



AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

CEARTA VÓTÁLA SAORÁNACH ÉIREANNACH THAR LEAR

SAMHAIN 2014

JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

VOTING RIGHTS OF IRISH CITIZENS ABROAD

NOVEMBER 2014

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TABLE OF CONTENTS

	PAGE
REPORT OF THE JOINT COMMITTEE	3
APPENDICES	
- MEMBERSHIP OF THE JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS	7
- TRANSCRIPTS OF JOINT COMMITTEE MEETINGS	9

VOTING RIGHTS OF IRISH CITIZENS ABROAD

REPORT OF THE JOINT COMMITTEE

1. Introduction

The Joint Committee agreed to examine the issue of voting rights for Irish citizens abroad, and specifically within the European Union, on foot of the publication by the European Commission of Communication COM(2014)33 and Recommendation C (2014) 391, which focused on "*Addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement.*"

In agreeing to consider the issue under its Work Programme for 2014, the Joint Committee was cognisant that aspects of the wider issue of voting rights for Irish citizens abroad have been considered by the Convention on the Constitution¹.

2. Joint Committee Consideration

The Joint Committee considered this issue on four separate occasions in 2014. To assist it in formulating a view on the issue, the Joint Committee invited the European Commission, members of the European Diplomatic Corps, and Irish political parties to present their views on the issue. The Joint Committee also heard from Dr. Adrian Kavanagh, a leading expert in political geography from the National University of Ireland, Maynooth; and Ms. Jennie McShannon, CEO of 'Irish in Britain' an organisation active in the campaign for the voting rights of Irish citizens residing outside of Ireland. The Joint Committee wishes to thank the witnesses for their contribution and assistance in relation to its work on this important issue.

During the course of its meetings, the Joint Committee heard that:

1. Ireland is among a minority of EU Member States that has not extended voting rights to its citizens abroad;
2. although electoral systems remain a national competence, there is a consensus from the academic literature that a case may eventually be taken to the European Court of Justice challenging the restriction on voting rights, after which states will be forced to act;
3. other EU countries, large and small, have been able to design systems that cater for those residents abroad that may wish to vote in national elections;

¹ Established by Resolution of the Houses of the Oireachtas on 12 July 2012:
https://www.constitution.ie/Documents/Terms_of_Reference.pdf

4. Ireland should compare the various systems already in place in other countries to see what can be learned. Ireland has a large diaspora. Therefore, issues such as the definition of citizenship; time limits on the right to vote; and reserved constituencies for Irish citizens abroad must all be examined carefully in the context of the extension of voting rights to Irish citizens abroad;
5. voting systems can be designed to give representation to citizens resident abroad, without having a disproportionate impact on the outcome; and
6. there is wide support for the Report of the Constitutional Convention on Voting Rights in Presidential elections for Irish citizens living outside the State², however, a debate on the subject should be extended to include consideration of voting rights in parliamentary elections.

The Joint Committee considers that:

7. the right to freedom of movement is critical to the functioning of the European Union;
8. the issue of disenfranchisement of EU citizens exercising their right to free movement is a valid one;
9. while electoral systems are a national competence, the contribution to the debate by the European Commission in relation to the EU dimension is welcome;
10. the issues raised by the Commission go further than those addressed in the Fifth Report of the Convention on the Constitution, which recommended amending the Constitution to give citizens resident outside the State the right to vote in Presidential elections at Irish embassies, or otherwise;
11. on balance, the electoral systems in Ireland could not be regarded as a serious impediment to the free movement of persons within the European Union;
12. in a national context, the issue of voting rights for Irish citizens resident abroad but within the European Union cannot be separated from the wider issue of voting rights for Irish citizens resident abroad more generally; and

² The Fifth Report of the Convention on the Constitution published in November 2013:
<https://www.constitution.ie/AttachmentDownload.ashx?mid=bf489ec7-9556-e311-8571-005056a32ee4>

13. by taking action to address the issue of voting rights for Irish citizens resident abroad in a global sense, the EU dimension can be also be addressed.

3. Recommendations of the Joint Committee

The Joint Committee recommends that:

- i) the Government accept the principle that voting rights should be extended to Irish citizens abroad;
- ii) the Government proceed to design a system that would be workable in an Irish context; and
- iii) an Electoral Commission be established to implement recommendations 1 and 2 above.

4. Decision of the Joint Committee

The Joint Committee agreed this Report on 4 November 2014. It was agreed to formally communicate the Report to the Department of the Taoiseach, the Department of the Environment, Community and Local Government and the EU Commission for consideration. The Report will also be laid before the Houses of the Oireachtas.

A handwritten signature in blue ink, appearing to read 'Dominic Hannigan', is positioned above a horizontal line.

Dominic Hannigan T.D.
Chairman

4 November, 2014.

Appendix 1

Membership of the Joint Committee on European Union Affairs

Deputies: Dominic Hannigan TD (LAB) (Chairman)
 Eric Byrne TD (LAB)
 Seán Crowe TD (SF)
 Timmy Dooley TD (FF)
 Bernard J. Durkan TD (FG)
 John Halligan TD (IND)
 Seán Kyne TD (FG)
 Dara Murphy TD (FG) (Vice-Chairman)
 Joe O'Reilly TD (FG)

Senators: Senator Colm Burke (FG)
 Senator Terry Leyden (FF)
 Senator Aideen Hayden (LAB)
 Senator Catherine Noone (FG)
 Senator Kathryn Reilly (SF)

Orders of Reference for the Joint Committee on European Union Affairs

<http://www.oireachtas.ie/parliament/media/committees/euaffairs/Orders-of-Reference-June-2011.doc>

Appendix 2

Transcripts of Joint Committee meetings

The Joint Committee on European Union Affairs met on 4 separate occasions in public session to discuss voting rights of Irish citizens living abroad. Details of these meetings, with a link to the meeting transcripts, are set out below.

11 March 2014 European Commission

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/EUJ2014031100001?opendocument>

10 April 2014 (i) Ambassador of Cyprus to Ireland
 (ii) Ambassador of Denmark to Ireland
 (iii) Ambassador of Estonia to Ireland
 (iv) Ambassador of Spain to Ireland

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/EUJ2014041000001?opendocument>

15 April 2014 (i) Lynn Boylan on behalf of Sinn Féin
 (ii) Timmy Dooley TD on behalf of Fianna Fáil
 (iii) John Halligan TD on behalf of the Technical Group

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/EUJ2014041500001?opendocument>

13 May 2014 (i) Dr. Adrian Kavanagh, NUI Maynooth
 (ii) Jennie McShannon, CEO of Irish in Britain

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/EUJ2014051300001?opendocument>