

1. Summary of Regulatory Impact Analysis (RIA)

Department / Office:
Department of Housing, Planning and Local Government

Title of legislation:
Electoral (Amendment) (Dáil Constituencies) Bill 2017

Stage: General Scheme of the Bill

Date: 05 October 2017

Related Publications:

Electoral (Amendment) (Dáil Constituencies) Act 2013 (available at www.irishstatutebook.ie)
Constituency Commission Report 2017 (available at www.constituency-commission.ie)
Census 2016 Results (available at www.cso.ie)

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Policy objectives:

Revision of Dáil and European Parliament constituencies following Census 2016.

Policy options considered:

1. No policy change.
2. Implement the recommendations in the Constituency Commission Report 2017 without amendment and amend section 6 of the Electoral Act 1997 to provide for the number of members of the Dáil to be not less than 166 and not more than 172 after the 2021/2022 review of constituencies.
3. Implement the recommendations in the Constituency Commission Report 2017 with amendment.

Option 2 is the preferred option as this will meet the constitutional requirements for there to be no less than one member of Dáil Éireann for every 30,000 of the population and for parity of representation nationally in Dáil constituencies following Census 2016; this option will also provide the next Constituency Commission (after Census 2021) with a viable range of options to allow for population increase likely to be ascertained at the next Census of Population.

OPTIONS

	Costs	Benefits	Impacts
1.	No additional costs identified.	No additional benefits identified.	No change in the number of TDs; constitutional requirement not met.
2.	€15,000 estimated for the production of constituency maps.	Constitutional requirement met.	The constitutional requirement for there to be no less than one member of Dáil Éireann for every 30,000 of the population will be met. Good parity of representation in Dáil constituencies throughout the country with account taken of the density and distribution of population as ascertained at the most recent census, i.e. Census 2016.

3.	Review of alternative recommendations would give rise to additional administrative costs.	No additional benefits identified.	Would require a repeat of the work of the Constituency Commission with an uncertain outcome. May undermine the independent process that has been in place since 1980. Would result in a delay in adjustment of Dáil constituencies.
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2. Description of policy context and objectives

Policy context: There is a constitutional obligation on the Oireachtas to review constituencies with reference to the last preceding census. A census of population was carried out on 24 April 2016 and, on publication of the *Census of Population 2016 Preliminary Results*, a Constituency Commission was established on 14 July 2016, under the Electoral Act 1997, to make a report in relation to the constituencies for the election of members to Dáil Éireann and the European Parliament. The *Constituency Commission Report 2017 - Dáil and European Parliament Constituencies* was presented to the Ceann Comhairle on 27 June 2017. The report contains recommendations in relation to the constituencies for the election of members to the Dáil and European Parliament.

Policy objectives: To prescribe in legislation for revised Dáil constituencies and the number of members to be elected for such constituencies in accordance with the *Constituency Commission Report 2017* so as to ensure that the constituencies by reference to which the next general election will be conducted are consistent with the provisions of the Constitution, i.e. the ratio between the numbers to be elected for each constituency is as far as is practicable the same throughout the country and the total number of members of Dáil Éireann shall be fixed at no less than one member for each thirty thousand of the population and no more than one member for each twenty thousand of the population.

3. Identification and description of options

1. No policy change - this would mean that the total number of TDs would remain at 158 and that the constituencies in the Electoral (Amendment) (Dáil Constituencies) Act 2013 would remain in place.
2. Implement the recommendations in the *Constituency Commission Report 2017* without amendment and amend section 6 of the Electoral Act 1997 to provide for the number of members of the Dáil to be not less than 166 and not more than 172 after the 2021/2022 review of constituencies.
3. Implement the recommendations in the *Constituency Commission Report 2017* with amendment – the final determination of constituencies is a matter for the Oireachtas to prescribe in legislation - the Constituency Commission's role is

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advisory. However, while the Oireachtas has the option of rejecting or amending a Bill based on the recommendations, it has been established practice, since the first independent constituency commission reported in 1980, that the Government accepts the recommendations in the Commission's report.

4. Analysis of costs, benefits and impacts for all options			
Option	Costs	Benefits	Impacts
1. No Policy Change.	N/A	N/A	The constitutional requirement for the total number of members of Dáil Éireann to be not less than one member for every thirty thousand of the population would not be met. With a population of 4,761,865 and 158 members the ratio is one member for every 30,138 population. This is outside the constitutional limit.
2. Implement the recommendations in the <i>Constituency Commission Report 2017</i> without amendment.	An additional €15,000 is estimated for the production of constituency maps after the passing of the Bill.	<p>Some cost savings are likely to be realised at the next general election with the reduction in the number of constituencies. For example 39 different ballot papers instead of 40 will be printed. However, these cost savings are likely to be offset by the increased costs of running elections for an increased population.</p> <p>The constitutional requirements relating to Dáil constituencies will be met.</p> <p>Provision will be made in the Electoral Act 1997 for the number of members of the Dáil to be not less than 166 and not more than 172 after the 2021/2022 review of constituencies. This will provide the next Constituency Commission with a viable range of options to allow for population increase likely to be ascertained at the next Census of Population.</p>	Voters will be voting in different constituencies but the arrangement of constituencies achieves a high level of parity of representation as detailed in Appendix 2 of the <i>Constituency Commission Report 2017</i> (see page 6 below).

4. Analysis of costs, benefits and impacts for all options			
Option	Costs	Benefits	Impacts
3. Implement the recommendations in the Constituency Commission Report 2017 with amendment.	Additional administrative costs would arise.	No additional benefits have been identified.	Implementing the recommendations with amendment would effectively require a new and separate review of arrangements for constituencies with no guarantee of improvement in levels of parity of representation across the country. The Constituency Commission in its report explains the options considered in each area and the reasons for its recommendations. It is established and accepted practice for Government to accept the recommendations of the independent Constituency Commission.

4. Consultation

The Electoral Act 1997 provides for the Constituency Commission to consult with members of the public. As outlined in paragraph 2.4 of the *Constituency Commission Report 2017* the Commission invited written submissions. Each of the 414 submissions received was considered by the Commission in drawing up its recommendations.

5. Enforcement and compliance

No issues are foreseen in relation to enforcement and compliance.

6. Review

Once the constituencies are legally established (upon the dissolution of Dáil Éireann next following the enactment of this Bill) they will fall to be reviewed according to the procedure set out in the Electoral Act 1997 and in accordance with the constitutional requirements. This review will commence upon the publication of the preliminary results of the next census of population.

7. Publication

This Regulatory Impact Analysis will be published on the Department's website on publication of the Bill.

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**From Appendix 2 to the Constituency Commission Report 2017
Statistics relating to recommended Dáil constituencies**

Recommended Constituency	Number of TDs	2016 Population	Population per TD	% variance from National Average Population per TD
Carlow-Kilkenny	5	156,164	31,233	+4.94
Cavan-Monaghan	5	141,535	28,307	-4.89
Clare	4	118,817	29,704	-0.19
Cork East	4	121,429	30,357	+2.00
Cork North-Central	4	124,836	31,209	+4.86
Cork North-West	3	89,080	29,693	-0.23
Cork South-Central	4	122,221	30,555	+2.66
Cork South-West	3	85,302	28,434	-4.46
Donegal	5	150,657	30,131	+1.24
Dublin Bay North	5	147,879	29,576	-0.62
Dublin Bay South	4	121,176	30,294	+1.79
Dublin Central	4	113,765	28,441	-4.44
Dublin Fingal	5	152,086	30,417	+2.20
Dublin Mid-West	4	117,976	29,494	-0.90
Dublin North-West	3	84,598	28,199	-5.25
Dublin Rathdown	3	92,937	30,979	+4.09
Dublin South-Central	4	119,469	29,867	+0.35
Dublin South-West	5	150,495	30,099	+1.13
Dublin West	4	121,897	30,474	+2.39
Dún Laoghaire	4	125,081	31,270	+5.07
Galway East	3	89,548	29,849	+0.29
Galway West	5	144,914	28,983	-2.62
Kerry	5	147,707	29,541	-0.74
Kildare North	4	119,548	29,887	+0.42
Kildare South	4	114,810	28,703	-3.56
Laois-Offaly	5	150,804	30,161	+1.34
Limerick City	4	113,421	28,355	-4.73
Limerick County	3	85,853	28,618	-3.84
Longford-Westmeath	4	120,962	30,241	+1.61
Louth	5	150,924	30,185	+1.42
Mayo	4	124,975	31,244	+4.98
Meath East	3	87,169	29,056	-2.37
Meath West	3	90,543	30,181	+1.41
Roscommon-Galway	3	85,866	28,622	-3.83
Sligo-Leitrim	4	113,920	28,480	-4.31
Tipperary	5	155,178	31,036	+4.28
Waterford	4	116,176	29,044	-2.41
Wexford	5	149,722	29,944	+0.61
Wicklow	5	142,425	28,485	-4.29
Total	160	4,761,865	29,762	