

DÁIL ÉIREANN

AN COMHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIDHREACHT

JOINT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERITAGE

Dé hAoine, 22 Eanáir 2021

Friday, 22 January 2021

Tháinig an Comhchoiste le chéile ag 10 a.m.

The Joint Committee met at 10 a.m.

Comhaltaí a bhí i láthair/Members present:

| Teachtaí Dála/Deputies | Seanadóirí/Senators |
|----------------------------|---------------------|
| Thomas Gould, | Victor Boyhan, |
| Emer Higgins, | John Cummins, |
| Paul McAuliffe, | Mary Fitzpatrick, |
| Jennifer Murnane O'Connor, | Rebecca Moynihan, |
| Cian O'Callaghan, | Mary Seery Kearney. |
| Richard O'Donoghue, | |
| Eoin Ó Broin. | |

Teachta/Deputy Steven Matthews sa Chathaoir/in the Chair.

Business of Joint Committee

Chairman: I want to go into private session for a couple of minutes. Is that agreed? Agreed.

The joint committee went into private session at 10.01 a.m. and resumed in public session at 10.08 a.m.

Water Treatment (Abstractions) Bill 2020 and Electoral Reform Bill 2020: Discussion

Chairman: The committee is meeting today to consider the report on the pre-legislative scrutiny of the Water Environment (Abstractions) Bill 2020 and to begin pre-legislative scrutiny on the general scheme of the Electoral Reform Bill 2020. I advise members that the Irish Human Rights and Equality Commission has contacted the secretariat in relation to its statutory role to input into legislation with human rights or equality elements and it will be making a written submission on the Bill.

No. 1 is adoption of the draft report on pre-legislative scrutiny of the general scheme of the Water Environment (Abstractions) Bill 2020. The amendments agreed at the private meeting on Tuesday, 19 January have been incorporated into the draft report and there are a couple of technical amendments to be made, such as adding links and proofing the terms of reference for changes to Standing Orders. Subject to those amendments being made by the secretariat, do members agree to adopt the draft report; agree that the report be laid before the Houses, printed and published; agree that the report be launched by way of a press release; and agree that a debate on the report should be held in the Houses of the Oireachtas? Agreed. I thank members.

No. 2 is pre-legislative scrutiny of the general scheme of the Electoral Reform Bill 2020. We are joined remotely by the Minister of State, Deputy Malcolm Noonan, who is accompanied by Department officials from the franchise unit: Mr. Barry Ryan and Ms Petra Woods, principal officers, and Mr. Martin Hehir and Ms Paris Beausang, assistant principal officers. The opening statement and briefing materials have been circulated to members. It is important for members to acknowledge the work that was done by the previous committee on electoral reform and the report it published. Several of the concerns and recommendations raised have been included in the scheme of the Bill.

I will ask the Minister of State at the Department of Housing, Local Government and Heritage to make his opening statement and then members will be invited to address questions. As usual, we will try to keep our questioning to five minutes. I will welcome the Minister of State, Deputy Noonan, and invite him to make his opening statement in a moment, but I have to read a note on privilege first.

Members attending from their Oireachtas offices are protected by absolute privilege in respect of their participation in this meeting. This means they have an absolute defence against any defamation action for anything they say at the meeting. However, they are expected not to abuse the privilege and it is my duty as Chairman to ensure this privilege is not abused. Therefore, if the statement of a member is potentially defamatory in respect of an identifiable person or entity, the member will be directed to discontinue his or her remarks. It is imperative that members comply with any such direction.

For witnesses attending remotely there are some limitations to parliamentary privilege and

they may not benefit from the same level of immunity from legal proceedings as a person who is physically present would. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise, or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

The opening statements submitted to the committee will be published on the committee website after this meeting.

I call on Minister of State to make his opening statement.

(Interruptions).

Chairman: We are experiencing some technical difficulties. Please bear with us. We will go into private session until we sort out the technical details.

The joint committee went into private session at 10:15 a.m. and resumed in public session at 10.20 a.m.

Chairman: I apologise for the technical glitch we had there. We have it all sorted now and I am delighted to invite the Minister of State, Deputy Noonan, to the committee. I do not know if the Minister of State heard the introduction I had given, but he is very welcome this morning to discuss the electoral reform Bill. I had just said that we acknowledge the work done by the previous committee on the report published on this very important legislation. I invite the Minister of State to make his opening statement now.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): Go raibh maith agat, a Chathaoirligh, and good morning, everyone. I apologise for the technical hitches, but it is great to be here with the committee, and I thank the committee for inviting me to appear before it to discuss the general scheme of the electoral reform Bill, which was approved by the Government on 15 December 2020. Today is my first time to appear before this committee, and I am really delighted and honoured to be here with such a positive set of policy proposals.

Regarding electoral reform, the general scheme is ambitious and forward-thinking. It provides for the establishment of a statutory, independent electoral commission for Ireland; the modernisation of our electoral registration processes; the regulation of online political advertising around electoral events; and, finally, measures which would assist with the holding of an electoral event safely should Covid-19 restrictions be in place. Some of these reforms have been a long time coming. For example, an electoral commission has been a fixture in programmes for Government for many years, as alluded to by the Chairman.

We live in an evolving society. With the advent of new technology, changes in living patterns and changes in how we receive information, there has been a need for some time to regulate new media formats and to ensure that our people have transparency surrounding online political advertising, which may influence how we vote. We can also harness new technology to bring about a more secure, accurate and user-friendly electoral register. In addition, it is responsible and prudent to consider how we would run an electoral event with Covid-19 restric-

tions in place. We have been working with officials to make the necessary provisions for this, and it is to be hoped this will not be the case for too long.

I wish to bring the committee briefly through each element of the general scheme. First, the electoral commission we propose to establish will bring about a more cohesive and efficient administration of electoral functions in Ireland. It will address the challenges we currently face and will be a bulwark which will protect and enhance our electoral system into the future. It will be independent of the Government and will report directly to the Oireachtas. The commission will have seven members, a mix of public officials experienced in electoral functions and experts who will be recruited through a Public Appointments Service, PAS, process on the basis of their skills and experience. The commission will be an organisation of substance, taking on board a broad range of new and existing statutory functions. These include a new policy research and advisory function to inform and advise both the Government and the Oireachtas on electoral issues. The commission will have a voter education and awareness function, working to increase participation in our political processes. It will have a monitoring role in respect of the modernised electoral register. The commission will have responsibility for the regulation of online political advertising, which I will come back to shortly. Lastly, the commission will take on several existing statutory electoral functions from other bodies, including the work of the Referendum Commission, the Registrar of Political Parties, the Constituency Commission and the local electoral area boundary committees. The commission will be established by the end of this year, in line with the programme for Government commitment.

The general scheme lays the foundations for a modernised electoral register. This ambitious project will deliver a single, continually updated or rolling electoral register; the simplification of forms and processes, including the gradual roll-out of optional online registration; a central national electoral register database; the use of personal public service numbers, PPSNs, as part of a data verification process; provision for anonymous registration for persons whose safety may be at risk if their name and address were to be published; and the preregistration for 16-year-olds and 17-year-olds. Overall, it will make the process of registering to vote more accessible and streamlined. The register will continue to be administered by local registration authorities. The commission will oversee its management and operation.

Regarding the regulation of online political advertising, in recent years we have been hearing more about the spread of disinformation in the run-up to electoral events. We have heard concerns raised and debated, both nationally and internationally, on its prevalence online as well as its potential to damage trust in our electoral processes and undermine our democratic institutions. To ensure our elections remain free from hidden influence, I am legislating for the compulsory labelling of online political advertisements during electoral periods. This will ensure transparency during the run-up to electoral events. This labelling will provide a link to certain information for the electorate in a transparent and conspicuous manner on who is behind the advertisement and why they are being targeted. The general scheme sets out that such information must be displayed in a transparency notice clearly linked to the advertisement. This will mean the rules which currently apply to the more traditional forms of advertising will be extended into the online advertising space.

The general scheme will include measures to assist with the holding of electoral events where Covid-19 restrictions are in place. These include conducting a poll over two days to facilitate social distancing as well as providing a postal vote for those on the special voters list should nursing homes and similar institutions be inaccessible.

The principal reform measures set out in this general scheme are founded on political con-

sensus and public support which have been built up over several years through reports and public consultations. The 2016 report of the Oireachtas joint committee on the establishment of an independent electoral commission has been of particular benefit in framing the provisions. The establishment of the electoral commission and the modernisation of the electoral register will see many of the recommendations set out in the 2016 report come into effect.

Many of these reforms are long-promised. We have an opportunity to address long-standing electoral issues and put our system on a stronger and more robust footing. The progression of this legislation is timely. The next scheduled electoral events to take place throughout the country will be in 2024. We have a great opportunity to have each of these electoral reforms in place and firmly bedded down over the intervening period.

I look forward to working with the committee on this process. I thank the officials for the amazing work they have done to date. I also thank previous committees for the work they have done on this transformative piece of electoral reform legislation. I look forward to a constructive discussion today.

Chairman: I thank the Minister of State for his opening statement. He has outlined some of the important issues in the Bill. They are really sensible, particularly the pre-registration of 16-year-olds and 17-year-olds. We often get somebody who has just turned 18 years of age several days before an election asking if they can register. Unfortunately, we have to tell them that they had to register 14 days before and it is a huge disappointment for them.

Will members identify themselves clearly so the Debates Office can pick up on who is contributing? I call Deputy McAuliffe.

Deputy Paul McAuliffe: I thank the Minister of State for being with us today. In many ways, it is an exciting day. Many people over many decades have spoken about the delivery of an electoral reform Bill and the establishment of an electoral commission. As the Chair said, it is worth noting the work done by the Department under the previous Government. It is obvious we are ready to go with this measure as a result of that work. However, I still believe, in terms of committing to it and establishing it, that it often could be described as not being a priority but as it underlies the very foundations of democracy and how we run the country, I believe it is very important.

I want to comment on some of the changes such as the pre-registration, giving people who may live in Dublin but who are from a rural area an ease of access to change their address, the removal of those who are deceased from the register and the registration process itself. All of those are incredibly positive moves and in many ways will drag our electoral laws out of the last century but there is a big job of work still to be done.

I have a number of questions for the Minister of State. I will ask some of them in my allotted time, Senator Fitzpatrick will then contribute and then I will come back again. The Minister of State might answer the questions where he can. The key issue concerns head 66. It would appear that under head 66(2), the total number of Members of Dáil Éireann, subject to Article 16.2.2° of the Constitution, is identified as being between 166 and 172. That would be a substantial increase from the current number. I ask the Minister of State to outline the rationale for that. Has it to do with population growth? Is there any immediate expected change?

Deputy Malcolm Noonan: I might defer to Mr. Barry Ryan from the franchise section. Certainly, it is in terms of the expected population growth. I think it is the number of Deputies

per head of population. Perhaps Mr. Ryan might come in on that issue as well.

Mr. Barry Ryan: To clarify regarding this particular question, on the face of it, yes, it looks like there is an increase. At the moment there are 160 elected Members in the Dáil and that change from 166 to 172 has already been legislated for. It was legislated for when the Dáil constituencies were reviewed the last time in 2017. The increase from 166 to 172 is already on the Statute Book. The general scheme is just repeating what has already been legislated for. The Minister of State is correct. The change was made back in 2017 because at 160 we are at the limit of what the Constitution provides in terms of the one representative per 20,000 or 30,000 and we are right up against the 30,000 limit. Consequently, when the constituency revisions were being enacted in 2017, this change was made to the terms and conditions of the Constituency Commission and they are simply being replicated in this general scheme.

Deputy Paul McAuliffe: There are multiple references here to the role of local authorities, which traditionally held the register. There is still a lot of detail yet to be established, probably by ministerial order, about how the interaction will work. It appears that local authorities will continue to maintain a register and then provide an update directly to the commission. As a lot of people would have imagined that the commission would have been the central resource of the register, I ask the Minister of State to please clarify how that will work.

Deputy Malcolm Noonan: My understanding is that the local authority will still have a central role to play in terms of the management of the register with one lead authority that would manage the overall national register. I ask Ms Woods to come in on that issue specifically as it is her area of expertise.

Ms Petra Woods: It is a recognition of the role of local authorities and the confidence that people have in how they manage the register. In part, that says that they should still continue to hold that role and that they would manage those registers in the context of this shared national database, which would make the identification of duplicates and people moving between local authorities so much easier. The other reason is a practical one. There is a lot of local knowledge in local authorities in terms of addresses and changes in their local areas that will need to be reflected in the register. Furthermore, in times where there are peaks of engagement by the public, it would not be reasonable for the commission to be able to draw in staff, in the way that local authorities can draw staff from other parts of their authorities, to assist with that work. The decision was made to leave that role with local authorities and we will make it easier for them. They will be required to report annually on the activities they have undertaken in managing their registers. The commission, in turn, will issue a report that will look at the national picture overall of the register on the basis of those reports. The designated authority to manage the central database is also required under these heads to report to the commission on the functioning of the database and any matters that might arise. In addition, the commission can conduct research of its own to supplement that information in producing its own report.

Deputy Paul McAuliffe: I do not have the benefit of seeing a clock but I imagine I am close to my time limit.

Chairman: You are just hitting it now, so please be as brief as possible.

Deputy Paul McAuliffe: That would place significant resource implications on the local authority with rolling registers and so on. We should take that into account and I imagine that there are also General Data Protection Regulation, GDPR, and data protection concerns that would need to be ironed out.

Chairman: We had a technical glitch at the start and I do not know if the witnesses heard our opening address but they are very welcome to the committing this morning. I thank them for their responses. I can see hands up on the screen but I will follow the usual rota we have in committees. Is it Deputy Gould or Deputy Ó Broin that is going next?

Deputy Eoin Ó Broin: It is me. I thank the Minister of State and the departmental staff and echo the comments of colleagues on the phenomenal volume of work that has gone into producing the heads. It is very substantial legislation and it is great to see it finally coming forward. Like others, our party is very supportive of the key provisions of the Bill. I would say this is one of the least contentious pieces of legislation we will deal with in the coming period.

I have a series of questions I will run through and if we do not have enough allocated time for replies, the witnesses might come back at a later stage in the meeting or in writing. One of the functions that the commission does not have is one requested by the previous Oireachtas housing committee, separate to the policy function, of having an electoral and referendum research budget and function. This is something Governments previously funded through groups of academics from a number of universities and it seems logical that this is something that could be located in the commission and it could work with academic institutions to conduct not only significant studies, such as exit polls and other work into referendums and elections, but also independent studies into non-voting and the reasons people do not vote. If there is not a dedicated budget and function, this may not happen. Will the witnesses respond to that omission?

The regulation of online advertising seems to be the weakest section of the Bill. I have no objection to the proposed provisions but we have very strict spending limits for elections, which is one of the very progressive parts of our system compared with others. There is consideration of similar spending limits for similar periods with online advertisements and the application of other kinds of restrictions. I cannot buy a variety of terrestrial or broadcasting advertisements during election campaigns, for example, so why is such a low bar approach being taken with online advertisements, given their significance?

With the register, personal public service, PPS, numbers are crucial but there may be GDPR or privacy concerns. Will the witnesses speak to those? Is it the intention to match a PPS number with a unique voter identification number on the register? I presume if we have rolling registration, it will remove the need for Garda forms to be signed. Will the witnesses confirm that?

It is disappointing to see there is not an expanded provision for postal and proxy voting, as is the norm in many European jurisdictions. Why is this the case? There may be people travelling, on holidays or students who may not be able to attend a vote. This is something that should certainly be explored. A provision for access to the electronic version of the register for political parties does not seem to be in the Bill. We currently get direct access to it. If it is not in the Bill, it will be of particular disadvantage to smaller parties or those which only have electoral representation in certain areas. I ask for more information about rolling registration, the marked register that will still be available, because obviously that is very valuable to us in the political process. I ask for more information on the oversight role of the commission with respect to the register.

Deputy Malcolm Noonan: I again thank the Deputy for his positive comments. I will take the research element and defer to Mr. Ryan and Ms Woods on the register. It is anticipated that the commission will have a very strong research, advisory and voter education function. We will see that evolve over time. We all know we need to engage with hard to reach communities in electoral processes for referendums. The research element of that will be vital. I take on

board the Deputy's point on the additional resources for the research element. We envisage a very strong role for advocacy and for voter education. It is vital to engage young people and minorities to get them to take part in the electoral process, become activated and stand for election. All this is vital in our electoral system. We envisage the commission evolving to having a strong role in this over time.

I will ask Mr. Ryan and Ms Woods to deal with the Deputy's other questions.

Mr. Barry Ryan: The Minister of State mentioned that the general scheme envisages the commission having a research and advisory function. I do not think that precludes it from engaging with academics and others to assist it with that research function. The commission will have a budget specifically for that.

The Deputy asked about the online advertising piece in the general scheme. The provisions we have included in the general scheme are grounded in the outcome of the work of the interdepartmental group on electoral processes and disinformation. That group looked at our election processes and held an open policy forum and a public consultation on the issue. A balance needs to be struck between the regulation to be introduced in this area and the freedom of expression arguments that are often put forward. The group recommended the introduction of measures which would, in many ways, replicate what we have in the offline space in terms of transparency. Any advertisements that are placed online should have that transparency during electoral periods. That was the thinking behind the measures included in the general scheme.

The Deputy asked if consideration was given to expanding the postal voting regime. The programme for Government contains a commitment to review this and specifically to ask the electoral commission to consider the issue of postal voting with a view to expanding its use. As the Deputy knows, postal voting is fairly restricted in Ireland under our electoral codes. While it is not in this general scheme, it would be the intention that once the commission is established, it could research the matter and make recommendations on expanding the use of postal votes.

Chairman: We have run out of time on that. I believe three of Deputy Ó Broin's eight questions have been covered. I hope we can get back to the remaining five, if that is okay with the Deputy.

Senator John Cummins: I thank the Minister of State and his officials. This is very exciting, progressive and timely legislation, particularly when considering holding elections during Covid-type events. I will focus on section 3 on the franchise and register of electors. Some of the questions have already been posed but I would like to tease them out a bit. As the Chairman said at the outset, it is very progressive that we are looking at the pre-enrolment of 16-year-olds and 17-year-olds.

The section on the anonymous registration of victims of domestic abuse is an important part of the legislation, especially in light of what has been reported from the courts in recent days. The online element and the simplicity of the forms is also important.

I wish to focus on data protection matters and how we overcome them. In 2008 the then Data Protection Commissioner told the then Oireachtas committee that to overcome legal obstacles to using PPS numbers and other data held by State agencies to identify electors, the Oireachtas could either seek voluntary consent from electors to use their PPS numbers or other data from State agencies for the purposes of compiling an electoral register or it could legislate to overrule the right to privacy in the interests of the common good, that is, the interests of

enhancing the integrity of the electors. Is that still the position of the Data Protection Commission, in light of the legislation that came into force in 2018?

How is it proposed that we marry the existing register with the requirement for PPS numbers, confirmation of address and Eircode details, as is contained in this legislation? To do this correctly, would we essentially have to start from scratch? Does the commission have the ability to link in with Revenue and the Department of Social Protection to confirm the 80% of electors who are currently on the register? Will there be a grace period for those who are not on the register? How exactly is it intended to marry the existing system with what is required under the new legislation?

Deputy Malcolm Noonan: I thank Senator Cummins for his positive comments. The general scheme does provide for data sharing for the purposes of obtaining and maintaining the electoral register. That would include sharing data between local authorities and enabling data to be matched against other public sector data, for example, the public services identity data held by the Department of Social Protection. I might ask Ms Woods to respond to the other points the Senator raised, if that is okay.

Ms Petra Woods: Those are good questions. We looked back at the evidence given by the Data Protection Commissioner in 2008. A key part of that is to look at what the options are and what problem one is trying to solve. We want to make sure that everybody is on the register who should be on it and that he or she is only on it once. The use of a unique identifier has long been a discussion point on the register. Currently, we do not have one, partly because we have 31 separate registers managed by each local authority. The provisions set out in the general scheme are designed to work with that.

This speaks also to a previous question. The PPSN will not be used in polling stations. It will not appear on the register. It will not be the electoral identity of an individual but it will be used to check and match the data that have been provided on a form by an individual to ascertain that all the pieces of information such as name, date of birth and PPSN are coherent, that they relate to the same individual and that the data are also matched to existing data held by another public sector body. In this case, we are looking specifically at the Department of Social Protection. That information will be shared on a yes-no basis, as in, there will be confirmation of that information and then we can carry on and register the person or make the changes to his or her record. Where no match is possible, the registration authority will then go back to the individual concerned and ask him or her to bring a form of ID or some sort of documentation back to the registration authority or get a form signed at the local Garda station, much like the supplement provisions now. That would only be the case if a match was not possible on the information provided.

On how we get from the existing register to a modernised register, we are not proposing to start from scratch. It is a strategy but not necessarily the one we believe would be the most effective here. We have a register that works and has served the country very well. We all acknowledge that it does need work but we are not suggesting that we risk a situation where large numbers of people would be removed from the register because they do not meet a certain deadline or so on. We propose a two-step process, including a major awareness campaign. Once we have made it easier for people to update their details, which we hope to do in the course of this year, we will engage in a large-scale public awareness campaign to really encourage people to engage with us to help us to update their records on the register. Giving people the opportunity to update their own information is one of the key provisions. Minding the accuracy of their own data is also important under data protection legislation. Where we cannot identify a person or

where we do not have records that are addressed by individuals we will then seek to identify where people may have passed away. We will do this through other data we can access safely, such as a date of death for example, that is linked to a person. To be clear, we are not talking about removing people from the register without a significant number of attempts. The general scheme of the Bill provides for three documented attempts with an individual before he or she is removed. The person will have ample opportunity and it will be covered by a large-scale public awareness campaign to make sure people are aware of what is happening. I hope this helps the committee and I am happy to answer any questions.

Senator John Cummins: I thank Ms Woods.

Senator Victor Boyhan: I welcome the Minister of State, Deputy Malcolm Noonan. This is a very positive Bill and proposal. We are all aware that elections and referendums are an important feature of the democratic process. It is exciting and important. The previous committee did a lot of work on this and we made several recommendations, one of which was around education, the promotion of elections, and research. This is important but with that must come funding and it must be ring-fenced. More important, one of the points we made as a committee was that any research would be published. I believe it is important that there is a very open and transparent process around any research and that it is public knowledge. I would like to hear from the Minister of State about the proposals in that regard.

I welcome the proposal for pre-registration for 16 to 18-year-olds. I would like people being able to vote from the age of 16, certainly as a start at local elections. Clearly, that is not going to happen despite a lot of talk by many of the main political parties. It has not been mentioned. Perhaps the Minister of State will outline for the committee if there is a view or a feeling within the Government that this might be reviewed within the life of the Government.

The pre-registration is very important and positive. To suggest that the electoral registers are in any way good shape across the 31 local authorities would be crazy. They are a mess. People are on registers who have been dead for ten years. This is my experience of some registers, having been involved in elections for a long time. I thought the commission would have a more centralised system but this is clearly not an option.

I welcome the idea that we could tap into local knowledge, as one of the Minister of State's officials has already said. I agree with that but we would, therefore, need to resource the local authorities. I know from my local authority that for many years it has not gone out to do field work. By field work I refer to door-to-door knocking, which would have traditionally been done, to check the registers and to see and encourage people. I would like to hear more about the resources that will be given to local authorities. I heard this morning from one of the Minister of State's officials that each local authority will be asked to do an annual report on how it is engaging and working on its registers. I welcome that. Overall, it is a positive proposal and I fully support it.

The only question I want to ask is in respect of the marked registers. Deputy Ó Broin pointed out earlier that these are very important for those studying elections and for identifying groups or areas where people are engaging. It is important information which is only held for so many months after an election. What plans, if any, does the Minister of State, the commission, this proposal or the electoral reform Bill include in respect of the management of those important registers? Are there any plans to change it? I thank the Minister of State and his officials for attending the committee today.

Deputy Malcolm Noonan: My connection dropped out for a moment. I think the first point the Senator raised was on the publication of research.

Senator Victor Boyhan: That is correct.

Deputy Malcolm Noonan: The commission will report directly to the House of the Oireachtas. It will have to produce a three-year strategy. It is absolutely vital to have the data and quantitative and qualitative research element there. It is a well-made point.

On the issue of local elections and pre-registration for those aged 16 and 17, it is my understanding that voting for 16-year-olds could be introduced without legislation by the Minister. I may be corrected on that. I certainly agree with the Senator. I would love to see us move to a situation where, at least for local elections, the voting age could be reduced to 16. It would spark a huge engagement in our electoral system. Young people want to have their say. We have seen that with the climate strikes. It would be most welcome if that could be pursued.

I agree with the Senator on his point about fieldwork. Calling to houses is a vital component of that. On the condition of the register, it is important to say that local government and authorities have performed invaluable work over the years in respect of the electoral register. We do appreciate that and we want to continue that role for them within this particular Bill. Perhaps Ms Woods and Mr. Ryan want to come in on specific points raised by the Senator. I thank him for his positive comments.

Mr. Barry Ryan: On the education and research piece, and the funding of it, it is important to note that in the general scheme it is envisaged - and speaks to the independence of the commission - that it would have a separate vote. It would have its own Vote of expenditure. That would certainly help in framing a budget for the research and education piece. The Minister of State mentioned his view on the issue of votes for 16-year-olds. There is a commitment in the programme for Government that the Scottish experience will be examined in respect of reducing the voting age. That could be another valuable piece of work that the commission may be able to undertake - conducting research to look at that experience and make recommendations. Ms Woods can talk about pre-registration and the marked registers.

Ms Petra Woods: I agree that much good work was done through the years by the fieldworkers, and local authorities continue to do that work. Some make more use of fieldworkers than others. There are obviously difficulties now with fieldworkers in cities. Many people are living in apartments and are not at home all day. I understand that in other areas there are issues with gates, and so on. Fieldwork is still an important part of managing and updating the register, and will continue to be so. The heads of this legislation provide that we will expand and encourage local authorities to look at other ways of reaching out to people and encouraging them to engage with the registration process. The schools programme is for 16 and 17-year-olds but they may also want to do registration drives at their local authority offices or in supermarkets on particular days, or to encourage people more generally.

We are aware that local authorities already do much good work for resourcing. There is provision in these heads for a funding model that will look at the work on the central database and how that service is paid for and resourced.

No change is being made to the marked registers. We have not strayed beyond making the registration process more accessible.

Chairman: Head No. 14 indicates that the commission can appoint consultants or advis-

ers to assist its work on voter education which is important, as Ms Woods has outlined, and inclusion and research, which members have asked about. It is subject to available financial resources and no longer requires the consent of the Minister for Public Expenditure and Reform. It is good that it has independence but who will ultimately decide the commission's financial resources? Is that the Department of Housing, Local Government and Heritage?

Head No. 26 is about the strategy statement. In sub-head 5(a), it seems that the words “shall” and “may” are used together, which I find slightly confusing. I suggest that we remove the word “may” in sub-head 5(a).

Head No. 65 is about constituency reviews after publication of the preliminary CSO data. A ministerial order is no longer required to look at the representation versus population. That report will be presented within three months, which is positive. Does it trigger that same action for local electoral areas and the make-up of local municipal districts or the numbers that would be represented at local level?

Deputy Malcolm Noonan: Regarding available resources, as Mr. Ryan has outlined, the commission will be funded by its own Vote. A chief executive is responsible for implementing the policies and decisions of the commission. I ask Mr. Ryan to address that, the other amendment that the Chairman proposes and the electoral areas.

Mr. Barry Ryan: As the Minister of State said, it is the intention that the commission would have its own Vote. It would compete for resources in the budget in the normal way with other organisations. To answer the question directly, it is not funded from the Department of Housing, Local Government and Heritage. It will have a stand-alone Vote.

I thank the Chair for the technical suggestion about the “shalls” and the “mays”. We will take that on board when drafting the Bill.

On constituency reviews, we needed to come up with a slightly different mechanism to trigger the constituency review. The existing legislation requires that the Minister would establish the constituency commission following the publication of preliminary census results by the CSO. We have a commission continuously in place now so there is no need for that ministerial order. The general scheme provides that the publication of those preliminary results triggers the constituency review work of the electoral commission. The same would be envisaged for LEAs. Currently, LEAs tend to follow on from constituency reviews based on the census results. The intention is that an LEA review would follow on from a review of Dáil and European constituency boundaries.

Chairman: On that, when local electoral areas are being set, where there are obvious geographical boundaries or historical, cultural or societal links to a certain municipal district there is a little bit of flexibility in that. It will not come down purely to the numbers. It will still take that into account.

Mr. Barry Ryan: Absolutely. Where that will fall to be decided will be in the terms of reference that will be given to the electoral commission in reviewing LEA boundaries. Those terms of reference will come before the relevant Oireachtas committee for discussion and input. The intention is that, ultimately, they will be approved by a resolution of both Houses. There is an opportunity in that respect for the Oireachtas to feed into the terms of reference and the issues the commission should take account of when it is reviewing LEA boundaries.

Chairman: I thank Mr. Ryan. I had questions on this in reference to appointments to the

commission and the suggestion that at least one member of the commission, and perhaps more than one, should have expertise in online information - digital information - from that web of complex layers that lie within online political advertising. What are Mr. Ryan's views on that? Is that too prescriptive? Does he believe it would be good to have somebody with that level of expertise or would that be a role for a consultant?

Mr. Barry Ryan: It may be that it is a little bit prescriptive. We have tried to be as specific as possible in terms of what we are calling the selected members of the commission. Initially, the four selected members would have specific skills and experience. I refer to a former elected Member of the Oireachtas or a local authority, somebody with experience in international electoral matters, somebody with experience of Irish electoral matters and then, in terms of general public administration, somebody with financial experience and so on. Within all of that it may be that we will be able to couple with that experience also or else, as the Chairman said, it will be still open to the commission to engage that expertise if it needs to do so.

Chairman: I thank Mr. Ryan.

Deputy Cian O'Callaghan: I thank the Minister for attending. This is good legislation. A lot of work has gone into it. There has been very good consultation on it. Overall, I am very welcoming of it as it is very important.

I will address three areas. Voter participation, education and outreach is very important and an essential part of democracy. In other countries we see groups of people who tended not to get involved in the democratic process or vote in the same numbers being involved in outreach, being educated and participating more in the process it changes the entire participation of more marginalised groups in society, in decision making and in politics and has a transformative effect. Everyone might not be interested in the nuts and bolts of this but it is very important. There are very good practices in New Zealand where people who have a visual impairment or are hard of hearing can participate in elections. For example, people with a visual impairment can vote over the telephone using a dictation service. There has been very good outreach to younger people and youth advocates. There has been outreach to homeless people also. Will the commission be asked to examine the very good practices in New Zealand? One of the methods New Zealand used, as did other countries, to drive up participation was to have early voting available. Will the commission be asked to look at that? That is my first question.

I welcome what the Minister said about the voting age of 16 for local elections. What is the Minister going to do to try to advance that?

While it is not in the legislation, the programme of Government refers to the regulation of election posters. What does the Minister intend to do about that and when might we see some proposals? What are his thoughts?

Deputy Malcolm Noonan: The voter participation element is absolutely critical. The commission will have the ability to look at other jurisdictions that are good examples, such as New Zealand. That will certainly be in its remit and it is a vital part of it. This is about getting young people, other hard to reach groups and minorities, including the Traveller community, and everyone else involved in our electoral processes. Our team has met a voter disability alliance around participation in electoral events, such as access to polling stations, information on candidates and referendums. We are continuing that work with these groups, with which we have had really good engagement. There is a commitment in the programme for Government to make 16 years the voting age for local elections, and we will task the commission to do that.

I very much take the Deputy's point. I would love to see that commitment realised for the 2024 local and European elections.

The regulation of election posters is a pet subject of mine. I ran a successful general election campaign without the use of a single poster. I would love to see the money that candidates and parties now use for posters being put into much more informative resources, online and otherwise, to inform the electorate about their policies and programmes for elections. That would be a far better spend of public money and candidates' money. I would love to see either a significant reduction in posters, perhaps the use of designated sites in urban areas, or a complete ban on posters. I do not think they have any place in the electoral system and many people have turned away from them. I absolutely agree with the Deputy on that. It is an issue the commission can be tasked with considering.

Senator Rebecca Moynihan: Previous speakers asked questions that I had intended asking, including on votes at 16 years and election posters. I will focus, therefore, on online political advertising during the election. As Deputy Ó Broin said, this is probably the weakest element of the Bill. Does this have to be a paid advertisement that is explicitly marked or, where third parties get involved, could they be required to explicitly state what they are doing for the duration of the election? I have in mind more nefarious third-party actors that might create and spread disinformation, memes and so on. We have an opportunity to learn some lessons from what has happened in other countries and put in place a robust system of challenging technology companies and the influence they have on elections. In India recently, the main nationalist party did very well in what was called the first WhatsApp election. I am concerned about private messaging groups where actors spread misinformation and engage in fearmongering. We need to consider regulating them. Is there scope for the electoral commission to examine that issue? If not, could we, on Committee Stage, consider not only official paid political advertising but the use of information to influence an election?

I refer to expanding votes for immigrants. At the moment, we have a situation where non-citizens can only vote in local elections but people have to be citizens to vote in Dáil elections or referendums. This has particularly come to the fore since the Brexit referendum, when a lot of people living in Ireland for a long time realised they could not vote in referendums. Are there any proposals on the table or any thinking around the electoral commission taking a look at referendums and expanding votes beyond citizens to people who live here for a certain amount of time? I know many European citizens do not get citizenship because they consider it to be prohibitively expensive. We have one of the highest citizenship fees in the world. Those are the two issues I would like to ask about.

Deputy Malcolm Noonan: I will take the first issue. As far as I am aware, the area around online advertising is really around transparency in regard to who is paying for the advertisement. In a sense, we are probably the first jurisdiction to legislate for this, which is important. Mr. Ryan alluded to the issue around freedom of expression and the content of such advertisements, but what this is really about is the buyer of the advertisement and ensuring the voter has an awareness and understanding of who is paying for the advertisement. It is around that transparency element. I will ask Mr. Ryan to come back in on those other issues the Senator raised in regard to non-citizens and referendums. I thank her for the questions.

Mr. Barry Ryan: I thank the Senator for the questions. To reiterate, the Minister of State is correct in that the extent of the proposals in the general scheme are around online political advertising. It is very much around the transparency piece and it is certainly not in the space of monitoring content, which is a whole different ball game, although it is absolutely for the com-

mittee to discuss and consider it. In terms of the recommendations we were legislating for, the recommendation from the interdepartmental group was very much around transparency during electoral periods. That is the way the provisions have been framed.

In terms of voting rights, as the Senator is aware, there are different categories of voter rights. Irish citizens who are residents can vote in all our elections and referendums. British citizens, with the reciprocal arrangements we have with the UK, can vote in Dáil elections and local elections, although, with the UK no longer being a member of the European Union, they are no longer entitled to vote in European Union elections, which is just for Irish citizens and citizens of the European Union. Citizens from outside the European Union have the right to vote in local elections.

As the Senator mentioned, there are constitutional issues in regard to referendums and expanding some of those rights. Certainly, in the context of the research and the advisory piece, that is the sort of issue the commission could look at and make a recommendation to the Minister and the Government on if it felt there was merit in such proposals. While I do not think there are any current proposals to look at that, it is certainly among the issues an electoral commission could consider.

Senator Mary Fitzpatrick: I thank the Minister of State and the officials. This is very important, as other speakers have said. Democracy is fragile and without a fully functioning electoral process, it is impossible to have fair and free elections, which are essential. The idea of the independent electoral commission is very welcome and long overdue. I am interested to know whether there is any estimate of what the required budget will be for an independent electoral commission. I want to talk a bit about, and understand better, the proposals on the register of electors. It is all contained in section 13. I am not convinced that commencing from a position of assuming our registers of electors are in a fit for purpose condition is a safe point of departure for us. We have a huge opportunity here and we need to be careful to maximise the opportunity to ensure the integrity of our elections and the effectiveness of our process. This can only be achieved if we are working from a database that has integrity.

I have some concerns. From speaking to colleagues throughout the country, I know that, in Cork after the previous local elections, councillors who were elected said there were as many dead people on the register as there were people who were alive. In the constituency of Dublin Central in some very modest properties there are the equivalent of communes registered. I do not really accept we should start with thinking the register of electors is in a fit for purpose condition. Even if we did, from a data management perspective I do not understand the strategy of us having the local authorities compile databases while at the same time we are creating a centralised database. I want to understand how this will work because as a basic principle to guarantee the integrity of the database there should be only one database. I want to understand how this will work.

I also do not understand why, if we are moving to a centralised online rolling database, there would be localised databases. It just does not make any sense. If it is a centralised online database, it is available remotely from any place but it should be centralised to ensure its integrity. I want to understand this. It is important that we understand it before we pass the legislation. The way the legislation is written at present to me clearly speaks about these two different functions, with the local authorities continuing to have a function. I must commend the staff in Dublin City Council, with whom I have engaged many times on the electoral register for the constituency of Dublin Central. To be fair to them, it was not possible to clean it up. If we are going to invest in all of this and take this important move towards strengthening our democracy,

we need to ensure we are not undermining it by starting with a messy database.

With regard to the postal vote and the marked register, again if we get the database correct and it is online, then the marked register, which is only available in PDF form, should be something that is available afterwards in a dynamic digital format as opposed to a PDF. We need to reflect the fact the postal vote is great for people in a semi-permanent situation, but people who have to travel for business at short notice cannot qualify for a postal vote. These are people who pay their taxes and contribute to their communities and who are entitled to have a say. Sometimes, and very often, they cannot vote because they do not qualify for a postal vote. We should address this while we have the opportunity.

Funding political advertising and political messaging is very important. It is important that we capture where the funding is coming from outside of the Republic and outside of the State. I thank the Minister and the officials.

Deputy Malcolm Noonan: The first year costs came in at between €2.25 million and €2.7 million. These are start-up costs, salaries and ongoing costs. There have been subsequent costs of approximately €1.5 million to €1.7 million per annum. It is quite modest. Additional costs could be anticipated as the commission would ramp up its activities over the years and be in the mix for annual budgets and have to make its case, just like other Votes. For what we are gaining from this, it is a modest outlay for the Exchequer.

Ms Petra Woods: I acknowledge there are issues with the electoral register being fit for purpose. We see and hear about these issues every time there is an electoral event. We are aware a significant body of work has to be done.

The proposal to start from a clean slate - essentially remove everyone from the register and require re-enrolment - is a strategy tried in other countries. It works over time but there is always a risk that one will lose people and will not get them back. It can affect young people and, in particular, older people who may not re-register because they have always been registered. It is harder to reach some of those people. There is a recognition that we need to work at it.

We are not moving overnight to anything new. One key point which came through from various consultations is that people are not in favour of a big-bang approach relating to the electoral register. We need to have a functioning system available at all times in the event that an electoral event is called. While none are scheduled, it is important that the system stands ready.

The database issue feeds into the idea of working on the register over time. We are moving towards one single database. Head 90, a new section 13B, sets out that there will be a single national database. Within that, local authorities will manage the registers for their areas. There will not be a series of databases. There will be one database and local authorities will manage their registers within that.

We currently have 31 registers. We have to work towards the process of integrating those into one single database. There is a process and much data cleaning required to make each individual local authority ready. The database itself is not set up and ready to be scaled nationally. That is work that will be undertaken and is under consideration already. The key point is that we are aware that a significant amount of data cleaning is needed as we move from a series of databases held individually by local authorities to a national database.

We know there are people on the register in two counties. For example, a person may have gone to university and forgotten. The system relies on people providing information from their

previous addresses or previous registrations to enable local authorities to get in touch with other local authorities to remove them from one register and add them to another. Streamlining the process by using this centralised database will help clean up such duplication.

Deputy Thomas Gould: I welcome this Bill and thank everyone for the hard work they have put into it.

From my experience, there are significant gaps in voter registration and the people who actually vote. Younger people, marginalised groups, those in rented accommodation, minorities and those from disadvantaged areas are most affected by the weaknesses and gaps in voter registration. A question raised with me by many people is that if the Department of Social Protection can take a son or a daughter off the children's allowance benefit as soon as they turn 18, why can they not be added to the electoral register then. When Ms Woods referred to matching data, would that be included in that? The preregistration of 16-year-olds and 17-year-olds is a good idea. Will this be done by matching data from schools? I support the 16-year-olds and 17-year-olds being allowed to vote. It is something we need to look at and do more on.

In the previous general election, for example, in my constituency, Cork North-Central, the proportion of people who voted went from 30.1% to 69.1%. What we know from these figures is that people in more affluent areas vote and fewer people in more disadvantaged and marginalised areas vote. These statistics are probably borne out right across the country. We need to do more to make sure that people are registered and that people can vote, and that also ties in to voter education.

In Cork, in Sinn Féin, we produce a mock ballot paper so that people can understand what it looks like because we find that a lot of people have not voted or very rarely vote. We are trying to help them. It is much more difficult for people when there are multiple votes - a referendum, a local election, a general election and European election. It can be very confusing for people who are not used to voting or who might have issues with literacy. That needs to be dealt with reasonably here.

Last year, before the general election, we held a number of events where we would register people. Cork City Council did it as well in the libraries. We found it a great success and so did Cork City Council. We need to do more of that - going out to supermarkets and areas where people are to meet them.

On the postal vote, which was touched on already, people book their holidays in advance and they feel very upset that when an election is called at short notice, they are not able to vote. It is also for people who are working either up the country or in different areas of the State, who are working abroad, or for students. More work needs to be done on the postal vote.

Overall, I welcome this. There is more can be done. I hope I can get some feedback on my questions.

Deputy Malcolm Noonan: I thank Deputy Gould. I might let Ms Woods take the issues of the voter registration. I agree wholeheartedly with the Deputy on voting in disadvantaged areas. There is a significant job of work to be done, not only by the commission but other actors, in terms of community development projects in public participation networks, PPNs, or local community development committees, LCDCs, at local authority level, and in the schools. There was some fantastic work done - I am not sure if it is still being done - by the Vincentian Partnership in terms of immigrants and voter education. We have a significant job of collective

work to do. We as political representatives also have that responsibility to do that.

Deputy Gould makes a good point about registration events in supermarkets. It is fantastic to bring those type of activities out to the public where they can interface with local authorities or us, as political representatives. We have a significant collective role as politicians to do that as well. I would hope that the commission will lead on the research elements of the voter participation but, as I said, there is a collective role right across society to engage those hard-to-reach communities in the electoral processes.

I might ask Ms Woods to come in on those other issues that the Deputy raised.

Ms Petra Woods: I thank the Deputy for those questions and comments. One of the key things we are doing in terms of promoting registration is making it easier for people to register. At present, changing address or details requires different forms at different times of year, and often a trip to a Garda station, and for people who are renting who move address more regularly, that is a significant burden in terms of the administration. We are simplifying that process and it will be a lot easier and a lot less onerous to do, and it will be the same all year round.

In terms of the data matching, we have tried to start with quite a limited approach. We have a significant amount of work to do. We are trying to ensure that we have identity data correct, that we have name, address, PPSN and dates of birth that match, so that we can identify each individual.

We have not made any steps towards getting information about child benefit or data from schools. Our public consultation showed that people were happy with data sharing but wanted some sort of limitations on it. That is not to say that those innovations cannot be undertaken in the future or be the subject of further work. To be clear, there is no provision to do that at present. The schools programme is very much aimed at getting engagement from young people aged 16 and 17 in school before they leave. In general, people talk a lot about students falling off the register. In reality, however, students are usually quite well served by students' unions and so on. We have many people who do not go onto university who may not then fall into an area where people are actively engaging with them. That is one way of doing it. A key function here is to try to make it easier for people to register.

Chairman: The next-----

Deputy Thomas Gould: I am sorry, Chairman-----

Chairman: Go ahead. The Deputy still has 30 seconds.

Deputy Thomas Gould: Will special consideration be given to early school leavers? We have seen many in this cohort lose out.

Chairman: That is a good question.

Deputy Malcolm Noonan: It is a good point. We will certainly take note of those points about those hard-to-reach groups.

Chairman: I thank Deputy Gould and the Minister of State. I cannot see the screen clearly. Who is due to speak next? Is Senator Seery Kearney or Deputy Higgins?

Deputy Emer Higgins: I will go next, if that is okay. I thank everybody who worked on this legislation. It is an exciting piece of reforming legislation which has the potential to trans-

form electoral registration and empower more people to become active participants in democracy. People in Dublin had the opportunity to trial *voter.ie* and it has been a huge success and has proven to be user-friendly. Students' unions right have called for it to be rolled out nationwide. I am sure they will be pleased with much of what is contained in the Bill.

I will pick up on a point made by Ms Woods when she stated that there will be no change to the marked register. One thing I noticed in my constituency's marked register this time around, post *voter.ie*, is that it seems to follow a different format. It used to be laid out with house numbers within estates and now it is done alphabetically - by surname within estates, which is not quite as user-friendly for politicians who want to use it to develop canvass plans. Perhaps, that is something at which Ms Woods might look.

I agree with much of what Senator Fitzpatrick said on the data needing to be better managed and also in the context of the need for extra flexibility in respect of people who, for example, are renting and who, in terms of their PPSNs, are registered at their parents' homes.

As Fine Gael spokesperson on social media, I have a keen interest in the ambition, catered for in the Bill, to regulate online political advertising during election periods. I agree with much of what Senator Moynihan said on this issue. A great deal of work is going on at EU level at present. Just before Christmas, the European Democracy Action Plan: Making EU Democracies Stronger was published. The aim behind the plan is to ensure that digital platforms do not destabilise democracies. I doubt there is a politician at this committee who does not have an online presence and who does not use that to get his or her message out to the electorate and build his or her brand nationally. I know there certainly is not an Irish political party that does not have such a presence. Right now, a pretty impressive political campaign is happening online, which has racked up costs of more than €7,000 on Facebook alone, and that is outside of election period. The question is: why do politicians invest in social media strategies? It is because an online presence gives us a national audience and the ability to target our communications at our electorate and amplify and explain our views and ambitions. That is all to be welcomed. Nowadays, social media is an important channel of communication. It helps politicians and campaigners reach out to people and get them involved in politics. We saw this in online initiatives such as #HomeToVote, which amplified movements such as the campaign to repeal the eighth amendment of the Constitution and the marriage equality referendum. This is one of the huge benefits social media offers when it comes to democracy. It also poses a great threat to democracy, however. It allows for easy viral spreading of disinformation, the generation of patterns of online hate messages and for bots that are created solely for political gain.

The briefing paper on this Bill clearly cites regulating political advertising as a way of reducing the advantage access of money brings to political competition. The Minister of State described it as bringing political advertising rules to the online sphere. A big difference between traditional and online advertising, however, is what behind-the-scenes armour one can get if money can buy it. I am talking about apps and bots in particular. Using a bot to create multiple online presences to help a person with a political goal is, in my view, the worst sort of political campaigning anybody could engage in. It is deceitful, disingenuous and threatens our democracy by spreading falsehoods. There is a clear need to regulate fake and automated accounts in the context of political advertising. Politicians and political parties that put money behind social media posts that deliberately attempt to mislead people, such as on the topic of a Dáil vote, is a direct attack on democracy. It is not good enough to mandate social media platforms to remove such content; we need to start fining those behind it. Democracy is fragile. We saw that this month when supporters who had been egged on by tweets from the then US President

Trump stormed Capitol Hill. Allowing social media to become a political weapon threatens our democracy; it is that simple.

What will the Bill do to ensure that social media cannot be politically weaponised through bots and applications? What will it do to monitor and regulate the moneys behind political advertising during election campaigns?

Deputy Malcolm Byrne: I thank the Deputy for those impassioned and important points. To be clear, in respect of the regulation of online political advertising, the Bill relates strictly to electoral events and the intention is to have transparency in regard to who is paying for the advertisements. The Deputy mentioned EU level, where there are policy areas relating to the content of online advertising. This legislation does not deal with that, so that has to be dealt with at different levels. The Bill relates strictly to electoral events.

The Deputy made a good point about *voter.ie*. I might ask Mr. Ryan to comment specifically on the issue of freedom of expression. It certainly does and can threaten democracy, but it can also be a tool to strengthen democracies. The Bill concerns just regulation and transparency in regard to who is paying for the advertising.

Mr. Ryan might add to that, followed by Ms Woods on *voter.ie* and the nationwide roll-out of that.

Mr. Barry Ryan: I thank the Deputy for the very useful comments. As the Minister of State mentioned and as we noted earlier, the provisions in the general scheme are very much framed around transparency and seek to replicate online what is offline, in terms of posters, election literature and so on. What is always a challenge, and internationally this has been shown to be the case, is the balance between the regulation in this space and maintaining the right to freedom of expression. We are very aware of the initiatives and the progress and developments at European and international level in this area. Nevertheless, as the Minister of State noted, we are probably one of the first to dip our toe in the water in respect of the regulation of online political advertising in any regard.

As for the money issue, it was mentioned earlier that we have a robust spending and donations regime. Spending online by political players for an electoral event comes within the spending limits and the regulation that is in place under the Electoral Act 1997. Spending in that regard falls within those limits.

I might pass to Ms Woods to respond to the questions about the register.

Chairman: I apologise to Ms Woods but we are just out of time on that segment and I can fit in three more members who have indicated. The question may arise again or we may get another opportunity to address it.

Deputy Richard O'Donoghue: I will follow on from what Deputy Higgins said about social media and individuals being targeted. On WhatsApp and other applications, users can hide their identity. I was recently targeted on one such application, where a user portrayed themselves as somebody else. They can remove any trace of their identity. As long as they do not use Facebook or a messaging service but instead certain applications, it is not traceable. Legislation is needed for matters such as this. If anything is uploaded on any device, the device should be registered to a person. It does not bother me but it is an issue from the point of view of putting out false spin and using other people's names on this false spin, which meant we had to waste valuable Oireachtas time to correct something that was put up falsely. I was able

to correct it but it was false spin that went out through an area where there was no traceability on these apps. There has to be regulation on something like that. Anything like that has to be traceable or linked to somebody, no matter what is put out on social media.

Chairman: I thank the Deputy. That is a good point.

Deputy Malcolm Noonan: It is an excellent point. It is perhaps something the commission could look into. It is certainly not dealt with here but it is a valid point. We will take it on board.

Chairman: I thank Deputy O'Donoghue and I appreciate his sticking to time like that. That is a great help to us. I call Deputy Murnane O'Connor.

Deputy Paul McAuliffe: Deputy Murnane O'Connor is not with us but Senator Fitzpatrick and I will split the time.

Deputy Jennifer Murnane O'Connor: I am here.

Deputy Paul McAuliffe: Sorry.

Chairman: Deputy Murnane O'Connor is there. Go ahead, please.

Deputy Jennifer Murnane O'Connor: I have just a few questions. I can hear but there is a bit of an echo on mine. I do not know if there is an echo on other attendees' side.

I welcome this legislation. I welcome that it is looking at online transparency, which is really important. I will also mention the postal vote for people who have gone abroad. That is important. It is something I have addressed on several occasions when people have gone on holidays. What is the window of time for people with regard to signing the form when we have a general election? There used to be that time. Maybe the Minister of State could answer that.

On the local authorities, we have all seen where people got two voting cards, people have passed away or people have been taken off. Is anything in place for local authority funding for staff? Local authorities will play the biggest role here going forward and it is important we make sure they have proper staffing. As the Minister of State knows, people died for the vote. It is important now that local authorities are given funding for extra staff. I request that.

We spoke about boundary committees. We would have spoken in years where we had boundaries set up. In my area on the Carlow-Laois border, there could be a housing estate with one side in Carlow and the other in Laois. People come to me and say that Carlow local authorities look after their maintenance but they are voting for people in Laois and they ask why they are doing that. That is unacceptable. We need common sense here. We need to look at local authorities, and if people's local authorities are in the neighbouring county, they should be allowed to vote in the area where they work and their kids go to school. It is so important with boundaries that common sense prevails. We have seen committees set up on boundaries and they came back but the boundaries never changed and there is confusion where there is a housing estate half in one area and half in another. It does not make sense. With this commission, we have to use common sense and to get it right. This is important legislation and I welcome it.

I also want to ask about information to ensure communication with everyone and that everyone gets information. When it comes to areas like this, because we are politicians we love politics and we think people should go out and vote. We need to give more information and make sure it reaches schools, whether by going into different areas or taking other measures to add communication. I think funding should be put in for advertising.

Deputy Malcolm Noonan: I thank the Deputy and I will allow Ms Woods to come in on the issue of the postal vote, which has been raised by a number of Oireachtas Members. The issue of resources for local authorities has been raised on a number of occasions, so it is something we have to give consideration to. Regarding electoral boundaries, I am aware of the area the Deputy referred to in Carlow. The commission will take on the existing work of the constituency commissions in that regard so they will be part of the deliberations.

I ask Ms Woods to address the points on postal votes and the general condition of the existing register.

Ms Petra Woods: I thank the Minister of State and I thank the Deputy for the questions. The first question was about postal votes for people who are out of the country. As stated previously, the work did not involve a consideration of expanding postal voting to other groups. There is provision in the programme for Government for the commission to do work on that. It will come back again.

I was asked about the timing of the closing of the register in terms of getting forms signed and so on. The fact that it will be a rolling register will essentially mean that it will be open all year round. It will close 14 days before an electoral event. On the 15th day, a person will need to have his or her application in. The register will reopen on the day after an electoral event and will remain open until 14 days in advance of the next electoral event. Under the heads, we have essentially removed the draft, final and supplementary pieces of the register. We will move to one rolling register that can be added to at any time.

I note the comments on local authorities, staffing resources, data work and advertising campaigns. We will certainly consider them.

Senator Mary Seery Kearney: I will build on the points made by Deputy Higgins. I am coming from a privacy rights perspective. Fundamentally, I come from the position that digital identity is the property of a data subject and that the subject should own and have control over it. While GDPR technically gives that control, it allows that once the subject is within a contract with terms and conditions, as needed on a digital platform, this arrangement circumvents the subject's power and control over the rights in question.

The review of and inquests into the 2016 US presidential election and the role of the now defunct Cambridge Analytica and its subsidiary and associated companies have shown what occurred when polling data identified African Americans would have voted for the Democratic candidate. What was engaged in by third parties funded by supporters - not political parties or political candidates themselves - was a campaign of voter suppression. In that regard, a specific campaign was undertaken, using social media platforms, to promote disillusionment in a community to suppress the vote. It was classified as a deterrence project. The data scientists involved coined the phrase "hope don't show up to vote" campaign. It was run distinctly differently from the usual political campaign. It involves a misinformation campaign that looks like an opinion piece or editorial. It looks like posts from individuals. We see it happening at present in Dublin in that there are digital advertising boards in public places with false information on vaccines, stating things about the Government, the HSE and public broadcasting. The information is being filmed and put on social media by unknown individuals, and it is then supported by very-much-co-ordinated pile-ons. This is an ongoing disruptor-funded campaign that is undermining our public health message. It is a deliberate campaign. This can happen with political campaigns. I ask that the commission's powers be broadened in this regard. I fear that the manner in which we are giving powers to the commission and considering the control

of political advertising is such that this Bill will be grossly out of date by the time it is enacted, however quickly that will be. I hope it will be very quick because it is very fine legislation otherwise. Considering what occurred in the US election campaign in 2016, we are already five years out of date regarding what can happen. Just because Cambridge Analytica is gone does not mean there are not other organisations out there using privacy rights and digital identity for targeting and profiling purposes. I ask that the commission be given a role in oversight of ensuring a digital literacy campaign goes on; that it be allowed to put up and run advertising similar to that which we see RTE running at the moment about fake news and what is correct news; that we have a means by which the commission can undertake reporting and enforcement; and that, where we see dark patterns in the use of algorithms for political purposes and we see trends in social media usage, the commission would have a role in reporting that and engaging with the Data Protection Commission. I believe there is a huge body of work that needs to be done before we sign off on the political advertising aspect of this to ensure social media platforms are compelled to remove content, that the rules around publishing and putting up content on social media are not determined by Facebook and that our democracy is not controlled by Facebook or Twitter, as we have seen in recent weeks.

I am disturbed to hear freedom of expression being used because, outside of social media, freedom of expression is not an unqualified right. It is very much a qualified right with regard to print media or to any of us here who are cautioned when it comes to the use of privilege. Freedom of expression is not an appropriate motive for us to neglect the need on social media to regulate what is being done with profiling of voters in response to political polls. I think that aspect of this very fine Bill is too refined and, while we may be taking an initiative way ahead of others, that does not mean it should fall short of the reality in the public at present of how social media is being used and people's privacy and digital identity are being used. We need to do an extra piece of work around that section of this legislation.

Deputy Malcolm Noonan: The Senator made excellent points. Mr. Ryan might come in on this but generally our ambition with the electoral commission is to start up with a specific set of functions and that will be ramped up over time. There is a risk in trying to load too heavy a workload onto it. The Senator makes a really good point in relation to this space. On the issue of digital ad boards, perhaps they could be regulated by local authority by-laws. I am not sure. On trusted source news, all of that is something the commission could engage in a piece of research on with a view, perhaps, to the Oireachtas coming back with legislation on it. The Senator is correct that Twitter and Facebook acted very late in the day. It took the storming of Capitol Hill for them to act so there is an issue there. I ask Mr. Ryan to come in on that point around the commission's functions and how those functions would evolve over time.

Mr. Barry Ryan: I thank the Senator for the questions. It is an important point which we have not touched on in our discussion this morning that the general scheme is framed in line with the report of the Oireachtas joint committee in 2016 and subsequent public consultations that took place in the intervening period. The outcome of all that was that we should start with a commission, establish it on a statutory basis, which we are doing, and give it an initial set of functions with a view to building on those functions over time. Not only are we not ruling out additional functions, we are already working on what functions could be further assigned to the commission when it is up and running.

The Senator mentioned media literacy and the campaign being run by RTE. It is true that there are other organisations in this space. It is worth mentioning the Broadcasting Authority of Ireland, as well as Media Literacy Ireland and the Be Media Smart campaign they ran. That

also helps in this particular space. As the Minister of State said, I would not rule out a role for the commission in the future because the intention is certainly to build on its functions over time.

Chairman: I thank Mr. Murray. Unfortunately, we have reached the end of our time in which we can discuss this. We will, however, continue with further pre-legislative scrutiny of this Bill in two weeks. That session may generate further questions for the Department, which we will submit in writing.

I thank the Minister of State and his officials for their attendance here this morning. It has been informative and helpful to the committee in its work in scrutinising this Bill. The meeting is adjourned until Tuesday, 26 January at 10 a.m. when the committee will meet in private session using Microsoft Teams.

The joint committee adjourned at 12 p.m. *sine die*.