

# **IRELAND**

# EARLY PARLIAMENTARY ELECTIONS 29 November 2024

# **ODIHR NEEDS ASSESSMENT MISSION REPORT** 14-16 October 2024



Warsaw 20 November 2024

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### IRELAND EARLY PARLIAMENTARY ELECTIONS 29 November 2024

#### **ODIHR Needs Assessment Mission Report**

# I. INTRODUCTION

In anticipation of an official invitation from the authorities of Ireland to observe the parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 14 to 16 October 2024.<sup>1</sup> The NAM included Meaghan Fitzgerald, ODIHR Head of Election Department and Kakha Inaishvili, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for these elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Department of Foreign Affairs and the Permanent Mission of Ireland to the OSCE for their assistance in organizing the NAM as well as all of its interlocutors for taking time to meet with the NAM and for sharing their views.

## II. EXECUTIVE SUMMARY

The 174-member lower house of the bicameral parliament (Dáil) is elected for a five-year term from 43 multi-member constituencies. Seats are allocated proportionally, through a single transferable vote system, in which voters numerically rank candidates in order of preference on their ballot. Following the 2023 revision of constituencies, the number of constituencies was increased from 39 to 43 resulting in an adjustment of the number deputies from 160 to 174.

The electoral framework has undergone significant reform through the 2022 Electoral Reform Act, which introduced several key changes, including the establishment of an independent Electoral Commission, new regulations modernizing voter registration processes, including the planned creation of a centralized voter register. While these changes addressed some previous ODIHR recommendations, particularly regarding the establishment of an independent election commission and improved voter registration, other recommendations remain unaddressed, such as the harmonization of electoral legislation and the status of citizen and international observers. All ODIHR NAM interlocutors expressed confidence in the legal framework for elections.

The system of election administration is decentralized. The Department of Housing, Local Government and Heritage co-ordinates electoral operations and issues guidelines for Returning Officers, which will be published online for the first time. Returning Officers are responsible for the conduct of elections in their respective areas, with voting taking place across approximately 6,500 polling stations. The Electoral Commission, established in 2023 as an independent body, assumed various existing electoral functions from other bodies, including revising constituencies, providing information about the subject matter of referendums, and maintaining the register of political parties. The Commission's functions

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On 11 November 2024, ODIHR received an official invitation to observe the elections.

also include electoral research, oversight of the voter register, public awareness campaigns, and, once relevant legislation comes into force, regulation of online political advertising and investigating disinformation and manipulative behaviour. All ODIHR NAM interlocutors expressed confidence in the ability of those responsible for administering the election to manage the election process professionally and impartially.

Irish citizens aged 18 years or older and British citizens permanently residing in the country are eligible to vote. Following the 2022 amendments, a centralized, verifiable database is in the early stages of being developed to consolidate regional voter registers. Recent amendments have also introduced a unique identifier for each voter to verify their identity, in line with a prior ODIHR recommendation, expanded eligibility for postal voting and allowed individuals without a fixed address to register. While acknowledging issues about the accuracy and currency of the voter registers, most ODIHR NAM interlocutors expressed confidence in the process and raised no concerns regarding multiple voting. There are at least 3.6 million registered voters for the upcoming elections.

To run for office, citizens must be over 21 years of age with legal capacity excluding those serving prison sentences of more than six months or holding certain public positions. Candidates can run in multiple constituencies without residency requirements and may be nominated by parties or run independently. ODIHR NAM interlocutors expressed confidence in the candidate registration process, while some political party interlocutors see a need for clearer guidance on procedures and raised concerns about the requirement for an address for a candidate to be on ballot papers.

Women remain under-represented in public offices, holding 23 per cent of seats in the lower house, and 40 per cent in the Senate. In the current government, 4 of 15 ministerial posts are held by women. According to many ODIHR NAM interlocutors, women face structural barriers, including childcare responsibilities, and cultural attitudes that create obstacles for women seeking to run for office. In addition, the prevalence of violence and harassment of women in politics, a phenomenon exacerbated by the growth of social media platforms and inadequate regulation of online content, is of concern. Political parties must meet a 40 percent gender quota or risk losing half of their state funding for non-compliance. ODIHR NAM interlocutors found the sanctions for non-compliance sufficiently dissuasive but at the same time informed that the transferable vote system impacts the overall effectiveness of the quota.

The official campaign begins after the dissolution of the *Dáil* and lasts until the polling day. Many ODIHR NAM interlocutors view the election campaign as presenting a number of challenges. Women candidates in particular and to a certain degree minority candidates face significant risks of violence and harassment, both online and offline. Interlocutors see this as exacerbated by the involvement of farright groups that they report have frequently disrupted traditional campaigning activities and contributed to a hostile environment that deters political participation and engagement from both candidates and voters. The campaign is expected to focus on pressing domestic issues, while utilizing a hybrid approach that combines traditional outreach with digital strategies. Online disinformation campaigns exploiting sensitive issues, particularly anti-migrant rhetoric are also expected to feature in the upcoming electoral campaign.

Election campaigns may be financed from private funds and in-kind donations. The law provides for campaign expenditure ceilings as well as disclosure and reporting requirements and a gradual range of sanctions for the potential financial infringements. There are no reporting requirements prior to election day, but expenditures incurred for campaign materials prior to the official campaign period must be reported as election expenditures. The Standards in Public Office Commission oversees political and campaign finances, and provides guidelines to contestants. Most ODIHR NAM interlocutors expressed

satisfaction with the campaign finance rules, but some stated that the regulatory framework would benefit from further revision to ensure effective and timely disclosure and enforcement.

The media landscape is diverse and includes a wide range of broadcast and print media. The 2009 Broadcasting Act requires broadcasters to maintain fairness, objectivity, and impartiality. The public broadcaster uses a range of indicators of political support to determine the fair allocation of airtime. Paid political advertising is prohibited on broadcast media, but parties may receive free airtime for political broadcasts. Print media operates under self-regulation. While political party representatives expressed confidence in the impartiality of media coverage, during ODIHR NAM meetings, some interlocutors suggested that the criteria for debates could be more consistent across elections.

The law specifies electoral offenses that can be challenged in the High Court, covering voter and candidate registration, campaigning, the voting and counting processes, as well as election results. High Court decisions can be appealed to the Supreme Court. Any person registered or entitled to be registered as a voter in the constituency may lodge a complaint within 14 days of the declaration of the results. No ODIHR NAM interlocutor raised any concern regarding the election dispute resolution mechanism or lack of effective redress.

All ODIHR NAM interlocutors expressed confidence in the legal framework for elections and noted the overall professionalism and impartiality of those responsible for administering the election and its ability to efficiently organize elections. Most ODIHR NAM interlocutors generally stated that a comprehensive ODIHR observation mission was not required. However, they welcomed a potential ODIHR observation activity, recognizing the value and importance of an external assessment in improving the electoral process and in particular the value an external review of recent legislative changes and new electoral bodies could provide. In this context, areas that could benefit from review include the implementation of the amended legal framework, adjustments in the administration of elections, including issues related to voter registration; the conduct and oversight of the campaign, including online; campaign finance regulations; the participation of women; participation of persons with disabilities as well as the media coverage of the elections.

On this basis, the ODIHR NAM recommends deployment of an Election Assessment Mission, but taking into consideration the limited time and the constraints on both financial and human resources at this time, ODIHR is not in the position to undertake an election-related activity for the 2024 early parliamentary elections. ODIHR considers that issues identified by the stakeholders as potentially benefiting from external scrutiny can also be analysed and addressed through other tools that ODIHR is ready to provide. In this context, ODIHR reaffirms its readiness to support the authorities in future electoral reform processes and encourages the authorities to consider and implement previous ODIHR electoral recommendations, alongside the issues raised during the NAM.

## III. FINDINGS

## A. BACKGROUND AND POLITICAL CONTEXT

Ireland is a parliamentary republic. The bicameral *Oireachtas* (Parliament), elected for a five-year term, is composed of a directly elected lower chamber, the *Dáil Éireann* (House of Representatives), and an indirectly elected upper chamber, the *Seanad Éireann* (Senate). The *Taoiseach* (Prime Minister) leads the government and is appointed by the president following nomination by the *Dáil*. The president is the head of state with limited powers and is directly elected for a maximum of two seven-year terms.

The last parliamentary elections took place in February 2020 during which no political party won a majority.<sup>2</sup> Initial attempts to form a government were unsuccessful, necessitating coalition negotiations among traditional rivals *Fianna Fáil* and *Fine Gael*. Subsequently, a coalition was formed that also included the Green Party and envisaged a rotating prime minister between *Fianna Fáil* and *Fine Gael*. Notably, a Programme for Government, agreed upon by the coalition, included a commitment on electoral reform.<sup>3</sup> The new government was formed in June 2020, 129 days after the elections.

On 8 November 2024, *Taoiseach* Simon Harris officially announced early parliamentary elections for 29 November, leading to a start of the three-weeks campaigning. The call for early elections was widely anticipated among the ODIHR NAM interlocutors.

Women remain under-represented in public offices, holding 37 of 160 mandates (23.1 per cent) in the lower house, and 24 of the 60 mandates (40 per cent) in the Senate.<sup>4</sup> In the current government, 4 of 15 ministerial posts are held by women.<sup>5</sup> There are 4 women among the current and retired 9 judges of the Supreme Court of Ireland, one of which is also the Chair of the Electoral Commission. According to Irish Human Rights and Equality Commission (IHREC), while the number of women in politics increased significantly following the introduction of gender quotas in previous years, progress stagnated between 2016 and 2023, and women's political participation remains low. In addition, women face structural barriers, including childcare responsibilities, lack of maternity leave for parliament members, financial constraints, and cultural attitudes that create obstacles for women seeking to run for office.<sup>6</sup> The IHREC and numerous ODIHR NAM interlocutors have also expressed concern about the prevalence of violence and harassment of women in politics, a phenomenon exacerbated by the growth of social media platforms and inadequate regulation of online content.

ODIHR deployed Needs Assessment Missions for the 2011, 2016, 2018 and 2020 elections, which did not recommend any election-related activities. For the 2007 parliamentary elections, ODIHR deployed an Election Assessment Mission, which offered a number of recommendations on how the authorities could improve the electoral process.<sup>7</sup>

# **B.** LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework governing the conduct of elections includes the Constitution of 1937 (last amended in 2019), the Electoral Act of 1992 (last amended in 2024) and the Electoral Act of 1997 (last amended in 2024) and the Electoral Reform Act 2022 (last amended in 2024).<sup>8</sup> Ireland is a party to major international instruments related to democratic elections.<sup>9</sup>

<sup>3</sup> See June 2020 <u>Programme for Government "Our Shared Future"</u> for more details.

<sup>7</sup> See previous ODIHR <u>election-related reports on Ireland</u>.

<sup>&</sup>lt;sup>2</sup> The following parties and candidates gained representation in the parliament: *Fianna Fáil* (38 seats), *Sinn Féin* (37 seats), *Fine Gael* (35 seats), Green Party (12 seats), the Labour Party (6 seats), Social Democrats (6 seats), Solidarity–People before Profit (5 seats), Independents 4 Change (1 seat), *Áontu* (1 seat), and 19 independent MPs.

See 2024 <u>Inter-parliamentary Union data</u> on ranking of women in national parliaments.

<sup>&</sup>lt;sup>5</sup> The UN Human Rights Committee, in its 2023 <u>Concluding Observations on the fifth periodic report of Ireland</u>, has recommended authorities to increase women's participation in parliamentary and local elections, as well as in public and private sectors, particularly at the highest level. See paragraphs 21 and 22.

<sup>&</sup>lt;sup>6</sup> See <u>IHREC 2024 report</u> "Ireland and the International Covenant on Economic, Social and Cultural Rights".

<sup>&</sup>lt;sup>8</sup> The 1992 Electoral Act covers voter registration and the preparation and conduct of elections. The 1997 Electoral Act covers, among other issues, campaign finance, the gender quota and the framework to review constituencies.

<sup>&</sup>lt;sup>9</sup> Including the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICRD), 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1995 Council of Europe Framework Convention for the Protection of National Minorities, 2003 UN Convention against Corruption, and 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). Ireland is a member of the Council of Europe's Venice Commission and of the Group of States against Corruption (GRECO).

The electoral legal framework has undergone extensive amendments since the last parliamentary elections with the adoption of 2022 Electoral Reform Act providing the basis for these comprehensive changes. Key amendments include the establishment of an independent Electoral Commission with broad responsibilities; regulation of online political advertising and combating disinformation during elections (yet to come into force); the introduction of additional provisions on technical aspects of fundraising, financial reporting, and disclosure requirements; the introduction of provisions aimed at modernizing the voter registration process including through continuous registration; establishment of a designated authority to manage a shared voter database; and expansion of postal voting eligibility. While some changes were in line with prior ODIHR recommendations, including the establishment of a permanent independent election commission and improvements to the voter registration process, others remain unaddressed, including those related to harmonization of the electoral legislation and defining the status of citizen and international observers. Overall, all ODIHR NAM interlocutors expressed confidence in the legal framework for elections.

The 2023 revision of constituencies by the newly established Electoral Commission increased the total number of constituencies to 43 (up from 39), adjusted some constituency boundaries as well as the number of deputies in constituencies, and increased the total number of deputies to 174 (up from 160). Seven constituencies remained unchanged since the last review.<sup>10</sup>

Members of the lower chamber will be elected through a proportional single transferable vote (PR-STV) system from multi-member constituencies, in which voters numerically rank candidates in order of preference on their ballots. Voters can also select just one candidate, but by indicating preferences they have the opportunity to re-direct their votes to other candidate(s).

The ODIHR NAM was informed that the boundary revision process began with extensive public consultation, resulting in numerous proposals submitted to the Electoral Commission by various stakeholders. Most ODIHR NAM interlocutors acknowledged the Commission's substantial efforts positively and expressed general satisfaction with the outcome. However, some political party representatives suggested that prior publication of draft boundaries would have provided insight into certain redistricting decisions. Others opined that the increase in three-seat constituencies would likely benefit larger parties. Despite these concerns, the overall process was viewed as transparent and comprehensive.

### C. ELECTION ADMINISTRATION

The system of election administration is decentralized. The Department of Housing, Local Government and Heritage co-ordinates electoral operations, provides legislative advice, and issues policy guidelines, which will be published online for the first time. A total of 17 returning officers (ROs) have the primary responsibility for the conduct of elections in their respective areas. All ODIHR NAM interlocutors expressed full confidence in the ability of the election administration to manage the election process, professionally and impartially.

The Electoral Commission of Ireland, established in February 2023 as an independent body, has assumed various existing electoral functions from other bodies, including revising constituencies for *Dáil* and European Parliament elections, providing information about the subject matter of referendums,

<sup>&</sup>lt;sup>10</sup> The number of 3 seat constituencies increased from 9 to 13, the number of 4 seat constituencies reduced from 17 to 15 while the number of 5 seat constituencies increased from 13 to 15. Increase in number of constituencies and MPs reflects the growth of Irelands population in line with 2022 census. According to the Electoral Commission each MP would represent an average of 29,593 people. Article 16.2 of the Constitution, requires that each MP should represent, on average, 20,000 to 30,000 people.

and maintaining the register of political parties. It has also taken on new responsibilities such as conducting electoral policy research, overseeing the voter register, and setting standards for its maintenance and updating. The Commission also conducts voter awareness campaigns through education and information programmes, particularly during elections and referendums. Pending the entry into force of specific parts of legislation, the Commission will be responsible for regulating online paid-for political advertising, ensuring transparency in online political advertisements during elections or referendum campaigns, and investigating and countering online disinformation, misinformation, and manipulative or inauthentic behaviour.<sup>11</sup>

The Commission comprises seven members. The chairperson is nominated by the Chief Justice and appointed by the President for a seven-year term. The chairperson is one of three women in the Commission. Four ordinary members were appointed following an open competition and may serve for a maximum of four years. Additionally, there are two ex-officio members: the Ombudsperson and the Clerk of the Dáil. The Commission is supported in their work by the Chief Executive who is responsible for implementing the Commission's policies and decisions while managing its staff and administration.<sup>12</sup>

At the local level, ROs are responsible for the registration of candidates, printing ballots, and hiring and training polling and counting staff. ROs are supported by their regular staff and most of them may oversee multiple constituencies by appointing deputy returning officers to manage specific constituencies on their behalf. Prior to every election, the Institute of Public Administration provides standard training for ROs, who in turn train presiding officers in their respective areas.

Voting will take place across approximately 6,500 polling stations, each managed by a presiding officer and a poll clerk. Vote counting will be conducted at the constituency level, and ROs for each constituency will announce the results once counting is complete. Although there is no centralized tabulation of results, media outlets present during the count will provide ongoing updates of intermediate results and compile national figures as part of their election coverage. While candidates and their representatives have the right to observe the vote count, ROs have discretionary power to grant access to media representatives and other observers, at odds with Ireland's OSCE commitments.<sup>13</sup>

To enable as inclusive voting as possible, persons with disabilities have several options as well as postal voting for participating. They may be assisted at polling stations by a person of their choice, who is limited to assisting two such voters, or by the presiding officer. Returning officers shall, where practicable, provide polling stations which are accessible to wheelchair users. <sup>14</sup> Voters facing difficulties accessing their polling station can apply in writing to the RO, at least a week before polling day, for authorization to vote at an alternative station within the same constituency. Furthermore, all polling stations are to be equipped with assistive tools such as braille ballot templates and audio guides.

<sup>&</sup>lt;sup>11</sup> Part 4 of the Act establishes a new regulatory framework for online political advertising and election-related content. Under these provisions, platform providers will be required to clearly label political advertisements, maintain online archives of such ads, and obtain statutory declarations from advertisement buyers attesting to the accuracy of the information contained within. Part 5 outlines specific obligations for platform providers, focusing on the management of harmful content and Electoral Commission's powers to monitor and investigate violations related to online content. Platform providers are required to report to the Electoral Commission any instances of disinformation, misinformation, or manipulative and inauthentic behaviour they detect on their platforms. Additionally, they must implement a notification mechanism that allows users to alert the platform to the presence of such content.

<sup>&</sup>lt;sup>12</sup> The Chief Executive is also empowered to make proposals to the Commission on matters relating to its functions and may perform additional duties as authorized by the Electoral Reform Act or required by the Commission.

<sup>&</sup>lt;sup>13</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document provides that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place".

<sup>&</sup>lt;sup>14</sup> The ROs are required to issue a public notice identifying all polling stations within their constituency that are not accessible to wheelchair users.

Several ODIHR NAM interlocutors reported that persons with disabilities still face significant challenges. These include polling station accessibility and insufficient accommodations to enable independent voting, largely due to attitudinal and systemic barriers. A key issue is the disproportionate involvement of service providers rather than disabled people's organizations (DPOs), who are best positioned to advise state, local, and other authorities on necessary accommodations and adjustments. According to some interlocutors, the lack of prior consultation with DPOs has resulted in systemic neglect of disabled voters' needs, undermining their right to equal participation in the electoral process.

#### **D.** VOTER REGISTRATION

Irish citizens aged 18 or older and British citizens permanently residing in the country are eligible to vote.<sup>15</sup> Irish citizens residing abroad are ineligible to vote, except for diplomats and their spouses/civil partners and military personnel. Most ODIHR NAM interlocutors viewed this policy as unfair and suggested expanding voting rights to all Irish citizens abroad. There are no restrictions based on intellectual or psychosocial disability and prisoners are allowed to vote as well.

There is no centralised nationwide register and local authorities maintain voter registers through 31 registration offices across the country. Voters do not need to provide a proof of de-registration in one constituency before registering in another, which can result in multiple entries for the same voter. At the same time, there is no comprehensive nationwide mechanism to check the accuracy and remove duplicate entries. While acknowledging issues with the currency and accuracy of the voter registration data, most ODIHR NAM interlocutors expressed confidence in the registration process and raised no concerns regarding multiple voting.

The Electoral Reform Act has introduced several improvements and features aimed at modernizing the registration process by standardizing and simplifying procedures as well as supporting increased participation. Amendments envisage the consolidation of all regional voter registers into a centralized verifiable database to be maintained by the Dublin City Council, which is the Designated Authority in charge of ensuring the accuracy of the register. According to the Department of Housing, technical preparations are underway and the rollout of centralised database is planned for early 2026.

The introduction of continuous/rolling registration now allows voters to register or update their information online or in person at any time, up to 15 days before election day.<sup>16</sup> To ensure accuracy, the registration offices may use Personal Public Service Numbers (PPSNs) to verify identity data, however, at the moment only within the respective county. The introduction of a unique identifier for each voter corresponds to previous ODIHR recommendation on a comprehensive approach to voter registration and will allow in future for data cross-checking and comparisons across the country.

The Act provides the Electoral Commission with an oversight role over the registration process, although local authorities (county and city councils in their role as registration authorities) retained their existing responsibilities and remain in charge of voter registration and voter list compilation.<sup>17</sup> The Commission has the authority to research the accuracy, completeness, maintenance, and compilation process of voter lists, and subsequently, publish assessment reports with recommendations to further improve the registration process.

<sup>&</sup>lt;sup>15</sup> British citizens may vote in *Dáil* and local elections.

<sup>&</sup>lt;sup>16</sup> Applications submitted after this deadline are reviewed after elections.

<sup>&</sup>lt;sup>17</sup> Registration authorities conduct various activities to encourage voters to register, maintain a complete and accurate voter register and report annually to the Electoral Commission on these activities.

Voters are included in the voter lists based on their permanent residence. Following the amendments, those without a fixed address can register using the designation *'no fixed address*.' In such cases, voters provide an address where they spend most of their time or where they can receive correspondence. The Electoral Reform Act also provides for a "pending electors list," which allows 16- and 17-year-olds to pre-register and be automatically added to the voter register when they turn 18 years of age. The law now also permits anonymous registration for individuals whose safety might be compromised by publishing their names in voter lists.

Registration authorities are required to publish preliminary voter lists before elections at a specific date. Any person may inspect the register during office hours at local authority offices or other designated locations, such as libraries or post offices. Individuals who identify errors or omissions in the lists, including for other voter(s), should report them to the relevant registration authority. Outside of election times, voters may challenge decisions of registration authorities by appealing to the county registrar within 4 weeks from adoption of the decision, but after announcement of elections, the county registrar must issue a public notice with the deadlines for appeals.

Recent amendments have modified the eligibility criteria for postal voting. In addition to military personnel and diplomatic staff (and their spouses/civil partners) who must register as postal voters, new categories of voters may now apply: police officers, voters with an illness or a disability, those in temporary detention centres, students away from home, polling staff working outside the constituency where they are permanently registered, and voters on duty who are unable to visit their polling station on election day. Voters in health or social care institutions are included on special voter lists and will vote at these facilities. According the Department of Housing, as of October 2024 there were 3,578,835 voters in the Register.

## E. CANDIDATE REGISTRATION

Irish citizens over the age of 21 with legal capacity are eligible to stand for office except those serving a prison sentence of more than six months or holding certain public positions.<sup>18</sup> There are no residency requirements for candidacy, and individuals may run in multiple constituencies. No ODIHR NAM interlocutors expressed any concern regarding candidate registration process.

Candidate registration is managed by the Returning Officer of the respective constituency, and applications must be received within seven days of the election being called. The Officers are required to decide on the validity of candidacy documentation within one hour after submission. Candidates can be nominated by political parties or may self-nominate. Candidates representing a political party are required to present a certificate of political affiliation while independent candidates must submit statutory declarations signed by 30 voters in the constituency or a deposit of EUR 500. For upcoming elections, political parties should comply with an increased 40 per cent gender quota or risk losing half of their state funding entitlement.

## F. ELECTION CAMPAIGN

The official campaign starts after the dissolution of the *Dáil* and will last until election day.<sup>19</sup> Many ODIHR NAM interlocutors believe that the pre-election campaign will be challenging, citing the safety of candidates as a key concern. Most of these interlocutors claim that traditional campaign methods,

<sup>&</sup>lt;sup>18</sup> Certain occupations are incompatible with membership of the *Dáil*: a member of a local authority, a member of the European Parliament or another senior official in an institution of the European Union, police officer and full-time military staff and certain categories of civil servants.

<sup>&</sup>lt;sup>19</sup> Following the entry into the force of the relevant parts of the Electoral Reform Act, the Commission will prescribe the campaign period in relation to any election or referendum.

particularly in socioeconomically disadvantaged areas, have become risky due to the emergence of farright groups that deliberately disrupt the activities of other political parties, often leading to both verbal and physical confrontations. In addition, many interlocutors view the requirement to display candidates' addresses on ballot papers as a serious privacy concern, especially in an increasingly hostile campaign environment, as perpetrators may harass candidates' family members. Security concerns are further compounded by delayed response times from law enforcement, particularly in remote areas, forcing political parties and candidates to consider hiring private security - an additional cost that small political parties may not afford.

Several ODIHR NAM interlocutors believe that candidates often face targeted harassment, particularly based on ethnicity and gender.<sup>20</sup> All political party representatives that the ODIHR NAM met with acknowledged the unprecedented level of discouragement faced by women candidates, as they face a unique set of challenges, enduring both structural barriers and targeted harassment. They frequently experience online abuse, sexism, and misogyny, which can deter their political participation and affect their retention in political roles. Many interlocutors also noted that the current toxic atmosphere has created a chilling effect on potential candidates and, to some extent, voters. This may lead individuals to disengage from political discourse to avoid conflict, ultimately limiting exposure to new political voices and perspectives.

During meetings with the ODIHR NAM, civil society organizations highlighted various initiatives aimed at strengthening democratic processes and promoting gender equality in politics.<sup>21</sup> These efforts include monitoring disinformation and hate crimes, particularly during elections. Certain initiatives focus on developing databases to track female candidates in local and upcoming parliamentary elections and revealing persistent challenges in achieving equitable representation. In response to harassment and threats against candidates, safety guidelines have also been developed to support the candidates, emphasizing the need for protective measures in political participation.

The campaign is expected to focus primarily on pressing domestic issues, with housing, healthcare, and childcare being central issues, while climate change and cost of living are also expected to gain prominence. Most political party interlocutors plan to have a hybrid approach to voter outreach, combining traditional campaign methods such as leafletting and door-to-door canvassing with digital strategies, recognising the growing importance of online media in particular social-networking platforms. At the same time, some interlocutors expressed concerns about negative online campaigns, exacerbated by disinformation and manipulation of sensitive issues, as well as inflammatory or intolerant rhetoric, and anti-migrant sentiments being used to incite hatred within local communities.<sup>22</sup>

Parties and candidates plan to conduct campaigns using various methods including door-to-door canvassing, leafletting, political advertisement in newspapers and online media, billboards, and participation in television (TV) and radio debates. In addition, a candidate is entitled to send one letter free of postage charge to every voter in the constituency. Amendments made to the legislation by the

<sup>&</sup>lt;sup>20</sup> The UN Committee on the Elimination of Racial Discrimination, in its <u>2020 Concluding Observations</u> expressed concern about the "increasing incidence of racist hate speech directed against Travellers, Roma, refugees, asylum seekers and migrants, in particular through the Internet and social networking platforms", especially during election campaigns.

For more details regarding civil society initiatives see: <u>Institute for Strategic Dialogue</u> on electoral disinformation; <u>Women for Election</u> – on initiatives aimed at empowering women candidates in elections providing resources and training to support their campaigns including <u>safety guidelines</u>; See also <u>The Briefing</u> – newsletter by on the effects of technology on politics.

<sup>&</sup>lt;sup>22</sup> In its <u>2024 report</u> "Ireland and the 6th Monitoring Cycle of the European Commission against Racism and Intolerance" the IHREC recommended that the <u>Taoiseach</u>'s office "develops and implements an action plan to prevent the spread of hate and intolerance in election campaigns, which recognises the role of the Electoral Commission, Media Commission, the Standards in Public Office Commission, mainstream political parties, digital platforms and community development organisations".

Electoral Reform Act have introduced a number of new provisions related to the regulation of online content and political advertising during electoral periods however, applicable provisions have not come into force yet.

# G. CAMPAIGN FINANCE

Campaign finance is regulated by the 1997 Electoral Act. Political parties, candidates, and third parties may receive donations, both monetary and in-kind, from citizens and legal entities. Foreign donations are prohibited, except when made by an Irish citizen or a business that maintains an office on the island. Anonymous donations are permitted up to EUR 100, while cash donations may not exceed EUR 200 in any given year, cryptocurrency donations are prohibited entirely.<sup>23</sup> Each candidate must appoint an election agent responsible for managing and accounting for all campaign expenditures.<sup>24</sup>

Candidates who receive monetary donations exceeding EUR 100 in a calendar year must open and maintain a dedicated political/election donations account. All donations above EUR 600 must be disclosed in the Donation Statement of the candidate. An individual or a registered corporate donor may donate a maximum of EUR 1,000 to a candidate and EUR 2,500 to a political party within a year.<sup>25</sup> While the total amount received through donations is not capped, parties and candidates are subject to spending limits ranging from EUR 38,900 to EUR 58,350, depending on the number of seats in the constituency.<sup>26</sup> While most ODIHR NAM interlocutors considered these spending limits reasonable, some suggested they should be increased.

The Standards in Public Office Commission oversees political and campaign finances, taking a proactive approach by providing detailed guidelines to candidates, their agents, and other relevant stakeholders. The Commission has the authority to conduct inquiries, request additional information or clarification, and request compliance with its investigations. When the Commission believes an offense may have been committed, it may issue a 'fixed payment notice' for an offence. The legislation establishes a range of graduated sanctions for financial infringements, including fines and imprisonment. Following elections, parties, candidates, and third parties must submit campaign expenditure reports within 56 days.<sup>27</sup> There are no reporting requirements prior to election day but expenditures incurred for campaign materials prior to the official campaign period must be reported as election expenditures.

Elected candidates who receive at least a quarter of the electoral quota in the constituency are eligible for a reimbursement of their campaign expenses, up to EUR 11,200. The ODIHR NAM was informed that for these elections, the reimbursement account will be revised and increased. Most ODIHR NAM interlocutors expressed satisfaction with the campaign finance rules, but some stated that the regulatory framework would benefit from further revision to ensure effective and timely disclosure and enforcement.

<sup>&</sup>lt;sup>23</sup> If a prohibited anonymous donation is received, the candidate must, within 14 days, notify and remit the donation to the Standards in Public Office Commission (SIPO). In case excessive cash donations, the candidate, within the same deadline, must return it to the donor or remit the donation or the part of it exceeding the limit to the SIPO.

<sup>&</sup>lt;sup>24</sup> Candidates may serve as their own election agents. The election agent should be appointed before incurring any campaign expenses; however, if expenses are incurred prior to appointment, the candidate must provide the agent with detailed financial documentation. Failure to comply with these requirements constitutes an electoral offense.

<sup>&</sup>lt;sup>25</sup> The corporate donors are required to register with the SIPO. A candidate may accept a maximum donation of EUR 200 from an unregistered corporate donor in any calendar year.

<sup>&</sup>lt;sup>26</sup> If a candidate is contesting the election on behalf of a political party, he/she may assign certain amount of spending to the party. However, this will reduce the spending limit of the candidate by that amount.

<sup>&</sup>lt;sup>27</sup> Elected candidates must submit an annual report to the Standards Commission by 31 January of the year following the election as opposed to other candidates that are required to submit financial report within 56 days.

## H. MEDIA

The media environment is diverse and includes a wide range of broadcast, online and print media. The public broadcasters, *Raidió Teilifís Éireann (RTÉ)* and Irish language television (TV) channel, *TG4* are the main media, together with the US-owned and UK-based TV channels. According to Eurobarometer, TV remains the most used source of news, followed by social media platforms, radio, online press or news platforms, and printed press.<sup>28</sup> Information on media ownership of print, broadcast and online Irish-owned media outlets are publicly available.<sup>29</sup>

The Irish media regulatory framework was extensively amended by the 2022 Online Safety and Media Regulation Act which introduced updated rules for media services, the creation of a new regulatory framework of online safety, and the establishment of the new media regulator - the Media Commission.<sup>30</sup> In addition to undertaking existing functions of the previous regulator, the Media Commission was tasked to establish a regulatory framework for online safety, update the regulation of TV broadcasting and audio-visual on-demand services, and transpose the revised Audio-visual Media Services Directive into domestic law.

The Constitution requires the State to guarantee freedom of expression and freedom of the press and access to information is regulated under the Freedom of Information Act.<sup>31</sup> Defamation is not criminalized however current legislation does not provide for specific safeguards to counter abusive litigation and there is no limit to the award of damages in defamation cases. In 2024 the government published the Defamation (Amendment) Bill 2024 which significantly reforms defamation regime and most importantly it defines strategic lawsuits against public participation (SLAPP) in line with EU's anti-SLAPP Directive and provides protective measures.<sup>32</sup>

The 2009 Broadcasting Act regulates broadcast media and provides for fairness, objectivity, and impartiality of the broadcasters. Political advertising is prohibited in broadcast media. However, during election campaigns, broadcasters may air party political programmes, but only for parties registered in the Register of Political Parties. Broadcasters retain discretion over the allocation of such broadcasts.<sup>33</sup> For each election, the Commission issues "Guidelines in Respect of Coverage of Elections," addressing various issues, including the coverage of opinion polls, achieving diversity in coverage, and handling complaints.<sup>34</sup>

 $RT\acute{E}$  informed the ODIHR NAM that during the pre-election period it convenes a working group to prepare a plan for election coverage on TVs, Radio, and digital platforms. In addition,  $RT\acute{E}$  also meets political parties to discuss the election coverage to ensure fairness of coverage. According to  $RT\acute{E}$ , the allocation of campaign broadcasts to contesting parties will be on the basis of representation in the outgoing parliament whereby parties should have at least 1 member in the *Dáil*. For these elections  $RT\acute{E}$ 

<sup>&</sup>lt;sup>28</sup> See European Parliament's <u>Flash Eurobarometer survey factsheet on Ireland</u>.

<sup>&</sup>lt;sup>29</sup> The <u>Media Ownership Ireland</u> database is designed and maintained by the Dublin City University School of Communications (DCU). The ownership status of media outlets is reviewed every six months. In 2024, the DCU launched a new online database, a <u>Media Ownership Monitor Ireland</u> which tracks and identifies connections between media outlets and individuals and institutions.

<sup>&</sup>lt;sup>30</sup> The Media Commission was established in March 2023 replacing the dissolved Broadcasting Authority of Ireland.

<sup>&</sup>lt;sup>31</sup> In 2023, the government launched the 2023-2027 <u>Open Data Strategy</u> with the aim of making data held by public bodies freely available and easily accessible online for reuse and redistribution.

<sup>&</sup>lt;sup>32</sup> See Department of Justice <u>press release</u> as of 2 August 2024

<sup>&</sup>lt;sup>33</sup> Airtime allocation depends on broadcasters' available resources, the type of election, target audience, and programming types. Regardless of their chosen method, broadcasters should develop open, transparent, and fair mechanisms for airtime allocation that serve all interests and the public.

<sup>&</sup>lt;sup>34</sup> The <u>Guidelines</u> do not apply to print, social media, audio-visual on-demand media services or online print/audio-visual content.

will provide 1 minute coverage to all 10 political groups represented in parliament as well as interview with 10 party leaders.

In addition, RTÉ plans to conduct and broadcast live two debates as part of its televised election coverage. According to RTÉ, the criteria for participation in the debate take into consideration a number of objective and impartial criteria, including the results of the last national elections, including local and European elections as well as other factors. While representatives of the political parties that the ODIHR NAM met with expressed overall confidence in the impartiality of the election coverage by the media, some interlocutors were of the opinion that the criteria for debates could be more consistent from one election to another.

The broadcasters are not required to provide accessible coverage for news and current affairs. However, in its 2024 Guidelines, the regulator encourages broadcasters to make election coverage accessible to viewers with hearing and visual impairment through subtitling, audio description, or Irish Sign Language.

# I. ELECTION DISPUTE RESOLUTION

The law specifies electoral offenses that can be challenged in the High Court, covering voter and candidate registration, campaigning, voting and counting processes, as well as election results. Any person registered or entitled to be registered as a voter in the constituency may lodge a complaint within 14 days of the declaration of results. A significant monetary deposit is required when filing a complaint, a practice ODIHR has previously recommended be reviewed.<sup>35</sup> High Court decisions can be appealed to the Supreme Court as the final instance. Notably, there are no specific deadlines for hearing complaints and appeals, thus no guarantees of expedited review of election matters.

# IV. CONCLUSION AND RECOMMENDATION

All ODIHR NAM interlocutors expressed confidence in the legal framework for elections and noted the overall professionalism and impartiality of the election administration and its ability to efficiently organize elections. Most ODIHR NAM interlocutors generally stated that a comprehensive ODIHR observation mission was not required. However, they welcomed a potential ODIHR observation activity, recognizing the value and importance of an external assessment in improving the electoral process. In this context, areas that could benefit from review include the implementation of the amended legal framework, administration of elections, including issues related to voter registration; the conduct and oversight of the campaign, including online; campaign finance regulations; the participation of women; participation of persons with disabilities as well as the media coverage of the elections.

On this basis, the ODIHR NAM recommends deployment of an Election Assessment Mission. However, taking into consideration the limited time and the constraints on both financial and human resources at this time, ODIHR is not in the position to undertake an election-related activity for the 2024 early parliamentary elections. ODIHR considers that issues identified by the stakeholders as potentially benefiting from external scrutiny can also be analysed and addressed through other tools that ODIHR is ready to provide. In this context, ODIHR reaffirms its readiness to support the authorities in future electoral reform processes and encourages the authorities to consider and implement previous ODIHR electoral recommendations, alongside the issues raised during the NAM.

<sup>&</sup>lt;sup>35</sup> The deposit amount is set at approximately EUR 5,000. However, the court has discretion to reduce this sum if it determines that a complainant lacks the means to pay the full amount or if doing so would impose financial hardship on the individual.

### ANNEX: LIST OF MEETINGS<sup>36</sup>

#### **Department of Foreign Affairs**

Alison Meagher, Deputy Director, European Neighbourhood Unit Liam Cowley, Desk Officer, European Neighbourhood Unit

#### **Department of Housing, Local Government and Heritage**

Barry Ryan, Principal Officer, Franchise Unit Paris Beausang, Assistant Principal Officer, Franchise Unit Stephen Dineen, Assistant Principal Officer, Franchise Unit

#### **Electoral Commission**

Art O'Leary, Chief Executive Tim Carey, Head, Electoral Operations and Education

#### **Standards in Public Office Commission**

Linda Joyce, Head of the Secretariat Brian McKevitt, Assistant Principal Officer, Ethics and Electoral Regulation Rizal Lynam, Assistant Principal Officer

#### Irish Human Rights and Equality Commission

Jean O'Mahony, Head, Strategic Engagement Dr. Iris Elliott, Head, Policy and Research

#### **Public Broadcaster Irish Radio and Television**

Brian Dowling, Head, Editorial Standards and Compliance

#### **Political Parties**

Aidan Harkin, Regional Organiser, *Fine Gael* Sean Dorgan, General Secretary, *Fianna Fáil* Maura McMahon, General Secretary, *Green Party* Lawrence Quinn-Hemmings, Development Manager, *Green Party* Cathal McCann, Political Director, *Labour Party* Sam Baker, General Secretary, *Sinn Féin* Niamh Aherne, Representative, *Sinn Féin* Mary Callaghan, Councillor, *Social Democrats* 

#### **Civil Society and Media**

Dr. Robert Sinnott, Co-Ordinator, Voice of Vision Impairment Orla O'Connor, Director, National Women's Council of Ireland Brian Sheehan, CEO, Women for Election Patrick Smyth, Journalist, former executive member of the National Union of Journalists