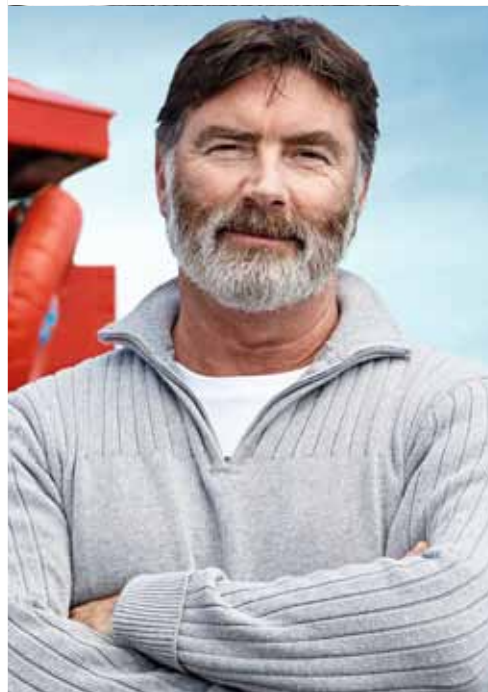
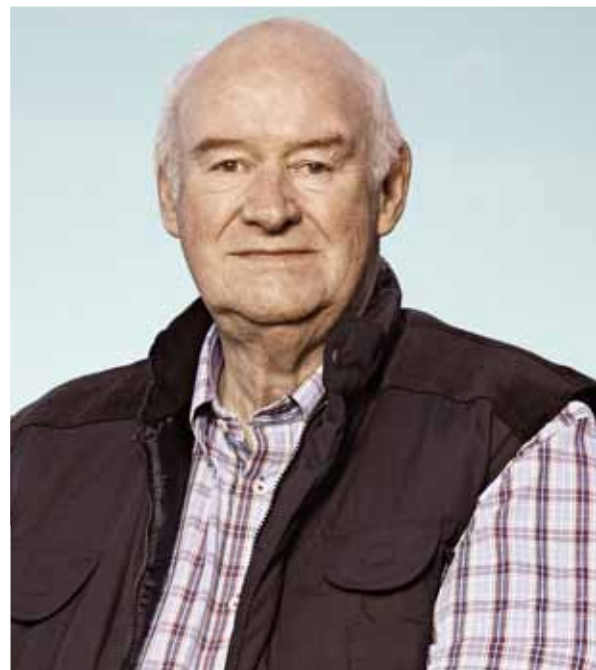


# Referendum Commission



**Report** on the Referendums on the Thirty-second Amendment of the Constitution (**Abolition of Seanad Éireann**) Bill 2013 and Thirty-third Amendment of the Constitution (**Court of Appeal**) Bill 2013





## Foreword

The Referendum Commission must, after each information campaign, prepare a report for the Minister for the Environment, Community and Local Government on the performance of its functions. In this report, the Commission describes in some detail the main elements of its information campaign and assesses the effectiveness of each such element. The Commission also summarises the results of its post-campaign research. The Commission is happy to report that it had adequate time – approximately four months – in which to do its work. Most previous commissions were given far less time, and this was the subject of complaint.

The Commission made good use of this time; it allowed the Commission to ensure that its information guide was as accessible as possible while remaining legally accurate. It also allowed the Commission to plan an integrated advertising and public information campaign. The Commission's research results confirm that, of those who used the Commission's guide, 70% reported that it was very or quite helpful. This is a higher figure than in any of the previous five referendums. The level of recall of the Commission's advertisements was also the highest of recent referendums with, for example, 82% of respondents recalling the Commission's TV advertisement.

The Referendum Commission is concerned about the turnout of 39.2% in both referendums. This shows a modest increase on the 33.5% turnout in the 2012 Children Referendum. While easy access to information on the subject matter of the proposals is one factor influencing turnout, there are many other factors at work. Proposals to amend the basic law of our country – our Constitution – are reserved for a decision of the Irish people and are important questions. The low turnouts evident when referendums are not held in conjunction with national or local elections are of concern. A Referendum Commission – or an Electoral Commission – with an ongoing legal existence would be in a position to commission research into the reasons for these low turnouts.

Once again, the Referendum Commission's main recommendations are that the Commission be granted such a continuing legal identity, but that in default of this, that adequate time in which to work is critical. The other main recommendation echoes one made by recent referendum commissions – that the referendum process be reviewed in order to ensure that it conforms with accepted international standards.

Pursuant to Section 14(1) of the Referendum Act 1998, I hereby present to the Minister the report of the Referendum Commission on the performance of its functions in respect of the referendums.

**Ms Justice Elizabeth Dunne**  
Chairperson  
Referendum Commission  
25 November 2013

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# Chapter 1 Introduction

The referendums on the Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013 and the Thirty-third Amendment of the Constitution (Court of Appeal) Bill 2013 were held on Friday 4 October 2013. Under the Referendum Act 1998, on each occasion that a referendum falls to be held, the Minister for the Environment, Community and Local Government may, at his discretion, establish a Referendum Commission. In the case of a constitutional amendment, he may only do so on or after the date the Bill is initiated in Dáil Éireann. The Seanad Abolition Bill was initiated on 4 June 2013 and the Court of Appeal Bill on 5 July 2013.

## Establishment of the Referendum Commission

On 6 June, the Minister made an establishment order establishing a Referendum Commission on the Seanad Referendum. On 10 July, the Minister made an order establishing a Referendum Commission on the Court of Appeal Referendum. Ms Justice Elizabeth Dunne accepted the nomination of the Chief Justice to act as Chairperson of the Referendum Commissions. The Chairperson of the Commission must be a former judge of the Supreme Court or the High Court or a serving judge of the High Court.

The other members of the Commission are *ex officio* members. They were –

- Mr Kieran Coughlan, Clerk of Dáil Éireann
- Ms Deirdre Lane, Clerk of Seanad Éireann
- Ms Emily O'Reilly, Ombudsman
- Mr Seamus McCarthy, Comptroller & Auditor General.

The Commission is granted by law such powers as are necessary or expedient for the performance of its functions. The Commission must report on the performance of its functions to the Minister for the Environment, Community and Local Government no later than 6 months after polling day and the Commission stands dissolved one month after submitting its report.

## Role of the Commission

The Commission's primary functions pursuant to statute are –

- to prepare one or more statements containing a general explanation of the subject matter of the proposal and of the text thereof in the relevant Bill and any other information relating to those matters that the Commission considers appropriate;
- to publish and distribute those statements in such manner and by such means including the use of television, radio and other electronic media as the Commission considers most likely to bring them to the attention of the electorate and to ensure as far as practicable that the means employed enable those with a sight or hearing disability to read or hear the statements concerned;
- to promote public awareness of the referendum and encourage the electorate to vote at the poll.





## Elements of the Commission campaign

The Commission ran an extensive integrated information campaign on television, radio, in print, outdoor and online. This focused primarily on raising awareness of the referendums, on their importance and on encouraging people to vote. In addition an information guide was published in booklet form and distributed to all homes in the State. The Commission also recorded public information broadcasts for radio and television which gave an explanation of the proposals and these were broadcast by all national, local and community radio and television stations. The Commission was an active user of social media.

## Post-campaign research

The Commission retained an independent market research company to conduct voter research after the completion of the campaign. This involved a nationwide opinion poll which sought to measure understanding of the referendums, reasons for not voting, the perceived effectiveness of communications from the Commission, and other matters.

Results of the post-campaign research are outlined later in this report and are available in full on the Commission's website.

# Chapter 2 Key Features of the Referendum

## The Referendum Bills

Both referendum bills were lengthy and complex documents. The Seanad Éireann Abolition Bill ran to over 50 pages while the Bill on the Court of Appeal comprised over 30 pages. The Seanad Bill was passed by both Houses of the Oireachtas on 23 July, 73 days before polling day on 4 October. The Court of Appeal Bill was passed by both Houses on 24 July.

6% of those surveyed who said they voted No wanted to abolish the Seanad. 55% of the sample reported that it was quite difficult or very difficult to tell from the Seanad ballot paper what they were being asked to vote for. 47% said this was the case in relation to the Court of Appeal ballot paper.

Consideration should be given to a review of the format of the ballot paper. International standards require that the question being put to voters must be clear. Clearer identification of each ballot paper is also essential where there is more than one referendum proposal on the same day.

## Time available to the Referendum Commission

The Referendum Commission on the Seanad Referendum was established on 6 June and therefore had almost 4 months until polling day; the Commission on the Court of Appeal Referendum was established just over one month later on 10 July. The two Commissions decided to act as one. The polling day of 4 October was set by order of the Minister for the Environment, Community and Local Government on 24 July. The Commission met on 17 occasions prior to polling day, and had adequate time in which to prepare its information material.

## Voter turnout

At 39.2%, voter turnout for the referendums was the fifth lowest since before the first statutory Referendum Commission was established in 1998. Figure 1 shows a substantial degree of variability in the rate of voter turnout and research is needed to establish the reasons for this.

Encouraging people to vote is one of the central functions of the Referendum Commission. Accordingly, for just over one in three voters to cast their votes on a proposal to change the Constitution is a matter of serious concern to the Commission.

## The ballot papers

The format of the ballot papers is set out in law – in the Referendum Act 1994 – and the Referendum Commission has no role in relation to either the content or appearance of the ballot papers. The Act provides that the subject of a referendum must be stated on the ballot paper by citing the short title of the Bill containing the proposal as passed by both Houses of the Oireachtas.

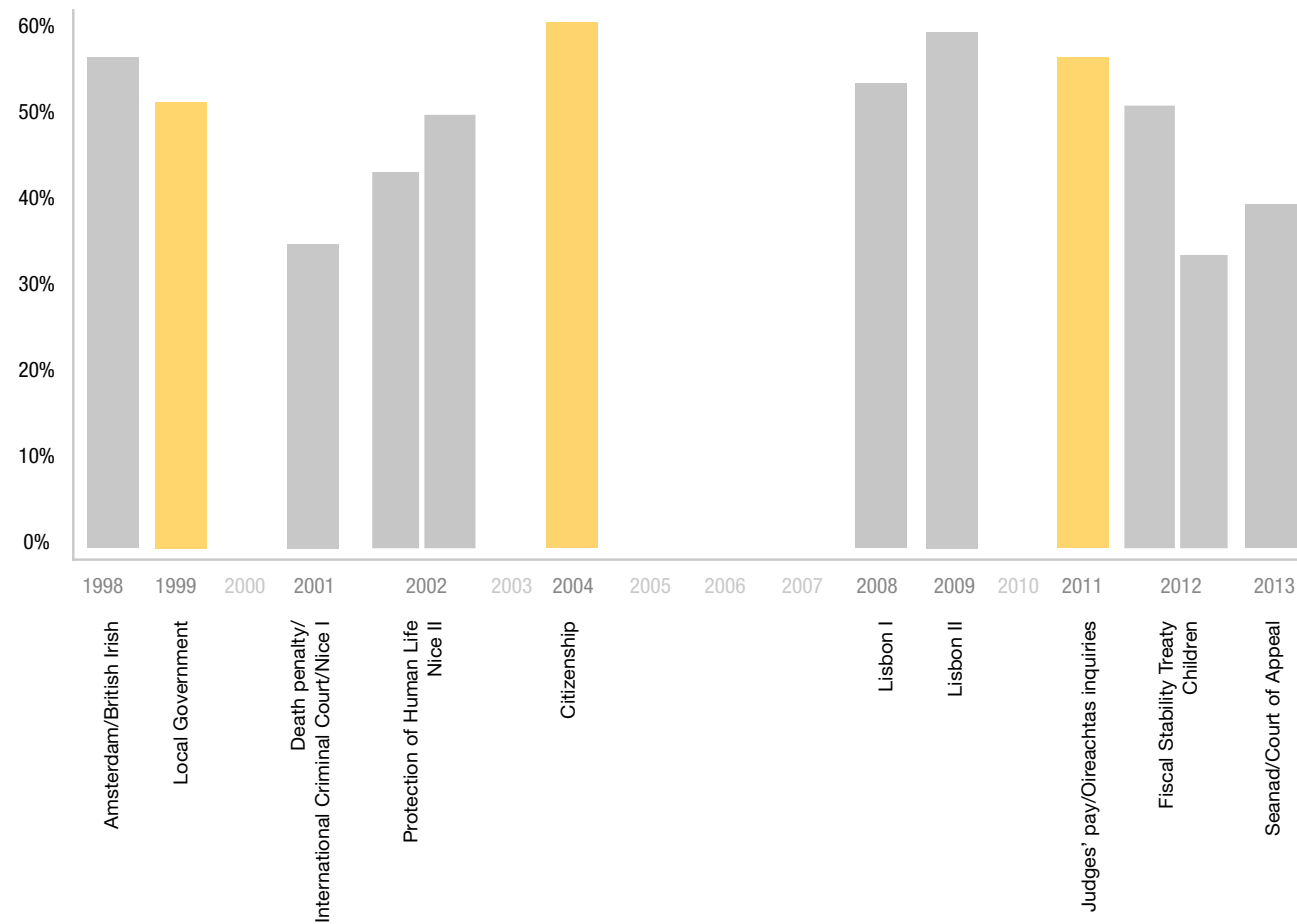
The Commission's post-campaign research showed evidence of confusion among voters in relation to the ballot papers. There was significant confusion in relation to the Seanad Referendum ballot paper; a Yes vote on this meant the voter approved the proposal to abolish the Seanad. However, the research has shown that 13% of those surveyed and who said they voted Yes actually wanted to retain the Seanad.

In any referendum campaign, the Commission's information campaign is just one of many factors which may contribute to the voter turnout. Other key elements are the level of public awareness of the referendum proposal, the nature of the campaigns for and against the proposal and the extent of the public debate on the issues. It may also be that voter turnout is influenced by the perceived impact of the result on the voters' personal circumstances. The turnout may also be increased by the fact that other elections are held on the same day.

As a transient body, the Referendum Commission is not in a position to commission research on the motivating factors behind turnout. A Commission with a continuing existence could do so.

## Chapter 3 The Commission's Information Campaign

Figure 1: Voter turnout in referendums 1998 to 2013



Denote referendums that were held on the same day as other polls such as local, European and Presidential elections.



### Importance of information for voters

Research conducted by this Commission and previous Commissions shows a strong, direct relationship between the reported level of understanding by voters of referendum proposals and their propensity to vote.

Voter understanding is increased through easy access to independent explanatory information, and from listening to lively public debate on the pros and cons of any referendum proposal. The Commission has no role in fostering debate, but it does work to provide information explaining the referendum proposals clearly and simply in many different formats. Without such easy access to such information, voters may feel they are not properly informed about the proposals and may be less likely to vote.

### Information campaign strategy

Previous Commissions have noted that the time scale in which they were asked to run information campaigns was very short. As a result, they felt that publications such as the independent guide delivered to all homes, the website, and the advertising campaign had to be produced under significant time constraints.

On this occasion the legislation enabling the Seanad referendum passed all stages in the Oireachtas on 23 July, and that enabling the Court of Appeal referendum passed all stages on the following day. There were therefore over 70 days between the passage of the necessary legislation and the poll, compared to just 38 days between the passage of the legislation and polling day for the Children Referendum.

This gave the Commission time to plan and run a better campaign, using voter research to improve the presentation of the guide and allowing all campaign elements to be integrated, thus making the Commission's presence during the referendum campaign stronger and more coherent.

Based on the research and feedback from the previous referendum campaigns, the Commission decided that a key element of its campaign should once again be a guide to the referendums to be prepared and distributed to all homes in the State. However in light of the extra time available to this Commission it decided on a more

ambitious strategy of integrating the guide with a strong online presence involving an expanded website with substantial video and text content and engagement on social media through Twitter and Facebook.

The purpose of the guide was to provide voters with a balanced and informative explanation of the proposed amendments to the Constitution. The Commission drafted the guide with the help of its external legal and communications advice. The additional time allowed the Commission to conduct focus group research with members of the public prior to publication and this provided helpful feedback which led to some changes in design, layout and phraseology.

The guide was distributed nationwide to over 2 million homes and to public libraries. The content of the guide was published on and could be downloaded from the Commission's website, together with additional explanatory material. The additional material was also sent to voters on request.



The Commission also prepared a substantial advertising campaign on television, radio, outdoor, press and in online digital and social media. The purpose of each element of the advertising campaign was to promote awareness of the two referendums, to encourage people to vote and to direct the public to the many ways in which they could access the Referendum Commission's information about the referendums. There was a high degree of accessibility to the information via the Referendum Commission's guide and website. The advertising campaign promoted this fact, by showing that the information could be accessed "wherever you are", on a mobile phone, tablet, desktop computer, in a library or in print in one's own home.

The Chairperson and Commission spokespersons gave a number of broadcast interviews in the course of the campaign to explain the referendum proposals and to encourage voting. It held a press launch which was covered well by all media. The Chairperson wrote several articles for different newspapers to explain the proposals.

The Commission also ran a campaign in advance of the referendums to encourage people to check the electoral register and to add their names to the register if they were not already on it while they still had time to do so. Once again, the Commission used a Facebook application to facilitate this and promoted the details of its campaign using social media.

## The principal elements of the Commission campaign were as follows:

1. An information guide explaining in detail what the referendums were and what the electorate was being asked to vote on;
2. A dedicated website, referendum2013.ie, containing the guide as well as background information on the referendums and proposed amendments to the Constitution, and shareable video content;
3. A Register to Vote campaign involving press statements, online advertising and the use of a Facebook app to facilitate checking the register and downloading voter registration forms;
4. A national advertising campaign on television, radio, press, outdoor and online to raise awareness of the referendums, to encourage people to vote and to direct voters to the many places where further information was available;
5. Regular supplementary communication including:
  - the holding of a press conference to announce the campaign and give details of the guide;
  - providing spokespersons to be interviewed about the role of the Commission and the content of the proposals to national and regional radio;
  - issuing press statements to regional press encouraging voters to access the information and to vote;
  - publishing newspaper articles by the Chairperson explaining the proposals;
  - using the social media Facebook and Twitter to give details of Commission activity, to respond to individual queries and to encourage voting;
  - operating a LoCall line through which people could ask specific questions and get material posted to them;
  - responding to email requests for information.

## Campaign elements

### The guide

Since the first Referendum Commission was established in 1998, delivering a guide to the referendum proposals to every home in the country has been the key element of every Referendum Commission information campaign.

However, taking account of the fact that the means by which people access information has changed substantially since 1998, and that the costs of producing and delivering the guide are substantial, this Commission reviewed the guide and its distribution methodology in terms of efficacy at the start of this referendum campaign. Despite the ever-increasing importance of online sources of information, the Referendum Commission research following the Children Referendum once again highlighted the importance of a "hard copy" guide to citizens: 72% of those who recalled that they received it said they had read all or some of the guide (an increase on previous referendums), with almost half admitting that the guide helped them make a decision on how to vote. On that basis, the Commission decided that distribution of the guide – which dealt with both referendum proposals in one publication – to every home remained a vital part of the communications campaign.

Having reviewed the costs of distribution, the Commission decided to use An Post's Publicity Post Service to deliver the guide, rather than individually addressing and posting it to voters (which would have cost more than five times as much).

As with previous referendums, the guide was A5 sized. It contained 12 pages in English and 12 in Irish, under the same cover in accordance with the Commission's obligations under the Official Languages Act.

A large print version of the guide was produced for persons with a sight disability and distributed through the National Council for the Blind of Ireland (CBI). The Commission produced a special Irish Sign language version of the information videos for distribution via the Irish Deaf Society and DeafHear. This video was also available on the Commission's website. The Commission also produced a version in Braille which was distributed by NCBI. In addition, a special guide explaining the referendum process was developed for the Down Syndrome Ireland website which was shared with other groups working with people with intellectual disabilities and was also available on the Commission's own website.

With previous referendums, the lead time between establishing the Commission (after the announcement of the referendum) was usually very short – as little as six weeks, in some cases. This meant that the guide had to be produced in advance of the other campaign materials, owing to its longer production and distribution lead times, with the result that the imagery used in the guide differed from that used in the rest of the campaign. The longer lead times for these referendums meant that the entire communications campaign used the same visuals, the same presenters and voice-overs across all media, resulting in a greater cumulative effect for the campaign.

The written, translated and designed guide was delivered to the printer on 23 August, to allow for distribution to take place between the 12 September and 20 September, thus giving voters at least 2 full weeks before voting day. An Post reported that all of the guides were delivered within the agreed dates. Subsequently, some people contacted the Commission reporting that they had not received the guide; copies were posted to those people who notified the Commission of this in time.

### Website and social media

The Commission developed a dedicated website for the referendum: referendum2013.ie. The guide content formed the core of the website and the guide itself was available to be downloaded on site. The website also contained more detailed background information on the referendums.

As well as all information in text format, the website contained videos which explained the referendums in greater detail than could be done in the TV ad. Again, these were fully integrated using the same presenters in video, as on TV, radio, outdoor, press and online. The site also contained a video targeting young people and encouraging them to vote. In addition there was a video aimed at people with disabilities and encouraging them to vote. All text content, and the majority of video content, was available in English and Irish and complied with all of the best practice accessibility standards, including adjustable font sizes and the site was built to be responsive, so that the size and layout would automatically adjust according to whatever browser the person was using.

In addition, the site provided a 'before and after' detailed view of the relevant articles of the Constitution,

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highlighting the changes to each of the articles that would be made if the referendums were passed. This was viewable online and could be downloaded.

The website also included a link to the ‘check the register’ website operated by Ireland’s local authorities so that a voter could check to see if he or she was registered to vote.

Finally, the website had a social media newsfeed (Twitter, etc.) where users of the site could post comments and get replies from the Commission. This also allowed the Commission to publish regular information on issues that arose during the campaign on its website. The Commission highlighted its availability to deal with queries and gave prominence to its contact details.

The website was visited by 113,000 people, compared to 49,000 for the Children Referendum and 41,000 for the Fiscal Stability Treaty. The substantial increase in visitor numbers reflected the increased volume and variety of material available on it, the use of social media directing people to it and a strong advertising campaign which also directed people to it.

The Commission established a Facebook page for the first time in this campaign. It posted links to the check the register app, to guide content and to videos explaining the referendum and encouraging people to vote. It had a reach of close to 1.1 million in the week to 2 October. A Commission Twitter account gave regular information on publications and statements, and also responded to queries from the public.

## LoCall number and email

The Commission secretariat was available by phone or email to answer any queries raised by members of the public. In addition to the Referendum Commission’s own dedicated phone number and email address, the Commission established a LoCall number. Voters could call either of the phone numbers, or email the secretariat, if they wanted a copy of the guide posted to them, or if they wanted further information. The Commission advertised these numbers and the email address in the guide sent to all homes.

## Advertising and public information broadcasts

Advertising is at its most effective when conveying simple strong messages. Most forms of advertising are not well suited to explaining something detailed, such as a constitutional referendum proposal. However it can be very powerful when used to raise awareness of a forthcoming poll, to communicate the central headline messages on what such a proposal is about, and to encourage voting.

In this campaign advertising on different media served different functions. The television advertising campaign – which comprised short 40 second advertisements – focused on raising awareness of the referendums and encouraging viewers to seek unbiased information on the referendums from the Commission in one of the very many places where it was being provided (“wherever you are”). Advertising on radio, outdoor, in press and online also directed people to the website to get more information and encouraged them to vote.

In addition, the longer public information broadcasts contained detailed information about the content of each proposal – separate broadcasts were prepared for each one.

## TV advertising

The 40 second television advertisement was based on a single narrative which ran through the commercial but was seamlessly delivered by several different people, representing different demographics, in several walks of life. The narrative was delivered by the presenters, each of whom picked up the sentence where the previous person left off, and by the direction, where a ‘camera wipe’ took the viewer from one scene to another, without loss of continuity. The advertisement highlighted the large number of ways that the information provided by the Referendum Commission could be accessed, showing it on a range of hand-held and desktop devices, while also showing the guide being delivered to homes in a street. The television advertising was broadcast on RTÉ, TV3e, TG4, Sky Group, E4 and Setanta.

## Radio advertising

The Commission produced a 40 second and a 10 second radio advertisement for national and local radio stations. It produced Irish versions of the public information broadcasts for use on Irish language stations. It also produced a special 30 second commercial, specifically for use on Spotify, targeting a younger audience. In addition, ten 10 second commercials were produced, five to run the day before the referendum and five on the day of the referendum, to encourage people to get out and vote. The commercials ran on RTÉ stations, Today FM, Newstalk, 98FM, FM104, all local radio stations and youth-targeted stations such as Spin FM, Beat, Phantom FM, Red FM and iRadio.

## Public information broadcasts – TV

For the first time, the Commission was able to integrate the public information broadcast with the TV advertisement – using the same presenters, in the same locations, to deliver a longer script for both the Court of Appeal and the Seanad referendums. In previous referendums, these broadcasts were delivered by a single individual, usually in a studio, but there was a lot of information to be conveyed – which was demanding of the viewer. So, for these referendums, the use of the same presenters and locations allowed for better communication of the information. This was only possible because of the additional time that was available to the Commission to plan and prepare the information campaign.

As well as the public information broadcasts on each of the referendums, for the first time the Commission also developed broadcasts aimed at students and young people specifically. The Commission increased both the duration of the public information broadcasts and the number of them for these referendums. All broadcasts were placed on the Commission’s website and in social media.

## Public information broadcasts – Radio

The radio public information broadcasts in English followed the same narrative structure as the TV and radio ad – the content being delivered in sequence by a number of different people in different locations. For the Irish versions, a single presenter delivered the entire broadcast.

The Commission received excellent co-operation from all broadcasters in relation to the provision of free airtime at peak viewing and listening periods for these broadcasts and wishes to express its thanks to them.

## Press advertising

The main message of the national press advertisements was to encourage people to inform themselves about the referendum proposals.

## Outdoor advertising

Space was taken on 205 48-sheet Billboards nationally and on 600 6-sheet Adshel bus shelters.

## Online advertising

The online advertising formats worked in the same way as the other media, giving a headline idea of what the referendum proposal was, encouraging people to get further information and telling them where they could do so, and encouraging voting.

Some innovative new formats were also used, including a “cascade” format which ran on TheJournal.ie. The initial view opened to reveal more information when the user clicked on it, without leaving the site or opening a new tab in the browser. This format also allowed for the TV advertisement to be embedded so that viewers could watch the advertisement, again without leaving the site.

## Video on Demand (VOD)

The 40 second TV commercial was also run on VOD, as ‘prerolls’ before programmes. These were placed on RTÉ Player, TV3 Player and on YouTube.

# Chapter 4 Post-campaign research

After each referendum campaign, Referendum Commissions have generally undertaken voter research with a view to understanding what motivated people to vote or not to vote, and also to assess the effectiveness of its public information campaign. This research seeks to provide insights for any future Referendum Commission so that it could better plan its public information campaign.

The research began four days after polling day and was conducted on the Commission's behalf by Behaviour and Attitudes. It used a sample of 1000 voters and was quota controlled to represent the known demographics of the Irish electorate in terms of age, gender, social group and geographic location. The research findings are summarised here under various headings. The full research report is available on the Commission's website.

## Awareness

The research showed very high awareness of the fact that the referendums had taken place with 99% aware that the Seanad referendum had taken place and 94% aware that the Court of Appeal referendum had taken place.

they understood it to some extent. 32% said they did not understand it particularly well or did not understand it at all. Stated understanding of the Seanad Referendum was higher than in most recent referendums, but stated understanding was somewhat lower in the case of the Court of Appeal proposal. In the case of the Court of Appeal Referendum a lower number, 38%, said they understood it very well or quite well, 18% that they understood it to some extent and 44% that they did not understand it particularly well or did not understand it at all.

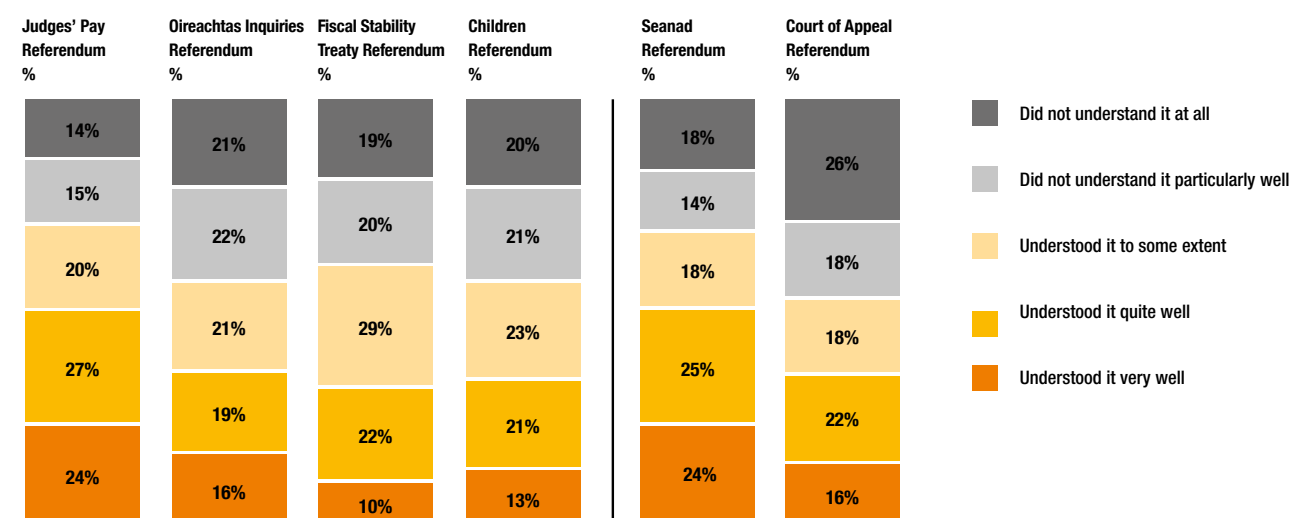
## Understanding of the referendum issues

In relation to the Seanad Referendum, 49% said they understood it very well or quite well, with 18% saying

Figure 2 shows how levels of understanding compare with the four referendums held in 2011 and 2012.

**Figure 2:** Understanding of referendums: 2011 – 2013

Base: All eligible voted



## Who didn't vote?

Some 52% of respondents said they had voted in the Seanad Referendum, with 51% saying they had done so in the case of the Court of Appeal. In fact, the turnout figure in both was just under 39.2%. Claimed turnout is higher than actual turnout, a phenomenon common in post-referendum research. But the research nevertheless points to some clear and familiar conclusions. Voting levels among younger and less well-off voters are particularly low, despite measures taken to target advertising and information at these groups in particular. This phenomenon, which is common to developed democracies worldwide, remains difficult to deal with.

Analysis of those who stated they did not vote shows significant differences between age groups and social classes. The stated proportion of the 18-25 group who said they had voted was just 19%. This figure rises steadily with age, and among the over 65s the stated turnout figure for the Seanad Referendum is 77%. Some 59% of the better-off ABC1 group and 60% of farmers said they voted in the referendums but just 44% of the less well off C2DE group said they did so.

## Why did voters not vote?

The researchers questioned all those who said they did not vote as to their reasons for not doing so. The most common reason given – by 30% in the case of the Court of Appeal and 32% in the case of the Seanad – was that they had no interest in it and weren't bothered to vote. A further 25% said circumstances didn't allow, they were busy, or there was some reason they could not get to the polling station.

However three other sets of reasons given by people for having not voted point to the challenge faced by successive Referendum Commissions in relation to their function of explaining the referendum proposals. In relation to the Court of Appeal some 18% said they did not vote because they didn't know enough, 13% said it was because they didn't understand the referendum, and 6% said they did not know which way to vote. So in relation to the Court of Appeal the reasons offered which suggested that voters felt uninformed added up to 37%. In relation to the Seanad proposal this figure was 35%. These figures are similar to previous referendums.

## The referendum debate

The Commission has no role in promoting debate between the yes and no sides, but it nevertheless sought to gauge voter perception of the level and quality of debate.

In relation to the Seanad Referendum 52% felt there was less debate than normal and in relation to the Court of Appeal Referendum 61% felt there was less debate than normal. The figure in relation to the Children Referendum was 51%.

## Effectiveness of the Commission's campaign

All previous Referendum Commissions have produced a printed information guide for national door-to-door distribution. This Commission considered at the outset of its campaign whether, at a time when more and more voters are getting their information online, the distribution of a printed guide was a cost-effective way of informing voters. Because the guide was still seen as quite useful or very useful by 48% in the Children Referendum campaign, the Commission again decided to produce and distribute a guide.

The results of this research show that 70% recalled receiving the guide. The Commission is aware that some people who receive the guide do not recall that they have done so, or do not see it after it arrives into a house which has several occupants.

Of those who recalled receiving it, 62% said they read some, most, or all of it. Among those who did use the guide, its perceived helpfulness is very high. 70% said it was very or quite helpful, a higher number than in any of the previous five referendums. The outcome suggests that the guide remains of value to many voters.

The level of recall of the Commission's television advertisement was also the highest of recent referendums. When shown the television advertisement used by the Commission, 82% of voters recalled it. This is a higher level of recall than in other recent Commission information campaigns. The measured level of effectiveness of the ad in letting people know a referendum was about to happen and encouraging people to find out more and to vote was also high.



## Timescale of campaign

The reports of past Commissions have referred repeatedly to the difficulty the Commission faces in preparing and executing a public information campaign in the very short period of time typically afforded to it between the passage of the legislation containing the wording of the amendment proposal through the Oireachtas and polling day.

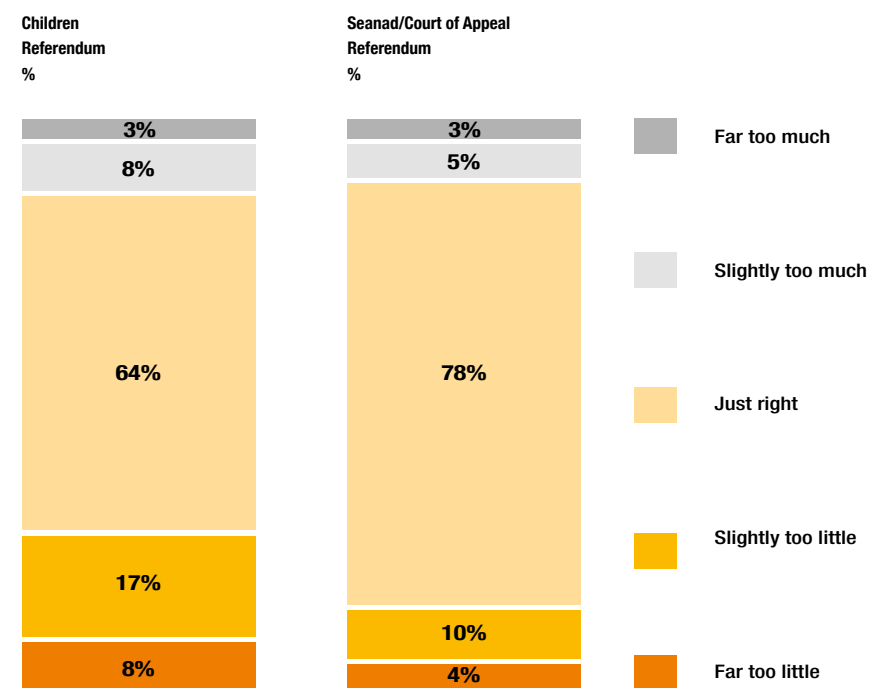
The Commission believes that the longer period this time was of benefit to it in fulfilling its statutory functions. For example, the design and text of the guide was examined by focus groups on this occasion, and the feedback from them was used to amend it with a view to making it more understandable. The research results showing a higher than usual voter perception that the guide was helpful may support this conclusion.

Similarly, the creative team working on the Commission's advertising campaign had more time to prepare their material and ensure that it was integrated – in other words the imagery and messages in the guide, TV, radio, press and online ads was consistent. This is done to add to the impact of the ads themselves and ensures the message of the ads comes across more effectively. The additional time given on this occasion undoubtedly improved the effectiveness of the communications material.

In the research the Commission asked voters whether they had enough time to consider the referendum proposals. The number who said they had not was considerably lower than usual. The comparative results with the Children Referendum are shown in Figure 3.

**Figure 3:** Amount of time voters had to consider the referendum proposals

Base: All Voted



## The ballot paper – ease of understanding

Overall, 55% of respondents said it was quite difficult or very difficult to tell from the Seanad Referendum ballot paper what they were being asked to vote for, and 47% said this was the case in relation to the Court of Appeal Referendum ballot paper.

The wording of a referendum ballot paper is prescribed by section 24 of the Referendum Act 1994. Figure 4 shows a sample of the Seanad Referendum ballot paper.

**Figure 4:** Sample ballot paper

**[Front of Ballot Paper]**

An bhfuil tú af toiliú leis an togra chun Bunreacht a leasú atá sa Bhille thíosluaite?

Do you approve of the proposal to amend the Constitution contained in the undermentioned Bill?

An bille um an Dara Leasú is Tríocha ar an mBunreacht (Deireadh a chur le Seanad Éireann) 2013

Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013

Ná cuir marc ACH SAN AON CHEARÓG AMHÁIN  
Place a mark in ONE SQUARE ONLY

MÁ THOILÍONN TÚ, cuir X sa chearnóg seo IF YOU APPROVE, mark X in this square	<table border="1" style="width: 100%; height: 30px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">TÁ YES</td> </tr> </table>		TÁ YES
	TÁ YES		
MURA DTOILÍONN TÚ, cuir X sa chearnóg seo IF YOU NOT APPROVE, mark X in this square	<table border="1" style="width: 100%; height: 30px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">NÍL NO</td> </tr> </table>		NÍL NO
	NÍL NO		

## Ballot paper confusion

The media and some callers to the Commission reported instances of voter confusion in relation to the Seanad Referendum Ballot paper. These reports suggested that some people who wanted to retain the Seanad saw a Yes vote as the logical thing to do, and similarly that a number of those who wanted to abolish the Seanad thought a No vote was the logical thing to do. The Commission decided to ask a question in its research to ascertain the extent of this confusion, if any.

A Yes vote was a vote to approve the proposal to abolish the Seanad. The research has found however that while 84% of those who said they voted Yes did so because they wanted to abolish the Seanad, 13% of declared Yes voters actually wanted the Seanad to be retained.

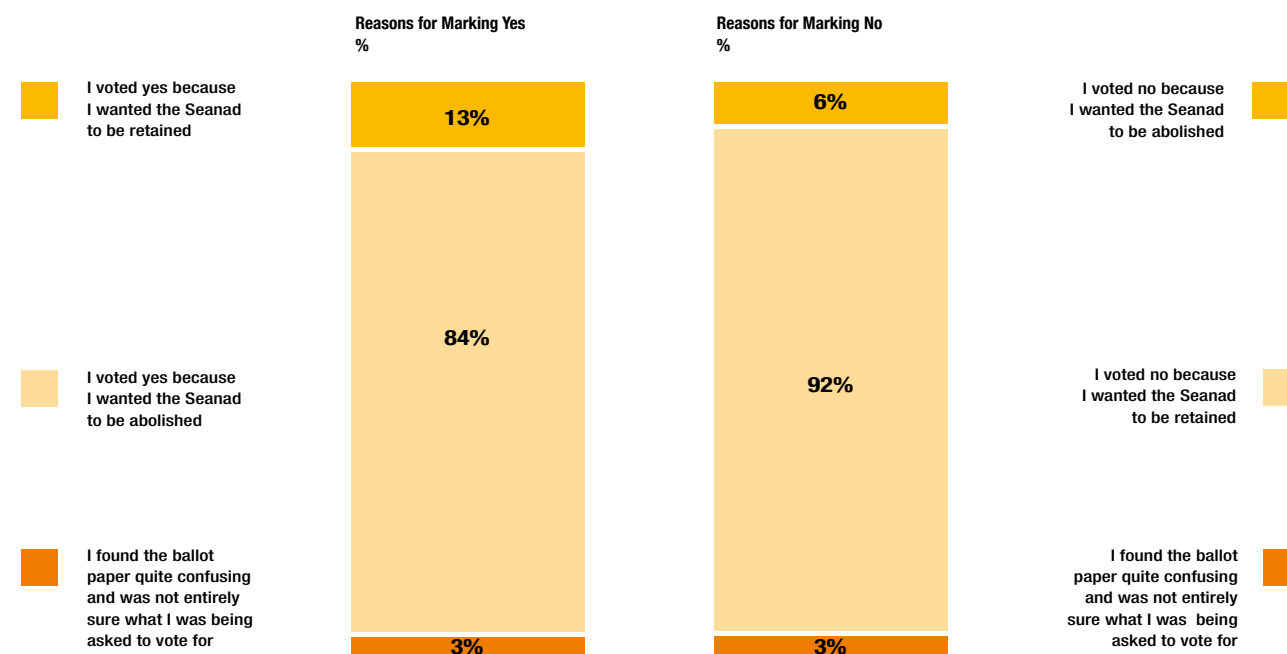
Some 92% of reported No voters voted that way because they wanted the Seanad to be retained, according to the research. However 6% who voted no said they actually wanted the Seanad to be abolished. See Figure 5.

It should be noted that if these research figures accurately reflect voter behaviour and intentions, the outcome of the referendum – the rejection of the proposal to abolish the Seanad – would have remained the same and indeed the margin of rejection would have been slightly greater.

This was the first occasion on which the Referendum Commission asked questions designed to probe possible voter confusion and ease of understanding of the ballot paper. Further research in this area would be worthwhile.

**Figure 5:** Reason for voting yes or no

Base: All voted yes/no in Seanad Referendum



## Chapter 5 Resources

### Funding of the Referendum Commission

The Commission was allocated €1.8 million by the Department of the Taoiseach for the Seanad Referendum and €1.5 million by the Department of Justice and Equality for the Court of Appeal Referendum, giving a total allocation of €3.3 million.

The total amount allocated compares to an allocation of €5 million for the first Lisbon Treaty campaign, €4.2 million for the second Lisbon Treaty campaign, a total of €2.25 million for the Judges' Pay and Oireachtas Inquiries Referendums, €2.2 million for the Fiscal Stability Treaty Referendum, and €1.9 million for the Children Referendum.

The Commission decided it would be prudent to run a joint information campaign on both referendums and it attributed the costs equally. Overall campaign expenditure was almost €2.4 million, broken down as shown in Figure 6. Throughout the information campaign, the Referendum Commission was highly conscious of achieving value for money and ensuring maximum effectiveness of the campaign. The Commission is satisfied that both these objectives were realised.

Subject to final payments on all accounts, unspent balances of around €600,000 and €300,000 will be returned to the Departments of the Taoiseach and Justice and Equality, respectively.

**Figure 6:** Expenditure on the information campaign

	€,'000	€,'000
Campaign management fees		325
Content research		68
Guide production and distribution		458
Audio visual broadcast production		282
New media production		161
Advertising production		23
Advertising purchases		
tv	377	
radio	283	
online	164	
outdoor	161	
press	59	1,044
Administration and other costs		25
<b>Total expenditure</b>		<b>2,386</b>

## Procurement

The Referendum Commission has no ongoing legal existence and only comes into being once established by Ministerial order. Decisions about procurement of goods and services for the information campaign can only be made after the Commission comes into existence. The short time available for the campaign means that complete new procurement processes cannot be undertaken for each campaign.

In August/September 2011, an open public procurement competition was held for the provision of marketing/project management/communications consultancy services to the then serving Referendum Commission. That Commission was established for the Judges' Pay and Oireachtas Inquiries referendums. The tender documents indicated that future Commissions could, at their discretion, award additional contract(s) for the same services if required for further referendum(s) that may be held within three years of the signing of the contract. After its establishment in June 2013, the Referendum Commission decided to avail of that option.

Following an open procurement process held in March/April 2012, the contract for the national distribution of the Commission's guide to the Fiscal Stability Treaty referendum was awarded to An Post. In the tender competition for that service, it was indicated that any future Commission could, at its discretion, grant a contract in the period up to the end of 2014 to the selected service provider. After its establishment in June 2013, the Referendum Commission decided to avail of the option to retain An Post to deliver its guide.

As in other recent campaigns, the Commission decided on cost grounds to deliver the guide to every residence through An Post's Publicity Post Service rather than using the more expensive method of having a copy of the guide addressed and posted to individual voters on the register of electors.

## Acknowledgements

The Commission is indebted to its service providers for assisting it to complete a wide array of tasks. The various broadcast outlets and the national press also deserve thanks for their active co-operation with the Commission.

As marketing/communications consultant to the Commission, Murray Consultants, and Mr Mark Brennock and Ms Aoibheann O'Sullivan in particular, played a vital role in ensuring that the various strands of the campaign were delivered on time and in a coordinated fashion. The creative advertising agency Chemistry and media buying agency Carat produced work of high quality under great time pressure. Mr Ray Sheerin of Chemistry and Mr Liam McDonnell of Carat deserve special thanks as do the teams working with them.

The skills of Ms Ita Mangan in drafting a wide range of information material greatly assisted the campaign. The Commission is also grateful to its legal advisor, Mr Peter Law of A&L Goodbody, to Senior Counsel, Mr Brian Murray and to Ms Ailbhe O'Neill BL.

The Commission is extremely indebted to its secretariat, provided by the Standards in Public Office Commission, for its work in assisting it through a highly pressured public information campaign. Without their help and knowledge, the Commission could not have carried out its functions. We would like to thank all of them and in particular Mr David Waddell. The Office of the Ombudsman provided other necessary facilities to the Commission and many of the staff of that Office also contributed to its work. The Commission is grateful to Ms Bernie McNally, Director General, Office of the Ombudsman, for that assistance.

## Chapter 6 Conclusions and Recommendations



The Commission's three main functions are to explain the subject matter of the referendum proposals and communicate these explanations to all citizens entitled to vote, to promote awareness of the referendum and to encourage people to vote. The Commission has assessed the effectiveness of the manner in which it discharged those functions in the Seanad and Court of Appeal Referendums.

The Commission is satisfied that it succeeded by its advertising campaign in raising awareness of the Referendums and in communicating a message as to the importance of voting. The Commission's research shows that people who indicated that they used the Commission's information guide said that they found it to be very useful. The research shows that a hard copy guide distributed to homes continues to be of value to many voters.



The number of visitors to the Commission's website trebled compared to the number of visitors for the Children Referendum and for the Fiscal Stability Treaty Referendum. The substantial increase in visitor numbers reflected the increased volume and variety of material available on it, the use of social media directing people to it and a strong advertising campaign which also directed people to it. There is a clear trend towards increased use of online sources of information but there remains a demand for a hard copy guide.

The Commission is satisfied that it had sufficient time in which to do its work. The information campaign was an effective one and this is borne out by the Commission's post-campaign research. The research also shows that the most common reason given by people questioned as to why they did not vote was that they had no interest in it and could not be bothered to vote. Low voter turnout for Constitutional referendums is a matter of serious concern and is deserving of further intensive research. There is also a significant issue in relation to very low voter turnout among young voters. There is a clear and urgent need for an ongoing campaign among young people – perhaps aimed at second level schools – to encourage voter registration and voting by young people. This work could only be done by the Referendum Commission if it had an appropriate statutory remit and a continuing legal existence.



Previous Commissions have recommended permanent legal status for the referendum commission and this



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Commission supports that recommendation. This would give continuity to the commission and potentially enable earlier preparation and planning. The Commission recognises that this recommendation would require legislative change.

The Commission also recommends that the referendum process be reviewed to ensure that it conforms to international standards such as the European Commission for Democracy through Law (Venice Commission) Code for Good Practice on Referendums (March 2007). Previous Commissions have also recommended this. This is particularly the case in the light of the reported confusion in relation to the ballot papers. Paragraph 3.1.c of the Venice Commission's Guidelines states that the question put to voters must be clear and must not be misleading.

Adequate time is essential for any referendum commission and this Commission wishes to stress this point. This can be done without legislative change by increasing the time for consideration of Bills to amend the Constitution. The Houses of the Oireachtas might consider mandatory pre-legislative hearings by the appropriate Oireachtas committee in the case of Bills to amend the Constitution and the taking of Committee Stage of the Bill in open-ended plenary session in the Dáil. Such an enhanced debate may also have the benefit of raising public awareness of the issues relevant to the referendum proposal immediately prior to the commencement of the referendum campaign proper. The Referendum Commission recommends:

- that future Commissions also be granted adequate time in which to plan and complete their work. Such time can be granted without the need for legislative change.

The Referendum Commission recommends that consideration be given to legislative change

- to give permanent legal status to the Referendum Commission
- to ensure that the referendum process conforms to accepted international standards.



**Elizabeth Dunne**, Chairperson



**Kieran Coughlan**, former Clerk of Dáil Éireann



**Deirdre Lane**, Clerk of Seanad Éireann



**Emily O'Reilly**, former Ombudsman



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