



Office for Democratic Institutions and Human Rights

IRELAND

PRESIDENTIAL ELECTION

October 2018

ODIHR NEEDS ASSESSMENT MISSION REPORT

1-3 May 2018



Warsaw
30 May 2018

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation from the authorities of Ireland to observe the October 2018 presidential election, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Ireland from 1 to 3 May 2018. The NAM included Ana Rusu, ODIHR Senior Election Adviser, and Alexey Gromov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the upcoming presidential election. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming election, 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, and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Department of Foreign Affairs and Trade and the Department of Housing, Planning and Local Government for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

In October 2018, citizens of Ireland are expected to vote in presidential election. The current president enjoys considerable support among the population, although has not yet announced his intention to seek re-election. In case he decides to be a candidate, many ODIHR NAM interlocutors would not expect any other candidates to be nominated. According to the law, if such situation occurs, an election is not held and the only candidate is deemed automatically elected.

The election is regulated by the Constitution of 1937, the Electoral Act of 1992, the Presidential Elections Act of 1993, and the Electoral Act of 1997. Overall, ODIHR NAM interlocutors assessed the electoral legislation as giving a sound basis for the conduct of democratic elections. Nevertheless, some ODIHR recommendations remain unaddressed, including those related to the codification of electoral legislation, complaints and appeals process, as well as legal provisions for citizen observation of elections.

The system of election administration is decentralized. The Franchise Section of the Department of Housing, Planning and Local Government serves a coordination function in providing policy guidelines, and legislative advice, although does not provide formal oversight. A presidential returning officer and 19 local returning officers have the primary responsibility for the conduct of the election supported by polling staff hired for almost 6,500 polling stations. All ODIHR NAM interlocutors expressed full confidence in the election administration's ability to professionally manage the elections.

Irish citizens over the age of 18 years who are resident in Ireland are eligible to vote. Voter registration is decentralized and lists are compiled by local authorities. The total number of eligible

voters for this election is around 3.2 million. Each voter has the possibility to check the accuracy of personal data. While a number of ODIHR NAM interlocutors noted that the maintenance and accuracy of the registers could be improved, there is overall confidence in the voter registration process.

A presidential candidate must be an Irish citizen over 35 years of age and can be nominated by a group of at least 20 members of parliament or by at least four local councils. A former or current president may directly nominate herself or himself as a candidate. The presidential returning officer, together with the president of High Court, check the eligibility of the candidates.

The campaign will officially begin when the election is called and run until the day prior to election day. In case the election is contested, the campaigning is expected to primarily focus on personalities of the candidates due to the nature of president's office. No ODIHR NAM interlocutors raised concerns about the ability to campaign freely. At the same time, the role of social media in the campaign was often regarded as potentially contentious due to a lack of regulations of this important campaign tool for both parties and candidates.

Campaign finance is comprehensively regulated. Legal amendments from 2012 focus on reducing contribution limits for various types of donations, introducing more stringent reporting requirements for candidates, and requiring the registration of and reporting by third parties. The oversight of campaign finance is managed by the Standards in Public Office Commission. While contestants are required to report contributions and expenditures following the elections, significant share of campaign finance comes from anonymous donations and remains undisclosed. Most ODIHR NAM interlocutors stated that, despite this, they generally considered the system to be comprehensive and sufficient in the context of the presidential election.

The media environment is diverse and includes a wide range of broadcast and print media. The Broadcasting Act obliges electronic broadcasters to provide for fairness, objectivity, and impartiality while covering the campaign. Paid political advertising in electronic media is prohibited, but broadcasters may air free-of-charge political party broadcasts. Print media are largely self-regulated. The national broadcaster and other media outlets have developed policies and programmes to cover the elections, including through holding debates among electoral contestants. Although some concerns were noted regarding an increased concentration of media ownership, no ODIHR NAM interlocutors questioned the diversity of political views in the media, as well as access thereto.

All ODIHR NAM interlocutors expressed a high level of confidence in the electoral process and the ability of the election administration to conduct professional and transparent elections. Most of ODIHR NAM interlocutors welcomed an external review by a possible observation activity. No new electoral issues have been identified, however, that would benefit from an additional assessment by ODIHR. While some isolated concerns were raised on specific issues of campaign financing and voter registration, these were not identified by electoral stakeholders as significantly impacting the upcoming election.

Based on this, the ODIHR NAM does not recommend deploying an election-related activity for the October 2018 presidential election. ODIHR would, however, like to reiterate that a number of its previous recommendations are still valid and encourages authorities to also consider the issues raised by interlocutors in discussions with the ODIHR NAM. ODIHR stands ready to offer its assistance upon request in a post-election follow-up process.

III. FINDINGS

A. POLITICAL BACKGROUND

Ireland is a parliamentary republic with legislative powers vested in the bicameral parliament (*Oireachtas*) composed of an indirectly elected upper chamber, the *Seanad Éireann* (Senate), and of a directly elected lower chamber, the *Dáil Éireann* (House of Representatives). Executive power is exercised by the government led by the *Taoiseach* (Prime Minister), who is nominated by the *Dáil Éireann* and appointed by the president.

The president is the head of state but plays mainly a ceremonial role. The president's powers include representing the people and the state, formally appointing members of the government, judges and other officials, convening and dissolving the parliament, signing laws, and acting as Supreme Commander of the Defence Forces. Many of these powers, however, can only be exercised on the advice of the government.

Last elections to the *Dáil Éireann* (parliamentary elections) took place in February 2016 and resulted in a minority coalition government formed by *Fine Gael* and nine independent members of the *Dáil Éireann* (MPs).¹ *Fianna Fáil*, while remaining in opposition, signed a confidence-and-supply agreement with *Fine Gael* until budget approval in autumn 2018.² The opposition includes the Labour Party, *Sinn Féin*, as well as all other parliamentary groups and independent MPs.

Presidential election is expected to take place in October 2018.³ The current President Michael D. Higgins, who enjoys strong support among the population, has not yet announced his highly expected intention to seek re-election. In case he decides to be a candidate, many ODIHR NAM interlocutors noted that they would not expect any other candidates to be nominated. According to the law, if such situation occurs, the election is not held and the only candidate is deemed automatically elected. All ODIHR NAM interlocutors noted an overall lack of current public interest in the presidential election as public attention was devoted at the time of the NAM to the ongoing referendum on abolition of a constitutional ban on abortions.

ODIHR has never observed a presidential election in Ireland. For the general elections in 2007, ODIHR deployed an Election Assessment Mission, which offered a number of recommendations on how the authorities could improve the electoral process.⁴ For the 2011 and 2016 general elections, ODIHR deployed Needs Assessment Missions, which did not recommend deploying any election-related activity.

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework regulating presidential elections includes the Constitution of 1937 (last amended in 2015), the Electoral Act of 1992 (last amended in 2015), the Presidential Elections Act

¹ Results of 2016 parliamentary elections are: *Fine Gael* (50 seats), *Fianna Fáil* (44 seats), *Sinn Féin* (23 seats), the Labour party (7 seats), Anti-Austerity Alliance – People before Profit (6 seats), Independents for change (4 seats), Social Democrats (3 seats), Green party (2 seats) and 19 independent MPs.

² *Fianna Fáil* agreed to abstain from nominating ministers and from any motions of no confidence in the government as well as to support budgets consistent with the agreed policy principles. *Fine Gael* recognised *Fianna Fáil's* right to bring forward policy proposals and agreed to facilitate shorter proceedings for voting non-financial bills.

³ According to the Constitution, presidential election is due within 60 days before 10 November 2018, the last day of the official term of the current president, and shall be called by the Minister of Housing, Planning, and Local Government in August 2018.

⁴ [See all previous OSCE/ODIHR election reports for Ireland.](#)

of 1993 (last amended in 2014), and the Electoral Act of 1997 (last amended in 2017). Ireland is a party to major international and regional instruments related to the democratic elections.⁵

The 1992 Electoral Act covers voter registration and the preparation and conduct of elections. The Presidential Elections Act regulates nomination of presidential candidates, activities of returning officers, as well as voting and counting procedures. The 1997 Electoral Act covers campaign finance, among other issues. Recent amendments primarily focus on party and campaign finance issues and the introduction of a gender quota, as well as adjusting the number of constituencies and the number of seats in the the *Dáil Éireann*. Previous ODIHR recommendation to consider consolidating election legislation into one electoral act has not been implemented. Despite this, ODIHR NAM interlocutors opined that the legislation is clear enough to provide a sound basis for conducting democratic elections.

The president is elected by citizens for a seven-year term under a single transferable vote system and can serve for a maximum of two terms. The voters numerically rank candidates in order of preference on their ballots. If no candidate reaches quota of 50 per cent of the valid first-preference votes, a complicated transfer system of other preferences takes place. In this case, the candidate who received the least number of the valid first-preference votes is excluded from the further count and his or her votes are transferred to the rest of the candidates according to the next preference marked on the ballot. The candidate who reached the quota (first-preference and transferred votes) is declared elected. Otherwise, the candidate with the next least number of votes is excluded from the count and his or her votes are further transferred until someone reaches the quota.

C. ELECTION ADMINISTRATION

The election administration is decentralized. The Franchise Section of the Department of Housing, Planning, and Local Government (Franchise Section) serves a coordination role in providing policy, and legislative advice, issuing guidance and training manuals for electoral authorities, and preparing voter education materials, though it does not provide formal oversight. Minister of Housing, Planning, and Local Government calls the election, defines the period of candidate nomination, appoints a presidential returning officer (PRO, usually head of Franchise section) as well as a total of 19 local returning officers (LROs) who have the primary responsibility for the conduct of elections across the country. The LROs are chosen from among the county registrars, with the exception of Dublin and Cork, where county sheriffs are appointed. The LROs are supported by their regular staff and may employ additional personnel as needed. Most LROs have the responsibility within the territories of their relevant parliamentary constituencies and may appoint deputy returning officers to manage a specific constituency on their behalf.

According to the authorities, almost 6,500 polling stations will be established for the upcoming election, each staffed by a presiding officer and a poll clerk, to manage voting. ODIHR NAM was informed that the number of voters that can be assigned to a polling station is not legally restricted and, at times, can reach several thousand people. The LROs may subdivide the large polling stations providing several ballot boxes and appointing several presiding officers and poll clerks for such polling stations. The LROs recruit polling and counting staff before each election, seek to rehire

⁵ Including the 1950 European Convention on Human Rights, 1966 International Covenant on Civil and Political Rights, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women, 1995 EU Framework Convention for the Protection of National Minorities (FCNM), 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities (Ireland ratified the CRPD on 20 March 2018). Ireland is also a member of the Council of Europe's Venice Commission and Group of States against Corruption (GRECO).

individuals with previous election experience and are also advised to consider hiring those who are unemployed. According to the law, the people affiliated with any contesting party during the election are not allowed to serve at polling stations. Presiding officers are trained for each election. Standard training is not in place with each LRO determining how best to conduct their training sessions; some use shared materials, including a standard online training course.

In order to promote inclusive participation, the authorities undertake specific arrangements for different categories of voters. Thus, the law provides for postal and mobile voting for a limited category of voters not able to cast their vote on election day in a polling station. Persons with disabilities can be assisted in the polling stations in casting their vote by a person of their choice or by the presiding officer. According to the authorities, a vast majority of polling stations are barrier-free. The LROs publish the lists of polling stations not accessible to wheelchair users in advance of elections with the aim of possible voter relocation, if necessary. The authorities are also planning to prepare special Braille templates for visually impaired voters and adapt voter education materials to easy-to-read format in close coordination with civil society organizations (NGOs), representing persons with different types of disabilities. Several ODIHR NAM interlocutors acknowledged efforts of the authorities to facilitate electoral participation of persons with disabilities, but raised concerns on accessibility of polling stations in rural areas and in case of voter relocation.

Counting is conducted at the constituency level, starting the day following the election, and the results per constituency are delivered by respective LRO to the office of the PRO for further tabulation.⁶ However, media present during the counts regularly report intermediate results and compile nationwide figures in their election coverage.

The law provides for observation of preparations to postal voting and counting by candidates and their representatives. The LROs have the discretion to also permit access to media and other entities to both voting and counting procedures. All ODIHR NAM interlocutors noted a high interest and large attendance of observers at the counting centres and parties met with by the ODIHR NAM consider that such observation contributes to the overall transparency of the electoral process. Despite a previous ODIHR recommendation, there are no explicit legal provisions providing for the presence of citizen or international observers, at odds with the OSCE commitments.⁷

Several ODIHR NAM interlocutors noted a consensus towards establishing an independent electoral commission, in line with a previous ODIHR recommendation. This commission would serve to consolidate and centralize responsibilities for the conduct of elections, the voter register, and campaign financing under a single body. Establishing the electoral commission was recommended by the 2013 Constitutional Convention. Legislation to enable the establishment and functioning of such a commission is being developed and is expected to be introduced in the current or next parliament.

All ODIHR NAM interlocutors expressed full confidence and trust in the professionalism and impartiality of the election administration, and no concerns were raised regarding the technical preparations and conduct of the election.

⁶ Following verification of the number of ballots found in each ballot box to the corresponding number of ballots issued at the polling station, the ballots from all the polling stations are mixed up and counted at the constituency level. The results are thus published by the relevant constituencies and not disaggregated by the polling stations.

⁷ 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”.

D. VOTER REGISTRATION

Irish citizens over the age of 18 years who are resident in Ireland are eligible to vote. According to the authorities, the total number of eligible voters for the presidential election is 3,229,672. There are no restrictions based on disability or a criminal sentence, regardless of the nature of the crime committed. Citizens residing abroad are ineligible to vote, with the exception of a small group of civil and military servants abroad and their families.⁸

There is no centralized voter register in the country and local authorities are responsible for voter registration. Each year, on 1 November, draft registers are published and are available for review in libraries, tax and other public offices, as well as online. Additions or changes to voter information can be made annually prior to 25 November with the local registration authority. Final registers are then published on 1 February, come into force on 15 February and apply for all elections and referendums held till next updates of the voter register. Nevertheless, voters, whose names are missing from the voter lists, including those who have acquired Irish citizenship and/or changed their residency, can apply for inclusion onto supplementary lists until 15 days (excluding Sundays and public holidays) before the election.⁹ Many ODIHR NAM interlocutors confirmed that the authorities undertake an annual campaign ahead of publishing the draft registers to encourage voters to verify their voter details, including for compact group of Irish travellers. The Franchise Section runs national awareness campaign, including at postal offices and via public advertisements on television, in major newspapers and social media. At times, local authorities also visit the households and verify voters' factual addresses. In case there is a mistake, voters may make a claim at their local authority and further appeal its decision to a circuit court. Representatives of each candidate may obtain copies of the voter lists in each municipality free of charge.

No comprehensive mechanism exists to cross-check the registers at a national level, which could potentially lead to multiple entries for the same voter.¹⁰ While local authorities may cross-check and update information between their respective lists, this practice is informal and is not prescribed by law. The maintenance of the voter registers was noted by a number of ODIHR NAM interlocutors as an aspect that could be improved. At the same time, there is a confidence in the voter registration process and no concerns were raised that existing shortcomings are used for any fraudulent activities. Several interlocutors noted that voter list compilation could be enhanced, especially regarding the supplementary lists, including through a centralized voter registration system and possibly introducing a unique identifier for each voter, which corresponds to previous ODIHR recommendations.

E. CANDIDATE REGISTRATION

A presidential candidate must be an Irish citizen over 35 years of age.¹¹ Candidates can be nominated by a group of at least 20 MPs and/or senators or by at least four local councils. A former or current president may directly nominate herself or himself as a candidate. The nomination papers must be submitted to the PRO within the designated period soon after calling of the elections and usually no later than one month before the election day. The PRO, together with the president of

⁸ Several ODIHR NAM interlocutors mentioned a government initiative to hold a referendum with the aim to change the constitutional provision excluding more than a million Irish citizens residing abroad from voting, including in presidential elections.

⁹ According to the authorities, the supplementary lists for the 25 May 2018 nationwide referendum included around 110,000 citizens.

¹⁰ Multiple voting at any election is a criminal offence.

¹¹ In May 2015, as a result of the national referendum, citizen rejected an initiative to reduce the minimum age of a president from 35 to 21 years old.

High Court, checks the eligibility of the candidate, verifies the nomination documents and must rule on all nominations on the last day of the nomination period.¹² Candidates or their agents must be present during the verification. If only one candidate was registered, he or she is automatically declared as elected, without popular vote.

Women continue to be under-represented in political office retaining 35 out of 166 MP, 18 out of 60 Senator, 4 out of 17 minister and 3 out of 19 minister-of-state posts.¹³ After consultations on potential gender equality measures, in July 2012, amendments were introduced to the 1997 Electoral Act, requiring each qualified party to include at least 30 per cent of their candidates from either sex.¹⁴ Parties failing to comply with this requirement receive only half of their entitlement to state funding.¹⁵ Political parties' representatives that the ODIHR NAM met with noted that this measure contributed to political parties reconsidering their policies and increasing the number of women standing for parliamentary elections.

F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The campaign officially begins when the election is called and runs until 14:00 on the day prior to election day. Political parties informed the ODIHR NAM that their decision on nominating their candidates and participation in potential campaign would depend very much on whether the President Higgins would announce his decision to seek for re-election or not. In case the election is contested, the campaigning would primarily focus on personalities of the candidates due to the nature of president's office. No ODIHR NAM interlocutors raised concerns about the ability to campaign freely.

Many ODIHR NAM interlocutors referred to the distribution of posters and televised debates as main campaign activities to be held during the upcoming election. At the same time, the role of social media in the campaign was often regarded as potentially contentious, as lack of regulations of this important campaign tool for both parties and candidates could potentially compromise fairness of the campaign. Several ODIHR NAM interlocutors expressed their concerns that despite absence of formal barriers to political participation, most Irish Travellers and Roma are not generally active in political life. Concerns were also raised with regard to overall lack of policies of political parties to reach voters representing national minorities and persons with disabilities.

Campaign finance is regulated by the 1997 Electoral Act. Amendments made to the legislation in 2012 focus on reducing contribution limits for various types of donations (cash, anonymous and corporate), introducing more stringent reporting requirements for registration of and reporting by third parties. ODIHR NAM interlocutors welcomed the enhancements and characterised the system of campaign finance regulation and disclosure as providing sufficient transparency and accountability. The 2013 compliance report issued by GRECO related to transparency of party and campaign funding noted that Ireland has largely addressed most of its recommendations.¹⁶ These include requirements for public disclosure of campaign related financial incomes, detailed and timely reporting on campaign expenditures, including by third parties, clear regulation of campaign

¹² The president of High Court may appoint another judge of High Court to rule on candidate nominations.

¹³ See UN Committee on the Elimination of Discrimination against Women [Concluding observations on the combined 6th and 7th periodic reports of Ireland](#) (9 March 2017), CEDAW/C/IRL/CO/6-7, paragraphs 34-35.

¹⁴ The gender quota will increase to 40 per cent for the parliamentary elections that will take place on or after 26 February 2023.

¹⁵ Total accumulated state funding is approximately EUR 5 million annually, and can potentially reach up to a few million euros for a party depending on its entitlement.

¹⁶ [See GRECO Third Evaluation Report, Second Compliance Report on Ireland, 18 December 2013.](#)

related in-kind donations and loans, strengthening campaign finance oversight, as well as gradual and dissuasive range of sanctions for potential financial infringements.

The law provides for a mixed campaign finance system, including both public and private financing. Candidates who are elected or reached at least 12.5 per cent of votes at any stage of counting are entitled to public reimbursement of campaign expenses (up to EUR 200,000). In addition, all registered candidates are entitled to send by post one letter to each household in Ireland free of charge.

Strict rules govern various types of private contributions and are comprehensive overall. Candidates and third parties may receive donations, monetary and in-kind, from citizens and legal entities. Certain types are prohibited, including all foreign donations, as well as individual anonymous and cash donations exceeding EUR 100 and 200 per donation, respectively. There is no limit on the total accumulated amount that can be accepted through cash or anonymous donations. Any entitled person may donate within a year maximum EUR 1,000 to a candidate and EUR 2,500 to a third party. While there is no formal limit for overall incomes, the total campaign expenses made on behalf of a candidate should not exceed EUR 750,000, including in-kind donations. Several ODIHR NAM interlocutors stated that this limit is reasonable for a presidential campaign, but noted that donations provided anonymously, at times, represent a high proportion in overall donations but are neither reported nor overseen. Most ODIHR NAM interlocutors stated that, despite this, they generally considered the system to be comprehensive and sufficient in the context of the presidential election.

The oversight of campaign finance is managed by the Standards in Public Office Commission (SIPO).¹⁷ Each candidate as well as third parties should provide a detailed campaign finance reports to SIPO 56 days after the election. There is no requirement to report on campaign incomes and expenditures prior to election day.

SIPO takes a proactive approach in providing information to candidates and other relevant stakeholders, including through comprehensive guidelines and explanatory notes. SIPO submits copies of candidates' reports to both houses of the parliament, registers third parties for their campaign activities, publishes campaign finance reports on its website, and reports potential infringements to the police. Many ODIHR NAM interlocutors expressed overall satisfaction with the current oversight of campaign finance. Nevertheless, some interlocutors raised potential concern over the limited scope of SIPO's cross-checking activities and their ability to follow-up on alleged irregularities due to the lack of investigatory and enforcement authority.

Several ODIHR NAM interlocutors raised their concerns over excessively broad application of the 1997 Electoral Act with regard to NGOs not engaged in election campaigning. According to them, the obligation to register with SIPO and restrictions on receiving donations, both related to their size and sources, are applied to third parties, including all NGOs who accept donations exceeding EUR 100 or incur expenses for 'political purposes'.¹⁸ This broad definition can potentially cover the activities of a wide range of civil society organizations, including human rights NGOs. In 2017, SIPO requested several such NGOs to register as third parties and return the foreign funds received for their statutory activities as well as other funds exceeding EUR 2,500 received from one donor.

¹⁷ SIPO consists of six members, including the clerks from the lower and upper chambers of parliament, and is supported by own secretariat, as well as from office of the Ombudsman; the latter is also a member of SIPO.

¹⁸ The 1997 Electoral Act defines the 'political purposes' as those aimed "to promote or oppose, directly or indirectly, the interests of a third party in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to a policy or policies or functions of the Government or any public authority".

Despite previous ODIHR recommendation, such a broad definition and a restrictive application of the law can severely impact activities of many human rights organizations, depending much on foreign funds.¹⁹

G. MEDIA

The media environment is diverse and includes a wide range of Irish and British broadcast and print media. Although some concerns were noted regarding an increased concentration of media ownership, no ODIHR NAM interlocutors questioned the diversity of political views in the media.

Broadcast media are regulated by the 2009 Broadcasting Act, which provides for fairness, objectivity and impartiality of the broadcasters. Based on the Act, the Broadcasting Authority of Ireland (BAI), as the broadcast regulator, developed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs in 2013. The Code includes a specific regulation on election coverage and is supplemented with specific guidelines that provide additional information and set out broadcaster requirements during an election. The BAI can issue warnings and apply sanctions in case of non-compliance and relies on complaints rather than on proactive media monitoring. Print media are largely self-regulated and are overseen by a Press Ombudsman and a Press Council, of which most of the country's and British print media are members.

The public broadcaster, Irish Radio and Television (RTE), is the main electronic media source, and runs six television and nine radio channels nationwide. The RTE is planning to develop coverage policies and programmes to cover the upcoming election and is going to closely monitor their content with the aim of providing balanced coverage of candidates.²⁰ The RTE plans to hold a number of debates among candidates and anticipates to launch an online platform on its website for each contestant. Representatives of political parties and NGOs that the ODIHR NAM met with expressed overall confidence in the impartiality of election coverage by the RTE, as well as satisfaction with overall access both to private and public media during elections.

H. COMPLAINTS AND APPEALS

The law identifies specific electoral offenses that can be challenged with the High Court, including during the process of voter and candidate registration, campaigning, voting, and counting. A petition may also be made against an issue affecting the election results, including for violations in campaign financing, if such violations compromised the election results. 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, but some ODIHR NAM interlocutors noted that official complaints are rare and courts give a priority to the election-related cases.

While submitting a petition, a significant monetary deposit is required, which ODIHR has previously recommended to review as it could potentially discourage someone from seeking legal redress.²¹ Overall, interlocutors of the ODIHR NAM expressed overall confidence in the

¹⁹ See also European Union Agency for Fundamental Rights [2017 Report on Challenges facing civil society organisations working on human rights in the EU](#) (paragraph 2.1.2).

²⁰ The RTE will allocate airtime to candidates based on a formula, which is yet to be established. Usually, the criteria for covering the contestants during an election include first preference support that contestants received in previous elections, number of seats in the parliament, number of candidates running in the current elections, party support in EU and local elections, as well as an average support of the contestant in current opinion polls.

²¹ Where the court considers 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.

impartiality and effectiveness of the complaints and appeals system, positively noting existing checks and balances.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors expressed a high level of confidence in the integrity of the electoral process and the ability of the election administration to conduct professional and transparent elections. Most of ODIHR NAM interlocutors welcomed an external review by a possible observation activity. No new electoral issues have been identified, however, that would benefit from an additional assessment by ODIHR. While some isolated concerns were raised on specific issues of campaign financing, voter registration, and use of social media in the campaign, these were not identified by electoral stakeholders as significantly impacting the upcoming election.

Based on this, the ODIHR NAM does not recommend deploying an election-related activity for the October 2018 presidential election. ODIHR would, however, like to reiterate that a number of its previous recommendations are still valid and encourages authorities to also consider the issues raised by interlocutors in discussions with the ODIHR NAM. ODIHR stands ready to offer its assistance upon request in a post-election follow-up process.

ANNEX: LIST OF MEETINGS

Department of Foreign Affairs and Trade

Barrie Robinson, Political Director
Rory Montgomery, Second Secretary General
Orla McBreen, Director, Civil Society and Development Education Unit
Martina Feeney, Director, Human Rights Unit
Caitriona de Burca, First Secretary, OSCE Section.
Sarah Dooley, Third Secretary, OSCE Section.

Department of Housing, Planning, and Local Government

Barry Ryan, Principal Officer
Paris Beausang, Assistant Principal Officer
Ian Stuart-Mills, Administrative Officer

Department of Justice and Equality

Carol Baxter, Head, Asylum Services, Equality and Integration
Caroline Mellows, Assistant Principal Officer, Equality and Human Rights

Standards in Public Office Commission

Sherry Perreault, Head of Ethics and Lobbying Regulation
Brian McKevitt, Commission Secretariat
Raymond Butler, Commission Secretariat

Office of Ombudsman

Tom Morgan, Senior Investigator

Returning Officers

Fergus Gallagher, Dublin County
James C Barry, Dublin City

Public Broadcaster Irish Radio and Television

Brian Dowling, Head, Editorial Standards and Compliance

Political Parties

Sean Dorgan, General Secretary, *Fianna Fáil*
Christabelle Feeney, International Department, *Fianna Fáil*
Terry Murphy, Head of Research and Development, *Fine Gael*

Civil Society

Fiona O'Donovan, Policy and Research Assistant, Disability Federation of Ireland
John Patrick Clarke, Board Member, Disability Federation of Ireland
Vivian Rath, Disability Advocate, Trinity College Dublin
Liam Herrick, Executive Director, Irish Council for Civil Liberties
Joe O'Brien, Immigrant Council of Ireland
John Devitt, Chief Executive Officer, Transparency International
Ciairín de Buis, Chief Executive Officer, Women for Election