

Scrutiny of the Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014 [PMB] - 1 June 2017 at 10.30 a.m.

Joint Committee on Housing, Planning, Community and Local Government

Opening Statement

**Fiona Quinn, Assistant Secretary, Corporate and Business Support Division,
Department of Housing, Planning, Community and Local Government**

Introduction

Chair and members of the Committee, thank you for inviting the Department to appear before you this morning. We welcome this opportunity to engage with you in your scrutiny of the *Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014* – a Bill which proposes to amend the Constitution to give the franchise at presidential elections to all Irish citizens who have reached the age of sixteen years. I am accompanied this morning by colleagues from the Franchise Section within the Department -

- Ríona Ní Fhlanghaile,
- Paris Beausang, and
- Michael O'Connor.

I am also joined by Caitríona Ingoldsby from the Irish Abroad Unit within the Department of Foreign Affairs and Trade. The Department of Foreign Affairs and Trade and our Department have worked closely on the Government's proposals for extending the franchise at presidential elections.

This morning's discussions provide a timely opportunity to set out the Government's position on this issue generally, and on the *Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014* more specifically. This Bill was first introduced in Dáil Éireann on 11 March 2014 as a response to the *Fifth Report of the Convention on the Constitution*, submitted to the Oireachtas in November 2013.

While the previous Government did not oppose the Bill at its second stage reading in the Dáil in March 2015, it was made clear that a full and considered analysis of the policy and practical issues that may arise from its implementation should be undertaken before this Bill progresses through further stages of the legislative process.

In the Committee's letter of invitation, we were asked to identify the Government's position on the Bill and any constitutional, legal, policy or technical issues relevant to it. These were set out to some extent at the second stage reading in 2015. However, matters have progressed a lot since then. Essentially, the legal, policy and technical issues arising from an extension of the franchise at presidential elections are set out in the Government's [Voting at presidential elections by citizens resident outside the State – Options Paper](#) (March 2017).

Government Decision

The Government decided on 7 March 2017 to accept in principle the main recommendation in the *Fifth Report of the Convention on the Constitution* that Irish citizens resident outside the State, including citizens resident in Northern Ireland, should have the right to vote at presidential elections and that a referendum would be held to amend the Constitution to give effect to this. This decision was announced by the Taoiseach in Philadelphia on 12 March 2017. I understand that it received a generally positive response from Irish citizens resident outside the State and it was broadly welcomed at home.

The Options Paper, prepared by our Department and the Department of Foreign Affairs and Trade, was published on 22 March 2017 to inform public debate on this significant policy change. The Options Paper provided a focus for discussions at a dedicated session on voting rights held at the second Global Irish Civic Forum on 5 May this year. The Forum brought together over 230 representatives of Irish community organisations across the world to discuss a broad range of issues affecting the diaspora, over two days in Dublin Castle last month.

Options Paper and Key Issues

The Government's policy statement *Global Irish: Ireland's Diaspora Policy*, published in March 2015, acknowledges the unique and important role of the Irish diaspora and recognises that an extension of voting rights to Irish citizens outside the State would allow such citizens to play a more active role in the future shape of Irish society while also preserving and deepening their engagement with Ireland and Irish affairs. While accepting that an extension of the franchise would be welcomed by many in the Irish diaspora, the policy statement equally acknowledged that there was a broad range of policy, legal and practical issues that needed analysis before the matter could be considered further by Government.

Against this background, the Options Paper, published in late March of this year, sets out seven possible options on the question of which citizens outside the State should be given the right to vote and on how such a change might be implemented if approved in a referendum by the people. During the debates at the Convention of the Constitution, the question was raised as to whether a referendum would be necessary; the Options Paper is quite clear that a Constitutional referendum would be required to extend voting rights at presidential elections to citizens resident outside the State.

Sections 1.2 and 5 of the Options Paper address some of the legal concerns that may arise from proposals to extend the franchise at presidential elections to citizens outside the State. For example, the text of any amendment would need to be explicit as to which citizens would have the right to vote; an amendment to Article 12.3.3 in the Constitution, which sets a 60 day timescale for the holding of a presidential election, may also be necessary. Best practice would also suggest that an Electoral (Amendment) Bill, or at the very least the Heads of a Bill, should be published before holding a referendum. Such a Bill would clearly set out, for the information of the people, the changes that would be made to the Electoral Acts to facilitate implementation in the event of a referendum being passed.

Other fundamental issues addressed in the Options Paper are modernising the register of electors (section 3), the establishment of an Electoral Commission (section 3), the method of voting for an extended franchise (section 4) and the costs

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arising (section 6), including for the taking of a poll and the counting of votes with an extended franchise.

Conclusions

In conclusion, a lot has happened since the *Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill* was introduced in 2014. While the Government has no proposals at this point in time to reduce the voting age at presidential elections to sixteen years of age, it has signalled its commitment to the holding of a referendum to extend the franchise at presidential elections to all Irish citizens outside the State, including citizens in Northern Ireland. The question of reducing the voting age is considered to be a fundamental question in its own right which should perhaps be considered separately in the context of all elections rather than for presidential elections only.

Thank you for your attention and my colleagues and I are happy to answer any questions you might have.