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1 Introduction

This briefing paper has been prepared following a request from the Committee on Procedures. The Committee sought information on the following:

- Clarification of what electronic voting in parliamentary chambers is, its use in other legislatures and whether there are any procedural considerations required to support its introduction.

The paper looks at the provision for electronic voting in the Scottish Parliament, Welsh Parliament, House of Commons, House of Lords and Dáil Eireann. It also provides information on the extent of electronic voting in parliamentary chambers in other parts of the world.

The COVID-19 pandemic forced legislatures to adapt to new ways of working to allow for the continuation of parliamentary business, which included the introduction of electronic voting and remote voting. This paper addresses these issues because although some of these measures have proved temporary, they may still provide valuable lessons as to how electronic voting could work in the context of the Northern Ireland Assembly. Furthermore, there is likely to be overlap in consideration around the issues of electronic voting, remote voting and proxy voting.

2 Scottish Parliament

Voting in the chamber of the Scottish Parliament is usually conducted via electronic voting. The approach is as follows:

In the Chamber the Presiding Officer asks MSPs a question. If they do not all agree with the question they will vote.

This question then appears on screens on the MSPs' desks. They can answer "yes", "no" or "abstain". They normally have 30 seconds to touch the screen to answer. Then the Presiding Officer reads out the results of the vote.¹

Votes in the Scottish Parliament are taken at 'Decision Time':

Decision Time is the period which normally begins at 17:00 where a meeting of the Parliament is held on Monday, Tuesday, Wednesday or Thursday and at 12:00 where a meeting of the Parliament is held on Friday and which ends when every decision which is to be taken during Decision Time has been taken.²

To vote, MSPs insert their identity cards into the console at their desk in the Chamber. The screen automatically changes to a touchscreen during the voting process. They have 30 seconds to vote after which the Presiding Officer announces the result.

Electronic voting has been used since the Parliament was opened in 2004 and has worked largely without controversy. However, in 2016 a missing vote from a Labour member allowed the Government to narrowly avoid defeat on a council tax debate. The Labour member in question was insistent that she had pressed the button to cast her vote but the parliamentary authorities were clear that there had been nothing defective with the voting system.

In June 2016 the system failed and a vote on education had to be postponed until the following day. According to the BBC "The system as a whole actually had to be replaced in 2011, at a cost of £270,000 - although this was because the supplier was no longer able to provide spare parts."³

Impact of COVID

The Scottish Parliament adapted and extended its electronic voting system to address the challenges posed by COVID.

Rule 11.7.1 of the Parliament was changed to: "allow for voting to take place using "an" electronic voting system, rather than referring solely to "the" electronic voting system in the Chamber. This has allowed other voting systems provided for the purpose to be used in the Chamber."⁴

¹ Website of the Scottish Parliament, *About votes*: <https://www.parliament.scot/chamber-and-committees/votes-and-motions/about-votes-and-motions>

² Standing Orders of the Scottish Parliament: <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/standing-orders/chapter-11-decisions-and-voting>

³ BBC News online, *How does Holyrood's electronic voting system work?* <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-37450323>

⁴ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Standing Order Rule Changes – Inquiry into the resilience of the Scottish Parliament's practices and procedures in relation to its business*, February 2021: <https://sp->

According to a report by the Standards, Procedures and Public Appointments Committee:

By the end of June (2020), a digital voting system had been developed and work continued over the summer to ensure that this was reliable and operational. The Presiding Officer, in a letter to MSPs confirmed to Members that remote voting would be possible in the Chamber after the summer recess to allow all Members taking part in Chamber business to vote.⁵

The report also quoted a response it had received from the Scottish Parliamentary Corporate Body (SPCB) in relation to remote electronic voting in the context of the pandemic:

The SPCB felt strongly that being able to take part in parliamentary business was not enough and that all Members should be able to take part in parliamentary decision-making through casting their votes. The identified solution has taken time to bed in, but it is a secure system which is producing reliable results that would withstand legal challenge. The SPCB also recognises the need to build remote voting into our new sound and voting system as and when the time comes for it to be replaced.⁶

Some Members expressed concern with the remote voting system when it came to consideration of a large number of amendments at Stage 3 of a bill, and the stress that could accompany this. But overall there was a feeling that while the system was not without its flaws, “most issues were due to individual errors and connectivity issues.”⁷

Following consultation with Members, the Standards, Procedures and Public Appointments Committee recommended that the change to Rule 11.7.1 be made permanent so that “the rule no longer only refers to the use of the single voting system that is used to run votes when all Members are in the Chamber.”⁸ This had followed a recommendation from the SCPB that the rule change be made permanent to support the resilience of the Parliament.

The Rule (Standing Order) governing the electronic voting process, incorporating the rule change, is as follows:

bpr-en-prod-cdnepeg.azureedge.net/published/SPPA/2021/2/23/67bb1cc0-ce9d-49be-8e2d-7f9af86b75d5/SPPAS052021R02.pdf

⁵ As above

⁶ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Standing Order Rule Changes – Inquiry into the resilience of the Scottish Parliament's practices and procedures in relation to its business*, February 2021

⁷ As above

⁸ Scottish Parliament Standards, Procedures and Public Appointments Committee, *Standing Order Rule Changes – Inquiry into the resilience of the Scottish Parliament's practices and procedures in relation to its business*, February 2021

1. Normally members shall vote at a meeting of the Parliament or of a Committee of the Whole Parliament using an electronic voting system.
2. If it appears to the Presiding Officer that the electronic voting system cannot be used for any reason, a roll call vote, or a vote in accordance with such other manner of voting as the Presiding Officer may decide, shall be held.
3. If it appears to the Presiding Officer that the electronic voting system has produced an unreliable result, he shall ask members to cast their votes again in accordance with any manner of voting the Presiding Officer considers appropriate.
4. In a roll call vote, the roll shall be called in alphabetical order. Voting shall be by word of mouth and shall be expressed by “Yes”, “No” or “Abstain”.

Below is an extract from a recent Decision Time, including a Point of Order on a technology-related issue.

Decision Time

The Presiding Officer (Alison Johnstone)

There are four questions to be put as a result of today’s business.

The first question is, that motion S6M-01554, in the name of Ben Macpherson, on the Carer’s Allowance Supplement (Scotland) Bill, be agreed to. As the motion is on the passing of the bill at stage 3, there will be a division.

We will have a very short suspension to allow members to access the digital voting system.

17:29 Meeting suspended.

17:33 On resuming—

The Presiding Officer

We move to the vote on motion S6M-01554. Members should cast their votes now.

Brian Whittle (South Scotland) (Con)

On a point of order. My app would not connect. I would have voted for the motion.

The Presiding Officer

Thank you, Mr Whittle. We will ensure that that is recorded.

3 Welsh Parliament

The Welsh Parliament chamber (or Siambr), is an electronic debating chamber whereby: “A dedicated computer system operates in the Siambr and all information

relevant to Plenary proceedings is accessible via each Member's individual computer. Members also have full access to the rest of their ICT system in the Siambr."⁹

The *Members' Guide to Plenary*¹⁰ sets out the electronic voting process:

At the base of the computer there is a slot for a card which identifies each Member. There are also three buttons:

- Green: to vote in favour;
- White: to abstain; and
- Red: to vote against.

Members are requested to vote by the Presiding Officer. Members vote by pressing the button of their choice. The results are shown on display screens in the Siambr at the end of each vote. Once the vote is closed it is not possible to change the vote cast. If Members encounter any problems with the voting system during the electronic vote, this should be drawn immediately to the attention of the Presiding Officer, before the vote is closed.

All voting results are published after the meeting in the Votes and Proceedings and the Record of Proceedings. A 'Votes Summary' is also published containing the full details of how each Member voted on each item of business.

Voting by show of hands

If the electronic voting system fails for any reason, the Presiding Officer may decide, in accordance with Standing Order 12.43, to run the vote by show of hands. This is provided that no more than two Members object. Should a vote by show of hands occur, all Members in favour of the motion or amendment will be asked to raise their right hand and keep it raised until notice is given. The Clerk will count those voting in favour. All Members who are against the motion will be asked to raise their hands in the same manner next, followed by all those who wish to abstain.

Voting by roll call

Alternatively, the Presiding Officer may choose to conduct the vote by roll call, in alphabetical order of all Members present. All Members will be called

⁹ Welsh Parliament, *Members' Guide to Plenary*, May 2021:

https://senedd.wales/NAfW%20Documents/Assembly%20Business%20section%20documents/Guide-to-Plenary/Guide-to-Plenary_public_eng.pdf

¹⁰ As above

and asked in turn if they are in favour or against the motion or amendment, or wish to abstain. The Clerk will record the result of the vote(s).

If more than two Members object to a show of hands, then the vote would have to be taken by roll call.

Impact of COVID-19

During the public health crisis caused by COVID-19, the Welsh Parliament developed a secure app to allow Members to continue to vote electronically while not in the chamber. It was first used in July 2020.¹¹

Initially, weighted voting was used in the Chamber in the absence of a remote voting facility for Members. The following Standing Orders were introduced to facilitate remote voting:

34.14A Where the Presiding Officer, having consulted Business Committee, determines that it is required for the protection of public health, arrangements may be made for Members to vote from any location by electronic means.

34.14B Subject to Standing Orders 12.41A-H, Members must cast their vote individually (but are not obliged to vote).

34.14C Standing Orders 34.14A and 34.14B apply to all business in Plenary.

34.14D Where votes are conducted in accordance with Standing Order 34.14A, Standing Order 12.44 does not apply, but before any vote is taken, when at least three Members so request, the Presiding Officer must suspend proceedings for at least five minutes. If votes are to be taken immediately after one another, only one suspension of proceedings is necessary.

However, the remote voting system has not proceeded without controversy. In October 2021, a Conservative Member of the Senedd (MS) missed a narrow vote on compulsory Covid passports for nightclubs. The following is an extract from the BBC News report:

BBC News Online, 6th October 2021: Covid passes: Conservative who missed vote was at party conference

A Conservative politician who missed a crucial vote on compulsory Covid passes in nightclubs and big events in Wales was at the Tory conference in Manchester at the time.

¹¹ Welsh Parliament Business Committee, *Amending Standing Orders: Suspension of proceedings before remote electronic votes*, October 2020: <https://senedd.wales/laid%20documents/cr-ld13621/cr-ld13621-e.pdf>

Gareth Davies says he was "angry" that he was unable to access the Welsh Parliament's remote voting system.

But the Senedd's Presiding Officer Elin Jones said he had been given "every opportunity to be present".

His absence meant Welsh ministers won by one vote.

Elin Jones had said on Tuesday that she had provided her personal phone number to allow Mr Davies to vote...

...around Wednesday lunchtime, the Vale of Clwyd politician said he was "working and representing the group at the Conservative Party conference and I would have been able to vote remotely if I'd have been able to access the remote voting tools".

"I am deeply upset, frustrated and angry at last night's events and my inability to cast a vote against vaccine passports," he said.

He said concerns have been raised with the Senedd's ICT department.

However BBC Wales was told attempts had been made by the Senedd to contact Mr Davies but "no one could get hold of him" - a Tory source said that was because he was speaking to the chief whip Darren Millar and staff.

One MS said that just before the vote Elin Jones read out a phone number to the Tory chief whip for Gareth Davies to call her on.

Darren Millar had told Ms Jones there were difficulties with getting one of his members onto Zoom.

"Elin waited for a phone call. The phone didn't ring," the MS said.

They added that Ms Jones then offered Mr Davies another 30 seconds to get in touch before eventually deciding to proceed.

At the time of the vote on Tuesday evening Ms Jones said: "We are holding the vote please, and we have made every opportunity possible for that... member to get in, including sharing my personal phone."

She later added: "It is a member's responsibility to give themselves sufficient time to secure their Zoom connection in time for voting, just as it is for any member travelling to the Senedd to vote."

On Wednesday she declined to give Mr Davies a chance to make a personal statement to the Senedd, saying as he had shared it with the media it was already in the public domain.

Mr Davies later put the statement on Facebook, saying he was not able to call the presiding officer: "I was already on a call at that time frantically speaking with Welsh Conservative staff members in an attempt to solve the ICT problems."

With the whole opposition against the plans, and Labour controlling only half of the Senedd's 60 seats, if Mr Davies voted there would have been a tie.

The new law would have failed to pass as a result.

4 House of Commons

There was no provision for electronic voting in the House of Commons chamber until the COVID-19 pandemic. Then, along with many other legislatures, the Commons altered its proceedings to allow for the continuation of parliamentary business. One of the measures introduced was remote voting. On 29th April the Leader of the House, Jacob Rees-Mogg MP, announced plans to experiment with electronic voting, emphasising that it would be a temporary measure. Subsequently, the first remote voting division was held in May 2020.

The voting system used the existing MemberHub, which MPs use for tabling parliamentary questions or early day motions: "MemberHub can be accessed by MPs on any device and uses single sign on and multifactor authentication to ensure it is secure."¹² The voting process was as follows:

The Member in charge of an item of business (e.g. a motion, or a piece of legislation) may designate it for remote division and this designation will be listed in the Order Paper.

The Speaker's provisional determination on whether a remote division is required will be announced at the start of business for the day, and a final decision will be made when the end of that particular item of business is reached.

When a division is called, MPs will receive a notification by text and email. The division bells will be sounded on the Parliamentary Estate as usual, and MPs will have 15 minutes to cast their vote.

All votes will be cast remotely, and results will be collated using the existing system used for physical divisions, where names are recorded on laptops in the Division lobbies.

Announcement of results

¹² UK Parliament, *MPs cast first ever remote votes in Commons Chamber*, 13 May 2020:

<https://www.parliament.uk/business/news/2020/may/mps-cast-first-ever-remote-votes-in-commons-chamber/>

Once the division is concluded, the Speaker will move on to the next item of business while the result of the vote is checked. Once checks are complete, officials will pass the outcome of the remote division to the Speaker, who will make an announcement in the Chamber as soon as possible. Results will subsequently be published on the CommonsVotes app as usual.

As with standard divisions, staff will be on hand to oversee the division, with technical experts available to assist in the unlikely event that problems arise. The Speaker, as he currently does, has the power to extend the time for a division, or to cancel and re-run a division if this is necessary to do so.¹³

The Speaker could declare the results null and void and order a re-run if technical issues interfere with the vote.

It is worth noting that MemberHub, mentioned above, is a “well-established parliamentary platform which many Members use for the digital tabling of written and oral questions and proposed early day motions. In the view of the House Service, the system is technically robust.”¹⁴

All data on MemberHub is encrypted and sent over a secure connection, and voting records are stored in both MemberHub and the existing electronic divisions system. However, the Procedure Committee noted that:

The temporary purpose of the system is not sufficient to justify the development work and expenditure on infrastructure required to develop a system which could (for example) require biometric or facial recognition authentication on a wide variety of devices for each division.¹⁵

It added that:

Significant additional resource and expenditure would be required if the House were to require a system which could provide sufficient authentication assurance to allow remote voting on a permanent basis.¹⁶

On 20 May 2020 the order on remote voting lapsed and was not renewed.

Development of pass-card reader

To ensure that voting in divisions could continue and to avoid the long queues that had arisen as MPs attempted to vote while adhering to social distancing guidance, a pass-card reader was developed and rolled out in June 2020. Speaker Sir Lindsay Hoyle

¹³ UK Parliament, *MPs cast first ever remote votes in Commons Chamber*, 13 May 2020

¹⁴ House of Commons Procedure Committee, *Procedure under coronavirus restrictions: remote voting in divisions*, May 2020
<https://publications.parliament.uk/pa/cm5801/cmselect/cmproced/335/335.pdf>

¹⁵ As above

¹⁶ House of Commons Procedure Committee, *Procedure under coronavirus restrictions: remote voting in divisions*, May 2020

outlined how the process would work in a letter to MPs, which is summarised at Appendix 1.

5 House of Lords

As with other legislatures, the House of Lords altered its practices to respond to the pandemic. As part of this, remote voting was introduced on 15 June 2020, allowing Members to vote on a laptop, smartphone or other device. A new online hub, PeerHub, was established to allow the operation of remote voting.

Unlike the House of Commons, the Lords has kept its electronic voting system as an interim measure until the feasibility of a pass reader system - similar to that in the House of Commons, has been explored.

The report of the Privileges and Procedure Committee set out how the system would work:

...from 6 September, all divisions in the House will be conducted using the voting system on PeerHub which the House has used since 15 June 2020. Members will, however, only be eligible to participate in the vote if they are doing so from a place of work on the Parliamentary Estate (unless the member is exempted from doing so through their eligibility for ongoing virtual participation...) We discussed a more concrete definition and deliberately proceeded with this one, acknowledging that members may be working in a number of locations, including their offices, select committee meeting rooms, and other areas of the Estate. Members will be asked to confirm when voting via PeerHub that they are in a place of work on the Parliamentary Estate. The Conduct Committee is considering amending the Code of Conduct to make it a breach of the Code to vote when not in a place of work on the Parliamentary Estate (unless exempted from having to do so).

We propose that this version of PeerHub voting operates in a similar fashion to remote voting during the hybrid House. In particular, we consider that the ability to defer a division, or to use an e-mail contingency system, in the event of technical failure should remain in place.¹⁷

The full process is set out below.

1. If a decision is not reached by collecting the voices, the Chair will instruct the Clerk to start an electronic division. Members have 10 minutes to record their votes electronically using the PeerHub voting system. The division bells will be sounded on

¹⁷ House of Lords, Procedure and Privileges Committee, *Procedural adaptations arising from the hybrid House; Interim option of voting using PeerHub; Ongoing virtual participation by disabled members*, July 2021: <https://committees.parliament.uk/publications/6622/documents/71449/default/>

the Estate and on the electronic voting site. No tellers are appointed for an electronic division

2. The Clerk at the Table will be able to record the vote of any member in the Chamber who is temporarily unable to vote because of technical issues with their electronic device and cannot leave the Chamber to rectify the problem in the time available. Members not in the Chamber experiencing technical issues may cast their votes in the Table Office. As with the existing system, not being equipped with a device to vote will not be accepted as a reason to vote via the Clerk at the Table or Table Office.

3. Members who have accessibility needs which mean they cannot use the electronic voting system must have confirmed arrangements in advance, and at least 24 hours in advance of when they are seeking to use it for the first time, with the Clerk of the Table Office for their vote to be recorded. Alternatively, they may cast their votes with the Clerk at the Table.

4. With the exception of the members mentioned in paragraphs 2 and 3, all members must vote using the electronic voting system. A vote, once submitted, may not be rescinded or altered.

5. The Chair may extend, interrupt or suspend an electronic division if notified of a technical problem. They will notify the House of this by making an announcement from the Woolsack.

6. When the time allowed for electronic voting has elapsed, no further members may vote. The result of a division will be announced from the Woolsack as soon as it is available.

7. Members may not misuse the electronic voting system or the contingency email voting process by having any other person vote on their behalf. The House has agreed a change to the Code of Conduct to make it a breach of the Code for another member or person to cast a vote on their behalf.

8. Members may not participate in a division when not in a place of work on the Parliamentary Estate, unless they are eligible to vote remotely under Standing Order 24A (3).

9. If, after the result of an electronic division has been announced, it is reported to the Chair that problems in the conduct of the division occurred which might have affected the result, the Chair may declare the division to be void and may make arrangements for the division to be re-run. If the correction involves the reversal of a decision of the House and the House has taken further action on the basis of the

mistaken announcement, any proceedings taken on the basis of that announcement should be voided unless irreversible.

(The provision in the paragraph above does not apply if members have participated in a vote and are found to have done so when not in a place of work on the Parliamentary Estate. In such circumstances, the result of the division will not be retroactively changed. To do so would risk voiding proceedings and introducing legal uncertainty, and we believe such instances are best addressed by the enforcement of the Code of Conduct, should the House agree to any related proposals forthcoming from the Conduct Committee.)

6 Dáil Éireann

Electronic voting was introduced in the chamber of the Dáil in 2002 after consideration by the sub-Committee on Dáil Reform. The sub-Committee recommended a system whereby members would have to vote at designated seats, rather than, for example, using a card system:

The main security attaching to the designated seating method of voting is that it is visibly obvious whether or not a particular seat is occupied if the corresponding light on the display board is illuminated while all members are present in the Chamber and voting at the same time....the card method offers a higher level of security in that it is a more personal method of voting...however the visibility factor associated with designated seating is lost with card voting since Members may vote from any location in the Chamber...¹⁸

Nevertheless, there was a recognition that deliberate or accidental misuse of the system could not be ruled out.

Divisions are taken electronically except in the case of:

- Election of the Ceann Comhairle;
- Nomination of the Taoiseach and Members of the Government;
- Motions of confidence in the Government.

The system is tested on each sitting day to ensure all aspects are working.

¹⁸ Dáil Éireann, *Report of the Committee on Procedure on the Review by the Clerk of Dáil Éireann of Electronic Voting in Dáil Éireann on Thursday 17 October 2019*, 24th October 2019: https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/working_group_of_committee_chairmen/reports/2019/2019-10-24_report-on-the-review-by-the-clerk-of-dail-eireann-of-electronic-voting-in-dail-eireann-on-thursday-17-october-2019_en.pdf

There are provisions in place to amend the result if a Member inadvertently presses the wrong button.

The Dáil was embroiled in controversy in October 2019 when it emerged that Members had been voting on behalf of colleagues using their electronic voting system located at each seat in the chamber.

The voting procedure in Dáil Eireann was summarised in a report by the Clerk of the Dáil that had examined the irregularities of October 2019:

- After the bells have been rung and the doors locked, the Ceann Comhairle announces the item of business, the question to be decided and the names of the tellers for each side. The Ceann Comhairle advises members of the requirement to take their designated seat for the purposes of electronic voting.
- The Clerk starts the vote, the voting system goes live, and the Deputies have one minute to vote.
- Each Deputy votes from their assigned seat. They will previously have been informed of their seat number, which is displayed on the seat's voting panel. A Deputy's assigned seat is only changed on instruction by the relevant Whip.
- Voting maps are sent to the Whips of parties and groups, and a revised map is re-circulated where changes are made. While Deputies should be familiar with their assigned seat, they can consult their Whip or the Clerks in the House to confirm their seat position.
- For most seats, the Deputy will see the voting panel in front of them. For the seats in the very front row the Deputy lifts one of their armrests to reveal the panel.
- The voting panel displays buttons for Tá, Staon and Níl, each of which has a light beside it.
- When voting begins, the Tá, Staon and Níl lights flash on each Deputy's voting panel. When one of the buttons is pressed the associated light comes on continuously and the other lights stop flashing and turn off. Deputies may change their vote within the one-minute window. If a Deputy changes their vote, the light for their new vote turns on.
- When a Deputy has voted, the wall display and TV broadcast shows a green, blue or red light corresponding to the seat, depending on whether the Deputy has voted Tá, Staon or Níl respectively. If they change their vote this changes accordingly.
- The wall display also shows a countdown with the number of seconds remaining in the vote.

- An electronic vote can be changed any number of times in the minute during which voting takes place.
- While a vote can be changed, once cast it cannot be revoked on the system (i.e., once a vote button has been pressed, it can be changed to another voting option, but it cannot be switched off altogether); if a Deputy realises that they have voted from the wrong seat they should bring this to the attention of the tellers so that a correction can be made before the Tellers sign the Teller Sheet and the Ceann Comhairle announces the result.
- When the 60 seconds for the division have expired the vote is stopped at the Clerks desk. Once stopped, no more votes are registered.
- A printout of the results, in the form of a tellers sheet with the numeric result (Tá and Níl) and division sheets listing the names of members who have voted by party/group and alphabetically, is given to the Clerk; once the tellers are satisfied with the results on the tellers sheet, they sign it.
- The tellers for the winning side hand the sheet to the Ceann Comhairle, who announces the numbers in the form of Tá and Níl, along with any Staon numbers, and then declares the decision.

There are provisions in place for votes to be taken by means other than electronic, for example where the electronic system is deemed unreliable. Standing Orders also allow for a division to be run again where the difference between the total of yes and no votes is 10 or less. In such circumstances, any member may demand that the vote is rerun electronically or taken again otherwise than by electronic means.

In response to the voting controversy, Professor David Farrell of University College Dublin was commissioned to review the voting system in the Dáil.

Although not publicly available, the Irish Times summarised the key points of Professor Farrell's report:

- The report presented five options for reform:
 - chip card readers;
 - a two-hand voting system;
 - biometrics;
 - voting displays; and
 - additional cameras.

The report recommended that: “the installation of additional cameras to record the act of voting would seem the best on grounds of effectiveness and cost.”¹⁹ The report went on to say:

*Installing additional cameras would enable the recording of all Deputies in their seats as they vote. The data could then be stored for a period of time to allow Dáil authorities to carry out an audit of the vote if needed. This [the cameras] would be relatively cheap to implement, although the estimates vary: SKS Communications estimates the cost of installing new CCTV cameras at between €45,000-€50,000, whereas the Oireachtas Broadcasting Unit suggests a series of options ranging in cost from less than €1,000, working off existing CCTV cameras, to somewhere between €50,000-€100,000.*²⁰

Subsequently:

*At its meeting on Wednesday 6th May, 2020, the Committee on Procedure considered the recommendations in Professor Farrell’s report, and agreed to the recommendation that additional cameras be installed in the Dáil chamber, to make video recordings of divisions which can be used later, if necessary, as part of an audit trail.*²¹

Remote electronic voting was not available during the COVID-19 pandemic because Article 15.11.11 of the Irish Constitution states:

All questions in each House shall, save as otherwise provided by this Constitution, be determined by a majority of the votes of the members present and voting other than the Chairman or presiding member.

Therefore, Members must be present in the Chamber to cast a vote.

A Private Member’s Bill, currently at Second Stage, would amend the Constitution to allow remote voting. The Explanatory Memorandum to the Bill states:

This Bill enables each House of the Oireachtas to make provision in its rules for specified and limited circumstances in which members not physically present in the House may vote when any matter, or any class of matter as so provided for, is to be determined by a vote of that House. The purpose of the Bill is to enable enhanced flexibility for the working of the Houses of the Oireachtas in times of emergency.

It will also serve that by enabling remote or proxy voting, the Houses of the Oireachtas will be better able to accommodate members who cannot be

¹⁹ The Irish Times, *Dáil electronic voting review recommends installing extra cameras for €50,000*, 6 May 2020:

<https://www.irishtimes.com/news/politics/d%C3%A1il-electronic-voting-review-recommends-installing-extra-cameras-for-50-000-1.4246422>

²⁰ As above

²¹ Houses of the Oireachtas, *Dáil Committee on Procedure considers report from Professor David Farrell re Dáil voting system*, 7 May 2020: <https://www.oireachtas.ie/en/press-centre/press-releases/20200507-dail-committee-on-procedure-considers-report-from-professor-david-farrell-re-dail-voting-system/>

*physically present, either through temporary but enduring incapacitation or by virtue of maternity or paternity provision.*²²

Impact of Covid-19

At the beginning of the Covid-19 pandemic, it was deemed necessary for Dáil Eireann to find alternative accommodation so that Members could adhere to social distancing measures. This would apply to those occasions when all members of the Dáil had to be present for voting (for example for the election of the Taoiseach).

After consideration of 13 sites, it was agreed that the Dublin Convention Centre “was the best choice when considering both size, availability and cost.”²³ A ‘roll call’ system was initially used for voting in the Convention Centre, but fairly quickly then moved to an electronic voting system, where the microphone unit in front of each member also had buttons for voting.²⁴

There was also agreement that the Dáil would meet in reduced numbers on those occasions when it sat in Leinster House, with proportionate representation from each political party.

According to information provided to the Inter-Parliamentary Union:

*Voting was either by voice vote or roll call vote with Members remaining in their seats. The use of roll call votes was an innovation due to COVID-19 for a full division. The usual manual vote where members walk through the lobbies was not in use. Electronic voting was not being used during the formation of the Government.*²⁵

On 15th September 2021 the Dáil made a full return to Leinster House.

7 International practice

The Inter-Parliamentary Union’s *World e-Parliament Report 2018* surveyed 114 parliamentary chambers on a range of issues related to the use of digital technology in undertaking their business.

The report found that:

Just over half of the parliaments surveyed still use manual methods of voting in the plenary chamber or hemicycle, but at the same time, 67 per cent use

²² Thirty-ninth Amendment of The Constitution (Remote Parliamentary Voting) Bill 2020: <https://data.oireachtas.ie/ie/oireachtas/bill/2020/73/eng/memo/b7320d-memo.pdf>

²³ Press release from Dáil Eireann, Dáil Business Committee approves use of Convention Centre for occasions on which all TDs need to be present and voting, 8 April 2020: <https://www.oireachtas.ie/en/press-centre/press-releases/20200408-dail-business-committee-approves-use-of-convention-centre-for-occasions-on-which-all-tds-need-to-be-present-and-voting>

²⁴ Information on electronic voting in the Dublin Convention Centre supplied via correspondence with official in Dáil Eireann.

²⁵ Inter-Parliamentary Union, *Country compilation of parliamentary responses to the pandemic*: <https://www.ipu.org/country-compilation-parliamentary-responses-pandemic>

electronic voting methods, either exclusively or in conjunction with manual methods. The most popular voting method, used by 51 per cent of the parliaments, is electronic, with voting buttons at assigned seats. Only two parliaments, those of Paraguay and Spain, have systems enabling members to vote remotely during plenary sessions. The most popular method of verifying a member's identity is a voting card or token, used by 46 per cent of the parliaments. Thirteen per cent use Biometric data (up from 8% in 2016) and 10 per cent use a password system.²⁶

In the 2020 e-Parliament report, it was found that:

The most significant increase was in the number of parliaments using remote voting methods in the plenary. That increased from 1% in 2018 to 6% in 2020, reflecting the rapid adoption of virtual solutions during the pandemic.²⁷

8 Summary and issues for consideration

The research has identified that the Scottish Parliament, Welsh Parliament and Dáil Eireann have permanent, in-house electronic voting, with members voting at assigned seats. The experience of these legislatures shows that this method of voting is not without controversy and technical issues, but generally it has appeared to work well and is accepted by members.

The Covid-19 pandemic forced legislatures in neighbouring jurisdictions and further afield to adapt their practices to ensure the continuation of parliamentary business. The need for a reduction in the number of members present in chambers necessitated a rethink on voting procedures, with the Scottish Parliament and Welsh Parliament moving to remote electronic voting.

The House of Commons and House of Lords, neither of which had a history of electronic voting, utilised apps to ensure that members could vote remotely.

Dáil Eireann used the Dublin Convention Centre when votes were on certain issues were required and electronic voting was available at that venue. Proxy voting is prohibited by the Irish Constitution.

Drawing on the experience and practice in other legislatures, the following are issues that may merit further consideration:

- the potential cost of installing and maintaining an electronic voting system alongside feasibility of structural/technical changes to the Assembly chamber;
- procedural safeguards if/when electronic voting fails;

²⁶ World e-Parliament Report 2018: <https://www.ipu.org/resources/publications/reports/2018-11/world-e-parliament-report-2018>

²⁷ As above

- whether any plenary items would be excluded from electronic voting;
- security measures to prevent corruption and/or abuse of the system;
- could electronic voting encompass remote voting or should it be in house/desk-bound as in the Scottish Parliament and Welsh Parliament? Would the current interim system in the House of Lords be an option whereby members can vote electronically as long as they are on the parliamentary estate?
- would separate infrastructure be required in the Assembly chamber or could this be minimised by allowing members to use devices such as laptops and smartphones?
- could an electronic voting system be incorporated into the OneDrive system?

Appendix 1

Pass-card reader system in the House of Commons

- As MPs pass through the required voting lobby, they should tap their card on either one of two pass-readers that have been placed there;
- Once a Member has tapped their pass on the reader, they should proceed to leave the division lobby past the Tellers;
- If a Member has any problem with the pass-reader, they should continue through the lobby and pass the Tellers. This will ensure their vote has been counted. They should then immediately email the Public Bill Office to let them know that they voted and which way, but that the pass-reader did not recognise their pass;
- If proxy voters are voting the same way as their proxy they should tap their pass on the pass-reader once to register their own vote. They should then inform the Teller that they are casting a vote on behalf of the proxy/proxies, indicating the number of proxies;
- The nominated proxy voter should then immediately email the Public Bill Office to let them know that they have voted on behalf of their proxy/proxies;
- If proxy voters are voting a different way to their proxy they should tap their pass once on the pass-reader to register their own vote, and then pass the Tellers as normal. They should then pass back through the Chamber and rejoin the queue to walk past the Tellers on behalf of their proxy. They should not tap their pass on the reader; and
- The nominated proxy voter should then immediately email the Public Bill Office to let them know that they have voted on behalf of their proxy/proxies, indicating clearly that the proxy voted the other way.²⁸

²⁸ <https://www.parliament.uk/business/news/2020/june/speaker-letter-to-mps-on-pass-reader-divisions/>