

L&RS Note

Explaining the outcome of rejected referendums



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Abstract

Drawing on published research and survey data, this *L&RS Note* identifies factors which explain the majority 'no vote' in failed proposals for constitutional change. It finds that 'no voters' tend to be motivated by salient (rather than second-order) issues and are more likely than 'yes voters' to say that they do not fully understand the implications of a proposal. It finds voter volatility to be high and that general support for a principle (identified by Opinion Polls) does not always translate into support for a constitutional amendment either because Yes Campaigns lack clear messages about the full implications of the change (allowing No Campaigns to create doubt about them) or because the actual proposed amendment is at odds with the initial policy proposal, creating challenges for political actors in the Yes Campaign.

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Introduction

Eleven of the 39 proposals to amend the Constitution since 1937, and six of the 15 proposals since 2001, have been rejected by the electorate. In many cases opinion polls published prior to the referendum campaign suggested popular support for the proposal. This L&RS Note looks at rejected proposals between 1986 and 2015 (Table 1) with a view to identifying factors which explain the majority 'no vote.' It draws on pre and post-poll survey data and academic analysis for each of the referendums.2

Table 1: Referendums where amendment was rejected 1986-2015³

Year and Referendum	Summary of the proposed amendment	Result	Turnout
26 June 1986 Divorce	To allow for divorce under certain circumstances set out in the Constitution	63% against 36.3% for	60.8%
25 Nov 1992 Right to life ⁴	To amend Article 40 to make abortion illegal except where the life (as opposed to the health) of the mother is in danger	62.26% against	68.2%
7 June 2001 Treaty of Nice	Amendment to reflect changes to the Constitution arising from EU Nice Treaty	53% against 45.4% for	34.79%
6 March 2002 Human life in pregnancy	Remove threat of suicide as grounds for termination of pregnancy, provide for a law on abortion that could only be amended with referendum; provide for constitutional and legal safeguards where interventions to protect life of mother result	50.15% against 49.58% for	42.89%
12 June 2008 Lisbon Treaty	in termination. To amend Constitution to reflect changes arising from EU Treaty of Lisbon	53.2% against	53.1%
27 Oct 2011 House of the	To give explicit power to Houses of the Oireachtas to inquire into matters of public importance (and to give Parliament the	46.4% for 52% against	55.9%
Oireachtas Inquiries ⁵	right to determine the appropriate balance between the right of the individual to a good name and the public interest in using its power to inquire)	45.5% for	
4 Oct 2013 Seanad	To abolish the Upper House and amend any article of the Constitution affected by abolition	51.13 % against	39.2%
Abolition 22 May 2015 Age of	To reduce age of eligibility to stand in Presidential election from 35 to 18	47.7% for 72.46% against	60.5%
eligibility the Office of President ⁶		26.7% for	

The highest no vote ever (in terms of percentages) was returned in the recent referendum on the Age of Eligibility for the Presidency (Figure 1). The 2002 proposal to explicitly remove the threat of suicide as grounds for the legal termination of a pregnancy was defeated by the narrowest margin.

¹ This Note is confined to referendums since 1986 as they have been subject to most levels of research and academic analysis. This excludes three rejected referendums: two failed proposals to replace PR with a majoritarian electoral system and one related to constituency boundaries.

All sources are referenced in Section 2; Section 1 is a summary.

³ Calculated from Department of Housing, Planning and Local Government (2015) Referendum Results 1937-2015

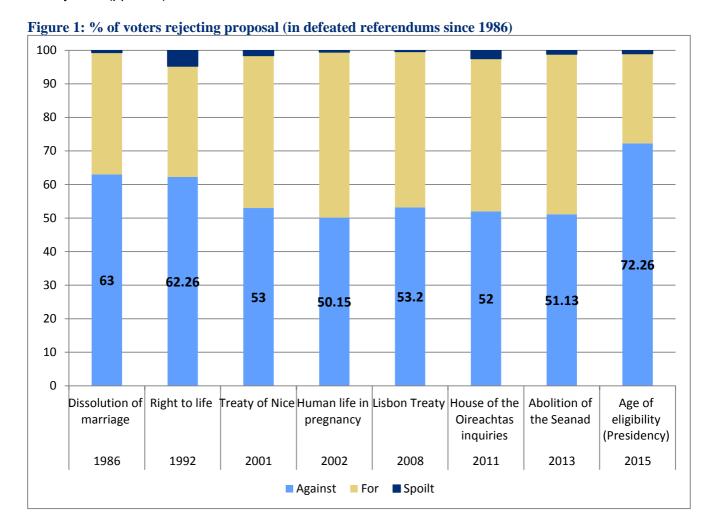
⁴ Coincided with a General Election.

⁵ Coincided with a Presidential Election.

⁶ Coincided with Marriage Equality referendum.

Turnout varies considerably across rejected proposals and the data (Appendix 1) suggests no apparent overall relationship between low turnout and a rejected proposal. However, low turnout helps to explain the majority No Vote in some of the referendums considered in this *L&RS Note*.

The summary (pp.5-8) identifies the key explanatory themes common to all rejected referendums. It is drawn from a more detailed analysis of each referendum, itself based on published reports and survey data (pp.9-24).



Summary: explaining the 'no vote' in rejected referendums

Salient issues rather than second-order issues motivate *No voters*

'Second order' voting - casting a vote for reasons unrelated to the issue and more related to attitude towards the government - motivates voters in many referendum campaigns. Yet in all rejected Irish referendums 'no voters' appear to have been more motivated by their opinion/position on the salient issue than on second-order issues such as distrust in government/politicians which explains only a small proportion of the No Vote in rejected referendums (in particular those on political reform and the EU).

For example, in two of the three recent referendums on political reform, a key motivation of no voters was the sense that the proposal **granted the executive too much power** ('the power grab argument); this was the strongest explanatory factor in the Seanad abolition referendum (32%) and the second strongest in the Oireachtas Inquiries referendum (27%).

The salient issue of **attitude towards European integration** best explained the difference between yes and no voters in the Lisbon 1 and Nice 1 referendums. No voters in both cases were significantly more likely than yes voters to believe that 'Ireland should do all it can to protect its independence in Europe.' While both yes and no voters were motivated by what Ireland can gain from EU membership, they had different perceptions on the implications of the Treaties.

In referendums on moral issues the evidence also suggests that voters are motivated by their position on the salient issue. In fact, drawing on survey data, political scientists have found that voting along conservative or liberal lines to be more entrenched in Irish society than party voting.

However, where other factors which cause a no vote are prevalent (see below) they can be reinforced by a lack of trust in government or a government/opposition dynamic amongst voters in some cases (see Lisbon Treaty referendum in particular).

Lack of knowledge and feeling 'ill-informed about salient issues' is also associated with 'no voters'

Lack of knowledge and feeling ill-informed explained even more of the no vote in the Oireachtas Inquiries Referendum (44%) than the fear of a 'power grab' (see above). Similar reasons – either a lack of knowledge (25%) or insufficient interest (30%) – were given by over 50% of those surveyed who did not turn out to vote in the Seanad referendum.

Research undertaken after the Lisbon Treaty found that 'lack of information, knowledge or understanding of the Treaty' was a strong motivating factor amongst no voters, with 'soft no voters' most likely to give this reason for voting no. Post-referendum surveys on the Lisbon Treaty identified a group of soft no voters who were more likely than other no voters to explain their vote with a lack of knowledge or understanding about the implications of the Treaty.

In a survey taken just prior to polling day for Nice 1, only 36% of respondents said they 'understood the issues, or some of the issues, related to the Nice Treaty.' This compared with 64% responding to the same question just prior to Nice 2 (2002). Political scientists found that the low turnout of potential yes voters contributed significantly to the no Vote; in fact, more people actually

⁷ Casting a vote for reasons separate to the substance of the proposal and more related to general satisfaction with the government and the political system See L&RS Spotlight: <u>Political Opinion Polls (2009)</u>.

voted against the Treaty in 2002 (when it passed) than in 2001 (when it was rejected), a fact explained by the significant increase in turnout amongst *Yes voters* (the yes vote increased by 50%).⁸

It is important to note that a lack of knowledge and understanding about the issue in question among voters may not stem from a lack of information; rather from a lack of interest on the part of voters and/or from confusing messages and contradictory arguments made during a campaign.

Disintegration of broad support for a proposal over the course of a campaign

A high level of voter volatility⁹ was observed in five of the eight referendums: on Oireachtas Inquiries, Abolition of the Seanad, Lisbon Treaty 1, Nice Treaty 1 and on Divorce. The evidence from these cases suggests that broad support for the policy at the centre of a proposed amendment can disintegrate over the course of a campaign especially where issues are complex and different groups send out contradictory, unclear messages about them.

This is consistent with international research: a study of 23 referendum campaigns in 14 different jurisdictions found voter volatility to be nearly twice that observed for elections. Further, in a majority of these cases volatility came in the form of reduced, rather than increased, support for a ballot over the course of the campaign. Voter volatility tends to be higher where the issue is complex, the campaign characterised by contradictory arguments, and where traditional party allegiances break down leaving voters to take cues from other sources.

In the rejected referendums in Ireland a trend can be identified whereby soft yes voters either become no voters or abstainers over the course of a campaign. The dramatic shift in public opinion in the Divorce Referendum (1986) is best explained by the effect of the No Campaign on soft yes voters identified using MRBI data (those in favour of divorce under certain circumstances but fearful of free-for-all divorce on demand). Survey data, gathered both before and after the Oireachtas Inquiries Referendum, found widespread support (74%) for the principle of giving Parliament the power to inquire into matters of public importance. In fact, 57% of those who voted no reported to support this policy in principle. That the proposal was rejected suggests that the No Campaign raised sufficient doubt about the full implications of how the Government had chosen to implement this policy to change the mind of soft yes voters. This trend, whereby support in principle disappears over the course of a campaign, can also observed in the referendum on the abolition of the Seanad, the Lisbon Treaty (2008) - where there was a 30% shift in public opinion over the course of the campaign and, to a certain extent, the Nice Treaty 1. This suggests that general support for a policy does not always translate into support for a constitutional amendment in particular when the campaign against the proposal raises doubts in the mind of soft yes voters about the true implications of the proposed change.

⁸ The yes vote in Nice 1 was 453,461 and 906,317 in Nice 2 (Department of Housing, Planning and Local Government (2015).

⁹ Where the electorate is volatile voters are uncertain about how they will vote and are liable to change their minds over the course of a campaign

¹⁰ Le Duc referenced in Oireachtas Library & Research Service Spotlight Political Opinion Polls (2009) p.17.

Explaining the disintegration of support over the course of a campaign

The rejected cases in Ireland show that support can collapse over the course of a referendum campaign either or both because:

- a) of the effect of the actual campaigns themselves (a weak Yes Campaign and a strong No Campaign); and/or
- b) the wording of the referendum proposal does not, in fact, reflect the initial policy proposal (for which there appeared to be support).

Campaigns

A consequence of voter volatility, and poor understanding of the implications of a proposal amongst some voters, is the potential for the campaign to shape the result of a referendum.

When issues are complex voters compensate for lack of knowledge and time by using cues or short-cuts; relying on the advice of a trusted source (a political party, a friend, part of the media or a social organisation) and/or experts in a campaign (including from citizen's deliberation processes). As such, voters may be motivated by *who* is advocating for and against change (i.e. someone who they trust) or on the basis of **the clarity of the message**. On the clarity of the message, research has shown that campaigners against a proposal can be at an advantage because **it is sometimes enough to cast doubt over the proposal to weaken support for it**, especially when there is uncertainty about its implications.

Looking at campaigns, in all three rejected referendums on political reform it would appear that the Yes Campaign failed to address and to explain the salient issue and the true merits of the proposed reform. In the case of the Seanad and Inquiries referendums, the No Campaign capitalised on this by raising serious questions about the real implications of the change for democratic accountability which were not particularly well addressed by the Yes Campaign, perhaps because they were un-anticipated. In the rejected EU Referendums, the No campaigners, which have been described as populist in tone, raised sufficient doubts in voters mind about the implications of the Treaty which the Yes Campaign was unable to deal with. In this respect, division within, and a lack of conviction from, the Yes Campaign, as well as the absence from the Yes Campaign of actors representing wider civil society (interest groups and civil society representatives), can help to explain the outcome in all rejected referendums.

When proposals are not fully supported or understood by those advocating them (Yes Campaigns), campaigns can be characterised by 'elite withdrawal and populist takeover:' the withdrawal of established political actors from the campaign and the entry of groups who capitalise on voter ignorance, the complexity of the issues and an underlying sense of political discontent

¹¹ Marsh Michael, Suiter Jane and Theresa Reidy (2012) *Report on Reasons behind voter behaviour in the Oireachtas Inquiry Referendum 2011.* Research undertaken for Department of Public Expenditure and Reform.

¹² Le Duc (2002) cited above and Marsh, Suiter and Reidy (2015) 'It's the campaign learning stupid: an examination of a volatile Irish electorate' *Parliamentary Affairs* vol.68 (1) pp. 182-202.

amongst the electorate.¹³ This is more likely to happen where traditional party allegiances break down over the issue.

Wording of the proposed amendment

The evidence from the rejected cases examined in this *L&RS Note* suggests that, in addition to campaign strategies, the **precise wording of a proposed amendment** affects the extent to which voters who are 'weakly' in favour of a proposal (soft yes voters) are motivated to vote for a constitutional amendment. Yes Campaigns are particularly challenged where the precise or possible implications of the proposed wording are not fully thought through or appreciated by proponents. This challenge is evident in many rejected referendums from the Divorce Referendum in 1986, to the Abortion referendums in 1992 and 2002, to the Oireachtas Inquiries Referendum in 2011.

In the two rejected referendums on abortion (1992 and 2002), rather than the wording of the referendum causing a disintegration in broad support for a policy, the wording of the referendum simply did not reflect the preferences of voters who, research found, could be split into liberal-conservative and pragmatic camps depending on their attitudes to abortion.

¹³ This theory, proposed by Darcy and Laver (1990) is used by O'Mahoney (2009) to explain the outcome of the Nice 1 and Lisbon 1 referendums. O'Mahoney Jane 'Ireland's EU referendum experience' *Irish Political Studies 24;4* p.438

Overview of eight rejected referendums

Dissolution of marriage (1986): explaining the No Vote

The amendment in the 1986 Divorce Referendum proposed to delete Article 41.3.2 of the Constitution (which prohibited the dissolution of marriage) and replace it with a new article allowing a court to grant a dissolution under certain, specified circumstances. Supported by the Fine Gael-Labour Government, with other parties declaring themselves to be neutral on the issue, the proposal was defeated by 63.1% of voters on a turnout of 62.1%.

The vo vote was unexpected. Public opinion polls in the years prior to the referendum had shown strong popular support for permitting divorce under certain circumstances. By February – April 1986, two months before the referendum, polls showed significant majorities in favour of constitutional change. 14 Figure 2 shows the reversal of opinion in the run up to the referendum. 1

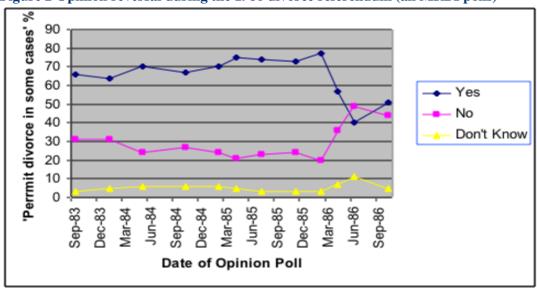


Figure 2 Opinion reversal during the 1986 divorce referendum (all MRBI polls)¹⁵

Using MRBI survey data political scientists found that the shift in public opinion was not a function of differential turnout and could not be explained by party identification, age or other such factors. Instead, the collapse in support was spread rather evenly across different party supporters, age groups and social classes. The only pattern found in the vote shift was that it was most pronounced amongst urban voters (who tend to be more volatile voters anyway) and women (who were possibly affected by the key message of the No Campaign). They concluded that something happened during the campaign which generated a strong but short-term shift in public opinion on the divorce issue.16

Darcy R and Michael Laver (1990) "Referendum Dynamics and the Irish Divorce Amendment' The Public Opinion Quarterly Vol.54 pp.1-20.

Oireachtas L&RS (2009) Spotlight: Political Opinion Polls

¹⁶ Darcy R and Michael Laver (1990) cited above.

Voter volatility and the effect of the campaign

As is often the case with referendums, the framing of the issue by campaigners can be crucial to the outcome (even where there appears to be core support behind the policy intention of the proposal).¹⁷

The No Campaign placed married women, and the implications of the proposal for this group, at the centre of its message. It was argued that allowing divorce would hurt married women who would be cast aside if divorce were to be introduced and the breadwinner would re-marry and would have to support a second family. That an increase in the no vote amongst women was the only strong pattern found in the dramatic shift in opinion, suggests that the No Campaign successfully framed its message.

A deeper analysis of the MRBI data by Darcy and Laver suggests that general support for an idea (that divorce should be permitted under certain circumstances) does not always translate into support for a constitutional amendment. This is particularly the case if a campaign can raise doubts about the real implications of the change among soft yes (i.e. it might, unintentionally lead to free-for-all divorce on demand).

The data showed that at least 25% to 29% of those who supported allowing divorce under certain circumstances could be described as soft yes voters. While 77% and 70% (depending on the survey) of respondents favoured allowing divorce in some cases, amongst the same group of people only 52% and 51% supported removing the ban on divorce from the Constitution. Darcy and Laver explain that when it came to the actual referendum, it was these soft-yes voters, who favoured a limited form of divorce but feared that the constitutional amendment would lead to a liberal regime on divorce, who shifted from yes to no. ¹⁸

Table 2: Public opinion on divorce in Ireland February and October 1986 (MRBI)¹⁹

	Keep Ban on Divorce			Permit divorce in some cases		
	No	Yes	Don't know	No	Yes	Don't know
February 1986	52%	42%	6%	20%	77%	3%
October 1986	51%	44%	5%	29%	70%	1%

¹⁸ Darcy and Laver (1990) cited above p.13 and Table 1.

¹⁷ Darcy and Laver cited above.

¹⁹ Adapted from Darcy and Laver (1990) using MRBI data.

Abortion referendum (November 1992): explaining the No Vote

Three referendums on abortion were held alongside a General Election on 25 November 1992. Each of the three proposed amendments was aimed at clarifying uncertainties raised by the Supreme Court Judgment in the X-Case. Two – on the right to travel and the right to information – were approved by the electorate. The third referendum- on the 'substantive issue'- was rejected by 62.26% of voters. Turnout was 68%.

The proposed amendment on the 'substantive issue' was a response to the Supreme Court Judgment in the X Case. This Judgment raised the need to clarify whether the threat of suicide provided grounds for having an abortion within the meaning of the 1983 amendment (protecting the life of the unborn). ²⁰ The Government's proposed amendment was a conservative one - to restrict the scope of the meaning of the Supreme Court Judgment. It provided for abortion in cases where it was necessary to save the life, as distinct from the health, of the mother and explicitly excluded a risk of suicide as a threat to life which it stated must be 'real and substantial.'²¹

Parties were divided on the proposal. The Progressive Democrats party (junior coalition party) opposed the wording, while the main opposition party, Fine Gael, supported the removal of the threat of suicide as grounds for an abortion while expressing concern about the distinction between provisions on a woman's health and life.²² Labour and the Democratic Left opposed the proposal in full.

Drawing on post-referendum survey data, Sinnott argued that Irish voters in 1992 could be divided on a more-or-less 30-30-30 basis into conservative, liberal and pragmatic camps regarding their attitude to abortion (the pragmatic camp made up of conservatives or liberals believing that it was the best that could be offered although they did not really like it). Analysts concluded that the amendment was rejected by two of the three groups: by voters who took a liberal position on abortion (who believed the Constitution should be amended to reflect the X-Case Judgment) and by voters who took a conservative position (who believed that the proposal moved away from the original intention of the 1983 amendment and demanded a new referendum which would ban abortion outright). Sinnott concluded that 'very different kinds of voters were voting no ..and for very different reasons:' i.e. the proposal was defeated because neither conservatives nor liberals liked it.

This is further illustrated by the **pattern of voting at constituency level.**²⁵ All constituencies rejected the proposal, and twenty constituencies registered a no vote of over 65%. However, amongst the five constituencies with a no vote exceeding 70%, three were urban, middle class constituencies close to Dublin (liberal constituencies) and two were rural and broadly conservative according to the survey data (Cork North-West and Donegal North-East).

²² Girvin Brian (1993) 'The Referendums on Abortion' *Irish Political Studies* Vol.8. p.121

²⁰ Sinnott Richard (1995) *Irish Voters Decide* Manchester and New York: Manchester University Press.p.229.

²¹ Sinnott Richard (1995) cited above.

²³ Sinnott (1995) cited above p.231. Sinnott (1995, 338-40) used similar data to examine voting patters in referendums on the right to travel (1992); right to information (1992); divorce (1986) and divorce (1995) and concluded that liberal and conservative voting appeared to be much more rooted in the social structure of society than party voting was. In each referendum conservative voting was positively related to high proportions of farmers and high proportions in the working class with the working class effect stronger than the farmer effect in the abortion amendments.

²⁴ Sinnott (1995) found the 'no voter group' to be made up almost equally of the conservative group (46%) and liberal

²⁴ Sinnott (1995) found the 'no voter group' to be made up almost equally of the conservative group (46%) and liberal group (43%) of voters surveyed. Girvin (1993) drew a similar conclusion about the motivations behind the no vote. Also see Girvin Brian (1993) 'The Referendums on Abortion' *Irish Political Studies* Vol.8 p.119 ²⁵ Girvin Brian (1993) cited above.

Voter volatility and the effect of the campaign

The research above suggests that **the wording of the proposal (as opposed to the campaign)** provides the best explanation for its rejection. Girvin argues that the wording of the proposal, which was formulated by a cabinet sub-committee between June and September 1992, was 'quite simply more conservative than popular opinion,'26 or at least more conservative than popular opinion in the liberal and pragmatic camps identified by Sinnott. Yet the proposal was not conservative enough for those who sought to reverse the consequences of the X-case ruling by amending the Constitution to provide for a total ban on abortion.

MRBI/Irish Times Opinion polls published in the run up to the referendum consistently suggested that a minority supported a full ban on abortion while a majority supported an amendment that would allow abortion under some limited circumstances. Yet polling data was difficult to interpret.²⁷ For example, it was not clear which 'limited circumstances' were acceptable grounds for legal abortion; for liberal voters the health of the mother was acceptable, for more conservative voters the life of the mother.

Box 1: Opinion polls prior to the 1992 referendum on the substantive issue

A poll taken just after the X-Case judgement (in February 1992) found that 66% wanted to either amend (48%) or remove altogether(18%) the total ban on abortion from the Constitution, while 30% wanted to retain it. Four months before the November referendum (Table 3) 48% agreed that abortion should be permissible under special circumstances and a further 19% where there is a threat to a mother's life, with only 16% favouring a total ban. In a September 1992 poll, 35% of those surveyed agreed that there should be a total ban on abortion with 58% opposed.

Table 3: MRBI/Irish Times Opinion Poll June 1992 Source: Girvin (1993).

Position	% of voters
In favour of abortion under any circumstance	16%
Never in favour of abortion	16%
Abortion permissible under special circumstances	48%
Abortion permissible when there is threat to a mother's life	19%

Why did the Government propose this wording in spite of opinion polls which suggested (although not conclusively) that a majority supported an amendment that would at least reflect the legal status set down by the X-case? One contemporary academic analysis argued that the Fianna-Fail led Government, which led an internally divided party, was primarily concerned with winning the support of the most conservative group. It aimed, and in this it was supported by opposition parties, to prevent the campaign agenda from 'slipping into the hands of the anti-abortion groups' and 'to neutralise the opposition of the Church.'²⁸ By proposing a relatively conservative amendment, it hoped to maintain control of the campaign's agenda. During the campaign the Fianna Fáil-led caretaker government reached out to conservative voters. It argued that a yes vote would 'place severe restrictions on abortion and weaken the effect of the Supreme Court

²⁷ GirvinBrian (1993) cited above.

²⁶ Girvin Brian (1993) cited above.

²⁸ These were mostly noted by Girvin(1993) cited above.

Judgment (X-case),²⁹ arguably at the same time alienating practical liberal voters. While the Government succeeded in maintaining control over the campaign agenda, it failed to convince the more conservative group of voters to support its proposed amendment.

Abortion (Protection of life in pregnancy) (2002): explaining the No Vote

The rejection of the referendum on the substantive issue in 1992 meant that the legal status of abortion was defined by the judgement in the X-case (see above). No legislation was introduced by subsequent governments and the minority Fianna Fail-PD government (1997 -2002) gave a commitment to Independent TDs supporting it to run another pro-life referendum.

The proposed amendment removed the 'threat of suicide' as grounds for a legal termination of pregnancy (which had been inferred by the X-case ruling) and provided for a law on abortion that could only be changed by another referendum. It also gave constitutional and legal safeguards to existing medical practices where interventions are made to protect the life of the mother and which entail a termination of pregnancy.³⁰ It was very narrowly defeated by 50.15% of the electorate with 49.58% in favour. Turnout was a low 42.89%.

Unlike in the 1992 referendum, the evidence (below) suggests that conservative voters were behind this amendment. As in 1992 it removed the threat of suicide as legal grounds for a termination. Further, it proposed that the legislation providing for abortion in limited circumstances could only be changed by another referendum. However, the size of the conservative constituency (the yes vote) had declined since the 1983 referendum (which had inserted the eighth amendment - protection of the life of the unborn - into the Constitution) and turnout was highest in the constituencies which returned a no vote (liberal vote).

Kennedy draws on voting patterns at constituency level to explain the outcome. Comparing the 2002 and 1983 results, he found that the constituencies with the highest percentages of no voters in 1983 and 2002 were the same (Figure 4). Likewise, in the constituencies where the yes vote was high in 1983 it was also high in 2002. However, he found that the extent of the yes vote in these constituencies had declined and suggested that in this decline lay one explanation for the no vote.

Further, while turnout had declined in all constituencies compared with the 1983 referendum, turnout in the constituencies which supported the 2002 amendment had declined by an average of 13.8% compared with an average decline of 7.1% in constituencies that voted against the amendment (Figure 5). On the basis of this data, Kennedy concluded that in order for the 'yes side' to have won, all other things being equal, turnout in each of the constituencies in which there was a yes majority would have had to increase by 10%.

²⁹ Girvin 1993 p.122.

³⁰ Kennedy Fiachra (2003) Report: Abortion Referendum 2002 Irish Political Studies 17(1) 114-128.

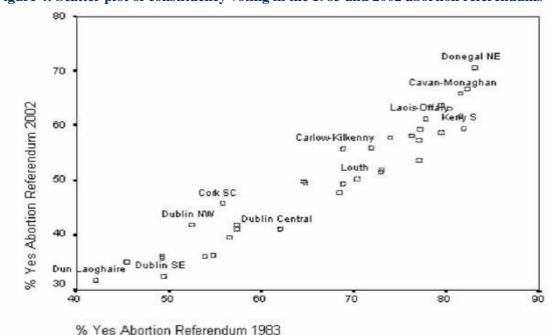
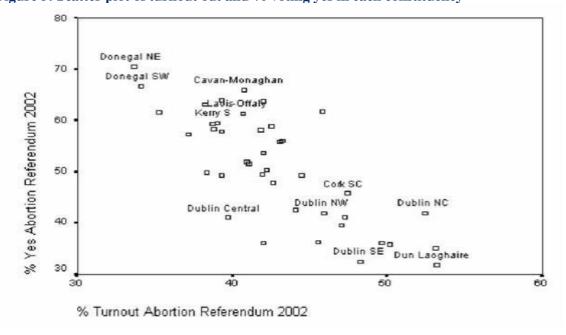


Figure 4: Scatter plot of constituency voting in the 1983 and 2002 abortion referendums ³





Voter volatility and the effect of the campaign

Voter volatility was not a particular feature of this campaign – earlier survey data (research by Sinnott see above) had found quite strong conservative, liberal and pragmatic groups of voters depending on attitudes to moral issues (1992-1995). The 2002 amendment was a conservative one. Kennedy's analysis suggests that the size of the conservative vote (yes vote) had declined since the 1983 referendum and that, to a considerable extent, this could be explained by low turnout in the constituencies which voted yes. To what extent was this low turnout caused by the campaign or the wording of the referendum?

³¹ Kennedy Fiachra (2002) 'Report: Abortion referendum 2002' *Irish Political Studies* 171 114-128. Figure reproduced from the article.

³² Kennedy F (2002) cited above. Figure reproduced from the article.

On the wording of the amendment, the Government had consulted with professional and voluntary organisations, established a cabinet committee to supervise the drafting process and published a Green Paper in 1999. This Green Paper was referred to the All Party Oireachtas Committee on the Constitution which organised hearings, accepted written submissions and reported back to the cabinet committee in November 2000. In spite of this preparatory work, the Government failed (albeit by a small margin) to have its proposal passed and the Government and the Referendum Commission failed in their task to get voters out on the day. **Why?**

The campaign, which was characterised by deep division and rigorous debate on the substantive issue, was described as confusing and divisive for voters. Complicated and contradictory legal and medical arguments were presented on the implications of the proposed amendment; on the relationship between the threat of suicide and abortion; and the legal status of emergency contraception and doctor-patient confidentiality.³³ While the issues were highly-complicated, the Chairman of the (then) Referendum Commission said that it had failed to promote public understanding and awareness of the amendment and its implications (as it had insufficient time to do so).³⁴ And further, political representatives were divided on the issue including within parties.

Research on referendum campaigns has found that these conditions - serious divisions within parties, combined with a highly complex issue - can make it difficult for proponents of constitutional change.³⁵ While one can only speculate in the absence of survey data in 2002, confusion about the eventual implications of the amendment may have discouraged some potential yes voters, in particular those falling into the 'pragmatic camp,' from turning out to vote. This would be consistent with the constituency voting patterns described above and perhaps best explains the narrow victory for the No Campaign.

House of the Oireachtas Inquiries (2011): explaining the 'No Vote'

The proposed amendment was to give the Houses of the Oireachtas broad powers to inquire into matters of public importance including giving parliament the power to determine the appropriate balance between the right of an individual to a good name and the public interest in using its power to inquire. While it was supported by all of the main political parties, its critics argued it shifted the balance of power too far in the direction of the Houses of the Oireachtas in this respect (see below). The referendum, which coincided with the 2011 Presidential election, was rejected by 53% of the voters with 47% in favour on a turnout of 56%.

Post-referendum survey data helps to explain the no vote. ³⁶ First, **lack of knowledge and feeling ill-informed** best explained the behavior of the no voter: 44% of no voters said they either did not know why they voted no or they voted no because they did not know what the referendum was about. ³⁷42% of no voters could not recall the arguments presented for a no vote. Larger numbers (57%) of no voters were uncertain about who was making any arguments for or against change.

³⁴ Chairman of the Referendum Commission as noted in Kennedy p.117.

³³ Kennedy (2003) pp. 118-122.

Marsh et al (2012), Marsh, Suiter and Reidy (2015) and Oireachtas L&RS Spotlight on Political Opinion Polls (2009).

³⁶ Research was cconducted by political scientists on behalf of the (then) Department of Public Expenditure and Reform. Marsh Michael, Suiter Jane and Theresa Reidy (2012) *Report on Reasons behind voter behaviour in the Oireachtas Inquiry Referendum 2011.*

³⁷ Marsh et al (2012) p.14

Further, 64% of respondents who found 'no source of information to be useful' during the campaign voted no.

Second, the next most important explanatory factor was the attitude to the substantive issue itself: 27% of *no voters* rejected the proposal as **it would give politicians too much power.**

Thirdly, **trust** in politicians appeared to matter; those who had low trust in politicians were twice as likely to vote no than yes.³⁸ And trust in other particular sources was associated with the direction of voting; those more trusting of legal experts and of Attorney Generals were more likely to vote no and those who trusted the Referendum Commission more likely to vote yes.

Fourth, the survey data showed a **government – opposition dynamic** suggesting an element of 'second-order' voting:³⁹ only 37% of Fine Gael (the lead government party) supporters said they voted no while Fianna Fáil supporters were far more likely to have voted no (65%).⁴⁰

Finally, there were different voting patterns based on urban-rural differences: the constituencies with the highest no vote were all Dublin constituencies and 11 of the 13 constituencies with the highest no vote were either in Dublin or close to Dublin (Wicklow, Kildare North).⁴¹

Voter volatility and the effect of the campaign

Voter volatility was high: opinion polls found over-whelming support for the proposal and while opinion polls prior to the referendum showed an increase in the number of voters intending to vote no, a defeat was not predictable.

Table 4: Opinion polls prior to referendum and result of referendum⁴²

Date	Poll	In favour	Against	Undecided/not voting
9 October 2011	Ipsos MRBI	65%	8%	27%
23 October 2011	Red C	76%	18%	6%
25 October 2011	Ipsos MRBI	57%	20%	23%
27 October 2011	POLING DAY	47%		

A post-referendum survey conducted for the Department of Public Expenditure and Reform found over-whelming support for the principle that Parliament should have the power to hold inquires into matters of public importance. And it found that 58% of those who voted no actually agreed with this principle. This suggests that **the actual content of the proposed amendment to the**Constitution was to a large extent responsible for the change in attitude of voters over the course of the campaign. The proposal was either perceived to give too much power to the Houses of the Oireachtas or was confusing. As occurred in the 1986 referendum on divorce, the proposed wording alienated those who might be described as soft yes voters.

³⁸ Marsh et al (2012) p.17

³⁹ Marsh et al pp.18-19

⁴⁰ Respondents were asked which party they felt closest to. 55% and 57% of Labour and Sinn Fein supporters respectively voted against the proposal. All parties had supported the proposal.

⁴¹ Only two constituencies voted in favour (then Minister Howlin's Wexford and then Taoiseach Enda Kenny's Mayo).

⁴² O'Leary Eimer (2014) 'Oireachtas inquiries referendum' *Irish Political Studies* 29;2 318-329, Table 2.

⁴³ Marsh Michael, Suiter Jane and Theresa Reidy (2012) cited above.

In her analysis of the process, O'Leary found that the Bill providing for the amendment was subject to little scrutiny in the Houses of the Oireachtas⁴⁴ and that, as a consequence, the arguments raised by critics were not raised in sufficient time to amend the proposal to a more acceptable one.

The Government 's campaign was described as lackluster. Rather that explaining the merits of the proposal itself, it focused on practicalities like cost savings (parliamentary inquiries would save on cost of a Tribunal), 45 a strategy also adopted by the Government in the Seanad Referendum (see below). O'Leary notes that its campaign was overshadowed by the Presidential Election Campaign and lacked civic action groups. 46 Marsh et al concluded that 'the yes side was unable to mobilise the general support in favour of the principle (soft yes voters) because the **change proposed was perceived to be too great, and distrust of politicians contributed to this perception,** and in part because of **widespread confusion and lack of knowledge** surrounding the reasons for the change. 47 In the context of unclear messages in favour of the proposal, and mounting political opposition to it, there was an intervention by eight former Attorney General who rejected the proposed amendment for clear and precise reasons (Box 2).

Box 2: Argument of Attorney Generals against the proposed amendment

A letter signed by eight former Attorneys General and a statement issued by the Law Society of Ireland during the referendum campaign argued that while it was not unusual for parliament to have power to inquire, the proposed amendment shifted power too far by vesting sole power in parliament (the body carrying out the inquiry) to determine the balance between the right of the individual and the public interest and seemed to exclude their right to recourse before the Courts.

Further they argued that the draft of the bill (general scheme)⁴⁸ to implement the decision (if the referendum were to be passed) vested powers of search and seizure and of requiring the giving of evidence under compulsion in politicians without counter-balancing this with the right of the individual.⁴⁹ The post-referendum survey found that **77% of those who believed that the Attorney General's information was 'very influential' in the campaign voted no**.

Abolition of the Seanad (2013): explaining the No Vote

Most of the political establishment was initially behind the proposal to abolish the Seanad⁵⁰, although Fianna Fail changed its policy, campaigning against the Government's abolition proposal and instead advocating reform. Turnout was low at only 39.17% and the proposal was narrowly rejected by 51.7%.

Survey data (Table 5) helps to explain the result.⁵¹ Firstly, the outcome was not well explained by 'second-order' voting behaviour. Only 9% of no voters said they voted no for a reason which might be interpreted as 'second order' (because they did not trust the Government). Given that the referendum proposed to abolish the Upper Chamber in the context of an already executive-

⁴⁷ Marsh Michael, Suiter Jane and Theresa Reidy (2012) cited above.

⁴⁴ O'Leary Eimer (2014) Oireachtas Inquiries Referendum *Irish Political Studies* 29;2 318-329.

⁴⁵ O'Leary (2014) p.321and p.328. It also focused on the immediate need to establish a Banking Inquiry.

⁴⁶ O'Leary (2014) pp. 326-7

⁴⁸ The draft General Scheme was published during the referendum campaign.

⁴⁹ Eight former AGs issued the statement in national newspapers on Monday 24 October 2011. Also see Law Society of Ireland News Release, 19 October 2011.

⁵⁰ See Library and Research Service (2012) Bicameralism: Seanad Eireann and OECD countries

⁵¹ A follow-up survey with a representative sample of individuals was conducted for the Referendum Commission.

dominated lower house, a 'lack of trust in the Government' could be interpreted as salient rather than second order (i.e. is intimately related to the issue being proposed).

Secondly, the perception that the proposal was a 'power grab' was the most frequently mentioned reason for voting no. 32% of respondents directly mentioned that abolition of the Seanad would give the Government and the lower house too much power. The No Campaign had argued that the Irish political system was already highly centralised with considerable legislative and executive power concentrated in the governing executive and that even if the Seanad was not the most effective watch dog its removal would only enhance government domination of the political system. ⁵²

It is likely that the 21% who said the Seanad was important and 11% that it should be reformed and not abolished were to a certain extent expressing a similar point of view – that the Seanad was needed as a break on the Government's power. This sentiment – fear of a power grab - also helped to explain the no vote in the Inquiries Referendum (see above).

Table 5: Reasons given for having voted No (i.e. voting to retain the Seanad)⁵³

Reason	% of 'no voters'
Would grant the Government/Dail too much power	32%
Seanad is important/wanted to keep it (unspecified)	21%
Want to see the Seanad reformed rather than abolished	11%
Don't like/trust the Government	9%
Campaign was rushed/mis-managed	5%
Enda Kenny's refusal to take part in live debate	5%
Voted the wrong way (intended to abolish the Seanad)	3%
Actual proposed savings (cost of Seanad) would have been insufficient	3%
Don't know/not stated	3%
Didn't believe 20 million (savings)figure	2%
Didn't want the Constitution changed	1%

The **low turnout** in this referendum is important to fully understand the outcome.⁵⁴ A post-referendum survey conducted for the Referendum Commission found that 55% of those who did

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⁵² MacCarthaigh and Martin (2015) p.128.

⁵³ Post-referendum survey carried out on behalf of the Referendum Commission. Respondents who said they had vote no were asked 'Why did you vote no?' and authors coded the answers. Referendum Commission (2013) *Report on the Referendums on the 32nd Amendment of the Constitution Bill 2013 and the 33rd Amendment of the Constitution Bill 2013.*⁵⁴ MacCarthaigh and Martin (2015) cited above p.130.

not vote either had 'insufficient interest in the topic to warrant voting' (30%) or lacked knowledge/understanding about the issue (25%), in spite of the campaign.⁵⁵

There was an urban-rural or Dublin/East-rest of country pattern to voting. The no vote was higher than the national average in all Dublin constituencies and in many constituencies surrounding the greater Dublin area such as Wicklow, North Kildare, Meath East, Louth and Laois-Offally. 15 constituencies voted in favour of the proposal to abolish the Seanad. While they were predominantly rural constituencies they did include the urban constituencies of Limerick City and Cork North Central.

Voter volatility and the effect of the campaign

Five national opinion polls conducted between November 2012 and September 2013 showed a steady decrease in support for the proposal. In the last poll, 44% indicated they would vote yes (i.e. to abolish the Seanad) while 27% favoured no ⁵⁶ This suggests that the high level of undecided voters immediately prior to the 3 October referendum (29%) voted no, or did not vote. What can explain this?

It would appear that the Yes Campaign failed to mobilise the many potential yes voters identified in opinion polls. The Government's Yes Campaign contained weak messages which focused on non-salient populist issues such as 'cost' rather than on the salient issue (i.e. how democracy could function with a unicameral parliament).⁵⁷ By failing to engage with salient issues during the campaign, the Government parties may have reinforced the reasons which appear to have determined a no vote - lack of knowledge/information and distrust of the Government and its possible power grab.

In this context, it appears that the No Campaign led by Democracy Matters,⁵⁸along with the discord within the political establishment, caused enough uncertainty to discourage people from voting for the proposal. Democracy Matters argued that the Seanad was needed in the context of a 'dysfunctional Dáil dominated by the executive and a whip system.' ⁵⁹

Age of eligibility for Office of President (2015): explaining the no vote

The referendum, held on the same day as the marriage equality referendum, was rejected by 72.26% of the voting electorate with a turnout of 60.5%. This is the highest recorded no vote.

While no post-referendum survey was undertaken and it received little analysis by academics, a number of opinions (as opposed to research based on survey data) have been put forward by political actors and analysts to explain the result.

⁵⁷ MacCarthaigh and Martin (2015). A non-party interest group (One House) led by academics and civil society representatives was established to support abolition and it based its campaign on these salient issues. However, the Government's Yes Campaign did not demonstrate engagement with these issues until late in the campaign.
⁵⁸ Established by civil society leaders, academics, former and existing politicians

⁵⁵ 25% gave other practical reasons for not voting related to inconvenience.

⁵⁶ McCarthaigh and Martin (2015) Figure 1.

⁵⁹ See McDowell Michael, Abolition of Seand is really a power play dressed up as reform by the Dáil' *Sunday Independent* 31 March 2013

First, the **Yes Campaign was lacklustre**. Political parties and civil society groups in general were highly focused on the marriage equality referendum and, while parties officially indicated that they supported the proposal, they did not actively canvass on it⁶⁰ and some Senators and TDs suggested they were voting against it.⁶¹ The campaign was lacklustre in spite of the fact that opinion polls suggested the proposal would be defeated.⁶²

Where the **argument for change is not well articulated**, not perceived as a great need, or not well understood, research suggests that voters are conservative and stick with no change. While the proposal was understood (by a substantial majority of the electorate),⁶³ the need for it was poorly articulated during the campaign. Further, there was some criticism of the Government for selecting this issue⁶⁴ rather than more pressing issues which had been supported by far higher margins in the Constitutional Convention.⁶⁵

While no constituency supported the proposal⁶⁶ there is a suggestion of an urban-rural divide in voting patterns: the constituencies in which voters were *least against* reducing the age of eligibility for the President were urban, close-to-Dublin constituencies.

The Nice Treaty (2001): explaining the No Vote

The first Nice Treaty Referendum coincided with two others both of which were passed (abolition of the death penalty and the international criminal court). The Nice Referendum was rejected by 53% of voters (and supported by 45.4%) on a very low turnout of 34.8%. A number of factors explaining the no vote can be discerned from the academic analysis of voting behavior and the result.

Firstly, like the other referendums considered in this *L&RS Note*, salient points related to the substance of the issue (Ireland's relationship with the EU) were more likely to explain the behavior of no voters than second-order issues. Analysis by Marsh, Garry and Sinnott concluded that while issues unrelated to the Nice Treaty, and connected to the government's popularity on domestic issues, affected voter behaviour, they had a significantly weaker impact on voter behaviour than issues more directly related to the Treaty such as **enlargement, neutrality and deeper European integration.**⁶⁷

Secondly, amongst these salient issues Sinnott concluded, using MRBI polling data, that the biggest factor leading to a no vote was **the growing independence sentiment** i.e. the increased numbers of those polled who felt that Ireland should do all it can to protect its independence from the EU (Eurobarometer question).⁶⁸ This growing independence sentiment amongst no voters

⁶⁰ Joan Burton, Enda Kenny, Irish Times 23 May 2015 Presidential Age vote defeated by three to one majority

^{61 &#}x27;Ireland says NO in Presidental age referendum' *The Journal.ie* 23 May 2015

⁶² Irish Political Studies (2016) Republic of Ireland Report: Referendum on Age Eligibilty for Presidency (accessible from Houses of the Oireachtas server). Opinion polls indicated that 73% understood it very well or quite well and 21% to a certain extent.

certain extent.

63 Irish Political Studies (2016) cited above. Opinion polls indicated that 73% understood it very well or quite well and 21% to a certain extent.

⁶⁴ The Journal.ie 23 May 2015 cited above

⁶⁵ Gallagher Michael (2015) 'On the same-sex marriage and presidential age referendums' *Politicalreform.ie*

⁶⁶ Data from <u>elections.org</u>

Marsh Michael, John Garry, Richard Sinnott (2005) Second Order versus Issue based voting effects in EU Referendums: Evidence from the Nice Referendums' *European Union Politics* vol6:2.
 Sinnott Richard referenced in O'Mahony (IPS) p.208 IPS

would be repeated during the first referendum on the Lisbon Treaty (2008 – see below). In the Nice referendum this sentiment out-weighed other, more specific factors in explaining the no vote, although these factors were also relevant:

- Threat of rapid reaction force to neutrality;
- Fear of institutional changes and diminution of Irish voting power;
- More general fear of increased European integration;
- People felt un-informed on the issue.

Regarding the last bullet point, survey data suggested that 36% of voters had a good understanding, or some understanding, of the issues related to the Nice Treaty by the end of the Nice 1 Campaign. This figure was 61% at the end of the Nice 2 campaign which ended with higher turnout and a yes vote.⁶⁹

Thirdly, **low turnout** in 2001 (34.8% of the registered electorate) helps to explain the outcome. Drawing on evidence from both Nice Treaty referendums, O'Mahoney concludes that the 'success of the no vote in Nice 1 was heavily influenced by the abstention of potential yes voters. In fact, more people voted against the Treaty in 2002 (when it was passed) than in 2001 (when it was rejected) but the additional 448,762 voters who turned out in 2002 changed the result of the referendum.⁷⁰

Voter volatility and the effect of the Campaign

The above suggests that the result in the first Nice Referendum was to a considerable extent caused by the failure of the Government's campaign to encourage soft yes voters to turnout. In contrast to the Nice 2 Campaign (see below), there was a distinct lack of involvement from civil society in the Yes Campaign. Analysing the campaign, O'Mahoney concludes that the defeat can be explained as a consequence of the withdrawal of established elites from the campaign and the entry of groups who capitalise on voters' lack of knowledge, the complexity of the issues and an underlying sense of political discontent amongst the electorate.⁷¹

O'Mahoney identified three factors which explained the different outcome in the Nice 2 Referendum (2009):

- the re-engaged political elite, which was joined by a number of strongly-committed civil society groups (Irish Alliance for Europe);
- the Yes Campaign's move to address the fears raised by the No Campaign and not addressed by the Yes Campaign during Nice 1;⁷²
- the increased turnout of *soft* yes voters (see above).

⁶⁹ Marsh, Garry and Sinnott (2005) cited above.

⁷⁰ In 2001, 529,478 voted against the proposal and in 2002, when the proposal passed, 534,887 voted against it (with 906,317 voting in favour). Data from Department of Housing, Planning and Local Government (2015) Referendum Results 1937-2015

71 O'Mahony Jane 'Ireland's EU referendum experience' *Irish Political Studies 24;4* p.432.

⁷² O'Mahony (2008) cited above p.437.

Lisbon Treaty (2008): explaining the no vote

The proposal to amend the Constitution to ratify the Lisbon Treaty was rejected by 53.2% of voters with 46.4% in favour and a 53.1% turnout. All parties in the Dáil except for Sinn Fein campaigned in favour of the Treaty.

The data from all three post-referendum surveys found that voting was more related to salient issues (i.e. the actual issue of deepening relations in the EU) than to second-order issues. 7344% of no voters in the Eurobarometer poll and 42% of no voters in the Milllward Brown IMS poll explained their vote as related to a variation on the theme 'protecting Ireland's interests vis-à-vis Europe and European influence. Further, RED C data showed that no voters were 58% more likely than yes voters to support the statement that "Ireland should do all it can to protect its independence in Europe" while yes voters were 37% more likely to support the statement that "Ireland should do all it can to unite with Europe."⁷⁴

Further, it found that both no and yes voters' primary interest in the EU was that membership serves Ireland's economic and social interest and betterment i.e. that the underlying difference between yes and no voters was in their understanding of what types of European policies best service Irish interests.⁷⁵

Secondly, no voters were quite likely to explain their no vote as a result of lack of information, knowledge or understanding of the Treaty (45% of Millward Brown IMS respondents and 22% of the Eurobarometer respondents). Soft no voters, who were identified in the Millward Brown IMS poll, were far more likely to explain their decision to vote no as a result of a lack of information; hard no voters were more likely to mention issues related to the Ireland's interests in Europe.

Thirdly, while 'lack of trust in government' explains less of the no vote than attitudes towards European integration and neutrality, it was a contributory factor. The Red C poll found that general dissatisfaction with the government was the third most important factor explaining the difference between yes and no voters (Figure 7). When directly asked about reasons for voting no (Millward Brown IMS), 10% of no voters explained their vote with lack of trust in the government.

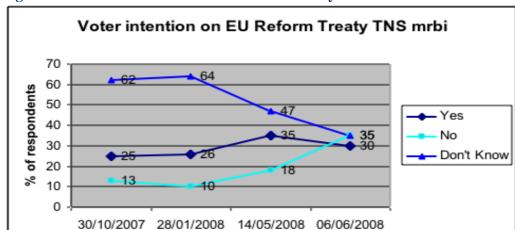
Voter volatility and the effect of the campaign

Irish Times/MRBI data Volatility amongst voters was high coming up to the referendum. Using Red C polls and the result of the referendum, there was a 30% shift in public opinion over the course of the Lisbon Treaty referendum campaign (from 23% intending to vote against the Treaty at the outset to the eventual 53.4% who voted against it). Figures 6 and 7, which draw on nine opinion polls undertaken prior to the referendum, show the extent of voter volatility over the course of the campaign.

⁷³ Three surveys were conducted after the poll: a Flash Eurobarometer conducted by Gallup for the EU Commission, a poll by Red C for the Sunday Business Post and a poll by Millward Brown IMS commissioned by the Department of Foreign Affairs.

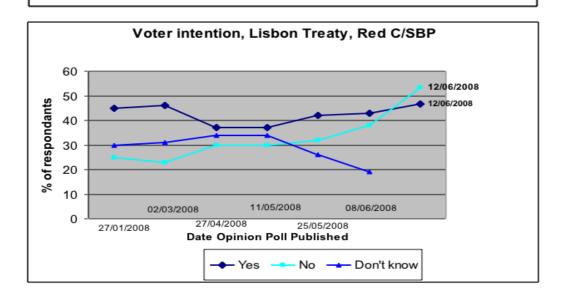
See Houses of the Oireachtas Library and Research Service (2009) Spotlight: Political Opinion Polls pp. 17-30. ⁷⁵ Millward Brown IMS (September 2008) Post Lisbon Treaty Referendum Research Findings. See Oireachtas L&RS Spotlight (2009) cited above.

Oireachtas Library and Research Service (2009) Political Opinion Polls cited above. p.19



Date of Opinion Poll

Figures 6 and 7: Voter intention in the Lisbon Treaty Referendum⁷⁷



Polls suggest that the result was decided during the final days of the campaign and that no voters were slightly more likely to make their minds up later in the campaign than yes voters. 55% of respondents reported that they decided during last week of the campaign, 15% on the day itself.

Given the complexity of the Treaty, and uncertainty about its consequences for Ireland,⁷⁸ the Yes Campaign needed a strong, clear message. It failed in this respect beyond appealing to voters to trust it.⁷⁹ The evidence suggests that the weaknesses of the Yes Campaign helped to turn soft yes *voters* into soft no voters. The No Campaign was perceived by voters, regardless of how they voted, as the more effective one: 67% of respondents to the Millward Brown IMS survey said the no campaign was the more effective; in fact, 57% of yes voters actually found the No Campaign more convincing and only 29% of *yes voters* found the yes campaign more convincing.

O'Mahoney points to **circumstantial factors** as in part responsible for the poorly executed Yes Campaign: the resignation of (then) Taoiseach Bertie Ahern and election of Brian Cowen as

⁷⁷ Data from Oireachtas Library and Research Service (2009) cited above p.19.

⁷⁸ A poll by the Referendum Commission less than two months before the referendum (late April 2008) found that just 5% of those polled believed they understood the treaty well or quite well, 15% understood it to some extent while 80% felt they did not understand it well or at all.

^{'9} O'Mahoney (2009) cited above.

Taoiseach with just four weeks of the campaign left to go and admissions on the part of some Fianna Fail Ministers that they 'had not read the Treaty.'80 She thus concludes that, as in the Nice 1 referendum of 2001 (see below), the defeat can be explained as a consequence of the withdrawal of established elites from the campaign and the entry of groups who capitalise on voter ignorance, the complexity of the issues and an underlying sense of political discontent amongst the electorate (the elite withdrawal-populist engagement theory on referendums).

The Lisbon Treaty was subsequently approved in 2009 after a Yes Campaign which issued clear messages aimed at addressing concerns raised by soft no voters in post-referendum surveys. There was a clear drop in the numbers voting no between the Lisbon 1 and Lisbon 2 referendums – down from 862,415 in 2008 to 594,606 in 2009.

⁸⁰ O'Mahony Jane (2009) cited above p.438.

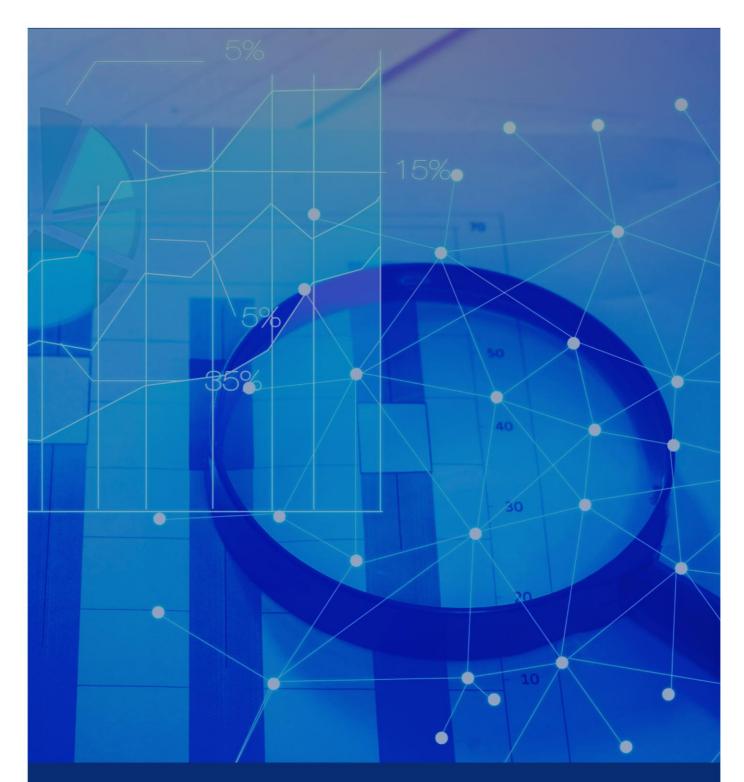
Appendix 1: Turnout and result (displayed from highest to lowest turnout)⁸¹

Year	Subject	Turnout	Result
1937	Draft Constitution	75.80%	
1972	Accession to the EC	70.90%	
1992	Right to life of unborn	68.20%	No
1992	Right to travel	68.20%	
1992	Right to information	68.10%	
1968	Redrawing of constituencies	65.80%	No
1968	PR	65.80%	No
1995	Dissolution of marriage	62.10%	
1986	Dissolution of marriage	60.80%	No
2015	Marriage equality	60.50%	
2015	Age of eligibility to be President	60.50%	No
2004	Citizenship	59.90%	
2009	Lisbon Treaty	59.00%	
1959	PR	58.40%	No
1992	Maastricht Treaty	57.30%	
1998	Amsterdam Treaty	56.20%	
1998	British-Irish Agreement	56.20%	
2011	Judges' remuneration	55.90%	
2011	Oireachtas inquiries	55.90%	No
1983	Right to life of unborn	53.70%	
2008	Lisbon Treaty	53.10%	No
1999	Local government	51.10%	
1972	Reducing voting age to 18	50.70%	
1972	Recognition of specified religions	50.70%	
2012	Stability EMU	50.60%	
2002	Treaty of Nice	49.50%	
1984	Extension of voting rights at Dail elections	47.50%	
1997	Cabinet confidentiality	47.20%	
1987	Single European Act	44.10%	

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⁸¹ Calculated using data from Department of Housing, Planning and Environment (2015)

2002	Protection of life in pregnancy	42.80%	No
2013	Seanad abolition	39.20%	No
2013	Court of Appeal	39.20%	
2001	Death penalty	34.80%	
2001	International Criminal Court	34.80%	
2001	Treaty of Nice	34.80%	No
2012	Children	33.50%	
1996	Bail	29.20%	
1979	Adoption	28.60%	
1979	University representation in Seanad	28.60%	



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