

Referendum  
Commission



# Report on the Referendum on the

**Thirtieth Amendment of the Constitution  
(Treaty on Stability, Coordination and Governance  
in the Economic and Monetary Union) Bill 2012**

[Referendum2012.ie](http://Referendum2012.ie)



## Foreword

On 30 March 2012, the Minister established the Referendum Commission on the Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Bill 2012 by order to carry out the functions conferred on it by the Referendum Act 1998, as amended by the Referendum Act 2001, in respect of the referendum.

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

Pursuant to Section 14(1) of the Referendum Act 1998, I hereby present to the Minister for the Environment, Community and Local Government the report of the Referendum Commission on the performance of its functions in respect of the referendum on the Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Bill 2012.

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## Key Dates

The referendum on the Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Bill 2012 was held on 31 May 2012. On 30 March, the Minister for Environment, Community and Local Government established an independent Referendum Commission, while the text of the Referendum Bill was approved by the Houses of the Oireachtas on 24 April. On 30 April, the Minister made a polling day order appointing 31 May as polling day.

## Establishment of the Referendum Commission

Under the Referendum Act 1998, on each occasion that a referendum falls to be held, the Minister for the Environment, Community and Local Government may, at his discretion, establish a Referendum Commission. A Commission is established by means of an Establishment Order made by the Minister in respect of the proposed referendum. The Act of 1998 provides that the Chairman of the Commission shall be a former judge of the Supreme Court or the High Court or a judge of the High Court.

On 30 March 2012, the Minister made an Establishment Order in respect of the referendum on the Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Bill 2012. Mr Justice Kevin Feeney, Judge of the High Court, accepted the nomination of the Chief Justice to act as Chairman of the Referendum Commission established by the Minister.

The other members, on establishment of the Commission, were *ex officio*:

- Mr Kieran Coughlan, Clerk of Dáil Éireann,
- Ms Deirdre Lane, Clerk of Seanad Éireann,
- Ms Emily O'Reilly, Ombudsman,
- Mr Gerard Smyth, Secretary and Director of Audit, Office of the Comptroller and Auditor General.

Mr Smyth became a member of the Commission as the office of Comptroller and Auditor General was vacant when the Commission was established. The Referendum Act 1998 provides that where the office of Comptroller and Auditor General is vacant, the Secretary and Director of Audit of the Office of the Comptroller and Auditor General shall be a member of the Commission. The office of Comptroller and Auditor General was filled on 28 May 2012 by Mr Seamus McCarthy and he became a member of the Commission from that date, replacing Mr Smyth.

## Role of the Referendum Commission

Since 2001, the Commission's primary role has been:

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

## Funding of the Referendum Commission

The Commission was allocated a budget of €2.2 million by the Department of the Taoiseach for the information campaign. This compares to a budget of €5 million for the first Lisbon Treaty campaign and €4.2 million for the second Lisbon Treaty campaign.

An audit of the accounts of the Referendum Commission confirmed that proper financial procedures were followed. Procedures for procurement were also found to be in accordance with Department of Finance Public Procurement guidelines.

Overall expenditure was €2,053,427. Details are given in the appendix to this report.

As a result of its campaign strategy, and the short period available for the campaign, the Commission ran a very cost-effective campaign which resulted in the return of €146,573 of its budget to the Department of the Taoiseach. Unforeseen legal costs to the Commission of €83,424 arose from Deputy Pearse Doherty's unsuccessful legal action.

## Procurement

The Referendum Commission has no ongoing legal existence and only comes into being once established by Ministerial order.

In August/September 2011, an open public procurement competition was held for the provision of marketing/project management/communications consultancy services to the Referendum Commission established for the Twenty-Ninth Amendment of the Constitution (Judges' Remuneration) Bill 2011 and the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011. The Referendum Commission reserved the right, at its sole discretion, to avail of the negotiated procedure pursuant to Article 31(4)(b) of Directive 2004/18/EC for the award of additional contract(s) for the same services if required for further referendum(s) that may be held in Ireland within three years of the conclusion of the contract with the operator selected for these referendum campaigns.

A consortium led by Murray Consultants (public relations), and including Chemistry (advertising) and Aegis Media Ireland Ltd. T/A Carat (media planning/buying), won the competition in 2011. After its establishment in March 2012, the Referendum Commission considered whether to avail of the negotiated procedure and decided to avail of the option to retain the same consortium.

Following an open procurement process, the contract for the national distribution of the Commission's guide to the Fiscal Stability Treaty was awarded to An Post.

## Meetings

The Commission met in formal session on nine occasions.

## Staff

The secretariat to the Referendum Commission was provided by staff from the Standards in Public Office Commission and the Office of the Ombudsman. These staff costs were borne by the Office of the Ombudsman and the Standards in Public Office Commission and were not paid out of the budgets for the information campaign. Neither the Chairman nor the other members of the Referendum Commission received any payment for Commission work.

### Strategy

The Commission decided that notwithstanding the logistical difficulties presented by the very short time between the passage of the legislation by the Houses of the Oireachtas (24 April) and polling day (31 May), the core element of its campaign should be a guide to the referendum to be prepared and distributed to all homes in the State. The purpose of preparing the guide, drafted with the assistance of legal advice, was to ensure that a balanced and informative explanation of the proposed amendment would be available to the electorate from a neutral and non-partisan source. The guide would give the central elements of the proposal and as well as being distributed nationwide its content would be published on the Commission's website, together with additional explanatory material. The additional material was also sent to voters on request.

The Guide was supported by an advertising campaign in all media. Some of the advertisements gave some detail of the referendum proposal, others – particularly the television campaign – were used to promote awareness of the referendum, to stress the importance of voting and to tell voters where additional information was available.

The Chairman and other Commission spokespersons also gave a large number of interviews to national and regional radio stations to explain the referendum proposals.

The Commission also decided it should run a campaign to encourage people to check the electoral register and to add their names to the register if they were not already on it. For the first time, the Commission used a Facebook application to facilitate this and also used the social medium Twitter to promulgate details of its campaign.

### Campaign Elements

The key elements of the Commission campaign were:

1. The preparation and distribution nationwide of a guide explaining what the electorate was voting on.
2. The publication of this material and additional background information on the dedicated website [www.referendum2012.ie](http://www.referendum2012.ie).
3. A Register to Vote campaign involving press statements, online advertising and the use of a Facebook app to facilitate checking the register and downloading registration forms.
4. Running a national advertising campaign on television, radio, press, outdoor and online. Some of the advertisements were designed to give some information on the referendum proposal, others to raise awareness of the referendum, to stress the importance of voting and to direct voters to where further information was available.
5. Regular supplementary communication including:
  - the holding of a press conference to announce the campaign and give details of the Guide;
  - providing spokespersons to be interviewed about the role of the Commission and the content of the proposals to national and regional radio. The Chairman of the Commission did two interviews on RTE's Morning Ireland programme while a Commission spokesperson was interviewed by around 15 national and local stations on the content of the Fiscal Stability Treaty;
  - issuing regular press statements to media on specific issues that arose during the campaign, and to encourage voters to inform themselves and to vote;
  - a daily column in the Irish Daily Star over a two week period answering readers' questions on the referendum proposal;
  - using the social medium Twitter to give details of Commission activity.



There's only one thing  
better than having a vote.  
Using it.

The Fiscal Stability Treaty Referendum

May 31st  
Vote Yes or No

Find out more at

[Referendum2012.ie](http://Referendum2012.ie)

### The guide for all homes

Since the first Referendum Commission was established in 1998, the nationwide home delivery of a guide to the referendum proposal has been the central element of its information campaign. In recognition of the fact that the means of disseminating information has changed substantially since 1998, at the outset of this particular referendum campaign this Commission reviewed the efficacy of the guide distribution.

Despite the substantial migration of citizens to online sources of information, the most recent Referendum Commission research available at the outset of this campaign showed the “hard copy” guide had an enduring usefulness. In last October's public information campaign in relation to the referendums on judicial pay and Oireachtas inquiries, roughly two thirds of those who received it said they had read all or some of the guide, and a clear majority of those found it either “quite helpful” or “very helpful”.

The Commission therefore decided that to fulfil its mandate, direct communication with every voting home should remain a central part of the campaign, a view borne out by its research into the recent campaign which is detailed later in this report.

The Commission produced an A5 size guide which, in line with the Official Languages Act, was published with 12 pages in English and 12 pages in Irish under the same cover. It was published in Braille and on CD for persons with a sight disability and these versions were distributed through the National Council for the Blind. In addition, the Commission produced a special Irish Sign language video of the handbook for distribution via the Irish Deaf Society and DeafHear. This video was also available on the Commission's website.

As in other recent campaigns, the Commission decided on cost grounds to deliver the guide to every residence through An Post's Publicity Post Service rather than using the much more expensive method of having a copy of the guide addressed and posted to individual voters – this would have cost at least three times as much.

The Commission immediately following its establishment commenced the preparation of the text for the guide but decided that it could not finalise and begin printing the guide until the Thirtieth Amendment to the Constitution Bill was passed by both Houses of the Oireachtas. This was because any late amendment to the legislation, no matter how unlikely this may have seemed, could necessitate a late change to the text of the guide. The legislation was finally approved by the Houses of the Oireachtas on 24 April 2012, giving just 37 days to polling day. Ideally, the guide should arrive in people's homes at least a fortnight before polling day to allow it to be read by voters. This therefore left a very tight timescale for drafting, translating, designing, printing and distributing the guide to every home in the State.

The written, translated and designed guide was delivered to the printer on 27 April, the latest date that would allow for distribution to begin on 10 May and finish on 18 May. An Post reported that 97% of guides were distributed by this deadline with the remainder being delivered the following week.

Before the Commission's guide was available, the Government had already begun to distribute its guide. That guide was in a style similar to previous referendum commission guides. The Commission decided therefore to emphasise the independent nature of its own guide. Nevertheless, there was evidence of confusion among the public and among members of the Oireachtas some of whom believed that the Government's guide had been produced by the Referendum Commission. The situation was not helped by the lack of a clear statement of the status of the producers of the Government guide and the lack of any contact details on the document.

The Government guide was produced by the Department of the Taoiseach. That Department's Customer Action Plan 2011 – 2013 states that as part of its efforts to serve its customers with timeliness and courtesy, it will ensure that full contact details are provided on all written material from the Department. The guide that it produced failed to honour that commitment.

### Website

The Commission established a dedicated website for the referendum called [www.referendum2012.ie](http://www.referendum2012.ie). The website was available in English and Irish and complied with all of the best practice accessibility standards.

The core content of the website was the text of the printed guide which explained the referendum proposal, and this was available to be downloaded. More detailed background information was also published on the website. The site also gave general information about the European Union and the full text of the treaty was available for download.

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

The Commission published regular information on its campaign and on issues that arose during the campaign on its website. The Commission highlighted its availability to deal with queries and gave prominence to its contact details. It also published the text of a daily question and answer column with the Commission Chairman which was published by the Irish Daily Star.

The site had over 41,349 unique visits and 100,451 page views in the course of the campaign.

### Other means of obtaining information

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

### The advertising campaign

Advertising is at its most effective when conveying simple strong messages. It is therefore unsuited to attempts to explain something as detailed as a constitutional referendum proposal. However it can be used to convey central headline messages on what such a proposal is about, to raise awareness of a forthcoming poll and to encourage voting.

In this campaign the advertising on different media served different functions. Advertising on radio, in print, online and outdoor worked to give some key detail of what the referendum proposal was, to tell people where more information was available and to encourage people to vote. The television advertising campaign did not attempt to explain the referendum proposal but focused on conveying the message that it is important to vote, and that every vote counts.

Of central importance was to ensure that the advertising campaign was “integrated” both across different mediums and with the guide – in other words it was important to ensure that through using similar imagery, colours and messages that the Commission's message developed a distinct and recognisable identity. This concept of integration maximises the impact of a campaign such as this.

### TV advertising

The 40 second television advertisement was based on a “story” in which the returning officer at the count centre, instead of reading out the referendum result, handed it on a piece of paper to a motor cycle courier who then delivered it to the home of an ordinary voter. The message being conveyed was that the individual voter was at the centre of this decision and that it was important to cast your vote. The advertisement also directed voters to the guide being delivered to all homes and to the website for further information. The television advertising was broadcast on RTÉ, TV3e, TG4, Sky Group, E4 and Setanta.

### Radio advertising

The Commission produced four 40 second radio advertisements in English and one in Irish. Some of these involved presenters giving a summary of the key referendum proposals, or encouraging people to seek further information and to vote. Others used humour to deliver the “vote” message. Different versions were used on different radio stations as considered appropriate to the makeup of their listenership. In the last few days of the campaign the advertising message changed to a straight encouragement of people to vote.

### Free-to-Air advertising

As has been the practice in recent referendums, the Commission was allocated all the available “free-to-air” time by broadcasters in relation to the Referendum, on both radio and television.

For the purposes of these referendums the Commission chose to record a 90 second long broadcast. This involved a “straight read” by a presenter giving a brief explanation of the proposal and for the first time it was simultaneously signed by an Irish Sign Language presenter on television.

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

### Press advertising

The national press advertising used similar imagery of people intended to represent ordinary voters as was used in the online and outdoor advertising and in the guide. The core message of the press advertisements centred on encouraging people to vote, and they also contained text giving a headline version of what the referendum proposal was about.

### Outdoor advertising

The outdoor advertising also used similar imagery. Space was taken on urban buses throughout the State and on bus shelters for advertisements with the same core messages as those placed in the press.

### Online advertising

The online advertising had in effect the same objective as the press advertising which was to give a headline idea of what the referendum proposal was, to encourage people to get further information and to tell them where it could be obtained, and to encourage voting.

### Engagement with the Press

The Referendum Commission launched its campaign on Thursday 3 May 2012 with a press conference at which it gave a summary of the referendum proposal, distributed its guide to the press and answered questions from journalists on a variety of issues. A press statement containing this information was circulated to all national news desks and regional media outlets.

The Chairman of the Commission Mr Kevin Feeney responded to questions from journalists and did a number of national broadcast interviews immediately after the launch.

During the course of the campaign, the Chairman appeared on RTÉ’s Morning Ireland on two occasions to answer questions on the referendum proposal. A Commission spokesman also did interviews with national radio stations Today FM and Newstalk, and with over a dozen regional radio stations.

In the course of the campaign a significant public debate evolved on the question of whether the referendum could or should be postponed in the light of political events in other EU member states. The Commission decided to clarify this issue and issued a statement on 15 May explaining that the legal position was that the referendum could not, under the existing law, be postponed. There was also considerable discussion during the campaign on whether Ireland could veto the establishment of the European Stability Mechanism. The Commission dealt with this issue at the press conference on 3 May and published material on its website on 18 May.

The Irish Daily Star agreed to take a series of question and answer columns from the Commission Chairman Mr Kevin Feeney on the referendum proposal. The first of these appeared on Wednesday 16 May and they ran until the following Friday week, 25 May.

On Wednesday 30 May, the day before polling day, the Commission issued a statement urging people to vote and the Chairman did a number of radio interviews to reinforce this point.

### Social media

The Commission decided to use both Facebook and Twitter for particular aspects of its campaign, something it has not done before. On Facebook, it had a page dedicated to a campaign to encourage people to register to vote, together with an app making it easy for users to check the register to see whether they were on it, and to download the forms required to be added to the register if necessary. The Commission also set up a Twitter account (@RefComm2012) which it used to publicise its statements and to draw attention to its website.



## Research findings on Commission Campaign

The Referendum Commission undertook research immediately after polling day to ascertain the effectiveness of its campaign. It concentrated in particular on levels of understanding of the referendum proposal, reasons non-voters gave for not voting and the effectiveness of different aspects of the Commission's public information campaign.

The research findings are an important tool for gauging the effectiveness of the campaign and act as a guide to future Commissions. Research fieldwork took place from 5 to 15 June 2012 in the form of a nationally representative survey of 1,000 adults aged 18+.

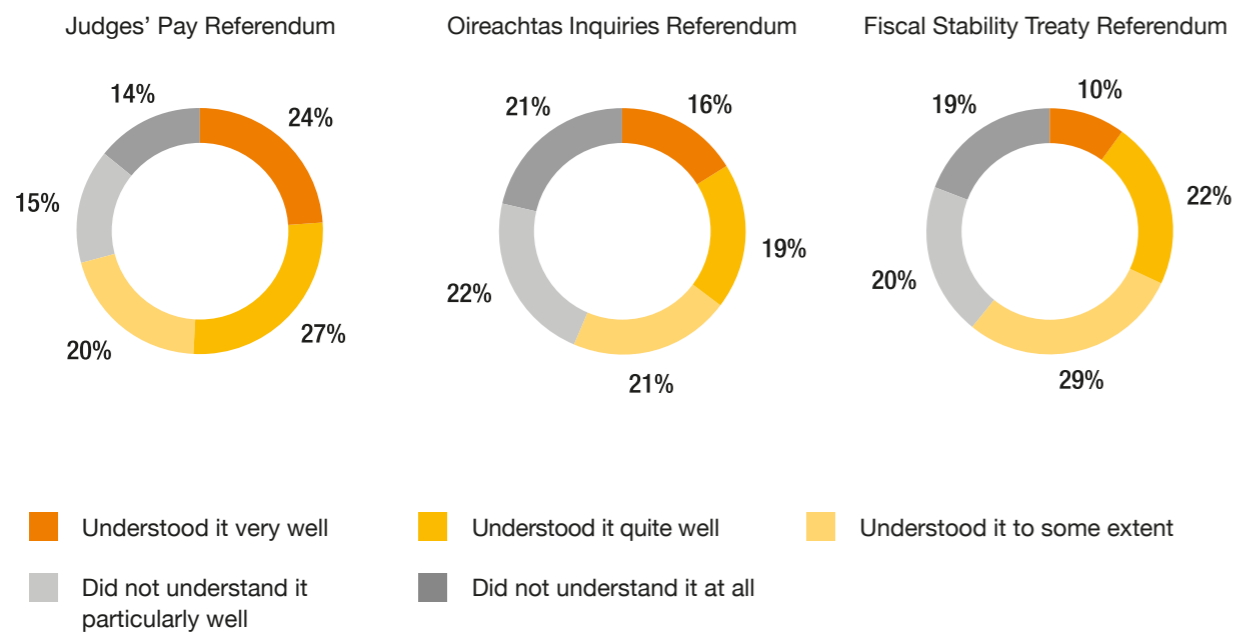
## Understanding

Below is a table which highlights the level of understanding of the referendum proposal. Respondents were asked how well they felt they understood what the Fiscal Stability Treaty Referendum was about. It shows that 61% said they understood the referendum proposal quite well, very well or to some extent. This compares to 71% for the judges' pay referendum and 56% for the Oireachtas inquiries referendum. This finding may reflect a reality that the Fiscal Stability treaty was somewhat more complex an issue than was the judges' pay referendum, but less complex than the Oireachtas inquiries issue.

The findings compare well to understanding of the two referendums on the Lisbon Treaty. For instance 44% understood the Lisbon Treaty Referendum proposal to some extent or better in the first poll in June 2008, a figure which rose to 72% in research undertaken immediately after the second referendum in October 2009. The Fiscal Stability Treaty figure of 61% is almost identical to the understanding level for Lisbon 2 shortly before polling day, as the next table demonstrates.

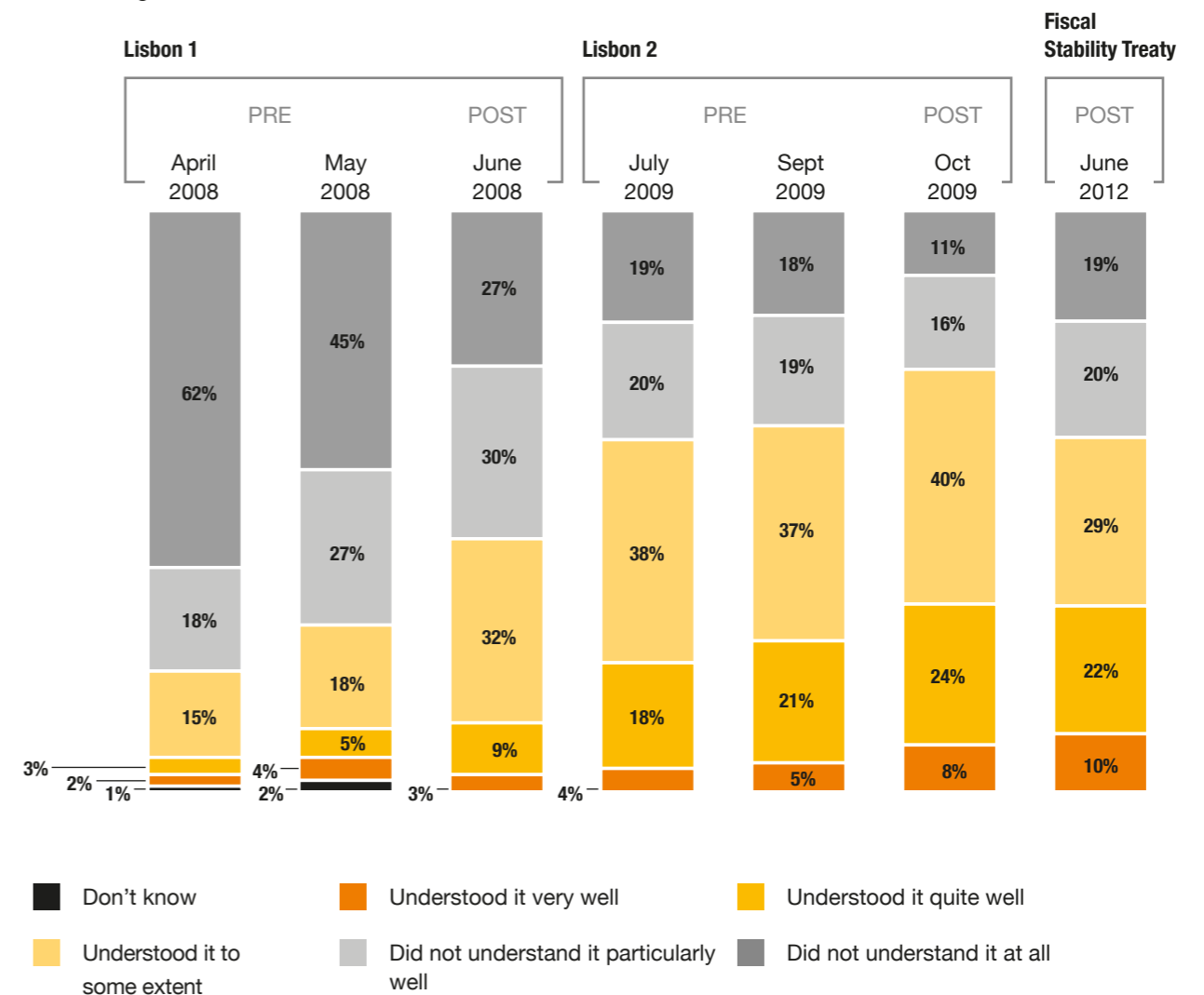
### Understanding of Referendums: 2011 & 2012

Base: All eligible voters – 998



### Understanding of Referendums: European Referendums

Base: All eligible voters



## Guide

73% of respondents said they had received the Referendum Commission's information guide. This is an increase from 61% who said they had received the Commission's guide to the last two referendums held on 27 October 2011.

The Government also distributed material on the Treaty to all homes – a 40 page information booklet of the same shape and general colour scheme as the Referendum Commission's, and a shorter leaflet distributed shortly before polling day. In the course of the campaign the Commission noted considerable confusion among voters as to who was responsible for each publication (the Government material did not state who had published it and gave no contact details), and received a significant number of calls from householders seeking to comment on the Government material, believing mistakenly that this was the Commission's guide. In our research we therefore asked a number of questions to ascertain the level of this confusion.

While 73% received the Commission's guide, 62% received the Government handbook and 50% reported receiving the government leaflet. These figures were ascertained through showing respondents actual copies of each publication.

However there was widespread confusion about who had published what. When shown the Referendum Commission guide 41% thought it had been produced by the Commission but 34% thought it was a Government publication with 25% identifying some other source. When it came to the Government handbook 48% correctly identified it as a government publication but 23% thought it came from the Commission and 29% from some other source.

Finally on the question of the running of two simultaneous campaigns, 58% felt the distribution of two guides at the same time was unhelpful.

71% read all, most, or parts of the Referendum Commission guide. This overall figure is in line with findings from research undertaken after the Lisbon Treaty Referendum in 2009.

Some 54% of those who read part or all of the Commission's guide found it quite helpful or very helpful, roughly similar figures to those for the Government handbook (50%) and the Government leaflet (58%). In terms of the trustworthiness of the organisation producing the material, 48% felt the Commission's guide was very or fairly trustworthy.

It is the Commission's view that the decision by government to issue an information guide at a similar time as the Commission's caused great confusion. Its similarities in design and size to previous Referendum Commission guides and lack of clear branding added to the confusion. As stated above, 58% found the distribution of two information guides at the same time to be unhelpful. This rose to 64% amongst those who did not vote and 66% among those who did not understand the referendum.



## Voter turnout

Because part of the Commission's statutory remit is to encourage people to vote, the research sought to ascertain why those who did not vote chose not to do so. The results, shown in the table below, indicate that those who do not understand the content of the referendum proposal are less likely to vote. Some 31% gave either a lack of understanding or a lack of knowledge as reasons for not voting.

## For what specific reasons did you not vote in the Referendum?

Base: All who did not vote in the Referendum

	Judges' Pay	Oireachtas Inquiries	Fiscal Stability Treaty
Base	264	275	314
	%	%	%
Circumstances didn't allow/I was busy/ Didn't get a chance/Couldn't make it to polling station on the day/Out of the country	31	30	29
No interest in it/I wasn't too pushed about it/ Wasn't bothered	28	21	17
I'm not registered	10	9	7
Didn't understand the referendum	7	9	19
Didn't receive voting/polling card	6	9	4
Didn't know which way to vote	5	5	9
Hadn't transferred vote from home polling station	3	3	4
Forgot	3	1	–
Knew it was going to be a Yes vote	2	0	2
The campaign was a mess/ turned me off	1	–	–
The inequality of the system	0	–	–
All too rushed and they should have given it more time	0	–	–
No opinion	0	–	–
Don't trust any of them, politicians	–	1	–
Don't vote	–	1	–
Didn't know enough	–	–	12
Other	3	3	–
Don't know	1	3	–



### Judicial review

On 29 May, two days before polling day, the TD for Donegal South West Mr Pearse Doherty, who is the Finance spokesperson for Sinn Féin, applied for judicial review of statements made by the Commission on the issue of whether Ireland could ratify the establishment of the European Stability Mechanism. The case was heard in two sittings. The first, on the afternoon of 29 May, was without notice to the Commission and with only Deputy Doherty's

side present (i.e. ex parte). The second hearing was later that night and the Commission was represented. The next morning, 30 May, Mr Justice Hogan gave judgement refusing Deputy Doherty's application. In his written judgement of the 6 June 2012, Mr Justice Hogan identified that the Commission's analysis of the issues was "considered, thoughtful, measured" and gave a "legitimate analysis of complex legal issues". The Commission incurred legal costs of €83,424 as a result of the action by Deputy Doherty.



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

In order to become an approved body, an applicant must fulfil certain conditions:

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

- applications must be made on the official form, which is available from the Commission and must be submitted within such time as the Commission may specify.

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

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

Advertisements were placed in the national press inviting applications from bodies seeking approval for the purposes of the referendum. The closing date was 30 April 2012. Following the application process the Commission approved 13 bodies. These bodies are listed in the following table.

**List of Bodies Approved by the Referendum Commission under Section 7 of the Referendum Act 1998, in respect of the Referendum on the Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Bill 2012.**

Approved Body	Address
Fianna Fáil	65–66 Lower Mount Street, Dublin 2
People's Movement	25 Shanowen Crescent, Dublin 9
Socialist Workers Party	1 Galtymore Drive, Drimnagh, Dublin 12
South Kerry Independent Alliance	Clasheen, Killarney, Co. Kerry
Fine Gael	51 Upper Mount St, Dublin 2
The Labour Party	17 Ely Place, Dublin 2
Sinn Féin	44 Parnell Square, Dublin 1
The Workers' Party	48 North Great George's Street, Dublin 1
The Socialist Party	141 Thomas Street, Dublin 7
Fís Nua	Cill Ulta Uachtarach, An Fál Carrach, Co. Dhún na nGall
The Green Party	16–17 Suffolk Street, Dublin 2
IBEC	92 Crannagh Road, Rathfarnham, Dublin 14
People Before Profit Alliance	26 Elmwood Avenue, Ranelagh, Dublin 6

Previous referendum commissions have complained about the lack of time given to them to conduct information campaigns.

The Referendum Commission considers that, if the period of time given to it in 2012 to carry out its functions was greater, it could do a more thorough job and deliver better value for money.

The Commission produced its material in an exceptionally short period; the research evidence indicates that it did a thorough and meticulous job in the short time it had. This conclusion is supported by the remarks of Mr Justice Hogan when he said that the Commission's analysis of the issues was "considered, thoughtful, measured" and gave a "legitimate analysis of complex legal issues".

The Government guide had already begun to be distributed well before the Commission guide was ready. The distribution of two guides of similar size and appearance led to confusion among voters. This was compounded by the fact that the Government guide contained no contact details.

The Commission is satisfied that it has fully performed its statutory role and has remained independent and neutral throughout the process. The Commission wishes to acknowledge, however, that there is some continued public misapprehension as to its role. Many, including some public representatives and media commentators, still believe that it is obliged to or ought to advance the "yes" and "no" arguments in relation to each referendum proposal. A change in the law in 2001 no longer permits the Commission to represent the issues in this manner. This misapprehension or confusion was added to during this Referendum by the overlap between the Commission's activities, in carrying out its statutory functions, and the information campaign undertaken by the Government including the circulation of a guide in a format which gave rise to a situation where the electorate were uncertain of the source of the Government guide.

The Referendum Commission wishes to repeat the recommendations of its predecessors at 1 to 3 below and to add two further recommendations:

1. The Referendum Commission should have a continuing legal existence to allow it to perform its functions to best effect.
2. Give the Commission a period of at least three months to explain properly a referendum proposal.
3. There needs to be a review of the referendum process, including the statutory remit of the Referendum Commission, having regard to the Council of Europe's Code of Good Practice on Referendums (March 2007).
4. Where a government department or agency produces an information guide to a referendum proposal, its design and content should ensure that it is clearly distinguished from Referendum Commission material. Any such guide should contain full contact details.
5. In the light of the provision in section 1(c) of the Referendum Act 2001, which identifies as a function of the Commission the task of promoting not only public awareness of the Referendum but also to "encourage the electorate to vote at the poll", that all Government expenditure on advertisements encouraging people to vote should be carried out by the Commission so as to ensure a coordinated and managed campaign and the best use of the funds available. This recommendation does not relate to the Government's duty to give information but is limited to the separate expenditure on advertisements directly and solely aimed at encouraging people to vote.

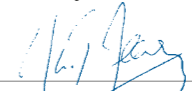
The Commission is again indebted to its service providers for assisting it to complete a wide array of tasks under severe time constraints. The various broadcast outlets and the national press deserve special mention for their active co-operation.


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

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

The Commission is extremely indebted to its secretariat, provided by the Standards in Public Office Commission, for its work in assisting it through a highly pressured public information campaign.

Without their help and knowledge the Commission could not have carried out its functions. We would like to thank all of them and in particular David Waddell. The Office of the Ombudsman also provided all necessary facilities to the Commission and many of the staff of that Office also contributed to its work. The Commission is particularly grateful to Ms Bernie McNally, Director General, Office of the Ombudsman.

  
Kevin Feeney, Chairman

  
Kieran Coughlan, Clerk of Dáil Éireann

  
Deirdre Lane, Clerk of Seanad Éireann

  
Emily O'Reilly, Ombudsman

  
Seamus McCarthy, Comptroller & Auditor General

## Appendix

Expenditure on the Information Campaign	Fiscal Stability Treaty
	€
Advertising (excluding press)	1,037,864
Legal costs Legal services to Commission – €131,076 Pearse Doherty v Commission – €83,424	214,500
Press and other public awareness promotions	311,972
Postal and other distribution costs	195,200
Printing and design of publications	243,291
Other administration costs	9,112
Translations	2,022
Miscellaneous (office supplies etc.)	8,716
Research	30,750
<b>Total Expenditure</b>	<b>2,053,427</b>
Original budget	2,200,000
Balance returned	146,573