**ELECTION 2011**

Report on the observation undertaken in Dublin Central and rds by the de Borda Institute.

**INTRODUCTION**

The author of this report has worked as a short term observer, sto, for the Organisation for Security and Co-operation in Europe, osce, in over a score of elections, the first in Bosnia in 1996, the most recent in Ukraine just last year. He has also worked as an international trainer and a long term observer, in Kosovo in 2001 and Ukraine in 2006 respectively. In addition, he has stood as a candidate in local council, Assembly or Westminster elections on over a dozen occasions, and has observed at first hand some of the shenanigans which sometimes take place in electoral contests in North Belfast. His observations in Dublin were motivated by two considerations: the role of party observers/agents/impersonation officers, and the rules used in the count.

**The Role of Party Observers**

In both jurisdictions – but not under any osce guidelines – parties are entitled to apply for ‘impersonation officers’ to be appointed, as a maximum one to each desk. In days gone by, these persons were able to indicate to the presiding officer any voters whom they (the party observers) considered were attempting to vote more than once. Northern Ireland now insists on photographic id, so impersonation has been all but eliminated. In the South, a more relaxed identity regime is in force, but there too, attempts to break the law in this way were, it seems, few if any.

The shenanigans in Belfast North referred to above involve impersonation officers from Sinn Féin, sf; other parties no longer put much emphasis on this function. The sf personnel, who needless to say operate only in certain polling stations, record the names of those who have come to vote – which is legal on both sides of the border; then – and this is illegal – they pass this information to colleagues outside, so that the latter can then round up any ‘stragglers’.

Under osce guidelines, in contrast, party observers may observe the conduct of the polling station in general, but not in particular. They normally sit to one side, and they do not communicate with any of the voters or, for the most part, with the presiding officer and staff; furthermore, they do not have access to the marked electoral register. They wear arm-bands to denote that they are observers, but anonymously, i.e., without any identification of the party to which each may belong.

**The Conduct of the pr-stv Count**

With the exception of Westminster elections in the North, most contests in Ireland are held under pr-stv. There are some slight differences in the procedures involved, but one common failing relates to the way non-transferable votes are sometimes ignored when surpluses are being transferred. In the 2007 ni Assembly elections, for example, in the constituency of Upper Bann, a dup candidate was elected at the 11th stage; his surplus of over 1,400 votes was open for transfer to either one or the other of two candidates remaining, one uup and the other sf. Given that the dup often tells its voters to vote ‘dup 1,2,3’ only, one might have expected a fairly large part of this surplus to be non-transferable. But no; (nearly) all of them were transferred. This is because the pr-stv rules stipulate two procedures for the one operation: in some instances, non-transferable votes are counted; on other occasions, they are ignored: instead, the values of the other votes are in effect inflated, and the surplus is transferred as if (nearly) all concerned had cast a preference for one and/or other of the two candidates still in the running, in exactly the same ratio as those who did cast a further preference. In other words, some of the voters’ votes are sometimes transferred without those voters’ knowledge let alone their consent.

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The specific purpose of the observation, then, was twofold: to ascertain whether or not impersonation officers were present in Dublin Central and, if so, for what purpose; and secondly, to see whether or not the count was as fair as it should be.

My thanks are due to the returning officer for affording me the necessary accreditation; to the presiding officers and their staff in the various polling stations, who allowed me access to their premises and answered all my questions; and to the staff in rds who enabled me to observe those stages of the count for which I was present, but most of my analysis was done retrospectively.

**POLLING DAY**

The atmosphere throughout the constituency was much better than it is in North Belfast, and mainly because of a difference in the electoral laws. In the South, (as under any osce guidelines), no election materials are allowed within 50 yards (the osce rule is 100 metres) of the entrance to the polling station. Alas, in the North, the hapless voter is often confronted by a gauntlet of party activists at the main gate, some of whom are handing out ‘instructions’ or dummy ballot papers to the voter – ‘vote A1B2’ or ‘vote B1A2’ – so that, in the constituency as a whole, both of that party’s candidates get the same first preference total. As a result, some voters vote as their party would want rather than as they themselves would wish; and as a second consequence, the booths inside the polling station are often littered with these dummy ballot papers – sf campaigning material.

I observed only one incident where the Garda were asking two Labour Party activists to remove their posters. Both there, however, and at every other location, the voter was unmolested. There is in addition, I understand, a ‘gentleman’s agreement’ between parties, not to campaign on polling day itself; this also helps to create a good neutral atmosphere. I witnessed very few infringements, just two loudspeaker vans, one belonging to sf and the other heard but unidentified.

For the first part of the day, it seemed, only Labour Party impersonation officers – normally one if at all – were collecting data at just the one table; the one exception was in St. John Bosco, where Labour had two such officers. While he/she may go outside at any time, both polling station staff and these party workers were adamant: the marked register stays on the premises until 10 pm, closing time. The party agents I spoke to seemed to think their work was of little value, although it does help the party to know later on, said one, who of their supporters had voted and who not. Whether parties should be allowed to have such information, however, should perhaps be questioned, for it surely infringes the principle of the secret vote. I should also add that there appeared to be no impersonation, but the presence of these party activists did not seem to influence the situation, one way or the other. In a few instances – as in Christ the King on Annaly Road – the Labour agent was in animated conversation with a voter; they are neighbours, said the presiding officer.

In the afternoon, sf started to have a presence, with some impersonation officers having travelled down from Belfast, or so thought one presiding officer. Indeed, in the rather crowded premises of St. Joseph’s School, Navan Road – where all seven tables were in the one room, to save on the heating bill – there were five sf agents, with two of them at one table. The only data they collected related to the time when they were present, and polling station staff insisted that the party agents were not allowed to inspect the official voters’ register to see who had voted earlier. The purpose of such limited observation was bound to be somewhat uncertain, therefore, but one of the sf officers told me that it helped them to determine the possible level of support which their candidate was receiving; she for one was not there to detect impersonations. Yet again, then, the role of these officers seemed to be at variance with the intended purpose. Apart from Labour and sf, no other party impersonation officers were seen. I should add that I did not observe any infringement of the law viz-a-viz a party worker taking data from inside the polling station to others outside.

In all, I visited 15 polling stations, two of them twice.

**THE COUNT**

This analysis relates to the country as a whole. According to the data shown in *The Irish Times* of Monday 28th, the average number of spoiled votes per constituency was 524. Of those who did cast a valid first preference, however, it seems that the average number of those who either did not cast a second preference or cast an invalid one was actually zero. Or so the figures would suggest.

In 16 constituencies, a candidate was deemed elected at the first stage. The 16 surpluses amounted to a total of 31,363 votes. Not one of them was non-transferable. Amazing. Furthermore, in Mayo, where a further 3,820 votes were transferred at stage two, albeit after the success of another candidate from Fine Gael, fg, the number of non-transferables was still zero; and even in Kildare South, where a fg stage one success was followed by Labour in stage two and where neither had any running mates, there were again no transferables. This is just unbelievable. The likely explanation, of course, is that the rules were being interpreted in a way which ignored any non-transferable votes.

At later stages of the count, the picture is more varied. In some constituencies, the final stage involved a surplus transfer, as in Carlow-Kilkenny and Galway East, but it included a sizable proportion of non-transferable votes, 53% and 49% respectively. Elsewhere, in Clare and Dublin Central for example, the last stage surplus transfer saw no non-transferables at all. Sometimes too in the middle stages, there were some surplus transfers which looked a bit suspicious: for instance, in Cork North Central at stage nine, sf’s O’Brien’s surplus was transferred without a single non-transferable; in like manner, in Dublin South at stage seven, Labour’s White’s surplus was also transferred in toto.

**CONCLUSION**

My recommendations are as follows:

i) that Northern Ireland should ban all campaigning activity on polling day within a certain distance of the polling station premises;

ii) that both jurisdictions should consider banning all campaigning on polling day;

iii) that both should consider introducing party observers – subject to a maximum of one per polling station – to replace the impersonation officers.

iv) that both should examine the rules of pr-stv counts; this matter was raised many years ago in Belfast, but while it has met with some understanding, no definite action has been undertaken as a result. Suffice here to say that, to the best of my knowledge, the conduct of all the officials, on both sides of the border, has been flawless; it is the rules themselves which need to be changed in order to make what is a very good electoral system even better.

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