

Check Against Delivery

Explanation of Wording on Draft Ballot 3

by Chairperson, Justice Mary Laffoy,

22 April 2017

If required

In Ballot 2, the Citizens' Assembly voted by a majority that Article 40.3.3° should be replaced or amended.

Accordingly, we will now proceed to draft Ballot 3, which will allow the citizens to formulate recommendations on *how* Article 40.3.3 should be replaced or amended.

Again, this draft ballot paper has been prepared by myself and the Secretariat in close consultation with the Expert Advisory Group and with input from the Steering Group. The text is displayed on screen.

The top of the paper outlines how we have reached this Ballot. In Ballot 1, the Citizens' Assembly voted by a majority that Article 40.3.3° should not be retained in full. In Ballot 2, the Assembly voted it should be replaced or amended.

The proposed wording of the question on this ballot is "How do you think Article 40.3.3° should be changed?".

From the premise that Article 40.3.3° should be replaced or amended, we have identified two possible types of change, and thus the Ballot has two options.

Option 1

Option 1 is that Article 40.3.3° should be replaced by a new constitutional provision that explicitly authorises the Oireachtas to legislate to address both termination of pregnancy and any rights of the unborn. This constitutional provision would grant the Oireachtas the exclusive power to make law on these issues. In other words the Constitutional amendment here would serve to clarify that it is the will of the people that the Oireachtas has full control over these matters. It would then be a matter for the Oireachtas to decide how to regulate these issues.

Option 2

Option 2 is that Article 40.3.3° should be replaced or amended with a new constitutional provision that directly addresses both termination of pregnancy and any rights of the unborn. This constitutional provision, as interpreted by the courts, would limit the law-making power of the Oireachtas.

This could be implemented primarily by a constitutional provision, whether by way or replacement or amendment of Article 40.3.3, in conjunction with legislation, or in certain circumstances by legislation only.

You will also see there is a third voting option that can be selected: prefer not to state an opinion. Once again this is included on the ballot paper to accommodate members who may not wish to express a view on how change should be effected.

Presentation of Results

Before moving on, I want to once again to briefly describe how the results of this ballot would be presented.

A sample results sheet for this ballot is provided on the screen behind me.

Once again it will specify the number of citizens eligible to vote, and the number of citizens who voted.

The results will provide details of the number of votes cast in respect of Option 1, Option 2 and Prefer not to state an option.

However for the avoidance of doubt, a majority will be determined by reference to the total votes cast in favour of both Option 1 and Option 2.

Next Steps

That concludes the description of Ballot 3.

We will now go into private session to allow the members to discuss the draft ballot paper amongst themselves in roundtable format.

We will resume at 15.30 for a feedback and questions and answers session.

Following the Roundtable discussion

I will now take questions from the floor on draft ballot paper 3.

I am joined once again by the lawyers on the Expert Advisory Group: Dr Oran Doyle, Professor Deirdre Madden and Dr Rachael Walsh. They will assist in responding to your questions and comments on the proposed wording of Ballot 3.