

Note of OGP Round Table sub-group on the proposal to amend Section 22 of the Electoral Act

1. Sub-group members:

Diarmuid O'Leary, PO, Department of Housing, Local Government and Heritage
Catherine Lawlor, Advocacy and Research Coordinator, Transparency International Ireland

2. Decisions reached:

Not to proceed with an OGP commitment in connection with the proposal to amend Section 22 of the Electoral Act.

3. Shared understanding reached:

The action proposed for the OGP National Plan was: *'Section 22 of the Electoral Act should be amended to limit the scope of its definition of "political purposes" by removing the sweeping inclusion of activities carried out "in relation to a policy or policies or functions of the Government or any public authority" and limiting the definition specifically to activities carried out in campaigning for a particular outcome in an election or referendum'*. The OGP Secretariat noted that 'On the basis of the Round Table evaluation, this is the only proposal that is a clear "accept"'.

The commitment considered feasible by the Department of Housing, Local Government and Heritage in relation to this proposal would be to ask the Electoral Commission (contingent on the passage of the Electoral Reform Bill, under which the Commission would be established) to undertake a review of the Electoral Act(s), with a view to making recommendations for reform for the consideration of Government.

4. Process undertaken:

The members of the sub-group discussed the feasibility of the commitment and its possible wording and implementation through an online discussion and written exchanges via email, in consultation with the Franchise Unit of the Department of Housing, Local Government and Heritage and the civil society members of the Round Table respectively.

5. Any other information for the Co-Chairs and Round Table:

The majority of civil society Round Table members are of the view that the commitment as set out (a request for a review of the Electoral Act) is not sufficiently in line with the proposal accepted (amendment of the Electoral Act).

4 February 2022