and expanded, with a mandate to reform and improve the standards of electoral registers maintained by local authorities.

The Committee recommends that the Electoral Commission be given primary responsibility for registering, maintaining and controlling the data on the electoral register, with Local Authorities to act as agents and/or processors of the Electoral Commission with sufficient resources to do so.

The Committee recommends that the bill provide for a simplification of the process of re-registration arising from voter mobility/relocation and/or to provide for postal voting where a such a move is temporary.

The committee recommends that three documented attempts that be made within a 6-month period after the new rolling register comes into force, to contact persons before they are removed from the register.

The committee recommends the integration of the register of deaths with the centralised electoral register to ensure that when a person passes away that they

are automatically removed from the register to prevent deceased persons from receiving polling cards or being called for jury duty.

The Committee recommends that the Department consider whether clarification is required regarding the parameters for the use of the electoral register outside of electoral periods.

The Committee recommends that the legislation provide for the regulation of the creation by others of third-party databases which cross reference data contained in the electoral and the marked register.

The Committee recommends that the bill provide for the regulation of access to the electoral register by political parties and individuals, as well as providing clear guidance on the use of the electoral register by political parties and individuals, including data protection requirements.

The Committee recommends that the Electoral Commission, in conjunction with the DPC, conduct a Data Protection Impact Assessment on whether or not the cross-referencing of the register of electors and multiple marked registers is permissible. If found to be permissible, the majority of the Committee recommend that the electoral commission provide a register of voters who have voted in the previous three elections, set out by local electoral areas within constituencies, to all registered political parties and that the Commission use this information to increase democratic participation.

DATA PROTECTION

The Committee welcomes the proposed introduction of a modernised digital register of electors and throughout the engagements with stakeholders the advantages of such a system were outlined. Dr Reidy noted that digital registration would likely reduce the costs of running the registration process, eliminate cumbersome manual form inputting and the potential errors involved, and prove advantageous for accessing younger cohorts who are familiar with the technology already. Dr Reidy also noted that there will be a verification and validation process so there would be confidence in the system.

With regard to the process of validation and verification of the proposed digital register, the Committee together with a number of stakeholders highlighted the importance of compliance with General Data Protection Regulations, GDPR, both prior to the implementation of the system and on an ongoing basis in its operation.

In discussing the importance of the proposed legislations compliance is GDPR, Mr Dale Sunderland, Deputy Commissioner at the Data Protection Commission, DPC, informed the Committee that the DPC submitted a contribution to the public consultation on the proposals to modernise the electoral process in 2019. In contributing to these proposals Mr Sunderland noted that the DPC welcomed the Departments aim of building an electoral register that is secure, comprehensive and accurate, but noted that it must be fully compliant with data protection legislation. Mr Sunderland advised that given the substantial volume of data concerned the establishment and maintenance of a secure and accurate central electoral register is of critical importance to the public's trust in the proposed reforms.

In this regard, the Committee notes the proposed legislation provides for the verification and data-sharing of people's information such as a Personal Public Service Number, PPSN, name, age, citizenship, and addresses and/or Eircodes. Regarding the use of the PPSN, the DPC advised the Committee that any use of it must be shown to be a justifiable solution to identified issues in the electoral register while not having a disproportionate impact on an individual's rights to data protection. Mr Sunderland also advised that it may be necessary when considering the use of the PPSN to examine whether the legal basis for the PPSN, as outlined in

the *Social Welfare Acts*⁶, can support the issuance of PPSNs to individuals for the sole purpose of registering as an elector, as the case may be for European and local elections.

Mr Sunderland advised the Committee that the Department adopt a data protection-by-design approach and recommends that the Department use a data protection impact assessment, DPIA, to explore fully the data protection risks and to consider the implementation of suitable safeguards. He also noted that any use of MyGovID or the public services card for optional online registration should be examined to ensure there is a legal basis for doing so. Mr Sunderland also recommended to the Committee that the Department should publish any DPIAs and supporting documentation developed during the process in the interest of transparency and trust for the public and should provide the reasons why certain data sets may be required.

The DPC also advised the Committee that consideration should be given to whether further provisions are required in the bill to set out how it is intended that existing electoral registers will be updated with additional personal data, such as the PPSN, on the enactment and commencement of the proposed legislation.

With regard to data -sharing, the Committee notes the proposed legislation provide for the verification of register data with data held by other public bodies, such as Public Service Identity, PSI, data held by the Department of Social Protection. In relation to these provisions, the DPC recommended that a DPIA be carried out on this aspect of the proposed bill to establish the justification for the use of each element of the verification data set on the basis of necessity and to identify a clear basis for its processing. The DPC informed the Committee that it is their understanding that the PSI data set will be limited to verification purposes and that the PPSN will not become a de facto unique identifier in the electoral register. The DPC informed the Committee that there was no issue with the use of the PPSN *per se* but advised that the Department must set out clearly and publicly the proportionate and necessary justification for the use of the PPSN. In relation to the DPIAs referred to above, the DPC noted that that a data protection impact

⁶ <http://www.irishstatutebook.ie/eli/2005/act/26/enacted/en/html>

assessment is always a living document and should be continuously reviewed and updated as necessary.

The Committee in its deliberations also noted that as the bill provides for the processing of data for persons under the age of eighteen in the provisions governing pending electors, it is important that this data be subject to the highest standard of data protection. Elaborating on this, Mr Sunderland advised that when processing the personal data of children or if targeting this cohort in electoral awareness campaigns, the department should refer to the DPC guidance⁷, and any targeted information should be done so in a way that is age appropriate. My Sunderland also recommended a DPIA be undertaken for this specific cohort of persons and any safeguards that might be needed should be addressed.

Facebook also raised concerns surround data protection resulting from the requirements in the proposed legislation for buyers of political advertisements to display their names and postal address in an online transparency notice to be readily seen by viewers of such ads. However, they noted the comments made by the DPC in that appropriate safeguards can be put in place along with DPIAs and associated requirements to mitigate against privacy concerns.

Several witnesses to the Committee noted that the proposed Bill is not aligned with the Digital Services Act⁸ and consequently the Committee has concerns that the proposed legislation may be outdated upon its publication.

RECOMMENDATIONS

The Committee recommends that, in advance of the bill being published the Department publish any Data Protection Impact Assessments undertaken in the course of developing the digital electoral register and make any ancillary documentation publicly available.

⁷ https://www.dataprotection.ie/sites/default/files/uploads/2020-12/Fundamentals%20for%20a%20Child-Oriented%20Approach%20to%20Data%20Processing_Draft%20Version%20for%20Consultation_EN.pdf

⁸ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=COM:2020:825:FIN>

The majority of the Committee strongly recommends the use of the PPSN to verify a person's identity on the register. This should be done in full compliance with GDPR Requirements, and that justification for doing so be made publicly available in advance of the bill being published. Support should be provided to assist a person who has a legal right to vote in the state to obtain a PPSN as part of the registration process.

The Committee recommends that any proposed data sharing arrangements undergo a Data Protection Impact Assessment to ensure full compliance with GDPR, and that Public Service Identity data, if used, for verification purposes be used exclusively for that purpose.

The Committee recommends that the Department carry out a DPIA specifically concerned at the cohort of persons under the age of eighteen whose data will be processed under the proposed legislation and address any safeguarding requirements that may arise.

The Committee recommends that the Department ensure that the provisions of the Bill align with the Digital Services Act.

The Committee recommends that prior to the bill being finalised, detailed Data Protection Impact Assessments be conducted on all elements of the Bill which involve the processing of personal data, and that these DPIAs be made publicly available.

KEY ISSUE 4: ONLINE POLITICAL ADVERTISING

In discussing the provisions of the proposed bill concerning the regulation of online political advertising, a number of stakeholders raised issues. Facebook in particular, both in their discussion with the Committee and through their written submission voiced a number of concerns. Some of these concerns have been outlined above ([Key Issue 1: Definitions](#)) while others are outlined below.

PUBLIC INFORMATION REQUIREMENTS FOR ONLINE POLITICAL ADVERTISEMENTS

Facebook informed the Committee that they have concerns around the requirement for buyers of political advertisements to provide their name, address, email address and website address in the proposed transparency notice to be displayed with the advertisement. They noted that for natural persons this may violate that person's privacy and in worst cases may subject them to harassment and or/harm if that person's home address were to be publicly available, particularly in the case of advertising emotionally charged topics. In this regard, Facebook noted that individuals have privacy rights including a right to privacy in their own home, and advised that the protection afforded by the GDPR to individuals data such as names and address should be fully taken into account before requiring such data as a precondition to the buying of advertising.

Relating to this Facebook advised the Committee that through its Ad Library, people can view the name or legal person responsible for a particular ad, and where the ad is paid for by a company the contact details for the company including phone number, email, website and address are required and are displayed to viewers, however, for individuals this is not the case. Facebook submitted that to ensure the security and safety of natural persons who advertise and to encourage free political discourse the proposed legislation should not require natural persons to provide such information.

Facebook also raised concerns over the requirement in the proposed bill for online platforms to publish confirmation of whether micro-targeting was applied to the advertisement and where applicable, a description of the criteria used as well as the

characteristics of the target audience. They advised the Committee that providing details about the exact criteria selected by advertisers could lead to the actual individuals targeted by ads becoming identifiable to third parties.

Another such transparency concern raised by Facebook is that of the requirement for the transparency notice to display the total amount paid for an online political advertisement, including the amount paid for content creation and for online placement, display and promotion. In relation to this provision, Facebook noted that within their ad library viewers can see information including the spend range on individual ads and the total spend by that Page. Facebook advised that they cannot and do not have any visibility into the amounts that third party advertisers spend for 'content creation'. They also noted that under the Electoral Act 1997 parties and candidates must account for their election expenditures and suggested that the financial information required under the bill would be more appropriately and accurately supplied by the election agent.

Facebook also voiced concerns over provisions in the bill that require the transparency notice to display the number of days a political advertisement is to be active along with the start and end date of the advertisement, as well as the requirement to display the number of user impressions the advertisement is intended to reach and the number of active engagements. In this regard Facebook noted that the Ad Library provides details similar to those above.

In discussing the above issues with regards the transparency requirements, the Committee noted that these provisions apply only where a political advertisement is displayed during an electoral period. With regard to these provisions, the Committee has concerns that limiting the requirements to this period will not have a significant effect in mitigating against election or political interference, as disinformation campaigns and electoral interference can take place outside of these periods.

In this regard, Dr Suiter advised that there appears to be European legislation due to be introduced whereby measures would apply year-round and are robust in terms of transparency requirements. Ms Liz Carolan also suggested that these transparency provisions should be extended beyond the electoral period.

The Committee also discussed the requirement in the proposed legislation for online platforms to make publicly available a library or archive containing all political advertisements and their associated transparency notices. With respect to this provision, it is noted that this requirement is intended to be initiated at the end of the period of the online advertisement campaign as notified by the buyer. The Committee, however, feels that this provision might be more effective if such advertisements and transparency notices were required to be transferred to a database or archive in real time and on an ongoing basis. Dr Suiter and Ms Carolan also suggested that this be the case and noted that some online platforms already have similar databases that are updated on a daily basis, if not more regularly.

RECOMMENDATIONS

The Committee recommends that the proposed bill be amended so as to require online platforms to publish political advertisements and associated transparency notices in an archive or database in real-time on an ongoing basis and not solely following the expiration of the advertising campaign.

The Committee recommends that the Electoral Commission engage with online platforms to further develop and clarify transparency requirements around online political advertising that allow for sufficient and robust public transparency while accommodating their manageable and realistic implementation.

OBLIGATIONS ON ONLINE PLATFORMS AND SELLERS OF ONLINE POLITICAL ADVERTISEMENTS

As well as the issues raised regarding the transparency requirements for online platforms, Facebook informed the Committee they were particularly concerned by Head 122-125 of the General Scheme. Facebook advised that the non-compliance with the various obligations under these heads would subject online platforms to criminal liability and stated that this would seem disproportionate and would appear to be a departure from the types of obligations required of other online sellers and platforms.

With regard to the above, the Committee notes that Head 122 of the General Scheme requires an online platform to appoint a ‘responsible person’ for the purposes of identifying and verifying the information and documentation provided by the buyer of an online political advertisement. Facebook note that to the extent that a ‘responsible person’ in this sense refers to a third party, this raises substantial privacy, commercial confidentiality, and platform security concerns in granting such person’s access to advertisers’ documentation and information.

Facebook advised the Committee that instead of the required appointment of a ‘responsible person’ a more practical framework might be achieved through the appointment of an agreed point of contact between the online platform and Electoral Commission, who would be in a position to act as a bridge of cooperation between the two entities without recourse to the imposition of criminal liability. They noted that they would be willing to work with the Commission to develop a reporting mechanism whereby refusal or non-compliance on the part of the buyer would trigger enforcement action against that buyer.

It should be noted that many of the aforementioned issues, recommendations, and obligations proposed for online platforms are complex and may pose difficult to implement. This was raised by Ms Carolan in her discussion with the Committee and she advised that there is difficulty in the regulation of expenditure, transparency and access to information in a context where these are private companies attempting to create and implement rules that might apply in over two hundred countries. In this regard she noted that there is likely no perfect solution to the issues affecting electoral and political advertising and suggested engaging with online platforms to explore what realistic regulation might look like.

RECOMMENDATIONS

The Committee recommends that the Department engage with online platforms to develop effective and agreed requirements for such platforms to accurately identify and verify the information of buyers of advertisements, such that those in breach of the provisions would be subject to sanctions and/or liable to prosecution.

SOCIAL MEDIA INFLUENCE

From engagement between the Committee and the social media organisations that presented to the Committee, it became apparent that there is clearly a challenge in how to address the misuse of social media newsfeed content, in addition to the challenges posed by political advertising. The use of newsfeed content to sway voters, promote voter suppression/recruitment is not advertising, but it is a social media strategy employed by political parties. The Committee notes there is a challenge in the regulation of such strategic planning as it is a matter of opinion as to what constitutes free speech versus what is a politically driven campaign of misinformation and disinformation intended to motivate particular voter action or inaction. In this regard the Committee strongly wishes to highlight the fact that political advertising is not the only tool deployed in the context of electoral and political influence. While the issues surrounding the regulation of the misuse of social media platforms aren't easily captured, the Committee believes this should be explored, albeit the difficulties in addressing such issues was acknowledged by Ms Carolan.

The setting of community standards by the individual social media providers was also discussed by the Committee with views expressed that the thresholds for removal of content are too high. Consequently, due to such high thresholds being employed by social media organizations the Committee notes that content that some would constitute as abusive is facilitated.

In discussing the practice of online political advertising, the Committee notes that the current system of micro-targeting different demographics allows political candidates communicate different and competing messages to different voters with almost no transparency. In the Committee's view this poses a serious challenge to our political system. The Committee is particularly concerned that data collected by political parties and other political operatives through online surveys, email campaigns, and social media activity can be used to micro target voters without their express permission. In this regard it is the view of the Committee that the current sections of the legislation regarding online political advertising do not go far enough to address the concerns of the Committee.

In discussing the use of social media accounts in electoral and political matters with representatives of the political parties that presented to the Committee, no political party said they used internet bots or data brokers as part of their online political campaigning.

RECOMMENDATIONS

The Committee recommends that the use of artificial intelligence or internet bots by political parties, politicians and election candidates to power politically motivated social media accounts be made an offence under the proposed legislation. In addition to the above, that the use of anonymous online accounts or data brokers by political parties, politicians and election candidates in an attempt to influence political discourse, democracy or democratic decisions be made an offence under the proposed legislation.

The Committee recommends that the proposed bill provide for consistency in approach in the regulation of political advertising both on and offline, and both inside and outside of election periods.

The Committee recommends that the Department facilitate an exploration into the utilisation of social media content in electoral and political interference in the form of public consultation and expert opinion.

The Committee recommends that an interdepartmental committee be established that engages with the Media Commission and the Electoral Commission in order to ensure oversight of “community guidelines” with a view to their codification in future legislation.

RECOMMENDATIONS

RECOMMENDATIONS

1. The Committee recommends that the definition of ‘online political advertising’, and related definition of ‘political purposes’, as included in the Bill be amended to incorporate the definition of "political purpose" as contained in the Electoral (Civil Society Freedom) (Amendment) Bill (2019) so as to assist in addressing and managing during the electoral cycle any unintended consequences that might negatively impact on the work of Civil Society Organisations.
2. The Committee recommends that the Bill provide for the definition of ‘issue-based advertisements’ in addition to but distinct from the current definition of “political advertisements” and that the Department provide for the regulation and the development of transparency guidelines for such ‘issue-based advertisements’.
3. The Committee recommends that the Department review the proposed composition of the Electoral Commission with consideration to be given to international best practice.
4. The Committee recommends that the proposed Electoral Commission include a Member with expertise or experience in IT systems, cybersecurity, data and digital security or a related background, and include a former political representative with experience at both local and national level.
5. The Committee recommends that the proposed electoral commission be mandated to include, or liaise with, or establish a sub-committee with representatives from those communities historically under-represented in

electoral matters including but not limited to women, black people and people of colour, new communities, LGBTQI+ people, members of the Traveller and Roma communities, migrants, young people, people with disabilities and people from disadvantaged socio-economic backgrounds.

6. The Committee recommends that the Electoral Commission be funded through non-Voted Expenditure to maintain its independence and autonomy, with an increased budget to be made available on election years.
7. The Committee recommends that the Electoral Commission be adequately funded, resourced, and staffed to ensure it can carry out and progress its functions effectively in line with best international practice for a comparative electoral process.
8. The Committee recommends that local authorities be adequately funded, resourced, and staffed to allow them to carry out the additional requirements resulting from the proposed legislation.
9. The Committee recommends that the proposed bill provide for the promotion of voter registration and electoral participation, particularly for under-represented groups, as an explicit function of the Electoral Commission.
10. The Committee recommends that the proposed bill provide for the audit and evaluation of electoral events as an explicit function of the Electoral Commission.
11. The Committee recommends that the proposed bill provide for the maintenance of electoral integrity and the protection against election interference as an explicit function of the Electoral Commission.

12. The Committee recommends that the proposed Bill provide for the provision of public awareness campaigns for all electoral events in line with the referendum functions as provided for in the proposed bill, and also to provide for a public campaign explaining the single transferable vote system.

13. The Committee recommends that the proposed bill empower the Electoral Commission to work with and support actions by NGOs concerned with promoting public participation in electoral processes.

14. The Committee recommend that the proposed bill mandate the Electoral Commission to encourage and promote gender balance in all elements of the electoral process.

15. The Committee recommends that the proposed bill mandate the Electoral Commission to develop guidelines and standards governing political discourse during referendum and electoral events.

16. The Committee recommends that the proposed bill provide for the sanctioning of political parties or candidates who engage in discriminatory actions or rhetoric.

17. The Committee recommends that the Department engage with the National Disability Authority to explore how the proposed legislation might be improved so as to better serve the needs of people with disabilities.

18. The Committee recommends that the Electoral Commission be mandated to develop guidelines to ensure that all electoral and political information produced by parties is accessible for persons with disabilities.

19. The Committee recommends that the proposed bill provide for the promotion, inclusion, facilitation, and participation of persons with disabilities in the electoral and political process as an explicit function of the Electoral Commission.

20. The Committee recommends that the Department clarify in the Bill the method by which the modernised electoral register will interact with those registers maintained by local authorities.

21. The Committee recommends that the Electoral Commissions role in the oversight of the Electoral Register be strengthened and expanded, with a mandate to reform and improve the standards of electoral registers maintained by local authorities.

22. The Committee recommends that the Electoral Commission be given primary responsibility for registering, maintaining and controlling the data on the electoral register, with Local Authorities to act as agents and/or processors of the Electoral Commission with sufficient resources to do so.

23. The Committee recommends that the bill provide for a simplification of the process of re-registration arising from voter mobility/relocation and/or to provide for postal voting where a such a move is temporary.

24. The committee recommends that three documented attempts that be made within a 6-month period after the new rolling register comes into force, to contact persons before they are removed from the register

25. The committee recommends the integration of the register of deaths with the centralised electoral register to ensure that when a person passes away that they are automatically removed from the register to prevent deceased persons from receiving polling cards or being called for jury duty.

26. The Committee recommends that the Department considers whether clarification is required regarding the parameters for the use of the electoral register outside of electoral periods.

27. The Committee recommends that the legislation provide for the regulation of the creation by others of third-party databases which cross reference data contained in the electoral and the marked register.

28. The Committee recommends that the bill provide for the regulation of access to the electoral register by political parties and individuals, as well as providing clear guidance on the use of the electoral register by political parties and individuals, including data protection requirements.

29. The Committee recommends that the Electoral Commission, in conjunction with the DPC, conduct a Data Protection Impact Assessment on whether or not the cross-referencing of the register of electors and multiple marked registers is permissible. If found to be permissible, the majority of the Committee recommend that the electoral commission provide a register of voters who have voted in the previous three elections, set out by local electoral areas within constituencies, to all registered political parties and that the Commission use this information to increase democratic participation.

30. The Committee recommends that, in advance of the bill being published the Department publish any Data Protection Impact Assessments undertaken in the course of developing the digital electoral register and make any ancillary documentation publicly available.

31. The majority of the Committee strongly recommends the use of the PPSN to verify a person's identity on the register. This should be done in full compliance with GDPR Requirements, and that justification for doing so be

made publicly available in advance of the bill being published. Support should be provided to assist a person who has a legal right to vote in the state to obtain a PPSN as part of the registration process.

32. The Committee recommends that any proposed data sharing arrangements undergo a Data Protection Impact Assessment to ensure full compliance with GDPR, and that Public Service Identity data, if used, for verification purposes be used exclusively for that purpose.

33. The Committee recommends that the Department carry out a DPIA specifically concerned at the cohort of persons under the age of eighteen whose data will be processed under the proposed legislation and address any safeguarding requirements that may arise.

34. The Committee recommends that the Department ensure that the provisions of the Bill align with the Digital Services Act.

35. The Committee recommends that prior to the bill being finalised, detailed Data Protection Impact Assessments be conducted on all elements of the Bill which involve the processing of personal data, and that these DPIAs be made publicly available.

36. The Committee recommends that the proposed bill be amended so as to require online platforms to publish political advertisements and associated transparency notices in an archive or database in real-time on an ongoing basis and not solely following the expiration of the advertising campaign.

37. The Committee recommends that the Electoral Commission engage with online platforms to further develop and clarify transparency requirements around online political advertising that allow for sufficient and robust public

transparency while accommodating their manageable and realistic implementation.

38. The Committee recommends that the Electoral Commission engage with online platforms to develop effective and agreed requirements for such platforms to accurately identify and verify the information of buyers of advertisements, such that those in breach of the provisions would be subject to sanctions and/or liable to prosecution.

39. The Committee recommends that the use of artificial intelligence or internet bots by political parties, politicians and election candidates to power politically motivated social media accounts be made an offence under the proposed legislation. In addition to the above, that the use of anonymous online accounts or data brokers by political parties, politicians and election candidates in an attempt to influence political discourse, democracy or democratic decisions be made an offence under the proposed legislation.

40. The Committee recommends that the proposed bill provide for consistency in approach in the regulation of political advertising both on and offline, and both inside and outside of election periods.

41. The Committee recommends that the Department facilitate an exploration into the utilisation of social media content in electoral and political interference in the form of public consultation and expert opinion.

42. The Committee recommends that an interdepartmental committee be established that engages with the Media Commission and the Electoral Commission in order to ensure oversight of “community guidelines” with a view to their codification in future legislation.

APPENDIX 1: ORDERS OF REFERENCE

a. FUNCTIONS OF THE COMMITTEE – DERIVED FROM STANDING ORDERS [DSO 95; SSO 71]

1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

- (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
- (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

- (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
- (b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

- (a) for the accountability of the relevant Minister or Minister of State, and
- (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

- (a) consents to such consideration, or
- (b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

- (a) the Committee Stage of a Bill,

- (b) Estimates for Public Services, or
- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.

(8) Where a Select Committee proposes to consider—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
- (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
- (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
- (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
- (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (iii) at the invitation of the Committee, other members of the European Parliament.

(9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—

- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
- (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof,

within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

b. SCOPE AND CONTEXT OF ACTIVITIES OF COMMITTEES (AS DERIVED FROM STANDING ORDERS) [DSO 94; SSO 70]

(1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

(2) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil/Seanad;

(3) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under DSO 125(1) and SSO 108(1); and

(4) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

- (a) a member of the Government or a Minister of State, or
- (b) the principal office-holder of a State body within the responsibility of a Government Department or
- (c) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

(5) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

c. POWERS OF COMMITTEES (AS DERIVED FROM STANDING ORDERS) [DSO 96; SSO 72]

Unless the Dáil/Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

- (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil/Seanad;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—
- (a) require any Government Department or other instrument-making authority concerned to—
 - (i) submit a memorandum to the Joint Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Joint Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Joint Committee, which may report thereon to the Dáil, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Joint Committee to discuss—
- (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),
- for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Joint Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Joint Committee to enable him or her to discuss such policy or proposed legislation;
- (6) power to require that a member of the Government or Minister of State shall attend before the Joint Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Joint Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;
- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Joint Committee in relation to the consideration of a report under DSO 197/SSO 168;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

- (a) State body within the responsibility of a Government Department or
- (b) non-State body which is partly funded by the State,

shall attend meetings of the Joint Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Joint Committee, which may report thereon to the Dáil/Seanad; and

(10) power to—

- (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
- (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under DSO 120(4)(a)/SSO 107(4)(a).

APPENDIX 2: COMMITTEE MEMBERSHIP

DEPUTIES



Francis Noel Duffy
Green Party



Joe Flaherty
Fianna Fáil



Thomas Gould
Sinn Féin



Emer Higgins
Fine Gael



Steven Matthews
Chairperson
Green Party



Paul McAuliffe
Vice Chairperson
Fianna Fáil



Cian O'Callaghan
Social Democrats



Richard O'Donoghue
Independent



Eoin Ó Broin
Sinn Féin

SENATORS



Victor Boyhan
Independent



John Cummins
Fine Gael



Mary Fitzpatrick
Fianna Fáil



Rebecca Moynihan
Labour



Mary Seery Kearney
Fine Gael

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 30 July 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 18 September 2020.
3. The Dáil Committee of Selection nominated Deputy Joe Flaherty to replace Deputy Jennifer Murnane O'Connor on 02 February 2021.

APPENDIX 3: LIST OF WITNESSES

Department of Housing, Local Government and Heritage

- Mr Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform
- Mr Barry Ryan, Principal Officer
- Ms Petra Woods, Principal Officer
- Mr Martin Hehir, Assistant Principal
- Mr Paris Beausang, Assistant Principal

Academics

- Dr Theresa Reidy, Head of Department of Government and Politics, University College Cork
- Dr Jane Suiter, Associate Professor, School of Politics and International Relations, Dublin City University

Data Protection Commission

- Mr Dale Sunderland, Deputy Commissioner
- Mr David Murphy, Assistant Commissioner

Digital Action

- Ms Liz Carolan, Executive Director

Facebook Ireland

- Mr Dualta Ó Broin, Head of Public Policy

Twitter

- Mr Ronan Costello, Senior Manager of Public Policy

Political Parties

- Mr Darragh McShea, Assistant General Secretary, Fianna Fáil
- Mr John Carroll, General Secretary, Fine Gael
- Ms Maura Rose McMahon, General Secretary, Green Party
- Mr Brian Sheehan, General Secretary, Social Democrats
- Mr Eoin Ó Broin TD, Sinn Féin

- Ms Billie Sparks, General Secretary, Labour Party

National Youth Council of Ireland

- Mr James Doorley, Deputy Director

Irish Traveller Movement

- Mr Bernard Joyce, Director
- Ms Jacinta Brack, Political Advocacy, Communications and Campaigns Coordinator

National Women's Council of Ireland

- Ms Jennifer McCarthy Flynn, Head of Policy
- Ms Catherine Lane, Women in Local Community and Rural Development Officer

Department of Housing, Local Government and Heritage

- Mr Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform
- Mr Barry Ryan, Principal Officer
- Ms Petra Woods, Principal Officer

APPENDIX 4: LINKS TO MEETING TRANSCRIPTS

- [Friday 22 January 2021](#)
- [Tuesday 02 February 2021](#)
- [Tuesday 23 March 2021](#)
- [Tuesday 30 March 2021](#)
- [Thursday 20 May 2021](#)
- [Tuesday 08 June 2021](#)
- [Tuesday 22 June 2021](#)

APPENDIX 5: LINKS TO SUBMISSIONS & OPENING STATEMENTS

OPENING STATEMENTS

- [Mr Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform – Department of Housing, Local Government and Heritage](#)
- [Dr Theresa Reidy, Head of Department of Government and Politics – University College Cork; Dr Jane Suiter, Associate Professor, School of Politics and International Relations – Dublin City University](#)
- [Mr Dale Sunderland, Deputy Commissioner; Mr David Murphy, Assistant Commissioner – Data Protection Commission](#)
- [Ms Liz Carolan – Digital Action](#)
- [Mr Dualta Ó Broin, Head of Public Policy – Facebook Ireland Ltd](#)
- [Mr Ronan Costello, Senior Manager of Public Policy – Twitter Europe](#)
- [Mr Darragh McShea, Assistant General Secretary – Fianna Fáil](#)
- [Mr John Carroll, General Secretary – Fine Gael](#)
- [Ms Maura Rose McMahon, General Secretary – Green Party](#)
- [Mr Brian Sheehan, General Secretary – Social Democrats](#)
- [Ms Jennifer McCarthy Flynn, Head of Policy; Ms Catherine Lane, Women in Local Community and Rural Development Officer – National Women’s Council of Ireland](#)
- [Mr James Doorley, Deputy Director – National Youth Council of Ireland](#)
- [Mr Bernard Joyce, Director; Ms Jacinta Brack, Political Advocacy, Communications and Campaigns Coordinator – Irish Traveller Movement](#)
- [Mr Malcolm Noonan TD, Minister of State for Heritage and Electoral Reform – Department of Housing, Local Government and Heritage](#)

SUBMISSIONS

- [National Disability Authority](#)
- [Atheist Ireland](#)
- [Irish Human Rights and Equality Commission](#)

- [Irish Council for Civil Liberties](#)
- [Irish Council for Civil Liberties \(Political Advertising\)](#)
- [National Women's Council](#)
- [National Women's Council \(Gender Quota Local Elections\)](#)
- [Facebook](#)
- [The Coalition for Civil Society Freedom](#)

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