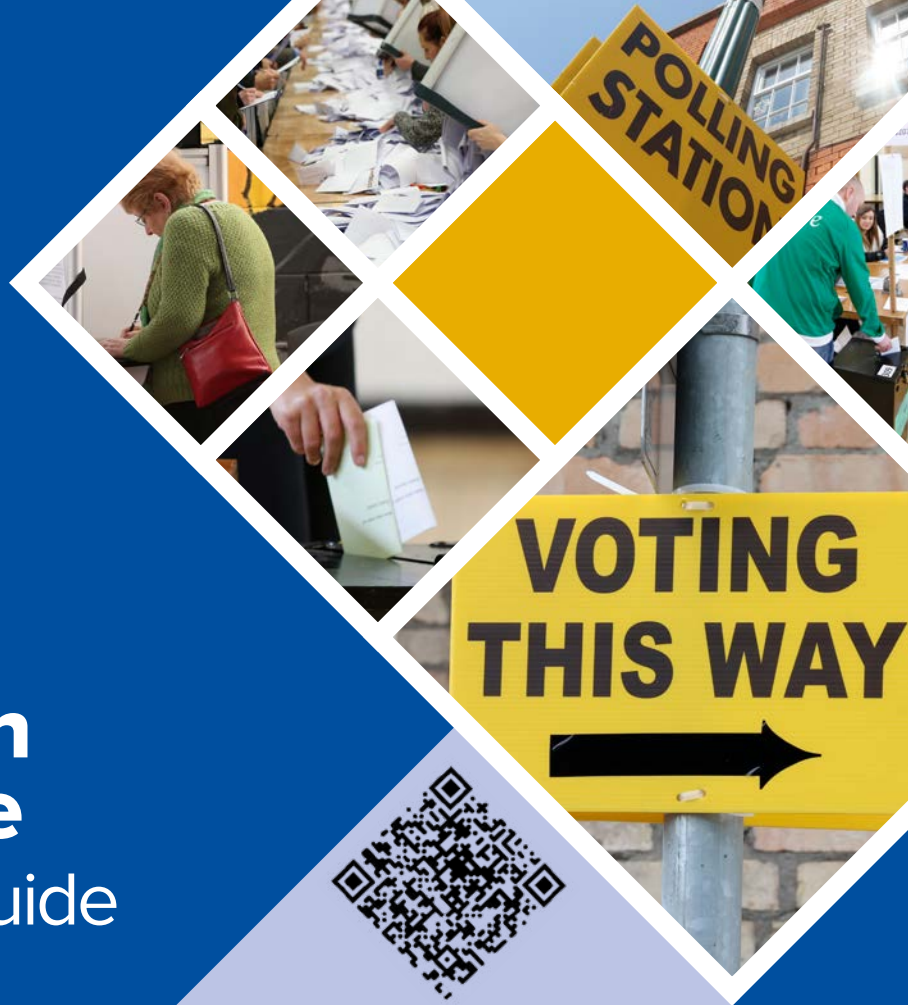




# Referendums on Family and Care

Your independent guide

**Your vote is your voice**



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**An Coimisiún Toghcháin is Ireland’s independent electoral commission. Our role is to provide accurate and neutral information in advance of the referendums.**

Please visit [www.electoralcommission.ie/referendums](http://www.electoralcommission.ie/referendums) for more information about these two referendum votes.

You may come across information, particularly when online or on social media, about these referendums and the voting process itself that may not be accurate or supported by evidence, or is misleading or false.

**Always ask yourself**

- How do I know this is true?
- Who is telling me this?
- Why are they telling me this?
- How can I confirm this?
- Do I need to reconsider?

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**Accessibility**

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**Introduction**



On 8 March 2024, Irish citizens will be asked to vote in two referendums to change our Constitution. The Constitution can be changed only by a vote of citizens in a referendum.

Our laws are made by the Oireachtas, which is made up of the Dáil, the Seanad and the President. All laws must comply with the Constitution which is the basic law of the State, and the primary source of rights.

You have two separate votes on whether you wish to make the proposed changes to the current text of Article 41 of the Constitution.

Both votes ask for your consideration of complex areas of fundamental rights. This guide aims to provide independent and impartial information to help you make your decision for each.

The first Referendum concerns the concept of Family in the Constitution. The second Referendum proposes to delete an existing part of the Constitution and insert new text providing recognition for care provided by family members to each other.

Your vote is your voice. Inform yourself from reliable sources, make up your own mind and then please vote on 8 March.

**Ms. Justice Marie Baker,**  
Chairperson,  
An Coimisiún Toghcháin.

**The Referendums will be held on Friday 8 March 2024 (Polling Day).**

**Polling stations will open from 7am to 10pm.**

**Voter Checklist**

- 1. Inform yourself on the Referendum questions**
- 2. You can visit [checktheregister.ie](http://checktheregister.ie) or contact your local authority to check your electoral register details**
- 3. Watch for your polling card to arrive in the post**
- 4. Bring ID with you on voting day**

# The Family Amendment

The 39th Amendment to the Constitution will be on a white coloured ballot paper. It deals with Article 41.1.1° and Article 41.3.1° of the Constitution, both of which relate to the Family.

In **Article 41.1.1°** “The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.”

In **Article 41.3.1°** “The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.”

## The Proposal

In this amendment there is one vote for two proposed changes. The Proposal involves the insertion of additional text to Article 41.1.1° and the deletion of text in Article 41.3.1°. These proposed changes are shown below:

### Proposed to change Article 41.1.1° text in bold:

Article 41.1.1° “The State recognises the Family, **whether founded on marriage or on other durable relationships**, as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.”

### Proposed to change Article 41.3.1° by deleting text shown with line through it:

“The State pledges itself to guard with special care the institution of Marriage, ~~on which the Family is founded~~, and to protect it against attack.”

[If this amendment is passed and the Care Amendment is passed Article 41.3.1° would be renumbered Article 41.2.1°]



**The Constitution currently recognises the centrality of the family unit in society and protects the Family founded on marriage.**

## Legal Effect of a YES Vote

If a majority votes YES, then the Constitution will change.

The constitutional protection of the Family would be given to both the Family based on marriage and the Family founded on “other durable relationships”.

The Family founded on marriage means the unit based on a marriage between two people without distinction as to their sex.

The Family founded on other durable relationships means a Family based on different types of committed and continuing relationships other than marriage.

So, different types of family units would have the same constitutional rights and protections.

The institution of Marriage will continue to be recognised as an institution that the State must guard with special care and protect against attack.

## Legal Effect of a NO Vote

If a majority votes NO, then the present Articles 41.1.1° and 41.3.1° would remain unchanged.

Article 41.1.1° would therefore continue to give special constitutional status only to the Family based on marriage between two people, without distinction as to their sex.

Article 41.3.1° would also continue to recognise Marriage as an institution that the State must guard with special care and protect against attack.

# The Care Amendment

The 40th Amendment to the Constitution will be on a green coloured ballot paper. It proposes deleting the current Articles 41.2.1° and 41.2.2° and inserting a new Article 42B.

- ~~Article 41.2.1° “In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.”~~
- ~~Article 41.2.2° “The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”~~

## The Proposal

In this amendment there is **one vote for two proposed changes. The proposal involves deleting Article 41.2.1° and Article 41.2.2°, as shown on the left, and inserting a new Article 42B, as shown below:**

“The State recognises that the provision of care, by members of a family to one another by reason of the bonds that exist among them, gives to Society a support without which the common good cannot be achieved, and shall strive to support such provision.”



The Constitution currently, by Article 41.2, refers to the importance to the common good of the life of women within the home and that the State should endeavour to ensure that mothers should not have to go out to work to the neglect of their “duties in the home”.

### Legal Effect of a YES Vote

If a majority votes YES, Articles 41.2.1° and 41.2.2° will be deleted, and a new Article 42B will be inserted into the Constitution.

It is proposed to delete the entirety of current Article 41.2 and insert a new Article 42B.

The new 42B would, firstly, recognise the importance to the common good of the care provided by family members to each other. Secondly, it would provide that the State would “strive to support” the provision of such care within families.

### Legal Effect of a NO Vote

If a majority votes NO, then the present Articles 41.2.1° and 41.2.2° of the Constitution will remain unchanged.

Article 41.2 would continue to recognise the importance to the common good of the life of women within the home.

It would also continue to require the State to endeavour to ensure that mothers should not have to go out to work to the neglect of their “duties in the home”.



## Eligibility to vote in referendums:

Irish citizens aged 18 or over, living in Ireland, who are on the electoral register can vote.

## Your polling station:

If you are eligible to vote in the referendums and registered to vote, you should receive a polling card in the post before polling day telling you at which polling station you can vote.

If you do not receive a polling card, you can still vote, at your designated polling station. If you do not receive your polling card, you can check your polling station at [checktheregister.ie](http://checktheregister.ie).

## Bring identification:

You do not need to have your polling card with you when you go to vote. However, you should bring some valid form of personal identification such as a passport, a driving licence,

a public services card, or an employee or student identity card with a photograph.

Other forms of identification are also acceptable, such as a credit card or a birth certificate, as long as you also have another document which confirms your address in the constituency.

You might not be asked for proof of identity, but if you are asked for it, you need to show it.

## How to vote:

In these referendums, there will be two ballot papers, one for each referendum proposal. You vote in these referendums by marking 'X' in the 'Yes' box to change the Constitution or 'X' in the 'No' box to keep the Constitution as it is.

Mark only one 'X' on each ballot paper, or your vote will not count.

### Family Amendment (39th Amendment) Sample Ballot Paper (white)

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

An Bille um an Naóú Leasú is Tríocha ar an mBunreacht (An Teaghlach), 2023  
Thirty-ninth Amendment of the Constitution (The Family) Bill 2023

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

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

	<b>Tá</b> <b>Yes</b>
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**Mura dtoilíonn** tú, cuir X sa chearnóg seo.....  
If you do **not approve**, mark X in this square.....

	<b>Níl</b> <b>No</b>
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### Care Amendment (40th Amendment) Sample Ballot Paper (green)

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

An Bille um an Daicheadú Leasú ar an mBunreacht (Cúram), 2023  
Fortieth Amendment of the Constitution (Care) Bill 2023

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

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

	<b>Tá</b> <b>Yes</b>
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**Mura dtoilíonn** tú, cuir X sa chearnóg seo.....  
If you do **not approve**, mark X in this square.....

	<b>Níl</b> <b>No</b>
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