

Department of Housing, Local Government and Heritage,
Custom House,
Custom House Quay,
Dublin 1,
D01 W6X0.

16th July 2020

Dear Minister Noonan,

We would like to congratulate you on your recent appointment as Minister of State with responsibility for electoral reform. As a group of Irish experts and academics working on reform for some years, we were happy to see a detailed and time-bound commitment to the establishment of an Electoral Commission for Ireland in the Programme for Government, and stand ready to support the delivery of this crucial policy in the next 18 months.

Recent political history has demonstrated the need to urgently update our electoral administration. Ireland's electoral laws have not kept pace with changes in modern political campaigning; in particular, in the unregulated domain of digital campaigning. In its most recent [report](#) in November 2019, the Interdepartmental Group on Security of Ireland's Electoral Process and Disinformation recommended expediting the establishment of an Electoral Commission to mitigate serious risks to the integrity of Ireland's elections.

We also believe that Ireland has a unique opportunity to build a Commission fit for the digital age: a world-leading institution with the ability to deal with the alarming issues emerging globally surrounding digitally-enabled campaigning, irregular political finance, and data exploitation.

The Irish Electoral Commission could set the bar for how countries around the world modernise electoral administration. Across Europe, many Electoral Authorities grapple with retrofitting their electoral laws to cope with modern election campaigns, including regulation on transparency in advertising. These countries will look to Ireland to take a leading role, in accordance with the Country of Origin principle.

We feel there is a particular urgency to this initiative. At a time when democracies are under threat, including our nearest neighbours, we cannot afford to be sanguine. Turnout reached just 62 percent at the February election, the second lowest rate of electoral

participation at a general election recorded since 1923. The Global Electoral Integrity Project (Harvard University and University of Sydney) has audited Irish electoral procedures over several elections and voter registration processes have consistently been scored as weak. At the 2016 general election, Ireland was ranked 137th in the world for our voter registration processes. This is an alarming finding for an old and stable democracy.

There was evidence of attempts by external actors to influence recent referendums, most particularly the repeal of the eighth amendment. With referendums on the right to housing and voting rights at presidential elections on the horizon, referendum regulations need rigorous attention.

The referendum commission is highly trusted and provides valuable supports for voters but its remit is restricted. At the 2019 local and European elections, the referendum commission provided information on the co-scheduled divorce referendum. It promoted participation through an extensive advertising campaign, but there was no state body or agency tasked with advising voters on the elections taking place on the same day, the electoral system in use, or the structure of the ballot papers. All of these issues point to the urgent need to bring our electoral administration up to date in order to provide a robust defence to our vital democratic structures.

Prior to February's General Election, we asked political parties and candidates to [commit](#) to 'playing fair' and to campaigning openly, respectfully and fairly online in the absence of adequate electoral laws. The pledge included a commitment to champion electoral integrity in Dáil Éireann once elected, and each of the three coalition partners, as well as the majority of opposition parties, signed up to this pledge.

We believe that an independent Electoral Commission would strengthen the cohesiveness and transparency of electoral regulation. We request that this body be guaranteed through primary legislation and direct funding from the exchequer to secure its independence from government in all respects. The establishment of a Commission would also present an opportunity to address the application of certain restrictions under Electoral law to civil society's advocacy work outside of elections and referendums.

You have promised the Electoral Commission will be in place by 2021. While we welcome the inclusion of this deadline, with just 18 months to go, **we would request that you publish a breakdown of this timeline, including when we can expect the deliverables needed for the timely delivery of this commitment.**

We urge you to prioritise this portfolio in your new role and to build on the work carried out by your predecessors and departmental colleagues.

We believe that civil society and academia have a key role to play in ensuring that the new Electoral Commission is trusted by stakeholders as an independent body capable of

ensuring fair play in our democracy. We stand ready to work with you to realise this goal and welcome the opportunity for ongoing dialogue with you as this process progresses.

Yours sincerely,

Liz Carolan,
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