

## Voting at presidential Elections by citizen’s resident outside of the State.

*Options Paper. March 2017*



### Civic Forum



An Roinn Gnóthaí Eachtracha agus Trádála  
Department of Foreign Affairs and Trade

## Considered Response and Referendum Wording Recommendation.

*“The benchmark for my recommendations throughout will be the equality of citizenship” Gerry Molumby.*



### Ireland and its Diaspora

Irish Abroad ós gox fíom CERRC Molumbós  
INCORPORATING Triskeilion Theatre Company  
-est.1996- PROMOTING IRISH ARTS IN BRITAIN



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## Summary:

Friday April 28<sup>th</sup> 2017

A chara,

Since before the election of the current Uachtaráin na hÉireann back in 2011 I have been campaigning for votes for the Irish Abroad. I have always maintained that this is a complex issue when you consider the numbers of Irish born diaspora and generational throughout the world.

Last month I learned very joyfully that An Taoiseach Enda Kenny had announced that the Government has decided to hold a referendum which would allow citizens living abroad to vote in presidential elections. He made his statement in Philadelphia and the irony is not lost on me as the first play I produced and directed in Britain was 'Philadelphia Here I Come' by the late and great Brian Friel. With its theme of emigration and loss it is for me one of the best Irish dramas in the English language.

I have campaigned on this issue not just for myself, as Irish born, but for my son and his son as Irish people in Britain, frankly 'cherishing all the children of the Nation equally'.

Therefore I support and recommend Option One: My recommended wording in the Referendum would be

“Do you agree that Irish Citizens resident outside the State should have the right to vote in Presidential Elections”?

Simply the Referendum question is about giving people the right to choose to exercise their right to vote. It follows fully the recommendation by 36% of the Constitutional Convention and applies my benchmark of equal treatment to all citizens of Ireland. It reflects the Government's policy of deepening engagement with Irish citizens abroad as set out in the Diaspora Policy 2015 promulgated positively by the Irish Abroad Unit of the Department of Foreign Affairs. The only argument I have heard and needs to be acknowledged is the 'cost', but surely there is no price on a principle of right as we have done in the recent marriage equality referendum, agus is feidir linn.



Campaign groups on Votes for the Irish Abroad in the UK and worldwide continue to lobby on Dáil and Seanad Éireann inclusion with reserved constituencies and I concur with that proposal .Currently many people are appointed to the Seanad with others only voted in from within a small interest group, I believe that in a reformed Seanad everyone should be elected. For me an elected mandate is central to the principle of representation.

In my fuller proposal on presidential votes following, you will see that my arguments are benchmarked on equality. To become an Irish citizen through naturalisation ,with full voting rights in the Oirachtas , Local Government and in Referendums , based on a 'reckonable residency', is achievable well within 10 years .Yet to have lived 25 years in Ireland and to be over 30 as an Irish person abroad I have yet to be regranted any voting rights .

For many emigrants, having the presidential vote will create a deeper dimension to their citizenship, and potentially lead to stronger business relationships, investment, educational links, and deeper cultural and sporting bonds. I would recommend a worldwide Erasmus type programme to build on the already international exchanges within the Irish diaspora.

Our right to vote places the president as the first among equals in the entire Irish nation, no matter where we live. Now that the principle is firmly established pending the outcome of the referendum, we can now look forward to presidential candidates (like MD Higgins did in 2011 on my request) reaching out and personally engaging with the diaspora for their mandate, to be president of the worldwide web of the Irish nation.

Is Mise,

Gerry Molumby

<https://irelandanditsdiaspora.com/votes-for-the-irish-abroad/>



## Constitution of Ireland

### ARTICLE 2

*It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.*

## Constitutional Convention

<https://www.constitution.ie/>

The Irish Constitutional Convention and the Options Paper 2.2.2 considered the option of limiting the number of years a citizen has lived outside the State to qualify to vote. This potential proposal blatantly fails the equality test as the numbers varied from preference of 5, 10, 18, 25 years and many other numbers in the bingo caller's bag! The argument has also been muted that a time limit would respond to the emigrants who left in the recent economic downturn, the so called 'new Irish' with a view to returning. I have never liked that term as it seems to differentiate between all other Irish people in the emigrant continuum. The logic of that argument is that the emigrants who left in the 1950 + who sent 'money home' to keep Ireland afloat economically are less worthy of voting rights – less Irish?



## Swamping the Irish Electorate

The Options Paper itself 2.2.1 tackles this head on and says they {Irish citizens abroad} were unlikely to “swamp” domestic voters if voting follows international trends. It pointed to elections in the UK, Canada and Australia, where large numbers of expatriates are permitted to cast ballots but only a fraction actually do.

The paper notes that in the last UK elections there were 263,902 overseas electors out of an estimated overseas population of five million in December 2016. And in Canada’s 2015 general election, 15,603 overseas citizens out of an overseas population of two million were registered to vote, but only 11,000 did.

In Australia’s 2013 national elections 455,000 people were registered to vote out of an overseas population of one million. Less than 74,000 actually voted.

## The Seven Options

### THE SEVEN OPTIONS RELATING TO VOTING IN IRISH PRESIDENTIAL ELECTIONS

#### 1) All citizens outside the State;

2) All citizens on the island of Ireland, and all citizens outside the island of Ireland for a period of time who have lived in the State;

3) All citizens on the island of Ireland, and all citizens who have left the island in the previous 15 or 20 years;

4) All citizens on the island of Ireland, and all citizens resident outside the island of Ireland who hold a valid Irish passport;

5) All citizens resident outside the State who were previously registered to vote in the State;

6) Citizens resident outside the State who were born on the island of Ireland; or

7) All citizens on the island and all citizens outside the island of Ireland who were born on the island or who have lived on the island for at least one year.



## Definition of Citizenship

Here surely we come to the kernel of the matter. Admittedly up to now I favoured giving votes to the Irish Abroad in Presidential Elections to those with a valid Irish Passport ; my thinking and experience being that the passport shows a tangible choice (or may have been taken by parents/guardians for you as a child) to be an Irish Citizen. I further thought that this appealing simplicity would literally be your passport to vote as it has a unique passport number registered to you which should facilitate an easier voting mechanism. But I would refer you to 2.2.3 of the options paper where I found my clarity of equality. Although a passport is clear evidence of citizenship it challenges my equality benchmark as people could establish their citizenship simply by an Irish Birth Certificate or certificate of a Foreign Birth Registration. Also under the Good Friday Agreement contains the principle of being Irish or Irish or both and to be accepted as such. On the issue of Personal Responsibility to vote, I concur with the Options Paper in that registration to vote should be a personal choice and not be on a household basis.

opt in

Also I would prefer that if the right to vote in presidential elections is given that there be an onus on citizens to exercise that by opting in.

**Irish People in British Prisons:** People in British prisons do not have the right to vote. Consideration will have to be given for Irish citizens abroad in British custody as to whether and how they can vote in presidential elections following a positive outcome of the Referendum.



## Recommendation to Referendum Wording



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Therefore I support and recommend Option One:

My recommended wording in the Referendum would be this simple question Q:

***“Do you agree that Irish Citizens resident outside the State should have the right to vote in Presidential Elections”?***

Simply the Referendum question is about giving people the right to choose to exercise their right to vote. It follows fully the recommendation by 36% of the Constitutional Convention and applies my benchmark of equal treatment to all citizens of Ireland. It reflects the Government’s policy of deepening engagement with Irish citizens abroad as set out in the Diaspora Policy 2015 promulgated positively by the Irish Abroad Unit of the Department of Foreign Affairs.

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