

Elections to Dáil Éireann

25.5.2° *A copy of every text so prepared, when authenticated by the signatures of the Taoiseach and the Chief Justice, shall be signed by the President and shall be enrolled for record in the office of the Registrar of the Supreme Court.*

25.5.3° *The copy so signed and enrolled which is for the time being the latest text so prepared shall, upon such enrolment, be conclusive evidence of this Constitution as at the date of such enrolment and shall for that purpose supersede all texts of this Constitution of which copies were previously so enrolled.*

25.5.4° *In case of conflict between the texts of any copy of this Constitution enrolled under this section, the text in the national language shall prevail.*

Article 26

This Article applies to any Bill passed or deemed to have been passed by both Houses of the Oireachtas other than a Money Bill, or a Bill expressed to be a Bill containing a proposal to amend the Constitution, or a Bill the time for the consideration of which by Seanad Éireann shall have been abridged under Article 24 of this Constitution.

26.1.1° *The President may, after consultation with the Council of State, refer any Bill to which this Article applies to the Supreme Court for a decision on the question as to whether such Bill or any specified provision or provisions of such Bill is or are repugnant to this Constitution or to any provision thereof.*

26.1.2° *Every such reference shall be made not later than the seventh day after the date on which such Bill shall have been presented by the Taoiseach to the President for his signature.*

Size of Dáil Éireann

Under Article 16, the number of members of Dáil Éireann cannot be more than one for every 20,000 of the population, or less than one for every 30,000. Within these limits the ratio of population to members must be the same ‘so far as it is practicable’ throughout the country. At present there are 166 members – one member for every 21,239 of the population.

Constituencies must be revised at least once in every twelve years, with due regard to changes in the distribution of the population.

The high ratio of Deputies to population, which offers the possibility of a high level of proportionality, has been justified by reference to the need for a sufficient pool of talent and expertise from which to form a Government and appoint Ministers of State, given the requirement in Ireland that all Government Ministers, except two, be members of the Dáil. This argument is strengthened by the development of the Oireachtas committee system which makes further calls on the time and energy of Deputies and by the interaction of ‘local’ and ‘central’ government functions, complicated now by European Union and other external obligations. In a small country, this interaction adds to the coherence and stability of public policy both domestically and internationally.

Recommendation

There is no reason to suggest a change in the current ratio of population to members.

System of election

The electoral system prescribed by the Constitution for the election of members of the Dáil is voting by secret ballot on the system of ‘proportional representation by means of the single transferable vote’ (PR-STV).

Electoral systems generally tend to be very stable and resistant to change. Obviously, there can be no change unless a majority of current Dáil members so desire and the people give effect to that desire in a referendum. In Ireland, proportional representation is entrenched as the preferred voting system after the two failed attempts to change it by referendums in 1959 and 1968.

Proportional representation is seen as a valuable protection for minorities, both in the State and in Northern Ireland, and could well be an essential element in an ‘agreed Ireland’. Such a radically different, and far less representative, system as the British ‘first-past-the-post’ would have little popular support.

26.1.3° *The President shall not sign any Bill the subject of a reference to the Supreme Court under this Article pending the pronouncement of the decision of the Court.*

26.2.1° *The Supreme Court consisting of not less than five judges shall consider every question referred to it by the President under this Article for a decision, and, having heard arguments by or on behalf of the Attorney General and by counsel assigned by the Court, shall pronounce its decision on such question in open court as soon as may be, and in any case not later than sixty days after the date of such reference.*

26.2.2° *The decision of the majority of the judges of the Supreme Court shall, for the purposes of this Article, be the decision of the Court and shall be pronounced by such one of those judges as the Court shall direct, and no other opinion, whether assenting or dissenting, shall be pronounced nor shall the existence of any such other opinion be disclosed.*

26.3.1° *In every case in which the Supreme Court decides that any provision of a Bill the subject of a reference to the Supreme Court under this Article is repugnant to this Constitution or to any provision thereof, the President shall decline to sign such Bill.*

26.3.2° *If, in the case of a Bill to which Article 27 of this Constitution applies, a petition has been addressed to the President under that Article, that Article shall be complied with.*

26.3.3° *In every other case the President shall sign the Bill as soon as may be after the date on which the decision of the Supreme Court shall have been pronounced.*

The Irish system certainly achieves its primary purpose of proportionality in party terms. For example, Fianna Fáil with 39.1% of the votes in 1992 obtained 41% of the seats; Fine Gael with 24.5% of the votes obtained 27.1% of the seats; Labour with 19.3% of the votes obtained 19.9% of the seats; for smaller parties the outcome was also roughly proportional to their popularity.

The achievement of a high correspondence between party support and representation is not, however, the only desideratum. The kind of parliamentary representation provided by the system may be distinctly unbalanced in terms of gender, occupation, social status or otherwise. In fact, the system has in Ireland predominantly favoured men and, in particular, men in the professions (teaching, the law, accountancy, medicine) and in self-employment, such as farmers, auctioneers, businessmen. Moreover, one quarter of the current and former Dáil members are closely related to previous or present members. There have been very few women in the Dáil – at best 12% in the present Dáil as against 51% in the population. There have also been very few members who have been lower-paid employees or unemployed. Amongst the reasons may be the expense to lower income groups and women of engaging in politics, the degree of organisation necessary to run a campaign, the unavailability of leave of absence for most employees who might get elected, the disadvantages many people suffer in terms of experience, the party nomination system for election, etc.

Tables are appended which show the occupational profile, the gender profile, the relationship to former members of the Oireachtas, the age profile, the level of education of members of Dáil Éireann in 1973, 1982, 1989 and 1992, and the socio-economic composition of the present Dáil compared to that of the population as a whole. Table 2 is particularly noteworthy in showing how much more strongly represented in the Dáil than in the adult population generally are professional workers, employers, managers and salaried employees (76% as against 19%).

Imbalance of this kind and degree cannot be corrected merely by a change in the electoral system: more far-reaching, progressive reforms are necessary, backed strongly by public opinion and by serious and sustained commitment from political parties. As things stand, it may not be practical or appropriate to resort to legislative prescription or constitutional directive, and in any event these could not of themselves correct the imbalance. Favourable influences would be exerted by a greater public commitment to representative and participatory democracy, more comprehensive arrangements for leave of absence for persons elected as Deputies, and by greater resources being at the disposal of political parties to support Deputies in the discharge of their functions. Change in the latter direction is reflected in legislation recently introduced.

None of the major political parties has in recent times formally proposed a change in the present voting system. Concerns have, however, been voiced and there have been calls for radical review. In the major parties there has been criticism of the present system as encouraging a multiplicity of small or fringe parties and unstable government unduly open to influence from

[Related Article – Article 34

34.3.3° *No Court whatever shall have jurisdiction to question the validity of a law, or any provision of a law, the Bill for which shall have been referred to the Supreme Court by the President under Article 26 of this Constitution, or to question the validity of a provision of a law where the corresponding provision in the Bill for such law shall have been referred to the Supreme Court by the President under the said Article 26.*

34.4.5° *The decision of the Supreme Court on a question as to the validity of a law having regard to the provisions of this Constitution shall be pronounced by such one of the judges of that Court as that Court shall direct, and no other opinion on such question, whether assenting or dissenting, shall be pronounced, nor shall the existence of any such other opinion be disclosed.]*

Article 27 – Reference of Bills to the People

27 *This Article applies to any Bill, other than a Bill expressed to be a Bill containing a proposal for the amendment of this Constitution, which shall have been deemed, by virtue of Article 23 hereof, to have been passed by both Houses of the Oireachtas.*

27.1 *A majority of the members of Seanad Éireann and not less than one-third of the members of Dáil Éireann may by a joint petition addressed to the President by them under this Article request the President to decline to sign and promulgate as a law any Bill to which this Article applies on the ground that the Bill contains a proposal of such national importance that the will of the people thereon ought to be ascertained.*

pressure groups. Between 1923 and 1995 the average interval between elections has been two years and ten months and in the last fourteen years, for example, there have been eight changes of Government. Since most changes in public policy require a minimum of two years to produce tangible results, this rapid change-over of Ministers and Governments has meant, in effect, that implementation of policy lacks continuity.

More generally, concerns with the present system relate to excessive pressure of constituency work, and the narrow range and rapid turnover of Dáil membership. The system of its nature may tend to encourage Deputies, and therefore Ministers and Governments, to concern themselves too much with local issues and not enough, at times, with national or long-term policy issues. There is also a feeling that there is too much competition for the loyalty of constituents between Deputies from the same party. The experience is quoted that in recent elections two-thirds of Fianna Fáil losses and one-third of Fine Gael losses were to party colleagues in the same constituency.

It would, of course, be going too far to ascribe all these defects, and the imbalance noted earlier, to a particular electoral system but, if alternative systems are being assessed, their contribution, if any, to remedying that situation must be taken into account. No single voting system can deliver all desiderata. Insecurity of tenure, for instance, is inseparable from dependence on popular support and is the inevitable lot of politicians; it would, however, be reduced by a change to a fixed-term Dáil.

The Review Group sought an assessment of the advantages and disadvantages of the various voting systems, in present-day Irish conditions, from an international expert in this field, Dr Michael Gallagher of the Department of Political Science, Trinity College Dublin. A written memorandum was also provided by Professor Michael Laver, a member of the Review Group and Professor of Political Science in Trinity College Dublin. Both documents expand upon the discussion that follows: see Appendices 2 and 4. This discussion considers, first, the different types of voting system available; second, what might be desired of a voting system in Ireland; third, the extent to which a change in the Irish voting system might address problems that have been aired, without incurring unacceptable new costs.

Types of electoral system

Electoral systems can be categorised into those which are designed to achieve proportional representation (PR systems) and those that are not (non-PR systems). Within these types, electoral systems can be classified as follows:

1 non-PR systems

- i) *first-past-the-post* and *double ballot*. The only two European examples are Britain and France. The British first-past-the-post system is well known. Under the French double ballot system, voters go to the polls on successive Sundays. If no candidate wins a majority on the first round, then candidates with the support of at

27.2 Every such petition shall be in writing and shall be signed by the petitioners whose signatures shall be verified in the manner prescribed by law.

27.3 Every such petition shall contain a statement of the particular ground or grounds on which the request is based, and shall be presented to the President not later than four days after the date on which the Bill shall have been deemed to have been passed by both Houses of the Oireachtas.

27.4.1° Upon receipt of a petition addressed to him under this Article, the President shall forthwith consider such petition and shall, after consultation with the Council of State, pronounce his decision thereon not later than ten days after the date on which the Bill to which such petition relates shall have been deemed to have been passed by both Houses of the Oireachtas.

27.4.2° If the Bill or any provision thereof is or has been referred to the Supreme Court under Article 26 of this Constitution, it shall not be obligatory on the President to consider the petition unless or until the Supreme Court has pronounced a decision on such reference to the effect that the said Bill or the said provision thereof is not repugnant to this Constitution or to any provision thereof, and, if a decision to that effect is pronounced by the Supreme Court, it shall not be obligatory on the President to pronounce his decision on the petition before the expiration of six days after the day on which the decision of the Supreme Court to the effect aforesaid is pronounced.

least an eighth of the electorate go on to the second round, in which the candidate winning the most votes is elected

- ii) *alternative vote*. This system uses the single transferable vote in single-member constituencies. Since it is based on single-member constituencies, it does not produce proportional results. This can be seen in Australia, the only country to use this system to elect its national parliament, where election results have been very disproportional.

2 PR systems

- i) *non-preferential list system*. Voters choose between various lists of candidates put forward by officially recognised parties. (It is effectively impossible for independents to contest elections in a list system.) Seats are allocated between parties in proportion to their votes. Which candidates receive these seats is determined by candidate selectors in each party, who decide the order in which candidates appear on the list. Examples of countries which use such systems are Belgium, the Netherlands, Norway, Portugal, Spain, Sweden
- ii) *preferential list system*. Voters choose one of a number of party lists as above, but they can (or must) also express support for one or more candidates on the list. Under these systems, the voters, not the candidate selectors, decide who their parliamentary representatives should be. Examples of countries using such systems are Austria, Denmark, Finland, Greece, Italy (before 1994), Luxembourg, Switzerland
- iii) *additional member system (AMS)*. This is a hybrid used in Germany and, since 1994, in Italy. It has also recently been adopted by New Zealand (after a popular referendum) and Japan, although neither of these countries has yet had an election under the new rules. In countries using the system, seats are divided into constituency seats, filled using first-past-the-post rules in single-member constituencies, and 'additional' seats filled using non-preferential list rules. The voter has two votes, one for each kind of seat. The additional seat element contributes to the national proportionality of election results. There is no reason, in theory, why constituency seats could not be filled by some other method appropriate to single-seat constituencies, for example the alternative vote, although the Review Group is aware of no country in which this is in practice the case
- iv) *single transferable vote (PR-STV)*. This system is well-known in the Irish context and need not be elaborated here.

An additional feature available in PR list systems is the setting of an explicit *threshold*, a minimum vote share below which representation is not provided by the system. In Germany, for example, this threshold is 5% of votes. Parties winning less than

27.5.1° *In every case in which the President decides that a Bill the subject of a petition under this Article contains a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach and the Chairman of each House of the Oireachtas accordingly in writing under his hand and Seal and shall decline to sign and promulgate such Bill as a law unless and until the proposal shall have been approved either*

- i. by the people at a Referendum in accordance with the provisions of section 2 of Article 47 of this Constitution within a period of eighteen months from the date of the President's decision, or*
- ii. by a resolution of Dáil Éireann passed within the said period after a dissolution and re-assembly of Dáil Éireann.*

27.5.2° *Whenever a proposal contained in a Bill the subject of a petition under this Article shall have been approved either by the people or by a resolution of Dáil Éireann in accordance with the foregoing provisions of this section, such Bill shall as soon as may be after such approval be presented to the President for his signature and promulgation by him as a law and the President shall thereupon sign the Bill and duly promulgate it as a law.*

5% of votes are not allocated list seats (and in practice almost never win constituency seats either). Akin to the issue of the threshold for list systems is the matter of the *number of seats per constituency*. Obviously, proportional representation can only be guaranteed in a system with multi-seat constituencies. An election to a single-seat constituency can never be proportional. In practice electoral systems relying solely on single-seat constituencies – first-past-the-post, double ballot and alternative vote systems – typically produce grossly disproportional election results, especially when more than two parties contest the election. For PR electoral systems, whether these be based on PR-STV or on party lists, all research shows that the proportionality of the election result depends closely upon the average number of seats per constituency. The larger the number of seats, the more proportional the result. Irish three-seat constituencies are the smallest encountered in PR electoral systems, meaning that only parties passing 25% of the vote in the constituency at some stage in the count can be elected. The largest number of seats per constituency is found in the Netherlands, where the whole country is one constituency comprising 150 seats. This allows the representation in the legislature of very small parties. For the first triennial election to the Irish Free State Senate in 1925 the constituency consisted of all qualified electors in the State. Nineteen seats were to be filled from a ballot paper containing seventy-six names. This system was never used again.

Desiderata for electoral systems

1 legislature and government formation

A major purpose of an electoral system is to provide a legislature that can legislate and supervise the Government and a Government that can govern. These objectives can best be obtained if both legislature and Government are reasonably representative of the people as a whole. However, both objectives come into question when change is so frequent that continuity of administration becomes difficult or impossible. Here, as indicated, there have been frequent changes of Government and legislature since the State was founded but particularly over the last fourteen years. Although, in a time of considerable stress, arising in part from the Northern Ireland situation, these changes have not affected the fundamental political stability of the State, they must also, inevitably, raise the question of the extent to which the quality of government would have been better if the changes had been less frequent. The Review Group deals with the question of a fixed-term Dáil in chapter 5 – ‘The Government’. Here the Review Group simply raises the relevance of the Dáil electoral system to these issues.

Recent difficulties in this respect have tended to be associated with election results in which no party or likely coalition of parties has had a decisive majority in the legislature, a product of the pivotal position of a small number of Deputies not affiliated to any of the major parties. Electoral systems facilitating the election of independents, therefore, may allow such periods to arise if voters choose to support independent candidates in

27.6 In every case in which the President decides that a Bill the subject of a petition under this Article does not contain a proposal of such national importance that the will of the people thereon ought to be ascertained, he shall inform the Taoiseach and the Chairman of each House of the Oireachtas accordingly in writing under his hand and Seal, and such Bill shall be signed by the President not later than eleven days after the date on which the Bill shall have been deemed to have been passed by both Houses of the Oireachtas and shall be duly promulgated by him as a law.

knife-edge elections with one Deputy, or a few Deputies, in a position to prevent the formation of a Government unless their demands are conceded. This situation cannot arise under list systems, which leave no role for independents.

2 representation in the legislature of groups contesting an election

This can be judged by the extent to which the proportion of seats won by groups contesting the election, typically but not necessarily political parties, matches the proportion of votes cast for them.

The evidence on this criterion is clear-cut, as Gallagher shows. PR systems typically do well at the job for which they were designed. Non-PR systems are typically very bad indeed at this and are often not only disproportional but perverse, being liable to give more seats to parties with fewer votes than their rivals, thereby generating election results of doubtful legitimacy.

3 representation in the legislature of social groups not contesting an election

Many important social groups do not contest elections, yet strong arguments can be made that the social composition of legislatures should reflect society as a whole. Such groups might be based, among other things, upon ethnic, religious, or linguistic background; gender or age; physical, social or economic disadvantages. It is extremely unusual for such groups to contest elections in their own right. If they are to be represented in the legislature, this must be achieved as an outcome of party competition. The method of election to the Seanad could also be used to create a more representative legislature.

A move towards such representation would depend on parties having a policy of presenting a socially representative slate of candidates and, in electoral systems giving voters a choice of candidates, on voters themselves voting in a way that ensured effective social representation.

All non-PR systems, as well as PR-STV systems with small constituency sizes, do badly on this criterion. Candidates tend to be nominated on the basis of their local electability rather than the need for a national social mix of candidates. It should be noted, however, that PR-STV does offer the possibility for voters to cross party lines if a representative list of candidates is nominated and support, for example, women candidates, or young candidates, if these characteristics are what is important to them. In non-preferential list systems with large constituencies, each party list is at least able to present a more representative social mix of candidates if it chooses to do so.

4 representing individual voters via constituency work

Elected representatives also have a responsibility for the well-being of the people they represent. This may result in a conflict of interest between voters, whom all Irish surveys show to value time-consuming constituency work from their public representatives, and public representatives, for whom

constituency service cuts into the time and energy available to fulfil other important aspects of their job.

Gallagher shows convincingly that constituency work is a major and increasing load on public representatives, regardless of electoral system. Single-member constituencies forge the closest link between public representatives and constituents, making constituency work hardest to avoid. PR-STV and preferential list systems pit candidates of the same party against each other, creating incentives to compete on constituency service. This means that in Ireland constituents tend to make representations to more than one member – indeed in a five-member constituency they may approach all five. The burden of constituency work entailed both for deputies and for the Departments and agencies to which they convey the representations is thereby multiplied. Unless there is a widespread change in how the public assesses the most effective way of making representations, Deputies cannot count on a significant relief from their constituency work. The only type of system that tends to reduce legislators' incentives to respond to constituency demands is a non-preferential list system with large constituency sizes.

5 less rivalry within parties

One common criticism of the working of the PR-STV system in Ireland is that legislators are hampered in their jobs by internal party rivalries caused by the need to compete at elections with rival candidates from the same party. However, there will always be more party hopefuls than can be elected to the legislature (indeed if there were not, this would be a serious situation for democracy). Gallagher argues convincingly that this means that intra-party rivalries will not be eradicated by changing the electoral system but will rather be transferred to some other arena at which the choice between party hopefuls is made, probably the candidate selection process. Thus, systems involving small, including single-seat, constituencies tend to generate intra-party rivalry at local level, as is currently the case in Ireland. This rivalry is likely to be shifted to a more regional or national level, if the size of constituencies is greater as is typically the case with list systems. In such systems, internecine rivalry concerns the choice and ranking of party candidates on the list, a matter that is potentially highly divisive. But it is focused on a relatively small number of nominators at the nomination stage and therefore does not involve the extensive, continual and exhausting competition which is required when nomination is effectively determined by service in the constituency.

6 security of tenure versus responsiveness

It has been argued that the range and calibre of legislators attracted into politics would be improved if the risk of being unseated (whether by party rivals or by opposition candidates) was reduced. A counter-argument is that a legislature should have a regular turnover of members if it is to respond to social change or provide incentives for legislators to perform effectively. The criteria of security of tenure and turnover of the legislature thus pull in opposite directions. Once more there is a conflict of interest between incumbent legislators who want as much

security and as little turnover as possible, and voters who want legislators to be as responsive as possible, and have only the threat of unseating them to ensure this.

In general, local nomination and election procedures mean that security of tenure and legislative turnover are the direct outcome of local party politics in non-PR systems; they tend to be influenced by voters in PR-STV and preferential list systems; and they tend to be orchestrated by party leaderships in non-preferential list systems.

7 party discipline and the stability of government

A standard critique of PR electoral systems used to be that they produced multi-party legislatures, which in turn produced coalition Governments which were unstable and thus undesirable. Since the strongest and most stable political systems at the heart of modern Europe have for the entire post-war period all been governed by coalitions generated by PR list systems, this argument no longer holds water. Effective coalition Government can be attributed to a high degree of party discipline that allows the leaders of Government parties to deliver their parties' vote in support of the Government in the legislature. Where party discipline has been low, as in the French Fourth Republic or Italy, Government stability has suffered.

Broadly speaking, electoral systems supporting local candidate nomination and hence local power bases do not encourage party discipline. This applies to all non-PR systems and in theory to PR-STV. It should be noted, however, that Irish parties are in practice very disciplined, so this objection is not telling in the Irish context. The discipline is strengthened by the electoral law itself which entitles candidates selected by a party to include the name of the party beside their own name on the ballot paper. A candidate expelled from or outside a party cannot do this. In contrast, PR list systems typically involve far larger constituencies and therefore more centralised recognition of party candidates, and thus make party discipline easier to enforce.

8 continuity

A final vital matter is that an electoral system should only be changed if this is absolutely necessary, and then only after very careful consideration by public representatives and voters. The effects of introducing a new electoral system in a particular country are unpredictable, being a complex interaction of electoral law and political culture in the country concerned. This means that, while changing the electoral system may seem on the face of things to be an attractive cure for some malaise in the political system, such change may well not have the predicted effect. The ingenuity of political parties and the subtlety of voters allow systems to be worked in unforeseen ways. Several salutary examples of a change of the electoral system can be found in modern Europe. The most recent is in Italy, where much was hoped for from a change in the electoral system but where, despite radical electoral reform, the same problems remain and reform of the reformed electoral system is now high on the agenda.

One of the most fundamental features of any democracy is that voters have some sense of the likely effects of their votes. They can develop this over time for a given electoral system. When a new system is introduced, however, it inevitably takes time for voters to learn about its workings and for political parties to adapt their strategies to it. During this period, the precise implications of voting in a particular way may not be clear, obviously an undesirable situation leading in a sense to the partial disenfranchisement of voters. This is of course not an argument against any electoral reform if the need for it is overwhelming. But it is a major cost of electoral reform, a benefit of retaining the status quo, and implies that changing the electoral system should be undertaken only with a clear probability of significant benefits.

Conclusion

No electoral system can deliver all desiderata. This means that changing an electoral system to achieve some particular objective typically means sacrificing some other desirable aspect. Table 1 in the Appendix summarises the discussion in Professor Laver's paper. Since people will weigh the desiderata in different ways, it is certainly not appropriate to 'score' electoral systems using this table. Its purpose is to allow people to explore the relative merits of different methods of counting votes by applying their own priorities to these in a systematic manner.

Table 1 shows that the current system used in Ireland, PR-STV, has many of the desiderata of an electoral system. It is proportional in party terms; it allows voters to cross party lines to support social groups important to them provided the parties nominate candidates from those groups; it encourages constituency service; and it promotes responsiveness of the legislature to change. It allows the voters to choose between candidates of the same party just as a preferential list system does but, in addition, it allows the voters, in indicating their lower preferences, to express a preferred coalition alignment. Indeed the provision for expressing preferences other than a first choice has some cohesive effect through its encouragement to parties to consider views other than those of their own supporters. These are advantages which should not be lightly discarded.

Critics of PR-STV object inter alia to what they see as the excessive constituency workloads that it generates and, therefore, to excessive concerns on the part of Ministers and Governments with sectional as distinct from national issues, to the fact that it provides few direct incentives for parties to nominate socially representative slates of candidates, to the local intra-party rivalries that it is seen to foster, and to the resulting problem that some high quality candidates may be deterred from taking up a political career.

If these objections are seen as sufficiently weighty to justify considering a change from PR-STV to a new electoral system, a shift to a non-PR voting system (first-past-the-post, double ballot, alternative vote) is not advisable. Such systems may not reduce constituency workloads or internecine rivalries, while at the same time they lack most of the other desiderata of an electoral system.

Changing to a preferential list system would not address the main objections to PR-STV, since the new system would still involve

intra-party candidate choice by voters. This creates the same incentives for local candidates, in terms of internecine rivalry and constituency work, as they have under PR-STV.

This leaves two types of system for consideration as alternatives to PR-STV in Ireland. The first is the pure non-preferential list system. The second is the additional member system. In each case, as the table shows, the use of party lists that give voters no choice of candidate might possibly reduce the incentives towards local internecine rivalries and high constituency workloads that are complained about under PR-STV. In each case, if the attempt to reduce incentives towards constituency service was effective, then the cost of the new system would be borne by voters, in the sense that they could lose some elements of the local representation that they currently enjoy under PR-STV (although constituency representatives in the additional member system might continue to provide this) but could also, of course, gain the more pervasive benefits of a stable legislature and Government.

The achievement of a socially representative mix of candidates would depend, whatever electoral system is used, on other factors, but especially on the acceptance by political parties of this principle in their nomination procedure as is generally the case in the Scandinavian countries.

Recommendation

The foregoing analysis presents the advantages and disadvantages of various electoral systems. The Review Group recommends that consideration of any proposal to change the electoral system should be guided by the following principles:

- 1 the present PR-STV system has had popular support and should not be changed without careful advance assessment of the possible effects

- 2 if there were to be change, the introduction of a PR-list or AMS system would satisfy more of the relevant criteria than a move to a non-PR system.

If the objective of introducing a common method across Europe for election to the European Parliament is proceeding towards realisation – and some form of PR-list system continues to be the likely common choice – consideration might be given to using a change in the Irish electoral system for such elections as a way of testing some of the effects of a PR-list system in the Irish context.

Tables

1: Relative performance of electoral systems

<i>SYSTEM CRITERION</i>	<i>First-past- the-post / two ballot</i>	<i>Alternative vote</i>	<i>Preferential list</i>	<i>Non- preferential list</i>	<i>AMS</i>	<i>PR-STV</i>
<i>Representation of groups contesting election</i>	-	-	+	+	+	+
<i>Representation of groups not contesting election in their own right</i>	-	-	+	+	+	+
<i>Representation of the interests of individual voters</i>	+	+	-	-	+	+
<i>Government formation</i>	-	-	+	+	+	-
<i>Reduction of constituency work and internecine rivalry</i>	-	-	-	+	-	-
<i>Increase in security of tenure</i>	+	+	-	+	+	-
<i>Responsiveness of legislature to change</i>	-	-	+	-	-	+
<i>Continuity</i>	-	-	-	-	-	+
<i>Reinforcement of party discipline</i>	-	-	+	+	+	-

1 This can only happen if parties nominate candidates from such groups in the appropriate numbers

2 Insofar as these systems allow for the representation of independent and small party candidates able to concentrate support in local areas they may impede government formation. If candidates do not concentrate support in this way, this issue does not arise

3 While evidence from other jurisdictions suggests that both high constituency workloads and local internecine rivalry exist under these electoral systems, there may be less multiplication of constituency work in systems with single-seat constituencies

4 While in theory STV does not encourage party discipline, in practice party discipline in Ireland is high

2: Socioeconomic (SES) composition – the Dáil compared with the population

	SES of Population	SES of	
	1986 census age 21-70	the 27th Dáil 1992	
	%	No	%
Farmers	12	20	12
Agricultural workers	3	0	0
Higher professionals	4	40	24
Lower professionals	6	46	28
Employers/managers	7	28	17
Salaried employees	2	12	7
Intermediate non-manual workers	14	6	3
Other non-manual	11	3	2
Skilled manual	19	3	2
Semi-skilled manual	6	0	0
Unskilled manual	7	0	0
Unknown	9		
Full-time public representatives		8	5
Total	100	166	100

Note: The unemployed are not included as a separate category because they are counted in this table on the basis of their last employment in the data provided. The serious difficulties which this poses for accurately identifying their real economic position should be noted

3: Occupations of Dáil members

	20th Dáil N=144		24th Dáil N=166		26th Dáil N=166		27th Dáil N=166	
	1973 N	%	1982 N	%	1989 N	%	1992 N	%
Teachers and lecturers	19	13	33	20	34	21	37	22
Farmers	24	16	29	17	20	12	20	12
Auctioneers and accountants	14	10	14	8	11	7	10	6
Solicitors, barristers	13	9	18	11	14	8	16	10
Other professionals	0	0	11	7	22	13	21	13
Business interests	26	18	9	5	4	2	4	2
Managers/executives/administrators	14	10	13	8	23	14	23	14
Clerical/technical/sales workers/healthcare	17	12	15	9	23	14	20	12
Tradespeople (manual workers)	7	5	0	0	5	3	2	1
Trade union officials	7	5	6	4	4	2	5	3
Full-time public representatives					6	4	8	5
Other	3	2	0	0	0	0	0	0
Missing information			18	11				
TOTALS	144	100	166	100	166	100	166	100

4: Gender of Dáil members

	20th Dáil 1973 N=144		24th Dáil 1982 N=166		26th Dáil 1989 N=166		27th Dáil 1992 N=166	
	N	%	N	%	N	%	N	%
Women	4	3	14	8	12	8	20	12
Men	140	97	152	91	154	92	146	88
TOTALS	144	100	166	100	166	100	166	100

5: Relationship to former members of the Oireachtas

	20th Dáil 1973 N=144		24th Dáil 1982 N=166		26th Dáil 1989 N=166		27th Dáil 1992 N=166	
	N	%	N	%	N	%	N	%
Sons	31	22	23	14	25	15	20	12
Daughters	1	1	3	2	4	2	4	2
Widow/nephew/ niece/son/ daughter- in-law	11	8	8	5	7	4	9	5
Grandson/ daughter/nephew/ niece							8	5
TOTALS	43	30	34	20	36	22	41	25

6: Age profile of Dáil Deputies versus age profile of population

Age	Census 1986 %	26th Dáil n	1989 %	27th Dáil n	1992 %
21-26	8	1	1	0	0
26-30	7	9	5	4	2
31-35	7	10	6	9	5
36-40	6	25	15	28	17
41-45	5	30	18	33	20
46-50	5	27	16	35	21
51-55	4	35	21	19	11
56-60	4	15	9	25	15
61-65	4	9	5	11	7
66-70	4	4	2	1	1
71-75	3	1	1	1	1
Total		166	100	166	100

7: Level of education of Dáil members

	20th Dáil N=144		1973		24th Dáil N=166		1982		26th Dáil N=166		1989		27th Dáil N=166		1992	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Primary	12	8	6	4	4	2	4	2	4	2	4	2	4	2	4	2
Second level	62	43	68	41	49	30	42	25	42	25	42	25	42	25	42	25
Third level	69	48	92	55	95	57	98	59	98	59	98	59	98	59	98	59
Third level postgraduate	n/a		n/a		18	11	22	13	22	13	22	13	22	13	22	13
Not known	1	1														
TOTALS	144	100	166	100	166	100	166	100	166	100	166	100	166	100	166	100

Source: Nealon's Guides to the Dáil and Seanad (for Tables 2-7)