

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM THITHÍOCHT, PLEANÁIL, POBAL AGUS RIALTAS ÁITIÚIL

## JOINT COMMITTEE ON HOUSING, PLANNING, COMMUNITY AND LOCAL GOVERNMENT

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*Déardaoin, 1 Meitheamh 2017*

*Thursday, 1 June 2017*

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Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Pat Casey,	Victor Boyhan,
Ruth Coppinger,	Grace O'Sullivan.
Barry Cowen,	
Eoin Ó Broin.	

I láthair / In attendance: Deputy Danny Healy-Rae and Senators Frances Black, Billy Lawless and Trevor Ó Clochartaigh.

Teachta / Deputy Maria Bailey sa Chathaoir / in the Chair.

## **Business of Joint Committee**

**Chairman:** No apologies have been received. I propose that we go into private session to deal with some housekeeping matters. Is that agreed? Agreed.

*The joint committee went into private session at 9.35 a.m. and resumed in public session at 10.05 a.m.*

### **General Scheme of Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014 [Private Members’]: Discussion**

**Chairman:** We will engage in detailed scrutiny of the Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014, which is a Private Members’ Bill. I remind members that we will have two sessions today, to the first of which I welcome Deputies Gerry Adams and Seán Crowe, who produced the Bill to extend the right to vote in and lower the eligibility age for presidential elections. The Bill was referred to this committee for consideration.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I again welcome Deputy Gerry Adams and ask him to make his opening statement.

**Deputy Gerry Adams:** Deputy Seán Crowe will be taking some of the time too.

I welcome the opportunity to speak to members about the Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014, which was referred to the joint committee in March 2015 following receipt of cross-party support on Second Stage. I hope the cross-party support for a measure we have all agreed on can be found again this morning. For a long time, Sinn Féin has been campaigning for Presidential voting rights to be extended to citizens in the North and the diaspora, and for citizens in the North to be represented in the Dáil and the Seanad. The motivation for this Bill was the decision of the Constitutional Convention in September 2013 to endorse the proposal to extend voting rights in Presidential elections to citizens in the North and the diaspora. A clear majority of those who voted in the Constitutional Convention’s ballot were in favour of changing the Constitution to give citizens who are resident outside the State the right to vote in Presidential elections, with 78% in favour of the proposal and 21% against, and one person being undecided. There was also a clear and resounding majority on the issue of allowing citizens who are resident in the North to vote in Presidential elections, with 73% in favour of the proposal and 20% against, and 7% being undecided.

This very focused Bill is about giving effect to the Constitutional Convention's recommendation that the Constitution should be amended to allow the Oireachtas to legislate for the provision of voting rights in Presidential elections without restrictions on residency. That is the very clear point we want to make. At the moment, people are limited or blocked because of the issue of residency. I attended all but one of the sessions of the convention. It was a very good process and a very good democratic practice. We would have liked to have seen a more deep-rooted convention. I have to say that every time I attended one of the convention's events or sessions, I noticed that people were engaged. The citizen delegates had briefed themselves and were very clued-in. Some of the more serious constitutional changes, such as that relating to marriage equality, have already been enacted. The Government accepted the convention's findings in this regard before choosing to ignore them. Many people from the North who spoke at the convention feel very let down by that. The members of the diaspora with whom I am in contact, particularly in Britain and the US, also feel very let down, having made detailed and intelligent submissions on this matter.

The Taoiseach's announcement in Philadelphia that there would be a referendum was very welcome. It has subsequently been proposed that the Minister, Deputy Coveney, will initiate a process of consultation on how all of this will work. I welcome that as well, even though the process has been very slow. This Bill does not affect any of that. It does not even pretend to deal with any of it. This legislation supplements the legislative mechanisms that might arise from the Minister's consultation process. Those mechanisms will require constitutional underpinning and that is what this Bill sets out to do. I will restate time and again that this legislation relates to disqualification due to residency. The new text of Article 12.2.2° of the Constitution, as outlined in the Schedule to this Bill, would enable legislation to be enacted to allow people "without disqualification due to place of residency" the right to vote in Presidential elections. Deputy Crowe will set out our case that citizens who have reached the age of 16 should be allowed to vote in Presidential elections. We propose that these two fundamental principles, as provided for in this Bill, should be put to the people in a referendum.

Nineteen years ago, the Good Friday Agreement enshrined in law the rights and entitlements of Irish citizens in all of the 32 counties on this island. It did not give people in the North partial citizenship, second-class citizenship or a different grade of citizenship. It gave full citizenship as a birth right to those who want it. That was endorsed in the North and in the South. In my opinion, there is no reason for any unnecessary delay in extending to all citizens the right to vote for their President. On a number of occasions, we have had the anomaly of Northerners being elected to the Presidency even though they would not have had a vote if they had been living in the North. We recall the wonderful spectacle of Mary McAleese in Croke Park with the members of the Tyrone and Armagh football teams, none of whom had a vote in Presidential elections.

These are emotional issues, to a certain extent, as well as issues of rights. We are seeking to give this fundamental right to all the Irish citizens scattered throughout the world for reasons associated with nation-building, connecting and bringing people in the North and the South and the members of the diaspora together. Partition has caused huge psychological and physical hurt for people here. There is a process of reconciliation. We are not reinventing something which does not happen elsewhere. More than 120 other states allow their citizens who live overseas to vote in elections at home. Ireland is out of kilter with the international trend. I remind the committee that at times of economic difficulty, we are always quick to ask the diaspora to help by coming home and making a contribution. We are now saying to members of the diaspora in the North and across the globe that they should be given this fundamental right. My

colleague, Deputy Crowe, will deal with some other aspects of this matter.

**Deputy Seán Crowe:** As Deputy Adams has outlined, this Bill has two main elements. First, it proposes to amend the Constitution to extend the voting franchise in Presidential elections to Irish citizens in Northern Ireland and to the Irish diaspora. Second, it proposes that the voting age in Presidential elections should be lowered to 16. I do not think there should be much confusion about the issues covered in this simple Bill.

I would like to concentrate on the proposal to extend the electoral franchise to include citizens who have reached the age of 16. I believe our society will reap the rewards and profit from the inclusion of young people in the electoral process. As members of the committee are probably aware, the Seanad has debated the possibility of reducing the voting age. It was a good debate. The position that was adopted was that more discussion was needed, but I do not think that discussion has really happened. It is certainly happening within youth organisations. I have spoken to people in the National Youth Council of Ireland, which represents a huge body of young people and is very engaged with this issue. There is certainly an appetite among such organisations for a change of this nature.

As Deputy Adams has outlined, many people across the globe already have this ability. We believe this country should follow the example set by Norway, Austria, Scotland and other jurisdictions. Some 75% of 16 and 17 year olds in Scotland vote when they are afforded an opportunity to do so. I suppose this has been the pattern. When young people have got the vote, they have used it. Interestingly, people of this age who get the vote for the first time are probably more inclined to use it than older people, including people aged 19 or 20. That is one of the quirks of the system. The decision to give people aged 16 and 17 the right to vote in all Scottish elections enjoys a high level of support. We know that many people engaged with the last referendum there. When the First Minister of Scotland, Nicola Sturgeon, addressed the Seanad last year, she reiterated her support for the voting rights of 16 and 17 year olds.

In 2011, when the voting age in Norwegian local elections was lowered to 16 as a trial in 21 municipalities, 58% of 16 and 17 year olds voted in the subsequent elections. There was a far lower turnout among regular first-time voters between the ages of 18 and 21. There is a pattern of young people using the vote once they are given it. When Austria lowered its legal voting age in all elections in 2007, turnout among this age group increased to over 65%. Research in this case study indicates a high level of political maturity when casting a vote for the first time. I am sure everybody in all parties here is concerned about voter turnout. Some of the lowest turnout rates are among young people. Again, it is about engaging them and making them feel part of the process. A positive step in encouraging them is to develop a pattern of voting when they are young, and that is the way the research has progressed. It would be a progressive step to lower the voting age in Presidential elections to 16. Why should it be limited to this election? I argue that it should apply to all elections but this is a particular element of the Bill before us. I urge the committee to support the Bill.

I could refer to other countries where there is a pattern of people using their vote. This is about making politics and democracy available to more people. The figures indicate this would allow 126,000 people aged between 16 and 17 to vote in local and European elections. It is the view of most parties that they favour this, and where young people get the vote, it is used. It is not as clear with the diaspora that when they get a vote, it is used. There is the possibility of 3 million people getting a vote but who knows what the take-up will be? Questions might be asked about how the vote could be cast and counted but that is a matter for the Oireachtas. We can decide on that. Some countries have a postal or electronic voting system and there is a way

around the problem. There may be concerns about electoral fraud and so on but we can look at the pattern in countries where the system works. Only recently we saw the French population in Dublin going to the French embassy to use their vote and Polish people also queued recently to use their vote. It is seen as a positive process. I am looking forward to hearing some of the questions and debate today.

**Deputy Ruth Coppinger:** It is absolutely welcome that we could have much more enfranchisement of people in this country. Straight away I support the concept of 16-year-olds voting and I have always believed that it should be the case. We all know the arguments for it in that 16-year-olds could be working and one can join the Army at 17. The idea that a person cannot have a vote until he or she turns 18 is something that must definitely change. We constantly hear the refrain that young people are not interested but young people are very engaged in politics in general. One can consider mobilisation around repealing the eighth amendment to the Constitution and many issues that matter to young people. On International Women's Day we saw a huge number of students out on the streets.

I will make a couple of points relating to non-citizens. From what I can gather, the Bill indicates the Oireachtas can bring in legislation. I have a Bill relating to people resident in the State - many of these people are here for many years - having a vote, as one has with a local election. The same idea should apply to the Dáil. Currently, approximately 12% of people do not have a vote but live in this country. In constituencies like mine in Dublin West, the rate is twice the average, so approximately one in four people there was born outside Ireland. It is untenable that in major population centres, one in four people does not have a vote. Many of these people are here for 15 years and some have citizenship but there is no effort in this country to get people to upgrade their vote from applying to local elections to being able to vote in all elections. Some people do not become citizens, particularly those from the European Union, such as those from England and France. They can be very excluded from having any say in referendums and Presidential and Oireachtas elections. There must be a change in that respect.

What is being proposed or will any line be drawn with respect to qualification? As the law stands, if a person is less than 18 months out of the State, he or she is considered to be ordinarily resident. We saw with the marriage equality referendum that thousands of people flew home and made sure they cast their vote. The "home to vote" phenomenon was very important, as many people were in Britain and even further afield. Will this Bill open it to basically anybody who is Irish around the world? There are more Irish citizens outside the State than in the State due to generations of emigration and so on. Is the qualification the need for Irish-born grandparents? Would any additional qualifications be included, such as previous residency in the State? There could be a case where somebody has not even been in Ireland but could vote, yet many people in Ireland, paying tax and being influenced by decisions would remain without a vote.

Would there be a time limit on this? I have not come to a position on this but I am teasing out the matter. Perhaps it would apply for a person who is away for up to five years. The more somebody is away from Ireland, the weaker the connection to the daily life of the society in which he or she may have a vote. The President plays a very limited role in making laws but there is potential power not to sign a Bill or whatever. The question could be posed as to why some people have a vote when they do not feel the impact of the decision.

Another question relates to the North. Given the uncertainty over Brexit and the potential of a Border poll, would the movers of the Bill see any potential for this to cause problems, tensions or divisions? The idea is that everybody would have a vote for the President of the Republic

of Ireland. There are tensions in the North right now. I know there are practical issues and the movers of the Bill will leave those to the Oireachtas. There is no electoral register and it would have to be set up. I will leave those points until later.

**Senator Billy Lawless:** I thank Deputies Adams and Crowe for their presentation. I am very much in favour of this Bill. I am a founder member of *votingrights.ie* in the United States with Ms Noreen Bowden and Mr. Kevin Sullivan. We have put much more into this, no more than the witnesses. It is just wrong that people do not have a vote in these circumstances. I could not vote for 16 years and when I became an American citizen two years ago, I was like a little child with my first lollipop when I went to vote. Politics is very strong in my personal agenda. I was disenfranchised all those years and it was terrible. I really wanted to make sure that I voted as a result.

I have spoken with the Minister, Deputy Coveney, and the Taoiseach about this. The graduates of the National University of Ireland and Trinity College Dublin vote in the Seanad elections and there does not seem to be any problem. The pitfalls put in front of us include how to set up a register, as we are told it would cost a fortune. The benefit we get from our citizens voting would far outweigh the cost. I point out to many that the Government makes decisions that affect emigrants. Many of us emigrants have homes in Ireland and pay whatever taxes we have to pay. One hears the argument about no representation without taxation. That goes back to commonisation, or the 1700s and 1800s. As such, it is not an argument. The benefits would far outweigh any disadvantage. One has to get young people involved in politics. Sinn Féin is an example of a party that seems to have a very young base. Young people are interested in politics and were never more so than in the marriage equality referendum. Who would ever have predicted the number who came back to vote in that referendum? Many came from Australia, at considerable cost, to vote in it. It was fantastic and the talk of the world. This is the only country in the world that has had an open vote on the issue of marriage equality. Young people will engage and should be engaged. We heard the debates in recent days on the leadership of Fine Gael. It was a fantastic example of democracy because members were given a chance to voice their opinions. If one of the contestants had pulled out, what would have been the point in changing the voting system in that party? It goes to show what I describe. Young people are highly motivated when they get involved in politics.

When I returned on 3 May, just before the meetings of the civic forum on 4 and 5 May, I organised a press conference on voting rights. We received all-party support. Representatives spoke on behalf of all of the parties.

The most important thing we must do concerns the options, on which a good point was made. We have to get it right because we have only one shot at it. We will not get a second chance. Our record on referendums is not good. With the first chance, we may still have to wait until 2025. I refer to the Presidential election, according to what the Taoiseach and the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, told me. The options are very important. I have spoken to many members of my family in Ireland and noted that they are not all in favour of what is proposed. Therefore, we have to sell it. It has to be an all-party affair, not half-hearted. Many of the referendums we have held were half-hearted. The question was thrown at the people and allowed to run its course, only for the Government to find out that it was in a mess and that it was required to hold a referendum again, which was crazy. We need to get the option right, whatever it is. We have to sell our proposal big-time to the people, but I am not sure how open it is. There is talk about extending the right to passport holders alone on the basis that if one pays money to obtain a passport, one is com-

mitted. It is said we would be swamped, or that one party or the other might be swamped. That is the parties' fault. If they are not able to organise, they should not be in the game. I would not have any fear about this. It is democracy and we want to strengthen ours. What better way than what I propose? *Per capita* we have one of the biggest diasporas in the world. Even leaving that aside, we have one of the biggest diasporas. The most important point is that we have to get the option right and ensure all parties are behind us on it. I certainly support the Bill.

**Deputy Eoin Ó Broin:** I thank Deputies Seán Crowe and Gerry Adams for their presentations. Despite the very positive word from the Taoiseach in the United States and the publication of the Department's consultation paper, I am concerned that it is the first departmental consultation paper I have seen published that does not have a consultation deadline. Normally when we get something from the Department, it tells us that it wants to hear views by a certain point in time. That leads me to be a little suspicious that while the Department is stating all the right things, it is not necessarily treating the matter with the urgency required. One of the values of our having this Bill come through the committee is that we can send a very clear signal to the Minister and the Department that, just as it was supported across parties in the last Dáil, the view of the committee is that it wants it to be progressed as a matter emergency.

Having said that, there is a lot of good content in the consultation paper. It would be useful for members who have not read it to do so because there are many good data contained in it. When one considers the question of to whom the right to vote should be extended and reads the document, one notes that the case to extend the right to vote to all citizens is compelling, although I do not believe that is the intention. First, there is plenty of evidence from other jurisdictions to counter the argument that one would be swamped. Non-resident voting rights are extended in a range of countries. The number outside those states who register to vote is small by comparison with the overall number and the number who vote is smaller again. There is no evidence to suggest the issue of swamping is real. Some who are just against the idea politically have been putting it out to try to frighten people. I do not refer to Deputies or other politicians but to media commentators. I refer to the idea that more people outside the State than inside might vote.

**Deputy Ruth Coppinger:** What about the numbers in Ireland?

**Deputy Eoin Ó Broin:** There is no evidence in the data presented to suggest that is something that happens, even where the diaspora or non-resident population is large.

The other issue is that of time limits. Again, the report is interesting in that regard because it highlights that a number of countries that currently apply time limits are doing away with them. The argument is that they are discriminatory. What they have is two-tier citizenship, with some people having the right to vote and others not. The strongest argument made in the report is probably that there is simply no justification for discriminating, particularly in an election such as a presidential election. On that basis, that is one of the strengths of the Bill.

I am worried that the departmental consultation paper seems to be offering many reasons we cannot do this now. Reference is made to the logistics of putting in place a voter registration system and facilities to enable people to vote, be it in the North or abroad. It is almost as if it would take many years to put in place such an arrangement. The committee should be stating this is something that should start to happen now and that we should register whoever can be put on a register in advance of 2018, subject to a referendum being passed. Even if that were only the start of the process, it would be a better way to start than delaying. That is all the more reason dealing with the Bill is urgent.

Let me raise a point with which the report does not deal. It is not specifically to do with the Bill, but it is worth the committee considering it. Obviously, if one extends the right to vote to everybody outside the State who has a right to Irish citizenship, the issue of Unionists arises. While they have the right to acquire citizenship, as we know, many of them do not want to exercise or vindicate it. I am wondering whether, in the legislative process, there should be some consideration of allowing Unionists living on the island of Ireland to have access to the right to vote without forcing them to take up citizenship. They have a specific set of circumstances. Has any thought been given to this suggestion? Are there suggestions for the committee to consider in that regard? Legislation will eventually be brought back to us for consideration and I would like to see circumstances in which Unionists living in the North would have the easiest possible route to the right to vote in the election. Allowing for a right to citizenship as opposed to the acquisition of citizenship might be one means of facilitating what I describe.

Obviously, I support the Bill and would like to see us progress it through Committee Stage as quickly as possible.

**Deputy Ruth Coppinger:** I seek clarification on the same point. I believed the Bill was proposing that non-citizens in Ireland - people who live here, the people about whom I spoke who make up 12% of the population - would have a right to vote also. Is that the case?

**Chairman:** We will seek clarification.

**Deputy Ruth Coppinger:** I am wondering how a passport rule could be enforced for others in such circumstances.

**Deputy Pat Casey:** I thank Deputies Gerry Adams and Seán Crowe for their presentations. My party supports the general principle of the Bill. Most of the issues have been raised. Deputy Ruth Coppinger raised much of the detail that needs to be thrashed out and evaluated. Senator Billy Lawless stated clearly the options we would be trying to put to the people. That is work we need to do. Deputy Eoin Ó Broin said we needed to progress the Bill. We need to do so now rather than delay further. As a party, we will be supportive of working it through to try to have an end result.

**Senator Trevor Ó Clochartaigh:** Táim anseo chun mo thacaíocht a léiriú don Bhille seo inniu. Sílim go bhfuil sé fíor-thábhachtach. I am attending today to support the legislation. I have been the Sinn Féin spokesperson on the diaspora for some years and it is a very interesting role. I concur with most of what has been said and I do not propose to repeat the points made by previous speakers. However, the notion that people who have lived abroad for some years are disconnected from what is going on at home is balderdash. When we meet Irish people in Britain, Canada, the United States and other countries, we often find they are more in tune with what is happening at home than many people we know in our localities. They have access to information via the Internet, apps, etc., and read high-quality news published online. As Senator Lawless will be aware, one of the first things many emigrants do in the morning is check the RTE news or *thejournal.ie* to find out what is happening at home. I often receive texts in the middle of the night from people in the United States asking whether I was aware of this or that issue. Members of the diaspora are very much in tune with what is happening at home and they feel disenfranchised. The Bill is important to them for this reason.

The Bill also recognises that members of the diaspora are citizens. Even though they are not physically present in Ireland, they are passionate about their Irishness and do not lose their sense of citizenship. Having been born and brought up here, many of them believe they have a

duty of care to Irish people at home. Their strong commitment to the island of Ireland is one of the reasons the Bill is important.

I share the concerns expressed about the delay in introducing legislation of this nature. I understand, for example, that when some of the Baltic states joined the European Union, some of them were able to compile an electoral register within one year to allow their citizens living abroad to vote in elections. I am interested in hearing more about this from the officials.

**Senator Frances Black:** I thank Deputies Crowe and Adams for their presentations. I, too, attend today to support this important legislation. Senator Billy Lawless lives for part of the year in the United States where he works with members of the Irish diaspora, many of whom are struggling. He understands the issues that arise in this regard. I know from family living in the North that the rights conferred under this Bill would mean a great deal to them. I also have two brothers living in San Francisco who have been in the United States for more than 30 years. They belong to the group described by Senator Ó Clochartaigh to the extent that they are obsessed with the GAA and listen to many Irish radio programmes. This legislation would be fantastic for them and others in their position. Timing is important. We must implement this simple measure. Please God, we will get it right, as Senator Lawless stated, and the Bill will be passed.

**Senator Grace O'Sullivan:** I thank Deputies Crowe and Adams for their presentations on the proposed legislation, which I fully support. As someone who was a member of the diaspora for 19 years, I concur with the sentiments expressed by Senator Ó Clochartaigh. I was probably more Irish when I lived abroad than I was when I returned. We must progress the legislation speedily, while taking into consideration the need to ensure it is done right.

I also support the proposal to reduce the voting age to 16 years. We need to build an awareness campaign and provide for something similar to an apprenticeship. I have three children who are not much older than 16 years. Children aged between 16 and 18 years have an excellent opportunity in the school system and in their communities to become informed and politically active. While they contribute much more from the age of 18 years onwards, 16 years is an appropriate age to acquire the right to vote.

This proposal forms part of the modernisation of Ireland, which cannot happen fast enough. I fully support the legislation and I will do whatever is necessary to help Deputies Adams and Crowe to pursue it.

**Deputy Gerry Adams:** I welcome the positive response from committee members. Senator Grace O'Sullivan put it well when she described the proposal as part of the modernisation of Ireland.

As I stated, this is a focused Bill. Other legitimate and important issues arise, some of which Teachtaí have raised. However, this Bill deals with a proposal made by the Convention on the Constitution by seeking to remove the residency restriction imposed on people who would otherwise have the right to vote in presidential elections. This is a simple, straightforward and focused proposal. We also propose to reduce the voting age to 16 years.

Most of the issues raised by previous speakers are a matter for other legislation. There are many examples of good international practice in this area. Some 120 states already provide voting rights for emigrants in domestic elections. There is no reason we cannot learn from their experience. The issue of people who have been resident and paid tax here for a long time being

unable to vote in elections is a legitimate one which deserves positive consideration. It is not, however, the business of this Bill but a matter to be addressed in other legislation.

On the issue of the North, particularly in regard to unionists, British citizens resident here have the right to vote in elections to the Dáil. There may be, as part of the consultation process, some way of taking into consideration the broad principle by which unionists wish to claim British status, although it would not be citizenship. We should be quite flexible in trying to encourage or bring about their right to vote in presidential elections.

The issue was raised as to whether the proposed measure would cause tension in the North. Ten or 15 years ago, at a time when Irish Governments had a focused involvement in the North, we learned a salutary lesson during a crisis in the process that involved loyalists. Who did the loyalists seek to speak to during that crisis? It was not the British Prime Minister or Secretary of State but the Taoiseach at the time, Mr. Bertie Ahern, who subsequently met them at Hillsborough.

The President is always welcome in the North. When people from unionist neighbourhoods visit Áras an Uachtarán, it is always a big day out, perhaps because they like big house politics. A great deal of this type of work is being done on an ongoing basis.

Brexit is the big train coming down the tracks and it will affect everyone on the island. Thinking unionists know this and those who have legitimately and rightly benefited most from the cross-Border work that has been done in recent decades, namely, those in the dairy and agriculture industries and enterprising business, are very nervous about Brexit because they value the all-island approach that is increasingly being taken. One of the consequences of Brexit is that more and more unionists in the North are applying for Irish passports. The largest number of applications for Irish passports did not come from a republican stronghold but from a small unionist community whose name I forget. It may have been Newtownabbey.

I do not want to exaggerate any of this but it will not have any detrimental effect on either community relationships or the ongoing process of trying to reconcile and reach harmony and equality. To actually vote, one has to make an active decision to do so and then go about doing that. If one does not want to vote, one simply does not do it. There was a sizeable campaign in Newry when the issue of rights for Northerners, particularly in presidential elections, was being discussed at the Constitutional Convention. By complete coincidence, the people of Latvia resident in Newry had a polling station in one of the local supermarkets. Quite a lot of people remarked on the fact that without even a whisper, these Latvian citizens just went and voted in Newry while people in Newry could not vote in elections just down the road.

There will be a need for a good, sound legislative process and a need for the Oireachtas to get this right. I particularly welcome the remarks to the effect that there needs to be more urgency about this. I am from the North, and Dana said, very accurately, during a previous presidential election campaign that people in the North always look South but that people in the South rarely look North. For someone to come to the Constitutional Convention from Ballymurphy, Ballymoney or Ballymena or for someone to make the case by video or social media link from Chicago, Brisbane, Frankfurt, London or elsewhere and for the convention to agree to it, gave Northerners and emigrants a very positive sense of being part of the nation, the Gaeldom and part of an island people. However, four or five years later, the fact that it has still not happened has become a source of frustration. In that context, I particularly welcome the notion that we must deal with this more urgently than we have thus far and that is the purpose of this Bill.

**Deputy Seán Crowe:** I thank members for their comments and questions. Deputy Copinger asked about the Bill itself and whether it applies to people who are resident here but who are not entitled to vote at the moment. The Bill will change the Constitution. The Deputy asked if it could be more ambitious and perhaps it could be but what we are trying to do is to get it over the line. We want to get it agreed. The questions about who could vote in terms of criteria such as passport holders, number of years living abroad and so on can be argued and agreed but first we need to change the Constitution to enable the diaspora living outside the State to vote. Some have questioned whether 16 year olds should be included but that is a debate for another day. The Deputy is correct that we could probably have included other provisions but we did not do so because we want to get this across the line.

I do not think it will add to tensions in the North. Deputy Adams spoke about Presidents of Ireland going North and there was a time when unionists would have protested if an Irish President visited the North but thankfully things have moved on. It is now seen as a positive rather than a negative. There has been a huge increase in the number of applicants for Irish passports from the North. That can be seen as a negative but I see it as a positive development.

Senator Lawless spoke about graduates voting in Seanad elections and so forth, which does not make sense. That said, it is not a simple issue. We need to have a serious discussion about how we see this rolling out. The Bill itself is simple but that is just one part of the work we need to do. If there is agreement that we push this forward, that is a positive step that opens the door for our people. I would not like to exclude anyone. One hears people refer to second or third generation Irish people who still consider themselves to be Irish. If one goes to Argentina, for example, there are many people there whose ancestors left Ireland hundreds of years ago who still consider themselves to be Irish, part of the Irish nation and the Irish diaspora. We need to be tapping in to that. Imagine the potential that exists in terms of the resource of 70 million people who claim an Irish identity and what we could do if we could use that in a positive manner. I do not mean using it as a cash cow but harnessing the goodwill of that which would be very helpful into the future.

We have had a good discussion this morning. It is worth remembering that the European Commission was critical of the fact that when Irish citizens leave Ireland they cannot vote in Irish elections. Other countries have postal voting systems and so on but that is a discussion for a different day. I am not particularly concerned about the European Commission's criticism but I am concerned to get this Bill over the line. The first step is to get all of the political blocks within the Oireachtas to agree to this Bill. The discussion around this issue has already begun and many of those who are engaged in it are far ahead of the political parties. There will be a genuine welcome across the board for this. As to whether it would pass in a referendum, that is another discussion. Senator Lawless is right in that we would need to do some work on that. There is often a negative reaction to proposals from the Government to change the Constitution, with people using referenda as a way to poke the Government in the eye and so on. However, it is a welcome development and the discussion this morning has been positive.

I thank the Chairman for the opportunity to address the committee this morning. We were a little nervous about it and did not know how this meeting would go. We are all new to this structure but it has worked very well this morning.

**Chairman:** Thank you, Deputy Crowe. I hope the committee did not make you feel nervous and I certainly hope Deputy Eoin Ó Broin did not make you nervous. Are there any more questions?

**Senator Grace O’Sullivan:** I would like to pose a question that was put to me this morning. Would the Deputies consider taking the 16 year old issue out of the Bill as is, in order to progress it more speedily?

**Deputy Gerry Adams:** We would not concede that at this point.

**Senator Grace O’Sullivan:** Okay. I am very much in favour of the Bill as is but I just thought removing that element might speed up the process. The Deputies are not willing to do that and that is perfectly understandable.

**Chairman:** I thank Deputies Adams and Crowe for attending this morning. The next time they appear before us, they will not be nervous at all.

**Deputy Seán Crowe:** I thank the Chair and apologise for Deputy Adams being late.

**Chairman:** We will move on to the next session. We will suspend briefly to give our next set of witnesses a chance take their seats.

*Sitting suspended at 11 a.m. and resumed at 11.05 a.m.*

*Deputy Pat Casey took the Chair.*

**Vice Chairman:** I welcome Ms Fiona Quinn, Ms Riona Ní Fhlanghaile, Mr. Paris Beausang and Mr. Michael O’Connor from the Department of Housing, Planning, Community and Local Government. I draw the attention of witnesses to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given, and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

I call Ms Quinn to make her opening statement.

**Ms Fiona Quinn:** I thank the committee for inviting departmental officials to appear this morning. We welcome the opportunity to engage with the committee on its scrutiny of the Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014 which proposes to amend the Constitution to extend the franchise in presidential elections to all Irish citizens who have reached the aged of 16 years. I am accompanied this morning by Ms Riona Ní Fhlanghaile, Mr. Paris Beausang and Mr. Michael O’Connor, colleagues from the franchise section within the Department, and by Ms Caitríona Ingoldsby from the so-called Irish abroad unit within the Department of Foreign Affairs and Trade. Our Department has worked closely with the Department of Foreign Affairs and Trade on the Government’s proposals to extend the franchise at presidential elections. This morning’s discussions represent a timely opportunity to set out the Government’s position on the issue generally and on the Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014 in particular.

The Bill was first introduced in Dáil Éireann on 11 March 2014 in response to the fifth report

of the Constitutional Convention which was submitted to the Oireachtas in November 2013. While the previous Government did not oppose the Bill on Second Stage in the Dáil in March 2015, it was made clear that a full and considered analysis of the policy and practical issues which might arise from its implementation should be undertaken before it progressed through further Stages of the legislative process. In the committee's letter of invitation, the Department was asked to identify the Government's position on the Bill and any constitutional, legal, policy or technical issues of relevance to it. While these were set out to some extent on Second Stage in 2015, matters have progressed a great deal since then. In essence, the legal, policy and technical issues arising from the extension of the franchise in presidential elections are set out in the Government's March 2017 options paper on voting in presidential elections by citizens resident outside the State.

On 7 March 2017, the Government decided to accept in principle the main recommendation in the fifth report of the Constitutional Convention that Irish citizens resident outside the State, including citizens resident in Northern Ireland, should have the right to vote in presidential elections and that a referendum should be held to amend the Constitution to give effect to this proposal. The decision was announced by the Taoiseach in Philadelphia on 12 March 2017. I understand it received a generally positive response from Irish citizens resident outside the State and 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 more than 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.

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 on 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° of the Constitution, which sets a 60-day timescale for the holding of a presidential election, may 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 and the establishment of an electoral commission in section 3, the method of voting for an extended franchise in section 4 and the costs arising in section 6, including for the taking of a poll and the counting of votes with an extended franchise.

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 to reduce the voting age at presidential elections to 16 years, 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.

I thank members for their attention. My colleagues and I are happy to answer any questions.

**Vice Chairman:** I thank Ms Quinn. I omitted to welcome Ms Caitríona Ingoldsby. I open the floor for questions.

**Senator Trevor Ó Clochartaigh:** I thank the witnesses for coming in. This is a very emotive issue for many of those whom we heard at the Global Irish Civic Forum. I commend the Department on holding that forum. It was absolutely fantastic. The level of passion from our diaspora for moving this forward as quickly as possible was very evident. I also thank the witnesses for the work that has been done on the options paper.

I have a number of questions in respect of the Bill. One concerns the timeline. Is there a possibility that a referendum could be held and a possible electoral amendment Bill put in place more quickly? Are there practical impediments to having this ready by the next presidential election? I have heard many people express frustration that it may be 2025 before it becomes a reality. While I appreciate that it is a tight timeframe, could it be done were shoulders put to the wheel and were the Government to make a decision on the options paper? At present, how long is being allocated for consultation? What timelines have been put in place? When do we expect a Government decision on the options paper and on what potential wording might go into an electoral amendment Bill?

An issue was raised earlier in respect of members of the unionist community in the North. Do the witnesses have any comment on those observations? How can we make sure that whatever we do is as inclusive as possible in order that everybody who feels they have a right to vote in a presidential election will have that right?

Could the witnesses comment on other countries that have brought in presidential voting rights or similar and the time it took them to do so? We seem to be taking a very long time to move this forward. The Bill was put forward a number of years ago. I appreciate that there are political decisions behind a lot of this over which the officials have no control. However, the accession countries to the EU were able to take these political decisions quickly and then implement them quickly. What were the circumstances that allowed them to do so? Have the witnesses any knowledge or experience from working with colleagues across Europe that they could share with the committee?

**Vice Chairman:** I have a few questions myself. I thank Ms Quinn for her presentation and look forward progressing this and seeing how it will work out practically on the ground. One of the key issues raised in the debate was the question of what option we will end up putting before

the people. Although the Bill has been labouring for a while, there seems to be a bit of impetus behind it now with the options paper being issued and the statement made by the Taoiseach when he was in America. I hope we can keep that momentum going.

Is there any wording in the Bill that the officials fear might have subsequent consequences elsewhere?

**Ms Fiona Quinn:** I thank the Senator and Vice Chairman. I will ask my colleague, Ms Ní Fhlangaíle, to discuss some of the issues raised. In respect of the timeline, the Government decided to accept the recommendation on 7 March 2017 and has said it will hold a referendum on this issue. Since then, we have published a very detailed options paper, which was the result of quite a lot of research and analysis, as members can imagine. I welcome the earlier comments about the usefulness of that paper. As several members have observed, it is a complex issue. There is a range of options available to us. It is important to get it right, specifically in respect of the practical methods. When deciding on the question that ultimately will be put to them, the people will expect us to provide them with some information on the practical implications of what it will mean. We are dedicating a lot of time to listening to people's views. This morning's session was very useful in that respect.

In response to the Senator's question about the timeframe for the consultation, we have not set one. It is an options paper and consultation will continue throughout the process. This is one step and certain decisions will have to be taken at this point. The paper will continue to be used for further consultation as the matter progresses. It is not a question of making a decision now and moving on from it. In respect of the timing of the whole issue, as the Government agrees, the register of electors needs to be modernised. We have been tasked with progressing that issue in parallel with the wider question. The committee will know better than us that the modernisation of the register of electors has been discussed for many years. It is important that we are all able to stand over the integrity and security of that register at national level and, if the people so decide in a referendum, in respect of those outside the State. As for the timeframe we envisage, that project in itself is very significant and there is no room for error. It would be very negative if it was rushed and something happened that called the whole project into question. We will be identifying the risks and trying to minimise and mitigate against them. For that reason, it is going to take a number of years.

Our preference and recommendation is that we move to an online registration process. That would seem to be the most sensible approach in terms of being workable for people outside the State. We have looked at what other countries have done. A paper-based registration process would be very cumbersome both from an administrative perspective and in practical terms for those who are trying to use it. It would be very difficult to see how it would work.

**Senator Trevor Ó Clochartaigh:** As opposed to an online voting system, Ms Quinn is just referring to the voter registration.

**Ms Fiona Quinn:** Yes. That is one of the most important prerequisites if we are to facilitate this. Voting would be the next significant issue in terms of timing and practicalities. We have examined what has happened elsewhere. Options around the world include in-country voting, which is what we have and where people have been out of the State for less than 18 months and are still deemed ordinarily resident here; voting at embassies and consulates, which some countries allow; postal voting; voting by proxy; electronic voting and a combination of these. It is a complex question and we need to arrive at the right answer.

To answer the Senator's first question in a long-winded way, this will not be possible to deliver before the 2018 presidential election. We will continue to work on it, though. The options paper will display the level of analysis and consideration that is being given to this by us and our colleagues in the Department of Foreign Affairs and Trade. We will move forward. Once a decision is made on the ultimate option to be put to the people, a period of time will be required to make the practical arrangements. For example, the requirement to pass an electoral amendment Bill will be an important factor for people to consider when the question is put to them. What changes would result from this Bill? The constitutional amendment and this Bill comprise a first step. For people to be able to make an informed and considered decision, some of the detail of how it will be given effect will have to be clear to them.

Does Ms Ní Fhlanghaile wish to answer some of the questions?

**Ms Riona Ní Fhlanghaile:** I have almost lost track of them.

**Ms Fiona Quinn:** Perhaps about the experience in other countries.

**Ms Riona Ní Fhlanghaile:** As members will see from the options paper, we have considered a number of other countries and explored what they do and how they do things. They all do things differently to suit themselves. We included a paper from the International Foundation for Electoral Systems, IFES, at the back of the options paper. It is a succinct and useful reference. According to it, a country has to do what suits its own circumstances. As such, while we are examining other countries, we must build on what works for the Irish situation.

I have heard many references to how there are 120 countries in the world that do this while we do not. Actually, we are on that list because of the small amount of outside voting that we allow for the Defence Forces and diplomats. I make this point to say that each of the 120 countries is not doing everything. Instead, various countries only do it for certain elections. A tome from the International IDEA - I have forgotten that organisation's full title - is referenced in the options paper and outlines the situation. Some countries only allow this type of voting for certain elections whereas others allow it for all elections. Many countries do not have the large diaspora or, in particular, generous citizenship laws that we have. There is a general agreement that the number of people who will register, and certainly outside the island of Ireland, may be relatively small. That is the pattern internationally, but our starting point is different. We need to learn from others, of course.

**Senator Trevor Ó Clochartaigh:** I might tease that out. There will be an election in 2018, so those who are eligible to vote now will be eligible to vote in it even if, for example, I went to live in New York. If a Government decision was taken on the options paper to the effect that people who held an Irish passport would be eligible to vote, the general consensus is that only those who are interested in voting will register to do so. It is an opt-in system rather than one in which everyone who is eligible for citizenship is on a register. To get on the register, one needs to register. To do that, one needs to be eligible for citizenship. The thinking is that the numbers will be small. If I lived in New York and wanted to vote in 2018, would it not be possible at this stage to put in place an administrative paper-based system that would allow me, through the consulates, to register to vote and to set up a postal vote, as we do for our Defence Forces and diplomats, thereby amending the current system?

**Ms Riona Ní Fhlanghaile:** While we anticipate that the number might be small, we do not know. We have to plan for a large number and do it right. We are also discussing systems. Many of the committee's members will know better than I do what it takes to develop systems

and set them up. Whatever about the man in New York, I would expect a large number from Northern Ireland. That will cause complications if we choose a paper-based system.

**Senator Trevor Ó Clochartaigh:** What would be the complications? I just want to tease this out.

**Ms Riona Ní Fhlanghaile:** It would be not so much complications as a question of volume. We are talking about scale.

**Ms Fiona Quinn:** In practical terms, the options paper sets some of this out. In many cases, people who are outside the island of Ireland could probably attach themselves to a constituency in the State. They may have lived here or perhaps their grandparents did, so we could set up a system whereby local authorities would be responsible for the registration of those individuals. Generally, there would not be that sort of automatic association for people in Northern Ireland. It is important we treat all citizens the same, which is at the crux of what we are trying to suggest. There needs to be a system that is user-friendly and allows people to do what they wish, that is, register and, if necessary, vote. We need to be able to stand over the integrity and security of the process in order that when we have a President elected, we are able to say without doubt that the systems and processes we have in place are such that we can stand over their verifiability.

**Ms Riona Ní Fhlanghaile:** Am I allowed to ask a question about the Sinn Féin Bill? Has the party given any thought to what sort of qualification or verification there might be? That is a major consideration in setting up a system of registration.

**Senator Trevor Ó Clochartaigh:** We are teasing it out ourselves and are having ongoing discussions based on the options paper. We are considering the question of the qualification for citizenship, for example, via passport. A part of our difficulty is that the register sits with the Department of Housing, Planning, Community and Local Government, which means that embassies and consulates could not be used in the registration process.

**Ms Fiona Quinn:** The registry actually sits with the local authorities. Ms Ingoldsby might wish to make an input on this, but the use of embassies and consulates could cause difficulties for practical reasons and would not necessarily achieve what was desired.

**Ms Caitríona Ingoldsby:** Page 33 of the options paper refers to voting at embassies and the problems this might cause in terms of volume. In a way, registration through embassies could also give rise to the same issues in countries with large numbers of people who could be expected to register, for example, Britain and the US. It is a matter of trying to put something in place properly. That will take time.

**Senator Trevor Ó Clochartaigh:** Would they be personnel issues? If there was a large volume, would there not be enough people to handle it or is it a system issue?

**Ms Caitríona Ingoldsby:** It is probably-----

**Ms Fiona Quinn:** It is a skills issue as well. Local authorities hold the registers and have a certain level of information. The registers are done annually, with a new register introduced on 15 February. While local authorities probably have copies of previous registers, it is not necessarily the case that they would have 20 or 30 previous registers. In other words, if someone tries to claim citizenship and attach himself or herself to a certain constituency, there would be many practical issues. One of the other methods that people outside the State can use to claim

citizenship is if they are on the foreign births register, which is a paper-based system. It needs to be digitised. The options paper addresses many of these issues.

One of the practical issues with using embassies for registration or voting is location. People who are on the west coast of Australia would have to go to Sydney or Canberra. The same applies to the United States and the UK. Of course, we have no embassy in Northern Ireland.

From our perspective and having analysed the various options and practical issues, it would seem to us that postal voting would be the most user-friendly approach. Online registration for people around the world would seem to be the only option that will give individuals the opportunity to be involved. If the first experience people have of the extension of the franchise, if accepted in a referendum, was negative, it would dissuade them from continuing to engage the process. From our perspective, if the people decide to extend the franchise for presidential elections, we need to be in a position whereby we are able to make it easy for them and ensure it is a positive experience which will encourage them to participate.

**Senator Trevor Ó Clochartaigh:** To clarify, Ms Quinn mentioned that an overhaul of the electoral register system is needed.

**Ms Fiona Quinn:** Yes.

**Senator Trevor Ó Clochartaigh:** She suggested that might be best done as an online registration system. Would that be devolved from county councils or local authorities?

**Ms Fiona Quinn:** These are all questions-----

**Senator Trevor Ó Clochartaigh:** What are the options as regards registration in the North?

**Ms Fiona Quinn:** They are all questions that need to be answered. That is why we identified some of these matters in the options paper. There are different experiences around the world. The UK uses local authorities for registration purposes. Other countries, like Australia, New Zealand and Canada use a central body. Different methods are used around the world. We need to decide on the most appropriate one for Ireland.

**Senator Trevor Ó Clochartaigh:** What options are we considering for the North, for example?

**Ms Fiona Quinn:** For the North, I imagine it would have to be a centralised body. It is not easy to see how it could be attached to existing Dáil constituencies. Ultimately, one local authority could act as an agent for that purpose. A separate body could be established. At some point in time, when the electoral commission is established, I presume it would have a role in this regard. The timing of all these things is such that there are a lot of moving parts.

I want to be clear on an earlier point from our perspective. All these things are doable. There is no problem that is insurmountable. We will be able to do this if a decision is taken by the people to do it. There are different options, depending on the question that is put to the people. We will then be able to design a system around that. The options paper identified the practical issues. It is important we do that to facilitate a good discussion and decision-making. From our perspective, we will be able to deal with whatever is thrown at us.

**Vice Chairman:** Are there any issues in regard to the wording in the Bill?

**Ms Fiona Quinn:** From our perspective, we have some questions about the technical lan-

guage in the Bill. We wonder why it will be necessary to refer to all citizens of Ireland and not just all citizens, because that would tend to be the terminology used in other Articles in the Constitution. We would also like to know why there is a clause stating “without disqualification due to residency”. I understand the convention did not qualify its recommendations in that respect.

We would like to know the intention behind language like “such other persons in the State as may be determined by law”. That is an important point from our perspective in terms of an amendment to the Constitution. It is important to be explicit about the change we are making. Any legislation cannot go further than the Constitution allows. It would be interesting to know the rationale for such a clause and the intention behind it. Will the amendment to the Constitution provide for anything further or any changes that may not have been considered in this regard?

From our perspective, we would be interested to know the reason for using the phrase “without disqualification of sex”. They are some of the practical, technical and drafting type questions we have. We appreciate this is not Committee Stage and that type of technical discussion would probably happen on that Stage. They are some of the questions we have about the language in the Bill.

In terms of the principle of the Bill, setting aside the technical questions, a constitutional amendment Bill would have to be drafted as part of the process. The language is important. As I said, it is particularly important to be explicit. Once it is decided what question will be put to the people, our view is that it will have to be explicitly provided for in the amendment to the Constitution. That is important for all of us.

The preparation and publication of a constitutional amendment Bill will be one of the key factors in the next step in our process. The decision paper and questions would lead to the drafting of a Bill. In tandem with that would be an electoral (amendment) Bill. Again, that will set out a lot of information the people need and some of the practical considerations. There will be a multistep process and it will be important for us to reach a conclusion before the question is put to the people.

**Senator Trevor Ó Clochartaigh:** As the proposals in the Bill are not available, I am not 100% *au fait* with the reasoning around some of the specific wording. I imagine some of the wording refers to including the unionist community. Its members may not want to take up citizenship, for example, but they may want to exercise the right to vote. If one wanted to become a citizen, one would be eligible but not have to take that up. That might explain some of the reasoning around phrases such as “all of the citizens of Ireland” and residency.

Have any of the financial implications been taken on board in terms of the different methods of voting or registers? Would one be cumbersome and expensive? Have the witnesses considered the costings of the different systems? Are some impractical from a financial perspective? Are others more feasible from a financial point of view?

**Ms Ríona Ní Fhlanghaile:** There is a chapter in the options paper devoted to financial matters. It refers to ballpark figures. We were not looking for the cheapest or most cost-effective option. We are after the best. Postal voting will be expensive. Right now, we think it is the best option. It is not without risk, including security risks, and it is expensive.

Those who have watched postal ballot papers being opened at a count centre and have seen them being issued would realise that if one multiplies that by a significant figure, costs would

increase. For us, costs are not a barrier or an obstacle. They probably will be when we go to people in a referendum because there is no doubt a cost will be involved.

**Senator Trevor Ó Clochartaigh:** Timing is an issue. I refer to people on the islands. Even if there is a difference of only one day between when they vote and the national vote takes place, they sometimes feel they may lose something in terms of what happens at the end of an election campaign. Did the witnesses include time considerations in a system where votes would come in from all over the world?

**Ms Riona Ní Fhlanghaile:** In the options paper we covered the possible need for another amendment to the presidential Articles to consider the 60 day timeframe within which an election must be held if the office is vacated. We proposed that there be a longer timeframe. There is no point in enfranchising citizens abroad if, within the timeframes provided for in the Constitution, they cannot exercise that franchise. That has been factored in. I do not know whether Ms Ingoldsby wants to answer the question on unionists.

**Ms Caitríona Ingoldsby:** At this juncture, we are very sensitive to the need to look at this carefully. The options paper specifically recognises the Good Friday Agreement and notes it and the fact that specific consideration was to be given to the respect for the overall balance of the settlement underpinned in the Good Friday Agreement. That is an important thread. As we worked through the options paper, that was a consideration. It has been interesting to hear what some of the committee members had to say on that.

**Senator Trevor Ó Clochartaigh:** On the proposed legislation, are we, to put it in layman's terms, trying too hard to put those concerns into legal terms? Is it the case that, legally, we do not need to say as much as that in order to actually vindicate those rights for people? Am I correct in stating that it is not necessary to specifically mention residency or all citizens of Ireland in that scenario in order to ensure that this constituency-----

**Ms Riona Ní Fhlanghaile:** I would say it is almost the opposite. We have to try very hard to get it right. We have not taken legal advice on the Sinn Féin Bill as such because we are not quite in that space. We are in the very useful discussions phase. Our advice is that if we were thinking of excluding people, for example, limiting it to passport holders or those who have only been away for five years, we would need to be explicit in terms of the Constitution. I do not think, therefore, that Sinn Féin is trying too hard at all. It is important to be clear and explicit. We cannot deprive somebody of something such as a voting right in legislation if we do not have the authority to do that under the Constitution. It would simply be unconstitutional to do so. I do not think Sinn Féin is trying too hard. Perhaps we are both looking at things from a different space. For example, if we were to set a passport requirement, the people Sinn Féin is concerned about in Northern Ireland would have to obtain passports. Many of them might not regard that as desirable so we must look at that. Perhaps it might involve inserting an Article 12.2.4o into the Constitution. I do not know. These are all the things we are exploring and that is why there are seven options.

**Senator Trevor Ó Clochartaigh:** I will convey this to my colleagues so that they are aware.

**Vice Chairman:** I think all the questions have been answered at this stage. I thank the witnesses for attending and for engaging with the committee. In due course, the committee will publish a scrutiny report on this topic. The witnesses' presentations and the information imparted by them will assist the committee in drafting its report.

1 June 2017

The joint committee adjourned at 11.45 a.m. until 9.30 a.m. on Wednesday, 21 June 2017.