



---

**An Bille um an Aonú Leasú is Daichead ar an  
mBunreacht (Cearta Vótála i dToghcháin Uachtaráin),  
2025**

**Forty-first Amendment of the Constitution (Voting  
Rights in Presidential Elections) Bill 2025**

---

*Meabhrán Míniúcháin*  
*Explanatory Memorandum*

---





---

**AN BILLE UM AN AONÚ LEASÚ IS DAICHEAD AR AN  
mBUNREACHT (CEARTA VÓTÁLA I dTOGHCHÁIN  
UACHTARÁIN), 2025**

**FORTY-FIRST AMENDMENT OF THE CONSTITUTION  
(VOTING RIGHTS IN PRESIDENTIAL ELECTIONS) BILL  
2025**

---

**EXPLANATORY MEMORANDUM**

---

**Purpose of the Bill**

The Forty-first Amendment of the Constitution (Voting Rights in Presidential Elections) Bill 2025 proposes to amend Article 12 of the Constitution and insert a new Article 12A therein. The purpose is to ensure that all adult citizens of Ireland who are (i) entitled under current law to vote in a Dáil or Presidential election or (ii) ordinarily resident outside the State but in the island of Ireland, have the right to vote in Presidential elections, subject to compliance with relevant electoral law. If the Bill is enacted, the proposed Article 12A provides for the relevant electoral law to be amended by the Oireachtas as soon as practicable, in order to give practical effect to the new voting rights of citizens living in the North of Ireland.

**Provisions of the Bill**

*Section 1*, in conjunction with *Schedule 1*, provides for the replacement of the current Article 12.2.2° of the Constitution with a new version of that subsection. Part of this new version of Article 12.2.2° replicates the wording of the current version of that subsection, in order to preserve the voting rights of all citizens entitled under current law to vote in Presidential elections. The new version of Article 12.2.2° also expands voting rights to adult citizens resident in the North of Ireland who are not disqualified by law and comply with the provisions of the law relating to Presidential elections. These latter provisions (regarding disqualification and compliance with provisions of electoral law) correspond with requirements already applicable to current Presidential voters, by virtue of the current Article 12.2.2° in conjunction with Article 16.1.2°.

*Section 2*, in conjunction with *Schedule 2*, provides for the insertion into the Constitution of a new Article 12A. This requires that, as soon as practicable after this Bill to amend the Constitution is enacted, the Oireachtas shall enact legislation providing for the exercise of the expanded voting rights under the new Article 12.2.2°. The purpose of this Article 12A will be fully achieved once such legislation has been enacted, after which point Article 12A will be effectively redundant. Accordingly, Article 12A is to be omitted from every official text of the Constitution

published after that point in time (similarly to the Transitory Provisions of the Constitution).

**Section 3** provides for the citation of this Bill and of the amendment of the Constitution which it proposes to effect.

*Peadar Tóibín, TD, Paul Lawless, TD, Michael Collins, TD,  
Meitheamh, 2025.*