



Report on the Referendums on **Marriage** and on the **Age of Presidential Candidates**





Foreword

The Referendum Commission must, after each information campaign, prepare a report for the Minister for Environment, Community and Local Government on the performance of its functions. In this report, the Commission describes in some detail the main elements of its information campaign.

The Commission is happy to report that it had adequate time - almost four months - in which to do its work. This is the third occasion in recent campaigns in which adequate time was given to plan and carry out the public awareness campaigns. This is a welcome development as against previous campaigns when the time given to the Commission was clearly inadequate and was the subject of complaint by these Commissions.

I believe that the Commission made good use of the time that was given to it; it allowed the Commission to ensure that its information guide was as accessible as possible while remaining legally accurate. It also allowed the Commission to plan an integrated advertising and public information campaign.

Proposals to amend the basic law of our country - our Constitution - are reserved for a decision of the Irish people and are important questions. It is very gratifying for the Referendum Commission that the voter turnout was 60.5%. This is the highest turnout since a referendum commission was first established and one of the highest turnouts for any referendum, especially when there was no parallel election taking place. There was a high level of engagement, especially in relation to the debates on the marriage referendum, and this clearly had an effect on the turnout. This shows that when people are engaged in the subject matter of the referendum, they will turn out to vote.

On this occasion, the Referendum Commission did not engage in any polling research after the date of the referendum. We believe that such polling was not necessary for the Commission to fulfil its statutory obligations. Past experience has shown that public responses after a referendum frequently result in those polled providing inaccurate data as to the level of claimed turnout and how the respondents claimed they voted. Accordingly post referendum polling may be misleading. A Referendum Commission - or an Electoral Commission - with an ongoing legal existence would be in a position to commission research into this general issue.

The Commission is pleased that while it was able to complete its work on the two Referendums under its allocated funding, and has returned the surplus to the departments, all necessary expenditures were made in order for the Commission properly to fulfil its obligations. The initial funding allowed for unforeseen emergency items of expenditure and thankfully this did not arise. Where more than one referendum is held on the same day, economies of scale arise which would not occur if only one referendum had been held.

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

Pursuant to Section 14(1) of the Referendum Act 1998, I hereby present to the Minister the report of the Referendum Commission on the performance of its functions in respect of the referendums.

Mr Justice Kevin Cross

Chairperson – Referendum Commission
October 2015



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Chapter 1 Introduction

The referendums on the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 and Thirty-fifth Amendment of the Constitution (Age of Eligibility for Election to the Office of President) Bill 2015 were held on Friday 22 May 2015. 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. In the case of a constitutional amendment, he may only do so on or after the date the Bill is initiated in Dáil Éireann. The marriage Bill was initiated on 21 January 2015 and the age of presidential candidates Bill on 22 January 2015.

Establishment of the Referendum Commission

On 27 January 2015, the Minister made establishment orders establishing Referendum Commissions on the marriage referendum and on the age of presidential candidates referendum. Mr Justice Kevin Cross accepted the nomination of the Chief Justice to act as Chairperson of the Referendum Commissions. The Chairperson of the Commission must be a former judge of the Supreme Court, the Court of Appeal or the High Court or a serving judge of the High Court.

The other members of the Commissions are *ex officio* members. They were -

- Seamus McCarthy, Comptroller and Auditor General
- Peter Tyndall, Ombudsman
- Peter Finnegan, Clerk Assistant of Dáil Éireann (the office of Clerk of Dáil Éireann was vacant)
- Deirdre Lane, Clerk of Seanad Éireann.

Because of the overlap of membership, the two Commissions acted as one.

The Commission is granted by law such powers as are necessary or expedient for the performance of its functions. The Commission must report on the performance of its functions to the Minister for Environment, Community and Local Government no later than 6 months after polling day and the Commission stands dissolved one month after submitting its report.

Role of the Commission

The Commission's primary functions pursuant to statute are -

- 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;
- 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;
- to promote public awareness of the referendum and encourage the electorate to vote at the poll.

Elements of the Commission campaign

The Commission ran an extensive integrated information campaign on television, radio, in print, outdoor and online. This focused primarily on raising awareness of the referendums, on their importance and on encouraging people to vote. In addition an information guide was published in booklet form and distributed to all homes in the State.

The Commission also recorded public information broadcasts for radio and television which gave an explanation of the proposals and these were broadcast by all national, local and community radio and television stations. The Commission was an active user of social media.



Chapter 2 Key Features of the Referendum

The referendum bills

Both referendum bills were relatively straightforward documents. The marriage bill was passed by both Houses of the Oireachtas on 27 March 2015. The age of presidential candidates bill was passed by both Houses on 1 April 2015.

Time available to the Referendum Commission

The Referendum Commission was established on 27 January 2015 and therefore had almost four months until polling day to plan and execute its campaign. The polling day of 22 May 2015 was set by order of the Minister for Environment, Community and Local Government made on 2 April 2015. The Commission met on 15 occasions prior to polling day, and had adequate time in which to prepare its information material.

The ballot papers

The format of the ballot papers is set out in law - in the Referendum Act 1994 - and the Referendum Commission has no role in relation to either the content or appearance of the ballot papers. The Act provides that the proposal which is the subject of a referendum must be stated on the ballot paper by citing by its short title the Bill containing such proposal as passed by both Houses of the Oireachtas.

From research carried out after other referendum campaigns the Commission was aware that there was evidence of significant confusion among voters in relation to the ballot papers. This was usually because voters had not had any opportunity to view the ballot papers before seeing them for the first time on voting day. Accordingly, the Commission

decided, with the cooperation of the Department of the Environment, Community and Local Government, to print a sample of the actual ballot paper in the Guide the Commission distributed to every home in the country. Most voters were thus in a position to be aware of what the ballot papers looked like and any likely confusion should have been reduced considerably.

Voter turnout

At 60.52% and 60.51% for the marriage and age of presidential candidates referendums, respectively, voter turnout for the referendums was the highest since the first statutory Referendum Commission was established in 1998. Figure 1 shows a degree of variability in the rate of voter turnout and research is needed to establish the reasons for this.

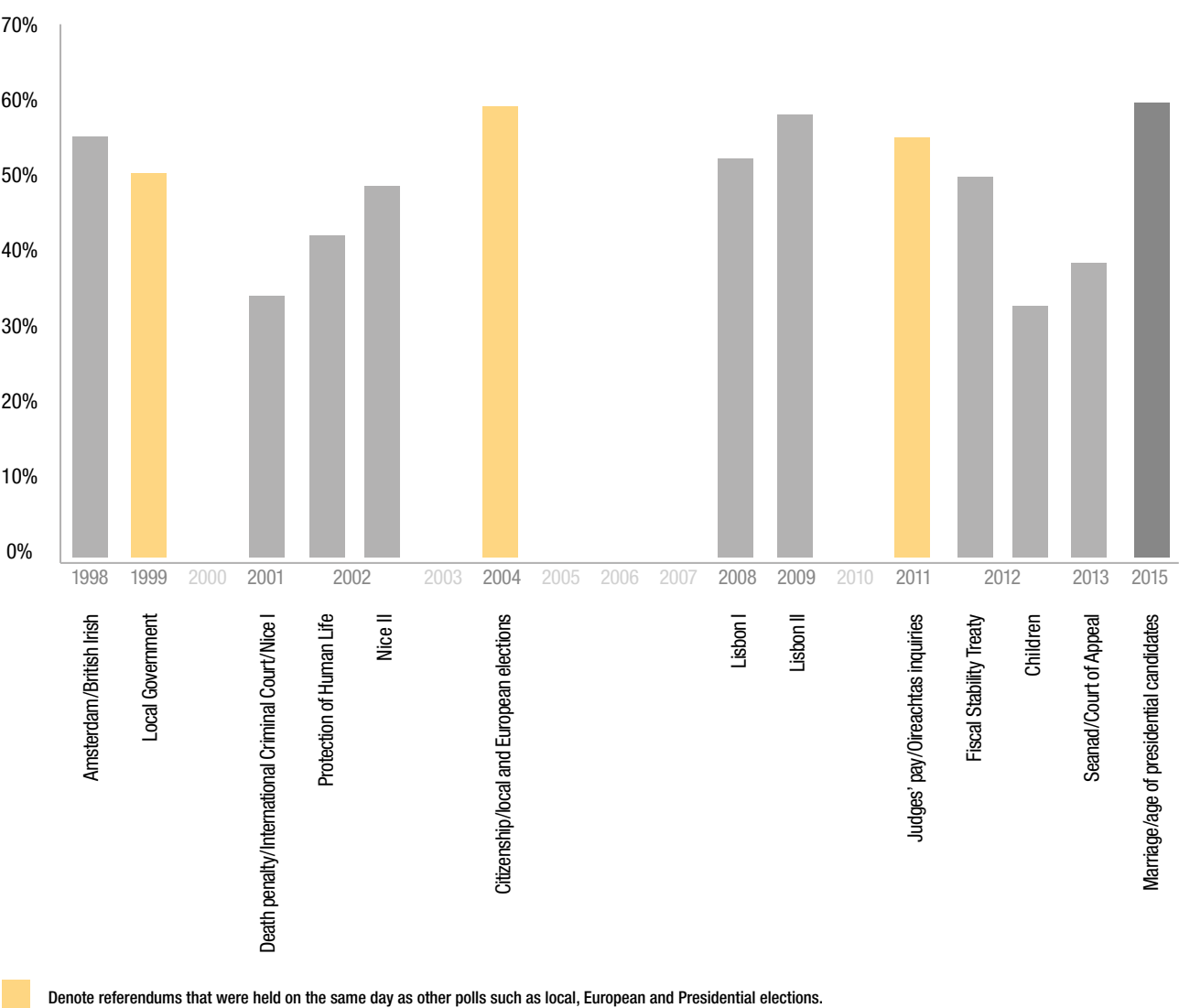
Encouraging people to vote is one of the central functions of the Referendum Commission. Accordingly, the Commission is very pleased that there was such a high turnout.

In any referendum campaign, the Commission's information campaign is just one of many factors which may contribute to the voter turnout. Other key elements are the level of public awareness of the referendum proposal, the nature of the campaigns for and against the proposal and the extent of the public debate on the issues.

On this occasion, it was clear that the electorate in general, and young voters in particular, were very engaged with the marriage referendum campaign. This undoubtedly contributed to the high turnout.

As a transient body with funding only for specific activities, the Referendum Commission is not in a position to commission appropriate research on voter turnout. A Commission with a continuing existence could do so.

Figure 1: Voter turnout in referendums 1998 to 2015



Chapter 3 The Commission's Information Campaign

Importance of information campaign

As previously stated, in simple terms, the functions of the Referendum Commission are to explain referendum proposals, to promote awareness of a referendum and to encourage the electorate to vote.

On this occasion, the higher than usual level of voter engagement with the marriage referendum, particularly among the younger age cohort of voters, served to increase turnout. The Commission's role, as always, was to make the information it provided as easy to understand as possible, and to ensure it was as easily available as possible, in order to contribute to a high level of understanding and therefore turnout.

The public information campaign conducted by the Commission on this occasion was different from past campaigns in two key respects. Firstly, on this occasion the Commission envisaged that the website backed up by social media activity would be seen as the central source of information with the printed Guide delivered to all homes as a back up to this. In the past the reverse has been the case. Secondly, on this occasion the Commission had greater interaction with media than before, in particular through a series of interviews given by the Chairman to print, broadcast and online media.

Information campaign strategy

The Commission's website www.refcom.ie was established as the central repository for all information provided by the Commission. Designed to be a website that had a responsive design, allowing it to be easily viewed on any mobile device, tablet or PC, it hosted written and video explanations of each of the referendum proposals, additional background information, details of how to register and to vote, the Commission's television ads, a regularly updated news section, links to interviews given by the Commission chairman and other elements. The web content was drawn up by the Commission with the assistance of external legal and communications advice, and was provided in both the Irish and English languages.

The website was supported by a strong social media presence on Twitter and on Facebook, which directed people to the site as did an online paid advertising campaign on a wide range of websites designed to reach as many elements of the electorate as possible.

The explanations of each proposal from the website were also published as the traditional Guide which was delivered to 2 million homes and made available through public libraries. The explanations of the referendum proposals and the design of the Guide were subject to focus group research which provided helpful feedback which led to some changes in design, layout and phraseology.

The Commission prepared a substantial advertising campaign on television, radio, outdoor, press and in online digital and social media. The purpose of each element of the advertising campaign was to promote awareness of the two referendums, to encourage people to vote and to direct the public to the Referendum Commission's information about the referendums.

The Commission held a press launch of its campaign which was well attended and reported upon by all media. During the campaign, the Chairperson gave a substantial number of radio, television and broadcast interviews to explain the proposals, and a Commission spokesman gave interviews to regional radio stations.

As with previous referendums the Commission ran a campaign in advance of the referendums to encourage people to check the electoral register and to add their names to the register if they were not already on it while they still had time to do so. This campaign was promoted strongly online, including through the use of a Facebook app.

Campaign Elements

The key elements of the Commission campaign were as follows.

1. A website, www.refcom.ie, containing explanations of and background to the referendums, extensive video and written content, information on how to vote and campaign news.
2. A Guide to the referendums delivered to 2 million homes.
3. A Register to Vote campaign involving press statements, social media promotion, online advertising and the use of a Facebook app to facilitate checking the register and downloading voter registration forms.
4. A national advertising campaign on television, radio, press, outdoor and online to raise awareness of the referendums, to encourage people to vote and to direct voters to the many places 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 spokespeople to be interviewed about the role of the Commission and the content of the proposals to newspapers, and national and regional radio. The Chairman of the Commission did two interviews on RTÉ's Morning Ireland programme, an interview for RTE's Prime Time, as well as interviews on Newstalk and other radio and television stations. He was also interviewed in The Irish Times and thejournal.ie. In addition a Commission spokesperson was interviewed by over a dozen local stations on the content of the referendum proposals;
 - issuing press statements to regional press encouraging voters to access the information and to vote;
 - using the social media Facebook and Twitter to give details of Commission activity, to respond to individual queries and to encourage voting;
 - operating a lo-call line through which people could ask specific questions and get material posted to them.
 - direct contact with the Commission secretariat for additional information on specific points arising relating to the referendums.

Website

The Commission's website for the referendum, www.refcom.ie, was visited by well over twice as many people as used any previous Commission's website. In total, 280,000 individual users visited the site (some more than once) compared to 113,000 for the website on the referendums of the Seanad and the Court of Appeal in 2013, 49,000 in relation to the 2012 Children referendum and 41,000 in relation to that on the Fiscal Stability Treaty, also in 2012.

These numbers were boosted by the agreement of Facebook to put an icon on the Facebook pages of each Irish voter encouraging people to vote, and linking to the Commission's website (see social media below). However, even without this support, the website statistics were substantially higher than in any previous referendum.

The site was designed on a "mobile first" principle. In other words, it was designed firstly as a site to be viewed from mobile devices, and it would then resize itself to be viewed from a desktop computer. This is a reversal of the traditional approach, which is to design a website to be viewed on a desktop computer, and then ensuring it can resize automatically to be viewed on a mobile device.

The website traffic bore out this decision. Some 72% of site views during the campaign were from mobile phones or tablet devices, with the remainder being from desktop computers. This is an almost exact reversal of the statistics from the last referendum, in October 2013, on the Seanad and the Court of Appeal. Then, 69% of views were from desktop computers with the balance from mobile devices.

The site hosted all campaign material including text, background information, television ads, free-to-air broadcast, other videos, news and helpful links. The same cast members were used in each piece of Commission information (website, TV ads, printed Guide, outdoor ads, etc.) giving the campaign a coherent and integrated feel which maximised its impact.

All text content, and the majority of video content, was available in English and Irish and complied with best practice accessibility standards, including adjustable font sizes and the site was built to be responsive, so that the size and layout would automatically adjust according to whatever browser the person was using.

The website also 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.

Finally, the website had a social media newsfeed (Twitter etc) where users of the site could post comments and get replies from the Commission. This also allowed the Commission to publish regular information 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.

Social media

The Commission's Facebook page was used in particular to promote the importance of checking the voting register and turning out to vote on polling day. The Commission's Twitter feed was used to promote the content of the website, to make news announcements and to deal with various individual queries. The Twitter account had 1,200 followers. The reach of the Facebook page spiked at 600,000 on the occasion of a promoted post encouraging people to check the electoral register and ensure they could vote.

The Guide

Since the first Referendum Commission was established in 1998, delivering a Guide to the referendum proposals to every home in the country has been a central element of every Referendum Commission information campaign.

As with previous referendums, the Guide was A5 sized. It contained eight pages in English and eight in Irish, under the same cover (in line with the Official Languages Act).

A large print version and a braille version of the Guide were produced for persons with a sight disability and distributed through NCBI. The Commission produced a special Irish Sign language version of the information videos for distribution via the Irish Deaf Society and DeafHear. This video was also available on the Commission's website. In addition, a special Guide explaining the referendum was developed in collaboration with Down Syndrome Ireland and was shared with other groups working with people with intellectual disabilities and was also available on the Commission's own website.

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. In the course of the campaign the number of phone calls received was over 1,500 and the number of emails received was over 760.

The advertising campaign

The Commission bought advertising space on all media, with ads in different media serving different purposes.

The medium of television is generally suited to getting across very simple messages in a powerful way. The Commission's television ads therefore did not attempt to explain the referendum proposals, but simply encouraged people to obtain the full information available on the Commission's website and in the Guide. Advertising on radio, outdoor, in press and online also directed people to the website to get more information and encouraged them to vote.

Advertising on a range of media works best when the ad on one medium reminds viewers or readers of ads on other media. So therefore the Commission used the same cast members and similar messages, visual style, colours, layout and typography in each medium, so as to create a distinct and recognisable identity.

TV advertising

The 40-second television advertisement was based on a narrative in which a number of different people, representing different voter profiles, each talk briefly one after another about the importance of thinking about the referendum proposals. The advertisement then highlights the fact that explanations of the proposal can be found at the Commission's website or in the Guide being delivered to homes throughout the State.

The television advertising was broadcast on RTÉ, TV3e, TG4, Sky Group, E4 and Setanta.

Radio advertising

The Commission ran an advertising campaign in late March and early April with the specific purpose of encouraging people to check the electoral register, and if they were not on it, to register in time for the referendums. 40-second radio ads on national radio stations were a central part of this campaign.

In relation to the referendum itself the Commission produced a 40-second advertisement with the same script as the television ad, talking of the importance of deciding what to think about the referendums and directing people to where the explanations of the proposals were available. The commercials ran on RTÉ stations, Today FM, Newstalk, 98FM, FM104, all local radio stations and youth-targeted stations such as Spin FM, Beat, Phantom FM, Red FM and iRadio.

Free-to-air broadcasts – TV

Once again the State's television and radio stations allocated significant time to free-to-air broadcasts produced by the Commission explaining the referendum proposals. Each station was asked to allocate 36 minutes to these and in most cases this was done.

The Commission produced separate free-to-air broadcasts for television and for radio. For television, the Commission produced an explanation of the marriage referendum proposal with a length of 1 minute 50 seconds; an explanation of the age of presidential candidates referendum at 1 minute 35 seconds, and a shorter broadcast urging people to vote, for use in the final week of the campaign at just under 1 minute in length.

Free-to-air broadcasts – radio

The radio free-to-air broadcasts followed the same narrative structure as the TV broadcasts and were of broadly similar length. In addition, the Commission produced short 10-second "stings" which were used by the radio stations in the final week of the campaign. These very short messages encouraged people to vote and typically were broadcast just before or just after news bulletins.

Press advertising

The national press advertising used the same cast in the same locations as on TV, outdoor, online and in the Guide. The press ads were also designed to encourage people to visit the website or read the Guide. Press ads were placed in the Irish Independent, Irish Times, Irish Daily Star, Irish Examiner, Irish Sun, Sunday Independent, Sunday World, and Sunday Business Post.

Outdoor advertising

The outdoor advertising also used the same imagery, copy and style. Space was taken on 48-sheet billboards nationally and on 6-sheet bus shelters.

Online advertising

Most of the online advertising formats worked in the same way as the other media, giving a headline idea of what the referendum proposal was, encouraging people to get further information and telling them where they could do so, and encouraging voting.

High impact digital display formats were used on a wide range of websites, designed to meet as broad a range of the voting population as possible. Throughout the campaign this was supplemented by video-on-demand ads, digital display including homepage takeovers, Facebook, Twitter, and search.

The Commission supplemented its high impact digital display formats with more broad and niche targeting. For example the Commission ran its female lead image on sites like Her.ie. It used contextual key word targeting throughout the campaign and negative key word targeting for the initial register to vote phase.

Facebook ASUs, promoted posts and roadblocks were used to drive engagement along with promoted tweets. Ad Space Unit formats are the ads that feature on the right hand column of the Facebook news feed. A roadblock is the term used when an advertiser runs their ad in multiple placements on the same web page. This format helped us break through the clutter and give our message 100% share of voice throughout the web page.

Chapter 4 Judicial review

On 3 June 2015, Mr Gerry Walshe, a lay litigant, applied for leave to petition the High Court questioning the validity of the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. The application was against Ireland, The Attorney General, The Referendum Returning Officer and The Referendum Commission. The application was refused and the Commission sought and was awarded its costs.

Mr Walshe appealed the decision of the High Court to the Court of Appeal.

On 29 June 2015, Mr. Walshe confirmed that the Referendum Commission had been released from the appeal. The appeal continued against the other respondents.



Chapter 5 Resources

Funding of the Referendum Commission

The Commission was allocated €1.5 million by the Department of Justice and Equality for the marriage referendum and €1.2 million by the Department of the Environment, Community and Local Government for the age of presidential candidates referendum, giving total available funding of €2.7 million. The Commission decided it would be prudent to run a joint information campaign on both referendums and it attributed the costs across the two budgets in proportion to the usage of the relevant services employed during the referendum campaign.

The total funding allocated for these referendums compares to Commission funding of €5 million for the first Lisbon Treaty campaign, €4.2 million for the second Lisbon Treaty campaign, a total of €2.25 million for the Judges' Pay and Oireachtas Inquiries Referendums, €2.2 million for the Fiscal Stability Treaty Referendum, €1.9 million for the Children Referendum, and a total of €3.3 million for the referendums on the abolition of the Seanad and on the establishment of the Court of Appeal.

Overall expenditure was over €2.2 million, broken down as shown in Figure 2. Throughout the information campaign, the Referendum Commission was highly conscious of achieving value for money and ensuring maximum effectiveness of the campaign. The Commission is satisfied that both these objectives were realised.

Figure 2: Referendum Commission expenditure

	Marriage referendum €000	Age of presidential candidates referendum €000	Total €000
Campaign management fees	148	148	296
Content research	90	7	97
Guide production and distribution	263	175	438
Audio visual production and broadcasts	165	165	330
New media production	12	12	24
Advertising			
TV	179	179	358
Radio	119	119	238
Online	66	66	132
Outdoor	64	64	128
Press	38	38	76
New media expenditure	28	28	56
Administration and other costs	21	21	42
Total expenditure	1,193	1,022	2,215
Funding received	1,500	1,200	2,700

Surplus returned

The unspent balances of €0.307 million and €0.178 million have been returned to the Department of Justice and Equality and the Department of the Environment, Community and Local Government, respectively.

The Commission wishes to point out that it is of the view that €1.5 million is the minimum funding allocation that should be made available to it in respect of any referendum campaign. If more than one referendum is held on the same day, then a minimum of €1.5 million should be allocated for each. Commissions have a good track record in ensuring that value for money is achieved in their campaigns, taking advantage of economies of scale when more than one referendum is being held on the same day and returning to the sponsoring departments any unspent balances.

The Commission does not consider it appropriate that a department should decide unilaterally, based on previous expenditure outturns, the level of funding it will allocate to the independent Referendum Commission. Commissions prudently set aside a contingency amount in case of emergencies late in a campaign or after a campaign e.g. legal actions taken against the Commission, as have happened on a number of occasions. If the previous expenditure outturn is the amount allocated to the Commission in a future campaign, then this could result in successive reductions in allocations, when the contingency figure is taken into account. As time goes on, the Commission's funding would decrease to levels where it could not perform its functions adequately.

Procurement

The Referendum Commission has no ongoing legal existence and only comes into being once established by Ministerial order. In anticipation of referendums to be held in early 2015, and conscious of previous experience relating to the late establishment of Referendum Commissions, the four *ex officio* members of the Commission, together with the prospective Secretary of the Commission, decided that it would be appropriate to put provisional arrangements in place to facilitate the smooth running of any future referendum campaign having regard to the provisions of EU Regulations and Directives relating to procurement. As it would be likely that any future Referendum Commission would require the services of different service providers, and as there were no contracts then in place of which a future referendum commission could avail, it was decided that the Office of the Ombudsman would establish a number of framework agreements for use by itself and/or subsequent Referendum Commissions. A separate framework agreement would be established for each type of required service. Each framework agreement would have a term of two years with the option of extending it by a further year, potentially extending the contract to the end of 2017 to be used by any Referendum Commissions established over this term. A Referendum Commission would award a call-off contract (i.e. a contract for specific services) under the framework agreement when it wanted to acquire services.

Therefore, in early December 2014, the Office of the Ombudsman published on etenders a request for tenders (RFT) to establish a single supplier framework agreement for the provision of marketing, project management and communications consultancy services to advise and assist in the planning and execution of public information, advertising and media campaigns. The closing date for receipt of tenders was 18 January 2015. A consortium led by Murray Consultants (public relations), and including Chemistry (advertising) and Carat Ireland (media planning/buying), was selected as the contractor.

Also in December 2014, the Office of the Ombudsman published on etenders an RFT to establish a single supplier framework agreement for the provision of legal drafting services. The closing date for receipt of tenders was 12 January 2015. Ms Ita Mangan, a legal and social affairs consultant, was the successful tenderer.

After its establishment on 27 January 2015, the Referendum Commission awarded call-off contracts to the Murray Consortium and to Ms Mangan.

In early January 2015, shortly before the establishment of the Commission, the Office of the Ombudsman also published on etenders an RFT for the delivery to all households in the State of unaddressed information material published by the Referendum Commission. The RFT included a provision that any future Referendum Commission would reserve the right to exercise an option, at its absolute discretion, for the grant of the delivery contract for any referendum held up to the end of 2016 to the service provider who was selected as a result of the RFT.

The closing date for receipt of tenders was 10 March 2015. The Commission awarded the contract to An Post.

Acknowledgements

The Commission is indebted to its service providers for assisting it to complete a wide array of tasks under very challenging time constraints. The various broadcast outlets and the national press also deserve thanks for their active co-operation with the Commission.

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 Ray Sheerin 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 Patrick Walshe of Philip Lee, solicitors, to Senior Counsel, Mr Brian Murray and to Ms Catherine Donnelly 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 Mr Paddy Walsh, who served as Secretary to the Commission. The Office of the Ombudsman provided other necessary facilities to the Commission and many of the staff of that Office also contributed to its work. The Commission is grateful to the Office of the Ombudsman for that assistance.

Chapter 6 Conclusions and Recommendations



The Commission's three main functions are to explain the subject matter of the referendum proposals and communicate these explanations to all citizens entitled to vote, to promote awareness of the referendum and to encourage people to vote.

The Commission has assessed the effectiveness of the manner in which it discharged those functions in the marriage and the age of presidential candidates referendums and it is satisfied that it succeeded by its advertising campaign in raising awareness of the referendums together with communicating a message as to the importance of voting. The Commission is satisfied that its effort helped in achieving the high turnout of over 60%.



The number of visitors to the Commission's website more than doubled compared to the number of visitors for previous referendums. The substantial increase in visitor numbers reflected the increased volume and variety of material available on it, the use of social media directing people to it and a strong online advertising campaign which also directed people to it. There is a clear trend towards increased use of online sources of information but there remains a demand for a hard copy Guide.

The Commission is satisfied that it had sufficient time in which to do the main elements of its work i.e. its public awareness campaign. The information campaign was an effective one. The Commission welcomes the high turnout on this occasion.

However, the turnout was largely as a result of the engagement by the electorate in general on the marriage referendum. This does not relieve the authorities of the responsibility to tackle the previous (and probably future) low voter turnout for important Constitutional referendums, which needs to be researched in detail. The campaign on this occasion showed what can be done when voters are engaged in a particular issue. The challenge now is to ensure that potential voters in future referendums are equally interested and engaged. A campaign among young people - perhaps aimed at second level schools - to encourage voter registration and to promote the exercise of the franchise might be a useful way of ensuring that future referendums can have a decent turnout. Such campaigns could only be mounted by a body with an appropriate statutory remit and a continuing legal existence.

Commission submission on an Electoral Commission

In January 2015, the Department of the Environment, Community and Local Government published a Consultation Paper on the Establishment of an Electoral Commission in Ireland. The Joint Oireachtas Committee on the Environment, Culture and the Gaeltacht invited the Referendum Commission to provide comments on the consultation paper and it duly did so. The Commission's submission contained the following observations and recommendations, in line with those made by previous Referendum Commissions in their post-campaign reports.

1. Most of the previous Referendum Commissions asked that more time be allowed for Commissions to do their work, and that the Referendum Commission be given a continuing legal identity – perhaps using the proposed Electoral Commission as a vehicle. More recently, Commissions have suggested that the referendum process be reviewed in order to ensure compliance with the Council of Europe's Code of Good Practice on Referendums (March 2007).
2. Low voter turnout for constitutional referendums has been a matter of serious concern to previous Commissions and is deserving of intensive research. There was also a significant issue in relation to very low voter turnout among young voters. Typically, turnout is higher for certain issues – for example, European treaties or where the referendum coincides with national or local elections. However, the recent referendums showed that there was significant engagement by young people in the subject matter of the marriage referendum in particular and this was reflected in the high voter turnout which was in excess of 60%, and was the highest since Referendum Commissions were established.
3. However, while this was extremely encouraging, there is a clear and urgent need for an ongoing campaign among young people – perhaps aimed at second level schools – to encourage voter registration and voting by young people. This work could only be done by the Referendum Commission if it had an appropriate statutory remit and a continuing legal existence.
4. It has been suggested that the Electoral Commission could have responsibility for mobilising voter registration and voter turnout at all elections as well as referendums. Publicly funded mobilisation of turnout is currently limited to advertisements put out by the Referendum Commission at referendums. Mobilisation of voter turnout should be extended to all elections. In view of its experience in this area, the Referendum Commission considers that a single body, with ongoing existence, would be far more effective in running voter awareness campaigns rather than a body, like the Referendum Commission, that is brought into existence for a few weeks prior to a referendum. To be effective, such a campaign must be an ongoing one.
5. The current Referendum Commission endorses the position adopted by its predecessors that the obvious solution to this situation is the transfer of all the functions of the Referendum Commission to an Electoral Commission.

The Referendum Commission is confident that the Joint Committee will take on board the recommendations made to it. There is an expectation that an Electoral Commission may be established within the next two to three years. In the event that the Electoral Commission is not established before the next referendum, and a Referendum Commission is established instead, this Referendum Commission reiterates the recommendations it made to the Joint Committee, in particular in relation to giving the Commission adequate time to plan and complete its public awareness campaign.



Kevin Cross, Chairperson



Seamus McCarthy, Comptroller and Auditor General



Peter Tyndall, Ombudsman



Peter Finnegan, Clerk Assistant of Dáil Éireann



Deirdre Lane, Clerk of Seanad Éireann



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