

Citizens' Assembly Meeting on

“Fixed Term Parliaments”

14 April 2018

Draft Ballot Paper Explanation by the Chairperson

Introduction

As Members are now aware, this weekend we will once again conclude all of our business on a topic in a single weekend.

As was the case with *The Manner in which Referenda are held*, we are deliberating on an issue with a view to making recommendations over the course of today and tomorrow.

This morning we heard from four expert speakers on the topic of Fixed Term Parliaments.

Unlike some of our earlier topics, Fixed Term Parliaments is a relatively discrete and confined area for the Assembly to consider. This has allowed us to consider the factual position and issues arising over the course of this morning, and to get initial feedback from the Members before lunch on what should be included in a Ballot Paper.

We will now proceed this afternoon to agree the Ballot Paper, and our aim is to have the wording settled by this evening, so that all that remains for tomorrow's proceedings is for the Members to vote.

A draft Ballot Paper, prepared by the secretariat in consultation with the Expert Advisory Group, after the conclusion of proceedings before lunch, has been circulated to the Members this afternoon.

This draft Ballot Paper has been prepared based on the feedback from the Members before lunch and is therefore very much a Member-led document.

Ultimately, it is a matter for you, the Members, to decide on the ballot paper before any voting can take place.

This means that you can add questions, suggest new wording or indeed remove questions. Following the Assembly's rules of business, we will decide questions about the content and design of the ballot paper based on a show of hands.

This is the first opportunity the Members have had to view the draft Ballot Paper.

Before the Members go into Private Session to discuss the draft Ballot Paper, I want to provide a brief explanation of each of the questions; to explain what the question is trying to get at, and what each of the options presented to the Members mean.

A copy of each question will go up on the screen as I am explaining it for the benefit of those watching online. A copy of the draft Ballot Paper will also appear on our website for those who wish to follow along at home.

Following the Roundtable discussions, members of the Expert Advisory Group; Oran Doyle, Robert Elgie, and John Garry, together with the Chair and Secretariat will then be available to answer any questions.

Time has been included on the agenda to allow any amendment agreed by the members to be included on the Ballot Paper.

As I've mentioned, the results of the final Ballot will form the basis of the recommendations to be made to the Houses of the Oireachtas.

Draft Ballot Paper Structure

The draft Ballot Paper is comprised of four questions in total.

Question 1

Question one asks "Do you think that fixed term parliaments (whether absolutely fixed or semi-fixed) for Dáil Éireann and Seanad Éireann should be introduced?"

This question addresses the central reason we are convened this weekend; to consider if Fixed Term Parliaments should or should not be introduced. This is basically the question about retaining or changing the status quo.

This morning we heard from Dr. Eoin Daly about the current system in Ireland where the Taoiseach has the power to dissolve the Dáil, and from Dr. Eoin O'Malley about how that has operated in practice. We then heard from Prof. Petra Schleiter about how fixed and semi-Fixed Term Parliaments operate in other jurisdictions and from Dr. Rory Costello about how such systems might operate in practice here in Ireland.

It is hoped that using the information provided in each of these sessions, the Members will be in a position to make an informed decision about the fundamental question of whether Fixed Term Parliaments should or should not be introduced.

In terms of reporting for this question, you are asked to mark X in one box – either Yes or No. A majority, and therefore the recommendation of the Assembly, will be determined by reference to the total votes cast in favour of 'Yes' and 'No', with the answer with the highest number of votes deemed to be the majority.

It should be noted that a change of the current position would have to be effected by an amendment of the Constitution, following a referendum.

Question 2

Question 2 asks “In the event that absolutely fixed or semi-fixed term parliaments for Dáil Éireann and Seanad Éireann were introduced, how long should the parliamentary term be?”

This question is not dependent on the outcome of question 1, but stands on its own merits.

Members will have heard in the presentation from Prof. Petra Schleiter about the systems used in other countries and the time limits which apply in both fixed and semi-fixed term parliaments.

In this question, the Members are provided with two options to choose from:

Option 1: Four years or

Option 2: Five years

Members are asked to mark an X against one of these options. The option that receives the highest number of votes will constitute the recommendation of the Assembly in respect of this question.

Question 3

Question 3 asks “In the event that fixed term parliaments for Dáil Éireann and Seanad Éireann were introduced, which of the following systems would you favour?”

Once again this question is not dependent on the outcome of earlier votes and is a stand-alone question.

Two options are provided for the Members to choose from:

Option 1: An absolutely fixed term (i.e. one that cannot be cut short)

Option 2: A semi-fixed term (i.e. one that can be cut short)

Members will have heard in the presentation from Prof. Petra Schleiter about the systems used in other countries, and where absolutely fixed or invariable terms exist versus semi-fixed terms. Prof. Schleiter’s presentation outlined what precisely is meant by these terms and how they are applied. The presentation also examined the impacts of introducing these changes on elections, the duration of Government and public policies in other jurisdictions.

An absolutely fixed or invariable term means that the parliament will continue for a fixed duration, in other words a specified number of years commencing on, say, the date of the first meeting. In this case early dissolution is not allowed in any circumstances.

A semi-fixed term is a term in respect of which early dissolution can be allowed in specified circumstances.

Members are asked to mark an X against one of the two options provided.

The option that receives the highest number of votes will constitute the recommendation of the Assembly in respect of this question.

Question 4

Question 4 concerns the potential introduction of semi-fixed term parliaments and is asking Members to consider which political actors should have a role in authorising an early general election.

The question asks “In the event that semi-fixed term parliaments for Dáil Éireann and Seanad Éireann were introduced, whose approval should be needed for an early general election to be held?”

Currently we have included four possible circumstances labelled a) to d) as follows:

- a) The Cabinet
- b) A majority of Dáil Éireann
- c) A Super-majority of Dáil Éireann
- d) The President

Members are asked to mark an X in either the Yes or No box on each line. The result for each will constitute a recommendation of the Assembly.

Conclusion

That completes the explanation of the draft ballot paper. Members will now move into roundtable discussions and we will resume in public session at 15.40pm for feedback and questions and answers before we finalise the ballot paper.