



Transcript of

**Ballot Paper Deliberations,
Finalisation and Voting**

14 April 2018

STRICTLY PRIVATE AND CONFIDENTIAL

THE CITIZENS ASSEMBLY

EXCERPT OF MEETING RE

MEETING OF THE ASSEMBLY ON FIXED TERM PARLIAMENTS

HELD ON SATURDAY, 14TH APRIL 2018

AT

GRAND HOTEL, MALAHIDE

APPEARANCES

**THE CITIZENS ASSEMBLY: MS. JUSTICE LAFFOY, CHAIRPERSON
MS. SHARON FINEGAN, SECRETARY**

Q&A SESSION

CHAIRPERSON: We're now into good afternoon phase.

what I am going to do, there are two components to this, first of all there are the questions you may have for our speakers, who are kindly going to assist you, but also there's the feedback in relation to the ballot paper. What I'm planning to do is, to go from table, ask first have you any questions and, secondly, what's the feedback. Now, we haven't a lot of time, so please -- so, we'll start with table 1. First of all, do you have any questions?

FACILITATOR TABLE 1: Yes. So, I'm the facilitator for Table No. 1. We have two questions at this table. The first question I am going to ask on behalf of the citizens and then one of the citizens would like to also ask a question.

CHAIRPERSON: All right.

FACILITATOR TABLE 1: So, this question is for Dr. Rory Costello, and the question is in terms of the table, the pros and cons options for dissolution. So, one of the citizens noted that there is a slight difference between parliament can call early election by a super majority and early election only possible when the government is defeated. The question is:

Is that not the same thing, basically parliament deciding when to call the election. So, sorry, not by super majority but by majority.

DR. COSTELLO: Thanks for the question. Yes, there's a slight distinction. So, a parliament calling an election by majority can be the situation if the government desires an election and the government is in control of majority in the Dáil, then they

could so do. However, the other option is that an early election is only possible when the government is defeated, would mean that the government loses a vote of confidence, so that's a slightly different situation, but again it would be a majority passing the vote, it would just depend on whether or not the government backed that motion.

CHAIRPERSON: Very good. Now, a member wants to ask a question. Yes, Linda.

LINDA, TABLE 1: My name is Linda, a member from Table 1. From the presentations earlier on this morning, I am hearing two potentially opposing perspectives. If we move away from the flexible model, it seems to suggest that it's politically fairer, because it addresses the balance of power that's seen to be vested in the Taoiseach, but it also gives us government cohesion and political or policy consistency, which would appear to me to be in citizens' interests.

I am just wondering what the panel think, if you were to recommend a model that best reflects citizens' interests, which model would you go with?

CHAIRPERSON: They're not going to be influenced at all, don't worry. Will we start with Eoin at the end there and we'll move along.

DR. DALY: Well, in terms of citizens' interests, what is the model seeking to avoid? It's seeking to avoid opportunistic or unnecessary early general elections and also seeking to avoid giving undue power or influence to the Taoiseach over and above everybody else. So, I suppose what makes sense to me is to have some kind of moderate constraint on the power to trigger an early general election. What form that constraint should take, I don't think we need to get into that now, but my view is that there should be moderate constraint.

CHAIRPERSON: Are you saying it's not there now?

DR. DALY: Well, I would classify it, I'm not sure what Petra would say, but I would classify it as a relatively weak constraint. It's weak partly because of the limited circumstances in which it can be applied, because of the ambiguities surrounding those circumstances. It's also weak I think because of the culture of the Irish presidency. There are similar presidencies in other parliamentary systems, where the president can have a more assertive role, especially in the process of government formation. There are lots of historical reasons, which we needn't get into, why in Ireland presidents have had a role which is greatly diminished even by reference to the formal powers they have in the constitution. It's partly to do, some would say, it's partly to do with the hangover from the Irish Free State and the role of the Governor General in the Irish Free State Constitution, but it's difficult to anticipate scenarios in which the President in the current setup would be a key player in the process of government formation, that's as much to do with the culture and the traditions of the presidency as it is to do with the formal text. It's partly for that reason why I would describe the current constraint as a relatively weak constraint.

CHAIRPERSON: Very good. Eoin.

DR. O'MALLEY: I think the citizens' interest is one where you have a coherent government and that's able to govern in response to citizens wishes. I think the current system facilitates government, it probably gives a slight advantage to governing parties, but I think I was struck by something Rory said earlier, you don't want to disincentivise people from getting involved in government, it's something that's important.

Also, I think when we discuss this, an attitude as if elections

are bad things. We don't necessarily always want to have changes of government without an election because the election is a chance for the nation to have a kind of conversation and sometimes the government won't have a mandate but an election might give a government a mandate. So, I don't think we should be thinking or be of the opinion that early election are necessarily bad, they resolve deadlock and they mean that probably governments a little more responsive to the people's needs. I mean, I was stuck earlier on by the question about what's the problem that we're trying to solve here, I'm just not convinced that there is one.

CHAIRPERSON: Very good. Rory.

DR. COSTELLO: I am going to be slightly disappointing here and sit on the fence somewhat because I think there are pros and cons on this issue. You know, even more than that, I think it's important to recognise, as Petra outlined, there are countries that have, you know, well functioning democracies where citizens are happy with the democratic institutions that have all of these different types of arrangements in place. So I don't think it's going to radically change citizens', you know, satisfaction with the system, whether you move to one of these systems or keep the same one that we have now. So, I'm sitting on the fence.

CHAIRPERSON: All right. And Petra.

PROF. SCHLEITER: I think it's an excellent question and I think the trade off you identify is real. I think citizens have an interest in both things. I think citizens have an interest in a politically fair system as well as government cohesion and political effectiveness. I would agree with Rory, that if you recommend slightly more constraints on the Taoiseach, it's not going to change things in a radical way.

I would also agree with Rory that, you know, we have a large number of democracies operating with governments that are significantly more constrained than your government currently is under the Irish Constitution and they have perfectly functioning cohesive governments that are politically effective.

I would say one thing, that there's a tendency to move away from the vast discretion that prime ministers and government have to time elections, and so we've seen debates in Canada, in Australia, in New Zealand and, of course, in UK. So there is an awareness that political fairness is important. So, if there's been change that's been discussed recently, it's been in the direction of constraining the government and the prime minister.

CHAIRPERSON: Very good. Are there any suggestions in relation to the ballot paper from Table 1 and keep it as brief as you can.

FACILITATOR TABLE 1: So, there's just two suggestions from the citizens at this table. The first one is in relation to whether it be semi or fixed term, the option to vote for four years. Then the second suggestion, to have an -- so, obviously to have the option for fixed term parliament but have another option with that to say, fixed term with the role of -- so, a role of the parliament to be involved, only in extreme circumstances, for example, collapse of government, failed government formation or failure to pass budget.

CHAIRPERSON: Thank you very much. We'll go to Table 2 now. Any questions first of all.

FACILITATOR TABLE 2: Thank you, Judge. I am the facilitator for Table 2. A citizen at this had four questions for the panel, one of which has been dealt with with questions from the previous

table.

CHAIRPERSON: Very good.

FACILITATOR TABLE 2: This is directed at Petra:

1. With fixed and semi-fixed terms, is there a danger that the final year is spent campaigning?

The second question, which is related to that:

2. Should there be legislation to restrict the time for campaigning prior to an election?

And the final question:

3. Does the method of voting, whether it's first past the post or proportional representation, have any influence on the decision to have term limits?

CHAIRPERSON: I'm sure you know we have proportional representation here. Yeah.

PROF. SCHLEITER: Influence on terms limits?

FACILITATOR TABLE 2: Sorry?

PROF. SCHLEITER: On the decision to have term limits, was your question?

FACILITATOR TABLE 2: Yes.

PROF. SCHLEITER: With fixed and semi-fixed terms, is the final year spent campaigning? So, you make election more predictable, or at least the elections that are not regular elections. I should start again. Okay. So, in any political system you can have regular elections, so you can have parliaments that go to full term, in which case you will just campaign for whatever amount of time. When elections are

called early they're less predictable and so less time is spent campaigning. It's true. So the less time is spent campaigning, the more government can surprise the opposition, which is something that Rory mentioned.

So, with fixed and semi-fixed parliamentary terms, you're making elections more predictable, and so, to that extent you're having longer campaigns, I think that is correct.

The second question that you asked is, should the time for campaigning be restricted. I'm not an expert on that question, I'm really sorry.

CHAIRPERSON: I don't think it really is relevant to the issue we have been tasked with making recommendations on.

PROF. SCHLEITER: Okay. And whether proportional and majoritarian electoral systems go together with fixed or semi-fixed parliamentary terms. There is no correlation. So we have systems like Denmark that has a proportional electoral system and the UK with, you know, a majoritarian electoral system, who have used fully flexible terms and vice versa, we have majoritarian and proportional electoral systems in combination with semi-fixed terms.

CHAIRPERSON: Very good. Have you got any suggestions in relation to the ballot paper.

FACILITATOR TABLE 2: The citizens here have a couple of suggestions. The first one is a question: The present system should be retained, yes or no.

CHAIRPERSON: Oh yeah.

FACILITATOR TABLE 2: The second question is: Where the present system is retained, it should be expanded, the roles of the key stakeholders might --

CHAIRPERSON: Say again.

FACILITATOR TABLE 2: Where the present system is retained, look at the roles of the key stakeholders, that they may be changed.

CHAIRPERSON: Right.

FACILITATOR TABLE 2: And the final one was: Would actually change to fixed or semi-fixed terms. Thank you.

CHAIRPERSON: Yes, if there was a change, would it be fixed or semi-fixed, yes, I'm with you. Very good. We'll go to Table 3 now.

FACILITATOR TABLE 3: Hello, I'm the facilitator for Table No. 3. The citizens at Table No. 3 have no questions for the panel. However, they have six questions or suggestions for the ballot.

CHAIRPERSON: All right.

FACILITATOR TABLE 3: So, the first suggested question:

1. Should the current parliamentary process remain the same, e.g. remain the status quo?
2. Should semi-fixed parliaments be introduced, yes or no?
3. Should fixed-term parliaments be introduced, yes or no.
4. For a fixed/semi-fixed parliament, should the term be;
 - A. Four years.
 - B. Five year.
 - C. Six years.
5. Where there is a semi-fixed parliament, in order for an early dissolution, what should be the percentage of TD votes towards early dissolution;
 - A. Simple majority.
 - B. Super majority.

6. For a semi-fixed parliament, for an early dissolution should the decision to seek early dissolution be made by;
- A. Taoiseach.
 - B. Cabinet.

CHAIRPERSON: Very good. Now we're going to Table 4.

FACILITATOR TABLE 4: Judge, we don't have any questions but one of our citizens has a suggestion for the ballot paper.

CHAIRPERSON: Very good.

CITIZEN TABLE 4: We've a suggestion for two questions on the ballot paper.

- 1. What is your preference;
- A. Maximum term per period.
- B. Fixed term.
- C. Semi-fixed.

Question 2 is a nuanced version of Table 3's suggestion.

- 2. In the cases of maximum term or semi -- fixed term, what is your preference;
- A. Taoiseach can call early election.
- B. A government can call early election.
- C. Parliament can call early election.

So this includes the case that, you know, we retain the maximum period but we change who can actually call the election. Thank you.

CHAIRPERSON: Very good. Table 5. Any questions first of all?

FACILITATOR TABLE 5: Yes, we have a number of questions, quite

short though. In relation to Norway -- and I think they're for Professor Schleiter.

1. In relation to Norway, how long has this system in Norway been in place?
2. Has there ever been an instance where their parliament has been dissolved before its complete course?
3. Are there structures in place to dissolve parliament and, if so, would that make them semi-terms?
4. Is the United States a fixed term system?

We also have a few recommendations on the format of the ballot paper.

CHAIRPERSON: All right but we'll deal with the questions first.

PROF. SCHLEITER: So the system has been in place since '45 and I don't know how long it's been in place before '45, I'm really sorry, I should have looked that up and I have been asked that question before. So, possibly since before '45.

CHAIRPERSON: Yes, but certainly since '45.

PROF. SCHLEITER: Certainly since '45. And the US has a fixed term system, absolutely, so congressional terms are fixed.

FACILITATOR TABLE 5: In relation to Norway also, has there ever been an instance where their parliament has been dissolved before its complete course?

PROF. SCHLEITER: Not that I know since '35.

CHAIRPERSON: No, it couldn't happen in effect, yes.

FACILITATOR TABLE 5: Are there structures in place to dissolve parliament and, if so, would that not them semi-fixed?

PROF. SCHLEITER: Not that I know, so it's a fixed term parliament.

FACILITATOR TABLE 5: If there were structures, would it then be a semi-fixed system.

PROF. SCHLEITER: Yes, it would.

CHAIRPERSON: And now about your recommendations.

FACILITATOR TABLE 5: Very good.

CHAIRPERSON: Oh, you had a question in relation to the US.

FACILITATOR TABLE 5: I think that was answered.

CHAIRPERSON: Oh, yes, sorry.

FACILITATOR TABLE 5: In relation to the format of the ballot paper, our discussions said the first question should be:

1. Should there be a change, yes or no?
2. If yes, should there be a semi-fixed parliament, or a fixed term parliament or a fixed term parliament.
3. If fixed, what should the term be?
4. If semi-fixed, what should the term be and what constraints should there be.

And they'd like to be presented with a number of options for constraints.

CHAIRPERSON: Very good. Table 6. Any questions, first of all?

FACILITATOR TABLE 6: Thank you, Justice Laffoy. There's no questions at the table but there is a point on the ballot paper that the citizens would like to raise.

CHAIRPERSON: Yes.

FACILITATOR TABLE 6: Some of the citizens at this table

highlighted they do not want to see a change in the current system and the five year maximum. However, they would like to see a change in the power of the Taoiseach to dissolve the Dáil, given an increased power to the parliament and they would like to see this addressed in the ballot paper.

CHAIRPERSON: Yes. Increased powers?

FACILITATOR TABLE 6: To parliament.

CHAIRPERSON: To parliament, yes. Thank you very much.

FACILITATOR TABLE 7: Judge, no questions for the panel. There was governor recommendations for the ballot paper but they've been covered already.

CHAIRPERSON: All right. Then no need to go through them if they're being covered already.

FACILITATOR TABLE 7: All right, Judge. Thank you.

CHAIRPERSON: Table 7. Sorry, Table 6.

FACILITATOR TABLE 8: Thank you, Judge. Again, they've been covered already. There's two specific recommendations that haven't been covered. The consensus at Table 8 is that a supermajority of 66% of parliament that casts a vote as opposed to people who would be entitled to vote. That's a distinction.

CHAIRPERSON: Say that again. Who have actually voted?

FACILITATOR TABLE 8: Who have actually voted.

CHAIRPERSON: Yeah.

FACILITATOR TABLE 8: So to stop if one party abstains for something.'

CHAIRPERSON: Yes.

FACILITATOR TABLE 8: The other recommendation is:

In an instance where the president refuses to dissolve the Dáil, a 30-day time limit should be given to the caretaker to form a new government.

CHAIRPERSON: All right.

FACILITATOR TABLE 8: Okay. Thank you.

FACILITATOR TABLE 9: I'm the facilitator for Table 9. One of these citizens at the table has a question and the table has feedback on the ballot paper.

CHAIRPERSON: Yes. Will we do the question first.

JOHN TABLE 9: Hi there, John [inaudible], citizen Table 9.

CHAIRPERSON: Yes.

JOHN TABLE 9: It was a very interesting debate. The way I pick it up with the trust has been that the current system of calling elections would give too much power to the incumbent Taoiseach. However, taking out the three elections in the 18 months in the early '80's, all three of which were brought down by opposition votes, plus the fact that almost all coalition's have either gone their full term or been collapsed by the junior partner, taking those into account, nine of the other twelve Dáils have gone four to five years. So, in almost no case, very rarely has the Taoiseach ever used his prerogative in calling an early election.

Now, my grandmother had a great saying, don't fix it unless it's broken. So, my question is:

What is so fundamentally flawed with the current system that we have to fix it?

CHAIRPERSON: Well, I think Eoin O'Malley might be the person to answer.

DR. O'MALLEY: I think I might agree with your grandmother, in that I don't see that there is any fundamental flaw in the current system, you're right. So, a lot of the discussion has been about the power that the Taoiseach has but, in fact, that power, I hope I got across in my talk, is really quite constrained by circumstances. So he's not always as powerful as we might think the Constitution sets out.

CHAIRPERSON: Well, lest I be accused of lacking objectivity, what do you think, Rory?

DR. COSTELLO: I mean, certainly there's no fundamental flaw with the current system. We're talking about, you know, tinkering around the edges, is really what this debate is about, it's not a fundamental issue and I don't think that it is -- you know, I wouldn't see an extremely pressing need to change. Although, you could, as a kind of made out in my presentation, you could make the case that there are some marginal benefits for modifications. But, you know, I certainly wouldn't describe it as a pressing need.

CHAIRPERSON: Very good. Anybody else. Eoin.

DR. DALY: Just very brief points. Thanks for the question, it's a point very well made. However, just one note of caution I think. You point to the fact that there have been very few early general elections. So, I wouldn't assume that because the Taoiseach hasn't often called snap elections that that means the power has no relevance. It might have been mentioned in some of the papers that a power like that can have an effect on the balance of power in the political system, even where it's never used. The implicit threat of its use enhances the authority of the Taoiseach, even if he never actually calls early general elections.

The problem is, and bearing in mind that I'm not a political scientist, so the others might contradict me, but the problem is that it's very difficult to measure or quantify the level of enhanced authority or influence the Taoiseach has because of this power. If you look at the text of the Constitution, it doesn't say an awful lot about the power and the role of the Taoiseach. A lot of the power he has is soft power. Where does that come from? It comes from, say, his power to dismiss

ministers, for example, but also to some extent his power to control the timing of general elections. They are probably the two major factors that enhance the authority of the Taoiseach. It depends on whether enhancing the authority of a prime minister is considered a good thing. It is to some degree because of the imperatives of leadership, but only to a certain degree.

My only problem is that it's difficult to prove or to measure just how much empowerment the Taoiseach has derived from the fact of possessing that power specifically.

CHAIRPERSON: Petra, the outside perspective, have you a view?

PROF. SCHLEITER: Okay, the outside perspective, and I'm not an expert on Irish politics in any way or form, would simply be to say that even when prime ministers go to regular elections, that is when they choose to serve their full term, that too is a political choice. When the prime minister has the power to call an early election, then that too is a political choice and it's a choice in partisan interest.

CHAIRPERSON: Thank you very much. Now, while we are on Table 9, any suggestions in relation to the ballot paper?

FACILITATOR TABLE 9: The members at the table have several thoughts in relation to the ballot paper. If there are to be particular issues listed, they'd like them to be listed from least disruptive to most disruptive. The first question should be whether or not to enact any change at all.

CHAIRPERSON: Yes.

FACILITATOR TABLE 9: Thereafter, a choice between semi-fixed and fixed parliaments. They'd like a question as to who should have a say in calling an election and in particular it was felt, given that coalitions are becoming more common and probably will be more common into the future, that government parties should

have -- partners should have more of a say and, therefore, they should be given the option of having the cabinet vote as well as the Taoiseach, so that he should not have total power.

CHAIRPERSON: Yes, yes, I'm with you. Then Table 10, any questions first of all.

FACILITATOR TABLE 10: Table 10 have no questions and they believe that their suggestions have been covered by other tables, so I've nothing to say.

CHAIRPERSON: Very good, thank you very much. Now we're moving on to Table 11.

FACILITATOR TABLE 11: The citizens at this table have one question and then suggestions for the ballots.

CHAIRPERSON: Yes.

FACILITATOR TABLE 11: I'll pass it on to the citizen.

MICHAEL TABLE 11: Hi, my name is Michael, Table 11. Bearing in mind what happened in the UK, I was just wondering what the panel thought, what they thought about what happened in the UK, that two-thirds parliamentary majority is enough to restrict the prime minister's powers.

DR. DALY: I would defer to other speakers, the scientists really, but I think based on Petra says in her presentation, it would depend on the political dynamics at the time and particularly how emboldened the opposition is, whether or not they feel they have to consent to an early general election being called. I'm not an expert on that issue, so I won't say anything further.

PROF. SCHLEITER: It would also depend on just how many parties could make a difference to that majority. So, if there are several parties that could make a difference to reaching that two-thirds majority, it can be a very, very significant constraint on the prime minister. So it depends on the nature of the party system as well as political circumstances at the

time.

DR. O' MALLEY: It also takes some of the snappiness out of a snap election, I suppose might be one way of putting it, in that it takes some time to have passed that Act, it alerts the rest of the political system to the real possibility or probability of an election. So while it might not to prevent an early election, because it's very difficult to vote against an election if you're in opposition, it means that maybe some of that electoral advantage, where you have a really quick election, where you're kind of more or less on the doorsteps, putting up posters that night, that's taken away.

CHAIRPERSON: Would it be usuals to have a super vote than 66%, would that be unusual?

PROF. SCHLEITER: That would be quite unusual.

CHAIRPERSON: Very good. Now the questions from --

MICHAEL TABLE 11: Sorry, I just had one other question, it's a very quick one.

CHAIRPERSON: Yes.

MICHAEL TABLE 11: It hasn't been asked before. If they had an option to make changes themselves, what would they do?

CHAIRPERSON: Well, I think the response to Linda's question covered that I think. Am I right? Yeah.

MICHAEL TABLE 11: Okay, thank you.

CHAIRPERSON: Thank you very much. Table 12, please. Sorry, sorry, I beg your pardon.

FACILITATOR TABLE 11: There's four suggested ballot paper questions.

1. Should there be a change to the current system, yes or no?
2. Should the Taoiseach's power be reduced or curbed, yes or no.

3. If yes, how?

And there's four suggestions.

- A. Government's decision.
- B. Parliament's decision.
- C. A supermajority of the Dáil only if called by the government.
- D. A simple majority if called by the opposition.

4. What should be the length of a fixed term, four or five years?

CHAIRPERSON: Yes, very good, thank you very much. Now we're going to Table 12. Any questions first of all?

FACILITATOR TABLE 12: Yes, the citizens at Table 12 have one question. And that is;

What was the motivation to bring in the Fixed Term Parliament Act into the UK in 2011?

PROF. SCHLEITER: It was a coalition negotiation between the Liberal Democrats, who were the minor coalition partner, and the Conservatives, who were the major coalition partner. The concern was on the part of the minor coalition partner that the major coalition partner, the dominant coalition party, would call an early election as soon as it envisaged that it could win a majority. And so the minor coalition partner pressed for the Fixed Term Parliament's Act.

CHAIRPERSON: So it was politics.

PROF. SCHLEITER: It was entirely politics and there was a big

deliberation over the parliamentary threshold that would be imposed to -- you know, that would be required for a dissolution of parliament.

INAUDIBLE COMMENT FROM THE FLOOR

PROF. SCHLEITER: Well, for the coalition it worked.

UNIDENTIFIED SPEAKER: Can I just make that observation that the two-thirds majority didn't stop Theresa May calling a snap election, you know. There was never a more snap election, I thought, than that one.

PROF. SCHLEITER: But that was not the government that enacted the change, that was the Cameron/Clegg government that enacted the change, which actually lasted out its time.

UNIDENTIFIED SPEAKER: A two-thirds majority won't stop a snap election really, will it?

CHAIRPERSON: It depends on the makeup.

PROF. SCHLEITER: It could very well, yeah.

CHAIRPERSON: The makeup of the house.

DR. O'MALLEY: I think you have a point, in that it's very difficult for an opposition party to say we don't want to go to the country. So if the government says, we want to call an election, it's gonna be a very odd looking opposition party that says, no, no, we'd prefer to stay in opposition and you stay in power. So effectively it's a kind of a meaningless threshold.

CHAIRPERSON: Thank you very much. Did we get the suggestions from --

MS. FINEGAN: The ballot suggestions have been raised already.

CHAIRPERSON: That's very good. Now we'll go to 13.

FACILITATOR TABLE 13: The citizens at Table 13 have one question, which one of the citizens would like to ask.

CHAIRPERSON: Yes.

CITIZEN TABLE 13: So, at our last meeting we discussed citizens' initiatives and how they might be used in the context of referendums. So, in the context of this meeting, if we had fixed or semi-fixed term parliament's, would a system where the people are an actor in the bringing about of a general election through a mechanism such as a recall election or otherwise, like a super petition, would that be workable in learned? Would the people be able to be an actor in the dissolution of parliament.

CHAIRPERSON: The people?

CITIZEN TABLE 13: Yeah.

CHAIRPERSON: Well, they can only do that through an election, or am I misunderstanding it?

DR. COSTELLO: Well, I think what he means is, could you have a petition which asks the Dáil to be dissolved. I suppose legally I presume you could design a system such as that. I mean, it would be quite a radical change.

CHAIRPERSON: It's be a bit like the Privy Council case.

DR. COSTELLO: What number of votes or number of signatures would you allow? You couldn't have, say, 100,000 signatures. If you allow 100,000 to call an election, we'd continually have elections there.

CITIZEN TABLE 13: Well, I suppose I was asking the question in the context of we had explored the other actors who could bring about the dissolution of parliament but only at that level. That's, I suppose, the origin of the question.

CHAIRPERSON: Yes. The other actors are elected though, the Taoiseach, the prime minister is elected, the government or cabinet is elected, parliament is elected, and if the President had a say, he's elected. So they're all elected.

DR. DALY: Can I say that a petition will always be a minority of the people, the only way in which you could gauge the views

of the people as such or the majority of the people would be through a referendum, I suppose, and that would be a remarkably onerous way of deciding the calling of an early general election.

So it would be technically possible to design such a system, but allowing to do it by petition would allow minorities to frequently called general elections and that probably would be undesirable both from the point of view of stability but also fairness as well actually, because of the minority aspects. That would be my view.

CHAIRPERSON: Are there any suggestions from Table 13?

Have been covered already. Thank you very much. Then the last table is Table 14. Questions first and then suggestions.

FACILITATOR TABLE 14: I'm the facilitator for Table 14. This table has no questions.

CHAIRPERSON: Very good.

FACILITATOR TABLE 14: There are two recommendations.

CHAIRPERSON: Yes.

FACILITATOR TABLE 14: The first is:

If there was a recommendation to have fixed term parliament's, could it also be recommended that cabinet ministers remain in their positions for the same fixed term?

The second recommendation: They'd like a recommendation included that portfolios of cabinet ministers be relevant to their qualifications and experience.

CHAIRPERSON: I think that would present difficulties. Would anybody like to comment on that?

DR. COSTELLO: I mean in certain countries ministers are appointed from outside the parliament, which increases the

scope for appointing people who have relevant expertise. I mean in the Irish case there are a lot of constraints to consider when choosing people to give ministerial portfolios to, you know, typically there has to be a geographic balance, you know, politically speaking and a balance between the government coalition partners, a gender balance. So, if you're adding on to all of those constraints a match between their qualifications and the portfolio, it would leave very little or no choice in terms of the appointment of ministers. So I'm not sure if it would be a feasible option.

CHAIRPERSON: Does anybody else have an observation.

DR. O' MALLEY: Just on fixed-term ministers. I mean, it would address one issue which people sometimes say, there's too high ministerial turnover, so they don't get into their job, into their brief and then they're moved on and so they can't develop expertise and it loses consistency. Actually, on the data on Ireland, Ireland doesn't have a huge problem with that, Irish ministers are relatively -- on whether you'd have some sort of qualifications, I think that would be a bad idea because, you know, a lot of people have common sense and one of the things that ministers should be is non-specialist, intelligent people with common sense. I'm not sure how you can measure common sense in a qualification.

CHAIRPERSON: Petra, have you a view.

PROF. SCHLEITER: Can I comment on the governments and whether governments or government ministers should have fixed terms?

CHAIRPERSON: Yes.

PROF. SCHLEITER: In a parliamentary system that is impossible, because government serves only when it has the confidence of parliament. So if a government loses the confidence of parliament, it must step down, so you would not wish actually to fix the term of government ministers.

CHAIRPERSON: I think I mean the questions have been very good, the suggestions have been very good. We're going to consider it with the EAG over lunch. I at this stage just want to really express my sincere gratitude to our four speakers.

[Applause]

I have I have to confess, I really didn't -- I read the papers carefully, I really didn't get the question, or didn't get the message until this morning. It has been very helpful, the way you have presented matters. So I'm very, very grateful to you. Thank you very much.

END OF Q&A SESSION

PRESENTATION OF DRAFT BALLOT PAPER

CHAIRPERSON: I think we're ready to start again, the workers have done their work. As you are aware, this weekend will once again conclude all our business on a topic in a single weekend. As with the case of the topic on 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 four expert speakers on the topic of fixed term parliament's. Unlike some of our earlier topics, fixed term parliament's 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 this 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 over lunch, has been circulated to the members this afternoon. I think you've all got it. Yes.

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 and I know that doesn't make matters easy for you. But before you go into private session to discuss the draft ballot paper, I wanted 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'm 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 myself and the 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 in the ballot paper.

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

So now I'm going to move on and I'm going to deal with the draft ballot paper structure. You will see from the hard copy you got that the draft ballot paper is comprised of four questions in total.

Question 1: That question asks:

Do you think that fixed term parliament's. Whether absolutely fixed or semi fixed for Dáil Éireann and Seanad Éireann should be introduced?

That's the first question. This question addresses the central reason we are convened for this weekend, to consider if fixed term parliament's should or should not be introduced. In other words, this is basically the question about retaining or changing the status quo, which was mentioned many times this morning.

This morning we heard from Dr. Eoin Daly about the current system in Ireland, where the Taoiseach has power to resolve the Dáil, and from Dr. Eoin O'Malley about how that has operated in practice. We then heard from Professor Petra Schleiter about how fixed and semi fixed-term parliament's 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 parliament's should or should not be introduced. That's the fundamental question.

In terms of reporting for this question, you are asked to mark X in one box, so that's either yes or no. A majority, and therefore the recommendation of the assembly, will be determined by reference to the total votes cast in favor of yes and no, 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, as, indeed, was made clear this morning.

I will move on now to question 2. Question 2 is on the screen. Question 2 asks: In the event that absolutely fixed or semi fixed term parliament's 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 Professor Petra Schleiter about the systems used in other countries and the time limits which apply in both fixed and semi fixed term parliament's.

In this question the members are provided with two options to choose from, largely based of what we heard this morning.

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.

Now moving on to question 3. Question 3 asks: In the event that fixed term parliament's for Dáil Éireann and Seanad Éireann were introduced, which of the following systems would you favor?

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 one, an absolutely fixed term, i.e., in other words, that it cannot, and I emphasise cannot, be cut short.

Then option two, a semi fixed term. That is one that can, and I emphasise can, be cut short.

Just to say that you will see that we have explained in question 1 fixed term parliament's by indicating that both of those types are included in the expression, because we've put in whether absolutely fixed or semi fixed.

Now, members will have heard in the presentation from Professor Schleiter about the systems used in other countries and where absolutely fixed or invariable terms exist versus semi fixed terms. Professor Schleiter's presentation outlined precisely what is meant by these terms and how they are applied. And I would just add there, I think the hard copy of the slides which you got will be of assistance to you in relation to that.

The presentation also examined the impacts of introducing those

changes on elections, the duration of government and to public policy policies in other jurisdictions.

An absolutely fixed or invariable term means that 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 circumstance. 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 any 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 3.

Now moving on to question 4. Question 4 is on the screen. Question 4 concerns the potential introduction of semi fixed term parliament's and is asking members to consider which political actors should have a role in authorising an early general election. That question asks, and I quote: In the event that semi fixed term parliament's 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, labeled A to D, as follows:

- A. The cabinet.
- B. A majority of Dáil Éireann.
- C. A super majority of Dáil Éireann.

Which, as you know, could be, say, 66%.

D. The president.

Members are asked to mark x in either the yes or no box on each line; in other words, opposite each actor. The result for each will constitute a recommendation of the assembly.

Just in conclusion, I would say that this is the end of my explanation but, of course, you're going to have round table discussions now and we're going to have a feedback and questions and answers before we finalise the ballot paper and the members of the Expert Advisory Group who are here will assist when we get your feedback in relation to any questions you have.

So this is a draft, I emphasise that, this is a draft, and you look at it in that context. Thank you very much.

We will start the feedback at a quarter to four. We are kind of hooshing, if I may put it that way or use that expression, the coffee break down the line. So, what I'm going to suggest is that you avail of the coffee over there for you when you need it. So we won't have a formal coffee break, is what we have in mind.

Thank you very much.

END OF PRESENTATION OF DRAFT BALLOT PAPER

FEEDBACK AND QUESTIONS FROM MEMBERS

CHAIRPERSON: I think I have made allowance for coffee and you have had time to consider the ballot paper. So we can move into the questions, if you have any, and the feedback, if you have any.

What I propose to do on this occasion, because it's reasonably simple. I propose to go by question. I will ask whether there are any issues in relation to the questions, any questions in relation to the questions, any suggestions in relation to the questions, you could put your hand up and we'll hear. So, what I'm going to do is, I'm going to start with question 1. Quite a few hands up.

UNIDENTIFIED SPEAKER: So the suggestion from the citizens at this table is for the question to be made more neutral, this field may be slightly suggestive.

CHAIRPERSON: How would you suggest that? What have you in mind?

UNIDENTIFIED SPEAKER: Just as to whether there or shouldn't be an initial question as to whether there should or shouldn't be a change before discussing whatever the change might be. There's a suggestion that the wording in this almost invites a positive response to a change.

CHAIRPERSON: All right. What do the experts think of that.

UNIDENTIFIED SPEAKER: Would it make any difference if the question was changed so that there was two statements and you could pick one statement, one is that fixed term parliament's should be introduced and then another statement which says, fixed term parliaments should not be introduced, and then you tick one box. Would that get at your concern?

UNIDENTIFIED SPEAKER: I think that absolutely would be an option. An alternative option would be, should the current situation change? And that's a yes or no. And then if that's

a yes, it is semi or fixed. To me the first question is, should the current situation change? That's just wide open and that's just a simple yes or no. And then you advance from there.

CHAIRPERSON: Does anybody else have a view on that?

UNIDENTIFIED SPEAKER: Thank you, Judge. The citizens at this table had the same view, that the first question should be, do you want to leave the system as it is. And the result of that should be known before progressing to the next questions.

CHAIRPERSON: Yeah. Yes, we'll got to table 13 now.

CITIZEN TABLE 13: Judge, I'm a citizen at table 13. My question relates to the way the ballot paper is laid out. Your final report, when it would be written, if the answer to question 1 was no, would that be the end of what you would write on your report.

Similarly, if you get down to question 3, if it was option 1, because if the answer to question 1 is no, than any recommendations for something else after that would seem totally irrelevant.

Likewise, if you go down to option one and the majority up for a fixed term, then any options in relation to dissolving the Dáil would be irrelevant again.

CHAIRPERSON: All right.

CITIZEN TABLE 13: So, will your report, if the answers to question 1 is no or question 3 is option 1, would your report end at that, because if it didn't, then the ballot should be taken separately.

CHAIRPERSON: I'll hear the experts on that. I mean I think what we presented and what I said in the explanation was that one question wasn't dependent on another. But I will hear what the experts have to say on that. We will hear each of you.

Oran.

MR. DOYLE: I think it's a fair question.

CHAIRPERSON: Yes.

MR. DOYLE: It doesn't seem to me that it's necessarily irrelevant, in that the Oireachtas has asked you to look at this issue and will consider your recommendations, and it may be that the Oireachtas -- say that you were to vote no to question 1, so the Oireachtas would know that you didn't think there should be fixed term parliament's but the Oireachtas Committee or the Oireachtas decides that nevertheless they want to explore the issue further, and in that context it might be relevant for them to know what you think should happen if the issue is being considered further, even though you didn't want the issue to be considered further.

So, it's not necessarily irrelevant or illogical to be getting answers and recommendations into questions 2, 3 and 4, irrespective of what the answer is to question 1, but that doesn't mean it has to be that way either. You might want to construct it in a way so that the Oireachtas won't find out what you think about the other elements of the questionnaire, depending on what you answer to the first question.

CHAIRPERSON: John.

MR. GARRY: I echo what Oran has just said, I think there's very valuable information that can come out of this deliberation that's independent of the first question, because who knows what the Oireachtas might do in a few years time, might disagree with you on the first question but belt ahead and if it didn't have information about what you thought about it in a more nuanced way, it would say, sure they didn't tell us anything, sure we'll do what we want. So I think it is still useful, although I take the point.

CHAIRPERSON: Yeah. Robert, do you have a view?

MR. ELGIE: No, I mean I agree. So, I was involved in the last one, I seem to remember even on the last one there was a question where it depended on what your answer was to one question as to what was before, so it was the question, but you were still asked the question, the second question.

CHAIRPERSON: It was a different scenario, yeah. Just if I may make the observation, this particular topic that we were given, we were given it in very, very broad terms, without any indication of what they were looking for, to be utterly frank about it. I am of the same view as the experts, that even if the answer to question 1 is no, it may be relevant in the future that the information provided in the other questions is available to the Oireachtas. I don't know how you feel about that but that's the approach we adopted in relation to the structure of the ballot paper.

We're still on question 1, yes.

FACILITATOR TABLE 11: I am the facilitator at Table 11 and. The citizens at this table are suggesting in relation to question 1 that it be explicitly stated that if you're ticking the box no, that this means that there be no change to the current status.

CHAIRPERSON: Yeah, well it's the same it's the same point and it's just a question of how one puts it in. I think perhaps when we go through all of the questions we will rise and have a short discussion about it. I think that's the better way of dealing with it.

Still on question 1, yes. Table 4.

FACILITATOR TABLE 4: Judge, one of the citizens at Table 4 wants the question divided into two. So you have:

Do you think that fixed term parliament's for Dáil Éireann and Seanad Éireann should be introduced.

Then the second one would be for semi fixed.

Do you think that semi fixed parliament's for Dáil Éireann and Seanad Éireann should be introduced, yes or no.

CHAIRPERSON: I will just let the experts answer that. **MR.**

ELGIE: I thought we captured that with question 3 really. Question 1 is really do you want to change or not, so that's the status quo or not status quo. Then understanding that you might vote no, question 3 is then, well, if you do want to change, what type of change do you want, absolutely fixed or semi fixed.

CHAIRPERSON: We gave some thought to the words in brackets after fixed term parliament's. The object of putting the words in brackets there is to indicate that that we have in mind two different types of fixed term parliament, the absolutely fixed and the semi fixed.

LIAM: In question 1 you're giving people the option essentially of fixed or semi fixed and then trying to force them into a yes/no answer. You can't give a -- I don't think you can give an option and then just do a yes/no on it.

CHAIRPERSON: That's your reading of the question. It's understandable that that is your reading of the question, because of the words "whether" and "or". We discussed this at length. I take your point. Maybe we should have another --

UNIDENTIFIED SPEAKER: I think this point will be ironed out if we take on board the original suggestion from Table 1, it will be become obsolete.

CHAIRPERSON: Yes. I had an idea of the words in brackets commencing "being absolutely fixed or semi fixed". I didn't

win obviously. Table 2.

FACILITATOR TABLE 2: Judge, I think question 1 works fine, because if you don't want to change from the flexible system you can vote no, but the format still works because if you still want to change whose approval is needed, you can still vote for that to be changed. So you can you can vote for fixed or semi fixed and you can also vote for flexible in the first question and then by continuing on, it allows you to then stay flexible but change who has approval. So personally I think it works.

CHAIRPERSON: Are we still on question 1? Yeah. Table 6.
Sorry, Table 12.

FACILITATOR TABLE 12: Still on question 1. One of the citizens at the table would like to see the question stated more clearly, something like, should we retain the status quo and have it as a yes or no answer.

CITIZEN TABLE 6: I'm a citizen from Table 6. I would like to see question 1 read:

Do you think that the current situation regarding the term of Irish parliaments should be changed, yes or no.

That would get rid of what you want it to be, it would just be a simple question, like others said, and then question three wouldn't be irrelevant.

CHAIRPERSON: Wouldn't?

CITIZEN TABLE 6: So:

Do you think that the current situation regarding the terms of Irish parliaments should be changed.

Or something to that -- it's irrelevant what it's changed to, whether it be fixed or semi fixed, that's just taken out, do

you think that it should be changed, question 1. And then possibly following on from that you could put question 3. Instead of splitting question 1, just take out some of question 1 and immediately following it put question 3.

CHAIRPERSON: Yeah, yeah. We are in agreement, I think everybody's in agreement that we need to change question 1 to make it absolutely clear what this is all about. All right, does anybody else want to say anything about question 1. Yeah, sorry.

CITIZEN TABLE 2: Can we have the result of question 1, after the vote on question 1.

MS. FINEGAN: What you're talking about there is a sequential ballot like we did on the Eighth Amendment and that's very difficult. I mean it's very time consuming because what you would be required to do is do one set of votes, do a full count, wait for that count, then get the results and then decide whether -- **CITIZEN TABLE 2:** Well, perfectly acceptable is a show of hands. I just feel, when you're asking question 1 and you get a result, asking question 2, 3 and 4 is undermining question 1.

CHAIRPERSON: Except what the expert said, with which I agree, that --

CITIZEN TABLE 2: But even having question 2, 3 and 4 on the ballot paper, to me undermines question 1, because you're being asked do you want change or no change.

CHAIRPERSON: Yeah.

CITIZEN TABLE 2: And you're saying to yourself, no I don't want any change, oh, by the way, I want to have the cabinet, I want to have somebody else deciding, I want the Citizens Assembly, their opinion on the change I want, which I think is academic because you've already decided you don't want to change, when you're perfectly happy with the system as it is. As they said

at the table, he has two powers, one to be calling an election, the other is to have cabinet members, that's it.

CHAIRPERSON: Would the experts like to say anything on that.

MR. DOYLE: So I see concern one, and I think one thing we used when we were thinking through this in relation to the Eighth Amendment was in subsequent questions there would be an option not to state an opinion, so that at least you didn't feel compelled to say yes or no to that question where you thought that you shouldn't have to consider that question because of what you said earlier, so that people who thought that there shouldn't be any change to the Eighth Amendment weren't then forced into a situation where they have to sign up for a particular type of change. So we could do that, okay. I think it would probably be a good idea to do that.

Beyond that we're back to the earlier question and that is it is the Oireachtas that has asked to look at this on the Oireachtas might be interested in what the citizens as a whole of the Assembly think should happen in terms of details of a fixed term parliament thing, even if the citizens think in principle fixed term parliaments shouldn't be introduced, that's why that approach was taken.

CHAIRPERSON: John, yes.

MR. GARRY: I'd be inclined to stick with it as it is, to be perfectly honest. I don't think question 3 necessarily would undermine question 1 if question 1 went against, because question 3 says:

In the event that the fixed term parliaments were introduced. . . "

It doesn't say, if the Citizens Assembly recommended. I think, therefore, this could inform how parliamentarians down the

line, if it came up they could gain information from this. I think my own view would be you'd risk losing an awful lot of potentially valuable information if you just kept a yea or nay.

CITIZEN TABLE 2: (No microphone)... what we're saying is, we agree with the present system in all its failings. And then you're saying in the next breath, by the way, you don't want to change but, by the way, what's your opinion on fixed or non-fixed parliaments. You're like asking me a question and you're getting the answer but you're not happy with the answer, you're not happy with the question, but you want four other questions.

MR. GARRY: I'm not unhappy --

CITIZEN TABLE 2: No, if you ask the fourth question first, if you ask the fourth question first, that'd be a nice way of putting it, I wouldn't know question 1 was now question 4, so I'd be caught. The mistake you made was, you asked question 1 first, do you want to change or do you not want to change, and the consensus is, no, I don't want to change. It's a nice academic exercise to talk about fixed parliaments and non-fixed parliaments. Like the Eight Amendment, as you said, what was agreed was, it wasn't that, you know, we'll have abortion or we won't have abortion, we'll cancel the Eight Amendment and then we'll decide after that what we're going to do. And the argument now going on is, is it right or is it wrong. But the referendum basically is to cancel the Eight Amendment, it's not abortion or non-abortion.

MR. DOYLE: There's no reason why that can't be an option as to how the ballot paper is constructed. So, you've made your view, other people have made views that are similar to that and that can be a choice perhaps that has made, as to whether there should be one question and whether we should do it that way.

MS. FINEGAN: A potential option is that you could leave the

four questions, or whatever number you ultimately decide on, on the ballot paper but the views of the room could be determined as to whether in the event that the members vote no for the first question, in other words they vote for the status quo to remain, that the remaining results are not reported and that the results of the assembly is just on that one question, and we could ask the rooms views on that. Now, they might not all agree with the citizen at Table 2, but we could ask, you know, we could determine that by a majority in the room.

CHAIRPERSON: That if you voted no in relation to question 1, that you wouldn't have an option of voting in relation to the others, the later, that's another possibility. Oran.

MR. DOYLE: That wouldn't capture the people who want to keep a flexible term but want to then change the power of the Taoiseach. If you say no to the first question, right, that means you want to keep it flexible.

CHAIRPERSON: Yeah.

MR. DOYLE: And then if you're saying, well, no, you can't answer the other questions, well then you don't have a choice on saying, well, you know, I don't agree with the Taoiseach being able to call for an election, I want to change that so it's a parliament or a majority or a supermajority. Do you get my point? **CHAIRPERSON:** Table 13.

FACILITATOR TABLE 13: Just in terms of the way question 1 leads into the rest of the ballot paper more favourable to some people, would it be better to -- sorry, can you hear me? Okay. In terms of making the way question 1 leads into the rest of the ballot paper more favourable, should we put "prefer not to state an opinion" on subsequent questions.

MS. FINEGAN: Perhaps what we should do is move on to consider the other questions and consider this structural issue more fundamentally when we break to discuss our culture reconfigure

the wording of question 1 in any event.

CHAIRPERSON: Is there any other observation on that question? Yes, there is obviously. Table 14.

DAVE TABLE 14: How are you doing, Dave, table 14. We're losing the run of ourselves again. These are recommendations for the ballot paper. Question 1:

Do you think fixed parliaments, whether absolutely fixed or semi fixed for Dáil Éireann and Seanad Éireann should be introduced?

Is self-explanatory in itself. Now, you can word it, change it around that it says, do you think the status quo should say the same, do you think that we should change, it's still opting for a change. I think a simple show of hands around the room. If everybody's happy, the majority is happy with that question, regardless of whether you actually want to vote yes or now to the answer, a show of hands around the room, just to move it on because we're just losing the run of ourselves over nothing.

CHAIRPERSON: All right.

UNIDENTIFIED SPEAKER: We didn't give up our whole weekend to answer one question. We should get all the information we can, that's why we're all here. Whether you agree with things or not, we have to have the consensus that we're all allowed to answer all the questions however way we see fit, and let's just move on.

(APPLAUSE)

CHAIRPERSON: We will consider it. I mean, I take on board what was suggested about a show of hands, we'll come back to that later. So we'll move on to question 2. Have we question 2 up? Yes. Table 9, yes.

FACILITATOR TABLE 9: I'm the facilitator for Table 9. This option has been mentioned already but the citizen at this table would like to see a no opinion option for 2, 3 and 4. Thank you.

CHAIRPERSON: Thank you very much. Any observations on question 2? We've been a bit arbitrary I know by just putting in four years and five years.

FACILITATOR TABLE 14: A citizen at Table 14 would like me to comment just on question 1.

MS. FINEGAN: We're on question 2 now, yeah.

FACILITATOR TABLE 14: As it relates to the rest of the questions --

CITIZEN TABLE 14: I was just saying that if you did happen to vote no on the first question, that even if you didn't agree with the result you would still have an input into what would happen if the yes vote won. I think that's important, that everybody fills in -- even if they voted no initially to number one question, that they would still have an input into the rest of the questions and more for Oireachtas to contemplate.

CHAIRPERSON: There are two views on that, some people want to and some people don't. So we will have to deal with that. Anything on question 2, anything specific in relation to question 2.

MS. FINEGAN: 13.

FACILITATOR TABLE 13: So, it might be a bit abstract to deal with on the ballot paper but in question 2 we're talking about the length of the term.

CHAIRPERSON: Yes.

FACILITATOR TABLE 13: Would it be acceptable to put to the assembly the idea of having a minimum fixed term for parliament, just in the examples from this morning. So we can have a minimum fixed term of three years and then after that it's a semi fixed

Parliament. Just as a question to put onto the draft ballot paper, if it's too abstract to go onto the ballot paper, that's okay.

CHAIRPERSON: Very good, we'll consider that. Anything else, any other issue in relation to question 2? All right, we'll move on to question 3 then, which is a very fairly straightforward question. Table 1.

FACILITATOR TABLE 1: Just one of the citizens at Table 1 had two queries around question 3. The first being, how would the conditions be determined? Then secondly, what would the implementation process be, whether it be constitutional or legislative.

CHAIRPERSON: Question 3.

MR. DOYLE: I think you're into the realm of just implementation questions that can probably be left over to the Oireachtas Committee. So if there is to be a change following on from question 1, it can only happen through a referendum.

CHAIRPERSON: Yes.

MR. DOYLE: Then you could have questions, do you include in the referendum what sort of change it is or does the referendum authorise legislation to allow change, but that seems to be at a level of sort of not micromanagement of the detail but far more detailed than this group has to go, I think.

CHAIRPERSON: There's no doubt about that and Owen Daly said that this morning, if there was a change, a constitutional change, there would have to be a referendum. Anything else on question 3? Question 4. **FACILITATOR TABLE 11:** One suggestion in relation to question 4 from the citizens at this table, 11, the addition of E, the Taoiseach,

MR. ELGIE: So I think the reason why the T she was not included was because this is assuming a semi fixed Parliament, so that it is changing the status quo and at the moment it's just the

Taoiseach. So the logic is that the Taoiseach is already involved in one sense and this is what additional factors do you want. Also, I think the logic of the cabinet there is that the Taoiseach is part of the cabinet, is involved in the cabinet. So the Taoiseach is assumed and included, therefore it wouldn't be separate.

CHAIRPERSON: Perhaps we could change the wording of the question to say, whose approval apart from the Taoiseach. Would that be all right, there's wording? Or other than the Taoiseach? We might give some thought to that. Table 5.

FACILITATOR TABLE 5: The citizens at this table and would like to make a proposal to adjust the wording of question 4 for the second part of it there after the comma:

Whose approval does the Taoiseach need for an early general election to be held?

They also have a recommendation for another category, E, I don't have precise wording put the question they would like to pose is: Should there not be an option to include a role for Seanad Éireann as well Dáil Éireann to approve an early general election?

CHAIRPERSON: That gives some food for thought. Would you have any views on it at this stage?

MR. DOYLE: I think anything can be included, probably why it hadn't occurred to us to include it was that the Seanad is not the source of democratic authority in the constitution, so the electorate is very limited, eleven of the members are appointed by the Taoiseach, then university graduates and then politicians vote for the rest. So to allow -- this is not an argument against the Seanad but it's a body that doesn't really have a democratic mandate and to allow a body without a

democratic mandate in that sense to prevent the holding of a general election was just not something that has occurred to us. So that's not a reason why it can't be put on the ballot paper but it was a reason why it hadn't occurred to us to put it on the ballot paper.

CHAIRPERSON: We'll consider it, we'll consider it. Table 3, sorry.

FACILITATOR TABLE 3: Good afternoon, Judge, I'm the facilitator for the citizens at Table 3. There are just two minor amendments to question 4. One of them has already been addressed by another table. The remaining outstanding matter is: Regarding option C, a supermajority of Dáil Éireann, e.g. two-thirds, the citizens just wanted clarity that that should be the overall number of TDs rather than the attending TDs on the day of the vote.

CHAIRPERSON: Well, we haven't we haven't clarified that and sort of we stepped back from it, I have to be honest, didn't we? Yeah.

MR. DOYLE: We thought that that might be better something left vague, because you might have then people want two different options, we might have to have an option for people who wanted two-thirds of TDs voting and people who wanted two-thirds of members actually there, and that seemed an unnecessary extension of the list, but again, there's no -- that's why it wasn't there but not a reason why it has to stay out.

FACILITATOR TABLE 3: I think it was the general consensus of everyone at the table, they would have preferred the overall number.

CHAIRPERSON: That if it clarified it and it said that it meant a majority of the members of the Dáil in B and again the supermajority in C would relate to the members of the Dáil as distinct from those who voted?

FACILITATOR TABLE 3: Correct. It was a general consensus of everyone at the table.

CHAIRPERSON: We'll bear that in mind.

MS. FINEGAN: It's to remove the abstention issue, is it?

FACILITATOR TABLE 3: Correct.

FACILITATOR TABLE 6: Thank you, Judge, I'm the facilitator for a Table 6. Some of the members at the table wanted to change question 4, so they wanted the first part of the question to be removed. So:

In the event that semi fixed-term parliaments for Dáil Éireann or Seanad Éireann were introduced, that part would be removed and the question would read;

Whose approval should be needed for an early general election to be held?

It was secondary to that that a member had suggested possibly to move question 4 into the place of question 2.

CHAIRPERSON: Say that again.

FACILITATOR TABLE 6: So, some of the citizens wanted to delete the first part of the question. So everything before the comma would be removed and the question would read:

Whose approval should be needed for an early general election to be held?

Then a member also suggested that they wanted to move question 4 into the place of question 2.

CHAIRPERSON: All right. If we were to remove the first part of it, it would complicate the problem in relation to the relationship with question 1, wouldn't it? Would anybody like

to comment on that.

FACILITATOR TABLE 6: Sorry, Justice Laffoy, one of the citizens would like to speak to explain fully what the reasoning is behind that, if that's okay.

CHAIRPERSON: Yes.

CITIZEN TABLE 6: Just through the discussions it came to light at the table that while some of us might like for the current term of the parliaments in Ireland to stay the same, so to be the flexible -- up to five years after the first meeting, for that to stay the same, but we may like the opportunity to change who would be responsible for calling said general election. So, instead of having a question 1A and a question 1B, question 1B reading this question without the first line, and having a fourth question at the end reading the exact same. Possibly moved them all down and either in question 1 or question 2 have a general question, not related to each other, that whether you vote yes or no to question 1, you can answer this question without it being in connection to question 1 at all.

So, if you want to change to fixed or semi-permanent or you want to keep it the same, you can answer to this question who you want to be in charge of calling the election.

CHAIRPERSON: Well, that would necessitate a change of the status quo, necessitate a referendum, wouldn't it?

MR. ELGIE: Yes, exactly. So, I mean, say you take the first half of the question away, so there's no implication of the introduction of a fixed term parliament, if you wanted the cabinet, say, to be a supermajority or whatever, to be introduced as part of a check, if you like, that would necessitate a constitutional amendment and would effectively introduce a semi fixed term parliament. So you would end up with where you are in the first part of the question as it already

stands. See what I mean? So that you couldn't just -- I mean, maybe you could pass a law, Oran will tell us, but, I mean, it seems to it would necessitate --

MR. DOYLE: There would have to be a constitutional amendment and I think then the political scientists, once the amendment was passed and if you needed the approval of any of these additional bodies, it would then constitute, just political science terms, no legal significance to it, but it would then be a semi fixed term parliamentary system, because it was no longer the sole right of the Taoiseach to dissolve the Dáil.

MR. ELGIE: Yes, so if you want more checks you should probably be voting for the semi fixed term when that comes up earlier on in the questions.

CHAIRPERSON: Thank you. Anything else on question 4? Table 2.

FACILITATOR TABLE 2: Thank you, Judge, it was the same point was being made by a number of citizens at this table, so it's the same point.

CHAIRPERSON: Table 1.

FACILITATOR TABLE 1: Judge, one of the citizens at this table had a question around and if both B and C is marked yes, how will you differentiate, should it maybe be an either B or C option. Then the second point, that maybe the question could be split into A, that you choose the actors, and then B, you vote on the majorities.

MR. DOYLE: So, I think what we thought in terms of B and C, so each one as its presented would be a separate recommendation, and obviously if you're in favor of C, you would be in favor of B as well, because you think it should happen with a supermajority, you think there would have to be a majority, so you would just vote yes to both of those. If you thought it should just be a majority and not a supermajority, you vote yes

to B and no to C. I don't think there's any difficulty then in understanding what people have voted for through that. I think that would be clear. That hopefully helps.

CHAIRPERSON: Any other questions in relation to 4?

MS. FINEGAN: Table 13.

FACILITATOR TABLE 13: Thanks. So, the idea would be a question 4, part two and it's around voting on the constraints or we'd make recommendations for what can cause the dissolution of the Dáil. Dr. Schleiter gives examples of this at paragraph three of her paper and slide two of her presentation. An example she gives is, not in the last six months of the president's term, but for us to make recommendations on constraints around the dissolution of a semi fixed term parliament.

CHAIRPERSON: Would you like to comment on that because it's something we have we have discussed. I mean our function isn't to write legislation here, I think it's important to get that across.

MR. DOYLE: I think we thought that with just the morning's papers and the limited time to consider it that it might make sense to limit question 4 to thinking about which political actors should be involved, that doesn't mean -- it's certainly not a complete system for the regulation of fixed term parliaments. Your report, whatever it says, will go on to the Oireachtas Committee, and as you've seen from that process on other recommendations, they have more resources to be able to think through detailed implementation issues like that. There's a lot of technical issues that would have to be resolved that aren't addressed here but we felt that this probably went as far as it should go given the amount of time you've had to consider things.

CHAIRPERSON: If we were to go that route we would have to

consider all of the circumstances in which all or some of the actors could halt or could allow a general election.

FACILITATOR TABLE 2: Thank you, Judge. A citizen at Table 2 has asked for clarification. If you remove the top line as it appears on the screen there and you go, whose approval is needed for an early general election to be held, why has it become semi fixed as opposed to the current flexible system, but just changing it to reflect new roles for those stakeholders?

MR. ELGIE: So, we as political scientists understand the term semi fixed is that it's not just one person, the Taoiseach, who can make the decision, it's a number of people. So, introducing the cabinet, the Taoiseach is part of the cabinet, but making that a collective decision would necessitate a change in the Constitution and, therefore, that would make the constraints greater. So that would place the system into the category of a semi fixed term as opposed to just a legislature that can be dissolved by the Taoiseach alone.

It's maybe partly a function of the terminology that's being used here but the way in which a semi fixed term parliament is being defined, the way in which Professor Schleiter presented a semi fixed term parliament, she presented it as really Norway being the only absolutely fixed term parliament, and apart from the cases like Australia, like Ireland, that was complete discretion of the prime minister or the Taoiseach, all of the rest were semi fixed and that was a huge spectrum, it can involve the president, it can involve the legislature, it can involve the -- it could involve all sorts of actors and all of those come under what we would class as semi-fixed.

So, introducing the cabinet here, for example, would make it a semi fixed parliament, but a semi fixed parliament of the type

where were only the cabinet was involved, the Taoiseach and the cabinet was involved. You could have another version where the Taoiseach and the cabinet and the president, or, the Taoiseach and the cabinet and a supermajority. All of these are different options under that very large sort of range of semi fixed parliament options that there are.

CHAIRPERSON: And I think I'm correct in saying, if there was to be an absolutely fixed term parliament, i.e. one that cannot be cut short, that would be in the Constitution. The Constitution would say in unequivocal terms, the term of Dáil Éireann is five years, full stop. Am I right in that? Yeah. So that would be a constitutional provision.

MR. ELGIE: And under no circumstances would there be anything other than five years or whatever the term was, there's be no circumstances --

CHAIRPERSON: No circumstances, cannot be cut short, that's why do we used that terminology, just to get the message across. Yes.

CITIZEN TABLE 9: A general citizen at Table 9. Just a query. Are we going to make a decision on whether we're going to have one or two ballot papers?

CHAIRPERSON: We're going to rise and discuss it and then we're going to come back and you're going to decide it, yeah. So, if there isn't anything else.

UNIDENTIFIED SPEAKER: From the wording of question 4, the second part says:

Whose approval should be needed for an early general election to be held?

For me, it's not clear. It sounds like the decision to call an early general election has already been made in this case,

so it was the Taoiseach's idea and A, B, C and D are the players who get to -- or the actors who get to approve it, I'm wondering is that true.

The second part of my question is, if I was to answer question 4 no, no, no, to A, B, C and yes to D, would that be the exact same situation as that we have currently and is that still semi fixed or fully flexible?

CHAIRPERSON: That is a good question, yes.

MR. ELGIE: The answer to the last bit of that question is that in some senses Ireland has a semi fix parliament because the president in some circumstances, one particular circumstance has a certain power. So if you remember, Professor Schleiter in your book, her table, Norway was the only one without any constraint whatsoever. Now, I think we're getting into maybe too arcane a discussion about what fixed term and semi fixed term means, especially when we as political scientists exist in our little bubble and we just give this thing a label semi fixed, which isn't out there in normal currency of conversation. So, if you were to go no, no, no, yes for D, then I think the logic would be that it would be up to the Oireachtas to decide how to interpret that, how to follow up on that. It would be consistent, I think, with the -- I am open to being contradicted here, but I think that'll be consistent with the current situation. But it could also imply a different situation as well where the president had a greater role, if you like. So there is some ambiguity in what that would mean in terms of the answer.

MR. DOYLE: So, I haven't thought it was ambiguous but that means it is ambiguous I suppose. I thought it would mean that the president's approval would always be necessary and the president could refuse permission, even if the Taoiseach still

had the support of the majority of the Dáil. So we maybe need to -- if we have a different understanding of that, clearly there's an issue.

MR. ELGIE: I think that's what we're implying but maybe we need to think about the wording just to make that clear.

CHAIRPERSON: Yes.

UNIDENTIFIED SPEAKER: The citizens at this table have a suggestion for a question 5, which is:

Do you wish the opposition to be able to dissolve the Dáil by a simple majority, yes or no.

CHAIRPERSON: Do you wish the opposition to be able to dissolve the Dáil?

UNIDENTIFIED SPEAKER: By a simple majority, yes or no.

MR. ELGIE: So, having not quite phoned a friend, I think what we understand the implication of that to be is -- so, a simple majority, we understood that's not an absolute majority, which would be 50% plus one, which is constitutional change, not a supermajority. So a simple majority would effectively be just the people who are voting, which is the current situation. So if the opposition does then pass a motion of no confidence in the Taoiseach and government and that the government in that sense is brought down, then normally that would lead to a dissolution. I suppose maybe the Taoiseach could go to the president and say, well, I've been brought down on this but, you know, if there was another vote maybe I'd survive. I think really what the implication of this is that it would be taking away any right of the president to refuse a dissolution.

MR. DOYLE: There's also the issue that if the opposition now have a majority, are they any longer the opposition. So the opposition doesn't have a formal definition in Irish

constitutional law or practice. So there's a possibility that that might already be captured by option B, which is a majority if Dáil Éireann can dissolve and can hold the general election, which is already covered as a question.

MS. FINEGAN: Alan, can you just wait for the mike, please.

ALAN: Sorry. I think the purpose of asking the question is, if you go for a supermajority, i.e. two thirds. So, for example, the current government decides they want to dissolve and look for a new election, the benchmark or the threshold that they have to reach would have to go -- which is what the English system does, would have to go to two-thirds because it's a higher threshold, rather than a simple government majority or a simple Dáil majority. But if the opposition decides they don't like what's happening and then they go for it, the threshold of two-thirds for them would be very hard, whereas a threshold of a simple majority would be reflective, you know, of the opinion of the Dáil at that point.

CHAIRPERSON: I think we have to bear in mind what we've been asked to make recommendations on and it is fixed term parliaments. It's not about amendments or variations to the current system, its fixed term parliaments. What we have tried to encompass in questions 3 and 4 are situations in which fixed-term parliaments were introduced. That's why I think it's important that the introductory words in both questions 3 and 4 stand. We're only concerned -- we're not concerned with voting arrangements in place currently, we're concerned with whether there should be fixed term parliaments and in broad terms the actors who should have a say in introducing them. Would you like to comment on that.

MR. DOYLE: I think that's possibly an issue of when we're starting to combine the different options. So what I think you're suggesting is that the Dáil could be dissolvable with

a combination of A and C. So if the cabinet want it and a supermajority of the Dáil want it, that's okay. But you would also like to be able to have a majority of the Dáil provided it doesn't involve the government, which would be a lot more difficult to construct, I think, in terms of working that out. But we did give some thought as to whether we could present a list of combinations because I think if you're going to start providing combinations of these, you probably have to consider every combination, and I think out of these four you would get to 14. We think that would dilute the collective view of the assembly because it's likely the one that was chosen by the most people might only been chosen by ten or twelve of you or something like that, given the dilution of the vote across the board. So we were thinking that just keeping it relatively simple, bearing in mind that that isn't designing a complete picture but is a steer to the Oireachtas that if you collectively think that there should be fixed term or semi fixed term parliaments, that these are the sorts of actors that should be involved, and leaving it at that and let somebody else sort of take that and run with that as an idea rather than trying to design it in any more detail than that.

I appreciate that that leaves all sorts of questions unanswered and it leaves a range of possibilities not considered. But we did have a sense that it might be getting towards the limits of what can be achieved today.

FACILITATOR TABLE 8: All of the citizens at Table 8 would like a question added, to read roughly as follows:

In the event that semi fixed-term parliaments were introduced, making dissolution possible under specific circumstances as follows;

- A. Collapse of government, yes or no.
- B. A failed government formation within 30 days, yes or no.
- C. Failure to pass a budget, yes or no.

MR. DOYLE: What was the last one.

FACILITATOR TABLE 8: Failure to pass a budget.

CHAIRPERSON: What are the feelings of the experts on that?

MR. DOYLE: It seems that the first and third are covered by 4B, which would allow a majority in the Dáil to call for a general election. So if a government can't pass its budget there's probably a majority against it, and if the government collapses there's probably a majority against it, that's what causes those two things to happen, so those two possibilities are caught by 4B, I think.

The failed government formation within 30 days, I think that is something that would have to be considered in any system of fixed-term parliaments regulation but again was something that we thought, well, we're hopefully not trying to design a complete system to deal with all eventualities around fixed term parliaments regulations, trying to give a general steer to the Oireachtas as to the sorts of actors that should be involved, that's an issue that would have to be addressed if it goes any further but not every single issue that has to be addressed in relation to a fixed term scheme for parliaments needs to be the subject of a recommendation today. I think it is an issue that would need to be addressed before it were implemented but that doesn't mean that we have to vote on it, well, that you have to vote on it, I beg your pardon.

CHAIRPERSON: Robert or John, would you like to add to that?

MR. GARRY: Well, I just agree with it really and I just

emphasise the fact, given that we haven't spent terribly long discussing these particular options.

CHAIRPERSON: Yes, I know.

MR. GARRY: Giving a general, somewhat not detailed but general picture to the Oireachtas isn't a bad outcome of this and I think shying away from some of the details is defensible.

WILLIAM TABLE 4: Hello, William from Table 4. Look, after the discussion this may be outside the terms of reference for the Assembly but I'm going to ask it or propose it anyway, propose an extra question. In the event that maximum term parliaments, so what we have now:

In the event that maximum term parliaments for Dáil Éireann or Seanad Éireann remains, whose approval should be needed for an early general election to be held?

And options A, B, C and D, as in question 4.

MR. DOYLE: This is the same discussion, Robert, do you want to...

MR. ELGIE: No. Just read the wording again.

WILLIAM TABLE 4:

In the event that event that maximum term parliaments for Dáil Éireann or Seanad Éireann remain, whose approval should be needed for an early general election to be held?

And options A, B, C and D, as in question 4.

MR. ELGIE: So by maximum you don't mean the seven years, you mean the five years.

WILLIAM TABLE 4: Five years, yeah.

CHAIRPERSON: Five, yeah.

MR. ELGIE: I was wondering what's causing -- so, I'm getting

confused and I was wondering what's causing my confusion. I think it is maybe the first part of that sentence because I think it maybe implies that -- so, if semi fixed term parliaments are being introduced now, what do you want to do? But I think what's happening in question 4 is that if you introduce the cabinet, then you've created a semi fixed term parliament. If you introduce some majority, say an absolute majority of the members, you've created a semi fixed-term parliament. So, I think that -- I don't think it's a different scenario, it's not a different situation, if you see what I mean. So I think we do need to think about the wording of that question, because it is clearly causing some confusion.

WILLIAM TABLE 4: Well, just to clarify because my colleague asked the question earlier. So, is what you're saying then, that a semi fixed-term parliament is very similar to what we have, which is maximum term parliaments?

MR. ELGIE: It could be extremely similar because it could just be, say, the Taoiseach plus the cabinet, but that would still require a constitutional amendment. So, it doesn't make the process easy to get to but you could go through that process and end up at a very similar place to where we are now. However, you could go through a different process, but the same process, a constitution amendment, but actually be in a very different place because you could have lots and lots of constraints, even though it's not absolutely fixed, because that range of what constitutes a semi-things term parliament is so large, because there's lots of different actors, president, the Dáil, cabinet et cetera, that could be included in that range of a semi fixed-term parliament.

CHAIRPERSON: Also, implicit in the way you introduced this was that what we're talking about in that question is not changing the status quo but changing -- in other words, sticking with

the maximum but changing the provisions of the Constitution in relation to how one determines when a new election can be called. I think it was implicit in what you said, that that's beyond the scope of our, I was going to say jurisdiction, of our task.

WILLIAM TABLE 4: Okay, if it's outside the terms of reference then it's outside the terms of reference.

CHAIRPERSON: I mean we haven't been asked to consider what changes there should be in relation to the current situation, which provides for a maximum term only and not a minimum. Anything else? Wow. We thought it would be much easier. I mean, I understand, I fully, fully understand and really appreciate all of the suggestions you've made and we'll just rise and consider them. It's very, very difficult. What we've been endeavouring to do is not to make it too complicated and to stick within the scope of the task we've been given. So we'll rise and we'll see where we can go.

MS. FINEGAN: Could I say, just while we rise, you'll be happy to know that we've reinstated the coffee break, so there'll be coffee available. We should be back in about 15 minutes.

END OF FEEDBACK AND Q&A FROM MEMBERS

FINALISATION AND AGREEMENT ON WORDING OF BALLOT PAPER, INCLUDING EXPLANATION OF ANY AGREED AMENDMENTS:

CHAIRPERSON: Very good, we have been doing some hard, as is fairly obvious. We have a new ballot paper, a new draft ballot paper, it's on the screen and it just has four questions. There is a fundamental question that was raised by a number of tables as to whether if question 1 is answered in the negative, whether the other questions need to be gone to, or whether there should

be a consequential approach to it.

What we're going to do now is, I'm going to ask first of all -- we're going to go through the questions as they are now, the wording that's in them now and then we're going to go back to they the fundamental question as to whether there should be a sequential approach even if the first question is answered in the negative. So that's the way we're going to do it.

So, the first question, I'll ask Oran to explain where we've gone on that.

MR. DOYLE: It's great to be back. Yeah, it's just to try to capture it more in terms as you're asking for change to the status quo, I think we just had to work out how to describe what the status quo was. Just as you see, the current constitutional position as regards the dissolution of Dáil Éireann should be changed or the current constitutional position as regards the dissolution of Dáil Éireann should not be changed. That's what we're suggesting for question 1.

CHAIRPERSON: We're just talking about the wording now. Perhaps a show of hands to indicate that you're in favor of that terminology for question 1.

I think that is almost unanimous, almost now, not quite. All right

Then question 2. I'll say a few words about question 2. It now reads, as you see:

If the current constitutional position as regards

The dissolution of Dáil Éireann is changed, how long should the parliamentary term be?

So, what we've done there in that question is link it to question 1. Then we have repeated option one and option two, which is four years and five years and we've added a third option which was suggested, prefer not to state an opinion. Is that all right? Are you in agreement with that? Again, maybe a show of hands. Yeah, yeah.

Then question 3 linked again. There's just one sort of very obvious change in section three and that is the deletion of the reference to semi fixed, that sort of technical term which political scientists are very familiar with but the rest of us probably aren't that familiar with. In fact, I never heard it until I read the papers. But in any event, it's related back again to question 1:

If the current constitutional position as regards the dissolution of the Dáil is changed...

And then there are three statements. Option one is: There should be an absolutely fixed term. And that's explained as i.e. one that cannot be cut short under any circumstances.

And then option two is:

There should be a fixed term but one that can be cut short subject to certain conditions.

And it was there that we deleted the reference to semi-fixed.

Then there's the third option, as what suggested:
Prefer not to state an opinion.

How do you feel about that? Are you in favor of that?
Yeah, yeah. Very good.

Now we will go to question four. Robert will just say a few words. There are some changes in question four.

MR. ELGIE: There are some changes but I think they follow on, so again you see we've changed the first part of the question, just really repeating the scenario. But then we've added that second clause there and there is a fixed term which can be short cut short subject to certain conditions. So that really makes it following on from question 3.

So if you think should -- well, if there is a change, and the there are some conditions under which the fixed term can be cut short. So that hopefully makes the scenario under which we're trying at get here a little bit clearer.

We added in, as with the other ones, the prefer not to state an opinion, so that's follows what we've done before.

In terms of the options, we tried to make it clear that That Taoiseach is included in the cabinet. There was there was a discussion that if we've put the Taoiseach separately it would raise some other constitutional issues. But we understood that there was a need, perhaps,

to signal the role of the Taoiseach here but the Taoiseach is part of the cabinet, so that's where we sort of included the Taoiseach there.

Then, for both B and C, we included the clause at majority "of the members of", so basically that's not just a majority of people who happen to turn up and vote, but a majority of the members of Dáil Éireann, and similarly for the supermajority.

CHAIRPERSON: All right. Well, are you happy about that change of wording? It meets if it may not meet everybody's suggestions but by and large are you happy with it? Again, a show of hands.

All right. I think there's a majority. Yeah.

We have stopped there. There were some very useful suggestions about setting out various circumstances in which the term could be cut short but, I mean, it is probably going beyond what we've been asked to do by the Oireachtas. We haven't been asked to legislate effectively, we've been asked for just observations, recommendations in relation to fixed term parliaments. So we have stopped there, but we'll come back, when Sharon explains the consequential point, we can come back and see what your views are as to the completeness of the paper.

MS. FINEGAN: So, I'm just going to explain. We had a conversation about the point that was raised on question 1, in the event that the Assembly voted by a majority, that the current constitutional position as regards the dissolution of Dáil Éireann should not be changed. And in the event that the Assembly votes in the majority for

that, what is the point in continuing with the remaining questions?

Having considered it, we think there are two options. One is that we would pose this question and there would be a ballot on this question alone first, and we would await the outcome of that result before we would go ahead to vote for the remaining questions.

Now, there are certain disadvantages of doing that, not least that it'll lengthen the time that it will take.

CHAIRPERSON: Depending on the result.

MS. FINEGAN: Depending on the result, yes. But the other disadvantage is that you wouldn't get to understand or the Oireachtas wouldn't have the benefit of understanding your viewpoint in respect of the remaining questions.

The other alternative is that we go ahead and include all four on the ballot paper and a vote is taken and counted and there the results are reported in respect of all four questions, even if the majority of the assembly is looking for no change as regards that the current position in question 1.

You know, one of the things that we considered was that you could do all four questions but only report on question 1 and that you wouldn't effectively report on the remaining questions unless there was a majority in favor of change, but we felt that that would be an untenable position to have, to have this information in our possession as regards what the assembly thought but weren't reporting on it. So we think it's an either/or. So you'd either actually do

it in sequence, question 1, await the outcome and then move on, or we do all four together. If there's a vote in favor change, or we do all four together.

So, what we want to put to you is a as a vote for either option essentially. So to be clear, the two options are, take question 1 and await the outcome. Only then if there's a majority in favor of change, we would then go on to see what that changes is. That's option one.

Option two is that we ballot you on all four questions and report on all four questions irrespective of the outcome of question 1. So, are people clear what the two options are? So, can I have a show of hands in respect of the first option, which is a sequential ballot, we do number one first and await the outcome.

All those in favor of that as an option, raise their hands.

Okay. And just for the sake of completeness, option two, and all those in favor. Okay. So that's fairly clear cut.

CHAIRPERSON: It's very clear. As will be clear from the explanation of the changes to the questions, in each question after question 1 there is a prefer not to state an opinion option. So it's open to members who do not want to express a view on those questions to refrain from doing so and to just tick the, prefer not to state an option, box.

Now, I'll come back to the fact that we haven't added any of the additional questions that were suggested and, as I said, some of them were very interesting suggestions,

if I may say so, but what I want to know is, are the members prepared to accept this draft as the complete ballot paper, without any additions. Yes, certainly.

MS. FINEGAN: Michael, can you just wait for the mike please.

MICHAEL: I was just wondering, with the number of people who had additional questions or whatever to be added and different opinions, would it be feasible to allow for sort of an ancillary option, an ancillary recommendations option along the lines we did on previous weekends, so that those people could express those views and then they may or may not, I don't know, end up in the final report. It would give them an option to express those ideas or whatever.

CHAIRPERSON: Do you see any problem with that?

UNIDENTIFIED SPEAKER: I think that's probably a good idea, I guess that would take the form of a final question on the ballot paper, which would invite people to give any additional thoughts that they have, and then those would be recorded and reported. That's the point you're making, yeah, it seems --

UNIDENTIFIED SPEAKER: Could that be put like not on the ballot while the voting has taking place, if someone wants to write down an auxiliary recommendation, that they can sit down at their table, write it out and hand it to a member of the secretariat so that people aren't standing in the booths writing out essays when there's a queue of people with ballots.

CHAIRPERSON: Yes, we'll do a paper. I don't know whether I've told any of you this before, but my most important contribution to this process was that I recommend that there would be a carbon copy, I think some of the younger

folks weren't familiar with a carbon copy. So there'll be a carbon copy and you can take home the carbon copy.

MS. FINEGAN: Well, we don't have any with us.

CHAIRPERSON: Oh, jeepers. Well, I suppose they can photocopy it if they want.

MS. FINEGAN: Yeah.

CHAIRPERSON: I gather there's no carbon paper here, oh my God. Then we'll do it that way, we'll produce an ancillary recommendations paper and we'll deal with them in the same way as we have done on previous topics. It's a good idea, yeah, yeah.

Any other questions? Very good. Thank you very much. We have our pallet paper. It may not seem like this, but an awful lot of work has gone into it, an awful lot of work, both in preparation for today and today.

I hope to see you all later this evening, when we will have some fun from 7:15 onwards.

MS. FINEGAN: And to just remind you, we're meeting in the main lobby and the dinner itself is in this room. So, yeah enjoy your very brief period where you've a bit of a rest.

END OF SESSION