



# Amending Bunreacht na hÉireann, Constitution of Ireland

## PROPOSALS



Bill Title:  
"An Act to Amend the Constitution"

EN GA

Cannot contain other legislative proposals

X

## PARLIAMENT



SEANAD ÉIREANN



## PEOPLE

**30 — 90 DAYS**

**7 days to lodge referendum petition**

Poling Day Order

An Coimisiún Toghcháin  
The Electoral Commission

Coimisiún na Meán

An bhfuil tú ag toiliú leis an togra chun an Bunreacht a leasú atá sa Bhille seo? Do you approve of the proposal to amend the Constitution contained in the undermentioned Bill?

An Bille um an Naú Leasú is Tríocha ar an mBunreacht (An Teaghlach), 2023  
Thirty-ninth Amendment of the Constitution (The Family) Bill 2023

Ná cuir marc: **ach san aon chearnóg amháin**  
Place a mark in **one square only**

Má thollonn tú, cuir X sa chearnóg seo..... Tá Yes

If you **approve**, mark X in this square.....

Mura dtollonn tú, cuir X sa chearnóg seo..... Níl No

If you do **not approve**, mark X in this square.....

## PRESIDENT

- ⇒ **Correct title**
- ⇒ **Appropriate content**
- ⇒ **Passed both Houses**
- ⇒ **Referendum Certificate**

**ACT**



## Proposals (Article 46 Bunreacht na hÉireann, the Constitution of Ireland)

Article 46.1 of the Constitution of Ireland provides that any provision of the Constitution may be amended, whether by variation, addition or repeal. Article 46 requires every proposal to amend the Constitution to be set out in a Bill for scrutiny and approval by Parliament. Draft Government Bills (known as a General Scheme or Heads of Bill) or [Private Members Bills](#) may be scrutinised by parliament. Article 46 also stipulates that the Bill must be entitled “An Act to amend the Constitution” and it cannot contain proposals other than proposals for amendment of the Constitution. Recommendations to amend the Constitution have come from a range of sources including [expert groups](#), [parliamentary committees](#) and / or “Citizens’ Assemblies” (established by the Oireachtas and composed of 99 members of the public, randomly selected, and an independent chairperson ).

## Parliament (Article 46 Bunreacht na hÉireann, the Constitution of Ireland)

Article 46 of the Constitution requires every proposal for an amendment to the Constitution to be initiated in Dáil Éireann. A Bill must then pass through all [five legislative stages](#) in Dáil Éireann before undergoing the same process in Seanad Éireann. During Committee Stage debate, the Schedule to a Bill to amend the Constitution (which contains the wording for the proposed amendment to the Constitution) will be considered first, rather than a sequential examination of the Bill.

## People (Articles 46 – 47 of the Constitution and Parts 2, 3, 4 of the Referendum Act 1994)

**Polling day order for referendum:** Once a Bill has been passed by both Houses of the Oireachtas, the Minister for Housing, Local Government and Heritage will issue a polling day order, which must be published in Iris Oifigiúil. On this day, which should not be less than thirty days and not more than ninety days after the date of the order, the proposal to amend the Constitution can be put to the people for a decision by means of a referendum.

**Public debate:** [An Coimisiún Toghcháin](#) (The Electoral Commission) is required to prepare and publish statements containing a general explanation of the proposal to amend the Constitution. [An Coimisiún Toghcháin](#) is also tasked with promoting public awareness of referendums and encouraging the public to vote. [Coimisiún na Meán](#) has issued [Guidelines](#) on achieving fairness, objectivity and impartiality in broadcast content related to referendum(s), which states certain broadcasters must comply with a moratorium on coverage of referendums.

**Polling day:** Every eligible citizen has a right to vote at a referendum (Article 47.3 Bunreacht na hÉireann). The poll will take place for a period of not less than 12 hours between the hours of 7am and 10.30pm. The voter must mark ‘X’ against either yes or no (in favour / against the amendment) on the ballot paper.

**Referendum result:** Once the Referendum Returning Officer (RRO), appointed by the Minister, has received reports of the counts from local returning officers in each constituency, the RRO will prepare and sign a provisional referendum certificate, which will be published in Iris Oifigiúil. Within seven days of this publication, any elector may apply to the High Court for leave to present a petition questioning the validity of a provisional referendum certificate. If no petition is presented, or where every petition presented has become null and void, the certificate becomes final.

## President (Article 46 Bunreacht na hÉireann, the Constitution of Ireland)

The RRO will send a copy of the final referendum certificate to the President of Ireland and (s)he must be satisfied that the result of the referendum is a majority vote in favour of amending the Constitution. The President must also be satisfied that the Bill complies with constitutional requirements, namely the Bill is entitled “an Act to amend the Constitution” and it does not contain any other legislative proposals. The President is then obliged to sign the Bill into law and the Constitution will be amended.