



**AN BILLE TOGHCHÁIN (LEASÚ), 1985
ELECTORAL (AMENDMENT) BILL, 1985**

EXPLANATORY MEMORANDUM

General

The purpose of the Bill is to provide for the extension of voting rights at Dáil elections to persons other than Irish citizens over the age of eighteen years who are ordinarily resident here.

The Electoral (Amendment) Bill, 1983, which proposed to grant to resident British citizens the right to vote at elections and referenda here, was found by the Supreme Court to be repugnant to the Constitution. By virtue of the Ninth Amendment of the Constitution Act, 1984, which was the subject of a referendum on the 14th June, 1984, and promulgated as law by the President on the 2nd August, 1984, the right to vote at Dáil elections may now be conferred by law on categories additional to citizens. The granting of voting rights now to British citizens under this new Constitutional provision will reciprocate the voting rights which Irish citizens resident in Britain have traditionally enjoyed. The Bill will also enable voting rights at Dáil elections to be extended on a reciprocal basis to nationals of other Member States of the E.E.C.

The number of British citizens who will be entitled to be registered as Dáil electors following enactment of this Bill is estimated, on the basis of the current register of electors, at 12,000. The total Dáil electorate is close on 2,400,000.

At the moment, electors are registered in the register of electors as Dáil, European Assembly or local government electors. Dáil electors are citizens of Ireland and only they can vote at Dáil and presidential elections and referenda. By virtue of the new Constitutional provision and of this Bill, British citizens will, in future, have the right to vote at Dáil elections but not at presidential elections or referenda. The basic approach adopted in the Bill is, therefore, to confer the right to be registered as Dáil electors directly on British citizens and to create a separate category of electors for citizens of Ireland, who will be described as presidential electors and who alone will be entitled to vote at presidential elections and referenda.

Section 1 is the interpretation section and defines terms used in the Bill.

Section 2 provides that British citizens who are over 18 and are ordinarily resident in the State will be entitled to be registered as Dáil electors and to vote at Dáil elections on the same basis as citizens of Ireland. "British citizen" is defined by reference to the British Nationality Act 1981, under which only those who have a close personal connection with the United Kingdom qualify for British citizenship.

This section also provides for the extension of voting rights at Dáil

elections to nationals of other Member States of the E.E.C. on a reciprocal basis by order subject to approval by the Dáil and Seanad.

Sections 3 and 4 make technical amendments to various electoral and referendum enactments to take account of the creation of the new category of presidential electors.

Section 5 describes the persons who will be entitled to be registered as presidential electors. These are citizens of Ireland who have reached the age of 18 and are normally resident in the State. Only presidential electors will be entitled to vote at presidential elections and referenda. The section also provides that existing registration law will apply to the registration of presidential electors.

Sections 6, 7 and 8 make further technical amendments to the electoral and referendum law to take account of the creation of the presidential elector category.

Section 9 deals with short title, collective citation and construction.

The purpose of the Bill is to provide for the extension of voting rights at Dáil elections to persons other than Irish citizens over the age of eighteen years who are ordinarily resident in the State. The Electoral (Amendment) Bill 1985, which provides for the extension of voting rights to resident British citizens the right to vote at elections and referenda here, was found by the Supreme Court to be repugnant to the Constitution. By virtue of the Ninth Amendment of the Constitution Act 1984 which was the subject of a referendum on the 14th June, 1984, and promulgated as law by the President on the 2nd August, 1984, the right to vote at Dáil elections may now be conferred by law on categories additional to citizens. The granting of voting rights now to British citizens under the new Constitutional provision will replicate the voting rights which Irish citizens resident in Britain have traditionally enjoyed. The Bill will also enable voting rights at Dáil elections to be extended on a reciprocal basis to nationals of other Member States of the E.E.C.

The number of British citizens who will be entitled to be registered as Dáil electors following enactment of this Bill is estimated, on the basis of the current register of electors, at 12,000. The total Dáil electorate is close on 2,400,000.

At the moment, electors are registered in the register of electors as Dáil, European Assembly or local government electors. Dáil electors are citizens of Ireland and only they can vote at Dáil and presidential elections and referenda. By virtue of the new Constitutional provision and of this Bill, British citizens will, in future, have the right to vote at Dáil elections but not at presidential elections or referenda. The basic approach adopted in the Bill is, therefore, to confer the right to be registered as Dáil electors directly on British citizens and to create a separate category of electors for citizens of Ireland, who will be described as presidential electors and who alone will be entitled to vote at presidential elections and referenda.

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This section also provides for the extension of voting rights to Dáil