

Marriage Referendum and Age of Presidential Candidates Referendum

Be informed. Be heard.

22 May 2015



Referendum
Commission

Independent
Guide



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The Referendum Commission

The Referendum Commission is an independent body set up under the Referendum Act 1998. The Chairperson of the Commission is the Hon. Mr Justice Kevin Cross. The other members are: the Ombudsman, Peter Tyndall; the Comptroller and Auditor General, Seamus McCarthy; the Clerk Assistant of the Dáil, Peter Finnegan; and the Clerk of the Seanad, Deirdre Lane.



Referendum
Commission

The Referendum Commission

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Welcome

On Friday 22 May 2015, you will be asked to decide on two proposals to change the Constitution of Ireland.



- **The Marriage Referendum:** This asks do you agree to putting a clause in the Constitution which will allow two people to marry each other regardless of their sex.
- **The Age of Presidential Candidates Referendum:** This asks do you agree to reduce the age at which a person may be a candidate for the office of President from 35 to 21.

When you go to vote on 22 May, you will be given two separate ballot papers. The **white** ballot paper is for the Marriage Referendum and the **green** one is for the Age of Presidential Candidates Referendum. **You may vote YES or NO to each proposal.**

This guide contains a short description of each proposal. More detailed descriptions and background information are available on our website: **www.refcom.ie**

How you vote on each of these proposals is entirely a matter for you to decide. The Referendum Commission's role is to provide you with independent information about the proposals and to encourage you to vote.

The Constitution belongs to the people of Ireland and only you have the power to change it. It is important that your individual voice is heard when a decision is being made to change or not to change the Constitution.

We do not argue for a yes or a no vote. We do strongly urge you to inform yourself about each referendum and to vote on each referendum.

A handwritten signature in blue ink that reads "Kevin Cross".

Kevin Cross, Chairperson, Referendum Commission

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The Marriage Referendum

In this referendum, you may vote **YES** or **NO** to the proposal to include a new clause about marriage in the Constitution. This new clause provides that two people may marry each other regardless of their sex.

The proposed amendment to the Constitution is contained in the *Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015*.

It is proposed to add the following to Article 41 of the Constitution:

“Marriage may be contracted in accordance with law by two persons without distinction as to their sex.”

Present legal provisions on marriage

Article 41 of the Constitution is entitled THE FAMILY. Below is an extract from this Article which includes the following clauses:

- “The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.”
- “The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.”
- “The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.”

The Constitution does not define marriage and it does not set out who is entitled to marry or who is not entitled to marry. The rules about who is entitled to marry are set out in legislation.

The courts have decided that marriage is a union between a man and a woman. This has been reflected in legislation. If the referendum is passed, the Constitution will provide that two people may marry each other whether they are of opposite sex or of the same sex.

The courts have decided that a married couple with or without children constitute a “Family” in the Constitutional sense.

The precise obligations on the State to protect the institution of marriage have not been set out in detail either in legislation or by the courts. The courts have decided that certain laws that treated married couples less favourably than single people were unconstitutional.

Effect of this proposal

If this referendum is passed:

- Two people of the same sex will be able to marry each other, just as two people of the opposite sex may marry.
- The other detailed rules about who may marry will continue to be set out in legislation, for example, rules about the age of the parties or about relatives who may not marry each other.
- The Constitutional status of marriage will remain unchanged.
- A marriage between two people of the same sex will have the same status under the Constitution as a marriage between a man and a woman.
- A married couple of the opposite sex or of the same sex will be recognised as a family and be entitled to the Constitutional protection for families.

The Age of Presidential Candidates Referendum

In this referendum, you may vote **YES** or **NO** to the proposal to reduce the age at which **candidates** are eligible for election to the office of **President** from **35** to **21**.

The proposal is contained in the *Thirty-fifth Amendment of the Constitution (Age of Eligibility for Election to the Office of President) Bill 2015*.



The current Article 12.4.1° of the Constitution states:

“Every citizen who has reached his thirty-fifth year of age is eligible for election to the office of President.”

It is proposed to replace this with:

“Every citizen who has reached the age of twenty-one years is eligible for election to the office of President.”

Effect of this proposal

If this referendum is passed:

- The age at which candidates are eligible for election to the office of President will be reduced from 35 to 21.
- The other Constitutional provisions in relation to the office of President, including the process for nominating a person to be a candidate for the office of President, will not change.



An Reifreann ar Aois Iarrthóirí Uachtaránachta Age of Presidential Candidates Referendum

An bhfuil tú ag toilíú leis an togra chun an Burreacht a leasú atá sa Bhille thíosluaite?

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

An Bille um an gCúigiú Leasú is Tríochta ar an mBurreacht
(Aois Intiachtachta chun Oifig an Uachtaráin), 2015

Thirty-fifth Amendment of the Constitution
(Age of Eligibility for Election to the Office of President) Bill 2015

Ná cuir marc **ach sair an chearnóg amháin**

Place a mark in **one square only**

Má thollíonn tú, cuir X sa chearnóg seo

If you **approve**, mark X in this square

<input type="checkbox"/>	<input type="checkbox"/>
Tá Yes	

Mura dtollíonn tú, cuir X sa chearnóg seo

If you do **not approve**, mark X in this square.....

<input type="checkbox"/>	<input type="checkbox"/>
Níl No	

Is **glas** atá an páipéar ballóide. The ballot paper is **green**.

Seo an áit a vótáilann tú **TÁ** nó **NÍL** ach **X** a mharcáil de réir do rogha. Here's where you vote **YES** or **NO**, by marking an **X**, according to your preference.

Páipéir Ballóide Samplach

Sample Ballot Papers

An Reifreann ar Phósadh | Marriage Referendum

An bhfuil tú ag toiliú leis an togra chun an Bunreacht a leasú atá sa Bhille thíosaithe? **Do you approve of the proposal to amend the Constitution contained in the unmentioned Bill?**

An Bille um an gCeathrú Leasú is Tríocho ar an mBunreacht (Comhionannas Posta), 2015
Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015

Ná cuir marc **ach san aon chearnóg amháin**
Place a mark in **one square only**

Má thoilíonn tú, cuir X sa chearnóg seo
If you **approve**, mark X in this square

Mura dtoilíonn tú, cuir X sa chearnóg seo
If you do **not approve**, mark X in this square.....

<input type="checkbox"/>	<input type="checkbox"/>	Tá Yes
<input type="checkbox"/>	<input type="checkbox"/>	Níl No

Is **bán** atá an páipéar ballóide. The ballot paper is **white**.

Seo an áit a vótáilann tú **TÁ** nó **NÍL** ach **X** a mharcáil de réir do rogha. Here's where you vote **YES** or **NO**, by marking an **X**, according to your preference.