

**Office for Democratic Institutions and Human Rights** 

# **IRELAND**

# **EARLY PARLIAMENTARY ELECTIONS** 25 February 2011

# **OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

7-10 February 2011



Warsaw 23 February 2011

# TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXECUTIVE SUMMARY	1
III.	FINDINGS	3
A.	BACKGROUND AND POLITICAL CONTEXT	
В.		4
C.	ELECTION ADMINISTRATION	5
D.	VOTER REGISTRATION	6
E.	CANDIDATE REGISTRATION	
F.	CAMPAIGN PERIOD AND CAMPAIGN FINANCING	
G.	Media	8
H.		10
I.	NATIONAL MINORITIES	10
J.	COMPLAINTS AND APPEALS	
IV.	CONCLUSIONS AND RECOMMENDATIONS	11
ANNI	EX: LIST OF MEETINGS	12

#### IRELAND EARLY PARLIAMENTARY ELECTIONS 25 February 2011

#### **OSCE/ODIHR** Needs Assessment Mission Report

#### I. INTRODUCTION

On 27 January 2011, in accordance with OSCE commitments, the Permanent Mission of Ireland to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 25 February early elections to the lower house of parliament. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Ireland from 7 to 10 February 2011. The NAM included Beata Martin-Rozumilowicz, Deputy Head of the Election Department, Nicola Schmidt, OSCE/ODIHR Senior Election Adviser, and Drew Hyslop, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM was to recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from the Department of Foreign Affairs, the Department of Environment, Heritage and Local Government, the Standards in Public Office Commission, local state officials, the Broadcasting Authority, as well as with representatives of political parties, the media and civil society. A list of meetings is included as an annex to this report.

The OSCE/ODIHR would like to thank the Irish Department of Foreign Affairs for their assistance and co-operation in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the mission and sharing their views.

# II. EXECUTIVE SUMMARY

1

Early elections to the *Dáil Éireann* (lower house) were called on 1 February, following the withdrawal of the Green Party from the two-party governing coalition with *Fianna Fáil*. The elections were triggered largely by the economic crisis, which led to a bailout by the International Monetary Fund and the European Union.

The 166 members of the *Dáil* are elected in 43 constituencies consisting of three, four or five representatives (*Teachta Dála*, or TDs), depending on population size.<sup>1</sup> Seats are allocated proportionally, through a single transferable vote (PR-STV) system, in which voters rank candidates in order of preference on their ballot by numbering them.

The Constitution states that each constituency should represent between 20,000 and 30,000 people.

Ireland has a decentralized system of election administration, although the Franchise Section of the Department of the Environment, Heritage and Local Government plays an important role in providing policy and legislative advice. A total of 23 returning officers have the primary responsibility for the conduct of elections in the 43 constituencies.

Elections in Ireland are regulated primarily by the Constitution of 1937, the Electoral Act of 1992, and the Electoral Act of 1997. The 1992 Electoral Act regulates the registration of voters and the preparation and conduct of  $D \dot{a} i l$  elections, while the 1997 Electoral Act includes provisions on campaign financing and the establishment of a Constituency Commission to demarcate constituency borders. Both acts have been amended numerous times between 1996 and 2009. However, despite a recommendation from the OSCE/ODIHR EAM in 2007 to bring the electoral code in line with paragraph 8 of the OSCE Copenhagen Document of 1990,<sup>2</sup> there are no provisions for domestic or international election observers.

Voter registers are compiled locally by registration authorities appointed by local councils. British citizens, other EU citizens, and certain non-Irish citizens are eligible to vote in various elections and are also included on the register with letters next to the names indicating in which elections they are allowed to participate. According to the Department of the Environment, Heritage and Local Government, which provides official guidance to local registration authorities, there are approximately 3.1 million voters on the register.

A total of 566 candidates have registered to compete in the upcoming *Dáil* elections. All main parties represented in parliament have registered candidates, in addition to a group of left-wing parties called the United Left Alliance. In a notable increase from previous years, 174 independent candidates have also registered.

The campaign officially began once the election was called on 1 February and runs until 2 p.m. on the day prior to election day. A moratorium on election activity in the media then goes into effect until the close of polls. This has been reduced by 14 hours in comparison with previous provisions, following consultations between the Broadcasting Authority and various electoral interlocutors.

Campaign financing is narrowly regulated, with electoral contestants required to observe spending limits and to report on donations received and expenditures made to the Standards in Public Office Commission for the period starting from the date of the  $D\dot{a}il$ 's dissolution and ending on election day. OSCE/ODIHR NAM interlocutors expressed particular concerns about anonymous donations, which generally make up the bulk of campaign financing, and certain parties raised the issue of corporate donations.

2

See recommendation from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 18.

The media landscape includes a wide range of broadcast and print media. The public broadcaster, Irish Radio and Television (RTE), is the main electronic media source, with two television channels and four radio stations providing nationwide coverage. A new Broadcasting Act was passed in 2009 and provides the legal framework for broadcast media. The Broadcasting Authority of Ireland (BAI) regulates all TV and radio broadcasts, based upon provisions of the act, and can issue warnings and sanctions. Paid political advertising in the electronic media is prohibited by this act. RTE does, however, air three-minute clips produced by political parties every evening after the news free-of-charge. RTE also has an intensive set of programming during the campaign period, with five programs airing between three and four hours of campaign-related programming each day.

Despite some concerns raised about campaign financing and the voter registers, OSCE/ODIHR NAM interlocutors expressed little concern that these might translate into fraudulent activities. Furthermore, all major parties are proposing political and electoral reform following these elections as part of their campaign program and plan to address certain identified shortcomings. There is also a very high level of confidence of all stakeholders in the electoral process and the election administration. Based on the above and due to the short timeframe before the upcoming elections, the OSCE/ODIHR NAM does not recommend deploying an election-related activity for the 25 February *Dáil* elections.

The OSCE/ODIHR would, however, like to reiterate that most recommendations made in previous OSCE/ODIHR reports are still current. The OSCE/ODIHR, therefore, recommends early engagement with the Irish authorities in a follow-up process soon after the elections, particularly in the area of electoral reform, and to assist in addressing outstanding recommendations.

# III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

The Oireachtais (Irish Parliament) consists of the directly elected Dáil Éireann (Lower House) and the indirectly elected Seanad Éireann (Upper House). The term of office of the 166-member Dáil is a maximum of five years. According to the Constitution, the president should dissolve the Dáil on the advice of the Taoiseach (Prime Minister), and elections should be held within 30 days of the Dáil's dissolution.

An indirect election to the Upper House must be held within 90 days of the dissolution of the *Dáil*. The 60 members of the Upper House comprise: 11 members nominated by the prime minister, 43 elected by 5 panels representing vocational interests (Culture and Education, Agriculture, Labour, Industry and Commerce and Public Administration) and 6 each elected by the graduates of the National University of Ireland and the University of Dublin (Trinity College).

The political landscape has been deeply affected by the economic crisis that hit Ireland in 2008, causing a sharp economic recession that resulted in intervention by the European Union and the International Monetary Fund. It had been expected that early elections would be held once a bailout package was passed by parliament. The prime minister had initially stated that elections would be called for 11 March. The Green Party, however, withdrew on 23 January from the governing coalition, forcing earlier elections. On 1 February, following the passage of the finance bill, the prime minister advised the president to dissolve the *Dáil* and early elections were called for 25 February.

There were five parties represented in the *Dáil*. The outgoing government was led by *Fianna Fáil*, traditionally the largest party in parliament, which has been in government for 61 of the last 79 years. *Fianna Fáil's* 77 TDs governed together with the Green Party (6 TDs). The opposition consisted of *Fine Gael* (50 TDs), the Labour Party (21 TDs), *Sinn Féin* (4 TDs), and 8 independents.

The OSCE/ODIHR deployed an Election Assessment Mission to the previous election of the  $D\dot{a}il$ , held on 24 May 2007, which made a number of recommendations on how the authorities could improve their electoral process.<sup>3</sup>

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

Elections are regulated primarily by the Constitution of 1937, the Electoral Act of 1992 and the Electoral Act of 1997. The 1992 Electoral Act regulates the registration of voters and the preparation and conduct of Dáil elections, while the 1997 Electoral Act contains provisions on campaign financing and the establishment of a Constituency Commission to demarcate constituency borders, among other issues. Both acts have been amended numerous times between 1996 and 2009. Recent amendments addressed the time period after a census when the Constituency Commission should revise constituency borders, and transposed campaign finance regulations to local elections. The recommendation made in the 2007 OSCE/ODIHR Election Assessment Mission report to consider consolidating primary legislation into one electoral act <sup>4</sup> has not been addressed. Most interlocutors met by the OSCE/ODIHR NAM assessed the current system of amending legislation through separate acts as sufficient.

The 166 members of the *Dáil* are elected in 43 constituencies consisting of three, four or five TDs, depending on population size.<sup>5</sup> Seats are allocated proportionally, through a single transferable vote (PR-STV) system, in which voters rank candidates in order of preference on their ballot by numbering them. Voters can also select just one candidate, but by indicating preferences, voters have the opportunity to re-direct their vote to other candidate(s).

<sup>&</sup>lt;sup>3</sup> The report can be found at: http://<u>www.osce.org/elections/ireland</u>.

<sup>&</sup>lt;sup>4</sup> See recommendation from the report of the Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 3.

<sup>&</sup>lt;sup>5</sup> The Constitution states that each constituency should represent between 20,000 and 30,000 people.

Although most interlocutors expressed confidence in the PR-STV system, there has been discussion about a review of the system after these elections as part of a larger political and electoral reform package. Because of the localized nature of the constituency-based system, combined with a procedure in which voters' preferences tend to encourage internal party competition and personality politics, concerns were raised that such a system results in politicians focusing too much on local issues at the expense of national policy.

With the 2009 amendment of the Electoral Act, borders for the 43 constituencies were amended following the announcement of final population figures for the 2007 census. The delimitation of borders by the Constituency Commission was accepted as unbiased by all interlocutors met by the OSCE/ODIHR NAM, and there was general agreement that they should be respected despite the political impact.<sup>6</sup>

#### C. ELECTION ADMINISTRATION

Ireland has a decentralized system of election administration, although the Franchise Section of the Department of the Environment, Heritage and Local Government plays an important role in providing policy and legislative advice. A total of 23 returning officers have the primary responsibility for the conduct of elections in the 43 constituencies. The returning officers are chosen from among the county registrars, except in Dublin and Cork where county sheriffs are appointed as returning officers. They are supported by their regular staff, although are authorized to employ additional staff as needed. Some returning officers have responsibility for more than one constituency and may appoint deputy returning officers.

There are approximately 6,480 polling stations, staffed by a presiding officer and a poll clerk. Counts are conducted at the constituency level, starting the day following the election. Returning officers hire polling and counting staff shortly before the election, traditionally from among public sector employees. However, it was explained to the OSCE/ODIHR NAM that this year some staff would be hired from the currently unemployed. All presiding officers will be trained and a guide for presiding officers has been developed. A particular focus will be made to stress the importance for presiding officers to stamp ballots before handing them out to voters; without the official stamp, a ballot is invalid.

The creation of an independent electoral commission, consolidating responsibilities for the conduct of elections, the voter register, and campaign financing into one body had been on the work plan of the previous government but was not addressed before its collapse. The OSCE/ODIHR EAM had previously recommended that

<sup>&</sup>lt;sup>6</sup> For example, an increase in constituencies with 3 TDs is seen as benefiting larger parties, whereas larger 5 TD constituencies are seen as giving greater opportunity to smaller parties. Furthermore, as identity is largely tied to Irish voters' home county, decisions made to split counties between constituencies was seen as negatively impacting the ability of an individual from a split county to be elected to the Dáil.

consideration be given to establishing permanent independent election commission or office.<sup>7</sup>

All OSCE/ODIHR NAM interlocutors expressed a high degree of confidence in the election administration's running the elections as well as overseeing the complicated counting process. Candidate representatives can be present at the count, and the returning officer has the authority to grant access to others such as media outlets, thus ensuring transparency. However, despite a recommendation from the OSCE/ODIHR EAM in 2007 to bring the electoral code in line with paragraph 8 of the OSCE Copenhagen Document of 1990,<sup>8</sup> there are no provisions for domestic or international election observers.

Results are announced by the respective returning officers once the count is completed, but are not announced officially as a consolidated figure nationwide until months after the end of the election. However, the public broadcaster does compile the results and releases them as part of their election coverage.

# **D. VOTER REGISTRATION**

Voter eligibility for elections to the *Dáil* is extended to all Irish citizens over the age of 18 who are resident in Ireland, as well as to British citizens who are ordinarily resident. Irish citizens residing abroad cannot vote in the elections, with the exception of civil servants abroad, their spouses, and military personnel.

Registers of *Dáil* electors are compiled locally by registration authorities appointed by local councils. British citizens, certain EU citizens, and other non-Irish citizens are eligible to vote in various elections and are also included on the registers with letters next to the names indicating in which elections they are allowed to participate. According to the Department of the Environment, Heritage and Local Government, which provides official guidance to local registration authorities, there are approximately 3.1 million voters on the register.

In 2010, the local registration authorities updated the registers through a door-to-door canvass. Registers are also available online and in local offices for review. Any claims for the addition or deletion of voters' names could be made to the registration authority prior to 25 November. The final register was published on 1 February and came into force on 15 February. Due to the timing of these elections, initial preparations for the elections were based upon the preliminary voter register. The 2007 OSCE/ODIHR EAM recommended that local databases be developed which can be compared on a national basis to check for possible multiple registrations,<sup>9</sup> but this development remains to be addressed.

<sup>&</sup>lt;sup>7</sup> See recommendation from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 10.

<sup>&</sup>lt;sup>8</sup> See recommendation from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 18.

<sup>&</sup>lt;sup>9</sup> See recommendation from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 12.

Voters not on the register have until 15 days before elections to apply for inclusion on a supplemental register. The deadline for addition to the supplemental registers ended on 8 February.

The accuracy of the registers was an issue that was brought up with the OSCE/ODIHR NAM by a number of interlocutors. There is no requirement to deregister in one constituency before registering in another area and it was assumed that there may be a number of double registrations. All expressed confidence, however, that although the registers could benefit from further improvement, their shortcomings would not be used for fraudulent activity, such as multiple voting. The greatest concern was that double registrations could inflate the total number of voters, thus artificially lowering actual voter turnout figures. The OSCE/ODIHR has previously recommended that a comprehensive approach to a voter register be taken and that each voter be provided with a unique identifier to guard against duplicate entries.<sup>10</sup>

Polling staff are instructed to check the identity of voters by asking for identification documents. Voters receive a polling card in the run-up to election day which specifies their polling place and includes information on the identity documents that are accepted to prove their identity.

# E. CANDIDATE REGISTRATION

Any Irish citizen over 21 years of age can register as a candidate in any constituency. There are no residency requirements to stand for office. Candidate nominations had to be received by the returning officer in the respective constituency before noon on 9 February. Candidates could nominate themselves or be nominated by another voter registered in that constituency. Political party candidates were required to present a "certificate of political affiliation," issued by the headquarters of the respective party, to demonstrate that the party has agreed to the candidacy. Independent candidates needed to submit the witnessed assent of 30 voters in the constituency or a deposit of EUR 500 to register.

A total of 566 candidates registered to compete in the upcoming *Dáil* elections. All main parties represented in parliament registered candidates, with *Fianna Fáil* nominating 76 (106 in 2007), *Fine Gael* nominating 104 (91 in 2007), the Labour Party nominating 68 (50 in 2007), *Sinn Féin* nominating 41 (41 in 2007), and the Green Party nominating 43 (44 in 2007). In addition, a group of left wing parties called the United Left Alliance nominated 24 candidates. Notably, the number of independent candidates increased to 174 (90 in 2007).

# F. CAMPAIGN PERIOD AND CAMPAIGN FINANCING

The campaign officially began once the election was called on 1 February and runs until 2 p.m. on the day prior to election day. In advance of the official campaign, most parties met by the OSCE/ODIHR NAM reported an increase in party activity in the weeks leading up to the dissolution of the *Dáil*.

<sup>&</sup>lt;sup>10</sup> See recommendation from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 12.

Campaigning remains a largely local activity, with door-to-door canvassing the most popular method of reaching voters. The economic crisis is the primary topic of debate in the national media, along with job creation. Of particular note was the interest placed by nearly all parties on political reform, with many calling for dissolution of the *Seanad*, a reduction in the number of TDs, a change in the PR-STV electoral system, and the banning of corporate donations to election campaigns, among other issues. While national issues prevail in the countrywide media, local issues continue to form an important part of the discourse.

New media appears to feature in the campaigns of a number of political parties. Twitter, YouTube, and Facebook have all formed a particular part of parties' strategy to reach out to voters.

Campaign financing is narrowly regulated, with no changes since 2007 despite efforts by the Green Party to table draft legislation. The OSCE/ODIHR made specific recommendations to improve the electoral framework in this regard following the 2007 elections, which have not been addressed.<sup>11</sup> Electoral contestants are required to observe spending limits (between EUR 30,150 and EUR 45,200, depending on the number of seats in the constituency) and to report on donations received and expenditures made to the Standards in Public Office Commission for the period starting from the date of the *Dáil's* dissolution and ending on election day. The standards commission consists of six members, including the clerks from the *Dáil* and the *Seanad*, and is supported by the office of the Ombudsman. It is also responsible for overseeing ethics legislation for public officials.

OSCE/ODIHR NAM interlocutors expressed particular concern about anonymous donations. Campaign donations under approximately EUR 600 for individuals and EUR 5,000 for corporations can be made anonymously and generally make up the bulk of all donations. In the 2009 European Parliament elections, no party reported any itemized campaign donations and in the 2007 *Dáil* elections, parties only itemized EUR 1.6 million of the EUR 11 million total in campaign donations. Some concerns were also raised about the possible use of public offices by incumbent TDs during the campaign and the possibility for a confusion of state and party resources. The Council of Europe's Group of States against Corruption (GRECO) issued a report on party and campaign financing in December 2009, which highlights the need for increased transparency measures.<sup>12</sup>

#### G. MEDIA

The media landscape includes a wide range of broadcast and print media. The public broadcaster, Irish Radio and Television (RTE), is the main electronic media source, with two television channels and four radio stations providing nationwide coverage.

<sup>&</sup>lt;sup>11</sup> See recommendations from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 5.

<sup>&</sup>lt;sup>12</sup> The GRECO report can be found at: <u>http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2009)4\_Ireland\_T</u> <u>wo\_EN.pdf</u>.

In addition, an Irish language television channel, TG4, and an English language private station, TV3, operate nationally. There are also 27 local private radio stations and 6 regional private radio stations with a large audience share. A new Broadcasting Act was passed in 2009 and provides the legal framework for broadcast media. It references fairness, objectivity and impartiality as the basis for media activity.

The Broadcasting Authority of Ireland (BAI) regulates all TV and radio broadcasts, based upon provisions of the act, and can issue warnings and sanctions. Previously, the broadcasting commission oversaw private media and RTE was self-regulating. BAI relies on complaints, and does not actively monitor media broadcasts for compliance during elections. It expressed confidence to the OSCE/ODIHR NAM, however, that competition among opposing forces acts as a form of peer review and that BAI would be made aware of potential breeches of regulations.

Newspapers are also an important source of news in the country. There are three national daily "broadsheet" newspapers,<sup>13</sup> seven daily "tabloid" newspapers,<sup>14</sup> and a large number of local newspapers. In addition, several British dailies are available with Irish inserts.

Paid political advertising in electronic media is prohibited by the Broadcasting Act, although free-of-charge political party broadcasts can be aired by any station. There is no obligation to air free-of-charge political party broadcasts, and only RTE provides these, in the form of three-minute clips. The broadcasts are only for registered parties, and cannot be used by independent candidates. RTE does not air any voter education spots, but it does have comprehensive voter education information available on its website.<sup>15</sup>

RTE also has an intensive set of programming during the campaign period, with five programs airing between three and four hours of campaign-related programming each day. RTE used to base its allocation of airtime upon the support that parties received in previous elections, but now calculates using a more complex formula including such factors as the number of TDs in the outgoing  $D\dot{a}il$ , the total number of votes received in the last elections, opinion polls, and the number of candidates running in the current elections. This results in approximately 30 per cent of coverage being provided to *Fianna Fáil*, 25 per cent to *Fine Gael*, and 14 per cent to the Labour Party. To maintain a balanced approach, audience size is also factored in when allocating specific time slots.

A number of debates are being aired during the campaign period, with a three or five candidate/party format. One debate was carried by TV3, two by RTE and one in the Irish language on TG4.

The campaign runs until 2 p.m. on the day prior to election day. A moratorium on election activity in the media then goes into effect until the end of polling on election

<sup>&</sup>lt;sup>13</sup> These are the Irish Times, Irish Independent and Irish Examiner.

These are the Irish Daily Star, Irish Independent, Evening Herald, Irish News, Irish Daily Mirror, Irish Sun and Irish Daily Mail.
Interpret to information (1990)

<sup>&</sup>lt;sup>15</sup> http://www.rte.ie/news/election2011.

day. Following discussions between the Broadcasting Authority and various electoral stakeholders, this moratorium has been reduced by 14 hours in comparison with previous regulations, although it was agreed that rescinding the moratorium altogether did not enjoy popular support.

The post-election vote count is highly popular among viewers, and there is live coverage in the days after the elections. RTE reported that it will broadcast from 37 of the 43 count centres as a means of publicizing a key element of the electoral process.

#### H. WOMEN'S PARTICIPATION

Despite the fact that the president is a woman, women remain under-represented in public life in Ireland. There are 22 women in the outgoing  $D\dot{a}il$  (13 per cent). All political parties mentioned they were not putting forward as many women candidates for this year's elections as they would like, and the total number of women candidates has decreased from 17 per cent in 2007 to 15 per cent this year. While there was debate within some parties on the introduction of quotas for women candidates, it was noted by certain parties that even some female TDs preferred not to have quotas made mandatory.

#### I. NATIONAL MINORITIES

Ireland is generally a homogenous country. There are, however, a significant number of Irish Travellers, an indigenous group whose culture and traditionally nomadic lifestyle distinguish them from the general population. The Irish Traveller Movement (ITM) reported that a recent government survey estimated that there are some 40,000 Irish Travellers in the country, although only 20,000 registered in the last census.

The OSCE/ODIHR NAM was further informed that while a few Irish Travellers are active in mainstream political parties, no Travellers were running as candidates in the 2011 elections. Irish Travellers, however, are more active in local elections, with representation in some local councils and at least one mayoral post.

The ITM reported that, in general, discrimination against them continues to exist and that they are occasionally the target of negative campaigning by some candidates. They also cited literacy issues and lack of proof of residency as challenges particular to the participation of Travellers in elections.

#### J. COMPLAINTS AND APPEALS

Generally, all interlocutors met by the OSCE/ODIHR NAM expressed confidence in the judicial system and did not raise the process of complaints and appeals as an issue of concern. The 1992 Electoral Act identifies a number of specific electoral offenses which can be challenged to the High Court. They relate to, among others, offenses during the process of voter registration, campaigning, voting, and counting. A petition may also be made against an issue that is likely to have affected the result of the elections. Decisions of the High Court can be further appealed to the Supreme Court as the court of final instance. There are no special deadlines for hearing complaints and appeals, although the OSCE/ODIHR NAM was informed that the High Court would likely hear any election-related cases immediately. Complaints are rare, and as of 10 February no complaints had been lodged.

Complainants must secure a petition by a significant monetary deposit.<sup>16</sup> While understanding the need to avoid spurious claims, the 2007 OSCE/ODIHR EAM recommended that this deposit be reviewed as it could discourage individuals seeking legal redress.<sup>17</sup>

# IV. CONCLUSIONS AND RECOMMENDATION

Despite some concerns raised about campaign financing and the voter registers, OSCE/ODIHR NAM interlocutors expressed little concern that these might translate into fraudulent activities. Furthermore, all major parties are proposing political and electoral reform following these elections as part of their campaign program and plan to address certain identified shortcomings. There is also a very high level of confidence of all stakeholders in the electoral process and the election administration. Based on the above and due to the short timeframe before the upcoming elections, the OSCE/ODIHR NAM does not recommend deploying an election-related activity for the 25 February *Dáil* elections.

The OSCE/ODIHR would, however, like to reiterate that most recommendations made in previous OSCE/ODIHR reports are still current. The OSCE/ODIHR, therefore, recommends early engagement with the Irish authorities in a follow-up process soon after the elections, particularly in the area of electoral reform, and to assist in addressing outstanding recommendations.

<sup>&</sup>lt;sup>16</sup> However, where the court is satisfied that a petitioner is unable to lodge the amount specified, or that to require a petitioner to lodge the amount would cause serious hardship, the court may require a lesser amount.

<sup>&</sup>lt;sup>17</sup> See recommendations from the report of the OSCE/ODIHR Election Assessment Mission to the 24 May 2007 parliamentary elections, p. 5.

#### **ANNEX: LIST OF MEETINGS**

Department of Foreign Affairs Ambassador Frank Cogan, Head, OSCE Task Force Mr Brian Glynn, Deputy Head, OSCE Task Force Mr Elliot Milton, Desk Officer, OSCE Task Force Ms Mary O'Connor, Desk Officer, OSCE Task Force Ms Bríd Costello, Higher Executive Officer, Irish Aid

Department of Environment, Heritage and Local Government Ms Riona Ni Fhlanghaile, Principal Officer, Local Government Division Mr Barry Ryan, Assistant Principal Officer, Local Government Division Mr Enda Falvey, Assistant Principal Officer, Local Government Division Mr Eamonn Waters, Assistant Principal Officer, Local Government Division

<u>Standards in Public Office Commission</u> Mr David Wadell, Secretary Mr Paddy Walsh, Investigator

<u>Returning Officers</u> Mr John Fitzpatrick, Sheriff, Dublin Ms Mairéad Ahern, Country Registrar, Louth/Meath

<u>Political Party Representatives</u> Mr Sean Dorgan, General Secretary, *Fianna Fáil* Mr Tom Curran, General Secretary, *Fine Gael* Mr Michael McLoughlin, International Secretary, Labour Party Mr Colm Ó Caomhánaigh, General Secretary, Green Party

Broadcast Authority and Public Broadcaster

Mr Michael O' Keeffe, Chief Executive of the Broadcast Authority of Ireland Ms Stephanie Comey, Manager, Policy, Broadcast Authority of Ireland Mr Declan McLoughlin, Policy Officer, Broadcast Authority of Ireland Mr Peter Feeney, Secretary of Election Steering Group, Radio *Teilifís Éireann* 

**Civil Society and Commentators** 

Mr Damien Peelo, Director, Irish Traveller Movement Ms Brigid Quilligan, Assistant Director, Irish Traveller Movement Ms Ramona Quinn, Law Centre Solicitor, Irish Traveller Movement Mr Mark Kelly, Director, Irish Council for Civil Liberties Mr Tanya Ward, Deputy Director, Irish Council for Civil Liberties Mr Noel Whelan, Barrister