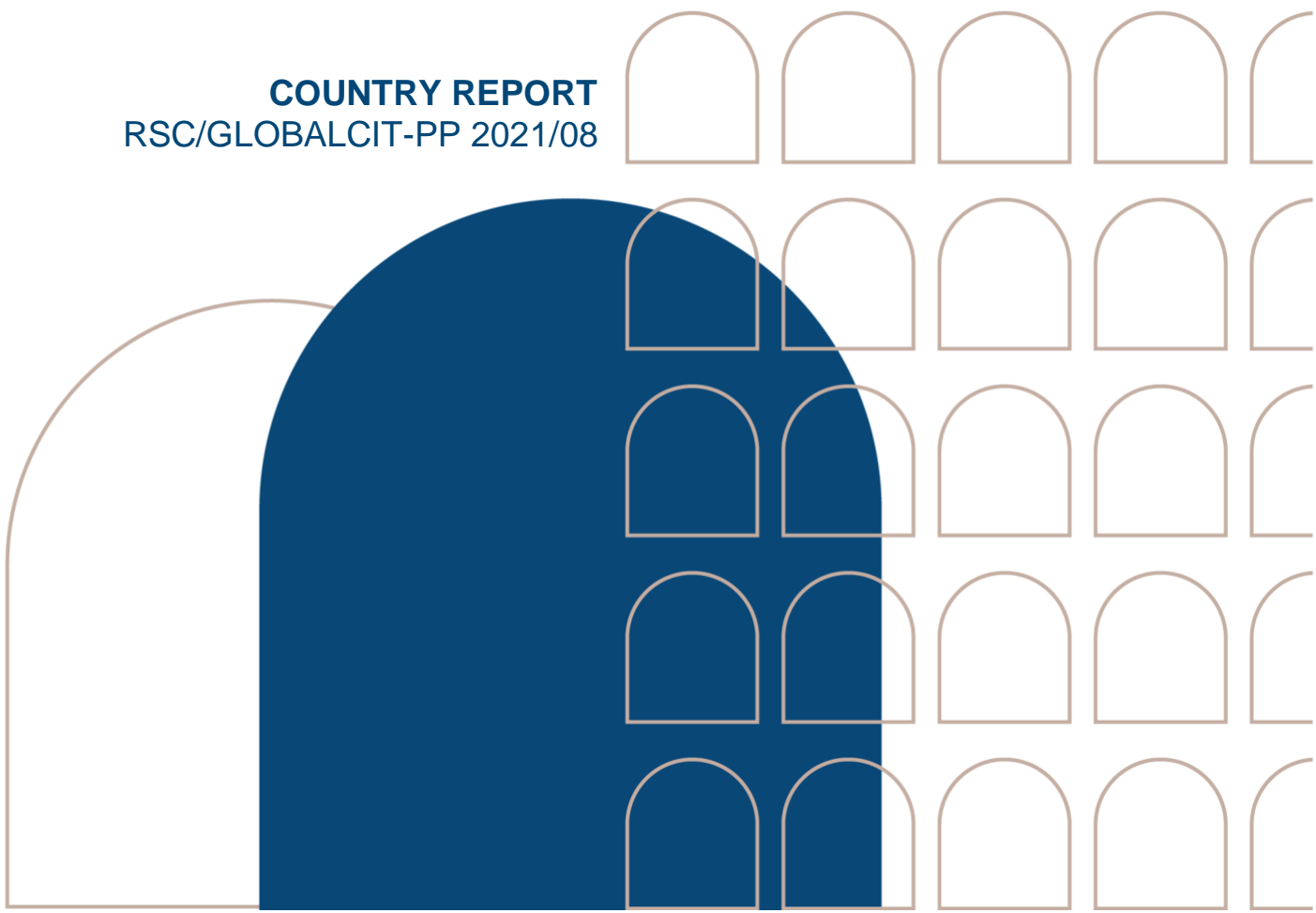


# Report on Political Participation of Mobile EU Citizens: Ireland

Stephen Coutts, Theresa Reidy and Georgia-Mai Murphy

**COUNTRY REPORT**  
RSC/GLOBALCIT-PP 2021/08



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Global Citizenship Observatory (GLOBALCIT)  
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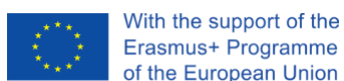
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# Report on Political Participation of Mobile EU Citizens

## Ireland

*Stephen Coutts\*, Theresa Reidy\* and Georgia-Mai Murphy\**

### Abstract:

In Ireland, all legally resident persons regardless of nationality enjoy rights to vote in and stand for local elections. Furthermore, EU citizens have the right to vote and stand as candidates in the European Parliament elections held in Ireland. Ireland's voting rights for non-resident citizens are, however, more restrictive and made conditional upon ordinary residence within Ireland. The only exceptions to this rule are diplomats and their spouses, members of the defence forces and temporary absentees (no longer than 18 months) who may retain their electoral rights. Nonetheless, despite the wide franchise for residents in principle, the political integration of non-citizens is more limited in practice with structural and administrative obstacles persisting. Formalities exist in registering to vote, standing for elections and in exercising the vote. Facilitation measures to address these barriers would include simplifying the registration procedure and coordinated strategies to encourage political participation particularly of EU citizens.

### Achoimre:

Tá sé de cheart ag gach cónaitheoir in Éirinn, beag beann ar a náisiúntacht, vóta a chaitheamh agus seasamh i dtoghcháin áitiúla. Ina theannta sin, tá sé de cheart ag saoránaigh an AE vóta a chaitheamh agus seasamh mar iarrthóir i dtoghcháin Pharlaimint na hEorpa a reáchtáiltear in Éirinn. Tá cearta vótála níos sriantaí i bhfeidhm maidir le saoránaigh neamhchónaitheacha agus tá gnáth-chónaí in Éirinn mar choinníoll orthu. Is iad taidhleoirí agus a gcéilí amháin, mar aon le neamhláithrithe sealadacha (gan dul thar 18 mí), atá mar eisceacht ar an riail seo agus a choimeádann a gcearta vótála. Ina ainneoin sin, beag beann ar chearta vótála bheith ar fáil go forleathan do chónaitheoirí i bprionsabail, tá teorann leis an gcleachtas lánpháirtíú polaitíochta a dhéanamh ar neamh-saoránaigh le constaicí leanúnacha struchtúracha agus praiticiúla. Is beag gnás atá ann maidir le clárú chun vótála ná chun seasamh i dtoghchán ná chun ceart sin a chleachtadh. Bheadh simpliú ar an nós imeachta clárúcháin ina áisitheoir maidir leis seo chomh maith le rannpháirtíocht pholaitíochta a spreagadh go háirithe i measc saoránaigh an AE.

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## 1. Introduction

Voting rights are extended to many non-citizen residents in Ireland (see Table 1). Both EU nationals and third-country nationals who are ‘ordinarily resident’ in Ireland, enjoy the right to vote and stand as candidate in local legislative elections. EU citizens furthermore enjoy the same electoral rights as Irish nationals in European Parliament (EP) elections held in Ireland. The registration procedure is simple in theory, in practice, however, non-citizen residents face some challenges. All residents are automatically added to the register, however, in most circumstances, it is necessary to draw the attention of the registration authority to new residents. Once an individual is on the register he or she will automatically be registered for any subsequent elections.

Non-resident Irish citizens generally do not have any voting rights in national legislative and EP elections held in Ireland. Exempted from this rule are diplomats and their spouses, and members of the defence forces posted abroad. Furthermore, citizens who are temporarily abroad and who intend to return to Ireland within 18 months, retain their right to vote. Those non-resident citizens who retain their right to vote, have to register to be able to exercise their voting rights both in national and EP elections. For temporary absentees, only in-country voting is available. For diplomats and their spouses, and members of the defence forces, postal voting is available.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Ireland

| Type of voter         | Election type        | Right Voting      | Right Candidacy   | Automatic registration | Remote voting    |
|-----------------------|----------------------|-------------------|-------------------|------------------------|------------------|
| Non-resident citizens | National Legislative | NO <sup>1</sup>   | YES <sup>2</sup>  | NO <sup>3</sup>        | YES <sup>4</sup> |
| Non-resident citizens | European Parliament  | NO <sup>5</sup>   | YES <sup>6</sup>  | NO <sup>7</sup>        | YES <sup>8</sup> |
| Non-citizen residents | Local Legislative    | YES <sup>9</sup>  | YES <sup>10</sup> | YES                    | NA               |
| Non-citizen residents | Local Mayoral        | NA                | NA                | NA                     | NA               |
| Non-citizen residents | European Parliament  | YES <sup>11</sup> | YES <sup>12</sup> | YES                    | NA               |

<sup>1</sup> Except for diplomats and their spouses, and members of the defence forces posted abroad. Temporary absentees who intend to return within 18 months can continue to vote, but only in-country. In the Senate elections another special category is enfranchised: eligible university graduates may vote for 6 of the 60 Senators, regardless of their residence.

<sup>2</sup> Candidates may be required to satisfy the registration authority that they would be in-country residents but for their official duties. See Electoral Act 1992, s 12.

<sup>3</sup> Active registration is required.

<sup>4</sup> Postal voting only.

<sup>5</sup> Except for diplomats and their spouses.

<sup>6</sup> Candidates may be required to satisfy the registration authority that they would be in-country residents but for their official duties. See Electoral Act 1992, s 12.

<sup>7</sup> Active registration is required.

<sup>8</sup> Postal voting only.

<sup>9</sup> EU citizens and third-country nationals who are 'ordinarily resident' in the municipality where the election is held.

<sup>10</sup> EU citizens and third country nationals who are 'ordinarily resident' in the municipality where the election is held.

<sup>11</sup> Only EU citizens residing in Ireland.

<sup>12</sup> Only EU citizens residing in Ireland.

Ireland's electoral regime for migrants is generally quite liberal; alongside the rights to vote in European Parliament and local elections which is extended to all resident EU citizens, all legally resident persons regardless of nationality enjoy rights to vote in and stand for local elections. Additionally, the right to vote in parliamentary elections (to the lower house of parliament or *Dáil*), is extended to UK nationals with the possibility of extension to other EU citizens.<sup>13</sup> Nonetheless, despite this in principle wide franchise, migrant political integration is more limited in practice with structural and practical obstacles persisting.

Migrant political participation is hindered by a lack of familiarity with, and integration to, Irish politics.<sup>14</sup> Access to information and knowledge surrounding the workings of the Irish political system are a notable barrier<sup>15</sup> Although few formalities exist in registering to vote, standing for elections or exercising that vote, Ireland has a relatively *ad hoc* and unsatisfactory system of voter registration, combined with low levels of either top-down or bottom-up engagement with and by EU migrant communities. This produces an overall low-level of political participation by non-national migrant communities, especially EU migrants. This report will provide a brief overview of EU migration in Ireland, the legal and regulatory environment for political participation and finally the extent to which non-national EU citizens in Ireland and Irish citizens in other Member States exercise their political rights. While there is limited quantitative data on electoral participation by migrants, some qualitative studies exist, including work comparing EU with non-EU migrants in the area of political integration.

## 1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

### *Non-citizen residents*

Long a country of emigration, Ireland has experienced a dramatic increase in immigration over the past two decades. The non-Irish proportion of the total population (4.98 million persons) now stands at 12.9%, or 644,400 persons in April 2020.<sup>16</sup> This represents an increase of 1.3%. Of the non-Irish population, 344,000 people, or 53.4%, are EU nationals. This marks a decrease of 22.8% in the numbers of non-Irish EU citizens as a percentage of all non-Irish nationals resident in Ireland. The main groups of non-national EU citizens are UK, Polish, Lithuanian and Romanian nationals. While UK nationals have historically been the largest group of non-national EU citizens, in the past decade this position has been overtaken by Polish nationals. The first census year to record a greater number of Polish than UK nationals was 2011 when there were 122,585 residents of Polish nationality and 112,259 of UK nationality.<sup>17</sup> The trend continued in 2016 when there were 125,551 people of Polish nationality and 112,259 of UK nationality recorded.<sup>18</sup> Other significant groups of non-Irish

<sup>13</sup> See Electoral Act 1992, s 8(2)(a)(ii). Extension of the franchise to nationals of Member States other than the UK or Ireland can be effected by ministerial order under s 8(3) of the 1992 Act and is contingent on Irish nationals enjoying comparable rights in that other Member State. To date no such order has been adopted.

<sup>14</sup> *Ibid.*

<sup>15</sup> Interview with Dr Valesca Lima, 17 June 2021 (notes on file with author)

<sup>16</sup> A census of population was scheduled for 2021 but was delayed by one year because of the Covid-19 pandemic. This demographic data dates from an update to the 2016 national census.

<sup>17</sup> Mary Gilmartin, *Ireland and migration in the twenty-first century* (Manchester University Press 2015).

<sup>18</sup> See 'Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland' (*Central Statistics Office*) <<https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7anii/>> accessed 1 August 2018. See Gilmartin (n 17), table 2.8, p 44.

EU citizens include Romanian<sup>19</sup> and Lithuanian.<sup>20</sup> There are smaller groups of French and German nationals.<sup>21</sup> In 2020, the gender-balance of non-Irish EU nationals returned to pre-2006 trends, with males making up 19.4% more than females. Between 2006 and 2020, the proportion of male to female non-Irish EU nationals was relatively even.

The geographic and socio-economic distribution of the different nationalities is marked by a distinction between UK nationals on the one hand, and more recent, Central and Eastern European Member State nationals on the other.<sup>22</sup> On balance, UK nationals are older and are distributed more evenly throughout the state with something of a preponderance towards the more rural, West coast. The aging of the UK population has continued in recent census figures with the average age of UK nationals resident in Ireland increasing from 42.6 to 46.7 years of age between 2011 and 2016.<sup>23</sup> In socio-economic terms, UK nationals tend to mirror their Irish counter-parts, with a broad mix of occupations across socio-economic categories. In contrast, Polish nationals tend to be located in the East coast and Dublin in particular, and tend to be concentrated in the retail, industrial and service industry. It should be noted this is far from a uniform pattern, with some regional cities and towns displaying a high proportion of non-Irish born nationals, including EU nationals.<sup>24</sup> The Polish population, which can be taken to be representative of the Central and Eastern European communities in general, is younger than the UK population with a concentration in the 22 to 42 age range. There has however been a noticeable ageing of the Polish population within that bracket from an average of 27.7 in 2011 to 31.3 in 2016.<sup>25</sup>

### *Non-resident citizens*

Ireland has and continues to be a country of emigration, with the great recession (2008-2014) producing a new wave of emigration.<sup>26</sup> However, much of the most recent emigration flow has included a substantial amount of non-national, return migration.<sup>27</sup> Official statistics on emigration are incomplete with no record being kept of individuals leaving the country nor of their country of destination. Nor does Ireland require its nationals abroad to register their residence. Estimates are prepared by way of a number of proxy indicators including the official statistics relating to immigration from destination states.<sup>28</sup> In general, Irish emigrants

<sup>19</sup> There were 29, 186 Romanian nationals resident in Ireland in 2016 see ‘Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland’.

<sup>20</sup> There were 36,552 Lithuanian nationals resident in Ireland in 2016. See ‘Census of Population 2016 – Profile 7 Migration and Diversity: Demographics’.

<sup>21</sup> See *ibid*.

<sup>22</sup> See generally Gilmartin (n 17) pp 44-46.

<sup>23</sup> ‘Census of Population 2016 – Profile 7 Migration and Diversity: Demographics’.

<sup>24</sup> *Ibid*. See also analysis by Gilmartin (n 17) pp 44-46 based on the 2011 census figures.

<sup>25</sup> See ‘Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish nationals in Ireland’ (*Central Statistics Office*) <<https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7anii/>> accessed 1 August 2018.

<sup>26</sup> For an integrated account see Irial Glynn, Tomás Kelly and Piaras MacÉinrí, *Irish Emigration in an Age of Austerity* (available from

[https://www.ucc.ie/en/media/research/emigre/Emigration\\_in\\_an\\_Age\\_of\\_Austerity\\_Final.pdf](https://www.ucc.ie/en/media/research/emigre/Emigration_in_an_Age_of_Austerity_Final.pdf), 2013), *Irish Emigration in an Age of Austerity*, (2013), available at

[https://www.ucc.ie/en/media/research/emigre/Emigration\\_in\\_an\\_Age\\_of\\_Austerity\\_Final.pdf](https://www.ucc.ie/en/media/research/emigre/Emigration_in_an_Age_of_Austerity_Final.pdf))

<sup>27</sup> For example, in the year to April 2018 of the 56,300 people who were estimated to have emigrated only 50.3% were Irish nationals. See

<https://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2018/> (accessed 4 September 2018).

<sup>28</sup> See Mary Gilmartin, *Ireland and migration in the twenty-first century* (Manchester University Press 2015) (n 17), 34-39.

tend to move to English speaking countries with the United Kingdom continuing to be a preferred destination, followed by Australia and, to a lesser extent, Canada and the United States of America. Rest of EU-15 states (Member States other than the UK and Ireland) collectively constitute a significant if secondary destination.<sup>29</sup> A lesser number emigrate to the EU-12 states,<sup>30</sup> and it can be assumed that many of these are return migrants. A total of 3.601 million Irish citizens are resident outside the state, however this includes 1.8 million citizens resident in Northern Ireland and citizens by virtue of their Irish parents' nationality. The largest group of Irish nationals born in the state and now resident in another state is the Irish born in the United Kingdom, totalling an estimated 382,000 in 2017.<sup>31</sup> There were 255,000 citizens born in Ireland resident in OECD countries, other than the UK and the US.<sup>32</sup> Figures for individual countries are not known, but it can be assumed a large number of these individuals are resident in Member States of the EU, other than the UK.

Irish citizens resident abroad tend to be better educated and younger than the resident population. Of the individuals who emigrated between 2008 and 2014 between 81 and 92% were between 15 and 44 years of age.<sup>33</sup> Additionally, 62% of recent Irish emigrants hold tertiary qualifications, in contrast to 47% amongst the general population between the ages of 25 and 34.<sup>34</sup> Men and women are equally represented in emigration statistics, there is however a tendency for a greater number of men to emigrate in periods of recession.<sup>35</sup>

## 1.2. Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

Ireland is a centralised, parliamentary democracy with the *Dáil* representing the most important institution for Government formation and general policy direction. Building on the British local authority system inherited upon independence, local government is restricted to essentially administrative functions, with limited revenue raising powers.<sup>36</sup> It is, however, important as a gateway to higher electoral office and for building a local profile for both parties and individuals who seek election to the *Dáil*. This is an important factor in an electoral system governed by proportional representation, which typically requires close attention to local support basis by representatives, including *Teachta Dála* (TDs, Members of Parliament).<sup>37</sup> As with other Member States, European Parliament elections are seen as second-order elections, with national political issues dominating the electoral campaign.<sup>38</sup>

<sup>29</sup> For example, of the 81,900 persons estimated to have left the state in 2014, 17,900 left for the UK, 10,000 left for Australia and 16,200 left for the rest of the EU-15. Ibid, 36

<sup>30</sup> In 2014 a total of 8,700 emigrated for the EU-12 states. Ibid.

<sup>31</sup> See Irish Abroad Unit, *Irish Emigration Patterns and Citizens Abroad* (Department of Foreign Affairs, 20 June 2017, 2017) available at <https://www.dfa.ie/media/dfa/alldfawebsitemedia/newspress/publications/ministersbrief-june2017/1--Global-Irish-in-Numbers.pdf> (accessed 4 September 2018).

<sup>32</sup> Ibid.

<sup>33</sup> Gilmartin (n 17), 40.

<sup>34</sup> Glynn, Kelly and MacÉinrí (n 26), Executive Summary

<sup>35</sup> Gilmartin (n17), 40-41.

<sup>36</sup> See David Gwynn Morgan, *Hogan and Morgan's Administrative Law: Student Version* (4 edn, Roundhall 2012) ch 5.

<sup>37</sup> Michael Gallagher, Michael Marsh and Theresa Reidy (eds), *How Ireland Voted 2020, End of an Era* (Palgrave, 2021).

<sup>38</sup> Including in the most recent 2019, for a discussion, see Samuel A T Johnston 'The 2019 European Parliament elections in Ireland' (2019) 35 *Irish Political Studies* 18-28.



Voting takes place over a single day, typically a Friday. Individuals are required to vote in a designated voting centre within their local electoral area. An individual may not vote in any other voting centre and there is no possibility of proxy voting. Prior to any ballot the registration authority sends a ballot information card to all individuals on the register including their voting number, the times and address of the voting station and the forms of identification which may be required by the officer in the voting station. Upon arrival at the voting station, a voter applies for his or her ballot paper and is required to give his or her name and address, which is checked against the register.<sup>39</sup> He or she may be asked for a form of identification, the permissible forms of which are listed in regulation.<sup>40</sup> A voter will go into one of the compartments in the polling station, record his or her vote, fold the ballot and return to cast the ballot in a sealed box, after having shown the presiding officer the back of the folded ballot.<sup>41</sup> There is a limited possibility of postal voting for individuals who are temporarily away from their usual place of residence on the day of the vote. The postal vote must be completed in a police station and witnessed by a member of *An Garda Síochána* and posted prior to polling day.<sup>42</sup>

### *Non-citizen residents*

Ireland has a reasonably liberal electoral regime with all ordinarily resident persons in the state enjoying at least some electoral rights. There are four categories of electors in Ireland. Only ordinarily resident Irish nationals are entitled to vote for and stand in Presidential elections and to vote in referendums. Ordinarily resident Irish and UK nationals are entitled to vote for *Dáil* elections (the lower house of parliament).<sup>43</sup> EU nationals (including Irish and UK) are entitled to vote and stand for EP elections. Finally, all residents, regardless of nationality, are entitled to vote and stand for local elections. The systems of voting and registration for both local and European elections are based on that used for *Dáil* elections, principally the Electoral Act 1992 (as amended). European elections are governed by the European Parliament Elections Act 1997 and regulations adopted thereunder. Local elections are governed by the Local Government Act 2001 and Local Elections Regulations 1995.

There is little evidence of strong engagement by non-national EU citizens in either electoral or non-electoral politics. A report by the Immigrant Council of Ireland noted that 56 candidates from a migrant background contested the 2019 local elections, a good increase on the 31 candidates with this background at the 2014 elections.<sup>44</sup> Just nine of these candidates were elected and one further candidate with a migrant background was co-opted to a council

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<sup>39</sup> Jennifer Kavanagh, *Electoral Law in Ireland* (Bloomsbury Professional 2015) para 9.10.

<sup>40</sup> This includes traditional means of identification such as a passport, a driving licence or a Public Services card but also non-official forms such as an employee ID card or a student card. Finally, other forms of documents such as a birth certificate or marriage certificate or even a credit card or bank card may be used in conjunction with proof of address. See *ibid* para 6.08.

<sup>41</sup> *Ibid* para 9.10.

<sup>42</sup> O'Dowd and Coutts (n 47) para 2.2.2.

<sup>43</sup> The upper house of parliament, the Seanad, is elected via a complicated combination of University graduates, government nominees and sitting elected officials, including local councillors and members of parliament. The Seanad is very much the subordinate house constitutionally; the Government is elected by and typically drawn from the Dáil, the Seanad has no say in budgetary matters and finally the Dáil can override the Seanad if a conflict arises between the houses. See generally Gerard Hogan and Gerry Whyte, *JM Kelly: The Irish Constitution* (Tottel 2003) ch 4.4.

<sup>44</sup> Immigrant Council of Ireland, 2020

in 2020.<sup>45</sup> There is no breakdown available between EU and non-EU migrant candidates. There were no EU candidates in the European Parliament elections at the 2014 and the 2019 European Parliament elections. In the literature on the topic, a contrast is sometimes drawn between the political engagement of EU and non-EU migrant communities, with non-EU migrant communities (particularly the African community) being considered more politically engaged. A number of reasons for this have been advanced, including the typically more precarious status of non-EU migrants and their related goal to naturalise, a goal that does not appear to be widely shared amongst the EU migrant community. The greater prevalence of organised community groups, including religious and civil society organisations amongst non-EU migrants is also cited as a factor.<sup>46</sup>

### *Non-resident citizens*

Ireland's extra-territorial voting rights are, in contrast, restrictive. In principle, the right to vote in any election or referendum is subject to a condition of ordinary residence. The only exceptions to this are for diplomatic or military personnel and their spouses, who are resident abroad at the time of a vote and in public service.<sup>47</sup> An individual retains the status of ordinarily resident and therefore the right to vote for a period of 18 months after having moved abroad, if he or she has the intention of returning to Ireland within 18 months of having left. Such an individual may be required to sign a statutory declaration to this effect.

## **2. Non-national EU Citizens' Franchise in EP and Local Elections**

### **2.1. Overview of Relevant Administrative Regulations**

The regulation of both local and European elections is modelled after *Dáil* elections, with variations in the franchise and the nomination procedure. A single register is used for all elections and referendums; once an individual applies to be added to the register through the submission of the relevant form, he or she will be placed in the appropriate category depending on his or her nationality. There are three means of securing a nomination to stand for elected office; affiliation with a political party; a deposit system<sup>48</sup> and finally a system of 'assentors', whereby individuals registered to vote in the relevant electoral district may assent to the nomination.

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<sup>45</sup> See and Dominika Pszczółkowska and Magdalena Lesińska, 'One step forward, two steps back in political integration: why are Polish candidates not making progress in Irish local elections?' *Irish Political Studies* (published online at <https://www.tandfonline.com/doi/full/10.1080/07907184.2021.1929186>).

<sup>46</sup> See Bryan Fanning and Neil O'Boyle, 'Immigrants in Irish Politics: African and East European Candidates in the 2009 Local Government Elections' (2010) 25 *Irish Political Studies* 417; Peter Szlovak, 'Exploring the reasons for migrant under-representation in Irish electoral politics: the role of Irish political parties' 40 *Ethnic and Racial Studies* 85 and Dominika Pszczółkowska and Magdalena Lesińska, 'One step forward, two steps back in political integration: why are Polish candidates not making progress in Irish local elections?' *Irish Political Studies* (published online at <https://www.tandfonline.com/doi/full/10.1080/07907184.2021.1929186>).

<sup>47</sup> John O'Dowd and Stephen Coutts, *Access to Electoral Rights: Ireland* (EUDO Citizenship Observatory September 2014, 2014) para 2.2.3.

<sup>48</sup> The deposit system was abolished for local elections in 2002. See further below.

*EP elections*

European Parliamentary elections are primarily governed by the European Parliament Elections Act 1997 and regulations adopted under that act, in particular the European Parliament Elections Regulations 2014.<sup>49</sup> The definition of electors for the EP elections is contained in the Electoral Act 1992, section 9 and is defined as ordinarily resident citizens of Ireland and citizens of other EU Member States.<sup>50</sup> In order to be eligible for nomination for the European Parliamentary elections, an individual must be 21 years of age, ordinarily resident in the state and an Irish citizen or a national of a Member State.<sup>51</sup> An individual is deemed ineligible if he or she is standing as a candidate for the European Parliament elections in another Member State.<sup>52</sup> An individual may propose him or herself for the European Parliament election or be proposed by another elector in the same electoral area. In addition, an individual must be affiliated to a political party, attested to by the issuance of a certification of affiliation by the political party in question.<sup>53</sup> If an individual is not affiliated to a political party, he or she must either pay a deposit of €1,800 (to be refunded if a certain number of votes is obtained) or must have the support of 60 assentors.<sup>54</sup>

*Local elections*

Local elections are primarily based on the Local Government Act 2001 and the Local Government Regulations 1995 and again largely mirror the scheme established for *Dáil* elections. The franchise for local government elections is set out in the Electoral Act 1992 and includes all individuals ordinarily resident in the state (including asylum applicants).<sup>55</sup> As with *Dáil* and European Parliament elections, individuals can be nominated by either affiliation with a political party, following the submission of a certification of affiliation or by a system of assentors of which 15 are required for local government elections. A deposit system similar to that used in *Dáil* and European Parliament elections was abolished in 2002.<sup>56</sup>

**2.2. Voter Registration**

The compiling and maintenance of the electoral register is the responsibility of registration authorities. All local authorities are designated registration authorities for their local areas and have a duty to maintain the register.<sup>57</sup> In practice, the register for any year is an updated version of the previous year's register. The register is updated every year through a year-long process, involving the publication of a draft register in November of every year and the publication of a final register in February of every year.<sup>58</sup> Individuals may make an application to correct the draft register, including to add a name to the register, through the use of a Form RFA 1 (see further below). This is the main method through which an individual may add his or her name

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<sup>49</sup> European Parliament Elections Regulation 2014 (SI No 39 of 2014)

<sup>50</sup> Electoral Act 1992, s 9. For an overview of the nomination process in *Dáil* elections see Jennifer Kavanagh, *Electoral Law in Ireland* (Bloomsbury Professional 2015) ch 5.

<sup>51</sup> European Parliament Elections Regulation 2014 (SI No 39 of 2014), notes on Form EP 2, 8(a).

<sup>52</sup> *Ibid*, notes on Form EP 2, point 8(b).

<sup>53</sup> *Ibid*.

<sup>54</sup> *Ibid*, notes on Form EP 2, point 2.

<sup>55</sup> Electoral Act 1992, s 10(2).

<sup>56</sup> See Local Election Regulations, 1995 (SI No 297 of 1995), s 14(6A) as inserted by the Electoral Amendment Act 2002, s 3(c).

<sup>57</sup> Kavanagh (n 39) para 6.27.

<sup>58</sup> For an overview of the calendar of the publication and updating of the register see *ibid* para 6.25.

to the register. A single register is used for all electoral and referendum purposes and is divided into four categories for use in different elections and referendums: Irish citizens for Presidential elections and referendums, Irish and British nationals for *Dáil* elections, all EU nationals for European Parliament elections, and finally all ordinarily resident persons in the state for local elections.

In order to make an application for inclusion on the register, an individual must submit a Form RFA 1, to the relevant registration authority, requesting the addition of a name to the electoral register (the Form RFA 1 may also be used to correct the register by way of deletion). Information required by the form includes the name, address and nationality of the applicant (in order to place individuals in the correct category). No other formality is required beyond a declaration (contained in the form) that the applicant believes the information to be true, nor does the applicant need to submit any further documentation when the form is submitted.<sup>59</sup> The individual may be required by the registration authority to provide evidence and/or statutory declarations to the effect that the information supplied is correct.<sup>60</sup> In order to be included on the register, an individual must be resident in the relevant electoral area on the 1 September of the preceding year.<sup>61</sup>

Individuals who move address or seek to add their name to the register after the 1 September may apply for inclusion on the supplementary register in order to vote in any forthcoming election by filling out a Form RFA 2. In filling out the Form RFA 2, the applicant must provide details of his or her address and prior address(es). The Form RFA 2 must be signed by the applicant in the presence of a member of *An Garda Síochána* (the national police force) in order to certify the applicant's identity.<sup>62</sup> Individuals included on the supplementary register for any particular vote will be included in the normal register for the following year.

In order to be placed on the register of electors for European Parliament elections, an EU citizen (excluding Irish and UK nationals) must fill out an additional form to facilitate information sharing amongst national electoral authorities to check for instances of double voting. The Form EP 1 must be completed and submitted with a Statutory Declaration to the effect that the applicant will not vote in European Parliament elections in another Member State. The Statutory Declaration must be witnessed by a member of *An Garda Síochána* (police force). For the 2019 European Parliament election additional information was requested as part of a revised Form EP 1, in order to provide more useful information to electoral authorities in other Member States. Such additional information included for example the Swedish 12-digit personal registration number and the Romanian 13-digits personal identification number.<sup>63</sup>

In practice, EU nationals are not immediately placed on the European Parliament section of the electoral register upon their initial registration. Instead, a note is put next to their name. In the months leading up to a European Parliament election, it is the practice of the Department of Housing and Local Government to direct local authorities to contact those electors, providing them with a Form EP 1 and encouraging its submission.<sup>64</sup> Once a Form EP

<sup>59</sup> *Form RFA 1 - Claim for Correction in Draft Register of Electors* (available at [https://www.checktheregister.ie/appforms/RFA1\\_English\\_Form.pdf](https://www.checktheregister.ie/appforms/RFA1_English_Form.pdf), accessed 2 August 2018).

<sup>60</sup> Kavanagh (n 39 50) para 6.27.

<sup>61</sup> For a table detailing the various stages and dates of the annual process of compiling and publishing the register see *ibid* para 6.25.

<sup>62</sup> See *Form RFA 2 - Application for inclusion in the Supplement to the 2018/2019 Register of Electors* (available at [https://www.checktheregister.ie/appforms/RFA2\\_English\\_form.pdf](https://www.checktheregister.ie/appforms/RFA2_English_form.pdf), accessed 2 August 2018)

<sup>63</sup> The revised EP1 form is available at <https://assets.gov.ie/44907/f30b8a9df07541ccaf067e1297d32787.pdf>

<sup>64</sup> Interview with Enda Falvey, Department of Housing, Planning and Local Government, 27 July 2018 (notes on file with author).

1 has been submitted, the individual in question is placed on the roll for the purposes of European Parliament elections. In order to contact the relevant individuals, registration authorities use the address provided on the original registration form (i.e. the Form RFA 1 or RFA 2).

While the registration process is relatively straightforward with a minimal degree of formality with no further documents needing to be submitted beyond the registration form, it is problematic in a number of respects and is not considered an accurate reflection of the potential electorate in any given area. Firstly, it is under-inclusive. Individuals are not added to the register automatically but must apply. If they move address or register after the 1 September of any year, they need to make an application to be placed on the supplementary register for any election taking place in the following year. Placement on the supplementary register requires the witnessing and signature of a member of *An Garda Síochána*. A similar requirement exists for the Form EP 1 to be placed on the register for the European Parliament elections. The Immigrant Council of Ireland<sup>65</sup> and academics<sup>66</sup> have pointed to a potentially dissuasive effect of this requirement, particularly for those migrants who have had negative experience of the police in their home Member State. The register is also over-inclusive with individuals not being removed from a register if they move from the electoral district (unless they have completed an RFA 2 form and submitted it to another registration authority), leave the state, or die. Finally the system is unfamiliar to many EU citizens as automatic voter registration, often connected to residency registration, operates commonly across the EU.

To counter issues of both under and over-inclusivity, legislation provides that it is the responsibility of the registration authority to ‘maintain the integrity’ of the electoral roll, by, for example, making house-to-house inquiries.<sup>67</sup> This is problematic in a number of respects. It is an *ad hoc* and inefficient manner of ensuring the integrity of the register and the extent to which local authorities engage in this exercise is variable. Local authorities have experienced difficulties conducting this exercise in respect of apartments, an increasingly prevalent form of housing in the urban areas of the state. Furthermore, a particular problem arises in respect to migrants, particularly younger people, whose accommodation tends to be more temporary than the population as a whole. It is generally considered that registration authorities engage in this exercise primarily to maintain the integrity of the register by removing names of electors who are no longer resident in the area; it is typically not undertaken with the goal of adding new names to the register. Overall, there is strong evidence of a discrepancy between the national electoral roll and the potential electorate in the state.<sup>68</sup> These problems have contributed to a decision by the government to introduce legislation in 2021 to establish a national electoral commission with extensive revision of the electoral registration process, including provision for online registration and rolling registration through the year. It is expected that the electoral commission will become operational in 2022.

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<sup>65</sup> Interview with Joe O’Brien of the Immigrant Council of Ireland, 6 July 2018 (notes on file with author).

<sup>66</sup> Bryan Fanning, Neil O’Boyle and Jo Shaw, *New Irish Politics: Political Parties and Immigrants in 2009* (Migration and Citizenship Initiative, University College Dublin, 2009).

<sup>67</sup> Kavanagh (n 39) para 6.13.

<sup>68</sup> Eoin O’Malley, ‘Apathy or error? Questioning the Irish register of electors’ (2001) 16 *Irish Political Studies* 215; Oireachtas Library and Research Service, *Election Turnout in Ireland: measurement, trends and policy implications* (Oireachtas Éireann, 2016).

### 2.3. Information during Election Campaigns

As was noted above, Ireland extends voting rights in local elections (both active and passive) to all ordinarily resident persons in the state. Questions of migrant political participation therefore encompasses both EU and non-EU nationals and campaigns and studies typically target and analyse the political integration of migrants in general, although some studies have made useful comparisons between the experiences of EU and non-EU migrant political integration.<sup>69</sup>

At the level of government there is no ongoing campaign to target non-national EU citizens specifically. There are occasional campaigns aimed at encouraging registration and to encourage voting amongst young people. Information leaflets on the registration process and on the European Parliament elections are distributed in multiple languages, including in European languages.<sup>70</sup> As part of the registration process, local authorities are encouraged to contact non-national EU citizens to alert them of the need to complete a Form EP 1 in order to register for the European Parliament elections. However, the only contact details the local authorities have for this purpose is the address supplied at the initial registration of the voter; if he or she has changed address in the meantime without informing the local authority, there are no means of contacting him or her, and he or she will not be included on the register for the European Parliament elections if he or she does not independently complete and submit the Form EP 1.

Efforts were made to encourage general migrant voting participation in the lead up to the 2019 local and European Parliament elections by a combination of central government and national and local civil society organisations. A conference titled ‘Promoting Political Engagement of Migrants’ was held in March of 2018 with groups of migrants and migrant organisations hosted by the Department of Justice. Regional events were also organised in Cork and Galway by the Department of Justice. Register, Vote, Run! is a voter registration campaign organised by the Immigration Council of Ireland (ICI) in conjunction with the Department of Housing, Planning and Local Government. The permanent online campaign was introduced before the European Parliament and local elections in 2019 and it includes social media posts and the publication of a set of information packs in multiple languages, including some widely spoken European languages (Polish and Lithuanian).<sup>71</sup> In the run up to the 2019 European Parliament election, the European Parliament Liaison Office in Ireland participated in a pan-EU campaign called 'This time I'm voting', the outreach campaign, included a website, social media (#thistimeimvoting), print, billboard and TV advertising. The campaign was run centrally, in all 24 languages of the European Union.<sup>72</sup>

There is some evidence that non-EU migrants are typically more politically engaged than their EU citizen counter-parts.<sup>73</sup> This is attributed to the different socio-economic and

<sup>69</sup> See ex Szlovak (n 46).

<sup>70</sup> The languages were Czech, English, French, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Portuguese, Romanian, Slovak and Spanish. See Response by Irish authorities to the Questionnaire on the Application of EU law in the 2014 European Parliament elections (on file with author).

<sup>71</sup> The choice of language is based on the extent to which the language is spoken in Ireland the extent to which speakers of that language can be assumed to be competent in the English language. Thus, while French and German are one of the more common languages spoken by immigrants in Ireland, a decision was made not to publish information packs in these languages as it is assumed that French and German speakers also have a good command of the English language.

<sup>72</sup> Information available at <https://www.europarl.europa.eu/ireland/en/news-press/eu-member-states%E2%80%99-ambassadors-to-ireland-promote-this-year%E2%80%99s-eu-elections>

<sup>73</sup> Fanning and O’Boyle (n 46).

legal position of the groups, with non-EU nationals being more likely to be engaged in civil and religious organisations at a local level and to have greater need to assert their legal rights. The relatively secure and comprehensive nature of the rights associated with the EU citizenship would appear remove an incentive for EU citizens to engage in active politics.<sup>74</sup> Some efforts were made by a Polish civil society organisation (*Forum Poliana*) to encourage participation by members of the Polish community in the European Parliament and local elections in 2014 and 2019. Some of these efforts were organised on a transnational basis for the wider Polish diaspora campaign to encourage political participation of Poles abroad more generally.<sup>75</sup> But there were also specific activities in Ireland including the promotion of candidacy by *Forum Poliana* which contributed to three Polish candidates contesting the local elections.<sup>76</sup>

## 2.4. Political Parties and Candidacy Rights

The conditions for nomination for election in European Parliament elections and local elections are identical for nationals and non-nationals. There are three main avenues to secure nomination. Firstly, an individual may be nominated by a political party in which case he or she must supply a certification of affiliation. Secondly, an individual may be nominated by a system of assentors, by which electors resident in the area may ‘assent’ to his or her candidacy. For local elections an individual must secure 15 assentors. For EP elections a potential candidate must secure 60 assentors. Finally, in EP elections an individual may have his or her name placed on the ballot paper by submitting a deposit of €1,800, to be returned if the candidate secures a certain level of the vote.<sup>77</sup>

Broadly speaking, there is poor engagement by political parties with migrant communities and with non-national EU citizens in particular.<sup>78</sup> Again, it is worth pointing out that all ordinarily resident adults are entitled to vote and stand in local elections, and again most efforts regarding migrant political participation is targeted at the non-national community as a whole rather than EU-nationals specifically. Ireland is characterised by a political environment where migration has relatively low salience and there are few differences in the positions adopted by particular parties.<sup>79</sup> There is no party closely associated with migration related issues,<sup>80</sup> nor, in contrast to other European states, is there a party that might be considered the natural home of migrants.<sup>81</sup> Indeed, of the migrants who stood for election in the 2014 local elections, a higher proportion than usual were independent candidates.<sup>82</sup> In 2019, of the 56 migrant candidates who ran for election, 25 ran as independent

<sup>74</sup> Interview with Joe O’Brien of the Immigrant Council of Ireland, 6 July 2018.

<sup>75</sup> See Neil O’Boyle, Bryan Fanning and Viola Di Bucchianico, ‘Polish Immigrants and the Challenges of Political Incorporation in the Republic of Ireland’ (2016) 31 *Irish Political Studies* 204, 211 ff.

<sup>76</sup> See Dominika Pszczółkowska and Magdalena Lesińska, ‘One step forward, two steps back in political integration: why are Polish candidates not making progress in Irish local elections?’ *Irish Political Studies* (published online at <https://www.tandfonline.com/doi/full/10.1080/07907184.2021.1929186>).

<sup>77</sup> See generally section 2.1 above.

<sup>78</sup> See generally Fanning, O’Boyle and Shaw (n 66).

<sup>79</sup> See Bryan Fanning, ‘Immigration, the Celtic Tiger and the economic crisis’ (2016) 24 *Irish Studies Review* 9.

<sup>80</sup> Fanning identifies a broad liberal consensus prevalent amongst the political class in relation to migration, while at the same time noting underlying tensions. See *ibid*.

<sup>81</sup> Szlovak, at 858. (‘we found very little evidence of Ireland having a party of choice for immigrants’). See also Fanning, O’Boyle and Shaw (n 66) at p 7 (‘It became clear that there was no sense amongst interviewees that any particular party was especially attractive to immigrants on the basis of their ethnicity or country of origin in the sense that the Irish in the United States had been historically attracted to the Democratic Party’).

<sup>82</sup> Kavanagh, ‘New Irish (Non-Irish/UK Nationals) candidates contesting the 2014 Local Elections’ (n44).

candidates. However, all of those migrant candidates elected were members of political parties.<sup>83</sup> Political parties do not collect data on the nationality of their members and so there is no data regarding the proportion of party members who are migrants, EU or otherwise.<sup>84</sup>

There was an effort by political parties to engage with migrant communities in the 2009 local election with a number of candidates being run by major political parties and the two largest political parties (Fianna Fáil and Fine Gael) appointing ‘Integration Officers’ to develop a strategy for recruitment of non-nationals as members and possible candidates for the parties. A Polish language section of the Fianna Fáil website was also developed. Nonetheless, Fanning et al point out that frequently non-national candidates are placed in constituencies where they are unlikely to threaten established party candidates and were rarely considered the parties’ main candidate in an area.<sup>85</sup> For the purposes of this report, it is also worth pointing out that non-EU migrants appeared to be the most engaged and indeed successful; both successful non-national candidates in the 2009 local elections were non-EU nationals.<sup>86</sup> The level of political party engagement with the migrant population appears to have fallen away in the 2014 election: ‘The 2014 local elections saw a marked decline in efforts by political parties to incorporate immigrants, and fewer immigrant candidates compared to 2009’.<sup>87</sup> This decline in political parties’ engagement with migrant candidates was in evidence again in 2019.<sup>88</sup> This was attributed to low level of engagement by migrants in the political process, including amongst the Eastern European community, although some politically engaged migrants also felt that political parties did not provide adequate support for migrants within their structures.<sup>89</sup> There are some efforts by civil society to encourage migrant political participation. The Immigrant Council of Ireland is running various campaigns to encourage more active migrant political participation, in particular the operation of an internship scheme and a mentoring scheme in conjunction with local politicians and local political parties.<sup>90</sup> This is aimed at migrant participation more broadly rather than specifically at EU migrants.

## 2.5. Turnout

Turnout in both local and EP elections is generally lower than for *Dáil* elections and has been declining in recent decades, with local election turnout falling from 58.6% in 2004 to 57.8% in 2009, 51.7% in 2014 and 50.2% in 2019 which was a historic low.<sup>91</sup> EP election turnout fell 7% between 2009 and 2014 with a turnout figure of 52.4% in the 2014 EP elections.<sup>92</sup> Turnout fell again in 2019 to just 49.70% and Irish turnout fell below the EU average of

<sup>83</sup> Immigrant Council of Ireland (2020)

<sup>84</sup> Fanning, O’Boyle and Shaw (n 66).

<sup>85</sup> Ibid.

<sup>86</sup> See generally Fanning and O’Boyle (n 46) and Szlovak (n **Error! Bookmark not defined.**). A single EU national holds elected office in Ireland; a Dutch national who was appointed to the local authority after the elected official resigned his/her seat upon election to the *Dáil*.

<sup>87</sup> O’Boyle, Fanning and Di Bucchianico (n 75) 210.

<sup>88</sup> Interview with Dr Valesca Lima (notes on file with author)

<sup>89</sup> O’Boyle, Fanning and Di Bucchianico (n 75) 210.

<sup>90</sup> Interview with Joe O’Brien of the Immigrant Council of Ireland, 6 July 2018 (notes on file with author).

<sup>91</sup> Oireachtas Library and Research Service, *Election Turnout in Ireland: measurement, trends and policy implications* (Houses of the Oireachts, 28 January 2016) at 9; Aodh Quinlivan, ‘The 2019 local elections in the Republic of Ireland’ (2020) 35 *Irish Political Studies* 46.

<sup>92</sup> Stephen Quinlan and Okolikj Martin, ‘This time it’s different...but not really! The 2014 European Parliament elections in Ireland’ (2016) 31 *Irish Political Studies* 300, 310.



50.66.<sup>93</sup> Turnout figures are not disaggregated for national and non-national voters, including for non-national EU citizens.

There is data regarding the total number of non-national EU citizens who are registered to vote, although this is only a proxy. In the 2019 European Parliament elections, of the 254,842 non-national EU citizens resident in the state,<sup>94</sup> 84,313 were registered to vote. Of these 54,195 were British citizens.

While there has been some political debate and media attention to the question of migrant political participation generally and in particular after the election of two migrants in the local elections of 2009, it is generally not considered an issue of high political salience. The specific question of EU migrant political participation is not a matter of public or political attention.

### **3. Non-resident Citizens' Franchise in National and EP elections when Residing in Other EU Member States**

#### **3.1. Overview of Relevant Administrative Regulations**

Voting rights for nationals resident abroad are restricted to diplomatic and military personnel and their spouses. For all other individuals, voting rights are dependent on ordinary residence in the state. If a citizen leaves the state but intends to return home within 18 months he or she may remain on the electoral register.<sup>95</sup> In order to exercise this vote, he or she is required to return to Ireland; no voting facilities are made available outside the state and postal voting is limited to individuals who are temporarily absent from their usual place of residence on the day of polling for reasons of work or studies. Individuals returning to vote may be required to make a declaration to the effect that they do in fact have an intention to return to Ireland within 18 months of having left. Individuals temporarily absent on election day may cast their vote via a postal vote but only in *An Garda Síochána* station and in the presence of a member of *An Garda Síochána*.<sup>96</sup>

This restrictive regime has recently been the subject of public discussion following the high number of Irish citizens returning to vote in two recent referenda on social issues, namely to allow for same-sex marriage and abortion.<sup>97</sup> Early plans are in place for a referendum in 2022 to introduce external voting rights for Irish citizens at presidential elections. The referendum was initially scheduled for 2021 but was delayed due to the Covid-19 pandemic. Extension of the franchise for nationals resident abroad to other elections (including European Parliament elections) faces stronger resistance in light of the large diaspora population with

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<sup>93</sup> Data available at <https://www.europarl.europa.eu/election-results-2019/en/turnout/>

<sup>94</sup> Figure derived from Census 2016 prepared by the Irish Central Statistics Office. Data provided by Dorothy Kelleher, Department of Housing.

<sup>95</sup> O'Dowd and Coutts (n 47) para 2.2.3.

<sup>96</sup> Ibid at para 2.2.2.

<sup>97</sup> See for example the well organised campaign during the recent referendum to repeal the eighth amendment to the constitution (preventing the Oireachtas from legislating for abortion in Ireland in all but the most limited circumstances). See '#HOMETOVOTE' <<https://hometovote.com>> accessed 2 August 2018.

either Irish citizenship or a right to Irish citizenship, a group which it is feared would have a distorting effect on electoral outcomes sometimes known as swamping.

### 3.2. Voter Registration

As noted above, it is not possible for individuals not ordinarily resident in the state to be placed on the electoral register. An individual who moves abroad may retain the status of ordinarily resident for a period of 18 months if he or she intends to return to Ireland within that 18 months.

### 3.3. Turnout

Irish nationals resident in other Member States are not entitled to vote in any Irish elections, including in Irish local and European Parliament elections. This may change for presidential elections should the mooted referendum in 2022 pass.

There are no statistics from Irish sources relating to turnout for Irish nationals in local and European Parliament elections in other Member States. As with non-Irish EU citizens resident in Ireland, there are statistics relating to notifications received by Irish authorities of Irish nationals in other Member States who wish to vote in European Parliament elections in those Member States.

In 2019, there were 14,469 such notifications. This is only an indication of voting intention of some Irish nationals resident in other Member States. The European Parliament Office had no notification of any Irish citizen contesting the EP elections in another member state. There is provision for the Minister for Justice to issue a certificate attesting to the fact that an individual has the right to stand for election to the European Parliament and is not disqualified from voting in Ireland.<sup>98</sup>

## 4. Conclusion

The political participation of mobile EU citizens in Ireland is marked by a low-level of formality and a limited degree of political engagement by the migrant community. There is similarly little in the way of information campaigns either by government or by political parties. A useful contrast can be drawn with the non-EU migrant community, who also enjoy electoral rights in local elections, and who on balance are generally considered more politically engaged than their EU counter-parts.

In principle, there are few obstacles for political participation by EU citizens in Ireland. Both the system of registration and the system of voting are relatively straightforward. In order to register an individual must complete and submit a simple form; there is no need for further documentation to be submitted (although an individual may be required to supply additional evidence of his or her nationality and/or residence). The one formal obstacle to registration is the requirement for a signature of a member of *An Garda Síochána* in order to complete both the Form RFA 2 (to be placed on the supplementary register) and the Form EP 1 (to vote in

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<sup>98</sup> See European Parliament Elections Act 1997, s 11(3).

European Parliament elections). As noted above, some have pointed to the possible dissuasive nature of this requirement for some individuals who have had negative experiences with police forces, including in their home Member State.

However, the *ad hoc* nature of the registration system is problematic in a number of respects. The electoral register is widely considered imperfect and fails to accurately reflect the potential electorate in any given area. This may be exacerbated with respect of EU migrant citizens. Firstly, registration is not automatic and while it is possible that in making enquiries a local registration authority may become aware of the residence of an individual in its area and include him or her in the register, in most cases it does require an application. The nature of migrants' housing pattern – typically more short-term and in apartments – means that they are unlikely to be picked up by registration authorities through door-to-door enquiries. Online registration was not possible for the 2019 EP elections but has been included in a legislative proposal linked to the establishment of a national electoral commission. It is likely that online registration will be available for the 2024 elections. This may be particularly beneficial to migrant voters who, due to lack of familiarity, may be unaware of the voter registration system in Ireland. Secondly, while the need to complete a Form EP 1 is not objectionable in practice, the failure to automatically register EU citizens for the European Parliament elections and instead following up in the lead-up to those elections creates a risk that these such individuals will not be included in the register for European Parliament elections. Local authorities do attempt to contact such individuals. However, as noted above, if an individual has changed address without informing the local authority there will be no means of contacting him or her. Similarly, the completion of the Form EP 1 requires an additional step, including signature by a member of *An Garda Síochána*. Aside from the added burden of such a step, the need to present at a police station is considered dissuasive for some migrants.

Informally, there are a number of obstacles to migrant political participation, primarily relating to a lack of information and engagement by all actors in the process. The Immigrant Council of Ireland has noted a low level of knowledge amongst EU migrants of their political rights, in contrast to their economic rights.<sup>99</sup> From a top-down perspective the information campaigns run by central government are limited to supplying standard information in multiple languages. These are considered overly lengthy and ineffective. There were efforts to increase migrant participation more broadly in the run up to the 2019 EP and local elections, including amongst the migrant EU population. The Immigrant Council of Ireland and the Department of Justice held a number of events and organised a number of campaigns to promote voter registration and participation in the elections. The campaigns were low key. There was a modest increase in the number of candidates from migrant backgrounds at the local elections but no impact on candidacy in the EP elections. There is no evidence to suggest higher uptake of voting by those from a migrant or EU background at either election.

Similarly, after displaying some interest in the migrant community in 2009 local elections, the efforts of political parties to reach out to migrant communities has been piecemeal at intervening elections. Part of the reason for this disengagement by the political parties is the low-level of interest displayed by the migrant community for electoral or non-electoral politics. As noted above, migration (including EU migration) is not a high-salience political issue in Ireland and there is no one party that is the natural home of migrants. The numbers of EU migrants registered to vote is very low as a proportion of the total non-national EU population in the state, particularly outside the UK national community. And following the final Brexit outcome, UK citizens were not eligible to vote at the EP elections in 2019. A useful comparison can be drawn with the non-EU migrant community. While political

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<sup>99</sup> Interview with Joe O'Brien of the Immigrant Council of Ireland of 6 July 2018. Notes on file with author.

engagement is still limited amongst this group, it is typically considered to be more politically active than the EU migrant community.<sup>100</sup> Multiple reasons are cited for this difference. The more secure legal position of EU citizens removes a potential incentive for these citizens to engage in politics, as is the general absence of any goal to naturalise. The different social circumstances of the non-EU migrant community is also cited as a reason for their political engagement. Non-EU migrants tend to be more involved in local religious and civic organisations (although not necessarily political parties) and activities.<sup>101</sup> These tend to provide leadership opportunities for certain individuals and certain local prominence, leading them to be more attractive candidates for political parties and key interlocutors for national organisations and information transmission.

While a number of non-party political organisations and campaigns have developed since the advent of the great recession in 2008 in Ireland, particularly in response to the economic crisis and the imposition of an austerity-based economic policy on the state and more lately on specific social issues, such as same-sex marriage and abortion rights, there is no evidence that EU migrants either individually or collectively have played any role of prominence in these organisations.

### *Electoral Management Reforms on the Horizon*

Establishing an electoral commission and reforming the process of voter registration has been an occasional talking point in Irish politics for 20 years. Following extensive consultation, the government published the General Scheme of the Electoral Reform Bill parliament in December 2020. Legislative scrutiny of the bill was carried out during 2021 and early preparations have been made for the establishment of an electoral commission and a series of associated reforms. These reforms will be the most significant revision of electoral procedures since the 1997 Electoral Act. The proposed reforms include:

- The introduction of a rolling registration process, abolishing the system of annual and supplemental registers,
- Provision for online registration,
- A simplified set of registration procedures for all voters, including EU and other resident non-citizen groups,
- An active role for the newly created electoral commission in the promotion of voter registration, candidacy and voting for all groups of voters,

The full details of the proposed changes will not be agreed until the legislation is approved in the Dáil. Collectively the proposals do have the potential to address many of the deficits in Irish electoral law and practice which have been identified over several electoral cycles. The 2024 European Parliament elections may be the first major test of the new approach.

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<sup>100</sup> Fanning and O'Boyle (n 46) at 420.

<sup>101</sup> Ibid.

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