

**STRICTLY PRIVATE AND CONFIDENTIAL**

**THE CITIZENS ASSEMBLY**

**EXCERPT OF MEETING RE**

**THE EIGHTH AMENDMENT OF THE CONSTITUTION**

**HELD ON SUNDAY, 14TH JANUARY 2018**

**AT**

**GRAND HOTEL, MALAHIDE**

**FEEDBACK AND Q&A FROM MEMBERS**

I hereby certify the following to be a true and accurate transcript of my shorthand notes of the evidence in the above-named matter.

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**APPEARANCES**

**THE CITIZENS ASSEMBLY: MS. JUSTICE LAFFOY, CHAIRPERSON  
MS. SHARON FINEGAN, SECRETARY**

**TRINITY COLLEGE: DR. ORAN DOYLE  
PROF. RACHAEL WALSH**

**DUBLIN CITY UNIVERSITY: PROF. ROBERT ELGIE  
PROF. KEVIN RAFTER**

**UNIVERSITY COLLEGE CORK: DR. THERESA REIDY**

**QUEENS UNIVERSITY: PROF. JOHN GARRY**

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## **FEEDBACK AND Q&A FROM MEMBERS**

**CHAIRPERSON:** Now, we will start the question and answer sessions on the draft ballot paper. Before we do, I have a few comments to make. First of all, I want to draw your attention to your Expert Advisory Group who are here to answer questions which may arise. We have Oran Doyle and Rachael Walsh from Trinity College, they're the lawyers, and then we have the political scientists, we have Robert Elgie and Kevin Rafter from DCU, Theresa Reidy, whom you heard giving a very interesting presentation yesterday, from UCC, and John Garry from Queens University Belfast. So, we couldn't have a better range of experts to answer your questions.

Before we go into the questions, we're going to adopt an approach we adopted on the last occasion and which we felt worked very well. That is, I am going to go around the tables and I'm going to ascertain from the facilitator, from each facilitator the questions on which there is consensus; in other words, agreement at the relevant table. So I just want to emphasise, if there is agreement, you all understand that. If there is an agreement, let me know what question there is agreement on. I will call out the table and the facilitators needn't explain that they're facilitators, we all know that.

After I have gone around the 14 tables, the secretariat will do a tally of how many questions there is consensus on and we will put those questions to a vote to ensure that everybody is happy that we regard those questions as having been agreed.

So, I will start the process with table 1. Any agreement on any question?

**FACILITATOR TABLE 1:** Yes, table 1 is happy with Question 1, 3, 4, 5, 6, 7, 9 and 11.

**CHAIRPERSON:** Okay, very good. Table 2?

**FACILITATOR TABLE 2:** There is consensus of the citizens on table 2 with questions 1, 3, 4, 5, 6, 7 and 11.

**CHAIRPERSON:** Very good. Then table 3.

**FACILITATOR TABLE 3:** Table 3 is happy with questions 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11.

**CHAIRPERSON:** 10 and 11, thank you very much. Table 4?

**FACILITATOR TABLE 4:** Table 4 are happy with questions 1 to 8 through and 11.

**CHAIRPERSON:** Thank you very much. Now, table 5.

**FACILITATOR TABLE 5:** The citizens at this table are happy with questions 1, 2, 3, 4, 6 and 7.

**CHAIRPERSON:** Very good, thank you very much. Table 6?

**FACILITATOR TABLE 6:** Good morning, Judge. The citizens at Table 6 have consensus on questions 1, 3, 4, 5, 7, 8, 10 and 11.

**CHAIRPERSON:** Very good, thank you very much. Table 7?

**FACILITATOR TABLE 7:** The citizens at Table 7 are

broadly satisfied with 2, 3, 4, 6, 7, 8 and 11.

**CHAIRPERSON:** Thank you very much. Table 8, please.

**FACILITATOR TABLE 8:** The citizens on Table 8 are happy with questions 1 to 7 inclusive, 10 and 11.

**CHAIRPERSON:** Thank you very much. Table 9?

**FACILITATOR TABLE 9:** The citizens at Table 9 are happy with questions 1, 2, 3, 6 and 7.

**CHAIRPERSON:** Thank you very much. Table 10?

**FACILITATOR TABLE 10:** The citizens at this table are happy with questions 2, 3, 4, 6, 8 and 11.

**CHAIRPERSON:** Thank you very much. Table 11?

**FACILITATOR TABLE 11:** The citizens at Table 11 are happy with questions 1 through 7 inclusive and question 10.

**CHAIRPERSON:** Thank you very much. Table 12?

**FACILITATOR TABLE 12:** The citizens at Table 12 are happy with questions 1, 3, 4, 5, 6, 7, 9 and 11.

**CHAIRPERSON:** All right. Then Table 13?

**FACILITATOR TABLE 13:** The citizens at this table are happy with questions 2, 3, 4, 5, 6, 7, 8, 10 and 11.

**CHAIRPERSON:** Thank you very much. And Table 14?

**FACILITATOR TABLE 14:** The citizens at Table 14 are happy with questions 1, 2, 6 and 11.

**CHAIRPERSON:** 1, 2, 6 and 11?

**FACILITATOR TABLE 14:** Yes.

**CHAIRPERSON:** Thank you very much. All right. We're going to have to do a little bit of tallying.

Needless to say, there isn't absolute consensus on any

question. In relation to questions 3, 4, 6 and 7, there are one or two sort of queries. In relation to question 1, there have been three dissents, if I may put it that way. We consider that the rest of the questions do need to be considered.

So, could I ask you if, generally speaking, you will agree to the current format of questions 1, 3, 4, 6 and 7. We'll put them up on the screen so that you'll see them. Questions, 1, 3, 4, 6 and 7.

Now, a show of hand to show that you are agreeable to those questions in their current format and we won't have to discuss them. Well, that's a huge majority, a huge majority. So, then what I propose to do is regard those questions as agreed upon and we'll now go on to the remainder of the questions. We will start with question 1. I will put question 1 up on the screen.

**MS. FINEGAN:** No, 1 is agreed.

**CHAIRPERSON:** Sorry, 1 is agreed. Question 2. Who has a query in relation to question 2? Table 3, yes, could you just outline the concern briefly?

**FACILITATOR TABLE 3:** Table 2 suggest a follow-on from question 2, which would be in the following wording:

*"Should it be an offence to publish inaccurate or false information about a referendum during the referendum campaign?"*

**CHAIRPERSON:** All right.

**FACILITATOR TABLE 1:** Table 1 have a follow on question as well, we think it should follow on from question 2, which is:

*"Do you think that the Referendum Commission should be obliged to use its expertise proactively to disseminate information in user friendly manner?"*

**CHAIRPERSON:** Right. Any other? Yes.

**FACILITATOR TABLE 12:** Table 12 would propose an amendment to question 2, in that, in order to preserve the independence of the Referendum Commission, rather than being obliged to give its view, the question would be amended to read:

*"... obliged to clarify significant matters of factual or legal dispute."*

**CHAIRPERSON:** Yes. Any other?

**FACILITATOR TABLE 6:** The citizens at Table number 6, they had some issue regarding the wording of question number 2, some citizens suggested perhaps the removal of "obliged" and the insertion of the word "permitted". Some other citizens raised queries about how realistic the question was, especially in relation to monitoring social media.

**CHAIRPERSON:** Yes, very good. Table 2.

**FACILITATOR TABLE 2:** The citizens at Table 2 would

like an amendment to question 2, they think it should read:

*"Do you think the Referendum Commission should be obliged to respond to significant matters?"*

Et cetera.

**CHAIRPERSON:** Respond to significant matters, yeah. All right. Any other table? All right, Table 9, yes.

**FACILITATOR TABLE 9:** Sorry, a very small point. In the show of hands that was just done, the implication was that there was nothing wrong with question 7 and there's actually a typo on it, I just wonder could it be removed?

**CHAIRPERSON:** Yes.

**MS. FINEGAN:** We've got that.

**FACILITATOR TABLE 9:** That's sorted, sorry, grand, okay.

**CHAIRPERSON:** Thank you very much for that. There is the odd hawk eye up here. Very good. We will go back to question 2. I'd like to hear the views of maybe Kevin and Robert and Theresa on them.

**PROF. ELGIE:** So, just to begin, the Commission is already committed to give its view. So, the reason why the word "obliged" is there is to actually make it an obligation rather than just a choice, so that was why the word "obliged" is there.

**CHAIRPERSON:** Any other observations?

**DR. REIDY:** I think we could probably say that "give



its view" instead of "clarify a response", we were probably going for plain English rather than any --

**CHAIRPERSON:** Yeah.

**PROF. ELGIE:** And we thought it was a stronger direction rather than "clarify" or "respond".

**CHAIRPERSON:** Yes.

**PROF. WALSH:** I might just and, "clarify" a concern that I would have would be that it presupposes that it's possibly to give clarity on a particular issue.

**CHAIRPERSON:** Yes.

**PROF. WALSH:** And some of the issues that we have seen in the past and may see in the future on referendums may not be amenable to straightforward clarity being provided by the Referendum Commission. So that would be a concern I would have about the use of the word "clarity".

**CHAIRPERSON:** Yes, if the Commission gives its view, it's not necessarily right or wrong, so I think that is a proper approach. Any other observations from the Expert Advisory Group?

**PROF RAFTER:** In relation to the second issue, in relation to the Referendum Commission acting proactively in a user friendly manner, we did hear from Mark Brennock yesterday how the Referenda Commission over different campaigns has evolved and developed its approach and that it has been proactive. I think in recent campaigns we talked about the role of the Chair, the individual Chair. I suppose in a sense, taking Question 1, where there is a permanent electoral

commission and that that is in place rather than a commission being set up specifically for an individual campaign, given if there is a permanent electoral commission in place, that proactivity will be there. So, in our discussions we dealt with that issue. "User friendly manner", I think again Mark Brennock did deal with that yesterday and that's the reason why it's not there as an explicit question.

**CHAIRPERSON:** Yes. What about the add-on proposed by Table 3, to create an offence.

**PROF. RAFTER:** I think the difficulty there is the cut and thrust of a campaign, what one side believes is a legitimate position the other side may believe is grossly inaccurate, and who is going to adjudicate on that? It can become very complex and detailed, particularly with a three or four-week campaign and getting to the courts and getting a determination on that. As it is, even within the context of the Broadcast Code and broadcast legislation where a complaint arises during a referendum campaign, it's not possible to adjudicate, and we've seen that in the past, where determinations are long past polling day.

**CHAIRPERSON:** Yes.

**PROF. RAFTER:** I think there will be difficulties. I don't think we spend a huge amount of time yesterday on this particular issue and I think it may be that it is something to reflect in a final report that it was a matter raised, but I'm not sure, one, the practicalities, but secondly, whether we did in our

discussions yesterday and from the experts that you heard from, delve enough into the implications of legislation of this order.

**CHAIRPERSON:** Yes. Anybody else have an observation?

**DR. DOYLE:** Just in relation to that one as well, it would probably have a significant chilling effect on the willingness of people to participate in referendum campaigns, I know I certainly wouldn't canvass if I were concerned that somebody who disagreed with me could report me to the police for saying something that was false. It hopefully wouldn't be false but you're still putting yourself at risk of criminal prosecution. I certainly wouldn't write anything in the newspapers saying what I thought a Constitutional amendment might result in, in case I turned out to be wrong and somebody reported me to the police for saying something false in a campaign. So, I think having a criminal offence on anything has sort of ripple out consequences in terms of how people behave.

The other point that came up in terms of the distinction between "obligation to give its view" and "obligation to respond to", it's a matter for you which wording you want to use. I think respond to probably is more proactive, which is maybe what you wanted to achieve. It perhaps ties into the concern that one table raised about how realistic it is to monitor social media. And the way the question has been phrased and the what's behind is the idea that some

issues come to the fore in a campaign from different places and if a significant dispute emerges about them, that's when the Commission should be getting involved, rather than having to get involved in something where somebody may have said something which is perhaps incorrect but it hasn't become a significant issue, it hasn't become a matter of dispute.

**CHAIRPERSON:** Yeah.

**DR. DOYLE:** So, that's what's trying to be done with the question but, of course, you might want to sort of ramp up the question to make it more proactive and more obligatory on the Commission, and I think putting in "respond", to do that, if that's what you're trying to get at.

**CHAIRPERSON:** I think there's an observation from Table 3.

**FACILITATOR TABLE 3:** Yeah, just to clarify, we weren't actually talking about like canvassers or people out having conversations like actually physically talking, we were more trying to get at like campaign materials, where one part of a campaign is putting up a poster that has something inaccurate or non factual. We're not trying to get at, you know, what one side might do to be inaccurate, it's trying to get at people putting up posters as part of a campaign but state something that is just blatantly a lie or not a fact, that there should be something or maybe somebody should play some role to ensure that that can't happen, that people are informed correctly when they're, you know, going to

vote and you've a referendum. So not when people are canvassing or stuff like that, just kind of campaign materials that in the public view.

**PROF. WALSH:** On that, I think if that's your key concern, I would hope that the question in relation to the role of the Referendum Commission and an obligation in respect of intervention on the part of the Referendum Commission could deal with those kinds of never prominent public instances of clear factual inaccuracy.

**CHAIRPERSON:** Yeah.

**PROF. WALSH:** I think the wording of what's suggested in terms of an offence seems to go further and there would be implications for individual commenting, participation in social media in relation to campaigns et cetera, that would be broader reaching than probably what you want to do if that's your concern. So, my suggestion would be, the role of the Referendum Commission, if you keep the obligation aspect there, would ensure that that could be captured.

**CHAIRPERSON:** Yeah. Does anybody else want to comment on question 2?

**PROF. WALSH:** Sorry, Judge, there was just one other one I noted.

**CHAIRPERSON:** Yes.

**PROF. WALSH:** I know one of the tables had suggested the other direction, which was removing "obligation" and replacing it with "permission", "permitting the Referendum Commission".

**CHAIRPERSON:** Yes.

**PROF. WALSH:** We had discussed that in light of Mark Brennock's presentation yesterday. What we had hoped to capture in the question was the idea that though the identification of significant matters of dispute, that would allow the Referendum Commission to identify the emergence of those major issues rather than requiring it to respond to every comment or every statement issues in relation to a referendum campaign. So, there was an attempt to mediate a little bit between those two positions in the question as crafted.

**CHAIRPERSON:** Yes. Do you all understand the views that have been expressed? No further questions on that? Sorry, Table 1.

**MEMBER TABLE 1:** Sorry, I know we're just talking about words now at this stage, but I think "give its view" is a stronger statement than "respond", that would be my opinion. The Referendum Commission can respond in whatever way it likes in the future as regards a factual or a legal dispute. The response might be "we've no comment". I would like them to be obliged to give its view, I like the way Question 2 is phrased presently.

**CHAIRPERSON:** I'm inclined to think there's an implication in response, that there has to be a question, so that wouldn't be sufficiently regulatory. Well, I think I'll put Question 2 in its current form to the members now and could I see a show of hands? All right, so Question 2 goes in its current form.

Now, the next one is Question 5, so we'll put Question 5 up. Yes, we'll start with Table 3.

**FACILITATOR TABLE 3:** Table 3 would like the following inserted at the end of Question 5:

*"... and high net worth private individuals."*

**CHAIRPERSON:** And high net worth?

**FACILITATOR TABLE 3:** Private individuals.

**CHAIRPERSON:** Private individuals. Very good. Anybody else with a view? Table 7.

**FACILITATOR TABLE 7:** The citizens at Table 7 would like the wording to include:

*"The prohibition of anonymous donations."*

**CHAIRPERSON:** To?

**FACILITATOR TABLE 7:** Include:

*"The prohibition of anonymous donations."*

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 5:** The citizens at Table 5 would just like to also agree with that, that they would like a part put in in terms of anonymous donations, for a complete ban on that.

**CHAIRPERSON:** A complete ban on anonymous donations, yes. Table 10.

**FACILITATOR TABLE 10:** The citizens at this table agree that wording should be inserted at the end of the question to the effect of "*.. and individuals.* "

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 10:** Then have also said that the question should address the abolition of anonymous donations.

**CHAIRPERSON:** All right, yeah. Very good. Anybody else? Yes.

**FACILITATOR TABLE 9:** The citizens at Table 9 are suggesting the deletion of the words "*... give consideration to...* ", and replace them with "*... develop and effectively implement...* "

**CHAIRPERSON:** Well, you have considered what I said in the explanation, about why we use that format?

**FACILITATOR TABLE 9:** Yes.

**CHAIRPERSON:** You have considered that? Very good, very good. Anything else?

**MEMBER TABLE 9:** Just on that point, about replacing "*give consideration*" with "*should develop and effectively implement.* " It would be my hope that the Oireachtas would consider any of the recommendations, so, rather than recommending that they consider it, we recommend that they do something and then they consider that. I just think it's a stronger recommendation.

**CHAIRPERSON:** Yes.

**MEMBER TABLE 9:** I think it would be better for the Assembly to vote on that.

**CHAIRPERSON:** Very good. I mean, I understand the



reasoning all right. We will probably hear everyone's views on this one. Kevin, what do you feel?

**PROF. RAFTER:** In relation to the use of the word "individual", that is already captured in the regulations, where if somebody is donating they have to register, but we've discussed this maybe in our context last night, that that was being captured through campaign groups, but in order to provide clarity, we discussed it this morning, we were happy for the wording to be changed for registered political parties, campaign groups and individuals, to capture the issues that have come down.

**CHAIRPERSON:** Yes.

**PROF. RAFTER:** But just to reassure you that that is already in place.

**CHAIRPERSON:** Yes. So, you recommend adding the word "individuals" after campaign groups, yes.

**PROF. RAFTER:** Yes, so we've already discussed that. Just in relation to anonymous donations, just to be aware of the implications of what you're proposing, that would also mean that any groups or parties that are organising raffles, you know, any sort of church gate collection or any sort of fundraising, and where the individual is donating less than €100, so it could be a €5 raffle ticket, the group would have to capture the name and details of that individual. So there are practical implications. When the legislation was being introduced in the first instance in the late 1990s, the issue of the threshold of the €100 level, that is the

reason why it is there, is to avoid, I suppose, the unnecessary bureaucracy around organisations having to capture for low level fundraising activities. So there is an implication wider I think than probably your deliberations, but that may be the direction of travel that you wish to go. So, that's the two main issues.

**CHAIRPERSON:** Yes. All right. Any other observations?

**PROF. WALSH:** One thing that you might want to consider if there is the consensus, that you do want to do something on anonymous donations but you were concerned about the point that Kevin has raised, is whether you think, you know, giving consideration to reducing the threshold for anonymous donations lower than the current 100 limit is something that would help get towards some of your concerns, if you're persuaded by Kevin's concern about that.

**DR. DOYLE:** I suppose the other, in terms of develop and effectively implement first and give consideration to, of course it is slightly odd when all of the recommendations are just for consideration to explicitly say that there's an area to be considered, but still may sort of make sense in the context of what the explanation was and the Chair's feeling that there hadn't been enough information about how the spending limits might interact and intersect with donation limits. But that, if you do feel that you have heard enough about it and want to change it, then it can be changed, but that's just the reasoning behind it.

**CHAIRPERSON:** Have we a question? Yes, Table 10.

**FACILITATOR TABLE 10:** The citizens at Table 10 aren't satisfied that that would address their concerns at all. The issue that they see is potential abuse of the anonymous donation system, whereby some party could essentially give what is effectively an unlimited amount of money in €100 increments in the current system. A proposal to get around the issue with the bureaucracy around smaller donations for smaller activities would be that it could potentially be limited to -- the abolition of anonymous donations could be limited to referendum issues.

**CHAIRPERSON:** Table 2.

**MEMBER TABLE 2:** I agree with that point about the anonymous donations and I think we discussed it a lot at our Table 2, but I do think that's why we recommended the system of spending limits, so even if one person anonymously donates €1 million with €100 notes, if every campaign group and political party can only spend the same amount of money, then it doesn't really matter where it comes from, that's where the spending limit -- in terms of addressing that, I mean if everyone can only spend €1,000, then does it matter if one person donated it or not and the spending limits might be able to kind of overcome that.

**CHAIRPERSON:** Any observations?

**PROF. RAFTER:** It's just worth clarifying that under the current legislation and regulations, there is a limit on what one individual can donate in a calendar year. So, that is in place to capture the issue that you're

dealing with. It may be that you just want to remove the whole principle of anonymous donations and, if so, we need to look at the wording.

**CHAIRPERSON:** Yes, Table 3.

**MEMBER TABLE 3:** Sorry, just to clarify about the individuals' donations, my understanding from yesterday and in general was that if an individual donated to a particular party or interest group, it was limited, but if an individual wanted to use their money to sort of do their own campaign or their own spending, that that was unlimited. Am I wrong on that?

**PROF. RAFTER:** No, because, as was said by the previous contributor on Table 2, because of the spending limit, it doesn't matter what your net wealth is and you're limited in terms of what you can spend in a campaign, there's a spending limit, a contribution limit.

**CHAIRPERSON:** Yes.

**DR. REIDY:** But if you were a wealthy private individual and you were inserting yourself into the campaign and campaigning actively, you would have to register as a third party.

**CHAIRPERSON:** Yes. Table 5.

**FACILITATOR TABLE 5:** Just in relation to those points, some of the citizens at this table brought back the point of, if it's anonymous how do you know how much they've spend per annum?

**DR. REIDY:** There's an obligation on the individual giving the money as well as on the individuals receiving the money. So, the rules apply in both

directions.

**FACILITATOR TABLE 5:** Sorry, they're still saying, but if it's anonymous, it comes back to the word "anonymous". They're not anonymous if they're saying what they've given.

**CHAIRPERSON:** Are we left, if I may put it this way, with one issue arising from Question 5, and that's anonymous donations? I just want to clarify that we're happy with the inclusion at the end of Question 5 of:

*"... referendum campaigns for registered political parties, campaign groups and individuals".*

Does that satisfy the first point made and could I have a show of hands on that? Very good, it does. Then in relation to Question 5, we will consider the anonymous donation points. We will take a break a little later and we'll consider that. So that takes care of that for the moment.

**MS. FINEGAN:** Table 9.

**CHAIRPERSON:** Yes.

**MEMBER TABLE 9:** I may have missed something, I don't know, but we put forward a change of the wording and it seems to have been ignored, I don't know have I missed something.

**CHAIRPERSON:** Oh, yes, develop and give effect rather than consider.

**MEMBER TABLE 9:** Give consideration.

**CHAIRPERSON:** We'll consider that as well.

**MEMBER TABLE 9:** That will be put in, yeah.

**MS. FINEGAN:** That's in 5.

**CHAIRPERSON:** It is in 5, yes. We've said give consideration and the suggestion is that it should be that the Oireachtas will develop and implement.

**MEMBER TABLE 9:** Effectively implement, yes.

**CHAIRPERSON:** Will we put that to the members or do we need to think about it further? We'll put that to the members.

*"... should develop and effectively implement a system of spending limits in referendum campaigns for registered political parties, campaign groups and individuals."*

Well, could I have a show of hands? Now, there is an outstanding issue, the anonymous donations, but could I have a show of hands in relation to that terminology. Very good, so we agree to that.

We will move on then to Question 8. I will hear the observations on Question 8. Table 8.

**FACILITATOR TABLE 8:** The citizens on Table 8 were in agreement with the first part of the question in terms of its wording but would like you to consider extending the question so it will read as follows:

*"Do you think that it is a good idea to use*

*multi-option voting in referendums, yes or no? If answer yes, select one of the following:*

*A. First past the post.*

*B. PR-STV.*

*C. Another. "*

**CHAIRPERSON:** First past the post?

**FACILITATOR TABLE 8:** PR.

**CHAIRPERSON:** PR, oh, yeah.

**FACILITATOR TABLE 8:** And C, another.

**CHAIRPERSON:** Right. Table 11.

**FACILITATOR TABLE 11:** Thank you, Judge. The citizens at this table, Table 11, felt that the question would benefit from providing greater clarity. What is the question intended to achieve? Thank you.

**CHAIRPERSON:** Well, I did specifically this morning refer to the slide, Michael Marsh's slide, I don't know whether any of you looked at it, against and for, I think it was, which might be somewhat enlightening but we'll consider that. Table 5.

**FACILITATOR TABLE 5:** Judge, the citizens at this table are looking to replace the word "use" with "allow".

**CHAIRPERSON:** Yes. Table 1.

**FACILITATOR TABLE 1:** Thank you. Table 1 are suggesting a part B to Question 8:

*"Do you think that it is a good idea to use proportional representation as part of multi-option in*

*referendums?"*

**CHAIRPERSON:** All right, very good. Table 2.

**FACILITATOR TABLE 2:** The citizens at Table 2 think the text should be changed to read:

*"Do you think that multi-option voting in referendums should be introduced?"*

**CHAIRPERSON:** Should be introduced. I see Table 9. I see quite a few hands up.

**MS. FINEGAN:** 12 first maybe.

**CHAIRPERSON:** All right, 12.

**FACILITATOR TABLE 12:** The citizens of Table 12 have two issues with Question 8. First of all, there was a concern that it should be phrased in a more punchy and stronger fashion, being simply:

*"Should multi-option voting in referendums be permitted?"*

Secondly, an issue arose at the table whereby though members thought they had understood the question, when it came to discussion they realised that actually there was confusion as to the exact meaning of the question and, as such, there was a request that just the actual meaning of the question be clarified once more.

**CHAIRPERSON:** I suspected that might happen and that's why I referred you specifically to that slide. It's



not actually addressed in Michael Marsh's paper, we asked him at a later time to address it and that's why he has dealt with it in that slide. So, to look at that may be of assistance. Yes, Table 14.

**FACILITATOR TABLE 14:** Thank you, Judge. A citizen at this table has stated that they would only support this if it was PR based and that this option doesn't exist in the question as it is. They would also like clarity on if multi-option is currently prohibited in Ireland.

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 9:** The citizens at this table echo the comments previously stated. One, clarification on exactly what is meant by multi-option voting.

**CHAIRPERSON:** Yeah.

**FACILITATOR TABLE 9 :** And secondly in relation to what are the options available, first past the post, et cetera, in relation to if the choice is yes?

**CHAIRPERSON:** I think that's everybody, is it? We'll hear from John first of all.

**PROF. GARRY:** A couple of comments.

**CHAIRPERSON:** I mean, you will have learned that I am not surprised that you had difficulty understanding what it meant, I had difficulty myself this morning.

**PROF. GARRY:** Yes, certainly the question can be improved in part because I came up with the wording of the question. I agree with a lot of the comments that have been made.

At one level there's a tension between should the question say something like this should be done, or should it be allowed to be done. I think what

we probably want to get to is, should it be allowed to be done, should it be permissible? So, not that it should always happen, whatever it is.

**CHAIRPERSON:** Yes.

**PROF. GARRY:** But if there are circumstances in which multi-option voting could be a good idea, then it should be possibly permissible. So, in other words, we'd recommend the word "allowed" or "permissible" rather than "should".

The second tension is between, well, what does it actually mean in the most simple terms if you walk in to vote in a referendum, instead of a choice between one thing and another thing, there's a choice between one thing, another thing and a future thing. There's a list of more than two things on the ballot paper that are in front of you. So, in a very, very simple definition, typically there's two options in a referendum, if it's multi-option there's a range of options.

Crucially, how does the result get arrived at? I quite like Table 8's iteration of this, which was shared to some extent with the other tables, which is, if you have multi-option voting, which is basically there's more than two options, then as a decision making mechanism you can either go for, first past the post, whoever gets the most votes wins, or, what we're more used to here, like in Irish presidential elections, for

example, you'd rank order the options in order of your preference and then a winner would emerge like that, like in an Irish presidential election. So, I think what might be quite neat is, as Table 8 suggests, do you want this thing? Then here's the choice for making a decision out of it. So, I think, Oran, that captures our thoughts?

**CHAIRPERSON:** Yes, Oran, please.

**DR. DOYLE:** I think that does just add -- there was a question, is it currently prohibited? Our view is, yes, it's not explicitly prohibited on the Constitution but the clear method that the Constitution lays down for referendums requires a text to be approved by the Dáil, by the Seanad and then by the people and it has to be the same text, which wouldn't be the case in this. So we think that you would need a constitutional change to do it, with some saying, of course, that it shouldn't be done, but that would be necessary.

We did play around with a couple of different wordings but I think this might be one, I think if there's ways in which -- I think a lot of the questions converge on pretty much the same point, as John has said, and we can put together those into a wording and come back to you with two questions, one focusing on that and the other on the mechanism of PR or whatever, the political scientists will give us the correct term for what it should be in the context when you're only choosing one option.

**CHAIRPERSON:** Right. Very good. When we break we will consider that, that's Question 8. Now, where are we going next. 9, Question 9. Question 9 is up on the screen. I'll start here with Table 8.

**FACILITATOR TABLE 8:** Thank you, Judge. There was a general discussion around the table as regards Question 9, there were both queries and objections to the insertion of "in principle" in the question. You did reference earlier on that you'd had a conversation in relation to this last night. I just felt that that wording ought to be removed. Additionally, there was a query as to, if the question stayed as it was and the answer was ultimately yes, what would potentially happen if the Oireachtas failed to implement such a thing in the stated time period, what kind of implications would there be for the Houses of the Oireachtas if they failed to put into effect something?

**CHAIRPERSON:** So, you're saying, how could it be enforced?

**FACILITATOR TABLE 8?:** Absolutely.

**CHAIRPERSON:** Yes. Tell me this, you're suggesting that the words "in principle" be taken out?

**FACILITATOR TABLE 8:** That's correct.

**CHAIRPERSON:** All right, very good. Table 4.

**FACILITATOR TABLE 4:** The citizens at the table just question why five years?

**CHAIRPERSON:** Yeah, that's a good question. Have you any suggestion instead of five years?

**FACILITATOR TABLE 4:** Well, three years, yeah.

**CHAIRPERSON:** Three years?

**FACILITATOR TABLE 4:** Hm-hmm.

**CHAIRPERSON:** Right, right. Table 7.

**FACILITATOR TABLE 7:** The citizens at Table 7 would like to know also why five years, but they didn't have a suggestion as to another time frame.

**CHAIRPERSON:** Right, that's a reasonable question, believe me.

**FACILITATOR TABLE 7:** They also wanted clarification about what is the longest time frame it took from when a referendum was held to when the Constitution was amended, excluding the 1979 vote on the Seanad? So how long has it taken to implement a vote, they'd like to know from the panel. What was the longest time frame?

**CHAIRPERSON:** Right. Table 10.

**FACILITATOR TABLE 10:** The citizens at this table are also of the opinion that five years is far too long.

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 10:** We suggest two years maximum.

**CHAIRPERSON:** All right.

**FACILITATOR TABLE 10:** Two terms of the Government.

**CHAIRPERSON:** Yeah, it could be, depending what happens on the 3rd and 4th of March. What did we come up with, are we still with the two years? All right, yeah.

Thank you very much. Table 6.

**FACILITATOR TABLE 6:** In respect to the citizens at Table number 6, I think all the citizens had difficulty with the inclusion of the words "in principle".

**CHAIRPERSON:** All right.

**FACILITATOR TABLE 6:** They are suggesting the removal of the words "in principle". One citizen had difficulty with the five years, they had difficulty more so about putting an actual time limit on it and felt that it could be quite difficult to regulate and just be used in principle. They didn't have an alternative, however.

**CHAIRPERSON:** Right, right. We'll go to Table 11. All right, Table 9.

**FACILITATOR TABLE 9:** The citizens at Table 9 agree with the other tables in terms of the deletion of "in principle".

**CHAIRPERSON:** All right. Table 12. 11, sorry, I'm getting all confused.

**FACILITATOR TABLE 11:** Thank you, Judge. The citizens at this table, in relation to Question 9, had a point of clarification. There has also been a request to put in an additional question in section B. The point of clarification is, just to clarify that the words "to give effect" is the same as "implement".

**CHAIRPERSON:** Well, I think --

**FACILITATOR TABLE 11:** Can I give you the additional question?

**CHAIRPERSON:** Yeah.

**FACILITATOR TABLE 11:** An additional question within section B will be:

*"Should referendums be decided on the basis of a qualified majority?"*

**CHAIRPERSON:** Well, I don't think that Question 9 would be the appropriate place for that addition. Yes, Table 2 or Table 5? Table 5, yes.

**FACILITATOR TABLE 5:** Judge, the citizens at this table just had two queries in relation to Question 9. The first one being, what happens after five years if it hasn't been effected? Then secondly, does the word "should" mean "must" in this context?

**CHAIRPERSON:** Yeah, well it does. Table 2.

**FACILITATOR TABLE 2:** The citizens at Table 2 would like the wording changed to "within three years".

**CHAIRPERSON:** Three years, yeah, okay. Very good. We're back to Table 11, are we, or 14 is it? 14, yes. Thank you.

**FACILITATOR TABLE 14:** Thank you, Judge. Two citizens at Table 14 expressed an issue over the use of five years, one has suggested for it to be changed to two years and another had suggested that it would read "to the lifetime of a government."

**CHAIRPERSON:** The lifetime of the government, yeah. Very good. Table 1.

**MEMBER TABLE 1:** It's just a question about the Seanad referendum, why was it not -- if it went to a referendum and the decision was made by the people, why did the Government or any government implement that? Are they not obliged? What's the purpose in the exercise then of going to the people if they're not going to do what people want them to do?

**CHAIRPERSON:** Well, I think that seems to be all the questions. Sorry, Table 6.

**FACILITATOR TABLE 6:** Sorry, Judge. One of the citizens at our table raised a query about the inclusion of an actual time limit. I might just pass the microphone over to one of the citizens, he can put the question to the panel, just to get their comments.

**CHAIRPERSON:** All right, okay.

**MEMBER FROM TABLE 6:** Good morning. All I wanted to suggest was that rather than a five year limit or a limit being tied to the lifetime of a particular Dáil, that the business of legislating for the referendum would be permanently inserted onto the business of the Dáil, that it could not be removed from the business of the Dáil until it had been legislated for, so that it would put a formal structure on a moral obligation to legislate for the -- like the 40 year old referendum that has not been legislated for is something that comes up but it's not on the formal business of the Dáil. I think that's what I wanted to say.

**CHAIRPERSON:** Very good. I don't know, does anybody know why the Seanad issue hasn't been dealt with? Was it just that they has so much other business to do.

**DR. REIDY:** It was kind of overtaken by other events in the sense that the question of the Constitution of the Seanad and the roles that it has had have really been subject to a persistent debate for kind of --

**CHAIRPERSON:** Yeah, and then we had the referendum on



abolition.

**DR. REIDY:** Yes, so the '79 referendum was partly overtaken by other changes within the educational sector relating to the creation of new universities.

**CHAIRPERSON:** Yeah.

**DR. REIDY:** And then there is the persistent debates about the overall structure of the Seanad as well. So, a number of reports were subsequently commissioned that touched on these types of issues. It's become a live issue again since the Seanad abolition referendum didn't pass.

**CHAIRPERSON:** Failed, yeah.

**DR. REIDY:** And a report was produced by the franchise section of the Department of the Environment, there's a paper on the books at this stage that it is for consideration. So, it's really more events overtaking it.

**CHAIRPERSON:** Okay, overtaking, all right.

**DR. REIDY:** Rather than a deliberate intention to not implement it.

**CHAIRPERSON:** Yeah. Kevin, do you have a view.

**PROF. RAFTER:** It's just worth pointing out as well, it is an exception if you look at the list of referendums that you have in the past where there hasn't been action, and it isn't that it is being ignored totally, as Theresa said, it's been a component of an ongoing debate about Seanad reform or changing the Seanad and how it does its work and that it wouldn't be dealt with in isolation, so it would be done as part of reforming

the Seanad, but obviously it is a long period of time for implementing the will of the people.

**CHAIRPERSON:** It certainly is.

**PROF. RAFTER:** But if you look at the list, it's still worth bearing in mind, most referendum results where there is "passed" are implemented speedily by the Oireachtas, if legislation is required from the referendum outturn.

**CHAIRPERSON:** Well, then I think, am I correct in saying, that we're left with two issues then, the inclusion of the expression "in principle", and secondly, the time factor, whether there should be a time factor and if there should, what it should be. Does that summarise it?

**PROF. RAFTER:** The reason we came with the five years is because it's the lifetime of the Oireachtas or of the Dáil, and that's the reason it shows the five year period and for no other reason.

**DR. REIDY:** I suppose it's worth saying as well though, tying it to the term of a government, governments fall mid term and can be replaced.

**CHAIRPERSON:** Yes.

**DR. REIDY:** You know, we had three governments in 18 months in the 1980s.

**CHAIRPERSON:** That's right.

**DR. REIDY:** So tying it to the lifetime of a government could be quite difficult or could create scenarios that would be problematic. So, tying it to a fixed term would be more workable.

**CHAIRPERSON:** Yes.

**DR. DOYLE:** Yes, I think there's one or two other points. I think was a question that we found the most difficult to try to formulate, for a number of reasons.

**CHAIRPERSON:** Yes.

**DR. DOYLE:** One of the questions from one of the tables was, what was the longest time it took for a constitutional amendment to be made after a vote of the people.

**CHAIRPERSON:** Yes.

**DR. DOYLE:** Well, I think that maybe reflects a slight misunderstanding, in that in this case the constitutional amendment was made, so the text relating to the elections for the Seanad is in the Constitution and it just says:

*"Provision may be made by law for election in a different way."*

So, the choice was to put in a provision which allowed law to be passed but didn't require law to be passed. So that has always been done in that sense. That's why we chose the language of "give effect to" rather than "implement", because we thought that "implement" might be understood in that simply narrower sense, that there's an obligation on the President after the vote has been passed and validated to sign the constitutional amendment into law and that implemented might mean in that narrow sense, as with "give effect

to", because what we felt you were looking for was that there's some sort of political commitment involved implicitly within the vote and that "give effect to" could relate to that.

**CHAIRPERSON:** Yes.

**DR. DOYLE:** But I think where we felt it was getting difficult is that in a sense you're cutting across what the actual amendment might be. So if a principle like this were to apply in respect of the Seanad referendum, why on the one hand would you have an amendment which says "provision may be made by law", but then have a different rule somewhere else, saying that well, "may" there actually means must be made by law within a period of whatever number of years. So that another way of dealing with this issue would be when amendments are passed, that each amendment should say what it wants to achieve and then that would be it, rather than having this separate principle about giving effect.

**CHAIRPERSON:** Yes.

**DR. DOYLE:** So I think that was why we were finding it a little bit difficult, that's probably why the words "in principle" are in there, was because of this sort of vagueness around it. Also, I another reason why we had "in principle" there was, we had a concern, well, perhaps a government might be elected on a campaign to repeal that amendment to the Constitution and get, as I say, a strong majority on a general election on the basis of what it was going to do but would still be under an obligation to give effect to it even though

they're planning to repeal it within a year or two.

I think those were the issues that we just sort of grappled with, just found it really difficult to come up with a proposal on this that would respond to -- I think there's only one clear example, so of the 29 constitutional amendments there have been, only in the Seanad referendum has something as clear as this happened. There are other issues, I think, around the Children's Referendum and that was delayed until 2015 coming in and there should be some legislation after that and I think some of that legislation hasn't happened yet. So maybe it is happening again.

**CHAIRPERSON:** Yeah.

**DR. DOYLE:** But that referendum does say, the Children's Rights one already says:

*"Provision shall be made by law."*

**CHAIRPERSON:** Yes.

**DR. DOYLE:** So, at some point that's already taken care of itself. So, there was just an awful lot around this that we found difficult to present in any question recommendation that would clearly achieve something.

**PROF. WALSH:** I might just pick up the other question that was coming through on this, was, I think, the consequences if this was adopted as per the current wording of Question 9, of a failure to adhere to what it's anticipating. I think in using the words "in

principle" we were trying to capture the fact that consequences for this kind of a principle would be complicated, we're obviously dealing with political actors here, changes of government, changes in balances of power within the Oireachtas, all of which bring a significant level of uncertainty and contingency as to whether these proposals will be acted on, notwithstanding Kevin's point that, you know, almost always they are.

If this was to be adopted as a constitutional principle, for instance, you could have the difficult situation of the courts being called upon to order the Oireachtas to adopt a particular form of legislation, which would be complex and problematic from the perspective of the ordinary relationship as we understand it between the courts and the political parties. So those are just things to consider and fed into the wording as we put it.

**CHAIRPERSON:** Is the position clearer? In light of what you have been told, would you be inclined to agree to this, including the words "in principle" and the five years. Obviously, if this were to come to pass, an awful lot of work would have to be done in terms of considering the drafting, the implications and everything, but the objective is to get the message across that if an amendment is sanctioned in a referendum that it should be done. Isn't that really what it's about? Could I ask, would you be inclined to

agree with the wording having regard to the explanations you have been given and the clarity that has been offered? I will ask for a show of hands. Is there a majority? I think there probably is. A show of hands. I'm terribly sorry, what I've asked is that having regard to the clarification that has been given, the explanation you've been given, would you be prepared to accept question nine in its current form. That's basically what I'm asking and I've asked for a show of hands on that.

**MS. FINEGAN:** That's a majority.

**CHAIRPERSON:** What?

**MS. FINEGAN:** That's a majority.

**CHAIRPERSON:** I'm told it's a majority, any dispute about that? Will we do a count?

**MS. FINEGAN:** Yes.

**CHAIRPERSON:** Yes. As I say, hands up high please.

**MS. FINEGAN:** I'm counting 63 members in favour and there is 84 in the room so that's a majority.

**CHAIRPERSON:** Right. We will regard that as passed. Now the next one is ten.

**MS. FINEGAN:** Table 12.

**CHAIRPERSON:** Can we put it on the screen. Yes, table 12.

**FACILITATOR TABLE 12:** The citizens at Table 12 had three additional options that they wanted in question ten.

**CHAIRPERSON:** All right, yes.

**FACILITATOR TABLE 12:** These were handed up during the

discussion.

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 12:** The first is in terms of, there should be a cut off point across all media for the publication of opinion polls.

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 12:** As it was felt that the impression of being a certain outcome would reduce turnout. There was the second addition is that 16 year olds should be permitted to vote arising from Professor Marsh's paper and thirdly that voting and the principles of voting and the practicalities of voting be added to the CSPE course in terms of education in schools. The question as handed up stated Transition Year, the Table would like to change that to CSPE.

**CHAIRPERSON:** Yes. All right.

**MS. FINEGAN:** Table 10?

**CHAIRPERSON:** Yes, Table 10.

**FACILITATOR TABLE 10:** The Citizens at this table had a question about F on the ballot paper.

**CHAIRPERSON:** That's the ability to vote at any polling station in the State, yes.

**FACILITATOR TABLE 10:** That's correct Judge and the question was, would this include foreign embassies and they also had a number of proposals for things that should be added. One is to extend the grace period when being out of the State to 18 months to five years. Provision for better transport for elderly and disabled people to polling stations and the facility within



second level, the school system, to inform new and future voters about the system and the importance of voting.

**CHAIRPERSON:** Yes, yes.

**MS. FINEGAN:** Table 11.

**CHAIRPERSON:** Table 11.

**FACILITATOR TABLE 11:** Thank you Judge. The Citizens at this table just wanted to check will you be addressing the proposed additional question that they had asked to be included in this Section, Section B? It was, should referendums be decided on the basis of a qualified majority. That's not by way of an amendment, it is an additional question.

**CHAIRPERSON:** Yes. You raised it in the context of question nine and I suggested that question probably wasn't it's appropriate home as it were.

**FACILITATOR TABLE 11:** I think the Citizens at the table are agreed on that. It's that it is an additional question not that it wasn't an amendment.

**CHAIRPERSON:** All right. Yes an additional question.

**PROF. ELGIE:** Could I just ask you do you have any suggestions to what is meant by the qualifying majority in this case?

**CHAIRPERSON:** Yes. Yes.

**FACILITATOR TABLE 11:** One suggestion is a 60/40.

**CHAIRPERSON:** And that relates to all referendums is it? The proposal is that --

**FACILITATOR TABLE 11:** -- that's right.

**CHAIRPERSON:** All right. Very good. Yes well we will

deal with that as a separate question.

**MS. FINEGAN:** Table one.

**CHAIRPERSON:** Table one please.

**FACILITATOR TABLE 1:** Thank you. One of the Citizens at Table 1 had a query for the panel as to whether they believed that the inclusion of postal and online voting would increase the incidence of voter fraud.

**CHAIRPERSON:** Yes.

**MS. FINEGAN:** Table seven.

**CHAIRPERSON:** Table seven.

**FACILITATOR TABLE 7:** The Citizens at Table seven would like clarification on and to change the wording of 10d first of all. The wording changed to 'technology based' as opposed to online voting. 10e, they'd like to know what groups can current avail of postal voting. 10g, if there is automatic inclusion on the electoral register would there be a provision to opt out and they'd like an extra part of that, g, the Commission should take responsibility for updating and maintaining the electoral register.

**CHAIRPERSON:** Say that again.

**FACILITATOR TABLE 7:** The Commission should take responsibility for updating and maintaining the electoral register.

**CHAIRPERSON:** Is there any logic for the suggestion in relation to paragraph G, that you would be able to opt out of the register?

**FACILITATOR TABLE 7:** The citizens would just like to know can you opt out? Is there a provision for it?

**CHAIRPERSON:** Well you needn't vote.

**FACILITATOR TABLE 7:** Is it a legal requirement that you have to be on the electoral register.

**CHAIRPERSON:** Okay, well we will deal with that.

**MS. FINEGAN:** Table two.

**CHAIRPERSON:** Yes, Table two.

**FACILITATOR TABLE 2:** The Citizens at Table two would like an addition to read, lower the voting age to 16.

**MS. FINEGAN:** Table six.

**CHAIRPERSON:** Table six.

**FACILITATOR TABLE 6:** The Citizens at Table six, they are happy with the wording of the question, they too suggestion the reduction of a voting age to 16 years of age.

**CHAIRPERSON:** 16 all right.

**MS. FINEGAN:** Table nine.

**CHAIRPERSON:** Table nine.

**FACILITATOR TABLE 9:** The Citizens at this table have two suggestions, one has already been mentioned lowering the voting age to 16.

**CHAIRPERSON:** Yes.

**FACILITATOR TABLE 9:** And the second addition is, to increase resources committed to educate the electorate and promote greater understanding of referenda.

**CHAIRPERSON:** Yes.

**MS. FINEGAN:** Table 14.

**CHAIRPERSON:** Table 14.

**FACILITATOR TABLE 14:** Thank you Judge. A Citizen at Table 14 stated that they can't say a preference of

which option that feels most important in this question and another citizen is seeking clarify on how the results in this section would be calculated and expressed concern over the overlap of options.

**CHAIRPERSON:** Well we are not going for most important on this one, you just indicate by an 'x' whether you favour that particular and we will do a count. I thought I made that clear this morning. We do a count in relation to each element.

**MS. FINEGAN:** So each one that receives a majority in favour will become a recommendation of the Assembly.

**CHAIRPERSON:** So it is a just a straight forward count in relation yes or no in relation to each element just to see does it attain a majority.

**MS. FINEGAN:** Table five.

**CHAIRPERSON:** Which table now.

**MS. FINEGAN:** Table one then.

**CHAIRPERSON:** Table five?

**MS. FINEGAN:** Go on five.

**FACILITATOR TABLE 5:** Judge, some of the Citizens at this table are looking for an additional option for bi-annual fixed dates. One of the citizens instead of the word dates would like the word 'months'. So, bi-annual fixed dates or bi-annual fixed months in terms of when they vote. So to have an actual specified date.

**CHAIRPERSON:** And then we have Table four, I think, yes. The last one yes.

**FACILITATOR TABLE 4:** The Citizens at Table 4, it's

similar to what has been suggested at other tables, to reduce the age to 16 and to include educational information for the campaign.

**CHAIRPERSON:** All right. Yes. So we have quite a few issues there. The 16 age --

**DR. REIDY:** That was discussed at the Constitutional Convention.

**CHAIRPERSON:** Yes.

**DR. REIDY:** And it was passed by a majority there and it is on the agenda of the Government. So I suppose a further recommendation could be made on that, could be made on that but that exists already as a distinct recommendation.

**CHAIRPERSON:** Yes, we could possibly, we could do it as an ancillary recommendation that the recommendation of the Convention be --

**DR. REIDY:** So voting is already on the CSP curriculum and CSP is a compulsory subject for all students.

**CHAIRPERSON:** Yes.

**DR. REIDY:** There is also politics and society subject which has been introduced at the leaving cert level. That's an optional subject so students can take that if they choose and that's being rolled out across the country already so those exist in principle so there could be a recommendation for greater political education.

**CHAIRPERSON:** Yes, yes.

**DR. REIDY:** And just I suppose the only other thing, is that in relation to political education the Department

of the Environment do run occasional campaigns --

**CHAIRPERSON:** Yes.

**DR. REIDY:** Within their purview. So you could enhance that or it could become an enhanced role in a permanent electoral commission.

**CHAIRPERSON:** Yes.

**DR. REIDY:** It would be standard in other countries that the election management board would engage in extensive political education campaigns throughout the entire electoral cycle. So related to all types of elections and referendums and then just the political education as well. Voter fraud -- well especially in relation to the U.K. there were lot of discussions about how postal voting and the way it was operated could lead to greater fraud but the Electoral Commission has looked at that in some considerable detail and in general there isn't evidence to kind of back up the claims that were made but postal voting, you know, is very tightly regulated so certainly there are safeguards that could be put in place in relation to that.

Online voting is only used extensively in Estonia for the entire electoral cycle and there's a two stage verification process and it's a very secure process and there has been extensive work done on that. So, I mean, I suppose you have to say that the more opportunities and ways you can give to voters to vote, in principle of course it will always increase the ways

in which it could be manipulated but in practice where we've seen this done in other countries, there isn't any evidence to suggest that there is widespread fraud taking place. In relation to online voting --

**CHAIRPERSON:** Yes the technology, the terminology.

**DR. REIDY:** We often distinguish between the use of technology in polling stations. So for example, electronic voting machines which have some what of a coloured history in this country but are used extensively. So that would be voting by technology. Probably more and it is something that's on the agenda in Northern Ireland, where its more discussed there is that you would have online -- or sorry that you would have optical scanning machines for counting the ballots in the polling stations so that when you would go into the polling station you would vote by paper and then you would insert your ballot into a machine which would be an optical scanning device which would read the ballot paper and that would expedite the counting process. There would still be a paper record of all of the voting --

**CHAIRPERSON:** Yes, yes.

**DR. REIDY:** -- so there are different variances there.

**CHAIRPERSON:** Yes, yes.

**DR. REIDY:** So you could add it in as an addition but it would change how votes would be counted rather than increase opportunities to enhance turnout.

**CHAIRPERSON:** Yes, yes.

**DR. REIDY:** Sorry, I'm not sure if I'm making that very clearly. It wouldn't encourage more people or discourage people as a general rule the evidence -- it would just change how the ballots were counted. So you might get an election result quicker but its not something that could be recommended in any belief that its going to enhance turnout.

**CHAIRPERSON:** And do you think online is the more appropriate for what we are trying to get across to increase turnout? That online is the more appropriate expression.

**DR. REIDY:** It would certainly make it easier for voters under certain circumstances and they would be able to vote from home or vote from anywhere that they were in the State in a particular time. So they are quite different things and they would probably have different outcomes.

**CHAIRPERSON:** I think we have a query from Table nine, do we? Or Table Five.

**MEMBER TABLE 9:** Sorry Dr. Reidy you were making comments about the further education, the point we were trying to make with the extra option for this question -- we don't disagree with anything that you said and we actually I think came to a consensus yesterday along the same lines but the driving behind our extra option and the word education is in specific reference to a referendum education for the electorate on a given referendum as opposed to generic political education for the masses, if you know what I mean.



**DR. REIDY:** So you could add in an addition, I think we had --

**MEMBER TABLE 9:** The wording that -- might explain it or if it doesn't you can tell me. 'Increase resources to the commission to further educate the electorate for any given referendum'. So it's referendum specific as opposed to general political education is what we were trying to get at.

**PROF. GARRY:** Just on that, you could change the word education for information. So more resources to enhance the information that citizens have. That would just get away from that problem.

**DR. REIDY:** And sorry somebody wanted the postal voting provisions, do you want me to give those?

**CHAIRPERSON:** Yes, yes.

**DR. REIDY:** So postal voting is available for full time members of the defence forces, members of the gardaí and an Irish diplomat or his or his spouse posted abroad and then it is also available for people with a physical illness or disability, students who are in full time education. If you were unable to vote at your polling station because of your occupation and the last one is if you were unable to vote at your polling station because you were in prison as a result of an order of a court. So they are quite restrictive and you have to apply in advance --

**CHAIRPERSON:** Yes, yes, yeah. But I mean generally what we have put in question ten is very general, wider availability of postal voting because that would

require a lot of consideration. The actual, sort of principles which would apply, how it would be regulated would require a lot of consideration and we obviously are not equipped to deal with that and we certainly haven't the time.

**MS. FINEGAN:** There was a question about whether -- number F, the ability to vote at any polling station in the State would include foreign embassies.

**CHAIRPERSON:** Yes.

**DR. REIDY:** I mean at the moment it doesn't and I suppose that's a question that's tied into emigrant voting rights which is a whole other --

**CHAIRPERSON:** Yes, yes.

**DR. REIDY:** -- strand of discussion which again was actually dealt with at a previous convention and again there is a working paper before the Dáil at the moment. One of the committees is actually looking at the principles around emigrant voting rights. So it's certainly under consideration and it is something that is tied into another strand of conversation about extending voting right.

**CHAIRPERSON:** Very good. So, yes sorry, yes.

**CITIZEN TABLE 9:** Sorry  
one question and one comment. It seems  
to be implied in some of the questions on this question  
that to prevent the likes of voter fraud and everything  
that we'd need some kind of national voter database as  
opposed to a constituency by constituency one. So that  
was the comment and the question was, if a number of  
tables have suggested it, would it be worthwhile for us

to have on the ballot about lowering the voting age?

**CHAIRPERSON:** About?

**MS. FINEGAN:** Lowering the voting age.

**CHAIRPERSON:** Yes. Yes well it has already been addressed by the convention on the constitution -- alright okay, well we can put it on. Okay, we will put the -- so -- yes, I'll just ascertain your views on that. If we were to add an additional element into question ten which was to reduce the voting age to 16, how many would be in favour of that? All right, well we will work out the wording.

**MS. FINEGAN:** Yes.

**CHAIRPERSON:** John do you have a --

**PROF. GARRY:** There was also one question relating to the automatic inclusion of eligible voters --

**CHAIRPERSON:** Yes.

**PROF. GARRY:** And there was a concerned whether there could be an opt in or opt out, I mean one way to get around that would be to have two, to add an addition question and the first one would be automatic inclusion of all eligible voters on the electoral register and you can't opt out of it and the second one would be, the same thing, but you can opt out if you want. If you'd really like to kind of have that on the ballot.

**FACILITATOR TABLE 7:** I think it more around clarification about the repercussions of not voting. If voting is compulsory are you automatically included in the register, is there repercussions or consequences for not voting.

**DR. REIDY:** In countries where automatic registration happens it is just a facilitation measure. You are put on the register, it is entirely at the decision of each individual voter whether they choose to take up that franchise or not. So it is quite different from compulsory voting.

**CHAIRPERSON:** Yes, your name is put on the register and as I said previously, you needn't vote if you don't feel like it.

**DR. WALSH:** I think we just missed part of the question from Table 9 which was in respect of online voting etcetera and the need for some identification, the political scientists may be able to tell you a bit more about the why but our understanding is that, yes, once you move into the realm of online voting, voting at any polling station in the State, in those circumstances and a usual control and safeguard is the requirement of some kind of formal identification from birth that would track you location wise. Whether that's a distinctive one connected to voting or a general national ID card, it varies I think from jurisdiction to jurisdiction but the political scientists may have more detail for you on that.

**CHAIRPERSON:** All right. I will try and sort of ascertain where we are now in relation to this question, question ten -- what?

**PROF. RAFTER:** There was a question about cut off point for opinion polls.

**CHAIRPERSON:** Yes, yes, yes.

**PROF. RAFTER:** I think it is worth mentioning, like obviously there are prohibition on opinion polls in a number of States. It is challenging and in particular given the overlap between the Irish and the UK media markets.

**CHAIRPERSON:** Yes.

**PROF. RAFTER:** Well if you were to, if it were possible, to introduce prohibition, time limited prohibition a number of days before polling in a referendum on the publications of people by Irish media, there is nothing to stop a UK based or a non Irish or a media organisation outside the jurisdiction from commissioning and publishing the results of an opinion poll and obviously that can be disseminated then through social media and other online -- back into -- you can't put a blackened wall to stop the information leaking into the Irish market. So there are specific market based challenges and technological challenges to putting in a prohibition on opinion polls. It has been discussed here previously. We had a brief conversation about it last evening. We are also of the view that it hadn't been given sufficient airing yesterday with the deliberations but it has been discussed previously here and the challenges that would exist to introduce such a ban have been discussed.

**PROF. WALSH:** Just one other that we haven't commented on which was the suggestion for bi annual fixed dates or months for the holding of referendums, obviously it is for you to consider I suppose the question is would

presumably be facilitative so it wouldn't be required that those dates be used for a referendum if there wasn't one on the agenda in political terms. I presume the idea would be that you would be identifying dates for a potential referendum if one was to be held in each year on a fixed basis is that what you were contemplating? Sorry I don't think -- we had a brief discussion about this earlier we saw any major problem with it as a facilitative mechanism if that's something the room generally --

**DR. DOYLE:** I think the only -- again its to vote on but the only potential issue is that it might delay the holding of referendums if the wording weren't ready by the time that it came around you then couldn't have it a week later than planned, you'd have to wait six months to have it potentially.

**CHAIRPERSON:** Well there are a lot of remaining issues. I don't know what the best way of dealing with it is. Yes?

**DR. WALSH:** It is suggested in the first instance the views are canvassed, in relation to, I know there was an additional question about qualified majority for referendums. It would be good to know if there is consensus on that before we think about drafting something on that as well.

**CHAIRPERSON:** I just want to deal with question ten now. We are going to add on the 16 year limit --

**MS. FINEGAN:** We voted on that already.

**CHAIRPERSON:** What?

**MS. FINEGAN:** We voted on that already, that's agreed.

**CHAIRPERSON:** And we voted on that, it's agreed. Are there any other remaining issues of sufficient importance not to -- agreed to question ten in its current form - yes --

**CITIZEN TABLE 9:** Just what Dr. Doyle was saying about delaying a referendum if the wording isn't ready, it could either be an ancillary recommendation, that the Oireachtas would endeavor to hold referendums on fixed dates or within fixed months but that its not -- so they don't make it a binding thing if they take action on that recommendation but that they would endeavor to

--

**CHAIRPERSON:** What do you think of that?

**DR. DOYLE:** I'm just, not sure at that point how much is being achieved by us.

**CHAIRPERSON:** Yes -- so am I to take it that the general view is that we shouldn't go there? Yes, yes. All right. So -- we are at twenty past 12, my God, we are running out of time. In relation to question 10 we are going to add the -- you've already agreed to the addition of that element in relation to the 16 year age limit -- I want to -- subject to that addition being included, would you agree to question 10 in its current form, how many would?

**MS. FINEGAN:** That's definitely a majority.

**CHAIRPERSON:** Yes, that's definitely a majority. I know somebody has a question, who is it?

**FACILITATOR TABLE 10:** The Citizen's at Table 10 want to





ensure that the Assembly considers the extension of the grace period when being out of the state from 18 months to five years.

**CHAIRPERSON:** Will we consider that in the break as a special question? How does the room -- does the room have a view about us considering that? Put up your hands for those who think it is not necessary to have a separate question. That we won't do that suggested change.

**CITIZEN TABLE 10:** The reason I'm asking this question is that last year when we had the marriage equality referendum, that a lot of people came back to Ireland to vote in it and there were massive campaigns and it was wonderful and everybody was very excited about it but according to the constitution, unless our legislation, if you've been out of the country for 18 months you are not entitled to vote. So I'm just concerned that if any very difficult referendum comes up in the near future that young people who have gone away for their education, probably education purposes, whose extension maybe more than 18 months will be ineligible to vote and it is a very important issue for them. So that's the only reason I bring it so that if there's any petition then to challenge the result of any future referendum this may become one of the issues so that's why I'm bringing it up.

**CHAIRPERSON:** Theresa do you have a view on that?

**DR. REIDY:** Well emigrant voting rights are being considered in a parallel process at the present time

but that doesn't preclude the room here making a decision on it but it is on the political agenda that's the only thing I can really add to it.

**CHAIRPERSON:** All right. What I'll ask is, do the Members want to include an additional question on that? How many want to include it?

**MS. FINEGAN:** It should be made clear, you wouldn't have to vote in favour of it, its just to include a question on the ballot paper.

**CHAIRPERSON:** All right. There seems to be a majority. We will put in an additional question but it will be an additional question. We will have to word the question and I'm going to leave question ten there -- question 11, I just want to deal with question 11. There were only three comments in relation to question 11 and given that we have used up so much time and we are going to be here all day by the looks of things, I'm going to ask you to indicate whether you will accept question 11 in its current form at the moment. All right then, question 11 is passed. So we will rise now.

We have indicated that we will deal with the -- what's the expression, majority -- qualified majority -- we will consider that because it has been raised and I think what was suggested was 60/40 or something like that. Do any of the other Members have any views on that before we rise to consider the questions?

**MEMBER TABLE 2:** Sorry if we had a qualified majority, there

are many referenda in the last 20 years that would not have passed --

**CHAIRPERSON:** Right.

**MEMBER TABLE 2:** -- for instance the divorce referendum --

**CHAIRPERSON:** Yes.

**MEMBER TABLE 2:** -- and so on, children's rights.

So I would

leave the situation as it is really.

**CHAIRPERSON:** Anybody else have a view on it?

**MEMBER TABLE 9:** Along similar lines --

**CHAIRPERSON:** So sticking with the simple majority.

**MEMBER TABLE 9:** Yes but if we adopted a qualifying majority would it open previous referendum result for challenges?

**CHAIRPERSON:** No, no, no. It would only apply prospectively not retrospectively. Yes, table 7.

**MEMBER TABLE 7:** It's a ridiculous suggestion, you can't have a situation where a minority of people can win a referendum.

**CHAIRPERSON:** Yes. All right. I'll ask for a show of hands as to who wants to include that question. How many? A show of hands of those who do not want it includes. All right well that's the majority. So that takes care of that. So we will rise now and we will consider the outstanding issues. How long? You are getting a fifteen minute coffee break now, so enjoy as we go and do some work.

**COFFEE BREAK.**

**THE SESSION RESUMED AFTER A SHORT BREAK: FINALISATION**



**AND AGREEMENT ON WORDING OF BALLOT PAPER INCLUDING  
EXPLANATION OF ANY AGREED AMENDMENTS.**

**CHAIRPERSON:** Very good. We have spent the last, I don't know how long, 20 minutes was it, considering the remaining issues and I'm just going to set out what we propose -- it's your decision in the heel of the reel as they say. First of all, the first question was question five and we propose that question five be added to meet the situation in relation to anonymous donations and the wording you'll see it is up in the screen:

*"Do you think that anonymous donations to registered political parties and campaign groups should be prohibited".*

So that's the additional -- yes --

**SPEAKER FROM FLOOR:** [Inaudible].

**CHAIRPERSON:** We haven't specified that and that was, I think it is true to say, that was a deliberate decision. I'm right on that?

**PROF. RAFTER:** Yes because effectively if anonymous donations are being made to political parties are you going to allow them in for election campaigns and not for referendum campaigns. So we have deliberately in

this question not specified, for practical purposes.

**CHAIRPERSON:** Yes. So we had agreed the original wording of what is now Section 5(a) -- all right -- don't worry. So Section 5 becomes Section 5(a) and we've incorporated the amendments, "*should develop and effectively implement*" and we've added on the individuals at the end. So that will now be 5(a) and you've seen 5(b) and do you agree to the inclusion of 5(b), I'd like a show of hands. Yes, well that is decided on. Thank you very much.

Then we go to question 8 and we are splitting question 8 and you will see 8(a) there:

*"Do you think it should be permissible to have more than two options on the ballot paper in a constitutional referendum?"*

And then 5, sorry 8(b):

*"If there are more than two options on the ballot paper in a constitutional referendum, that outcome should be decided by first past the post or PRSTV"* - maybe put a space between the PR and the STV it might look better and did the question go up?

**MS. FINEGAN:** Pardon?

**CHAIRPERSON:** No, that's fine. All right, I'll just go through that again. If there are more than two options on the ballot paper, this is at a referendum, in a

constitutional referendum the outcome should be decided by, "*first past the post*" and we've put that in inverted commas as you'll see and PR STV, that's proportional representation single transferrable vote because that was the terminology I think that came from Table 12 was it? No Table 10?

**MS. FINEGAN:** Table 8.

**CHAIRPERSON:** Table 8, I was getting confused yes and we haven't added as you will see the third which was another - that's far too vague. So 8(a):

*"Do you think it should be permissible to have more than two options on the ballot paper in a constitutional referendum?"*

And the consequences of that is, if there are more than two options on the ballot paper in a constitutional referendum, the outcome should be decided by either 'first past the post' or proportional representation single transferable vote.

So, do you want question 5 split like that and that -- sorry question 8 I should say, question 8, do you want the question 8 split and the additional 8(b) included, could I have a show of hands please. Very good thank you very much.

**MEMBER TABLE 5:** Do you think you could use the multi optional voting in referendums. If you vote 'no' that you don't think it's a good idea --

**CHAIRPERSON:** Yeah.

**MEMBER TABLE 5:** -- you really can't vote for 8(a) and

8(b). **CHAIRPERSON:** Well not necessarily. You may have a view on that, you may vote 'no' but you still may have a view if the majority votes 'yes' what should happen. **CITIZEN:**

Okay, okay.

**CHAIRPERSON:** Yes. We've had that in other ballots, haven't we? Frequently, yes -- very good. Now I'll move on to question 10. We are adding three, it's getting longer and longer! We are adding three further, I've been using the word elements -- the main question is:

*"Which if any of these initiatives do you think should be introduced to try and increase voter turnout?"*

And then we are adding, lower or should we say 'lowering', *"lower the voting age to 16. Allow voting by otherwise eligible voters who are resident outside the State for no more than 5 years"*. That deals with the point that was raised and to try and cover the other point: *"Greater provision of voter education on referendums"* - would you go back to the old question 10. Would lowering this -- it's all right as it is -- allow greater provision -- all right.

Sharon has suggested that it would be appropriate that if I asked you to vote on each of the additions separately. So that's what I'll do. Now a show of



hands please as to whether we should include (i), that's lower the voting age to 16. Well that's certainly a majority.

Then paragraph (j), allow voting by otherwise eligible voters who are resident outside the State for no more than five years. Show of hands please, very good. That's in favour of as well. In favour of inclusion.

And the final one (k), greater provision of voter education on referendums. Again that will be included.

So essentially that takes care of everything, except just as we rose there half an hour ago, some body, I think from Table 9 raised a point of clarification with Theresa in relation to question 11 and I'm going to ask Theresa to address that if she would.

**DR. REIDY:** It's just to confirm that the three options covered all of the options that were discussed in the presentation yesterday. So it covers constitutional change, legislative change and also veto of legislation both rejective and aggregative.

**CHAIRPERSON:** Is that satisfactory? All right. Table 9, yes?

**MEMBER TABLE 9:** Sorry this might amount to nothing, I think there was a typo on Question 10, that's not in the slide, you can't see it on the screen but on the printed draft that we first got, there was options (a) to (h) and above it had it ' put an x in the box from

(a) to (f). That's readjusted I presume?

**CHAIRPERSON:** Yes.

**CITIZEN TABLE 9:** Grand okay.

**CHAIRPERSON:** You've amended that, have you?

**MS. FINEGAN:** Yes I have, yes.

**CHAIRPERSON:** Thank you very much for mentioning that. All right, well I think that's it. I think we have a ballot paper.

**MS. FINEGAN:** Yes.

**CHAIRPERSON:** With 11 questions and some questions split.

[APPLAUSE]

**MS. FINEGAN:** So what we will do now is -- just the technical part for us is just printing off the ballot paper. We've about half of it printed already, what was agreed before we took the break. It will just take us a few minutes to do it. I know lunchtime was schedule for now, but if you wouldn't mind handing on to cast your vote before you go for lunch. The other thing is that according to our rules we need four people to observe the counting, when the counting takes place, so if I could ask for four volunteer members to do that.

**CHAIRPERSON:** Hand up from Table 1.

**MS. FINEGAN:** Denise and yes thank you.

**CHAIRPERSON:** Table 3.

**MS. FINEGAN:** Great, okay, that's great. So we will talk to you about doing it on a rotation so you can have a break but just to say, so we will have the

ballot paper as quickly as possible. We will set up the desks in the normal way and you'll be directed to the correct Table for you to collect your ballot paper and register and so on and we hope to do it as quickly as possible. So maybe less than 10 minutes I think before the ballot paper is available. Thanks.

**BREAK FOR PRINTING OF BALLOT PAPER.**

**MS. FINEGAN:** Sorry if I could have your attention. If I could just ask you to use this time or remind the Members to use this time to fill out your surveys. That would be really helpful, thank you.

**MS. FINEGAN:** Can I have your attention please. The ballot papers are now ready so you can proceed to the Registration Desk to cast your vote. If I can ask just if any of you have places to go or you are under pressure for time, if you could make yourselves known and just jump to the top of the queue and I'd appreciate if fellow Members would help their fellow Members out on that one. I'd be very grateful. Thanks.

**VOTING COMMENCED.**

**ANNOUNCEMENT OF RESULTS, CONCLUDING REMARKS AND REFLECTIONS FROM THE CHAIR:**

**CHAIRPERSON:** Good afternoon everybody. We have the votes counted now and they will be going up on screen as I go through it but I just want to say first of all, that we did a specific note on voting for the purposes of this weekend and its on the website if anybody is interested in it. I just wanted to mention that.

Now, I'm going to start with and I'm about to give the results as you know of the voting and I'm going to start with Question 1 and Question 1 is on the screen now and the number of eligible voters was 84, the number of votes cast 84, no invalid votes. So the total valid poll was 84 and I'll now tell you what the question was, Question 1:

*"Do you think the functions of the Referendum Commission should be carried out by a permanent electoral commission?"*

And the 'yes' option there were 79 votes, that is 94% and the 'no' option five votes, 6%.

Question 2, that question was:

*"Do you think the Referendum Commission should be obliged to give its view on significant matters of factual or legal dispute that arise during a referendum campaign in the public domain, including on social*

*media?"*.

And once again 84 eligible voters. There was one invalid vote on this occasion and the total valid poll was 83 and the result was, those who voted for the 'yes' option numbered 78, that's 94% and the 'no' option 5 and that's 6%.

Going on to Question 3, that question is:

*"Do you agree with the current position where the government is not permitted to spend public money to advocate on one side only of a referendum campaign?"*

Once again 84 eligible voters, one invalid vote and the total valid poll was 83 and the result in favour of 'yes', a yes response, 72 votes, that's 87%, 'no', 11 votes that's 13%.

Then going on to Question 4. That question is:

*"Do you think the government should provide money to both sides equally in referendum campaigns?"*

Again 84 eligible voters. No invalid votes so a total valid poll of 84 and the two options, 'yes' and 'no', those in favour of 'yes', 57 votes that's 68% and those in favour of 'no', 27 votes that's 32%.

Question 5(a):

*"Do you think the Oireachtas should develop and effectively implement a system of spending limits in referendum campaigns for registered political parties, campaign groups and individuals?"*

Again the number of eligible voters 84, no invalid votes, so the total valid poll was 84 and those who voted 'yes', in favour of the 'yes' option, 82 votes, that's 98% and 'no', 2 votes that's 2%.

Question 5(b):

*"Do you think that anonymous donations to registered political parties and campaign groups should be prohibited?"*

And again we had 84 eligible voters but there was one invalid vote. So the total valid poll was 83. Those who voted 'yes', 60 votes, 72%. 'No', 23 votes that's 20% (28% was actual result).

Question 6:

*"Do you think that it is a good idea to have more than one referendum on unrelated issues at the same time?"*

The number of eligible voters, 84, no invalid votes so

the total valid poll was 84 and those who voted 'yes', 67 votes or 80%. 'No', 17 votes at 20%.

Going on to Question 7:

*"In the event that there is more than one referendum on related issues at the same time, what do you think should be the maximum number of referendums?"*

And once again we had 84 eligible voters. No invalid vote so therefore the total valid poll was 84. Now I'll read through each of the options. The first one was, *"that there should be no more than two referendums at the same time"*, there were 35 votes in favour of that. That is to say, 41.7% and that ranked first.

*"There should be no more than three referendums at the same time"*, and there was 34 votes there and the percentage was 40.5% and that ranked second and you'll notice that there was just the difference between the two was just one vote and that's why we have set out the percentages as we have done.

And then finally, *"there should be no upper limit on the number of referendums held at the same time"*, and there were 15 votes for that option. That represents 17.9%.

Question 8(a):

*"Do you think it should be permissible to have more than two options on the ballot paper in a constitutional referendum?"*

And again the number of eligible voters was 84 and the total valid poll was 84 and those who answered 'yes', 64 votes or 76%. 'No', 20 votes 24%.

Then Question 8(b):

*"If there are more than 2 options on the ballot paper in a constitutional referendum, the outcome should be decided by..."* and there are two options given there, *"first past the post and PR STV"* and the 'first past the post' gained 40 votes or 48% and the second PR STV 44 votes or 52% and there were 84 valid votes in relation to this question. I should perhaps say that we had intended putting 'first past the post' in inverted commas and also PR STV, in other words proportional representation single transferrable vote also in inverted commas but you see the result is quite clear.

Then Question 9:

*"Do you agree that in principle the Oireachtas and the government should give effect to the outcome of a referendum within five years?"*



There were 84 eligible votes and a total valid poll of 84. Those who voted 'yes' 75 in other words 89%. Those who voted 'no', 9, 11%.

And then Question 10 is a rather long question:

*"Which if any of these initiatives do you think should be introduced to try and increase voter turnout?"*

And there are options from (a) to (k). There were some invalid votes so what I will do I will read the valid poll and then I'll read the 'yes' and 'no' in relation to each element of this question.

So the first element is:

*"Early voting in the weeks before the poll":* In other words that is an initiative which would be introduced to try and increase voter turnout. So that initiative, early voting in the weeks before the poll there were 81 valid votes of which 45 or 56% were for yes and 35 or 44% were for 'no'.

The second element:

*"Extended voting over a number of days":* Again the valid poll was 81, 40 votes 'yes' that's 49% and 41 votes 'no' that's 51%.

And then the third, "*weekend voting*", 83 was the valid poll on this occasion and interestingly 83 votes on the 'yes' side which was 100%.

Then next, "*online voting*", the valid poll was 81, 57 votes for 'yes' in other words 70% and 24 votes for 'no' 30%.

The next element is, "*wider availability of postal voting*": 83 valid votes, 69 of which were in favour of 'yes' and that's 83% and 14 for 'no' and that's 17%.

The next element is: "*The ability to vote at any polling station in the State*", the valid poll was 83, 74 in favour, in other words 'yes', so that represents 89% and 9 'no' and that's 11%.

The next element is: "*Automatic inclusion of all eligible voters on the electoral register*", the valid poll on this occasion was 80 votes and 12 or 15% voted 'yes' and 68 or 85% voted 'no'.

I'm sorry -- I read that incorrectly. I'll just -- it was 78 voted 'yes' that's 95% and 4 voted 'no' that's 5%.

The next is, "*compulsory voting*" and there were 80 valid votes of which 12 voted 'yes' that's 15% and 68

voted 'no' that's 68%.

Then the next element is: *"Lower the voting age to 16"*. There were 83 valid votes, 66 votes or 80% for 'yes' and 17 votes or 20% for 'no'.

And then the next element is: *"Allowing voting by otherwise eligible voters who are resident outside the State for no more than 5 years"*. And there were 84 valid votes of which 65 or 77% were for the 'yes' option and 19 or 23% were for the 'no' option.

And then the final element of this question is: *"Greater provision of voter education on referendums"*. And the valid poll was 82 of which 79 voted yes and that represents 96% and 3 voted 'no' that represents 4%.

And then the final question is Question 11:

*"Which if any of the following types of citizens initiatives do you consider should be provided for?"*

And there were 84 valid votes for this and the first is: *"A citizens initiative to put a constitutional referendum proposal to the people"* and there were 7 invalid votes in relation to this so the valid poll was 77 of which 53 or 69% voted yes and 24 or 31% voted 'no'.

The second is: *"A citizens initiative to put a legislative change proposal to the people including enacting, changing or repealing legislation"*. On this occasion the valid poll was 78 of which 54 or 69% voted 'yes' and 24 or 31% voted 'no'.

And then the final aspect of this is: *"A citizens initiative to put an item on the agenda for decision by the Oireachtas"* and the valid poll was 78 of which 65 voted 'yes' that's 83% and 13 voted 'no' that's 17%.

So that's the result of the poll and those results will constitute the Assembly's recommendations to the Oireachtas. So that's that and I just wanted to wind up, I just want to say a few words before I bring this meeting to a close.

Throughout this weekend we've considered the way in which referendums are held in Ireland from the historical position to the legal regulation of campaigns, to voter turnout, super referendums, repeat referendums, citizens initiatives and direct democracy. We have made important recommendations in all of these areas and those are the recommendations based on the voting which took place this afternoon and I have no intention of boring you by repeating the vote again. It's all there and it will be on the website. Is it on the website now? Yes. It's on the website now but in

any event, what I want to do at this stage is to advise you of the next steps. The Members have made recommendations through the vote on the ballot. I will now fulfil the next step of the terms of reference. In other words I will aim to finalise the report. The report of the Assembly on this topic and furnish it to the Houses of the Oireachtas as soon as possible.

The Secretariat will communicate the contents of the report and the date it will be submitted to the Houses of the Oireachtas to the Members in advance. So you will see it in advance.

And I just want to briefly say a lot of thank yous because we got an awful lot of assistance this weekend. Yesterday we were lucky to have received presentations from speakers which really informed us about this particular topic and the speakers were all experts on the topic and I think anybody who was here would have appreciated the quality of the presentations we got.

Secondly, there's the Expert Advisory Group, they have provided great direction to the Secretariat and to myself on this topic and as always I'm extremely grateful for all their work and guidance and I can tell you they did work hard over this weekend, no more than the rest of us.

And then I also just want to mention, I think they are

gone at this stage but I do want to mention the Facilitators and the Note Takers who again worked very hard and they brought their special skills to the task and I'm very happy that we continue to benefit from their presence.

And of course most of all I want to say thank you to the Members. I'm really delighted that so many of you have returned in 2018 to see this process through. Your dedication and enthusiasm has not diminished since we began this process with the first weekend meeting in November 2016. Many of you travel long distances to be with us and I realise that this travel and devotion of time is not easy.

I'm also delighted to have met so many new Members this weekend. We've welcomed 13 new Members only recently recruited all of whom without hesitation agreed to come along this week and I'm really grateful for that.

So to everybody that I've just mentioned, many thanks and I want to say a particular thanks to the Secretariat, our own staff and the people who come from the Department of the Taoiseach to assist us at these occasions. They give us a great service and I'm truly grateful.

Now, to conclude we will meet again for the last time on 3rd and 4th March to consider the final topic that

is, Fixed Term Parliaments. As I think I mentioned yesterday, the submission process is now open on that topic and it will remain open until 12 noon on the 23rd February. The Secretariat will soon again start publishing the submissions, as soon as they come in we will put them on the website and anyone who is interested may log onto the website to read them in their own time.

And I look forward to seeing you all again in a few weeks time and before calling the weekend to a close I'm glad to say we did finish up on time and most of you will be home in time for Dancing with the Stars!

Slán abhaile.

**END OF CONFERENCE**