An Bille um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019

Thirty-ninth Amendment of the Constitution (Presidential Elections) Bill 2019

Mar a tionscnaíodh

As initiated

[Uimh. 68 de 2019]
[No. 68 of 2019]

AN BILLE UM AN NAOÚ LEASÚ IS TRÍOCHA AR AN mBUNREACHT (TOGHCHÁIN UACHTARÁIN), 2019
THIRTY-NINTH AMENDMENT OF THE CONSTITUTION (PRESIDENTIAL ELECTIONS) BILL 2019

Mar a tionscnaíodh

As initiated

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[No. 68 of 2019]

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THIRTY-NINTH AMENDMENT OF THE CONSTITUTION (PRESIDENTIAL ELECTIONS) BILL 2019

Mar a tionscnaíodh

As initiated

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[Uimh. 68 de 2019]

AN BILLE UM AN NAOÚ LEASÚ IS TRÍOCHA AR AN mBUNREACHT (TOGHCHÁIN UACHTARÁIN), 2019
THIRTY-NINTH AMENDMENT OF THE CONSTITUTION (PRESIDENTIAL ELECTIONS) BILL 2019

Bill

entitled

An Act to amend the Constitution.

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed—

(A) to amend Article 12 of the Constitution; and

(B) in consequence of the foregoing, to amend otherwise the Constitution for the purpose of giving effect to the amendment of Article 12:

Be it therefore enacted by the Oireachtas as follows:

Amendment of Article 12 of the Constitution

1. Article 12 of the Constitution is hereby amended as follows:

(a) the subsection, the text of which is set out in *Part 1* of *Schedule 1*, shall be substituted for subsection 2° of section 2 of the Irish text;

(b) the subsection, the text of which is set out in *Part 2* of *Schedule 1*, shall be substituted for subsection 2° of section 2 of the English text;

(c) the subsection, the text of which is set out in *Part 1* of *Schedule 2*, shall be substituted for subsection 3° of section 3 of the Irish text;

(d) the subsection, the text of which is set out in *Part 2* of *Schedule 2*, shall be substituted for subsection 3° of section 3 of the English text.

Amendment relating to right to vote at presidential elections

2. The Constitution is hereby amended as follows:

AN BILLE UM AN NAOÚ LEASÚ IS TRÍOCHA AR AN mBUNREACHT (TOGHCHÁIN UACHTARÁIN), 2019
THIRTY-NINTH AMENDMENT OF THE CONSTITUTION (PRESIDENTIAL ELECTIONS) BILL 2019

Bille

dá ngairtear

Acht chun an Bunreacht a leasú.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an Airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe—

(A) Airteagal 12 den Bhunreacht a leasú; agus

(B) de dhroim an mhéid sin roimhe seo, an Bunreacht a leasú thairis sin chun éifeacht a thabhairt don leasú ar Airteagal 12:

Achtaítear ag an Oireachtas ar an ábhar sin mar a leanas:

Airteagal 12 den Bhunreacht a leasú

1. Leasaítear leis seo mar a leanas Airteagal 12 den Bhunreacht:

(a) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 1* in ionad fho-alt 2° d’alt 2 den téacs Gaeilge;

(b) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 1* in ionad fho-alt 2° d’alt 2 den téacs Sacs-Bhéarla;

(c) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 2* in ionad fho-alt 3° d’alt 3 den téacs Gaeilge;

(d) cuirfear an fo-alt a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 2* in ionad fho-alt 3° d’alt 3 den téacs Sacs-Bhéarla.

Leasú a bhaineann le ceart vótála i dtoghcháin uachtaráin

2. Leasaítear an Bunreacht leis seo mar a leanas:

(a) the Article, the text of which is set out in *Part 1* of *Schedule 3*, shall be inserted after Article 12 of the Irish text;

(b) the Article, the text of which is set out in *Part 2* of *Schedule 3*, shall be inserted after Article 12 of the English text.

Citation

3. (1) The amendment of the Constitution effected by this Act shall be called the Thirty-ninth Amendment of the Constitution.

(2) This Act may be cited as the Thirty-ninth Amendment of the Constitution (Presidential Elections) Act 2019.

(a) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 1* de *Sceideal 3* isteach i ndiaidh Airteagal 12 den téacs Gaeilge;

(b) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i *gCuid 2* de *Sceideal 3* isteach i ndiaidh Airteagal 12 den téacs Sacs-Bhéarla.

Lua

3. (1) An Naoú Leasú is Tríocha ar an mBunreacht a thabharfar ar an leasú a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019 a ghairm den Acht seo.

SCHEDULE 1

Part 1

2° Gach uile shaoránach, cibé acu fir nó mná, ag a bhfuil ocht mbliana déag slán agus ná cuirtear faoi dhícháilíocht le dlí, agus a chomhlíonann coinníollacha an dlí i dtaobh toghcháin d'oifig an Uachtaráin, tá ceart vótála acu i dtoghchán d'oifig an Uachtaráin.

Part 2

2° All citizens without distinction of sex who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to elections for the office of President, shall have the right to vote at an election for the office of President.

SCEIDEAL 1

Cuid 1

2° Gach uile shaoránach, cibé acu fir nó mná, ag a bhfuil ocht mbliana déag slán agus ná cuirtear faoi dhícháilíocht le dlí, agus a chomhlíonann coinníollacha an dlí i dtaobh toghcháin d’oifig an Uachtaráin, tá ceart vótála acu i dtoghchán d’oifig an Uachtaráin.

Cuid 2

2° All citizens without distinction of sex who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to elections for the office of President, shall have the right to vote at an election for the office of President.

SCHEDULE 2

Part 1

3° Ní foláir toghchán d'oifig an Uachtaráin a dhéanamh lá nach déanaí ná dáta dheireadh théarma oifige gach Uachtaráin ar leith agus nach luaithe ná an nóchadú lá roimh an dáta sin, ach má chuirtear an tUachtarán as oifig, nó má tharlaíonn don Uachtarán (roimh an Uachtarán a dhul i gcúram na hoifige nó dá éis sin) é nó í d'éag nó é nó í d'éirí as nó míthreoir bhuan arna suíomh mar a dúradh dá ghabháil nó dá gabháil, ní foláir toghchán d'oifig an Uachtaráin a dhéanamh taobh istigh de nócha lá tar éis an ní sin a tharlú.

Part 2

3° An election for the office of President shall be held not later than, and not earlier than the ninetieth day before, the date of the expiration of the term of office of every President, but in the event of the removal from office of the President or the death, resignation, or permanent incapacity established as aforesaid, of the President (whether occurring before or after the President enters office), an election for the office of President shall be held within ninety days after such event.

SCEIDEAL 2

Cuid 1

3° Ní foláir toghchán d’oifig an Uachtaráin a dhéanamh lá nach déanaí ná dáta dheireadh théarma oifige gach Uachtaráin ar leith agus nach luaithe ná an nóchadú lá roimh an dáta sin, ach má chuirtear an tUachtarán as oifig, nó má tharlaíonn don Uachtarán (roimh an Uachtarán a dhul i gcúram na hoifige nó dá éis sin) é nó í d’éag nó é nó í d’éirí as nó míthreoir bhuan arna suíomh mar a dúradh dá ghabháil nó dá gabháil, ní foláir toghchán d’oifig an Uachtaráin a dhéanamh taobh istigh de nócha lá tar éis an ní sin a tharlú.

Cuid 2

3° An election for the office of President shall be held not later than, and not earlier than the ninetieth day before, the date of the expiration of the term of office of every President, but in the event of the removal from office of the President or the death, resignation, or permanent incapacity established as aforesaid, of the President (whether occurring before or after the President enters office), an election for the office of President shall be held within ninety days after such event.

SCHEDULE 3

Part 1

Airteagal 12A

1. A luaithe is féidir tar éis an tAirteagal seo a achtú, achtófar dlí lena ndéanfar socrú chun ceart vótála i dtoghcháin d'oifig an Uachtaráin a oibriú de réir an leasaithe ar ailt 2 agus 3 d'Airteagal 12 den Bhunreacht seo arna dhéanamh le *halt 1* den *Acht um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019*.

2. D'ainneoin Airteagal 46 den Bhunreacht seo, tiocfaidh an leasú ar ailt 2 agus 3 d'Airteagal 12 den Bhunreacht seo arna dhéanamh le *halt 1* den *Acht um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019* in éifeacht an 1ú lá d'Eanáir 2025.

3. I gcás go ndéantar toghchán d'oifig an Uachtaráin roimh an 1ú lá d'Eanáir 2025—

   (i) is mar a leanas a léifear Airteagal 12.2.2° den Bhunreacht seo:

   "Gach saoránach ag a bhfuil ceart vótála i dtoghchán do chomhaltaí de Dháil Éireann, beidh ceart vótála aige i dtoghchán don Uachtarán.",

   agus

   (ii) is mar a leanas a léifear Airteagal 12.3.3° den Bhunreacht seo:

   "Ní foláir toghchán d'oifig an Uachtaráin a dhéanamh lá nach déanaí ná dáta dheireadh théarma oifige gach Uachtaráin ar leith agus nach luaithe ná an seascadú lá roimh an dáta sin, ach má chuirtear an tUachtarán as oifig, nó má tharlaíonn dó (roimh é a dhul i gcúram a oifige nó dá éis sin) é d'éag nó é d'éirí as nó míthreoir bhuan arna suíomh mar a dúradh dá ghabháil, ní foláir toghchán d'oifig an Uachtaráin a dhéanamh taobh istigh de sheasca lá tar éis an ní sin a tharlú.".

4. Déanfar an tAirteagal seo a fhágáil ar lár as gach téacs oifigiúil den Bhunreacht seo a fhoilseofar tar éis an 1ú lá d'Eanáir 2025.

Part 2

Article 12A

1. As soon as practicable after the enactment of this Article, a law providing for the exercise of the right to vote at elections for the office of President in accordance with the amendment of sections 2 and 3 of Article 12 hereof made by *section 1* of the *Thirty-ninth Amendment of the Constitution (Presidential Elections) Act 2019* shall be enacted.

2. Notwithstanding Article 46 of this Constitution, the amendment of sections 2 and 3 of Article 12 hereof made by *section 1* of the *Thirty-ninth Amendment of the Constitution (Presidential Elections) Act 2019* shall take effect on the 1st day of January 2025.

SCEIDEAL 3

Cuid 1

Airteagal 12A

1. A luaithe is féidir tar éis an tAirteagal seo a achtú, achtófar dlí lena ndéanfar socrú chun ceart vótála i dtoghcháin d'oifig an Uachtaráin a oibriú de réir an leasaithe ar ailt 2 agus 3 d'Airteagal 12 den Bhunreacht seo arna dhéanamh le *halt 1* den *Acht um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019*.

2. D'ainneoin Airteagal 46 den Bhunreacht seo, tiocfaidh an leasú ar ailt 2 agus 3 d'Airteagal 12 den Bhunreacht seo arna dhéanamh le *halt 1* den *Acht um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019* in éifeacht an 1ú lá d'Eanáir 2025.

3. I gcás go ndéantar toghchán d'oifig an Uachtaráin roimh an 1ú lá d'Eanáir 2025—

   (i) is mar a leanas a léifear Airteagal 12.2.2° den Bhunreacht seo:

   "Gach saoránach ag a bhfuil ceart vótála i dtoghchán do chomhaltaí de Dháil Éireann, beidh ceart vótála aige i dtoghchán don Uachtarán.",

   agus

   (ii) is mar a leanas a léifear Airteagal 12.3.3° den Bhunreacht seo:

   "Ní foláir toghchán d'oifig an Uachtaráin a dhéanamh lá nach déanaí ná dáta dheireadh théarma oifige gach Uachtaráin ar leith agus nach luaithe ná an seascadú lá roimh an dáta sin, ach má chuirtear an tUachtarán as oifig, nó má tharlaíonn dó (roimh é a dhul i gcúram a oifige nó dá éis sin) é d'éag nó é d'éirí as nó míthreoir bhuan arna suíomh mar a dúradh dá ghabháil, ní foláir toghchán d'oifig an Uachtaráin a dhéanamh taobh istigh de sheasca lá tar éis an ní sin a tharlú.".

4. Déanfar an tAirteagal seo a fhágáil ar lár as gach téacs oifigiúil den Bhunreacht seo a fhoilseofar tar éis an 1ú lá d'Eanáir 2025.

Cuid 2

Article 12A

1. As soon as practicable after the enactment of this Article, a law providing for the exercise of the right to vote at elections for the office of President in accordance with the amendment of sections 2 and 3 of Article 12 hereof made by *section 1* of the *Thirty-ninth Amendment of the Constitution (Presidential Elections) Act 2019* shall be enacted.

2. Notwithstanding Article 46 of this Constitution, the amendment of sections 2 and 3 of Article 12 hereof made by *section 1* of the *Thirty-ninth Amendment of the Constitution (Presidential Elections) Act 2019* shall take effect on the 1st day of January 2025.

3. Where an election for the office of President is held prior to the 1st day of January 2025—

   (i) Article 12.2.2° of this Constitution shall be read as follows:

   "Every citizen who has the right to vote at an election for members of Dáil Éireann shall have the right to vote at an election for President.",

   and

   (ii) Article 12.3.3° of this Constitution shall be read as follows:

   "An election for the office of President shall be held not later than, and not earlier than the sixtieth day before, the date of the expiration of the term of office of every President, but in the event of the removal from office of the President or of his death, resignation, or permanent incapacity established as aforesaid (whether occurring before or after he enters upon his office), an election for the office of President shall be held within sixty days after such event.".

4. This Article shall be omitted from every official text of this Constitution published after the 1st day of January 2025.

3. Where an election for the office of President is held prior to the 1st day of January 2025—

    (i) Article 12.2.2° of this Constitution shall be read as follows:

    "Every citizen who has the right to vote at an election for members of Dáil Éireann shall have the right to vote at an election for President.",

    and

    (ii) Article 12.3.3° of this Constitution shall be read as follows:

    "An election for the office of President shall be held not later than, and not earlier than the sixtieth day before, the date of the expiration of the term of office of every President, but in the event of the removal from office of the President or of his death, resignation, or permanent incapacity established as aforesaid (whether occurring before or after he enters upon his office), an election for the office of President shall be held within sixty days after such event.".

4. This Article shall be omitted from every official text of this Constitution published after the 1st day of January 2025.

Thirty-ninth Amendment of the Constitution (Presidential Elections) Bill 2019

BILL

(as initiated)

entitled

An Act to amend the Constitution.

Presented by the Tánaiste and Minister for Foreign Affairs and Trade,

13*th September,* 2019

An Bille um an Naoú Leasú is Tríocha ar an mBunreacht (Toghcháin Uachtaráin), 2019

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun an Bunreacht a leasú.

An Tánaiste agus Aire Gnóthaí Eachtracha agus Trádála a thíolaic,

13 *Meán Fómhair,* 2019

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54

Wt. 94756. 311. 9/19. Essentra. (80135). Gr.30-15.

ISBN 978-1-4468-6546-0

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