

THE LISBON TREATY

Report of the Referendum Commission
on the Referendum on the

TWENTY-EIGHTH AMENDMENT
OF THE CONSTITUTION BILL 2008

(Lisbon Treaty)

www.lisbontreaty2008.ie

Foreword

Pursuant to Section 14(1) of the Referendum Act 1998, I hereby present to the Minister for the Environment, Heritage and Local Government the report of the Referendum Commission on the performance of its functions in respect of the referendum on the Twenty-Eighth Amendment of the Constitution Bill 2008.

On 6 March 2008, the Minister established the Referendum Commission 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.



Jarfhlaith O'Neill
Chairman,
Referendum Commission

December 2008

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Background

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, Heritage and Local Government may, at his discretion, appoint a Referendum Commission. A Commission is established by means of an Establishment Order issued by the Minister in respect of the proposed referendum. The Act of 1998 provides that the Chairman of the Commission shall be a former judge of the Supreme Court or the High Court or a judge of the High Court.

On 6 March 2008, the Minister made an Establishment Order in respect of the referendum on the Twenty-Eighth Amendment of the Constitution Bill 2008 (“the Lisbon Treaty Referendum”). Mr Justice Iarfhlaith O’Neill, 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, *ex officio*, members of the Commission were:

- **Mr Kieran Coughlan**, Clerk of Dáil Éireann
- **Ms Deirdre Lane**, Clerk of Seanad Éireann
- **Ms Emily O’Reilly**, Ombudsman
- **Mr John Purcell**, Comptroller and Auditor General

While Mr Purcell retired as Comptroller and Auditor General on 14 May 2008, he continued to be a member of the Commission by virtue of section 2(9)(a) of the Referendum Act 1998.

On 12 May 2008, the Minister for the Environment, Heritage and Local Government, by order, appointed Thursday 12 June 2008 as the date on which the referendum would be held.

Referendum Commissions were previously established in connection with the following referendums:

- Amsterdam Treaty and the Northern Ireland Agreements which were held on 22 May 1998
- Constitutional Recognition for Local Government which was held on 11 June 1999
- Abolition of the Death Penalty, the Acceptance of the Jurisdiction of the International Criminal Court and the Treaty of Nice which were held on 7 June 2001
- Abortion referendum which was held on 6 March 2002
- Treaty of Nice which was held on 19 October 2002
- Irish Citizenship which was held on 11 June 2004

Role of the Referendum Commission

After the 2001 referendums, the Commission's statutory role was amended in accordance with the terms of the Referendum Act 2001. This removed from the Commission the statutory role of outlining the arguments for and against referendum proposals and of fostering and promoting debate and discussion on referendum proposals.

The 2001 Act provides that the Commission's role is as follows:

- 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.

There was much misinformed public comment about the role of the Commission with many people still believing that its role was to provide the arguments for and against the referendum proposals, despite the fact that this role was removed 7 years ago and three referendums were subsequently held under the new provisions, prior to the Lisbon Treaty referendum. It should also be noted that the role "to foster and promote and, where appropriate, to facilitate debate or discussion in a manner that is fair to all interests concerned in relation to the proposal..." was also removed from the Commission by the 2001 Act. Therefore the legislation clearly defines the parameters of the role of the Commission in a referendum campaign.

Funding of the Referendum Commission

The Commission was allocated a budget of €5 million for the information campaign. The level of funding allocated to the Commission was sufficient to enable it to undertake its various tasks. A breakdown of the expenditure incurred in the referendum campaign is provided in Appendix 5.

The Secretariat of the Referendum Commission was provided directly by the Office of the Ombudsman, based at 18 Lower Leeson Street, Dublin 2. These staff costs were borne in full by the Office of the Ombudsman and were not covered by the €5 Million budget for the information campaign.

Initial Planning and Preparatory Work

Time constraints

The Referendum Commission has no ongoing legal existence and only comes into being once established by Ministerial order. In late 2007 and early 2008, there was considerable speculation that there would be at least one referendum, and possibly two (the other being the Children's Rights referendum), in early 2008. May and June 2008 were being mentioned as possible months for the holding of the referendum. The four "ordinary" or *ex officio* members of the Commission were anxious to ensure that as much preparatory work as possible would be done and so in December 2007 and January 2008, informal contacts were made between the Department of Foreign Affairs (which was the sponsoring Department for the Twenty-Eighth Amendment of the Constitution Bill 2008 (Lisbon Treaty)), the Government Supplies Agency (which would probably be responsible for organising the printing of any material for circulation countrywide) and the relevant staff of the Office of the Ombudsman (which would most likely be providing the Secretariat to the Referendum Commission).

At the request of the *ex officio* members of the Referendum Commission, the Secretary designate of the Commission also wrote on 30 January 2008 to the Minister for the Environment, Heritage and Local Government, Mr John Gormley in order to bring to the Minister's attention the time constraints and other difficulties faced by previous referendum commissions in attempting to mount effective and coherent information campaigns on complex issues in a short timescale. It was pointed out that since the last referendum, the logistical difficulties involved had been exacerbated by the requirements of the Official Languages Act 2003 and changes made in EU public procurement rules in 2006. It was stressed that these difficulties could be overcome only if the Referendum Commission was given adequate time to plan and implement its information campaign and, ideally, if the Commission was granted a continuing legal existence by the Oireachtas.

An important element of previous information campaigns had been the delivery of information booklet(s) to each household in the state. Under the terms of the Official Languages Act 2003, such booklets must now be bilingual. As well as overseeing the complex task of producing a comprehensive, accessible and intelligible summary of the Lisbon Treaty provisions, therefore, the Commission must also arrange for its translation into the Irish language.

In addition, the European Communities (Award of Public Authorities' Contracts) Regulations 2006 (S.I. 329 of 2006) which gave effect to the provisions of Directive 2004/18/EC, as amended, removed the basis on which previous Referendum Commissions sought and obtained a derogation from EU public procurement procedures. The most recent advice from the Government Supplies Agency in relation to a paper and print tender was that if a request for tender were to have issued on 28 January 2008 under the EU procurement rules, the earliest date on which a printed and addressed booklet could be delivered to mail distribution hubs would be almost four months later. Obviously, these booklets would then have to be distributed to each household and this ought to happen at least 1 week in advance of the referendum date. In addition to the paper and print tender process, procurement procedures would also have to be followed in relation to non-print services, for example communications and marketing services for the Referendum Commission.

The Minister replied on 14 February to the effect that the contents of the letter had been noted and that both he and the Government were firmly committed to maximising information and awareness in relation to the referendum and, in this regard, were fully conscious of the need to allow sufficient time for the important work of the Referendum Commission.

While the *ex officio* members were aware that they had no authority to take any decision on behalf of a Referendum Commission that did not exist, they were also acutely aware that the alternative to putting provisional procedures in place was that, when the Commission was established and a referendum date announced, the Commission would either be unable to fulfil its mandate or it could only do so by breaching the EU Directive on procurement. Accordingly, it was agreed to proceed on an informal basis and:

- A:** on 25 January 2008, the Government Supplies Agency arranged that a tender notice was advertised in the EU Journal through the Government's eTenders website for the printing, packaging and addressing of approximately 2.4 million copies of a bi-lingual information booklet. As the exact number of pages, size, etc., would be a matter for the Commission, when established, tenders were sought for a variety of sizes and page numbers.
- B:** on 15 February 2008, the Department of Foreign Affairs arranged that a tender notice was advertised in the EU Journal for the provision of marketing/project management/communications consultancy services to advise and assist in the planning and execution of the future Referendum Commission's public information campaign on the referendum proposal.
- C:** on 22 February 2008, the Office of the Ombudsman arranged that a tender notice was advertised in the EU Journal for the delivery of pre-packed, pre-addressed information booklets for the Referendum Commission.

Award of contracts

The Commission was established on 6 March 2008 and held its first meeting on 18 March 2008. It was agreed that a nation-wide delivery of a bilingual information booklet should be arranged and that marketing/management consultants would be employed to advise the Commission. Accordingly, the provisional arrangements made by the *ex officio* members were welcomed by the Chairman.

Although a date for the referendum had still not been set, speculation continued that the referendum might now be in early June. The Commission decided that in order to fulfil its mandate, a four week campaign would be appropriate. Accordingly, it would be necessary to have its booklet available for distribution in the second week of May.

Chapter 2

The tender process for the printing of the booklet had identified a contractor in Ireland who intended to sub-contract the printing to a company in Spain. Unfortunately, this contract fell through. Subsequently, following a further tendering process, the contract was awarded to a consortium consisting of Communicative Marketing Ltd., trading as Door to Door Distributors, who was the prime contractor, and Mail Marketing Ltd., the other member of the group of bidders. Printing was to be carried out by a Portuguese printer, Lisgrafica, located in Lisbon and the personalisation by Porenvel, also located in Lisbon. The printer had indicated that he would be in a position to have the booklets in the relevant distribution hubs of the successful tenderer for distribution of the booklet on 9 May, provided he had the final copy by 11 April 2008.

This left the Commission with just three weeks to digest the referendum proposal, including the Lisbon Treaty, draft the booklet, have it reviewed by its legal advisers, including experts in European law and have it designed and translated into Irish.

In the event, the Commission met its deadlines but is concerned that such an important document had to be drafted within such a tight time frame because the Commission was not established earlier.

The closing date for the receipt of tenders for the provision of marketing/management consultancy services was 10 March 2008. Following the selection process, a consortium led by Murray Consultants (public relations), and including Direct Marketing Agency (DMA) (advertising) and Carat Ireland (media planning/buying), was selected.

The closing date for the tenders for the delivery of the booklet was 1 April. An Post was awarded the contract.



Chapter 3

Report on the Referendum Commission's Information Campaign

Introduction

On 3 April 2008, the Commission formally retained the consortium led by Murray Consultants to advise and assist in the planning and execution of its public information campaign on the referendum proposal.

In the first week of April the Commission held several meetings with its communications advisers, following which it decided on the structure and content of the public information campaign. The Commission decided it would:

- publish its explanation of the Lisbon Treaty and the referendum proposal on a dedicated website as early as possible
- publish information on the website immediately on how to check the electoral register, and how to register to vote
- draw voter attention to the availability of this information by running an advertising campaign in national daily and Sunday newspapers
- establish a lo-call phone service for voters who wished to know where to get information
- hold a press conference to launch the public information campaign well before the distribution of the information booklet
- produce an information booklet on the Lisbon Treaty and have this distributed to every voting household in the country starting in mid-May
- on the day distribution of the booklet started, run a major national advertising campaign on television, radio, press, outdoor and on-line to tell voters where to get information, and encourage them to seek it out
- target younger voters by taking advertising on social networking sites such as Bebo and Facebook and organising a "viral" video to be placed on YouTube
- change the advertising message in the final week to one encouraging people to vote

Website

A striking and informative web presence was established early in the campaign. By mid-April a lively, animated website had been launched, giving a comprehensive account of the Treaty, its content and its context. It offered interactive engagement, an opportunity to check the electoral register and a video/audio guide to the issues involved. Fully integrated with all the other visual and textual executions, the website became a comprehensive source of detailed information and a 'shorthand' guide to the top line issues within the Lisbon Treaty.

It contained the text that was published in the booklet delivered to all homes, as well as additional features such as history of the development of the EU, frequently asked questions, a summary overview of the Treaty provisions and a facility to download the Treaty and the booklet.

To ensure the Commission published information as early as possible in line with its statutory brief to explain the subject matter of the referendum, it decided to publish the booklet text on the website as early as possible, and to have a second phase of the site some weeks later. The first phase of the website went live on 19 April. It contained all the elements of the booklet in Irish and English. It also gave information on how voters could check the electoral register to ensure they were on it, and how they could register to vote if they were not already registered.

The early publication of the website attracted favourable media comment with press articles and radio presenters referring positively to it as a source of good and understandable information. The number of unique visitors to the site in its first ten days of operation – when the press advertising campaign was running – was 5,500 and these generated 270,000 hits.

The existence of this website was promoted by an early advertising campaign and also by an initial press conference given by the Referendum Commission, which received substantial press attention. This, coupled with an active ‘search engine optimisation’ strategy, ensured that the website was ranked very high on *Google* and received 3.5 million ‘hits’ over 116,000 ‘visits’ during the campaign.

Lo-call phone service

It was decided that the Referendum Commission would provide a lo-call telephone service for members of the public. The aim of the service was to allow callers request general information on the Lisbon Treaty, request postal/electronic copies of the official Referendum Commission booklet, provide information on the Electoral Register and guide people as to how they would ensure their inclusion on the supplementary register. The lo-call Service also provided callers with information on the official www.lisbontreaty2008.ie website and directed them to the sections where additional information could be accessed.

Following a competitive selection process in early April, Abtran, a long established Call Centre provider, was selected to fulfil the contract.

The service was established on 23 April 2008 and ran until polling day on 12 June 2008. It was immediately advertised through Phase I of the Referendum Commission’s public awareness campaign in the national press and national radio and was subsequently promoted through all other Referendum Commission material.

Reports were issued to the Referendum Commission on a daily basis to assess any specific issues that might arise in the campaign and to ensure any controversial issues could be addressed immediately.

74% of all calls received related to requests for general information on the Treaty while 18% of callers were requesting additional information. Only 6% of calls related to complaints about the Commission or the Treaty in general while 2% of calls related to the supplementary register.

Chapter 3



The information booklet

The Commission decided that it would produce one information booklet to be distributed to every voting household in the State. This booklet would outline what voters were being asked to decide, the consequences of voting Yes or No and the principal changes proposed by the Lisbon Treaty. At its meeting on 9 April 2008, following detailed consultations with its legal advisers, the Commission agreed the final text of its information booklet, including the Irish translation and design. The final booklet was a 36 page, A5 size booklet.

In line with the Official Languages Act, the booklet was published in English and Irish under the same cover. The booklet, in both languages, was published on the Commission's website www.lisbontreaty2008.ie. It was produced in Braille and in audio CD and tape 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 sign language video of the booklet for distribution to Deaf Clubs throughout the country.

The Commission decided that distribution of the booklet should begin four weeks before polling day on 13 May. Distribution was completed on 19 May 2008. This was considered to strike a balance between being so early that there would not be enough interest in reading it, and being so late that voters would have heard so much of the debate that they would not want to read it. The major advertising campaign on radio, television, in newspapers, outdoors and on-line was also timed to begin on the first day of distribution, and the Commission decided it would hold a press conference on that day to draw media attention to the booklet.



The advertising campaign

The Commission recognised that the power of advertising lies in its ability to communicate relatively simple messages with impact. Because the content of the Treaty and the referendum proposal were not simple, the Commission decided that the advertising campaign should not attempt to explain this content which would be covered in the booklet. Rather it should be used to interest people in the referendum, tell them where they could get the Commission's information, encourage them to seek it out and, finally, encourage them to vote.

The Commission agreed the advertising would have one consistent theme that would inform press, outdoor, television, radio and on-line advertising. This theme was that if voters did not have the complete picture or story, they should inform themselves by reading the Commission's booklet or website. This theme was expressed consistently and creatively in all media through advertising devised by DMA, part of the consortium retained to advise and assist the Commission in the planning and execution of its public information campaign.

In print and outdoor media the advertisements featured pictures of "half" people, suggesting that voters would "get the complete picture" when they read the Commission's information material. The Commission produced a 40 second television advertisement showing these "half" people becoming "complete" with the help of the Referendum Commission booklet. The Commission also produced an extended 90 second version of this which set out the main changes the Treaty proposed to make.



The radio advertisements were of 30 seconds duration. They featured four separate humorous scripts in which incomplete versions of different narratives were given. Listeners were then told to “get the whole story” by reading the Referendum Commissions material. The free-to-air radio broadcasts, which, as with the free-to-air broadcasts on television were run towards the end of the campaign, featured succinct 30 second messages to voters urging them to vote.

For the first time, the Referendum Commission had a substantial presence on digital media. 2.85 million page impressions were purchased on Facebook, Bebo and other youth orientated sites in order to bring the message to younger voters who are less frequent users of traditional media than average. In addition a youth video was produced which was circulated widely on YouTube. This involved retaining and filming illusionist Keith Barry as he performed a stunt on the streets of Dublin consistent with the theme of the advertising campaign.

In the days before 12 June (voting day) a ‘feet-on-the-street’ campaign was launched where teams wearing caps and t-shirts branded with the iconic image of the pencil were placed at key locations. Branded notebooks and pencils, which promoted the website as an important source of information, were handed out at traffic lights and pedestrian crossings again to drive awareness of the campaign and to encourage people to come out and vote on 12 June.

The advertising campaign was launched across all media on 12 May and ran up to and including the day before polling day. The television advertisements ran on RTE1, RTE2 and TV3, with Irish language versions running on TG4. The radio campaign ran on all national radio stations and a range of local stations, as well as an Irish language version on Radio na Gaeltachta. The free-to-air broadcasts began on 2 June and also ran up to and including the day before polling day. 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.



Chapter 3

Engagement with the press

The Commission held three press conferences – on 28 April, 13 May and 4 June - all of which received substantial press coverage.

The press conference on 28 April was designed to draw attention to the establishment of the website and to give details of the forthcoming public information campaign. The release by the Commission at that press conference of opinion poll results showing 80% of voters did not understand the Treaty very well, or at all, attracted widespread reportage and comment.

The press conference on 13 May was designed to draw attention to the fact that distribution of the Commission's booklet to every voting household was beginning that day, and to encourage voters to read it. The Chairman's answer to questions on how the Treaty would affect Ireland's position on neutrality and its veto on developments in the area of taxation - the Commission's view was that neither would be affected - also received widespread coverage and comment.

The press conference on 4 June followed a decision by the Commission to issue clarifications to voters on two issues that had arisen in the debate. These were the national veto on WTO Agreements and the effect of the Treaty on Ireland's constitutional law on abortion. The Commission also offered further outline information on how Qualified Majority Voting would work under the Lisbon Treaty, on the areas in which the EU can act and on changes from unanimity to Qualified Majority Voting. At the press conference the Chairman was asked to explain one of the issues that the Treaty proposed to move from unanimity to qualified majority voting – "arrangements for the control of implementing powers". The fact that the Chairman paused to consider the question before saying he would revert with an answer to the query later provoked media comment. There was also substantial comment on the Commission's statement that member states' right to veto WTO deals was not under threat.

On the eve of polling, 11 June, The Irish Times published an opinion piece by the Chairman asserting that voters were well enough informed to vote and that they should do so.

Monitoring of public interest and awareness

The Commission decided at the outset of the campaign that it would assess the level of public understanding of the Treaty and the referendum question at different stages of the campaign, and that it would also seek to assess the impact of its own efforts to inform voters. It commissioned the market research company Behaviour and Attitudes to conduct three public opinion polls at different stages of the campaign.

The Commission gave Behaviour and Attitudes ten questions to include in its regular "telebarometer" poll. The research and the analysis of it helped the Commission assess the level of public knowledge of specific issues, therefore informing its decisions on its campaign content. Each poll was taken among a sample of 500 electors.

- ▼ The first wave of research took place between 14 April and 16 April, the second wave took place between 19 May and 21 May, and the third between 9 June and 11 June.
- ▼ Voters' stated understanding of the Treaty rose steadily as the campaign progressed. In April just 20% said they understood the referendum to some extent, quite well or very well. In May this had risen to 27% and in June it stood at 44%.
- ▼ Awareness that a referendum was to take place rose steadily from 72% in April to 89% in May and 94% in June.
- ▼ Awareness that the subject of the referendum was the Lisbon Treaty rose from 61% in April to 79% in May and 90% in June.
- ▼ Those saying they were quite likely or extremely likely to vote rose from 72% in April to 78% in May and 86% in June.
- ▼ In April, 46% said they had heard of the Referendum Commission. In May this had risen to 48% and in June to 57%.

Common questions were asked in each of the three waves of research to determine what voters saw as the issues in the poll, and to determine their level of understanding of the main issues. The poll results show clearly that the level of voter understanding of and engagement with the issues rose steadily throughout the campaign.

Those questioned were asked to name what they saw as the main issues involved in the referendum. In asking voters this question the questioners did not prompt respondents and allowed them to specify any issue they wished to.

In the first wave, 73% volunteered no issue, reflecting the low level of knowledge of the subject matter of the referendum at that stage. 10% said that the introduction of common policies across the EU was an issue; the issues of the EU gaining more power/less power for individual countries and the introduction of a common European army/weakening of Irish neutrality were each mentioned by 7%; 4% said the improvement of EU efficiency was an issue and 3% said the improvement of the economy in EU countries. Some 4% mentioned some other issue.

In the second wave the number volunteering no issue at all fell to 54%. Some 17% mentioned the EU gaining more power/less power for individual countries; 13% mentioned improving EU efficiency/streamlining the voting system; 12% said a common European army/weakening of Irish neutrality was an issue; 11% mentioned the improvement of the economy in EU countries and 7% common policies throughout the EU. 8% nominated other issues.

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Finally in the third wave, the number volunteering no issue had fallen to 31%, reflecting a much greater public engagement with the referendum. Some 23% said the EU gaining more power/less power for individual countries was an issue; 21% mentioned the improvement of the economy in EU countries; 16% common policies across the EU; 15% a common European army/weakening of Irish neutrality; 4% mentioned changing the rules or laws in Europe; some 2% said the veto was an issue; 2% mentioned higher taxes and 24% mentioned some other issue.

Respondents were then given eight issues and asked were they aware or unaware of them. Awareness of each of these issues rose through the campaign. The levels of awareness of each are shown in the following table:

Issue	June 2008	May 2008	April 2008
Increasing the number of decisions made by the European Union by a majority of member states, as opposed to needing unanimous agreement by all member states	60%	45%	32%
Electing a full-time president of the European Council	59%	49%	42%
Giving the European Parliament more power	81%	68%	50%
Reducing the number of EU Commissioners so that each member state has a Commissioner for 10 out of every 15 years	68%	46%	29%
Giving the EU Charter of Fundamental Rights equal legal status with the EU treaties	42%	28%	24%
Maintaining the right of EU member states to veto EU proposals in relation to taxation	73%	50%	30%
Maintaining the present arrangements for Ireland's military neutrality	70%	53%	46%
Changing the way EU Treaties are amended so that the European Council can make changes to Treaties which individual member states then agree on	55%	42%	29%

Table 1: Development of level of awareness of main issues

Among those who were aware of the issues in the above table, the level of understanding of these issues also rose through the campaign as shown in table 2

Issue	June 2008	May 2008	April 2008
Increasing the number of decisions made by the European Union by a majority of member states, as opposed to needing unanimous agreement by all member states	74%	71%	63%
Electing a full-time president of the European Council	77%	69%	63%
Giving the European Parliament more power	75%	63%	68%
Reducing the number of EU Commissioners so that each member state has a Commissioner for 10 out of every 15 years	84%	75%	57%
Giving the EU Charter of Fundamental Rights equal legal status with the EU treaties	67%	78%	71%
Maintaining the right of EU member states to veto EU proposals in relation to taxation	67%	60%	66%
Maintaining the present arrangements for Ireland's military neutrality	77%	67%	65%
Changing the way EU Treaties are amended so that the European Council can make changes to Treaties which individual member states then agree on	64%	64%	74%

Table 2: Development of level of understanding of main issues (total of understand well, quite well & to some extent)

Finally, while awareness of the Referendum Commission rose modestly throughout the campaign, awareness of its precise role – to explain what the Lisbon Treaty was about and to encourage people to vote – rose significantly. Respondents were offered a range of choices as to what they believe was the role of the Commission and their responses in each of the three polls are shown in the table below.

Issue	June 2008	May 2008	April 2008
To promote a yes vote	32%	30%	26%
To organise the referendum on the ground	42%	34%	29%
To explain the arguments for and against the Lisbon Treaty	66%	57%	48%
To explain in as fair a manner as possible what the Lisbon Treaty is about	74%	60%	56%
To encourage people to vote in the Referendum	69%	54%	41%
Other	2%	1%	2%
Don't know	8%	19%	19%

Table 3: Understanding of the role of the Referendum Commission

Approval of Bodies for the Purposes of the Referendum

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

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

These conditions and procedures are:

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

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

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

On 12 May 2008, advertisements were placed in the national press inviting applications from bodies seeking approval for the purposes of the referendum. The specified closing date was 22 May 2008. Following the application process the Commission approved eight bodies. These bodies are listed in the following table.

Approved Body	Address
Fianna Fáil	Fianna Fáil, 65-66 Lower Mount Street, Dublin 2
Fine Gael	Fine Gael, 51 Upper Mount Street, Dublin 2
The Labour Party	17 Ely Place, Dublin 2
Irish Alliance for Europe	17 Earlsfort Terrace, Dublin 2
Socialist Party	141 Thomas Street, Dublin 8
The Progressive Democrats	25 South Frederick Street, Dublin 2
The Green Party	16 Suffolk Street, Dublin 2
Sinn Féin	58 Parnell Square, Dublin 1

One body, listed hereunder, applied for approved status but was not approved because it failed to comply with Section 7(9)(a) of the Act - membership was less than 300.

Approved Body	Address
South Kerry Independent Alliance	Clasheen, Killarney, Co Kerry

A number of bodies contacted the Commission a few days before polling day and complained that they could not get tickets to attend at the count centres as they were not approved bodies. As the closing date for accepting applications had long since passed, the Commission was unable to be of assistance to them.

The Referendum Commission and Time Constraints

Previous Referendum Commission reports

This report covers the tenth referendum in which a Referendum Commission has carried out its statutory function since its establishment in 1998. It is the seventh report furnished by the Commission to the Minister for the Environment, Heritage and Local Government (and to the Oireachtas) detailing the Commission's information campaign, drawing conclusions from its experience and making recommendations as a result of those conclusions. [Two referendums were held together on 22 May 1998 and three referendums were held together on 7 June 2001.]

With the exception of the second referendum on the Treaty of Nice, held on 19 October 2002, the Commission has normally only been allowed between four to ten weeks to plan and implement its information campaigns (see Appendix 4). The Commission's starting point is determined by the date on which the Minister for the Environment, Heritage and Local Government issues the Establishment Order in respect of the Commission and of course the campaign must be planned and implemented in ample time for the electorate to make an informed judgement on the referendum proposals. In the case of a constitutional referendum, under the Referendum Act 1998, the Establishment Order can only be issued after the date on which the Bill containing the referendum proposals has been initiated in Dáil Éireann.

Minimum period required

It is with a certain sense of frustration that the Commission must once again record the fact that on this occasion it was not permitted ample time to prepare properly to plan and run a fully comprehensive information campaign. This is a matter which has been raised in most of the Commission's previous reports and in particular pages 62-63 of its campaign report on the Amsterdam Treaty and the Northern Ireland Agreements published in November 1998 (see extract in Appendix 1) and pages 11-13 of its campaign report on the first Treaty of Nice published in December 2001 (see extract in Appendix 2).

A further complication in this referendum was the fact that the date of referendum was not actually finalised until the polling day order was made on 12 May 2008. The delay in finalising the actual referendum day introduced a most unwelcome degree of uncertainty and further complicated the Commission's efforts to plan its information campaign.

The Commission has already set out in detail the actions other bodies were required to take in order to ensure that this Commission could perform its role in a proper manner (see Chapter 2). The point must be emphasised that future Commissions, like this one, will be obliged to operate in accordance with Directive 2004/18/EC, in relation to procurement, provided the relevant threshold is exceeded. *The table at Appendix 3 shows that a minimum period of 158 days (i.e. over 5 months) is required if the Commission is to comply with proper procurement procedures.*

This additional time would also give the Commission members adequate time to plan the information campaign, identify and consider in detail the main provisions of the referendum proposal, reduce this information to the appropriate number of pages of English text, have it examined in detail by legal advisers (including senior counsel) to ensure its accuracy and comprehensiveness, have it translated to Irish (to meet the statutory requirements arising from the implementation of the Official Languages Act 2003) and have the booklet designed.

By contrast, on this occasion, the Commission had barely three weeks to carry out all those tasks.

It is not appropriate, though much appreciated on this occasion, that outside bodies such as the sponsoring Department, the Government Supplies Agency or the Office of the Ombudsman, or indeed the *ex officio* members of the Commission, should have to second guess what a Referendum Commission will require, if and when it is established. As noted in a previous report of the Commission, the Sixth Progress Report of the All Party Oireachtas Committee on the Constitution (November 2001) recommended that in the case of complex referendum proposals a period of one hundred and twenty days should be allowed in order to ensure adequate public debate and that the legislation should be amended to change the present upper limit of ninety days accordingly. Of course, that report of the Oireachtas Committee would not have taken account of the additional time necessary to comply with the procurement issues referred to in this report.

Effectiveness of Individual Elements of the Campaign

Introduction

The post-referendum research commissioned by the Government from IMS/Millward Brown showed survey participants found the Treaty, and the various publications seeking to explain it, to be overly complex. *Nevertheless participants ranked the Referendum Commission booklet as the most useful information publication apart from news media. The Commission's advertising also scored well in comparison with other advertising in the campaign.*

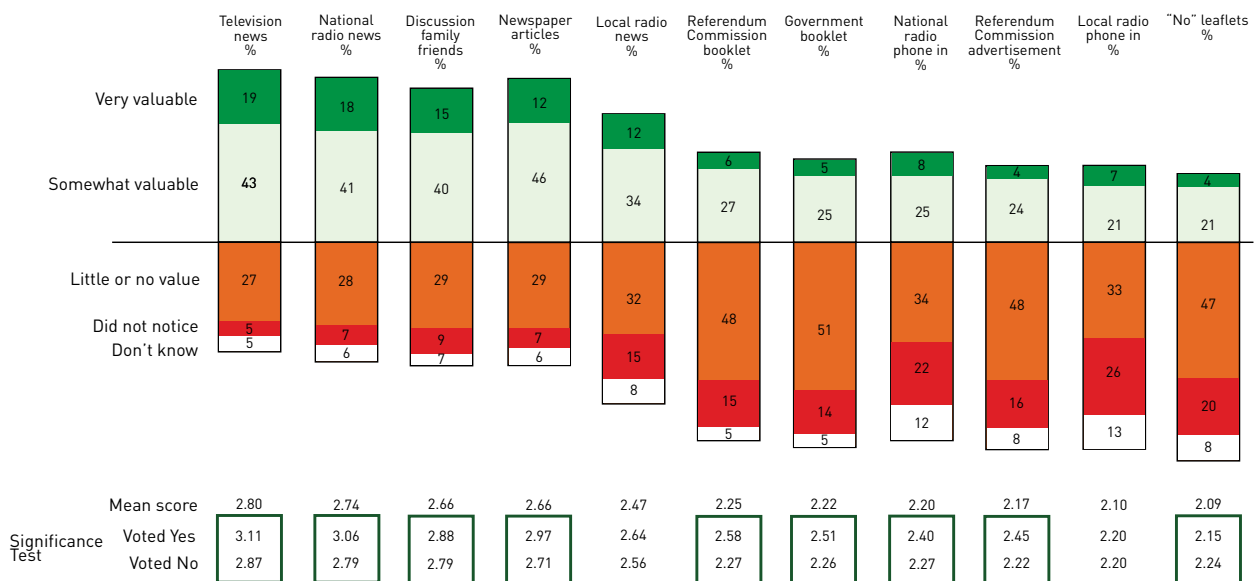
This research, which was published in September 2008, found television and radio news were rated as the most valuable information sources, followed by discussion with family members or friends, newspaper articles, and local radio news. The Referendum Commission booklet was seen as somewhat or very valuable by 33 per cent of those surveyed, followed by the Government booklet on 30 per cent, "No" and "Yes" leaflets each on 25 per cent and the National Forum on Europe publication on 20 per cent.

The Referendum Commission's advertisements also scored well above those from the "Yes" and "No" campaigns in terms of usefulness. This may be partly explained by the fact that the Commission could use broadcast media while the "Yes" and "No" campaigns were confined to print, outdoor and online media. Some 28 per cent found the Referendum Commission advertisements effective compared to 16 per cent who found the "No" posters effective and the same proportion who found the "Yes" posters effective.

The full results in relation to how effective participants found different information sources were:

Effectiveness of Communications - I

Base: All Adults Aged 18+



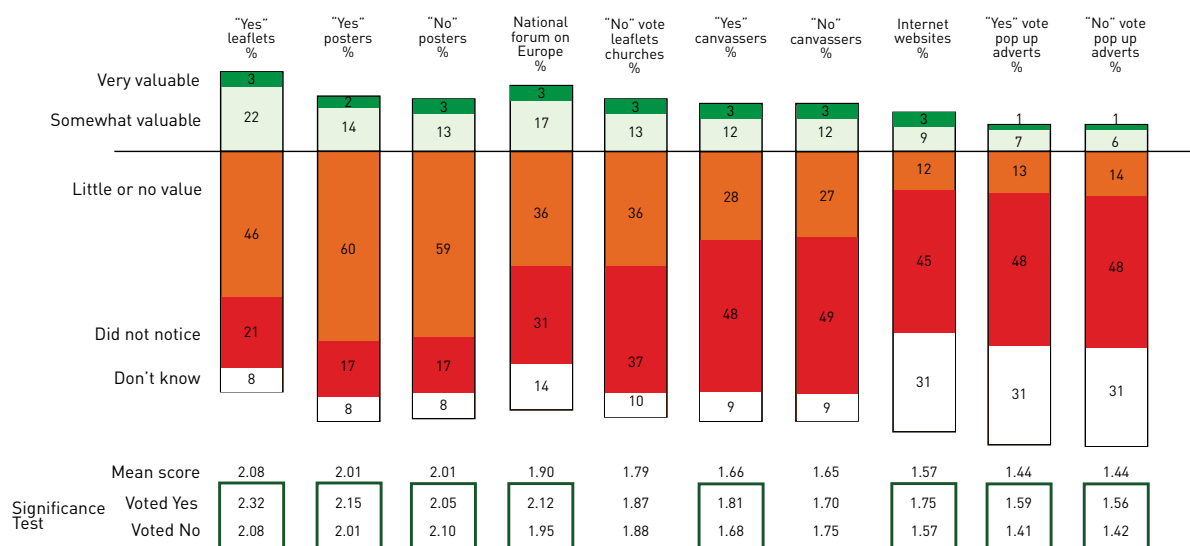
41108393

= Statistically significant difference




Effectiveness of Communications - II

Base: All Adults Aged 18+



41108393

 = Statistically significant difference

 Millward Brown IMS

Referendum Commission Research

The Referendum Commission decided to commission its own limited research to probe and assess more deeply the public reaction to each element of its campaign. Two months after the end of the campaign, the Commission asked the market research agency Behaviour and Attitudes to gauge feedback from a cross-section of Irish voters - comprised of four focus groups of eight people each - regarding:

- Key sources of information used regarding the Treaty/Referendum
- General awareness/understanding of Referendum Commission's role
- Specific reactions to each element of the campaign:
 - The Referendum Commission booklet
 - Outdoor poster advertising
 - Other outdoor (Luas Columns and Bus Shelters)
 - Press advertising
 - Website
 - Radio advertisements
 - TV advertisements

Chapter 6

A qualitative approach was employed, and research was conducted from August 28th to September 9th. The focus group participants were selected to ensure all age groups, regions, socio-economic categories, yes voters, no voters and non-voters were included.

Key sources of information

The research found that the single most frequent source of information for people was discussions on the issue with family/friends/acquaintances. After that, by far the most heavily utilised source of information was talk radio.

- Ireland has long been one of Europe's heaviest consumers of radio, and many spoke of 'stumbling across' numerous radio slots featuring the topic.
- A minority of respondents automatically mentioned the Referendum Commission information handbook as a source of information.
- Upon prompting, however, it became clear that all had received the booklet in their homes. A third appear to have made a serious effort to read through it in some detail.
- About one in eight research respondents claimed to have referred to the internet in general in an attempt to understand the Referendum proposal or elements of it. Invariably, all such searches were abandoned due to the perceived 'overwhelming' amount of information featured.

While talk radio was the most frequently cited source of information outside discussions with family, friends and acquaintances, respondents were very critical of the quality of debate featured on radio programmes. The vast majority of interchanges on radio were characterised as 'hysterical'; 'scare-mongering'; 'rude'; 'ridiculous'; and 'gibberish'. Representatives of both sides of the debate were criticised to the same extent in this regard, and the general sense of chaos clearly added to the mood of frustration in being unable to gain a clear and balanced understanding of the issues at hand.

Awareness of Referendum Commission role

At a spontaneous level, very few respondents made mention of either the existence or role of the Referendum Commission. However upon prompting, roughly half said they were aware of the Commission's existence, which corresponds very roughly with the 57 per cent who said they were aware of the Commission in the Referendum Commission's poll taken just before polling day.

Reaction to Referendum Commission campaign

When this limited research was taken in late August and early September there were very low levels of spontaneous recall for any 'traditional' (radio, TV, print etc) advertising throughout the Referendum campaign period. The posters of the "No" campaign had the highest spontaneous recall level, particularly the 'Three Monkeys' execution. However, prompted recognition of the Commission's advertising material was very high. Respondents were shown the different elements of the Referendum Commission campaign and asked about their recall, reaction to and understanding of each.

(i) Referendum Commission Handbook

Because of immense time pressure to complete the public procurement process in relation to the print contract for the handbook, the Commission had to decide on the number of pages in the handbook (32 pages in total for the English and Irish language text) before the actual text was legally crafted and its length was known. This led to a challenge of seeking to fit a fixed text length, produced according to significant legal constraints, into a predetermined number of pages, an aspect of the production of the handbook which led to some criticism of its style from focus group participants.

Practically all respondents had received this handbook (if not entirely aware it had been produced and distributed by the Referendum Commission). Around a third appeared to have made some serious effort to read through it in any detail. No one claimed to have read the entire document.

When questioned as to the fundamental need for such a booklet to begin with, the great majority felt it was important that some effort had been made by the 'establishment' to distribute some such communication to all citizens.

The constraints mentioned above led focus group participants making predictable and valid points. Some found the publication to be too "text-heavy". The nature of the Treaty and the legal obligations placed upon the Commission made some technical terminology unavoidable, and some found this language difficult and off-putting. The space constraints meant there was no room for a contents page, and this too was cited by some respondents who did not find the handbook easy to navigate.

Many accepted that it would be 'impossible to condense a four hundred page document into fourteen', no matter how well-crafted it was. A number of individuals therefore suggested placing a greater emphasis on a more complementary blend of booklet (with key points briefly summarised) and website, with the latter featuring any amount of additional explanatory information, again searchable under key citizen-focused headings.

Chapter 6

(ii) Main Television Advertisement

Over 90 per cent of focus group participants recalled having seen the TV advertisement, most of them on a number of occasions.

Respondents proved to be remarkably accurate in describing what the intended message of this advertisement was. In no particular order, the key elements of this perceived message were:

- To remind us to vote
- To find out/find out more regarding what the Referendum is about
- To refer to the website and/or the information booklet for the latter information

In addition, the intended impartiality of the Referendum Commission in the above process was noted by some as being reflected in the advertisement. These are precisely the messages the Commission had decided should be conveyed through the television advertisement.

All respondents immediately understood the rationale behind the 'split body' device, i.e., "Don't go with half the story. Get the full picture."

Some older respondents felt the advertisement was aimed more at younger individuals. However the advertisement was clearly very visually engaging. It was a deliberate strategy of the Commission not to seek to explain the complexity of the Treaty in 40 second television advertisements, but rather to use these slots to urge people to vote, to find out more, and to direct them to where more information could be found.

(iii) Radio Advertisements

There were four different executions of the radio advertisement, each seeking to convey the same message as the television advertisement. Different scripts conveying different fictitious scenarios all told listeners that if they did not have the full story they could not make an informed decision, and that they should get the full story through reading the Commission's handbook or web site.

In the case of all four, respondents readily understood the message that was being conveyed. In relation to three out of four, people appreciated the humour and understood its effectiveness in conveying the message. One of the four executions received a more negative response.



(iv) Outdoor advertising

Upon presentation of the outdoor material (48 sheet posters, bus shelter ads etc), it was evident that at a minimum, all of the city dwelling respondents had been exposed to the billboard executions.

The fact that these advertisements were split across different billboards/shelters (e.g. top half body on one; bottom half body on the other) was generally taken as a clever means of attracting attention.

Respondents acknowledged the fact that these ads featured a range of genders, age-groupings and socio-economic backgrounds. It was seen widely by respondents as a perfectly adequate support campaign to the main TV/radio one.



(v) Press advertising

The press advertising campaign, despite being given significant weight in the weeks before polling day, was not recalled spontaneously by any of the focus group participants.

While communications specialists believe that a press advertising campaign is an essential part of the mix in such a campaign, respondents in the focus groups had a general consensus that a focused mix of TV, radio and outdoor would be adequate, assuming the correct messages are communicated.



Public Event and Viral



Lisbon Youtube

Interactive online game



(vi) Website

The research did not attempt to gauge reaction to the website; this element of the campaign is dealt with in Chapter 3 of this report.

Conclusion

This research shows that the great majority of individuals adopted quite a passive approach in gleaning information about the Lisbon Treaty Referendum during the course of the campaign. As such, any body faced with the task of facilitating the learning process in relation to the content of that Referendum was faced with a challenge.

A Referendum Commission information booklet was seen as important, but the need to marry a fixed length text with a fixed number of pages led to a rather dense design that some found off-putting. *It is important that the Commission be able to plan the handbook early enough to ensure the length of the text is compatible with the number of pages available.*

The findings show that the key messages the Commission decided to put across in its advertising campaign were transmitted very successfully. A number of respondents raised the point that the advertising did not seem to explain the detail of the Treaty. The Commission judged at the outset that given the complexity of the Treaty, it could only be properly explained through its major publications – the handbook delivered to every home, and the web site. Advertising is suited to the delivery of simple messages – in this case, the Commission decided to use its advertising to draw attention to the existence of the handbook, website and phone line, to encourage people to use these information sources, and finally to encourage people to vote.

The Commission was very satisfied with the relatively high turnout at the referendum (53%) and at the low number of spoiled votes. The following table shows turnout and spoiled vote figures since 1998:

Referendum on	Percentage Poll	Spoiled votes (%)	Comment
18th - Amsterdam Treaty (1998)	56.02	33,228 (3.56)	Held on same day as 19th
19th - British-Irish Agreement (1998)	56.26	17,064 (1.10)	Held on same day as 18th
20th - Local Government (1999)	51.08	109,006 (7.65)	Held on same day as European and local elections
21st - Death penalty (2001)	34.79	14,480 (1.45)	Held on same day as 23rd and 24th
23rd - International Criminal Court (2001)	34.78	17,819 (1.79)	Held on same day as 21st and 24th
24th - Nice Treaty (2001)	34.79	14,887 (1.49)	Held on same day as 21st and 23rd
25th - Protection of Human Life (2002)	42.89	6,649 (0.53)	
26th - Nice 2 (2002)	49.47	5,384 (0.37)	
27th - Citizenship (2004)	59.95	20,219 (1.1)	Held on same day as European and local elections
28th - Lisbon Treaty (2008)	53.13	6,171 (0.38)	

Irish Language

The Commission put much effort into the provision of information through the Irish language. The information booklet delivered nation-wide was bilingual. Irish language television and radio broadcasts were aired. Irish language versions of the Commission's press advertisements were published and all other information such as press releases and background information on the referendum were produced in Irish and published in the Irish language section of the Commission's website. In seeking to provide a good quality and prompt service in Irish the Commission had to meet very tight deadlines in making the material available to the public.

Recommendations

Based on its experience in this and previous referendum campaigns the Commission believes that a number of recommendations should be made to the Minister for the Environment, Heritage and Local Government who has overall responsibility for franchise and electoral matters. The Commission also requests that the Oireachtas give consideration to these recommendations.

The Commission recommends that the Minister should consider:

- 1 Establishment of an independent body - such as the proposed Electoral Commission - which would consolidate the various electoral functions, including those of the Referendum Commission.**

This was also a recommendation of the Referendum Commission established for the 27th Amendment of the Constitution Bill 2004 (Irish Citizenship). That Commission pointed out that “Such a body would have the additional advantage of being a permanent and ongoing body, which in the case of referendums at least, would have ample time to prepare and promote public awareness of important constitutional amendments, in which respect the forthcoming referendum to ratify the EU Constitution is an obvious example. In any event, ample time clearly must be given to the Referendum Commission to enable it to explain and promote awareness of the referendum on the EU Constitution.”

- 2 Amending the Referendum Act 1998 in order to allow the Commission to be established in advance of the date on which a Referendum Bill is initiated in Dáil Éireann. It is essential that this happen as the Commission must operate in accordance with EU Directives in relation to procurement. It is also particularly necessary in the case of complex proposals such as the Referendum on the Lisbon Treaty.**

Recommendation 2 might be considered if there is likely to be a delay in establishing the proposed Electoral Commission. Reforms such as these would address repeated requests from previous Referendum Commissions that they be given more time to discharge the statutory functions conferred by existing legislation. The Commission wishes to stress once again that it had just three weeks to digest the referendum proposal, including the Lisbon Treaty, and prepare the final text of the information booklet.

Acknowledgements

The Commission is once again indebted to all its service providers for enabling it to complete a wide array of tasks under severe time constraints. The various broadcast outlets deserve special mention for their active co-operation. As Marketing/Communications Consultant to the Commission, Murray Consultants, and Mr Mark Brennock and Ms Olivia Buckley in particular, played a vital role in ensuring that the various strands of the campaign were delivered on time and in a co-ordinated fashion. The skills of Ms Ita Mangan in drafting a wide range of information material greatly assisted the campaign. The Commission is also grateful to its legal advisor, Dr Vincent Power of A&L Goodbody and to Senior Counsel Mr Tony Collins and Mr Paul Sreenan.



Mr Justice Iarfhlaith O'Neill

Chairman



Mr Kieran Coughlan

Clerk of Dáil Éireann



Ms Deirdre Lane

Clerk of Seanad Éireann



Ms Emily O'Reilly

Ombudsman



Mr John Purcell

former Comptroller & Auditor General

Appendix 1

Pages 62-63 of the Commission's report on the Amsterdam Treaty and the Northern Ireland Agreements

The first point which needs to be made is that the Commission must carry out its functions strictly in line with the terms of the Referendum Act 1998. Furthermore, the Commission has no role in determining the date on which a referendum is to be held or the terms of the proposed amendments to be put before the people. There is no doubt that, because two important referendums were held on the same date, the timescale available to the Commission to carry out its functions was particularly tight. Furthermore, the subject matter of the Amsterdam Treaty referendum was particularly complex and this presented the Commission with very formidable challenges.

The financial resources provided by the Government were more than adequate as may be seen from the details of expenditure set out in Appendix 2. While the staff resources requested by the Commission were approved by the Government without delay, there was considerable delay in filling the approved posts because of the absence of any panels of qualified people. The Commission had, therefore, to draw from the staff of the Ombudsman's Office, who had no previous expertise in, or specialist knowledge of, the Amsterdam Treaty or the Northern Ireland Agreements, with the resulting vacancies being filled later on when staff became available from service-wide panels. While each Referendum Commission stands dissolved one month after its report is submitted to the Minister for the Environment and Local Government, it is important that the Secretariat ensure that the learning experience involved is not lost to future Commissions, and the Commission returns to this point in its recommendations.

The first Commission obviously had to spend considerable time initially in putting staff and an office in place, setting up payment mechanisms and other logistical arrangements as well as engaging consultants and planning a comprehensive information campaign. Almost immediately work had to start on the preparation of the initial publications on the Amsterdam Treaty and on setting up the Website, Press Office and Information Line. In respect of the Amsterdam Treaty, a period of twelve weeks was available to the Commission to carry out its functions from the date of its establishment to the date of the referendum. In the case of the referendum on Northern Ireland, the time available was four weeks and during this period the Commission was running two separate information campaigns. As a result, the work pressures on the seconded staff, especially the Secretary to the Commission, were constant and intense and quite a number of logistical difficulties arose. A series of deadlines arose in quick succession. Four of the five members of the Commission are *ex officio* appointees located in four different offices with separate statutory functions and that in itself can give rise to difficulties given the need to be in contact, at times on a daily basis, with the Secretariat, to attend regular meetings, to give interviews to the press and to approve the texts of a range of publications, advertisements, radio and television scripts and press releases, as well as analysing detailed reports provided by the Commission's consultants.

Time constraints meant that opportunities for effective advertising (e.g. outdoor billboards) were missed because none were available to the Commission at short notice. In addition, the tight deadline prevented any pre-campaign preparation or research or any study of the operations of bodies similar to the Commission in other countries.

The Commission is agreed that it is desirable that any future Commission should have the maximum amount of time possible under the terms of the Constitution to fulfil its remit properly. Indeed some advance logistical and other work, including the putting into place of staff, should be possible even before the proposals for the referendum are settled by the two Houses of the Oireachtas, for example, as soon as the Government has publicly announced an intention to initiate the Bill concerned.

Appendix 2

Pages 11-13 of the Commission's report on the first Treaty of Nice

The Referendum Commission and Time Constraints

The Referendum Commission has to date presented two reports to the Minister for the Environment and Local Government. The first report (November, 1998) related to the referendums on the Amsterdam Treaty and the Northern Ireland Agreements and the second report (November, 1999) related to the referendum on Constitutional Recognition for Local Government. The two reports, in particular the first one, highlighted the severe difficulties posed for the Commission in seeking to fulfil its statutory remit in a full and effective manner within unrealistic and unreasonable time frames imposed on it from the outset by the Government. The Commission's first report made specific recommendations on how these might be addressed but unfortunately they have been ignored. On this occasion the Commission was asked to run three separate information campaigns, originally four, in a seven week period. One of the campaigns related to the particularly complex Treaty of Nice. It is worth recalling that the public interest and awareness research carried out by the Referendum Commission during and after the Amsterdam Treaty referendum highlighted a lack of interest in and understanding of the subject matter. Indeed, over the years other research, including research carried out in the aftermath of the Treaty of Nice campaign, indicates that this pattern of disinterest and lack of any in-depth understanding of EU matters remains consistently high among the Irish electorate.

The decision to hold three referendums on the same day was a significant constraining factor for the Commission. Instead of focusing all its energies on one proposal, the effort was dispersed. One obvious outcome was having to divide the limited time available for the television broadcasts between the three proposals (although the time available was weighted in favour of the Nice Treaty debate). The complexity of the issues involved in the Nice Treaty, coupled with the time pressures involved, also militated against any effort to engage the wider public.

The Referendum Commission is a body that has no on-going legal existence but is resurrected shortly before a referendum is held and is then expected to run comprehensive information campaigns, often on complex matters about which there is little public understanding. The point has been made before, but it bears repeating, that this poses extreme difficulties for the Commission. At the outset, offices have to be equipped and staffed with personnel, most with no prior experience of such work. Payment and accounting procedures also have to be put in place. The subject matter of the referendum proposals have to be researched and information material produced. The information material cannot be finally approved by the Commission until the text of the Bills have been approved by the Houses of the Oireachtas and the referendum date is decided.

On this occasion the Twenty-first Amendment of the Constitution (No. 2) Bill was approved by the Houses of the Oireachtas on 1 May, 2001, the Twenty-third Amendment of the Constitution Bill was approved on 2 May, 2001 and the Twenty-fourth Amendment of the Constitution Bill was approved on 4 May 2001. The date for the referendums was not announced until 8 May. Consultants and advisors and other third party service providers have to be engaged. Once information material has been approved by the Commission the publications have to be designed and printed and contracts for such work have to go through the appropriate tendering procedures. All information material has to be translated and produced in Irish. Distribution networks have to be put in place and vast amounts of information material have to be disseminated in time for the electorate to absorb the information in advance of the referendum. The public have to be allowed time to make submissions on the referendum proposals and the Commission has to analyse the submissions and produce and publicise the arguments for and the against the proposals. In addition press advertising, website development, television and radio advertising have to be planned, approved and put in place.

The work imposes huge administrative pressures and a long series of tight deadlines. Operational pressures allow no time or space for the development of innovative strategies to communicate the information material to the public or to target certain groups such as young voters. For instance, the Commission has been criticised by some commentators because of the format of its television broadcasts. The reality is that, by the time the Commission had engaged an advertising company and a production company, it had only a matter of days to approve the format and content of the broadcasts and commence production. In normal circumstances a typical planning and production cycle for a 30 second television advertisement is three months. In addition the Commission had hoped to target young voters on this occasion by measures such as cinema advertising but, due to the lead in time necessary to book cinema advertising slots and the time needed to produce such advertisements, this was not possible.

Furthermore, while the Commission produced all its publications in Irish and distributed them as widely as possible, if there had been more time available then the distribution of the Irish texts could have been targeted on persons and groups interested in receiving them. As the Commission does not have an in-house translation capacity, the Irish language publications were not available at the same time as the English language publications. On this occasion and in the past the Commission has received numerous complaints from individuals and organisations due to a perception that it does not provide an equal service to Irish language speakers and that adequate attention is not paid to the production and distribution of information material in the Irish language. The difficulties in this regard were all due to a lack of time. The Commission did however put much time and effort into producing and distributing Irish language material and the Commission's website is a testament to the amount that was achieved taking account of the time constraints imposed on the Commission.

The lack of time had implications for all elements of the campaigns. What should have been a carefully planned, well thought out and engaging campaign was instead a series of somewhat disjointed initiatives that were criticised in some quarters as being unwieldy and uninspiring.

Any opportunity to create synergies between the different elements of the campaign was lost in the drive to get publications to the printers and distribute them or to meet production deadlines for television or radio.

Lack of time also meant that it was not possible to develop and test new formats for presenting the arguments for and against, which is the key part of the campaign. The format developed for the Amsterdam Treaty and Northern Ireland referendums whereby actors gave the two sides of the argument was adjusted and much improved upon but it would have made more sense, given the considerable expenditure involved, to test this and other possible formats for overall effectiveness.

For any public information campaign of significance, a two to three month lead in time would be considered normal. Drafting, designing and printing a booklet designed to communicate complex subject matter would normally take a minimum of four to six weeks.

It is highly unusual for a campaign as wide ranging and involving such a significant level of expenditure not to have built in procedures for evaluating the effectiveness of the measures employed both during and at the conclusion of the campaign. It is regrettable that time constraints again militated against carrying out baseline research on public awareness and attitudes in respect of the three proposals and ongoing research to track awareness and understanding as the campaign progressed.

The Commission cannot overstate the importance it attaches to this issue and would wish to underline the recommendations it is making on this point in Chapter 3. The Commission thinks it unreasonable that its members should be expected to continue to bear the brunt of adverse public criticism for perceived failures in its information campaigns when the root cause of the difficulties are beyond its control.

Notwithstanding the foregoing the Commission did manage to fulfil its remit on this occasion. Through its efforts it managed (as reported in Chapters 1 to 4 of Part 2) to get a considerable amount of information into the public domain within the short time available.

Appendix 3

Timetable for holding a referendum

This timetable is drawn up on the basis of a number of assumptions as follows (calendar days in all cases):

Preparation: 14 days to agree specifications, prepare, approve, and publish tender documents.



Open Procedure is used: 52 days, which is reduced to 40 as the contract notice and tender documents are available electronically. A Prior Information Notice (PIN), which could further reduce the period to 22 days would be unlikely to be available to the Commission. A PIN may be relied on for adopting a shortened timescale provided it has been published between 52 days and 12 months before the date on which the contract notice is sent to the OJEU.



Evaluation: 5 days to evaluate tenders.



Standstill period: 14 day standstill period which runs from the date on which tenderers are notified of the outcome of the tender evaluation process.

Event	Day Number
Commission is established.	1
Commission meets.	7
Commission decides to tender for marketing/communications consultants; requests GSA to tender for printing of booklet; decides to tender for delivery of booklet; commences drafting of booklet.	7
Commission agrees specifications, prepares, approves and publishes tender documents for marketing/communications consultants and, separately, for delivery of booklet. GSA agrees specifications, prepares, approves and publishes tender documents for printing of booklet. Commission continues drafting booklet. Commission appoints legal advisers and translator.	8 to 22
Commission awaits receipt of tenders - using the Open Procedure, with no Prior Indicative Notice (PIN) - minimum 40 days. GSA awaits receipt of tenders - minimum 22 days with PIN or 40 days without PIN. Commission completes drafting of booklet, has it assessed by legal advisers, translated and designed.	23 to 63
Commission is advised of date of referendum, publishes notice inviting applications for approved body status and decides on applications received.	43 to 63
Commission evaluates tenders for consultants and, separately, for delivery of booklet and decides on successful tenderers in both cases. GSA evaluates tenders for printing and decides winner.	64 to 69
Stand still period before any of the 3 contracts may be awarded - 14 days.	70 to 84
Award of contracts.	85
Meet successful marketing/communications consultant and agree strategy.	86 to 93
Design booklet (probably part of contract of marketing/communications consultant).	86 to 100
Design/upgrade website (probably part of contract of marketing/communications consultant).	86 to 114
Send booklet to printer - allow 30 days for printing of 2.3 million booklets and delivery to distribution hubs.	100 to 130
Allow 5 working days for delivery of booklets to each voting household.	130 to 135
Allow for 28 day campaign from commencement of delivery of booklets.	130 to 158

Appendix 4

Referendum Commissions to Date

Referendum	Date of Establishment	Date of Referendum
Amsterdam Treaty	2 March 1998	22 May 1998
Northern Ireland Agreements	22 April 1998	22 May 1998
Constitutional Recognition for Local Government	4 May 1999	11 June 1999
Abolition of the Death Penalty	17 April 2001	7 June 2001
Acceptance of the Jurisdiction of the International Criminal Court	17 April 2001	7 June 2001
The Treaty of Nice	17 April 2001	7 June 2001
Abortion Referendum	8 Feb 2002	6 March 2002
The Treaty of Nice	9 July 2002	19 October 2002
Irish Citizenship	22 April 2004	11 June 2004
Lisbon Treaty	6 March 2008	12 June 2008

Appendix 5

Expenditure on the Information Campaign

	€
Advertising (excluding press)	1,535,545
Legal Costs	59,530
Press & other public awareness promotions	1,901,331
Postal & other distribution costs	1,042,317
Printing & Design of Publications	357,821
Other administration costs	70,199
Translation	5,713
Miscellaneous (Office supplies etc.)	2,827
<hr/>	
*Total	4,975,283
*Subject to Final Accounts	

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