Introduction

Future Matters is an independent campaign of young people of various party affiliations and none who are committed to the ongoing reform of the Seanad. Previously, we have submitted to a public consultation[1] on the provisions of the Seanad Universities Electoral Bill. Indeed many of the comments of this submission are broadly drawn from our previous submission[2]. Seanad Éireann needs reform. The current electoral system was – rightly – pointed out by proponents of Seanad abolition as élitist and heavily controlled by political parties. The only 'reform' offered by the current Government with regard to Seanad franchise is to expand the Universities Panel electorate to include all third level graduates.

Members of Future Matters together with Labour Senators
Featured on Broadsheet.ie on July 24, 2013
www.broadsheet.ie/2013/07/24/stepping-out-of-line

Reform of Seanad Electoral system

We have confined our comments in this submission to measures which could be adopted with relative ease and in addition are within constitutional limits as required by the terms of reference of this consultation. Such measures should be enacted in time for the running of the next Seanad election which is due to take place within the next 18 months[3]. As to the day to day operations of how the Seanad conducts its business, we feel that it is the Senators themselves who are best placed to make any necessary adjustments to their standing orders. However, we note the many suggestions in this space by groups such as Democracy Matters and Lawyers for Seanad Reform relate to the extension

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[1] Submissions - General Scheme of the Seanad **Electoral (University Members) (Amendment) Bill 2014**
http://www.environ.ie/en/LocalGovernment/Voting/PublicConsultations/SeanadSubmissions/

[2] **Seanad Electoral (University Members) (Amendment) Bill 2014 -** Future Matters Submission
http://www.environ.ie/en/LocalGovernment/Voting/PublicConsultations/SeanadSubmissions/FileDownLoad,37555,en.pdf

[3] Current procedures for election to the Seanad is set out in this leaflet –"How the Seanad is Elected" Department of the Environment, Community and Local Government August 2014
http://www.environ.ie/en/LocalGovernment/Voting/PublicationsDocuments/FileDownLoad,3724,en.pdf

of the Seanad's contributions to enhanced scrutiny of European Commission communications for proposed EU Directives and receiving the briefings in advance of the attendance of Ministers to various European Council meetings.[4]

Seanad Universities Electoral Bill

We note that the Seanad Universities Electoral Bill which is currently before the Houses for their consideration. It is noted with regret that the Bill limits the scope of its reform provisions to only 6 seats of the 60 in the Seanad. Furthermore, the Bill proposes to give effect to the result of the 1979 constitutional referendum, where the overwhelming majority of the electorate endorsed extending the franchise to all institutions of higher education in this State[5]. We welcome its enactment which is long overdue. We welcome and support the amalgamation of the two separate university panels into one single 6 seat constituency. We note that this addresses the longstanding unfairness in the system namely, that graduates who held degrees from both an NUI and Trinity College Dublin were entitled to vote on both panels. We also note that all entitled graduates, regardless of their current place of residence whether within the Republic of Ireland or outside of the State will retain their right to vote in Seanad elections and this is welcomed.

Seanad Nominating Bodies

We propose that legislation should be passed to amend the Seanad Electoral (Panel Members) Act 1947[6] such that organisations from Northern Ireland and organisations which represent the Irish diaspora in many countries around the world which meet the requirements of a particular vocational panel should be admitted to the Seanad Nominating Body Register. Initially, a prospective list of diaspora organisations could be drawn from those which receive funding from the Department of Foreign Affairs under the Emigrant Support Programme[7]. It would also be worth considering organisations which represent the Irish diaspora in some capacity but may not be funded by the DFA – professional groups such as the Irish-American Bar Association.

Another issue of concern is the lack of clear and concise information on the application process for prospective Seanad Nominating Bodies are required to undertake in order to register as a Nominating Body. An Information Campaign which details the application process, the necessary form to be completed and outlines the types of supporting documentation[8] needed in order to fully satisfy the

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[4] A function previously performed by the Joint Committee on European Scrutiny (2007 – 2011) which has since been subsumed into the Joint Committee on European Affairs

[5] Over 92% of the Irish electorate endorsed extending the franchise to institutions of higher education as determined through legislation. As outlined in Referendum Results 1937 – 2013, Department of Environment, Community and Local Government accessed 9/4/14
http://www.environ.ie/en/LocalGovernment/Voting/Referenda/PublicationsDocuments/FileDownLoad,1894,en.pdf

[6] Current procedures are governed by - SEANAD ELECTORAL (PANEL MEMBERS) ACT, 1947
http://www.irishstatutebook.ie/1947/en/act/pub/0042/index.html and SEANAD ELECTORAL (PANEL MEMBERS) ACT, 1954
http://www.irishstatutebook.ie/1954/en/act/pub/0001/print.html

[7] The Department of Foreign Affairs and Trade through its Emigrant Support Programme (ESP) provides funding to not-for-profit organisations and projects to support Irish communities overseas and to facilitate the development of more strategic links between Ireland and the global Irish. https://www.dfa.ie/our-role-policies/the-irish-abroad/emigrant-support-programme/

[8] Company constitutive documents (Certificate of Incorporation, Memorandum and Articles of Association, Audited Financial Accounts, Tax Registration Status and any publications produced by the organisation outlining its activities

Seanad Returning Officer of an organisations vocational expertise for the relevant vocational panel. There is also anecdotal evidence to suggest that some NGOs have found it difficult to complete the process to be admitted to the Administration Panel, notwithstanding their offering of public services to individuals on a charitable basis (eg information provision, free legal advice and representation services etc) due to their advocacy work to campaign for better service provision by the State for their service users. Provision of clear and detailed advice to prospective Nominating Bodies as to the requirements before the commencement of the application period in February each year would be useful in this regard.

Abolition of the In/Out divide on Vocational Panels

The nomination process for candidates[9] on each of the panels[10] should be reformed and the divide between In/Out panels should be eliminated[11]. The only method of nomination to become a candidate for election to the Seanad should be through obtaining a nomination from a Seanad Nominating Body[12] registered as such a Nominating Body for the panel on which they seek their election. As Seanad Nomination Bodies have been certified by the Seanad Returning Officer as being such bodies which hold the necessary vocational expertise for the panel on which they are registered, they are best placed to access whether a prospective candidate holds the requisite qualifications to represent the vocational interests of the said panel. The 'In' panel nomination process should be repealed and the seats reserved for candidates on this panel should be added to those available for election on the full vocational panel through obtaining a nomination from a Seanad Nominating Body.

Independent Electoral Commission to facilitate Seanad Elections

The logic behind councillors voting on behalf of the citizens is that of subsidiarity, a core ideal in representative democracy. That said, there is no link currently between who is elected to Seanad Éireann and what councillors' electorates' wishes for the chamber are. There is a void between the People and the Seanad and this void needs to be bridged. Giving citizens a more direct say in the process is central to restoring confidence in the Chamber. As such we propose the establishment of an Independent Electoral Commission to facilitate a Town Hall style meeting in each Local Electoral

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[9] Candidates must be over the age of 21
[10] Seanad Panels: There are currently five panels on which candidates may seek election to 43 seats in the Seanad. They are set out in Article 18 of the Constitution as follows:–
Before each general election, five panels are formed, which contain candidates who have knowledge and practical experience of each of the below vocational areas:
Cultural and educational panel: This includes people involved with the national language, culture, literature, art, education, law and medicine. It has 5 seats and elects a min of 2 seats from each sub-panel.
Agricultural panel: This includes people involved in agriculture and fisheries. It has 11 seats and elects a min of 4 seats from each sub-panel.
Labour panel: This includes people involved in either organised or unorganised labour. It has 11 seats and elects a min of 4 seats from each subpanel.
Industrial and Commercial panel: This includes people involved in industry and commerce, including banking, finance, accountancy, engineering and architecture. It has 9 seats and elects a min of 3 from each sub-panel.
Administrative panel: This includes people involved in public administration and social services, including voluntary social services. It has 7 seats and elects a min of 3 from each sub-panel.
[11] The five panels are then each divided into two panels; the Oireachtas sub-panel and the Nominating Bodies sub-panel. These are sometimes referred to as the In and Out panels. They are either nominated by a Seanad Nominating Body (the 'Out' panel) or by outgoing and or by four members of the Oireachtas incoming TDs and Senators ('In' panel). Each panel has a set number of seats reserved for a specific number of candidates from each of the In and Out panels with the remainder of seats being filled by the highest finishing candidates.
[12] Seanad Nominating Bodies are usually non-profit organisations which represent the vocational interests of one of the panels.

Area for the 3 months prior to the Seanad election. All councillors for the LEA would attend the meeting in addition to prospective candidates on the various vocational panels and the registered voters of that LEA. The Electoral Commission would facilitate hustings and debates from the candidates and the answering of questions put to them by members of the constituency. Ballot papers would then be circulated to each registered voter to indicate their preference through PRSTV of which candidates on each panel the councillors representing that LEA should vote for on their behalf. Members of the Electoral Commission would count the ballots and maintain a record of the results which can be posted online. In this way, an element of an Electoral college concept could be introduced into the manner in which councillors exercise their vote in choosing which candidates to support in the Seanad election on each vocational panel.

Seanad Polling Day and Public Count Centre

As it stands currently, the Seanad election takes place within a few months of the general election of the Dail. This procedure should be reformed and both elections should take place on the same day. Furthermore, the counting of the votes cast in the Seanad election traditionally takes place in Leinster House. This is not a forum easily accessible to members of the public. To enhance the transparency of the Seanad electoral process and to enable better engagement with the citizens who vote in Seanad elections, the Seanad electoral count should take place in public. We have no preferred method for the Count to take place in mind, we in Future Matters simply wish to underscore the importance of the removal of the count being from behind the closed doors of Leinster House and for the Count process to be brought into the public domain. This move, we believe, whereby the Seanad count totals are announced either alongside or relatively soon after the Dail counts for each area would help to address the perception of the Seanad as an elitist house far removed from the Irish electorate. Instead attention would be focused on the Seanad election results concurrent with the Dail election results and go some way to embedding the notion of the Seanad as the 'People's House' in the psyche of the nation.

As to where such a public Seanad count could occur, we believe it should either be in one central location such as the RDS for the count of each vocational panel. Alternatively there could be a regional spread of the Count Centres for each vocational panel in different place eg the ballots for the Agricultural Panel to be counted in in Tipperary, Administration in Dublin, Industrial & Commercial in Cork etc

Taoiseach's Nominees

As to the 11 seats to whom election rests at the discretion of the Taoiseach – we would respectfully submit a number of suggestions. Namely, that a set of objective criteria through which the Taoiseach exercises his or her discretion should be published in advance of said nominations. That a long list of prospective candidates should be drawn up by the newly elected Dail for consideration by the Taoiseach from which he or she could make his selection. It is also proposed that each of the 11

candidates should have to go through a vetting process by both elected Houses to ensure they can fulfil their duties as Senators.

The unfettered discretion afforded to the Taoiseach in the choosing of 11 nominees to become members of the Seanad needs to be addressed and radically reformed to maintain a balance between these seats being appointed at the discretion of the Taoiseach and oversight by the elected Houses of the Oireachtas to ensure that such nominations are made on their merits and not to repay political favours. There have been many examples where the perception of such motivation behind some Taoiseach's nominations can be levelled, with perhaps the most notable example in recent times being the nomination of Mr John McNulty to contest the recent by-election caused by the election of Sen. Deirdre Clune as a Member of the European Parliament[13]. Whilst not directly coming within the purview of the discretion afforded to the Taoiseach to directly nominate 11 members of the House, it was an example of the negative impact on the standing of the Seanad among the general public through the reasonable perception of it being a tool of the political elite. The nomination of Eoghan Harris in 2007 is perhaps a more on point example of this issue[14].

Future Matters

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[13] John McNulty withdraws from Seanad byelection race as Taoiseach says he let standards slip Irish Times, 30 Sept 2014 http://www.irishtimes.com/news/politics/john-mcnulty-withdraws-from-seanad-byelection-race-as-taoiseach-says-he-let-standards-slip-1.1946773
[14]TV bosses 'uneasy' at Harris on Late Late O'Brien, J Irish Independent 28 Feb 2008 http://www.independent.ie/irish-news/tv-bosses-uneasy-at-harris-on-late-late-26426591.html