

Summary of Regulatory Impact Analysis (RIA)	
Department/Office: Department of Housing, Planning, Community and Local Government	Proposed functions of the Electoral Commission and associated costs
Stage: Public Consultation	Date: 4 December 2018
Related Publications: Consultation Paper on the Establishment of an Electoral Commission in Ireland (Department of Environment, Community and Local Government, January 2015) Report of the Joint Committee on Environment, Culture and the Gaeltacht on the Consultation on the Proposed Electoral Commission, 2016 Report of the Interdepartmental Group on the Security of the Electoral Process and Disinformation (June 2018)	
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<p>What are the policy objectives being pursued?</p> <p>To establish an electoral commission in accordance with the commitment in the <i>Programme for Partnership Government</i>, that <i>Ireland needs an independent electoral commission as a matter of priority</i>.</p> <p>The purpose of this analysis is to consider the establishment of an electoral commission in the context of:</p> <ul style="list-style-type: none"> - the commitment in the <i>Programme for Partnership Government</i>¹, - the Department's <i>Consultation Paper on the Establishment of an Electoral Commission in Ireland</i> (January 2015)², - the recommendations in the <i>Report of the Joint Oireachtas Committee on Environment, Culture and the Gaeltacht on the consultation on the proposed Electoral Commission</i> (January 2016)³, and - the recommendations in the <i>Report of the Interdepartmental Group on the Security of the Electoral Process and Disinformation</i>⁴, <p>and to examine the cost and other implications arising, using the framework provided by RIA.</p> <p>What policy options have been considered? Please summarise the costs, benefits and impacts relating to each of the options below and indicate whether a preferred option has been identified.</p> <ol style="list-style-type: none"> 1. No policy change and rely on the current legislative framework and arrangements: This option is presented since it represents the baseline position against which the relative costs for and effectiveness of Options 2, 3 and 4 can be compared. 2. Establish the electoral commission on a non-statutory basis initially, and assign a limited number 	

¹ [Programme for Partnership Government](#)

² [Consultation Paper](#)

³ [Joint Oireachtas Committee Report on Electoral Commission](#)

⁴ [Report on the Security of the Electoral Process and Disinformation](#)

of non-statutory functions with a view to establishing a statutory commission within 18 – 24 months and assigning further statutory functions at that time.

- 3.** Establish the Electoral Commission on a statutory basis and assign a limited number of functions initially, with a view to assigning further functions over time.
- 4.** Establish the electoral commission on a statutory basis with all functions transferred from the outset.

Summary of Costs, Benefits and Impacts of Options 1, 2, 3 and 4

Summary of costs, benefits and impacts			
OPTION	COSTS	BENEFITS	IMPACTS
1: No change	<ul style="list-style-type: none"> Additional cost to Exchequer €0 	<ul style="list-style-type: none"> No additional cost to Exchequer. No benefits arising from absence of change to existing arrangements. 	<ul style="list-style-type: none"> Existing identified deficiencies would not be addressed. Little or no progress will have been made in introducing reforms. Failure to deliver on the <i>Programme for a Partnership Government</i> commitment to establish an electoral commission.
2: Establish the electoral commission on a non-statutory basis initially, and assign a limited number of non-statutory functions with a view to establishing a statutory commission within 18 – 24 months and assigning further statutory functions at that time	<ul style="list-style-type: none"> Estimated additional cost to Exchequer €3.3m (first year set up and ongoing costs) and €1.8m per annum thereafter 	<ul style="list-style-type: none"> Would allow the commission to be established quickly. Would allow the commission time to bed down thereby minimising the risk of compromising the existing high level of trust in the integrity of the electoral system. This would then assist in the transfer of statutory functions in a coordinated manner. Would commence the process of bringing better co-ordination to electoral administration. The assignment of new functions such as research and voter education and engagement could bring about innovative approaches to reforming the electoral process. 	<ul style="list-style-type: none"> Improved oversight arrangements of the electoral system. Would get an electoral commission up and running in a relatively short time on a limited basis with a view to enhancing its role and functions over the short to medium term. The <i>Programme for a Partnership Government</i> commitment would be implemented. Early establishment of a Commission would be in line with the recommendation of the <i>Interdepartmental Group on the Security of the Electoral Process and Disinformation</i> to expedite the establishment of an electoral commission.
3: Establish the electoral commission on a statutory basis and assign a limited number of functions initially, with a view to assigning further functions over time.	<ul style="list-style-type: none"> Estimated additional cost to Exchequer €3.3m (first year set up and ongoing costs) and €1.8m per annum thereafter 	<ul style="list-style-type: none"> Would help ensure that the assignment to the commission of such functions, systems and procedures which are already established, could bed down smoothly, before further functions are introduced. This would help minimise the risk of compromising the 	<ul style="list-style-type: none"> Improved oversight arrangements of the electoral system. More streamlined electoral administration by having one body subsume the role currently carried out by a number of existing bodies. The <i>Programme for a Partnership Government</i> commitment would be implemented – however, implementation would take longer than for option 2 as primary legislation would be required.

		<p>existing high level of trust in the integrity of elections and referendums.</p> <ul style="list-style-type: none"> • Would bring better co-ordination to electoral administration . • Would drive reforms to address identified problems. • The assignment of new functions to the commission, such as research and voter education and engagement could bring about innovative approaches to reforming the electoral process. 	
<p>4: Establish the electoral commission on a statutory basis with all functions transferred from the outset.</p>	<ul style="list-style-type: none"> • Estimated additional cost to Exchequer €3.5m (first year set up and ongoing costs) and €2m per annum thereafter 	<ul style="list-style-type: none"> • Would bring better co-ordination to electoral administration. • Would drive reforms to address identified problems. • The assignment of new functions to the commission, such as research, voter education and engagement and performance indicators, could bring about innovative approaches to reforming the electoral process. 	<ul style="list-style-type: none"> • Improved oversight arrangements of the electoral system. • More streamlined electoral administration by having one body subsume the role currently carried out by a number of existing bodies. • Opportunity for innovative approaches to reforming the electoral process. • Establishing an electoral commission with all functions assigned at the one time, without allowing time for the commission to bed down and iron out teething problems, runs the risk of compromising the existing trust in the integrity of elections and referendums. • The <i>Programme for a Partnership Government</i> commitment would be implemented. However, the recommendation of the <i>Interdepartmental Group on the Security of the Electoral Process and Disinformation</i> to expedite the establishment of an electoral commission would be difficult to achieve as primary legislation would be required to establish the Commission on a statutory basis and significant reform of existing electoral codes would also be required.

PART 1: DESCRIPTION OF POLICY CONTEXT AND OBJECTIVES

1. Policy Context:

1.1 The *Programme for a Partnership Government 2016* states that Ireland *needs an independent electoral commission as a matter of priority, which would be independent of Government and directly accountable to the Oireachtas*. It points to a number of proposed functional areas of an electoral commission, namely to:

- *examine voter registration and the possibility of the Personal Public Service (PPS) number system being used to add people to the register once they reach voting age;*
- *look at ways to increase participation in the political process through voter education and turnout;*
- *assume the role of Registrar of political parties;*
- *regulate political funding and election expenditure;*
- *oversee the Referendum Commission, which would be a sub-unit of the Commission.*

1.2 In 2015, on the basis of a *Consultation Paper on the Establishment of an Electoral Commission* prepared by the then Department of Environment, Community and Local Government, and at the invitation of the Minister at that time, the Joint Oireachtas Committee on Environment, Culture and the Gaeltacht undertook a public consultation process on the establishment of an electoral commission⁵. The committee published a report on the consultation in January 2016, which contains a series of recommendations regarding the establishment of an electoral commission, including functions that should be assigned to it; independence, membership and accountability mechanisms; and the establishment process, which should be on a phased basis.

2. Immediate Objective:

2.1 To seek Government agreement to:

- to publish this RIA as part of a public consultation on the establishment of an electoral commission, and
- following the conclusion of the public consultation, that the Minister for Housing, Planning and Local Government would revert to Government with a proposal for a preferred option for the establishment of a commission.

3. Ultimate Objective:

3.1 To establish an independent electoral commission underpinned by statute with functions assigned to it in accordance with an agreed, workable and realistic timetable.

⁵ The committee received 33 submissions and held public hearings involving witnesses from stakeholders including academics; Government Departments and agencies; local government representative groups; TDs; returning officers; and student, immigrant and youth representative groups.

PART 2: ANALYSIS OF FUNCTIONS

1. Recommended Functions of an Electoral Commission

1.1 The key functions that might be assigned an electoral commission recommended by the Joint Oireachtas Committee are:

- (a) Oversight of the running of elections and referendums and policy role
- (b) Referendum Commission
- (c) Constituency Commission and Local Electoral Area Boundary Committee
- (d) Register of electors
- (e) Register of political parties
- (f) Monitoring and reporting on political spending and donations
- (g) Research
- (h) Voter Education and Engagement
- (i) Performance indicators

2. Basis for Options

2.1 The options presented in this Regulatory Impact Analysis take account of the recommendations in the Joint Oireachtas Committee's report on functions to be assigned to the electoral commission. The options also have regard to the key issues outlined in the Department's *Consultation Paper on the Establishment of an Electoral Commission*, the recommendations of the Interdepartmental Group on the Security of the Electoral Process and the commitment in the *Programme for a Partnership Government* as set out below.

3. Joint Oireachtas Committee Report on the consultation on a proposed Electoral Commission

3.1 In its report, the rationale identified by the Joint Oireachtas Committee for the establishment of an electoral commission is:

- *to drive forward reforms that will address the various issues identified with electoral administration and policy; and*
- *to bring cohesion and co-ordination to the piecemeal approach to policy and operational matters thereby improving the administration of elections for users (i.e. the electorate)⁶.*

3.2 In the course of its consultations, the Joint Oireachtas Committee found that there is a relatively high level of trust in electoral administration and management in Ireland. However it highlighted aspects of the electoral process that require urgent attention lest that trust and reputation be suddenly eroded⁷. Matters identified as in urgent need of attention are:

- reform of the electoral registration process;
- voter education;
- turnout and the minimal efforts made to encourage people to register and to vote;
- the absence of centralised election results and data; and

⁶ Section 1.1 (page 26) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

⁷ Section 1.1 (page 26) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

- political finance - primarily the lack of transparency in the accounts of political parties and tight resources which present obstacles to the enforcement of the rules around donations and spending regulations⁸.

3.3 The Joint Oireachtas Committee and witnesses at the public consultation stressed that the establishment of an electoral commission should be approached with caution. A “Big Bang” approach to establishment should be avoided as it could endanger the relatively high levels of trust in the integrity of elections and referendums. Most witnesses recommended a phased approach to establishment and there was most support for the transfer of the following functions, most of which are carried out by existing bodies, in the first phase of establishment:

- The register of political parties;
- The operational role of the Franchise Section of the Department of Housing, Planning and Local Government;
- A policy development role that is deeper and broader than that currently undertaken by the Department;
- The regulation of political funding and election expenditure currently carried out by Standards in Public Office Commission (“SIPO”) at the national level;
- A support and advisory role to local authorities in their regulation of political funding and election expenditure at a local level;
- The functions of Referendum Commissions (with the independence of the referendum information campaign a key consideration in the assignment of functions);
- The functions of the Department of the Housing, Planning and Local Government in providing the secretariat (including policy advice) to the Constituency Commission and the Local Electoral Area Boundary Committees.

3.4 Regardless of approach, the Joint Oireachtas Committee recommends that a timetable for the full transition should be agreed, and perhaps set out in legislation, and the transition process should not be extended.

4. Consultation Paper

4.1 The Department’s consultation paper states that *as a principle of good governance, it is advisable that the functions of any new body be clearly defined when it is being set up. These functions should then inform its organisational design. The motive, purpose and goals in setting up the electoral commission should therefore be clearly identified from the outset. As a next step, it is necessary that the functions to be assigned to the electoral commission be defined more precisely*⁹.

⁸ Section 1.2 (page 27) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

⁹ Paragraph 1.2 of the *Consultation Paper on the Establishment of an Electoral Commission in Ireland*

5. Interdepartmental Group on the Security of the Electoral Process

- 5.1 The Interdepartmental Group (IDG) on Security of Ireland's Electoral Process and Disinformation, was established by the Department of the Taoiseach in December 2017 to examine a number of cross cutting issues relating to the security of the electoral process. The context for this work is the substantive issues arising from recent experiences in other democratic countries with regard to the use of social media by external, anonymous or hidden third parties.
- 5.2 The IDG published its first report on Security of Ireland's Electoral Process and Disinformation in July 2018. The Report identifies a number of proposals to address the gaps identified and offer a way forward on a more cohesive and coordinated approach to safeguarding of the electoral process from disinformation and security risks.
- 5.3 The key recommendations in the report are to:
- expedite the establishment of an electoral commission as outlined in the Programme for Partnership Government;
 - advance the modernisation of the voter registration process (see below for update on progress);
 - regulate transparency of online political advertising;
 - reform of legislation provisions concerning funding of election and referendum campaigns;
 - support EU Commission's work in tackling online disinformation;
 - continue to advance national level media literacy initiatives.
- 5.4 The report suggests that the next steps would be to:
- Expedite the establishment of an electoral commission, and
 - Regulate transparency of online political advertising
- 5.5 These matters are to be considered, in the first instance, by way of an Open Policy Forum involving political parties, industry organisations, academia, civil society and NGOs in addition to formal engagement with the Oireachtas.

6. Programme for a Partnership Government

- 6.1 The *Programme for a Partnership Government* points to certain functions the commission should have, namely:
- examine voter registration and the possibility of the Personal Public Service (PPS) number system being used to add people to the register once they reach voting age;
 - look at ways to increase participation in the political process through voter education and turnout;
 - assume the role of Registrar of political parties;
 - regulate political funding and election expenditure;
 - oversee the Referendum Commission, which would be a sub-unit of the Commission.

PART 3: ANALYSIS OF COSTS

1. Introduction

- 1.1 Part 2, paragraph 1 of this document sets out the list of functions that might be assigned to the electoral commission. These are recommended by the Joint Oireachtas Committee in its 2016 Report and include those identified in the *Programme for a Partnership Government*. All of these functions are presented in Option 4 and a limited number (i.e. both non-statutory and statutory functions) are presented in Options 2 and 3.
- 1.2 The assignment of some of these functions to the Commission is relatively straightforward while others are more complex and will require more detailed examination. An outline of each function and associated costings are set out in paragraphs 2 – 11 below.
- 1.3 To maintain the electoral commission's independence, it is envisaged that funding for an electoral commission would come directly from the central fund of the exchequer, rather than from the vote of any one particular Government Department. In the UK, "the Speakers' Committee"¹⁰ has general oversight of the exercise of the UK electoral commission's functions and, in particular, responsibility for approving its budget and five-year corporate plan.

2. Set up costs and ongoing administrative and operational costs

- 2.1 The establishment of the electoral commission will entail set-up costs and ongoing administrative and operational costs. Estimated set-up costs would include furniture and fittings; office, IT equipment and stationery; IT software e.g. payroll, financial management, human resources management; and rent. The estimated set up costs are €1.5m. This is broadly based on the cost of establishing the Policing Authority of Ireland which is comparable in terms of size and governance arrangements.
- 2.2 Ongoing administrative and operational costs are estimated at €725k and would include the following annual costs: rent; heat/light; office cleaning and maintenance; postal and telecommunications services; travel and subsistence; IT services; training and development and incidental expenses (including members' fees). Based on an initial core staff comprising a CEO and ten administrative staff (9.5 staff currently in Franchise section), estimated annual salary costs are €700k¹¹. Some of the salary costs could be offset by the transfer of SIPO and Franchise staff to the electoral commission. However, any transfer of staff will require the appropriate industrial relations consultation and negotiation. The combined ongoing salary and operational costs are therefore estimated at €1.4m per annum. This would rise over time as staff levels increase and as the commission develops its functions in areas such as research and communications and voter education programmes.

¹⁰ "The Speakers Committee" is made up of the Speaker of the House of Commons and eight other members, namely, the Home Secretary, a Minister for Local Government, the Chairman of the Home Affairs Select Committee and five Members of the House of Commons appointed by the Speaker.

¹¹ Salary costs only

3. Oversight of Running Elections and Referendums and Policy Role

3.1 During the course of the Joint Oireachtas Committee's consultation on the establishment of an electoral commission, the majority of witnesses and submissions indicated that Returning Officers enjoy relatively high levels of trust, while their performance would be enhanced by greater co-ordination, guidance and resources. On foot of this, the Joint Oireachtas Committee concluded that the operational responsibility for organising elections and referendums should remain with Returning Officers (as outlined in the Electoral Acts), with the electoral commission being assigned a central oversight, performance management, co-ordinating and support role.

3.2 The Joint Oireachtas Committee makes no recommendations about the transfer of Seanad elections to the electoral commission. However, it refers to the Seanad electoral register, which is outlined in paragraph 6.3.

3.3 The cost of running the most recent electoral events by Returning Officers are:

Dáil Election	-	€27m
Referendum	-	€12m
European Parliament and Local Election	-	€25m
Presidential Election	-	€30m ¹²

3.4 These costs are met from the Central Fund of the Exchequer and as it proposed that the Returning Officers would continue to run these electoral events, costs would not be attributable to an electoral commission and there would be no additional cost to the exchequer.

3.5 The Joint Oireachtas Committee proposes that the electoral commission would have:

- *a statutory remit to oversee and monitor the performance of Returning Officers and local authorities in carrying out their functions, including the power to issue of guidelines and performance indicators, and*
- *a statutory duty to address shortcomings identified in the organisation of elections, for example, the method of counting surplus votes; and a duty to address the need for early and co-ordinated publication of results and effective communication with the electorate, and to report to the Houses of the Oireachtas in this respect.*

3.6 The Joint Oireachtas Committee recommends that the policy and operational role of the Franchise section of the Department of Housing, Planning and Local Government be moved to the electoral commission¹³. The committee also recommends that the electoral commission would be assigned a policy role that would be deeper and broader than that currently undertaken by Franchise section and would include conducting research on electoral policy and on voter facilitation measures and enhancing voter education and development¹⁴. These latter two functions are addressed separately in paragraphs 9 and 10.

¹² 2011 Presidential election costs which also included costs for a bye-election and 2 referendums held on the same day. Costs for Presidential election 2018 not yet available

¹³ Section 6.2 (page 116) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

¹⁴ Section 6.2 (page 117) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

- 3.7 The Committee recommended that the electoral commission would be assigned Franchise Section's oversight role for electoral events (which are periodic events), together with a broader and deeper policy role (see paras 3.6, 9 and 10). If such functions were to transfer to an Electoral Commission consideration would be given to the implications for staffing levels in Franchise unit and the new Commission.

4. Referendum Commission

- 4.1 The Joint Oireachtas Committee recommends that the functions of the Referendum Commission be subsumed into the electoral commission¹⁵. The Referendum Commission is an independent body that explains the subject matter of referendum proposals, promotes public awareness of a referendum, and encourages the electorate to vote. Since 1998, when referendum commissions were first introduced under the Referendum Act 1998, a Referendum Commission has been established each time a referendum has been held.
- 4.2 The Joint Oireachtas Committee also indicated in its report that maintaining the independence of a referendum information campaign is a key consideration in the assignment of the Referendum Commission functions to the electoral commission. This could be achieved by having the Commission constitute a distinct section of the electoral commission¹⁶.
- 4.3 As things stand, the cost of a Referendum Commission is met by the sponsoring Department of the relevant referendum proposal. The average cost of a Referendum Commission is €2m. The Ombudsman's Office provides the Secretariat to the Commission, the cost of which is estimated at some €700k¹⁷. The total cost for each Referendum Commission is therefore estimated at some €2.7m. However the net additional cost to the exchequer would be nil because the cost of a Referendum Commission is already met by the exchequer and it is envisaged that Secretariat support costs would be offset by the transfer of Ombudsman's Office staff to the electoral commission¹⁸.

5. Constituency Commission and Local Electoral Area Boundary Committee

- 5.1 The majority of submissions and witnesses in the consultation process proposed that the functions of a Constituency Commission (established under the Electoral Act 1997) and a Local Electoral Area Boundary Committee (established under the Local Government Act 1991) should be transferred to the electoral commission. However, some submissions suggested that the Constituency Commission and Local Electoral Area Boundary Committee should remain either outside or partially outside an electoral commission. This latter position was due in part to the view that having these as separate bodies would avoid the scenario whereby an electoral commission sets boundaries to suit its own administrative purposes as the organiser of all elections. Having considered these views, the Joint Oireachtas Committee

¹⁵ Section 6.2 (page 116) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

¹⁶ Section 2.8 (page 45) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

¹⁷ This estimated cost of €700k includes salaries and overheads but does not reflect all costs such as rent/rates and cost of input by senior management in the Ombudsmans Office, SIPO, Information Commissioner and members of the SIPO Commission.

¹⁸ Transfer of staff is subject to IR consultation and negotiation

concluded with the recommendation that the functions of the Department of Housing, Planning and Local Government in providing the secretariat to the Constituency Commission and to the Local Electoral Area Boundary Committee should transfer to the electoral commission¹⁹.

- 5.2 The Secretariat support provided by the Department of Housing, Planning and Local Government to the 2016 Constituency Commission was some €36k.
- 5.3 The Secretariat support provided by the Department of Housing, Planning and Local Government to the Local Electoral Area Boundary Committee was some €76k.
- 5.4 However, it is considered that the cost of the secretariat support for both the Constituency Commission and the Local Electoral Area Boundary Committee would not be an additional cost to the exchequer as these costs are currently incurred by the Department of Housing, Planning and Local Government. It should be noted that this work only arises every five years approximately.

6. Register of Electors

- 6.1 Reform of the Register of Electors was identified as a key issue in the Joint Oireachtas Committee's consultation process. In its 2016 report the Joint Oireachtas Committee outlines certain problems with the register and proposes some approaches to dealing with them. Since the report was published, the Government decided (7 March 2017) that work should commence on modernisation of the voter registration process, in the context of the decision to hold a referendum to extend voting rights to citizens living outside the State at Presidential elections.
- 6.2 A scoping report on the modernisation of the electoral registration process has identified a series of potential reforms to the registration process to improve and maintain completeness and accuracy. Many of these reforms were identified by the Oireachtas Joint Committee. It is estimated that the modernisation of the voter registration process would take a minimum of two to three years to deliver and that this work could be progressed in tandem with the establishment of the electoral commission with a view to the commission ultimately taking on functions relating to the Electoral Register. The nature and extent of those functions would depend on the ultimate decision by Government about the long term governance of the electoral registration process – whether it is to be managed by a centralised body such as the electoral commission or continue to be administered via the Local Government system, with oversight by the Commission. The costs involved relate to investment in new ICT solutions and significant public awareness campaigns. Preliminary estimates of the costs are €1.6m to €2.4m over a two to three year period. This is not expected to be a cost for the commission, however, but rather for the Modernisation project. There will however be ongoing annual costs for the management of the electoral register and the oversight of that process that will fall to the relevant body or bodies involved.
- 6.3 The Joint Oireachtas Committee report recommends that an electoral commission should be assigned the task of working with third-level institutions to compile the electoral register in the

¹⁹ Section 6.2 (page 116) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

context of the expansion of the electorate for the Seanad university seats. It also states that in the context of any more extensive reform to the Seanad electoral process that might be decided upon, an electoral commission should be responsible for deciding how to compile the register and investigating ways to expand the register. It should be noted that the reform of the Seanad, including the Seanad electoral register, is being examined separately by the Seanad Reform Implementation Group, established by the Department of the Taoiseach in May 2018.

7. Register of Political Parties

- 7.1 Functions associated with the Register of Political Parties under section 25 of the Electoral Act 1992 are carried out by the Clerk of the Dáil. The main purpose of registering a political party in the Register of Political Parties is that candidates at elections who are members of registered parties may add their parties' names to their own names on the ballot paper. One of the conditions for a '*qualified party*' to receive payments under the Part III of the Electoral Act 1997 is that it must be registered in the Register of Political Parties in accordance with the Electoral Act 1992²⁰.
- 7.2 While not all submissions or witnesses in the consultation process addressed the Register of Political Parties function directly, no one consulted by the Joint Oireachtas Committee suggested it should remain the responsibility of the Clerk of the Dáil. The Committee concluded that this function should be assigned to the electoral commission²¹. The cost of carrying out this function is estimated at €5,000 per annum, which is largely made up of staff costs. This cost would be attributable to the electoral commission as it is not proposed to transfer staff from the Office of the Clerk of the Dáil to the commission.

8. Monitoring and reporting on political spending and donations

- 8.1 This work is currently carried out at national level by the Standards in Public Office Commission (SIPO) and at local level by local authorities. The Joint Oireachtas Committee recommends that the regulation of political funding and election expenditure currently carried out by SIPO be assigned to the electoral commission. The Committee also recommends that the electoral commission should provide a support and advisory role to local authorities in their regulation of political funding and election expenditure at a local level.²²
- 8.2 The main costs associated with these recommendations are staff and overhead costs, which for SIPO are estimated at some €600k²³ per annum. It is envisaged that the net cost to the exchequer would be nil because SIPOs costs would be offset by the transfer of its staff to the electoral commission to perform these duties.²⁴
- 8.3 As it is not proposed to transfer local authorities' functions on monitoring and reporting on political spending and donations to the electoral commission, the net cost to the exchequer would be nil. A support and advisory role for the Commission in providing support to local

²⁰ Section 16 of the Electoral Act 1997

²¹ Section 6.2 (page 116) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

²² Section 6.2 (page 116) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

²³ This estimated cost of €600k does not reflect all costs such as rent/rates and input by senior management in the Ombudsmans Office, SIPO, Information Commissioner and members of the SIPO Commission.

²⁴ Transfer of staff is subject to IR consultation and negotiation

authorities at local level would not entail a significant amount of work – this support is currently provided by the Franchise unit in the DHPLG.

9. Research

- 9.1 The Joint Oireachtas Committee considers that an electoral commission should take on a broader policy development role to address gaps in electoral policy planning and development. To achieve this, the Committee concludes that an electoral commission could be assigned a statutory duty to conduct independent research on electoral policy, which would inform Government and Parliament in their consideration of reform to electoral law and which would inform the public²⁵.
- 9.2 The cost of conducting research is an open ended question and depends on the level and complexity of research required. However, for comparison purposes, the UK Electoral Commission spent some £347k in 2017/18 on research (equivalent to €393k) and some £431k in 2016/17 (equivalent to €488k). Using these figures as a basis and reflecting the smaller scale of the population in Ireland in conducting surveys/polls/testing etc for the purposes of research, it is suggested that a budget of some €220k be provided to the electoral commission for research purposes (this is approximately half the UK budget). This cost could rise or fall over time. The type of research undertaken by the UK Electoral Commission includes research on: electoral registration, electoral data (e.g. electorates, turnout, rejected ballot papers); public opinion surveys; referendum question testing.

10. Voter Education and Engagement

- 10.1 As part of the Joint Oireachtas Committee recommendation that an electoral commission should take on a broader policy development role, it recommends that an electoral commission should develop and implement policy on voter facilitation measures and develop and implement innovative ways to enhance voter education and engagement²⁶. During the course of the public consultation, some suggestions were offered including civic education programmes; engaging with children, young people and migrant communities by making funding available for programmes to be run by organisations working with these target groups²⁷; and that the electoral commission should also have a role in encouraging registration and voting at electoral events – possibly through the development of a website²⁸.
- 10.2 As with the conduct of research, the cost of running voter education and engagement programmes could vary depending on the extent and complexity of the programmes concerned. However, for the purposes of estimating a cost, such programmes run by the UK Electoral Commission cost some £2.8m in 2017/18 and some £2.6m in 2016/17. In contrast, New Zealand's Electoral Commission spent some €21,000 on a public information campaign for one electoral event (general election 2014). Given the smaller scale of such programmes in Ireland, but acknowledging the type and range of voter education programmes recommended by the Joint Oireachtas Committee, it would not seem unreasonable to suggest a budget of €200k for this work but it could be expected that this would increase over time.

²⁵ Section 6.2 (page 117) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

²⁶ Section 6.2 (page 117) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

²⁷ Section 2.4 (page 39) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

²⁸ Section 2.3 (page 38) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

11. Performance Indicators

- 11.1 The Joint Oireachtas Committee recommends that one of the accountability mechanisms that could be adopted by the electoral commission is the development of performance indicators that are linked to high level objectives against which the performance of the commission can be assessed²⁹.
- 11.2 The Committee in its report says that the precise functions of an electoral commission, and its high-level goals, would need to be clear before performance indicators are set. Notwithstanding this, the Committee proposes some possible performance indicators for an electoral commission, which are either output or impact focused³⁰ and gives some examples in Table 7 of its report³¹.
- 11.3 Output indicators are designed to measure how efficiently and successfully the commission is implementing agreed activities or outputs. Examples might include satisfaction by participants with a voter education programme (measured by survey), the accuracy of the electoral register (measured by spot-checks) or the amount of time and number of contacts it takes for an elector to put his/her name on the electoral register. Impact indicators tend to be longer-term and measure the result of the activity and output of an organisation or policy (i.e. is implementation of these outputs helping the agency to achieve its higher-level goals?).
- 11.4 The Committee goes on to say that best practice suggests that data on most of the targets chosen should be relatively easily obtained through internal systems. If targets are framed around client satisfaction there will be a need for surveys of the clients. Such surveys should be taken annually, where appropriate, and the questions asked should not vary substantially year on year or, where appropriate, from election to election or referendum to referendum.
- 11.5 As part of its work in developing and monitoring performance measures on the topic of 'understanding how to vote' at the general election in 2014, the New Zealand Electoral Commission engaged a market research company to undertake pre and post-election surveys on voters and non-voters. The cost of this work, which included a benchmarking survey, a campaign period survey and a post-election survey, was some €143k. As New Zealand is similar in scale and size to Ireland, a similar budget is proposed for the electoral commission for the development of performance indicators.

²⁹ Section 6.9 (page 125) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

³⁰ Section 3.3.5 (page 95) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

³¹ Table 7 (page 98) of the Report of the Joint Oireachtas Committee on the Consultation on the proposed Electoral Commission

**PART 4: OPTIONS FOR ESTABLISHMENT OF AN ELECTORAL COMMISSION
FUNCTIONS AND COSTS**

**Option 1
No Policy Change**

This option is presented as a baseline to enable comparisons to be made with the relative costs identified in Options 2, 3 and 4.

1.1. Costs

(a) Setup and ongoing operational costs

As no changes would be made to current arrangements, the set-up and ongoing operational costs would be Nil.

€0

(b) Oversight of running elections and referendums and policy support

Salary costs.

€275k (based on similar existing costs)

(c) Referendum Commission

Average cost of a Referendum Commission, together with Secretariat support is:

€2.7m

(d) Secretariat Support for Constituency Commission and Local Electoral Area Boundary Committee

(i) Cost of Secretariat support for Constituency Commission in 2016.

€36k

(ii) Cost of Secretariat support for Local Electoral Area Boundary Committee 2018 was:

€76k

(e) Register of Political Parties

The annual cost of maintaining the register of political parties by the Clerk of the Dáil is

€5k

(f) Monitoring and reporting on political spending and donations (national level)

€600k

(g) Research

There is no dedicated budget for research at present

€0

(h) Voter Education and Engagement

There is no dedicated budget for voter education and engagement at present

€0

(i) Performance Indicators

There are no performance indicators in place

€0

Total Cost of Option 1: €3.7m

1.2. Benefits

- No additional cost to the exchequer.
- No additional benefits arising from absence of change to existing arrangements

1.3. Impacts

- Existing identified deficiencies would not be addressed.
- Limited progress will have been made in introducing reforms.
- The Programme for Government commitment to reform this area would not be implemented.

Option 2 –

Establish the electoral commission on a non-statutory basis initially, and assign a limited number of non-statutory functions with a view to establishing a statutory commission within 18 – 24 months and assigning further statutory functions at that time

2.1. Additional Cost to the Exchequer, over and above those set out in Option 1 (no change)

(a) Setup costs and ongoing administration and operational costs

(i) Set-up costs :

€1.5m

(ii) Ongoing administration and operational costs

€1.4m

(b) Secretariat Support for Local Electoral Area Boundary Committee

No additional cost to the exchequer

€0

(c) Support and advisory role to local authorities on political spending and donations

Estimated cost is:

No additional cost to the exchequer

€0

(d) Research

Estimated cost is:

€220k

(e) Voter Education and Engagement

Estimated cost is:

€200k

Total Additional Cost to the Exchequer over and above Option 1 (no change): €3.3m

2. Benefits

- Setting up an electoral commission on a non-statutory basis and assigning a limited number of non-statutory functions would get a commission up and running quickly.
- It would allow time for an electoral commission to bed down thereby minimising the risk of comprising the existing high level of trust in the integrity of the electoral system. This would then facilitate the assignment of additional functions in a coordinated manner.
- The assignment of new functions to the commission, such as research and voter education, could bring about innovative approaches to reforming the electoral process.
- Would commence the process of bringing better co-ordination to electoral administration.

2.3 Impacts

- Improved oversight arrangements of the electoral system.
- Would get an electoral commission up and running in a relatively short time on a limited basis with a view to enhancing its role and functions over the short to medium term.
- The *Programme for a Partnership Government* commitment would be implemented.
- Early establishment of a Commission would be in line with the recommendation of the *Interdepartmental Group on the Security of the Electoral Process and Disinformation* to expedite the establishment of an electoral commission.

Option 3

Establish the Electoral Commission on a statutory basis and assign a limited number of functions initially, with a view to assigning further functions over time.

3.1. Additional Cost to the Exchequer, over and above those set out in Option 1 (no change)

(a) Setup costs and ongoing administration and operational costs

(i) Set-up costs :

€1.5m

(ii) Ongoing administration and operational costs

€1.4m

(b) Referendum Commission

No additional cost to the exchequer

€0

(c) Secretariat Support for Constituency Commission and Local Electoral Area Boundary Committee

No additional cost to the exchequer

€0

(d) Register of Political Parties

The annual cost of maintaining the register of political parties by the Clerk of the Dáil is

€5k

(e) Support and advisory role to local authorities on political spending and donations

Estimated cost is:

No additional cost to the exchequer

€0

(f) Research

Estimated cost is:

€220k

(g) Voter Education and Engagement

Estimated cost is:

€200k

Total Additional Cost to the Exchequer over and above Option 1 (no change): €3.3m

3.2. Benefits

- Establishing an electoral commission on a statutory basis and transferring a limited number of statutory functions of existing bodies would help ensure that such functions, systems and procedures which are already established, could bed down smoothly in the commission, before

allowing further functions are introduced. This would help minimise the risk of compromising the existing high level of trust in the integrity of elections and referendums.

- Would bring better co-ordination to electoral administration.
- Would drive reforms to address identified problems.
- The assignment of new functions to the commission, such as research, voter education and performance indicators, could bring about innovative approaches to reforming the electoral process.

3.3 Impacts

- Improved oversight arrangements of the electoral system.
- More streamlined electoral administration by having one body subsume the role currently carried out by a number of bodies.
- By assigning functions on a phased basis and ensuring they are properly bedded down and operating smoothly, the risk of compromising the existing high level of trust in the integrity of elections and referendums is reduced.
- The Government commitment to establish an electoral commission would be implemented; however, implementation would take longer than for option 2 as legislation would be required.

Option 4

Establish the electoral commission on a statutory basis with all functions transferred from the outset

4.1. Additional Cost to the Exchequer, over and above those set out in Option 1 (no change)

(a) Setup costs and ongoing administration and operational costs

(i) Set-up costs :

€1.5m

(ii) Ongoing administration and operational costs

€1.4m

(b) Oversight of running elections and referendums and policy role

No additional cost to the exchequer

€0

(c) Referendum Commission

No additional cost to the exchequer

€0

(d) Secretariat Support for Constituency Commission and Local Electoral Area Boundary Committee

No additional cost to the exchequer

€0

(e) Register of Political Parties

The annual cost of maintaining the register of political parties by the Clerk of the Dáil is

€5k

(f) Monitoring and reporting on political spending and donations (national level)

No additional cost to the exchequer

€0

(g) Support and advisory role to local authorities on political spending and donations

Estimated cost is:

No additional cost to the exchequer

€0

(h) Research

Estimated cost is:

€220k

(i) Voter Education and Engagement

Estimated cost is:

€200k

(j) Performance Indicators

Estimated cost is:

€145k

Total Additional Cost to the Exchequer over and above Option 1 (no change): €3.5m

4.2. Benefits

- Would bring better co-ordination to electoral administration.
- Would drive reforms to address identified problems.
- The assignment of new functions to the commission, such as research, voter education and performance indicators could bring about innovative approaches to reforming the electoral process.

4.3. Impacts

- Improved oversight arrangements of the electoral system.
- More streamlined electoral administration by having one body subsume the role currently carried out by a number of bodies.
- Opportunity for innovative approaches to reforming the electoral process.
- Establishing an electoral commission with all functions assigned at the one time, without allowing time for the commission to bed down and iron out teething problems, runs the risk of compromising the existing trust in the integrity of elections and referendums.
- The Government commitment to establish an electoral commission would be implemented; however, implementation would take longer than for option 2 as legislation would be required.

Franchise Section

Department of Housing, Planning, Community and Local Government

November, 2018