

DÁIL ÉIREANN

AN COMHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIDHREACTH

JOINT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERITAGE

Dé Máirt, 22 Meitheamh 2021

Tuesday, 22 June 2021

Tháinig an Comhchoiste le chéile ag 12.30 p.m.

The Joint Committee met at 12.30 p.m.

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Francis Noel Duffy,	Victor Boyhan,
Thomas Gould,	John Cummins,
Emer Higgins,	Mary Fitzpatrick,
Paul McAuliffe,	Mary Seery Kearney.
Cian O'Callaghan,	
Richard O'Donoghue,	
Eoin Ó Broin.	

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

General Scheme of the Electoral Reform Bill: Discussion (Resumed)

Chairman: I welcome everybody to the committee this morning for our final session on pre-legislative scrutiny of the general scheme of the electoral reform Bill 2020. I welcome the Minister of State, Deputy Noonan, back to the committee this morning. Members will be putting some suggestions and perhaps some questions that have arisen from witnesses who have attended so far. We have had a number of sessions on this Bill, which is hugely important and covers much ground and area. We have had witnesses with expertise in data management, data protection and online advertising. The Data Protection Commission, a number of social media organisations and officials from the Department of Housing, Local Government and Heritage appeared before the committee. We also had the Irish Traveller Movement, ITM, the National Women's Council of Ireland, NWC, and the National Youth Council of Ireland, NYCI, which was a really interesting and engaging session. I know the Minister of State probably has some observations on that. We only have an hour and a half because the Minister of State has another engagement at 2 p.m. I will, therefore, stick strictly to five minutes per member. It would be great if members could assist me with that.

I will make a quick comment on privilege. Members attending remotely within the Leinster House complex are protected by absolute privilege in respect of the presentations they make to the committee. 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 this privilege. If their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks and it is imperative that they comply with any such direction.

For witnesses attending remotely, there are some limitations to parliamentary privilege and, as such, they may not benefit from the same level of immunity from legal proceedings as a person who is physically present. I remind members that they must be within the confines of Leinster House or in the convention centre to participate. Members should identify themselves and confirm that they are present. The Minister of State has submitted an opening statement. I invite him to give his opening remarks if he so wishes.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I thank the Chairman and members for their invitation to appear before them again this afternoon. I also thank the committee for the detailed consideration it has given the general scheme of the electoral reform Bill. The Chairman outlined some of the groups and organisations that have appeared before the committee. I must say, it has been very impressive and I have followed the pre-legislative scrutiny process over the past number of months with great interest.

The general scheme proposes a comprehensive and far-reaching suite of changes to our electoral system. It is appropriate that it be assessed by a broad range of experts and interested parties. The points raised have been of great interest and assistance to my officials and myself. I would like to put on record my appreciation of the consistent support which has been expressed for the general scheme and its aims through the pre-legislative scrutiny process.

The general scheme that was presented to the committee was the result of very careful consideration of the 2016 joint Oireachtas committee Report of the Committee on the Consultation on the Proposed Electoral Commission 2016; the views of the public expressed in the 2018 public consultation processes on the establishment of the electoral commission and mod-

ernisation of the registration process; and, finally, the recommendations set out in the first and second reports of the interdepartmental group on the scrutiny of Ireland's electoral process and disinformation, having particular regard to the public consultation and open policy forum held in respect of online political advertising. Indeed, many of the scheme's features can be linked directly to these recommendations.

I have previously spoken about the need for our electoral system to evolve as our society evolves. I believe that the provisions of this general scheme are integral to that evolution. The independent electoral commission, which we plan to have in place by the end of this year, will move a broad range of electoral functions into one specialised organisation. Electoral policy and practice will be its sole focus. The centralisation and specialisation will allow the commission to look at the interactions between functions and also to improve the efficiency and effectiveness with which the functions are carried out. The electoral commission's research and advisory role will allow it to take a cohesive view of our electoral landscape. It will help us in maintaining strategic focus on the system and how we meet new challenges. Fundamentally, it will guide and inform the evolution of our electoral system.

I believe that the modernised electoral registration process, which this legislation will deliver, will facilitate greater democratic engagement, including with our young people. By simplifying and streamlining the process, it will align much better with how we live in Ireland today. By putting in place the means to ensure a more accurate register, it will support and enhance the integrity of our democratic process into the future.

To promote greater transparency in our electoral processes and to reduce the risk of hidden influence, the general scheme provides for the compulsory labelling of paid political advertisements commissioned for use on online political platforms during electoral periods. This labelling will ensure an elector is aware of who is behind an advertisement, why the elector is being targeted and how much the advertisement costs. This will mean that the rules which currently apply to the more traditional forms of advertising will now be extended into the online ecosphere.

An issue that has been particularly close to my heart has been the need to bring about a more inclusive and vibrant democracy for Ireland. To achieve this, we need a more informed, engaged and energised electorate. This starts with greater engagement with and understanding of our democratic structures and processes. I see the modernised electoral registration process and the electoral commission's voter education and participation role as absolutely critical to fostering greater participation and engagement in our democracy from new voters, as well as these traditionally under-represented and marginalised groups. I know some of those groups have been represented at the committee and I commend it on the work it has done in that regard. I was, therefore, particularly happy to see the full scrutiny and session involving representatives of the National Youth Council of Ireland, the National Women's Council of Ireland and the Irish Traveller Movement. I am determined that the electoral commission's voter education and participation role will be significant and that this function will be well-resourced. It will have a clear emphasis on reaching out to marginalised groups, underpinning a more inclusive political system that is representative of all of our citizens.

In conclusion, the deliberations of the committee and its witnesses in respect of the general scheme have been constructive and well considered. I look forward to receiving the committee's report. I assure members that it will receive our full attention and as careful consideration as I know the committee has put into this process so far. Again, I thank the committee for its diligence and hard work in this regard. I acknowledge the presence of officials from our Depart-

ment, Mr. Barry Ryan, Mr. Paris Beausang, Ms Petra Woods, Mr. Martin Hehir and Ms Mairead Ryan, who will assist with the session this afternoon. I look forward to members' questions.

Chairman: I thank the Minister of State very much. Today will be the final session we have on this. We hope to present the Minister of State with our pre-legislative scrutiny report as soon as possible to allow the legislation to go to the next Stage. I remind members that I will be strict on five minutes because we only have an hour and a half. If we want to get everybody in it will be strict five minute slots for each question and answer. I will move first to the Fianna Fáil slot and Deputy McAuliffe.

Deputy Paul McAuliffe: I thank the Minister of State for commenting on the pre-legislative scrutiny process. As members, we all discovered that the process itself was very valuable in teasing out not only the issues within the Bill but those that might not be in it. I first want to say that I welcome the electoral reform Bill. It is something on which we have been waiting for the best part of three decades. I know each of the parties were very strong supporters of it being in the programme for Government. The Minister of State has been particularly anxious to make sure this legislation is passed. I, therefore, welcome all that; it is progress.

We are in the unenviable position, if I may use the analogy, that a bird in the hand is better than two in the wild. There are things in the Bill we would like to improve. In doing that, do we delay the overall implementation of the commission and seek amendments or do we look for commitments from the commission that this work will begin immediately? Let me go through some of that with the Minister of State. I will use my time as I do not have any particular questions for the Minister of State. He has been very good in engaging with me personally on the issue. Certainly during the process of the pre-legislative scrutiny, PLS, for me online advertising, data protection and control and the engagement of political parties were three issues that came to the fore. Our academic colleagues made very valuable points to the effect that the commission seemed to reflect an older style of public body, one with officeholders holding posts by nature of their office. Perhaps a smaller, more streamlined, expert-driven panel might be a better model for the commission and I ask the Minister of State to look at that as he brings the Bill forward. Perhaps we can make it more focused, more streamlined and include more independent expertise.

The issue of the commission's budget came up, as did that budget being subject to a Vote and the question of the commission's independence. We do not know what particular colour a future Government might hold but I would like to see as much independence as possible going to the commission rather than the Government being able to strangle its funding.

A stronger research remit and funding for research was also mentioned, and I support that.

The last issue I thought interesting was how we have given both the commission and local authorities responsibility for the register. It is fair to say we have a very strong and robust democratic system in Ireland but equally we have a very inaccurate electoral register. I am not certain the current scheme gives responsibility for ensuring the accuracy of the register to any one body. While I understand local expertise must be included, I am unsure what the commission adds to the current structure aside from an oversight role.

The area of social media has become much bigger and the committee has agreed to have a number of modules in the autumn on the issue of online advertising. One must ask whether proceeding with this section of the Bill is wise. We are essentially enabling legislation which allows online political advertising on a legislative basis for the first time. Despite this we spe-

cifically preclude political advertising for local radio stations, which are often the backbone of good, independent political coverage. At the same time, when the online media companies came before us they ran a million miles away from being called publishers or from having any responsibility to provide balance and so on. We must ask ourselves if we should allow revenue to go to organisations which do not want to regulate or be publishers of material while at the same time denying funding to those bodies that already are doing that and are giving us good, independent news coverage. We must think about the Future of Media Commission and how it relates to this. We should perhaps suspend online political advertising until we have robust legislation in this area. I say that in a personal capacity but the section of the Bill on that does not do enough for me. The whole area of trolling and anonymous accounts was raised as well. We need to look at that. It does not fall within this Bill but it impacts the number of people willing to participate as elected representatives.

The last issue, which I have not time to go into, is the whole area of education and participation. I particularly welcome the announcement this morning to fund women's caucuses to ensure female participation at local government level. It is very welcome.

Chairman: I thank the Deputy for his observation. I advise the Minister of State it will be mostly observations rather than questions in this meeting and we will feed back to him about the experience we have had with the witnesses who have attended.

Deputy Eoin Ó Broin: I confirm I am in Leinster House. I thank the Minister of State for his comments. I think all the political parties and Independents have indicated broad support for this Bill during our PLS. We have all described it as once-in-a-generation legislation we are very keen to see progress. There is also strong cross-party unanimity on the need to see the legislation significantly strengthened. This is not intended to delay it in any way but to ensure that it is the best possible legislation to govern the electoral processes. I am a little bit disappointed, though maybe that is not the word, but I had thought that the Minister of State would outline in his opening remarks some of his responses to some of the things witnesses at the committee said. Perhaps that is more appropriately done after we forward our PLS report. Obviously we will send a committee report and I expect it to be a unanimous one. There were many interesting views so maybe I will highlight a few of those and get the Minister of State to respond in the question-and-answer section.

There was much talk about the need to ensure that, given how the electoral process and campaigning - especially online campaigning- are changing at such a rapid pace, the commission would have enough scope to be able to keep pace with that without being obliged to keep coming back for legislative reforms of its remit, roles and responsibilities. That was one of the strongest comments made by the experts who dealt with digital aspects of electoral reform and I would be interested to hear the Minister of State's comments on that.

Obviously there were also recommendations from some of the political scientists that we ensure the commission engages in promoting electoral participation during elections as well outside them, not unlike the role of referendum commissions currently. It is eminently sensible and I would be interested in the Minister of State's response to that.

The key issue around increasing registration and participation outside elections entirely comes down to how it is done. Everybody says they want it to happen but it is about how it is done and how we resource it. Again, I would be interested in the Minister of State's response to all that.

There is another issue which is a small one but which is very important to many of us. The political scientists made a very strong plea for ongoing electoral research, of the kind which was funded centrally until 2007 and which is now done on a piecemeal basis between RTÉ, UCD and others. Is that something the Minister of State can see being worked into the Bill?

Finally, there was some criticism of the structure with the board and a judicial chair. Is the Minister of State willing to say he is considering rethinking those? Crucially, will the Minister of State give us a timeline? If we get our PLS report to him before the recess, which some of us hope we can do, when could we expect the Bill to come back to us? After all this hard work being done the Minister of State, his officials and ourselves, we do not want to see it being another year or so before the Bill is actually brought to Second Stage. Many of us would like to see this in the autumn.

Chairman: I thank the Deputy. The Minister of State has about a minute and a half.

Deputy Malcolm Noonan: I thank the Chairman. I will try to get through these quickly and the officials might come in on any specific items. On Deputy McAuliffe's point around education and participation, we absolutely see this as a critical and evolving role. We are clear that the commission, once established later this year, will build its functions and role over time. That is connected to the Vote and the non-Vote elements of this. We certainly still believe it will have its own autonomy despite the Vote and there is non-Vote expenditure there as well.

On social media and the question of whether it is wise to proceed with the online political advertising, we think it is and it is complementary to another suite of measures around the European democracy action plan, the Digital Services Act, the online safety and media regulation Bill and the hate crime Bill. Thus between European and State legislation, we believe complementary measures will be in place.

On Deputy Ó Broin's points, I welcome the support. As to the strengthening of the legislation, we are of the view that our receipt of the report will be the time to make a detailed comment on the outputs of the committee's fantastic work. I absolutely take on board the comments around the ongoing electoral research. I watched in particular the commentary from Dr. Jane Suiter and others around that. We think it is absolutely vital and this Government and future ones must resource that. It is going to be a critical part of strengthening our democracy and participation in it. I am not sure if any of the officials want to address the structure of the board. It has the capacity to move from seven to nine and the capacity to bring in independent advice and support in relation to specific elements of its work.

I apologise for that being a very whistle-stop response to the questions asked.

Chairman: It is grand. We are just tied to these five-minute slots, which makes it a little more difficult. The composition and independence of the board will be in our PLS report anyway so it can be addressed at that stage.

Deputy Emer Higgins: I confirm to the Chairman that I am in the precincts of Leinster House. I said at the beginning of this Bill, when the Minister of State first came before us, that I believe it to be a really exciting piece of reforming legislation. After hours of engaging in debates I still feel this way. The Bill has the potential to transform our electoral registration system, to modernise our register of electors, and to empower more people to become more active participants in democracy.

During our prelegislative scrutiny we heard from many different witnesses, from academ-

ics, political scientists and political strategists to social media companies, those who hold social media platforms to account and interest groups that encourage better diversity in politics, and the Minister of State's officials who put so much work into the Bill. The one thing that all of those witnesses and all of us in this committee have in common is that we all value living in a free and fair democracy, and we want to keep things that way.

Before I was a Deputy I had the opportunity to travel a lot. I found myself in Fiji during a military coup, in Palestine during conflict, and in Kosovo while they built up a brand new democracy. Seeing the real-life experiences of other countries ingrained in me a huge respect for our democracy and a real sense of responsibility to help protect it. I want to protect our democracy from outside interference, be it foreign money or foreign technologies such as bots that can create undue influence.

I will now put some of my questions and concerns to the Minister of State, after all of our lengthy debates, which I hope he will address within the Bill and not just here today, or commit to addressing thereafter. As Deputy McAuliffe has said, the Bill regulates online political advertising in the run up to the election only. This is for such a small window of opportunity in an election cycle and I do not believe that this goes far enough. We need to regulate online political advertising year round. We need to do this because not to do so represents too big a threat to our democracy. I do not believe there is any place in a free or fair democracy for online bots, for politically motivated anonymous online accounts, or for data brokers to be used by political parties. These issues need to be addressed also.

It is very disappointing that when we invited in the general secretaries of political parties to discuss issues that were relevant to this legislation, instead of sending in their political strategists from Sinn Féin we got a politician, and we did not even get a response from Solidarity-People Before Profit. Political parties like these receive State funding and they should, at the very least, engage in these political matters in an appropriate way. I want to put my feelings on this on the record. Perhaps the Minister of State will take the time to respond to the concerns I have raised, concerns that were threaded right through our discussions.

Deputy Malcolm Noonan: I thank Deputy Higgins for her positive comments and for giving that very good outline of her own experience. The Deputy is absolutely correct that when we look at democracies around the world, democracy is fragile and protecting it is precious to us all.

As I outlined in the previous response around the short window of opportunity and the regulation of online political advertising in the run up to electoral events only, it sets out a specific purpose around who is paying for political advertising and that those who host that political advertising have an agent to work with that. It is complementary to a wider suite of measures in the context of the Digital Services Act and hate speech legislation, which thankfully is moving its way through finally.

From my following of the committee proceedings to date the issues seem to be around the content of a lot of political discourse and political advertising. We are moving to a space where there would be better regulation of that content. This legislation is solely tasked to regulate the actual registration of that and who pays for political advertising. It is about transparency, and that such information is displayed in a conspicuous manner. It has a role to play and it has been widely accepted in a European context that Ireland is being hailed as the first in Europe to do this. From that point of view it is transformative, as the Deputy has said.

Chairman: I thank the Deputy and the Minister of State for keeping to time on that.

Deputy Richard O'Donoghue: With regard to online political advertisements, we can see what happened when the HSE online systems were overtaken. How does the Minister of State intend to enforce this legislation and how will he make sure it can happen, so we do not have another catastrophe such as happened with the HSE and all the medical records?

I am in full favour of 100% transparency when it comes to online political media, which helps the parties such as independent candidates, who are running at the moment, because they do not get as much of a chance to be on broadcast television slots as do the Government members. If one considers the percentages, the Independents get a minute percentage of time on national media, which is funded by the Government, on Covid and other issues at the moment. The only outlet for us Independents is social media, which gives 100% transparency when one considers some who say one thing when on the radio and television and then vote the opposite way when they are in the Dáil. From that point of view online media offers 100% transparency for people and Independent Deputies who represent their counties.

Senator Victor Boyhan: I welcome the Minister of State and his officials. This is very important legislation. We are all aware that the integrity and the independence of our elections are critically important to all of us. We all share that common goal and objective. I have always advocated for empowering local authorities, but this case is the exception. I am not supportive of the retention and the administration of the electoral register in local authorities. It has not worked and there are complexities. We know it is about integrity and independence. I believe it is best that the commission should take total responsibility for the administration and the running of the electoral register. It is independent of the local authorities and it is a good practice. If we are to empower this electoral commission to do it I would favour bringing it all centrally. This would benefit from the technology and the shared systems. The practice should be uniform right across the 31 local authorities. This is a difference of opinion from me. It is one thing I do not usually advocate, but I do not believe there is a role for the local authorities on this. It must be independent and above it. It must be remembered that many people are competing in local elections within local authorities. It would add another layer of confidence and independence to the system.

I commend the National Youth Council of Ireland's submission, which was exceptionally good. In all of this we are talking of encouraging younger people to engage in the political process. I call on the Minister of State to consider that. The National Youth Council of Ireland represents more than 50 organisations. I did not know this until I read its submission. I strongly recommend to the Minister of State, or whoever does the considering, that there would be a requirement to have a young person or a member of such a body as the National Youth Council of Ireland on the commission. They bring a new perspective, a freshness and new ideas. We should set out to ring-fence a position for youth organisations on the new commission.

I thank the Minister of State. I have no question *per se*. These were just two or three thoughts. I thank the Minister of State for pushing this and driving it and wish him well with it.

Deputy Malcolm Noonan: On Deputy O'Donoghue's questions, cybersecurity is really for another Department. The HSE cyberattack has sharpened all our minds to really strengthen our cybersecurity in the State. That is an absolute.

I take on board Deputy O'Donoghue's point about Independents. Deputy McAuliffe referred to the radio content and radio advertising. There is a broader issue for discussion here on

the fairness of and impartiality of the media. It is not for today and it is certainly not the role of the commission. I take on board the point that perhaps smaller parties and Independents might feel squeezed in the media space. That is perhaps where the online side of it offers the opportunity to compete equally with political parties. The Deputy makes a valid point. Everything I say is based on the precursor that I am waiting for the report and I look forward to it coming back to us.

On Senator Boyhan's question, we still see a strong role for local authorities. They bring with them decades of experience and local knowledge. We think the role of this legislation will be to partner with local authorities to ensure we modernise the electoral register, pre-register 16- and 17-year-olds and bring about that transformation with local authorities. We still believe they have a critical role to play. I know the Senator disagrees and is a great champion of local government. I take his point on board. I look forward to seeing the outputs of the committee's work.

I agree wholeheartedly with the point about the National Youth Council of Ireland. Young people need a voice at the table right across all spectrums of our democracy. I have met with a number of groups, including the Irish Second-Level Students Union, to discuss the campaign to reduce the voting age to 16. That might be one of the tasks the commission could take on in its early stages. It could look at the potential for moving towards a reduction of voting age and what other jurisdictions have experienced in that regard. I am of the view, when I look at the climate strikes, Fridays For Future and other things, that young people have a democratic right and a right under the UN Convention on the Rights of the Child to have a say in shaping their own futures. I am looking forward to seeing their submission. I thank the Senator.

Chairman: I will move on to my own five-minute slot. We had a number of meetings about the Bill, which attracted quite a lot of attention. A wide range of issues are covered in it and that is why it attracted so much attention. A lot of that attention went on registers and political advertising. I was particularly interested to hear some of the concerns and suggestions that came out of the session with the Irish Traveller Movement, ITM, the National Youth Council of Ireland and the National Women's Council of Ireland.

I will, for the Minister of State's information, tell him what I picked up from the Bill. When people move around the place and go off the electoral register, they often do not go back on it again. The ITM raised a question about how that could be addressed because, by their very lifestyle, there is movement. It is also true of students. Let us consider the case of a student who lives in Tipperary and goes to college in University College Dublin or University College Cork, or wherever it may be. Those kinds of students do not go onto the register in the area of their student accommodation and we see gaps as a result of that. I am canvassing in Dublin Bay South at the moment and there are large gaps in the register when it comes to apartment blocks. People who are living there say they never went on the register because they are not from the area and vote back at home. We need to be able to address the gaps in the register and how we can make it easier for people to move about but remain on it.

I also raise the use of the register, the data contained in it, the access to a marked register, the electoral register, the updated register, and the information that is contained therein. We need to give people confidence that their data is protected and only used for those purposes. We have heard talk of merging different registers, including marked registers, and that data being used to further the objectives of political parties. There was recently a discussion about fake polling. We need to restore people's confidence that the data they give for democracy and elections is protected and only used for that purpose. I hope that point is taken on board by everybody.

Deputy Higgins raised the matter. We have reached out to the political parties because they have a role to play in protecting data and access to the electoral register. Some of those political parties did not respond to us by email. We took the step of writing to them. The Bill addresses inclusivity and the notion of bringing everybody in. I find it disappointing, as Chairman of this committee, that we did not get a response. It creates further questions about political parties that are a part of this process. They have the opportunity and access to influence elections. It is disappointing that they would not respond to a request from a committee for them to come in and give submissions on electoral reform. Those parties are in receipt of State funding, which also needs to be looked at, although it is another day's work.

When I saw the section of the Bill concerning online advertising, I knew we were opening the lid on something that was going to go in many different directions, as it did. I am conscious that this Bill covers only the period of the electoral cycle. As Deputy McAuliffe said, we need to have a closer look at that. The more money a party has and the bigger it is, the more advertising it can buy and the more influence it can exert. That has always been the way of it but we must try to strike a balance here to make it fair and have real accountability and transparency in online advertising.

As an indication of how far-reaching this Bill is, I received a submission from, and met with, two sixth-year students who put together a good research project on extending the vote to people who have been overseas for less than five years. That gave me an indication of how engaged with politics and the electoral process young people are. They made some good points. I told them the Bill will not cover their points but asked them to send the committee a submission anyway. We will include their submission with our pre-legislative scrutiny report. I think the Minister of State met those students. When I see how engaged they are with politics and the electoral process, it gives me confidence that the future is relatively safe in the hands of our young people who are coming through.

Deputy Cian O'Callaghan: I add my voice to the good contributions that have been made, particularly with regard to what Senator Boyhan was saying about representation on the commission for groups that are under-represented in our democratic institutions. It is important that the commission be diverse to reflect society and groups that do not have the level of representation they should.

A number of civil society organisations have raised issues about the definition of "political purpose" and are concerned about that. Their review concludes it should apply to them and third-party organisations with respect to any involvement in election campaigns and referendums but should not apply to day-to-day campaigning work. Does the Minister of State think that can be addressed by this Bill?

Deputy Malcolm Noonan: I thank the Deputy for his comments. I might ask Mr. Ryan to come in on the Deputy's final point. I did meet with the Irish Council for Civil Liberties and other organisations on these points and we want to address them through the commission.

I take on board the point made by the Chairman. I met the group of students to which he referred and the research they carried out was fantastic. It would be useful to include it within the committee's report. I will ask my officials to come in on the issue of the register, people who move house and how we might manage that.

Mr. Barry Ryan: Deputy O'Callaghan asked about the definition of "political purposes". The general scheme needs a definition of "political purposes", specifically in the Parts that deal

with the regulation of online political advertising. That definition is needed to identify what the legislation is referring to. The definition used is the same definition set out in the 1997 legislation around political purposes. The Deputy is right to point out civil society groups have raised concerns with that definition. The Minister of State has met representatives of these groups.

There is a commitment in the programme for Government to look at the 1997 legislation around political funding. That is where that definition is found. The Minister of State has indicated previously he envisages the commission having a role in considering the 1997 legislation in its entirety and comprehensively. It will make recommendations and the matter will be taken forward on that basis. While the definition of political purposes is the same in the general scheme as it is in the 1997 legislation, the Minister of State has proposed that the commission will have a role in looking at that.

With regard to the register, the Chair raised the issue of people moving around and how difficult registration is. The proposals in the general scheme envisage moving to a rolling registration system. It is no longer an annual registration process. That will facilitate people when they move, in that they can update and change their details immediately and on an ongoing basis. I hope that will assist in creating a more accurate and comprehensive register. Ms Woods may wish to add to that.

Ms Petra Woods: Mr. Ryan has covered the issue. With regard to making it easier for people, people generally want to do the right thing and register where they live, but the difficulties associated with changing their address puts people off making any significant changes. Making it easier to update the register all year round, making it simpler and more straightforward and offering an option to do it online will contribute to making it easier for everyone.

Deputy Cian O’Callaghan: I appreciate those answers.

Chairman: It has come back to me. The two students we met were from Sion Hill College. It was excellent. Senator Boyhan referred to them as well. I have a meeting with the Irish Council for Civil Liberties. The ICCL has submitted a written submission on this, which we will also include in the pre-legislative scrutiny report. I will move on to the second Fine Gael slot.

Senator John Cummins: I echo some of the Chair’s comments. It is regrettable some of the political parties refuse to take up an offer from this committee to come before it with regard to the groundbreaking and comprehensive electoral reform Bill before us. I compliment the Minister of State and his officials on their engagement with us.

I raised some points at the outset of this pre-legislative scrutiny regarding the focus on the electoral register and the process of moving from the existing system to what will be the new system. In response to some of the questions in the first part of this meeting, it was stated that before people may be considered for removal from the register, three letters would issue to find out if they are still at the address. If we are to get this right, we need to streamline that process. If we can match up-----

(Interruptions).

Senator John Cummins: -----the PPS number and Revenue, it will leave us with a cohort of people.

We should put a timeline of three months on that because we cannot allow the register to

continue to be inaccurate. The register includes the names of many people who are deceased, which causes difficulties, and people who are no longer being at the relevant address. Has the data impact assessment the Data Protection Commissioner mentioned when he was before us been completed? What are we looking at in terms of the process moving from one to the other?

With regard to closing that loop at the end when somebody passes away, is there a system in place to automatically remove that person's name from the register? We have difficulties with people being called for jury service and letters being sent to people who have passed away. I want to make sure that when we pass this legislation, we have all those bases covered and we will not repeat the same mistakes.

Deputy Malcolm Noonan: I will defer to Ms Woods on the specific issues around the register. I will not get into a political comment with regard to engagement from political parties but, from our perspective, it is vital that all political parties and representatives engage in this process. It is a vital process which will transform our electoral system and lead to greater transparency, accountability and participation in the electoral system. It is important we have a high level of engagement across the Oireachtas on this.

As far as I am aware, the data protection impact assessment is under way. I ask Ms Woods to respond to the specific questions the Senator asked on the register.

Ms Petra Woods: There were three questions. On checking three times before we take somebody off the register, we did not put in a time limit because we wanted to ensure local authorities could strike the balance. We do not want somebody to check three times within a week, during which time a person cannot be contacted for legitimate reasons. The idea is that this would be done in a judicious manner rather than having it linger on. We can look at putting in a minimum and maximum timeframe to make sure that balance is struck, at least in guidance.

In terms of deceased people on the register, there is already provision for sharing of data on deaths with the superintendent registrar. We are in discussions with the General Register Office to make sure that is more seamless and local authorities have that information. One of the issues we have in removing people is we do not always have a PPS number. At present, we do not have any PPS numbers for people and it is difficult to be absolutely certain you have the right person. All of the provisions we are making to improve the data we are collecting will help to make that process more seamless under the new provisions.

As the Minister of State said, the data protection impact assessment is in preparation. It is at a fairly advanced stage. Under Article 36 of the GDPR, we have to formally engage with the Data Protection Commission, DPC, on the legislation. We will be doing that, sharing the data protection impact assessment with it, making any changes it suggests and bringing it to a final point.

Senator John Cummins: It appears from that response that PPS numbers are not linked to the system to enable names to be removed when somebody passes away. Without that, we will have that ambiguity. At times when there is uncertainty, the easy thing to do is leave the person on the register because we do not want to disenfranchise anybody. However, we must have certainty. I ask that this is fed into the data protection impact assessment.

Deputy Thomas Gould: Sinn Féin will support this important legislation. It is once in a lifetime legislation that we have to get right. What steps are being taken to give 16-year-olds the right to vote? I recently joined Instagram and while I am still getting my head around the

platform, I can reach a much younger age group on it. Through it I see that young people are engaging with and know about politics. They know what is right and wrong and they are determined. I see that with my own daughters. We also saw it with the climate change and Black Lives Matter movements and the support for the marriage equality referendum. We have seen that young people are educating themselves. They are listening and watching what is happening around them, both in Ireland and internationally. We should give them the respect they deserve. What steps are being taken to reduce the voting age to 16 years? I believe we should listen to and respect younger people. They are our future and they deserve an input into where the country will go.

On another issue, I am not sure if the Minister of State follows the comedian Tadhg Hickey on Twitter. If he does not, however, I highly recommend that he does. Tadhg is a lovely guy and a very funny comedian. Yesterday, however, he shared some of the highly disturbing messages he has received on social media. I am not going to share them here because I do not think it is appropriate. It is disturbing that some people even suggest he deserves this kind of commentary because of his political views. I am aware other committees are currently examining and working through the online safety Bill. We need to consider putting this in place in the electoral reform Bill. Some of the comments that are made and the trolling that takes place against people like Tadhg, and people like us and other politicians because of their political beliefs, is utterly disgusting. To allow trolling to take place and anonymous accounts to be set up to spread the amount of hate that exists is shocking. We have seen it on all sides and it is not good enough. People, especially young women and minority groups, are being put off getting involved in politics because of the level of personal attacks and hate. Will the Minister of State also look into this to see if the use of anonymous accounts by trolls and attacks on people because of their political beliefs can be combated in this Bill?

I will make a final point about the electoral register and the need for that to get more people involved. There has been some discussion about preregistration for younger people in schools, and we are looking at educating people to vote, which I support. There is a very important need for that. Many older people also need to be educated. We produce a sample voting sheet every year. That is something the commission should also look at from an educational point of view.

Those are just some of my points. I would appreciate it if the Minister of State would take a minute to respond.

Deputy Malcolm Noonan: I look forward to seeing Deputy Gould on TikTok. Certainly, however, he highlighted the fact the online space is changing. From our communications as politicians, online platforms are vitally important to reach out to all ages, be it TikTok or Instagram. They are all valid and useful platforms to send out positive messaging. I look forward to following Deputy Gould's account on Instagram.

I agree with the Deputy. He made an excellent point with regard to the engagement of young people around Black Lives Matter and the climate change Fridays for Future movement. As I said, we would like to see the commission examine the possibility of reducing the voting age to 16. It has been tested in other jurisdictions with some positive experiences and some not so positive. We would, therefore, like to collate that and bring it together. It is possible for the Minister to reduce the voting age to 16 for the local elections only, but I do not believe it is fair to test it on one electoral event. It is far better that the commission, in its early stages, would be tasked to research and put together a report to furnish to the Oireachtas and to me, or whoever the Minister is, making recommendations on reducing the voting age. I have my own views. I certainly would love to see it reduced to 16 years but it must be done in a fair and balanced way

that has broad political and societal support.

The preregistration of young people, that is, 16 and 17-years-olds, is a very positive development. The commission will do a bigger job of work, however. Its function will expand over time and the research advocacy, furnishing of reports and so forth will contribute positively.

The point has been made by other Deputies and Senators about the need for ongoing and constant promotion of our political processes and system to ensure people are educated. It is not just young people. Many people our age are not terribly well up on political systems either. It is crucial there is ongoing promotion of our democracy and of the importance of voting and engagement in our political system. That is important. I believe the commission has an important role to play in that regard.

Senator Mary Fitzpatrick: I thank the Minister of State and all in the Department for the work they have done on bringing forward the electoral reform Bill. Everyone has said how important and long overdue it is. I commend the Minister of State and the Government on having moved forward so swiftly with this. It is really important. Our democracy depends on free and fair elections, and at a time when our democracy is under attack, this could not be more important. That is why it has engaged people from all across society and stakeholders of all ages and interests. That is really welcome. For it to be worthwhile, however, we must get this right. We will continue to put work into ensuring our pre-legislative scrutiny report is robust and comprehensive.

I wish to raise and draw the Minister of State's attention to two particular issues today. We live in an increasingly software-driven and data-driven society. It is very important and welcome that young people have access to more information and that we all have access to more information which allows us to engage and potentially be informed. It is also chilling to know, however, that many of the platforms being utilised to disseminate information very clearly state they have no authority or interest in exercising or ensuring the veracity of the content or information they spread, share and broadcast. That is a chilling fact we need to accept and that the electoral commission needs to be prepared to respond to. I have concerns that we need to be more ambitious. We need the electoral commission to be robust and future-proofed. On that basis, it potentially needs to be strengthened in a number of areas.

I very much appreciate the information Ms Woods shared with us in terms of the electoral register. When we talk about politics and elections, the data start with the electoral register. That is the start of the data trail for us. I am not sure we have yet got to a point with the proposal around the electoral register changes, all of which I support so far. We need, however, to be ambitious about moving to this centralised model whereby it is fully online, centrally managed, centrally verified and is, as a consequence, resilient and robust. We need, therefore, to tease that out. We, as a committee, will make strong recommendations in that area.

We also need to review the activity of the electoral commission and its period of time being limited to elections. Politics is a 24-7 activity. It is about people and making decisions around people's lives. The electoral commission should not be switching on and off. That is not to say it will close its doors; I am not suggesting that. It needs to have a remit, however. Politics is a business that does not stop. Influencing, electioneering, and political campaigning, are done on an ongoing basis. The electoral commission should therefore observe, monitor, and try to inform and strengthen that activity for our society on an ongoing basis. It has been mentioned a couple of times, but on the two activities of political purposes and political and political advertising. I hear acknowledge what the Minister of State said about the commission looking

at it. He has acknowledged publicly that there are issues with the Electoral Act 1997, which is accepted. I heard that it will be referred to the commission. I would like to understand the thinking behind that. I had hoped that there would be an opportunity for us to deal with that issue when bringing this legislation forward. I appreciate there will be a bit of work in that. However, we are going to set the electoral commission up to do its job and to deliver for our democracy. It will be worth us trying to address that “political purposes” definition before we move forward with the legislation. However, I commend the Minister of State and commend all of the staff in the Department on their work. We, as a committee, are committed to supporting them to complete the work as soon as possible.

Chairman: I thank Senator Fitzpatrick. There is a third Fianna Fáil slot, which we might get back to, to answer those questions. I call Deputy Duffy.

Deputy Francis Noel Duffy: I thank the Minister of State and his officials for taking our questions. I have two short questions. Political campaigning is not restricted within the electoral period. Many election campaigns start well before the electoral period. Therefore, has the Department considered extending the legislation beyond the electoral period? Does the Bill have the capacity to do this? What is the projected timeline for the reform of the electoral register to a live rolling register? Its current format, in my experience, allows for multiple votes within and beyond constituencies and for potential corruption of that system. People leave their votes behind and if they move, the vote will still be there. There will be one in a constituency and another beyond it. I would be interested to know when the Minister of State envisages that happening.

Deputy Malcolm Noonan: I might ask Ms Woods and Mr. Ryan to come in on some of the questions, particularly the last one on projected timelines. Again, as a precursor, we await the committee’s report to examine the other submissions around the campaigning, particularly outside of electoral periods. The regulation of online political advertising during an election set out to do a specific piece of work. Again, it is part of a broader suite of measures that will come in with the support of other legislation and European initiatives.

I thank Senator Fitzpatrick for her positive comments. The activity of the commission will be ongoing. It will have that ongoing advocacy and research function. It will furnish reports consistently and will look at best practice internationally. That work will be ongoing outside of electoral events. We cannot stress enough that the significance of that. I ask Ms Woods to come in specifically on the two questions by Deputy Duffy and Senator Fitzpatrick on the register.

Ms Petra Woods: The timeline depends on the passage of the legislation. Local authorities have always been able to request any information that they need to prepare the register. This legislation will make it explicit that that can include a personal public service number, PPSN, a date of birth and an eircode. These are three critical pieces of data that will help to manage duplication on the register. That will allow local authorities to actively gather this data and clean up their registers on the basis of the data received. We are working with local authorities to progress the move to a central set-up. All the provisions relating to the register will be subject to commencement orders. We will try to work with local authorities to make sure that they are ready to implement the new legislation once it is passed. We are already working on them to make sure that they have, for example, the data collection tools. They all have systems that they use to run their registers and to develop the registers and we are working with them to make sure that those are ready in the first instance. We are also looking at the options of moving to a more centralised solution. We are discussing with Dublin City Council and the local government sector how something like voter.ie, which has been successfully piloted in Dublin,

could be rolled out nationally. That could then lead the way to that centralised system. There was a question earlier about how that transition would be managed. That would then be much more standard migration process of data from one system to another. We would hope it would be fairly seamless. While the general scheme does not go to that level of detail, suffice it to say that we need the legislative provisions to gather the data and to set up the structures within which the new registration process will work. We already work with local authorities to make sure we can get that off the ground as quickly as possible after the legislation has passed.

Deputy Francis Noel Duffy: If the legislation passes, does Ms Woods envisage that as a two-year or three-year process?

Ms Petra Woods: The full roll-out of a centralised system could take a longer period - around two years. We hope that the provisions, in terms of a rolling register and the other pieces, should be able to run relatively quickly. We envisage that would maybe come in in the next year, or so.

Chairman: I briefly follow on from Deputy Duffy regarding the time period this covers. I draw the Minister of State's attention to the submission we got from Ms Liz Carolan, which talked about international interference campaigns. It said that it is clear from international evidence that interference operations begin long before the official election period.

Senator Mary Fitzpatrick: I do not know if the Minister of State is aware, but as part of our pre-legislative scrutiny, we invited all the political parties to appear. Some of them did come and meet with us, whereas others did not even acknowledge the invitation, which was hugely disappointing. A basic political activity, particularly for a political organisation receiving funding from the public purse, would be to at a minimum acknowledge an invitation from an Oireachtas joint committee. Does Minister of State see a role for the electoral commission in monitoring or reviewing the behaviour of political actors into the future? The other point to which I draw his attention is that one of the political parties has created a centralised database, which contains the electoral registers from every constituency. It has also managed to combine with that the marked register. It has done all of that for less than €500 and in less than a year. Would the Department or Minister of State consider consulting with that political organisation on how it has done that? It seems to have been quite an achievement and something that the State has not yet managed to do. Would the Minister of State consider consulting the organisation on that?

The electoral commission will report to the Minister once a year. I think this refers to head 88 or 81, but I am not quite sure and I can check. I will come to Ms Woods on this, if needs be. I would have thought that there would be a public report on the electoral register every year and that that would just be on a website, or something.

Deputy Malcolm Noonan: I might ask Ms Woods to come in on that specific issue.

Ms Petra Woods: Head 80 is the oversight provisions. I am just checking, but I believe that at each place it says it shall publish a report, so it is a published report rather than a report to the Minister. It provides that the commission may on the basis of its work, the reports it receives from the local authorities and also on the basis of any research it commissions or carries out itself, make recommendations to registration authorities related to the management of registers. It can set standards for registration authorities and make recommendations to the Minister. Perhaps it is not clear, but that was intended to set out what could be included in the annual report that is published.

Deputy Malcolm Noonan: I want to come back to a previous point the Senator raised in her last contribution on the online content. The Online Safety and Media Regulation Bill will see the establishment of a media commission as well. Again, I speak of what will be complementary processes to provide for a more robust and safer online platform. Our legislative measure regarding the regulation of online political advertising is just one component of a broader suite of measures that are happening at European and State levels.

I will reiterate the point that is critical. Without making a political comment on it, it is critical that all parties engage in this process. It is unfortunate if some political parties did not reply to a request to attend. I would say that for anybody engaging with our Oireachtas committees. They are vital committees that do massively significant pieces of work. From that point of view it is unfortunate if some parties choose not to engage in this important process.

Senator Mary Fitzpatrick: My other question was about the fact that there is a political organisation that has managed, for less than €500 and in less than 12 months, to create a database that incorporates all of the registers of electors. I mean it quite sincerely that I believe we should consult with it. We should consult with the political organisation about the technology that is being used.

Deputy Malcolm Noonan: I will not comment any further than to say that the commission will be tasked with looking at the best mechanism for managing the electoral register as well. I will not comment specifically on that question.

Chairman: The final slot is the Fine Gael slot.

Deputy Emer Higgins: I will be brief because the Minister of State has responded to much of what I spoke about in my initial contribution. We have had a very good, informed and engaging discussion today, but I have a few follow-up questions. I am interested to know if the Minister of State is confident that the budget is going to be enough for this. I also have a suggestion on the voter education piece, which will be a major part of this. Many people still struggle with our system of the single transferable vote. There is a good opportunity here for us to carry out an information campaign not only in schools but also through the media on what the single transferable vote system means. I am sure other politicians get this all the time, whereby one meets people who say, “I gave you a vote”, and one feels the person is not necessarily sure as to how the person voted himself or herself in the system. I believe this is a good opportunity for us. It is very complex, but is something everybody should be aware of. The vote is one of the most important things one can do so it important that everybody knows exactly how they are casting their vote and how it works.

The future-proofing of this Bill has arisen repeatedly in the contributions we have heard today. It is a very important aspect. This Bill has great potential to transform how we do things, so it is important that we are doing this in a way that is forward looking and that as things continue to modernise we can adapt and flex to go with that. I am seeking the Minister of State’s reassurance that this Bill will have that capability.

Deputy Malcolm Noonan: With regard to the budget, the projected budget is €2.25 million. It is €2.7 million in the first year and a subsequent annual cost of €1.45 million to €1.7 million. I presume that as it expands its role that case will be made to the Department of Public Expenditure and Reform each year, to look at an expanding research, advocacy or, as we have been discussing this afternoon, promotion aspect of its work. We think the budget is commensurate with its initial role and starting phase, and it is similar to the establishment costs of the

Policing Authority. We think it is adequate, but perhaps Mr. Ryan wants to comment further on it.

Regarding the public awareness, we cannot stress enough that it is very important. I have met with a number of school groups and schools across the country over the last number of months who are doing some fantastic work on engaging with students on democracy and public participation. That is to be welcomed, but it has to happen across society, particularly with regard to the issues around the single transferable vote and the impact of that. I note that it is being used in the New York city mayoral elections as well. It is interesting to see the impact it is having there.

In terms of future-proofing the Bill, that is an excellent point. It is a new process for us in Ireland and it is important that we ensure it is future-proofed to adapt and change as our political system changes. I am not sure if Mr. Ryan wishes to comment further on any of the specific issues raised.

Mr. Barry Ryan: With regard to the budget, the Minister of State set out the figures. We framed those initial figures having considered what the budgets were for similar sized regulatory bodies that have been established in recent years. As the Minister of State said, it is to cover the establishment costs and then ongoing costs in its initial phase. However, if functions expand and are added to the commission's remit over time, a case would be made for additional resources.

As regards future-proofing, it has been flagged as well that this Bill is not the end of the process and that there are other functions, particularly relating to the commission having a role in the detailed oversight of electoral events and, indeed, the functions that are currently in the remit of the Standards in Public Office Commission. It has been flagged that over time those functions would come across to a commission. The point I am making is that there would be other legislative opportunities as well to build on the functions of the commission. Even if this legislative measure is not future-proofed to the extent that people would like to see, there would be other legislative opportunities in the future.

Chairman: That brings us to the end of the members' contributions. There are two further things I wish to stress to the Minister of State. In one of the earlier sessions on this we looked at concerns about the expertise that would be in the commission to keep pace with the rapid change in the online world and in online and digital advertising. The question asked was whether the commission should have somebody on board with that level of expertise, but if the commission has the budget to be able to engage in research and to bring in consultants with expertise in specific areas, that is very important for the ongoing work of the commission. There was reference to a static legislative measure trying to keep pace with something that is changing so quickly. I do not think any legislative measure or guideline could keep pace with what is happening so rapidly out there.

The other thing we must say is that, regardless of how much time and effort is put into online advertising and attempts to influence elections, we must have confidence in our electorate. Any electors whose doors I have knocked on, and we all have knocked on the doors for years, are informed and aware. They are well able to weed out the bluffers and the chancers when they see them, so we must have faith and confidence in the electorate as well. I thank the Minister of State for his engagement and thank his officials for their attendance. As I said, we will do our very best to complete this report as quickly as we can. The committee has a huge workload at the moment. We have a lot of legislation coming through on housing and on various other

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matters with which we must deal with, and which are equally important. However, we will do our best to get this report completed as soon as possible, to allow the Minister of State to go to the next stage of the legislation and to produce the electoral reform Bill. I thank the Minister of State.

There is a minute left if he would like to make a few closing remarks, but I am conscious that he has another engagement to get to.

Deputy Malcolm Noonan: Again, Chair, we cannot stress enough that we are extremely grateful for the diligence of the committee in giving this such great consideration. We are mindful of the huge workload of this committee, particularly in relation to housing. We are grateful that it has given this such time and consideration and has brought in such a disparate range of groups and experts to strengthen it and to ensure we have robust legislation and that we get this as right as we possibly can. I pass on our appreciation, as well as the appreciation of our officials, who have worked incredibly hard over a long number of years to reach this exciting point. We look forward to the committee's report and to considering it. Hopefully, we will move this process on to see the establishment of the commission towards the end of 2021.

Chairman: I thank the Minister of State.

The joint committee adjourned at 1.51 p.m. until 11 a.m. on Tuesday, 29 June 2021.