



BILLE AN REIFRINN (LEASÚ), 1992
REFERENDUM (AMENDMENT) BILL, 1992

EXPLANATORY MEMORANDUM

1. The purpose of this Bill is:—
 - (i) to assist voters at the referendum on the Eleventh Amendment of the Constitution Bill, 1992 by making available to them a statement of the proposal in the Bill, and
 - (ii) to provide that such a statement may be prescribed by resolution of both Houses of the Oireachtas in the case of any future referendum.

In each case, the statement will be printed on polling cards to be sent to electors generally and on posters which will be displayed at polling stations. A copy of the statement will also be sent to postal voters and to special voters.

2. The form of ballot paper at a constitutional referendum is prescribed by section 71 and Part I of the Fourth Schedule to the Electoral Act, 1963 (as amended by section 7 of the Electoral (Amendment) Act, 1972). The proposal which is the subject of the referendum must be stated on the ballot paper by citing by its short title the Bill containing the proposal passed by both Houses of the Oireachtas. Under Rule 4 of the First Schedule to the Referendum Act, 1942, copies of the Bill must be made available for public inspection and sale at post offices. Apart from this requirement there is no other statutory provision for informing voters of the proposal in the Bill.

3. Local returning officers at a referendum are required under section 64 of the Electoral Act, 1963, to send polling cards to electors other than postal and special voters, indicating the elector's number on the register of electors and the place at which he is entitled to vote. The polling card on this occasion will contain the statement set out in the *Appendix to section 1* of this Bill.

4. Under *paragraph (b) and (c) of section 1* a copy of the prescribed statement will be sent to all postal voters and to special voters.

5. Under Rule 18 of the First Schedule to the Referendum Act, 1942 (as substituted by section 75 of the Electoral Act, 1963), a blind or otherwise physically incapacitated elector may have his ballot paper marked for him by either a companion or the presiding officer. An illiterate voter may also have his ballot paper marked for him but only by the presiding officer. Where a presiding officer is to mark a ballot paper under this Rule, he may assist the voter by reading out in full from the ballot paper the proposal stated therein, i.e. the short title of the Bill. It is proposed in *paragraph (e) of section 1* to enable the presiding officer to further assist the voter by (where necessary)

reading out to him the prescribed statement of the proposal in the Bill, asking specified questions and marking the ballot paper in accordance with the voter's answers. These arrangements are similar to those made in relation to previous referenda.

6. Section 2 provides for the issue at any future referendum of a statement for the information of voters, approved by the Dáil and Seanad, regarding the proposal which is the subject of the referendum.

7. Section 3 contains the usual provisions about short title, collective citation and construction.

*An Roinn Comhshaoil,
Aibreán, 1992.*