

**REPORT OF THE REFERENDUM COMMISSION
ON THE REFERENDUM ON THE**

**TWENTY-SEVENTH AMENDMENT
OF THE CONSTITUTION BILL 2004
(IRISH CITIZENSHIP)**



Referendum
Commission



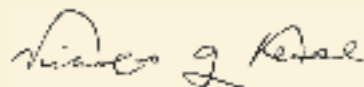
An Coimisiún
Reifrinn

Foreword

Pursuant to Section 14(1) of the Referendum Act, 1998 I hereby present to the Minister for the Environment, Heritage and Local Government the report of the Referendum Commission in relation to the performance of its functions in respect of the referendum on the Twenty-seventh Amendment of the Constitution Bill 2004.

On the 22nd of April 2004 the Minister set up the Referendum Commission, by means of an Establishment Order, to carry out the provisions applicable to it under the Referendum Act, 1998, as amended by the Referendum Act, 2001, in respect of the aforementioned referendum.

Following my nomination by the Chief Justice, I became Chairman of the Commission, the other four members being the specified *ex officio* appointees.



Nicholas J. Kearns
Chairman
Referendum Commission

December 2004

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Under the Referendum Act, 1998 on each occasion that a referendum falls to be held the establishment

PART 1 **BACKGROUND**

Chapter 1

Establishment and Funding of the Referendum Commission

of a Referendum Commission is at the discretion of the Minister for the Environment, Heritage and Local Government. A Commission is created by means of an Establishment Order issued by the Minister in respect of the proposed referendum. The Act of 1998 provides that the Chairman of the Commission shall be a former judge of the Supreme Court or the High Court or a judge of the High Court. The other members of the Commission shall be the Clerk of the Dáil, the Clerk of the Seanad, the Ombudsman and the Comptroller and Auditor General. Referendum Commissions have previously been established in connection with the following referendums:

Amsterdam Treaty and the Northern Ireland Agreements which were held on 22 May 1998;

Constitutional Recognition for Local Government which was held on 11 June 1999;

Abolition of the Death Penalty, the Acceptance of the Jurisdiction of the International Criminal Court and the Treaty of Nice which were held on 7 June 2001;

Abortion referendum which was held on 6 March 2002;

Treaty of Nice which was held on 19 October 2002.

Subsequent to the 2001 referendums the Commission's statutory role was amended in accordance with the terms of the Referendum Act, 2001. This removed from the Commission the statutory role of outlining the arguments for and against referendum proposals or of fostering and promoting debate and discussion on referendum proposals. The Commission would, however, continue to have the statutory role of explaining the subject matter of the referendum to the electorate. In addition, it was granted a new role of promoting public awareness of the referendum and encouraging the electorate to vote at the poll.

On 22 April 2004 the Minister made an Establishment Order (see Appendix 1) in respect of the referendum on the Twenty-seventh Amendment of the Constitution Bill 2004. Mr Justice Nicholas Kearns, Judge of the High Court accepted the nomination of the Chief Justice to act as Chairman of the Referendum Commission established by the Minister.

The date set for the referendum was Friday, 11 June 2004, the same day as the local and European elections.

The Commission was allocated a budget of €4 million in respect of the information campaign. The level of funding allocated to the Commission was sufficient to enable it to undertake its various tasks. A breakdown of the expenditure incurred in the referendum campaign is provided in Appendix 3 of this report.

The Secretariat of the Commission was drawn from the Office of the Ombudsman and was based there.

Chapter 2

Initial Planning and Preparatory Work

Immediately following the Commission's establishment its Secretariat held discussions with representatives from An Post to explore the possibility of putting arrangements in place to carry out a nation-wide postal delivery on the run-up to the referendum on 11 June. As the referendum was taking place on the same day as the local and European elections An Post was facing into an extremely busy delivery period but it was agreed that a nation-wide delivery could be carried out, if the Commission so wished, provided certain printing deadlines were met. The Secretariat also arranged for work to commence immediately on the preparation of a comprehensive information booklet on the referendum proposals.

The Commission held its first meeting on 28 April 2004. It was agreed that a nation-wide delivery of a bilingual information booklet should be arranged. The Commission also agreed to carry out a selection process to engage an individual to work as a Communications Consultant to the Commission. It was agreed that following this a further selection process should be carried out to engage an advertising agency to plan and implement a comprehensive information campaign. Arrangements were also to be put in train to select a printer for the information booklet. The tendering process for this would be carried out by the Government Supplies Agency (GSA).

Following the first meeting the Commission issued a press release giving background information on its establishment and its plans for a nation-wide delivery. It also indicated that the Commission would hold a press conference at a later date.

Following the selection processes Mr Tim Collins of Drury Communications was appointed as Communications Consultant to the Commission and McConnells Advertising Agency was selected to plan and implement the information campaign. The printing contract was awarded to DC Kavanagh Ltd. by the GSA.

PART 2 REPORT ON THE REFERENDUM COMMISSION'S INFORMATION CAMPAIGN

Chapter 1

Publication and Distribution of Information Booklet

At a meeting held on 6 May 2004 the Commission agreed the final text of its information booklet. Arrangements were immediately made for its translation into Irish and then its design. The final booklet entitled *An Reifreann Um Shaoránacht Éireann/The Referendum on Irish Citizenship* consisted of fourteen fold-out A5 pages. The booklet explained the difference between constitutional and legislative rights in relation to citizenship and the background to the current provisions in the Constitution. It also outlined those areas in relation to entitlements to citizenship which were not enshrined in the Constitution. The booklet also contained the text of the current provisions in the Constitution, the text of the proposed changes and the implications of a Yes or a No vote. It also explained that in the event of a Yes vote the Government proposed to amend existing legislation but that this legislation was not being voted on in the referendum.

The final bilingual booklet was available through the Commission's website from 20 May 2004. During the printing process the booklets were individually addressed using an electronic database of the 2004 electoral roll provided by An Post. The print run of addressed booklets amounted to 2.3 million with a separate supply being made available to the Referendum Commission. The Commission sent copies to each member of the Dáil and Seanad and to members of the Gardaí, defence forces and diplomatic staff based abroad. Copies were also sent to members of the public who requested them from the Commission.

Due to time constraints and the need to meet delivery deadlines with An Post the booklets were printed on a staggered basis in an agreed sequence for various parts of the country. As the booklets were produced they were sent in bulk to the various An Post hubs around the country for onward local delivery by An Post. This process was completed by 31 May 2004.

The booklet was produced in Braille and in audio tape for persons with a sight disability and was distributed through the National Council for the Blind. In addition, the Commission produced a special sign language video of the booklet for distribution to Deaf Clubs throughout the country.

Chapter 2

Radio and Television Campaigns

The Commission ran an extensive radio and television campaign which commenced on 21 May 2004. As in previous campaigns it was decided to use “paid for” advertising in short 30-40 second format and longer “free to air” broadcasts which ran for 60 seconds. They were differentiated by the use of a location (a cafe) as opposed to a studio for the television broadcasts and the radio and television broadcasts were preceded by a voice-over introduction which identified them as Referendum Commission broadcasts.

The short advertisements used a relaxed cafe setting and an actress speaking to camera in a conversational style to engage the public. The initial advertisements concentrated on highlighting the date of the referendum, the role of the Commission and the fact that it would be delivering a booklet nation-wide which viewers and listeners were encouraged to read in order to inform themselves about the referendum proposals. In later advertisements the actress spoke to a companion and made some basic points on the implications of a Yes or a No vote and referred viewers and listeners to the booklet for further information. A further round of advertisements was used to again highlight the date of the referendum and to refer the public to forthcoming newspaper advertisements which were being published by the Commission as well as reminding people about the booklet which had been delivered. The final advertisement went out on polling day and stressed the importance of voting as well as giving the opening hours for polling stations.

The various longer studio-based broadcasts went in to more detail about the implications of a Yes or a No vote as well as encouraging the electorate to read the booklet. The Commission’s website was also highlighted in all advertisements and broadcasts as a source for the text of the booklet as well as more detailed background information on the referendum proposals.

Irish and English versions of the advertisements and broadcasts were aired. National and local radio outlets were used and the Commission’s output for television was aired on RTÉ 1, RTÉ 2, TG4, TV3, Sky, MTV and E4. The Commission received very satisfactory co-operation from all the media outlets in terms of the provision of air time and appropriate slots for its broadcasts.

Chapter 3

Referendum Commission

Website and Other Advertising

Following a competitive process a company was engaged to upgrade the Commission's website for the information campaign. The text of the Commission's booklet was made available on the website as well as background information on the Referendum Commission and the press releases issued during the campaign. In addition, detailed background information relating to the referendum proposals was provided. This included an outline of the law on citizenship by descent, citizenship by marriage and citizenship by naturalisation. Information was also provided on the rights of citizens and people who are not citizens. All information was provided in English and Irish.

The Commission held a press conference on 1 June to heighten public awareness of the referendum and to give full details of all elements of the Commission's information campaign. At the press conference the Chairman outlined the results of the Commission's research findings on levels of awareness and understanding of the referendum among voters. The press conference received widespread publicity.

For the first time the Commission used the innovative medium of adwalkers to heighten awareness of the referendum and its subject matter. It was used to target younger voters in particular and consisted of a nation-wide campaign in town centres and supermarkets featuring eight teams of people using portable screens to broadcast the Commission's television broadcasts and advertisements. The adwalkers were accompanied by people who distributed an information card explaining the implications of a Yes or a No vote and encouraging people to vote.

The information card was also distributed by thirty staff nation-wide at busy junctions and was again aimed at younger people in particular.

The Commission also ran an internet banner campaign which introduced the Commission, announced the date of the referendum and urged people to vote as well as setting out the implications of a Yes or No vote. It also provided a link to the more detailed information available on the Commission's website.

The Commission ran half page and full page colour advertisements in the national press on 5 June and 6 June and also on 10 June, the day before the referendum. The press advertisements set out the implications of a Yes or a No vote, encouraged people to read the Commission's information booklet and asked them to get out and vote. The advertisements also encouraged people to access to Commission's website. Irish language press advertisements were also placed. The Commission used radio and television advertisements to flag the newspaper advertisements to increase awareness of them.

Chapter 4

Approval of Bodies for the Purposes of the Referendum

Section 7 of the Referendum Act, 1998 makes provision for a body to apply to the Referendum Commission to seek a declaration that it is an approved body for the purposes of a referendum. Approved bodies are entitled to appoint agents to attend at the issue and opening of postal voters' ballot papers, at polling stations and at the counting of votes. Members of both Houses of the Oireachtas, who currently have the right to appoint such agents, would continue to have this right.

In order to become an approved body, an applicant must fulfil conditions and follow procedures set out in the Referendum Act, 1998.

These conditions and procedures are:

- the body must be a body corporate or unincorporated body which, or a branch of which, is established in the State, governed by a constitution, a memorandum of association or other such document or other written rules and having a membership of not less than 300;
- the body must have an interest in the referendum and have a name which is not identical to, or does not closely resemble, the name of a political party registered in the Register of Political Parties. A political party for the time being registered in the Register of Political Parties is deemed to be a body for the purposes of the Act and need not establish compliance with the above conditions;
- applications must be made on the official form, which is available from the Commission and must be submitted within such time as the Commission may specify.

The Referendum Commission may refuse to make a declaration if a body does not fulfil the relevant conditions, or fails to provide the Commission with reasonable information or documentation which the Commission considers necessary to determine the application.

The Commission may also revoke a declaration made by it in relation to a body where it is satisfied that false information has been furnished to it. The Act also provides, under section 9, that it will be an offence knowingly to provide false information in relation to an application.

On 30 April 2004 advertisements were placed in the national press seeking applications from bodies seeking approval for the purposes of the referendum. The specified closing date was 14 May 2004. Following the application process the Commission approved seven bodies. These bodies are listed in Appendix 2.

PART 3 OVERVIEW, ANALYSIS AND RECOMMENDATIONS

Chapter 1

The Referendum Commission and Time Constraints

This report covers the ninth referendum in which a Referendum Commission has carried out its statutory function since its establishment in 1998. It is the sixth report furnished by the Commission to the Minister for the Environment, Heritage and Local Government (and the Oireachtas) detailing the Commission's information campaign, drawing conclusions from its experience and making recommendations as a result of those conclusions.

With the exception of the second referendum on the Treaty of Nice the Commission has normally only been allowed between four to ten weeks to plan and implement its information campaigns (see Appendix 4). The Commission's starting point is determined by the date on which the Minister for the Environment, Heritage and Local Government issues the Establishment Order in respect of the Commission and of course the campaign must be planned and implemented in ample time for the electorate to make an informed judgement on the referendum proposals. In the case of a constitutional referendum under the Referendum Act, 1998 the Establishment Order can only be issued after the date on which the Bill containing the referendum proposals has been initiated in Dáil Éireann.

It is with a certain sense of frustration that the Commission must once again record the fact that on this occasion it was not permitted ample time to run a fully comprehensive information campaign. This is a matter which has been raised in most of the Commission's previous reports and in particular pages 62-63 of its campaign report on the Amsterdam Treaty and the Northern Ireland Agreements published in November 1998 and pages 11-13 of its campaign report on the first Treaty of Nice published in December 2001. In the circumstances, the Commission does not propose to again set out in detail here the logistical and other difficulties which arose during the campaign as a result of the lack of time. The point should be made however that future Commissions will be obliged to meet further statutory administrative requirements arising from the implementation of the Official Languages Act 2003 and this will compound the logistical difficulties which will have to be overcome if adequate time is not provided in future.

The Commission would however wish to highlight the recommendations of the Sixth Progress Report of the All-Party Oireachtas Committee on the Constitution which related to constitutional referendums. The Committee considered the terms of the Referendum Act, 1994 which provides for a minimum of thirty days and maximum of ninety days for the holding of a referendum once the relevant Bill has been passed. The Committee recommended that the minimum period of thirty days should not be set unless there is some urgent or non-contentious issue being decided upon. The Committee was of the view that the minimum period "is not ordinarily adequate." The Committee went on to state as follows:

"As far as the upper limit is concerned the committee is of the view that with complex proposals an upper limit of one hundred and twenty rather than ninety days may on occasion be required to ensure an exhaustive public campaign."

The Commission is of the view that democracy is not well served by allowing a minimal amount of time for the electorate to consider proposals to amend the Constitution. The Commission would strongly urge the Oireachtas to ponder the Commission's recommendation on this point (see page 15), particularly bearing in mind that the next constitutional referendum will most likely relate to the extremely complex issue of the EU's constitutional treaty.

Chapter 2

Quantitative and Qualitative Market Research

The Commission conducted quantitative and qualitative market research. The quantitative research was designed to establish a benchmark for pre-campaign and post-campaign understanding of the issues. The qualitative research was designed to gauge awareness and understanding of the referendum issues and to explore the Commission's information material with a view to ensuring that it was delivering a clear and unbiased message to the public and if not to make any necessary adjustments to the information material. The qualitative research was conducted by McConnells and the quantitative research was conducted by Lansdowne Market Research. There were three stages to the research. Stage 1 was conducted in advance of the launch of the Commission's information campaign and consisted of qualitative and quantitative research. Stage 2 consisted of qualitative research conducted mid-campaign and Stage 3 consisted of quantitative research conducted post-campaign.

Quantitative Research

The quantitative research was conducted in two stages with Stage 1 being conducted from 11 May to 20 May 2004 and Stage 2 being conducted from 12 June to 19 June 2004 as part of the fieldwork conducted by Lansdowne Market Research on their Telebus surveys. Respondents were chosen to demographically reflect the over 18 population of Ireland. During Stage 1 the total interviewed by telephone was 764, using a pre-determined, structured questionnaire. The Computer Aided Telephone Interviewing (CATI) methodology was used. The total interviewed in Stage 2 was 544 as that Telebus survey started on June 9 and so a number of respondents were ineligible. The majority of questions were only asked of those who were registered to vote which in the first stage was 707 respondents and in the second stage was 500.

The topics covered in the quantitative research included the following:

- Was the respondent eligible to vote;
- Awareness of the referendum -spontaneous and prompted;
- Prompted awareness of the Referendum Commission and understanding of its role;
- Perceived level of understanding of the referendum on Irish citizenship;
- Likelihood to vote;
- Main reason for not/might not vote;
- Spontaneous awareness of the main issues in the referendum;
- Prompted awareness and understanding of two main issues.

Quantitative Research - Main Findings

The Stage 1 results indicated that 92% of respondents claimed to be registered to vote and at Stage 2 the total was 90%. Awareness of the referendum stood at 81% initially and this had risen to 97% by Stage 2. In terms of unprompted awareness of the subject matter of the referendum 50% identified it as being Irish citizenship at Stage 1 and this had risen to 79% by Stage 2 with a further 2% indicating that it related to immigration. In Stage 1 a total of 30% claimed not to know what the referendum was about but this had decreased to 7% by Stage 2. In the first round of the research prompted awareness of the subject matter of the referendum stood at 80% and this rose to 98% by the second round. Awareness of the Referendum Commission rose from 57% initially to 68% and unprompted awareness of its role also increased by the end of the campaign.

Respondents were asked to gauge their perceived level of awareness of the referendum on a scale of one to five with five meaning the respondent understood the matter very well and one meaning the respondent had no understanding of the referendum. The initial research indicated that 13% claimed a good understanding and 26% claimed to have no understanding whereas in the second round the level of those with a good understanding had risen to 41% and those who said they had no understanding had decreased to 6% which was a significant improvement.

When asked about the likelihood of voting in the referendum 66% of respondents indicated that they would definitely vote in the referendum and a further 16% said they would probably vote. While there is a tendency on the part of respondents to respond positively to such questions, even allowing for the fact that the figures in the research would most likely exceed the number that would end up voting it was still a high level positive response which was borne out by the subsequent high turnout. In relation to those who indicated that they were undecided about voting or would not vote 43% of these indicated that the reason for this was that they did not understand what the referendum was about and a further 14% said they were not interested in voting. Of the respondents questioned in the second round after the referendum 86% claimed to have voted. Of those who said they did not vote 36% said they were too busy and did not get a chance to vote, 10% said they were not interested in voting and 6% said they did not vote because they did not know enough about the issues.

In the initial round of research respondents were asked to give their opinion as to what the main issues were in the referendum. The amount of those who did not know what the referendum was about stood at 35% By the second round this had been reduced to 5%. Those who identified clearly that it was about Irish citizenship or about introducing restrictions on the automatic right to Irish citizenship being granted to the children of non-Irish nationals rose from 43% at Stage 1 to 51% in Stage 2.

Respondents were prompted with two correct statements about what the referendum was about and were asked if they were aware of the issues in question. The first statement indicated that it was about the Government wishing to be in a position to pass legislation to govern how children born to non-national parents in Ireland would be granted Irish citizenship. At Stage 1 a total of 57% agreed with this statement and by Stage 2 this had risen to 81%. The second statement indicated that it was about people born on the island of Ireland not having a Constitutional right to Irish citizenship, unless at the time of their birth, one of their parents was an Irish citizen, or entitled to be an Irish citizen. At Stage 1 a total of 76% agreed with this statement as being an issue in the referendum and by Stage 2 this had risen to 96%.

As part of the Stage 2 quantitative research conducted post-campaign the levels of awareness of respondents of the Referendum Commission's information material was gauged. A total of 82% indicated that they had either read, heard or received information from the Referendum Commission. Levels of awareness of the Commission's radio and television and of the Commission's information booklet stood at 88%. When asked to indicate the extent to which the Commission's information assisted respondents in understanding what the referendum was about 76% that the information they had been exposed to had been of assistance to them.

Qualitative Research

The objective of the qualitative research was to gauge the public's awareness and understanding of the referendum before and after seeing the Commission's information material. The research was carried out in two stages, pre-campaign and mid-campaign.

Stage 1 fieldwork was carried out on May 13 and May 17 in Dublin and Tipperary involving a total of four discussion groups consisting of males/females aged 20 to 60 years. All were registered to vote with a mix of those intending/not intending to vote. Stage 2 fieldwork was carried out on May 31 in Dublin and Ballinasloe involving a total of four discussion groups consisting of males/females aged 20 to 60 years. All were registered to vote with a mix of those intending/not intending to vote.

Qualitative Research - Main Findings

Stage 1 research revealed that awareness of the referendum and the issues tended to be higher among older respondents with those in their early twenties having low levels of awareness and those over thirty-five having a relatively high level of awareness. However, very few claimed to be clear on all the issues involved in the referendum. Some expressed the view that the referendum related to the need to prevent non-national pregnant women from coming to Ireland solely to get Irish citizenship for their children while others felt it related to a need to bring Ireland into line with immigration laws in other European countries.

There was widespread confusion among respondents as to what a Yes or No vote would mean. Most felt that a No vote would mean introducing a more restrictive regime in terms of the granting of Irish citizenship and that a Yes vote would mean permitting a more liberal regime.

When asked for their reaction to the Commission's information booklet most felt it was important that explanatory and unbiased information should be provided to the electorate. When shown the booklet many respondents expressed the view that they would probably put it aside with the intention of reading it at a later date and might not necessarily read it at all. They felt that the booklet contained a lot of text and was not attractive. They felt that the language used was not very accessible and was overly legalistic and certain terms were not understandable e.g. "Oireachtas". When asked to study the booklet some felt that the relevant information was contained in it but it might not be accessible to the electorate generally.

When shown some of the Commission's television advertisement respondents found them to be much clearer with perhaps some room for improvement. They felt that the language used was clearer than in the booklet but in places they felt that the delivery was a little rushed which could distract from the message. There was generally a positive reaction to the presenter who came across as being credible while delivering a serious message in a pleasant manner. The advertisement was set in a cafe which respondents preferred to a studio setting because it made it look more normal and unlike a party political broadcast. They also felt that the use of Yes and No graphics on the screen aided clarity and comprehension.

While some respondents welcomed the fact that more detailed background information would be made available by the Commission on its website the point was made that not everyone would have access to such material.

When queried on their knowledge of the Referendum Commission many at first said they were not aware of its existence yet when probed as to the Commission's role many gave a fairly accurate response. In terms of the content of the information to which the respondents were exposed the general consensus was that the material was unbiased.

Stage 2 of the qualitative research was held in mid-campaign. All respondents were familiar with the referendum at some level. Many expressed the view that non-nationals were using Irish citizenship to unlock access to everything Ireland had to offer and that non-national parents were hoping to get Irish citizenship through their children getting citizenship. There was a strong view that the Yes camp was in the ascendancy.

Different voters wished to have different levels of information depending on their interest in and understanding of the topic. Many of the younger respondents had no interest in voting and claimed that they did not read newspapers or watch the news. Many started off by claiming that a lack of information was the reason they would not vote but when pressed it became plain that they were not interested in seeking out information and if they did they were only interested in sound bite information. Many young people found the post card produced by the Commission to be very useful as it gave a very simple and brief synopsis of the implications of a Yes or a No vote.

There was still a lack of understanding by many people of the terms being used in some of the information material and the difference in meaning of some of the terms e.g. "constitution", "legislation", "Acts", "Bills", "Oireachtas" etc. Many lacked a basic understanding of these various terms which made the information material more difficult to comprehend.

Chapter 3

Effectiveness of the Individual Elements of the Campaign

Information Material

The various strands of the Commission's information campaign were prepared under severe time constraints. The crucial core document was the information booklet (see Chapter 1 of Part 2) which was distributed nation-wide. While great care was taken to ensure that the document was accurate, objective and comprehensive if the Commission had been given more time it would no doubt have been possible to produce a document which was more accessible to the electorate. The Commission's research (see Chapter 2 of Part 3) indicated that some readers found it difficult to come to grips with the booklet. Unfortunately, due to a series of deadlines which had to be met in order to translate and design the booklet in time to have it printed and distributed nation-wide it was not possible to test alternative versions of the booklet before issuing it. The Commission decided to undertake a small research project after the referendum to test alternative models in focus groups to see what kind of improvements could have been made if more time had been available. This research would also be useful in preparing future information material.

The Commission believes that its website continues to be a useful tool in the dissemination of more detailed information material on referendums and feedback received through its website was used to identify issues of concern to the electorate. The Commission is of course conscious that the website material is not accessible to all voters but it is nonetheless an information source which is being increasingly used by the public.

While the Commission's television and radio campaign had to be put together very quickly the general reaction to the output, as reflected in the Commission's research, was quite positive.

The Commission decided to confine its press campaign to national newspapers due to the extensive amount of electoral advertising in local newspapers which would have blunted the impact of an information campaign in local newspapers. The Commission did, however, make extensive use of local radio for its broadcasts and advertisements. The Commission had originally planned to reproduce the main elements of its information booklet in the final round of press advertising immediately before the referendum but amended its strategy to deliver a pared down message to highlight the implications of a Yes or a No vote. This change of strategy was as a result of the clear confusion among respondents in the research groups about the impact of a Yes or a No vote.

While the use of adwalkers and the distribution of information cards (see Chapter 3 of Part 2) can only reach a limited audience they were important in terms of reaching out to younger voters in large population centres.

Voter Turnout

In view of the Commission's statutory remit to encourage the electorate to vote in referendums the level of the turnout is clearly one of the measures by which the success or otherwise of an information campaign is measured. The Commission has previously expressed the view that a turnout of anything less than 50% in any referendum is not satisfactory. On this occasion the turnout was 59.9% which was the highest turnout in a referendum since the divorce referendum in 1995 which had a turnout of 68.2% and in fact over 90,000 more people voted in the citizenship referendum compared to the divorce referendum due to the increase in the size of the electorate since 1995 which means it was the highest number of people ever to vote in a referendum in Ireland.

With the referendum being held on the same day as the European and local elections this clearly boosted turnout. In the absence of detailed research it is difficult to be precise as to the reasons why the turnout was so high and to gauge the impact that the Commission's campaign had on turnout. However, it does compare favourably with the turnout in the referendum on Local Government in June 1999 which was 51.08% and that referendum was also held on the same day as the European and local elections. Almost 400,000 more people voted in the citizenship referendum compared to the Local Government referendum.

During the second Treaty of Nice campaign the Commission was allowed the time to commence with a campaign dedicated to encouraging people to register to vote in time for the referendum and a number of special measures were taken, such as a specially produced broadcast for cinemas, which were aimed specifically at encouraging people to vote. Due to time constraints it was not possible to carry such initiatives on this occasion. This could possibly have increased turnout further on this occasion.

Irish Language

The Commission put much effort into the provision of information through the Irish language. For the first time the information booklet delivered nation-wide was bilingual. Irish language television and radio broadcasts were aired. Irish language versions of the Commission's press advertisements were published and all other information such as press releases and background information on the referendum were produced in Irish and published in the Irish language section of the Commission's website. This was no easy task and in seeking to provide a good quality and prompt service in Irish the Commission had to meet very tight deadlines in making the material available to the public and in this regard the Commission was very much indebted to Daithí Ó Luineacháin for the professional translation service he provided to the Commission. Sadly, Daithí passed away in June 2004 and the Commission offers its sincere condolences to his wife Rocio and family. It is a testament to Daithí that the Coimisinéir Teanga wrote to the Commission after the referendum commending it on the extent and quality of its Irish language services.

Electoral Matters Generally

Looking at the broader electoral landscape in Ireland the Commission is of the view that in addressing areas of operational difficulties encountered by the Referendum Commission arising from experience gained in nine referendum campaigns there is a case to be made for consideration by the Oireachtas of the establishment of an independent Electoral Commission. This was previously raised in the Commission's report on the second Treaty on Nice campaign published in March 2003 (pages 23 and 29-33 refer). The Commission has included recommendations on this point in page 15 of this report.

These recommendations are generally in line with a recommendation contained in the First Progress Report of the All-Party Oireachtas Committee on the Constitution published in 1997 which called for a permanent Electoral and Ethics Commission to be established and enshrined in the Constitution to take over the functions of the Public Offices Commission, as it was then called, the Constituency Commission and the Referendum Commission which was being mooted at the time.

Chapter 4

Recommendations

Based on its experience in this and previous referendum campaigns the Commission sets out hereunder a number of recommendations to the Minister for the Environment, Heritage and Local Government who has overall responsibility for electoral matters. The Commission also requests the Oireachtas to give consideration to these recommendations in the interests of a more coherent and strategic approach to the management and regulation of electoral matters generally.

- (1) While there was a relatively high turnout in the referendum, the Commission's research shows low levels of participation by young voters. This may partly be explained by the fact that many of this group are not on the register. Previous Commissions have identified voter apathy as a significant and growing problem which requires research as to both its causes and as to measures appropriate to change that situation. By reason of its limited role, the Referendum Commission has neither the legal authority or budgetary means to discharge this function.
- (2) The Referendum Commission believes that for these reasons, and for others stated below, consideration should be given to the consolidation of electoral functions which are at present spread amongst a variety of statutory bodies, including the Referendum Commission, the Standards in Public Office Commission (in part), the Constituency Commission, the Electronic Voting Commission and the Department of the Environment, Heritage and Local Government. An independent Electoral Commission could oversee referendums and elections at both local and national level, enforce electoral legislation, monitor election spending, promote public awareness and regulate political parties.
- (3) Such a body would have the additional advantage of being a permanent and ongoing body, which in the case of referendums at least, would have ample time to prepare and promote public awareness of important constitutional amendments, in which respect the forthcoming referendum to ratify the EU Constitution is an obvious example. In any event, ample time clearly must be given to the Referendum Commission to enable it to explain and promote awareness of the referendum on the EU Constitution.
- (4) Reforms such as those outlined above would address repeated requests from previous Referendum Commissions that they be given more time to discharge the statutory functions conferred by existing legislation.

Chapter 5

Acknowledgements

The Commission is once again indebted to all its service providers for enabling it to complete a wide array of tasks under severe time constraints. The various broadcast outlets deserve special mention for their active co-operation. As Communications Consultant to the Commission Mr Tim Collins played a vital role in ensuring that the various strands of the campaign were delivered on time and in a co-ordinated fashion. The skills of Ms Ita Mangan in drafting a wide range of information material greatly assisted the campaign.



Mr Justice Nicholas Kearns, Chairman



Mr Kieran Coughlan, Clerk of the Dáil



Ms Deirdre Lane, Clerk of the Seanad



Ms Emily O'Reilly, Ombudsman



Mr John Purcell, Comptroller & Auditor General



Mr Tom Morgan, Secretary to the Referendum Commission

APPENDICES

Appendix 1

Establishment Order in Respect of the Referendum on the Twenty-seventh

S.I. No. 170 of 2004

Referendum Act, 1998.

Referendum Commission (Establishment) Order 2004

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 2 of the Referendum Act, 1998 (No. 1 of 1998), hereby orders as follows:

1. This order may be cited as the Referendum Commission (Establishment) Order 2004.
2. A Referendum Commission is hereby established to undertake the functions assigned to it by the Referendum Act 1998, as amended by the Referendum Act 2001, in relation to the proposal for an amendment of the Constitution contained in the Twenty-seventh Amendment of the Constitution Bill 2004.

GIVEN under the Official Seal of the
Minister for the Environment,
Heritage and Local Government,
this 22nd day of April, 2004.

Martin Cullen

Minister for the Environment,
Heritage and Local Government

Appendix 2

Bodies Approved for the Purposes of the Referendum

Fianna Fáil

Áras de Valera
65 - 66 Lower Mount Street, Dublin 2

Fine Gael

51 Upper Mount Street, Dublin 2

Green Party

5a Upper Fownes Street, Temple Bar, Dublin 2

The Labour Party

17 Ely Place, Dublin 2

Progressive Democrats

25 South Frederick Street, Dublin 2

Sinn Féin

44 Parnell Square, Dublin 1

The Workers Party

23 Hill Street, Dublin 1

Appendix 3

Expenditure on the Information Campaign

	€
Braille & Audio Tapes	2,949
Communications Consultants	70,297
Legal Fees	20,284
Other Advertising Costs	121,917
Postal	1,011,087
Press Advertising	208,980
Printing & Design of Publications	175,300
Public Awareness Research	44,286
Radio & Television Advertising and Broadcasts	1,416,723
Translation	1,161
Website	17,303
Miscellaneous (Office supplies etc.)	2,561
*Total	€3,092,848

*Subject to Final Accounts

Appendix 4

Overview of Referendum Commission Information Campaigns to Date

Referendum	Date of Establishment	Date of Referendum
Amsterdam Treaty	2 March 1998	22 May 1998
Northern Ireland Agreements	22 April 1998	22 May 1998
Constitutional Recognition for Local Government	4 May 1999	11 June 1999
Abolition of the Death Penalty	17 April 2001	7 June 2001
Acceptance of the Jurisdiction of the International Criminal Court	17 April 2001	7 June 2001
The Treaty of Nice	17 April 2001	7 June 2001
Abortion Referendum	8 February 2002	6 March 2002
The Treaty of Nice	9 July 2002	19 October 2002
Irish Citizenship	22 April 2004	11 June 2004

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Dublin 2.

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