

**BALLOT PAPER ON THE CONSTITUTION**

**Draft questionnaire**

**Article 41.2 of the Constitution**

The provision, as currently formulated, reads:

- 1. In particular, the State recognises that by her life within the human, woman gives the State a support without which the common good cannot be achieved.*
- 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.*

**Question 1 – Retain Article 41.2, ‘simple delete’ or ‘delete and replace’**

**Please register your preference by selecting one of the following three options:**

**A. Retain Article 41.2:**

The Assembly should recommend that no change is made to this provision and not make any further recommendations on the matter

**B. Simple delete:**

The Assembly should recommend that this provision be deleted from the Constitution, and not make any further recommendations on the matter

C. Delete and replace:

The Assembly should recommend that this provision be deleted from the Constitution and further recommend that it be replaced with a provision relating to care that would not be gender-specific.

*If a majority choose A or B in response to question 1 during the voting in April, there will be no further vote.*

*If a majority votes C in April there will be a vote on question 2. If this occurs, all members will be entitled to vote on question 2 regardless of their vote on question 1.*

**Question 2 – Nature of Replacement provision**

**Please choose one of the following options**

A - The Assembly should recommend replacing the text of Article 41.2 with language that is not gender specific and recognises the principle of valuing and sharing care.

OR

B - The Assembly should recommend replacing the text of Article 41.2 with language that is not gender specific and recognises the principle of valuing and sharing care and commits the State to ensuring that its policies reflect this principle.

## **Article 41 of the Constitution: the Family**

- 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.*
- 41.1.2 *The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.*
- 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 following provisions deal with divorce and marriage equality and are outside our scope).*

### **Question 3**

**Please vote 'Yes' or 'No' in answer to the following question.**

Do you think 'the family' (however it might be understood) is something that should in principle be recognised in the Constitution and given special constitutional status and protection?

Yes

No

*If a majority choose No in response to question 3 during the voting in April, there will be no further vote.*

*If a majority votes Yes in April there will be a vote on question 4. If this occurs, all members will be entitled to vote on question 4 regardless of their vote on question 3.*

**Question 4:**

Please vote 'Yes' or 'No' in answer to the following question.

Should the Assembly recommend that the constitutional understanding of the family under Article 41 be expanded to include forms other than the marital family?

Yes

No